Legislating for the four nations at Westminster in the age of Reform, 1830-1852

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PhD

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History

July 2021

Abstract

Established in 1800, the Union of England, Wales, Scotland and Ireland received its most tangible manifestation in the merging of the four nations in one common Imperial Parliament at Westminster. This thesis is a study of that legislative Union during a critical period of its history between the accession of Lord Grey's ministry in 1830 and the general election of July 1852. Its point of departure is the Reform 'crisis' of 1830-32, which culminated in the passage of separate parliamentary Reform acts for each of the three kingdoms. Together, these statutes overhauled the United Kingdom's political system, in the process redefining the relationships subsisting between the four nations of the Union and sparking two decades of far-reaching legislative activity. To date, however, very little is known about the precise geographical dimensions of such legislative efforts, nor what those dimensions might reveal about the character and operation of the Reformed legislative Union itself.

This thesis addresses these questions by drawing on a database recording the geographical scope of every public general bill introduced to the House of Commons between October 1830 and July 1852. Building upon this empirical foundation, the spread of legislative effort across the four nations is tracked, in terms of numbers, subject-matter and agency. Connections and interactions between the legislative endeavours of the four nations are drawn, and national tensions at Westminster arising as a result are analysed.

Ultimately, this thesis concludes that the legislative Union of the Reform era defies straightforward analysis: trends towards the closer integration of the four nations ran alongside those favouring and furthering national particularity. If that dichotomy engendered division, it also signified a legislative flexibility at the heart of the Union, which may go some way towards explaining its continued survival for a further seven decades.

Author's declaration

I declare that this thesis is a presentation of original work and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References.

James Smith

Acknowledgements

I would like to express my thanks to my supervisor, Professor Miles Taylor, for his support, encouragement, patience and continuing belief that I would complete this thesis. I am especially grateful to Professors Julian Hoppit and Joanna Innes for sharing their datasets of legislation with me, and for responding so promptly and helpfully to my numerous queries. Mark Merry taught me how to construct a historic database and assisted me when I inevitably hit problems. Gordon Pentland and Martin Spychal provided very helpful comments at critical stages.

I carried out research at various libraries and archives, and I wish to express my sincere thanks to the hard work of all the staff at these institutions for assisting me in my work.

This work was supported by the Arts and Humanities Research Council (grant number AH/L503848/1) through the White Rose College of the Arts & Humanities.

I shall never be able sufficiently to thank my friends and family for all they have done for me over the last few years. It would have been impossible to have completed this piece of work without them. To Charis Goodyear, Andrew Smithson, Jake Watson and Kathy Cox, you truly are the best of best friends. To my partner Amelie Roper, thank you for your love, care and kindness, and for putting up with me. And to my family, thank you for everything.

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List of abbreviations

Add. MSS.	Additional Manuscripts, British Library
BL	British Library, London
HPD	Hansard's Parliamentary Debates (all 3rd series unless otherwise stated)
NAI	National Archives of Ireland, Dublin
NLI	National Library of Ireland, Dublin
NLS	National Library of Scotland, Edinburgh
NLW	National Library of Wales, Aberystwyth
NRS	National Records of Scotland, Edinburgh
PP	Parliamentary Papers
PRONI	Public Record Office of Northern Ireland, Belfast
TNA	The National Archives, Kew

N.B. Due to the quantity of parliamentary bills cited throughout the text, the page references supplied correspond to the first page of the bill in question, except where specific stipulations contained in the bill are mentioned in the main body of the text.

Introduction

The Unions of England and Wales with Scotland in 1707, and of Great Britain with Ireland in 1800 were, above all else, parliamentary unions. In both instances, pre-existing federations centred on the person of the monarch were extended, fortified and transformed into *legislative* unions concentrated on the parliament at Westminster.[1] In both cases, native legislatures, in Edinburgh and Dublin respectively, were abolished. Nomenclature necessarily altered to reflect the changed institutional landscape: in 1707, what had been the Parliament of England was augmented by 45 Scottish commoners and 16 representative peers to become the Parliament of Great Britain. In 1801, that body metamorphosed once again following the incorporation of 100 Irish Members and 32 peers, temporal and spiritual, to become the Parliament of the United Kingdom, or, more commonly, the Imperial Parliament. Legislative power, for centuries diffused across, and harnessed by, three different institutions operating (more or less) independently, became concentrated in one single unified, multinational body located on the banks of the Thames – the 'institutional centrepiece' of the British (and Irish) constitution, and a microcosm of the Union itself.[2] As Vernon Bogdanor has observed, 'It is representation in a common and supreme parliament that has been the crucial feature, the very essence of the process of union'.[3] Thus, when, in 1832, that institution was subjected to the most far-reaching reforms it had ever undergone, it was a constitutional revolution that duly embraced all four nations, presented by its supporters as a revivification, by its assailants as a death-blow, and by all as a 'renegotiation of the Union' itself.[4]

[1] Alvin Jackson, *The two unions: Ireland, Scotland, and the survival of the United Kingdom, 1707-2007* (Oxford: Oxford University Press, 2012), 29; Joanna Innes, "Legislating for three kingdoms: how the Westminster parliament legislated for England, Scotland and Ireland 1707-1830," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 15; Alvin Jackson, "The Scottish Union in historic perspective," ed. Michael Keating, *The Oxford handbook of Scottish politics* (Oxford: Oxford University Press, 2020), 48-9; Julian Hoppit, "Introduction," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 3.
[2] Angus Hawkins, *Victorian political culture: 'habits of heart and mind'* (Oxford: Oxford University Press, 2015), 1.; see also, Ronald G. Asch, "'Obscured in whiskey, mist and misery' The role of Scotland and Ireland in British History," ed. Ronald G. Asch, *Three nations - a common history? England, Scotland, Ireland and British history, c.1600-1920* (Bochum: Brockmeyer, 1993), 15.
[3] V. Bogdanor, *Devolution in the United Kingdom* (Oxford: Oxford University Press, 1999), 4; a similar point is made in Richard Rose, *Understanding the United Kingdom: the territorial dimension in government* (London: Longman, 1982), 159.
[4] The phrase is taken from Gordon Pentland, "The Debate on Scottish Parliamentary Reform, 1830-1832," *Scottish Historical Review* 85, no. 1 (2006): 100.

This thesis is a study of that 'imperial' institution in the aftermath of this 'renegotiation', during the so-called 'age of Reform' between 1830 and 1852.[5] These years represented a crucial juncture in the history of the Union of England, Wales, Scotland and Ireland. As we shall see in Chapter 1, the reform acts followed hard on the heels of various developments – most especially the passage of Catholic Emancipation in 1829 – which were widely perceived by contemporaries to have fundamentally altered the political relationships subsisting between the different portions of the United Kingdom, and thus the character and substance of the Union itself.[6] Parliamentary reform was itself in part a response by the Whigs to these four nations shifts: a recalibration of the Imperial Parliament so as to realign it with the peoples of England, Wales, Scotland and Ireland, and thus to regain their trust that it accurately represented their national interests, both separate and conjoined.[7] Regaining that trust, and securing the popular confidence of the peoples of the United Kingdom was, in turn, the necessary precursor – the mandate – required by the government and parliament to take further firm, decisive action – to 'legislate fearlessly for all the interests of this mighty empire', as Lord Morpeth put it in March 1831.[8]

Though historians differ over the precise scale and magnitude of the ensuing Reform agenda of the 1830s and 1840s, few would question that those decades witnessed significant changes in the political, social, ecclesiastical, economic, and administrative landscapes of all four nations. Elective local government was established across the United Kingdom, as were remodelled systems of poor law provision and a new banking infrastructure; improved urban amenities were installed, and measures were introduced to regulate employment throughout the industrial workplaces of the Union; practice and procedure in the law courts of the British Isles and Ireland were reformed to simplify and cheapen access to justice; the Anglican church in England, Wales and Ireland was rationalised, and penalties against dissenters relaxed or removed; the Church of England's monopoly over the registration of births, deaths and marriages and the marriage ceremony was broken down; and tariffs were reduced in a welter of measures – the repeal of the Corn Laws and navigation acts at their

[5] For discussion concerning the notion of the 'age of reform', see pages 32-4 below.
[6] For an influential, but controversial, view on this subject, see J.C.D. Clark, *English society, 1660-1832: religion, ideology and politics during the ancien regime*, 2nd ed. (Cambridge: Cambridge University Press, 2000), 16; Hawkins, *Victorian political culture*, 65.
[7] Jonathan Parry, *The rise and fall of Liberal government in Victorian Britain* (London: Yale University Press, 1993), 18, 73; Jonathan Parry, *The politics of patriotism: English liberalism, national identity and Europe, 1830-1886* (Cambridge: Cambridge University Press, 2006), 44-5; Linda Colley, *Britons: forging the nation, 1707-1837*, 2nd ed. (New Haven: Yale University Press, 2009), 342.
[8] *HPD*, 28 Mar. 1831, vol. 3, c. 1088.

head – which testified to the strengthening conceptions of the Union as a single, free-trading market.[9]

Crucially, as Lord Morpeth intimated, such pan-British and Irish reforms were chiefly to be effected through the enactment of legislation by the reformed Imperial Parliament. Indeed, between 1830 and 1852, more than two thousand statutes applicable specifically to one, or conjointly to several, of the four nations of England, Wales, Scotland and Ireland received the royal assent, and more than twelve hundred failed in the attempt. In 1851, one onlooker, surveying the previous decade, observed that subsequent generations would view the period as nothing less than *the* 'Age of Legislation'.[10] 'The motto of the Commons appears to…be…"legislate! legislate! legislate!"', agreed another local paper in June 1838.[11] Few historians have seriously questioned the legal historian Frederick Maitland's verdict that one of the principal effects of the passage of parliamentary reform in 1832 was to signal the onset of a period in which 'Parliament beg[a]n to legislate with remarkable vigour, to overhaul the law of the country' – 'driven', as Aaron Graham has noted, 'by the strong and growing conviction of elites that legislation was important, useful and capable of reshaping

[9] Unsurprisingly, the literature on these varied subjects is considerable. See, in particular, Philip J. Salmon, *Electoral reform at work: local politics and national parties, 1832-1841* (Woodbridge: Boydell for the Royal Historical Society, 2002); G.B.A.M. Finlayson, "The politics of municipal reform, 1835," *English Historical Review* 81, no. 321 (1966): 673-92; Joanna Innes and Nicholas Rogers, "Politics and government 1700-1840," in *The Cambridge urban history of Britain, volume 2: 1540-1840*, ed. Peter Clark (Cambridge: Cambridge University Press, 2000), 529-74; E.P. Hennock, *Fit and proper persons: ideal and reality in nineteenth-century urban government* (London: Edward Arnold, 1973); Anthony Brundage, *The making of the New Poor Law: the politics of inquiry, enactment and implementation, 1832-39* (London: Hutchinson, 1978); Peter Gray, *The making of the Irish poor law, 1815-43* (Manchester: Manchester University Press, 2009); Rosalind Mitchison, *The old Poor Law in Scotland: the experience of poverty, 1574-1845* (Edinburgh: Edinburgh University Press, 2000); S.G. Checkland, *Scottish banking: a history, 1695-1973* (Glasgow: Collins, 1975); Philip Ollerenshaw, *Banking in nineteenth-century Ireland: the Belfast banks, 1825-1914* (Manchester: Manchester University Press, 1987); Anna Gambles, *Protection and politics: conservative economic discourse, 1815-1852* (Woodbridge: Royal Historical Society, 1999); John Prest, *Liberty and locality: parliament, permissive legislation and ratepayers' democracies in the mid-nineteenth century* (Oxford: Oxford University Press, 1990); Christopher Hamlin, *Public health and social justice in the age of Chadwick: Britain, 1800-1854* (Cambridge: Cambridge University Press, 1998); U.Q.R. Henriques, *Before the welfare state: social administration in early industrial Britain* (London: Longman, 1979); Derek Fraser, *The evolution of the welfare state: a history of social policy since the Industrial Revolution*, 2nd ed. (Basingstoke, Macmillan, 1984); Michael Lobban, "Henry Brougham and law reform," *English Historical Review* 115, no. 464 (2000): 1184-1215; Richard Brent, *Liberal Anglican politics: Whiggery, religion and reform, 1830-1841* (Oxford: Oxford University Press, 1987); G.I.T. Machin, *Politics and the Churches in Great Britain, 1832 to 1868* (Oxford: Oxford University Press, 1977); Arthur Burns, *The diocesan revival in the Church of England, c.1800-1870* (Oxford: Clarendon Press, 1999); Edward Higgs, *Life, death and statistics: civil registration, censuses and the work of the General Register Office, 1836-1952* (Hatfield: Local Population Studies, 2004), 3-17; M.J. Cullen, "The making of the civil registration act of 1836," *Journal of Ecclesiastical History* 25, no. 1 (1974): 39-59; Anthony Howe, *Free trade and liberal England, 1846-1946* (Oxford: Clarendon Press, 1997); Sarah Palmer, *Politics, shipping and the repeal of the navigation laws* (Manchester: Manchester University Press, 1990).

[10] Printed report of a meeting of the nobles, freeholders and commissioners of supply of Forfar, [Apr. 1849], Lord Advocate's Office papers, NRS, AD58/106.

[11] *Lincolnshire Chronicle*, 8 June 1838, 4.

the world around them'.[12] In power for 17 of the 22 years of the Reform era, the Whigs were particularly convinced of the transformative powers of statute law. As Peter Mandler has observed, for men such as Lord John Russell, one of the architects of the 1832 legislation, the decades of Reform witnessed 'an appeal to Parliament to reconnect itself to the people, not only by enfranchising them but also…by legislating for them'.[13] In June 1831, Russell declared that it was 'upon law and government, that the prosperity and morality, the power and intelligence, of every nation depend'.[14] Other historians have highlighted particular characteristics of this Reformed legislative fervour, such as increased ministerial responsibility, and a corresponding decline in the legislative initiative of the backbencher.[15] Peter Fraser claimed it as an 'accepted principle' after 1832 'that all measures of importance and general concern [were to] be prepared in the government departments', a view endorsed by Gary Cox, who claimed, more precisely, that it was the cabinet which 'achieved a virtual monopoly of legislative initiative'.[16] Innes and Burns, and Peter Jupp, have all likewise discerned 'a notable shift in gear' in the extent to which legislation was 'ministerially initiated'.[17] Others still have stressed such legislative fervour was marked by its more ambitious, expansive character, signalling a departure from the piecemeal, localist character typical of eighteenth-century statutes.[18] Jonathan Parry has thus described the 1830s as heralding a period of 'vigorous state action' prosecuted through 'bold', 'national legislation', whilst Philip Harling claims that the administrations of the Reform era 'took a much more expansive view of its legislative powers than had any of its predecessors'.[19]

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[12] Frederick Maitland, *The constitutional history of England: a course of lectures* (Cambridge: University Press, 1908), 383-4; Aaron Graham, "Jamaican legislation and the transatlantic constitution, 1664–1839," *Historical Journal* 61, no. 2 (2018): 354.
[13] Peter Mandler, *Aristocratic government in the age of reform: Whigs and Liberals, 1830-1852* (Oxford: Oxford University Press, 1990), 2.
[14] *HPD*, 24 June 1831, vol.4, c.345.
[15] Valerie Cromwell, "The losing of the initiative by the House of Commons, 1780-1914," *Transactions of the Royal Historical Society* 18 (1968): 15-17, 23; Peter Fraser, "The Growth of Ministerial Control in the Nineteenth Century House of Commons," *English Historical Review* 75, no. 296 (1960): 444.
[16] Fraser, "Growth of Ministerial Control in the Nineteenth Century House of Commons," 455; Gary W. Cox, *The efficient secret: the Cabinet and the development of political parties in Victorian England* (Cambridge: Cambridge University Press, 1987), 5; more specifically, Donajgrodzki showed how the legislative responsibilities attendant on the office of Home Secretary underwent a 'striking increase' after 1830: A.P. Donajgrodzki, "Sir James Graham at the Home Office," *Historical Journal* 20, no. 1 (1977): 98; see also, H.W. Parris, *Constitutional bureaucracy: the development of British central administration since the 18th century* (London: Allen & Unwin, 1969), 169.
[17] Joanna Innes and Arthur Burns, "Introduction," in *Rethinking the age of reform: Britain 1780-1850*, ed. Joanna Innes and Arthur Burns (Cambridge: Cambridge University Press, 2003), 50; Peter Jupp, *British politics on the eve of reform: the Duke of Wellington's administration, 1828-1830* (Basingstoke: Macmillan, 1998), 133.
[18] For the 'small-scale' character of the Georgian statute book, see Paul Langford *Public life and the propertied Englishman, 1689-1798* (Oxford: Oxford University Press, 1991), 156.
[19] Parry, *Politics of patriotism*, 43; Parry, *Rise and fall of Liberal government in Victorian Britain*, 94; Philip Harling, "Parliament, the state, and 'Old Corruption': conceptualizing reform, c. 1790–1832,"

In light of the importance of the period in the redefining of the political relations between the four nations, and the acknowledged centrality of legislation as one of the primary animating forces effecting that redefinition, it is striking that we possess so limited a sense of the overarching legislative character and contours of the Union during these decades of Reform.[20] We know remarkably little of the incidence of legislation across the four nations, both separately and conjointly; nor how and why the issues with which such measures were concerned differed between the four nations. We lack, in other words, a sense of the geography or territoriality of Reform, as embodied in the legislation emerging from the Imperial Parliament.[21] We also lack a sense of how such legislation was shaped by the dynamics and pressures occasioned by the multinational dimensions of a Reformed Imperial Parliament dominated by – seemingly conflicting – aspirations towards representing accurately the separate national interests of the four nations, whilst also seeking to make good in legislative terms the determination to create a more integrated, harmonious Union. In 1989, J.C.D. Clark observed that 'It may be that the relations of our four nations will be defined most clearly by the history of public policy: but this is the theme in the development of each which currently receives least attention'.[22] If, some thirty years on, the lacunae in the legislative history of the four nations remains not quite so expansive, still it is principally with the aim of breaking new ground and supplying omission that this thesis proceeds.

Historiography

This thesis approaches the Imperial Parliament and its legislative output in national terms, exploring comparatively how the acts and bills of the 1830s and 1840s were distributed across the four nations of the United Kingdom, both individually and in combination. In addressing the national dimensions of the Westminster parliament, it takes up a subject which has enjoyed a decidedly complicated and chequered historiography. Somewhat ironically, so far as Scotland, Wales and Ireland are concerned, such complications largely result from the predominantly separate nation-based frameworks within which much of the political history of those nations has been written in the nineteenth and twentieth centuries.[23] Within such frameworks, where the onus – understandably – has fallen upon the narration of

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in *Rethinking the age of reform: Britain 1780-1850*, ed. Arthur Burns and Joanna Innes (Cambridge: Cambridge University Press, 2003), 110; see also David Eastwood, "Men, morals and the machinery of social legislation, 1790-1840," *Parliamentary History* 13, no. 2 (1994): 201, 204.

[20] Douglas Kanter, *The making of British unionism, 1740-1848: politics, government, and the Anglo-Irish constitutional relationship* (Dublin: Four Courts, 2009), 11-13; Alvin Jackson, "Ireland's Long Nineteenth Century of Union," *Journal of Modern History* 86, no. 1 (2014): 130-1.

[21] Rose, *Understanding the United Kingdom*, 3.

[22] J.C.D Clark, "English history's forgotten context: Scotland, Ireland, Wales," *Historical Journal* 32, no. 1 (1989): 228; see also, Rose, *Understanding the United Kingdom*, 109.

[23] Jackson, *The two unions*, 13; Brendan Bradshaw, "Nationalism and historical scholarship in modern Ireland," *Irish Historical Studies* 26, no. 104 (1989): 329-51.

distinctly Scottish, Welsh and Irish national stories, the Imperial Parliament at Westminster, both in its *multi*national complexion, and, crucially, in its location beyond the borders of all three of those nations, has posed considerable difficulties, both methodological and epistemological.[24] Though crude in their degree of generalisation, such 'national' difficulties have tended to elicit two principal responses: a general turning away from events at Westminster in favour of a focus upon 'local' environments as the authentic source of a cumulative 'national' politics; and/or a focus on central parliamentary politics when, and only when, the politics of nation and national interest were most clearly discernible.

The tendency to bypass the happenings at Westminster – legislative or otherwise – as barometers of national politics, and instead turn to the local and regional spheres within each nation as the true loci of 'authentic', distinctive national narratives has undoubtedly been most pronounced in the case of Scotland. Of critical importance here, as Colin Kidd has demonstrated, was the lingering influence of a Whig historiographical inheritance which perceived the chief feature of that nation's post-Union political history to be not its distinctively Scottish features and dynamics, but rather its ever-closening links with, and assimilation to, the political circumstances pertaining south of the Tweed.[25] According to this view, the reform acts of 1832 represented the final and crucial Anglicising blow to Scotland's already tenuous distinctive political and parliamentary history. With the abolition of the Scottish representative system in 1832', declared William Mathieson in 1916, 'the political history…of Scotland…ended'.[26]

Whilst recent historians have taken a more optimistic view of the health of a Scottish political narrative, they have nonetheless largely kept hold of the desire to tell it in a distinctly Scottish fashion, and have implicitly shared the opinion that such distinctiveness is not to be found in a law-making institution situated four hundred miles from that nation's capital, where their representatives were outnumbered by some six hundred English, Welsh and Irish Members.[27] Smout's verdict on the later eighteenth century, that 'Scottish

[24] J.G.A. Pocock, "British history: a plea for a new subject," *Journal of Modern History* 47, no. 4 (1975): 603-4; Gordon Pentland, "By-elections and the Peculiarities of Scottish Politics, 1832–1900," in *By-elections in British politics, 1832-1914*, ed. Thomas G. Otte and Paul A. Readman (Woodbridge: Boydell Press, 2013), 274; Colin Kidd, *Union and unionisms: political thought in Scotland, 1500-2000* (Cambridge: Cambridge University Press, 2008), 1.
[25] Colin Kidd, "The strange death of Scottish history revisited: constructions of the past in Scotland, c.1790-1914," *Scottish Historical Review* 76, no. 201 (1997): 87; Gordon Pentland, *Radicalism, reform and national identity in Scotland, 1820-1833* (Woodbridge: Boydell for the Royal Historical Society, 2008), 1; Michael Fry, "The Whig interpretation of Scottish History," in *The Manufacture of Scottish History*, ed. I. Donnachie and C. Whatley (Edinburgh: Polygon, 1992), 72-88.
[26] William Mathieson, *Church and reform in Scotland: a history from 1797 to 1843* (Glasgow: J. Maclehose, 1916), 373.
[27] Michael Fry, *Patronage and principle: a political history of modern Scotland* (Aberdeen: Aberdeen University Press, 1991), 1; Christopher Harvie, *Scotland and nationalism: Scottish society and politics, 1707-1977* (London: Allen and Unwin, 1977), 86; R.J. Morris and Graeme Morton, "The Re-

parliamentary life…became for a long time…so moribund as to be scarcely relevant any longer to a general history of Scottish society', has thus largely met with concurrence from those working on the nineteenth century also.[28] For Morris and Morton, 'Scottish national identity did not depend for its vitality and spark upon parliament until the final quarter of the [nineteenth] century'.[29] Iain Hutchison's *A Political History of Scotland, 1832-1924: parties, elections and issues* (1986), which still remains the most authoritative work of its kind on the subject, was firmly focused upon the history of extra-parliamentary politics *in* Scotland.[30] Similarly, for Graeme Morton, analysing the period between 1830 and 1860, 'Westminster's relationship to Scottish life was a tangential one, lacking real influence in the day-to-day governing of society'.[31] Thus whilst, contrary to the claims of Mathieson, a specifically Scottish political history *did* exist, it was certainly not to be found in the legislative endeavours of that nation's Members at Westminster but rather in the local, self-governing politics of Scottish civil society, especially during the Reform era.[32] It was here that a distinctive national politics existed – one, moreover, that did not follow the Irish template based on resistance to the Union, but rather worked with the grain of that settlement in a symbiotic relationship termed 'unionist-nationalist'.[33] For those holding to this view, a parliamentary history from Westminster was not merely irrelevantly tangential, it was positively damaging in that it wrongly attributed 'primacy…to legislative power' in the 'understanding' of Scotland as a 'self-governing nation'.[34]

Admittedly, in the last few years, early signs of a historiographical sea-change have been in evidence. Such shifts have principally been propelled by the research of Bob Harris and his students. In a series of works focusing predominantly upon the eighteenth century, Harris has demonstrated the existence of a 'clear sense of a Scottish "national interest"' at

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making of Scotland: a nation within a nation, 1850-1920," in *Scotland, 1850-1979: society, politics and the Union*, ed. M. Lynch (London: Historical Association, 1993), 16; I.G.C. Hutchison, "Anglo-Scottish Political Relations in the Nineteenth Century, c. 1815-1914," in *Anglo-Scottish relations from 1603 to 1900*, ed. T.C. Smout (Oxford: Oxford University Press, 2005), 247-67. The work of Bob Harris offers an important exception to this rule: see footnote 35 below.

[28] T.C. Smout, *A history of the Scottish people, 1560-1830* (London: Collins, 1969), 201.

[29] R.J. Morris and Graeme Morton, "Where was nineteenth-century Scotland?," *Scottish Historical Review* 73, no. 1 (1994): 93.

[30] I.G.C. Hutchison, *A political history of Scotland 1832-1924: parties, elections and issues* (Edinburgh: John Donald, 1986). In a review of Hutchison's work, Rosalind Mitchison observed that 'a real need' still existed 'for a political history of nineteenth-century Scotland': R. Mitchison, "Review: I.G.C. Hutchison, A Political History of Scotland, 1832-1924: parties, elections and issues," *English Historical Review*, vol.104, no. 410 (1989): 237.

[31] Graeme Morton, *Unionist nationalism: governing urban Scotland, 1830-1860* (East Linton: Tuckwell, 1999), 22.

[32] Morton, *Unionist nationalism*, *passim*.; Lindsay Paterson, *The autonomy of modern Scotland* (Edinburgh: Edinburgh University Press, 1994).

[33] Morton, *Unionist nationalism*, 43.

[34] Morton, *Unionist nationalism*, 22; see also Hoppit's pertinent comments: "The Nation, the State, and the First Industrial Revolution," *Journal of British Studies* 50, no. 2 (2011): 329-30.

Westminster, principally concerned with that country's economic and commercial concerns.[35] 'Parliament was a crucial site of influence in Britain's "fiscal-military state"…and for this reason alone Scots fully recognised the importance of having their interests and views well represented there'.[36] Over time, as both Harris, and more recently his student Andrew Mackley have demonstrated, though the defence of Scottish interests at Westminster remained keen, and, indeed, increasingly sophisticated in terms of its lobbying capabilities, the overarching tendency amongst that nation's Members was to *minimise* the separateness or distinctiveness of Scottish interests vis-à-vis those of England and Wales in order to create more blended, integrated British economic interests.[37]

A 'localist', non-parliamentary approach to politics has likewise formed the dominant strain of Welsh and Irish nineteenth-century historiography. In the case of Wales, the construction of national narratives focused firmly upon events and personalities within that principality's borders was rendered almost *de rigueur* by the circumstance that, in so far as almost all legislative purposes were concerned, that nation did not possess an identity separate from England.[38] Indeed, until Matthew Cragoe's work, even Welsh political narratives centred on *Wales* were largely absent for the first half of the nineteenth century, with historians preferring to focus on the social and economic affairs of the principality.[39] According to this entrenched Welsh historiography, only under the influence of Henry Richard from the 1860s, and buoyed by the emergence of Gladstonian Liberalism, could the notion of the Welsh 'nation' as a nonconformist people, downtrodden by Anglican landowners, and in possession of specific legislative demands requiring attention, truly take hold.[40] By focusing

[35] Bob Harris, "The Scots, the Westminster parliament, and the British state in the eighteenth century," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 126. See also, Bob Harris, "Towards a British political economy: An eighteenth-century Scottish perspective," in *Regulating the British economy, 1660-1850*, ed. Perry Gauci (Farnham: Ashgate, 2011), 102-4; Bob Harris, "Scotland's herring fisheries and the prosperity of the nation, c.1660-1760," *Scottish Historical Review* 79, no. 1 (2000): 39-60.
[36] Harris, "The Scots, the Westminster parliament, and the British state in the eighteenth century," 139.
[37] Bob Harris, "Parliamentary Legislation, Lobbying and the Press in Eighteenth-Century Scotland," *Parliamentary History* 26, no. 1 (2007): 78; Andrew Mackley, "The interest of 'North Britain': Scottish lobbying, the Westminster Parliament, and the British Union-State, c.1760-c.1830," (unpublished DPhil thesis, University of Oxford, 2016), *passim*.
[38] Matthew Cragoe, *Culture, politics, and national identity in Wales 1832-1886* (Oxford: Oxford University Press, 2004), 2; Matthew Cragoe, "Welsh electioneering and the purpose of parliament: 'from radicalism to nationalism' reconsidered," *Parliamentary History* 17, no. 1 (1998): 115.
[39] K.O. Morgan, *Wales in British politics* (Cardiff: University of Wales Press, 1963); I. G. Jones, *Explorations and Explanations: Essays in the Social History of Victorian Wales* (Llandyssul: Gwasg Gomer, 1981); David J.V. Jones, *Rebecca's children: a study of rural society, crime, and protest* (Oxford: Clarendon Press, 1989); Matthew Cragoe, *An Anglican aristocracy: the moral economy of the landed estate in Carmarthenshire, 1832-95* (Oxford: Oxford University Press, 1996); J. Davies, *Cardiff and the Marquesses of Bute* (Cardiff: University of Wales Press, 1981).
[40] P. Morgan, "From a Death to a View; the Hunt for the Welsh Past in the Romantic Period," in *The Invention of Tradition*, ed. T. Ranger and E. Hobsbawm (Cambridge: Cambridge University Press,

on Wales as 'defined by its geography' rather than as a nation of nonconformists, Cragoe's *Culture, politics, and national identity in Wales 1832-1886* (2004) revealed that a national Welsh political narrative *was* possible during the Reform era – but it did little to shake the impression that Westminster and its legislative doings had rather little to contribute to that story.[41] Cragoe's work duly adopted an overwhelmingly constituency-based approach, principally designed at explicating the electoral politics of the thirteen Welsh counties at a grassroots level: 'how politics worked *in the principality*'.[42] Across eight chapters, only the concluding instalment offered any reflection on the handling of Welsh affairs at Westminster.[43]

As we shall see, the political historiography of nineteenth-century Ireland presents a considerably more varied complexion. Nevertheless, here too strong strains of 'localism' dominate the standard narratives.[44] Both of Theo Hoppen's seminal works, *Elections, politics and society in Ireland, 1832-1885* (1984) and *Ireland since 1800: conflict and conformity* (1989), for instance, were centred on the dominance of the 'parish pump' in defining the politics of the island.[45]

At the same time, it would be an oversimplification to maintain that the political historians of nineteenth-century Scotland, Ireland and Wales have simply turned their backs on Westminster and parliamentary politics. Indeed, it is no exaggeration to say that the pre-eminent Irish political narrative of the nineteenth century has been one concerned, above all, with the attempt to undo the legislative grip of the Westminster Imperial Parliament over the Irish nation's affairs.[46] As this example intimates, however, where the legislative process at Westminster *has* been attended to in Scottish, Irish and Welsh political narratives, such attentions have been selective in nature with those episodes and incidents privileged where

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1983), 96–100; Reginald Coupland, *Welsh and Scottish Nationalism: A Study* (London: Collins, 1954), 214; Matthew Cragoe, "George Osborne Morgan, Henry Richard, and the politics of religion in Wales, 1868-1874," *Parliamentary History*, vol.19, no. 1 (2000): 118-30.

[41] Cragoe, *Culture, politics, and national identity in Wales*, 4.

[42] *Ibid*. (my italics).

[43] *Ibid*., 241-71. Though, it should be noted that Cragoe's article on Welsh Members' activities on select committees *did* represent a concerted effort to attend to Welsh affairs at Westminster, Matthew Cragoe, "'A cheaper sort of member"? Welsh MPs, select committees and the representation of local interests in Parliament, 1852-1865," *Parliaments, Estates & Representation* 14, no. 2 (1994): 133-48; see also, Jones, *Rebecca's children*, 86-7.

[44] Douglas Kanter, "Was All Irish Politics Local? The Portarlington Election of 1832 and the Structure of Politics in 19th-Century Ireland," *Parliamentary History* 33, no. 3 (2014): 438-52.

[45] K. Theodore Hoppen, *Elections, politics and society in Ireland 1832-1885* (Oxford: Clarendon Press, 1984); K. Theodore Hoppen, *Ireland since 1800: conflict and conformity* (London: Longman, 1989).

[46] Kanter, *The making of British unionism, 1740-1848*, 11-12. Amongst a vast literature, see K.B. Nowlan, *The politics of repeal: a study of the relations between Britain and Ireland, 1841-50* (London: Routledge, 1965); Alvin Jackson, *Home Rule: an Irish history, 1800-2000* (London: Weidenfeld and Nicolson, 2003); Brian Jenkins, *Irish nationalism and the British state: from repeal to revolutionary nationalism* (Montreal: McGill-Queen's University Press, 2006).

grievances and issues formulated in explicitly national or nationalist terms have come to the fore. Indeed, it is surely telling that, of all four nations, historians of Reform-era Ireland have tended to find it easiest to integrate the parliamentary politics of Westminster into their national accounts precisely because the dominant expression of nationalism in that country, in the form of Daniel O'Connell's Repeal movement, arrayed itself more or less explicitly against rule from Westminster, or sought greater justice for Ireland through legislative means.[47] Indeed, O'Connell's activities have dominated the political history of Ireland during the first half of the nineteenth century: Paul Bew's *Ireland: the politics of enmity, 1789-2006* (2007) addressed the politics of the bulk of the Reform era in a chapter entitled, 'The repealer repulsed: O'Connell 1830-1845', whilst volume three of the recently-published *Cambridge history of Ireland* chiefly dealt with an even longer chronology in a chapter entitled, 'The impact of O'Connell, 1815-1850'.[48] Few historians of nineteenth-century Ireland have taken up Jennifer Ridden's lead in examining those important Irish elites, such as Thomas Spring Rice and Henry Parnell, who saw Ireland's national interests as best served working in and through the Union parliament at Westminster.[49] By the same token, it has surely been this propensity to untangle distinctive 'national' moments at Westminster that has induced the degree of scholarly attention bestowed upon the so-called 'Blue Books' controversy concerning educational provision in Wales in the late 1840s, or to the failure of the Imperial Parliament to pass legislation to avert the Disruption of the Scottish church in 1843, or to adequately respond to the needs of Ireland during the potato Famine of the late 1840s.[50]

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[47] For the latter interpretation, which sees O'Connell working *within* British legislative structures to try to seek 'justice for Ireland', see Oliver MacDonagh, *The Emancipist, Daniel O'Connell 1830-1847* (London: Weidenfeld and Nicolson, 1989); Angus D. Macintyre, *The Liberator: Daniel O'Connell and the Irish party, 1830-47* (London: Hamish Hamilton, 1965); K. Theodore Hoppen, "Riding a tiger: Daniel O'Connell, reform, and popular politics in Ireland, 1800-1847," *Proceedings of the British Academy* 100 (1999): 121-43; Angus Macintyre, "O'Connell and British Politics," in *Daniel O'Connell: Portrait of a Radical*, ed. Kevin B. Nowlan and Maurice R. O'Connell (Belfast: Appletree Press, 1984), 88-9; for the preponderance of 'nationalist' narratives in Irish historiography, see Hoppen, *Elections, politics and society in Ireland*, 257.

[48] P.M. Geoghegan, "The impact of O'Connell, 1815-1850," in *The Cambridge history of Ireland, volume 3: 1730-1880*, ed. James Kelly (Cambridge: Cambridge University Press, 2018), 102-128.

[49] Jennifer Ridden, "Making good citizens: national identity, religion and Liberalism among the Irish elite, c.1800-1850," (unpublished PhD thesis, King's College London, 1998); Jennifer Ridden, "Irish reform between the 1798 rebellion and the great famine," in *Rethinking the age of reform: Britain 1780-1850*, ed. Arthur Burns and Joanna Innes (Cambridge: Cambridge University Press, 2003), 271-94; though addressing a later period, see also Andrew Shields, *The Irish Conservative Party, 1852-68: land, politics and religion* (Dublin: Irish Academic Press, 2007).

[50] For the 'Blue Books controversy', see P. Morgan, "From long knives to blue books," in *Welsh society and nationhood: historical essays presented to Glanmor Williams*, ed. R. R. Davies et al. (Cardiff: University of Wales Press, 1984), 199-215; G.T. Roberts, *The language of the Blue Books: the perfect instrument of Empire* (Cardiff: University of Wales Press, 1998); the parliamentary context of the Disruption has received rather less attention, though see: Stewart J. Brown, "The ten years' conflict and the disruption of 1843," in *Scotland in the age of the disruption*, ed. Stewart J. Brown and Michael Fry (Edinburgh: Edinburgh University Press, 1993), 1-27; Stewart J. Brown, "Religion and

Ultimately, this tendency to focus on particular national climacterics at Westminster forms part of a wider trend in the historiography of the Union in the nineteenth century, characterised by Alvin Jackson as the so-called 'declinology phenomenon'.[51] Parsed by Jackson as the abiding preoccupation of historians with the 'unmaking of Union' and 'the analysis of British retreat', rather than with the treaties' 'protracted survival', this 'declinology' thesis has manifested itself, in its parliamentary guise, in precisely the sort of 'nationalist' narratives described above, with Westminster rising to the fore in the political narratives of Ireland, Scotland and Wales either when its multinational dimensions can be seen as imperilling, compromising or subverting the national 'interests' or national 'will' (however that might be defined) of those nations, or when efforts have been made at the dismantling of the Imperial Parliament's four nations legislative scope, principally at the hands of aggrieved Irish, Scottish or Welsh nationalists.[52]

In this way, then, national historiographical frameworks have largely dovetailed with Unionist narratives to produce a fundamentally negative, deconstructive view of the role of the Imperial Parliament in performing its role as the legislature of the four nations during the nineteenth century. Those trends, in turn, have induced a chronological camber in the historiographical record. For whilst episodes such as the Disruption and the Famine have clearly served as important staging posts on the teleological high road of the Union's struggle and decline, much more propitious have been the events of the second half of the nineteenth century. This was the era which witnessed the genesis of the Home Rule movements, firstly in Ireland, but latterly in Scotland and Wales; the 'emergence' of the Welsh nation and Cymru Fydd at Westminster; the heated debates surrounding the land

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the rise of liberalism: the first disestablishment campaign in Scotland, 1829-1843," *Journal of Ecclesiastical History* 48, no. 4 (1997): 682-704; Michael Fry, "The Disruption and the Union," in *Scotland in the age of the disruption*, ed. Stewart J. Brown and Michael Fry (Edinburgh: Edinburgh University Press, 1993), 31-43; G.I.T. Machin, "The Disruption and British politics, 1834-43," *Scottish Historical Review* 51, no. 151 (1972): 20-51; The Famine received six separate chapters in W.E. Vaughan ed., *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870* (Oxford: Clarendon Press, 1989), 272-85, 286-92, 294-306, 307-314, 316-29, 357-71; amongst a massive literature on the Famine, see also C. O'Grada, *The Great Irish Famine* (Dublin: Gill & Macmillan, 1989); Peter Gray, *Famine, land and politics: British government and Irish society, 1843-50* (Dublin: Irish Academic Press, 1998); Peter Gray, "'The Great British Famine of 1845-50'? Ireland, the UK and Peripherality in Famine Relief and Philanthropy," in *Famines in European economic history: the last great European famines reconsidered*, ed. Declan Curran, Lubomyr Y. Luciuk, and Andrew G. Newby (London: Routledge, 2015), 83-96.

[51] Jackson, *The two unions*, 22-3.

[52] *Ibid.*, 22-3, 125; Alvin Jackson, "'Divided hearts, united states': Historians, the Union and Unionists," *Irish Historical Studies* 36, no. 143 (2009): 418; see also Peter Mandler's remarks in *The English national character: the history of an idea from Edmund Burke to Tony Blair* (New Haven: Yale University Press, 2006), 33 at the lack of understanding of Unionism as an ideology; as well as Kidd, *Union and unionisms*, 1-2.

legislation of Scotland and Ireland in the 1880s; and the creation of the Scottish Office in 1885.[53]

Indeed, an important factor in the relative scarcity of attention given to the legislative Union during the first half of the nineteenth century, and most especially during the years between 1830 and 1845, surely lies in the fact that it represents one of the most *constructive* junctures in the history of that Union. Though hindsight may obscure the fact, here the teleology of decline stalls in the face of the pervasive contemporary conviction that a remodelled, Reformed Imperial Parliament possessed the power to make the United Kingdom a reality in substance as much as name, chiefly through the means of bold and vigorous legislation.[54] As John Bew has noted, Richard Cobden's view that Ireland's problems could not be solved by 'forms of legislation' was not one shared by the majority of parliamentarians during the 1830s and 1840s, with first the Whigs under Melbourne's premiership, and then Sir Robert Peel, between 1843 and 1845, placing ameliorative legislation designed to nurture an Irish middle class wedded to Union, at the forefront of their ministerial efforts.[55] Though party divisions could at times obscure the fact, Lord John Russell's entreaty of 1835, that 'you cannot listen to the well-founded grievances of Ireland…not…do her justice, and yet insist on an adherence to the legislative union', neatly captured the prevailing sentiment of the period on all sides.[56] As Douglas Kanter has argued, by 1830 'a unionist consensus had

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[53] For works principally concerned with the 'unravelling' of Union, see Jackson, *Home Rule*; A. O'Day, *The English Face of Irish Nationalism: Parnellite Involvement in British Politics, 1880-86* (Dublin: Gill & Macmillan, 1977); Paul Bew, *Land and the national question in Ireland, 1858-82* (Dublin: Gill & Macmillan, 1978); E. Cameron, *Impaled upon a thistle: Scotland since 1880* (Edinburgh: Edinburgh University Press, 2010), 54-78; E. Cameron, *Land for the People? The British Government and the Scottish Highlands, c.1880-1925* (East Linton: Tuckwell, 1996); H.J. Hanham, "The creation of the Scottish Office, 1881-7," *Juridical Review* 10 (1965): 205-44; N. Lloyd-Jones, "Liberalism, Scottish Nationalism and the Home Rule Crisis, c.1886–93," *English Historical Review* 129, no. 539 (2014): 862-887; K.O. Morgan, *Rebirth of a Nation: Wales 1880–1980* (Oxford: Oxford University Press, 1980), 3-58; D. George Boyce, "Wales and the British state: 'the outer form of subjugation'," in *The State: historical and political dimensions*, ed. Richard English and Charles Townshend (London: Routledge, 1999), 44-66; G. Williams, *When was Wales?* (London: Penguin, 1985); W. Griffith, "Devolutionist tendencies in Wales, 1885-1914," in *Debating nationhood and governance in Britain, 1885-1939: perspectives from the four nations*, ed. D. Tanner et al. (Manchester: Manchester University Press, 2006), 89-117; general synoptic works concerned with the demise of the *British* Union have tended to focus on the twentieth century: see, for instance, the classic statement by Tom Nairn, *The break-up of Britain: crisis and neo-nationalism* (London: NLB, 1977).

[54] For notions of Peel's 'constructive' unionism in the 1840s, see Douglas Kanter, "The Politics of Irish Taxation, 1842-53," *English Historical Review* 127, no. 528 (2012): 1129; Charles Read, "Peel, De Grey and Irish policy, 1841-44," *History* 99, no. 334 (2014), 1, 17-18.

[55] John Bew, "Ireland under the Union, 1801-1922," in *The Princeton history of modern Ireland*, ed. Richard Bourke and Ian McBride (Princeton: Princeton University Press, 2016), 75; Ridden, "Irish reform between the 1798 rebellion and the great famine," 274-5; for a useful overview of Whig and Peelite policy towards Ireland between 1830 and 1846, see Gray, *Famine, land and politics*, 26-39; Parry, *The rise and fall of Liberal government in Victorian Britain*, 162; though see also C.S. Parker, *Life and letters of Sir James Graham, 1792-1861*, 2 vols. (London: John Murray, 1907), II, 79.

[56] *HPD*, 30 Mar. 1835, vol. 27, c.363.

finally emerged…the British ruling class regarded the union as irrevocable'.[57] In recent years, Theo Hoppen has demonstrated the extent to which the Reform era represented the high noon of an assimilationist movement in Anglo-Irish circles which held that that the key to strengthening relations between Britain and Ireland lay in Westminster's extension of the fruits of British – and, more particularly, English – legislation across St George's Channel.[58] Only then, observed Lord Howick, would Ireland truly become 'a part of ourselves'.[59]

Thus far, consideration of the *English* dimensions to these historiographical trends has been notable by its absence. That is, in no small part, because historians of nineteenth-century English politics have been faced with problems of a quite different order to those which have presented themselves to the historians of the other three nations. Most obviously, where the latter have had to contend with the methodological and epistemological problems presented by incorporating a non-national institution into national narratives, Westminster lay at the heart of the English state throughout the first half of the nineteenth century, just as it had for more than five centuries previously.[60] Indeed, for A.F. Pollard, parliament had 'been the means of making the English nation and the English state. It is really co-eval with them both'.[61] On one level, that circumstance has ensured much more willingness on the part of English historians to engage with Westminster and its output of English legislation. For the most part, however, that engagement has relatively rarely been conceived in terms of its specific *Englishness*. Instead, underpinned by what Pocock termed 'the ethnocentricity and conceptual imperialism of English national consciousness', English measures have tended to be conflated with those of Britain and the United Kingdom, in the process being reified as the critical legislative milestones in *the* standard 'high political' narrative of the parliamentary politics of the era, with occasional Irish 'add-ons'.[62] This is the classic phenomenon identified by Norman Gash when he noted the tendency on the part of historians to refer to the English and Welsh Reform Act as the 'Great Reform Act',

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[57] Kanter, *The making of British unionism, 1740-1848*, 15.
[58] K. Theodore Hoppen, *Governing Hibernia: British politicians and Ireland 1800-1921* (Oxford: Oxford University Press, 2016), 63-179.
[59] *HPD*, 22 Jul. 1835, vol. 29, c.947.
[60] Ronald Asch, "'Obscured in whiskey, mist and misery'", 10-11, 18; Malcolm Chase, *1820: disorder and stability in the United Kingdom* (Manchester: Manchester University Press, 2013), 2.
[61] Qu. in Paul Seaward, "Why the history of parliament has not been written," *Parliamentary History* 40, no. 1 (2021), 6.
[62] J.G.A. Pocock, "England," in *National consciousness, history, and political culture in early-modern Europe*, ed. Orest A. Ranum (Baltimore: Johns Hopkins University Press, 1975), 100; see also Hoppen's comments: K. Theodore Hoppen, "The franchise and electoral politics in England and Ireland 1832-1885," *History* 70, no. 229 (1985): 202; the notion of Scottish and Irish 'add-ons' is taken from Keith M. Brown, "Seducing the Scottish Clio: has Scottish history anything to fear from the new British history?," in *The new British history: founding a modern state 1603-1715*, ed. Glenn Burgess (London: Tauris, 1999), 241; Eric J. Evans, "Englishness and Britishness: national identities, c.1790-c.1870," in *Uniting the kingdom? The making of British history*, ed. Alexander Grant and K.J. Stringer (London: Routledge, 1995), 232; Hawkins, *Victorian political culture*, 45.

forgetting that 'we should properly speak of the Reform Acts of 1832, there being one for England and Wales, one for Scotland, and one for Ireland'. [63] It is precisely the same proclivity which has meant that the English and Welsh municipal corporation reform act of 1835 has rarely been considered in terms of its features vis-à-vis the analogous Scottish burgh bill of 1833 which preceded it, and the 1840 Irish municipal corporation bill that succeeded it.[64] Too often municipal reform has simply been parsed as the act of 1835. Again, the public health legislation introduced by the Whigs between 1847 and 1852 was a pan-United Kingdom phenomenon, with Scottish bills introduced between 1849 and 1850, and Irish incarnations between 1849 and 1852. Yet, historians still largely persist in talking of *the* public health act of 1848, in the process not only effacing the Scottish and Irish dimensions of the legislative project, but also those features of the Anglo-Welsh act which made it particularly and peculiarly Anglo-Welsh.[65] 'The most elusive thing', Bernard Crick has remarked, 'is Englishness itself'.[66]

Ultimately, this same predisposition to an 'unthinking' Anglocentricity has likely been the primary cause of the surprising lack of attention given to the (multi)national dimensions of the Imperial Parliament by those new 'British' or four nations histories whose very rationale has been the straddling of such separate national historiographical divides.[67] Surprising because, as the forum in which English, Welsh, Scottish and Irish representatives were assembled under one roof to make laws for each and all, Westminster, at first sight, appears to offer a remarkably propitious environment for historians drawn to illuminating those episodes where, as J.G.A. Pocock famously put it,

> The various peoples and nations…in the area known as "Great Britain and Ireland" have not only acted so as to modify the conditions of their several

[63] Norman Gash, *Politics in the age of Peel: a study in the technique of parliamentary representation, 1830-50* (London: Longmans, 1953), 34; Gordon Pentland echoed Gash in this observation: Pentland, *Radicalism, reform and national identity in Scotland*, 1.
[64] For exceptions to this, see Sidney Webb and Martha Webb, *English local government from the Revolution to the Municipal Corporations Act*, 9 vols. (London: Longmans, Green, 1906-29), II, 709-11; J.P.D. Dunbabin, "British local government reform: the nineteenth century and after," *English Historical Review* 92, no. 365 (1977): 778; Innes and Rogers, "Politics and government 1700-1840," 531-54; Philip Salmon, *Electoral reform at work*, 210-11; Matthew Potter, "The Urban Local State in Scotland and Ireland to 1900: Parallels and Contrasts," in *Ireland and Scotland in the Nineteenth Century*, ed. Frank Ferguson and James McConnel (Dublin: Four Courts Press, 2009), 108-18; Macintyre, *The Liberator*, 227-59.
[65] This is most clearly the case in Mandler, *Aristocratic government in the age of reform*, 236-75, but see also Hamlin, *Public health and Social Justice in the Age of Chadwick*, 266-74, and Fraser, *The evolution of the welfare state*, 70-1.
[66] Bernard Crick, "The English and the British," in *National identities: the constitution of the United Kingdom*, ed. Bernard Crick (Oxford: Blackwell, 1991), 91.
[67] For an excellent recent introduction to this 'approach' and its relevance and application to modern British history, see Lloyd-Jones and Scull, 'A new plea for an old subject?, 3-33.

> existences but have also interacted so as to modify the condition of one another's existence.[68]

Yet, as Julian Hoppit, observed in 2003, new 'British' or four nations studies centred on the activities of the Westminster parliament have proved remarkably scarce – and continue to be so.[69] Hoppit postulated that such oversights principally reflected the intellectual legacy of Namierite approaches to parliamentary history.[70] Whilst acknowledging the lingering purchase of that particular historiographical agenda, this thesis would nonetheless suggest that the cause of such a lacuna is more readily explicable in terms of an apprehension held by new 'British' historians that any narrative centred on the Imperial Parliament, professing to be four nations in character, could not but fail to succumb to the Anglocentricity it was designed to subvert.[71] For, as Pocock first framed the historiographical endeavour, its very *raison d'être* was to move beyond histories of 'Britain' which, in practice, amounted to scarcely more than English stories with Welsh, Scottish and Irish 'subplots' introduced 'when, and only when, their doings assume[d] power to disturb the tenor of English politics'.[72] Here again, then, we encounter in a different guise the problem presented by the unavoidable 'Englishness' of the Westminster parliament.[73] Where Scotland and Ireland were subject to dramatic parliamentary caesuras in 1707 and 1800 respectively, England was not.[74] Indeed, Conrad Russell observed of the Anglo-Scottish Union, that English MPs 'accommodated' themselves to the new post-1707 'British' parliament only 'by pretending that it [wa]s the same body as the English Parliament which preceded it'.[75] David Hayton agreed: the parliamentary union of 1707 was not a 'merger of two great historical institutions, so much as the recruitment of a junior partner'.[76] Echoing such opinions, Pocock extended the analysis to the Union of 1800. 'English society ha[d] been [so] continuously

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[68] J.G.A. Pocock, "The limits and divisions of British History; in search of the unknown subject," *American Historical Review* 87, no. 2 (1982): 317; see also, Tony Claydon, "Problems with the British Problem," *Parliamentary History* 16, no. 2 (1997): 221.
[69] Julian Hoppit, "Introduction," 3.
[70] *Ibid*.
[71] Nicholas P. Canny, "Irish, Scottish and Welsh responses to centralisation, c.1530-c.1640: a comparative perspective," in *Uniting the kingdom? The making of British history*, ed. Alexander Grant and K. J. Stringer (London: Routledge, 1995), 147-8.
[72] J.G.A. Pocock, "British history: a plea for a new subject," 603-4.
[73] J.C.D. Clark, *From Restoration to reform: the British Isles 1660-1832* (London: Vintage Books, 2014), 196.
[74] A point made by Joanna Innes in "Legislating for three kingdoms: how the Westminster parliament legislated for England, Scotland and Ireland 1707-1830," 15.
[75] Conrad Russell, "Composite monarchies in early modern Europe: the British and Irish example," in *Uniting the kingdom? The making of British history*, ed. Alexander Grant and K. J. Stringer (London: Routledge, 1995), 146; see also Kidd, *Union and unionisms*, 83.
[76] David Hayton, "Adjustment and Integration: The Scottish Representation in the British House of Commons, 1707-14," *Parliamentary History* 27, no. 3 (2008): 412.

and effectively governed' by its parliament, averred Pocock, that 'the Union of 1707 and 1801 made little difference to [its] functioning or to what made it effective'.[77]

For many 'new' British historians, the implication of such English continuities in the institution and operation of the Imperial Parliament was that no thoroughgoing four nations history could ever truly take place there. Any attempt at a 'new' British *political* history would be 'clearly centred on England and based on the English concept of the absolute sovereignty of the 'King-in-Parliament'.[78] The Imperial Parliament may have contained representatives from four nations, but its very make-up and existence implied English dominance, and, as Pollard noted, 'men do not like predominant partners'.[79] To paraphrase Pocock, when it came to parliamentary affairs, England 'set the rules of the game…oblig[ing] others to act in the same way'.[80] 'The Westminster-based state has always been essentially English', concurred Grant and Stringer, 'and easily slides into a 'Little Englandism''.[81]

Nevertheless, even whilst recognising the intellectual and methodological purchase of these assertions, the project of a parliamentary history of the four nations need not be abandoned entirely, provided one is willing to adopt a rather less intellectually inflexible posture. One may accept the 'centrality…of Parliament…in *English* history', as J.C.D. Clark put it, as an omnipresent conditioning factor in any history of that legislature, but still agree with Keith Robbins's observation that there is *no* abstracted 'ideal vantage point' from which to try to tell a four nations history, and that accepting that in any examination of the Imperial Parliament, 'the major player is always going to be England', does not thereby immediately negate the entire utility of the exercise.[82] That England (and Wales) was always going to be that 'major player' was, if nothing else, a fact of geography and demographics. As Fig. 0.1 demonstrates, whether viewed in terms of population, electorate or area, England and Wales was the dominant partner at the outset of the Reform period – and that numerical superiority increased rather than decreased over the following twenty years. Nevertheless, 'The fact of a hegemony does not alter the fact of a plurality'. 'There remains', as Pocock himself stressed,

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[77] Pocock, "The limits and divisions of British History," 314; for a contemporary opinion, see George Cornewall Lewis, *Remarks on the use and abuse of some political terms* (London: Fellowes, 1832), 46.
[78] Ronald Asch, "'Obscured in whiskey, mist and misery", 18.
[79] A.F. Pollard, "The growth of an Imperial Parliament", *History* new ser., 1, no. 3 (1916): 141.
[80] J.G.A. Pocock, "British history: a plea for a new subject," 610.
[81] Alexander Grant and K. J. Stringer, "Introduction: the enigma of British history," in *Uniting the kingdoms? The making of British history*, ed. Alexander Grant and K.J. Stringer (London: Routledge, 1995), 10; see also, Hugh F. Kearney, "Four nations or one?" in *National identities: the constitution of the United Kingdom*, ed. Bernard Crick (Oxford: Blackwell, 1991), 2.
[82] Keith Robbins, *Nineteenth-century Britain: integration and diversity* (Oxford: Oxford University Press, 1989), 12. The idea of England as the 'major player' is taken from Brown, "Seducing the Scottish Clio," 242.

'the hard fact of Union', that in 1800 there was 'created an effective sovereignty by which a crown in parliament legislate[d] for a 'Britain' [sic] larger than 'England', and that 'this alone calls for a historiography that cannot be confined to the history of England'.[83] Indeed, the fact that, within such imperial interconnections, England and English legislation so often held pre-eminency is, in part, why the Imperial Parliament presents such an auspicious environment for four nations investigations. It offers a critical zone of tension; an arena in which, faced by similarities and differences, impulses to integration and separation, ideas about nation and national interest, and about what shape the Union should take, crystallised in opposition to, and in conformity with, others.[84] It also offers an ideal site to undertake comparative analyses, designed, as Joanna Innes has observed, to highlight 'broader patterns of similarity and difference in the governance and societies of the four nations', and to provide historians with a 'richer context in which to interpret the choices made in each'.[85]

Fig. 0.1: Population and electoral statistics of England and Wales, Scotland and Ireland

	England and Wales	Ireland	Scotland	Ratio
Population in 1831 (thousands)	13,897	7,767	2,364	58:32:10
Population in 1851 (thousands)	17,298	6,554	2,889	65:24:11
Electors in 1833	653,000	90,000	65,000	81:11:8
Area (acres)	37,342,463	20,862,864	20,075,023	48:27:25

Source: B.R. Mitchell, *British historical statistics* (Cambridge: Cambridge University Press, 1988), 9-11.

Adoption of this modified four nations framework, premised chiefly on comparative investigations, and suitably conscious of the dynamics generated by Westminster's Anglocentricity, has generated a small but important number of studies on aspects of the Imperial Parliament and its activities from (multi)national perspectives. Unquestionably foremost here has been Joanna Innes's own foundational essay, 'Legislating for the three kingdoms: how the Westminster parliament legislated for England, Scotland and Ireland, 1707-1830', which provided an overarching, synoptic, comparative survey of the different

[83] Pocock, "British history: a plea for a new subject," 605-6; Pocock, "The limits and divisions of British History," 320.
[84] Lloyd-Jones and Scull, "A new plea for an old subject?," 6.
[85] Joanna Innes, "What would a 'Four Nations' approach to the study of eighteenth-century British social policy entail?," in *Kingdoms united? Great Britain and Ireland since 1500: integration and diversity*, ed. Sean J. Connolly (Dublin: Four Courts, 1998), 199; see also, Innes, "Legislating for three kingdoms," 40; Glenn Burgess has likewise extolled the comparative approach in Glenn Burgess, "Introduction: the new British history," in *The new British history: founding a modern state 1603-1715*, ed. Glenn Burgess (London: Tauris, 1999), 4-5.

legislative records of England and Wales, Scotland and Ireland, both individually and in combination.[86] Her sometime collaborator Julian Hoppit has likewise contributed a wealth of studies which, in their empirical depth and chronological extent, have offered valuable insights into the geographical distribution of legislation – especially economic – across Britain and the United Kingdom, and the significance of such patterns for our understanding of the unitary multinational state created by the unions of 1707 and 1800.[87] As the edifice upon which this thesis rests, the works of both of these historians will be discussed in greater detail below. If Innes and Hoppit have together ploughed a lone furrow in undertaking such macro-level examinations of the legislative activities of the Westminster parliament, works attending to specific issues and their associated legislation within explicitly multinational or transnational contexts have proved rather more plentiful. Whilst the focus of these studies has often not been trained explicitly on the parliamentary arena and the legislative process itself, still as the mediating forum through which policy has necessarily been realised, such studies have served to illuminate the workings of the Imperial Parliament as the single legislature of a unitary multinational state. John Prest's *Liberty and locality: parliament, permissive legislation, and ratepayers' democracies in the nineteenth century* (1990), Deborah Brunton's *The politics of vaccination: practice and policy in England, Wales, Ireland, and Scotland, 1800-1874* (2012), Aashish Velkar's, *Markets and measurements in nineteenth-century Britain* (2012) and, more recently, Richard Butler's article on prison reform across Great Britain and Ireland during the 1820s and 1830s have all explicitly attended to the Imperial Parliament's multinational scope – and the consequences of it – in the creation, deliberation and execution of legislative reforms in local government, public health, commerce and prison provisions respectively during the first half of the nineteenth century.[88] Though James Taylor's article on the act of 1836 establishing the United Kingdom's lighthouse system as a public service was concerned principally with contemporary perceptions of public and private property, in addressing the associated

[86] Innes, "Legislating for three kingdoms: how the Westminster parliament legislated for England, Scotland and Ireland 1707-1830," 15-47.
[87] See, in particular, Julian Hoppit, *Britain's political economies: parliament and economic life, 1660-1800* (Cambridge: Cambridge University Press, 2017); "Patterns of parliamentary legislation 1660-1800," *Historical Journal* 39, no. 1 (1996): 109-31; "Reforming Britain's weights and measures, 1600-1824," *English Historical Review* 108, no. 426 (1993): 82-104; "Bounties, the economy and the state in Britain, 1689-1800," in *Regulating the British economy, 1660-1850*, ed. Perry Gauci (Farnham: Ashgate, 2011), 139-60; "The Nation, the State, and the First Industrial Revolution," 307-31.; "Scotland and the taxing Union, 1707-1815," *Scottish Historical Review* 98, no. 1 (2019): 45-70.
[88] Prest, *Liberty and locality*; Deborah Brunton, *The politics of vaccination: practice and policy in England, Wales, Ireland, and Scotland, 1800-1874* (Woodbridge: Boydell & Brewer, 2008); Aashish Velkar, *Markets and measurements in nineteenth-century Britain* (Cambridge: Cambridge University Press, 2012); Richard J. Butler, "Rethinking the origins of the British prisons act of 1835: Ireland and the development of central-government prison inspection, 1820–1835," *Historical Journal* 59, no. 3 (2016): 721-46.

questions it raised as to whether Trinity House should supersede native Scottish and Irish institutions as a central UK-wide administrative body Taylor offered important reflections on the dynamics of four nations legislative interaction.[89] In her essay, 'What would a four-nations history of eighteenth-century social policy entail?', Joanna Innes likewise applied, in brief, a pan-United Kingdom, comparative perspective on the legislative activities associated with eighteenth- and early nineteenth-century prison, poor law and education reform.[90] Perhaps unsurprisingly, non-English historians have frequently been rather more disposed to chart comparative, cross-border interactions and influences in the development of policy and in the legislative process itself.[91] Peter Gray's *The making of the Irish poor law, 1815-43* (2009) was a model study in this respect, tracing the debates, both inside and outside parliament, surrounding the appropriateness of English-style and Scottish-style poor law models for Irish circumstances.[92] Anne Cameron's important article, 'The establishment of civil registration in Scotland' (2007) likewise contained sustained reflection on the cross-fertilisation of legislative principle over the Tweed facilitated by the multinational character of the Westminster parliament.[93]

Some of these multinational or transnational studies of the Imperial Parliament have arisen, or at least dovetailed with a parallel historiographical stream concerned with measuring and assessing the alleged expansion of the state in Britain and Ireland during the Victorian era.[94]

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[89] James Taylor, "Private property, public interest, and the role of the state in nineteenth-century Britain: the case of the lighthouses," *Historical Journal* 44, no. 3 (2001): 749-71; see also, Mark Freeman, Robin Pearson, and James Taylor, "Law, politics and the governance of English and Scottish joint-stock companies, 1600–1850," *Business History* 55, no. 4 (2013): 636-52.

[90] Innes, "What would a 'Four Nations' approach to the study of eighteenth-century British social policy entail?," 181-99.

[91] A point made in a somewhat different context by Peter Mandler, "What is 'national identity'? Definitions and applications in modern British historiography," *Modern Intellectual History* 3, no. 2 (2006): 297; Morris and Morton likewise note how writing on nineteenth-century Scotland 'has been strengthened by [its] willingness to compare', Morris and Morton, "Where was nineteenth-century Scotland?," 93.

[92] Gray, *The making of the Irish poor law, 1815-43*, *passim*, though esp. 19-92.

[93] Anne Cameron, "The establishment of civil registration in Scotland," *Historical Journal* 50, no. 2 (2007): 377-95.

[94] The literature in this area is voluminous, but see, in particular, Oliver MacDonagh, "The 19th century revolution in government: a reappraisal," *Historical Journal* 1, no. 1 (1958): 52-67; Oliver MacDonagh, *A pattern of government growth 1800-1860: the passenger acts and their enforcement* (London: MacGibbon & Kee, 1961); Oliver MacDonagh, *Early Victorian government, 1830-1870* (London: Weidenfeld and Nicolson, 1977); Derek Fraser, *The evolution of the welfare state: a history of social policy since the Industrial Revolution*, 2nd ed. (Basingstoke, Macmillan, 1984); U.Q.R. Henriques, *Before the welfare state: social administration in early industrial Britain* (London: Longman, 1979); Joanna Innes, "Central government 'interference': changing conceptions, practices, and concerns, c.1700-1850," in *Civil society in British history: ideas, identities, institutions*, ed. Jose Harris (Oxford: Oxford University Press, 2003), 39-60; Joanna Innes, "Forms of 'government growth', 1780-1830," in *Structures and transformations in modern British history*, ed. David Feldman and Jon Lawrence (Cambridge: Cambridge University Press, 2011), 74-99; John E. Cookson, "Alexander Tulloch and the Chelsea Out-Pensioners, 1838-43: Centralisation in the Early Victorian State," *English Historical Review* 125, no. 512 (2010): 60-82; Philip Harling, *The modern British state: an historical introduction* (Cambridge and Malden, MA: Polity and Blackwell, 2001); Philip

In particular, there has been a strong tendency for historians of nineteenth-century Ireland to compare the content and consequences of Westminster's legislative initiatives directed at that nation vis-à-vis those meted out to the British mainland in order to tease out the extent to which Irish circumstances – chiefly its high levels of poverty and lawlessness – were seen as necessitating a heightened degree of state intervention.[95] Stanley Palmer's massive examination of the genesis of the police forces in Ireland and England between 1780 and 1850 stood squarely in that tradition.[96] Following the earlier lead of W.L. Burn, Palmer presented Ireland as the 'experiment station' or 'social laboratory' where English ministries could implement projects of centralisation – such as that embodied in the Irish constabulary act of 1836 – in a fashion 'scarcely conceivable' on British soil.[97] Cross-border comparisons in other areas of legislation have prompted similar conclusions. MacDonagh himself drew attention to the act of 1831 establishing the Irish board of works, which, in its granting of both deliberative *and* executive powers to the newly-established Irish commission deviated considerably from its contemporaneous ad hoc English analogue.[98] At the opposite end of the Reform era, the Irish medical charities act of 1851, which brought that nation's network of medical dispensaries under the central control of the Irish poor law commission, was described by its historian as having concentrated in that latter body 'medical relief and public health powers unprecedented in Ireland and unparalleled in the rest of the United Kingdom'.[99] Scottish narratives, in contrast, have tended to move in the opposite direction. Here, historians such as Graeme Morton, concerned to elevate local, self-governing civic

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Harling, "The powers of the Victorian state," in *Liberty and authority in Victorian Britain*, ed. Peter Mandler (Oxford: Oxford University Press, 2006), 25-50; Simon Devereaux, "The Historiography of the English State during 'the Long Eighteenth Century': Part I – Decentralized Perspectives," *History Compass* 7, no. 3 (2009): 742-64; Simon Devereaux, "The Historiography of the English State during 'the Long Eighteenth Century': Part Two – Fiscal-Military and Nationalist Perspectives," *History Compass* 8, no. 8 (2010): 843-65; David Eastwood, "The state we were in: parliament, centralization and English state formation," in *The state: historical and political dimensions*, ed. Richard English (London: Routledge, 1998), 18-44; Gillian Sutherland, *Studies in the growth of nineteenth-century government* (London: Routledge & Kegan Paul, 1972); William C. Lubenow, *The politics of government growth: early Victorian attitudes towards state intervention, 1833-48* (Newton Abbot: David and Charles, 1971); Peter Dunkley, "Emigration and the state 1803-1842," *Historical Journal* 23, no. 2 (1980): 353-80; Peter W. J. Bartrip, "State intervention in mid-nineteenth century Britain: fact or fiction?," *Journal of British Studies* 23, no. 1 (1983): 63-83.

[95] For an older interpretation of this phenomenon, see Oliver MacDonagh, "Ideas and institutions, 1830-1845," in *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870*, ed. W.E. Vaughan (Oxford: Clarendon Press, 1989), 206-7; for an excellent recent summary, see Virginia Crossman, "The growth of the state in the nineteenth century," in *The Cambridge history of Ireland, volume 3: 1730-1880*, ed. James Kelly (Cambridge: Cambridge University Press, 2018), 542-569.

[96] Stanley H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge: Cambridge University Press, 1988), 24-32, 520-21.

[97] W.L. Burn, "Free trade in land: an aspect of the Irish question," *Transactions of the Royal Historical Society* 4th ser., 31 (1949): 61-74; Palmer, *Police and Protest in England and Ireland,* 24-25; MacDonagh, "Ideas and institutions, 1830-1845," 206.

[98] *Ibid*., 207-8; *HPD*, 30 Mar. 1831, vol. 3, c. 1212; *HPD*, 27 Jul. 1831, vol. 5, cc. 386-7.

[99] Ronald D. Cassell, *Medical Charities, Medical Politics: The Irish Dispensary System and the Poor Law, 1836-1872* (Woodbridge: Boydell & Brewer, 1997), 78.

society as the principal unit in Scottish politics have stressed the *limited* degree to which legislation of the first half of the nineteenth century permitted the penetration of the central state into its affairs in comparison to the rest of the British Isles and Ireland.[100]

More recently, however, efforts have been made to temper and nuance these rather one-dimensional narratives of Irish and Scottish exceptionalism. Richard Butler's aforementioned article, for instance, argued that closer examination of the British and Irish prison reform legislation of the 1820s and 1830s in fact testifies to a 'more fluid exchange of ideas in both directions' across the Irish Sea, suggesting, in turn, that Palmer's thesis of Ireland as a legislative laboratory for Britain might require reconfiguring so as to admit of the possibility that there were 'many laboratories and not just one'.[101] David Barrie has likewise shown the degree to which Scottish police bills of the nineteenth century did increasingly insinuate the power of the central state north of the border, as well as functioning as part of larger pan-United Kingdom exchanges of policy.[102] Such conclusions dovetail with the works of Gray and Innes described above, which, though less concerned with narratives of state growth, nevertheless underline the extent to which policy in poor relief and education were shaped by interactions which ranged back and forth across all four corners of the United Kingdom.[103] Indeed, for Tom Crook, one of the most critical developments of the Reform period was that it represented 'the moment when social reform in Britain was placed on a radically more 'connected', multi-lateral footing', when 'a truly cosmopolitan culture of policy-making which was both multi-directional – policies flowed outwards and inwards – and composed of multiple relations, national, imperial, and transnational' was established.[104]

Ultimately, however, the relative scarcity of such multinational legislative studies is symptomatic of the fact that most historians of the Reform era have simply directed their attentions elsewhere, asking different questions of the period, with the result that considerations of the national dynamics of Westminster and its legislative activities tend to feature only in passing when they impinge on these parallel discourses. This has been most

[100] Graeme Morton, "Civil Society, Municipal Government and the State: Enshrinement, Empowerment and Legitimacy: Scotland 1800-1929," *Urban History* 25, no. 3 (1998): 354-8.
[101] Butler, "Rethinking the origins of the British prisons act of 1835," 722.
[102] David G. Barrie, "Anglicization and Autonomy: Scottish Policing, Governance and the State, 1833 to 1885," *Law and History Review* 30, no. 2 (2012): 449-94; David G. Barrie, "A Typology of British Police: Locating the Scottish Municipal Police Model in Its British Context, 1800–35," *British Journal of Criminology* 50, no. 2 (2010): 259-77.
[103] Innes, "What would a "Four Nations" approach to the study of eighteenth-century British social policy entail?," 193-98; Gray, *The making of the Irish poor law, 1815-43*, 164; see also Hoppen, *Governing Hibernia*, 121-7.
[104] Tom Crook, "Model institutions and the geography of social reform in early Victorian Britain," *Historical Journal* 62, no. 3 (2019): 791, 811-12.

clearly the case with the many and varied studies concerned with what might loosely be called the 'high politics' of the period. Put crudely, this line of enquiry has principally attended to the rise and fall of ministries, and, relatedly, to tracing and charting the complex central party politics of a period generally seen by historians and contemporaries alike as having been epitomised by it.[105] This was the era which saw the emergence of Peelite Conservatism, and, more controversially, an incipient Liberal party.[106] For Peter Mandler, it represented the zenith of Whiggism and its retrogression.[107] Miles Taylor has shown how, stimulated by constitutional reform, Radicals likewise 'acquired an unprecedented influence in parliament'.[108] Tracing the activities and developments – both in intellectual and organisational terms – of these fledging parties in response to the pressures and strains prompted by an industrialising society has understandably occupied historians' attentions, not least since masked beneath such broad party labels lurked considerable ideological division which historians have been keen to delineate in various inventive ways.[109]

To the extent that issues raised by the legislative responsibilities of ministers impacted upon either the warp and weft of this central parliamentary narrative, or stimulated responses which can be seen as manifesting the intellectual creeds animating these various groupings at Westminster, then the four nations scope of reform legislation has received attention. In practice, this has meant, for the most part, a bestowal of heightened attention on Irish legislative affairs. For Jon Parry, Richard Brent and Joseph Coohill, it was the Irish measures of the 1830s, and most especially the issue of the appropriation of Irish church

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[105] The major works in this field are Parry, *The rise and fall of Liberal government in Victorian Britain*; Ian Newbould, *Whiggery and reform, 1830-1841: the politics of government* (London: Macmillan, 1990); Mandler, *Aristocratic government in the age of reform*; Brent, *Liberal Anglican politics: Whiggery, religion and reform, 1830-1841*; Miles Taylor, *The decline of British radicalism, 1847-1860* (Oxford: Oxford University Press, 1995). These works have largely superseded, if not replaced, those of Norman Gash, *Politics in the age of Peel: a study in the technique of parliamentary representation, 1830-50* and *Reaction and reconstruction in English politics, 1832-52* (Oxford: Oxford University Press, 1964); on parties in general, see Angus Hawkins, "'Parliamentary Government' and Victorian Political Parties, c.1830-c.1880," *English Historical Review* 104, no. 412 (1989): 638-9; Close, "The formation of a two party alignment in the House of Commons between 1832 and 1841," English Historical Review 84, no. 331 (1969): 257-77.

[106] On Peel, see Norman Gash, *Mr Secretary Peel: the life of Sir Robert Peel to 1830* (London: Longman, 1961), 13-14; Norman Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830* (London: Longman, 1972), 707-12; Boyd Hilton, "Peel: a reappraisal," *Historical Journal* 22, no. 3 (1979) 585-614; for a more recent analysis, see Richard Gaunt, *Sir Robert Peel: the life and legacy* (London: I.B. Tauris, 2010), 81-103; for arguments asserting the emergence of a more or less cohesive Liberal party in the mid- to late-1830s, see, in particular, Parry, *The rise and fall of Liberal government in Victorian Britain*, 128, and Joseph Coohill, *Ideas of the Liberal Party: perceptions, agendas and liberal politics in the House of Commons, 1832-1852* (Oxford: Wiley-Blackwell, 2011), 205-6.

[107] Mandler, *Aristocratic government in the age of reform*, 280-2.

[108] Taylor, *The decline of British radicalism*, 1.

[109] For attempts to unpick these complicated intellectual genealogies, see Richard Brent, "New Whigs in old bottles," *Parliamentary History* 11, no. 1 (1992): 151-56; and Boyd Hilton, "Whiggery, religion and social reform: the case of Lord Morpeth," *Historical Journal* 37, no. 4 (1994), 831-5.

revenues to secular ends, around which the fledgling Liberal party crystallised, breaking Grey's ministry and driving the Melbourne ministry's programme of 'justice for Ireland' between 1835 and 1841.[110] The saga of efforts to reform the municipal corporations of Ireland during that latter period has received close attention, chiefly because it represented the principal pitched battle between the embryonic Liberals and Peel's reincarnated, Tamworth-inspired Conservatives.[111] Between 1843 and 1845, Irish measures were, in turn, formative in the genesis of a distinctive 'Peelite' approach to governance that has been seen as the forerunner of later nineteenth-century efforts to kill Home Rule with kindness.[112] Debate on Peel's volte-face over the corn laws has necessarily dwelt at some length on the significance of its Irish remit in light of the escalating disaster occasioned by the failure of the potato crop in 1845.[113] Nevertheless, in general, the dominant stimulus drawing historians back to these subjects has been less that of an interest in the Irish legislation itself per se, or what it indicated about the workings of the Union, or the interactions of the four nations at Westminster, and much more its perceived role in the shaping of the general course of the party politics of the period. Conversely, since their impact was negligible on the overarching story of party politics and the making and breaking of administrations, scant regard has been paid to specifically Scottish or Welsh legislative activities. Meanwhile, as described above, English measures, though in many respects providing the backbone of the 'high political' narrative of the 1830s in the form of parliamentary reform, the poor law amendment act and the municipal corporation act, have rarely been considered in national terms or vis-à-vis policy elsewhere across the United Kingdom.

It is rather ironic that historians concerned with the reception of legislation or prospective legislation *outside* Westminster have often been more willing to consider the implications of the Imperial Parliament's four nations legislative remit during this period. Thus, in recent years, Pickering, Tyrrell and Miller have powerfully demonstrated the geographical spread of the anti-corn law league movement throughout the four nations, identifying it as 'one of the first movements in British history that both deliberately sought and achieved a national

[110] Parry, *The rise and fall of Liberal government in Victorian Britain*, 108.; Brent, *Liberal Anglican politics*, 65-104; Coohill, *Ideas of the Liberal Party*, 123-30.
[111] Hoppen, *Governing Hibernia,* 105; see also the claim made in a pamphlet of 1839 that Ireland was the 'battle-plain, upon which the Tories fight their political contests', Edward Bullen, ed., *Five reports of the committee of the Precursor Association to whom it was referred, to enquire and report upon the relative state and nature of the parliamentary franchises in the United Kingdom, and to suggest the best modes for their identification and improvement* (Dublin: R. Grace, 1839), v.
[112] Donal A. Kerr, *Peel, priests and politics: Sir Robert Peel's administration and the Roman Catholic Church in Ireland, 1841-1846* (Oxford: Clarendon Press, 1982), 110-351; Jackson, "Ireland's Long Nineteenth Century of Union," 130-1.
[113] Gaunt, *Sir Robert Peel*, 35.

presence, and was self-consciously national in its outlook'.[114] Malcolm Chase has done likewise for Chartism, whilst historians of ecclesiastical politics have long delineated the connections established between dissenters across Britain, both in response to ecclesiastical legislation, and in order actively to shape it.[115] The United Committee of Dissenters, established in March 1833, included deputies from both Wales and Scotland. Just over ten years later, the conference establishing the British Anti-State Church Association – an organisation which, as G.I.T. Machin has described, saw as one of its primary purposes the scrutiny of 'every measure discussed in Parliament which involved the society's principles and objects' – was attended by prominent Scottish dissenters and 22 delegates from Wales.[116]

Methodology

As is by now hopefully evident, the primary aim of this thesis is to break new historiographical ground by providing the first study focusing on the legislative output of the Imperial Parliament explicitly from the perspective of its role as the law-making institution for England and Wales and Scotland and Ireland, separately and conjointly, across the span of the two decades following the passage of parliamentary reform. This study takes as its chronological canvas the 22 years between the accession to power of Lord Grey's Whig ministry in November 1830 on a platform of parliamentary reform, subsequently fulfilled via the three reform acts for England and Wales, Scotland and Ireland passed two years later, and the ministerial resurrection of that very same issue, embodied – unsuccessfully – in the three reform bills introduced by Lord John Russell's ministry in early 1852. As with any compartmentalisation of chronology, there is a considerable degree of arbitrariness and pragmatism at play. One might feasibly have curtailed the study earlier: 1846, the year of the repeal of the Corn Laws has been frequently adopted as a historical caesura, particularly by those subscribing to the opinion that, with its passage was ushered in – albeit tentatively – an era of burgeoning social, commercial and economic stability, founded on free trade, and a period of party political confusion and disintegration only resolved with the passage of the second reform act of 1867.[117] By the same token, one might have plunged the timeline

[114] Paul A. Pickering and Alex Tyrrell, *The people's bread: a history of the Anti-Corn Law League* (London: Leicester University Press, 1990), 11, 42; Henry Miller, "Popular Petitioning and the Corn Laws, 1833-46," *English Historical Review* 127, no. 528 (2012): 883.
[115] Malcolm Chase, *Chartism: a new history* (Manchester: Manchester University Press, 2007), 201-4.; Stewart J. Brown, *The national churches of England, Ireland and Scotland, 1801-1846* (Oxford: Oxford University Press, 2001), 168-84. Brown, "Religion and the rise of liberalism," 683.
[116] Machin, *Politics and the Churches in Great Britain, 1832 to 1868*, 42, 161-2.
[117] Boyd Hilton, *A mad, bad and dangerous people? England 1783-1846* (Oxford: Oxford University Press, 2006), 2-3, 24-5. Michael J. Turner's two chapters on 'political leadership and political parties' in *A companion to nineteenth-century Britain*, ed. Chris Williams (Oxford: Blackwell, 2004), 125-55 were chronologically divided into periods covering 1800-1846 and 1846-1900.

backwards still further: many historians now see in the policies of the Liberal Tory administrations of the 1820s certain precursors to those subsequently taken up in the 1830s and 1840s.[118] An edited collection of works by Burns and Innes stretched the 'age of Reform' to encompass a seventy-year period between 1780 and 1850, though admitting they 'attach[ed] less significance' to the terminal than 'starting date'.[119] Nevertheless, for others, the period between 1830 and 1852 *has* possessed a more or less clear historical discreteness: for Gash, it roughly corresponded to the 'Age of Peel'; to Mandler, it was simply the 'age of Reform', whose passing mirrored the decline of the Whiggish element in the nascent Liberal party; whilst for Coohill it represented the key period in the establishment of that party and its associated 'structures, habits and expectations'.[120]

For the purposes of this study, assigning the epithet of the 'age of Reform' to the period between 1830 and 1852 makes sense both topically and heuristically. As a thesis fundamentally centred on the Imperial Parliament and its legislative reach across the four nations, the accession of the ministry in November 1830 that would entirely reshape that institution and that reach needs little explanation. By the same token, though, in retrospect, we now know the reopening of the parliamentary reform question would not reach fruition until 1866-67, still, as Robert Saunders has observed of the trio of 1852 bills, 'From the moment that reform appeared in the Queen's Speech, the representation stood condemned by the man who had most claim to be considered its architect'.[121] The parliamentary system established in 1832, and worked out over the succeeding two decades, had been destabilised. A chapter had closed.

But the chronology adopted also reflects the particular historiographical and methodological foundation upon which this study self-consciously builds. As an enquiry into the law-making process at Westminster, it draws heavily on the works of those historians, of which Hoppit and Innes stand preeminent, who have urged the value, firstly, of approaching parliament from a 'structural' point of view, in terms of its day-to-day business, whether that be managing its public and private legislative responsibilities or fulfilling its judicial functions; and secondly, and relatedly, of considering these activities, at least initially, aggregately and

[118] Parry, *The rise and fall of Liberal government in Victorian Britain*, 23-4, 93, 131; Burns and Innes, "Introduction", 35-6; Philip Harling, *The waning of 'Old Corruption': the politics of economical reform in Britain, 1779-1846* (Oxford: Clarendon Press, 1996), 198-9; Parry, *The politics of patriotism*, 46-7; Taylor, *The decline of British radicalism*, 6-7.
[119] Burns and Innes, "Introduction," 57.
[120] Gash, *Politics in the age of Peel*; Gash, *Reaction and reconstruction in English politics*; Mandler, *Aristocratic government in the age of reform*; Coohill, *Ideas of the Liberal Party*, 99, 206.
[121] Robert Saunders, *Democracy and the vote in British politics, 1848-1867: the making of the Second Reform Act* (Farnham: Ashgate, 2011), 54.

'in the round' rather than selectively.[122] Across a formidable body of work spanning the period between the Restoration and the cusp of the Reform era in 1830, at which this thesis begins, these two historians have powerfully demonstrated the wealth of insight that can be acquired from overarching synoptic surveys of Westminster legislation based on simple counting.[123] Others have followed in their footsteps. David Hayton, James Kelly and Eoin Magennis have undertaken similar analyses upon the legislation produced by the independent Irish parliament of the eighteenth century, Peter Jupp on the Irish legislation of 1801-41, and, more recently, Aaron Graham has offered an instructive colonial perspective via analysis of the legislative output of the Jamaican assembly between 1664 and 1839.[124] More generally, Paul Seaward has recently sounded a renewed clarion call for studies of parliament which focus more closely on its 'nature…as an institution' where attention is given as much to its voluminous legislative and judicial responsibilities as to 'confrontations over political rights and power'.[125]

At the heart of much of this work rests a fundamental belief that, various caveats notwithstanding, there are valuable insights to be gained from all-encompassing, 'birds-eye' views of parliamentary activity over long periods of time, and that one way of considering

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[122] Julian Hoppit and Joanna Innes, "Introduction," in *Failed legislation, 1660-1800: extracted from the Commons and Lords Journals*, ed. by Julian Hoppit, with an introduction by Julian Hoppit and Joanna Innes; compiled with the assistance of Edmund Green, Nyani Samarasinghe, and John Styles (London and Rio Grande, OH: Hambledon, 1997), 1; Julian Hoppit, Joanna Innes, and John Styles, "Towards a history of parliamentary legislation, 1660-1800," *Parliamentary History* 13, no. 3 (1994): 313-19; Hoppit, "Introduction," 3; Hoppit, "Patterns of parliamentary legislation 1660-1800," 109-10; see also Sheila Lambert's pioneering *Bills and Acts: Legislative Procedure in Eighteenth Century England* (Cambridge: Cambridge University Press, 1971); as well as Hugh Berrington, "Partisanship and dissidence in the nineteenth-century House of Commons," *Parliamentary Affairs* 21 (1968): 339; Maurice Cowling, *1867: Disraeli, Gladstone and revolution* (Cambridge: Cambridge University Press, 1967), 317.

[123] The major works here are: Hoppit, "Patterns of parliamentary legislation 1660-1800," 109-31; Hoppit and Innes, "Introduction," 1-40; Hoppit, "The Nation, the State, and the First Industrial Revolution," 307-31; Hoppit, *Britain's political economies*; Joanna Innes, "Parliament and the shaping of eighteenth-century English social policy," *Transactions of the Royal Historical Society* 5th ser., 40 (1990): 63-92; Joanna Innes, "The local acts of a national parliament: parliament's role in sanctioning local action in eighteenth-century Britain," *Parliamentary History* 17, no. 1 (1998): 23-47; Innes, "Legislating for three kingdoms," 15-47; Hoppit, Innes, and Styles, "Towards a history of parliamentary legislation, 1660-1800," 312-21.

[124] David Hayton, "Introduction: the Long Apprenticeship," *Parliamentary History*, vol. 20, no. 1 (2001): 7-12; James Kelly, *Poynings' Law and the making of law in Ireland, 1660-1800* (Dublin: Four Courts, 2007); Eoin Magennis, "The Irish Parliament and the Regulatory Impulse, 1692–1800: the Case of the Coal Trade." *Parliamentary History* 33, no. 1 (2014): 54-8; Peter Jupp, "Government, parliament and politics in Ireland, 1801-41," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 146-68; Graham, "Jamaican legislation and the transatlantic constitution, 1664–1839," 327-55; for the judicial responsibilities of parliament, see Philip Loft, "Litigation, the Anglo-Scottish Union, and the House of Lords as the High Court, 1660–1875," *Historical Journal* 61, no. 4 (2018): 943-67.

[125] Seaward, 'Why the history of parliament has not been written', 6, 11; Ryan Vieira's recent monograph on time at Westminster presents an original approach to adopting such an institutional focus: Ryan Vieira, *Time and Politics: Parliament and the Culture of Modernity in Britain and the British World* (Oxford: Oxford University Press, 2015).

'where Parliament was putting so much of its effort' lies in quantitative assessment.[126] In consequence, underpinning a good deal of such research have been large empirical surveys – in the case of Hoppit and Innes, databases recording various aspects of legislative initiative at Westminster, public and private, including its subject-matter and geographical scope, between 1660 and 1830.[127] Crucially, neither Hoppit nor Innes have ever claimed that such sweeping quantitative analyses could or should replace in-depth studies of particular cases, but rather that the two can fruitfully be undertaken in tandem, with the 'comprehensive' and 'systematic' usefully serving as a contextual precursor to the more specific and detailed.[128] In that way, one is enabled to circumvent some of the pitfalls associated with a 'high' political parliamentary narrative that necessarily focuses upon certain measures deemed to be significant to the 'making and breaking of ministries, nature of party conflict [and the] construction of systems of political influence', whilst at the same time being able more confidently to assert the degree to which particular legislative activity was or was not representative of larger, more sustained trends.[129]

The following work is based on this methodology. At its core is a database of over 3500 records, each, in turn, containing more than ten separate pieces of information. Every public general bill that reached the stage of being ordered to be printed by, or delivered to, the Commons has been given a separate entry noting, *inter alia*, the session in which it was presented, the chamber in which it was introduced, its success or failure, its short-title, the subject(s) with which it was concerned, and, crucially, the nations and (where appropriate) counties to which it applied. In its attempt to pin down the geography of every public general bill introduced to the Commons between October 1830 and July 1852, it broaches virgin territory in the historiography of the Reform era. To date, no work has ever attempted to trace precisely what Reform entailed in legislative terms nor its territorial inflections and incidence.

That is, in no small part, because such research presents significant obstacles. Recording bills and acts requires one to trawl through the *Journals* of the House of Commons and House of Lords, cross-referencing with the published statutes, parliamentary papers and, where necessary, *Hansard*.[130] This has entailed various limitations in the scope and scale of this thesis. For a start, this study attends exclusively to *public general* bills, ignoring the

[126] Hoppit, *Britain's political economies*, 41.
[127] For details on the database, see Hoppit and Innes, "Introduction," 1-40; Hoppit, Innes, and Styles, "Towards a history of parliamentary legislation," 313-17.
[128] Hoppit, *Britain's political economies*, xv, 40-1; Hoppit, Innes, and Styles, "Towards a history of parliamentary legislation," 317.
[129] Innes, "Parliament and the shaping of eighteenth-century English social policy," 66.
[130] Rose, *Understanding the United Kingdom*, 133.

mass of private and local measures which, as we shall see in Chapter 2, continued to dominate the overall legislative schedule in numerical terms, especially during the 1840s. It also deals only with those measures which either originated in the Commons, or made their way to that House from the Lords. Bills arising in the Lords which never left that chamber have not been included. Although partly borne of constraints imposed by time, these limitations also reflect the nature of the study. Private legislation was overwhelmingly local in character, sought out by individuals and companies to meet their own specific ends.[131] This is a study of the *national* dimensions of the Imperial Parliament's legislative output in an age where national legislation – 'bold measures of administrative reform aiming to embrace the whole country' – became accepted practice.[132] In the creation of such national legislation, moreover, the Reformed Commons enjoyed a preeminent status: whereas in excess of 2000 acts originating in the Commons reached the statute book between 1830 and 1852, less than 350 began life in the Lords.[133]

More importantly for our purposes, gauging the geographical extent of acts and bills is often far from clear-cut – and was no less so for contemporaries.[134] Such territorial ambiguities could arise from several causes, though perhaps most fundamentally they reflected a simple lack of thought or care on the part of legislators as to the geographical application of prospective measures, or a shoddiness in the quality of draftsmanship.[135] Often insufficient attention was given to 'seeking that the phraseology of Bills applying to all parts of the kingdom should carefully be framed, so as to have special application to the particular laws or forms of procedure which obtain in the separate parts of the kingdom'.[136] That led, as the foremost legal manual for Scottish JPs remarked, to 'difficult questions…as to whether certain statutes appl[ied] to Scotland', or were intended to do so; its Irish equivalent likewise observed the 'embarrassment' often felt by that nation's magistrates 'when called upon to act under a particular statute…to know whether its provisions apply to Ireland, when the act is silent on the subject'.[137] As that latter remark intimated, a further source of confusion lay

[131] Langford, *Public life and the propertied Englishman, 1689-1798*, 166; Hoppit, "Patterns of parliamentary legislation 1660-1800," 116-17; Innes, "The local acts of a national parliament," 23-47.
[132] Parry, *The rise and fall of Liberal government in Victorian Britain*, 94.
[133] Statistics arising from analysis undertaken on my own database.
[134] Arthur Symonds, *The mechanics of law-making: intended for the use of legislators, and all other persons concerned in the making and understanding of English law* (London: E. Churton, 1835), 44-5, 69-71.
[135] Hoppit, *Britain's political economies*, 107; Innes, "Legislating for three kingdoms," 41 n.5; D. Walker, *A legal history of Scotland*, 7 vols. (Edinburgh: W.Green/Butterworths, 1988-2004), V, 249.
[136] *Report from the Select Committee on the Statute Law Commission; together with the proceedings of the committee minutes of evidence, appendix and index*: *PP* 1857 (Session 1) (99) ii. 790-1; Hoppen, "An Incorporating Union?, 344.
[137] Hugh Barclay, *A digest of the law of Scotland with special reference to the office and duties of a justice of the peace* (Edinburgh: T.&T. Clark, 1853), 11; Edward Parkyns Levinge, *The Justice of the Peace for Ireland: comprising the practice in indictable offences, and the proceedings preliminary*

in unwritten assumption. Perhaps most clear-cut in this regard, was the tenet, established by an act of 1746, that in those acts 'where England is mentioned, it encompasses Wales also'.[138] Thereafter, however, matters got rather murkier. As lawyer Charles Erdman Petersdorff noted in 1831, by the terms of the Union of 1707, all 'general acts' were held to extend to Scotland unless that nation was explicitly excluded. By the Union of 1801, Ireland 'stood in the same situation as Scotland', such that:

> All acts…of a general nature, or on subjects which apply equally to the whole of the kingdom, are held…to include Ireland, in cases even where Ireland is not expressly named, if the provisions are such as can be carried into execution in Ireland. But in the cases where the subject does not apply to Ireland…or where, by the context of the act…it appears that Ireland was not in the contemplation of the legislature, such acts cannot with propriety be held to extend to Ireland; and these observations seem to apply in an equal degree to Scotland.[139]

Unsurprisingly, in light of such ambiguity, throughout the Reform era, court cases frequently turned upon the question of whether certain measures did or did not apply to one of the four nations.[140]

More fundamentally, since one important aspect of the legislative process itself lay in establishing the appropriateness of any given measure's scope, recording the geographical extent of *bills* presents an even more hazardous operation. The multinational dimensions of the Imperial Parliament lent a certain territorial instability to the legislative process. Scope might be extended or contracted. In 1831, for instance, the terms of Sir John Hobhouse's 1831 cotton factories bill was extended so as to embrace Scotland during its committee stages, whilst, in the following 1832 session, Henry Warburton somewhat reluctantly - 'it [being] not his original intention' – elongated the remit of his anatomy measure to

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and subsequent to convictions (Dublin: Hodges, Smith, 1860), 9; G.F.A. Best, "The Scottish Victorian city," *Victorian Studies* 11, no. 2 (1967): 331; K. Theodore Hoppen, *The mid-Victorian generation, 1846-1886* (Oxford: Clarendon Press, 1998), 519-20; Lord Oxmantown to Sir William Gosset, [?] 1832, Chief Secretary's Office registered papers, NAI, CSO/RP/1832/5230/3; for an example of such confusion in debate, see *HPD*, 13 Dec. 1847, vol. 95, cc. 971-4.

[138] The statute in question is the Wales and Berwick act (20 George II, c.42); Charles Erdman Petersdorff, *A Practical and Elementary Abridgment of the Cases Argued and Determined in the Courts of King's Bench, Common Pleas, Exchequer, and at Nisi Prius: And of the Rules of Court, from the Restoration in 1660, to Michaelmas Term, 4 Geo. IV. With Important Manuscript Cases, Alphabetically, Chronologically, and Systematically Arranged and Translated; with Copious Notes and References to the Year Books, Analogous Adjudications, Text Writers, and Statutes, Specifying what Decisions Have Been Affirmed, Recognised, Qualified, Or Over-ruled; Comprising ... a Practical Treatise on the Different Branches of the Common Law*, 15 vols. (London: Treadway, 1831), XIV, 512.

[139] *Ibid*.

[140] Hoppit, "The Nation, the State, and the First Industrial Revolution," 330; *Reports of cases decided in the Supreme Courts of Scotland, and in the House of Lords on appeal from Scotland…being a continuation of the Scottish Jurist, volume 19* (Edinburgh: M. Anderson, 1847), 322-31.

encompass both Britain *and* Ireland, in large part, it would appear, at the solicitation of two deputations from the College of Surgeons in Dublin.[141] In assessing the geography of bills – that is to say, stillborn acts – there is thus always the danger that one is attempting to pin down a moving object. Nevertheless, this study's analysis suggests this element of geographical malleability should not be overplayed: only 24 acts and bills were discovered whose remit can be categorically stated to have expanded (or contracted) during the parliamentary process itself.

As these reflections indicate, significant efforts have gone into establishing the geographical extent of the legislation of the Reform era. Where the scope of measures was not explicit from its title (and sometimes even when it was), the actual text of all the different printed iterations of bills, as well as the final statute (where applicable) have been read, and various criteria employed for judging likely scope. These include the mention of law courts and officials specific to one of the three kingdoms, as well as the cross-citing of other pieces of legislation which *can* be more assuredly tied down in their application. Notwithstanding all these efforts, the geographical scope of some 67 bills and 2 acts was recorded as 'Uncertain'. The contemporary printed indexes to statutes have been avoided. In 1841, Irish lawyer and future MP Joseph Napier warned 'against trusting to the letters attached to the titles in the index published with the statutes: these letters are…dangerous guides as to the extent of the statute to any particular part of the United Kingdom', and this study can unreservedly confirm those dangers.[142]

For these reasons, and more besides, this study wholeheartedly joins with Hoppit and Innes in recognising that such systematic quantification in no way holds all the answers. Quite aside from the more technical obstacles presented by efforts to establish geographical scope, one cannot afford to lose sight of the fact that 'ultimately legislation is the product of particular circumstances', and that, in consequence, the import and impact of laws can not be adequately assessed by sheer volume alone.[143] For want of a better phrase, certain bills and acts simply carried greater historical 'weight' than others. According to almost all standards of measurement the English and Welsh representation of the people act of 1832 possessed considerably greater significance than the 1835 Anglo-Welsh tithing of turnips act. However, both were introduced to the Commons, both reached the statute book, and both applied to the same geographical area. Both, thus, register equally in our counts of acts passed for England and Wales during the 1830s.[144]

[141] *HPD*, 30 Jul. 1831, vol.5, cc.558-9; 11 Apr. 1832, vol.12, cc.309-10.
[142] Joseph Napier, "On the statute law of Ireland," *The Legal Reporter* 1, no. 30 (1841): 245.
[143] Hoppit, "Patterns of parliamentary legislation 1660-1800," 109-10.
[144] 2 & 3 William IV, c.45; 5 & 6 William IV, c.75.

Quantitative evaluations can indeed only get one so far, and that is precisely why, save for Chapter 2, they serve more as a diving-board from which to survey the pool rather than the pool itself. Elsewhere in the thesis, such empirical analysis is thus nuanced, broadened and extended by more qualitative assessments based upon a richer bedrock of source material. The printed parliamentary papers – that is, the bills themselves, but also the reports of select committees and royal commissions, as well as returns – underpin this study, together comprising a resource still surprisingly underused by historians seemingly drawn to the lure of the manuscript.[145] That is not to say that manuscript sources have not proved a valuable source of information to this work, and most especially those collections attached to the offices of the Lord Advocate, held in the National Records of Scotland in Edinburgh, and to the Irish Chief Secretary, located at the National Archives of Ireland in Dublin, neither of which have previously attracted much scholarly interest.[146] Whilst various other personal collections have been consulted, in a study of this scope and extent, where relevant manuscript material could potentially crop up almost anyway, a good deal of selectivity has had to be undertaken. This was an era in which both the newspaper and periodical press expanded considerably across all four nations, 'inform[ing] legislation of public opinion and…inform[ing] the people of the acts of legislation'.[147] This thesis has taken advantage of that upsurge, and of the relative ease of access presented by their mass digitisation, to consult a considerable volume of titles. Finally, it has made sustained use of other contemporary printed material, particularly pamphlets and biographies.

This is an ambitious study, designed to offer a synoptic overview of the legislative contours of the Union during a crucial twenty-year period: the sheer breadth of the thesis necessarily means exhaustive research on every subject to which it attends was not possible, but it is hoped that by offering a methodological and contextual framework by which to navigate the period, it shall serve as a point of departure hereafter for more narrowly focused studies of specific legislative effort.

Thesis outline

While the main body of the thesis, contained in Chapters 2 to 5, ranges widely over the entirety of the Reform era, the opening and closing chapters are deliberately designed to

[145] Geoffrey Elton, "Parliament in the sixteenth century: functions and fortunes," *Historical Journal* 22, no. 2 (1979): 259.
[146] I.G.C. Hutchison, "Archival sources for the study of Scottish political history in the nineteenth and twentieth centuries: a survey," *Scottish Archives* 4 (1998): 32-41.
[147] The words of Edward Bulwer-Lytton, qu. in Alexander Andrews, *The history of British journalism from the foundation of the newspaper press in England, to the repeal of the Stamp Act in 1855*, 2 vols. (London: Richard Bentley, 1859), I, 5; For a useful snapshot, see the parliamentary return of *Stamps issued to national and local newspapers in the United Kingdom, in each month of the three quarters ended 31 December 1838*, *PP* 1839 (9), xxx, 469-82.

offer more firmly rooted chronological expositions, focused on several key climacterics in the legislative activities of the four nations at Westminster. Chapter 1 provides the crucial point of departure for all that follows, exploring the Reform 'crisis' of 1830-32 from its hitherto neglected four nations dimensions. It seeks to demonstrate the extent to which, in the wake of the repeal of the test and corporation acts and Catholic emancipation, both pro- and anti-reformers alike perceived the three parliamentary reform acts for England and Wales, Scotland and Ireland as the capstone in a fundamental restructuring of the political relations of the four nations of the Union. For the Whig ministry and their supporters, the reform bills presented the opportunity to realign the Imperial Parliament with the people of the four nations, drawing them together harmoniously into a truly United Kingdom represented at Westminster. For their opponents, it risked throwing out the finely-tuned British constitutional balance honed in 1707 and tweaked in 1800. Over the course of the eighteen months of the crisis, however, for both sides alike, Reform became a topic that ignited national passions. Questions over the apportionment of seats transmogrified into larger debates over the nature of the Union itself, whilst the degree to which establishing consistency in provision across the three kingdoms' measures was or was not desirable prompted cries of imperial injustice and national anguish alike. For better or worse, however, all parties foresaw that such parliamentary adjustments represented merely the first act in a much larger Reform programme set to be played out across England, Wales, Scotland and Ireland over the coming years.

Chapters 2 to 5 plunge squarely into the legislative record of the Reform era. Though each of the chapters approaches that subject from different angles, they are nonetheless united in focusing upon the territorial or geographic dimensions – what Julian Hoppit has termed the 'reach' – of the bills being deliberated and acts being passed by the parliaments of the 1830s and 1840s.[148] Chapter 2 begins by situating the legislative record of the Reform era within its longer chronological context, both in terms of the rapid escalation of statutes produced by parliament from the second half of the eighteenth century, and, more especially, vis-à-vis the first thirty years of the Anglo-Irish Union. Thereafter, proceeding chiefly by means of relatively simple counts, it delineates the overarching quantitative contours of the legislative record of the 1830s and 1840s as they ran, separately and conjointly, across the four component nations of that Union. Questions of legislative agency form the subject-matter of Chapter 3. Who took responsibility for handling the legislative affairs of England, Wales, Scotland and Ireland during the Reform era, and how was this voluminous four nations business divided between minister and backbencher? Chapter 4 adds rather more meat to the lean quantitative bones served up thus far. It does so by re-interrogating the geographical

[148] Hoppit, *Britain's political economies*, 103.

breakdown of the acts and bills of the 1830s and 1840s from the perspective of the different subjects and issues to which they were attending. In so doing, it provides the first comprehensive and systematic sense of what 'Reform' actually entailed as it was applied across the different territories of the Union state, both separately and in combination. It also seeks to delineate the numerous factors at play in shaping the geography of the legislation of the Reform era. Ultimately, statute-making was a matter of pragmatism as much as principle, and this chapter powerfully demonstrates that fact. Chapter 5 refines – and complicates – the foregoing analysis. Drawing on insights from four nations or 'new' British historians, it urges the necessity of considering the implications of the multinational character of the Reformed Imperial Parliament upon the nature of the legislative processes that took place therein, and upon the shape of the acts and bills produced as a result. Within a Commons chamber populated by representatives from four different nations, each legislating for themselves and each other, issues could rarely retain the neat national delineations that analysis confined solely to the text of the statute book or parliamentary paper might suggest. Instead, legislators from all four nations operated within distinctly comparative environments: horizons extended beyond national borders in order to seek out parallel principles and examples of analogous practice. Each of the three kingdoms functioned as legislative laboratories for the others. These comparative, interactive dynamics in the legislative process will be shown frequently to have made their mark on the resulting bills and acts, calling into question the imposition of too rigid dichotomies between separate and imperial legislation.

Finally, Chapter 6 returns to the theme of the tensions and strains raised by the four nations dimensions of the legislative process, as first encountered in the 'crisis' of 1830-32. It does so by focusing on two particular episodes. The first, during the second half of the 1830s, attends to the upwelling of English anger at what was widely perceived as the dictation of that nation's legislative affairs by the votes of Scottish and Irish Members upon which Melbourne's Whig ministry was seen as being beholden. The second shifts attention to the final years of the Reform era, examining the legislative output of Lord John Russell's Whig ministry. For a variety of reasons, that record will be shown to have inflamed the passions of all four portions of the United Kingdom, calling into question the ability of the Whigs to serve as trustworthy guardians of the national interests of England, Wales, Scotland and Ireland, whether separate or conjoined.

The conclusion reflects on the seemingly contradictory trends of integration and separation that appear to have underpinned the legislative relations and record of the four nations at Westminster between 1830 and 1852. Ultimately, it will suggest, it might have been

precisely in its Janus-faced complexion that the legislative Union derived some of its greatest strength and staying power.

A note on Wales and nomenclature

Whilst this is a study of how the Westminster parliament legislated for the four nations of the United Kingdom, it is not, and does not claim to be, a 'pure' four nations history in the sense in which explicit practitioners of that methodology have sought to present it.[149] That is chiefly because it grants exclusively Welsh legislation, and the processes surrounding its formulation, relatively scant consideration, thus falling foul of the accusations of 'lopsidedness' which Colin Kidd has identified as a chief feature of this historiographical project.[150] In the case of this work, such Cambrian scarceness is not meant to imply that there are not important political narratives of early Victorian Wales waiting to be told. Rather, it reflects the fact that, as a study which explicitly takes *national legislation* as its defining focus, and which wishes to approach that subject in terms and language that would have been broadly recognised by contemporaries, Wales neither possessed a constitutional or legislative identity separate from that of England, nor was it conceived of as a 'nation' in anything like the same sense as that term was understood in relation to England, Scotland or Ireland by the parliamentarians of the first half of the nineteenth century.[151] It also, ultimately, reflects the constraints of a time-limited project: research undertaken along the lines delineated by Matthew Cragoe in his article examining the record of Welsh MPs in representing those interests *in* – rather than *of* – Wales during the 1850s and 1860s is unquestionably an avenue which might yield further insights, and which merits further study.[152] This thesis thus openly admits its lopsidedness – indeed, Kidd himself concedes its 'inevitab[ility]' – and not just in the small role it apportions to Welsh affairs.[153] It also makes no attempt to obscure the fact that, both in terms of their sheer numbers, and their influence on the measures of the other nations, English legislation dominated proceedings at Westminster. Indeed, it was precisely that circumstance which induced a good deal of the parliamentary and legislative dynamics which this thesis wishes to explicate.

Any historian embarking on a subject which attempts to attend to the politics of the United Kingdom in the nineteenth century enters upon what has recently been described as a 'semantic minefield'.[154] The volatility of nomenclature reflects the geopolitical complexities

[149] Lloyd-Jones and Scull, 'A new plea for an old subject?, 9.
[150] Colin Kidd, "Wales, the Enlightenment and the new British history," *Welsh History Review* 25, no. 2 (2010): 209.
[151] Burgess, "Introduction," 3; Cragoe, *Culture, politics, and national identity in Wales*, 2.
[152] Cragoe, "'A cheaper sort of member'?," 133-48.
[153] Kidd, "Wales, the Enlightenment and the new British history," 209.
[154] Lloyd-Jones and Scull, "A new plea for an old subject?," 5.

of the situation on the ground: a polity that comprised, at one and the same time, four nations, three kingdoms (and one principality), two (major) islands and one union state. If only for reasons of simplicity and brevity, the historian must, perforce, apply descriptive labels that sometimes elide some of the intricacies that arose as a result of this remarkable piece of constitutional prestidigitation. This study moves relatively freely between utilising the four nations (i.e. England, Wales, Scotland and Ireland) and the three kingdoms (i.e. England and Wales, Scotland and Ireland) formulae. When it talks of 'separate' national legislation, it can thus refer, depending on the context, either to England and Wales as two 'separate' nations, or, more commonly, as one 'separate' kingdom. By the same token, it has often been noted that no satisfactory, pithy adjective exists to describe the United Kingdom – a fact that Robert Colls has suggested reflected contemporaries' own doubts about 'how to talk about themselves as a collective of nations'.[155] This study, when wishing to refer to measures which encompassed the United Kingdom as a whole, thus talks either of four nations legislation, union legislation, or imperial legislation. The latter is clearly a loaded term – and would have sounded thus to contemporaries as much as modern readers. Indeed, as Alexander Middleton has recently argued, questions of colonial governance assumed an especially heightened pitch of intensity during the 1830s in no small part because the reform legislation of 1832 was widely seen as having eliminated the colonists' voice at Westminster.[156] Nevertheless, when deployed as an adjective in this thesis, 'imperial' is utilised on the basis that it was the epithet explicitly adopted in place of 'British' by the new parliament established in 1800 following the addition of Irish MPs to those of England, Wales and Scotland.

[155] Robert Colls, *Identity of England* (Oxford: Oxford University Press, 2004), 377.
[156] Alexander Middleton, "Robert Montgomery Martin and the origins of 'Greater Britain'", *Journal of Imperial and Commonwealth History* (2021): 1-33, accessed Apr. 23, 2021, https://www.tandfonline.com/doi/abs/10.1080/03086534.2021.1892376; Miles Taylor, "Empire and parliamentary reform: the 1832 reform act revisited," in *Rethinking the age of reform : Britain 1780-1850*, ed. Arthur Burns and Joanna Innes (Cambridge: Cambridge University Press, 2003), 295-311; Miles Taylor, "Colonial representation at Westminster, c. 1800-65," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 206-21. See also Zoë Laidlaw, *Colonial connections, 1815-45: patronage, the information revolution and colonial government* (Manchester: Manchester University Press, 2005).

Chapter 1 Reforming the four nations

In his seminal *Politics in the age of Peel* (1953), Norman Gash issued a salutary warning for historians of nineteenth-century politics: 'It is easy to forget', he observed,

> in concentrating on the main struggle for reform of parliament in 1831-2 that the 'Reform Act of 1832' is a misnomer. We should properly speak of the Reform Acts of 1832, there being one for England and Wales, one for Scotland, and one for Ireland.[1]

For the most part, Gash's warning has gone unheeded by historians, willing to take literally Thomas Creevey's contemporary verdict that the upheaval of 1830-2 was 'the battle of Earl Grey and the *English* nation'.[2] Michael Brock's *The Great Reform Act* (1973), which remains the standard narrative of the crisis, almost entirely ignored the Scottish and Irish dimensions after April 1831.[3] If studies by William Ferguson, Michael Dyer and Theo Hoppen have delivered acute analyses upon the drafting and passage of the Scottish and Irish reform acts, still the dominance of the national paradigm in the writing of nineteenth-century political histories has produced an overwhelming tendency to consider each nation's experience in splendid isolation from those of its neighbours.[4] At the same time, interpretations of the intentions behind Reform – whether a timely concession to avert revolution, a clever ploy to segregate county and borough voters, or a judicious restructuring to make the electoral system 'as much like the old one as possible' – have been focused almost entirely on the English context alone.[5] So too has much of the debate about its

[1] Norman Gash, *Politics in the age of Peel: a study in the technique of parliamentary representation, 1830-50* (London: Longman, 1953), 34.
[2] Sir Herbert Maxwell, ed., *The Creevey papers*, 2 vols. (London: John Murray, 1903), II, 247 (my italics).
[3] Michael G. Brock, *The Great Reform Act* (London: Hutchinson, 1973), 392.
[4] William Ferguson, "The Reform Act (Scotland) of 1832: intention and effect," *Scottish Historical Review* 45, no. 139 (1966): 105-14; Michael Dyer, "'Mere detail and machinery': the Great Reform Act and the effects of redistribution on Scottish representations 1832-1868," *Scottish Historical Review* 62, no. 1 (1983): 17-34; K. Theodore Hoppen, "The franchise and electoral politics in England and Ireland 1832-1885," *History* 70, no. 229 (1985): 202-17; K. Theodore Hoppen, "Politics, the law, and the nature of the Irish electorate 1832-1850," *English Historical Review* 92, no. 365 (1977): 746-76.
[5] J.R.M. Butler, *The passing of the Great Reform Act* (London: Longmans, 1914), 255; G.M. Trevelyan, *Lord Grey of the Reform Bill* (London: Longmans, 1920), 261; D. C. Moore, "Concession or cure: the sociological premises of the first Reform Act," *Historical Journal* 9, no. 1 (1966): 39-59; D. C. Moore, "The other face of reform," *Victorian Studies* 5, no. 1 (1961): 7-34; Frank O'Gorman, *Voters, patrons and parties: the unreformed electoral system of Hanoverian England, 1734–1832* (Oxford: Oxford University Press, 1989), 392; see also, Norman McCord, "Some difficulties of parliamentary reform," *Historical Journal* 10, no. 3 (1967): 376-90; John Milton-Smith, "Earl Grey's cabinet and the objects of parliamentary reform," *Historical Journal* 15, no. 1 (1972): 55-74; Ian Newbould, *Whiggery and reform, 1830-1841: the politics of government* (London: Macmillan, 1990); Philip J. Salmon, "Electoral reform and the political modernization of England, 1832-1841,"

consequences: when John Philips asserted that the 'Great Reform Act…justified its epithet', it was on the basis that it 'alter[ed] *England's* political environment profoundly'.[6]

Whilst this chapter fully embraces Gash's counsel to recognise the tripartite character of the reform legislation, it suggests too that those three bills covering the four nations of England, Wales, Scotland and Ireland need to be considered in conjunction also. The necessity for such a multinational approach reflects the fact that alongside those Reform discourses concerning the extension of the franchise, or the redrawing of electoral boundaries, both of which have dominated the secondary literature in all four national historiographies, was another involving questions about the implications of the Whig legislation for the national relations of England, Wales, Scotland and Ireland, and, thus, of the character and substance of the Union as a whole.[7] As we shall see, it was upon such an interconnected imperial, United Kingdom-wide basis that individuals – both pro- and anti-reform – time and again conceived, scrutinised and debated such measures. For the Whig ministry itself, this chapter shall suggest, this overarching four nations dimension to the reform debates went to the very crux of the project itself. Reform needed to be imperial in its scope precisely because in the eyes of its Whig authors one of its primary aims was to draw together the four nations into a tighter, more integrated polity, whose interests and opinions were adequately represented in a remodelled Imperial Parliament.[8] It shall be suggested that in this project of 'Union regeneration', the Whigs perceived the reform acts as a culmination to various legislative developments of the preceding years, most especially Catholic Emancipation, and the repeal of the test and corporation acts, which had put the spotlight on the relations of the four nations at Westminster and beyond, and, thus on the status of the Union itself. That the Whig authors of the reform bills for England and Wales, Scotland and Ireland thus clearly conceived of their handiwork as comprising separate panels of a single imperial reform triptych should occasion relatively scant surprise, and closer examination of the terms of those bills – most especially in their initial guise – will reveal the similarity of practice and principle underpinning them. In the second half of this chapter, we will see that the

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Parliaments, Estates & Representation 23, no. 1 (2003): 49-67; for an excellent overview of the historiography on the Anglo-Welsh measure, see Philip J. Salmon, *Electoral reform at work: local politics and national parties, 1832-1841* (Woodbridge: Boydell for the Royal Historical Society, 2002), 3-11.

[6] John A. Phillips and Charles Wetherell, "The Great Reform Act of 1832 and the political modernization of England," *American Historical Review* 100, no. 2 (1995): 411 (my italics). See also John A. Phillips, *The great reform bill in the boroughs: English electoral behaviour, 1818-1841* (Oxford: Clarendon Press, 1992), 300.

[7] Gordon Pentland, "The Debate on Scottish Parliamentary Reform, 1830-1832," *Scottish Historical Review* 85, no. 1 (2006): 100.

[8] Jonathan Parry, *The rise and fall of Liberal government in Victorian Britain* (London: Yale University Press, 1993), 18. See also Jonathan Parry, *The politics of patriotism: English liberalism, national identity and Europe, 1830-1886* (Cambridge: Cambridge University Press, 2006), 44.

opponents of reform were no less convinced of the necessity of understanding the reform bills from a conjoined four nations perspective.[9] Initial attacks on the measures emphasised their likely imperial consequences, and, in particular, focused on the proposed diminution of Anglo-Welsh Members vis-à-vis Scottish and Irish as the principal failing in the bills. It was upon that very subject that the first incarnation of the English and Welsh bill was defeated in April 1831.[10] With anti-reform largely condemned by the overwhelming support given to reform at the polls in July 1831, thereafter each of the four nations groped to secure the best terms it could, with the result that national tensions across and between England, Wales, Scotland and Ireland became a prominent feature of proceedings. Many of these tensions foreshadowed rifts in the legislative process that re-emerged, and widened, in the subsequent twenty years. Nevertheless, in spite of such national fractures, in the wake of their inscription in the statute book, the reform acts brought forth a mass of diverse and much-heightened expectation explicitly on the grounds that the reformed Imperial Parliament proffered, for the first time, a legislature truly attuned to, and representative of, the national interests of each portion of the United Kingdom, and of the Union as a whole. Legislation had been the means by which reform had been brought to the four nations – and so, reformers held, must it continue to be so.

The Union on the eve of reform

The years immediately preceding the accession of Lord Grey's reform ministry in November 1830 witnessed important developments in the relations of England, Wales, Scotland and Ireland, both at Westminster and beyond. Whilst the catalysts to such shifts were various, most notable was the passage of legislation repealing the test and corporation acts (1828) and, a year later, removing the remaining penal laws against Catholics. Amongst their advocates, both acts were heralded as crucial steps in the creation of a more integrated, 'grander United Kingdom', which 'recognised the equal value of each of [its] component parts', thereby securing the removal of considerable obstacles to the completion of the Union.[11] In the case of the test and corporation acts, enacted in the late seventeenth century, official municipal responsibilities and civil and military office in the service of the Crown were limited exclusively to those in receipt of the sacrament according to the Anglican rites.[12] Consequently, such stipulations rendered ineligible Presbyterian Scotsmen, Catholic

[9] Pentland, "The Debate on Scottish Parliamentary Reform, 1830-1832," 105-9.
[10] *HPD*, 19 Apr. 1831, vol. 3, cc. 1605-89.
[11] Richard Brent, *Liberal Anglican politics: Whiggery, religion and reform, 1830-1841* (Oxford: Oxford University Press, 1987), 50-1.
[12] Stewart J. Brown, *The national churches of England, Ireland and Scotland, 1801-1846* (Oxford: Oxford University Press, 2001), 7-8.

Irishmen and dissenting English and Welshmen alike.[13] Though, in practice, annual indemnities had been passed for many years in order to abrogate such restrictions, nevertheless, in presenting the measure to the Commons in April 1828, Lord John Russell had been at pains to demonstrate how 'totally at variance' such punitive statutes were with 'policy in Scotland and Ireland'.[14] He stressed how Scotsmen were faced with exclusion from office 'although being of the church established by law in another part of the kingdom', whilst in Ireland no test act had ever been deemed necessary.[15] Russell's seconder, John Smith (Midhurst), likewise called on the House to look to Ireland. 'Were these laws repealed', Smith enjoined, 'the Dissenters would cherish feelings of amity towards the established church, and a union would be cemented between England and Ireland, which had hitherto existed in little but name'.[16] Robert Cutlar Fergusson (Kirkcudbrightshire) set the imperial context of the question even more starkly:

> By the enactments complained of, the majority of the population of the three kingdoms – for such were the Dissenters of England, of Ireland, and of Scotland – were excluded from the service of the state, unless they renounced their faith. In respect of the exclusion of the members of the Church of Scotland, it was the prescription of a whole nation.[17]

Less than a year later, the passage of Catholic Emancipation, achieved via three separate bills, chief among which was the statute abolishing an act of 1678 excluding Roman Catholics from sitting at Westminster, was heralded by its supporters as occasioning a far more dramatic renovation of the British and Irish constitutional landscape. At the time of the Union in 1800, it had been generally held that Pitt was duty-bound to legislate for emancipation.[18] His failure to do so served to stymy the Union from the moment of its inception.[19] So it was, then, that when emancipation finally reached the statute books in 1829, William Empson, in the pages of the *Edinburgh Review*, judged that, henceforth, that date should be considered as 'the real year from which the Irish Union ought to run'.[20] As Hudson Gurney (Newtown I.O.W) and Henry Parnell (Queen's Co.) and other advocates of

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[13] G.I.T. Machin, "Resistance to repeal of the Test and Corporation Acts, 1828," *Historical Journal* 22, no. 1 (1979): 120; Gordon Pentland, *Radicalism, reform and national identity in Scotland, 1820-1833* (Woodbridge: Boydell for the Royal Historical Society, 2008), 63-5.
[14] Gordon Pentland, "Radicalism and reform in Scotland, 1820-1833," (unpublished PhD thesis, University of Edinburgh, 2004), 77; *HPD*, 26 Feb. 1828, 2nd series, vol. 18, cc. 691-2.
[15] *HPD*, 26 Feb. 1828, 2nd series, vol. 18, c. 691.
[16] *Ibid.*, c. 700.
[17] *Ibid.*, c. 721.
[18] G.I.T. Machin, *The Catholic question in English politics, 1820 to 1830* (Oxford: Oxford University Press, 1964), 12.
[19] Douglas Kanter, *The making of British unionism, 1740-1848: politics, government, and the Anglo-Irish constitutional relationship* (Dublin: Four Courts, 2009), 321-22.
[20] William Empson, "The last of the Catholic question – its principle, history and effects," *Edinburgh Review* 49, no. 97 (Mar. 1829): 268.

the measure noted in the debates themselves, emancipation represented nothing less than the 'complet[ion]…of the Union'.[21]

Those who opposed the repeal of the test and corporation acts and Catholic emancipation were no less convinced of those measures' critical bearing on the character of the Union. For such individuals, the inroads these statutes were seen to make upon the edifice of the exclusive Protestant and Anglican state were invariably perceived as synonymous with inroads on the preponderant *Englishness* of the constitution.[22] In the aftermath of the repeal of the corn laws in 1846, Cumberland dated the onset of 'England's downfall' as having occurred with emancipation in 1829, an event, which had, in turn, become a 'sure consequence' of the abolition of the test and corporation acts, observed the duke of Newcastle in 1837.[23] At the same time, the passage of emancipation called into doubt the national representativeness of the Imperial Parliament itself. Particularly among Ultra Tories, the fact that the Westminster parliament *could* pass such a measure, when all the evidence of petitions suggested that the English, Welsh and Scottish peoples were firmly opposed to it, suggested that some imperial scheme of reform was now necessary to realign the *British* nation with its legislature.[24] 'Had the people of England been adequately represented in 1829, the Roman Catholic bill would never have passed', opined *Fraser's Magazine* during the midst of the reform debates in May 1831.[25] Concerns were voiced that the Imperial Parliament was becoming startlingly Hibernian in complexion. In 1829, an article in *Blackwood's Edinburgh Magazine* expressed the necessity of

> ascertain[ing] what general leading principles of policy Government ought permanently to act on towards Ireland, for the sake not of its interests only, but of those of the whole of the United Kingdom. Our conviction is, that England and Scotland have been for some time, and are still, in course of frantic sacrifice to Ireland.[26]

The desire to recalibrate parliament in order to make it more representative of British national opinion lay behind the otherwise inexplicable decision of the Ultra Marquis of

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[21] *Hereford Journal*, 25 Mar. 1829, 4; *HPD*, 19 Feb. 1829, 2nd series, vol. 20, c. 422.
[22] Robert Saunders, "God and the Great Reform Act: Preaching against Reform, 1831–32," *Journal of British Studies* 53, no. 2 (2014): 396.
[23] Qu. in H. van Thal, *Ernest Augustus: Duke of Cumberland and King of Hanover* (London: A. Barker, 1936), 304; Henry Pelham Pelham-Clinton, 4th Duke of Newcastle, *Thoughts in time past tested by subsequent events* (London: T. and W. Boone, 1837), xix-xx.
[24] John Cannon, *Parliamentary reform, 1640-1832* (Cambridge: Cambridge University Press, 1972), 193; Brock, *The Great Reform Act*, 64.
[25] [Anon.], "The Quarterly Review on reform," *Fraser's Magazine* 3, no. 16 (May 1831): 530.
[26] [Anon.], "On what general principles ought Ireland to be governed?," *Blackwood's Edinburgh Magazine* 25, no. 148 (Jan. 1829): 40.

Blandford to introduce his own scheme of parliamentary reform, which encompassed Scotland, in early 1830.[27]

At the same time as the divisive subjects of the test and corporation acts and Catholic emancipation were heralding marked shifts in the interrelations of the four nations of the United Kingdom, a series of less controversial legislative developments across the 1820s had been working to bind those nations' previously diffuse fiscal and administrative structures into a more streamlined, cohesive, imperial machine.[28] Indeed, achieving the closer integration of British and Irish fiscal and administrative structures had proved a notable feature of the Liverpool ministry's legislative output. Following the amalgamation of the British and Irish treasuries in 1817, statutes were passed suppressing the separate Irish and Scottish boards of custom and excise in 1823 and merging those nations' treasuries into a central United Kingdom-wide body at Whitehall.[29] The ten-percent duties, established at the time of union to protect the manufactures of England and Ireland from the effects of natural or acquired advantages in the other, were abolished in 1824.[30] The British and Irish currencies were assimilated by the 6 George IV, c.79, and the stamp departments consolidated by the 7 & 8 George IV, c.55 a year later.[31] 'Taken together', observed Douglas Kanter, 'the fiscal and commercial reforms of 1817-27 constituted the most important legislative extension of unionist principles before the achievement of emancipation'.[32] During the same period, control of the Irish Commissariat, Irish Barrack Department and Irish Post Office all passed to London.[33] In subsequent years, Scotland too underwent a similar process of 'British' streamlining. In 1832, the auditing of the Scottish excise was transferred to Westminster, whilst further acts of that year and the subsequent session reassigned most of the remaining duties previously undertaken by the Scottish Barons of Exchequer to the Treasury of the United Kingdom.[34] At the same time, Harris, Whatley and

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[27] Cannon, *Parliamentary reform*, 193-4.
[28] George O'Brien, *The economic history of Ireland from the Union to the Famine* (London: Longmans, Green, 1921), 422-30; *Accounts of net public income and expenditure of Great Britain and Ireland, 1688-1800; Receipts and issues from Exchequer; Accounts of gross public income and expenditure, 1801-69*, *PP* 1868-69 (366), xxxv, 1100-3, 1120-9, 1553-94, and *passim*.
[29] Kanter, *The making of British unionism*, 153; Pentland, *Radicalism, reform and national identity in Scotland*, 57-8; Henry Cockburn, *Memorials of his time* (Edinburgh: A. & C. Black, 1856), 460.
[30] Kanter, *The making of British unionism*, 153.
[31] K. Theodore Hoppen, "An Incorporating Union? British Politicians and Ireland 1800-1830," *English Historical Review* 123, no. 501 (2008): 340; Frank Geary, "The Act of Union, British-Irish Trade, and Pre-Famine Deindustrialization." *Economic History Review* 2nd ser., 48 (1995): 69-70.
[32]Kanter, *The making of British unionism*, 153. See also the various reports on the subject contained in the final report of the royal commission appointed to inquire into the financial relations between Great Britain and Ireland in the 1890s: *PP* 1896 (C.8262), xxxiii, 59-259.
[33] Peter Jupp, *British politics on the eve of reform: the Duke of Wellington's administration, 1828-1830* (Basingstoke: Macmillan, 1998), 113-14, 155, 195; Hoppen, "An Incorporating Union?," 340.
[34] Cockburn, *Memorials of his time*, 460, 466-7; Henry Cockburn, *Letters chiefly connected with the affairs of Scotland, from Henry Cockburn, Solicitor-general under Earl Grey's government, afterwards Lord Cockburn, to Thomas Francis Kennedy, M.P., afterwards the Right Hon. T.F.*

Mackley have pinpointed the 1820s as the decade in which trends towards the 'deeper and wider integration' of Scotland's economic and commercial interests into those of Britain more generally picked up considerable pace, as chiefly manifested in the development of more cohesive lobbying techniques at Westminster.[35]

Both Hoppen and Jupp have likewise perceived in the measures of the Wellington administration of 1828-30 a general propensity to implement a more 'cohesive' British politics, visible, in part, through efforts to assimilate law across some or all of the four nations.[36] At the Home Office, Peel's raft of measures designed to reform the criminal law of England and Wales was complemented by an array of analogous statutes for application across the Irish Sea.[37] In May 1830, Thomas Spring Rice (Limerick) talked vaguely of the 'present tendency to assimilate' the laws of England, Wales and Ireland; a year earlier, the Irish Chief Secretary Lord Francis Leveson-Gower urged Wellington to adopt legislation that would engender a 'community of feeling and interest between the two countries'.[38] Closer identification of the Scottish and English legal systems was achieved by reform of the Scottish Court of Session in 1830, when trial by jury was introduced into that institution's ordinary forms.[39] In that same parliament was abolished the Court of Great Sessions in Wales, established at the time of Anglo-Welsh union in 1542.[40] The latter was advocated not only on the basis that it would permit the appointment of three further judges to the joint Anglo-Welsh courts of common law, but also because, by removing a vestige of Welsh legal exceptionalism, it would facilitate a more uniform system of justice throughout the kingdom

Kennedy, with other letters from eminent persons during the same period, 1818-1852 (London: Ridgway, 1874), 376-7, 422, 429-31.

[35] Andrew Mackley, "The Interest of 'North Britain': Scottish Lobbying, the Westminster Parliament, and the British Union-State, c.1760-c.1830," (unpublished Oxford DPhil thesis, 2016), 177; Bob Harris, "The Scots, the Westminster parliament, and the British state in the eighteenth century," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 136-7; Christopher A. Whatley, *Scottish society 1707-1830: beyond Jacobitism, towards industrialisation* (Manchester: Manchester University Press, 2000), 118-20.

[36] Jupp, *British politics on the eve of reform*, 168; K. Theodore Hoppen, *Governing Hibernia: British politicians and Ireland 1800-1921* (Oxford: Oxford University Press, 2016), 64-6.

[37] Jupp, *British politics on the eve of reform*, 161, 168.; W.E. Vaughan, *Murder trials in Ireland, 1836-1914* (Dublin: Four Courts Press, 2009), 381.

[38] *HPD*, 11 May 1830, 2nd series, vol. 24, c. 566; qu. in Hoppen, *Governing Hibernia*, 64.

[39] Nicholas T. Phillipson, *The Scottish Whigs and the reform of the Court of Session, 1785-1830* (Edinburgh: Stair Society, 1990), 161-4.

[40]Margaret Escott, "How Wales lost its judicature: the making of the 1830 act for the abolition of the Courts of Great Sessions," *Transactions of the Honourable Society of Cymmrodorion* 13 (2007): 134-57; [Anon.], "Common law reforms," *Quarterly Review* 42, no. 83 (Jan. 1830): 211-15; Malcolm Chase, *1820: disorder and stability in the United Kingdom* (Manchester: Manchester University Press, 2013), 23.

as a whole.[41] In the pages of the Welsh local press, the measure was greeted as representing the 'obliterat[ion]…of the last vestige of distinct nationality' between England and Wales.[42]

By the advent of Lord Grey's reform ministry in November 1830, then, questions concerning the character of the Union, the balance of power and influence across its component national portions, and, crucially, how this was to be adequately and satisfactorily represented in the Imperial Parliament at Westminster, were subjects which had acquired considerable momentum. Though far from clear-cut, legal, administrative, fiscal and ecclesiastical developments seemed largely to be pushing the four nations together into a – frequently uneasy and often fractious – closer constitutional and legislative embrace. Indeed, it is telling that, in the wake of Henry Parnell's motion against the Wellington administration's civil list – the very act which precipitated the ministry's downfall, and itself possessed of an imperial dimension – *The Times* fixed upon the national delineation of the vote in the division lobbies to urge once again the need for a measure of parliamentary reform across all four nations in order to re-establish Westminster as the voice of a united 'British' people.[43] Noting that the English and Irish county MPs voted 76-26 against the government, whilst the Scottish Members divided 30-7 in their favour, the editorial surmised that,

> We have therefore in England and Ireland, among those chosen by numbers and property combined, three to one voting for public economy; and in Scotland, where the whole business is a job, we have four to one voting for blind irresponsible expenditure.[44]

Reforming the four nations

Against this backdrop, parliamentary reform was unquestionably conceived by Grey's ministry as an explicitly imperial project precisely because such constitutional purification represented the final step in the integration of the four nations of the United Kingdom into a 'harmonious whole', epitomised in a 'truly national parliament', irrefutably representative of, and responsive to, the interests of the English, Welsh, Scottish, Irish and 'British' peoples over whom its jurisdiction extended.[45] Westminster required reforming because the four nations of which it was composed had singly and jointly become misaligned with the united

[41] *HPD*, 9 Mar. 1830, 2nd series, vol. 23, cc. 53-63.
[42] *Carmarthen Journal*, 13 Jan. 1832, 2.
[43] *HPD*, 15 Nov. 1830, vol. 1, cc. 525-36; an important part of Parnell's assault on the civil list lay in the fact that it did not distinguish between the English, Scottish and Irish pensions.
[44] *The Times*, 20 Nov. 1830, 2; see also, John Roebuck, *History of the Whig ministry of 1830, to the passing of the Reform Bill*, 2 vols. (London: John Parker, 1852), I, 426-7.
[45] Parry, *The rise and fall of Liberal government in Victorian Britain*, 18; Parry, *The politics of patriotism*, 97.

polity they claimed to represent. As Lord John Russell, drawing upon the example of Ireland, observed,

> What has caused the state of that country [Ireland] to be such as it is now? What, but the want of due, kind, paternal attention on the part of its government – a want of fellow-feeling in the Legislature with the great mass of the people? I say, then, that if we identify this House with the people of the three kingdoms, if we give England, Ireland, and Scotland, the right of having legitimate Representatives in Parliament…we provide for carrying into effect the acknowledged principles of the Constitution.[46]

At the 1826 elections, no votes had been cast in Wales; in 1830, none had been tendered in Scotland.[47] For the Whigs, then, there was no question that reform was to be imperial in its scope. Immediately upon taking office in November 1830, Lord Grey's government recognised the necessity of introducing reform bills for all the constituent parts of the United Kingdom, with Sir James Graham and Lord Duncannon's presence on the preparatory 'Committee of Four' at least in part motivated by their recognised status as conduits of Scottish and Irish opinion respectively.[48] A third member, Lord John Russell, wrote early to Lord Grey that the underpinning maxim of their reform scheme must be to establish a constitutional footing 'broad and imperial, not narrow and municipal in basis'.[49] Indeed, in mid-February 1831, the Scottish Lord Advocate Francis Jeffrey informed his Solicitor-general in Edinburgh that various voices in the ministry 'talk indeed of making but <u>one bill</u> for the whole [i.e United Kingdom]'.[50] Whilst such efforts to frame a single imperial measure of reform were quickly shelved, when the committee's initial report was presented by Lord Grey to William IV in late February 1831, the imperial dimensions of the reform project upon which the Whigs proposed to embark were writ large. The committee had been appointed, the report related, 'to examine the state of the Representation, with a view to its thorough and effective Reform'; the results of their 'labours' in the pursuit of this goal, it

[46] *HPD*, 24 June 1831, vol. 4, c. 346.
[47] Derek Beales, "The Electorate before and after 1832: the Right to Vote, and the Opportunity," *Parliamentary History* 11, no. 1 (1992): 348.
[48] C.S. Parker, *Life and letters of Sir James Graham, 1792-1861*, 2 vols. (London: John Murray, 1907), I, 119; D.R. Fisher, ed., *The House of Commons 1820-1832*, 7 vols. (Cambridge: For the History of Parliament Trust by Cambridge University Press, 2009), I, 142, 211-12; Pentland, "The debate on Scottish parliamentary reform," 102; Henry Cockburn, *Journal of Henry Cockburn: Being, a Continuation of the Memorials of His Time, 1831-1854*, 2 vols. (Edinburgh: Edmonston and Douglas, 1874), I, 1, 10; Brock, *The Great Reform Act*, 136; Dorothy Howell-Thomas, *Duncannon: reformer and reconciler, 1781-1847* (Norwich: Michael Russell, 1992), 144-5; Gash, *Politics in the age of Peel*, 39; for earlier efforts to persuade Graham to represent Scottish interests in the Commons: see Cockburn, *Letters chiefly connected with the affairs of Scotland*, 238-40.
[49] Qu. in Milton-Smith, "Earl Grey's cabinet and the objects of parliamentary reform," 65.
[50] Francis Jeffrey to Henry Cockburn, 13 Feb. 1831, NLS, Adv. MSS., 9.1.8, fol. 13.

thus reasoned, were '*three* Bills, amending the Representation of England, Scotland and Ireland'.[51]

Though three in number, and thus necessarily expedited through parliament separately, with the English and Welsh bill taking undoubted precedence, as we shall see, ministers conceived this trio of measures as several components which together comprised a more or less consistent imperial reform programme, fundamentally united in principle, if, crucially, moulded in detail to national peculiarities. As Lord Grey explained to the Irish Lord Lieutenant in early March 1831, whilst 'Ireland and Scotland must have separate bills', nonetheless they would be 'regulated, as far as local circumstances will permit, on the same principles [as the English and Welsh bill]'.[52] Twenty years later, the third Earl Grey, who in 1830, as Lord Howick, was heir to the then Prime Minister and himself an Under-secretary in his father's ministry, likewise stressed that:

> The three Acts for the Amendment of the Representation of the People in Parliament, in England, Scotland, and Ireland, must be regarded as forming together a single measure, having for its object the transfer of a large amount of political power to the People, from the hands of a comparatively small number of persons, who were previously enabled to command a majority of the seats in the House of Commons.[53]

The challenges facing the Whigs in endeavouring to shape a consistent imperial policy across all four nations were considerable. The vastly different electoral systems of England, Scotland, Ireland and Wales, evolved over centuries, ensured that there was no possibility of a legislative *carte blanche* to impose a uniform imperial scheme, even if that had been considered desirable. Rather, ministers were faced with a varied array of constituency types and national electoral machinery, as well as a patchwork of byzantine franchises.[54] At the broadest of levels, whereas, in numerical terms, county seats predominated in Scotland, Ireland and Wales, the case was reversed in England, with the borough seats of that nation more numerous at a ratio in excess of four to one.[55] At the same time, whilst English and

[51] Henry Grey, 3rd Earl Grey, ed., *The Reform Act, 1832: the correspondence of the late Earl Grey with His Majesty King William IV and with Sir Herbert Taylor*, 2 vols. (London: John Murray, 1867), I, 461-3. (My italics).
[52] Lord Grey to Lord Anglesey, 1 Mar. 1831, PRONI, D619/28/A/45.
[53] Henry Grey, 3rd Earl Grey, *Parliamentary government considered with reference to a reform of Parliament: an essay* (London: R. Bentley, 1858), 84-5.
[54] The following three paragraphs all draw principally upon the introductory surveys contained in Fisher, *The House of Commons 1820-1832*, I, 1-217.
[55] Fisher, *The House of Commons 1820-1832*, I, 1, 25-6, 63, 97, 107, 147; C. Cook and J. Stevenson, *The Longman handbook of modern British history, 1714-1980* (Harlow: Longman, 1983), 56-7.

Irish counties each returned at least two Members each, in Wales single-member county seats prevailed, as they did in Scotland, where matters were further complicated in that six counties were paired and sent a Member in rotation in alternate parliaments.[56] The situation in the boroughs/burghs was scarcely less complex. In both Scotland and Wales, a distinctive 'contributory' borough system was in operation across much the greater part of both nations, whereby clusters of proximate towns were grouped together for the purpose of returning single MPs.[57] Double-member borough seats were typical in England only.[58] In Ireland, single-member boroughs prevailed, though their scarcity in number reflected the fact that that nation's numerous rotten and nomination boroughs had already been subjected to a swingeing purge – 83 of a total of 117 boroughs lost seats – as part of the act of Union, which largely foreshadowed the English reform bill's notorious 'Schedule A'.[59]

If anything, the Whigs faced an even more kaleidoscopic array of dispensations when it came to the various franchises in operation across the United Kingdom. Where the historic forty-shilling freehold operated across England and Wales, that particular qualification had been abolished in Ireland in 1829 as part of the emancipation package, thereby removing some 88% of the total county electorate at that time, leaving only the twenty-pound and fifty-pound freeholders.[60] In the Scottish counties, the vote was held by freeholders of land of forty shillings 'of old extent' or of four hundred pounds Scots, held from the crown.[61] However, Scots law decreed that the actual franchise in such lands resided not in the property and soil itself, but rather in the so-called superiority. By separating the right to vote from the physical property and instead vesting it in a legal property, landholders were enabled to subdivide the latter amongst individuals who held no stake in the land whatsoever, but whose only claim to vote rested on their possession of a paper superiority,

[56] Fisher, *The House of Commons 1820-1832*, I, 63, 97; D. Wager, "Welsh politics and parliamentary reform, 1780-1832," *Welsh History Review* 7 (1975): 427-9. From 1826, Yorkshire returned four Members.
[57] Wager, "Welsh politics and parliamentary reform, 1780-1832," 427; Brock, *The Great Reform Act*, 31.
[58] Five boroughs returned a single Member: Abingdon, Banbury, Bewdley, Higham Ferrers and Monmouth; London and Weymouth and Melcombe Regis each returned four: Fisher, *The House of Commons 1820-1832*, I, 26-7.
[59] Fisher, *The House of Commons 1820-1832*, I, 180-92; Colin Barr, "The Irish Reform Act of 1868," *Parliamentary History* 36, no. 1 (2017): 97; Alicia Bayne, ed., *Autobiographic recollections of George Pryme, Esq. M.A.* (Cambridge: Deighton, Bell, 1870), 181; Dublin and Cork, alone of the Irish boroughs, returned two Members.
[60] Fisher, *The House of Commons 1820-1832*, I, 170-1.
[61] Fisher, *The House of Commons 1820-1832*, I, 97; Ferguson, "The Reform Act (Scotland) of 1832: intention and effect," 107-8.

earning them the soubriquet of 'parchment voters'.[62] In 1831, more than half of Scotland's estimated 2500 county voters were said to belong to this particular category.[63]

The boroughs presented a no less bewildering hotchpotch of voting qualifications. Within England alone existed 36 'scot and lot' towns, where the vote was held by all poor-rate-paying inhabitants; 30 burgage boroughs, where the vote depended upon the tenancy of certain properties; and 12 'potwalloper' boroughs, where the franchise was vested in all householders.[64] The right to vote in freemen and corporation boroughs, of which there were 117 in total, was restricted to members of the narrow civic establishments in those towns.[65] Though the freeman franchise dominated in Wales, certain borough conglomerations, such as Flint and its contributories, enjoyed a scot-and-lot dispensation.[66] Of the Irish boroughs, more than half (20) possessed either a freemen or corporation franchise, almost all of which were entirely Protestant-dominated, and, in the case of the corporations, exceptionally narrow, each having only 13 electors.[67] The remaining thirteen boroughs were comprised of so-called freeholder or county boroughs, such as Dublin and Cork, and certain householder boroughs, akin to English potwallopers, where the vote was dependent on possession of certain amounts of property.[68] Most egregious in their narrowness and exclusivity, however, were the Scottish burghs: 'imagine all England to be an overgrown Old Sarum', advised *The Times*, 'and you have some idea of the system of Scotch representation'.[69] Since a burgh vote was dependent on membership of the various self-electing town councils, flagrant cases, such as Edinburgh's, where 33 electors chose the city's MP on behalf of its 136,294 inhabitants, had arisen.[70]

In light of such a daunting diversity of historic practice and principle, the efforts of the Whig ministry to implement a more or less consistent, imperial schema of reform is all the more remarkable. At the heart of all three reform bills lay the principle of the enfranchisement of flourishing urban centres, and, by extension, flourishing urban interests. Here, as Lord Stanley, Chief Secretary of Ireland and principal architect of the Irish reform bills, forcefully put it, the ministry adopted an unquestionably imperial perspective:

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[62] Brock, *The Great Reform Act*, 31; Ferguson, "The Reform Act (Scotland) of 1832: intention and effect," 107-8; Gash, *Politics in the age of Peel*, 37; Fisher, *The House of Commons 1820-1832*, I, 98.
[63] Brock, *The Great Reform Act*, 31.
[64] Cannon, *Parliamentary reform*, 29; Fisher, *The House of Commons 1820-1832*, I, 39, 42, 49.
[65] Fisher, *The House of Commons 1820-1832*, I, 27, 46.
[66] Fisher, *The House of Commons 1820-1832*, I, 68-75; see also Wager, "Welsh politics and parliamentary reform, 1780-1832," 429.
[67] Fisher, *The House of Commons 1820-1832*, I, 183.
[68] *Ibid*., I, 184, 188-92.
[69] *The Times*, 8 Dec. 1830, 2.
[70] Fisher, *The House of Commons 1820-1832*, I, 109.

> As long as he found great cities and towns, or populous places deprived of their fair share in the Representative system of the country, it differed little to him whether these towns, and these cities…were situated in England, Ireland or Scotland; for, he thanked God, they were now one united people.[71]

Accordingly, by the terms of the first Scottish bill, new single-member seats were awarded to Paisley, 'the next manufacturing town after Glasgow'; Greenock, 'the principal seaport of the West of Scotland'; the maritime entrepot of Leith; seat of the jute interest, Dundee; and Aberdeen, home to some of Scotland's most important shipping and fisheries businesses.[72] Glasgow and Edinburgh were to receive two MPs apiece, whilst the gaps in the burgh districts created by these redistributive measures were filled by the likes of industrial Kilmarnock and Falkirk, both with populations in excess of 8,000 according to the 1821 census; and by Peterhead, 'the principal seat of the whale-fishery'.[73] In Ireland, the changes were rather less dramatic, but similarly motivated: thus 'Belfast with its wealthy and intelligent population' and mercantile Waterford were joined by the flourishing agricultural nodes of Galway and Limerick, towns which had, as Russell noted, 'grown into great importance'.[74] 'With regard to the proposed additions to…Ireland and Scotland', Althorp later pithily summarised, 'they had added Representatives to flourishing places in both. This was the principle which had guided them, - this was the only principle on which they had acted – and they had applied it in the same way to both countries'.[75]

Althorp might have added Wales to that assertion also. In the principality, property and interest dictated the east-west division of the formerly united Glamorgan boroughs, which, together with the surrounding county – itself the recipient of an additional MP – contained more than 10,000 people and twice the number of ten-pound households (1712), than its nearest rival (Denbighshire).[76] Henceforth, Swansea would dominate the western portion, whilst Cardiff, with its booming coal trade, the east; the importance of the iron interest at Merthyr Tydfil, coupled with its status as the most populous borough in Wales (17,404 in

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[71] *HPD*, 19 Apr. 1831, vol. 3, c. 1645.
[72] [William Weir], "The parliamentary representation of Scotland," *Westminster Review* 14 (Jan. 1831): 140-1 (Paisley); *HPD*, 9 Mar. 1831, vol.3, cc.319-20 (Greenock); Pentland, "Radicalism and Reform in Scotland," 108-9.
[73] [Weir], "The parliamentary representation of Scotland," 140-1 (Peterhead); *Population of each city and royal burgh in Scotland, now sharing in the return of an MP; and of each city and burgh not sharing with a population of more than 8,000 in 1821, PP* 1830-31 (201), x, 7; Michael Dyer, "Burgh districts and the representation of Scotland, 1707-1983," *Parliamentary History* 15, no. 3 (1996): 293.
[74] *HPD*, 1 Mar. 1831, vol. 2, c. 1082.
[75] *HPD*, 18 Apr. 1831, vol. 3, c. 1569; see also Thomas Spring Rice's comments to Lord Lansdowne: Thomas Spring Rice to Lord Lansdowne, 30 Dec. 1830, Bowood papers, BL, Add. MSS. 88906/09/015 fol. 55.
[76] Wager, "Welsh politics and parliamentary reform, 1780-1832," 436; *Account of the number of the number of houses in each county in England, Wales and Scotland, PP* 1830-31 (201), x, 6; *PP* 1830-31 (202), x, 16.

1821) led to its eventual separate enfranchisement in April 1832.[77] Moreover, as with Scotland, additions to the contributory boroughs in Wales could likewise serve to affirm the Whigs' imperial principles where limitations in the number of seats would not permit wholesale enfranchisement. Prospering Wrexham, with its coal and leather industries, and its population of over 11,000, thus revivified the Denbigh boroughs; Bangor, with its close ties to the Penrhyn slate quarries and the 'promising seaport' of Milford were newly added to the Carnarvon and Haverfordwest clusters respectively.[78] The *Cambrian Quarterly Magazine* likewise applauded the addition to the Beaumaris boroughs of the 'improving town of Holyhead', by which the number of ten-pound householders was almost doubled, and commended 'from a commercial point of view', the supplementation of coal- and iron-rich Llanelli to the Carmarthen district.[79]

If the counterpoint to such enfranchisement, the disfranchisement, whether full or partial, of the 107 English boroughs listed in Schedules A and B of the first English reform bill, had no such counterpart in Wales, Scotland or Ireland, this was evidence less of a Whig failure to follow through on their imperial philosophy, and more of their desire to shape a scheme that recognised the differing historical trajectories of the reform question across the four nations by 1830. Thus, whilst the 'pocket' character and small electorates of certain boroughs in Ireland meant they would unquestionably have suffered the chop had they been in England, the mass disfranchisement of the most flagrantly corrupt and venal seats which had taken place in Ireland during the passage of the Union legislation in 1800 rendered further tinkering undesirable.[80] In Scotland, disfranchisement of a kind *was* proposed, but largely via oblique – and, frequently, frustrated – means. By the first version of the Scottish bill, the entire East Fife district of burghs was set to be disfranchised.[81] Whilst vociferous Scottish opposition ensured that this was shelved in subsequent iterations, the principle of eradicating close and nomination seats was sought via the alternative means of combining counties, adding additional burghs to pre-existing districts, throwing certain burghs into their surrounding counties, and redistributing certain portions of counties in others.[82] Though historians have tended to talk of *English* disfranchisement, it is also important to emphasise

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[77] Wager, "Welsh politics and parliamentary reform, 1780-1832," 438-9, 447; *Account of populations in towns in Wales over 10,000 not returning MPs*, *PP* 1830-31 (220), x, 51; Fisher, *The House of Commons 1820-1832*, I, 88-89.
[78] [Anon.], "The reform bill and its operation in Wales," *Cambrian Quarterly Magazine* 3, no. 11 (Jul. 1831): 263, 268.
[79] *Ibid*., 264, 266-7.
[80] Lord Stanley was explicit in making this point: *HPD*, 9 Jul. 1832, vol. 14, c. 189.
[81] Cockburn, *Letters chiefly connected with the affairs of Scotland*, 300-1.; Fisher, *The House of Commons 1820-1832*, I, 143.
[82] For details on the redistribution of Scottish seats, see Pentland, *Radicalism, reform and national identity in Scotland*, 199-210; see also Pentland, "Radicalism, reform and national identity in Scotland, 1820-1833," (unpublished PhD thesis, University of Edinburgh, 2004), 105-6.

the extent to which the Whig ministry conceived of the boroughs in Schedules A and B in fundamentally non-national terms. As Stanley urged during debate in April 1831 upon the question of the decrease of English MPs and the corresponding increase of Scottish and Irish Members, the nomination boroughs proposed for culling were imperial excrescences that 'belonged to no country' – a line of argument later taken up by Lord Russell in introducing the second English bill.[83]

The other great objective of the Whig measures lay in sweeping away the mass of complex, multifarious and local urban franchises which had accumulated piecemeal over the centuries across all four nations, and the establishment, in their place, of a 'uniform constituency…throughout the three kingdoms'.[84] This was principally to be achieved by the imposition of a ten-pound householder franchise as the chief qualification throughout the boroughs of England, Wales, Ireland and Scotland. It is telling that, though during the preparation of all three bills, franchises of twenty pounds were at different times strongly mooted for Scotland and England, and a twelve-pound borough qualification put forward for Ireland by Duncannon, once ministers perceived the relative limitations such higher amounts would entail they acknowledged the importance of establishing a uniform four nations franchise at ten pounds.[85] 'There was no difference, and there was intended to be none', explained Lord Stanley subsequently.[86] In fixing upon such a dispensation, possession of 'property and knowledge', and not the happenstance of local situation, would become the criteria of the urban voter across the towns and cities of the United Kingdom.[87]

Aside from the three cardinal principles of enfranchising flourishing towns, disfranchising rotten boroughs, and establishing a broadly uniform ten-pound householder electorate, the three bills as first introduced in March 1831 revealed a notable degree of coherence in their details. Together with the ten pound qualification, all three specified the necessity for six months prior residence, whilst both the Anglo-Welsh and Scottish versions explicitly forbade the tendering of votes in counties where property qualified for a borough vote.[88] In

[83] *HPD*, 19 Apr. 1831, vol. 3, c. 1650; 24 June 1831, vol. 4, c. 332.
[84] *HPD*, 18 Jul. 1832, vol. 14, c. 529 (Lord Stanley).
[85] Cockburn, *Letters chiefly connected with the affairs of Scotland*, 258-66, 270-3, 315-16; Henry Cockburn, ed., *Life of Lord Jeffrey: with a selection from his correspondence*, 2 vols. (Edinburgh: Adam and Charles Black, 1852), I, 320; *Scotsman*, 13 Apr. 1831, 3; Cannon, *Parliamentary reform*, 207, 211-12; Fisher, *The House of Commons 1820-1832*, I, 168; Brock, *The Great Reform Act*, 139-40; Michael Dyer, *Men of property and intelligence: the Scottish electoral system prior to 1884* (Aberdeen: Scottish Cultural, 1996), 26; Gash, *Politics in the age of Peel*, 41.
[86] *HPD*, 25 Feb. 1840, vol. 52, c. 641.
[87] Cockburn, *Letters chiefly connected with the affairs of Scotland*, 258; Gash, *Politics in the age of Peel*, 15; Hoppen, "Politics, the law, and the nature of the Irish electorate 1832-1850," 760.
[88] *PP* 1830-31 (247), ii, 199, 202; (England and Wales); *PP* 1830-31 (261), ii, 265, 270 (Scotland); *PP* 1830-31 (282), ii, 276-7 (Ireland). The clause forbidding voting in counties where property qualified for a borough vote was added to the second iteration of the Irish reform bill.

the counties, Scotland followed the Irish precedent of 1829 in enfranchising the ten-pound freeholder, whilst broadly commensurate lease-holding franchises – fifty pounds at 21 years in England (two years' prior possession) and Ireland (six months prior possession); fifty pounds at 19 years in Scotland (two years prior possession) – were implemented.[89] Across all four nations, existing rights to the county franchise were preserved to their possessors.[90]

The registration clauses demonstrated a similar porosity of principle. It has thus apparently not been generally noted by historians that, as originally conceived, Ireland was to abandon its existing registration regulations and largely adopt those proposed to be introduced in England.[91] Churchwardens and parish overseers in both countries were to be required to compile, and publicly display, registers of all qualified county voters.[92] Meanwhile, in boroughs and counties in Ireland, and counties in England, barristers would have the power to hear objections and revise the lists, which would be in operation for one calendar year only.[93] Admittedly, Scottish arrangements, conducted by the analogous national officer of the sheriff, differed in that the onus of registration was placed upon the prospective elector himself, rather than being left to an independent compilation of eligible voters. Nevertheless, once compiled, as in England and Ireland, revision was to be an annual event.[94] Similarly, in terms of election arrangements, the Whigs sought to create a broadly homogenous machinery and associated culture across the four nations. Each measure stipulated details concerning the duration of the polls in cities and counties, the number of polling booths relative to the number of voters (600 in England and Ireland; 500 in Scotland), the days and hours which such booths should be open (strikingly, borough polls across England, Wales, Scotland and Ireland were all to last a maximum of two days, with the hours of opening set at 9am to 4pm on the concluding day), and the arrangements for payment of the presiding clerks and upkeep of polls by the candidates themselves.[95] In England and Ireland, polling places were to be decided by the JPs, with powers assigned to them to alter such locations every two years.[96]

Such efforts at legislative symmetry across the United Kingdom reflect what we know from first-hand testimonies to have been a clear reluctance on the part of ministers to introduce

[89] *PP* 1830-31 (247), ii, 199; (England and Wales); *PP* 1830-31 (261), ii, 263-4 (Scotland); *PP* 1830-31 (282), ii, 275-6 (Ireland).
[90] *PP* 1830-31 (247), ii, 199; (England and Wales); *PP* 1830-31 (261), ii, 263 (Scotland); *PP* 1830-31 (282), ii, 275 (Ireland).
[91] *PP* 1830-31 (247), ii, 202-6 (England and Wales); *PP* 1830-31 (282), ii, 277-84 (Ireland).
[92] *PP* 1830-31 (247), ii, 202, 204 (England and Wales); *PP* 1830-31 (282), ii, 277-8 (Ireland).
[93] *PP* 1830-31 (247), ii, 204-5 (England and Wales); *PP* 1830-31 (282), ii, 278-80 (Ireland)
[94] *PP* 1830-31 (261), ii, 265-6.
[95] *PP* 1830-31 (247), ii, 206-8 (England and Wales); *PP* 1830-31 (261), ii, 268-9, 272 (Scotland); *PP* 1830-31 (282), ii, 282-5 (Ireland).
[96] *PP* 1830-31 (247), ii, 206-7 (England and Wales); *PP* 1830-31 (282), ii, 282-3 (Ireland).

national disparities where imperial conformity, or at the very least similarity, could be maintained or established. When, in early February 1831, Francis Jeffrey sought a more far-reaching enfranchisement of certain classes of Scottish leaseholder, its efficacy was admitted by Lord John Russell at the same time as he counselled that, since its introduction in Scotland would necessitate its implementation in England also, discussion would be necessary with the English Attorney-general Lord Denman.[97] A week and a half later, Jeffrey confirmed to Cockburn that ministers had agreed to 'let in the [Scottish] tenants and on easier terms than we would have taken – viz. on leases of 19 or 21 years for rents of £50 and upwards being two years in possession before voting'. 'The secret of our being let in so easily', observed Jeffrey, was that the implementation of such tenancy clauses was to be mirrored in the Anglo-Welsh measure: 'they [ministers] are very desirous to have the scheme as much the same in the two countries as possible'.[98]

As his somewhat wry comment intimated, for Jeffrey this impulse towards imperial conformity frequently shaded into a more or less overt Anglicisation. 'I think it right to let you know', he informed Cockburn in late February 1831, 'that the Cabinet…smashed all the mechanism of our Scotch bill yesterday…from a peremptory and inflexible resolution to make it conformable to what they have settled for England'.[99] In June 1831, when ministers refused to give exemption from stamps or abatement of stamp duty for town leases, Jeffrey explained that he had 'thought it best to dispense with any written lease in towns and conform to England in toto'.[100] The ability of any claimant voter to appeal a sheriffs' decision to a jury was likewise struck out of the second Scottish bill, griped the Lord Advocate, 'because they have none in England or Ireland'.[101] Yet, where Jeffrey put down such seeming rigidity to the myopic Englishness of the cabinet – 'when they got round the dinner table, they all fell into the English cry' – Gordon Pentland is right to point to such episodes as symptomatic of 'pressures' experienced by a 'cabinet intent on making the three bills as similar as possible, and beset by the problems of legislating for the multiple union'.[102] Achieving a degree of imperial legislative consistency necessitated an imperial reform blueprint to work towards – even if that schema frequently appeared to Scottish and Irish onlookers to adopt a rather too Anglocentric visage.

[97] Francis Jeffrey to Henry Cockburn, 3 Feb. 1831, NLS, Adv. MSS., 9.1.8, fos. 1-3.
[98] *Ibid.*, 13 Feb. 1831, NLS, Adv. MSS., 9.1.8, fos. 11-12.
[99] *Ibid.*, 28 Feb. 1831, NLS, Adv. MSS., 9.1.8, fos. 16-19
[100] *Ibid.*, 27 June 1831, NLS, Adv. MSS., 9.1.8, fol. 101.
[101] *Ibid.*, 27 June 1831, NLS, Adv. MSS., 9.1.8, fol. 102.
[102] *Ibid.*, 30 June 1831, NLS, Adv. MSS., 9.1.8, fol. 107; Pentland, "The Debate on Scottish Parliamentary Reform," 123.

If the reform bills were thus clearly conceived by their Whig architects as a conjoined trio designed to cleanse an Augean stable emphatically United Kingdom-wide in dimension, the opponents of such schemes were no less convinced of their far-reaching implications for the political relationships subsisting between England, Wales, Scotland and Ireland. Indeed, it was precisely upon the interconnected 'British' dimensions of the Whig plans that anti-reformers initially focused their criticism, demanding their concurrent consideration by the Commons. Deeming it to be 'the most extensive, the most sweeping, he might call it the most imperial measure…brought forward…since 1688', Lord Francis Leveson Gower (Sutherland) expressed himself quite unable to 'separate the Irish measure from the English measure', and during debate on the second version of all three bills, Sir Robert Peel claimed it as 'essential' that the 'chief points of the Irish and Scotch Bills' should be made known and assessed 'before they decided upon the English Bill, which was in fact but a part of one whole subject, to complete which the other Bills were necessary'.[103] 'In a case where the construction of a new constituency for the whole empire is in question', observed one representative pamphleteer in 1831, 'It was ridiculous to think, that any one branch of that constituency [i.e. the English] could be safely…settled, without considering its relations to the other branches, or the relations of these to the general frame of the legislature'.[104] Prior to the introduction of the second round of bills in June 1831, Sir John Walsh (Sudbury) noted of a meeting of Tories at Peel's London residence that, whilst all agreed 'no obstruction' should be made to the introduction of the English bill, 'the point of the Irish and Scottish bills being simultaneously before the House should be insisted upon'.[105]

It would be easy to write off the demands for an all-encompassing imperial consideration of the reform measures as mere anti-reform tergiversation. However, this would be to ignore the fact that, behind such petitions lay not mere bluster but a well-established position, which held that the unique character of the British parliamentary constitution was only truly comprehensible when viewed as an historically-evolved admixture of English, Welsh, Scottish and Irish components, set in proportion by the Acts of Union in 1707 and 1800.[106] Even the most inveterate anti-reformers, for instance, tended to recognise the unconscionable narrowness of the Scottish representative system if taken in isolation.[107] In response, however, they claimed that more popular, open representation was provided by

[103] *HPD*, 22 Mar. 1831, vol. 2, c. 712; *HPD*, 24 June 1831, vol. 4, c. 348.
[104] [Anon.], *Observations on a pamphlet falsely attributed to a great person entitled 'Friendly advice to the Lords on the Reform Bill'* (London: W. Clowes, 1831), 53-4.
[105] Fisher, *The House of Commons 1820-1832*, VII, 629; see also the private remarks of the Duke of Newcastle in June 1831: Richard Gaunt, ed., *Unrepentant Tory: political selections from the diaries of the fourth Duke of Newcastle-under-Lyne, 1827-38* (Woodbridge: Boydell Press, 2006), 157.
[106] Pentland, "The Debate on Scottish Parliamentary Reform," 101; Pentland, *Radicalism, reform and national identity in Scotland*, 25.
[107] Lord Holland to John Murray, 14 Dec. 1831, Murray papers, NLS, MS. 19735, fos. 65-6.

England and Ireland, which, as one local newspaper had previously wryly observed, 'have enough of the ingredient to serve for all three…and the surplusage goes to qualify the dose of our Northern brethren'.[108]

For those opposed to reform, the Whig measures were perilous precisely because, in their efforts to impose more or less homogenised broad-brush imperial principles, and to tinker with the total number of Members thereafter to be returned by each portion of the United Kingdom, the Whigs threatened to destabilise this very particular balance which anti-reformers saw as the hallmark of the British political constitution.[109] A considerable factor in the fear expressed by many at the 'unbending and empirical qualification of [the] 10l.' urban franchise was thus how such uniformity would play out within the different national circumstances of England, Wales, Scotland and Ireland.[110] As one pamphleteer put it, 'inequality of franchise' ensured 'a representation of the country, not of the people contra-distinguished from the country…of the whole, not of the part'.[111] Similar sentiment was aired in *Blackwood's* throughout 1831. Writing about the division on Parnell's civil list motion, which, as we have seen, had been seized upon by reformers as justification of the unrepresentativeness of the imperial Westminster parliament, Archibald Alison claimed that it proved quite the opposite. Reformers, he sneered,

> Pointed with exultation to the difference between the county members of England and those of Scotland. Two-thirds of the former…voted against ministers; two-thirds of the latter in their favour. This was deemed decisive in favour of reform in Scotland. It is astonishing that they did not see that that inference lay the other way…is it not clear, that if the composition of the English county members be such, that two-thirds of them incline to the democratic, it is indispensable that the Scotch and borough members should incline to the aristocratic side?[112]

Alison commended the existing Scottish electorate as supreme evidence of the benefits of an 'elective franchise…vested in a higher class of more intelligence', pointedly comparing the success of Scotland to the disarray in Ireland occasioned by political power resting in the hands of their freehold voters, 'a class incapable of judging on public affairs, ignorant,

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[108] *Bury and Norwich Post*, 19 Apr. 1826, 2.
[109] See, for instance, *HPD*, 3 Oct. 1831, vol. 7, cc. 1076-7 (Cumming Bruce); 2 Feb. 1832, vol. 9, c. 1212 (Peel); Cannon, *Parliamentary reform*, 215.
[110] [Sir John Coleridge], *Notes on the Reform bill by a barrister* (London: Roake and Varty, 1831), 10-11.
[111] [Anon.], *Would reform in parliament be a benefit to the country?* (London: J. Hatchard & Son, 1830), 11-12.
[112] [Archibald Alison], "On parliamentary reform and the French revolution," *Blackwood's Edinburgh Magazine* 29, no. 178 (Mar. 1831): 440.

swayed by passion, amenable to interest, open to corruption'.[113] The *Morning Post* adopted a similar line, comparing the relative 'popularity' of each portion of the United Kingdom. Admitting that 'Scotland has had little or nothing of popular representation, England much, Ireland (since the Union) by far the most of the three', the paper judged that the 'prosperity, civilization, and happiness' of the northern kingdom attested that 'the effect of popular representation, by sympathy and connexion with England and Ireland' was in 'exactly that degree' which was most conducive to all three partners.[114] Well might Peel urge that in estimating the popularising character of the Whigs' constitutional alterations, 'You must not look to this [English] bill alone, but must consider the effects of those other Bills which are to change the system of Representation in Ireland and in Scotland', both of which, he asserted, served as 'practical check[s] upon democratic influence'.[115]

For many, however, a more serious danger behind the imperial popular 'levelling' of the franchise was that it would 'produce…and foster…disunion between component parts of the empire, through the violence of the local feelings which will be put in motion and kept up'.[116] As John Bull cautioned its readers:

> The Reform Bill…will convert the representatives of the United Kingdom, and the joint guardians of the British empire, into delegates from the particular districts…for which they are elected, and each Member of the great National Council will become the unreflecting mirror of the narrow and confined views by which he perchance lives, and has his Parliamentary being.[117]

One of the most injurious consequences predicted by this 'localisation' of interest was that it would fundamentally erode the 'four nations character' of the Westminster parliament and its incumbent legislators. No longer would it be the case, critics alleged, that the relatively small number of Members allotted to Scotland and Ireland could be defended on the twin basis that the virtual character of the British constitution ensured that those nations' interests were defended by Members beyond their physical borders, and that Scottish and Irish candidates could realistically hope to be returned for the more numerous English seats.[118] In private correspondence with Lord Wharncliffe, Lord Haddington bemoaned what he prophesied as the 'exclusion of all Scotchmen from the chance of representing English

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[113] [Archibald Alison], "On parliamentary reform and the French revolution," *Blackwood's Edinburgh Magazine* 30, no. 187 (Nov. 1831): 780.
[114] *Morning Post*, 27 Sep. 1831, 2-3; see also the comments of Sir George Clerk: *HPD*, 23 Sep. 1831, vol. 7, c. 559.
[115] *HPD*, 14 Sep. 1831, vol. 7, c. 34; see also Lord Lyndhurst's comments: *HPD*, 7 Oct. 1831, vol. 8, c. 294.
[116] *HPD*, 22 Mar. 1832, vol. 11, c. 680.
[117] *John Bull*, 18 Apr. 1831, 6.
[118] *HPD*, 24 Mar. 1831, vol. 3, c. 909; 19 Apr. 1831, vol. 3, c. 1637; 13 Aug. 1831, vol. 5, c. 1345.

Boroughs by the operation of the Schedules and the localizing of all influence in the places left undisturbed by the [English] bill'.[119]

It was in the precise apportionment of seats across England and Wales, Scotland and Ireland that the imperial implications of reform were seen to hold their most significant consequences, however.[120] The acts of Union of 1707 and 1800 had stipulated that Scotland was to be represented by 45 MPs, and Ireland by 100. The Whigs' reform bills intended to make significant alterations to these proportions. Concerned, above all, that the Commons had become too large and unwieldy, but also that the 'Celtic fringe' warranted greater representation, Grey's government initially intended to reduce the total number of English and Welsh MPs by 69, whilst, in contrast, Scotland was to gain an additional 5 Members and Ireland 3.[121] Such stipulations were rapidly recognised as one of the most damaging criticisms made by the Whigs' opponents against their bills, and in mid-March 1831 Russell advised Graham of the 'probab[ility] that the House will force us into maintaining the numbers of the House'.[122] Five weeks later, on 18 April 1831, Russell duly announced a raft of modifications to the English and Welsh schedules which resulted in the re-injection of 28 English representatives.[123] Critics nonetheless continued to assail the measures on these national numerical grounds. In part, such salvoes against ministers were legalistic in character. Sir George Staunton (Heytesbury) spoke for many when he told the Hampshire freeholders that any deviation from the Union stipulations was 'a direct violation of the terms of those most solemn contracts, by which the Legislative Union of the Three Kingdoms had been effected'.[124] Yet, in truth, the question of the *legality* of departure from the proportions established at the time of Union was rarely contested.[125] Rather more important was the issue of whether it was advisable that such a recognised precedent should be departed from, and what it would mean for the relations of the four nations of the United

[119] Lord Haddington to Lord Wharncliffe, 22 Nov. 1831, Wharncliffe papers, Sheffield City Archives, Wh.M/516-122.
[120] Parry, *The rise and fall of Liberal government in Victorian Britain*, 78.
[121] *HPD*, 1 Mar. 1831, vol. 2, cc. 1068-9, 1082-3. The figure of 69 is based on Russell's own calculations, whereby 167 English and Welsh MPs (representing 107 boroughs) were slated to be disfranchised, with 98 new Anglo-Welsh Members to be added. In Scotland, the East Fife burghs district was (initially) scheduled for disfranchisement.
[122] Charles Stuart Parker, ed., *The life and letters of Sir James Graham*, 2 vols. (London: John Murray, 1907), I, 109.
[123] *HPD*, 18 Apr. 1831, vol. 3, c. 1520. Five English boroughs were transferred from Schedule A to B; seven were removed from Schedule B; eight were added to Schedule D, and seven English counties and one Welsh county with a population between 100,000 and 150,000 were supplemented with a third Member: Fisher, *The House of Commons 1820-1832*, I, 381-4, 407. Already, prior to these alterations, Bewdley had been removed from Schedule B.
[124] Qu. in M. O'Neill and G. Martin, "A backbencher on parliamentary reform, 1831-1832," *Historical Journal* 23, no. 3 (1980): 548-9; see also, Philip Pusey, *The new constitution: remarks* (London: J. Hatchard, 1831), 17.
[125] Pentland, "The Debate on Scottish Parliamentary Reform," 106; [Napier Macvey], "Political and vested rights," *Edinburgh Review* 53, no. 106 (June 1831): 527.

Kingdom were Westminster to legislate to do so. As the *Morning Post* reasoned in April 1831, shortly after Lord John Russell's announcement of the addition of 28 English and Welsh Members:

> England, Ireland and Scotland are three parts of the United Kingdom, identified with each other…so far as regards their substantial and permanent interests, but essentially distinct from each other in all that regards the manners and structures of society…the habitual temper and feeling of the people. The [Reform] Bill[s]…apportioned to each of these heterogeneous divisions of the Empire a certain definite share of the whole national representation. But Ministers have withdrawn so much of their pledge as to leave it a matter of doubt…or of traffic how large a proportion of the representation they may hereafter propose to assign to England, Ireland and Scotland respectively. Is this, we ask, a point of mere unimportant detail, or does it involve one of the most material principles of the Bill?[126]

Blackwood's claimed that even were nothing else proposed by ministers, the 'violent alteration' to the 'positive and relative number of members from the several kingdoms of the Empire' would render the Whigs' reform measures worthy of the epithet 'revolutionary'.[127]

Above all, it was the increase of Scotland's and Ireland's seats relative to, and allegedly at the expense of, English representation that served to heighten the volatility of this 'national' dimension to the reform debates. From an early stage, Peel recognised the diminution of English Members as one of the most problematic aspects of the Whigs' plans, whilst the Princess Lieven, writing to Lord Grey on a recent function, noted her surprise at hearing a large conclave of Tories

> objecting so strongly to the contemplated reduction of the numbers in the Commons. They would wish to keep the present total, because, according to them, such a reduction would too much affect the proportions, and tell against England in favour of Ireland.[128]

An article in *Fraser's Magazine,* which initially supported the principle of the first reform bill, demonstrated the pervasiveness of the discontent. 'We are told that the measure is intended not only to place the constitution on its original basis, but to meet the views and demands of the people', it explained:

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[126] *Morning Post*, 15 Apr. 1831, 3.
[127] [Anon.], "Parliamentary sayings and doings," *Blackwood's Edinburgh Magazine* 29, no. 179 (Apr. 1831): 659.
[128] Guy Le Strange, ed., *The correspondence of Princess Lieven and Earl Grey*, 3 vols. (London: R. Bentley, 1890), II, 198; for Peel's views, see *HPD*, 19 Apr. 1831, vol. 3, c. 1668.

> But what portion of the people pray for a diminution of members? Before the Union with Ireland the House of Commons consisted of as many English representatives as it does at present. Since that period the country has considerably increased in wealth and population…and yet, with these indubitable facts staring us in the face, our cabinet reformers propose to curtail the English force of its fair proportions, and at the same time give additional members to Scotland and Ireland. This is not reform, but revolution – this is not renovation, but a suspension and destruction of all the vital functions of the constitution. If, in former times, 513 members were not deemed too many for England, surely 443 are too few when England is united to Scotland and Ireland?[129]

The overtly pro-reform *Englishman's Review* reluctantly admitted that the reduction of the 'representation of England' posed the 'one…and but one…plausible objection [that] ha[d] hitherto been urged against the bill'.[130] 'The main blot on the bill', agreed another, 'is neither more nor less than its un-english [sic] tendency'.[131]

Matters came to a head on 18 April 1831 during debate upon Liverpool MP Isaac Gascoyne's amendment to the motion to go into committee on the English bill on the grounds that 'the total number of knights, citizens, and burgesses, returned to Parliament for that part of the United Kingdom called England and Wales, ought not to be diminished'.[132] Gascoyne's speech introducing his amendment explicitly attached the reduction of English MPs to the increase of their Scottish and Irish counterparts. He wished to 'prevent', averred Gascoyne, 'the aggrandizement of the Irish and Scotch, at the expense of the English Representation'.[133] Sir George Warrender, the Scottish Member for Honiton, declared his nation's refusal to 'spoliate upon the boroughs of England' and Thomas Wood (Breconshire) denounced the 'extinguish[ing]' of English members' so as to increase her Scottish and Irish partners.[134] Such pronouncements were accompanied by an outpouring of nationalist sentiment which defended English interests as rightly and properly *the* predominant interests actuating the imperial legislature. Thomas Sadler (Newark) extolled England as 'this part of the United Kingdom, which is of such transcendent importance, whether in reference to its wealth, its population, or its position'.[135] Sure enough, in the division lobbies the motion was passed by 299 votes to 291, and Lord Grey's ministry duly dissolved parliament.

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[129] [Anon.], "Parliamentary reform," *Fraser's Magazine* 3, no. 15 (Apr. 1831): 279.
[130] [Anon.], "Reporting progress," *The Englishman's Magazine* 1, no. 2 (May 1831): 238.
[131] [Anon.], "The Quarterly Review on reform," *Fraser's Magazine* 3, no. 16 (May 1831): 528.
[132] *HPD*, 18 Apr. 1831, vol. 3, c. 1530.
[133] *Ibid.*, cc. 1527-8.
[134] *HPD*, 19 Apr. 1831, vol. 3, c. 1631.
[135] *HPD*, 18 Apr. 1831, vol. 3, c. 1530.

Though no doubt 'artfully' crafted, Gascoyne's amendment was no mere parliamentary subterfuge. It represented an issue of genuine concern, borne in no small part of the wider significance such English diminution was seen to hold and portend in the wake of the perceived shifts in the national balance of the British constitution already occasioned by the passage of Catholic emancipation.[136] In this respect, the specific prospect of an injection of Irish Catholic Members, seemingly at the expense of English, loomed especially large. J.C.D. Clark famously described the core of the controversy surrounding the reform debates of 1830-2 as 'the Protestant Constitution and its negation, not democracy', and in recent years the work of Robert Saunders in recapturing contemporaries' sense of the spiritual crisis born of the reform question has added considerable weight to such a perspective.[137] It is no surprise, then, to find the proposed alterations in the ratio of English, Welsh, Scottish and Irish Members frequently depicted as a blow against the English and Welsh Anglican establishment by the rising forces of Scottish Presbyterianism and, more especially, Irish Roman Catholicism.[138] In a suitably apocalyptic vein, one anonymous pamphleteer asked his readers whether they would accept a bill which sought to

> Diminish…the influence of England…to make room for Catholic influence…[and] to weaken Protestantism and despoil the Established Church; that Church which is to receive its first blow in Ireland, and be ultimately offered up upon the altar of popular cupidity and liberal infidelity in England.[139]

Another pamphlet, entitled *A Protestant freeman's appeal to the Protestant electors of Great Britain and Ireland*, which listed the reasons for parliament's dissolution in April 1831, included amongst its roll call, 'Because it refused to throw open the doors of our Protestant Legislature to the nominees of a Roman Catholic constituency of Irish ten-pound freeholders'.[140] Meanwhile, Charles Baring Wall (Guildford) pointedly asked his electors whether they realised that in petitioning for reform they propose to 'increase the influence of papal Ireland…not only by adding to *its* representation, but by diminishing *our own*'.[141]

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[136] Grey, *The Reform Act, 1832*, I, 216; Brock, *The Great Reform Act*, 186.
[137] J.C.D. Clark, *English society, 1660-1832: religion, ideology and politics during the ancien regime*, 2nd ed. (Cambridge: Cambridge University Press, 2000), 514; Saunders, "God and the Great Reform Act, 378-99; see also Angus Hawkins, *Victorian political culture: 'habits of heart and mind'* (Oxford: Oxford University Press, 2015), 85-6.
[138] See, for instance, Charles Wetherell's comments: *HPD*, 24 Mar. 1831, vol. 3, cc. 883-4.
[139] [Anon.], *Reform: a letter to Lord John Russell on his reform bill* (London: C. J. G. & F. Rivington, 1831), 37.
[140] [Anon.], *A Protestant freeman's appeal to the Protestant electors of Great Britain and Ireland* (London: Roake & Varty, 1831), 3.
[141] Charles Baring Wall, *A few words to the electors of Guildford, on reform* (London: J. Ridgway, 1831), 15.

Whilst fears of a rising tide of Catholicism at Westminster clearly caused many to denounce the proposed increase of Irish Members, more commonly anti-Irish sentiment was taken up in a related, but less fanatical, discourse concerned with how the reinforced Irish (and Scottish) national blocs would operate within the reformed parliamentary arena. This was the ground upon which Gascoyne principally sought the support of the House for his amendment. He pointed to the 'unanimity with which the Representatives of Scotland and Ireland resisted every plan…which tended to equalise the burtherns of the State in all parts of the United Kingdom', claiming that on every new impost 'the Irish and Scotch Members always voted so as to throw the weight of the taxes off their own shoulders on the people of England'.[142] Similar sentiment was expressed in the *Quarterly Review,* where one contributor warned that 'England may be assured that the more her legislature becomes impregnated with Irish representation…the more difficult it will be to legislate for that country with a comprehensive regard to the interests of the general union'. 'The councils of the legislature will be perplexed and interrupted', it portended,

> truth will be denied, and most disgraceful falsehoods perseveringly asserted - contempt and abhorrence of the Irish character will be rapidly increasing upon us - the inconveniences of a common legislature will be manifesting themselves under circumstances of varied and most opportune vexation...[143]

As a letter to the 'Loyal and independent freeholders of England and Wales' warned, 'The Irish Members are given to band together too much already. Will you…sanction a step which can only tend to increase the power of Popish Agitators…in a Reformed Parliament?'[144] Thomas Wood was one of those who supported the English bill's second reading, but subsequently divided in favour of Gascoyne's amendment. In March 1831, he privately pointed to this very fear of augmenting an already unmanageable Irish national contingent:

> Ireland and its present Members with Mr O'Connell at their head gives us trouble sufficient already. This is a mill stone round our necks and keeps us in an eternal state of expense and anxiety and pays almost nothing to the taxes. Last year, when the Chancellor of the Exchequer of the day tried to make a more equitable arrangement, the whole 100 Irish Members united to resist them, and they would unite again at this moment if a modified property tax was proposed…[and] make England pay the whole of that burden. As long as this is

[142] *HPD*, 18 Apr. 1831, vol. 3, c. 1529.
[143] [Anon.], "The state and prospects of Ireland," *Quarterly Review* 46, no. 92 (Nov. 1831): 459-60.
[144] *Morning Post*, 29 Apr. 1831, 2.

> the feeling of Irishmen I am quite sure we ought not to add to their power in the…Commons by reducing the number of English representatives.[145]

One of the principal perceived dangers, as James Scarlett (Malton) publicly explained to his patron Lord Milton, was that by augmenting the Irish contingent in the Commons at the expense of the English, it threatened to produce a legislature in polar opposition to that more integrated national assembly professed to be the aim of the Whigs. Fearful of 'so greatly multiplying the chances by which a majority, formed entirely of Irish members, may overrule, upon questions purely English, a majority of English members', Scarlett pointed to the second reading of the English reform bill as evidence of his concern. In that fateful division, he noted, the English, Welsh and Scottish MPs had voted in a majority *against* the second reading, its successful passage thus being rendered dependent upon the breakdown of Irish votes 53-37 in its favour.[146]

Tellingly, however, advocates for reform, just as much as its opponents, were prone to highlight the specifically national dimensions of the divisions on the English reform bill. Whereas anti-reformers dwelt on the nefarious consequences of bolstering an Irish national bloc, supporters focused their obloquy on the Scottish portion of the Commons, which, as one paper commented, was rapidly becoming 'a mere drag on the wheel'.[147] Observing that the Scottish MPs had divided 13-16 against the second reading of the English reform bill, the *Morning Chronicle* reflected that had 'Scotland…been cut off, the Reform Bill would have been carried by a considerable majority…We have always said that…it is not Scotland merely, but the empire in general, which demands the change in the Scotch representation'.[148]

More generally, reformers asserted that the voting records of the different national blocs in the Commons clearly demonstrated the irredeemably *un*representative despond into which the Westminster parliament had descended. 'We cannot have a better proof that the people are not represented in the united parliament, as at present constituted, than was manifested on the late division [on Gascoyne's amendment] on the reform bill', noted one editorial in the *Roscommon Journal*. 'If we look to England', it continued,

> We find the people almost unanimous in favour of the measure but we find notwithstanding the wishes of the people that the majority of their nominal representatives voted against them…If we look to Scotland…we likewise find

[145] Fisher, *The House of Commons 1820-1832*, VII, 900-1.
[146] James Scarlett, *Substance of the speech of Sir James Scarlett: on the motion for the second reading of the Bill for Reform, in the House of Commons; with a letter to Lord Viscount Milton* (London: John Murray, 1831), 29.
[147] *Caledonian Mercury*, 25 Apr. 1831, 2-3.
[148] *Morning Chronicle*, 30 Mar. 1831, 3.

> the majority of members voting contrary to the wishes of the people. To whom, then, are the people of those countries to be indebted for success of that vital measure that will ultimately prove the salvation of the empire – I say to Ireland.[149]

Amongst the supporters of reform, and especially the ministers themselves, however, the most common riposte to their opponents' national analyses of Westminster was to assert the unifying 'imperial' ethos which had motivated the drafting of all three bills. Thus, they portrayed anti-reformers as small-minded 'nationalists' unwilling to recognise the coherence of the 'British' political nation which their reform programme was designed to strengthen.[150] In terms of the question of the precise redistribution of seats across the United Kingdom, ministers and their supporters therefore tended not merely to downplay national ratios and proportions, but to argue that a central tenet of their bills was to reconcile national interests so as to render notions of English, Scottish, Irish and Welsh blocs both unnecessary and, indeed, corrosive. Lord John Russell decried Gascoyne's amendment as 'most invidious' on the grounds that it was

> Likely to promote that jealousy which we ought to endeavour to allay…by declaring…that there is one part, or that there are two parts of the United Kingdom which ought to have a particular number of Members, to the exclusion of the rest.[151]

Indeed, William Bulwer (Coventry) refused even to countenance the principle of Gascoyne's amendment, since to do so would be 'to admit that England, Scotland, and Ireland, were separate kingdoms, instead of being one united empire'.[152]

The inclination of reformers to assume the high 'imperial' ground in theory undercut the very basis of Gascoyne's amendment, since, according to this argument, seats were *not* being taken from England and given to Scotland and Ireland. Rather, they were being removed from self-serving, 'un-British' nominees and apportioned out across the four nations so as to make the United Kingdom a reality in fact as well as name. In practice, such assertions rested on two complementary assumptions. The first, already alluded to, was that the boroughs set to be disfranchised were in no sense to be considered as belonging narrowly to England. They 'are of no nationality', declared the *Examiner*, enjoying 'no community of

[149] *Roscommon Journal*, 23 Apr. 1831, 3.
[150] Linda Colley, *Britons: forging the nation, 1707-1837*, 2nd ed. (New Haven: Yale University Press, 2009), 346, 350.
[151] *HPD*, 18 Apr. 1831, vol. 3, c. 1523.
[152] *HPD*, 19 Apr. 1831, vol. 3, c. 1605.

feeling, of interest, or of confidence with their nominal constituents', save their ascendant patron.[153] In fact, as a lengthy editorial in *The Times* explained:

> The members for these wretched [English] boroughs not merely did not represent England more than any other branch of the King's dominions, but they might…according to the chances of the market, have represented Scotland and Ireland jointly, to the utter exclusion of England; or Ireland alone, or Scotland alone, to the exclusion of both her sisters…so far from depriving the people of England of weight or authority in the Imperial Parliament, the bill would, by the very act of disfranchising the said boroughs…remove an…iniquitous restraint from the operation of the real feelings of the country.[154]

The second fundamental principle underpinning reformers' responses followed on from the first, in that though seats were indeed to be apportioned out across the four nations, the fundamentally united interests of the peoples of the United Kingdom meant that precisely *how* many seats went to England, Wales, Ireland or Scotland was of comparatively little consequence. An editorial in the *Scotsman* of May 1831 no doubt spoke for many reformers when it castigated Gascoyne for suggesting that there even existed a specific English interest requiring numerous representation. 'Surely there is no separate interest to serve', it observed:

> The people of England know and feel, that the real representatives of Edinburgh and Glasgow – of Dublin and Cork – are more truly their own members than the representatives of Gatton or Old Sarum, or of any nomination burgh, though locally situated to the south of the Tweed…They know that a reform of the Scotch system is essentially a reform of the English; that the true interests of the United Kingdom are one and indivisible; that the friend of the liberties of Scotland, cannot be an enemy of the rights of either England or Ireland.[155]

Though ministers' defeat over Gascoyne's amendment represented the point in the reform crisis at which tensions between the four nations of the United Kingdom came most palpably to the fore, this 'British' or imperial dynamic remained an almost constant undercurrent to the debates of the following sixteen months. It was injected with added impetus in the aftermath of the general election of May 1831, precipitated by Gascoyne's amendment, when the overwhelming character of the Whig victory, fought almost entirely on the reform platform, fundamentally reconfigured the terms of the subsequent debates at Westminster. In

[153] *Examiner*, 24 Apr. 1831, 1; *The Times*, 13 May 1831, 2.
[154] *The Times*, 13 May 1831, 2.
[155] *Scotsman*, 30 Apr. 1831, 2.

the wake of such an emphatic declaration of support across all four nations, the issue at stake was no longer *whether* to reform, but rather precisely *what* such reform should entail.[156] The result was that those MPs who had previously taken an anti-reform stance increasingly allied with many of their former opponents in order to assert in a new patriotic vein that, if the constitution had to be altered, then such alterations should be executed in a just and rational fashion across all portions of the United Kingdom. 'When those who introduced a change laid down a new principle', explained arch anti-reformer Charles Wetherell (Boroughbridge), 'what he wanted was to have that principle clearly worked out. This had not been done with regard to the sister countries…if the old Constitution was to be broken up, the new system ought to be an imperial measure'.[157] Historians have largely ignored this dimension to the reform debates, but for ministers the emergence of vociferous national blocs encompassing both reformers and former anti-reformers posed very real dangers.[158] In September 1831, Lord Holland confided to his journal that at a recent cabinet, Lord Althorp 'and the other Members of the Commons' had grown 'very apprehensive that we should be beat if…resisted…by the combination of Irish and Scotch reformers and the antireformers [sic]'.[159] Four months later, Lord Grey informed the king that the prospect of 'Irish and Scotch members…aided by Radicals' supporting a motion for additional seats for Ireland was a 'danger…too great to be risked'.[160]

As Grey's warning indicated, even after Gascoyne's amendment, tensions between the four nations remained principally focused on the proposed division of seats across the different component portions of the United Kingdom. Two factors added fuel to these four nations fires. Firstly, the decision taken after June 1831 to prioritise the Anglo-Welsh measure in the parliamentary schedule served not, as Althorp explicitly contended, 'to keep the discussion of the respective Bills separate', but rather to encourage their joint consideration on the grounds that the terms and scale of English and Welsh redistribution would dictate the range of possibility elsewhere.[161] 'There is no time to lose', pressed the *Inverness Courier* in discussion on the right of Inverness-shire to an additional seat, 'Some of the English Members are…howling for the whole prey'.[162] Already, prior to Gascoyne's amendment, Lord John Russell had reinstated numerous English constituencies, which, by the terms of

[156] Pentland, "The Debate on Scottish Parliamentary Reform, 1830-1832," 113-14; Brock, *The Great Reform Act*, 209.
[157] *HPD*, 2 Mar. 1832, vol. 10, c. 1086.
[158] Colley, *Britons: forging the nation*, 352-3; Denis Le Marchant, *Memoir of John Charles, Viscount Althorp, Third Earl Spencer* (London: Bentley, 1876), 386.
[159] A.D. Kriegel, ed., *The Holland House diaries, 1831-40, with extracts from the diary of Dr. John Allen* (London: Routledge, 1977), 58.
[160] Grey, *The Reform Act, 1832*, II, 142-3.
[161] *HPD*, 8 Jul. 1831, vol. 4, c. 1003; Gash, *Politics in the age of Peel*, 34.
[162] *Inverness Courier*, 20 Apr. 1831, 3.

the original bill would have lost one or both members; who was to say, as Joseph Dixon (Glasgow) warned, that the 'bank' of seats for redistribution 'would not be exhausted before a due share of its contents' was apportioned to Scotland and Ireland?'[163]

Even more important in fomenting frictions was the uncertainty of the precise criteria underpinning the Whigs' enfranchisement and disfranchisement schedules.[164] Early reprieves had already been gained by numerous English boroughs where discrepancies between parish and borough populations had been discovered, whilst the transfer of Downton and St Germans from Schedule B to A in June 1831 was justified on the basis, not of population, but of the paucity of ten-pound households.[165] Notions of enfranchising 'interest', though clearly recognised by contemporaries as important, were inevitably subjective and invited dispute and contention.[166] In October 1831, Melbourne sought to refute Scottish and Irish claims to extra seats on the basis that the bills 'look[ed] at property, at different interests, and at different classes as well as population'.[167] All this was rendered even more complicated when transposed onto the question of national quotas, which, though no longer fastened to their Union ratios, were nonetheless conceived as being in some degree proportionate to one another. Furthermore, the multinational character of the legislature positively encouraged a discourse of national interest based upon comparison with the treatments afforded to the different portions of the United Kingdom.[168] After all, what gave added edge to these national tussles was not merely that Members could claim allegedly imperial principles had not been applied fairly to their particular nations, but that they could do so explicitly by pointing to instances where such principles had been applied elsewhere across England, Wales, Scotland or Ireland. Since within the finite space at Westminster every claim for an additional Member in one nation was always a claim for it *not* to be given to another, it was inevitable that debates dissolved into efforts to represent, by whatever means and yardsticks at hand, the prior claims of the different portions of the United Kingdom.

Population statistics remained a favoured measure amongst the Welsh, Scottish and Irish MPs not least because, more than any other criterion, they tended to produce what were ostensibly the most glaring comparative inconsistencies across the three bills.[169] In the wake

[163] *HPD*, 9 Aug. 1831, vol. 5, c. 1100.
[164] Gash, *Politics in the age of Peel*, 23; Fisher, *The House of Commons 1820-1832*, I, 381-8.
[165] Fisher, *The House of Commons 1820-1832*, I, 382.
[166] Parry, *The rise and fall of Liberal government in Victorian Britain*, 78.
[167] *HPD*, 4 Oct. 1831, vol. 7, c. 1182.
[168] For more on these comparative dynamics, see Chapter 5 below.
[169] Milton-Smith, "Earl Grey's cabinet and the objects of parliamentary reform," 65; see, for instance O'Connell's speech, *HPD*, 19 Apr. 1831, vol. 3, c. 1664, and Charles William Wynn's justification for additional seats for Wales, 9 Aug. 1831, vol. 5, cc. 1097-9.

of the Whig government's decision to grant two additional MPs to each English county with a population in excess of 150,000 in March 1831, and, a month later, by the award of an additional seven seats to English counties with populations between 100,000-150,000, Welsh claims were duly urged specifically on the basis of this imperial 'county ratio'.[170] Claiming that ministers had admitted the rectitude of granting three MPs to English counties with a population in excess of 150,000, Charles Williams Wynn (Montgomeryshire) maintained that 'it was only reasonable' that those counties in Wales which contained 80,000-90,000 inhabitants, and which only returned a single MP, should be awarded second Members.[171] Once ministers conceded the Welsh demands, awarding three additional Members to Glamorganshire, Denbighshire and Carmarthenshire in September 1831, Scottish MPs reframed their claims to take account of this Welsh development.[172] The Lord Advocate himself privately exulted that 'The concession to the cheese-eating, goaty, Principality of Wales, in the Committee, strengthens our claim considerably', and the *Scotsman* likewise commended the 'just' claims of Scotland to additional Members 'in consequence of the alterations, in regard to England, Ireland, and Wales'.[173] In his motions of 4 October 1831 and 1 June 1832 for additional Members for Scottish counties with populations in excess of 100,000, Sir George Murray (Perthshire) made explicit recourse both to the English precedent and the 'Welsh…rule', claiming 'It was only a measure of justice that those Scotch counties containing 70,000 [inhabitants] should also have two Members each'.[174] In a similar vein of imperial consistency, Reformer Robert Cutlar-Fergusson provocatively enquired of ministers whether 'Scotland…was…to be made an exception to the liberal mode of dealing which was adopted towards other parts of the kingdom? Did Scotland deserve to be treated less liberally than Wales?'[175] Inevitably, Ireland followed suit. In January 1832, Nicholas Leader (Kilkenny), Sir John Burke (Co. Galway) and Richard Sheil (Co. Louth) all pressed for additional Members for Irish counties with populations exceeding 200,000 by reference to previous English and Welsh concessions.[176] 'It would no longer be tolerated in England', bristled Burke, 'that Rutland and Yorkshire' should have the same number of Members; why, then, not extend the same

[170] Fisher, *The House of Commons 1820-1832*, I, 407.
[171] *HPD*, 13 Aug. 1831, vol. 5, c. 1351; see also, Lord Kenyon's entreaties: *HPD*, 16 Aug. 1831, vol. 6, cc. 266-8.
[172] Fisher, *The House of Commons 1820-1832*, I, 88; *HPD*, 13 Sep. 1831, vol. 6, cc. 1388-92; see also John Stuart Wortley's earlier comments, *HPD*, 13 Aug. 1831, vol. 5, c. 1354.
[173] Qu. in Pentland, "The Debate on Scottish Parliamentary Reform," 127; *Scotsman*, 5 Oct. 1831, 2; in the event, Scotland was awarded a further three seats on 26 September 1831, though this did not halt attempts to seek further augmentation: *HPD*, 26 Sep. 1831, vol. 7, c. 645.
[174] Fisher, *The House of Commons 1820-1832*, I, 144-5; *HPD*, 3 Oct. 1831, vol. 7, c. 1113; 4 Oct. 1831, vol. 7, cc. 1268-9.; 1 June 1832, vol. 13, cc. 328-9.
[175] *HPD*, 4 Oct. 1831, vol. 7, c. 1299.
[176] *HPD*, 19 Jan. 1832, vol. 9, cc. 609, 616, 625.

principle to Ireland?'[177] 'For, in God's name', exclaimed Sheil, 'if there was any principle, how was it…that Denbigh[shire], with its 82,000 inhabitants was to have another Member, while [Co.] Cork with its 700,000 was refused a like favour?'[178]

However, population was only one variable amongst many taken up by Scottish, Irish and Welsh Members during the interminable debates on the details of the various bills between June 1831 and July 1832. With notions of 'interest', wealth and contribution to national revenue clearly just as significant as indicators of merit in Whig eyes, MPs from the nations of the Celtic fringe sought to tailor their arguments accordingly.[179] By the time of the third iteration of the English bill, such 're-packaging' of national claims was no doubt further stimulated by the imposition of Thomas Drummond's new measure for borough disfranchisement based purely upon the number of ten-pound houses and the amount of assessed taxes contributed.[180]

Certainly, contribution to national wealth assumed a critical position in Scottish claims, not least because it offered a prime means of asserting priority over their more heavily-populated, but considerably less opulent, Irish neighbours. Alexander Pringle's (Selkirkshire) description of the 'advance[s]…in wealth and commerce' made by Scotland whilst Ireland remained 'stationary' was typical.[181] Such arguments were bolstered in early 1832 when official returns were sought detailing 'in what proportions the people of the three kingdoms contribute to the public revenue'.[182] The discovery that, 'Our clamorous fellow-subjects of the Green Isle…pay, man for man, just 5s. for every 20s. paid by the people of Scotland and 5s. for every 28s. paid by the people of England' was gleefully taken up by the *Morning Advertiser* to douse the claims of the Irish for additional MPs. 'Were the expense of ruling each country deducted from its fiscal contributions', the piece continued, 'Ireland would scarcely be entitled to the 100 Members she at present returns'.[183] Already, in January 1832, *The Times* had adopted a similar line in response to the Irish Members' increasing agitation at the refusal of the government to grant more than five additional seats to their nation's total. Observing that 'the best test of [Ireland's] immediate use to England, and its

[177] *Ibid.*, c.616.
[178] *Ibid.*, c.625.
[179] See, for instance, George Murray's speech: *HPD*, 4 Oct. 1831, vol. 7, c. 1264; and the printed claims of various boroughs and counties in *Copies of all applications (not already laid before Parliament) made to His Majesty's government, that any city, town or district should be continued in, or admitted to, the right of sending members to Parliament*, *PP* 1831 (64), xvi, 1-72.
[180] Fisher, *The House of Commons 1820-1832*, I, 385; Brian Robson, "Maps and mathematics: ranking the English boroughs for the 1832 Reform Act," *Journal of Historical Geography* 46 (2014): 71; Martin Spychal, "'One of the best men of business we had ever met': Thomas Drummond, the boundary commission and the 1832 Reform Act," *Historical Research* 90, no. 249 (2017): 543-66.
[181] *HPD*, 13 Aug. 1831, vol. 5, c. 1357.
[182] *Morning Advertiser*, 24 Mar. 1832, 3.
[183] *Ibid*.

relative addition to the strength of the empire' was 'what it brings to the common Treasury', it claimed that the 'just share of Ireland in the general representation would sink as much below its present number of 100, as a regard to its population alone would raise it above that number'.[184]

The question of the apportionment of seats across the United Kingdom thus demonstrated the problems faced by ministers in legislating for a multinational polity according to broadly imperial principles which could be picked apart in their precise national applications. It also starkly revealed the tendency within the settings of an imperial legislature for concessions in one national context to spark 'copycat' demands in others. As we have seen, it was the award of an additional three Members to Welsh counties which provided the fillip to the Scottish Members to make their case. But ministers were all too aware that the award of further MPs to Scotland would raise the far more troubling spectre of Irish demands. Time and again during the autumn and winter of 1831, Lord Holland's journals stress the ministerial headaches induced by this prospect of imperial legislative concatenation.[185] Indeed, Scottish claims were initially to be shunned purely on the basis of their Irish implications. 'It would have been hazardous', Holland reflected, 'to have enlarged the [Scottish] numbers, for Ireland…would also have insisted on some further increase [sic], and, if refused, have had a fresh grievance'.[186] Indeed, it has perhaps not been adequately appreciated by historians that it was concern to quash *Irish* pretensions to additional seats that persuaded ministers to 'fill up' the prospective reformed Commons to its existing numbers by the reinstatement of English seats during the final iterations of the reform bills. 'A determination arising from the apprehension of an immediate embarrassment, namely the pretensions of the Irish' was how Lord Holland privately put it in the wake of the cabinet meeting of November 1831, when the decision was taken to maintain the size of the Commons at 658 Members.[187] A similar rationale was even given to William IV by Lord Grey, the monarch approving of the move as a means of 'shutting out the claim of Ireland to more members'.[188]

However, for the Whig administration, maintenance of the size of the Commons was attractive not merely in order to quieten Irish cries, but also to demonstrate responsiveness to previously hostile English Members, many of whom remained pledged to the sentiment of Gascoyne's amendment not to see their nation's representation reduced. The pervasiveness

[184] Qu. in *Freeman's Journal*, 24 Jan. 1832, 2.
[185] Kriegel, *The Holland House diaries*, 54, 58, 85-6, 93-5.
[186] *Ibid*., 54; see also Francis Jeffrey to Henry Cockburn, 24 Apr. 1831, NLS, Adv. MSS., 9.1.8, fol. 47.
[187] Kriegel, *The Holland House diaries*, 85-6.
[188] Grey, *The Reform Act, 1832*, I, 453-4.

and continuing purchase of this demand after April 1831 amongst many of the English Members was testified by the prominence it was accorded amongst the list of desiderata drawn up by intermediaries Lords Wharncliffe and Harrowby. As the leaders of the so-called 'Waverers', they had taken it upon themselves to launch overtures of compromise with Lord Grey during the autumn of 1831.[189] From their very first meeting, Wharncliffe had made clear his objection to 'any diminution of the present number of the House of Commons, and to the additions to Scotland and Ireland'.[190] So it was that by December 1831, the need to 'shut the door' against increasingly vociferous Irish demands dovetailed with the imperative to demonstrate willingness to compromise with desired English-led modifications to persuade the Whig government to restore the House of Commons to its existing size, and thus to scale back its initial intentions to undertake a more radical re-shaping of the four nations landscape at Westminster.[191]

But fractures and strains arising along national fault lines extended beyond the question of the apportionment of seats. Increasingly, the precise terms of the Scottish and Irish bills were scrutinised on the basis of comparison to those stipulations continued in the Anglo-Welsh measure. Such cross-border comparative perspectives had the potential to raise tensions of various – and often contradictory – character. Amongst the Scottish Members – both in and out of government – frustrations at the apparent kowtowing of their nation's bill to that of England's, remained close to the surface.[192] The addition of stipulations providing for the enfranchisement of Scottish tenants-at-will in July 1832, despite the misgivings of Jeffrey and Cockburn that it would facilitate the creation of fictitious votes, and despite being dropped from the second version of the Scottish bill, was insisted upon following its implementation south of the border by the terms of the so-called Chandos clause.[193] By the same token, contrary to numerous Scottish petitions and the declarations of various Members of that nation, Scottish clergymen were likewise enfranchised, on the basis that, to have done otherwise, as Cockburn explained, would not have been 'English; and this, as on too many other occasions, was held conclusive'.[194] Though eventually dropped by Althorp, the attempt to introduce a property qualification for Scottish Members which mirrored that

[189] Brock, *The Great Reform Act*, 260-5.
[190] Grey, *The Reform Act, 1832*, I, 467-8.
[191] Kriegel, *The Holland House diaries*, 85-6; see also Lord Wharncliffe to Lord Harrowby, Nov. 1831, Sheffield Record Office, WhM 516-18(i)/(ii); Brock, *The Great Reform Act*, 265.
[192] See pages 59-60 above.
[193] Gordon Pentland, "Radicalism and reform in Scotland," 168.
[194] Qu. in Pentland, "The Debate on Scottish Parliamentary Reform, 1830-1832," 124-5; *HPD*, 6 June 1832, vol. 13, cc. 464-96.

set to be imposed south of the Tweed, prompted uproar in July 1832 as a specimen of ignorant Anglocentricity abrogating entrenched Scottish tradition.[195]

In Ireland, by contrast, cross-border comparative strains largely operated in the opposite direction, with Irish reformers lamenting what they saw as the increasing disjunctions between their own nation's version of reform, and that set to be enacted on the British mainland.[196] Such Irish complaints were most straightforwardly taken up where the English bill clearly differed from its Irish analogue. Thus, in its initial incarnation, it was envisaged that Ireland would enjoy broadly the same arrangements for electoral registration as were set to be imposed in England and Wales.[197] When, from the second iteration of the Irish bill onwards, these English stipulations were replaced with the pre-existing Irish arrangements, considerable disquiet ensued.[198] Similarly, the various efforts led by O'Connell during 1832 to seek the reinstatement of the Irish forty-shilling freeholder, disenfranchised under the terms of Catholic emancipation, made much of the existence of that very same franchise on English and Welsh shores and, thus, the imperial inconsistencies and injustice of its continued denial across the Irish Sea.[199]

Much more problematic were those instances where Irish reformers framed their allegations of comparative unfair dealing on vaguer notions of equivalence and similarity. A good deal of the committee stage of the Irish bill's third iteration was consumed by efforts on the part of Irish Members to augment that nation's county electorate by the enfranchisement of classes of voter which, though they did not map directly on to those set to be enfranchised in England, were nonetheless deemed to be analogous to them once one accounted for Ireland's straitened economic and social circumstances.[200] Here, the focus was one of imperial ends rather than means: how to create in the Irish environment the 'extensive and sufficient constituency' that ministers averred was their aspiration in taking up the imperial reform project.[201] 'When the constituency of England and Scotland was so much increased', objected Nicholas Leader, 'the people of Ireland felt that justice was not done to them, when

[195] Phineas Daniel to John Murray, 23 June 1832, NLS, Murray papers, MS. 19735, fol. 75; [Anon.], "Thieves! Thieves!," *Tait's Edinburgh Magazine* 1, no. 4 (Jul. 1832): 512-14.
[196] *HPD*, 19 Jan. 1832, vol. 9, cc. 595-631; 23 Jan. 1832, vol. 9, c. 708; 25 May 1832, vol. 13, c. 150.
[197] See page 59 above.
[198] *HPD*, 13 June 1832, vol. 13, c. 583; *HPD*, 18 June 1832, vol. 13, c. 771; Hoppen, "Politics, the law, and the nature of the Irish electorate 1832-1850," 750.
[199] Fisher, *The House of Commons 1820-1832*, I, 212; *HPD*, 13 June 1832, vol. 13, c. 570; see also, Henry Westenra, *The case of the forty-shilling freeholders of Ireland in a letter to the Members of the Imperial Parliament* (London: J. Ridgway, 1829).
[200] Gash, *Politics in the age of Peel*, 52-8; *HPD*, 25 May 1832, vol. 13, cc. 150-63; 6 June 1832, vol. 13, cc. 464-6; 13 June 1832, vol. 13, cc. 562-96; 18 June 1832, vol. 13, cc. 768-818; 25 June 1832, vol. 13, cc. 1010-22.
[201] *HPD*, 18 June 1832, vol. 13, c. 771; *HPD*, 25 May 1832, vol. 13, c. 157.

the constituency of that country was left numerically the same'.[202] That, in turn, of course raised one of the more critical problems facing ministers generally in endeavouring to promote broadly consistent schemes of reform within a diverse multinational state: to what extent should one deviate in detail in order that the application of equal principle produced equal outcomes?[203] During the second half of the 1830s, it was precisely on these grounds – that one could not apply the same terms to Ireland in order to secure the same results – that Conservatives framed their opposition to the Whigs' Irish municipal corporation bills.[204] In its reform 'guise', however, it produced strains such as those induced by reformer Dominick Browne's (Co. Mayo) unsuccessful motion to disfranchise five Irish boroughs on the grounds that, within them, the ten-pound householder franchise would produce an electorate too sparse to meet the total of three hundred already established as a benchmark in the Anglo-Welsh context.[205] Though ministers refused to comply with this particular demand, in June 1832, in response to the 'solicit[ations]' of numerous assembled Irish Members, that nation's leaseholder franchise was lowered to ten pounds at twenty years (rather than twenty pounds in England, Wales and Scotland) – though 'somewhat against Grey's and much against Richmond's will' – in light of the less 'extensive…constituency' set to be enfranchised in Ireland under the higher rate.[206]

This willingness on the part of the Whig ministry to modify their overarching aims of imperial consistency in light of the need to cater to national distinctiveness was likewise on display when Althorp swiftly surrendered the aforementioned proposed Scottish property qualification clause once fully apprised of the great dissatisfaction which the proposition had occasioned north of the Tweed.[207] Where, as in this instance, national sentiment appeared to be largely in unison, matters were relatively straightforward. The problem, of course, and thus one of the major difficulties presented to Grey's ministers, was that such national sentiment rarely was so monolithic and concordant. That should occasion little surprise: in many ways the reform crisis was as much a contest *within* those four nations as to which groups should form a part of these revivified polities, and what political principles and interests should underpin them, as it was a renegotiation of the relations and dynamics *between* the four nations.[208] As Bob Harris has observed, 'In any society, the 'national interest' tends to be what the politically powerful succeed in defining it to be': they are

[202] *HPD*, 13 June 1832, vol. 13, c. 583.
[203] It was an argument used by Peel against the ten-pound householder franchise: *HPD*, 2 Feb. 1832, vol. 9, c. 1212; see also, *HPD*, 25 May 1832, vol. 13, cc. 127-8.
[204] See pages 231-3 below.
[205] *HPD*, 18 June 1832, vol. 13, c. 805; see also Richard Sheil (Louth): *HPD*, 13 June 1832, vol. 13, c. 569; Gash, *Politics in the age of Peel*, 55.
[206] Kriegel, *The Holland House diaries*, 194; *HPD*, 25 June 1832, vol. 13, c. 1011.
[207] *HPD*, 27 June 1832, vol. 13, cc. 1057-8, 1060-1.
[208] Pentland, "Radicalism and reform in Scotland, 1820-1833," 137-8.

'constructed things' inevitably conditioned by the social, religious and party political persuasions of the constructors at any given time.[209] Amongst Irish Protestant MPs, for example, there existed a quite different conception of the national interest than their Catholic colleagues. Where the latter railed against the extension to Ireland of the English bill's stipulation permitting freemen to pass on their hereditary voting, the Protestant preponderance in those boroughs ensured it met with a warm response among the Irish Members of that faith when finally supplied by a Lords amendment in August 1832.[210] Similarly, the decision by the government to award an additional Member to Protestant Trinity College Dublin was feted by a portion of Irish MPs, just as O'Connell decried it as 'a…monstrous…crime against the people of Ireland'.[211]

By the same token, once debate turned on the details rather than principle of reform, contending notions of the relative importance of the agricultural, manufacturing and commercial interests within the overarching Scottish national interest could pose problems for ministers. Cockburn and Kennedy could lament the government's decision to abandon their initial plans to unite Selkirkshire and Peebleshire as contrary to what they perceived as Scotland's interests, but Althorp explicitly justified the decision on the basis that, amongst the Scottish representations they had received on the subject, 'There appeared…to exist objections…of such weight and of so strong a nature, that we did not think we could in justice proceed'.[212] In the eyes of the Scottish Whigs there seems almost to have been 'right' and 'wrong' Scottish national interests, such that in one breath they could criticise ministers for seeking to impose English terms, and in the next Cockburn could conjoin Kennedy to combat the 'local lies, which will be called knowledge, and the local intolerance which will be held to be caution'.[213] He resumed this cry eight months later when he explicitly expressed his fears not that the government would ignore Scottish opinion, but that, it would 'yield so far to the clamour of local interests as greatly to hurt our Scotch Bill'.[214]

The four nations reformed

When the Act to amend the representation of the people in England and Wales received the royal assent on 7 June 1832, the *Plymouth and Devonport Weekly* reminded its readers that

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[209] Harris, "The Scots, the Westminster parliament, and the British state in the eighteenth century," 126-7.
[210] *HPD*, 3 Aug. 1832, vol. 14, cc. 1096-1113; this had been a long-running issue throughout the debates: *HPD*, 19 Jan. 1832, vol. 9, cc. 605, 608; 25 May 1832, vol. 13, c. 140; 2 Jul. 1832, vol. 13, c. 1259; 26 Jul. 1832, vol. 14, c. 777.
[211] *HPD*, 23 May 1832, vol. 12, c. 1400; Gash, *Politics in the age of Peel*, 57-61.
[212] *HPD*, 4 Oct. 1831, vol. 7, cc. 1243, 1246; [Anon.], *Dissection of the Scottish Reform Bill having the bill annexed by a member of the hon. Society of the Middle Temple* (London: J. Hatchard and Son, 1831), 18; Cockburn, *Letters chiefly connected with the affairs of Scotland*, 300-1, 340-1.
[213] Cockburn, *Letters chiefly connected with the affairs of Scotland*, 301-2.
[214] *Ibid*., 357-8.

the ‘majestic temple of purified Representation…will not have received the finishing stone until England, Ireland, and Scotland, each and all have been admitted to a full participation in the mighty boon’. ‘London, Birmingham and Liverpool are content to admit the passing of the Scottish and Irish Reform Bills, that a day of exultation may be observed throughout the three kingdoms at once’, it continued, and Plymouth should likewise stand tall in such imperial solidarity.[215] In Edinburgh, a meeting of reformers likewise determined that festivities ‘should not take place until after the Reform Bills for all the Three Kingdoms shall have received the Royal Assent’.[216] Sure enough, with the eventual enactment of the Scottish measure on 17 July and the Irish on 7 August 1832, reform celebrations and jubilee dinners were held across all four nations and *The Times* enjoined its readers that ‘upon every beacon in the three kingdoms a bonfire’ should be lit.[217] ‘The people of Britain [i.e. and Ireland]’, exclaimed the *Scotsman*, ‘are now as fully united…as any nation was in the holiest and ultimately most triumphant cause…the Bill [sic] is the symbol of unanimity, the pledge of cooperation amongst us’.[218] Such revelries were the culmination of what, for contemporaries, had clearly been a great *national* episode.[219]

If the measures, as finally enacted eighteen months after their initial introduction in March 1831, did not display the same degree of consistency as Grey’s ministry had first intended, still they looked set to effect a considerably heightened degree of imperial coherence across the reformed four nations.[220] Most significantly, across England, Wales, Scotland and Ireland, a standard ten-pound householder franchise (requiring twelve months previous residence in Britain and six in Ireland), and the payment of local rates, had been implemented.[221] From now on the United Kingdom was a political nation of property owners. Freeholders, copyholders and leaseholders that qualified for borough votes in England and Wales were not permitted to vote in counties; similarly, urban voters in Scotland and Ireland could not tender votes in the counties in which they were situated.[222] Systems of electoral registration extended across the length and breadth of the United Kingdom.[223] In Britain, polling practices would henceforth follow the same procedures and

[215] *Plymouth and Devonport Weekly Journal*, 14 June 1832, 2.
[216] *Caledonian Mercury*, 9 June 1832, 1.
[217] *The Times*, 1 June 1832, 2. (written prior to the enactment of the Scottish and Irish acts, *The Times* was enjoining what it thought *should* occur upon the passage of all three measures).
[218] *Scotsman*, 10 Sep. 1831, 2.
[219] A point explicitly adverted to by Linda Colley: *Britons: forging the nation*, 346.
[220] The three reform bills reached the statute book as 2 & 3 William IV, c.45 (England and Wales), 2 & 3 William IV, c.65 (Scotland) and 2 & 3 William IV, c.88 (Ireland).
[221] 2 & 3 William IV, c.45, s. 27; 2 & 3 William IV, c.65, s. 11; 2 & 3 William IV, c.88, ss. 7-8.
[222] 2 & 3 William IV, c.45, ss. 24-5; 2 & 3 William IV, c.65, s.35; 2 & 3 William IV, c.88, s. 4.
[223] 2 & 3 William IV, c.45, ss. 37-57; 2 & 3 William IV, c.65, ss. 13-25; 2 & 3 William IV, c.88, ss. 14-46.

protocol.[224] As importantly, the redistribution of seats across the Union had been undertaken on broadly uniform principles, premised on securing the realignment of the Imperial Parliament with propertied opinion, and the diverse national interests, that spanned the United Kingdom in 1832.

In Ireland and Scotland, in particular, great hopes were placed in the likely legislative activities of this reinvigorated parliament. Surveying the prevailing fractious circumstances in Ireland occasioned by the tithe war, the *Metropolitan Magazine* maintained that 'prudent and firm measures' held the key to 'avert[ing] the threatened calamity' and that 'such measures never could have been prepared, nor carried, but in a reformed parliament'.[225] 'The whole Empire', observed Gerald Fitzmaurice, 'have some reason to expect from a Reformed House of Commons some reforming and energetic measures that will save Ireland from continuing, as hitherto, a source of increasing weakness rather than strength to the Empire'.[226] Such onlookers need not have worried: from an early stage, ministers too had perceived the importance of the first reform government being prepared with a bold programme of Irish legislation, in part to spike O'Connell's guns.[227] Even prior to the Irish reform act being given the royal assent, Althorp and Grey were in deep discussion concerning the prospective Irish church bill, and in November 1832 Sir John Hobhouse noted that Lord Stanley was 'heading off to Ireland to prepare his bills'.[228] A month before, the incumbent Irish Lord Lieutenant, Lord Anglesey, had written to Grey, urging the necessity for the reformed parliament to dispense 'some large measures of Justice towards this country', including, *inter alia*, bills reforming the laws relating to the poor, grand and petty juries, labour rates, processions and the police.[229] That a thoroughgoing programme of Irish measures was indeed essential was merely confirmed on the election hustings in December 1832, when numerous Irish candidates, though cowed by O'Connell's Repeal Association, nonetheless avowed their determination to trial the legislative intentions and actions of the reformed parliament towards their country before taking up cudgels.[230]

Hopes for bold legislative action were equally enthusiastic north of the Tweed. Here, reform was presented by its supporters as nothing less than the 'emancipat[ion] [of] Scotland from political bondage', and the establishment, finally, of 'the real and substantial Union betwixt

[224] 2 & 3 William IV, c.45, ss. 61-73; 2 & 3 William IV, c.65, ss. 26-34.
[225] [Anon.], "The effects of the Reform Bill," *Metropolitan Magazine* 5, no. 18 (Oct. 1832): 139.
[226] Gerald Fitzmaurice, *The rights of the people of Ireland, an integral part of the United Kingdom, under a reformed parliament, in a letter to Earl Grey* (London: James Ridgeway, 1834), 3, 7; see also, *HPD*, 16 Aug. 1831, vol. 6, cc. 86-7.
[227] Kanter, *The making of British Unionism*, 191.
[228] Lord Althorp to Lord Grey, 20 Oct. 1832, Spencer papers, BL, Add. MSS. 76373; Sir John Hobhouse diaries, 2 Nov. 1832, Broughton papers, BL Add. MSS. 56557 fos. 29-30.
[229] Lord Anglesey to Lord Grey, 9 Oct. 1832, Anglesey papers, PRONI, D619/28/C.
[230] J.H. Whyte, "Daniel O'Connell and the repeal party," *Irish Historical Studies* 11 (1958): 297-316.

England and Scotland'.[231] 'For the first time', declared the Earl of Ormelie (Perthshire) in his response to the King's address at the opening of 1833 session, 'the Scotch nation could be said to have a political existence'.[232] Prior to its political naissance, observed *The Times*, 'total apathy of the Scottish nation to everything that smacked of politics' had ensured that people's 'insensibility to its…legislative interests'.[233] Now, however, 'measures for which the inhabitants of Scotland expect to derive great advantages' were the order of the day.[234] As with Ireland, the Caledonian legislative shopping list had begun to be prepared in good time. In June 1832, Scottish Solicitor-general Henry Cockburn had written to his friend and fellow Scottish minister Thomas Kennedy pressing the necessity for the reformed parliament to attend early to Scotland's constabulary force 'and our dens called Prisons', about which Scottish counties were already 'starting to hold committees'.[235] Three months later, however, Scotland's list of legislative desiderata had swelled considerably, with Cockburn describing 'Burgh Reform – Constabulary – Entails – Seisins – Police – Law of Evidence' as 'mere upper bubbles of the deep pool beneath'.[236]

If, as was typical, neither ministers nor the Anglo-Welsh Members enunciated England and Wales's legislative expectations in such overtly national terms, expressions uttered across the 1832 hustings nonetheless suggested bold, extensive measures applicable to that kingdom were expected too. English church reform – particularly the commutation of tithes and the abolition of church rates – was a subject which figured especially prominently on the election hustings.[237] Yet, as the preceding eighteen months had demonstrated beyond all doubt, this was, too, an *imperial* parliament. In the pan-British and Irish scope of the calls for the reform of the corn laws, abolition of slavery and general economic retrenchment, this strain of unified legislative expectancy likewise received voice.[238] Across all four nations, anticipation ran high. The scene appeared set for a new chapter in the legislative Union.

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[231] *Caledonian Mercury*, 1 Sep. 1832, 3.
[232] *HPD*, 5 Feb. 1833, vol. 15, c. 141; see also the comments of Lord Kinnaird, *HPD*, 5 Feb. 1833, vol. 15, cc. 95-6.
[233] *The Times*, 14 Dec. 1831, 2.
[234] John Wilson, *The political state of Scotland* (London: Longman, 1833), 75.
[235] Cockburn, *Letters chiefly connected with the affairs of Scotland*, 409-10.
[236] *Ibid*., 294-5, 426.
[237] Joseph Coohill, *Ideas of the Liberal Party: perceptions, agendas and liberal politics in the House of Commons, 1832-1852* (Oxford: Wiley-Blackwell, 2011), 47-49, 65.
[238] Parry, *The rise and fall of Liberal government in Victorian Britain*, 98; Gash, *Politics in the age of Peel*, 6-7; Douglas Kanter, "Was All Irish Politics Local? The Portarlington Election of 1832 and the Structure of Politics in 19th-Century Ireland," *Parliamentary History* 33, no. 3 (2014): 452.

Chapter 2 Legislating for the four nations at Westminster: a quantitative overview

'God knows we shall have our hands full enough'.[1] These were the words of Lord Grey to his Irish Lord Lieutenant Lord Anglesey in the autumn of 1832 upon surveying the overwhelming quantity of subjects demanding legislative attention in the forthcoming session of the first reformed parliament. As we saw in Chapter 1, whether favourable to the measures of parliamentary reform or not, very few perceived them as signalling anything but the onset of a much wider programme of reform across the length and breadth of the United Kingdom, executed by an Imperial Parliament in possession of a newly-attuned appreciation of public opinion across all four nations.[2] With hindsight as to the subsequent legislative record of the Reform era, most historians have tended to suggest that contemporaries were proved correct in such prognoses.[3] Few have raised any serious qualms with Philip Harling's assessment that 'the administrations of the Reform era took a much more expansive view of its legislative powers than had any of their predecessors'.[4]

At the same time, however, we possess remarkably little sense of exactly how this legislative expansiveness mapped onto the United Kingdom as a whole, or its separate national components. We lack, in short, a sense of the territorial, spatial dimension of this legislative upwelling. This chapter aims to supply that omission. It shall do so, firstly, by situating the Reform era's total output of acts and bills within its longer chronological context. From there, it will turn to focus on sketching the broad legislative terrain of the Reform era, explicitly from the perspective of its geographical distribution across the four nations of the United Kingdom, both separately and conjointly. By comparing its findings with those of Joanna Innes's relating to the first three decades of the nineteenth century, the orientation of the Reform-era statute book will not only be systematically charted for the first time, but also framed within the context of the first fifty years of the Union.[5]

[1] Lord Grey to Lord Anglesey, 12 September 1832, Anglesey papers, PRONI, D619/28/A/126.
[2] Norman Gash, *Reaction and reconstruction in English politics, 1832-52* (Oxford: Oxford University Press, 1964), 2.
[3] See pages 11-13 and associated footnotes for the historiographical consensus that the Reform era inaugurated a period of sustained legislative endeavour on the part of governments.
[4] Philip Harling, "Parliament, the state, and 'Old Corruption': conceptualizing reform, c. 1790–1832," in *Rethinking the age of reform: Britain 1780-1850*, ed. Joanna Innes and Arthur Burns (Cambridge: Cambridge University Press, 2003), 110.
[5] I am grateful to Professor Joanna Innes for providing me with access to her database of legislation covering the years 1801-1829. For Professor Innes's own conclusions, see "Legislating for three kingdoms: how the Westminster parliament legislated for England, Scotland and Ireland 1707-1830," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 15-47.

Putting the Reform era in context

Though it had long been known that the legislative output of Westminster began to rise exponentially in the decades after 1689, thanks to the relatively simple counts of legislation, carried out 'generally, comprehensively and systematically' by Julian Hoppit and Joanna Innes, we now possess a much firmer sense of the precise lineaments of this legislative revolution.[6] 'An era of unprecedented and extraordinary legislative fruitfulness at Westminster', between the Restoration in 1660 and the Union of 1800 more than 20,000 separate attempts were made to pass measures through the British legislature, of which some 14,216 were crowned with success.[7] Such legislative fecundity did not trace a uniform trajectory, however, as Figs. 2.1-2.2 demonstrate. So far as acts were concerned, between the late seventeenth and the mid-eighteenth century, the total wavered roughly between fifty to one hundred statutes per parliamentary session.[8] Thereafter, the quantities escalated dramatically, such that the passage of more than two hundred acts per session became a comparatively frequent occurrence after c.1770.[9] Whilst the total number of acts passed at Westminster between 1701 and 1750 amounted to a little over 3,300, this figure more than doubled in the years between 1770 and 1800 alone. Contrary to Dicey's well-known description of the period between 1800 and 1830 as the 'era of legislative quiescence', this tide of legislation did not ebb after 1800; indeed, with the addition of the affairs of Ireland, it intensified.[10] The first decade alone of the Imperial Parliament's existence saw more than 3,500 measures reach the statute book. Overall, whereas 9556 acts received the royal assent between 1751-1800, some 16,535 did so during the succeeding half a century to 1850.[11]

Nevertheless, so far as the legislative record of the post-1800 four nation state is concerned, Figs. 2.1-2.2 suggest a simplistic picture of a decade-on-decade, ever-swelling statute book between 1800 and 1850 would be misplaced. Instead, we can discern that the most pronounced shift in the scale of production of acts began in the 1790s, with the transition of the British state to a war footing, a process thereafter accelerated with unprecedented

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[6] Julian Hoppit, *Britain's political economies: parliament and economic life, 1660-1800* (Cambridge: Cambridge University Press, 2017), 40.
[7] Julian Hoppit, "The Nation, the State, and the First Industrial Revolution," *Journal of British Studies* 50, no. 2 (2011): 316.
[8] Julian Hoppit, "Patterns of parliamentary legislation 1660-1800," *Historical Journal* 39, no. 1 (1996): 112.
[9] *Ibid*., 110.
[10] A.V. Dicey, *Lectures on the relation between law and public opinion in England during the nineteenth century* (London: Macmillan, 1905), 62-3.
[11] The decade-on-decade totals between 1751 and 1800 are taken from David Hayton, "Introduction: the Long Apprenticeship," *Parliamentary History* 20, no. 1 (2001): 13. These figures are ultimately derived from Julian Hoppit's dataset. The quantity of acts passed between 1801 and 1850 is calculated from a parliamentary return of 1853: *Return of the total number of acts passed in each session since the year 1800, distinguishing the number of public, private, and local and personal acts*, *PP* 1852-53 (11), lxxxiii, 279.

intensity during the first two decades of the Union. The cessation of hostilities after 1815, in turn, instigated a relative moderation of the legislative pace. Set within this rather more focused context, and considered purely from the perspective of *volume*, the first decade of Reform maintained the status quo that had prevailed since the end of the Napoleonic Wars, and only in the 1840s was a great leap forward executed, with numbers in that decade swelling to levels comparable to those reached during the first twenty years of Union.

Of course, these figures of total acts make no distinction between the different types of legislation being sought. In terms of the eighteenth century, Hoppit has powerfully demonstrated the extent to which the significant swelling in legislative output was principally effected through a mass of specific, piecemeal, local measures, largely concerned with personal property rights.[12] If some 2145 acts were passed between 1760 and 1800 with a 'general' – that is to say, either national or multinational – scope, nearly three times as many were concerned with matters 'local, highly particular or personal' in character (Fig.2.3a).[13] Whilst efforts to apply these filters of 'general' and 'specific' to the legislation of the first half of the nineteenth century present certain issues of compatibility, and should thus be treated with a degree of caution, Figs. 2.3b-c nonetheless attempt such an analysis.[14] Fig. 2.3b presents the statutes of 1801-1852 broken down into the categories imposed by parliament from 1798: public general on the one hand, and local and private on the other. Though these classes mapped much more closely onto Hoppit's 'general' and 'specific' criteria, certain public general statutes would still have been classed as 'specific' according to his criteria – namely those relating to sub-national areas. Fig. 2.3c thus takes his 'general'/'specific' filters and overlays them upon the record of 1801-1852. For our broad-brush purposes, the two tables reveal fundamentally the same trends. Most strikingly, they clearly show that the local, specific statute retained its quantitative pre-eminency throughout

[12] Joanna Innes, "The local acts of a national parliament: parliament's role in sanctioning local action in eighteenth-century Britain," *Parliamentary History* 17, no. 1 (1998): 23-4; Hoppit, "The Nation, the State, and the First Industrial Revolution," 308.

[13] Hoppit imposed these 'general' and 'specific' classifications in order to circumvent the obstacles raised by the inconsistent division of legislation into categories of 'public' and 'private' prior to 1797. As Hoppit noted, whilst all acts deemed 'private' fell into his 'specific' category, not all 'public' statutes were necessarily concerned with 'general' subject-matter, that is national and multinational: Julian Hoppit and Joanna Innes, "Introduction," in *Failed legislation, 1660-1800: extracted from the Commons and Lords Journals*, ed. Julian Hoppit, with an introduction by Julian Hoppit and Joanna Innes; compiled with the assistance of Edmund Green, Nyani Samarasinghe, and John Styles (London and Rio Grande, OH: Hambledon, 1997), 6-7.

[14] From 1798, acts were categorised either as 'public general' or 'public local and personal' or 'private', with a further subdivision of the latter category into 'printed' and 'non-printed', introduced in 1814-15. To enable comparison with Hoppit's figures, both Joanna Innes and I categorised the statutes of 1801-1852 as either 'general' or 'specific'. The figures relating to 1801-52 in Fig. 2.3c have thus had this 'general'/ 'specific' filter applied. In practice, this means 'general' encompasses all those public general bills with a national or multinational scope; 'specific' is comprised of those public general bills with a local or sub-national scope *and* all local and personal and private acts.

the first half of the nineteenth century. Hennock's verdict that, though 'the great legislative work of the 1830s with its recourse to general acts' placed 'earlier assumptions' as to the pre-eminence of local legislation 'under pressure', nonetheless 'in practice local acts remained the standard procedure in most matters' cannot be gainsaid, and, more recently, Philip Salmon has restated this thesis with still greater force.[15] It is important to note that, throughout the Reform era, just as during the first thirty years of Union, and just as had been the case throughout the eighteenth century, the preponderant medium of legislative currency across the United Kingdom remained the local, specific statute. Nevertheless, with that said, in comparison to the record of its eighteenth-century predecessor, the post-1800 Imperial Parliament *did* show a minor but nonetheless increasing propensity to adopt more expansive geographical remits in its legislative output. The disparity in favour of specific over general remained, but not to the same extent (with or without the application of Hoppit's filters), and this even accounting for the infamous railway 'boom' of the mid-1840s, which amplified local legislation to heights never seen before.[16]

Focusing upon the first half of the nineteenth century alone, and removing Hoppit's 'general'/'specific' filter in order to utilise the parliamentary categories of public general versus local and personal (private now excluded), confirms the picture presented above in regard to the overall output of statutes (Fig. 2.4). In terms of sheer quantities of public general acts, the Reform era represented not a marked departure in legislative activity vis-à-vis the preceding three decades, but rather a revivification after a post-1815 falling away. That conclusion receives further corroboration once one attends to *all* legislative effort – that is, all bills regardless of their success or failure. Fig. 2.5 demonstrates that whilst numbers of general bills hit a high between 1812 and 1815, thereafter Westminster's legislative output decreased, initially between 1816 and 1818, but especially markedly throughout the 1820s, most likely in consequence of the gradual rationalisation and reform of various aspects of the fiscal-military state.[17] The advent of the reform period, from 1832, signalled the start of a resurgence across the United Kingdom from such relative legislative doldrums. In 1838, for

[15] E.P. Hennock, *Fit and proper persons: ideal and reality in nineteenth-century urban government* (London: Edward Arnold, 1973), 4; Philip Salmon, "Parliament," in *The Oxford handbook of modern British political history*, ed. David Brown, Gordon Pentland and Robert Crowcroft (Oxford: Oxford University Press, 2018), 88-91; Andrew Mackley, "The interest of 'North Britain': Scottish lobbying, the Westminster Parliament, and the British Union-State, c.1760-c.1830," (Unpublished DPhil thesis, University of Oxford, 2016), 272-3, 289.

[16] Innes, "The local acts of a national parliament: parliament's role in sanctioning local action in eighteenth-century Britain," 29.

[17] Philip Harling and Peter Mandler, "From 'fiscal-military' state to laissez-faire state, 1760-1850," *Journal of British Studies* 32, no. 1 (1993): 52, 57; however, see Innes's riposte: "Forms of 'government growth', 1780-1830," in *Structures and transformations in modern British history*, ed. David Feldman and Jon Lawrence (Cambridge: Cambridge University Press, 2011), 82-3.

the first time since 1814-15, in excess of two hundred public general bills were introduced to the Commons.[18]

To summarise, then, from 1800, the Imperial Parliament was producing more legislation than ever before. That legislation still tended to be local and specific in character, but general national measures were increasingly in favour. Considered purely from these overarching empirical vantage-points, however, the impact of parliamentary reform was minimal: both in terms of statutes and, more especially, bills, the 1830s and 1840s represented a *restirring* of legislative activity, after a post-war lull, to the sorts of levels witnessed during the first fifteen years of Union.

Orientating the legislation of the Reform era

But how did all this legislative activity actually map on to the four nations of the Union state after 1800; and what effect, if any, did reform actually produce on the overarching geographical orientation of such activities?[19] At the most general of levels, statutes impinging upon the four nations of the United Kingdom can be grouped into two broad categories: those whose effect was limited exclusively either to England and/or Wales, or Scotland or Ireland – what I term 'separate' legislation – and those whose application extended across two or more of the three kingdoms, which I have classed as 'imperial', or multinational, legislation. As a means by which to embark on our journey through the landscape of the legislative Union in the first half of the nineteenth century, the 'separate'/'imperial' dichotomy thus provides us with a helpful entry-point.[20]

[18] The numbers here relate to *all* public general bills. Information concerning bills, rather than acts, between 1801 and 1830, was not included in Joanna Innes's database, so was taken from: *Return of number of public bills presented to the House of Commons since 1801*, *PP* 1836 (41) xlvii, 29-30. The figures covering the period between 1830-31 and 1852 are taken from my own database.

[19] It is important to note that for the remainder of this chapter (and, indeed, thesis), all figures quoted concerning acts include *all* public general statutes, regardless of whether they were judged to have a national or sub-national/local remit. In other words, Hoppit's categories of 'general' and 'specific' have been removed. This decision was taken for various reasons. Firstly, in practice, the categorisation of statutes into 'public general', 'public local and personal' and 'private' after 1797 did conform much more closely to the 'general'/'specific' parameters artificially imposed by Hoppit, anyway. Secondly, sampling of Innes's dataset suggests the ascription of 'specific' to public general statutes was rather hesitantly applied. Thirdly, and most importantly, since my study is concerned with the national orientation of legislation, it matters rather less – though nonetheless will be addressed – if the measures in question affected only a portion of those nations or the entirety of the nation in question.

[20] Public general acts and bills relating to the internal affairs of the colonies, or to specific individuals or to other non-geographical entities have been removed both from the datasets, leaving only those measures bearing on at least one portion of the United Kingdom. A certain degree of caution is required with these figures since whilst Innes and I seem largely to have concurred in classifying measures as 'international' and 'non-UK' (and, thus removed from the sample) certain pieces of legislation, primarily concerned with trade, presented less clear-cut cases.

The figures presented in Fig. 2.6 and rendered graphically in Fig. 2.7 are, at first glance, perhaps rather surprising. They suggest that, after an initial slight bias towards adoption of multinational applications over separate national treatment in the first twenty years of the new Union-state, thereafter the Imperial Parliament marginally, but nonetheless increasingly, legislated in an ostensibly *less* integrated, consolidated fashion, preferring statutes limited to England and/or Wales or Scotland or Ireland to those spanning the borders of some or all of the four nations. Indeed, focusing on the Reform period of 1830-52 alone, Fig. 2.8 shows that in only 4 out of the 24 parliamentary sessions examined – 1833, 1835, 1837 and 1845 – did imperial statutes exceed those whose application was limited to only one of the three kingdoms of the Union. Overall, just under 350 more public general statutes of a 'separate' character were enacted as 'imperial' during the Reform period. The division between single and multinational treatment across 1830-52 becomes even starker once all legislative effort – and not just those crowned with success – is surveyed (Fig. 2.9). In one single full session only – 1845 – did the total number of 'separate' and 'imperial' measures introduced at Westminster even approach parity; at all other times, to greater and lesser extents, bills applicable to one nation only enjoyed very significant majorities. For reasons that shall become apparent, caution needs to be exercised in the interpretation of those imperial percentages; nevertheless, the dominance of the single-nation statute throughout the Reform era remains a striking feature of these findings: if the reform legislation of 1832 had been designed to create a more aligned, tightly-knit polity, this – admittedly crude – measure suggests that the statutes enacted thereafter did not straightforwardly reflect those intentions.

Precisely how these separate and imperial laws mapped on to England, Wales, Scotland and Ireland, as well as the various multinational configurations within which those countries could be encompassed by statute, must now be considered. The numbers are laid out in Figs. 2.10-2.11. As before, comparisons are complicated by the variations in the lengths of each 'decade'. In an attempt to mitigate that factor, certain additional analyses have been carried out. Firstly, counts of legislation have been divided approximately by the number of parliamentary sessions from which they arose in order to provide approximate sessional averages (Fig. 2.12). Curtailed parliamentary sessions, such as those in 1807, 1819-20 and then 1830-31 and 1831 make this a less than ideal comparative tool, and so this has been combined with calculating the proportions into which the total legislative output of each discrete period was divided in terms of geographical treatment (Fig. 2.13).

The most immediately striking aspect of these figures is the huge fall in statutes possessing a British – that is, English, Welsh and Scottish – scope. Whereas between 1801-09, over a third of all acts (34%) receiving the royal assent applied to Great Britain, by 1841-1852 merely 4% did so. In total numbers, this amounted to a decline in British-applied measures

of approximately 35 statutes per session between 1801 and 1852. It is to this dramatic falling away in British statutes that one must look to explain the overall decline in imperial multinational legislation described earlier. In accounting for this considerable shift in the geographical concentration of statutes away from Britain, much of the explanation surely lies, as Innes has stressed, in the amalgamation of the British and Irish treasuries after 1816, as well as from the further measures of fiscal consolidation undertaken during the succeeding decade.[21] This included the merging of the customs and excise boards of Britain and Ireland in 1823, as well as the assimilation of their currencies in 1826, and their stamp departments a year later.[22] By these means, a more or less unitary fiscal regime was established and the Anglo-Irish free trade zone made a legislative reality: thereafter, measures touching upon these subjects overwhelmingly danced to a conjoined four nations tune.[23]

As this latter reflection intimates, the principal consequence of the demise of British-wide measures was a corresponding increase in those statutes applicable to the United Kingdom as a whole. Whilst a certain degree of caution needs to be exercised, the findings of this study suggest that statutes extending to all four nations represented the single most common type of measure reaching the statute book over the course of the Reform era as a whole.[24] If the major shift towards four nations measures occurred in the years following British and Irish fiscal amalgamation, by the 1830s such multinational acts comprised almost exactly a third of all legislation passing Westminster applicable to the nations of the United Kingdom, a rise which, in absolute terms, amounted to an average of 31 UK-wide statutes passing per session between 1830-52 compared to approximately 26 per session between 1801 and 1830.

Thus, whilst the absolute *quantity* of multinational legislation decreased overall across the first fifty years of Union, that was largely due to the fact that a higher degree of integration in public finance structures across the United Kingdom, and a parallel consolidation of much of the multifarious customs and excise legislation, put pay to Britain as the pre-eminent unit of fiscal policy and, at the same time, funnelled 'multinational' legislative treatment overwhelmingly down a conjoined four nations channel. Not that the swelling of such pan-British and Irish measures through the Reform era was solely a fiscal-military phenomenon. As we shall see in Chapter 4, significant quantities of legislation addressing burgeoning areas of business and intellectual property law, labour and the proliferating railway

[21] Innes, "Legislating for three kingdoms," 32.
[22] See pages 49-50 above and associated footnotes for the most pertinent secondary literature attending to these developments.
[23] For the consequences of these changes see, Frank Geary, "The Act of Union, British-Irish Trade, and Pre-Famine Deindustrialization." *Economic History Review* 2nd ser., 48 (1995): 68-88.
[24] See footnote 20 above as to the necessity for caution.

infrastructure all combined to bolster the quantity of measures applicable equally and uniformly to England, Wales, Scotland and Ireland.[25]

Interestingly, whilst this rise in a four nations approach to legislation dovetailed with the decline of the British legislative formula, the Reform period also witnessed the blossoming of an alternative multinational combination: England, Wales and Ireland. Between 1830 and 1852, single statutes jointly applicable to these three nations rose by more than 150%, from a pre-1830 total of 41 to 108. Such figures provide but one index testifying to the strong current of thought animating the legislators of the Reform era that a critical mechanism by which to raise Ireland to the position of an equal, steadfast partner in the Union state lay in the bestowal upon her of the same laws as prevailed on the British mainland.[26] Thus was to be achieved 'complete incorporation' by the 'closest possible assimilation of the laws…of both countries'.[27] As the *Examiner* pithily put it, Ireland was to be legislated for 'as if the channel that runs between the islands [i.e. Ireland and Britain] were dry, and Ireland only distinguished from Wales or Yorkshire by its greater extent, population and importance'.[28] As we shall see in Chapter 5, this phenomenon of Anglo-Irish assimilation could be accomplished in various ways, but there can be little doubt that the enactment of single statutes straddling the Irish Sea represented the purest distillation of Lord Duncannon's simple but striking directive to Lord Grey that ministers should proceed 'by doing that in Ireland which you do in England'.[29] Indeed, perusing the columns of *Hansard*, it is small wonder that joint Anglo-Irish statutes increased so markedly during the Reform era. Time and again, measures initially introduced solely for England and Wales were assailed by Irish parliamentarians precisely on the grounds of their territorial limitation.[30] Lord Cloncurry spoke for many when he asserted that Ireland would have reason to complain 'if a Bill found to be good for England was not extended to Ireland. They ought to legislate for both countries alike'.[31] The findings of this study suggest that this was a message taken to heart

[25] See Chapter 4 below.
[26] K. Theodore Hoppen, *Governing Hibernia: British politicians and Ireland 1800-1921* (Oxford: Oxford University Press, 2016), 63-153.
[27] The avowed intention of the Ulster Constitutional Association in 1840: B.A. Kennedy, "Sharman Crawford's federal scheme for Ireland," in *Essays in British and Irish history in honour of James Eadie Todd*, ed. H.A. Cronne et al. (London: F. Muller, 1949), 243.
[28] *Examiner*, 12 Nov. 1837, 723.
[29] Qu. in Hoppen, *Governing Hibernia*, 70.
[30] See, for instance, *HPD*, 11 Apr. 1832, vol. 12, cc. 309-10; 30 May 1833, vol. 18, cc. 105-6; 13 June 1833, vol. 18, c. 789; *HPD*, 4 Mar. 1835, vol. 26, cc. 565-6; *HPD*, 18 Mar. 1835, vol. 26, cc. 1165-6; *HPD*, 3 June 1835, vol. 28, c. 527; 18 Feb. 1841, vol. 56, c. 727; *HPD*, 18 Apr. 1842, vol. 62, cc. 716-17; 22 Feb. 1843, vol. 66, cc. 1144-45; *HPD*, 6 May 1844, vol. 74, cc. 691-2; 19 June 1844, vol. 75, cc. 1103-4; *HPD*, 21 Aug. 1846, vol. 88, c. 927; 17 Feb. 1848, vol. 96, cc. 420-1; *HPD*, 21 Mar. 1849, vol. 103, cc. 1071-2; 28 Mar. 1849, vol. 103, c. 1446; *HPD*, 20 Feb. 1850, vol. 108, c. 1128; *HPD*, 2 May 1850, vol. 110, cc. 1108-9; *HPD*, 18 Jul. 1850, vol. 112, c. 1525; *HPD*, 12 Mar. 1851, vol. 114, c. 1299.
[31] *HPD*, 28 Aug. 1835, vol. 30, cc. 1069-70.

by the ministries and backbenchers of the Reform era. As might be expected in light of their shared common law framework, legal measures dominated this Anglo-Irish output, accounting for over half of the total output.[32] Still, as Chapter 4 shall demonstrate, such legal acts were leavened by a range of other diverse subjects, including acts of 1838, 1839, 1840 and 1842 concerning joint-stock banking in the two countries and a burgeoning body of Anglo-Irish social measures, beginning with the vaccination act of 1840 and stretching through to the common lodging houses and school sites extension acts of 1851 and 1852 respectively.[33]

Yet, the fact remains, as we have seen, that alongside these growths in the quantity of legislation spanning the borders of the four nations between 1830 and 1852, measures applicable purely to one of the three kingdoms – England and Wales, Scotland and Ireland – remained cumulatively in the ascendant, as, indeed, they had done since the 1820s. That said, however, within this overarching mass of separate measures were concealed distinctive national inflections: the Reform era did not witness an uncomplicated escalation of specific English and Welsh, Scottish and Irish statutes alike.

Indeed, in light of the dominance that Irish measures were widely perceived to exert over the ministries of the 1830s, and which have had a correspondingly powerful pull on the historians of the period, it is striking that this decade actually witnessed the *lowest* yield of specific Irish statutes since the Union.[34] Between 1801 and 1841, Ireland's decade-on-decade proportion of the total legislative output reduced from 28% to 19% or from approximately 33 statutes per session between 1801 and 1809, to 17 during the 1830s. Admittedly, such numbers belie a large quantity of thwarted ambition: whilst 189 Irish measures reached the statute book between 1830 and 1841, an additional 198 did not. Belligerent opposition to Irish bills, especially by the Lords, became a noted feature of the 1830s.[35] At the conclusion of the 1835 session, one of Lord Morpeth's staff in the Irish

[32] For this phenomenon in an earlier period, see Neal Garnham, "The criminal law, 1692-1760: England and Ireland compared," in *Kingdoms united? Great Britain and Ireland since 1500: integration and diversity*, ed. Sean J. Connolly (Dublin: Four Courts, 1998), 217; J. C. Brady, "Legal development, 1801-1879," in *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870*, ed. W. E. Vaughan (Oxford: Clarendon Press, 1989), 451-81.
[33] 1 & 2 Victoria, c.96; 2 & 3 Victoria, c.68; 3 & 4 Victoria, c.111; 5 & 6 Victoria, c.85 (all joint-stock banking); 3 & 4 Victoria, c.29 (vaccination); 14 & 15 Victoria, c.28 (lodging houses); 15 & 16 Victoria, c.49 (school sites).
[34] For assertions of the dominance of the "Irish question" at this time, see A. D. Kriegel, "The Irish policy of Lord Grey's government," *English Historical Review* 86, no. 338 (1971): 22; Gordon Pentland, *Radicalism, reform and national identity in Scotland, 1820-1833* (Woodbridge: Boydell for the Royal Historical Society, 2008), 163 (Francis Jeffrey quote); see also George Frederick Young's warning in 1836: *HPD*, 18 Jul. 1836, vol. 35, c. 277.
[35] Ian Newbould, "Sir Robert Peel and the Conservative party, 1832-1841: a study in failure?," *English Historical Review* 98, no. 388 (1983): 533-4, 537, 542; Richard W. Davis, *A political history of the House of Lords, 1811-1846* (Stanford: Stanford University Press, 2008), 215-28; David Henry

Office ruefully reflected to his superior that the peers would, for the time being, have to rest 'content with killing partridges instead of Irish bills'.[36] Nevertheless, these declining Irish figures should not be written off as the results of mere obstructionism, for acts exclusive to Ireland had in fact been decreasing since the conclusion of European hostilities in 1815. Clearly, one very significant factor precipitating such Hibernian diminution was precisely the same as that operating in the parallel reduction of British statutes: with the fiscal amalgamation of the two islands from 1817, not only did Britain fall out of favour as a unit of economic legislation, so too did Ireland.

That first decade of reform represented the trough of separate Irish legislation, however. During the 1840s, and more particularly during the Russell administration of 1846 and 1852, exclusively Irish legislation swelled to a level not seen since the first two decades of the century. Whereas 76 exclusively Irish acts reached the statute book between 1842 and 1845, some 117 did so in the following four sessions between 1846 and 1849. As the *Sussex Advertiser* lampooned in 1846, ministerial policy appeared to amount to:

> if Ireland be deficient in food, legislate; be she deficient in prudent, careful and humane landlords, legislate. If crime stalks uncontrolled on the land, legislate. If the causes of that crime are equally unchecked, legislate.[37]

The Times agreed. In July 1847 it bemoaned 'the absolute suspension of the Legislature for all English, and, indeed, for all useful…purposes…of the present session, the heart and soul has been taken out and consumed in the discussion of Irish measures'.[38] Though the substance of the legislative response to the Irish Famine, particularly under Russell, has rightly come in for almost unanimous condemnation, considered purely from the perspective of *volume*, the swift escalation in exclusively Irish measures after 1845 is surely suggestive of a notable flexibility and responsiveness in the legislative operation of the Union parliament when exceptional circumstances demanded it.[39] 'The English has now become practically an Irish House of Commons', observed George Cornewall Lewis in April 1849.[40] Nevertheless, this glut of Famine-related legislation should not obscure the significant shift that had taken place over the course of the first half of the nineteenth century in regard to

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Close, "The formation of a two party alignment in the House of Commons between 1832 and 1841," *English Historical Review* 84, no. 331 (1969): 268; Gash, *Reaction and reconstruction in English politics*, 36; Ian Newbould, *Whiggery and reform, 1830-1841: the politics of government* (London: Macmillan, 1990), 289-90.

[36] Norman MacDonald to Lord Morpeth, 10 Sep. 1835, Carlisle papers, Castle Howard, J/19/1/8/35.

[37] *Sussex Advertiser*, 14 Apr. 1846, 2.

[38] *The Times*, 12 Jul. 1847, 4.

[39] For a classic condemnatory statement, see C. Woodham-Smith, *The great hunger: Ireland 1845-1849* (London: Hamish Hamilton, 1962), 408.

[40] Gilbert Frankland Lewis, ed., *The Letters of the Right Hon. Sir George Cornewall Lewis, Bart: To Various Friends* (London: Longmans and Green, 1870), 202-3.

Irish legislation. By mid-century, exclusively Irish and English and Welsh legislation had undergone virtual role reversals in the respective quantities they contributed to the total session-on-session output of statutes. Of course, interpreting this legislative sea-change in terms of its meaning for the Union is far from straightforward. After all, less *separate* Irish legislation reaching the statute book may point one of two ways. On the one hand, a reduction in the proportion of specific Irish measures could imply a neglect of its particular interests, in favour of other constituent portions of the imperial polity.[41] On the other, however, it might signal a shift towards a more incorporating Union which sought to meet Ireland's legislative needs by shared imperial, rather than exceptional separate, measures.[42] The accompanying increases in pan-British and Irish and joint English and Irish acts during the 1830s and 1840s would certainly corroborate this latter view.

What can be said with rather greater certainty is that the major gainer in terms of specific national legislation across the whole of the first half of the nineteenth century was England and Wales, with that kingdom's proportion of the legislative 'pie' increasing from 17% of the statutes passed between 1801-1809 to 31-2% between 1830 and 1852. Indeed, England and Wales received almost precisely the same amount of separate acts during the Reform period (670) as it had for the three decades preceding it (697), and comfortably more than were passed in the whole of the 55 years between 1745 and 1800.[43] Despite the proliferation of separate Irish measures occasioned by the onset of the Famine from the mid-1840s, that decade still witnessed in excess of a hundred more English and Welsh statutes than Irish. How can we explain such English and Welsh proliferation, especially during the Reform period? As we shall see in Chapter 3, the relative legislative initiative of backbenchers drawn from across the four nations between 1830-52 was certainly a factor. Whereas English private MPs displayed a marked willingness to engage in legislative sponsorship, their Irish counterparts proved less disposed, and their Scots colleagues almost entirely indisposed, to such 'unofficial' initiative. Scottish and Irish legislation thus assumed a heavily ministerial guise. Whilst English and Welsh measures followed suit to an extent, the existence of a pool of active backbenchers – many returned for larger industrial boroughs –

[41] Joanna Innes and Arthur Burns, "Introduction," in *Rethinking the age of reform: Britain 1780-1850*, ed. Joanna Innes and Arthur Burns (Cambridge: Cambridge University Press, 2003), 48-9.
[42] Peter Jupp, "Government, parliament and politics in Ireland, 1801-41," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 154-5.
[43] Innes, "Legislating for three kingdoms," 19.

willing to exert their legislative muscle provided a small, but important, infusion of supplementary bills and acts.[44]

Also significant was the decidedly Anglo-Welsh cast of the legislation starting life in the House of Lords during the Reform era. Here, of the 334 acts falling into this category, some 134 concerned themselves exclusively with English and Welsh affairs. By way of comparison, specifically Scottish or Irish measures totalled a mere 50.[45] 'The Peers have done nothing regarding Scotland acceptable to the majority of the people for many years past', observed one commentator in 1849.[46] As Chapter 4 will show, the religious character of a good deal of this Anglo-Welsh output suggests the importance of that chamber, with its 26 spiritual peers, as a vehicle for Anglican reforms. In contrast, the Irish ecclesiastical presence in that chamber numbered only four, and Scotland's presbyterian establishment, of course, received no official representation. If the reformed Commons was thus unquestionably a chamber whose legislative ambitions extended across four nations, the Lords retained a considerably more Anglocentric profile.[47]

Perhaps most important in explaining the preponderance of exclusive Anglo-Welsh legislation was the subset of those statutes purely applicable to London and the metropolitan environs. Between 1830 and 1852 approximately one hundred public general acts relating to portions or the entirety of the metropolis reached the statute book, together comprising nearly 15% of the total legislation passed relating exclusively to England and Wales. By way of comparison, 36 acts relating solely to Dublin (8.1% of total separate Irish legislation), and a mere 6 (4.7%) pertaining to Edinburgh received the royal assent during the same period. Considered purely in such quantitative terms, London and its environs virtually warrant treatment as a separate fifth 'nation' of the United Kingdom: after all, the capital's total of acts was nearly ten times as many as passed exclusively concerning Wales, whilst, between the accession of Peel's ministry in September 1841 and the demise of Lord John Russell's in February 1852, the metropolis acquired three more statutes than did the whole of Scotland during the same period.[48] Such figures provide at least one measure to bolster Benjamin

[44] For more detailed analysis on this subject, see chapter 3 below; Gary W. Cox and James W. Ingram III, "Suffrage expansion and legislative behavior in nineteenth-century Britain," *Social Science History* 16, no. 4 (1992): 541.
[45] Figures taken from my database.
[46] [Anon.], "Scotch bills and Scotch representation," *Tait's Edinburgh Magazine* 16, no. 187 (Jul. 1849): 409; see also, Lord Rossmore, *An appeal in the cause of the ex-parliamentary peers of Ireland and Scotland* (London: J. Ridgway, 1830), 65-7.
[47] This national dimension to the chamber does not receive consideration by Richard W. Davis or E.A. Smith in their studies of the Lords during the first half of the nineteenth century: Davis, *House of Lords*, E.A. Smith, *The House of Lords in British politics and society, 1815-1911* (London: Longman, 1992).
[48] Figures taken from my database.

Weinstein's contention that metropolitan politics have for too long been marginalised as a force shaping the contours – legislative or otherwise – of post-1832 politics.[49]

As the metropolitan comparison indicates, the overwhelming trait of separate Welsh legislation during the Reform era was its sheer scarcity. This was no new phenomenon: Hoppit has shown that a mere eight non-local Welsh statutes reached the statute book between 1660 and 1800.[50] Whilst matters improved marginally after the Union, only ten acts restricted in their scope to some, or all, of the principality received the royal assent in the two decades after 1830, when the abolition of the court of great sessions removed one of that nation's last distinctive institutions. Nevertheless, amid such legislative scantiness, two features of the Cambrian record warrant attention. Firstly, even allowing for the historic dearth of Welsh measures, the 1830s represented an especially barren decade – especially in light of the augmentation of the Welsh representation by an additional five MPs by the terms of the Anglo-Welsh Reform act. Two specifically Welsh public general bills – only one of which was successful – received consideration by the Commons in the aftermath of Reform, and both were heavily 'localist' in flavour, being concerned with the location of Glamorgan's assizes, and with the administration of the lighthouse at Mumbles.[51] Secondly, cast against this backdrop, the 1840s witnessed a relative flurry of activity, with thirteen exclusively Welsh bills introduced to, or considered by, the Commons. Two issues dominated the Cambrian agenda during this decade: reform of the turnpike and highway network of south Wales, so recently the scene of violent unrest arising from the levy of tolls during the so-called Rebecca riots; and the question of the status of the dioceses of Bangor and St Asaph, which had been scheduled for combination by the terms of the Anglo-Welsh established church act of 1836.[52] Such amalgamation met with a stern – and ultimately successful – resistance, chiefly instigated by Lord Powis.[53] One might very tentatively posit that within such legislative activity, underscored by the nationalist uproar occasioned by the

[49] Benjamin Weinstein, *Liberalism and local government in early Victorian London* (Woodbridge: Boydell and Brewer, 2012), 7-8; Benjamin Weinstein, "Metropolitan Whiggery, 1832-55," in *London politics, 1760-1914*, ed. Matthew Cragoe and Antony Taylor (London: Palgrave Macmillan, 2005), 57-74.
[50] Hoppit, "The Nation, the State, and the First Industrial Revolution," 319.
[51] *PP* 1833 (127) ii, 389 (Glamorgan assizes); 4 & 5 William IV, c.69 (Mumbles lighthouse).
[52] *Report of the Commissioners of Inquiry for South Wales*, *PP* 1844 (531), xvi, 99-116. This commission was established largely in response to the Rebecca Riots, and the legislation of 1844 (7 & 8 Victoria, c.91) and 1845 (8 & 9 Victoria, c.61) arose directly from it; see also David J.V. Jones, *Rebecca's children: a study of rural society, crime, and protest* (Oxford: Oxford University Press, 1989), 346-8; Innes, "The local acts of a national parliament," 29; Sidney Webb and Martha Webb, *English local government from the Revolution to the Municipal Corporations Act*, 9 vols. (London: Longmans, Green, 1906-29, IV, 234; G.I.T. Machin, *Politics and the Churches in Great Britain, 1832 to 1868* (Oxford: Oxford University Press, 1977), 149-51.
[53] Lord Powis to Sir James Graham, 26, 31 Jul. 1842, Powis papers, NLW, MC1/18, MC1/20; *North Wales Chronicle*, 28 May 1844, 3.

infamous Blue Books incident of 1847 (for which, see Chapter 6 below), and amplified by a burgeoning local press – most particularly the *Principality* founded in 1848 – one is witness to the early birth pangs of the Welsh nation at Westminster.[54]

Nevertheless, as stressed in the historiographical reflections opening this study, throughout the Reform era and beyond, Wales remained essentially unrecognised as a national entity requiring separate national legislation. For contemporaries and historians alike, this meant that Scotland remained emphatically the junior legislative partner within the Union triumvirate between 1830 and 1852, just as it had done since the polity's creation in 1800. Between 1801 and 1852, on average, one Scottish act was passed for every four Irish, and five English and Welsh statutes. As a proportion of all acts touching upon one or more of the constituent parts of the United Kingdom, specifically Scottish acts never formed more than 7% of that total throughout the first half of the nineteenth century. Nevertheless, such comparative narratives tell only a partial story. As both Innes and Hoppit have demonstrated, ever since the British union in 1707, Scottish general legislation had issued from Westminster at a remarkably low level; during the 1760s, a mere seven measures applying exclusively to Scotland had reached the statute book.[55] Whether this Scottish legislative scarcity was the result of deliberate eschewal on the part of Scots, concerned to defend the distinctiveness of their legal and ecclesiastical institutions against any English and Welsh incursion, or arose principally from the disinterest and neglect of Scottish affairs by an Anglo-dominated legislature, remains a point of debate.[56] What can be said with certainty is that, relative to its own full unionist record from 1707, general Scottish acts had actually been growing steadily from the 1790s, and significantly during the 1820s, when a total of 68 measures reached the statute book – an increase of 33% on the previous decade. Whereas between 1810-19 specifically Scottish legislation had comprised a mere 4% of the total legislative output, during the 1820s this figure rose to 7%. At the same time, recent work by

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[54] P. Morgan, "From long knives to blue books," in *Welsh society and nationhood: historical essays presented to Glanmor Williams*, ed. R. R. Davies et al. (Cardiff: University of Wales Press, 1984), 199-215; I.G. Jones, *Mid-Victorian Wales: the observers and the observed* (Cardiff: University of Wales Press, 1992), 150-1; though see David J.V. Jones: *Rebecca's children: a study of rural society, crime, and protest* (Oxford: Clarendon Press, 1989), 342-3.

[55] Hoppit, "The Nation, the State, and the First Industrial Revolution," 320-1; see also Rosalind Mitchison's assertion that 'Scotland in the eighteenth century had experienced legislative inertia': *The old Poor Law in Scotland : the experience of poverty, 1574-1845* (Edinburgh: Edinburgh University Press, 2000), 160; for a contemporary perspective, see [Anon.], "The old Scottish parliament", *Blackwood's Edinburgh Magazine* 36, no. 228 (Nov. 1834): 671-2.

[56] Hoppit, "The Nation, the State, and the First Industrial Revolution," 323-24; Innes, "Legislating for three kingdoms," 23-6; H. J. Hanham, *Scottish nationalism* (London: Faber, 1969), 51; I.G.C. Hutchison, "Anglo-Scottish Political Relations in the Nineteenth Century, c. 1815-1914," in *Anglo-Scottish relations from 1603 to 1900*, ed. T.C. Smout (Oxford: Oxford University Press, 2005), 255; for a contemporary view on the role of English ignorance, see Henry Cockburn, ed., *Life of Lord Jeffrey: with a selection from his correspondence*, 2 vols. (Edinburgh: Adam and Charles Black, 1852), I, 307-9.

Bob Harris and Andrew Mackley has argued that such increasing Caledonian recourse to Westminster reflected the culmination of a process, begun in the 1760s, by which Scottish national interests – both separate and shared – became more closely integrated into the British political system, and thus more tightly bound to the legislative processes at its heart.[57] Where previously Scottish society had been reluctant to utilise a distant, and supposedly ignorant, Imperial Parliament, commercial and industrial logic now dictated otherwise.[58]

In light of these longer-term trends, the 1830s appear principally as a period of Scottish legislative consolidation, rather than extension or acceleration. As a proportion of the total legislative output of the Imperial Parliament, exclusively Scottish acts continued to represent 7% across the 1830s, whilst the average number of acts per session hovered consistently between 6.2 and 6.5 across the twenty years. In contrast, the 1840s witnessed a relatively minor, but nonetheless significant, falling away in Scottish legislative activity, signalling both in absolute and proportional terms a return to the levels experienced in the first two decades of the Union, prior to the 1820s 'surge'. Against the backdrop of the heightened expectations occasioned by the passage of parliamentary reform, such Scottish trends must have felt especially galling to that nation's Members.[59] As the *Scotsman* observed of the legislative activities of the 1838 session, if Scotland's haul of seven acts was 'more than an average harvest', still this was 'but a very partial instalment of our bills'.[60]

As this suggests, the Caledonian legislative record is usefully viewed in other lights too. In particular, the demise of statutes possessing a British – as opposed to United Kingdom-wide remit – entailed a very significant diminution in the *overall* number of acts applicable to Scotland being passed by Westminster from the 1820s onwards (Fig. 2.14). Whilst the proportion of all legislation enacted that impinged on Scotland remained steady during the 1820s, the large drop-off in British acts meant that, in absolute terms, that nation was the recipient of some 25 fewer statutes per session, and this in spite of the fact that exclusively Scottish legislation was *increasing*. In contrast, despite its quota of specific legislation *decreasing* during that decade, Ireland's newly-acquired inclusion in the numerous four

[57] Bob Harris, "Towards a British political economy: An eighteenth-century Scottish perspective," in *Regulating the British economy, 1660-1850*, ed. Perry Gauci (Farnham: Ashgate, 2011), 103-4; Bob Harris, "The Scots, the Westminster parliament, and the British state in the eighteenth century," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 124-46; Andrew Mackley, "The Interest of 'North Britain': Scottish Lobbying, the Westminster Parliament, and the British Union-State, c.1760-c.1830," (unpublished DPhil thesis, University of Oxford, 2016), *passim*.
[58] See, in particular, Mackley, "The interest of 'North Britain," 282-290.
[59] See, for instance, G.W.T. Omond, *The Lord Advocates of Scotland: second series, 1834-1880* (Edinburgh: Andrew Melrose, 1914), 31n.4, 115-16.
[60] *Scotsman*, 10 Oct. 1838, 2.

nations public finance measures ensured that, on the eve of Reform in 1830, Ireland had surpassed Scotland as the second most legislated-for component of the United Kingdom behind England and Wales. The Reform era largely accelerated these shifts in balance across the four nations. Whereas England and Wales were affected by approximately 73% of all Reform legislation, and Ireland by just under 60%, only 43% of legislation passed between 1830 and 1852 impacted upon circumstances north of the Tweed, compared to that nation's consistent proportion of 54% between 1800 and 1830. In other words, *relative* to total legislative output across the United Kingdom, the 1840s saw Scotland feeling the legislative touch of Westminster as lightly as it had since the act of Union in 1800.

Finally, and perhaps most significantly, however, for Scottish MPs the first decade of Reform, in particular, witnessed a decade of consistently frustrated ambition. As Hoppit has succinctly stated, 'the volume of legislation is the outcome of the demand for acts and the capacity or willingness of parliament to meet that demand'.[61] Comparing the number of acts passed to the quantity of attempts to do so permits assessment of this relationship. In the case of Scotland during the 1830s, it reveals a grim picture: though 71 separate Scottish acts received the royal assent, they represented only 35% of the total number (200) of efforts made (Figs. 2.15-16). Here, surely, is the context within which to frame the exasperated laments of Francis Jeffrey in 1833 concerning the 'absolute hopeless[ness] that time should be found (or Houses be got) to discuss…any debateable matters touching our remote and despised nook', Fox Maule's declaration of 1838 that he was 'sadly chafed at the apathy shewn to Scotland by one and all of our rulers', or the frustration felt by the Lord Advocate in 1839, upon receiving nothing but a 'devilish grin' from Lord John Russell in response to his pleas to prioritise Scottish bills.[62]

If Scotland suffered most severely in terms of its success in converting bills to acts during the 1830s, closer examination of Figs. 2.17-2.19 reveals that that nation's experience was only the most dramatic example of a much more widespread phenomenon. Across England and Wales, Scotland and Ireland alike, the period of Lord Melbourne's ministry of 1835-41 witnessed remarkable outpourings of energy and ambition, so far as sheer volume of legislative endeavour was concerned – but also equally notable frustrations.[63] In the case of Scotland, its total of 122 bills during this period exceeded by seventeen the entire total that nation would muster between 1842 and 1852. The Irish haul likewise saw an increase of

[61] Hoppit, "Patterns of parliamentary legislation 1660-1800," 111.
[62] Francis Jeffrey to Henry Cockburn, 16 Apr. 1833, NLS, Adv. MSS., 9.1.9, fol. 154; Fox Maule to Andrew Rutherfurd, 3 Jul. 1838, Rutherfurd papers, NLS, MS. 9697 fos. 149-53; Fox Maule to Andrew Rutherfurd, 26 Jan. 1841, Rutherfurd papers, NLS, MS. 9698 fol. 110; see also, *HPD*, 11 Aug. 1838, vol. 44, c. 1146.
[63] Harling and Mandler, "From 'fiscal-military' state to laissez-faire state," 57.

more than one hundred bills compared to the levels reached under the Grey/Melbourne ministry of 1830-34, and England and Wales witnessed an additional 150. Pan-British and Irish bills totalled 273.[64] Such levels of legislative fervour would have proved unmanageable even without the marked obstreperousness of the Lords during this period.[65] Inevitably, success rates fell. In June 1837, the *Scotsman*, describing a situation in which some 350-pages worth of bills exclusively concerning Scotland still remained to be expedited that session, compared that nation's predicament to 'a crowd of people rushing towards a small opening [who] get through exactly in the inverse ratio of the number pressing forward'.[66] But in practice, the Grey/Melbourne ministry had experienced not dissimilar difficulties in converting bills to acts, with specific Anglo-Welsh success rates plumbing the lowest levels they would achieve throughout the Reform era. Indeed, taking the period between 1830 and 1841 as a whole, neither England and Wales, nor Scotland nor Ireland were able to muster success rates above 50%. For all four nations then, the 1830s represented a period of significant legislative ferment – one in which a great deal was attempted, much was achieved, but much more failed.[67]

The advent of Peel's ministry firmly halted and reversed these trends. Whilst it has long been known that Peel, always more an administrator than legislator, deliberately sought to shun the bloated, over-ambitious, under-planned legislative agendas that he perceived as having characterised the Whig ministries of the 1830s, the figures here vividly reveal that circumstance in its full geographical manifestations.[68] From the very outset, Peel pointedly refused to be cajoled into hasty legislative effort: 'all his materials will be well seasoned', lauded *The Times*.[69] Across all three kingdoms, efforts at separate national measures declined markedly. The number of Scottish bills introduced, as compared to the totals seen during Melbourne's premiership, fell by 79; the Irish by 112 and the Anglo-Welsh by 155. At the same time, and no doubt in part in consequence, the *prospects* of those measures

[64] Note that the figures presented here and in the subsequent paragraphs include all public general bills, regardless of whether they were strictly ministerial in origin.
[65] Davis, *Political history of the House of Lords*, 157-252.
[66] *Scotsman*, 10 June 1837, 2.
[67] Thomas Erskine May, "The machinery of parliamentary legislation," *Edinburgh Review* 99, no. 201 (Jan. 1854): 258.
[68] See here, especially, Walter Bagehot's verdict in "The character of Sir Robert Peel," in Mrs Russell Barrington, ed., *The works and life of Walter Bagehot*, 10 vols. (London: Longmans, 1915), II, 212-13; [William Gladstone], "The declining efficiency of Parliament," *Quarterly Review* 99 (Sep. 1856): 521, 524; see also, Donald Read, *Peel and the Victorians* (Oxford: Basil Blackwell, 1987), 94; Jonathan Parry, *The rise and fall of Liberal government in Victorian Britain* (London: Yale University Press, 1993), 157; Norman Gash, "Peel and the party system, 1830-50," *Transactions of the Royal Historical Society* 1 (1951): 58; Donald Southgate, *The passing of the Whigs, 1832-1886* (London: Macmillan, 1962), 122-3; Matthew Cragoe, "Sir Robert Peel and the 'Moral Authority' of the House of Commons, 1832-41," *English Historical Review* 128, no. 530 (2013): 57.
[69] *The Times*, 18 Sep. 1841, 6; *HPD*, 17 Sep. 1841, vol. 59, cc. 538-56.

brightened markedly. Between 1841 and 1846, all four nations experienced a ratio of bills to acts above 50%, and in the case of Ireland above 70%. In 1845, 18 out of Ireland's 22 bills (80%) reached the statute book; seven years earlier, in 1838, 24 exclusively Irish acts had reached the statute book, but 34 had failed (41%), and in 1850 the ratio sat at 28 successes to 27 failures.

At the same time as these considerably pared back, more efficacious, separate national legislative agendas were implemented under Peel's watch, the overall territorial balance of his output shifted markedly towards more conjoined multinational treatments. In comparison to the two Whig administrations between which it was sandwiched, the Peel government's profile stands out within the period as comfortably the most 'imperial' in its legislative reach. Where, under Melbourne's guiding hand between 1835 and 1841, separate national acts had predominated over multinational imperial measures in a ratio of 60%:40%, Peel's government witnessed such reductions in the quantity of separate measures, and such corresponding increases in pan-British and Irish and joint English and Irish acts, that the two streams came close to attaining equilibrium. Much of the explanation for this markedly imperial complexion must be sought in the *type* of measure that Peel deemed to be the principal responsibility of the executive to superintend. Ascending to power during a recession, Peel's principal aim was to rebuild morale and confidence across the United Kingdom by restoring its economic health, regulating defence expenditure and demonstrating the impartiality and unsectarian character of the administration at its heart.[70] These tasks lent themselves to an imperial approach, for, as we shall see more clearly in Chapter 4, such fiscal-military matters formed the principal constituent component of four nations legislation throughout the Reform era. Indeed, one might suggest that in the geographical range of his ministry's legislative output, we gain a vivid illustration of what David Eastwood referred to as Peel's 'imperial vision' – a manifestation of a creed which sought to minimise 'special' or 'sectarian' – for which we might read separate – initiatives in

[70] On Peel's governing ethos, see, in particular, Norman Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830* (London: Longman, 1972), 706-14; D.R. Fisher, "Peel and the Conservative party: the sugar crisis of 1844 reconsidered," *Historical Journal* 18, no. 2 (1975): 298-302; Boyd Hilton, "Peel: a reappraisal," Historical Journal 22, no. 3 (1979) 585-614; Boyd Hilton, "The ripening of Robert Peel," in *Public and private doctrine: essays in British history presented to Maurice Cowling*, ed. Michael Bentley (Cambridge: Cambridge University Press, 1993), 63-84; David Eastwood, "'Recasting our lot': Peel, the nation, and the politics of interest," in *A union of multiple identities: the British Isles, 1750-1850*, ed. Laurence W.B. Brockliss and David Eastwood (Manchester: Manchester University Press, 1997), 29-41; Read, *Peel and the Victorians*, 26-7 98-100; Parry, *The rise and fall of Liberal government in Victorian Britain*, 155-7.

favour of shared, general, 'imperial' ones.[71] For Norman Gash, 'the fundamental quality' exhibited by Peel from 1841 was his 'desire to reunite the country'.[72]

Peel's record in this regard was brought into even starker relief with what followed thereafter. Out of all four of the Reform ministries, Lord John Russell's administration of 1846-52 produced the most atomistic legislative harvest. Both the number and proportion of acts specific to one of the three kingdoms increased across the board in comparison to Peel's ministry, such national gains coming almost entirely at the expense of multinational, imperial statutes. Pan-United Kingdom acts fell from comprising 34% of Peel's legislative output, to 28% under Lord John Russell. In turn, separate Irish acts rose from 18% to 25%, and separate English and Welsh statutes from 30% to 32%. Success rates declined in all areas, save for that of Scotland's, which nonetheless merely plateaued at the 50% mark – still comfortably the worst record experienced by any one of the three kingdoms. At the same time, the success rates of imperial legislation fell under Russell – markedly in the case of four nations efforts. Here, perhaps, we glimpse one factor contributing to what we shall see in Chapter 6 were the increasingly vocal assertions by the late 1840s that the Whig administration had proved itself to be an unreliable, unstatesmanlike, inefficient, sectional guardian of the national interest.[73]

Conclusion

'The truth is', observed one contributor to the *Monthly Magazine* of October 1834, 'the country is vexed, harassed and insulted by too much legislation. We shall expect shortly to see our coatskirts regulated by Act of Parliament'.[74] Two decades later, in a piece for the *Westminster Review* entitled 'Over-legislation', Herbert Spencer lamented that 'whilst every day chronicles a failure, there every day reappears the belief that it needs but an Act of

[71] Eastwood, "'Recasting our lot'," 37; see also, Read, *Peel and the Victorians*, 105, 136; Peter Gray, *Famine, land and politics: British government and Irish society, 1843-50* (Dublin: Irish Academic Press, 1998), 37-8; Douglas Kanter, "The Galway Packet-Boat Contract and the Politics of Public Expenditure in Mid-Victorian Ireland." *Historical Journal* 59, no. 3 (2016): 771-2; Hilton, "The ripening of Robert Peel," 65.
[72] Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830*, 713.
[73] Jonathan Parry, *The politics of patriotism: English liberalism, national identity and Europe, 1830-1886* (Cambridge: Cambridge University Press, 2006), 55-7, 65; Miles Taylor, *The decline of British radicalism, 1847-1860* (Oxford: Oxford University Press, 1995), 10, 60; Peter Mandler, *Aristocratic government in the age of reform: Whigs and Liberals, 1830-1852* (Oxford: Oxford University Press, 1990), 78, 83-4; on the animus against Whiggism in Scotland during the late 1840s, see Gordon Pentland, "By-elections and the Peculiarities of Scottish Politics, 1832–1900," in *By-elections in British politics, 1832-1914*, ed. Thomas G. Otte and Paul A. Readman (Woodbridge: Boydell Press, 2013), 282, 290.
[74] Qu. in *Morning Post*, 8 Oct. 1834, 3.

Parliament…to effect any end desired'.[75] Such sentiment was not uncommon throughout the Reform era.[76] Nevertheless, this chapter has suggested that the legislative output of the 1830s and 1840s was far from evenly felt across the different national portions of the United Kingdom. For Wales, with its grand total of a mere fifteen bills and ten acts, it touched barely at all: conceived as a nation, that principality remained, to all intents and purposes, devoid of a separate legislative identity during the Reform era. Amongst the three kingdoms, Scotland emphatically occupied the position of junior legislative partner. Whilst the latter half of the 1830s witnessed an upsurge of Caledonian legislative effort, ultimately, in proportion to the energies expended, these endeavours produced disappointing yields. Torn by the crisis that ultimately ended in the Disruption at the start of the decade, the 1840s proved worse still with much diminished efforts and, consequently, much diminished returns. Small surprise, then, when, in 1853, the National Association for the Vindication of Scottish Rights launched their 'address to the people of Scotland', their third resolution focused on the 'neglect of Scottish business in the Imperial Parliament'.[77] Though the controversial character of much of the separate Irish legislation of the period determined that it preoccupied the attentions of contemporaries, in point of fact, purely in terms of volume, the *decrease* in numbers of separate Irish statutes prior to 1845, and the corresponding increase in pan-British and Irish and joint Anglo-Irish measures seemed instead to suggest an ever-increasing momentum toward the integration of that nation's legislative affairs into those of the British mainland. Yet, clearly, such an interpretation – based purely on volumes of bills and acts – should not be pushed too far. The preeminent feature of the legislative record of the 1830s and 1840s was that measures applicable solely to one of its three constituent parts continued to predominate agendas. That circumstance, in turn, was in no small part the result of a notable growth in exclusively Anglo-Welsh legislative initiative – a development which remains to date one of the least-observed phenomena of the Reform era.

[75] [Herbert Spencer], "Over-legislation," *Westminster Review* 60, no. 117 (Jul. 1853): 53; Oliver MacDonagh, "Delegated legislation and administrative discretions in the 1850s: a particular study," *Victorian Studies* 2, no. 1 (1958): 29.
[76] For Irish and Scottish expressions of discontent, see *HPD*, 5 Apr. 1848, vol. 97, c. 1322; *Montrose, Arbroath and Brechin Review*, 8 Aug. 1851, 5 respectively.
[77] *Address to the people of Scotland and statement of grievances by the National Association for the Vindication of Scottish Rights* (Edinburgh: Johnstone and Hunter, 1853), 33.

Chapter 3 Legislators of the four nations

Having mapped the broad four nations contours of the legislative landscape of the Reform era, it remains to consider how responsibilities for navigating this complex terrain were devolved. In whom did legislative initiative rest for England, Wales, Scotland and Ireland? To address the question of legislative agency, this chapter will focus on the division of legislative labour between government ministers and private MPs within the Commons. It will demonstrate that whilst existing scholarship is unquestionably right to depict the second quarter of the nineteenth century as one in which increasingly energetic executives sought to monopolise the legislative schedule with ambitious programmes of reform that served to marginalise backbench initiative, such ministerial ascendancy possessed important geographical patternings.[1]

To unpick these disparities, this chapter will begin by examining the ministers chiefly responsible for the prosecution of the separate national legislation of England and Wales, Scotland and Ireland, as measured by their sponsorship of bills. A largely 'segregated' picture will emerge. Though an Imperial Parliament, the national legislation of the four nations during the Reform era tended to follow broadly separate national parliamentary channels operated, in the main, by distinctive personnel. That circumstance produced important consequences where, as in the case of Scotland especially, such distinctive officials were thin on the ground. Moreover, whilst certain figures, such as the Home Secretary, clearly possessed a four nations legislative remit, this chapter will show that even that office's attentions were far from evenly distributed across the United Kingdom.[2]

[1] For the increasingly dominant legislative role of the executive, see pages 11-13 above and associated footnotes, as well as Courtney Ilbert, *The Mechanics of law making* (New York: Columbia University Press, 1914), 62; Joanna Innes, "Forms of 'government growth', 1780-1830," in *Structures and transformations in modern British history*, ed. David Feldman and Jon Lawrence (Cambridge: Cambridge University Press, 2011), 96; Gavin Drewry, "Lawyers and statutory reform in Victorian government," in *Government and expertise: specialists, administrators and professionals 1860-1919*, ed. Roy Macleod (Cambridge: Cambridge University Press, 1988), 32; Peter Jupp, *The governing of Britain, 1688-1848: the executive, Parliament and the people* (London: Routledge, 2006), 69; Henry Parris, *Government and the railways in nineteenth-century Britain* (London: Routledge, 1965), 209; Boyd Hilton, *A mad, bad and dangerous people? England 1783-1846* (Oxford: Clarendon Press, 2006), 513-14; for a contemporary perspective, see Henry Grey, 3rd Earl Grey, *Parliamentary government considered with reference to a reform of Parliament: an essay* (London: R. Bentley, 1858), 19.

[2] Peter Jupp, *British politics on the eve of reform: the Duke of Wellington's administration, 1828-1830* (Basingstoke: Macmillan, 1998), 111, 155; K. Theodore Hoppen, "An Incorporating Union? British Politicians and Ireland 1800-1830," *English Historical Review* 123, no. 501 (2008): 332; Sir Herbert Maxwell, ed., *The life and letters of George William Frederick, Fourth Earl of Clarendon*, 2 vols. (London: Edward Arnold, 1913), I, 307-9; for the events in 1827 which led to Scottish affairs being vested in the Home Secretary, see, D.R. Fisher, ed., *The House of Commons 1820-1832*, 7 vols. (Cambridge: For the History of Parliament Trust by Cambridge University Press, 2009), I, 122-3.

In the second half of the chapter, attention will turn from the front to the back bench in order to consider why the Anglo-Welsh private Member proved himself so much more likely to assume legislative responsibilities than his Irish and Scottish colleagues. By analysing those most active MPs from each of the four nations, the importance of legal expertise and of a strong tradition in county government will be demonstrated as key factors elevating English and Welsh, and to a lesser extent Irish, backbenchers as legislators. The absence of these traits amongst the Scottish backbenchers, together with their more collaborative approach to the legislative process, ensured that private-member Scottish bills remained a very elusive creature during the Reform era. But, of course, this was an Imperial Parliament, and whilst the vast majority of backbenchers who brought in legislation did so solely for the nation in which their constituency was situated, others were willing to look further afield. The chapter concludes by examining these Reform-era legislators prepared to operate within a more explicitly four nations context.

Fig. 3.1a: Origins of sponsorship of acts passed concerning England and Wales, Scotland and Ireland, 1830-1852

Acts (% of whole)	England and Wales[3]	Scotland	Ireland
Government	376 (70.1%)	90 (81.1%)	336 (82.2%)
Non/Semi Government[4]	160 (29.9%)	21 (18.9%)	73 (17.8%)

Fig. 3.1b: Origins of sponsorship of acts passed concerning England and Wales, Scotland and Ireland, 1830-1852

Acts (% of whole)	England and Wales	Scotland	Ireland only
Government	376 (70.1%)	90 (81.1%)	336 (82.2%)
Private Member	101 (18.8%)	6 (5.4%)	48 (11.7%)
Other[5]	59 (11.0%)	15 (13.5%)	25 (6.1%)

[3] These figures include legislation affecting *only* England and *only* Wales.
[4] Non/semi-government includes measures sponsored wholly by private Members, wholly by opposition members, and jointly by combinations of government and private members, government and opposition members, and opposition and private members. See Appendix 1 (pages 275-6) for further details.
[5] 'Other' encompasses measures sponsored wholly by opposition members, and by combinations of private member and government, government and opposition, and opposition and private member.

Fig. 3.2a: Origins of sponsorship of bills introduced concerning England and Wales, Scotland and Ireland, 1830-1852

Bills (% of whole)	England and Wales	Scotland	Ireland
Government	534 (49.6%)	177 (63.7%)	451 (63.0%)
Non/Semi Government	543 (50.3%)	101 (36.3%)	265 (37.0%)

Fig. 3.2b: Origins of sponsorship of bills introduced concerning England and Wales, Scotland and Ireland, 1830-1852

Bills (% of whole)	England and Wales	Scotland	Ireland
Government	534 (49.6%)	177 (63.7%)	451 (63.0%)
Private Member	396 (36.7%)	46 (16.5%)	203 (28.4%)
Other	147 (13.7%)	55 (19.8%)	62 (8.6%)

Figures 3.1a/b – 3.2a/b provide a quantitative backdrop to our investigation of sources of legislative initiative. They attend exclusively to those acts and bills initiated in the House of Commons between November 1830 and July 1852 which were designed specifically for application to *one* of the three kingdoms (i.e. England & Wales *or* Scotland *or* Ireland). The totals are broken down according to the political status of the sponsors responsible for their introduction.[6] Focusing initially on those measures which reached the statute book, it is clear that whilst government-managed initiatives comprised the bulk of acts enacted for each of the portions of the United Kingdom, the division of labour between front and back benches was less marked in the case of England and Wales, where roughly 70% of its legislative output enjoyed ministerial sponsorship in comparison to Irish and Scottish proportions, both of which exceeded 80%. Indeed, where a little under a fifth of all English and Welsh statutes (101) that reached the statute book during the Reform period did so entirely under the aegis of private Members, in Ireland this proportion fell to 11.7%; and in Scotland a mere six acts were piloted through parliament purely by private MPs in these 22 years.

When the scope is broadened to include all bills introduced to the Commons, regardless of their ultimate success or failure, further distinctions emerge. Whilst in terms of sheer proportions, both Ireland and Scotland continue to display broadly similar features, with approximately two-thirds of all legislative efforts arising purely from ministerial initiative,

[6] See Appendix 1 (pages 275-6) above for further details on the categorisation of Members.

in the case of specifically English and Welsh legislation, the workload is very marginally split in favour of measures sponsored by at least one 'unofficial' source. Moreover, it is in this comparison of ministerial to private Member sponsorship, that the Scottish and Irish profiles diverge. Whereas some 203 of the 716 (28.4%) exclusively Irish measures introduced to the Commons came under the sole aegis of backbench Members, a mere 46 of 278 (16.5%) Scottish bills possessed similar non-ministerial origins. While the overarching picture of legislative initiative that emerges is thus one of governmental ascendency, fine-grained analysis reveals a richer, more complex image, worthy of closer inspection.

Legislating for the four nations: the view from the front bench

At the apex of the Scottish ministerial hierarchy stood the figure of the Lord Advocate, at once that nation's chief law officer, its public prosecutor and the individual effectively serving as minister for Scotland at Westminster.[7] 'There was no man', Henry Cockburn had asserted in 1824, 'with so great a power in any Government professing to be free in Europe'.[8] Though from 1827 nominally subordinate to the Home Secretary, in practice, as we shall see, the office of Lord Advocate retained its position of absolute legislative pre-eminency throughout the Reform era: of the 90 ministerial acts passed between 1830 and 1852, originating in the Commons, and relating exclusively to Scotland, some 74 bore the name of the incumbent Lord Advocate as one of its sponsors.[9]

Behind that dominant record, however, and in part because of it, lay considerable disquiet. In truth, concerns had long been aired across the political spectrum both at the constitutional impropriety of uniting political, judicial and administrative portfolios in one single individual, and at the equally deleterious consequences that amalgam of responsibilities entailed in terms of a unmanageable workload that, 'if attempted towards an [English] Attorney-General would quash him in a week'.[10] In the altered political milieu brought about by Reform, such grievances were exacerbated, and arguably most severely as they related to the office's legislative capacities. For as the *Scotsman* reflected in 1836, whilst the

[7] D. Walker, *A legal history of Scotland*, 7 vols. (Edinburgh: W.Green/Butterworths, 1988-2004), V, 244.
[8] Henry Cockburn, "The Office of Lord Advocate," *Edinburgh Review* 39, no. 78 (Jan. 1824): 369.
[9] Gordon Pentland, *Radicalism, reform and national identity in Scotland, 1820-1833* (Woodbridge: Boydell for the Royal Historical Society, 2008), 60; Michael Fry, *Patronage and principle: a political history of modern Scotland* (Aberdeen: Aberdeen University Press, 1991), 27, 70.
[10] Henry Cockburn, ed., *Life of Lord Jeffrey: with a selection from his correspondence*, 2 vols. (Edinburgh: A. & C. Black, 1852), I, 307; for further complaints, see Pentland, *Radicalism, reform and national identity in Scotland*, 53; Henry Cockburn, *Letters chiefly connected with the affairs of Scotland, from Henry Cockburn, Solicitor-general under Earl Grey's government, afterwards Lord Cockburn, to Thomas Francis Kennedy, M.P., afterwards the Right Hon. T.F. Kennedy, with other letters from eminent persons during the same period, 1818-1852* (London: Ridgway, 1874), 256-7, 266-7; Fisher, *House of Commons 1820-1832*, I, 128-9.

role was nominally 'invested with the same portentous authority now' as it was prior to 1832, there was at that time,

> Not more than one or two public bills connected with Scotland introduced into Parliament in a session…They were drawn up by the Lord Advocate…submitted to the Judges of the Court of Session, or one or two leading men; and if they were approved, they were forced through both Houses of Parliament, without any public discussion, and regardless of public opinion. Matters stand on a different footing now. Every bill is submitted to the consideration of the parties whom it affects, and they are heard by the Lord Advocate on its details.[11]

Those on the ground agreed. In 1838, the incumbent Lord Advocate chastised one correspondent complaining of tardiness in the prosecution of Scottish legislation that whereas prior to Reform it had been 'perhaps an easy matter to carry any Bills either thro' Committee or thro' the House…the case [was now]…very different'.[12]

For others, the principal problem in vesting Scottish legislative agency so decisively in one individual alone lay in the temperamentality it imparted to that nation's parliamentary affairs. In the later 1830s, for instance, there seems to have been a widespread conviction that the incumbent Lord Advocate John Murray was interested in little but legal reform initiatives, and had thus become, as one of his colleagues put it, 'a drag on the wheel of movement in Scotch matters'.[13] Much more significantly, whenever absent – as his legal responsibilities in Edinburgh often required him to be – the progress of Scottish measures suffered accordingly.[14] Indeed, the paucity of Scottish bills during the first three years of Peel's ministry was in large part a reflection of such absence – initially as a result of the illness, and subsequent death of Sir William Rae in October 1842, and latterly by the failure of his replacement, Duncan McNeill, to be elected to the Commons until September 1843.[15] During those two full sessions, a mere three ministerial measures attending exclusively to Scotland reached the statute book.[16] Scarcely surprising, then, that throughout the 1830s and

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[11] *Scotsman*, 22 June 1836, 2; see also, Henry Cockburn, *Journal of Henry Cockburn: Being, a Continuation of the Memorials of His Time, 1831-1854*, 2 vols. (Edinburgh: Edmonston and Douglas, 1874), I, 125-7.
[12] John Murray to Charles Hope, Lord Granton, 10 Feb. 1838, Home Office papers, TNA, HO102/44 fos. 163-66.
[13] Fox Maule to Andrew Rutherfurd, 13 Feb. 1839, Rutherfurd papers, NLS, MS. 9697 fol. 206; see also, Fox Maule to Andrew Rutherfurd, 14 Mar. 1839, Rutherfurd papers, NLS, MS. 9697 fos. 214-15.
[14] *Report of the commissioners appointed by the Lords Commissioners of Her Majesty's Treasury to inquire into certain civil departments in Scotland, with evidence, and other papers connected with the subject of the inquiry, and index*, *PP* 1870 (c.64), vii, 48; see also *HPD*, 15 June 1858, vol. 150, c. 2120.
[15] James Graham to Duncan McNeill, 1 Nov. 1843, Graham papers, BL, Add. MSS. 79666, fos. 151-3; *HPD*, 15 June 1858, vol. 150, c. 2124.
[16] 5 & 6 Victoria, c.67; 6 & 7 Victoria, cc.61, 64.

1840s calls for reform of the office, and, consequently, of the means of attending to Scottish legislative affairs, were commonplace.[17] Indeed, as early as August 1832, the incumbent Lord Advocate, Francis Jeffrey, had himself written to Lord Grey complaining of the nefarious consequences of his multifarious responsibilities for Scottish legislative interests, and received a promise that the Whig leader intended to 'devolve a great part of its [i.e. the office's] political functions on another'.[18] Nothing ultimately came of this, though the stream of complaints continued. In 1833, Scottish Solicitor-general Henry Cockburn urged the necessity for Scotland to be granted a 'responsible person…as secretary, different from the Advocate'.[19] Indeed, two decades later, Cockburn was still pressing the same cause, and the National Association for the Vindication of Scottish Rights was declaring the 'absurd[ity]' that the 'mere fraction of one man's time…is sufficient to govern the most industrious country in Europe…or that every Lord Advocate must infallibly be…fit to overtake the vast amount of legislation appertaining to such a country as Scotland'.[20]

Comparison with the parallel legislative infrastructure relating to Ireland brings the Scottish circumstances into sharper focus. Ostensibly, the Irish situation appeared to possess considerable similarities. Like the Lord Advocate, that nation too possessed a pre-eminent custodian of its specific legislative needs in the figure of the Chief Secretary.[21] As Hoppen, Innes, Jupp and Jenkins have all noted, the Union significantly raised the profile, and increased the responsibilities of that particular office.[22] Working in tandem with the Lord Lieutenant, who remained resident in Dublin, Chief Secretaries spent the recesses in Ireland, returning to Westminster for the parliamentary sittings, during which all Irish business fell within their remit.[23] Between 1830 and 1852, no less than 292 of the 336 government acts exclusively concerning Ireland originating in the Commons were introduced under the aegis

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[17] H. J. Hanham, *Scottish nationalism* (London: Faber, 1969), 60; for discussions in the early 1830s, see Fisher, *House of Commons 1820-1832*, I, 132, 135-7.
[18] Qu. in *Ibid*., I, 136-7.
[19] Cockburn, *Letters chiefly connected with the affairs of Scotland*, 464-6; see also, Walker, *A legal history of Scotland*, VI, 6, 176.
[20] Graeme Morton, *Unionist nationalism: governing urban Scotland, 1830-1860* (East Linton: Tuckwell, 1999), 141; *Address to the people of Scotland and statement of grievances by the National Association for the Vindication of Scottish Rights* (Edinburgh: Johnstone and Hunter, 1853), 29.
[21] Brian Jenkins, *Era of emancipation: British government of Ireland, 1812-1830* (Kingston, Ont.: McGill-Queen's University Press, 1988), 54-79.
[22] Hoppen, "An Incorporating Union?," 333-40; Joanna Innes, "Legislating for three kingdoms: how the Westminster parliament legislated for England, Scotland and Ireland 1707-1830," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 32; Peter Jupp, "Government, parliament and politics in Ireland, 1801-41," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 147-8; Jenkins, *Era of emancipation*, 55-7.
[23] R.B. McDowell, *The Irish administration, 1801-1914* (London: Routledge & Kegan Paul, 1964), 57; Peter Gray, "'Ireland's last fetter struck off': the Lord Lieutenancy debate, 1800-67," in *Was Ireland a colony? Economics, politics and culture in nineteenth-century Ireland*, ed. Terrence McDonough (Dublin: Irish Academic Press, 2005), 89-90.

of the incumbent Chief Secretaries. Expanding the sample so as to include all Irish ministerial bills introduced to the Commons only reinforces the picture: during the Melbourne administration, for instance, Chief Secretary Lord Morpeth affixed his name to no less than 123 of the 135 (91.1%) Irish measures.[24] At the opposite end of our period, Sir William Somerville, during his four full sessions as Chief Secretary between 1848 and 1851, was co-sponsor on 106 out of the 114 (93%) bills that were introduced to the Commons with an exclusively Irish remit.[25]

Where Irish circumstances began to deviate from the Scottish 'model', however, lay in the fact that, whereas taking charge of legislative affairs comprised merely one component of the Lord Advocate's overarching legal and judicial responsibilities, for the Chief Secretary, alongside managing the Irish MPs, it formed the principal element. Indeed, with the Lord Lieutenant ensconced in Dublin, the role of the Chief Secretary was to all intents and purposes a distinctly parliamentary and legislative one.[26] Moreover, in undertaking those legislative responsibilities, that office was able to draw on a much more established, formal framework than was available to its Scottish analogue. Whereas the Lord Advocate possessed no official base from which to manage his legislative responsibilities, the Whitehall-situated 'Irish Office', founded shortly before the Union, and staffed with various officials, was designed precisely for that purpose.[27] Indeed, in the role of the so-called Irish counsel, that nation possessed a legal officer whose explicit responsibility lay in assisting the Chief Secretary with the preparation and prosecution of Irish legislation.[28] As the holder of that position explained in 1836:

> Nearly all the Bills relating to Ireland pass through my hands; many I prepare; some are brought over by the Chief Secretary; some are sent to him by the public boards, upon which it is my duty to advise him, and to revise or alter the Bills so sent over. It is also my duty to make all such amendments and alterations as are required during the progress of the several Bills through Parliament.[29]

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[24] Diana Olien, *Morpeth: a Victorian public career* (Washington D.C.: University Press of America, 1983), 130-222.
[25] *Dublin Evening Post*, 21 May 1850, 4 (comments of Maurice O'Connell).
[26] S.J. Connolly, "Aftermath and adjustment," in *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870*, ed. W.E. Vaughan (Oxford: Clarendon Press, 1989), 4-5.
[27] Hoppen, "An Incorporating Union?," 336; McDowell, *The Irish administration*, 72-3; in the case of Scottish bills, the Lord Advocates of the period seem to have made a rather more informal use of Scottish solicitors based in London: *Report from the Select Committee on Miscellaneous Expenditure; together with the minutes of evidence taken before them*, *PP* 1847-48 (543), xviii, 658.
[28] For details on the office, see *Reports of Committees of Inquiry into public offices and papers connected therewith*, *PP* 1854 (1715), xxvii, 83-4.
[29] *Report of select committee on public bills*, *PP* 1836 (606), xxi, 180; see also, Arthur Aspinall, *Three early nineteenth-century diaries* (London: Williams and Norgate, 1952), 344, 349; Marmaduke O'Hanlon to Lord Morpeth, 28 May 1837, Carlisle papers, Castle Howard, J/19/1/14/32.

This is not to say that deficiencies were not felt in the office of Irish Chief Secretary during the Reform era.[30] Significantly, as with the Lord Advocate, the role was not one entitled to a position in Cabinet, a circumstance which, in both cases, required the Home Secretary to undertake the handling of Irish legislation therein.[31] Unlike the Lord Advocate, however, the Chief Secretary was also subordinate to an absentee superior – the Lord Lieutenant – resident nearly three hundred miles away in Dublin, who, at least in theory, ultimately determined Irish legislative policy. Throughout the Reform era, that circumstance, which in the eyes of one of its incumbents rendered the Chief Secretary an 'anomalous sort of official', always possessed the potential to stymy the progress of Irish legislation, especially when, as in the case of Lords Anglesey and Stanley between 1830 and 1832 and Lords de Grey and Eliot between 1841 and 1844, rifts, both of a personal and political nature arose.[32] 'It is terrible that you should not agree…when you are both in a situation which requires such entire concert and union both of design and action', bemoaned Lord Holland of Stanley and Anglesey's disagreements over the contents of the Irish church temporalities bill of 1833.[33] It was partly in an effort to obviate such inconveniences in the workings of the Irish legislative mechanism that Lord John Russell brought forward his bill of 1850 for the abolition of the position of Irish Lord Lieutenant, an office that he maintained had 'been one of separation rather than union' between Ireland and Britain.[34] Had it proved successful, Russell's scheme would have seen the creation of a fourth secretary of state, based in London, and equipped with Cabinet privileges, exclusively tasked with 'carrying on the important business connected with Ireland'.[35]

This comparative perspective between the Scottish and Irish (and, indeed, Anglo-Welsh) situations can be taken further. For, as shall become apparent, one major factor ultimately driving disquiet at the omnipotent role of the Lord Advocate in the legislative process was the sheer dearth of other sources of formal Scottish legislative initiative at Westminster in

[30] *HPD*, 17 May 1850, vol. 111, cc. 208-9.
[31] Exceptions were made in the case of Lord Stanley in 1831 and Henry Labouchere in 1847; Gray, "'Ireland's last fetter struck off'," 90; *HPD*, 10 June 1850, vol. 111, cc. 1026-7; *HPD*, 17 June 1850, vol. 111, cc. 1410-11.
[32] The description of the office was made by Lord Eliot to Sir Robert Peel, 7 May 1844, Peel papers, BL, Add. MSS. 40480, fos. 384-5; Norman Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830* (London: Longman, 1972), 396; Robert Shipkey, *Robert Peel's Irish policy, 1812-1846* (New York: Garland, 1987), 361; Oliver MacDonagh, "Ideas and institutions, 1830-1845," in *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870*, ed. W.E. Vaughan (Oxford: Clarendon Press, 1989), 205; for the tense relationship between Stanley and Anglesey, see Angus Hawkins, *The Forgotten Prime Minister: the 14th Earl of Derby, volume 1: ascent, 1799-1851* (Oxford: Oxford University Press, 2007), 76.
[33] Lord Holland to Lord Anglesey, 14 Jan. 1833, Anglesey papers, PRONI, D619/27/A/180.
[34] Spencer Walpole, *The life of Lord John Russell*, 2 vols. (London: Longmans, Green, 1889), I, 469-70.
[35] *HPD*, 17 May 1850, vol. 111, c. 180; Gray, "'Ireland's last fetter struck off," 95-8.

comparison to those available to the other two kingdoms.[36] In theory, as we have seen, following the demise of the Scottish 'managerial' system in 1827, the Home Secretary had become the minister responsible for handling Scottish parliamentary affairs – a move which, it was hoped, would serve to 'elevate th[at] part of the kingdom', ensuring it was dealt with as no mere 'province', and integrating its legislative interests more thoroughly into those of the United Kingdom as whole.[37] In practice, however, as Fig. 3.3 demonstrates, this was a duty which manifested itself with marked scantiness in terms of legislative sponsorship. During the entire tenure of Lord John Russell as Home Secretary, when some 29 specifically Scottish acts originating in the Commons reached the statute book, only one, the prisons act of 1839, enjoyed his official imprimatur.[38] Again, during the incumbency of Sir George Grey, a period which witnessed 62 exclusively Scottish bills introduced to the Commons, a mere three sported the name of the Home Secretary.[39] Only Sir James Graham undertook the responsibility of legislative sponsorship with any considerable energy, his official advocacy of nine out of the total of 22 Scottish acts enacted between 1842 and 1846 going some way to explain the sincere regret felt by Lord President John Hope at Graham's removal in 1846 from an office which, as he asserted, 'To Scotland…is really the Ministry'.[40]

Fig. 3.3: Geographical range of legislation sponsored by prominent Home Secretaries

	Scottish Bills	Scottish Acts	Irish Bills	Irish Acts	English & Welsh Bills	English & Welsh Acts
Lord John Russell (1835-39)	5	1	20	7	60	36
Sir James Graham (1841-46)	14	9	24	16	59	42
Sir George Grey (1846-52)	9	3	53	37	75	53

In practice, as a cog in the Scottish legislative process, the Home Secretary seems primarily to have functioned as a conduit through which measures already prepared by the Lord

[36] *HPD*, 15 June 1858, vol. 150, c. 2122.
[37] Henry Cockburn, *Memorials of his time* (Edinburgh: A. & C. Black, 1856), 447.
[38] 2 & 3 Victoria, c.42.
[39] 11 & 12 Victoria, c.36 (entail amendment); 13 & 14 Victoria, c.33 (police and improvement); and the 13 & 14 Victoria, c.36 (Court of Session amendment).
[40] Charles Stuart Parker, ed., *The life and letters of Sir James Graham*, 2 vols. (London: John Murray, 1907), II, 50; the statutes in question that Graham sponsored were 7 & 8 Victoria, cc.34, 44 (Scottish parishes and Scottish prisons amendment, respectively); 8 & 9 Victoria, cc.3, 31, 35, 83 (Scottish poor law, heritable securities, infeftment and constables of public works, respectively); and 9 & 10 Victoria, cc.17, 67 (citation and trading in burghs, respectively).

Advocate passed en route to Cabinet consideration. In that respect, George Grey's rather helpless enquiry to Andrew Rutherfurd prior to the onset of the 1850 session – 'shall you have any Scotch Health Bill? Or any others?' – was symptomatic of a much more general phenomenon.[41] Indeed, twelve months earlier, Grey had relinquished all initiative, simply warning Rutherfurd that 'You must put in your claims soon for Scotch measures as the ground will all be occupied'.[42]

In this respect, the contrast with Irish legislation was marked, as Fig. 3.3 demonstrates. Russell, Graham and Grey together appended their names to no less than 97 Irish bills of the Reform era. Nor was this necessarily always a merely facilitative involvement. The Irish municipal corporation bills of the 1830s, for instance, though drafted in Dublin during the parliamentary recesses, were, in practice, closely engineered by Lord John Russell.[43] So too the poor law act of 1838.[44] Clear direction from Home Secretaries on prospective Irish legislative programmes was likewise much more common. Typical in this respect was Lord Melbourne's instruction to Lord Stanley in January 1831 that he should return from Dublin with measures prepared relating to grand jury reform, education, municipal corporation reform, subletting, vestries and 'some provision for the poor'.[45] In August 1845, Sir James Graham instructed the new Conservative viceregent Lord Heytesbury that 'Attention…must be given to the preparation of a county franchise bill'.[46]

Though Irish and, to a much lesser extent, Scottish affairs thus came within the remit of the Home Secretary, it was towards expediting the legislative affairs of England and Wales that that office primarily focused its attentions. In the case of Russell, for instance, for every single Scottish bill to which he affixed his name between 1835 and 1839, four Irish bills and twelve English and Welsh bills received similar treatment. Taking the whole period between 1830 and 1852, and the records of all holders of the post, the ratio of Scottish to Irish to English and Welsh legislation emanating from the Home Office sat at approximately 1: 3.5 : 7. Of the nine exclusively Welsh ministerial bills originating in the Commons, only three did

[41] George Grey to Andrew Rutherfurd, 5 Dec. 1849, Rutherfurd papers, NLS, MS. 9692, fol. 146.
[42] George Grey to Andrew Rutherfurd, 18 Dec. 1848, Rutherfurd papers, NLS, MS. 9692, fol. 83.
[43] Lord John Russell to Lord Morpeth, 4 Jan. 1836, Carlisle papers, Castle Howard, J/19/1/10/51; Lord Mulgrave to Lord John Russell, [?] Jan. 1836, Russell papers, TNA, 30/22/2A fos. 97-8, 99-108; Lord John Russell to Lord Morpeth, 25 Dec. 1836, Carlisle papers, Castle Howard, J/19/1/13/81; Spencer Walpole, *The life of Lord John Russell*, 2 vols. (London: Longmans, Green, 1889), I, 272.
[44] Peter Gray, *The making of the Irish poor law, 1815-43* (Manchester: Manchester University Press, 2009), 134, 150-1, 153, 155-6, 170; John Prest, *Lord John Russell* (London: Macmillan, 1972), 114.
[45] Qu. in Douglas Kanter, *The making of British unionism, 1740-1848: politics, government, and the Anglo-Irish constitutional relationship* (Dublin: Four Courts, 2009), 185.
[46] Graham to Heytesbury, 10 Aug. 1845, Graham papers, Cambridge University Library microfilm, General Series, Bundle 92; see also *Sir Robert Peel: the life of Sir Robert Peel after 1830*, 455-6.

not feature the name of the incumbent Home Secretary on their reverse.[47] If the legislative reach of the Home Office was thus thoroughly four nations in dimension during the Reform era, that reach was far from uniformly spread, with Scotland comfortably feeling its touch the most lightly, and England and Wales the most heavily.

Figs. 3.4-3.6 expand our view of sources of ministerial legislative initiative across the four nations by providing a breakdown of those most active individuals, as measured by their sponsorship of bills. Together, they reveal the crucial agency of national legal expertise at Westminster. In the case of Ireland, the almost continuous attendance of the Irish Attorney-general and Irish Solicitor-general proved itself a critical outlet for Irish legislative effort.[48] Between 1830 and 1852, a total of 177 Irish acts enjoyed the co-sponsorship of one of these legal officials. Particularly zealous in his Irish legislative labours was David Pigot, who in the space of only three sessions as MP Clonmel between 1839 and 1841 co-sponsored 52 exclusively Irish bills, the vast majority in tandem with Lord Morpeth.[49] So too John Hatchell, whose return for Windsor in February 1850 sparked a flurry of legislative activity in the following three sessions which saw him assist with the introduction of some 44 Irish measures.[50] Small wonder, then, that in the session preceding Hatchell's return, when the Commons had been bereft of any Irish law officer for two years, the Chief Secretary Sir William Somerville could write urging the necessity that '<u>some</u> Irish lawyer should be here [i.e. Westminster]…as almost all Irish bills have more or less of a legal stamp'.[51]

A similar reliance on legal expertise is apparent in the English and Welsh record. Of the 22 ministers responsible for co-sponsoring in excess of fifteen bills between 1830 and 1852, eight held one or both of the premium English law officer positions, as Solicitor-general and/or Attorney-general, with the long-serving John Campbell and Robert Rolfe figuring most prominently.[52] Scotland, of course, lacked this additional source of legislative initiative, since the Lord Advocate represented not only Scotland's primary minister, but

[47] Two of those three statutes featured the name of the Under-secretary to the Home Office. The three acts in question were 8 & 9 Victoria, c.61 (South Wales turnpike trusts), 10 & 11 Victoria, c.76, 13 & 14 Victoria, c.111 (both Holyhead harbour).
[48] *Report from the select committee on public bills*, *PP* 1836 (606), xxi, 180.
[49] Pigot was Solicitor-general, Feb. 1839 - Aug. 1840, and then Attorney-general until June 1841. Of these 52, 48 were wholly ministerial in character, whilst four saw Pigot working with a private Member. For evidence of Pigot's instrumentality in Irish legislation at this time, see David Pigot to Lord Morpeth, 26 Mar. 1839, Carlisle papers, Castle Howard, J/19/1/22/80; David Pigot to Lord Morpeth, [?] Jan. 1841, Carlisle papers, Castle Howard, J/19/1/29/31; Olien, *Morpeth*, 147.
[50] Hatchell was Solicitor-general, Dec. 1847-Sep. 1850, and Attorney-general Sep. 1850-Feb. 1852. Of the Irish bills, all but one were wholly ministerial in character.
[51] Sir William Somerville to Lord Clarendon, 21 Apr. 1849, Clarendon papers, Bodleian Library, MS. Clar. Dep. Irish Box 27.
[52] Campbell was Solicitor-general Nov. 1832-Feb. 1834, and Attorney-general, Feb.-Dec. 1834, Apr. 1835-June 1841; Robert Rolfe was Solicitor-general Nov.-Dec. 1834, Apr. 1835-1839.

also its leading law officer.[53] Moreover, unlike England, Wales and Ireland, where the office of Solicitor-general frequently entailed parliamentary service, this arrangement only occurred once in Scotland between 1830 and 1852. The collaboration of the incumbent Solicitor-general Thomas Maitland with the Lord Advocate on some 14 of the 26 ministerial measures introduced relating to Scotland during that particular period between June 1846 and the close of 1850 confirms the fertile source of legislative initiative such an arrangement could present.[54]

More generally, the legislative prominence assumed by these law officers of the three kingdoms provided powerful testimony that, whatever its pretensions to imperial homogeneity, the Reformed parliament was a confluence of more or less divergent national legal systems.[55] As we shall see in Chapters 4 and 5, though efforts might be undertaken to make these different codes march more or less in step, there was a limit to such assimilatory endeavours, and, in any case, the very process of bringing divergent national law codes into line merely heightened the Imperial Parliament's reliance on those possessing 'local' national expertise to identify and smooth potential obstructions.[56]

If the crucial agency of official legal figures in the legislative activities of the three kingdoms is perhaps unsurprising, what Figs. 3.6-3.8 also reveal is the importance of a four nations 'understorey' to the administrations of the Reform era, provided via the offices of junior ministers.[57] In the case of exclusively Anglo-Welsh legislation, for instance, it was the position of Under-secretary to the Home Office, which appeared to possess one of the stronger claims to be considered as the ministerial post most singularly English and Welsh in its geographical remit.[58] Between 1830 and 1852, occupants of that office co-sponsored some 194 exclusively English and Welsh bills; in contrast, during the same period, less than 40 Scottish and Irish measures combined received the imprimatur of that official.[59]

However, this reliance on the legislative initiative of second-tier ministers was most marked in the case of Scotland, which, after 1832 saw the emergence of the Scottish Lord of the

[53] [Anon.], "Scottish judicial reforms", *Edinburgh Review* 51, no. 101 (Apr. 1830): 123.
[54] Maitland was Solicitor-general, June 1846-1850.
[55] For later influential reflections on this circumstance, see: E.A. Freeman, "Federalism and Home-Rule," *Fortnightly Review* 16, no. 91 (Jul. 1874): 208-9.
[56] It was commonplace for the opinions of the different national legal officers to be sought when queries arose as to whether measures initially limited in their scope to one kingdom might be extended to others: see, for instance, the case of the 1835 measure designed to abolish capital punishment in the case of sacrilege: *HPD*, 28 Aug. 1835, vol. 30, cc. 1067-8.
[57] Peter Gray, *Famine, land and politics: British government and Irish society, 1843-50* (Dublin: Irish Academic Press, 1998), 30, 149-50.
[58] *HPD*, 15 June 1858, vol. 150, c. 2122.
[59] The figure of 194 includes bills both wholly ministerial in character, and those where the under-secretary was working with private or opposition Members.

Treasury, later described by one Scottish MP as an office 'somewhat shadowy and mysterious'.[60] Though never officially labelled as such (it always remained one of the three – after 1848 – or four junior Lords of the Treasury), this post was first seriously mooted in 1831, when James Abercromby, still trying to press for alterations in the system of Scottish government, wrote to Lord Althorp urging the benefits likely to accrue from a strategically-placed Scotsman in the ministry.[61] Whilst 'Scotland is not so large or important as to require a secretary as in Ireland', admitted Abercromby, 'I have always thought that it could not fail to be useful to you to place at the treasury or in some other office a Scotch Member, to whom you could on all such occasions refer'.[62] As we shall see, the ministerial tendency to rely upon Scotsmen in government to prosecute that nation's specific legislation, regardless of the precise office they held, became a feature of the Reform period. Indeed, the first man appointed to the post of 'Scotch' Lord of the Treasury in November 1832, Thomas Kennedy (Ayr Burghs), initially came to office as a Clerk of the Ordnance, his martial posting not preventing him from being a co-sponsor on Scottish bills concerning game and the shrievalty of Selkirkshire introduced during that session.[63] Nevertheless, in the autumn of 1832, Althorp followed through on Abercromby's recommendations, and Kennedy was transferred to the Treasury, the Chancellor of the Exchequer making explicit that the Scotsman 'was to be consulted by government with regard to Scottish affairs, there being a want, in the present administration, of such an advisor'.[64]

As Althorp's words clearly intimated, this post was neither envisaged as one purely limited to Treasury administration, nor as H.J. Hanham rather dismissively described it, to the whipping of Scottish MPs and the management of their election.[65] Between its creation in late 1832 and 1852, Scottish Lords of the Treasury were jointly responsible for 30.8% (24) of all exclusively Scottish ministerial statutes, and 29.2% (47) of all bills introduced.[66] If

[60] *HPD*, 15 June 1858, vol. 150, c. 2119; for the conscious appointment of 'Scotchmen' to 'Subordinate Offices', see Lord Holland's remarks of 1835: A.D. Kriegel, ed., *The Holland House diaries, 1831-40, with extracts from the diary of Dr. John Allen* (London: Routledge, 1977), 290; I.G.C. Hutchison, "Anglo-Scottish Political Relations in the Nineteenth Century, c. 1815-1914," in *Anglo-Scottish relations from 1603 to 1900*, ed. T.C. Smout (Oxford: Oxford University Press, 2005), 260; for information on the role in general, see the report of the 1848 select committee concerning miscellaneous expenditure: *Report from the Select Committee on Miscellaneous Expenditure; together with the minutes of evidence taken before them*, *PP* 1847-48 (543) xviii, 142, 166-69, 170-71, 180.
[61] John C. Sainty and Gary W. Cox, "The Identification of Government Whips in the House of Commons 1830–1905," *Parliamentary History* 16, no. 3 (1997): 344; John C. Sainty, ed., *Office-holders in modern Britain: volume 1, Treasury officials 1660-1870* (London: Athlone Press for University of London, Institute of Historical Research, 1972), 16-18.
[62] Qu. in Fisher, *House of Commons 1820-1832*, I, 135-6.
[63] *Ibid.*; 2 & 3 William IV, c.68 (game trespassers); 2 & 3 William IV, c.101 (sheriff of Selkirkshire).
[64] Qu. in Fisher, *House of Commons 1820-1832*, I, 136.
[65] Hanham, *Scottish nationalism*, 60.
[66] The bills' calculation includes those measures where the Scottish Lords of the Treasury were co-sponsors with non-ministerial Members also.

Kennedy's stint as the Scotch Lord was brief, during the 1833 session alone he co-sponsored no less than eleven exclusively Scottish bills introduced to the Commons. Of these, only the Scottish public revenue act, which reassigned duties formerly carried out by the Barons of the Exchequer in Scotland, possessed an entirely Treasury-oriented remit.[67] In addition, Kennedy devoted his efforts to the Scottish government measures concerning bankrupts, the election of magistrates in royal and parliamentary burghs, and the Edinburgh annuity tax.[68]

When the Whigs returned to power in April 1835 under Lord Melbourne, the rather shadowy, but clearly influential, Robert Steuart (Haddington) – 'a useful man, good in business and reasonable' – took up the mantle of Scotch Lord, retaining the position until his premature death in May 1840.[69] More than any other occupant of the role during the Reform period, Steuart demonstrated the crucial services such a minister could perform as a source of Scottish legislative initiative, co-sponsoring no less than 22 measures exclusive to that nation in his four-and-a-half sessions.[70] Moreover, as with Kennedy before him, the striking fact of the bills with which Steuart became associated was their eclecticism: in the 1836 session alone he appended his name to bills concerning bankruptcy, bankrupts' estates, bastards' testaments, the law of cessio bonorum and sasines, reform of the Court of Session and Edinburgh Commissary Court, as well as the nation's municipal corporations.[71] A decade later, Lord John Russell's Scottish lord, Sir William Gibson-Craig, enjoyed a similarly multifarious legislative agenda, self-professedly attending to 'almost every species of business in the kingdom [i.e. Scotland]'.[72]

If, as Peel explained to Lord de Grey in 1843, 'It [wa]s usual to have one Irishman at the Treasury', this equivalent Irish Lord of the Treasury shouldered rather fewer legislative labours relatively than his Scottish counterpart during the Reform era, appending his name to 23 exclusively Irish bills.[73] Such figures accord with Francis Baring's testimony to a

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[67] 3 & 4 William IV, c.13.
[68] *PP* 1833 (363), i, 87 (bankruptcy); *PP* 1833 (333), ii, 237 (Edinburgh annuity tax); 3 & 4 William IV, c.76 (royal burgh magistrates); 3 & 4 William IV, c.77 (parliamentary burgh magistrates).
[69] Fox Maule to Andrew Rutherfurd, 31 May 1837, Rutherfurd papers, NLS, MS. 9697, fos. 21-3; Robert Steuart to John Murray, 27 Sep. 1836, Lord Advocate's Office papers, NRS, AD58/253; Cockburn, *Letters chiefly connected with the affairs of Scotland*, 519.
[70] Sainty and Cox, "The identification of government whips in the House of Commons, 1830-1905," 346, 350.
[71] *PP* 1836 (98), i, 31 (bankruptcy); *PP* 1836 (99), i, 143 (bankrupts' estates); 6 & 7 William IV, c.22 (bastards' tenements); 6 & 7 William IV, c.56 (cessio bonorum); 6 & 7 William IV, c.33 (instruments of sasine); *PP* 1836 (186), v, 47 (Court of Session); 6 & 7 William IV, c.41 (Edinburgh commissary court); *PP* 1836 (271), ii, 449 (municipal corporations).
[72] *Report of the commissioners appointed by the Lords Commissioners of Her Majesty's Treasury to inquire into certain civil departments in Scotland, with evidence, and other papers connected with the subject of the inquiry, and index, PP* 1870 (C.64), xviii, 52.
[73] Peel to De Grey, 10 June 1843, Peel papers, BL, Add. MSS. 40478, fol. 72; for the office, more generally, see [Anon.], "The Irish Lord of the Treasury," *Saturday Review* 13, no. 333 (Mar. 1862):

select committee in 1848 that, though 'no description of Irish business…is excluded from his [i.e. the Junior Lord's] cognizance', in comparison to the Scotch Lord, 'the Irish Lord was not so much consulted upon Irish business'.[74] Nevertheless, as with his Scottish analogue, what is particularly notable about the Irish Lords' legislative labours is the extent to which they deviated from the wholly fiscal subject-matter one might have expected their office to superintend. Between 1846 and 1852, for instance, the Irish Lord Richard Bellew (Louth) co-sponsored bills ranging from the prevention and punishment of assaults in Ireland to the county cess, Newgate gaol in Dublin, and Irish turnpike roads.[75]

The eclectic character of the measures sponsored by the Scottish and Irish Junior Lords pointed towards a broader phenomenon in the legislative agency of those nations at Westminster whereby the precise portfolio of a minister mattered rather less than his nationality and a willingness to take legislative action on its behalf. That phenomenon was most pronounced in the case of Scotland. It received its most striking manifestation in the Scottish legislative records of the *English* Attorney-general, but Scottish-born and sometime Edinburgh MP Sir John Campbell, and the Under-secretary to the Home Office, Fox Maule, a son of Perthshire and Member for Forfar. Collectively, they appended their names to exclusively Scottish bills no less than 76 times, mostly during the period, 1835 to 1841.[76] Maule, in particular, assumed such prominence in the handling of Scottish measures during the second half of the 1830s that his friend, the future Lord Advocate Andrew Rutherfurd, pressed upon him the rectitude of formally assuming 'responsib[ility] for Scotch affairs'.[77] Though Maule jestingly denounced such a 'barbarous and tyrannical scheme', his application to his nation's affairs was considerable, co-sponsoring some 33 bills.[78] As Under-secretary to the Home Office, Maule was explicitly exhorted by his superior, Lord John Russell, to inform himself as much as possible 'of all matters relating to the Government of Scotland', and, sure enough, Scottish business – whether legislative or otherwise – seems often to have bypassed Russell in favour of Maule.[79] He took personal charge of the major legislative efforts over Scottish prison reform between 1837 and 1839,

286. Of course, it should be noted that, throughout the period 1830-34, Thomas Spring Rice served as the financial secretary to the treasury, so his sum of 22 Irish bills might be added to this total.
[74] *Report from select committee on miscellaneous expenditure*, *PP* 1847-48 (543), xviii, 424.
[75] 12 & 13 Victoria, c.38 (assaults); 12 & 13 Victoria, c.36 (county cess); 12 & 13 Victoria, c.55 (Newgate gaol); 12 & 13 Victoria, c.47 (turnpike roads).
[76] On Campbell's Scottish involvement, see Fox Maule to John Murray, [?] 1836, Lord Advocate's Office papers, NRS, AD58/253; Mrs Hardcastle (ed.), *Life of John, Lord Campbell, Lord High Chancellor of Great Britain: consisting of a selection from his autobiography, diary, and letters*, 2 vols. (London: John Murray, 1881), II, 72-3.
[77] Fox Maule to Andrew Rutherfurd, 31 May 1837, Rutherfurd papers, NLS, MS. 9697, fol. 21.
[78] *Ibid*.
[79] George Douglas and George Dalhousie Ramsay, ed., *The Panmure papers: being a selection from the correspondence of Fox Maule, second Baron Panmure, afterward eleventh Earl of Dalhousie*, 2 vols. (London: Hodder and Stoughton, 1908), I, 11; Fry, *Patronage and principle*, 32.

as well as measures concerned with the reform of Scottish madhouses and the Scottish practice of statute labour.[80] Later, as Secretary at War during Lord John Russell's ministry of 1846-52, Maule remained a close confidant and advisor to the Lord Advocates Andrew Rutherfurd and James Moncrieff, appending his name to numerous specifically Scottish bills, including the 1847 measure for implementing a system of registering births, deaths and marriages, a lunatics asylum amendment bill of 1848, three bills for granting sites of land for Free Church worship (1848-50), and the Scottish reform bill of 1852.[81]

Although this phenomenon of 'national' portfolios was much less pronounced in the case of Wales and Ireland, it was nonetheless still visible. There can be little doubt, for instance, that the presence of Cardiff MP John Nicholl's name on all four of the bills introduced to the Commons between 1842 and 1843 concerned with the administration of the Bangor and St Asaph dioceses had considerably more to do with his Welsh nationality – being one of only two Welsh-sitting Members in Peel's administration – than with his official responsibilities as Judge Advocate General.[82] Similarly, serving as Financial Secretary to Lord Grey's administration between 1830 and 1834, Thomas Spring Rice was widely recognised as the font of Irish expertise within that government. As Home Secretary, Lord Melbourne seems often to have relied almost entirely upon Spring Rice, and his patron Lord Lansdowne, as his Irish sounding boards.[83] In early 1831, for instance, Spring Rice supplied Melbourne with a very lengthy memorandum 'on the subject of Irish measures', including 'the entire head of a plan' for the reform of grand juries.[84] He was also consulted extensively on the Irish sub-letting bill of that session.[85] Again, shortly before the start of the 1832 sitting, Spring Rice

[80] For Maule's considerable labours over the Scottish prison bills, see Fox Maule to John Murray, 12 Aug. 1836, Lord Advocate's Office papers, NRS, AD58/253; Fox Maule to John Murray, [?] Nov. 1836, Lord Advocate's Office papers, NRS, AD58/253; Fox Maule to Andrew Rutherfurd, 6 Apr. 1837, Rutherfurd papers, NLS, MS. 9697 fol. 12; Andrew Rutherfurd to Fox Maule, 22 May 1837, Maule papers, NRS, GD/45/12/445/3; Andrew Rutherfurd to Fox Maule, 22 Aug. 1837, Maule papers, NRS, GD45/14/642/34; Andrew Rutherfurd to Fox Maule, 7 Oct. 1837, Maule papers, NRS, GD45/14/642/47; Fox Maule to Andrew Rutherfurd, 6 Apr. 1837, Rutherfurd papers, NLS, MS. 9697 fos. 149-53; Andrew Rutherfurd to Fox Maule, 19 Jul. 1838, Maule papers, NRS, GD45/14/642/102; Andrew Rutherfurd to Fox Maule, 12 Oct. 1838, Maule papers, NRS, GD45/14/642/128; the bills and acts in question are: *PP* 1837 (197), iv, 3; *PP* 1837-38 (201), v, 515; 2 & 3 Victoria, c.42 (all prison reform); 4 & 5 Victoria, c.60 (madhouses); 2 & 3 Victoria, c.65 (rogue money assessment).
[81] *PP* 1847 (95), iii, 521 (registration of births, deaths and marriages); *PP* 1847-48 (223), iv, 229 (lunatic asylums); *PP* 1847-48 (279), v, 97; *PP* 1849 (448), vi, 543; 13 & 14 Victoria, c.13 (all titles of religious congregations); *PP* 1852 (79), iii, 419.
[82] *PP* 1842 (440), i, 7; the second bill of 1842 was not printed; 5 & 6 Victoria, c.112; 6 & 7 Victoria, c.77.
[83] A.D. Kriegel, "The Irish policy of Lord Grey's government," *English Historical Review* 86, no. 338 (1971): 28.
[84] Thomas Spring Rice to Lord Lansdowne, 3 Jan. 1831, Bowood papers, BL, Add. MSS. 88906/09/015, fol. 52. The grand juries bill became *PP* 1831 (323), ii, 55.
[85] Thomas Spring Rice to Lord Lansdowne, 30 Dec. 1830, Bowood papers, BL, Add. MSS. 88906/09/015, fol. 55; Lord Melbourne to Thomas Spring Rice, [Jan.] 1831, Monteagle papers, NLI, MS 13,388; the sub-letting bill is printed in *PP* 1831 (242), iii, 429.

noted that he had had a meeting with Lord Grey who had asked him 'to…state to him what I thought would be the measures most important for Ireland within the reach of legislative enactment'.[86] In total, during his tenure as Financial Secretary, Spring Rice sponsored no less than 22 exclusively Irish measures, of which 16 reached the statute book, encompassing subjects from Irish crown land improvements to tobacco growth, and the Galway franchise to Irish charitable institutions.[87]

What is perhaps most notable, however, is the degree to which the activities of these 'unofficial' Scottish and Irish ministers waxed under Whig administrations and waned during Peel's zenith in the 1840s. Under Melbourne's administration of 1835-41, for instance, just as Robert Steuart as Scotch lord was flexing his legislative muscles, so too was his Irish counterpart Richard More O'Ferrall (Kildare), who was responsible for sponsoring some twelve bills with a remit exclusive to his native Ireland.[88] After 1839, Thomas Wyse (Waterford) replaced More O'Ferrall, and likewise took up legislative duties for his native country.[89] At the same time, whilst Maule and Campbell proved prodigious in their Scottish efforts, Sir Andrew Leith Hay (Elgin Burghs) 'grappled' with the 1836 and 1837 Scottish burghs of barony bills, as well as a Scottish turnpikes measure in his position as a Clerk to the Ordnance; Robert Cutlar Fergusson (Kirkcudbrightshire), though Judge Advocate General, nonetheless co-sponsored the specifically Scottish bill of 1835 concerning instruments of sasine and Sir Charles Adam, first lord of the navy but also Member for Clackmannan and Kinross-shire, joined Maule in sponsoring a Scottish game bill of 1837.[90] Again, between 1846 and 1852, the legislative activities of Richard Bellew on behalf of Ireland were mirrored by those of Sir William Gibson-Craig (Edinburgh) in his capacity as the Scottish Lord of the Treasury.[91]

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[86] Thomas Spring Rice to Lord Lansdowne, 24 Dec. 1831, Bowood papers, BL, Add. MSS. 88906/09/015, fol. 53.
[87] These 22 bills and 16 acts include both wholly ministerial measures, and those where Spring Rice co-sponsored bills with private or opposition Members; 2 & 3 William IV, c.1 (crown lands improvement); 1 & 2 William IV, c.15 (tobacco); 1 & 2 William IV, c.49 (Galway franchise); 2 & 3 William IV, c.85 (charitable institutions).
[88] For More O'Ferrall's legislative activities, see *Report from the Select Committee on Miscellaneous Expenditure; together with the minutes of evidence taken before them*, *PP* 1847-48 (543), xviii, 424; Sainty and Cox, "The identification of government whips in the House of Commons, 1830-1905," 347.
[89] Wyse's measures included the failed bill of 1840 concerning the navigation of the River Lagan, *PP* 1840 (443), ii, 705 and the successful Tralee harbour and navigation act of 1841, 4 & 5 Victoria, c.46.
[90] Fox Maule to Andrew Rutherfurd, 31 May 1837, Rutherfurd papers, NLS, MS. 9697, fos. 21-3; *PP* 1836 (272), i, 485; *PP* 1837 (140), i, 351 (burghs of barony); *PP* 1836 (154), vi, 421 (turnpikes); *PP* 1835 (271), iv, 147 (instruments of sasine); *PP* 1837 (298), iii, 241 (game).
[91] *Report from the Select Committee on Miscellaneous Expenditure; together with the minutes of evidence taken before them*, *PP* 1847-48 (543), xviii, 166, 180, 430-1; Sir William Gibson-Craig to Andrew Rutherfurd, 24 Aug. 1846, Rutherfurd papers, NLS, MS. 9689, fos. 20-22.

In contrast, during Peel's ministry neither occupant of the office of Scottish Lord of the Treasury shouldered any Scottish legislative responsibilities whatsoever, whilst Alexander Perceval (Sligo) and John Young (Cavan) – the Irish lords between 1841 and 1844 – mustered a mere two bills between them.[92] Again, whilst, as we have seen, Thomas Spring-Rice proved himself an energetic Irish reformer as Financial Secretary to the Treasury, Sir George Clerk (Stamford), though one of Scotland's most pre-eminent statesmen, appended his name to a mere four Scottish bills during his longer tenure of the secretaryship between September 1841 and February 1845.[93] Thus, to the observations made by various historians that the Whig administrations of the Reform period made clear efforts to endow their administrations with a consciously pan-United Kingdom profile, one might add that this phenomenon was likewise reflected in the spread of specific legislative responsibilities that arose as a result.[94] One might also tentatively conjecture that in their propensity to stray outside of strict ministerial portfolio in apportioning four nations legislative responsibility, one is witness to what has generally been interpreted as a more informal style of Whiggish governance, in contrast to the professional executive efficiency associated with Liberals and Peelites alike.[95]

Sponsoring legislation: the view from the backbenches

Across all four nations, government-sponsored acts formed the considerable bulk of those reaching the statute book. Whereas some 802 measures applying specifically either to England and Wales or Scotland or Ireland were the result of ministerial endeavour during the Reform era, only 155 arose entirely from backbench initiative. Contemporaries were well aware of this seemingly ineluctable rise in executive control, and most perceived the reforms of 1832 as the pivotal episode in facilitating this shift in the balance of legislative initiative away from the back benches and the private Member towards ministers.[96] During debate in 1848, describing the changes he had witnessed during his life, Lord John Russell reflected that when he had 'first entered Parliament [1813], it was not usual for the Government to undertake generally all subjects of legislation…[but that]…since the passing of the Reform Bill, it ha[d] been thought

[92] 5 & 6 Victoria, c.75 (Irish charitable pawn offices); 7 & 8 Victoria, c.99 (Tralee navigation and harbour).
[93] Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830*, 111, 254-5; 5 & 6 Victoria, c.67 (Perth prison); *PP* 1843 (623), iii, 453 (Scottish parishes); *PP* 1843 (405), iii, 523 (prison discipline); 7 & 8 Victoria, c.20 (Edinburgh debt agreement).
[94] Gray, *Famine, land and politics*, 149-50; Jonathan Parry, "Lord John Russell and the Irish Catholics 1829-1852," *Journal of Liberal Democrat History* 33 (2001): 9-10; William Torrens McCullagh Torrens, ed. *Memoirs of William Lamb, Second Viscount Melbourne*, 2 vols. (London: Macmillan, 1878), II, 26.
[95] Peter Mandler, *Aristocratic government in the age of reform: Whigs and Liberals, 1830-1852* (Oxford: Oxford University Press, 1990), 71-85; for a contemporary view, see *The Times*, 30 Nov. 1835, 4.
[96] See pages 11-13 and associated footnotes.

convenient on every subject on which an alteration in the law is required, that the Government should undertake the responsibility of proposing it to Parliament'.[97] Ten years later, Earl Grey noted that whilst ministers were 'now justly regarded as responsible for bringing forward such measures as are required', this was a duty which had been 'imposed upon the advisers of the Crown only by degrees, and chiefly since the passing of the Reform Acts of 1832'.[98]

Historians have pointed to various factors to explain this ministerial seizure of the legislative initiative. Cromwell and Fraser have demonstrated how the parliamentary timetable was manipulated and monopolised by government to facilitate the prosecution of their legislative agendas, which, from the 1820s, was increasingly being devised and mapped out by the Cabinet in advance of the meeting of parliament.[99] By 1835, only Wednesdays were allotted to private Members for the handling of their business, whilst a concession granted in 1837 that backbenchers could raise discussion by amendment to government orders was abolished at the close of the 1840s.[100] Indeed, by 1849, the sole means left to private MPs to raise any discussion was by moving an amendment to the motion that the House resolve into committee of supply.[101]

In addition to this increasingly constricted timetable, Joanna Innes, David Eastwood and others have argued that the Reform period witnessed more subtle shifts in a general legislative milieu which favoured ministerial over private initiative.[102] The increasing tendency to preface legislative initiative by sustained investigation, chiefly by means of royal commission, naturally played into ministerial hands, whilst the propensity to move away from the specific and local towards the general, national and imperial entailed legal complexities beyond the abilities of all but the most assiduous and informed backbenchers.[103]

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[97] *HPD*, 24 Mar. 1848, vol. 97, cc. 969-70.
[98] Grey, *Parliamentary government considered with reference to a reform of Parliament: an essay*, 19.
[99] Cromwell, "The losing of the initiative by the House of Commons, 1780-1914," 1-23; Peter Fraser, "The Growth of Ministerial Control in the Nineteenth Century House of Commons," *English Historical Review* 75, no. 296 (1960): 444-63; see also Jupp, *The governing of Britain*, 214.
[100] Jupp, *The governing of Britain*, 214; Fraser, "The Growth of Ministerial Control in the Nineteenth Century House of Commons," 452.
[101] Cromwell, "The losing of the initiative by the House of Commons, 1780-1914," 16-17.
[102] David Eastwood, "Men, morals and the machinery of social legislation, 1790-1840," *Parliamentary History* 13, no. 2 (1994): 192-4, 204-5; David Eastwood, "'Amplifying the Province of the Legislature': the Flow of Information and the English State in the Early Nineteenth Century," *Historical Research* 62, no. 149 (1989): 278; Joanna Innes, "Central government 'interference': changing conceptions, practices, and concerns, c.1700-1850," in *Civil society in British history: ideas, identities, institutions*, ed. Jose Harris (Oxford: Oxford University Press, 2003), 59; *Report from the select committee on public bills, PP* 1836 (606), xxi, 191.
[103] Hugh M. Clokie and J. William Robinson, *Royal Commissions of enquiry: the significance of investigations in British politics* (Stanford: Stanford University Press, 1937), 69-71; Jupp, *British politics on the eve of reform*, 196.

'Performing a duty, but despairing of success; and having no hope of any return for it, except the inward consciousness of good intention…The difficulties which any private Member has to contend against, in bringing in a Bill are nearly insuperable'.[104] This bleak observation, uttered by William Sharman Crawford (Dundalk) in the wake of his unsuccessful efforts to prosecute his own Irish landlord and tenant bill in 1837, would certainly have chimed with the vast majority of private MPs embarking on legislative endeavours during the Reform period.[105] Ten years later, Crawford's fellow countryman William Fagan (Cork) sought out the support of the Chief Secretary for his three Irish bills on the grounds that 'if they were not approved of by the government it would be a mere waste of time to submit them to the commendation of Parliament'.[106] Yet, crucially, the scale of the obstacles, or the facility with which they could be circumvented, appear not to have been evenly experienced across the four nations, to judge from the figures considered at the outset of this chapter. Backbench legislative initiative possessed marked geographical inflections, with Anglo-Welsh Members considerably more active than their Irish colleagues, who, in turn, appeared zealous compared to a Scottish backbench which mustered a mere seven statutes between them over the entirety of the Reform period.

How should one account for such geographical disparities? Part of the answer surely boils down to a question of sheer numbers. Even accounting for the fact that the bulk of most ministries comprised Members returned from English and Welsh constituencies, those nations' combined total of 500 representatives dwarfed that returned from Ireland and Scotland, and thus provided a much deeper pool of possible backbench personnel to sponsor legislation. Nevertheless, other factors might be mooted. To help us to begin to isolate these, Fig. 3.7 provides a breakdown of those most prolific backbench legislators from each portion of the United Kingdom. Of their shared common characteristics, most immediately striking is the possession of legal expertise. Amongst the ten most assiduous backbenchers responsible for introducing legislation pertaining solely to England and Wales, no less than half – Henry Aglionby (sponsor of 35 bills), James Freshfield (15), William Ewart (14), Charles Shaw-Lefevre (13) and Howard Elphinstone (13) – were called to the bar before or during their parliamentary careers. Henry Aglionby (Cockermouth) had served on the Northern Circuit and also practised as a special pleader; Freshfield (Penryn and Falmouth) was joint solicitor to the Bank of England and solicitor for numerous companies including the Globe Insurance and Royal Exchange Assurance; Charles Shaw-Lefevre (Hampshire/Hampshire North) was the

[104] *Derry Journal*, 25 Jul. 1837, 4; see also William Mackinnon: *HPD*, 8 Apr. 1845, vol. 79, c. 355.
[105] Brian Crowe, "The parliamentary experience of the Irish Members of the House of Commons, 1833-41," (Unpublished PhD thesis, Queen's University Belfast, 1995), 57.
[106] William Fagan to Sir William Somerville, 27 Nov. 1847, Chief Secretary's Office official papers, NAI, CSO/OP/1847/73.

recorder of Basingstoke; and Howard Elphinstone held a Doctorate in Civil Law and had practised as an Advocate at Doctors Commons, prior to representing Hastings.[107]

A similar, if rather less marked, legal orientation characterised the most prolific Irish backbenchers. Daniel O'Connell (various) and Joseph Napier (Dublin University), responsible for appending their names to 27 and 13 specifically Irish bills respectively, were both QCs.[108] Andrew Lynch (27; Galway) was a noted barrister at the English Chancery bar, and in 1838 was appointed a Master in Chancery.[109] Amongst the 25 other Irish private MPs who sponsored at least 5 bills relating to Ireland, 9 enjoyed formal legal training, including the likes of Frederick Shaw (10), recorder of Dublin and Dundalk and bencher of King's Inns; Joseph Jackson (8; Bandon/Dublin University), whom, after very brief service as Irish Solicitor-general was made judge of the court of Common Pleas in Ireland in 1842, and William Keogh (7; Athlone) and Richard Sheil (5; various), likewise both QCs.[110]

The legalistic bent to active backbenchers is visible in the Scottish record too. Two of Scotland's three most prominent private Members, James Loch (13; Wick Burghs), auditor of Lord Sutherland's vast estates, and Henry Home Drummond (7; Stirlingshire, Perthshire), were both advocates of longstanding at the Scottish bar.[111] Indeed, it is telling that Scotland's

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[107] For Aglionby, see Michael Stenton, ed., *Who's who of British Members of Parliament: a biographical dictionary of the House of Commons: volume 1, 1832-1885* (Hassocks: Harvester Press, 1976), 4; Henry Summerson, '*An ancient squires family': the history of the Aglionbys, c. 1130-2002* (Carlisle: Bookcase, 2007), 130; Freshfield: Stenton, *Who's who of British Members of Parliament*, 150-1; Fisher, *The House of Commons 1820-1832*, V, 247-9; Shaw-Lefevre: Fisher, *The House of Commons 1820-1832*, VII, 72-5; F.M.G. Willson, *A strong supporting cast: the Shaw Lefevres, 1789-1936* (London: Athlone Press, 1993), 58, 76, 81-2, 91; Elphinstone: Stenton, *Who's who of British Members of Parliament*, 127; Ewart: W.A. Munford, *William Ewart, M.P., 1798-1869: portrait of a radical* (London: Grafton, 1960), 60-1, 68-9, 74-5, 132-3.

[108] For the importance of O'Connell's legal background, see Angus Macintyre, *The Liberator: Daniel O'Connell and the Irish party, 1830-1847* (London: Hamish Hamilton, 1965), 4-5; for a taste of his legislative activities, see: Maurice R. O'Connell, ed., *The correspondence of Daniel O'Connell*, 8 vols. (Dublin: Irish University Press for the Irish Manuscripts Commission, 1972), V, 381, VI, 165-6; for Napier's legislative efforts between 1847 and 1852, see A.C. Ewald, *The life and letters of Sir Joseph Napier, Bart., ex-Lord Chancellor of Ireland, from his private correspondence* (London: Longmans, 1887), 54, 63, 87; Andrew Shields, *The Irish Conservative Party, 1852-68: land, politics and religion* (Dublin: Irish Academic Press, 2007), 28, 38-9.

[109] Stenton, *Who's who of British Members of Parliament*, 247; Brian David Crowe, "The parliamentary experience of the Irish Members of the House of Commons, 1833-41," (unpublished PhD thesis, Queen's University Belfast, 1995), 82-3.

[110] For Shaw, Jackson, Keogh and Sheil, see Stenton, *Who's who of British Members of Parliament*, 347, 209, 19, 348 respectively. See Appendix 1 (page 275-6) for the rationale behind Jackson's inclusion as a 'Private' member whilst holding the office of Irish second serjeant-at-law.

[111] For Home Drummond: Fisher, *The House of Commons 1820-1832*, V, 690-4; G.W.T. Omond, *The Lord Advocates of Scotland: second series, 1834-1880* (Edinburgh: Andrew Melrose, 1914), 271; Home Drummond was especially connected with Scottish highway legislation: Hugh Barclay, *A digest of the law of Scotland, with special reference to the office and duties of a justice of the peace* (Edinburgh: T & T Clark, 1853), 469; James Loch: Barclay, *A digest of the law of Scotland*, 775; for Loch's involvement with Scottish parliamentary reform, see Gordon Pentland, "Radicalism and reform in Scotland, 1820-1833," (unpublished PhD thesis, University of Edinburgh, 2005), 106-7, 158; Cockburn, *Letters chiefly connected with the affairs of Scotland*, 410.

most prodigiously active – though almost entirely unsuccessful – backbencher legislator, Robert Wallace of Greenock was derided by the Whig governments of the 1830s precisely because he sought to implement reforms *without* any formal training. In 1837, one of Wallace's many bills for reform of the Scottish law courts was forwarded on to the Lord Advocate as a 'specimen of the extreme rashness and ignorance, with which men utterly unacquainted with our forms, venture to propose the most sweeping alterations'.[112] Whilst further research would be necessary to speak with certainty, there does not seem to be much solid evidence to substantiate Michael Fry's assertion that the 'best Scots' chose to remain in legal practice north of the border rather than journeying south to Westminster and the unremunerative position of an MP.[113] Where the Scottish experience *may* have differed from that of England and Ireland, however, was in the fact that Scottish legal expertise in the Commons appears to have been less likely to have remained on the backbenches. Of the eight Scottish MPs returned in 1832 with legal backgrounds, only George Traill (Orkney and Shetland), James Loch and Edward Stewart (Wigton Burghs) resided on the backbench, and Traill was more landowner than lawyer, Stewart had trained in English law, and Loch was almost quasi-ministerial in status, having been involved in the initial stages of drawing up a Scottish reform bill.[114] A similar state of affairs was in evidence in the new parliament returned in 1847: of the seven backbench Scottish Members with legal experience, James Stuart-Wortley (Buteshire) and William Ewart (Dumfries Burghs) had received English training only and Duncan McNeill (Argyllshire) was the former Conservative Lord Advocate.[115]

If legal expertise in one or more of the national law codes thus clearly predisposed a backbencher towards legislative endeavour, Fig. 3.7 also suggests that the Reform era witnessed the ascendency of the private *borough* legislator across all four nations. A total of 41 out of the 63 most prolific backbench instigators of English and Welsh legislation represented boroughs alone throughout their parliamentary careers. In Ireland, 18 of the 29 MPs who sponsored 5 or more bills between 1830 and 1852 represented towns (or Dublin university), whilst in Scotland, of the 17 Members responsible for sponsoring three or more bills, only two represented a county for the entirety of their parliamentary careers. Such figures stand in starker relief when one recalls that only in England and Wales did the borough member actually predominate in terms of overall numbers: in Scotland and Ireland, county MPs constituted 57% and 61% of their total representation respectively. Such findings tally with those of Gary Cox and James Ingram, who have argued that, in the aftermath of Reform, with

[112] John Cunninghame to John Murray, 27 Apr. 1837, Murray papers, NLS, MS. 19736, fol. 50.
[113] Fry, *Patronage and principle*, 33.
[114] Michael Dyer, *Men of property and intelligence: the Scottish electoral system prior to 1884* (Aberdeen: Scottish Cultural, 1996), 89-97.
[115] Charles R. Dod, *The parliamentary companion, for 1847* (London: Whittaker, 1847), *passim*.

a greater number of Members representing 'larger…more competitive…boroughs', there were correspondingly 'greater *electoral* incentives to be active in seeking legislative solutions to social and economic problems'.[116]

Conversely, then, the backbench county legislator was a much rarer breed across the united Reformed polity. Yet, it was especially so north of the Tweed. Here, one perhaps finds solid empirical groundings to Joanna Innes's assertions that the lack of a strong tradition of service in Scottish county government circumscribed backbench legislative effort among individuals returned by that nation's shires.[117] Even in the 1830s, the introduction of the office of JP was still a relative novelty in Scotland: as the Glasgow MP James Oswald explained to the Commons in 1852, 'English Members did not exactly know what JPs were in Scotland…they had very little business to do except looking after poachers…It was a thing next to impossible to get a respectable working assemblage of JPs at the quarter sessions in Scotland'.[118]

In England and Wales, by contrast, though county seats comprised only 30% of the national representation, the long-lived apparatus and institutions of local county government seem to have nurtured a county backbencher more disposed to undertake legislative initiatives. Whilst one might hesitate to go quite so far as the Webbs in describing the Commons as the mere 'clearing-house' of the courts of English quarter-sessions, the legislative activities of the English and Welsh county MP during the Reform era does suggest such local government environments did provide a solid training ground for Commons initiatives.[119] Amongst those private Members most active in their sponsorship of English and Welsh bills, certain county representatives stand out especially prominently. Sir William Miles, the long-serving Member for Somerset East, chairman of the Somerset quarter sessions, prominent Protectionist, and the joint eighth most prolific sponsor of specifically English and Welsh legislation, embodied this peculiarly English backbench county tradition.[120] Between 1834 and 1852, he was responsible for introducing some eleven public bills – a portfolio which included almost all the principal issues touching county governance during that time. His successful bill of 1834 prevented the clashing of April quarter sessions with the spring assizes, whilst in 1840 and 1841, together

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[116] Gary W. Cox and James W. Ingram III, "Suffrage expansion and legislative behavior in nineteenth-century Britain," *Social Science History* 16, no. 4 (1992): 541; see also Peter Jupp, "The Landed Elite and Political Authority in Britain, ca. 1760-1850," *Journal of British Studies* 29, no. 1 (1990): 53-79.

[117] Innes, "Legislating for three kingdoms," 27; A.E. Whetstone, *Scottish county government: in the eighteenth and nineteenth centuries* (Edinburgh: John Donald, 1981), 27-8; George S. Pryde, *Central and local government in Scotland since 1707* (London: Published for the Historical Association by Routledge and K. Paul, 1960), 7, 17-18.

[118] *HPD*, 18 Feb. 1852, vol. 119, c. 720.

[119] Sidney Webb and Martha Webb, *English local government from the Revolution to the Municipal Corporations Act*, 9 vols. (London: Longmans, Greens, 1906-29), I, 554.

[120] Fisher, "Peel and the Conservative Party," 280, 283; Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830*, 326, 467, 71-2, 569, 74, 77-8, 80, 602.

with Thomas Law Hodges (Kent West), he was responsible for attempts to amend the 1839 rural constabulary act.[121] A further scheme introduced in 1841 sought to amend the process of election for the office of the county coroner.[122] Provision for the rural poor likewise exercised Miles's legislative attentions: in 1844 and 1845, he joined with William Cowper (Hertford) in legislative efforts to promote the letting of field gardens to the poor.[123] Elsewhere, Lord Worsley, the Protectionist Whig Member for Lincolnshire North was responsible for sponsoring thirteen separate English and Welsh bills between 1832 and his elevation to the peerage in September 1846, including no less than four measures for the enclosure of commons, three for the improvement and drainage of lands, and two for amendment of sewer commissions.[124] Edward Ayshford Sanford's (Somerset East) tally of nine bills ranged across subjects including sewers, the rating of small tenements, the sale of beer, the toll on lime and turnpike amendment.[125]

Yet, if the presence of legal expertise and the existence of a vigorous tradition in county government certainly seems likely to have contributed to the relative rates of backbench exertion during the Reform era, those figures may also reflect rather more fundamental national conceptions of the legislative process. In the case of Scotland, for instance, there is evidence to suggest that the acknowledged dominance of the Lord Advocate in that nation's legislative affairs created a more collaborative model of legislative initiative that could span the front and back benches.[126] Whilst this phenomenon is difficult to chart precisely, the fact that 32 of the specifically Scottish bills (amounting to 11.5% of all Scottish bills) introduced to the Commons between 1830 and 1852 amounted to joint ministerial/private Member endeavours, and that, during that same period, only 6.1% (44) and 7.4% (80) of the total bills solely pertaining to Ireland and to England and Wales respectively possessed a similar

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[121] 4 & 5 William IV, c.47 (April assizes); *PP* 1840 (153), i, 399; *PP* 1841(1) (5), i, 255 (both county constabulary).
[122] *PP* 1841(1) (80), i, 527.
[123] *PP* 1844 (419), ii, 269; *PP* 1845 (90), iii, 125 (both field gardens). It is possible that Sir William was also jointly responsible for the poor removal bill of 1847 (*PP* 1847 (419), iii, 233) and the charitable institutions act of 1851 (14 & 15 Victoria, c.56). However, the fact that on all other measures with which he is involved, he is listed as "William Miles", whilst on these two the sponsor is simply "Mr Miles" suggests the 'Miles' in question in regard to these latter two measures was Philip William Skinner Miles, MP Bristol, 1837-52.
[124] *PP* 1837-38 (135), i, 427; *PP* 1843 (308), i, 507; *PP* 1843 (341), i, 609; *PP* 1844 (69), i, 151 (all enclosure); *PP* 1837 (248), i, 523; *PP* 1837-38 (34), i, 423; *PP* 1843 (101), ii, 23 (all drainage and improvement of lands); *PP* 1839 (132), v, 65; *PP* 1840 (94), iii, 485 (both sewers).
[125] 3 & 4 William IV, c.22 (sewers); *PP* 1839 (334), v, 25 (small tenements); *PP* 1839 (93), i, 243; *PP* 1840 (51), i, 75; 3 & 4 Victoria, c.61 (both sale of beer); 3 & 4 Victoria, c.51 (toll on lime); 4 & 5 William IV, c.81 (turnpikes).
[126] Such collaborative Scottish legislative effort was not a new phenomenon: Bob Harris, "Towards a British political economy: An eighteenth-century Scottish perspective," in *Regulating the British economy, 1660-1850*, ed. Perry Gauci (Farnham: Ashgate, 2011), 88, 99-100; though see David Hayton, "Adjustment and Integration: The Scottish Representation in the British House of Commons, 1707-14," *Parliamentary History* 27, no. 3 (2008): 416-17, 423.

collaborative profile, appears suggestive.[127] Similarly, the practice of referring exclusively Scottish bills to select committees chaired by the Lord Advocate was a further manifestation of this collaborative impulse. Between 1832 and 1833 alone, no less than six Scottish bills were referred to select committees in this fashion; by contrast, only two pieces of the much more numerous Irish legislation of these sessions received similar treatment.[128] In 1833, the Scottish burgh reform bill – a subject deemed 'not particularly palatable to the House in general' – was referred to a select committee comprising all 23 of that nation's burgh Members.[129] 'There', noted the plan's instigator, Lord Advocate Francis Jeffrey, 'they…may discuss and suggest at their leisure, and having so exhausted themselves will not be much disposed, or readily allowed, to bother about it in the House'.[130] Conversely, just over a decade later, Fox Maule lamented the refusal of the Conservative ministry to refer the Scottish poor law bill to a select committee on the basis that on a similar question affecting local rates during his occupation of office, 'he never attempted to force it through the House… until he had consented to take it upstairs to a committee of Scotch Members'.[131]

Numerous anecdotal records note the practice of the Lord Advocate assembling the Scottish Members outside of the Commons to discuss and work through that nation's legislation en masse.[132] Whilst this in part reflected the lack of time given to exclusively Scottish measures in the Reformed Imperial Parliament, as Jeffrey's observation suggested, it also represented a deliberate mode of approaching the legislative process. In July 1840, Lord Melville talked of the 'constant practice on any measure affecting Scotland exclusively…to assemble all the Scotch Members on both sides of the House' to discuss its provisions.[133] In February 1852, Scottish MPs rose one after another to describe the lengthy proceedings and votes of a meeting of that nation's Members to consider the provisions of the public houses bill.[134] Twenty years

[127] Any bills involving opposition members have not been included in these totals.
[128] The Scottish bills in question were the turnpike roads amendment bills of 1830-31 and 1831, the Exchequer court bill of 1832, and the burghs police, royal burghs and Clackmannan and Kinross parishes bills of 1833. Since, typically, these bills' committees did not report their proceedings in the usual fashion, their establishment has been gleaned from the pages of the *Commons Journals*, vol. 86 (1), 271; vol. 86 (2), 636; vol. 87, 55; vol. 88, 174, 246, 560. The select committees on Irish bills related to the 1831 embankments bill (*Commons Journal*, vol. 86 (2), 695) and the 1832 registry for deeds bill (*Commons Journal*, vol. 87, 265).
[129] *Mirror of Parliament*, 1833, vol. 1, 713.
[130] Francis Jeffrey to Henry Cockburn, 12 Mar. 1833, NLS, Adv., MSS. 9.1.9, fol. 131; See also, Pentland, *Radicalism, reform and national identity in Scotland, 1820-1833*, 171-3.
[131] *HPD*, 12 June 1845, vol. 81, c. 431.
[132] Fry, *Patronage and principle*, 72; Cockburn, *Letters chiefly connected with the affairs of Scotland*, 394-5; see also, Hanham, *Scottish nationalism*, 28-9; Hutchison, "Anglo-Scottish Political Relations in the Nineteenth Century, c. 1815-1914," 255; Omond, *The Lord Advocates of Scotland*, 71-3; for newspaper reports describing meetings of Scottish Members with the Lord Advocate outside of the Commons, see *Inverness Courier*, 5 Oct. 1831, 4; *Caledonian Mercury*, 7 June 1832, 2; 20 May 1847, 4; *Scotsman*, 8 June 1833, 3; *Elgin Courier*, 13 Jul. 1849, 4.
[133] Lord Melville to Lord Buccleuch, 15 Jul. 1840, Buccleuch papers, NRS, GD224/511/4.
[134] *HPD*, 18 Feb. 1852, vol. 119, cc. 711-13, 720.

earlier, Francis Jeffrey reported to Henry Cockburn that at a 'very great meeting' of Scottish Members, he had managed to persuade the assembled to take no legislative action on the church patronage question until a promised government scheme should be introduced.[135] Such tendencies towards consultation, with the Lord Advocate as prime mover, did little to encourage isolated backbench initiative. When, in 1833, the Member for Greenock Robert Wallace gathered the Scottish Members to consider his own draft conveyancing measure, the meeting was abruptly curtailed by James Loch's declaration that Wallace should 'require the Lord Advocate to bring in this Bill; it is on a subject of very great importance, is very much looked on, and has been very much discussed'.[136] Six years later, Wallace ruefully reflected that 'No Scotch representative can carry on successfully any public measure affecting Scotland without his [i.e. the Lord Advocate's] nod and concurrence'.[137]

Of course, Irish backbenchers likewise frequently gathered outside of the Commons to discuss current and prospective legislation impinging on that nation.[138] For a short period after the onset of the Famine such meetings were formalised under the lead of backbencher Lucius O'Brien (Co. Clare).[139] Nevertheless, in part due to the sheer number of Irish Members ensuring such gatherings tended to be comprised of only a select portion of that nation's representatives, and in part due to the apparent absence of the Chief Secretary, the same degree of legislative collaboration did not occur.[140] Indeed, when, in April 1849, Lord John Russell assembled the Irish Members at his residence in order to gain a steer on whether the government should introduce a rate-in-aid or income tax measure, he was assailed by his opponents for indulging in 'grossly unconstitutional proceedings'.[141]

If, for various reasons, then, disparities existed in the relative exertions of the backbenchers of the four nations, those bills which *were* sponsored by private Members tended, unsurprisingly, to be united in possessing two principal traits. Firstly, they were overwhelmingly limited in

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[135] Francis Jeffrey to Henry Cockburn, 20 Feb. 1833, NLS, Adv. MSS., 9.1.9, fol. 119; see also, John Murray to S.M. Phillips (Home Office), 27 June 1838, Home Office papers, TNA, HO102/44 fos. 211-12.
[136] *First report from His Majesty's Law Commissioners, Scotland, PP* 1834 (295), xxvi, 396-7.
[137] *HPD*, 10 Jul. 1840, vol. 55, c. 613.
[138] For newspaper reports of such gatherings, see, for instance: *Cork Constitution*, 28 Jul. 1831, 2; *Belfast Commercial Chronicle*, 17 Aug. 1831, 1; *Freeman's Journal*, 25 Feb. 1832, 2-3; *Sligo Champion*, 6 Jul. 1839, 4; *Freeman's Journal*, 27 Mar. 1846, 2; *Warder and Dublin Weekly Mail*, 6 Feb. 1847, 7; *Newry Examiner and Louth Advertiser*, 24 Nov. 1852, 1; see also, *HPD*, 7 Apr. 1848, vol. 98, c. 59; 1 Apr. 1851, vol. 115, cc. 898-900; E.A. Smith, ed., *Reform or revolution? A diary of reform in England, 1830-2* (Stroud: Alan Sutton, 1992), 14.
[139] K.B. Nowlan, "The political background," in *The Great Famine: studies in Irish history, 1845-1852*, ed. Robert Dudley Edwards and T.D. Williams (Dublin: Irish committee of historical sciences by Browne and Nolan, 1956), 156; *Morning Post*, 16 Feb. 1847, 5; *Morning Post*, 1 Mar. 1848, 5; Lucius O'Brien's notes concerning the various meetings of the Irish Members held throughout the 1848 session are in the Inchiquin papers, NLI, MS. 45,439/7; 45,430/2; 45,430/4.
[140] Though see Olien, *Morpeth*, 213.
[141] *HPD*, 19 Apr. 1849, vol. 104, cc. 520, 525.

scope, being applicable to one of the three kingdoms, or four nations, only. Secondly, that particular portion of the United Kingdom to which they were directed was invariably the one in which that measures' sponsors' constituencies were located. There was, in other words, a prevailing 'localness' or 'parochialism' to the legislative exploits of the Reform-era backbencher which, at least in some measure, suggests the fears of anti-reformers that a Reformed parliament would be characterised by the 'localizing of all influence' were proved true.[142] Nevertheless, as a *Times* editorial of 1848 reminded its readers, this was an Imperial Parliament wherein 'English, Irish and Scotch, and the countless foreign races that have been mixed up with these three great divisions of the empire, legislate for one another', and this was as applicable, at least in theory, to the back as to the front bench.[143] For those that took this message to heart, what factors induced private Members to take a more expansive view of their legislative responsibilities?

Most obviously, the personal geographies of backbench Members very frequently traversed national borders, and legislative initiative could reflect this. A steady number of Englishmen, Scotsmen, Irishmen and Welshmen by birth and upbringing continued to represent constituencies outside of their home nations, often retaining a firm interest in the legislative concerns of their native lands. This was particularly noticeable in the case of Scottish-born Members. As Member for Middlesex between 1830 and 1837, and Kilkenny between 1837 and 1841, the indefatigable Montrose-born Joseph Hume co-sponsored no less than six exclusively Scottish bills with Greenock MP Robert Wallace during the 1830s.[144] If Hume's legislative voraciousness was extraordinary, it was not exceptional. Patrick Stewart's extensive estate at Ardgowan in Renfrewshire eventually resulted in him sitting for that constituency between 1841 and 1846; nevertheless, from 1831-37 he was returned as Member for Lancaster, an English base which did not prevent him from sponsoring four separate Scottish bills concerned with that nation's salmon fisheries, and thus living up to John Macpherson Grant's expectation, uttered in the aftermath of Stewart's election, that he was a 'a very clever intelligent fellow ... likely to be of use on Scotch matters'.[145] Again, Alexander Baillie-Cochrane, Member for Bridport courtesy of connections forged by marriage, but by birth and

[142] The words were Lord Haddington's: Lord Haddington to Lord Wharncliffe, 22 Nov. 1831, Wharncliffe papers, Sheffield City Archives, Wh.M/516-122; see also *HPD*, 24 Mar. 1831, vol. 3, c. 909; 19 Apr. 1831, vol. 3, c. 1637; 13 Aug. 1831, vol. 5, c. 1345; 4 Oct. 1831, vol. 7, c. 1265.
[143] *The Times*, 17 Jul. 1848, 5.
[144] *PP* 1835 (327), iv, 227 (Scottish courts of judicature); *PP* 1835 (282), iv, 389 (sheriff courts); *PP* 1835 (330), ii, 275 (small debts); *PP* 1835 (281), iv, 193 (superior courts); *PP* 1839 (13), v, 53 (salmon fisheries periods); *PP* 1839 (14), v, 55 (salmon fisheries by rod).
[145] Qu. in Fisher, *The House of Commons 1820-1832*, VII, 284. The bills in question were: *PP* 1835 (232), iv, 133; *PP* 1836 (56), v, 1; *PP* 1836 (561), v, 11; *PP* 1837 (26), iv, 127.

inheritance a native of Lanarkshire, clearly retained his Scottish loyalties in co-sponsoring a measure concerning Scottish schoolmasters in 1848.[146]

Certain expat Englishmen, representatives of Scottish and Irish constituencies, likewise flexed their legislative muscles on their home nation. William Watson, Liberal Member for Kinsale, but with roots in Nottingham and the North-East, collaborated with Sir John Jervis between 1843 and 1844 on four exclusively English bills concerned with small debts and that nation's superior courts of common law.[147] Edward Bouverie's co-sponsorship of three exclusively English bills between 1847 and 1850, whilst serving as MP Kilmarnock, is rendered explicable in large part by the fact that he was a born and bred English (and Welsh)man with ancestral estates centred on Wiltshire and Berkshire.[148] Shropshire North MP William Ormesby Gore's exclusively Irish bills concerning college-owned lands and loan societies (both 1836) are rendered rather less anomalous when one recalls that Gore was the offspring of a Galway and Kilkenny match, possessed of extensive estates in Co. Sligo and had previously represented Co. Leitrim in 1806-7.[149] Robert Shafto Adair, the co-sponsor of an 1852 bill concerning Irish railways, was Member for Cambridge but born and raised in Ballymena, Co. Antrim, where his family were recognised as one of the founding dynasties of the town.[150]

Possession of lands, estates, and more extended kinship networks across the different portions of the United Kingdom likewise complicated any well-defined notions of nationality and identity. James Stuart-Wortley introduced an exclusively English borough and watch rates bill whilst representing Buteshire in 1845, but his family's estates, spanning Yorkshire, Perthshire, Forfarshire and Buteshire rendered him thoroughly Anglo-Scottish in profile.[151] As Member

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[146] M.G. Wiebe, "Baillie, Alexander Dundas Ross Cochrane-Wishart-, first Baron Lamington (1816–1890), politician and author," *Oxford Dictionary of National Biography*, Sep. 23 2004, accessed Apr. 24 2021. https://www-oxforddnb-com.ezp.lib.cam.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-5760; the bill was printed in *PP* 1847-48 (221), vi, 267.

[147] William Carr and N. G. Jones, "Watson, Sir William Henry (1796–1860), judge and legal writer," *Oxford Dictionary of National Biography*, Sep. 23 2004, accessed Apr. 24 2021. https://www-oxforddnb-com.ezp.lib.cam.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-28877; the bills in question were *PP* 1843 (232), ii, 5; *PP* 1844 (9), i, 697 (small debts); *PP* 1843 (214), iv, 459; *PP* 1844 (8), iv, 617 (superior courts).

[148] Stenton, *Who's who of British Members of Parliament*, 41-2; the bills in question were *PP* 1847-48 (498), i, 233 (bankruptcy) and *PP* 1850 (129), iii, 21 (fees in court of Common Pleas). Bouverie successfully co-sponsored the county buildings amendment act of 1847, 10 & 11 Victoria, c.28.

[149] Fisher, *The House of Commons 1820-1832*, VI, 582-4; the bills and acts were *PP* 1836 (556), ii, 65 (college lands); 6 & 7 William IV, c.55 (Irish loan societies).

[150] Sir Bernard Burke, *A genealogical and heraldic dictionary of the peerage and baronetage of the British Empire* (London: Harrison, 1859), 11; *PP* 1852 (63), iv, 189.

[151] For the Stuart-Wortley family's geographically diffuse properties, see G. Le G. Norgate and H. C. G. Matthew, "Wortley, James Archibald Stuart- [formerly James Archibald Stuart-Wortley-Mackenzie], first Baron Wharncliffe (1776–1845), politician," *Oxford Dictionary of National Biography*, Sep. 23 2004, accessed Apr. 24 2021. https://www-oxforddnb-com.ezp.lib.cam.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26731; the statute was 8 & 9 Victoria, c.110.

for Dumfries Burghs from 1841, William Ewart introduced no less than six specifically English and Welsh bills – yet his Scottish roots were elided by previous incarnations as the representative of Bletchingley, Liverpool and Wigan, by his marriage to a Yorkshire woman, and by his commercial interests in Liverpool.[152] Anglo-Irish identities were even more common.[153] Though Member for Devon South, few would have questioned the rectitude of the two exclusively Irish bills of 1842 and 1847 introduced by Lord Courtenay, son of the Earl of Devon, the owner of large estates in Co. Limerick, and the chair of Peel's commission into Irish land.[154] Similarly, in introducing his Irish tenements recovery measure in 1850, Charles Hay Frewen, though Member for Sussex East could nonetheless point to his lands in Innishannon, Co. Cork and to the service of his father as Member for Athlone in 1807.[155]

Alongside family and landed connections, legal expertise possessed the potential to transcend national boundaries. This was most especially the case in those few instances where English bills were sponsored by non-English Members. Though Member for Galway, one assumes that it was native Irishman Andrew Lynch's training at the English bar, and his subsequent appointment as a Master in Chancery in 1838, that facilitated his sponsorship of Anglo-Welsh measures concerned with tithes, highway rates, masters in Chancery and the laws of lease and release between 1834 and 1841.[156] Similarly, Joseph Stock of Killaloe, judge of the high court of admiralty in Ireland, and MP Cashel between 1841 and 1845 twice allied with fellow barrister Sir Howard Elphinstone in sponsoring bills exclusively concerned with the English and Welsh ecclesiastical courts.[157]

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[152] Fisher, *The House of Commons 1820-1832,* V, 68-72; see also Munford, *William Ewart,* 17-22, 101-109; the bills in question were: *PP* 1846 (138), ii, 119 (county elections); *PP* 1847 (219), iii, 607 (Roman Catholic charitable trusts); *PP* 1847-48 (128), i, 193 (appeals in criminal cases); *PP* 1849 (250), iv, 163 (marriage by license); *PP* 1850 (516), iv, 9 (marriages act amendment). The solitary act was the public libraries and museum act of 1850, 13 & 14 Victoria, c.65.

[153] For the importance of these relations in an earlier period, see Hayton, "Adjustment and Integration," 432; David Hayton, "Anglo-Irish attitudes: changing perceptions of national identity among the Protestant Ascendancy in Ireland, ca. 1690-1750," *Studies in eighteenth-century culture* 17 (1987): 145-57.

[154] W.P. Courtney and H.C.G. Matthew, "Courtenay, William Reginald, eleventh earl of Devon (1807–1888), politician and philanthropist," *Oxford Dictionary of National Biography,* Sep. 23 2004, accessed Apr. 24 2021. https://www-oxforddnb-com.ezp.lib.cam.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-6459; Fisher, *The House of Commons 1820-1832,* IV, 762-5; Courtenay's measures reached the statute book as 5 & 6 Victoria, c.75 (Irish charitable pawn offices) and 10 & 11 Victoria, c.46 (Irish trust monies).

[155] Stenton, *Who's who of British Members of Parliament,* 151; the bill was *PP* 1850 (138), viii, 339.

[156] *Galway Vindicator,* 21 Jul. 1847, 3; three of Lynch's measures reached the statute book as 4 & 5 William IV, c.83 (tithes' stay of suits amendment); 3 & 4 Victoria, c.34 (Masters in Chancery); 4 & 5 Victoria, c.21 (lease and release). His highway rates bill of 1836 proved unsuccessful, *PP* 1836 (446), iv, 211; Crowe, "The parliamentary experience of the Irish Members of the House of Commons," 82-3.

[157] Charles R. Dod, *The parliamentary companion for 1843* (London: Whittaker, 1843), 205; *PP* 1843 (431), i, 115 (court of arches and prerogative); *PP* 1844 (52), i, 25 (appeals to the court of arches).

Religious sympathies too could prompt cross-border forays. Possessed of a 'deep strain of genuine and unostentatious piety' that sought 'to allow every form of religious zeal to work unimpeded by restrictions', George Grey (Devonport) initiated a long career of legislative endeavour in 1833 by co-sponsoring a specifically Scottish bill regulating the appointment of ministers to churches in Scotland erected by voluntary contribution.[158] His coadjutor was friend and fellow Oriel evangelical, John Colquhoun, Member for Dunbartonshire.[159] That very same session, as the English Member Grey looked north of the Tweed, Sir Andrew Agnew, the Member for Wigtownshire, turned his gaze southwards when, at the behest of the Society for Promoting the Due Observance of the Lord's Day, he introduced an exclusively English and Welsh bill for promoting Sabbatarian practices.[160] A reluctant legislator, tellingly Agnew's timidity in this instance was in part borne of a conviction that, 'could they have obtained it, an English Member of Parliament would have been more suitable'.[161] In 1842, the Anglo-Scottish interchange was once again reversed when the Ultra Tory and vociferous Anglican John Plumptre (Kent East) partnered Alexander Campbell (Argyllshire) in a failed attempt to resolve the vexed question of Scottish patronage.[162] Roman Catholic legislative collaboration could likewise occasionally span St George's Channel. Englishman and former secretary of the British Catholic Association Edward Blount (Steyning) joined with Daniel O'Connell (Co. Kerry) in efforts to secure a British measure for better securing the donations and bequests made to Catholic charities in 1831; some seventeen years later, an entirely Irish duo of Thomas Anstey (Youghal) and The O'Gorman Mahon (Ennis) brought in a bill for improving the administration of Roman Catholic trusts in England and Wales.[163]

In light of its prominence during the 1830s and 1840s, it is not surprising that Ireland proved the nation most likely to fuel the legislative fires of non-native backbenchers. As Peter Gray has noted, such propensities partly reflected the fact that for many radical MPs, Ireland in fact often served as 'the site of a proxy war in which the ultimate target was the structure of landed power in Great Britain'.[164] Anthony Howe has likewise observed that from the time of his publication of *England, Ireland and America* (1835), Richard Cobden had been 'convinced

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[158] Mandell Creighton, ed., *Memoir of Sir George Grey, G.C.B* (Newcastle-upon-Tyne: Collingwood Press, 1884), 21, 35-6; the bill was *PP* 1833 (508), iii, 115.
[159] J. S. Reynolds, *The evangelicals at Oxford, 1735-1871: a record of an unchronicled movement* (Oxford: Blackwell, 1953), 91.
[160] *PP* 1833 (91), iii, 561.
[161] Thomas M'Crie, ed., *Memoirs of Sir Andrew Agnew of Lochnaw* (London: Johnstone and Hunter, 1850), 125. See also Fisher, *The House of Commons 1820-1832*, IV, 48-50.
[162] *PP* 1842 (175), i, 421.
[163] H.J. Spencer, "Blount, Edward (1769–1843), campaigner for Roman Catholic civil rights," *Oxford Dictionary of National Biography*, Sep. 23 2004, accessed Apr. 24 2021. https://www-oxforddnb-com.ezp.lib.cam.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-48421; the bills in question were *PP* 1831 (35), iii, 393; *PP* 1847-48 (4), vi, 223.
[164] Gray, *Famine, land and politics*, 202.

that any solution to the land question had to begin in Ireland'.[165] In part, too, it was borne of the fact that the two episodes which did most to spawn British backbench efforts at Irish legislation were those which arguably impinged most acutely on the British purse strings: the question of an Irish poor law, and the fallout from the potato famine after 1845.[166]

Three different English-Member-led Irish poor law measures were introduced to the Commons between 1830 and the final enactment of the government bill in 1838. Thomas Sadler's (Newark) bill of 1830 crowned more than a decade of philanthropic initiative focused on poverty and the poor laws, kindled by a violent anti-Malthusianism.[167] In the late 1820s he turned his gaze to Ireland, and his bill of 1830 arose from very extensive musings on the subject, published in his work, *Ireland; its evils and their remedies* (1828).[168] Thereafter, Sadler's mantle was taken up by George Poulett Scrope, the long-serving Member for Stroud, who sought to vindicate his Irish legislative initiatives by frequent recourse to the argument that the ramifications of a poor law for Ireland extended well beyond the borders of that particular nation.[169] In a pamphlet of 1833, Scrope declared upfront that an Irish poor law 'appears to me…to be quite as much an English question as an Irish one', and that it was in large part 'in justice to…the tenantry and labouring classes of England' that he had taken up

[165] Anthony Howe, "The 'Manchester School' and landlords: The failure of land reform in early Victorian Britain," in *The Land Question in Britain, 1750-1950*, ed. Matthew Cragoe and Paul Readman (Basingstoke: Palgrave Macmillan, 2010), 82; see also the comments of John Bright: *HPD*, 5 Feb. 1849, vol. 102, c. 287, and R.A.J. Walling, ed., *The diaries of John Bright* (London: Cassell, 1930), 96-107.

[166] Michael Thomas Sadler, *Memoirs of the life and writings of Michael Thomas Sadler* (London: Seeley and Burnside, 1842), 201; Gray, *The making of the Irish poor law*, 93; for British Members' animus against the extent of Irish relief vis-à-vis England and Scotland, see, for instance, *HPD*, 15 Mar. 1847, vol. 90, c. 1344; 17 Mar. 1848, vol. 98, cc. 701-68; see, also, Peter Gray on the Irish rate-in-aid bill: *Famine, land and politics*, 311-17; Mandler, *Aristocratic government in the age of reform*, 251-3; Peter Gray, "'Shovelling out your paupers': the British state and Irish famine migration 1846-50," *Patterns of Prejudice* 33, no. 4 (1999): 47-65; Douglas Kanter, "The Politics of Irish Taxation, 1842-53," *English Historical Review* 127, no. 528 (2012): 1130-37; Rosalind Mitchison, *The old Poor Law in Scotland : the experience of poverty, 1574-1845* (Edinburgh: Edinburgh University Press, 2000), 160.

[167] Stewart A. Weaver, "Sadler, Michael Thomas (1780–1835), social reformer and political economist," *Oxford Dictionary of National Biography*, Sep. 23 2004, accessed Apr. 24 2021. https://www-oxforddnb-com.ezp.lib.cam.ac.uk/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-24461; see also, Kim Lawes, *Paternalism and politics: the revival of paternalism in early nineteenth-century Britain* (Basingstoke: Macmillan, 2000), 128-149; Gray, *The making of the Irish poor law*, 63; Sadler's bill can be found in *PP* 1830-31 (152), ii, 163.

[168] Michael Thomas Sadler, *Ireland; its evils and their remedies: being a refutation of the errors of the emigration committee and others, touching that country: to which is prefixed a synopsis of an original treatise, about to be published, on the law of population, developing the real principle on which it is universally regulated* (London: John Murray, 1828), 171-280.

[169] For Scrope, see David Stack, "'The 'Secret Concatenation' in the mid-nineteenth century: the case of George Poulett Scrope, a still neglected political economist," *History of Political Economy* 36, no. 3 (2000): 554, 559, 570-3; Gray, *The making of the Irish poor law*, 84-6.

the question.[170] Again, during debate in 1835, he averred that 'This question [i.e. Irish poor laws] deeply affected, not only all who were interested in any way in Irish property, or the state of Ireland, but also the whole of England and Scotland'.[171] As importantly, Scrope maintained that it was precisely because he *was* an Englishman that his legislative initiatives for Ireland came so highly recommended. 'Those of the Irish who are most friendly to some measure of the sort are yet, from their non-acquaintance with the nature and working of our English Poor Laws, incapable of forming a correct judgement upon its merits', he somewhat pompously averred. 'It is the close acquaintance, I have formed with the English Poor Law', he continued, 'that has induced me to presume on recommending such a modification of that law to Ireland as may secure all the advantages which it has been the means of conferring for centuries on England'.[172] When, during the late 1840s, Scrope resumed his efforts in legislating for Ireland – this time with bills in 1846 and 1848 for the reclamation of Irish waste lands, and in 1849 for the encouragement of the employment of Irish labourers – it was again to his parallel English experiences that he directed attention.[173]

The most high-profile English legislative intervention in Ireland, however, was unquestionably Lord George Bentinck's measure which proposed to provide Treasury loans of up to sixteen million pounds for the purpose of railway construction, and which, as Angus Macintyre has argued, was designed to 'buttress' both the Union and English landowning dominance with a 'thriving Irish economy'.[174] In sponsoring this measure, Bentinck (King's Lynn) was joined by three other English MPs – Alderman Thompson (Westmoreland), the Marquis of Granby (Stamford) and the 'railway king' George Hudson (Sunderland). Again, as with Scrope's bills, such overt English prescription was clearly deemed to demand an explanation, and, again, like Scrope, the rationale lay in the measure's ramifications for the British taxpayer. 'We had studiously avoided communicating our secret [i.e. the bill] either to any Irish Member, or to any English or Scotch gentleman connected with Irish railways or with Irish property', he explained,

> We thought, as it was a measure which called upon England for a large advance of money, it would be more becoming that no jury should sit upon it but one

[170] George Poulett Scrope, *Plan of a poor-law for Ireland; with a review of the arguments for and against it* (London: J. Ridgway, 1833), vi-vii; Robert Vernon Smith and Joseph Hume likewise made this assertion during debate: *HPD*, 8 Feb. 1849, vol. 102, cc. 456, 637.
[171] *HPD*, 8 Jul. 1835, vol. 29, c. 324.
[172] Scrope, *Plan of a Poor-Law for Ireland*, vi-vii.
[173] *HPD*, 9 May 1849, vol. 105, cc. 155-7; Scrope's Irish bills – all unsuccessful – were *PP* 1835 (348), iii, 673 (poor employment); *PP* 1836 (36), iv, 591 (poor relief); *PP* 1846 (158), iii, 129 (destitute poor); *PP* 1846 (366), iv, 485 (waste lands); *PP* 1847-48 (300), vi, 489 (waste lands); *PP* 1849 (205), ii, 487 (employment of labour).
[174] Angus D. Macintyre, "Lord George Bentinck and the protectionists: a lost cause?," *Transactions of the Royal Historical Society* 5th ser., 39 (1989): 151-2; the bill was printed as *PP* 1847 (41), iii, 485.

> consisting exclusively of English Members; and I therefore trust the Irish Gentlemen will not think that we exercised any discourteous discretion when we forebore to consult them before introducing this measure.

It was best for all concerned, concluded Bentinck 'that this measure should be above the suspicion of being what is called an Irish job'.[175]

Whilst it thus remained an endeavour practised very much by a minority at Westminster during the Reform period, backbenchers did occasionally allow their legislative vistas to extend beyond their immediate 'home' nations. But how often did they *straddle* those borders and assume the mantle of four nations legislators? The simple answer is: remarkably infrequently. Fig. 3.8 reveals that, of the 879 bills introduced to the Commons between 1830 and 1852 which possessed a full four nations scope, only 135 (roughly 15%) did so exclusively through the means of backbench agency. The impression made on the statute book was even more spartan, with a mere 25 pan-British and Irish acts entirely sponsored by private Members receiving the royal assent at a success rate of less than 20%. That imperial legislation was an overwhelmingly ministerial responsibility during the Reform era could not be illustrated more clearly.

Fig. 3.8: Origins of sponsorship of acts and bills introduced to the Commons applicable to the United Kingdom, 1830-1852

	Acts (% of total)	Bills (% of total)	Success rate
Government	576 (89.7%)	668 (76.0%)	86.2%
Private Member	25 (3.9%)	135 (15.4%)	18.5%
Other	41 (6.4%)	76 (8.6%)	53.9%

Given the legal expertise necessitated, and the likely technical complexity of the resulting bill, this is unsurprising. When it came to ministerial measures of this nature, the task frequently seems to have been broken down into its national building blocks, with legal authorities from each nation providing the necessary input.[176] Typical in this regard was the Melbourne administration's school sites bill of 1841. Drawn up as an exclusively English and Welsh measure, it was subsequently extended to Scotland once the Lord Advocate had received the bill and judged 'whether any of the provisions of th[e] Bill [we]re required by Scotland'.[177]

[175] *HPD*, 4 Feb. 1847, vol. 89, c. 787.
[176] *HPD*, 1 Sep. 1835, vol. 30, cc. 1186-7; *HPD*, 4 May 1840, vol. 53, c. 1207; Walker, *A legal history of Scotland*, VI, 133.
[177] James Kay(-Shuttleworth) to Andrew Rutherfurd, 8 May 1841, Lord Advocate's Office papers, NLS, AD58/257. The final statute duly applied to Scotland also: 4 & 5 Victoria, c.38.

Comparable processes seem to have occurred over the Irish clauses of the prospective four nations bill concerning offences affecting coinage (1832) and drainage (1846).[178]

Lacking this infrastructure of legal expertise, what can be said of those backbenchers who, in spite of such obstacles, nonetheless persevered? Examination of those 21 private MPs who sponsored 5 or more bills with an intended application extending across the four nations of the Union presents some already common names, suggesting a keenness to legislate from the backbench for one's 'home' nation predisposed one to more geographically ambitious efforts.[179] Just as Moore and Horwitz found in the seventeenth century, and Innes in the eighteenth, a feature of the Reformed parliament was the presence of a diligent coterie of backbench lawmakers amid a vast sea of relative legislative inactivity.[180] Secondly, these most active 'imperial' backbench legislators overwhelmingly sat for English constituencies, with only Joseph Hume, William Ewart and Daniel O'Connell providing an infusion of Scottish and Irish personnel, and – occasional – occupancy of a Scottish or Irish seat.[181] Such striking Anglocentricity might suggest that the sparser numbers of Irish and Scottish backbenchers felt the legislative 'pull' of their nation's specific interests more strongly than the more numerous English MPs, who accordingly felt able to widen their legislative gaze. It may also point towards backbench imperial legislation inclining more towards an 'English' template, such that an acquaintance with the laws, apparatus and mechanics of *that* nation was deemed a much more serviceable basis upon which to begin to construct a multinational measure.

Almost entirely English in nationality, these multinational legislators also tended to profess a Liberal creed that inclined more or less fervently towards the radical end of the political spectrum. Thanks to the work of Miles Taylor, we know that one of the major effects of the reforms of 1832 was to reinvigorate radicals and invest them with a power and influence in and out of parliament that they had never previously enjoyed.[182] Such men invariably saw the sponsoring of legislation not merely as a desideratum in furthering the Reform programme, but as a necessity to ensure that ministers did not become dictators of the legislative agenda.[183]

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[178] William Kemmis to William Gosset, 18 Feb. 1831, Chief Secretary's Office registered papers, CSO/RP/1831/461. This measure finally passed during the 1832 session as the coin law offences consolidation act, 2 & 3 William IV, c.34; for the drainage bill of 1846, see Sidney Herbert to Lord Lincoln, 28 Mar., 4 Apr. 1846, Newcastle papers, University of Nottingham, NeC 9,472/1, 9,474.
[179] This list includes those measures where the backbencher in question sponsored bills with a minister or opposition member.
[180] T.K. Moore and Henry Horwitz, "Who runs the House? Aspects of parliamentary organization in the later 17th century," *Journal of Modern History* 43, no. 2 (1971): 205-27; Joanna Innes, "Parliament and the shaping of eighteenth-century English social policy," *Transactions of the Royal Historical Society* 5th ser., 40 (1990): 80.
[181] Benjamin Hawes represented Kinsale only as a government minister between 1848 and 1851.
[182] Miles Taylor, *The decline of British radicalism, 1847-1860* (Oxford: Oxford University Press, 1995), 1, 7, 25.
[183] Taylor, *The decline of British radicalism*, 127, 135.

That the legislation of such individuals frequently possessed a four nations scope seems likely to reflect two related factors. Firstly, the nature of the radical political creed predisposed its adherents to seek out sweeping reforms according to general principles on (multi)national rather than local, sectional, class-bound scales.[184] As the Sheffield radical John Roebuck explained to one of his constituents in 1857, '[M]y mind is engrossed in the affairs of the nation, & I fancy I do wisely by keeping myself as aloof as possible from all merely local politics'.[185] 'We are legislating for a nation, not for a party – for all time – not for the present days only', likewise averred Joseph Hume.[186] Efforts to combat bribery and intimidation at elections, for instance, which provided one of the principal subjects tackled by multinational backbench legislation, clearly presented a problem that demanded rooting out across all four nations.[187] Secondly, and relatedly, the preponderantly urban cast of these most assiduous imperial backbenchers – a mere two, Charles Adderley (Staffordshire North) and Robert Inglis (Oxford University), represented non-borough seats for the entirety of the Reform era – meant that their legislative attentions tended to be focused on social, industrial and labour relations issues that were broadly common features of civic life across the United Kingdom.[188] Where industrial or manufacturing interests were at stake, partial national legislation made relatively little sense.[189] So it was, then, that the numerous backbench factory bills sponsored by Joseph Brotherton (Salford), Joseph Hume, Henry Aglionby and others, adopted an imperial remit.[190] So too, Stephen Lushington and George Young's (Scarborough/Tynemouth) measure of 1834 for the regulation of the chimney sweep trade, the unsuccessful bill of 1836 for giving greater publicity to the prices of weaving by handloom labour, and the numerous measures concerning friendly societies.[191] Here, the geographic logic of industrial and commercial interest, allied with radical proclivities, overrode any inclination towards separate national treatment.[192]

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[184] W. Thomas, *The philosophic radicals: nine studies in theory and practice, 1817-1841* (Oxford: Clarendon Press, 1979), 2, 10, 231-2.
[185] Robert Leader, *Life and letters of John Arthur Roebuck with chapters of an autobiography* (London: Edward Arnold, 1897), 266.
[186] *Morning Chronicle*, 14 Aug. 1837, 2.
[187] As an example, the bills introduced annually between 1834 and 1838 for the prevention of bribery at elections were all the result of backbench initiative, and all were designed to apply across the United Kingdom as a whole: *PP* 1834 (95), i, 399; *PP* 1835 (268), ii, 461; *PP* 1836 (55), iii, 719; *PP* 1837 (94), iii, 189; *PP* 1837-38 (148), iii, 459.
[188] Taylor, *The decline of British radicalism, 1847-1860*, 21.
[189] See pages 186-8 below.
[190] *PP* 1830-31 (163), i, 121 (cotton factories apprentices); *PP* 1831-32 (46), ii, 1 (factories); *PP* 1835 (518), ii, 781 (factories); *PP* 1846 (6), ii, 173 (factory act amendment); 3 & 4 William IV, c.103 (factories); 9 & 10 Victoria, c.40 (ropeworks); 10 & 11 Victoria, c.29 (factory act amendment); 13 & 14 Victoria, c.54 (factory act amendment).
[191] 4 & 5 William IV, c.85 (chimney sweeps); *PP* 1836 (402), iv, 199 (handloom labour); see Chapter 4 below for friendly societies' legislation.
[192] Innes, "Legislating for three kingdoms," 35.

These reflections raise a subject heretofore neglected in this thesis. What exactly were all these thousands of English, Welsh, Scottish, Irish and multinational acts and bills, arising from the front and backbenches alike, actually concerned with? What did 'Reform' – that most 'convenient umbrella title' – substantively entail?[193] And what territorial inflections, if any, did that expansive 'project' display? It is to those subjects which we must now turn.

[193] Joanna Innes, "'Reform' in English public life: the fortunes of a word," in *Rethinking the age of reform: Britain 1780-1850*, ed. Arthur Burns and Joanna Innes (Cambridge: Cambridge University Press, 2003), 95.

Chapter 4 Legislating for the four nations, legislating for the Union?

Chapter 2 delivered an overarching quantitative panorama of the legislative landscape of the Reform era as it was experienced by each of the four component nations of the United Kingdom, and as it related to the preceding thirty years of the 'unreformed' Union. It presented a complex picture. Whilst statutes and bills jointly applicable to more than one of the three kingdoms did increase during the Reform era, so too did those designed for specific application, though to differing extents. In England and Wales, this escalation was experienced most acutely, in Scotland most lightly. In Ireland, where drives towards legislative assimilation with England and Wales, or Britain as a whole, lessened that nation's separate treatment in the immediate aftermath of Reform, the advent of the Famine in the mid-1840s signalled a proliferation of specific Irish dispensations. What that chapter, and these quantitative contours did not provide, however, was a sense of the precise topography of that legislative landscape: to what, in other words, Reform substantively entailed in terms of issues and subject-matter as it was experienced across each of the four nations separately and jointly. It is to that question – to what these thousands of English, Welsh, Scottish, Irish, and multinational acts and bills deliberated at Westminster between 1830 and 1852 were actually trying to do – that the following chapter turns.

Figs. 4.1-4.4 set the scene for our enquiry, providing breakdowns, of varying specificity, of the subject spread of legislation across the different 'units' of geographical treatment. At the broadest level, they reveal two features of the legislative record that demand immediate attention. Firstly, they suggest a correlation between the subject-matter of any given measure and its geographical range: bills concerning foreign affairs, public finance, the armed services, labour, internal and external trade, and railway and postal communications were more likely to be handled on a multinational basis than they were separately, nation by nation. The exact converse was true for those relating to local government, bankruptcy and debt, legal administration, religion and poverty. Secondly, amongst these more numerous subjects being handled on a preponderantly nation-by-nation basis, not all were equally prominent within each nation. Reform, it would appear, did not entail, in legislative terms, a geographically monolithic programme, but rather betokened a more variegated project possessing distinctive territorial inflections.

In order to unpick these geographical patternings in the subject spread of Reform-era legislation, this chapter's analysis comprises two parts. In the first half, attention is focused on those measures which were applicable exclusively to one of the three kingdoms, or four nations, in order to discern the national inflections that the Reform programme possessed

across the United Kingdom. Why were certain subjects attended to in more intensive and sustained a fashion in one kingdom than another? And why, more generally, was treatment in separate national measures deemed preferable by a Reformed Imperial Parliament mindful of forging a more integrated, concordant state, where, as one contemporary observed, 'all dissimilarity between the laws of different parts of the same kingdom [wa]s an evil in itself'?[1] The second half of the chapter considers these same questions from the perspective of those bills and acts which *did* possess a scope straddling one or more national borders. What was it about these subjects which made multinational treatment not only possible but preferable? Ultimately, this chapter will suggest that within the particular spread of policy across the United Kingdom one is witness to the interaction of an array of shifting factors, including legal tradition, societal context and, perhaps most importantly, the institutional infrastructure and personnel available for the implementation of statutes within each of the four nations.[2] The process of legislating for the four nations was in no small part a process of mediating these different variables: a salutary reminder, if it were needed, that the legislative Union was a working, practical institutional reality as much as it was an idea.

Legislating for the four nations: law and order and legal administration

That reforms in law and order and legal administration comprised two of the major constituent portions of each of the three kingdoms' total separate legislative outputs – 48% in the case of Scotland; 36% in Ireland; and 32% in England and Wales – was scarcely surprising. The fundamental issues at stake, including ease of access to justice, the economising of sinecure-ridden courts, the simplification of the conveyance of property, reform of the criminal law code, and the re-modelling of debtor-creditor relations, were concerns common to all parts of the Reformed polity – and had been for some time prior to 1832.[3] In England and Wales, Bentham's imprecations for codification had gained

[1] *Remarks on the third report of the Irish Poor Inquiry Commissioners; drawn up by the desire of the Chancellor of the Exchequer, for the purpose of being submitted to His Majesty's government; with an appendix and supplementary remarks. By George Cornewall Lewis, Esq*, *PP* 1837 (91), li, 273.
[2] Joanna Innes, "The local acts of a national parliament: parliament's role in sanctioning local action in eighteenth-century Britain," *Parliamentary History* 17, no. 1 (1998): 46; Rose, *Understanding the United Kingdom*, 111-12.
[3] Michael Lobban, "'Old wine in new bottles': the concept and practice of law reform, c.1780-1830," in *Rethinking the age of reform: Britain 1780-1850*, ed. Arthur Burns and Joanna Innes (Cambridge: Cambridge University Press, 2003), 114-35; Philip Handler, "Forging the Agenda: The 1819 Select Committee on the Criminal Laws Revisited," *Journal of Legal History* 25, no. 3 (2004): 249-50; David Eastwood, "Men, morals and the machinery of social legislation, 1790-1840," *Parliamentary History* 13, no. 2 (1994): 197; Michael Lobban, "Reshaping private law in Victorian Britain: the view from Westminster," in *Miscellany seven*, ed. Hector L. MacQueen (Edinburgh: The Stair Society, 2015), 338-52; Gordon Pentland, *Radicalism, reform and national identity in Scotland, 1820-1833* (Woodbridge: Boydell for the Royal Historical Society, 2008), 56; F.M.L. Thompson, "Changing perceptions of land tenures in Britain, 1750-1914," in *The Political Economy of British historical experience, 1688-1914*, ed. Donald Winch and P.K. O'Brien (Oxford: Published for the British Academy by Oxford University Press, 2002), 128-9; J.C. Brady, "Legal development, 1801-1879," in

considerable traction during the 1820s, and in 1828 Lord Brougham had thrust the subject of legal reform under the public gaze with a six-hour-long Commons speech.[4] Royal commissions on the courts of justice in England had sat between 1815 and 1818, in Scotland between 1815 and 1824, and in Ireland between 1815 and 1831.[5] Meanwhile, the creation of a jury court to try civil cases in Scotland in 1815, the reform of that nation's criminal juries in 1825, and the eventual introduction of trial by jury in the Court of Session in 1830 represented major, and much-debated, legislative landmarks.[6] In the salience of legal reforms during the 1830s and 1840s we thus see legislative continuation rather than novel development.

Nevertheless, if law and order measures loomed large across all three kingdoms between 1830 and 1852, in Scotland they did so especially markedly. Nearly a third of all acts passed applicable exclusively to that nation fell solely within the law and order category. Why did the Scottish strain of Reform possess such an overwhelmingly legalistic hue? As we saw in Chapter 3, in part that circumstance arose from the fact that the de facto Scottish minister, the Lord Advocate, was himself a lawyer. At least as important, however, was the accession to power in November 1830 of a coterie of Scottish Whigs – Francis Jeffrey and Henry Cockburn at their head – who had long regarded the reform of Scottish law as a mission scarcely less essential than the remodelling of that nation's parliamentary representation.[7] The view that these *Edinburgh Review*-Whigs straightforwardly desired the substitution of what they perceived as Scotland's benighted, backward law code with that of their English neighbours' modern, progressive, commercial legal framework has rightly been shown to be too simplistic in its analysis.[8] Nevertheless, of the two major areas of substantive law reform

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A new history of Ireland, volume 5: Ireland under the Union. 1801-1870, ed. W. E. Vaughan (Oxford: Clarendon Press, 1989), 451-79.

[4] Michael Lobban, "Henry Brougham and law reform," *English Historical Review* 115, no. 464 (2000): 1185; the royal commission on the laws of real property, appointed in 1828, arose as a result of Brougham's speech: F.M.L. Thompson, "Land and politics in England in the nineteenth century," *Transactions of the Royal Historical Society* 15 (1965): 34-5.

[5] Hugh M. Clokie and J. William Robinson, *Royal Commissions of enquiry: the significance of investigations in British politics* (Stanford: Stanford University Press, 1937), 57-9.

[6] Joanna Innes and Arthur Burns, "Introduction," in *Rethinking the age of reform: Britain 1780-1850*, ed. Joanna Innes and Arthur Burns (Cambridge: Cambridge University Press, 2003), 51; Nicholas T. Phillipson, *The Scottish Whigs and the reform of the Court of Session, 1785-1830* (Edinburgh: Stair Society, 1990), 127-65; Colin Kidd, *Union and unionisms: political thought in Scotland, 1500-2000* (Cambridge: Cambridge University Press, 2008), 186-90; Jim Smyth and Alan McKinlay, "Whigs, Tories and Scottish legal reform c.1785-1832," *Crime, History & Societies* 15, no. 1 (2011): 111-132; *Report from Select Committee on the Supreme Court of Judicature in Scotland; with the minutes of evidence, appendix, and index, PP* 1840 (332), xiv, 1-28; [Anon.], "Scottish judicial reforms", *Edinburgh Review* 51, no. 101 (Apr. 1830): 114-17.

[7] Phillipson, *The Scottish Whigs and the reform of the Court of Session*, 163-4.

[8] Smyth and McKinlay, "Whigs, Tories and Scottish legal reform," 112-13; see also, B. Fontana, *Rethinking the politics of a commercial society: the Edinburgh Review 1802-1832* (Cambridge: Cambridge University Press, 1985).

that dominated the Scottish legislative agenda during the 1830s and 1840s, the most pressing concerned the amendment of Scottish property laws in order to soften various aspects of their feudal complexion.[9] The overriding preoccupation was the simplification of the complex and convoluted practices and paperwork associated with the entail of lands, as well as the relaxing of stipulations placed upon the so-called heirs in tailzie in order to allow a more competent management of their estates, particularly as regarded improvements.[10] No less than nine different bills on this subject were broached unsuccessfully between 1830 and 1835 alone.[11] Increased powers to heirs in tailzie were finally granted by the entail powers act of 1836.[12] A second major legislative drive followed between 1845 and 1848, when a further eleven bills were introduced to the Commons.[13] In 1847 alone five acts were passed abolishing the ancient practice of issuing writs from Chancery for the service of heirs, implementing shorter statutory forms in conveyancing, and removing the expensive formalities preliminary to the granting of crown charters.[14] These major reforms were crowned in 1848 with the passage of Rutherfurd's entail act, which vested powers in the heir of tailzie in possession to disentail the estate, and which, as one contemporary conveyancer noted, served to 'approximate [Scottish law] as nearly, in substantive effect, to the English law of entail, as the difference in the forms of conveyancing in the two countries would admit of'.[15]

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[9] Colin Kidd, "North Britishness and the nature of eighteenth-century British patriotisms," *Historical Journal* 39, no. 2 (1996): 364-5, 369-70; Colin Kidd, "Sentiment, race and revival: Scottish identities in the aftermath of Enlightenment," in *A union of multiple identities: the British Isles, 1750-1850*, ed. Laurence W. B. Brockliss and David Eastwood (Manchester: Manchester University Press, 1997), 111; Colin Kidd, *Subverting Scotland's past: Scottish Whig historians and the creation of an Anglo-British identity, 1689-c.1830* (Cambridge: Cambridge University Press, 1993), 273.

[10] D. Walker, *A legal history of Scotland*, 7 vols. (Edinburgh: W.Green/Butterworths, 1988-2004), VI, 244; Kidd, *Union and unionisms*, 190; Henry Cockburn, *Letters chiefly connected with the affairs of Scotland, from Henry Cockburn, Solicitor-general under Earl Grey's government, afterwards Lord Cockburn, to Thomas Francis Kennedy, M.P., afterwards the Right Hon. T.F. Kennedy, with other letters from eminent persons during the same period, 1818-1852* (London: Ridgway, 1874), 291.

[11] *PP* 1830-31 (60), i, 79; *PP* 1830-31 (61), i, 115; *PP* 1830-31 (62), i, 103; *PP* 1830-31 (63), i, 97; *PP* 1833 (121), ii, 241; *PP* 1833 (122), iv, 419; *PP* 1833 (123), ii, 247; *PP* 1834 (111), ii, 257; *PP* 1835 (178), ii, 697.

[12] 6 & 7 William IV, c.42. The terms of that statute were extended and modified in smaller statutes of 1838 (1 & 2 Victoria, c.70) and 1841 (4 & 5 Victoria, c.24).

[13] Four of these bills failed: the service of heirs' bill, *PP* 1845 (554), v, 355, and the crown charters bills of 1845-46: *PP* 1845 (555), ii, 423; *PP* 1846 (311), i, 535; the crown charters and precepts bill of 1847, sponsored by the Scottish Lord Advocate and Solicitor-general, was never printed.

[14] 10 & 11 Victoria, c.47 (service of heirs); 10 & 11 Victoria, c.48 (lands transference); 10 & 11 Victoria, c.49 (burgage tenure); 10 & 11 Victoria, c.51 (crown charters).

[15] 11 & 12 Victoria, c.36; Alexander Duff, *A treatise on the deed of entail, embracing, commentaries on the Amendment Act of 1848, and prior acts on the subject of entails* (Edinburgh: Bell & Bradfute, 1848), 4; Ewen A. Cameron, "Setting the heather on fire: the land question in Scotland, 1850-1914," in *The Land Question in Britain, 1750-1950*, ed. Matthew Cragoe and Paul Readman (Basingstoke: Palgrave Macmillan, 2010), 117-18.

The other major component of Scottish legal reform were measures concerned with bankruptcy and insolvency provisions. Indeed, Scotland's total of 43 bills on this subject was only one less than that amassed by England and Wales, and 22 more than Ireland. Whilst part of the reason for such Scottish prolificacy lay in that nation's poor legislative success rates, as significant was the depth of debate and division such bills fomented north of the border.[16] This was especially the case in regard to bankruptcy, where the lack of any Scottish equivalent to the English reforms of 1825 and 1831 was increasingly sorely felt.[17] Divergent opinions on the subject broadly polarised between a commercial, mercantile interest, centred upon Glasgow, which advocated a reform of the bankruptcy process along broadly English lines, redirecting powers primarily to local courts rather than the Court of Session, and a legalistic faction, based in Edinburgh, which saw in Scotland's distinctive code not only a superior system to that south of the border, but one in which national pride – and Edinburgh's own interest – resided.[18] Between 1830 and the passage of Scotland's sequestration act in 1839 – no less than thirteen different bills were considered by the Commons.

Of course, considered in the most general of terms, these areas of legal reform – the conveyancing of property and debtor-creditor relations – were also of pressing concern across England, Wales and Ireland. That they were nonetheless handled on an exclusively Scottish basis primarily reflected the very different legal tradition that pertained north of the Tweed in comparison to the rest of the United Kingdom. Scottish law proudly traced a Roman-law-based civil inheritance, which aligned it much more closely with continental Europe than with its British neighbours, where a common law framework prevailed.[19] 'The law of Scotland has been the work of jurists', asserted Lord Advocate James Moncrieff in an address of 1860, 'the law of England was the work of the people. With us laws have been framed to carry out legal principles; with them to protect their freedom. As a result, maintained Moncrieff, 'the law of Scotland…present[ed]…a theoretical and philosophical unity' altogether lacking elsewhere across the United Kingdom, and thus requiring specific, expert legislative attention.[20] It also created a distinctive system of legal administration, led by the single supreme Court of Session, which, unlike the coordinate and overlapping jurisdictions of the superior courts of England, Wales and Ireland, exercised jurisdiction

[16] Francis Jeffrey to Henry Cockburn, 17 May 1833, NLS, Adv. MSS., 9.1.10, fos. 1-2; 27 June 1833, Adv. MSS., 9.1.10, fol. 17; H. Goudy, W. Cullen and A. Mitchell, *A Treatise on the Law of Bankruptcy in Scotland*, 4th ed. (Edinburgh: T & T Clarke, 1895), 4.
[17] *Scotsman*, 6 June 1838, 2.
[18] *Glasgow Courier* qu. in *Morning Post*, 3 Jul. 1833, 2; see also, *Perthshire Advertiser*, 16 Jan. 1834, 2; *Scotsman*, 22 June 1836, 2.
[19] Walker, *A legal history of Scotland*, VI, 6; *HPD*, 13 May 1834, vol. 23, cc. 890-1.
[20] Sir James Moncrieff, *Introductory address on jurisprudence and the amendment of the law* (Edinburgh: Adam and Charles Black, 1860), 17.

original or appellate in all classes of cases litigated in civil causes.[21] Reforms to this court, whose expense and delay were notorious, formed a further strand of separate Scottish legal legislation, with no less than fourteen separate measures reaching the Commons designed to effect alterations in the processes, personnel, and payments of that court between 1830 and 1852.[22]

Circumstances elsewhere across the United Kingdom presented a quite different complexion. As early as the thirteenth century, English common law had supplanted Ireland's native customary law codes as the pre-eminent legal system on the island.[23] As a result, in terms of principle and the applicability of precedent, England, Wales and Ireland were – at least in theory – conjoined closely. As we shall see below, this shared Anglo-Irish legal code certainly did result in a swelling of law and order measures spanning the Irish Sea during the Reform era. Nevertheless, as Peel reflected in June 1850, whilst all statesmen knew the 'utmost advantage' of shared treatment 'in principle', 'how many difficulties do we not find in the way…when we come to the practical application of the principle?'[24] Ultimately, in this discrepancy between theory and practice, between the disparate economic and social circumstances within which that shared common law was to be exercised, lay one of the great fault-lines defining the legislative output of the Reform era.[25] It was manifested in the considerable quantities of law and order measures geared exclusively either to England and Wales or Ireland that remained such a common legislative currency of the period.[26]

Most prominent amongst this tranche of exclusive Irish law and order legislation were the thirty separate bills concerning civil order which reached the Commons between 1830 and 1852. As Crossman has argued, such 'extraordinary' measures, deemed necessary to meet what was perceived as Ireland's endemically disordered condition, tended to fall into various blurred categories relating to agrarian disturbance (the 1831 Whiteboys' act), sectarian violence (the 1832, 1838, 1844 and 1850 party processions acts), political agitation (the

[21] Phillipson, *The Scottish Whigs and the reform of the Court of Session*, 5-7.
[22] *HPD*, 6 Oct. 1831, vol. 8, cc. 167-9; *HPD*, 2 Feb. 1832, vol. 9, c. 1195; 4 Mar. 1835, vol. 26, cc. 572-4; *Report from Select Committee on the Supreme Court of Judicature in Scotland; with the minutes of evidence, appendix, and index*: *PP* 1840 (332), xiv, 1-28; see also, *First report from HM's law commissioners in Scotland*: *PP* 1834 (295), xxvi, 185-272.
[23] Neal Garnham, "The limits of English influence on the Irish criminal law and the boundaries of discretion in the eighteenth-century Irish criminal justice system," in *The laws and other legalities of Ireland, 1689-1850*, ed. Sean Patrick Donlan and Michael Brown (Farnham: Ashgate, 2011), 97-8; Joseph Napier, "On the statute law of Ireland," *The Legal Reporter* 1, no. 30 (May 1841): 243.
[24] *HPD*, 17 June 1850, vol. 111, c. 1412.
[25] *HPD*, 17 June 1850, vol. 111, c. 1441.
[26] See, in particular, Philip Bull, "Irish land and British politics," in *The Land Question in Britain, 1750-1950*, ed. Matthew Cragoe and Paul Readman (Basingstoke: Palgrave Macmillan, 2010), 126-7.

1839, 1844-45, 1848 and 1851 unlawful oaths acts) and general public order.[27] Amongst the latter were no less than twelve measures concerned with the possession, registration, importation and manufacture of firearms, including the 1843 arms act, which provided the police with virtually arbitrary powers of search and imposed the penalty of seven years' transportation for possession of an unregistered gun.[28]

Other specifically Irish circumstances were deemed to warrant legislative treatment of a *sui generis* character. In the arena of criminal law reform, the exclusively Irish assaults act of 1839 – extended in 1844 and 1849 – was explicitly designed to counter mob violence which, as the preamble ran, had 'been productive of grievous injury and sometimes loss of life in Ireland', inflicted via the traditional Irish shillelagh.[29] Similarly, agricultural unrest was perceived to manifest itself in distinctly and exclusively Irish forms, and thus require distinctive remedies, as reflected in an act of 1841, which extended to Dublin the Irish act of 19 & 20 George III concerning the malicious burning of barns and haggards (i.e. haystacks) and the houghing (i.e. kneecapping) of cattle.[30]

Of course, even when not subject to such disturbance and disorder, land and the laws surrounding its ownership and improvement, were widely seen as subjects demanding specific legislative treatment in an Irish climate characterised by absentee landownership, inefficiently small holdings, frequently precarious tenures, and a concomitant want of an established system of mutual rights and obligations between landlord and tenant.[31] Indeed,

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[27] Virginia Crossman, "Emergency legislation and agrarian disorder in Ireland, 1821-41," *Irish Historical Studies* 27, no. 108 (1991): 309; 1 & 2 William IV, c.44 (Whiteboys' act); 2 & 3 William IV, c.118; 1 & 2 Victoria, c.34; 7 & 8 Victoria, c.63; 13 & 14 Victoria, c.2 (all party processions' acts); 2 & 3 Victoria, c.74; 7 & 8 Victoria; c.78, 8 & 9 Victoria, c.55; 11 & 12 Victoria, c.89; 14 & 15 Victoria, c.48 (all unlawful oaths' acts); see also S.J. Connolly, "Unnatural Death in Four Nations: Contrasts and Comparisons," in Kingdoms United? Ireland and Great Britain from 1500: Integration and Diversity, ed. Sean J. Connolly (Dublin: Four Courts Press, 1998), 201.

[28] 6 & 7 Victoria, c.74; *HPD*, 29 May 1843, vol. 69, cc. 1014, 1043-4.

[29] 2 & 3 Victoria, c.77; 7 & 8 Victoria, c.23; 12 & 13 Victoria, c.38.

[30] Jay Roszman, "'Ireland as a weapon of warfare': Whigs, Tories and the problem of Irish outrages, 1835 to 1839," *Historical Journal* 60, no. 4 (2017): 980.

[31] Anthony Howe, "The 'Manchester School' and landlords: The failure of land reform in early Victorian Britain," in *The Land Question in Britain, 1750-1950*, ed. Matthew Cragoe and Paul Readman (Basingstoke: Palgrave Macmillan, 2010), 82; Peter Gray, *Famine, land and politics: British government and Irish society, 1843-50* (Dublin: Irish Academic Press, 1998), 69-70; Peter Gray, "The peculiarities of Irish land tenure, 1800-1914: from agent of impoverishment to agent of pacification," in *The political economy of British historical experience, 1688-1914*, ed. P.K. O'Brien and Donald Norman Winch (Oxford: Oxford University Press, 2002), 140; R.D.C. Black, *Economic thought and the Irish question, 1817-70* (Cambridge: Cambridge University Press, 1960), *passim*; Bull, "Irish land and British politics," 130-33; Thompson, "Land and politics in England in the nineteenth century," 34-5; under the broad umbrella of law, measures concerned principally with property proved the most numerous. However, within the terms of the classification scheme, considerable overlap existed between this category and those judged to be related to land and land management, classified within the 'Economy' section.

during the Reform era in particular, the general political and social discontents associated with Ireland were largely held to be the result of ills arising from a backward agricultural economy overpopulated by inefficient cottiers and small tenants and thus lacking an agricultural wage labourer on the British model.[32] Efforts to 'modernise' and 'commercialise' landowning practices thus characterised the specific Irish land legislation of the period.[33] Examples included the sub-letting bills of 1830-32, which aimed to spur the consolidation of small holdings into larger capitalist farms; the failed conacre tenants bill of 1838, which sought to regulate the practice of letting land to the poorest labourers for a single potato crop; and the 1849 leasehold tenures act.[34] In facilitating the conversion of certain leases into fee-farm grants and freehold titles, this latter measure was a response to the practice, common in Ireland, but largely unknown across the rest of the United Kingdom, whereby lands were held under leases requiring perpetual renewal at 'great expense and…much litigation'.[35] Of course, security of tenure was inextricably linked to efforts to spur the improvement of Irish lands – an ameliorative project which served to furnish the overwhelming majority of exclusively Irish legislation in this category. Whilst bills of 1832 and 1833 thus sought to enable tenants of settled estates to raise money by mortgage for improvement, subsequent measures of 1834 and 1835 pursued similar ends by means of facilitating loans on the security of property as was permitted in England and Wales.[36] Between 1836 and 1838 annual bills were introduced with the aim of permitting portions of the expenses of improvements to be charged on the inheritance.[37]

Nevertheless, prior to 1845, specific Irish legislation in this category did not outpace that of England and Wales and Scotland. In the aftermath of the report of the Devon Commission,

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The analysis here has thus considered those two areas in combination. The resulting numbers of bills are as follows:

England and Wales	Scotland	Ireland	United Kingdom	Great Britain	England and Ireland	Scotland and Ireland
38	37	62	2	0	47	0

[32] Black, *Economic thought and the Irish question*, 240; Gray, "The peculiarities of Irish land tenure, 1800-1914," 140-1.
[33] Gray, "The peculiarities of Irish land tenure, 1800-1914," 141-2.
[34] The failed sub-letting bill of 1830-31 was never printed; the bill of 1831 can be found at *PP* 1831 (242), iii, 429; an act to amend the law on the subject was finally enacted in 1832: 2 & 3 William IV, c.17; Gray, *Famine, land and politics: British government and Irish society*, 71; PP 1837-38 (85), i, 433 (conacre); for the conacre system, see Black, *Economic thought and the Irish question, 1817-70*, 16; Gray, *Famine, land and politics*, 71, 123-4; 12 & 13 Victoria, c.105 (leasehold tenure act).
[35] The quote is taken from the preamble to the leasehold tenure act: 12 & 13 Victoria, c.105; see also Brady, "Legal development, 1801-1879," 453; Black, *Economic thought and the Irish question*, 20.
[36] *PP* 1831-32 (597), ii, 533 (settled estates); the settled estates (Ireland) bill of 1833 was never printed; the landed securities (Ireland) act was enacted as 4 & 5 William IV, c.29. A follow-up measure of 1835 – *PP* 1835 (332), iii, 295 – proved unsuccessful.
[37] *PP* 1836 (468), vi, 111; *PP* 1837 (236), iv, 425; *PP* 1837-38 (48), vi, 421; Bull, "Irish land and British politics," 132-3.

and with the onset of the Famine, however, measures concerning property and land tenure exclusive to Ireland dwarfed those designed for the other portions of the United Kingdom by a ratio of more than 3 to 1.[38] Between 1845 and 1849 some thirteen bills were unsuccessfully introduced with the aim of increasing tenant security alone.[39] Other measures sought to establish peasant proprietors on purchased waste lands.[40] The encumbered estates acts of 1848, 1849 and 1852 attended to a problem – the burdening of estates with multiple mortgages, settlements and judgements – which, though not limited to Ireland, was nonetheless rife as a result of the mass absenteeism amongst the landowning class.[41] Intended to facilitate a 'free trade in Irish land', the encumbered estates legislation was seen as yet another means by which to promote 'the reconstruction of Irish society along anglicized lines'.[42] More generally, in the sheer quantity of Irish legislation concerned with property, land and its uses considered in the late 1840s one finds striking testimony of the prevalent British belief that it was in the backward land system of Ireland that one could locate the principal 'structural cause of the catastrophe' afflicting that sorry nation after 1845.[43]

Though Figs. 4.1-4.4 reveal that measures concerning law and order likewise comprised a significant portion of the exclusively English and Welsh legislative output, in the case of that kingdom measures of legal reform leaned rather more heavily toward matters concerned with legal administration – that is, with the system of superior and local courts responsible for the dispensation of justice – than with amendment of substantive law itself. In large part, this reflected the urgency of calls for the reform of the Anglo-Welsh court of Chancery, which, by 1830, had already attained the reputation for chronic delay, vast expense and notorious sinecurism which Dickens would later capture so vividly in *Bleak House*.[44] Between 1832 and 1841 no less than fifteen different bills reached the Commons concerned

[38] For the Devon Commission and its recommendations, see Gray, *Famine, land and politics*, 41-95, and Bull, "Irish land and British politics," 129-33.
[39] *PP* 1845 (578), vi, 177 (tenants compensation); *PP* 1846 (237), ii, 79 (ejected tenants); *PP* 1846 (638), ii, 433 (conversion of renewable leasehold tenures into tenure in fee); *PP* 1846 (383), ii, 367 (tenants compensation); *PP* 1846 (636), iv, 403 (tenants for life); *PP* 1846 (639), iv, 415 (tenants of corporate bodies); *PP* 1847 (127), iv, 85 (tenant rights); *PP* 1847-48 (106), iv, 25 (landlord and tenant amendment); *PP* 1847-48 (155), iv, 551 (outgoing tenants); *PP* 1847-48 (499), vi, 141 (renewable leasehold conversion); *PP* 1847-48 (178), vi, 429 (tenants-at-will relief); *PP* 1850 (64), iii, 489 (landlord and tenant); *PP* 1850 (431), viii, 323 (Ulster tenant right).
[40] *PP* 1846 (366), iv, 485; *PP* 1847-48 (300), vi, 489.
[41] Pádraig G. Lane, "The encumbered estates court, Ireland: 1848-9," *Economic & Social Review* 3, no. 3 (1972): 413-53; the encumbered estates legislation passed as 11 & 12 Victoria, c.48; 12 & 13 Victoria, c.77; 15 & 16 Victoria, c.67.
[42] Gray, "The peculiarities of Irish land tenure, 1800-1914," 148; Black, *Economic thought and the Irish question*, 32; Hawkins, *The Forgotten Prime Minister: the 14th Earl of Derby, volume 1*, 76.
[43] Gray, "The peculiarities of Irish land tenure, 1800-1914," 143; Philip H. Bagenal, *The life of Ralph Bernal Osborne, M.P.* (London: Richard Bentley, 1884), 145-8.
[44] Michael Lobban, "Preparing for Fusion: Reforming the Nineteenth-Century Court of Chancery, Part II," *Law and History Review* 22, no. 3 (2004): 565-6.

exclusively with the reform of the equity process in England and Wales, including the Chancery regulation act of 1833, which provided for an fundamental overhaul of the offices of the court; and the measures of 1840-41 by which, *inter alia*, the equity jurisdiction of the court of Exchequer was transferred to Chancery, and the right of the Lord Chancellor to make orders to improve proceedings was sanctioned.[45] Even more intensive efforts at equity reform occurred between 1847 and 1852, when eighteen exclusively Anglo-Welsh measures occupied the attentions of the Commons – including the trio of acts passed under the aegis of Derby's minority administration by which suitors in Chancery were enabled to give salaries rather than fees to officers, the office of master in Chancery was abolished, and Chancery judges were permitted to decide all questions of fact without recourse to the common law courts.[46]

Though the Irish central court system of Chancery, Exchequer, Common Pleas and King's/Queen's Bench essentially replicated that on the other side of St George's Channel, upon which it was modelled, a mere thirteen acts concerning legal administration spanned the two islands.[47] How to explain such legislative fissiparousness in an area where institutional similarity appeared to offer ostensibly fertile ground for conjoined treatment? Two explanations offer themselves, both of which illustrate important dynamics regulating the geographical scope of certain pieces of legislation during the Reform era. Firstly, as the following chapter will demonstrate in greater detail, there existed a tendency, which pre-dated Reform, for measures concerning the superior courts of England and Wales, to be introduced and 'trialled' in the institutions of those nations prior to being taken up – frequently wholesale – in their Irish analogues thereafter.[48] In this fashion, the 1841 statute transferring the equity jurisdiction of the *English* court of Exchequer to the *English* court of Chancery, and the measure of 1851 establishing a court of appeal in *English* Chancery, were almost exactly replicated subsequently in exclusively Irish statutes of 1850 and 1856 respectively.[49]

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[45] 3 & 4 William IV, c.94 (Chancery regulation act); 3 & 4 Victoria, c.94 (facilitating administration of justice in Chancery); 5 Victoria, c.5 (facilitating administration of justice in Chancery); note that the total number would be swelled still further were the various measures added concerned either with the creation of the separate court of bankruptcy in 1831 or the county court system: Lobban, "Preparing for Fusion, Part II," 590.
[46] 15 & 16 Victoria, cc.80, 86, 87; Lobban, "Preparing for Fusion, Part II," 573, 583.
[47] R.B. McDowell, "The Irish courts of law, 1801-1914," *Irish Historical Studies* 10, no. 40 (1957): 363-71.
[48] Brady, "Legal development, 1801-1879," 467-70.
[49] Transfer of the equity jurisdiction of the court of Exchequer to the court of Chancery: 5 Victoria, c.5 (England and Wales) and 13 & 14 Victoria, c.51 (Ireland); appellate court in Chancery 14 & 15 Victoria, c.83 (England and Wales) and 19 & 20 Victoria, c.92 (Ireland).

Secondly, and perhaps more importantly, however, where legislation arose out of, or was based upon, the findings of a royal commission or select committee, the remit of that preliminary enquiry frequently had an important bearing upon the reach of the resulting legislative measures.[50] Looking back from 1863, a report of the royal commission into the courts of Chancery in England and Ireland reasoned that it had been the solely Westminster-based focus of the 1828 commission into the superior courts of common law that lay behind the nationally-fragmented approach to the legislation of the 1830s and 1840s. 'This Commission did not extend to Ireland, and in consequence, the reforms suggested by the Reports of the Commissioners were not applied to Ireland', the report concluded.[51] Elsewhere, one can discern similar consequences of investigative scope: the restructuring of the English court of Chancery's offices and personnel during the first half of the 1830s arose out of the specifically Anglo-Welsh select committee investigations into that court's officers.[52] Similarly, the spate of exclusively English and Welsh measures at the close of the 1840s instituting payment in salary rather than fee in their superior courts of law reflected the geographical scope of a succession of select committees on that subject.[53] The English Chancery reforms of 1852 described above arose out of the first report of the royal commission charged with investigating that specifically English court between 1850 and 1856.[54] By contrast, where inquiry spanned borders, the likelihood that subsequent legislative initiative would follow suit seems to have increased: as we shall see, the long-sitting royal commission on criminal law reform (1833-49) produced a good deal of

[50] For royal commissions in general, and their importance during the Reform era, see Hugh M. Clokie and J. William Robinson, *Royal Commissions of enquiry: the significance of investigations in British politics* (Stanford: Stanford University Press, 1937).
[51] *First report of Her Majesty's commissioners appointed to inquire into the superior courts of common law and courts of Chancery of England and Ireland*, *PP* 1863 (3238), xv, 472ff.
[52] *Report from the Select Committee on Chancery Officers; with the minutes of evidence*, *PP* 1833 (685), xiv, 1-66; *Report from the Select Committee on Clerk of the Crown in Chancery*, *PP* 1835 (457), xviii, 465-8.
[53] *Report from the Select Committee on Fees in Courts of Law and Equity; together with the minutes of evidence, appendix, and index*, *PP* 1847 (643), viii, 25ff.; *First report from the Select Committee on Fees in Courts of Law and Equity; together with the minutes of evidence, and appendix*, *PP* 1847-48 (158), xv, 1ff.; *Second report from the Select Committee on Fees in Courts of Law and Equity*, *PP* 1847-48 (307), xv, 215ff.; *Report from the Select Committee on fees in courts of law and equity; together with the proceedings of the committee, minutes of evidence, appendix, and index*, *PP* 1849 (559), viii, 289ff.; *First report from the Select Committee on Fees (Courts of Law and Equity, &c.) Together with minutes of evidence*, *PP* 1850 (386), xiii, 701ff; *Second report from the Select Committee on Fees (Courts of Law and Equity, &c.) Together with the proceedings of the committee, minutes of evidence, appendix, and index*, *PP* 1850 (711), xiii, 721ff; the Anglo-Welsh measures that arose from these committees included: *PP* 1847-48 (578), ii, 413 (Chancery fees); *PP* 1850 (274), iii, 13 (Chancery fees); *PP* 1850 (129), iii, 21 (court of Common Pleas fees); *PP* 1852 (104), i, 211; *PP* 1852 (34), iv, 273 (Chancery fees); 13 & 14 Victoria, c.75 (court of Common Pleas' fees).
[54] *Copy of the first report of Her Majesty's commissioners appointed to inquire into the process, practice, and system of pleading in the Court of Chancery, &c.*, *PP* 1852 (1437), xxi, 1ff.

conjoined Anglo-Irish legislation, as well as some fully four nations in extent.[55] Though highly controversial and ultimately unsuccessful, the bills of 1849-50 which endeavoured to reform the marriage laws of the four nations as related to prohibited degrees of affinity, were one outcome of a pan-UK royal commission on the subject that sat between 1847 and 1851.[56]

In practice, however, when it came to matters of legal administration, across all four nations, it was measures to reform the administration of justice at the local level that dominated the statute book. Here, the ensuing fragmentation of legislation down national fault-lines is more easily explained. For if, ultimately, the same fundamental concerns – the dispensation of cheap, quick, efficient, accountable justice – actuated the legislative output of all four nations, the diverse systems of historic local government, each with their own multifarious array of institutions, agencies, and officers, dictated the necessity of a nation-by-nation approach.[57] In Scotland, where the administration of local justice fell upon the office of the sheriff and his depute – both trained and remunerated lawyers – measures focused upon regulating and extending the already considerable jurisdiction of the local sheriff courts.[58] General measures to that end were brought in during the 1833 session and annually between 1835 and 1838, when an act was passed laying down regulations for the holding of office of sheriff-depute, and for the courts over which they presided.[59] Exclusively Scottish acts of 1836 and 1837 had already previously extended the jurisdiction of sheriff courts to encompass cases of *cessio bonorum* and compelled them to hold circuit courts for the recovery of small debts.[60]

Though in England and Ireland alike, justice in the counties rested principally upon the magistrates assembled in petty and quarter sessions, differences in personnel, crucial for the purposes of legislative implementation, did exist. Most importantly, whereas in Britain magisterial duties were devolved to unpaid, local, resident landowners, in Ireland, the

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[55] Paul Scherer, *Lord John Russell: a biography* (Selinsgrove: Susquehanna University Press, 1999), 90-1; Derek Beales, "Peel, Russell and Reform," *Historical Journal* 17, no. 4 (1974): 879-80.
[56] *First report of the commissioners appointed to inquire into the state and operation of the law of marriage, as relating to the prohibited degrees of affinity, and to marriages solemnized abroad or in the British colonies; with minutes of evidence, appendix, and index*, *PP* 1847-48 (973), xxviii, 233ff.; the two unsuccessful bills were *PP* 1849 (75), iv, 167 and *PP* 1850 (28), iv, 5.
[57] For an excellent brief overview of the British context, see Joanna Innes, "Governing diverse societies," in *The short Oxford history of the British Isles: the eighteenth century, 1688-1815*, ed. Paul Langford (Oxford: Oxford University Press, 2002), 103-28.
[58] George S. Pryde, *Central and local government in Scotland since 1707* (London: Published for the Historical Association by Routledge and K. Paul, 1960), 7; A. E. Whetstone, *Scottish county government: in the eighteenth and nineteenth centuries* (Edinburgh: John Donald, 1981).
[59] *PP* 1833 (477), iv, 71; *PP* 1833 (84), iv, 265; *PP* 1835 (496), ii, 313; *PP* 1835 (282), iv, 389; *PP* 1835 (330), ii, 275; *PP* 1836 (383), v, 107; *PP* 1836 (250), v, 185; *PP* 1837 (137); iv, 209; the act of 1838 regulating the constitution of sheriff courts (Scotland) passed as 1 & 2 Victoria, c.119.
[60] 6 & 7 William IV, c.56; 7 William IV & 1 Victoria, c.41.

combination of large-scale landlord absenteeism and the overwhelmingly Protestant character of the landowning classes, had prompted the injection of a far greater degree of paid professionalism into the Irish system.[61] Since 1787, assistant barristers – 'a creature of original Irish legislation' – had been appointed to each Irish county, in theory to serve as an assistant to the magistrates at quarter sessions, but in practice almost always as the chairmen.[62] Assistant barristers likewise presided as judges over local courts – so called sessions or civil bill courts – with specific jurisdiction in cases of tort and contract.[63] These courts were the subject of measures introduced annually between 1832 and 1836 designed to streamline their procedures and widen their jurisdiction.[64] In that latter year, the Irish civil bill courts act extended the assistant barristers' jurisdiction in various cases, including the recovery of debts to the value of twenty pounds.[65] Only after a string of failed efforts in 1838, 1839, 1841 (1) and 1843-44, was the broadly analogous Anglo-Welsh local county court system finally revived in 1846.[66]

Legislating for the four nations: local government

Given that diversity in the formal institutions and agencies responsible for the dispensation of local justice across England, Wales, Scotland and Ireland was the principal cause of the overwhelmingly segregated national channels down which the legal administrative measures of the Reform era flowed, it should come as little surprise that legislation attending to matters of more general local governance and administration presented the most emphatically 'separatist' profile of any of the major categories. Across the separate reform agendas of all four nations, legislation concerning local government formed an important component: at a conservative estimate, between 1830 and 1852, some 195 bills were considered by the Commons on this subject.[67] Clearly, if the Reform era did witness a lurch

[61] For the English system, see David Eastwood, *Governing rural England: tradition and transformation in local government, 1780-1840* (Oxford: Oxford University Press, 1994), 76-95; Virginia Crossman, "The growth of the state in the nineteenth century," *The Cambridge history of Ireland, volume 3: 1730-1880*, ed. James Kelly (Cambridge: Cambridge University Press, 2018), 557-9; R.B. McDowell, "Administration and the public services, 1800-1870," in *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870*, ed. W. E. Vaughan (Oxford: Clarendon Press, 1989), 545.

[62] William Henry Curran, "Irish courts of quarter sessions," *Edinburgh Review* 52, no. 104 (Jan. 1831): 478.

[63] Thomas O'Hagan, *The study of jurisprudence, and the assimilation of law, in England and Ireland: An address delivered before the National Association for the Promotion of Social Science, 18th Sept. 1867* (London: Victoria Press, 1867), 22.

[64] *PP* 1831-32 (191), i, 345; *PP* 1834 (337), ii, 5; *PP* 1835 (267), i, 383.

[65] 6 & 7 William IV, c.75.

[66] *PP* 1837-38 (296), iii, 1; *PP* 1839 (71), ii, 465; *PP* 1841(1) (43), i, 563; *PP* 1843 (198), i, 765; *PP* 1844 (161), i, 457; the act, when finally passed, reached the statute book as 9 & 10 Victoria, c.95; Patrick Polden, *A history of the county court, 1846-1971* (Cambridge: Cambridge University Press, 1999), 1-37.

[67] A conservative estimate in light of the classification scheme imposed. Measures concerning civic health, local legal administration and local infrastructure, for instance, all fell within the

towards increasingly centralised legislation, these findings suggest that that narrative needs to be tempered with recognition that the 1830s and 1840s likewise witnessed major legislative efforts, across all four nations of the United Kingdom alike, to revivify and bolster local authority, activity and accountability.[68]

Nevertheless, so far as sheer volume of legislation was concerned, the figures suggest that impulses to the reform of local government structures was felt most acutely on Irish soil, where that subject accounted for more than 10% of all that nation's separate bills (and statutes) between 1830 and 1852. More fine-grained analysis reveals that this preponderance was in large part borne of the numerous efforts undertaken to reform that nation's grand juries – 'a fearful, difficult, but most urgent question' as Spring Rice described it in December 1830.[69] These bodies of resident county proprietors, responsible for the allocation of the collected county cess across the various responsibilities of local governance, were notoriously exclusive and typically highly partisan in their Protestant character.[70] Whig efforts at their amendment were introduced in 1831, 1833, 1836 and 1837 with both of the resulting acts of 1833 and 1836, providing for the much-enhanced role of cess-payers in the vetting of proposed county expenditure.[71]

Similar concerns at accountability and openness were visited on the different institutions – particularly the parish vestry and the magistrates assembled in petty and quarter session – principally responsible for local administration across the counties of England and Wales.[72] Acts of 1831 and 1834 regulated the parish vestries, and required all business relating to

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administrative remit of local governing bodies, but, in order to allow for a greater degree of subject delineation, have been categorised in social issues, legal administration and communications respectively. The category of local government is thus populated primarily with measures concerned with reform of the structures and institutions of parish, barony, county and borough administration.

[68] Jonathan Parry, *The rise and fall of Liberal government in Victorian Britain* (London: Yale University Press, 1993), 113-14; Jonathan Parry, *The politics of patriotism: English liberalism, national identity and Europe, 1830-1886* (Cambridge: Cambridge University Press, 2006), 87; see also, Philip Harling, "The centrality of locality: the local state, local democracy and local consciousness in late-Victorian and Edwardian Britain," *Journal of Victorian culture* 9, no. 2 (2004): 216-34; Philip Harling, "The powers of the Victorian state," in *Liberty and authority in Victorian Britain*, ed. Peter Mandler (Oxford: Oxford University Press, 2006), 26-7.

[69] Thomas Spring Rice to Lord Lansdowne, 30 Dec. 1830, Bowood papers, BL, Add. MSS. 88906/09/015 fol. 55.

[70] Virginia Crossman, *Local government in nineteenth-century Ireland* (Belfast: The Institute of Irish Studies, the Queen's University of Belfast for the Ulster Society of Irish Historical Studies, 1994), 25-43; J.P.D. Dunbabin, "British local government reform: the nineteenth century and after," *English Historical Review* 92, no. 365 (1977): 779; A.D. Kriegel, "The Irish policy of Lord Grey's government," *English Historical Review* 86, no. 338 (1971): 26.

[71] The unsuccessful bills were *PP* 1831 (323), ii, 55; *PP* 1836 (276), iv, 49; the statutes reached the statute book as 3 & 4 William IV, c.78; 6 & 7 William IV, c.116; 7 William IV and 1 Victoria, c.2.

[72] Sidney Webb and Martha Webb, *English local government from the Revolution to the Municipal Corporations Act*, 9 vols. (London: Longmans, Green, 1906-29), I, 148-50, 533-605; Eastwood, *Governing rural England*, 264-5.

county assessment to be transacted in an open court respectively.[73] Between 1836 and 1838, and again between 1849 and 1852, measures were unsuccessfully introduced by backbenchers seeking to establish entirely new representative 'boards' in English and Welsh local county government; from 1835 to 1837, bills of Sir Richard Musgrave sought to do similarly for Ireland.[74]

The Reform era likewise witnessed concerted efforts to break down sectional privilege and widen the participation of propertied persons in the administrative structures of urban communities, and especially incorporated boroughs, across all four nations.[75] This was chiefly to be achieved via the substitution of closed oligarchical town councils with bodies freely elected by property-owners and ratepayers. However, just as with county governance, the patchwork diversity of agencies and institutions in place across these urban spaces, differing in constitution, powers and size, determined that that essentially common project was necessarily actuated in the distinctive national legislative guises of the 1833 Scottish burghs act, the 1835 Anglo-Welsh municipal corporation reform act, and the 1840 Irish corporation reform act.[76] The enactment of these foundational national statutes, in turn, duly consolidated and entrenched these national bodies' separate legislative treatment. In the case of Scotland and Ireland, in particular, much of the exclusive urban local government legislation considered thereafter by the Imperial Parliament reflected efforts to overcome

[73] 1 & 2 William IV, c.60; 4 & 5 William IV, c.48.

[74] The English and Welsh bills proposing to establish county boards were: *PP* 1836 (508), iii, 117; *PP* 1837 (55), ii, 575; *PP* 1837-38 (68), iii, 41; *PP* 1849 (204), ii, 197; *PP* 1850 (13), i, 497; *PP* 1851 (22), ii, 239; the analogous Irish bills were: *PP* 1835 (293), i, 325; *PP* 1836 (70), iii, 1; *PP* 1837 (302), ii, 509.

[75] See, in particular, John Prest, *Liberty and locality: parliament, permissive legislation and ratepayers' democracies in the mid-nineteenth century* (Oxford: Oxford University Press, 1990); Derek Fraser, *Urban politics in Victorian England: the structure of politics in Victorian cities* (London: Macmillan, 1979); Joanna Innes and Nicholas Rogers, "Politics and government 1700-1840," in *The Cambridge urban history of Britain, volume 2: 1540-1840*, ed. Peter Clark (Cambridge: Cambridge University Press, 2000), 529-74; E.P. Hennock, *Fit and proper persons: ideal and reality in nineteenth-century urban government* (London: Edward Arnold, 1973); G.B.A.M. Finlayson, "The politics of municipal reform, 1835," *English Historical Review* 81, no. 321 (1966): 673-92; little has been written on the Scottish context, though see the chapter by Innes and Rogers cited above, and R.M. Urquhart, *The burghs of Scotland and the Burgh Police (Scotland) Act 1833 (3 & 4 Will. IV c.46)* (Motherwell: Scottish Library Association, 1989); as stressed in the introduction, Irish municipal reform has largely been dealt with as a party political question: see, in particular, Angus D. Macintyre, *The Liberator: Daniel O'Connell and the Irish party, 1830-47* (London: Hamish Hamilton, 1965), 227-60. However, see also Jacqueline R. Hill, *From patriots to Unionists: Dublin civic politics and Irish protestant patriotism 1660-1840* (Oxford: Clarendon Press, 1997), 355-83; and Crossman, *Local government in nineteenth-century Ireland*, 65-91.

[76] The sheer diversity of urban governance across the United Kingdom is best gleaned from the respective reports of the royal commissions: *First report of the commissioners appointed to inquire into the municipal corporations in England and Wales*, *PP* 1835 (116), xxiii-xxvi; *First report of the commissioners appointed to inquire into the municipal corporations in Ireland*, *PP* 1835 (23-28), xxvii-xxviii; *Municipal corporations. (Scotland.) Appendix to the general report of the commissioners*, *PP* 1836 (32-34), xxiii; the three statutes were 3 & 4 William IV, cc.76-77, which reformed Scottish royal and non-royal burghs, the Anglo-Welsh municipal corporation reform act, 5 & 6 William IV, c.76 and the Irish municipal corporation reform act of 1840, 3 & 4 Victoria, c.108.

specific shortcomings in each of their own landmark acts. Between 1842 and 1850, eight separate bills seeking to amend the Irish statute were introduced, many endeavouring to secure parity with English stipulations in terms of the qualifications of burgesses.[77] North of the Tweed, the restriction of the 1833 Scottish act to certain classes of burgh, combined with the difficulties presented in its application across often sparsely populated constituencies, likewise produced concerted efforts at amendment and extension thereafter.[78] Bills of 1836 and 1837 thus sought to extend the reforms meted out to royal and parliamentary burghs in 1833 to the smaller burghs of barony, regality and unincorporated towns.[79] At the same time, between 1836 and 1841 (1) no less than eight separate measures were introduced to the Commons with the aim of increasing the powers of the councils elected in royal and parliamentary burghs, reducing the franchise, as well as the number of councillors in the smallest Scottish burghs, so as to furnish sufficient electorates in each, and aligning parliamentary and municipal boundaries.[80] All proved unsuccessful, and not until 1852 was an act finally passed reducing the size of the councils in 41 of the smallest Scottish burghs.[81] In the case of urban administrative reform, then, the national geographies of legislation reflected both the disparate statutory inheritance bequeathed to reformers *and* its subsequent extension and consolidation.

Legislating for the four nations: social reform

Though principally attended to on a nation-by-nation basis, law and order and local governance nonetheless formed prominent components of each of the English and Welsh, Irish and Scottish Reform programmes. In other areas, however, national legislative profiles diverged more or less markedly. One of the most pronounced of these deviations was exhibited in legislation relating to social matters. Here, Anglo-Welsh preponderance was remarkable: just under a quarter of all that kingdom's exclusive statutes – 151 acts – fell under such an – admittedly expansive – umbrella, dwarfing Ireland's total of 66 acts, and Scotland's mere 15.

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[77] The unsuccessful bills seeking amendment of the Irish municipal corporation act were: *PP* 1844 (183), i, 447 (burgess qualification); *PP* 1847-48 (147), iv, 485 (to place Irish corporations on a 'more equal footing' with English corporations); the successful acts were: 5 & 6 Victoria, c.46 (municipal corporation amendment); 6 & 7 Victoria, c.93 (municipal corporation amendment); 8 & 9 Victoria, c.121 (municipal districts); 12 & 13 Victoria, c.85 (assimilation of Irish burgess qualification to that pertaining in England); 13 & 14 Victoria, cc. 55, 81 (Dublin municipal corporation amendment).
[78] Alexander Bannerman to Lord John Russell, 25 Aug. 1836, Russell papers, TNA, 30/22/2B fos. 320-3; Fox Maule to Andrew Rutherfurd, Rutherfurd papers, NLS, MS. 9697 fos. 149-53; see also the various remarks on the subject contained in the folder on the 1841 Scottish burgh reform amendment bill, Lord Advocate's Office papers, NRS, AD58/257.
[79] *PP* 1836 (272), i, 485; *PP* 1837 (140), i, 351.
[80] *PP* 1836 (271), ii, 449; *PP* 1837 (126), ii, 205; *PP* 1837-38 (363), ii, 885; *PP* 1837-38 (364), ii, 923; *PP* 1840 (67), i, 433; *PP* 1840 (249), i, 465; *PP* 1841(1) (163), i, 455; *PP* 1841(1) (161), i, 489.
[81] 15 & 16 Victoria, c.32.

Closer inspection of Figs. 4.1-4.4 reveals that the principal cause of such dramatic variation lay in the response of the three kingdoms to the question of provision for the poor and related subjects of vagrancy and charities. Between 1830 and 1852, some 111 bills, limited in their range to England and Wales alone, attended to such matters. During that same period, Ireland was the exclusive subject of 49 measures, and Scotland – astonishingly – just one. At root, such national deviations represented the wildly differing holds that the question of poor law provision exercised across the three kingdoms.[82] In the case of England and Wales, where a rate-funded, parish-administered system based upon the foundational Elizabethan statute of 1601, had been in existence since the beginning of the eighteenth century, the sheer quantity of legislation reflected the Reformed parliament's concern to attend to the particular circumstances of what had been a rapidly escalating grievance to that nation since the conclusion of the Napoleonic Wars.[83] Whilst the all-time-high expenditure of £7.87 million in 1818 had been curbed during the 1820s, poor rates in 1833 still remained 62% higher than they had been in 1803, and it was generally agreed that such exorbitant expenses had been a major factor precipitating the agricultural unrest that had swept England during the end of the 1820s.[84] Legislative action was required to meet these particular circumstances, and between 1830 and the passage of the English and Welsh poor law amendment act in 1834, no less than nineteen separate measures, each limited exclusively to England and Wales, were given consideration by the Commons.[85]

Matters were no less pressing in Ireland, where, by the end of the 1820s, a growing population, escalating land clearances and the collapse of the proto-industrial textile sector created an inescapable sense that 'the Irish crisis was fundamentally one of poverty, and that

[82] Joanna Innes, "The distinctiveness of the English poor laws, 1750-1850," in *The political economy of British historical experience, 1688-1914*, ed. Donald Winch and P.K. O'Brien (Oxford: Published for the British Academy by Oxford University Press, 2002), 381-409; see also her briefer survey in "What would a 'Four Nations' approach to the study of eighteenth-century British social policy entail?," in *Kingdoms united? Great Britain and Ireland since 1500: integration and diversity*, ed. Sean J. Connolly (Dublin: Four Courts, 1998), 192-4.
[83] Peter Dunkley, *The crisis of the old poor law in England, 1795-1834: an interpretative essay* (New York: Garland, 1982), 40-4, 67-71; Peter Mandler, "The making of the new Poor Law redivivus," *Past and present*, 117, no. 1 (1987): 139, 141-3.
[84] B.R. Mitchell and P. Deane, *Abstract of British historical statistics* (Cambridge: Cambridge University Press, 1962), 410; Anne Digby, *The poor law in nineteenth-century England* (London: Historical Association, 1985), 6.
[85] The following five bills were unsuccessfully introduced in 1831 alone: *PP* 1831 (90), ii, 351 (prevention of payment of house-rates of able-bodied labourers from poor rate); *PP* 1831 (54), iii, 441 (better rating of tenements under a certain value); *PP* 1831 (343), ii, 557 (agricultural poor); *PP* 1831 (53), iii, 397 (poor settlement); *PP* 1831 (319), ii, 575 (amendment of 59 George III, c.12); the solitary act that survived the parliamentary ordeal was 1 & 2 William IV, c.42, though note that 1 & 2 William IV, c.59 concerned with the enclosure of crown lands was essentially an initiative to benefit the poor.

radical remedies could no longer be postponed'.[86] The increasing levels of migration of Irish poor across to the British mainland gave added impetus. Between the accession of Grey's government and the enactment of that nation's own poor law in 1838, twelve different measures were considered by the Commons designed to replace the 'accumulated melange of vagrancy acts, voluntary institutions…and parochial collections' that had characterised Irish poor relief throughout the eighteenth and early nineteenth centuries.[87]

In Scotland, by contrast, though population growth, industrialisation and urban expansion were likewise increasingly exposing the inadequacies of that nation's voluntarist, permissive, kirk-administered system, opposition to reform was considerable.[88] Lionised by leading churchmen such as Thomas Chalmers, the benefits of this voluntary system, particularly in refusing relief to the able-bodied poor, was widely held to be the principal foundation for the independence and hardiness deemed to be the hallmark of the Scottish poor.[89] Against this backdrop, the *absence* of Scottish poor law legislation during the Reform era was as much testament to Westminster's attunement to national opinion as was its prodigious activity in England, Wales and Ireland.[90] Indeed, when reform in Scotland did finally come in 1845 it was in no small part the result of the Disruption rendering the kirk's continuing operation of it impossible.[91]

As with local government reforms, presented with such differing traditions, principles, agencies and societal circumstances, the Imperial Parliament's approach to poor law provision splintered down the borders of the three kingdoms, with the enactment of the three major statutes of 1834, 1838 and 1845 defining policy in England and Wales, Ireland and Scotland respectively.[92] And, again, just as with municipal corporation reform, having legislated thus, so were the geographical inflections of poor law policy firmly orientated along distinctive national lines thereafter. In the eighteen years following the 1834 poor law amendment act, a further 67 bills were introduced to the Commons attending exclusively to

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[86] Peter Gray, *The making of the Irish poor law, 1815-43* (Manchester: Manchester University Press, 2009), 17.
[87] *Ibid*., 9.
[88] Rosalind Mitchison, "The making of the old Scottish poor law," *Past and present* 63, no. 1 (1974): 58-9; Rosalind Mitchison, *The old Poor Law in Scotland: the experience of poverty, 1574-1845* (Edinburgh: Edinburgh University Press, 2000), 156-161; *HPD*, 7 Aug. 1840, vol. 55, cc. 1381-2; *HPD*, 4 Jul. 1844, vol. 76, cc. 330-1.
[89] Stewart J. Brown, *Thomas Chalmers and the godly commonwealth in Scotland* (Oxford: Oxford University Press, 1982), esp. chap. 5; Rosalind Mitchison, "Scotland, 1750-1850," in *The Cambridge social history of Britain, 1750-1950*: *volume 1, regions and communities*, ed. F.M.L. Thompson (Cambridge: Cambridge University Press, 1990), 200-1.
[90] Mitchison, "Scotland, 1750-1850," 173; Mitchison, *The old Poor Law in Scotland*, 161.
[91] Mitchison, "Scotland, 1750-1850," 205; Pryde, *Central and local government in Scotland since 1707*, 16.
[92] 4 & 5 William IV, c.76 (England and Wales); 1 & 2 Victoria, c.56 (Ireland); 8 & 9 Victoria, c.83 (Scotland).

arrangements concerning the poor in England and Wales – most typically concerned with the types of person and property liable to rating, and with allied issues, such as bastardy provisions.[93] Even though modelled closely on its English predecessor, a similarly separatist profile marked Ireland's record in the wake of its own act of 1838. In part, this reflected the peculiarities of the Irish act itself: bills of 1840 and 1847 addressing mendicancy – 'the great evil of Ireland' – were the result of clauses attending to that matter having been dropped from the 1838 statute.[94] Much more important in defining that separatist profile, however, was the onset of the Famine. Whereas between 1839 and 1845 only 4 bills concerning the Irish poor law were introduced, some 31 were considered by the Commons in the seven sessions between 1846 and 1852.[95] These included the acts of 1847 reluctantly permitting outdoor relief to be dispensed to certain groups and – in explicit recognition of the distinctiveness of Irish circumstances – establishing Ireland's own separate poor law commission.[96]

However, the gradual establishment of new poor law infrastructures across the four nations held consequences for the geographical extent of social policy beyond that of poor law provision alone. We shall see below, how, with poor law administration of one form or another established across the length and breadth of the United Kingdom by 1845, conjoined multinational legislation utilising such structures *did* become possible.[97] Yet, it could also function as another vehicle for separate national treatment. For instance, though the Anglo-Welsh general highway act of 1835 envisaged the appointment of separate highway commissioners for each parish, the *process* by which those officers' elections were to take place was closely linked to the parallel process for the election of poor law overseers.[98] Much more significantly, the 1836 statute providing for the registration of births, deaths and marriages throughout England and Wales entrusted that responsibility to registrar-generals appointed by the poor law guardians.[99] Meanwhile, in Ireland, the 1851 medical charities act utilised the system of boards of guardians created in 1838 in order to divide poor law unions into appropriate dispensary districts for medical aid.[100] Conversely, the paucity of Scottish

[93] U.R.Q. Henriques, "Bastardy and the new poor law," *Past and present* 37, no. 1 (1967): 103-29.
[94] *HPD*, 11 May 1837, vol. 38, cc. 807-8; Gray, *The making of the Irish poor law*, 171, 276; the measures regarding mendicancy were *PP* 1840 (144), iii, 51, and the 10 & 11 Victoria, c.84, which penalised mendicancy.
[95] The four measures introduced between 1839 and 1845 were the 1839 Irish poor law amendment act, (2 & 3 Victoria, c.1), a further amending act of 1843 (6 & 7 Victoria, c.92), an act of 1841 providing for the payment of debts on loans taken out for the construction of workhouses (4 & 5 Victoria, c.41), and the aforementioned bill of 1840 concerning mendicancy.
[96] 10 & 11 Victoria, cc. 31, 90.
[97] See pages 190-2 below.
[98] 5 & 6 William IV, c.50, ss.6-7.
[99] 6 & 7 William IV, c.86.
[100] 14 & 15 Victoria, c.68; Ronald D. Cassell, *Medical Charities, Medical Politics: The Irish Dispensary System and the Poor Law, 1836-1872* (Woodbridge: Boydell & Brewer, 1997), 69-77.

social legislation may in part reflect that nation's *lack* of agency until the mid-1840s: bills of 1834, 1835 and 1837 designed to establish the registration of births, deaths and marriages north of the Tweed all foundered, and, it was the lack of such registers, in turn, which partly rendered the imposition of public health measures in Scotland so problematic a decade later.[101] Only in 1854 was a Scottish registration act finally passed, and, then, as in England, Wales and Ireland, it fell to that nation's poor law agencies, the parochial boards – to implement it.[102]

Away from poor law provision, the preponderance of social measures within the Anglo-Welsh programme of Reform may also in part reflect the relative *scope* of the legislation dispensed to that kingdom in comparison to Ireland and Scotland. As John Prest has noted, in terms of measures concerning urban improvement and public health, the Irish lighting, watching and cleansing of towns act of 1828 and the Scottish police statute of 1833 'were large acts, reaching far into the field of town improvement', granting powers for the construction of sewers, supply of water, paving of streets, erection of oil or gas lamps, cleansing of thoroughfares and removal of nuisances.[103] In contrast, the English and Welsh lighting and watching acts of 1830 and 1833 were more modest dispensations, to which, moreover, the English municipal corporation act of 1835 added relatively little.[104] Subsequent efforts at legislation thus necessarily reflected these national variations. In Scotland, the wide-ranging powers accorded to that nation's burghs (royal, of regality and of barony) remained untouched until 1847, when they were likewise extended to the parliamentary burghs of that nation.[105] Significant substantive alterations did not take place until 1850, when adoption of the act was opened to all 'populous places', requiring a simple majority of ratepayers only.[106] It was, then, at least in part a measure of the extensiveness of the Scottish police act of 1833 that social legislation comprised such a small proportion of that nation's exclusive measures during the Reform era. Similarly, aside from an unsuccessful attempt in 1842 to adapt the new poor law system to its stipulations, the Irish statute of 1828 remained in place until a succession of improvement of towns bills were

[101] The unsuccessful bills of the 1830s concerning the registration of Scottish births, deaths and marriages were *PP* 1834 (369), iii, 523; *PP* 1835 (79), iv, 107; *PP* 1837 (244), i, 319; Anne Cameron, "The establishment of civil registration in Scotland," *Historical Journal* 50, no. 2 (2007): 384.
[102] 17 & 18 Victoria, c.80.
[103] Prest, *Liberty and locality*, 13; see also Deborah Brunton, "Health, Comfort and Convenience: Public Health and the Scottish Police Commissions, 1800-1870," *Scottish Archives* 17 (2011): 87; John F. McCaffrey, *Scotland in the Nineteenth Century* (Basingstoke: Macmillan, 1998), 27; the Irish measure was enacted as 9 George IV, c.82, and the Scottish as 3 & 4 William IV, c.46.
[104] Prest, *Liberty and locality*, 13-14, 188-9; Innes and Rogers, "Politics and government 1700-1840," 571; the Anglo-Welsh legislation was 11 George IV & 1 William IV, c.27 and 3 & 4 William IV, c.90.
[105] Prest, *Liberty and locality*, 35-6; Urquhart, *The burghs of Scotland*, 42; 10 & 11 Victoria, c.39.
[106] R.M. Urquhart, *The burghs of Scotland and the Police of Towns (Scotland) Act 1850 (13 & 14 Vict. c.33)* (Motherwell: Scottish Library Association, 1989), 3; 13 & 14 Victoria, c.33.

brought forward annually between 1850 and 1854, culminating, finally, in the Irish towns improvement act of 1854.[107]

In England and Wales, by contrast, the relatively meagre array of powers encompassed under its trio of 1830, 1833 and 1835 acts rendered necessary the introduction of various other general measures aimed at enhancing and extending the powers of its urban improvement commissions. Thus, where Scottish and Irish legislation focused on town improvement comprised a mere seven and twelve bills respectively, Anglo-Welsh measures ran to thirty. Amongst this number, sewer provision and management was the subject of nine bills introduced to the Commons between 1831 and 1849, including, in 1833, a statute which greatly increased the range of powers awarded to so-called commissioners of sewers – an office unique to England and Wales.[108] In 1849, additional legislation was passed empowering commissioners to subdivide their commissions into smaller districts and to appoint a new tier of personnel entitled dyke-reeves.[109] Similarly, the insufficiency of the watch rates permitted to be levied under the English and Welsh municipal corporation act necessitated amending legislation specific to those nations in 1837, 1839 and 1840.[110]

The dominance of social issues within the body of exclusively Anglo-Welsh legislation was thus, in part, the result of a less thoroughgoing, more piecemeal approach to matters of urban improvement than was the case either in Scotland or Ireland. Similar differences in approach, conditioned by the inheritance of divergent statute, were likewise evident in shaping the respective legislative outputs of the three kingdoms in matters relating to physical and mental health. Here, Ireland's record betrayed the fact that that nation went into the Reform era with a long-entrenched tradition of social reforms without parallel elsewhere across the United Kingdom.[111] In particular, that nation's haul of exclusive legislation was significantly bolstered by its infrastructure of public health institutions, subsumed under the heading of 'medical charities', whose establishment by public statute and partial financing

[107] *PP* 1842 (502), iii, 13 (lighting and watching amendment); *PP* 1849 (543), v, 317 (public health); *PP* 1850 (198), vii, 177 (public health); *PP* 1850 (484), iii, 329 (improvement of towns); *PP* 1851 (30), iii, 103 (improvement of towns); *PP* 1852 (53), ii, 305 (improvement of towns); *PP* 1852-53 (695), iii, 683 (improvement of towns); the 1854 statute was 17 & 18 Victoria, c.103.
[108] Aside from the 1833 act (3 & 4 William IV, c.22), successful measures included the 4 & 5 Victoria, c.45 and the 12 & 13 Victoria, c.50, both amending that original 1833 statute; unsuccessful bills concerning the administration of sewers were: *PP* 1831 (174), iii, 401; *PP* 1831-32 (22), iv, 203; *PP* 1839 (132), v, 65; *PP* 1840 (94), iii, 485; *PP* 1845 (574), v, 363; the first iteration of the sewers amendment act of 1849 was not printed.
[109] 12 & 13 Victoria, c.50.
[110] 7 William IV and 1 Victoria, c.81; 2 & 3 Victoria, c.28; 3 & 4 Victoria, c.28.
[111] Oliver MacDonagh, "Ideas and institutions, 1830-1845," in *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870*, ed. W.E. Vaughan (Oxford: Clarendon Press, 1989), 206; Crossman, "The growth of the state in the nineteenth century," 542-3.

by central government subsidies rendered them of unique Hibernian complexion.[112] By 1837, these peculiarly Irish medical charities were estimated to comprise more than 500 voluntary dispensaries, 70 fever hospitals and 41 county and city infirmaries. Together these furnished Ireland with what Oliver MacDonagh famously labelled as 'one of the most advanced health services in Europe in the first half of the nineteenth century'.[113] Some fifteen separate measures were introduced relating to this nexus of increasingly resource-strained institutions between 1830 and 1852, with bills from 1836 onwards dominated by repeated attempts to define the relationship between the medical charities and the prospective, and, from 1838, realised, new poor law.[114]

Conversely, the scarcity of measures attending to Ireland's lunatic asylums prior to the establishment of a special Irish lunacy inspectorate in 1845 reflected the fact that the establishment of district asylums had been made compulsory in that country as early as 1817, with the Lord Lieutenant empowered to order their erection, and the role of grand juries reduced merely to that of financiers.[115] By 1857, 3824 district asylums had been established in Ireland.[116] In England and Wales, by contrast, until the erection of county asylums was made mandatory in 1845, such establishments operated, for the most part, on a private, voluntary basis.[117] As a result, that nation's record of fourteen separate measures attending to the care of its lunatics between 1830 and 1845, most of which proposed to make minor alterations to the system of licensing madhouses and county asylums as carried out by the magistrates assembled in quarter sessions, reflected the response of the Imperial

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[112] Ronald D. Cassell, "Lessons in medical politics: Thomas Wakley and the Irish medical charities, 1827-39," *Medical History* 34, no. 4 (1990): 415; R.B. McDowell, *The Irish administration, 1801-1914* (London: Routledge & Kegan Paul, 1964), 166-7; MacDonagh, "Ideas and institutions, 1830-1845," 209.

[113] Cassell, "Lessons in medical politics," 415; MacDonagh, "Ideas and institutions, 1830-1845," 210.

[114] The bills explicitly concerning the medical charities were: *PP* 1836 (442), iv, 455; *PP* 1837 (334), iii, 373; *PP* 1837-38 (115), iv, 611; *PP* 1842 (554), iii, 191; *PP* 1843 (6), iii, 383; *PP* 1850 (177), iv, 27; the medical charities act of 1851 reached the statute book as 14 & 15 Victoria, c.68; acts of 1831 (1 & 2 William IV, c.48), 1833 (3 & 4 William IV, c.92) and 1834 (4 & 5 William IV, c.46) attended to Irish hospitals, infirmaries and fever hospitals respectively; for comparison with the English 'system', see *Report from the Select Committee on Medical Charities, Ireland; together with the minutes of evidence, appendix, and index, PP* 1843 (412), x, 131, 136, 312-13; *HPD*, 7 Feb. 1843, vol. 66, cc. 232-5; Virginia Crossman, "Introduction," in *Healthcare in Ireland and Britain from 1850: Voluntary, regional and comparative perspectives*, ed. Donnacha Lucey and Virginia Crossman (London: University of London, 2014), 3-4; Ann Daly, "Medical victories: The Dublin Medical Press and the Medical Charities Debate, 1838-51," in *Poverty and welfare in Ireland 1838-1948*, ed. Virginia Crossman and Peter Gray (Dublin: Irish Academic Press), 179.

[115] Crossman, "The growth of the state in the nineteenth century," 550.

[116] *Report of the Commissioners of Inquiry into the state of the lunatic asylums and other institutions for the custody and treatment of the insane in Ireland: with minutes of evidence and appendices. Part I.--Report, tables, and returns*, *PP* 1857-58 (2436-I), xxvii, 10.

[117] Leonard D. Smith, "The county asylum in the mixed economy of care, 1808-1845," in *Insanity, Institutions and Society, 1800-1914*, ed. Bill Forsythe and Joseph Melling (London: Routledge, 1999), 33-47; Peter Bartlett, "The asylum and the poor law: the productive alliance," in *Insanity, Institutions and Society, 1800-1914* ed. Bill Forsythe and Joseph Melling (London: Routledge, 1999), 50-1.

Parliament to a very different inheritance of statute and institutional framework.[118] Once again, we are reminded that the parliaments of the 1830s and 1840s were rarely making national laws upon clean legislative slates.

Legislating for the four nations: religious reform

Where social reforms comprised but a small portion of the distinctly Scottish legislative experience of the 1830s and 1840s, religious measures contributed even less. Of the total output of 212 religious bills considered by the Commons between 1830 and 1852 applicable to one of the three kingdoms alone, a mere fifteen – of which five reached the statute book – concerned ecclesiastical circumstances north of the Tweed.[119] Admittedly, this was not a new phenomenon. Hoppit and Innes have both demonstrated how the General Assembly of the Kirk had functioned as a much more informed locus of legislative power for the conception, deliberation and execution of Scotland's spiritual laws ever since 1707.[120] Indeed, Innes has calculated that a mere six acts were passed concerning Scottish religious affairs between 1800 and 1829.[121] The Imperial Parliament's handling of the events that led up to the Disruption of the Church of Scotland in 1843 proved beyond doubt the inauspiciousness of that institution for the purposes of Scottish church governance.[122] As the Marquis of Lorne, later the 8th Duke of Argyll, subsequently remarked, the whole sorry episode provided:

> Abundant opportunities of seeing how ill-informed and how prejudiced politicians may be when any question comes upon them with broader and deeper issues than

[118] Of the fourteen measures, all bar four reached the statute book: 2 & 3 William IV, c.107; 3 & 4 William IV, cc.36, 64; 5 & 6 William IV, c.22; 1 & 2 Victoria, cc.14, 73; 3 & 4 Victoria, c.54; 5 Victoria, c.4; 5 & 6 Victoria, cc.84, 87; the unsuccessful bills were *PP* 1830-31 (321), ii, 19; *PP* 1831 (317), ii, 449; *PP* 1831 (21), ii, 453; *PP* 1843 (44), iii, 353.

[119] The five successful acts were: 4 & 5 William IV, c.41 (ministers' appointment); 3 & 4 Victoria, c.33 (episcopal church); 6 & 7 Victoria, c.61 (Church of Scotland benefices); 7 & 8 Victoria, c.44 (parishes); 13 & 14 Victoria, c.13 (titles of religious congregations); the ten unsuccessful bills were: *PP* 1833 (333), ii, 237 (Edinburgh annuity tax; a second bill was never printed); *PP* 1833 (466), iii, 589 (Sabbath); *PP* 1833 (508), iii, 115 (appointment of ministers); *PP* 1834 (113), iv, 35 (Sabbath); *PP* 1842 (175), i, 421 (church patronage); *PP* 1843 (623), iii, 453 (parishes); *PP* 1846 (332), iii, 63 (sites for places of worship); *PP* 1847-48 (279), v, 97 (sites for places of worship); *PP* 1849 (448), vi, 543 (titles of religious congregations).

[120] Julian Hoppit, "The Nation, the State, and the First Industrial Revolution," *Journal of British Studies* 50, no. 2 (2011): 323-4; Joanna Innes, "Legislating for three kingdoms: how the Westminster parliament legislated for England, Scotland and Ireland 1707-1830," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 27.

[121] Innes, "Legislating for three kingdoms," 25.

[122] Stewart J. Brown, *The national churches of England, Ireland and Scotland, 1801-1846* (Oxford: Oxford University Press, 2001), 361-2; G.I.T. Machin, *Politics and the Churches in Great Britain, 1832 to 1868* (Oxford: Oxford University Press, 1977), 136-47.

> those with which they have been accustomed to deal…John Bull, with all his great qualities, is a very parochial creature.[123]

Of course, at the very same time as the Imperial Parliament offered such a striking demonstration of its inabilities to expedite Scottish religious legislation, so the General Assembly relinquished its claims to do so for between a third and a half of its former membership in consequence.[124] In the face of numerous truculent landowners, provision of facilities for the newly established Free Church swiftly became critical, and the Imperial Parliament the only means by which that might be achieved.[125] The very minor swelling of Scottish religious legislation considered at Westminster in the late 1840s was thus almost entirely concerned with efforts to grant powers to Free Church congregations to obtain sites for worship and to hold property.[126]

The picture south and west of the Tweed could not have been more different. For England and Wales, the 1830s and 1840s witnessed legislative initiatives in the reallocation of church revenues, regulation of clerical practice and reshaping of the diocesan map of that kingdom 'unprecedented in extent'.[127] Whilst in the space of the six sessions between 1835 and 1841, for example, some 50 Anglo-Welsh religious bills were considered by the Commons, including the landmark established church, pluralities and ecclesiastical duties and revenues acts of 1836, 1838 and 1840 respectively, during that same period, some 21 Irish measures were scrutinised, and only a single Scottish bill.[128]

Several factors contributed to this dramatic geographical patterning of ecclesiastical legislation. Most fundamentally, for the Whigs of the 1830s and 1840s, the activity of the Imperial Parliament in making laws for the Anglican church represented a crucial display of the Erastianism – that, as Henry Bathurst put it, 'the State ha[d] a right to remodel the Church as to its internal arrangements, with a view to its efficiency' – that lay at the heart of their creed.[129] Throughout their years in opposition, the Whigs had railed against what they

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[123] The Dowager Duchess of Argyll, ed., *George Douglas eighth duke of Argyll (1823-1900): autobiography and memoirs*, 2 vols. (London: John Murray, 1906), I, 174-5; I.G.C. Hutchison, "Anglo-Scottish Political Relations in the Nineteenth Century, c. 1815-1914," in *Anglo-Scottish relations from 1603 to 1900*, ed. T.C. Smout (Oxford: Oxford University Press, 2005), 261.
[124] Michael Fry, *Patronage and principle: a political history of modern Scotland* (Aberdeen: Aberdeen University Press, 1991), 54.
[125] Brown, *The national churches of England, Ireland and Scotland*, 358-62.
[126] See page 119 above.
[127] Arthur Burns, "English 'church reform' revisited, 1780-1840," in *Rethinking the age of reform: Britain 1780-1850*, ed. Joanna Innes and Arthur Burns (Cambridge: Cambridge University Press, 2003), 136.
[128] 6 & 7 William IV, c.77 (established church) 1 & 2 Victoria, c.106 (pluralities); 3 & 4 Victoria, c.113 (ecclesiastical duties and revenues); the solitary Scottish bill reached the statute book as 3 & 4 Victoria, c.33.
[129] Rev. Henry Bathurst, *Memoirs of the late Dr Bathurst, lord bishop of Norwich*, 2 vols. (London: A.J. Valpy, 1837), II, 30; Burns, "English 'church reform' revisited," 148; J.P. Ellens, "Lord John

perceived as the complacency, exclusiveness and inefficiency of the established church.[130] Once in power, and buoyed by parliamentary reform, it was no surprise that religious measures featured so prominently.[131] This was the era which witnessed the emergence and establishment of Liberal Anglicanism as a 'distinctive religious outlook', a creed which, in the persons of ministers such as Lord John Russell and Thomas Spring Rice, carried considerable weight in the Whig cabinets of the 1830s.[132] Amongst such men, legislation – whether effecting internal reforms in the structures of the established church itself, or attempting to mitigate factors perceived as leading to alienation between Anglicans and dissenters – was to be the means for creating a truly united, non-sectarian, national establishment.[133] Yet, recognition of the need for legislation to reform the Anglican church in England and Wales was not exclusive to the Whigs: one of the most fecund sources of Anglo-Welsh religious measures, the Ecclesiastical Commission, was established by Peel during his brief minority administration in early 1835.[134] The scale of religious measures applicable solely to the Anglican church in England and Wales was thus in part a measure of the widespread consensus that *some* degree of reform was required.[135]

As important, however, was the issue of personnel. Of the specifically English and Welsh measures, virtually a third originated in the House of Lords, where the 26 incumbent bishops could assume a prominent role in their management. In contrast, though four Irish ecclesiastics had been permitted to sit in the Upper House at any one time since 1800, as a channel for expediting religious legislation relating exclusively to that nation they were scarcely utilised: only 5 of Ireland's 56 religious bills began in the Lords.[136] Scotland, of course, returned no Lords Spiritual, and of that nation's scanty religious measures introduced

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Russell and the Church Rate Conflict: The Struggle for a Broad Church: 1834-1868," *Journal of British Studies* 26, no. 2 (1987): 239-40.

[130] William A. Hay, *The Whig revival, 1808-1830* (Basingstoke: Palgrave Macmillan, 2005), 125-31.

[131] Richard Brent, *Liberal Anglican politics: Whiggery, religion and reform, 1830-1841* (Oxford: Oxford University Press, 1987), 19-64; Arthur Burns, "The costs and benefits of establishment: clergy-discipline legislation in Parliament, c.1830-c.1870," *Parliamentary History* 19, no. 1 (2000): 82.

[132] Brent, *Liberal Anglican politics*, 2.

[133] *Ibid.*, 18.

[134] Norman Gash, *Reaction and reconstruction in English politics, 1832-52* (Oxford: Oxford University Press, 1964), 70; Norman Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830* (London: Longman, 1972), 100-4; Olive Brose, *Church and Parliament: the reshaping of the Church of England, 1828-1860* (Stanford: Stanford University Press, 1959), 120-36; Brent, *Liberal Anglican politics*, 3, 6.

[135] Thomas Arnold, *Principles of church reform* (London: B. Fellowes, 1833), 1; Brent, *Liberal Anglican politics*, 6.

[136] These five measures were: 6 & 7 Victoria, c.88 (Limerick church); 8 & 9 Victoria, cc.51, 54 (ecclesiastical patronage; unions and divisions of parishes); 11 & 12 Victoria, cc.41, 76 (ecclesiastical unions and divisions of parishes; and ecclesiastical patronage).

during the Reform period, a mere two began life amongst the peerage.[137] Whereas the Lords thus functioned as a natural *fons et origo* for legislation concerning the spiritual affairs of England and Wales, it seemingly served no similar function for either Ireland or Scotland.

Of course, by the terms of the fifth article of the act of Union of 1800, England, Wales and Ireland had come to share the same established Anglican faith as embodied in the newly-created United Church of England and Ireland.[138] However, whilst this did facilitate a small quantity of conjoined Anglo-Irish ecclesiastical measures, in practice the legislative records of the two nations made a tangible reality of the widespread conviction, given utterance by Lord Grey in October 1832, that 'the *circumstances* of the two Churches, from the different state of the two countries, [were]…very different and…require different measures of reformation'.[139] That dissimilarity in circumstance was highlighted most powerfully in the mass of bills – 24 in Ireland, and at least 17 in England and Wales – concerning tithes and the regulation and division of ecclesiastical revenues that were introduced on either side of the Irish Channel during the 1830s.[140]

Legislating for the four nations: economic and communications reform

Of the remaining broad categories of legislation, measures concerning the economy and communications presented two of the more finely balanced profiles in their overarching breakdown between bills focused upon one of the three kingdoms alone, or rather spanning borders. In the case of economic and commercial measures, this is far from surprising. As we shall see in greater detail below, one of the principal functions of the Union was the creation of a single free-trade market, where all four nations were placed on an equal commercial footing.[141] It thus stood to reason that legislation concerning that market and the relations governing it should be applicable to all. At the same time, however, economic interests, perhaps more than any others, were capable of being presented as embodying, in some intangible sense, distinct 'national interests'.[142] Bob Harris has powerfully

[137] The Scottish religious measures originating in the Lords were: 3 & 4 Victoria, c.33 (Scottish episcopal church); 6 & 7 Victoria, c.61 (Church of Scotland benefices).
[138] Alvin Jackson, *The two unions: Ireland, Scotland, and the survival of the United Kingdom, 1707-2007* (Oxford: Oxford University Press, 2012), 111.
[139] Lord Grey to Lord Anglesey, 24 Oct. 1832, Anglesey papers, PRONI, D619/28/A/127; Brown, *The national churches of England, Ireland and Scotland*, 91-2.
[140] Eric J. Evans, *The contentious tithe: the tithe problem and English agriculture, 1750-1850* (London: Routledge, 1976), 115-161; for tithes in Ireland, see Donald Akenson, *The Church of Ireland: Ecclesiastical Reform and Revolution, 1800-1885* (New Haven: Yale University Press, 1971), 148-59, 180-94.
[141] Douglas Kanter, *The making of British unionism, 1740-1848: politics, government, and the Anglo-Irish constitutional relationship* (Dublin: Four Courts, 2009), 153.
[142] Andrew Mackley, "The Interest of 'North Britain': Scottish Lobbying, the Westminster Parliament, and the British Union-State, c.1760-c.1830," (unpublished DPhil thesis, University of Oxford, 2016), 241; see also, Paul Langford, *Public life and the propertied Englishman, 1689-1798*

demonstrated how linen and herring on the one hand, and wool on the other assumed these identities for Scotland and England respectively during the eighteenth century, even when such economic activities were far from being neatly co-equal with the boundaries of those nations.[143] Here, as Schonhardt-Bailey has neatly put it, particular sectors were able to 'nationalise the interest'.[144] Closer analysis of Figs. 4.1-4.4 reveals that the Imperial Parliament's recognition of the need to cater to these national economic interests remained pronounced during the Reform era. It is notable, for instance, that some nine exclusively Irish bills, concerning linen and hempen manufactures were introduced to the Commons between 1830-52.[145] Supported with financial incentives from the state since 1711, when an excise on imported tea had been used to fund the creation of the Irish Linen Board, the Irish linen industry continued to prosper during the eighteenth and into the early nineteenth centuries.[146] With the advent of the wet-spinning process from the 1820s, Irish linen production – centred upon Ulster – overtook cotton as Ireland's dominant textile industry, despite the abolition of the bounties previously bestowed on it, and the disestablishment of the Linen Board in 1832.[147] Indeed, in 1835 twenty new linen mills were established in Belfast alone, and between 1835 and 1845 employment in the industry grew from 3,400 to 17,000.[148] Legislation from the Imperial Parliament seemingly reflected the textile's growing

(Oxford: Oxford University Press, 1991), 204; David Eastwood, "Parliament and locality: representation and responsibility in late-Hanoverian England," *Parliamentary History* 17, no. 1 (1998): 69-71; Julian Hoppit, "Petitions, Economic Legislation and Interest Groups in Britain, 1660–1800," *Parliamentary History* 37, no. S1 (2018): 70-1; Perry Gauci, "Introduction," in *Regulating the British economy, 1660-1850*, ed. Perry Gauci (Farnham: Ashgate, 2011), 9, 19-22.

[143] Bob Harris, "Towards a British political economy: An eighteenth-century Scottish perspective," in *Regulating the British economy, 1660-1850*, ed. Perry Gauci (Farnham: Ashgate, 2011), 83-104; Bob Harris, "The Scots, the Westminster parliament, and the British state in the eighteenth century," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 127-8; Kidd, "North Britishness and the nature of eighteenth-century British patriotisms," 362, 380; Bob Harris, "Scotland's herring fisheries and the prosperity of the nation, c.1660-1760," *Scottish Historical Review* 79, no. 1 (2000): 39-60; Mackley, "The interest of 'North Britain," 241.

[144] Cheryl Schonhardt-Bailey, *From the corn laws to free trade: interests, ideas, and institutions in historical perspective* (Cambridge, MA: MIT Press, 2006), 75-6.

[145] All bar one reached the statute book: 2 & 3 William IV, c.77; 5 & 6 William IV, c.27; 1 & 2 Victoria, c.52; 3 & 4 Victoria, c.91; 5 & 6 Victoria, c.68; 7 & 8 Victoria, c.47; 13 & 14 Victoria, c.48; 15 & 16 Victoria, c.13. The unsuccessful bill was *PP* 1839 (363), iv, 211; whilst the principal purport of these acts was to continue legislation, on most occasions additional stipulations were added.

[146] Cormac Ó Grada, "Industry and communications, 1801-45," in *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870*, ed. W. E. Vaughan (Oxford: Clarendon Press, 1989), 138-41; Desmond Greer and James W. Nicolson, *The Factory Acts in Ireland, 1802-1914* (Dublin: Four Courts Press, 2003), 1-3; Hoppit, "The Nation, the State, and the First Industrial Revolution," 327-8; David Hayton, "Patriots and legislators: Irishmen and their parliaments, c.1689-c.1740," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 115-16; Peter Solar, "The Irish linen trade, 1852-1914," *Textile History* 36, no. 1 (2005): 46-7.

[147] Frank Geary, "The Act of Union, British-Irish Trade, and Pre-Famine Deindustrialization," *Economic History Review* 2nd ser., 48 (1995): 68, 79-81.

[148] Ó Grada, "Industry and communications, 1801-45," 141.

dominance within the Irish economy. The linen and hempen manufactures regulation act of 1832 imposed detailed and rigorous rules governing, amongst much else, the reeling and counting of yarn at markets, the width and fineness of linen cloth and the conduct, duties and remuneration of the Irish brown linen sealmasters.[149] Tellingly, when, in July 1835, continuance of this temporary statute was sought, it was assailed by non-Irish MPs precisely because 'such minute and ridiculous…yard-and-sevenths sorts of legislation' was premised upon 'principles opposed to all those on which the manufactures of this country [i.e. Britain] were founded'.[150] Sir George Grote (London) likewise 'could not believe that the sort of legislation which had been found so injurious to England and Scotland, could be beneficial for Ireland'.[151] Just as significantly, both the Whig government and Irish MPs successfully defended it precisely because it was deliberately designed to meet Ireland's specific circumstances, and thus served as evidence of the Imperial Parliament's willingness to sidestep general 'imperial' principle when specific national interests warranted it. As the Chief Secretary Lord Morpeth explained, 'though the provisions of the Bill might not in strict theory be all perfectly justifiable, yet as it had received the general assent of both manufacturers and operatives in Ireland, he would give it his support'.[152]

Ireland was not alone in being the recipient of specific economic legislation that appeared to reflect notions of national interest, however. In the case of Scotland, remarkably, practically one in every two bills – 18 of 37 – relating principally and exclusively to that nation's economic affairs were concerned with its fisheries. This abundant haul was in part the corollary of such measures' miserable success rates: between 1835 and 1842 no less than twelve bills seeking to regulate the Scottish salmon fishing industry were considered by the Commons and ultimately rejected.[153] Nevertheless, as was the case with linen in Ireland, salmon in Scotland presented an issue of peculiarly specific national circumstances, in large part the consequence of the fact that in that nation, unlike the rest of the United Kingdom, the right to fish for salmon was a heritable – rather than moveable – property.[154] Tensions borne of these rights had crystallised the formation of two broad factions of proprietors distinguished by the riverine or estuarial location of their landholdings.[155] As a result, much of the salmon fisheries legislation of the Reform period was the consequence of an attempt

[149] 2 & 3 William IV, c.77.
[150] *HPD*, 6 Jul. 1835, vol. 29, cc. 273-4.
[151] *Ibid.*, c. 274.
[152] *Ibid*.
[153] *PP* 1835 (232), iv, 133; *PP* 1836 (56), v, 1; *PP* 1836 (561), v, 11; *PP* 1837 (26), iv, 127; *PP* 1837-38 (43), vi, 1; *PP* 1837-38 (280), vi, 11; *PP* 1839 (13), v, 53; *PP* 1839 (14), v, 55; *PP* 1841(1) (152), iii, 421; *PP* 1841(1) (207), iii, 423; *PP* 1842 (86), iv, 131; *PP* 1842 (201), iv, 133.
[154] Iain A. Robertson, *The Tay salmon fisheries since the eighteenth century* (Glasgow: Cruithne Press, 1998), 82-3.
[155] *Ibid*.

to reach a via media between these two interests, whilst, at the same time ensuring that the competition generated by the increasing numbers of tacksmen holding land with fishing rights did not thereby exhaust the nation's salmon stock.[156] Although acts were passed in 1844 and 1845, by the close of the Reform era in 1852, relatively little mark had been made on the statute book by such efforts.[157] More successful were the specifically Scottish acts of 1840 and 1847 regulating the oyster and mussel fisheries respectively, and the herring fisheries statute of 1847, which provided for the appointment of additional herring fishery commissioners to the Scottish Fishery Board to superintend an industry which, between 1800 and 1850, grew from producing 50,000 to 500,000 barrels per annum.[158]

Anna Gambles has persuasively argued that even after the abandonment of the bounties system between 1824 and 1829 a 'developmental impulse…focused on the economically underdeveloped regions of the United Kingdom' continued to animate the policy of the British state.[159] If one sees in the propensity of the Reformed Imperial Parliament to undertake specific Irish linen and Scottish fisheries legislation something of this ongoing – and longstanding – integrative economic programme, it seems almost certainly to have been a prime motivating factor in Westminster's willingness to prosecute a significant body of specifically Scottish, Irish and Welsh legislation concerned with the closely-related area of communications and infrastructure legislation.[160] In the case of Ireland, which, of all the constituent portions of the United Kingdom, witnessed the greatest quantity of waterborne communications' legislation (32 of 62 bills), such a proliferation of measures reflected the fact that the amelioration of that nation's watercourses constituted one of the principal strategies of the general Irish improvement 'project'.[161] By the 1831 Irish rivers act, landed proprietors were empowered to 'sink, embank and remove obstructions in rivers'; the piers act of 1835 authorised grand juries to raise public monies for the improvement of Irish

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[156] *Ibid*., 421.
[157] 7 & 8 Victoria, c.95; 8 & 9 Victoria, c.26.
[158] 3 & 4 Victoria, c.74; 10 & 11 Victoria, cc.91-92; James R. Coull, *The sea fisheries of Scotland: a historical geography* (Edinburgh: John Donald, 1996), 104-5; Harris, "Scotland's herring fisheries and the prosperity of the nation," 39-60; Henry Parnell, *On financial reform* (London: John Murray, 1830), 130-5.
[159] Anna Gambles, "Free Trade and State formation: the political economy of fisheries policy in Britain and the United Kingdom circa 1780-1850," *Journal of British Studies* 39, no. 3 (2000): 312-13; see also, Bob Harris, "Towards a British political economy," 84, and Trevor Griffiths, Philip Hunt, and P.K. O'Brien, "Scottish, Irish, and Imperial Connections: Parliament, the Three Kingdoms, and the Mechanization of Cotton Spinning in Eighteenth-Century Britain," *Economic History Review* 61, no. 3 (2008): 628; Christopher Hamlin, *Public health and Social Justice in the Age of Chadwick: Britain, 1800-1854* (Cambridge: Cambridge University Press, 1998), 246.
[160] On this subject, see Douglas Kanter, "The Galway Packet-Boat Contract and the Politics of Public Expenditure in Mid-Victorian Ireland," *Historical Journal* 59, no. 3 (2016): 747.
[161] Black, *Economic thought and the Irish question*, 159-203; see also, Nassau Senior, *A letter to Lord Howick on a legal provision for the Irish poor; commutation of tithes, and a provision for the Irish Roman Catholic clergy* (London: John Murray, 1831), 45.

harbours – an initiative which was further extended by measures of 1846 and 1847, which formed part of the wider legislative programme prompted by the Famine.[162] In both Scotland and Ireland, a considerable body of legislation focused on particular public-funded schemes designed to 'cause economically awkward regions to cohere within a politically united nation'.[163] In Ireland, the improvement of Kingstown (Dun Laoghaire) harbour (1836-38), and of the navigational infrastructure of the Lagan (1840-42), Shannon (1835, 1839, 1846-47) and the Lee (1841, 1844), comprised nearly half of all legislation specific to Ireland concerning waterborne communication.[164]

By the same token, exclusively Scottish legislation attended to the Caledonian, Argyle and Crinan canals (1840, 1847-48) and the Ness bridge at Inverness (1851), which came under the purview of the Highlands roads and bridges commissioners.[165] The latter, a government-sponsored agency founded in 1802, continued to support Scottish road development through acts of 1833 and 1848.[166] In Ireland, the Board of Public Works, established in 1831, operated in analogous fashion, drawing upon public funds made available from 1822 to finance the erection and maintenance of the vast majority of Ireland's major trunk roads.[167] The seven specific Irish railway measures of the 1840s displayed a similar developmental impulse on the part of the Imperial Parliament. After a failed measure of 1841 to establish railway commissioners and a superintending board of control in Ireland, brought in by the Chief Secretary Lord Morpeth on the back of the report of the 1838 Irish railway commission, the matter was taken up again following the onset of the Famine.[168] Though George Bentinck's more extensive scheme of state-supported railway construction proved abortive, by the enactment of 10 & 11 Victoria, c.73 the Whig ministry did provide loans of up to 620,000l. explicitly 'towards defraying the expence [sic] of making certain railways in

[162] 1 & 2 William IV, c.57 (rivers); 5 & 6 William IV, c.84 (piers); 9 & 10 Victoria, c.3 (harbours and piers); 10 & 11 Victoria, c.73 (harbours and piers).
[163] Gambles, "Free Trade and State formation," 292; Kanter, "The Galway packet-boat contract," 748.
[164] 6 & 7 William IV, c.117; *PP* 1837-38 (301), iv, 361; *PP* 1837-38 (444), iv, 371 (all Kingstown harbour); *PP* 1840 (443), ii, 705; *PP* 1841(1) (135), ii, 531; *PP* 1841(2) (6), i, 85; *PP* 1842 (195), iii, 1 (all Lagan navigation); 5 & 6 William IV, c.67; 2 & 3 Victoria, c.61; 10 & 11 Victoria, c.74; *PP* 1837-38 (569), vi, 115; *PP* 1846 (493), iv, 71 (all Shannon navigation); 4 & 5 Victoria, c.46; 7 & 8 Victoria, c.99 (Tralee navigation and harbour); Black, *Economic thought and the Irish question*, 183-4.
[165] 3 & 4 Victoria, c.41 (Caledonian canal); *PP* 1847 (583), i, 21 (Argyle canal); 11 & 12 Victoria, c.54 (all Crinan canal); *PP* 1851 (226), iii, 581; 14 & 15 Victoria, c.66 (both Ness bridge).
[166] 3 & 4 William IV, c.33; 11 & 12 Victoria, c.40 (Highland roads and bridges).
[167] MacDonagh, "Ideas and institutions, 1830-1845," 207-9; Black, *Economic thought and the Irish question*, 173-5; A.R.G. Griffiths, *The Irish Board of Works, 1831-1878* (New York: Garland, 1987), chap. 1; the statute creating the board of public works was 1 & 2 William IV, c.33.
[168] *PP* 1841(1) (408), iii, 177; Black, *Economic thought and the Irish question*, 189-99.

Ireland'.[169] A further statute of 1849 provided advances for completing the Galway to Athlone line.[170]

The fact that nine out of the scant total of fifteen specifically Welsh measures of the Reform era were concerned with the communications infrastructure of the principality likewise reflected a certain developmental impulse on the part of the Imperial Parliament. In embodying the recommendations of the 1844 royal commission into the turnpike trusts of South Wales in their measures of turnpike consolidation enacted in 1844-45 and 1847, ministers were, above all seeking to stem the disaffection that had erupted in the earlier Rebecca riots.[171] Nevertheless, it seems unlikely that they ignored the various pointed remarks made in that document comparing the claims of South Wales to central financial assistance in the development of its road networks to those long enjoyed by the Scottish Highlands. A magistrate of Radnorshire declared state-funded legislation 'an act of justice…[which] must have succeeded long ago if urged with that steady perseverance which distinguishes our brethren on the other side of the Tweed'.[172] The Holyhead harbour bills of 1847 and 1850 likewise reflected a rather larger project of imperial integration by which that Welsh seaport would become the connecting link binding Britain and Ireland more closely.[173]

Legislating for the Union

That the Reform 'project' of the 1830s and 1840s possessed discernible geographical 'texturing' thus seems clear enough. That texture was the result of various interacting factors. If certain broad issues, such as law and order and local government reform, were of shared concern, diversities in legal tradition, inherited statute and local administrative structures and personnel nonetheless necessitated a kingdom-by-kingdom approach when it came to legislative reforms. Elsewhere, Reform possessed rather more substantive national inflections. Notions of particular 'national' economic interests remained strong in Scotland and Ireland; so, too, seemingly, did national conceptions of what the Reformed Imperial

[169] Bentinck's unsuccessful bill was printed as *PP* 1847 (41), iii, 485.
[170] 12 & 13 Victoria, c.62.
[171] *Royal Commission of Inquiry for S. Wales on Riots and Turnpike Roads. Report, Minutes of Evidence, Appendix, PP* 1844 (531), xvi, 81-5; the South Wales turnpike and highway measures were: 7 & 8 Victoria, c.91; 8 & 9 Victoria, c.61; 10 & 11 Victoria, c.72; the unsuccessful highways bill of 1850 was printed as *PP* 1850 (93), ii, 297, and the successful effort of the following session was enacted as 14 & 15 Victoria, c.16; a backbench bill of 1844 attempting to exempt vehicles carrying lime from paying tolls in Wales was defeated, *PP* 1844 (163), iii, 61; for the background to the ministerial response to the Rebecca riots, see David J.V. Jones, *Rebecca's children: a study of rural society, crime, and protest* (Oxford: Clarendon Press, 1989), 346-50.
[172] *Royal Commission of Inquiry for S. Wales on Riots and Turnpike Roads. Report, Minutes of Evidence, Appendix, PP* 1844 (531), xvi, 116, 597.
[173] 10 & 11 Victoria, c.76; 13 & 14 Victoria, c.111.

Parliament should be attending to: the religio-socio bent of Anglo-Welsh measures stood in sharp contrast to the scarcity of attention given to those subjects in Scottish legislation. Measured by these standards, then, the legislative Union appears to have been one comprised of markedly disparate and fragmented national parts.

At the same time, those parts together comprised one unified state, embodied in one multinational parliament. Moreover, in the wake of a series of Reform acts motivated in no small part by the desire to forge a more integrated, aligned political nation, the ability to dispense single statutes uniformly across multiple kingdoms offered one obvious method by which that unity might be consolidated and extended.[174] The remainder of this chapter turns to focus on the subject-matter of these instances of multinational 'Union' legislation – that is, United Kingdom-wide, British, Anglo-Irish and Scotto-Irish laws – which, though remaining much in the minority vis-à-vis exclusive national measures, nonetheless formed a considerable portion of the legislative output of the Reform era.

Legislating for the Union: fiscal-military reforms

The overarching subject breakdown of legislation laid out in Figs. 4.1-4.4 strongly suggests that the legislative Union of the Reform era continued to subsist chiefly on the fiscal-military footing that Joanna Innes and others have demonstrated pertained throughout the period between 1707 and 1830.[175] Between 1830 and 1852, 60% (413 out of 685) of all acts designed to be applicable to all four nations were concerned with this broad-bottomed nexus of subjects comprising the apparatus and administration of central government, public finance, and the armed services. Such preponderance reflected the phenomenon described above in relation to local government in reverse. There, legislation necessarily splintered down national lines chiefly on account of the divergent agencies of local administration that had evolved across the United Kingdom to attend to such duties. In contrast, the armed forces, central government departments and Treasury together chiefly constituted the shared institutional backbone of Union.[176]

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[174] Innes, "What would a 'Four Nations' approach to the study of eighteenth-century British social policy entail?," 184; Innes, "Legislating for three kingdoms," 35.
[175] A point stressed by Innes, "Legislating for three kingdoms," 16, 21; Peter Jupp, *British politics on the eve of reform: the Duke of Wellington's administration, 1828-1830* (Basingstoke: Macmillan, 1998), 129; Kanter, *The making of British unionism*, 161; K. Theodore Hoppen, "An Incorporating Union? British Politicians and Ireland 1800-1830," *English Historical Review* 123, no. 501 (2008): 340, though see Hoppit, "The Nation, the State, and the First Industrial Revolution," 329; for a longer chronology, see Patrick Walsh, "The eighteenth-century fiscal-military state: a four nations perspective," in *Four nations approaches to modern 'British' history: a (dis)United Kingdom?* ed. Naomi Lloyd-Jones and Margaret M. Scull (London: Palgrave, 2018), 85-111; Aaron Graham and Patrick Walsh, ed., *The British fiscal-military states, 1660-c.1783* (London: Routledge, 2016).
[176] Innes, "The local acts of a national parliament: parliament's role in sanctioning local action in eighteenth-century Britain," 46.

The military arguably represented the pre-eminent four nations institution.[177] In 1860, garrisons supporting between three to four hundred men were located across an area that extended from Dundee, Perth and Edinburgh, Leeds, Aldershot and Maidstone, Brecon and Pembroke, to Dundalk and Enniskillen.[178] At the start of our period, in 1830, 13.5% of the British army was comprised of Scotsmen, and more than 42% were Irishmen; in 1840, 37% of the infantry alone were Irishmen.[179] The navy likewise possessed a decidedly four nations profile, with major bases situated in Deptford, Woolwich, Chatham, Pembroke, Leith and Queenstown (Cobh)/Haulbowline near Cork.[180] Equally important were the broadly uniform administrative structures that stretched across this United Kingdom-wide network of military sites, with the admiralty, war office, ordnance and horse guards all possessed of four nations remits. Legislation duly reflected this pan-British and Irish infrastructure and associated personnel. The much-celebrated naval reforms undertaken by Sir James Graham as First Lord of the Admiralty, including the 1832 navy civil departments act, were thus emphatically four nations in its range.[181] So too were the acts of 1832 and 1834 consolidating the laws regulating payment of prize money in the army and navy respectively, the 1835 measure encouraging voluntary enlistment to the navy, and the 1842 statute authorising the establishment of military savings banks.[182] When, in 1843, an act was passed permitting the Admiralty to acquire additional lands for enlarging dockyards, clause two explicitly declared that commissioners were empowered 'to contract for and purchase any lands within the United Kingdom of Great Britain and Ireland'.[183] Conversely, a major line of attack against Lord John Russell's proposed militia bill of 1852, was its restriction to England and Wales alone.[184] Crucially, conjoined legislative treatment did not thereby equate to the effacement of national difference: in the case of the sessional mutiny measures,

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[177] J.E. Cookson, *The British armed nation, 1793-1815* (Oxford: Oxford University Press, 1997), 126.
[178] *Return of Barracks in United Kingdom constructed for 100, 200, 300, 400 or 500 Men; Annual Expense of Staff employed for Care and Maintenance of each Barrack, PP* 1860 (171), xli, 435-40.
[179] Hew Strachan, *Wellington's legacy: the reform of the British army, 1830-54* (Manchester: Manchester University Press, 1984), 51-2; Edward Spiers, "Army organisation and society in nineteenth-century Ireland," in *A military history of Ireland*, ed. Thomas Bartlett and Keith Jeffery (Cambridge: Cambridge University Press, 1996), 336, 340.
[180] *Dockyards, &c. Return of all lands and other properties bought since the year 1840 up to the present time, in connexion with the several dockyards and other naval establishments in the United Kingdom, specifying the date of each transaction; &c., PP* 1861 (18), xxxviii, 143-4; Jerome Devitt, "The 'navalization' of Ireland: the Royal Navy and Irish insurrection in the 1840s," *The mariner's mirror* 101, no. 4 (2015): 390; see also, Jan Rüger, "Nation, Empire and Navy: Identity Politics in the United Kingdom 1887–1914," *Past and Present* 185, no. 1 (2004): 159-87.
[181] 2 & 3 William IV, c.40; C.I. Hamilton, *The making of the modern Admiralty* (Cambridge: Cambridge University Press, 2011), 62-9.
[182] 2 & 3 William IV, c.106; 4 & 5 William IV, c.25 (both payment of prize money); 5 & 6 William IV, c.24 (navy enlistment); 5 & 6 Victoria, c.71 (military savings banks); Hew Strachan, "The early Victorian army and the nineteenth century revolution in government," *English Historical Review* 95, no. 377 (1980): 783.
[183] 6 & 7 Victoria, c.58.
[184] *HPD*, 16 Feb. 1852, vol. 119, cc. 550-97.

allowance still needed to be made in certain instances for national particularity. Clauses were duly inserted in the sessional mutiny measures permitting the Irish Lord Lieutenant 'to sign routes in cases of emergency', facilitating the passage of Scottish troops over ferries at a discounted rate, and relating to the billeting of guards in and near Westminster.[185] Yet, ultimately, set within the context of the armed forces, whose institutional and occupational remit traversed all four nations of the United Kingdom, such national differences were of secondary importance. Indeed, of the 142 bills considered by the Commons between 1830 and 1852 primarily concerned with the armed forces, only eight possessed a geographical reach limited to one of the constituent nations of the United Kingdom.[186]

A similar logic of shared institutional infrastructure informed the Imperial Parliament's approach to public finance and central government. As described in Chapters 1 and 2 above, the critical steps in the creation of this multinational apparatus had already been taken prior to the 1830s and 1840s.[187] Most important was the 1816 public revenues act, by which the British and Irish treasuries formally were amalgamated, and the 'Consolidated Fund of the United Kingdom of Great Britain and Ireland' established as the government's central bank account.[188] Nearly fifty sessional statutes concerned with application of monies drawn from it and put to the service of the United Kingdom as a whole were passed between 1830 and 1852. Scarcely less significant was the merging of the British and Irish customs and excise boards in 1823, as well as those islands' stamp departments four years later.[189] In these and other initiatives, the drive towards greater political and economic integration of the four nations dovetailed with the overwhelming concern to implement far-reaching policies of retrenchment.[190] A 'smaller', more efficient 'British' state was also necessarily a cheaper one.[191] The Reform period duly extended such imperial consolidatory moves. In 1830, the three excise boards of England and Wales, Scotland and Ireland, merged in 1823 but with resident commissioners still located in each kingdom, were amalgamated into a single

[185] See, for instance, 6 & 7 William IV, c.8, ss.52, 60, 62.
[186] Of those eight, seven reached the statute book: 1 & 2 William IV, c.52 (Irish military accounts); 3 & 4 William IV, c.65 (Woolwich lands); 6 & 7 Victoria, c.31 (purchase of lands for Chelsea hospital); 11 & 12 Victoria, c.103 (Chelsea royal military asylum); 13 & 14 Victoria, c.24 (Greenwich hospital improvement); 14 & 15 Victoria, c.67 (Liverpool gunpowder stores); 15 & 16 Victoria, c.50 (English militia). The sole unsuccessful bill was *PP* 1830-31 (223), ii, 379 (Tower Hamlets militia).
[187] See pages 49-50, 89-90 above and associated footnotes for the most pertinent secondary literature attending to these developments.
[188] 56 George III, c.98.
[189] Kanter, *The making of British unionism*, 153.
[190] Philip Harling, *The waning of 'Old Corruption': the politics of economical reform in Britain, 1779-1846* (Oxford: Clarendon Press, 1996), 151, 178, 183; Philip Harling and Peter Mandler, "From 'fiscal-military' state to laissez-faire state, 1760-1850," *Journal of British Studies* 32, no. 1 (1993): 46, 52-4.
[191] For efforts at retrenchment, see, for instance, *HPD*, 23 Dec. 1830, vol. 2, cc. 83-5; *HPD*, 6 Oct. 1831, vol. 8, c. 155; *HPD*, 6 Feb. 1832, vol. 9, cc. 1323-8; see also the efforts of various MPs to create a single UK-wide board of public works: *HPD*, 15 Aug. 1831, vol. 6, cc. 70-3.

establishment London-based establishment.[192] The powers of that centralised board were redefined in 1834 under the terms of the excise management act.[193] Similarly, the customs management acts of 1833 and 1845 consolidated the relevant legislation into single, UK-wide digests.[194] Elsewhere, in related areas of central government, retrenchment and integration coincided: in 1831, a single postmaster-general was created for the entirety of the United Kingdom; in 1833, the Scottish land revenue act extended the powers of the commissioners of woods, lands, forests, works and buildings from England, Wales and Ireland to encompass the lands north of the Tweed also, whilst that nation's public revenue act of the same session took control of Scottish land and assessed taxation from the Scottish Barons of the Exchequer and vested it in the pan-'British' commissioners of taxes.[195]

Attending to such matters in joint legislative measures clearly rested on more than institutional imperatives alone, however. In the case of public finance bills, shared administrative machinery was merely the institutional manifestation of that more or less consistent, integrated free-trading zone, whose establishment had comprised one of the major impulses towards Union in 1707 and 1800.[196] Thus, whilst, as we shall see, subtly different fiscal stipulations might still be apportioned to the different constituent nations of the United Kingdom, the very act of attending to matters of public finance in shared imperial legislation lent weight not only to the notion of the economic unity of the Union-state, but also to that state acting as a more or less impartial fiscal arbiter.[197] In other words, institutional logic allied with the principle of parity to render singular, multinational statutes standard fare in this area.[198]

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[192] [Anon.], "Mourn, Ancient Caledonia!," *Blackwood's Edinburgh Magazine* 27, no. 165 (Apr. 1830): 634.
[193] 4 & 5 William IV, c.51.
[194] 3 & 4 William IV, c.52; 8 & 9 Victoria, c.85.
[195] 1 William IV, c.8 (postmaster-general); 3 & 4 William IV, c.69 (Scottish land revenue); 3 & 4 William IV, c.13 (Scottish public revenue); *HPD*, 6 Dec. 1830, vol. 1, cc. 779-80; *HPD*, 4 Feb. 1831, vol. 2, cc. 133-4.
[196] See, for instance, Linda Colley, *Britons: forging the nation, 1707-1837*, 2nd ed. (New Haven: Yale University Press, 2009), xix; Julian Hoppit, *Britain's political economies: parliament and economic life, 1660-1800* (Cambridge: Cambridge University Press, 2017), 123; Jackson, *The two unions*, 58-64, 71-77.
[197] Philip Harling, "Equipoise Regained? Recent Trends in British Political History, 1790-1867," *Journal of Modern History* 75, no. 4 (2003): 905-6; Martin Daunton, *Trusting Leviathan: the politics of taxation in Britain, 1799-1914* (Cambridge: Cambridge University Press, 2001), 28, 59-61, 75; William J. Ashworth, *Customs and excise: trade, production, and consumption in England, 1640-1845* (Oxford: Oxford University Press, 2003), 374-8; Jonathan Parry, "The Decline of Institutional Reform in Nineteenth-Century Britain," in *Structures and Transformations in Modern British History*, ed. David Feldman and Jon Lawrence (Cambridge: Cambridge University Press, 2011), 165.
[198] The notion of the parity principle is taken from Greer and Nicolson, *The Factory Acts in Ireland*, 6.

As a result, customs and excise legislation during the Reform period, amounting to some 140 bills, or 38% of all public finance legislation was almost entirely four nations-wide in scope. Of those 140 bills, no less than 129 fell into this UK-wide bracket, including measures of the 1830s for regulating the duties on candles, wine and hops, glass, tiles, tea and starch, timber, paper and bricks.[199] Repercussions for the infringements of these imperial statutes were likewise detailed in imperial measures: thus, the extensive smuggling acts passed in 1833 and 1845 duly embraced all four nations.[200] Other measures sought to consolidate and extend the imperial character of the United Kingdom's fiscal apparatus: the preamble of the 1832 permits act, for example, explicitly stated that it was 'expedient that…the separate…forms of [excise] permit' required in Great Britain and Ireland should be 'uniform'.[201] Similarly, amid the various stipulations of the 1841 excise collection and management measure was a clause requiring the appointment of a comptroller and auditor of excise to be appointed for the whole of the United Kingdom.[202]

As with the various military bills, conjoined legislation did not thereby mean attunement to national variations was relinquished. In particular, when it came to the measures remodelling the various customs and excise duties, it was not uncommon for enclosed schedules to draw distinctions between the component nations of the United Kingdom. The tallow candles act of 1831 and the 1840 soap duties act, for instance, both contained specific regulations concerning the importation and exportation of hard soaps between Ireland and Great Britain.[203] Similarly, section 23 of the 1833 smuggling act explicitly rescinded the necessity for lugger boat licenses 'on the coasts of the North and West Highlands of Scotland…[or] on the coast of Ireland'.[204] The 1845 customs regulation act ruled that transires were permitted to be granted to any ships engaged in the coasting trade on the Severn, Humber and Firth of Forth.[205] Of course, even when not spelled out so explicitly, decisions as to which items the state's attention would be bestowed upon possessed important national contours. Budgets were in part an economic balancing act between the interests of the four nations.[206] As Thomas Spring Rice privately counselled during preparations for the 1831 budget,

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[199] 1 & 2 William IV, c.19 (candles); 1 & 2 William IV, c.30 (wine); 1 & 2 William IV, c.53 (hops); 2 & 3 William IV, c.102 (glass); 3 & 4 William IV, c.11 (tiles); 3 & 4 William IV, c.101 (tea); 3 & 4 William IV, c.17 (starch); 5 & 6 William IV, c.40 (timber); 6 & 7 William IV, c.52 (paper); 2 & 3 Victoria, c.24 (bricks).
[200] 3 & 4 William IV, c.53; 8 & 9 Victoria, c.87.
[201] 2 & 3 William IV, c.16, s.1.
[202] 4 & 5 Victoria, c.20, s.14.
[203] 1 & 2 William IV, c.19, ss.1, 6 (tallow candles); 3 & 4 Victoria, c.49, ss.55-68 (soap duties).
[204] 3 & 4 William IV, c.53, s.23.
[205] 8 & 9 Victoria, c.86, ss.121-3.
[206] H.C.G. Matthew, "Disraeli, Gladstone, and the politics of mid-Victorian budgets," *Historical Journal* 22, no. 3 (1979): 615; Philip Harling, "Equipoise Regained?," 906; see also, David Eastwood, "'Recasting our lot': Peel, the nation, and the politics of interest," in *A union of multiple identities: the*

> if our finances admit of reduction, care should be taken that relief should be given to both parts of the Empire [i.e. Britain and Ireland]. Coals would answer this category. But if soap, candles or printed goods are to be freed from duty here [i.e. Britain], something should be done for Ireland.[207]

Sure enough, in delivering the Budget in February 1831, Lord Althorp explicitly presented the proposed reduction in coal duties as evidence that the ministry were not 'lukewarm to the interests of Ireland'.[208] Calibrating the spirit duties between England, Scotland and Ireland was likewise a topic which had the potential to spawn a considerable amount of national animus throughout the 1830s and 1840s.[209] Nevertheless, if certain nations were more or less affected in practice, the fact that the bulk of the fiscal legislation of the Reform era was dispensed in single imperial statutes made manifest the notion of the Union-state as a disinterested, impartial, truly imperial, economic arbiter.[210]

The value of maintaining this 'parity principle' in public finance legislation was demonstrated most forcefully in those instances when it did not do so. Legislation concerning the so-called assessed taxes – imposts levied on formerly excisable, typically 'luxury', goods – provided some 22% (24 acts out of 107) of the ever-dwindling output of legislation possessing a solely British remit and were, in consequence, a frequent cause of complaint amongst English, Welsh and Scottish Members.[211] In 1853, William Macgregor deemed 'The justice…of this *exemption* in *one* [i.e. Ireland], and of *liability* in the *other two*

British Isles, 1750-1850, ed. Laurence W. B. Brockliss and David Eastwood (Manchester: Manchester University Press, 1997), 35-6; Douglas Kanter, "The Politics of Irish Taxation, 1842-53," *English Historical Review* 127, no. 528 (2012): 1121-53; for the role of the 1830 budget in fomenting the movement for the repeal of the Union, see Martin McElroy, "The 1830 budget and repeal: parliament and public opinion in Ireland," *Irish Historical Studies* 36, no. 141 (2008): 38-52; see also Daniel O'Connell's complaints about Irish neglect in the 1834 budget, *HPD*, 14 Feb. 1834, vol. 21, c. 378.

[207] Thomas Spring Rice to Lord Lansdowne, 30 Dec. 1830, Bowood papers, BL, Add. MS. 88906/09/015 fol. 55; Lord Grey to Lord Anglesey, 16 Aug. 1831, Anglesey papers, PRONI, D619/28/A/71.

[208] *HPD*, 11 Feb. 1831, vol. 2, c.410.

[209] For national tensions over the spirit duties, see *HPD*, 5 Aug. 1831, vol. 5, cc. 825-6; *HPD*, 17 Feb. 1832, vol. 10, cc. 522-5; *HPD*, 25 Jul. 1834, vol. 25, cc. 507-43; *HPD*, 10 Mar. 1835, vol. 26, cc. 775-6; *HPD*, 9 Feb. 1847, vol. 90, cc. 1004-5; Brian Harrison, *Drink and the Victorians the temperance question in England, 1815-1872*, 2nd ed. (Staffordshire: Keele University Press, 1994), 64-5; see also Gladstone's comments on the subject in 1853, *HPD*, 18 Apr. 1853, vol. 125, cc. 1399-1401, and the correspondence sent to Lord Naas in 1850 by Irish distillers: William Jameson to Lord Naas, 4 June 1850, Mayo papers, NLI, MS. 11,041; [Anon.], *Report of the discussions in parliament on the customs' duty reduction acts, (on rum and other colonial spirits) passed I sessions 1847 and 1848, with observations thereon, in a letter to the distillers of Ireland* (Dublin: Thomas I. White, 1849), iv-xv.

[210] Philip Harling, *The modern British state: an historical introduction* (Cambridge, MA: Polity and Blackwell, 2001), 83-4; Rose, *Understanding the United Kingdom*, 129; James Graham to Lord Lincoln, 8 Jan. 1846, Newcastle papers, University of Nottingham, NeC 11,913.

[211] Ashworth, *Customs and excise*, 351; see R.A. Christopher's motion of June 1840: *HPD*, 1 June 1840, vol. 54, cc. 790-800; the subject was raised again during debates in 1848 on the question of the extension of the income tax to Ireland, *HPD*, 17 Mar. 1848, vol. 97, cc. 701-65; see also *Scotsman*, 30 Apr. 1853, 2.

of the *three united kingdoms*' as a 'task requiring powers of more than ordinary ability to defend'.[212] Irish exemption from the land tax prompted similar British disquiet, and in his work of 1847, *Taxation revised and national progress*, Thomas Furnivall duly pressed for that impost to be imposed on the island.[213]

The clearest example, however, of the potential perils risked by imposing public finance legislation on a geographical basis less than that of the United Kingdom was unquestionably presented in the repeated exemption of Ireland from the reimposed income tax in 1842. As early as 1833, when Althorp had threatened the revival of the imposition were the house and window taxes to be repealed, the necessity of its application across the whole of the United Kingdom had been seen by all, including Peel himself, as one of its gravest consequences.[214] Nevertheless, in 1842, Peel justified Ireland's exemption on the grounds that that nation lacked the machinery by which such an impost could be collected.[215] Recognising the perils of such partial fiscal legislation, however, Peel deliberately counterweighted Irish exemption by increasing that nation's stamp and spirit duties, and remitting assessed taxation in Britain in various particulars.[216] 'As no part of the Empire will be more benefited by the reductions which I am about to propose than Ireland, and as Ireland is united with this country, I think Ireland ought to bear a fair proportion of the public charges', reasoned Peel.[217] Nevertheless, as we shall see in Chapter 6, Irish fiscal exceptionalism proved a cause of festering resentment which boiled over during the Famine. In March 1848, Benjamin Hall (Marylebone) moved to extend the income tax to Ireland on the explicit grounds that 'as long as a vast burden of taxation was imposed on England, from which Ireland was altogether free, Irishmen could have no claim to call on the Imperial Treasury for assistance as a right'.[218] In many respects, the corollary of sub-four-nations legislative treatment in 1842 was the rate-in-aid measure of March 1849, whereby Ireland was expected to deal with its Famine-stricken poor out of its own resources.[219] 'Had Ireland permitted herself to be regarded as a part of England [sic] [i.e. subjected to the income tax]…[Famine] relief would have been obtained, not by the multiplication of rates upon its prostrate inhabitants, but by

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[212] William Macgregor, *A synthetical view of the results of recent financial and commercial legislation* (London: James Ridgway, 1853), 255.
[213] Thomas Furnivall, *Taxation revised and national progress* (London: Unwin, 1847), 17-18.
[214] *HPD*, 19 Apr. 1833, vol. 17, c. 344; see also Robinson's comments, *HPD*, 26 Mar. 1833, vol. 16, c. 1085.
[215] *HPD*, 11 Mar. 1842, vol. 61, cc. 444-5; Kanter, "The Politics of Irish Taxation," 1123.
[216] Stafford Northcote, *Twenty years of financial policy: a summary of the chief financial measures passed between 1842 and 1861, with a table of budgets* (London: Saunders, Otley, 1862), 19-20; Eastwood, "'Recasting our lot," 35-6; Kanter, "The Politics of Irish Taxation," 1126.
[217] *HPD*, 11 Mar. 1842, vol. 61, c. 445.
[218] *HPD*, 17 Mar. 1848, vol. 97, c. 713.
[219] Kanter, "The Politics of Irish Taxation," 1135-7; Gray, *Famine, land and politics*, 313-17; for a long editorial reflecting on the implications for the Union of the Russell ministry's rate-in-aid measure, see *Morning Chronicle*, 24 Apr. 1849, 5-6.

advances from the Imperial Treasury', rued Robert Torrens in his tract of 1852, 'Finance and trade'.[220] As Kanter has thus rightly noted, in resolving to extend the income tax to Ireland, Gladstone's 1853 budget truly was a 'watershed in the Anglo-Irish financial relationship, encouraging a return to the policy of fiscal assimilation that had been pursued by the Pittite ministries of the early nineteenth century'.[221] To put it another way, in 1853 fiscal legislation was shorn of the exceptional national dimensions it had accrued in the decade since 1842, and firmly re-established on its more stable, four-nations-wide footing.

Legislating for the Union: law and order reform

In spite of Scotland's unique legal traditions, and the wide divergence between English and Irish societal circumstances, some 173 bills, and 114 statutes, concerned with law and order *did* straddle one or more of the three kingdoms between 1830 and 1852. Most common was joint Anglo-Irish treatment, reflecting both their shared common law heritage and the pervasiveness of the conviction held by parliamentarians of all political hues that it was in the alignment of statute law across the two countries that Ireland might eventually become 'a kind of duplicate Britain of the West'.[222] Indeed, in 1838, Daniel O'Connell expressed a willingness to embrace the Union were it to deliver an 'identity of laws, an identity of institutions, and an identity of liberties'.[223]

Efforts at Anglo-Irish legal concordance were especially notable in the field of criminal law, which saw acts passed concerning offences against the person (1837), defamation and libel (1843, 1845), the burning of farm buildings (1844), the sending of threatening letters (1847) and the enlargement of JPs' powers of summary jurisdiction in cases of larceny (1850).[224] Though ultimately all unsuccessful, single Anglo-Irish bills relating to fraud were introduced annually between 1830 and 1832, as were measures concerning arson (1834), and

[220] Robert Torrens, *Tracts on finance and trade* (London: Chapman and Hall, 1852), 35.
[221] Kanter, "The Politics of Irish Taxation," 1153; Matthew, "Disraeli, Gladstone, and the politics of mid-Victorian budgets," 627, 631.
[222] K. Theodore Hoppen, *Governing Hibernia: British politicians and Ireland 1800-1921* (Oxford: Oxford University Press, 2016), 2.
[223] M.F. Cusack, ed., *The speeches and public letters of the Liberator: with preface and historical notes*, 2 vols. (Dublin: McGlashan and Gill, 1875), I, 523.
[224] The statutes in question are: 7 William IV & 1 Victoria, c.85 (offences against the person); 6 & 7 Victoria, c.96 (defamation); 8 & 9 Victoria, c.75 (libel); 7 & 8 Victoria, c.62 (burning of farm buildings); 10 & 11 Victoria, c.66 (sending of threatening letters); 13 & 14 Victoria, c.37 (larceny); Garnham, "The limits of English influence on the Irish criminal law," 100; Neal Garnham, "The criminal law, 1692-1760: England and Ireland compared," in *Kingdoms united? Great Britain and Ireland since 1500: integration and diversity*, ed. Sean J. Connolly (Dublin: Four Courts, 1998), 216-24; Samuel Warren, *A popular and practical introduction to law studies and to every department of the legal profession*, 3rd ed., 2 vols. (London: William Maxwell, 1863), II, 1440.

manslaughter (1842).[225] Numerous joint English and Irish bills reforming the laws of libel were brought in throughout the 1830s and 1840s.[226]

Closely allied with these alterations in substantive criminal law were reforms in punitive regulations. The principal fruits in this area were reaped in the 1837 session when Home Secretary Lord John Russell passed four Anglo-Irish statutes removing the death penalty in cases of burglary, arson and robbery; and the sentence of transportation in the case of forgery.[227] Interestingly, here one can trace the Imperial Parliament undertaking a process of gradual geographical refinement in its legislative activities. In the case of the measure seeking to amend the law of arson, in its first printed form only existing Anglo-Welsh legislation on the subject was cited.[228] During committee, however, geographical horizons widened: by the time the bill was reprinted, to the aforementioned English citation was added the parallel Irish measure passed in the following year.[229] Similar Irish 'expansions', presumably the result of national legal expertise being brought to bear on the subject, occurred in the burglary and robbery measures too.[230] Scottish inclusion, it appears, was likewise considered. In June 1837, Russell's secretary in the home office wrote to the Lord Advocate explaining Scotland's absence in the various criminal law amendment bills as the result of it being 'understood…that you [i.e. John Murray] thought it better to omit Scotland altogether…and the bills have passed in that way'.[231]

Anglo-Irish legislative coordination was also attempted with respect to property law. The 1833 limitation of actions statute fixed twenty years as the normal limitation period for recovering lands across England, Wales and Ireland alike, and established ejectment as the sole remedy for the recovery of possession.[232] Four years later, the wills act unified those nations' previously separate legislative dispensations.[233] Whilst other bills of the 1830s dealing with dowers and escheats likewise spanned the Irish Sea, it was from the mid-1840s

[225] *PP* 1830-31 (143), i, 63; *PP* 1831 (7), i, 669; *PP* 1831-32 (339), ii, 91 (all fraud); *PP* 1834 (327), i, 437 (arson); *PP* 1842 (228), iii, 187 (manslaughter).
[226] See, for instance: *PP* 1833 (136), iii, 35 and *PP* 1837 (75), iii, 329; acts originating in the Lords concerning libel with an Anglo-Irish remit were passed in 1843 (6 & 7 Victoria, c.96) and 1845 (8 & 9 Victoria, c.75).
[227] 7 William IV & 1 Victoria, c.86 (burglary); 7 William IV & 1 Victoria, c.89 (arson); 7 William IV & 1 Victoria, c.87 (robbery); 7 William IV & 1 Victoria, c.90 (forgery); Scherer, *Lord John Russell*, 90-1.
[228] *PP* 1837 (184), ii, 649. The Anglo-Welsh measure cited was the 7 & 8 George IV, c.30, consolidating and amending the laws in England relative to malicious injuries to property.
[229] *PP* 1837 (345), ii, 655. The cited Irish statute added during the committee stage was the 9 George IV, c.56.
[230] *PP* 1837 (182), ii, 661; *PP* 1837 (343), ii, 665 (burglary); *PP* 1837 (181), ii, 725; *PP* 1837 (342), ii, 729 (robbery).
[231] Charles Gore to John Murray, 20 June 1837, Lord Advocate's Office papers, NRS, AD58/254.
[232] 3 & 4 William IV, c.27.
[233] 7 William IV & 1 Victoria, c.26; Brady, "Legal development, 1801-1879," 454-5.

that joint Anglo-Irish treatment in property law experienced a notable quickening of pace: where the fourteen-year period between 1830 and 1844 had seen a total of 17 English and Welsh and Irish property law bills introduced to the Commons, the eight years between 1844 and 1852 witnessed some 36.[234] In 1845 alone four major statutes were passed – the conveyance of property act, the real property amendment act, the assignment of satisfied terms act and the granting of leases act – which together redefined the law of property and its instruments in England and Ireland.[235]

Nevertheless, this was an area of policy in which treading the line between assimilative impulses and a separatist pragmatism, reflective of the two kingdoms' very different social and economic circumstances, was frequently productive of tension. Such frictions were certainly on view between 1845 and 1852, when at least fourteen measures concerning tenant right were considered by the Commons, of which two were limited purely to England and Wales, nine to Ireland alone, and three to England, Wales and Ireland combined.[236] The measures applicable to one kingdom only inevitably prompted comparative considerations: drawing up the Irish bill set to be introduced in 1848, Lord Clarendon reassured an anxious correspondent that, with an English and Welsh bill likewise in the offing, he 'quite agree[d]…that no principle should be admitted [in Ireland] that in England would be pronounced inadmissible'.[237] By the same token, in late 1849, Chief Secretary Sir William Somerville expressed doubt on the terms of a new compulsory Irish measure for the forthcoming 1850 session, considering that 'Mr [Philip] Pusey's Bill of last Session, which was only of a permissive nature…was not allowed to pass'.[238] When an exclusively Irish bill *was* introduced in 1850, its principal assailants focused on the departure from English principles that its provisions for the abolition of distraint of crops represented: 'They would not attempt such a measure for England', chided Torrens McCullagh (Dundalk), 'and they wronged the people of Ireland, when they imposed upon them a yoke greater than they themselves were willing to bear'.[239] Yet, when joint initiatives were attempted, hesitance and wariness were exhibited on both sides. It was with 'some reluctance' in March 1849 that

[234] 3 & 4 William IV, c.105 (dower); 4 & 5 William IV, c.23 (escheats).
[235] 8 & 9 Victoria, c.106 (real property); 8 & 9 Victoria, c.112 (satisfied terms); 8 & 9 Victoria, c.119 (conveyance of land); 8 & 9 Victoria, c.124 (satisfied terms); see E.V. Neale, *The real property acts of 1845* (London: V. & R. Stevens and G. S. Norton, 1845).
[236] English and Welsh bills: *PP* 1847 (46), i, 11; *PP* 1847-48 (104), i, 187; Irish bills: *PP* 1845 (578), vi, 177; *PP* 1846 (383), ii, 367; *PP* 1847 (127), iv, 85; *PP* 1847-48 (106), iv, 25; *PP* 1847-48 (155), iv, 551; *PP* 1850 (64), iii, 489; *PP* 1850 (431), viii, 323; *PP* 1850 (551), iii, 529; *PP* 1852 (47), iv, 369; English, Welsh and Irish bills: *PP* 1849 (84), iv, 17; *PP* 1850 (97), iii, 475; *PP* 1851 (179), iv, 1 – this latter bill was enacted as 14 & 15 Victoria, c.25.
[237] Lord Clarendon to Lord Clanricarde, 9 Sep. 1847, Clarendon papers, Bodleian Library, MS. Clar. Dep. Irish vol. 1.
[238] Sir William Somerville to Lord Clarendon, 27 Aug. 1849, Somerville papers, NLI, MS. 46,755/2, fos. 85-6.
[239] *HPD*, 6 Aug. 1850, vol. 113, c. 899.

Philip Pusey (Berkshire) consented to the extension of the provisions of his Anglo-Welsh tenant right measure to Ireland also; when he did so again with a similar bill the following session, he explicitly declared that 'it had not been his wish to legislate for Ireland on the subject', but that he had been persuaded to do so.[240] Numerous Irish Members, in turn, duly declared Ireland's 'unmeaning insertion…in a Bill solely applicable to England…as something like an insult and a mockery'.[241]

Yet, joint Anglo-Irish law and order measures were not the sole currency in which multinational legislation in this area dealt. Between 1830 and 1852, some 83 bills encompassing all four nations received consideration by the Commons on this subject. Most addressed punishments, since here jurisprudential niceties could be largely avoided.[242] As one Lord Advocate later observed, 'In countries acknowledging the same sovereignty, there must be substantial identity, not only in the definition of what constitutes criminality, but in the punishment appropriated to different crimes'.[243] Acts abolishing the death penalty for forgery (1832 and 1837) and letter stealing (1835), and outlawing the hanging of prisoners in chains (1834), and the use of the pillory (1837) thus took effect uniformly across the United Kingdom.[244] But so too, more substantively, did the 1832 prevention of embezzlements act and the piracy amendment and post office offences acts of 1837.[245] Clearly, then, whether embodied in Anglo-Irish or pan-British and Irish measures, criminal law and its punishments formed one important strain of multinational legislation during the Reform era, as it had during the 1820s.[246] The advantages of legislative synchronicity in this area, and, conversely the injustices borne of 'diverse, discrepant and contrasted systems…on either bank of the Tweed', were powerfully illustrated in 1838 when the Glasgow spinners were sentenced to seven years' transportation for conspiracy in restraint of trade – a crime which would have earned a mere three-month sentence had it been perpetrated south of the Tweed.[247]

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[240] *HPD*, 28 Mar. 1849, vol. 103, c. 1446; 2 Jul. 1850, vol. 112, cc. 850-1.
[241] *HPD*, 2 Jul. 1850, vol. 112, cc. 854-5.
[242] Connolly, "Unnatural Death in Four Nations: Contrasts and Comparisons.", 201; see also, *Report of the Capital Punishment Commission; together with the minutes of evidence and appendix, PP* 1866 (3590), xxi, 661.
[243] John McLaren, "Jurisprudence and the amendment of the law," *Transactions of the National Association for the Promotion of Social Science*, Edinburgh meeting (1880): 42-3.
[244] 2 & 3 William IV, c.123; 7 William IV and 1 Victoria, c.84 (both forgery); 5 & 6 William IV, c.81 (letter stealing); 4 & 5 William IV, c.26 (hanging in chains); 7 William IV 7 1 Victoria, c.23 (pillory); *HPD*, 31 Jul. 1832, vol. 14, c. 973.
[245] 2 & 3 William IV, c.4 (embezzlement); 7 William IV and 1 Victoria, c.88 (piracy); 7 William IV and 1 Victoria, c.36 (post office offences).
[246] John Hostettler, *The Politics of Criminal law: reform in the nineteenth century* (Chichester: Barry Rose, 1992), *passim*; Innes, "Legislating for three kingdoms," 37; for Peel's assimilation efforts in the 1820s, see Parry, *The rise and fall of Liberal government in Victorian Britain*, 38; Beales, "Peel, Russell and Reform," 489-90.
[247] *HPD*, 15 Feb. 1838, vol. 40, c. 1128.

It was in the realm of intellectual property law that legal legislation took on its most consistently four nations complexion. Of the 38 bills introduced to the Commons principally concerned with such matters, all bar three embraced the United Kingdom as a whole. Such a pronounced degree of legislative 'connectedness' in large part reflected the status of copyright and patent law as relatively embryonic areas of jurisprudence, stimulated largely by the technological and commercial changes instigated by the Industrial Revolution.[248] Indeed, in 1835, the lawyer-MP William Tooke (Truro) declared that, so far as the United Kingdom was concerned, 'there was no law of patents'.[249] Consequently, intellectual property law possessed comparatively shallow roots, neither burdened by centuries-old accretions of former legislation, nor too tightly intermeshed with longstanding historic legal principles.[250] As importantly, intellectual property law's inextricable relationship to questions of manufacture and commerce, ensured that measures touching upon that subject possessed the same integratory logic as applied to fiscal legislation. Thus, one of the major features of the designs act of 1839, which extended copyright protection to most areas of the decorative and ornamental arts across the United Kingdom, was the establishment of a central British and Irish designs registry, initially tied to the Board of Trade.[251] The subsequent ornamental designs act of 1842 and utility designs act of 1843 were similarly imperial in scope.[252]

If anything, the four nations dimensions of patent law were even more prominent as one of the central grievances on the subject lay precisely in the existing maintenance of separate patent jurisdictions in each of the three kingdoms.[253] That circumstance not only necessitated time- and money-consuming applications to each, should an inventor wish to register a patent across the United Kingdom, but also raised a host of thornier legal questions concerning the relations of these separate patents.[254] Was it possible, for instance, to patent an invention in one portion of the United Kingdom when it had already been published or used in public in another? In 1834, the court of Common Pleas affirmed the legality of an English patent even though the invention in question had been used in Scotland prior to its

[248] Brad Sherman and Lionel Bently, *The making of modern intellectual property law: the British experience, 1760-1911* (Cambridge: Cambridge University Press, 1999), 3-4, 61-2.
[249] *HPD*, 13 Aug. 1835, vol. 30, c. 466.
[250] See William Cornish et al., ed., *The Oxford history of the laws of England: volume 13, 1820-1914, fields of development* (Oxford: Oxford University Press, 2010), 979-83; H.I. Dutton, *The patent system and inventive activity: during the industrial revolution, 1750-1852* (Manchester: Manchester University Press, 1984), *passim*.
[251] 2 & 3 Victoria, c.17; Cornish, *The Oxford history of the laws of England: volume 13*, 979-80; Sherman and Bentley, *The making of modern intellectual property law*, 64-66.
[252] 5 & 6 Victoria, c.100 (ornamental designs); 6 & 7 Victoria, c.65 (utility designs).
[253] *HPD*, 19 Feb. 1833, vol. 15, c. 988; 27 May 1852, vol. 121, cc. 1226-7.
[254] Dutton, *The patent system and inventive activity*, 34-5, 48.

patent being sealed south of the border.[255] As a result of these and other legal ambiguities, which ensured that between 1838 and 1847 a mere 16% of patents taken out were applicable across all three kingdoms, the creation of a single centralised patent office issuing 'one Patent in one United Kingdom' became a common call across the 1830s and 1840s.[256] It formed the centrepiece of Richard Godson's letters patent for inventions measures of 1833, and featured prominently in William Mackinnon's slew of bills introduced annually between 1836 and 1839.[257] Following the passage of the patent law amendment act in 1852, a single centralised patent office encompassing the entirety of the United Kingdom was finally established. Within that establishment operated the commissioners of patents, comprised, as Joseph Henley explained to the Commons,

> of the Master of the Rolls, with the law officers of Ireland, Scotland, and England, so that a Scotchman applying for a patent could make reference to the Scotch law officers, and an Irishman to the Irish law officers; and there could be no doubt that each case would be adjudicated upon in accordance with the particular law and custom of the country from which it proceeded.[258]

Similarly imperial in scope were the various legislative efforts at reform of the copyright laws, most notably Edward Bulwer-Lytton's dramatic copyright act of 1833 and the statute of 1842, arising from Serjeant Talfourd's annual measures of 1837-41, which encompassed copyright in writing and musical compositions.[259]

Driven by integratory impulses aimed at establishing commercial homogeneity across the Union, reforms in intellectual property law thus represented one of the most auspicious subjects for multinational treatment. For similar reasons of mercantile logic, so too did commercial and company law. The trading companies act of 1834 and the chartered companies act of 1837 endowed the crown with powers to grant partial incorporation through letters patent, and formed part of a larger UK-wide movement towards the concept

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[255] Sean Bottomley, *The British patent system and the industrial revolution, 1700-1852: from privilege to property* (Cambridge: Cambridge University Press, 2014), 163-4.
[256] Julius Ludolphus Schroder, "Observations upon Mr Mackinnon's bill, 'To amend the practice relating to letters patent for inventions,' &c. respectfully addressed to the consideration of Members of the Legislature," *The London Journal of Arts and Sciences; and repertory of patent inventions* 10 (1837): 109-110; Dutton, *The patent system and inventive activity*, 35.
[257] *PP* 1833 (34), iii, 169; *PP* 1833 (497), iii, 177 (both Godson's letters patent bills); Mackinnon's bills were *PP* 1836 (348), iv, 513; *PP* 1837 (40), iii, 315; *PP* 1837-38 (71), i, 27; *PP* 1839 (31), iv, 363.
[258] *HPD*, 27 May 1852, vol. 121, cc. 1226-7; the patent law amendment act reached the statute book as 15 & 16 Victoria, c.83.
[259] 3 & 4 William IV, c.15 (dramatic copyright); 5 & 6 Victoria, c.45 (literary and musical copyright); Catherine Seville, "Edward Bulwer Lytton dreams of copyright: 'it might make me a rich man'," in *Victorian literature and finance*, ed. Frank O'Gorman (Oxford: Oxford University Press), 55-72; Catherine Seville, *Literary copyright reform in early Victorian England: the framing of the 1842 Copyright Act* (Cambridge: Cambridge University Press, 1999), 29-30, 141, and *passim*.

of registration as a substitute for petition to the state. Both applied explicitly to all four nations, and, as Taylor has shown, were taken advantage of by companies from all four.[260] Nevertheless, further efforts at four nations uniformity were stymied by a fundamental bifurcation in legal tradition between Scotland, where partnerships of all types, incorporated or otherwise, enjoyed legal personalities distinct from their stockholders, and England, Wales and Ireland where they did not.[261] It is to these different historic legal trajectories that several historians have pointed in order to explain Scotland's exclusion from the major Anglo-Irish statute of 1844 providing for the registration and regulation of all joint stock companies possessing in excess of 25 partners.[262] 'It did not apply, and did not much need to be applied, to Scotland', remarked H. A. Shannon.[263] Scotland simply had 'much less need' for such statutes, agreed Campbell.[264] More recently, Freeman, Pearson and Taylor have expressed reservations about these views – and at the time, parliamentary consideration certainly *was* given to including Scotland within the compass of the measure though the subject was dropped at the behest of the Lord Advocate Duncan McNeill.[265] Moreover, in the aftermath of the enactment of the joint stocks companies act, the *Scotsman* expressed considerable surprise at its nation's omission: 'The question which naturally occurs', ran the editorial, 'is, why, in the case of a measure…said to be of a very beneficial character, designed for the protection of sound bona fide trading companies, and for the detection of fraud, Scotland should be excluded from its benefits?'[266]

Measures such as the 1844 joint stock companies act highlighted one of the principal legislative fault-lines of the Reform era: the point at which entrenched national legal principles and practices ran up against the realities of a rapidly commercialising and increasingly interconnected United Kingdom. In a 'commercial island, where the transference of goods is carried on to an extent almost unlimited – where English and Scottish merchants have establishments in every town and district on both sides of the Tweed

[260] 4 & 5 William IV, c.94 (trading companies); 7 William IV & 1 Victoria, c.73 (chartered companies); James Taylor, *Creating capitalism: joint-stock enterprise in British politics and culture, 1800-1870* (Woodbridge: Boydell for the Royal Historical Society, 2006), 104; Ron Harris, *Industrializing English law entrepreneurship and business organization, 1720-1844* (Cambridge: Cambridge University Press, 2000), 274-77.
[261] J. D. Turner, *Banking in crisis: the rise and fall of British banking stability, 1800 to the present* (Cambridge: Cambridge University Press, 2014), 37; Mark Freeman, Robin Pearson, and James Taylor, "'Different and Better?' Scottish Joint-Stock Companies and the Law, c. 1720-1845," *English Historical Review* 122, no. 495 (2007): 61-8; Mark Freeman, Robin Pearson, and James Taylor, *Shareholder democracies? Corporate governance in Britain and Ireland before 1850* (Chicago: Chicago University Press, 2012), 21-32.
[262] 7 & 8 Victoria, c.110.
[263] Qu. in Freeman, Pearson, and Taylor, "'Different and Better?," 67.
[264] *Ibid*.
[265] *Ibid*., 67-8; *HPD*, 10 Jul. 1844, vol. 76, c. 558.
[266] *Scotsman*, 18 Dec. 1844, 3.

– where almost every joint stock company is composed of English and Scottish partners' narrowly national laws appeared at best anachronistic, and at worst positively deleterious.[267] As the *Scotsman* noted of the 1844 act, it was not even the case that Scotland had been excluded from the terms of measure, since 'Every company in Scotland which has a branch in England comes under its operation'. 'Whatever confusion and difficulty there may therefore be in the adaptation to ourselves of a measure first intended for England', concluded the editorial, 'is thus let in upon us'.[268]

The diffraction of bankruptcy legislation down separate national lines was increasingly assailed for precisely the same reasons of geographical limitation. The 1836 Irish bankruptcy act, the 1839 Scottish sequestration act, and the 1849 Anglo-Welsh bankruptcy consolidation act, all necessarily had recourse to numerous convoluted clauses attending to procedure when forfeited property resided outside of national borders.[269] Small wonder that by the close of the Reform period, such legislative fissiparousness was the subject of increasing complaint from a cross-border mercantile interest amongst whom commercial dictates overpowered legal tradition.[270] A newly-convened committee of London merchants trading with Scotland opined against 'The evils resulting from the conflicting systems of bankruptcy prevailing in England and Scotland' and urged the necessity for 'one uniform system of law, by which the transactions of the whole commercial community might be regulated'.[271] Under the aegis of the Law Amendment Society, a mercantile law conference was held in London in November 1852 for forwarding that very aspiration, attended by committees of merchants from Glasgow, Paisley, Dundee, Aberdeen, Carlisle and Liverpool.[272] In its aftermath, a parliamentary commission was appointed 'to inquire and ascertain how far the mercantile laws in the different parts of the United Kingdom of Great Britain and Ireland may be advantageously assimilated'.[273] Though national pride ultimately obstructed the assimilation

[267] *Morning Chronicle*, 17 Sep. 1852, 7.
[268] *Scotsman*, 18 Dec. 1844, 3.
[269] The relevant sections of those statutes are: 6 & 7 William IV, c.14, ss.41, 43, 78, 81 (Ireland); 2 & 3 Victoria, c.41, ss.27, 50, 68, 81 (Scotland); 12 & 13 Victoria, c.106, ss.110-111 (England and Wales).
[270] Geoffrey Russell Searle, *Morality and the market in Victorian Britain* (Oxford: Clarendon Press, 1998), 87-91.
[271] *Report and suggestions addressed to the mercantile community of the United Kingdom by the London committee of merchants and others associated for the improvement of the commercial and bankruptcy laws of Scotland, and the assimilation of those laws in England and Scotland* (London: Longman, Brown, Green and Longmans, 1852), 7-8; for reports of other meetings on the same subject across the country see, *Belfast Mercantile Register*, 22 June 1852, 2, 5; *Worcestershire Chronicle*, 29 Sep. 1852, 6; *Glasgow Herald*, 15 Nov. 1852, 5; *Glasgow Herald* 19 Nov. 1852, 6; *Leeds Mercury*, 20 Nov. 1852, 6.
[272] Lawrence Goldman, *Science, Reform, and Politics in Victorian Britain: The Social Science Association 1857–1886* (Cambridge: Cambridge University Press, 2002), 36-7.
[273] The royal commission reported in 1854 (*PP* 1854 (1791), xxvii, 445ff.) and in 1855 (*PP* 1854-55 (1977), xviii, 653ff.); Lobban, "Reshaping private law in Victorian Britain," 349-52; Hutchison, "Anglo-Scottish Political Relations in the Nineteenth Century, c. 1815-1914," 253.

of bankruptcy law until 1869, the passage of the four nations joint stock companies act in 1856 represented a notable legislative milestone in the commercial integration of Britain and Ireland.[274]

Legislating for the Union: economic and social reform

In light of the aforementioned concerns of legislators to present the Union as one underpinned by fiscal impartiality and fair play, it is unsurprising to find a significant quantity of measures concerning the closely related subjects of internal and external trade likewise possessing a remit extending across more than one nation. The statutes of 1833 and 1849 providing for the encouragement of British and Irish shipping and for the repeal of the navigation acts respectively, dealt with the United Kingdom as a single, homogenous free-trading geographical unit, clearly delineating what persons were to be deemed 'British subjects' and what vessels were to be deemed 'British vessels'.[275] Moreover, besides adhering to this integratory impulse, securing commercial compatibility and uniformity across the United Kingdom made as much sense here as in the cases of intellectual property or bankruptcy law.[276] The various weights and measures bills of 1833-1835 and 1850 were thus all four nations in scope, and all designed to maintain a degree of homogeneity upon commercial transactions across the United Kingdom.[277] Here, the value of legislative uniformity cut across potential administrative obstacles, producing clauses akin to section 21 of the 1835 weights and measures act, wherein it was decreed that:

> in England and Wales the magistrates at Quarter Sessions assembled, and in Scotland the Justices of the Peace, at a meeting called by the Sheriff, and in Ireland the Grand Jury of each County…shall procure, for the use of inspectors, good and sufficient stamps for the stamping or sealing all Weights and Measures…[278]

Similarly, the 1847 markets and fairs clauses consolidation act ensured future markets across all four nations would adhere to broadly uniform standards, including penalties for the sale

[274] 19 & 20 Victoria, c.47.
[275] 3 & 4 William IV, c.54 (encouragement of shipping); 12 & 13 Victoria, c.29, ss.7-8 (abolition of navigation acts); 'British' was understood to incorporate Ireland: Kenneth Morgan, "Mercantilism and the British Empire, 1688-1815," in *The political economy of British historical experience, 1688-1914*, ed. Donald Winch and P.K. O'Brien (Oxford: Published for the British Academy by Oxford University Press, 2002), 168-9.
[276] Though for the limited success in these efforts, see Aashish Velkar, *Markets and measurements in nineteenth-century Britain* (Cambridge: Cambridge University Press, 2012), 218-27.
[277] *PP* 1833 (553), iv, 635; 4 & 5 William IV, c.49; 5 & 6 William IV, c.63; *PP* 1850 (261), viii, 499; Julian Hoppit, "Reforming Britain's weights and measures, 1600-1824," *English Historical Review* 108, no. 426 (1993): 82-104.
[278] 5 & 6 William IV, c.63, s.21.

of unwholesome meat, inspectors to monitor proceedings, and the weighing of wagons to guarantee fair play.[279]

Indeed, the crucial importance of establishing both the image and reality of the Union state as one based on a largely disinterested impartiality, applicable to employers and employees alike, surely explains the substantial body of 33 statutes relating to labour, pay and industrial working conditions which applied equally across the United Kingdom. Here, as Greer and Nicolson observed, the 'parity principle' was preeminent.[280] Efforts to exempt Scotland from the terms of the 1831 cotton apprentices bill, for example, were thwarted by objections 'that it would be unfair to the English manufacturers to place them under restrictions from which the Scotch were exempt' – an argument deemed 'so very forcible' by the measure's sponsor Sir John Hobhouse that he judged it prudent to resist northern entreaties.[281] The various bills – and landmark statutes of 1833 and 1844 – regulating the length of hours, types of protected persons and conditions of work within factories were thus almost all applicable across the length and breadth of the United Kingdom without distinction.[282] 'Humanity was a general cause', urged George Dawson in defence of the expansive scope of one 1831 bill.[283] As the interpretation clause of the 1844 factory act thus clearly expressed it, 'factory' was to possess an entirely technical, 'nation-effacing' definition: it was to be understood as meaning 'all buildings and premises situated within any part of the United Kingdom…wherein or within the close or curtilage of which steam, water, or any other mechanical power shall be used to move or work any machinery…'.[284] Meanwhile, necessary national diversity was accommodated in specific clauses concerning religious holidays or administrative personnel, and in standardising interpretational glosses, such as section 71, which provided that in all instances where a JP is empowered by this act, 'a Burgh magistrate shall have within his jurisdiction the same powers and duties…and shall

[279] 10 & 11 Victoria, c.14; Lindsay Proudfoot, "Market fairs and towns in Ireland, c.1600-1853," in *Provincial towns in early modern England and Ireland: change, convergence and divergence*, ed. Peter Borsay and Lindsay Proudfoot (Oxford : Oxford University Press for the British Academy, 2002), 72.
[280] Greer and Nicolson, *The Factory Acts in Ireland*, 6; U.R.Q. Henriques, "An early factory inspector: James Stuart of Dunearn," *Scottish Historical Review* 50, no. 149 (1971): 18-46.
[281] *HPD*, 27 Jul. 1831, vol. 5, c. 390; 30 Jul. 1831, vol. 5, c. 558.
[282] The principal pieces of factory legislation, all four nations in scope, were: *PP* 1830-31 (163), i, 121 (cotton factory apprentices); *PP* 1832 (46), ii, 1 (factories); *PP* 1835 (518), ii, 718 (factories amendment); *PP* 1836 (93), iv, 1 (factories amendment); *PP* 1837-38 (292), iv, 1 (factories regulation); *PP* 1839 (24), iii, 467 (factories); *PP* 1841(1) (184), ii, 425 (factories); 1841(1) (194), ii, 459 (silk factories); *PP* 1843 (82), ii, 495; *PP* 1844 (7), ii, 149; *PP* 1846 (6), ii, 173 (factories amendment); 1 & 2 William IV, c.39 (cotton factory apprentices); 3 & 4 William IV, c.103 (factories regulation); 4 & 5 William IV, c.1 (factories regulation amendment act); 7 & 8 Victoria, c.15 (factories); 8 & 9 Victoria, c.29 (calico print works); 9 & 10 Victoria, c.18 (print works amendment); 9 & 10 Victoria, c.40 (ropeworks); 10 & 11 Victoria, c.29 (factories); 13 & 14 Victoria, c.54 (factories amendment).
[283] *HPD*, 30 Jul. 1831, vol. 5, c. 559.
[284] 7 & 8 Victoria, c.15, s. 73.

exercise the same in Scotland'.[285] The legislation passed in 1834 and 1840 regulating the apprenticeship of chimney sweeps possessed a similar pan-British and Irish remit, as did that regulating labour in calico print works in 1845.[286]

Closely related, a non-trivial proportion of the multinational social legislation introduced during the Reform period was comprised of various proto-welfare schemes concerning friendly, loan and building societies.[287] In stark contrast to those measures surveyed above concerning local government and town improvement, where the legislators of the Reform era were the inheritors of a large body of fragmented national laws, here they were bequeathed a set of statutes, and associated institutional structures, favouring conjoined national treatment.[288] Crucial in this respect was the 1829 friendly societies act, which applied the British remit which legislation on that subject had enjoyed since George Rose's act of 1793 within a framework modelled on the Anglo-Irish savings banks act of 1828, thereby endowing the issue with an enlarged scope applicable to all four nations.[289] In consequence, the friendly societies' bills of 1832, 1834, 1840, 1846, 1848-1850 and 1852 all operated within these newly-established imperial legislative channels.[290] Moreover, by providing a four nations administrative framework, such measures could, in turn, spawn related multinational initiatives. The benefit buildings societies act of 1836, the scientific and literary societies act of 1843 and the 1852 industrial and provident partnerships act all made use of the friendly societies legislative precedents to operate upon a four nations basis.[291]

But the crucial importance of established agency, framework and institution in determining the geographical scope of the legislation of the Reform era was most powerfully displayed in other areas of social policy. At first glance, issues of public health and urban amenity appeared to offer subjects potentially conducive to more integrated, uniform legislative treatment. They were, after all, problems of a relatively novel character – Geoffrey Best referred to them as 'essentially nineteenth-century innovations' – presenting challenges of

[285] 7 & 8 Victoria, c.15, ss. 37, 46, 71.
[286] 4 & 5 William IV, c.85; 3 & 4 Victoria, c.85 (both chimney sweeps); 8 & 9 Victoria, c.29 (calico print works).
[287] There were thirteen bills in total.
[288] Penelope Ismay, *Trust among strangers: friendly societies in modern Britain* (Cambridge: Cambridge University Press, 2018), 78-84.
[289] 33 George III, c.54 (George Rose's act); 9 George IV, c.92 (savings banks); 10 George IV, c.56 (friendly societies); Anthony D. Buckley, "'On the club': friendly societies in Ireland," *Irish economic and social history* 14, no. 1 (1987): 42.
[290] 2 & 3 William IV, c.37; 4 & 5 William IV, c.40; 3 & 4 Victoria, c.78; 9 & 10 Victoria, c.27; 13 & 14 Victoria, c.115; 15 & 16 Victoria, c.65; unsuccessful measures were *PP* 1847-48 (322), ii, 465; *PP* 1849 (176), iii, 117; *PP* 1849 (469), iii, 123; *PP* 1852 (54), ii, 153.
[291] 6 & 7 William IV, c.32 (benefit buildings societies); 6 & 7 Victoria, c.36 (scientific and literary societies); 15 & 16 Victoria, c.31 (industrial and provident partnerships).

fundamentally the same order and character across an increasingly urbanised and commercialised Union state.[292] If Thomas Carlyle famously termed such matters the 'Condition-of-England' question, in practice it was always a more territorially expansive 'Condition-of-the-United Kingdom' problem.[293]

Nevertheless, given the context of the patchwork of local government structures and agencies across the Union responsible for the implementation of measures of this nature, the sharing of problems amongst the four nations did not thereby ensure shared four nations solutions. Lord Normanby's ambitious measure of 1841 providing for the drainage of large towns serves as a case in point.[294] Initially limited to England and Wales alone, between its introduction to the Lords in February and its emergence from committee in April 1841, the geographical parameters of the bill underwent significant extension.[295] Whilst Ireland was swiftly embraced within its terms – 'he [i.e. Normanby] did not see why it should not be extended to Ireland, for he knew there was no place on the globe where its provisions were more required' – Scottish inclusion was more reluctantly conceded, under the duress of various prominent peers, though much to the disgust of Lord Salisbury.[296] Yet, if the integratory logic of legislating for the most heavily populated spaces across the United Kingdom in a collective, uniform fashion was indisputable, its practical realisation was significantly less clear-cut. Whilst in England and Wales the act was to be implemented by commissioners of sewers, established in 1833, no such machinery was in existence for Ireland and Scotland.[297] As a result, in the case of Ireland, ministers were forced not only to extend the provisions of this Anglo-Welsh statute to that nation, but also to recognise that the appointment of such sewer commissioners was not required where the specifically Irish permissive measure of 1828, facilitating the appointment of lighting, cleansing and watching commissions, had been previously taken up.[298] In Scotland, the challenges presented were even more significant, 'so inapplicable to this part of the island' were the measure's 'machinery and…substantive provisions'.[299] Indeed, without commissioners of sewers, or even the means by which they might be introduced, Whig ministers had to fall back on the ambiguous formulation that 'the powers, duties, and protections…conferred upon commissioners of sewers in England by this Act…shall in Scotland, as far as such powers, duties, and protections are applicable, or can by analogy be applied and extended,

[292] G.F.A. Best, "The Scottish Victorian city," *Victorian Studies* 11, no. 2 (1967): 332.
[293] Thomas Carlyle, *Chartism* (London: James Fraser, 1840), 5.
[294] Parry, *The rise and fall of Liberal government in Victorian Britain*, 127.
[295] The different iterations of the bill were *PP* 1841(1) (301), ii, 221 and *PP* 1841(1) (350), ii, 239.
[296] *Standard*, 13 Feb. 1841, 2; *HPD*, 18 Feb. 1841, vol. 57, cc. 1290-3.
[297] The 1833 statute was 3 & 4 William IV, c.22; *PP* 1841(1) (350), ii, 241.
[298] *PP* 1841(1) (350), ii, 254-5.
[299] *Scotsman*, 7 Apr. 1841, 2; see also the comments of James Forrest, provost of Edinburgh: James Forrest to Andrew Rutherfurd, 24 Feb. 1841, Lord Advocate's Office papers, NRS, AD58/256.

be…conferred' upon either the councils of incorporated towns, or sheriffs.[300] As a sheepish *Scotsman* editorial reflected, this was a 'somewhat vague method of constituting a new authority'.[301] Whilst it was the demise of Melbourne's government in 1841 that ultimately put paid to that bill, it is telling that when the Earl of Lincoln resurrected the issue in 1845, his drainage of towns bill was careful to assume a solely Anglo-Welsh remit.[302]

Not that the presence of common or analogous agencies necessarily guaranteed the success of imperial social reform projects. In the aftermath of the passage of the Irish municipal corporation act in 1840 – the final panel of the four nations corporation reform triptych – Melbourne's Whig ministry made several efforts to harness these parallel remodelled local agencies in order to push through multinational measures. In particular, Lord Normanby's bill of 1841 for the regulation of the construction of buildings in large towns, which arose out of the recommendations of the pan-British and Irish health of towns select committee of 1840, represented a striking effort to seek conformity in the erection of urban structures across the length and breadth of the United Kingdom.[303] The terms of his Anglo-Irish boroughs' improvement bill likewise proposed to span St George's Channel by utilising the reformed municipal structures in each.[304] Ultimately, however, these measures came to nothing, ironically in part precisely because of their over-ambitious geography. Speaking before a select committee on the building regulations bill, numerous Scottish witnesses berated the inapplicability of many of its provisions north of the Tweed.[305] In a revised version brought in during the following 1842 session, Ireland was removed entirely from its remit.[306]

Nevertheless, where shared or analogous local agencies could be found, and national distinctiveness accommodated, the adoption of multinational social policy did become feasible. In particular, though the divergent character, and staggered implementation, of the Anglo-Welsh, Scottish and Irish poor law legislation resulted in a national splintering of

[300] *PP* 1841(1) (350), ii, 255-7.
[301] *Scotsman*, 22 May 1841, 3.
[302] *PP* 1845 (574), v, 363; Lord Lincoln had previously introduced drainage bills limited exclusively to the metropolis, *PP* 1843 (181), i, 289 and 7 & 8 Victoria, c.84; for discussion on the limited geographical scope of these measures, see: *HPD*, 29 Feb. 1844, vol. 73, c. 394; 12 Mar. 1844, vol. 73, cc. 844-5; *HPD*, 24 Jul. 1845, vol. 82, c. 1077; Christopher Hamlin, *Public health and social justice in the age of Chadwick: Britain, 1800-1854* (Cambridge: Cambridge University Press, 1998), 253-7.
[303] *PP* 1841(1) (302), i, 93; *Report from the Select Committee on the Health of Towns; together with the minutes of evidence taken before them, and an appendix, and index*, *PP* 1840 (384), xi, 277-564; A.J. Ley, *A history of building control in England and Wales 1840-1990* (Coventry: RICS Books, 2000), 1-19; Prest, *Liberty and locality*, 18-19.
[304] *PP* 1841(1) (300), i, 29; *PP* 1841(1) (338), i, 55.
[305] *Report from Select Committee on Buildings Regulation and Improvement of Boroughs; together with the minutes of evidence, appendix, index, and plans*, *PP* 1842 (372), x, 245-254; *HPD*, 16 Jul. 1844, vol. 76, c. 916.
[306] *PP* 1842 (52), i, 319.

measures directly concerning that subject, still the administrative nexus created by those statutes – bodies, nationwide in coverage, unencumbered by centuries of inherited practice and principle, and funded by a sanctioned public rate – harboured the potential to create alternative, more integrated narratives. It was the existence of boards of guardians in Ireland, as in England and Wales, for instance, that persuaded Melbourne's government to take the step of extending the remit of its compulsory vaccination bill of 1840 across St George's Channel, where, as Lord Lansdowne observed, 'the necessity for it was far greater'.[307] By the same token, as Lord Ellenborough explained to the Lords, it was the continued *absence* of such structures north of the border in Scotland that prevented an entirely coordinated, singular, imperial application.[308]

Six years later, however, with the Scottish administrative conundrum solved by the passage of its own poor law, the nuisances and contagious diseases act of 1846 was able to present a truly integrative four nations response to the renewed onset of cholera.[309] For though by the terms of that measure the town councils and improvement commissions of England, Wales, Scotland and Ireland possessed the principal powers in stemming the spread of the disease, where these local organs were lacking (as they frequently were), the poor law or parochial boards, financed out of the poor rates, and covering the length and breadth of the four nations, were to provide a common administrative infrastructure.[310] As importantly, all costs entailed by the cleansing of houses or ameliorating of nuisances which could not be borne by the offending parties were to be defrayed out of the poor rates in each of the three kingdoms.[311] The contrast with the parallel legislation introduced during the previous outbreak of cholera fifteen years earlier was marked. On that occasion, three separate

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[307] 3 & 4 Victoria, c.29; *HPD*, 23 Mar. 1840, vol. 52, c. 1316; Thomas Drummond to Lord Morpeth, 29 Sep. 1840, Carlisle papers, Castle Howard, J19/1/28/61; Deborah Brunton, *The politics of vaccination: practice and policy in England, Wales, Ireland, and Scotland, 1800-1874* (Woodbridge: Boydell & Brewer, 2008), 2-3, 7, 107-8; Deborah Brunton, "The problems of implementation: the failure and success of public vaccination against smallpox in Ireland, 1840-1873," in *Medicine, disease and the state in Ireland, 1650-1940*, ed. Greta Jones and Elizabeth Malcolm (Cork: Cork University Press, 1999), 138-57.

[308] *HPD*, 12 Mar. 1840, vol. 52, c. 1152; 23 Mar. 1840, vol. 52, c. 1317; see also John Hill Burton's reflections on the absence of adequate Scottish apparatus, *On the state of the law as regards the abatement of nuisances and the protection of the public health in Scotland with suggestions for amendment* (London: W. Clowes, 1840), 17-26; [Anon.], "The new vaccination act," *Chambers's Edinburgh Journal* 458 (1840): 332-3.

[309] 9 & 10 Victoria, c.96; James G. Hanley, "Parliament, Physicians, and Nuisances: The Demedicalization of Nuisance Law, 1831-1855," *Bulletin of the History of Medicine* 80, no. 4 (2006): 702-32.

[310] Sections 1 and 3 of the statute explicitly state that 'in case there shall be no such town council, or other like body, or no such trustees or commissioners having jurisdiction or acting as aforesaid…then it shall be lawful for the Guardians of the Poor…[or] the parochial board for the management of the poor in Scotland' to assume responsibility, 9 & 10 Victoria, c.96, ss. 1, 3; Parry, *The rise and fall of Liberal government in Victorian Britain*, 205.

[311] 9 & 10 Victoria, c.96, s.13.

measures had to be brought in for England and Wales, Scotland and Ireland after the Whig government's initial hopes that the necessary stipulations might be contained within a single UK-wide measure were thwarted by the discovery that in neither Scotland nor Ireland were there 'means of carrying its details into operation'.[312] Indeed, so problematic was the situation in Scotland that less than a month after receiving the royal assent, the Scottish cholera prevention act had to amended when it was discovered that the machinery by which the necessary rates were to be raised was simply insufficient.[313]

Admittedly, the nuisances and contagious diseases acts of the late 1840s represented the high-water mark of efforts to attend to civic sanitation in single, all-encompassing four nations measures. The public health legislation introduced between 1847 and 1851 was handled on a nation-by-nation basis, whilst London alone was the recipient of major statutes reforming the capital's sewer infrastructure and interment provision.[314] Nevertheless, multinational legislation aimed at urban improvement did not disappear from the statute book. Rather, from 1846, efforts to institute some degree of legislative consistency across the cities and towns of the Union were sought in the so-called model-clauses acts.[315] These statutes, which included the United Kingdom-wide waterworks, gas works and commissioners clauses consolidation acts, and the Anglo-Irish cemeteries and town improvement consolidation acts – all of 1847 – provided codified sets of regulatory powers which petitioners from the towns of England, Wales, Scotland and Ireland alike could draw upon in seeking out private legislation.[316] As one contemporary Scottish journal remarked,

[312] 2 & 3 William IV, c.9 (Irish contagious diseases); 2 & 3 William IV, c.10 (Anglo-Welsh cholera prevention); 2 & 3 William IV, c.11 (Scottish cholera prevention); *HPD*, 14 Feb. 1832, vol. 10, cc. 338-47; 15 Feb. 1832, vol. 10, cc. 385-405; *Northern Whig*, 20 Feb. 1832, 1.
[313] 2 & 3 William IV, c.27.
[314] The principal Anglo-Welsh legislation was the unsuccessful public health bill of 1847 (*PP* 1847 (244), i, 457) and the 1848 public health act (11 & 12 Victoria, c.63); in Scotland, unsuccessful efforts at public health measures were attempted in 1849 (*PP* 1849 (199), v, 397) and 1850 (*PP* 1850 (125), vii, 259). Scottish police bills, which largely dealt with the same subject matter were likewise attempted in 1849 (*PP* 1849 (215), v, 1) and, successfully, in 1850 (13 & 14 Victoria, c.33); in Ireland, unsuccessful public health bills were delivered in 1849 (*PP* 1849 (543), v, 317) and in 1850 (*PP* 1850 (198, vii, 177). Unsuccessful town improvement bills were introduced in 1850 (*PP* 1850 (484), iii, 329), 1851 (*PP* 1851 (30), iii, 311) and 1852 (*PP* 1852 (53), ii, 305); 11 & 12 Victoria, c.112 (metropolitan sewers); 13 & 14 Victoria, c.52 (metropolitan interment).
[315] George Tayler, *The consolidation acts of 1845 and 1847*, 3rd ed. (London: John Crockford, 1857), 2; Parry, *The rise and fall of Liberal government in Victorian Britain*, 205; Prest, *Liberty and locality*, 28-9, 44; Josef Redlich and F.W. Hirst, *Local government in England*, 2 vols. (London: Macmillan, 1903), I, 144.
[316] 10 & 11 Victoria, c.17 (waterworks); 10 & 11 Victoria, c.15 (gas works); 10 & 11 Victoria, c.16 (commissioners' clauses); 10 & 11 Victoria, c.65 (cemeteries); 10 & 11 Victoria, c.34 (town improvement).

'private legislation which, previous to this era, was little better than a chaos, was now reduced to something like a system'.[317]

Legislating for the Union: communications reform

In the realisation of a more integrated, interconnected Union over which persons and goods from all four nations could move with ease, policy concerning transportation and communication appeared to offer a subject-matter ripe for conjoined treatment.[318] By the close of the Reform era, the advent of steam power, both on land and by sea, had revolutionised the infrastructure of the United Kingdom, 'annihilat[ing] space', as Chief Secretary Sir William Somerville observed in 1847.[319] 'Steam', remarked William Lindsay has 'made England…Scotland and Ireland almost one great city'.[320] More than thirty million Britons were making passenger journeys over nearly six thousand miles of railway track by 1851; in 1848, the Glasgow-Euston line opened, permitting travellers to cover that distance in less than ten hours.[321] By the eve of the Famine, more than one hundred sailings a week were taking place between Britain and Ireland, with tonnage entering Irish ports accelerating considerably during the 1840s and 1850s.[322] A cheap passenger service between the two islands was introduced by Thomas Cook in 1849.[323] Nor was steam-power the sole driving force: Bogart has shown that, by 1840, only the southern Netherlands had a density of roads comparable with that of Britain.[324]

Nevertheless, as we have already seen, increasingly integrated, conjoined communications between the four portions of the United Kingdom was not straightforwardly the result of, or replicated in, conjoined communications legislation. Bills concerning the highway and turnpike networks were overwhelmingly handled on a nation-by-nation basis, reflecting, variously, the highly piecemeal, localist character of their development, chiefly through

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[317] [Anon.], "Clauses consolidation acts," *The Scottish law journal and sheriff court record* 2 (1860): 22; see also the *Report from the Select Committee on private bills; together with the minutes of evidence, appendix, and index, PP* 1846 (556), xii, 6.
[318] Jackson, *The two unions*, 147; Innes, "Legislating for three kingdoms," 35.
[319] Sir William Somerville to Lord Clarendon, [late 1847], Somerville papers, NLI, MS 46,755/2 fol. 32.
[320] William Lindsay, *Our navigation and mercantile marine laws*, 2nd ed. (London: Longman, Brown, Green and Longmans, 1853), 40.
[321] E.A. Wrigley, *The path to sustained growth: England's transition from an organic economy to an Industrial Revolution* (Cambridge: Cambridge University Press, 2016), 146-7; Dan Bogart, "The transport revolution in industrialising Britain," in *The Cambridge economic history of modern Britain: volume 1, 1700-1870* ed. Roderick Floud, Jane Humphries and Paul Johnson (Cambridge: Cambridge University Press, 2014), 369.
[322] Ó Grada, "Industry and communications, 1801-45," 148; Peter M. Solar, "Shipping and economic development in nineteenth-century Ireland," *Economic History Review* 59, no. 4 (2006): 717-42.
[323] Andy Bielenberg, "The Irish economy, 1815-1880: agricultural transition, the communications revolution and the limits of industrialisation," in *The Cambridge history of Ireland, volume 3: 1730-1880*, ed. James Kelly (Cambridge: Cambridge University Press, 2018), 193.
[324] Bogart, "Transport revolution in industrialising Britain," 372.

private bill, the fissiparous local administrative agencies responsible for their management – parishes, councils, highway districts, grand juries, turnpike trusts – and, in the case of Wales, Scotland and Ireland, the role such legislation played in specific, centrally-directed projects of subsidised 'Celtic improvement'.[325] Of the 140 bills introduced concerning the United Kingdom's road network between 1830 and 1852, less than one-fifth were handled on anything but a kingdom-by-kingdom basis.

However, these centrifugal tendencies were offset by increasingly powerful centripetal forces premised on the maritime, railway and postal networks, all of which rested on establishing the porosity of the Union's borders. Such interoperability was largely reflected in the statutes governing such infrastructure. Thus, by the terms of the vessels acts of 1833 and 1845, a shipping register was created into which only those vessels 'as are wholly of the build of the…United Kingdom' were to be entered.[326] The tonnage admeasurement act of 1835 likewise regulated the cargoes permissible on 'every ship belonging to the United Kingdom'.[327] Such stipulations were extended to all British and Irish steam-powered boats by the steam vessels act of 1846, which also required all such watercraft to take lifeboats to sea.[328] Measures regulating the personnel employed aboard the fleets of the four nations were likewise imperial in character. The merchant seamen's act of 1835 established one single register of all mariners and seafaring men in the United Kingdom; and by a subsequent statute of 1844, a system of ticketing was introduced.[329] By the terms of the 1850 mercantile marine act, 'local marine boards', with powers to create shipping offices, could be founded in 'every seaport of the United Kingdom' frequented by ships in excess of thirty thousand tonnes.[330]

More striking in terms of their imperial scope, however, were those measures concerned less with the ships and their crews, and more with the wider maritime infrastructure in which they operated. Here, legislation sought to institute an imperial unity that did not naturally exist. The lighthouses act of 1836, for instance, offered conspicuous testimony not only to the willingness of the state to interfere with private property, as Taylor has shown, but also to its desire to impose what it termed a 'uniformity of system', where considerations of safety and commercial fair play warranted it.[331] This was no easy task, and it is surely telling

[325] Eric Pawson, *Transport and economy: the turnpike roads of eighteenth-century Britain* (London: Academic Press, 1977), 65-173; Hoppit, *Britain's political economies*, 112-18; for the application of public monies to the Celtic 'fringe' for 'developmental' purposes, see pages 168-70 above.
[326] 3 & 4 William IV, c.55, s.5; 8 & 9 Victoria, c.89
[327] 5 & 6 William IV, c.56.
[328] 9 & 10 Victoria, c.100.
[329] 5 & 6 William IV, c.19; 7 & 8 Victoria, c.112.
[330] 13 & 14 Victoria, c.93; *HPD*, 20 June 1850, vol. 112, cc. 111-112.
[331] 6 & 7 William IV, c.79; James Taylor, "Private property, public interest, and the role of the state in nineteenth-century Britain: the case of the lighthouses," *Historical Journal* 44, no. 3 (2001): 760-71.

that the original sponsor of the bill, backbencher Joseph Hume, having initially brought in a UK-wide measure in 1835, which was defeated at the hands of the Scots and Irish MPs, concerned at the proposed supersession of their individual national regulatory bodies by Trinity House, abandoned it in 1836 for one limited to England and Wales.[332] At the insistence of the President of the Board of Trade, George Poulett Thomson, Hume renounced this latter measure, and Thomson, on behalf of the government, successfully prosecuted the all-encompassing four nations statute that the Melbourne ministry evidently deemed preferable.[333] The result was a measure of remarkable imperial range: section 38 boldly decreed that henceforward 'no light, beacon or seamark' should be erected or altered 'on any pier or in or near to any port or harbour on the coast of the United Kingdom'; and section 51 provided for the 'more uniform and better collection of the tolls payable in respect of lighthouses throughout the United Kingdom'.[334] Admittedly, such imperial 'uniformity' had its limits: Scottish and Irish Members maintained their opposition and successfully thwarted efforts to establish Trinity House as a single regulatory body for the United Kingdom.[335] Nevertheless, both the Scottish Northern Lights and the Ballast Board in Dublin were rendered subordinate to the London-based authority.[336] Although unsuccessful, the pilotage bill of 1838, which decreed it 'expedient that a more uniform system should be established for the regulation of Pilots and Pilotage throughout the United Kingdom' was cut from a similar integrationist cloth.[337]

Perhaps most eye-catching in its unifying, four nations vision was the Russell administration's harbours and ports conservancy bill of 1846.[338] Resulting from the findings of a royal commission into the United Kingdom's tidal harbours established during the 1845 session, the bill's lengthy preamble boldly stressed the necessity for uniform imperial treatment.[339] The countless local acts of parliament, vesting control of ports and harbours in a myriad of commissions, had resulted, it asserted, in 'many inconsistent and contradictory

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[332] The 1835 bill was printed as *PP* 1835 (398), iii, 333. It arose out of the *Report from the Select Committee on Lighthouses; with the minutes of evidence, and an appendix and index*, *PP* 1834 (590), xii, 5, 14-24; *HPD*, 25 Mar. 1835, vol. 27, cc. 246-63; Taylor, "Private property, public interest, and the role of the state in nineteenth-century Britain," 761; the exclusively Anglo-Welsh bill of 1836 was *PP* 1836 (7), iv, 319.
[333] *HPD*, 8 Feb. 1836, vol. 31, cc. 166-176.
[334] 6 & 7 William IV, c.79, ss.38, 51.
[335] *HPD*, 8 Feb. 1836, vol. 31, cc. 173-6; 12 Jul. 1836, vol. 35, cc. 139-44; for earlier debates on this subject, see *HPD*, 21 Feb. 1833, vol. 15, cc. 1067-72; *HPD*, 25 Mar. 1835, vol. 27, cc. 253-63; see also, Maurice R. O'Connell, ed., *The correspondence of Daniel O'Connell*, 8 vols. (Dublin: Irish University Press for the Irish Manuscripts Commission, 1972), V, 323.
[336] Taylor, "Private property, public interest, and the role of the state in nineteenth-century Britain," 768-9.
[337] *PP* 1837-38 (367), v, 31.
[338] *PP* 1846 (626), iii, 153.
[339] *First report of the commissioners*, *PP* 1845 (665), xvi, 273.

powers…being framed at various times by many persons having interests at variance with the public welfare'.[340] To remedy such geographical fragmentation, the Whig bill proposed to establish a 'uniform power of management and supervision', vested in a 'Board of Conservators', attached to the Admiralty. That board would be 'authorised to divide the whole kingdom of Great Britain and Ireland into such districts' as they saw fit, and to appoint to each such district, a harbour master and an engineer to 'watch over and inspect'.[341] Whilst the bill foundered in the face of criticism directed at its allegedly centralising character, it nonetheless represented a remarkable attempt to consolidate and harmonise the littoral infrastructure of the British Isles and Ireland into a broadly uniform system.[342] When it was revived in 1851 and 1852, it retained its four nations scope, augmented, however, with clauses permitting all those rated to the poor to memorialise the Admiralty for the creation of local elected navigation committees.[343]

Of all the major modes of communication, however, the legislation of the burgeoning railway and postal networks displayed the most consistently imperial visage. In the case of the railway network, commercial imperatives towards infrastructural integration dovetailed with the sheer novelty of the technology to ensure that, during the Reform era, the Imperial Parliament found itself working upon an essentially blank legislative slate, unconstrained by an inheritance of pre-existing, nation-specific statute law. Here was the form of transportation that would define the Union-state – and it was only appropriate that the legislative frameworks according to which it would operate across that multinational polity should be broadly uniform in character.[344] As a result, some 38 measures of a general character were introduced on the subject between 1840 and 1852. Of these, 21 were applicable to all four nations of the United Kingdom. With the establishment of the pan-UK railway department of the Board of Trade in 1840, economic and legal rationales favouring imperial treatment were reinforced by a shared administrative logic.[345] By the terms of that act, no railway was to be opened within the United Kingdom without notice being first made to the Board of Trade, in whom was vested also the responsibility of inspections of railways. In 1842, the railways regulation act enhanced the Board of Trade's United Kingdom-wide powers still further: all rail accidents occurring across the four nations had to be reported to the Board. That body was likewise armed with powers of compulsory purchase, regardless

[340] *PP* 1846 (626), iii, 153-4.
[341] *PP* 1846 (626), iii, 154-5, 159.
[342] For criticism of the measure, see the following printed return: *Opinions of harbour boards, Lloyd's agents, and others, on the Harbour Conservancy Bill*, *PP* 1847 (778), lxi, 149-349.
[343] *PP* 1851 (655), v, 351; *PP* 1852 (282), iv, 109.
[344] Jackson, *The two unions*, 147-8.
[345] 3 & 4 Victoria, c.97; Henry Parris, "Railway policy in Peel's administration," *Bulletin of Institute of Historical Research* 33, no. 88 (1960): 181.

of the nation in which such lands were situated.[346] The laying-on of cheap third-class 'parliamentary' trains was made mandatory across the United Kingdom by the terms of Gladstone's famous railway regulation act of 1844, which likewise provided for the ultimate acquisition of railways by the state across England, Wales, Scotland and Ireland alike.[347] When, in 1846, the railway department of the Board of Trade was abolished and their former functions were transferred to an independent board of railway commissioners, they duly inherited the imperial remit possessed by their predecessors.[348] Acts of 1848 and 1850 enabling rail companies to apply to the commissioners for extensions of time for the purchase of lands, and for the abandonment of undertakings respectively, thus applied uniformly across the United Kingdom.[349]

Of the sixteen acts passed during the Reform era principally concerned with the postal network, all but three dealt with the United Kingdom as a collective whole.[350] The postal regulations act of 1837 permitted the postmaster-general, whom, since 1831, had headed the postal service across all four nations, to establish 'Chief Letter Offices' in Edinburgh and Dublin, and to permit the institution of penny posts in 'any city or town, or the suburbs thereof…within the United Kingdom'.[351] It also attended to the paying of tolls by postal carriers in Scotland and Ireland, and to all exemptions from such charges across the Union. A companion measure of that same session outlined the postage duties across the United Kingdom, specifying, amongst much else, packet boat rates between Liverpool, Milford Haven, Holyhead and Portpatrick and ports in Ireland.[352] Most dramatically, of course, by the terms of the penny postage act of 1839, a letter of half an ounce could be delivered anywhere in the United Kingdom for one penny, furnishing, as Patrick Joyce has observed, a 'new system' wherein 'the permeability of borders and new centre-periphery relations became apparent'.[353] By 1854, the postmaster-general estimated that 'the whole distance over which mails are now conveyed in the United Kingdom is nearly 57,000 miles a day'.[354]

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[346] 5 & 6 Victoria, c.55
[347] 7 & 8 Victoria, c.85; H.C.G. Matthew, *Gladstone, 1809-1898* (Oxford: Oxford University Press, 1997), 67.
[348] 9 & 10 Victoria, c.105
[349] 11 & 12 Victoria, c.3; 13 & 14 Victoria, c.83.
[350] The three separate national postal acts were: 1 William IV, c.27, which was concerned purely with the selling of a Post Office building in London, and two Irish acts of 1832 concerning the privilege of franking (2 & 3 William IV, c.15) and the maintenance of Irish post roads (2 & 3 William IV, c.86).
[351] 1 Victoria, c.33, ss.4-6, 18-19
[352] 1 Victoria, c.34, s.5
[353] By 2 & 3 Victoria, c.52; Patrick Joyce, *The state of freedom: a social history of the British state since 1800* (Cambridge: Cambridge University Press, 2013), 89; see also, Martin Daunton, *Royal Mail: the Post Office since 1840* (London: Athlone Press, 1985), 19.
[354] *First report of the Postmaster General, on the Post Office*, *PP* 1854-55, xx, 576.

Conclusion

If there were distinctive national inflections to the experience of Reform across the four nations, so too, in consequence, were there particular characteristics to the imperial multinational legislation of the era. The Union, as manifested in shared statutes, remained pre-eminently a fiscal-military institution. Measures concerning the central government, armed forces and fiscal affairs together comprised a little under two-thirds of all legislation enacted applicable across all four nations alike. At the same time, however, by 1852 this was, unquestionably, a more extensive, diverse legislative Union than twenty years earlier. Comparatively novel subjects, such as intellectual property law and company law, and the development and regulation of the state's railway and postal infrastructure were handled, for the most part, on a consistent four nations platform. The industry and labour of what would soon be labelled as the 'workshop of the world' followed more or less standardised practice across the length and breadth of the United Kingdom. Conjoined Anglo-Irish legislation had likewise swelled considerably, particularly in matters of law and order, but also in areas as variegated as joint-stock banking, vaccination and the provision of museums in large towns.

This chapter has shown that the geographical texture possessed by the legislation of the Reform era was borne of a gamut of factors. Certainly, the continuing dominance of specific national legislation reflected a prevailing belief that the three kingdoms did possess specific 'national interests' and present specific national issues that, accordingly, demanded particular attention. Yet, those distinct 'interests' were often inseparable from the distinct institutions, personnel and inheritances of statute law upon which they were founded. In the memorandum concerning proposed banking legislation that Peel circulated to his cabinet in January 1844, he admitted that 'were…we about to establish…a new system of currency…in a new state of society', it would be difficult to contest the benefits of establishing a board independent of government responsible for the issue of paper money 'capable of application to all parts of the United Kingdom'. Yet, as he conceded, the 'chief argument' against such a course of action was the impolicy of attempting to impose 'any unbending uniform rule' on 'three constituent parts of a great Empire', in each of which different habits, institutions and personnel were long entrenched.[355] Statutory distinctiveness during the Reform era was thus often as much a feature of legislative *mechanics* as it was substantive legislative *principle*. In consequence, that meant where institutional frameworks were shared, so too, frequently, could the laws operating through them. The upshot was a statute book unbeholden to any clear-cut 'rules' concerning the geographical orientation of legislation, and thus highly

[355] Charles Stuart Parker, ed., *Sir Robert Peel: from his private papers*, 3 vols. (London: John Murray, 1891-99), III, 136-7; see also, Philip Ollerenshaw, *Banking in nineteenth-century Ireland: the Belfast banks, 1825-1914* (Manchester: Manchester University Press, 1987), 58-60.

complex in character. The following chapter, which examines the scale and range of four nations interactions in the legislative process itself, shows that those complexities ran deeper still.

Chapter 5 Legislating in an Imperial Parliament

The previous chapter considered the geographical patterning of the different areas of Reform-era legislation in order to understand more precisely what the legislative Union entailed during these critical years. It presented an overarching panorama of the geography of Reform constructed from the expressed or inferred territorial remit of the thousands of measures which together comprised the legislative output of the parliaments of the 1830s and 1840s. From this perspective, the Union was shown to have remained a relatively constrained entity during the Reform era. Shared legislation uniformly applicable to all four nations was restricted to certain areas, chiefly central government, public finance, and the armed forces, though significant initiatives were increasingly being undertaken in social reform and the development of the United Kingdom's communications infrastructure. Elsewhere, separate national measures continued to be the predominant legislative currency of the 1830s and 1840s, as had been the case ever since the establishment of the Union.

Yet, analysis premised solely on the geographical extent of measures as defined by the statute book or parliamentary paper tells only a partial story of the character of the legislative Union during the Reform era. What we gain in quantitative precision, we lose in appreciation of the more subtle qualitative nuances of the legislative record arising from the 'multinationality' of the Reformed Imperial Parliament, and the 'particular dynamics' generated at Westminster as a result.[1] This was, after all, an Imperial Parliament responsible for administering to an Imperial state, and whilst historians might choose to operate in more or less well-defined national spheres, for the English, Welsh, Scottish and Irish legislators, drawn into one single bicameral legislature on the banks of the Thames and tasked with formulating statute law for each and all of these four nations, both separate and conjoined, debates, issues and policy rarely could be neatly partitioned off and dealt with purely on their own terms.[2] This chapter argues that the dynamics that arose in consequence of the four nations character of the Imperial Parliament were frequently instrumental in shaping the legislative processes and resulting legislation of the Reform era, forging interconnections, interrelations and interactions between separate national measures which elude the rigid geographical categorisation of the statute book or parliamentary paper. The multinational

[1] Julian Hoppit, *Britain's political economies: parliament and economic life, 1660-1800* (Cambridge: Cambridge University Press, 2017), 103; Julian Hoppit, Joanna Innes, and John Styles, "Towards a history of parliamentary legislation, 1660-1800," *Parliamentary History* 13, no. 3 (1994): 316.
[2] Joanna Innes, "What would a 'Four Nations' approach to the study of eighteenth-century British social policy entail?," in *Kingdoms united? Great Britain and Ireland since 1500: integration and diversity*, ed. Sean J. Connolly (Dublin: Four Courts, 1998), 184; Tom Crook, "Model institutions and the geography of social reform in early Victorian Britain," *Historical Journal* 62, no. 3 (2019): 792.

dimensions of the Imperial Parliament will be shown to have encouraged an extension of intellectual horizons across national borders in the search for best practice and principle. Lessons learned and experience gained from the operation of legislation in one national context was turned to profit in others. Precedents were held up for emulation, or avoidance; fears and concerns of legislative 'contagion' kindled. Some of these interactions were largely designed for rhetorical effect upon the floor of a Reformed Imperial Parliament peculiarly attuned to arguments premised upon fairness and consistent treatment. Yet, closer examination of many of the bills and acts themselves reveal material traces of such interactions and interconnections more or less deeply inscribed in the legislation of the Reform era itself, whether through the replication of entire acts, the appropriation of certain clauses, or, more intangibly, the embodiment of analogous principles. And if English exemplars certainly tended to predominate in this respect, nonetheless there was, as Richard Butler has noted, 'a…fluid exchange of ideas in…[all] directions at different times' across the different component portions of the United Kingdom.[3]

Imperial exemplars

As the point of convergence for individuals returned from all four nations, each in possession of more or less divergent legislative histories, the multinational dimensions of the Imperial Parliament offered both the means and incentive to extend legislative perspectives and enquiries across the United Kingdom in the search for best practice and principle.[4] In this process of imperial legislative dissemination, certain parliamentary vehicles proved especially conducive sites for cross-fertilisation. In particular, whilst the select committee has long been recognised as one of the Reform era's most favoured tools of legislative enquiry – 543 Commons and Lords committees were established between 1801 and 1834; a further 757 were appointed in the Commons alone in the space of almost half that time between 1835 and 1852 – rather less well appreciated is the natural forum that they provided for the surveying and scrutinising of comparative legislative practice and principle across the four nations.[5] Throughout the Reform era, the reports and minutes of investigations,

[3] Richard J. Butler, "Rethinking the origins of the British prisons act of 1835: Ireland and the development of central-government prison inspection, 1820-1835," *Historical Journal* 59, no. 3 (2016): 721; a point likewise made by Jennifer Ridden, "Making good citizens: national identity, religion and Liberalism among the Irish elite, c.1800-1850," (Unpublished PhD thesis, King's College London, 1998), 242.

[4] Joanna Innes, "The local acts of a national parliament: parliament's role in sanctioning local action in eighteenth-century Britain," *Parliamentary History* 17, no. 1 (1998): 38; Innes, "What would a 'Four Nations' approach to the study of eighteenth-century British social policy entail?," 184; see also Bryan Keith-Lucas, *The English local government franchise: a short history* (Oxford: Blackwell, 1952), 15.

[5] The number of select committees appointed between 1801 and 1834 is taken from the figure quoted by Jonathan Parry, *The rise and fall of Liberal government in Victorian Britain* (London: Yale

ostensibly limited in their remit to one of the three kingdoms, testify to the cross-border character of their enquiries. Much of the 1836 select committee on the regulation of joint stock banks in England and Wales, for instance, was actually taken up in the assessment of the practices of analogous Scottish banks, which were of longer standing, and whose practices were generally much admired.[6] Similarly, whilst land law and land management may have diverged considerably at the Tweed, still, during the deliberations of the 1845 Anglo-Welsh select committee on entailed estates, it was Scotland's so-called Montgomery Act of 1770, by which the drainage of entailed estates had been facilitated, that was singled out as a noteworthy imperial exemplar.[7] Elsewhere, the practices of the Scottish Record Commission were interrogated – and applauded – during committee investigations in 1836 aimed at devising analogous schemes for attending to English archives, whilst the curricula, institutions and personnel relating to Scottish legal education closely informed the Irish select committee of 1846 into that nation's own legal instruction.[8] The report of the 1846 select committee into railway labourers noted with approbation how the Scottish statute of 1845, 8 & 9 Victoria, c. 3, providing for a police force to be stationed near all railways, 'seem[ed] to be wider and more useful in its provisions' than the English equivalent statute of 1838 concerning the appointment of constables to keep the peace on sites of public works, 1 & 2 Victoria, c. 80.[9]

University Press, 1993), 37; the figure for the period between 1835 and 1852 is drawn from my own database.

[6] *Report from the Secret Committee on Joint Stock Banks; together with the minutes of evidence, and appendix*, *PP* 1836 (591), ix, 491ff; for earlier praise of the Scottish banking system, see Thomas Joplin, *An essay on the general principles and present practice of banking in England and Scotland... with observations upon...an alteration in the charter of the Bank of England*, 3rd ed. (Newcastle-upon-Tyne: Edward Walker, 1822) and Henry Parnell, *Observations on Paper Money, Banking, and Overtrading Including Those Parts of the Evidence Taken Before the Committee of the House of Commons, which Explain the Scotch System of Banking* (London: James Ridgway, 1827); *HPD*, 7 May 1834, vol. 23, cc. 691-2; *HPD*, 22 Jul. 1844, vol. 76, c. 1183; see also, Mark Freeman, Robin Pearson, and James Taylor, "'Different and Better?' Scottish Joint-Stock Companies and the Law, c. 1720-1845," *English Historical Review* 122, no. 495 (2007): 64; Charles W. Munn, "The coming of joint-stock banking in Scotland and Ireland, c. 1820-1845," in *Ireland and Scotland 1600-1850: parallels and contrasts in economic and social development*, ed. T.M. Devine and David Dickson (Edinburgh: John Donald, 1983), 204-219; Charles W. Munn, "The emergence of joint-stock banking in the British Isles: a comparative approach," *Business History* 30, no. 1 (1988): 69-83; Philip Ollerenshaw, *Banking in nineteenth-century Ireland: the Belfast banks, 1825-1914* (Manchester: Manchester University Press, 1987), 10.

[7] *General index to the principal headings contained in the evidence (brought from the Lords, 11 July 1845) taken before the Select Committee of the House of Lords appointed to inquire into the expediency of a legislative enactment being introduced to enable possessors of entailed estates to charge such estates with a sum, to be limited, for the purpose of draining and otherwise permanently improving the same*, *PP* 1845 (490), xii, 113-14; see also, *HPD*, 7 Jul. 1845, vol. 82, c. 55.

[8] *Report from the Select Committee on Record Commission*, *PP* 1836 (429), xvi, 40-44, 709; *Report from the Select Committee on legal education in Ireland; together with the minutes of evidence, appendix and index*, *PP* 1846 (686), x, 17-18.

[9] *Report from the Select Committee on railway labourers; together with the minutes of evidence and index*, *PP* 1846 (530), xiii, 438.

Nor was such cross-border investigation and interrogation confined to Scottish exemplars alone. The 1843 Irish medical charities committee was largely framed by its juxtaposition of Irish voluntary practices with the arrangements in England and Wales, where power was instead vested with the poor law commissioners.[10] In like fashion, the committee appointed during the 1836 session to consider the practice of statute labour in the construction and maintenance of roads in Scotland dwelt at length on the workings of the English and Welsh highway act of the preceding session in an effort to glean potential guidelines north of the border.[11] Irish practice and principle likewise received its fair share of attention. During the proceedings of the influential UK-wide health of towns select committee appointed in 1840, much attention was lavished upon the workings of the Irish lighting and watching act of 1828 – a measure which, as we shall see below, had already contributed materially to the English and Welsh and Scottish police acts of 1830 and 1833.[12] Indeed, in devising approaches for alterations in the administration of Anglo-Welsh urban drainage, that Irish measure was held up as a nothing less than a beneficent imperial blueprint which any future English bill should follow.[13] During the 1837 select committee on Queen Anne's Bounty, Anglo-Welsh legislators again turned to Irish experience when, in recommending the abolition of that fund in aid of poor Anglican clergymen, it was deemed sensible that any replacement should consist of 'a moderate and graduated impost, according to a valuation more nearly representing the actual income, and upon the scale adopted for the Irish livings by the 3rd and 4th of William the Fourth, c.37 [i.e. the 1833 Irish Church temporalities act]'.[14] But recourse to Irish experience during select committee investigations extended more widely still. Amongst other examples of that nation's legislative practice being invoked, the 1836 Scottish inquiry into that nation's salmon fisheries had much recourse to Ireland's utilisation of a geographically variable salmon fishing season attuned to that country's different river systems; the 1847 committee on courts of law and equity extolled the so-called law stamp on pleadings issued in Ireland under 1 & 2 George IV, c.112; and the 1845 committee on light dues recommended that, should such imposts be continued, they ought

[10] *Report from the Select Committee on Medical Charities, Ireland; together with the minutes of evidence, appendix, and index, PP* 1843 (412), x, 36, 55, 88, 112-13, 131, 136, 230-1, 312-18.
[11] *Report from the Select Committee on Statute Labour, Scotland; together with the minutes of evidence, and appendix, PP* 1836 (430), xviii, 460-2.
[12] *Report from the Select Committee on the Health of Towns; together with the minutes of evidence taken before them, and an appendix, and index, PP* 1840 (384), xi, 295; see also, John Prest, *Liberty and locality: parliament, permissive legislation and ratepayers' democracies in the mid-nineteenth century* (Oxford: Oxford University Press, 1990), 14.
[13] *Report from the Select Committee on the Health of Towns; together with the minutes of evidence taken before them, and an appendix, and index, PP* 1840 (384), xi, 295.
[14] *Report from the Select Committee on First Fruits and Tenths, and Administration of Queen Anne's Bounty; with the minutes of evidence, and appendix, PP* 1837 (384), vi, 11; Olive Brose, "The Irish precedent for English church reform: the church temporalities act of 1833," *Journal of Ecclesiastical History* 7, no. 2 (1956): 204-25.

'to be collected by the officers of Customs in every port of the United Kingdom free of all charge whatsoever, in like manner as was enacted in the case of Ireland by…the 51st & 52nd Geo.[rge] 3'.[15]

As some of these examples testify, the value of select committees in facilitating imperial interaction was heightened by the opportunity that they offered to give a central platform to witnesses drawn from across the four nations in possession of a 'large store of practical knowledge'.[16] Thomas Erskine May applauded select committees for precisely the 'panorama' of British and Irish society that they could offer: 'their numbers and variety', he went on to assert, 'proclaim the imperial attributes of Parliament, which has gathered them together'.[17] The various education select committees of the mid-1830s well attest to this imperial 'panorama'.[18] The report of the 1834 committee on education in England and Wales, having explicitly declared that it had been 'thought…necessary to obtain information with respect to the system of Education in other parts of the United Kingdom', did precisely that, interviewing, amongst others, classical scholar Professor James Pillans of Edinburgh University and Glasgow schoolmaster Alexander Dorsey on Scottish practices, and Rev. James Carlisle, one of the Irish education commissioners, and Rev. Reuben John Bryce, principal of Belfast Academy, on the system in Ireland since the creation of that island's national board in 1831.[19] A year later, during the proceedings of the select committee on Irish foundation education in 1835, imperial reconnoitring was again in evidence, with the Edinburgh-based lawyer and educational reformer James Simpson extolling the workings of the Scottish system and Robert Rickards, as the newly-appointed inspector of factories in

[15] *Report from the Select Committee on Salmon Fisheries, Scotland; together with the minutes of evidence, appendix and index, PP* 1836 (393), xviii, 3-4, 19; *Report from the Select Committee on Fees in Courts of Law and Equity; together with the minutes of evidence, appendix, and index, PP* 1847 (643), viii, 42, 54, 84; *Report from the Select Committee on lighthouses; together with the minutes of evidence, appendix, and index, PP* 1845 (607), ix, 15.
[16] *Remarks on the third report of the Irish Poor Inquiry Commissioners; drawn up by the desire of the Chancellor of the Exchequer, for the purpose of being submitted to His Majesty's government; with an appendix and supplementary remarks. By George Cornewall Lewis, Esq., PP* 1837 (91), li, 273.
[17] Thomas Erskine May, "The machinery of parliamentary legislation," *Edinburgh Review* 99, no. 201 (Jan. 1854): 252-3.
[18] Denis G. Paz, *The politics of working-class education in Britain, 1830-50* (Manchester: Manchester University Press, 1980), 11-26; see also, Richard Brent, *Liberal Anglican politics: Whiggery, religion and reform, 1830-1841* (Oxford: Oxford University Press, 1987), 227, 232-4.
[19] *Report from Select Committee on the State of Education; with the minutes of evidence, and index, PP* 1834 (572), ix, 3, 30-57, 195-201; Dorsey and Bryce were cross-examined during the second sitting of this committee in 1835: *Report from the Select Committee on Education in England and Wales together with the minutes of evidence, appendix, and index, PP* 1835 (465), vii, 800-810, 853-65.

Lancashire and Yorkshire, reporting on the character of educational provision in those counties' manufactories.[20]

The opinions of administrators, whose roles had specifically required them to straddle borders, were likewise sought out. Giving evidence before the 1844 committee appointed to inquire into the provision of medical relief under the English and Welsh poor law, commissioner George Cornewall Lewis cast doubt on the suggestion of imposing a rate-in-aid to support medical establishments on the grounds that 'any arrangement of that sort would be liable to the same objection as the arrangements for medical relief in Ireland', where, as he asserted, 'great abuses' arose from the combination of voluntary and grand-jury-assessed funds.[21] Insights gained through Irish experience were likewise called upon during the 1837 committee appointed to inquire into the survey of English and Welsh parishes for the purposes of tithe commutation, when Lieutenant Robert Dawson, formerly of both the Scottish and Irish ordnance surveys, provided evidence as to the latter's workings under Colonel Colby.[22] Another committee on internal communications appointed in that same session considered possible alterations in the legislation regulating the conveyance of postage and passengers in mail cars across Britain by way of comparison with the system implemented in Ireland under the aegis of the Smith Lees, father and son, whom together had served as secretaries of the Irish Post Office continuously between 1774 and 1831.[23] The younger Smith Lees, Sir Edward, recently appointed to the equivalent post in Scotland, gave evidence in person. Irish *and* Scottish experience and expertise were called upon during the 1832 inquiry into the possibility of establishing a general register of deeds for England and Wales. Such registers had long been in existence in both nations – and Scottish MP and future Attorney-general John Campbell and Dublin-based attorney Thomas Baker were interrogated as to their operations in each.[24] Similar recourse to Scotto-Irish experience was

[20] *Reports from the Select Committees on Foundation Schools and Education in Ireland; together with the minutes of evidence, appendix and index. Part I.--1835. Part II.--1836*, *PP* 1836 (630), xiii, 182-297, 459-468.
[21] *Report from the Select Committee on Medical Poor Relief; together with the minutes of evidence, appendix and index*, *PP* 1844 (531), ix, 111.
[22] *Report from Select Committee on Survey of Parishes (Tithe Commutation Act); with the minutes of evidence*, *PP* 1837 (285), vi, 123-33; see also, Roger Kain and Hugh Prince, *The tithe surveys of England and Wales* (Cambridge: Cambridge University Press, 1985), 33-34.
[23] *Report from the Select Committee on Internal Communication Taxation; with the minutes of evidence*, *PP* 1837 (456), xx, 294, 325-7; Beatrice Butler, "John and Edward Lees: secretaries of the Irish Post Office, 1774-1831," *Dublin Historical Record* 13, no. 3 (1953): 138-50.
[24] *Report from Select Committee on a General Register of all Deeds and Instruments Affecting Real Property in England and Wales; with the minutes of evidence and appendix*, *PP* 1831-32 (609), xviii, 367, 390-402, 423-29; see also *HPD*, 8 May 1833, vol. 17, c. 1055; *HPD*, 19 June 1833, vol. 18, cc. 1003-8.

sought when the same issue was reopened during the proceedings of the 1846 committee on the burdens affecting English and Welsh lands.[25]

Royal commissions – another ubiquitous pre-legislative investigative vehicle of the Reform era – could likewise serve as auspicious environments for the diffusion of four nations principle and practice.[26] One of the first tasks undertaken by the members appointed to the Irish fisheries commission of 1837, for example, was to 'consult the…various Acts of Parliament affecting the Fisheries of England and Scotland'.[27] In like vein, the 1842 royal commission on grand juries in Ireland framed its enquiries, in part, around the recommendations put forward nearly a decade earlier in 1834 on the exclusively English and Welsh committee into the incidence of county rates.[28] The desirability of consolidating the fragmented network of turnpike trusts in England and Wales was justified by the road commission of 1840 by reference to the 'proof of the advantages' such a system had already yielded in Scotland (and the Isle of Wight).[29] Similarly, its recommendation that mail transportation should be exempted from the levy of tolls was founded on the practice of Scotland and Ireland, and, thus, the desire that 'England should be placed in this respect on the same footing'.[30] Throughout the proceedings of the Scottish law commission, which operated uninterrupted between 1833 and 1840, practice and principles north of the Tweed were repeatedly contextualised and juxtaposed with their Anglo-Welsh (and Irish) analogues.[31]

This impulse to draw on experience and proven practice in one portion of the Union so as to inform policy in the others penetrated beyond the specific exploratory settings of the select committee and royal commission. Private correspondence suggests more informal cross-border overtures were not uncommon. Overtures such as those of May 1835, when, prior to

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[25] *Report from the Select Committee of the House of Lords on the burdens affecting real property; together with the minutes of evidence taken before the said committee, and index*, *PP* 1846 (411), no volume, 11, 13, 555-9, 599-623, 675-89.
[26] Hugh M. Clokie and J. William Robinson, *Royal commissions of inquiry: the significance of investigations in British politics* (Stanford: Stanford University Press, 1937), 2, 54-79.
[27] *First report of the Commissioners of Inquiry into the State of the Irish Fisheries; with the minutes of evidence, and appendix*, *PP* 1837 (77), xxii, 8.
[28] *Report of the commissioners appointed to revise the several laws under or by virtue of which moneys are now raised by grand jury presentment in Ireland*, *PP* 1842 (386), xxiv, 32, 40, 52; Virginia Crossman, *Local government in nineteenth-century Ireland* (Belfast: The Institute of Irish Studies, the Queen's University of Belfast for the Ulster Society of Irish Historical Studies, 1994), 39-41.
[29] *Appendix to the report of the commissioners for inquiring into the state of the roads in England and Wales*, *PP* 1840 (256), xxvii, 10.
[30] *Ibid*., 10-11.
[31] For examples of Scottish and English comparison, see, for instance, *First report from His Majesty's Law Commissioners, Scotland*, *PP* 1834 (295), xxvi, 228, 229-30, 239, 245, 257, 258, 262, 308, 313, 338, and *passim*; see also, *Third report by Her Majesty's Law Commissioners, Scotland. Conveyancing*, *PP* 1837-38 (114), xxix, 17, 40 and *passim*.

the establishment of the aforementioned Anglo-Welsh education select committee, Home Secretary Lord John Russell had pressed the Irish Lord Lieutenant to seek out 'opinion and information' as to the 'general result of the experience which has been obtained of the new system of education in Ireland', citing the 'material service…to the Legislature' such knowledge would render in the establishment of any English scheme.[32] Similarly, in August 1846, Home Secretary Sir George Grey informed the Lord Advocate Andrew Rutherfurd that he could shortly expect a visit from the Solicitor-general of England and Wales, who wished to seek out the Scottish lawyer's 'valuable aid' as to the practical workings of that nation's public prosecution system. 'We must consider', observed Grey, 'whether your Scotch system is applicable to us [i.e. England and Wales], or whether any and what modifications' would be necessary.[33] A little over a year later, Grey sought out Rutherfurd's Scottish expertise once again – this time in aid of an Irish landlord and tenant bill, in the framing of which the Home Secretary wished to draw on and, if possible, emulate 'the practice in Scotland'.[34]

Parliamentary debates likewise rang with cross-border comparison, and it became commonplace for prospective measures designed for one of the three kingdoms to be alternatively urged or denigrated on the basis of the tried-and-tested value of their imperial analogues already in operation elsewhere.[35] In May 1849, Lord Advocate Andrew Rutherfurd pressed the second reading of his Scottish public health bill on the basis that its object was to 'apply to Scotland the provisions of the Bill [sic] passed last year with reference to England' – a measure, 'he believed [that] had been productive of very great advantages to the towns in which it had been put into operation'.[36] Conversely, when the Scottish Under-secretary to the Home Office Fox Maule was put up to seek leave for the introduction of an exclusively English and Welsh measure for the establishment of local county courts in 1841, it was to the salutary effects of similar legislation in his homelands that he drew attention. 'He [i.e. Maule] had witnessed the beneficial effects of a similar system in that part of the kingdom with which he was more immediately connected', explained Maule:

> Three years since, a measure passed through Parliament, which attracted little notice; but which gave a power to Her Majesty to declare in what part of any

[32] Lord John Russell to Lord Mulgrave, 14 May 1835, Chief Secretary's Office registered papers, NAI, CSO/RP/1835/1638; see also, Brent, *Liberal Anglican politics*, 221-3.
[33] George Grey to Andrew Rutherfurd, 31 Aug. 1846, Rutherfurd papers, NLS, MS. 9692, fos. 1-2.
[34] Grey George to Andrew Rutherfurd, 20 Dec. 1847, Rutherfurd papers, NLS, MS. 9692, fos. 46-8.
[35] See, for instance, *HPD*, 8 May 1833, vol. 17, c. 1055; *HPD*, 24 Mar. 1834, vol. 22, cc. 578-85; 27 May 1835, vol. 28, cc. 189-90; 26 June 1835, vol. 28, c.1321.
[36] *HPD*, 10 May 1849, vol. 105, c. 253; see also *HPD*, 7 Aug. 1848, vol. 100, c. 1164.

> county in Scotland the sheriff should hold his small debt court. That measure had worked, and was still working, greatly to the benefit of the people of Scotland.[37]

Whilst William Ewart concurred in Maule's assessment of the Scottish exemplar, he noted too how 'beneficial' the analogous *Irish* civil bill courts had proved to that nation also.[38] In 1843, in moving leave to introduce a bill providing for the improvement of the 'industrious classes' by regulation of the field-garden and loan fund systems in England and Wales, Lord Ashley (Dorset) pointedly compared arrangements in that country, which 'had not…answered all that might have been expected from it', with the situation in Ireland where the loan fund system was 'admirably conducted and in every way successful'. 'The object of his bill', explained Ashley, was thus 'to assimilate the management of these societies in this country [i.e. England] as far as possible to the management of the societies in Ireland'.[39] Roles were reversed during the passage of the Irish poor law bill of 1838, when, unsurprisingly, Lord John Russell heralded the 'benefits' that Ireland could expect from the prospective measure as being 'illustrated very fully and sufficiently in the history of this country [i.e. England and Wales]' since the passage of its 1834 poor law amendment act, upon which the Irish measure was explicitly based.[40] Member for Donegal, Edward Connolly explained how 'former fears' he had harboured surrounding the proposed Irish bill had been 'relieved…in a great degree…[by]…the happy effects' wrought by its English and Welsh template.[41]

One consequence of the propensity for the different nations to draw on experience of legislative practice gained elsewhere across the United Kingdom was the development of an almost experimental tendency.[42] Measures limited to a single part of the United Kingdom were presented and defended as legislative experiments which, it was hoped, would ultimately lead to a wider implementation across all four nations once their value had been

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[37] *HPD*, 9 Feb. 1841, vol. 56, c. 475; see also Brougham's previous praise of the courts: *HPD*, 17 June 1833, vol. 18, cc. 864-5.
[38] *HPD*, 9 Feb. 1841, vol. 56, cc. 476-7; *HPD*, 12 Mar. 1841, vol. 57, cc. 192-3; see also Lord Plunket's speech of 1833, *HPD*, 9 Jul. 1833, vol. 19, cc. 333-4.
[39] *HPD*, 24 Jul. 1843, vol. 70, c. 1323.
[40] *HPD*, 13 Feb. 1838, vol. 40, c. 454; see also George Cornewall Lewis's earlier comments: *Remarks on the third report of the Irish Poor Inquiry Commissioners; drawn up by the desire of the Chancellor of the Exchequer, for the purpose of being submitted to His Majesty's government; with an appendix and supplementary remarks. By George Cornewall Lewis, Esq.*, *PP* 1837 (91), li, 273.
[41] *HPD*, 28 Apr. 1837, vol. 38, c. 405.
[42] For the Irish 'experimental' context, see W. L. Burn, "Free trade in land: an aspect of the Irish question," *Transactions of the Royal Historical Society* 31 (1949): 61-74; D.H. Akenson, *The Irish education experiment: the national system of education in the nineteenth century* (London: Routledge and Paul, 1970), 376-91; Stanley H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge: Cambridge University Press, 1988), 25-7; Brose, "The Irish precedent for English church reform," 204; for a contemporary opinion, see W.J.E. Bennett, *Crime and education: the duty of the state therein* (London: W.J. Cleaver, 1846), 75.

proven.[43] In introducing the Scottish imprisonment for debt bill in March 1835, Lord Advocate John Murray defended its limited character as borne of a 'wish to see the English measure first adopted by the Legislature'. Once assured of its effectual operation south of the border, Murray assured the Commons, 'he would have no objection to the further extension' of its Scottish analogue.[44] A similar tack was adopted by Lord John Russell during his introduction of the English and Welsh bill providing for the registration of births, deaths and marriages in 1836. Professing it to be 'his most anxious wish to extend the principle of the [English and Welsh] Bill now under discussion to Ireland', Russell cautioned delay. 'In the first instance', counselled the Home Secretary, 'he thought it was desirable to pause, in order to see how the present Bill would work in England'.[45] Chancellor of the Exchequer, and Irishman, Thomas Spring Rice agreed: 'the present [English and Welsh] Bill was an experiment', he explained, 'and the method of its working must be known before a system of machinery for Ireland could be adopted'.[46] When, ten years later, Andrew Rutherfurd explicitly reached out to the English registrar-general George Graham in order to draw on such Anglo-Welsh experience in the formulation of his Scottish registration bills, Graham sought to set in train an entirely new experiment.[47] Explaining that for some time he had been planning to introduce a measure amending the 1836 English and Welsh registration act in various particulars, the 'wisest choice' now, Graham believed, would be:

> In the first instance to make experiment in Scotland of th[o]se more stringent enactments, which afterwards, if they are found to answer, I should hope to see introduced throughout Great Britain and Ireland, rather than at once expect the present English system and without the advantage of a previous trial adopt changes which may be unpalatable and may perhaps be found not to work well.[48]

Such cautious sentiment, which presented the Imperial Parliament as a legislative petri dish where experimentation and fine-tuning in one nation was envisaged as part of a long-term imperial stratagem, was echoed time and again throughout the Reform era. In June 1835, Lord Stanley defended the Grey administration's decision not to align the system of Irish parliamentary registration with that of England and Wales in 1832 on the basis that, though the system in Ireland 'was generally admitted to be defective, it was thought better not to

[43] *HPD*, 13 June 1833, vol. 18, c. 789; *HPD*, 23 Jul. 1845, vol. 82, c. 962; *HPD*, 30 Jul. 1849, vol. 49, cc. 993-4.
[44] *HPD*, 18 Mar. 1835, vol. 26, c. 1170.
[45] *HPD*, 15 Apr. 1836, vol. 32, cc. 1091-2.
[46] *Ibid*., c. 1092.
[47] For the background to this bill, see Anne Cameron, "The establishment of civil registration in Scotland," *Historical Journal* 50, no. 2 (2007): 377-95.
[48] George Graham to Andrew Rutherfurd, 20 Mar. 1846 [sic: 1847], Lord Advocate's Office papers, NRS, AD58/126.

change it until the result of the experiment in England was known'.[49] The bank charter act of 1845 was deemed 'only an experiment' to be 'tried first in England…the most important division of the Empire', whilst the 'cases of Scotland and Ireland [we]re held in reserve'.[50] Similarly, reacting to the exclusively Anglo-Welsh remit of Lord Morpeth's public health bill in April 1847, the *Scotsman* reflected that, 'the present measure is in a great degree *experimental*, and it may be well that it should be tested by its practical working in one instance before it be applied generally'.[51]

What, ultimately, drove these comparative imperial interactions? Of paramount importance was the degree of power – both substantive and rhetorical – exercised by the notion of precedent on the collective parliamentary mind.[52] In 1854, Erskine May described 'precedent' as proving 'much more persuasive with the House of Commons than any argument'.[53] Fifty years later, Dicey famously concurred, referring to 'our English preference for dealing only with the special matter actually in hand, and…our profound reverence for precedent'.[54] As a legal principle, precedent stood at the heart of the Anglo-Irish common law tradition.[55] Put crudely, whereas on the continent (and, thus, to an extent, in Scotland), a positivist civil law inheritance determined that legal decision-making largely consisted in the application of universal principle, the common law tradition of England, Wales and Ireland, maintained that legal development was an accretive, evolutionary process gradually moulded by past decisions and rulings in court.[56] Appeals to precedent in the parliamentary process thus spoke to this tradition, which, in turn, tapped into the 'British' predilection for tried-and-tested practice over abstract 'un-English' 'theorizing' when it came to law-making.[57] It is no

[49] *HPD*, 17 June 1835, vol. 28, c.851.
[50] [Anon.], "Sir Robert Peel and the currency," *New Quarterly Review, or, Home, Foreign and Commonwealth Journal* 5, no. 1 (Jan. 1845): 241-2.
[51] *Scotsman*, 17 Apr. 1847, 2.
[52] Simon Healy, "The significance (and insignificance) of precedent in early Stuart parliaments," in *Writing the history of Parliament in Tudor and early Stuart England*, ed. Paul Cavill and Alexandra Gajda (Manchester: Manchester University Press, 2018), 153-71; David Ibbetson, "Authority and precedent," in *Law and authority in British legal history, 1200–1900*, ed. Mark Godfrey (Cambridge: Cambridge University Press, 2016), 60-84.
[53] Qu. in Martyn Atkins, "Persuading the House: the use of the Commons journals as a source of precedent," in *Essays on the history of parliamentary procedure: in honour of Thomas Erskine May*, ed. Paul Evans (Oxford: Hart, 2017), 69.
[54] A.V. Dicey, *Lectures on the relation between law and public opinion in England during the nineteenth century* (London: Macmillan, 1905), 45; though see Sir John Walsh, *Observations on the ministerial plan of reform,* 5th ed. (London: J. Ridgway, 1831), 6.
[55] See J.G.A. Pocock, *The ancient constitution and the feudal law: a study of English historical thought in the seventeenth century* (Cambridge: Cambridge University Press, 1957), *passim*.
[56] David Lieberman, *The province of legislation determined: legal theory in eighteenth-century Britain* (Cambridge: Cambridge University Press, 1989), 31-55.
[57] Angus Hawkins, *Victorian political culture: 'habits of heart and mind'* (Oxford: Oxford University Press, 2015), 6-7; Peter Mandler, *The English national character: the history of an idea from Edmund Burke to Tony Blair* (New Haven: Yale University Press, 2006), 30-1; Donald Read, *Peel and the Victorians* (Oxford: Basil Blackwell, 1987), 25-6.

coincidence that in 1833 Edward Bulwer Lytton condemned the enlarged radical phalanx in the Reformed Commons as a 'motley, confused, jarring miscellany of irreconcilable theorists', or, in 1831, that Sir John Sinclair characterised 'the great object aimed at by every wise reformer' as '*practical* improvement, not *theoretical* perfection'.[58]

Precedent was thus 'a thing of much virtue' among lawmakers, as an article of 1833 in the *Westminster Review* rather grudgingly conceded.[59] Of course, the impulse to seek out legislative options and to learn from the implementation of analogous laws elsewhere was not in and of itself solely a four nations dynamic. During the select committees of 1835-1838 on Irish foundation schools, and those of 1834-35 on English and Welsh elementary education, for instance, considerable attention was given to the regulations and curricula of the so-called model normal schools in France and Prussia.[60] Similarly, the 1844 select committee on the reform of the English law of mortmain duly compared that kingdom's provisions with those of Scotland and Ireland – but also with those of Spain, France, Germany and the United States.[61] Crucially, however, this chapter asserts that precedent drawn from the four nations held especial virtue within the confines of the Imperial Parliament of the 1830s and 1840s. Here, imperial exemplars were endowed with a heightened purchase and value precisely *because* such models were taken from national components of the same unified polity: the very fact of their existence on the statute book in one or more portions of the same unified state provided a compelling *rationale* for their implementation elsewhere in that same polity. To follow, invoke and replicate such pan-British models was to give solid legislative substance to what were some of the defining governing principles of the Reform era: namely, the closer alignment and integration of the four nations into a more or less homogenous Union state, equal, fair and even-handed in the geographical application of its legislative power. After all, if certain legislation had been found beneficial in one portion of the same united polity, surely it stood to reason and justice

[58] Qu. in Ronald K. Huch and Paul R. Ziegler, *Joseph Hume: the people's M.P.* (Philadelphia: American Philosophical Society, 1985), 78; Sir John Sinclair, *Thoughts on parliamentary reform with tables, exhibiting the original amount and progressive increase of the number of national representatives; together with some observations on the present state of the representation of Scotland, and the improvements of which it is susceptible* (Edinburgh: Bell and Bradfute, 1831), 3.
[59] [Anon.], "The gone-by session," *Westminster Review* 19, no. 38 (Oct. 1833): 396; [Anon.], "Municipal corporations in Scotland," *Westminster Review* 23, no. 47 (Jan. 1836): 81-2; see also Oliver MacDonagh, "The 19th century revolution in government: a reappraisal," *Historical Journal* 1 (1958): 58.
[60] *Report from Select Committee on the State of Education; with the minutes of evidence, and index*, *PP* 1834 (572), ix, 3, 41-2, but references to the Prussian education system, in particular, recur repeatedly throughout the minutes; see *PP* 1835 (465), vii, 127-41 for the evidence of the Prussian Dr Nicholas Julius.
[61] *Report from the Select Committee on Mortmain; together with the minutes of evidence and index*, *PP* 1844 (536), x, 509-13.

that the others should benefit also? If one kingdom was prospering as a result of a particular bill, was it not only consistent and fair that the others should enjoy similar treatment?[62]

The perils of precedent?

Yet, within this closely interconnected polity, where action taken in any given portion always possessed the potential to bleed across borders and become enmeshed in broader debates equally resonant within the other constituent nations of the British Isles, legislative precedent, or fear of it, could prove inhibitive as much as encouraging. The essence of this four nations predicament was perfectly distilled by Lord Grey in a letter of October 1832 addressed to the Irish Lord Lieutenant Lord Anglesey, in which he warned of the perils of moving too far and too fast in any reform of the Church of Ireland. 'Tho' we are agreed upon a large measure of reform [of the Church of Ireland]', assured the Prime Minister,

> I am afraid we shall fall far short of the extent to which you [i.e. Anglesey] think it should be carried. I certainly am not prepared to say that any deduction from the Revenues of the Church should be transferred to any other than Church Purposes. Sure I am that if such a principle should be broadly and distinctly asserted, it would at once produce such an opposition here, as would deprive us of the power of carrying any reform whatever. *For you must remember that it is not for Ireland alone or in an Irish Parliament that we are to legislate*. I admit the Circumstances of the two Churches, from the different state of the two countries, to be very different and to require different measures of reformation. But they are one in principle and by Law. *All measures affecting either must be treated of in a united Parliament, and would be considered in their bearing on the interests and security of both*…if it was proposed [to] take from the Church any part of its Property and to apply it to other purposes, which would be represented and felt to be, in Ireland Catholick [sic] Purposes, I can have no doubt that not on the part of our violent opponents in both Houses only, but in the great body of the Protestants of this country, there would be at once excited such an alarm as would be fatal to the Administration.[63]

In other words, within the multinational setting of the Imperial Parliament, Irish considerations alone were insufficient when considering exclusively Irish legislation; a wider

[62] This was a line of argument frequently adopted in debate: see, for instance, *HPD*, 8 Apr. 1830, 2nd series, vol. 24, cc. 25-6; 11 Apr. 1832, vol. 12, cc. 311-313; 25 June 1835, vol. 28, c. 1321; 23 June 1836, vol. 34, cc. 766-7; 24 Jul. 1839, vol. 49, c. 733 (rural police); 10 Apr. 1850, vol. 110, c. 160; see also, *HPD*, 12 May 1834, vol. 23, cc. 883-4; *HPD*, 1 May 1851, vol. 116, c. 413; Rose, *Understanding the United Kingdom*, 129.

[63] Lord Grey to Lord Anglesey, 24 Oct. 1832, Anglesey papers, PRONI, D619/28/A/127; see also Hume's comments, *HPD*, 10 Jul. 1832, vol. 14, c. 227; Brose, "The Irish precedent for English church reform," 204-25.

imperial purview was necessary. Only four days earlier, Lord Althorp had expressed similar sentiments in a letter to Grey, claiming it as his 'firm belief' that were they to adopt too drastic a measure of reform in the Irish Church they would 'destroy the Church Establishment of England'.[64]

Subsequent debates on the Irish Church temporalities bill during the 1833 session demonstrated that ministers had judged correctly in apprehending the perils of legislative cross-fertilisation potentially posed by such a measure.[65] Within a febrile context, where religious establishments across all three kingdoms were coming under scrutiny for their alleged bloated inefficiencies and unrepresentativeness, it made sense for the Irish bill's opponents to cast opprobrium upon the measure by lamenting what they deemed to be its wider imperial implications.[66] Cast as merely the first instalment of a wider imperial policy of ecclesiastical spoliation – the thin end of the wedge – the bill could be demonised by dint of its likely consequences across all four nations, rather than in Ireland alone, where its defence stood on shakier ground.[67] Almost immediately upon the Irish bill being taken up by the House, Irish Conservative Member Thomas Lefroy (Dublin University) thus avowed that 'he…did not mean to discuss the subject as one affecting the Established Church in Ireland alone, but as one in which the interests of the Established Church in England were equally involved'.[68] Fitzstephen French (Roscommon) warned of the bill's 'fearful precedent for England'.[69] Similarly, when they and other detractors of the Irish measure urged that, in their denunciations, 'they stood there to resist the proposition of legislating for Ireland on different principles from those on which the House would legislate for England', ministers can have been only too aware that they were, in effect, being hoisted by their own petard.[70] The very ubiquity and flexibility of arguments framed around imperial precedents of justice and consistency ensured it was a line of attack unique to no specific setting nor restricted to any specific party or interest.[71] In the case of the Irish temporalities bill in 1833, matters were further complicated by the fact that application of the same Irish principles in Britain was for many Dissenters not a spectre to be feared but an exemplar to be pushed. Indeed, on 16 April

[64] Lord Althorp to Lord Grey, 20 Oct. 1832, Spencer papers, BL, Add. MSS. 76373.
[65] A. D. Kriegel, "The Irish policy of Lord Grey's government," *English Historical Review* 86, no. 338 (1971): 37.
[66] G.I.T. Machin, *Politics and the Churches in Great Britain, 1832 to 1868* (Oxford: Oxford University Press, 1977), 28-47, 75-131; Stewart J. Brown, *The national churches of England, Ireland and Scotland, 1801-1846* (Oxford: Oxford University Press, 2001), 168-245; see also, Brent, *Liberal Anglican politics*, 69-75.
[67] Brose, "The Irish precedent for English church reform," 204-25; see also *HPD*, 28 Apr. 1852, vol. 120, c. 1257.
[68] *HPD*, 1 Apr. 1833, vol. 16, c. 1355.
[69] *HPD*, 13 May 1833, vol. 17, c. 1137.
[70] *HPD*, 13 May 1833, vol. 17, c. 1114.
[71] See, for instance, *HPD*, 20 May 1835, vol. 27, c. 1259.

1833, prior to the second reading of the Irish measure, the Member for Brighton George Faithful moved resolutions to the effect that the Church of England was not 'recommended by practical utility' and that the greater part of its riches should be appropriated for the nation.[72] The United Committee of Dissenters was formed in March 1833, and amongst their various legislative demands was the abolition of church-rates, a tax which both opponents and supporters of the Irish bill were quick to point out shared resemblances to the Irish church cess, which, by the terms of the measure, was to be abolished.[73] North of the border in Scotland, the movement against the analogous annuity tax in Edinburgh, which resulted in the introduction of a bill for its reduction in 1833, savoured, as Henry Cockburn noted, of an 'Irish flavour'.[74] Small wonder, then, that in May 1833, one vociferous opponent of the Irish temporalities bill sought to insinuate its imperial consequences ever more determinedly. 'If the Noble Lord removed the vestry cess on account of its being offensive to the Roman Catholics of Ireland', chided Lefroy, 'how could he keep it up against the Dissenters of England, to whom the cess [i.e. church rates] collected here was equally offensive'?[75] Though, despite the best efforts of Lefroy and others, the abolition of the Irish vestry cess was maintained in the bill, the famous removal of the 147th clause concerning the possibility of secular appropriation of the property of the Irish Church, was in no small part borne of fears that those who were most eager in their support of that clause wished, ultimately, to see its terms applied across all the Church establishments of the four nations, with the Church of Ireland merely serving as the convenient and most egregious stalking horse.[76]

Yet, this dynamic – whether borne of tactics or deep conviction – whereby imperial perspectives on legislation were deliberately encouraged as a means to cast doubt or incite fears was one whose purchase was recognised and used by politicians of all parties and principles. Thus, whereas in 1833, it was Lord Grey's ministers who rightly foresaw the perils of their Irish ecclesiastical legislation being refracted through an imperial lens, and their Conservative opponents who pressed the necessity of adopting such a four nations perspective, the tables were reversed entirely in 1840 during the Melbourne ministry's

[72] *HPD*, 16 Apr. 1833, vol. 17, cc. 178-92.
[73] Machin, *Politics and the Churches in Great Britain*, 42-3, 47, 55, 60; see also, *HPD*, 11 June 1835, vol. 28, cc. 654-5.
[74] Qu. in Stewart J. Brown, "Religion and the rise of liberalism: the first disestablishment campaign in Scotland, 1829-1843," *Journal of Ecclesiastical History* 48, no. 4 (1997): 689; the bill was *PP* 1833 (333), ii, 237.
[75] *HPD*, 1 Apr. 1833, vol. 16, c. 1361; see also Richard Brent, "The Whigs and Protestant dissent in the decade of reform: the case of church rates, 1833-1841," *English Historical Review* 102, no. 405 (1987): 891.
[76] Brose, "The Irish precedent for English church reform," 217; Kriegel, "The Irish policy of Lord Grey's government," 43; Machin, *Politics and the Churches in Great Britain*, 32-6.

attempts to undermine Lord Stanley's Irish registration bill.[77] Here, the threat of setting an Irish precedent for the rest of Britain was one seized upon by the Whigs. Speaking against the motion to go into committee on Stanley's bill, Lord John Russell pointedly cast the 'proposition' before them as one designed to '*begin*…a retrograde course, in order to diminish, restrict and abridge the franchise of one part of this United Kingdom'.[78] Where Stanley had urged the necessity for action in Ireland on the grounds of the need to combat proven corruption and bribery in that kingdom, Russell countered that from such blights England, Wales and Scotland were scarcely exempt. Stanley must realise, chided Russell,

> That an instance has lately occurred in one of our own boroughs [i.e. England's], where a person put the bribery oath to a man whom he had himself attempted to corrupt…There are other evils – the annual registration in England – the difficulties which the claimant has to contend with in Scotland, and the attempts which have been made in the three kingdoms at oppression and intimidation.[79]

Since the problems that had moved Stanley to take action in Ireland patently existed across all four nations, reasoned Russell, he perceived the measure as one 'introduced with a far more general object than has been hitherto attributed to it', namely 'the commencement of a series of attacks…to abridge and destroy the elective franchise of the three kingdoms'.[80] Warming to his task, Russell thus demanded to know of Stanley if he intended to apply the principles and practice proposed in his Irish measure to the analogous situation on the British mainland:

> Will you make the freeholder of England…produce his title and make good his claim, and…expose his right to be questioned the next year and the year after…? If the Noble Lord says, he does not mean to apply it to England, I say then you are introducing an unjust system, which is a departure from all the principles of equality which you formerly maintained with such vehemence. But, if you tell me you mean to render the two systems identical, then I give the people of England warning that this Bill concerns more than the registration of Ireland…it is a plan…for the purpose of abridging the franchise of the whole people of the United Kingdom.[81]

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[77] K. Theodore Hoppen, "Politics, the law, and the nature of the Irish electorate 1832-1850," *English Historical Review* 92, no. 365 (1977): 765; Angus Hawkins, *The Forgotten Prime Minister: the 14th Earl of Derby, volume 1: ascent, 1799-1851* (Oxford: Oxford University Press, 2007), 218-23; John Prest, *Politics in the age of Cobden* (Basingstoke: Macmillan, 1977), 60-72.
[78] *HPD*, 18 May 1840, vol. 54, c. 202.
[79] *Ibid.*, c. 203.
[80] *Ibid.*
[81] *Ibid.*, c. 205.

In taking up this line of attack, and attempting to damn an Irish bill by dint of its projected imperial consequences, Russell was following through on a stratagem initially conceived by the Irish Solicitor-general David Pigot. Writing to Chief Secretary Lord Morpeth a few weeks earlier, the Irish lawyer had urged:

> The opinion which I have so often expressed that this question ought to be debated with a view to the ultimate adoption for England, of such a plan as that which Lord Stanley proposes…and I own that it appears to me, that a question of this magnitude might well summon the aid of those who, were such a plan now proposed for England, would denounce it with all effect which would result from debating it as an imperial question.[82]

'What I greatly fear', concluded Pigot, 'is that the debate will, again, be an Irish debate purely'.[83]

Pigot need not have worried. In the aftermath of Russell's speech, numerous other Members took up where the Colonial Secretary had left off. Daniel Roche reproached Stanley, enquiring why, 'if [his]…Bill were so useful and innocent as represented…had it not been made general, and England and Scotland admitted to share its blessings and advantages?', Morgan John O'Connell challenged any 'English Member [to] get up in his place, and declare that such a bill could be extended to England', and Lord Morpeth pointedly urged Members to consider the 'question in a national *and* imperial point of view'.[84]

Bewilderingly, by 1850, roles had reversed yet again. Now, fears of legislative contagion across the Irish Sea were ones augured by those endeavouring to thwart the Russell administration's Irish voters bill, which proposed to place most of that nation's voting qualifications upon the novel basis of poor law valuations.[85] During debate on that measure's second reading in March 1850, Frederic Thesiger (Abingdon) reasoned that,

> As the two countries [i.e. England and Ireland] were thus assimilated as far as possible, the proposed alteration became not merely an Irish but an Imperial question. He thought it impossible to consider the proposed alteration without reference to those changes which must necessarily take place in the English constituencies, supposing that the measure, as proposed by the Government, received the sanction of Parliament.[86]

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[82] D.R. Pigot to Lord Morpeth, [Apr.-May 1840?], Carlisle papers, Castle Howard, J/19/1/27/23.
[83] *Ibid*.
[84] *HPD*, 19 May 1840, vol. 54, cc. 331, 360; 20 May 1840, vol. 54, c. 449.
[85] Prest, *Politics in the age of Cobden*, 104-6; K. Theodore Hoppen, *Governing Hibernia: British politicians and Ireland 1800-1921* (Oxford: Oxford University Press, 2016), 111; Hoppen, "Politics, the law, and the nature of the Irish electorate 1832-1850," 774-6.
[86] *HPD*, 1 Mar. 1850, vol. 109, cc. 241-2.

Others held out similar warnings. 'If the Noble Lord [i.e. Lord John Russell]…once set a stone rolling', admonished Sir John Walsh (Radnorshire), 'it would be impossible for him to stop it. England would come with similar claims, and would break with redoubled force the barrier of finality'.[87] Thomas Taylor (Dublin) likewise 'begged English Members to examine the Bill, although it bore an Irish title, because the next step would be to apply it to England'.[88] For Sir Jephson-Norreys, concerns at the possibility of establishing an English precedent had already shaped the terms of the bill. Writing to his Mallow constituents, he surmised that the Whig ministry's opposition to the wishes of the majority of Irish MPs to institute a five-pound borough franchise was borne of fears that, once 'given to the Irish boroughs, the English towns might also claim to participate in the concession'.[89]

As this latter example intimates, in light of this potential for ostensibly separate national bills to become inextricably bound up in such larger imperial discourses, it is scarcely surprising that ministers were often keen to pre-empt such transfusion, where it threatened to complicate matters. It was surely precisely these concerns which lay behind Lord Melbourne's bristling opposition to one of the draft clauses of Lord John Russell's English and Welsh tithe commutation bill on the grounds that it savoured too much of previous legislative efforts directed towards Ireland, 'clump[ing] the Church of Ireland and England too much closely together as if the evils in both countries were the same'.[90] Similarly, in reviewing possible options for a prospective Scottish church bill in December 1843, Sir James Graham informed the Lord Advocate that various of the suggestions would need to be discounted immediately, regardless of their intrinsic suitability or likely benefits north of the Tweed, 'in light of the present temper of the House of Commons'. 'Applying the unexhausted teinds [i.e. tithes] of one parish to furnish endowment', he observed, 'would excite such *general opposition* as to render it impractical'.[91] Indeed, it was precisely the same concerns of 'stirring up [a] storm' which might prompt the combination of 'Ireland, Scotland, Dissent, and religious indifference', which determined Peel to abandon any thoughts of including provision of public money in his 1843 Church of England parishes extension measure.[92] Again, hopes held by the Lord Advocate Francis Jeffrey that the Scottish reform act might be amended in various particulars immediately in the 1833 session were rebuffed immediately by Grey on the

[87] *HPD*, 22 Feb. 1850, vol. 108, c. 1296; see also *HPD*, 20 Feb. 1851, vol. 114, cc. 853-4.
[88] *Ibid*., 1299; J.B. Conacher, *The Peelites and the party system, 1846-52* (Newton Abbot: David & Charles, 1972), 73.
[89] D. Jephson Norreys, Printed letter to the commissioners for the improvement of the town of Mallow, 4 Apr. 1850, Chief Secretary's Office official papers, NAI, CSO/OP/1850/26.
[90] Rollo Russell, ed., *Early correspondence of Lord John Russell*, 2 vols. (London: T. Fisher Unwin, 1913), II, 153.
[91] James Graham to Duncan McNeill, 3 Dec. 1843, Graham papers, BL, Add. MSS. 79666 fos. 154-6.
[92] Robert Peel to James Graham, 22 Dec. 1842, Peel Papers, BL Add. MSS. 40448, fos. 116-19; the measure reached the statute book as 6 & 7 Victoria, c.37.

grounds that it would be seized upon by English radicals keen to revise their own nation's dispensation. 'They [i.e. ministers] have resolved accordingly not to have any English amendatory act', sighed Jeffrey, 'and we [i.e. Scotland] of course must conform'.[93]

Though fears of legislative contagion could operate in all directions, it was typically measures introduced for Scotland and Ireland, but which held potential to serve subsequently as precedents for England and Wales, which faced the greatest peril. In July 1844, fears of possible English and Welsh dissenting reactions materially shaped the Irish marriages bill of that session.[94] Responding to appeals from Irish Protestant (non-Presbyterian) dissenters that the proposed bill's denial of the right of their ministers to register marriages, requiring instead the 'intrusion of the district registrar', actually placed them in worse position than heretofore, Graham vetoed any amendment on the grounds that 'to modify the Marriage Bill in the manner proposed by the Irish…dissenters would be to establish a precedent of which the English dissenters would take advantage'.[95] The Irish Chief Secretary's pleas to Sir Robert Peel that he could not 'think that the risk of provoking demands from the English Dissenters of further alterations in the marriage law of England [wa]s so great as to…drive the Irish Dissenters from the position of equality' that they held with the other religious bodies of Ireland fell on deaf ears.[96] In the case of the Scottish burghs' reform bill of 1833, widely acknowledged to be merely the first panel of a legislative triptych of municipal reform extending across all four nations, Scottish stipulations were framed and debated not only so as to meet the specific circumstances north of the Tweed, but also with one eye trained upon their likely ramifications for future measures to the south and west.[97] Initial plans to enfranchise Scottish burgesses were shelved in light of fears it would scupper future Whig hopes of excluding English and Welsh freemen from their nations' corporations; despite much Scottish criticism, election was to take place by ward, explicitly on the basis, as Brougham explained, that that was the method ministers desired to impose south of the border.[98] Proposals for a graduated municipal franchise were abandoned in favour of the uniform ten-pound parliamentary dispensation on the basis that only this was seen as providing the necessary security against radical pushes across the United Kingdom for further reductions in the parliamentary franchise whilst also establishing a suitable imperial

[93] Francis Jeffrey to Henry Cockburn, 24 Feb. 1833, NLS, Adv. MSS., 9.1.9, fol. 121.
[94] 7 & 8 Victoria, c.81.
[95] Lord Eliot to James Graham, 28 June, 28 Jul. 1844, Graham papers, BL, Add. MSS. 79640 fos. 32-35, 73-4; R.W. Matheson to Lord Eliot, 27 Jul. 1844, Peel papers, BL, Add. MSS. 40480 fos. 417-23.
[96] Lord Eliot to Sir Robert Peel, 30 Jul. 1844, Peel papers, Add. MSS. 40480 fos. 414-16.
[97] Gordon Pentland, "Radicalism and reform in Scotland, 1820-1833," (unpublished PhD thesis, University of Edinburgh, 2005), 250-261.
[98] Francis Jeffrey to Henry Cockburn, 3, 10 Feb., 27 Apr., 11 May 1833, NLS, Adv. MSS., 9.1.9 fos. 102-3, 107-9, 154, 166-7; 17 May, 27 June 1833, Adv. MSS., 9.1.10, fos. 1-2, 17-18.

municipal standard.[99] As the *Scotsman* reasoned, any variegated franchise, 'if established here…cannot be refused to the English boroughs, and as the English members are understood to be generally averse to it, a formidable opposition would…be raised up to the Scots bill'.[100]

So, within the enclosed confines of the Reformed Imperial Parliament, measures applicable to one of the three kingdoms – whether prospective or enacted – were always liable to become bound up with those designed for the others. Interconnections founded on emulation, fairness and fear were commonplace. Clearly, an important part of these tendencies towards juxtaposing, contextualising, defending, opposing and pressing legislation in one nation by recourse to practice and principles already in operation elsewhere across the United Kingdom lay in the clear rhetorical advantages they offered. 'It is always a good argument, at any rate in Parliament, that you are doing in Ireland as in England', observed Charles Wood to the Irish Lord Lieutenant Lord Ebrington in March 1841.[101] And yet, as we have seen in the cases of the various religious reforms, and of the Scottish burghs' act, measures were genuinely shaped by such imperial eddies. In the final section of this chapter, it is upon these numerous bills and acts, bearing substantive witness to the impact of such four nations dynamics, that closer scrutiny is applied.

Imperial interactions: the legislative record

Charting imperial interaction and cross-fertilisation in the material legislative record itself presents considerable challenges to the historian. In her seminal article, 'Legislating for the three kingdoms', Joanna Innes largely ignored the phenomenon, recognising the existence of what she termed 'parallel legislation' – 'measures enacting, in separate legislation, provisions echoing, more or less closely, those which applied elsewhere' – but stressing the difficulty of embarking upon analysis which, perforce, had to rest on close readings of a voluminous quantity of legislation.[102] Whilst the findings presented here make no claim to exhaustiveness, still, close scrutiny of the details of a significant portion of the legislation of the Reform era clearly does point towards a deep-reaching, wide-ranging undercurrent of imperial interaction imprinted in the legislative record of the four nations. As Innes's formulation suggested, that interaction operated on a blurred spectrum, running from more or less direct – often almost verbatim – replications of bills from one nation to another,

[99] Francis Jeffrey to Henry Cockburn, 3, 10 Feb. 1833 NLS, Adv. MSS. 9.1.9 fos. 102-3, 107-9; *HPD*, 26 June 1833, vol. 18, cc. 1245-6; see also *Scotsman*, 10 Apr. 1833, 2; 13 Apr. 1833, 3.
[100] *Scotsman*, 29 May 1833, 1.
[101] Charles Wood to Lord Ebrington, 25 Mar. 1841, Fortescue papers, Devon Heritage Centre, 1262M/LI/190.
[102] Joanna Innes, "Legislating for three kingdoms: how the Westminster parliament legislated for England, Scotland and Ireland 1707-1830," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 37.

through piecemeal appropriation of clauses to the more intangible echoing of analogous principle, though clothed in different language and forms.

At the forefront of those measures marked by processes of imperial cross-fertilisation were bills that served to extend or replicate provisions already on the statute book in one portion of the United Kingdom elsewhere. Throughout the Reform era, such 'copycat' legislation was dominated by the transplantation of Anglo-Welsh practice and principle onto Irish soil. Here, then, in an alternative incarnation, was the project of imperial assimilation we encountered in the growth of shared Anglo-Irish measures during the 1830s and 1840s.[103] As one representative pamphlet asserted, it was only through the extension of such Anglicised legislation that Ireland would 'earn for herself the appellation of "another England" – and to a prouder title than that no country need aspire'.[104] Oftentimes, the preambles of such assimilatory measures explicitly declared their status as the offspring of statutes promulgated elsewhere across the four nations as the principal claim to their consideration. The Irish insolvent debtors bill of 1840, for instance, was put forward on the grounds that it was deemed 'expedient that certain provisions of acts of parliament in force in England in relation to actions in courts of common law, and to process and proceedings therein, should be extended to Ireland'.[105] In similar fashion, introduction of the 1835 Irish property in infants bill was pressed on the basis of the 'expedien[ce] that the powers of the Courts of Chancery and Exchequer in Ireland over land in Ireland should…be…as large as the powers by the before-mentioned Act given to the Courts of Chancery and Exchequer in England over lands there'.[106]

As these examples suggest, just as their shared common law tradition had served to facilitate the burgeoning number of joint English and Irish legal measures during this period, so too did such subjects lend themselves to these 'Hibernicized' English statutes. Typical in this respect was the 1831 Irish administration of justice bill, which followed hard on the heels of two English and Welsh acts of the preceding session, whose stipulations were deemed expedient to extend to Ireland.[107] Similarly, the Irish bill of 1842 concerning capital punishments sought to 'alter and amend various statutes now in force in Ireland [in order]…to assimilate the law in Ireland as to the punishment of death in certain cases to the

[103] See, in particular, K. Theodore Hoppen, "An Incorporating Union? British Politicians and Ireland 1800-1830," *English Historical Review* 123, no. 501 (2008): 328-50; Hoppen, *Governing Hibernia*, chaps. 1-6; for this phenomenon in the eighteenth century, see Neal Garnham, "The criminal law, 1692-1760: England and Ireland compared," in *Kingdoms united? Great Britain and Ireland since 1500: integration and diversity*, ed. Sean J. Connolly (Dublin: Four Courts, 1998), 216-24.
[104] [Anon.], *Domestic prospects of the country under the new parliament*, 2nd rev. ed. (London: James Ridgway, 1837), 44.
[105] 3 & 4 Victoria, c.105, preamble.
[106] 5 & 6 William IV, c.17, preamble. The English statute being replicated was 1 William IV, c.65.
[107] 1 & 2 William IV, c.31 (Ireland), 1 William IV, cc.3, 70 (England).

law in England'.[108] Declarations of expedience for extending English laws to Ireland were likewise made in the Irish mandamus bill of 1846 and the 1848 Irish trustees' relief bill.[109]

Some of the most noteworthy efforts at the extension of English legislation across the Irish sea were not made explicit in the measures themselves. Typical here were the trio of Irish acts passed during the 1849 session concerned with the jurisdiction of local justices of the peace. The indictable offences, summary convictions and protection from vexatious actions acts were all effectively direct Irish copies of English and Welsh measures enacted in the preceding 1848 session, with all but the most minor alterations to meet Irish circumstances.[110] Preambles, clauses, and marginal glosses were replicated wholesale. Indeed, the Irish indictable offences act contained an identical number of clauses, in an identical order to its English template.[111] Other notable specimens from the Reform period included the Irish acts attending to juries and jurors, contempts in equity, assizes removal, bills of interpleader, juvenile offenders, uniformity of process in personal actions, and the transfer of equity business from the Court of Exchequer to Chancery. Though they did not directly cite them, all essentially replicated acts previously passed with exclusive application to England and Wales only.[112]

Although measures concerning law and order comfortably outweighed all others in their amenability to such copycat treatment, they did not monopolise the output of such 'mirroring' statutes. The 1845 act, which attended to the winding up of insolvent joint stock companies in Ireland, was an almost exact replica of an English and Welsh statute enacted in the preceding session.[113] Meanwhile, the 9 & 10 Victoria, c.30 of 1846 extended to Ireland – word for word – the English and Welsh act of 1840 requiring three clear days' notice of

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[108] 5 & 6 Victoria, c.28 (Ireland), 4 & 5 Victoria, c.56 (England).
[109] Mandamus: Ireland (9 & 10 Victoria, c.113, preamble), England (1 William IV, c.21); Trustees' relief: Ireland (11 & 12 Victoria, c.68, preamble), England: (10 & 11 Victoria, c.96).
[110] Indictable offences: Ireland (12 & 13 Victoria, c.69), England (11 & 12 Victoria, c.42); summary convictions: Ireland (12 & 13 Victoria, c.70), England (11 & 12 Victoria, c.43); protection from vexatious actions: Ireland (12 & 13 Victoria, c.16), England (11 & 12 Victoria, c.44); see also, John Frederick Archbold, *Jervis's Acts, 11 & 12 Victoria, cc. 42, 43, & 44; relating to the duties of Justices of the Peace out of sessions as to indictable offences, convictions and orders; and to the protection of justices in the execution of their duties with practical notes and forms* (London: Shaw & Sons, 1848).
[111] Sir William Somerville to Lord Clarendon, 17 Aug. 1849, Somerville papers, NLI, MS. 46,755/2, fos. 79-80.
[112] Juries and jurors: Ireland (3 & 4 William IV, c.91), England (6 George IV, c.50); contempts in equity: Ireland (5 & 6 William IV, c.16), England (2 & 3 William IV, c.58); assizes removal: Ireland (5 & 6 William IV, c.26), England (3 & 4 William IV, c.71); bills of interpleader: Ireland (9 & 10 Victoria, c.64), England (1 & 2 William IV, c.58); juvenile offenders: Ireland (11 & 12 Victoria, c.59), England (10 & 11 Victoria, c.82); uniformity of process: Ireland (13 & 14 Victoria, c.18), England (2 & 3 William IV, c.39); transfer of equity business: Ireland (13 & 14 Victoria, c.51), England (5 Victoria, c.5). This list could augmented: see, for instance, Nicholas Oulton, *Laws of Ireland analogous to laws of England* (Dublin: Hodges and Smith, College-Green, 1838).
[113] 8 & 9 Victoria, c.98 (Ireland), 7 & 8 Victoria, c.111 (England).

elections to parliamentary boroughs.[114] Nor, though they clearly predominated, were such 'unacknowledged' legislative facsimiles purely limited in scope to Anglo-Irish interactions. Seven years after reaching the statute book in England and Wales in 1838, the act providing for the appointment and payment of special constables to maintain the peace over public works was given full imperial scope by the direct replication of its terms in separate acts of 1845 for both Scotland and Ireland.[115]

Admittedly, separate Scottish measures extending legislative provisions already established south of the Tweed were rare. The Scottish land revenue act of 1833 empowered the commissioners for woods and forests with the 'like powers of selling, leasing and administrating…[lands] in Scotland, in all respects as is by the [10 George IV, c.50]…provided with respect to the Land Revenue in England'.[116] By the terms of the 1840 Scottish oyster fisheries bill, it was deemed 'expedient that certain enactments contained in the [English and Welsh] act [7 & 8 George IV, c.36] should be extended to Scotland'.[117] Nevertheless, the legislative dominance of England and Wales could be effected via other formulations. One of the most remarkable instances of the 'ripple-effect' of Anglo-Welsh legislative precedent was directed towards the 'Celtic fringe' as a whole. In the space of a mere five clauses, the 1846 Scotto-Irish joint stock bank regulation bill, proclaimed that

> whereas an act was passed in the last session of parliament, intituled, "An Act to regulate Joint Stock Banks in England"; and it is expedient to extend the provisions of the said Act to Scotland and Ireland', such that 'all the provisions of the said Act…shall extend to Scotland and Ireland…as if the first-recited Act were herein reenacted, with the substitution of the words "United Kingdom of GB and Ireland", instead of the word "England" wherever the same is found in the said Act.[118]

Here was English and Welsh law writ large as imperial. The same went for the bill of 1847 concerning distillation from sugar which, in a spirit of economic even-handedness, explicitly ruled that, henceforward, the provisions of 6 George IV, c.80,

> Which relate to the distillation of spirits from sugar, and apply to England only, shall extend and be applied to the distillation of spirits from sugar in Scotland and Ireland, and shall be…put in force in and throughout Scotland and Ireland respectively…as if

[114] 9 & 10 Victoria, c.30 (Ireland), 3 & 4 Victoria, c.81 (England).
[115] 1 & 2 Victoria, c.80 (England and Wales); 8 & 9 Victoria, c.3 (Scotland); 8 & 9 Victoria, c.46 (Ireland).
[116] 3 & 4 William IV, c.69, preamble.
[117] 3 & 4 Victoria, c.74, preamble.
[118] 9 & 10 Victoria, c.75, preamble.

> the said first-recited Act had in such respects been originally extended to the United Kingdom.[119]

The precise character of these Anglo-Welsh transfusions varied considerably. The entirety of the exclusively Anglo-Welsh act of 1838 permitting the sale of church patronage belonging to municipal corporations, for instance, was explicitly extended to Ireland in 1840 by means of a single clause encompassed within that nation's much more substantial municipal corporation reform act.[120] In a similar vein, the terms of the interrogatories act of 1831, which applied solely to English and Welsh courts, was explicitly extended to Dublin law courts nine years later when it was embedded in the 66th section of Ireland's 1840 imprisonment for debt act.[121] The 1843 limitation of actions (Ireland) bill represented a different scenario again: here it was deemed 'expedient to extend to Ireland the whole of the provisions' of the 1833 Anglo-Irish act, where previously a section relating to the advowsons had been limited explicitly to England and Wales.[122] Section 41 of the 1848 Scottish entail act performed a similar operation: where previously the so-called Thellusson, or accumulations, act (1800) had applied to both England and Scotland only insofar as it concerned the inheritance of moveables, thenceforward the entirety of the statute was to span the Tweed.[123] As some of these examples indicate, the time-scales for such mirroring statutes to penetrate beyond England and Wales likewise varied markedly.[124] Whereas the 1848 Irish juvenile offenders bill copied an equivalent English statute enacted less than twelve months earlier, the 1850 uniformity of process (Ireland) act reproduced in the Irish context provisions identical to those first enacted in England and Wales by the 2 & 3 William IV, c.39 some eighteen years earlier in 1832.[125]

Below the level of these overt efforts at more or less wholesale extension and replication of Anglo-Welsh principle lay a mass of bills displaying an even richer panoply of more subtle and nuanced interchange. The Irish bankruptcy bill of 1843 contained clauses from at least four previously enacted, specifically English and Welsh statutes – a genealogy carefully traced by the Irish Solicitor-general Thomas Cusack-Smith in a draft copy of this proposed measure.[126] Principally modelled on the English and Welsh purchasers' protection act of

[119] 10 & 11 Victoria, c.6, preamble.
[120] The Anglo-Welsh act was 1 & 2 Victoria, c.31. Its terms were extended to Ireland by 3 & 4 Victoria, c.108, s.148.
[121] 1 William IV, c.22 (England and Wales); 3 & 4 Victoria, c.105, s.66 (Ireland).
[122] 6 & 7 Victoria, c.54, preamble (Ireland); 3 & 4 William IV, c.27 (England and Wales).
[123] 39 and 40 George III, c.98 (Thellusson act); 11 & 12 Victoria, c.36, s.41.
[124] Hoppen, *Governing Hibernia*, 96.
[125] Juvenile offenders: Ireland (11 & 12 Victoria, c.59), England (10 & 11 Victoria, c.82); uniformity of process: Ireland (13 & 14 Victoria, c.18), England (2 & 3 William IV, c.39).
[126] Papers connected with Irish bankruptcy bills, 1843-1845, Chief Secretary's Office official papers, NAI, CSO/OP/1845/6.

1839, sections from the earlier English judgements act of 1838 were incorporated into the Irish bill's second and fourth clauses, whilst clause sixteen drew obliquely on the short English protection against bankruptcy act of 1839.[127] The stipulations in clause eighteen of the Irish draft, noted Cusack-Smith, 'assimilate[d] the law [of Ireland] as to judgements against persons affected by the Bankruptcy Laws to the Law of England', and was taken from section seven of the analogous English and Welsh act of 1831.[128] Amid all these English borrowings, however, dashes of Irish distinctiveness remained: clause eight, recorded the Solicitor-general, was mirrored by 'no similar enactment in England and…has been introduced I believe to meet a difficulty suggested by Mr Pigot [Irish Attorney-general, 1839-41] to Sir E[dward] Sugden [Irish Lord Chancellor]'.[129]

Other examples of such magpie-like piecemeal appropriation were not necessarily quite so intricate in their assembly. The unsuccessful Irish bill of 1844 designed to reform the election and regulation of county coroners drew principally on a duo of English and Welsh statutes.[130] Significant sections of the English act of 1838 abolishing the process of arrest on mesne provided the bulk of two different Irish acts of 1840, one abolishing the same process in Ireland, and the other amending the laws concerning the imprisonment for debt.[131] Nevertheless, other appropriations were present too. Clauses 35 and 53 of the Irish arrest on mesne bill were lifted directly from sections 6 and 28 respectively of the English and Welsh administration of justice act of 1833.[132]

Crucially, however, such diffusion of principle on a more modest clause-by-clause basis was not limited to the diffusion of Anglo-Welsh stipulations. Rather, at this level, imperial cross-fertilisation ebbed and flowed back and forth across and between all four nations. The English act of 1843 designed to prevent frauds and abuses in the woollen, linen, worsted and cotton industries, for instance, clearly hove closely to various stipulations contained in its Irish predecessor of 1840.[133] Similarly, following session after session of failed attempts to secure an English and Welsh land drainage act between 1839 and 1841, backbenchers Philip

[127] 2 & 3 Victoria, c.11 (purchasers' protection); 1 & 2 Victoria, c.110 (judgements); 2 & 3 Victoria, c.29 (protection against bankruptcy).
[128] Papers connected with Irish bankruptcy bills, 1843-1845, Chief Secretary's Office official papers, NAI, CSO/OP/1845/6; 1 William IV, c.7.
[129] Papers connected with Irish bankruptcy bills, 1843-1845, Chief Secretary's Office official papers, NAI, CSO/OP/1845/6.
[130] The 1844 Irish bill was printed as *PP* 1844 (370), i, 417; the English statutes on which this bill drew were 7 William IV and 1 Victoria, c.68 and 7 & 8 Victoria, c.44.
[131] The Anglo-Welsh arrest on mesne abolition act was 1 & 2 Victoria, c.110; the two Irish acts were 3 & 4 Victoria, cc.105, 107; see, for instance, clauses 9 and 11 of the 3 & 4 Victoria, c.105, which represented direct transplantations of sections 10 and 19 in the English and Welsh act of 1838. In turn, clauses 8-9 of the 3 & 4 Victoria, c.107 were lifted verbatim from sections 30-31 of the 1838 statute.
[132] 3 & 4 William IV, c.42.
[133] 6 & 7 Victoria, c.40 (England and Wales); 3 & 4 Victoria, c.91 (Ireland).

Pusey, Lord Worsley and Sir John Trollope sought to capitalise on the successful enactment of the government's Irish drainage act in 1842 by transposing many of the stipulations contained in that measure into a remodelled English and Welsh bill in 1843.[134] Of the first sixteen clauses of that bill, four were verbatim copies of stipulations that had first appeared in the Irish statute, whilst the remaining twelve were all clearly based on the Hibernian template also with only minor alterations to suit administrative necessity, and to reflect the fact that, whereas the Irish act encompassed navigation projects, the English and Welsh did not.[135] Most significantly, where previously English and Welsh efforts envisaged resting the impetus and management of proposed drainage schemes in local hands, by the time of its Irish-inspired reincarnation in 1843, central commissioners were to take charge, in direct imitation of the responsibilities vested in the public works commissioners in Ireland by its 1842 statute.[136]

Scotland's legislators likewise cast their eyes westward. Though ultimately not introduced, the Scottish fisheries bill of 1848 drew in various particulars upon the Peel ministry's Irish fisheries act of 1842, which served, as Scottish draftsman John Burton Hill put it, as a 'peculiarly apt precedent'.[137] Clauses providing for the creation of a register of fishing vessels, the encouragement of the propagation and preservation of bait for line fishing, and the prohibition of trammel nets, were all justified by reference to the terms of this Irish precursor.[138] Particular attention was also paid to those sections of the 1842 statute whereby the authorities responsible for administering the Irish statute, the commissioners of public works, were permitted to make local bye-laws attuned to the specific geographical requirements of each Irish waterway, especially as related to the so-called 'close' times.[139] Burton Hill rested his decision to recommend similar provisions in Scotland on this precedent, noting too that 'it was deemed expedient' that the Irish arrangement by which local enquiries were convened preparatory to the establishment of such 'close times' 'should be adopted in Scotland'.[140] Such transfers of piscatorial legislative precedent across the North Channel operated in both directions, however: section 42 of the Irish fish engines bill

[134] The unsuccessful Anglo-Welsh land drainage bills were *PP* 1839 (109), iii, 35; *PP* 1840 (91), ii, 135; *PP* 1841(1) (91), ii, 53; the Irish drainage act of 1842 was 5 & 6 Victoria, c.89; the different versions of the 1843 English and Welsh drainage bill were printed as *PP* 1843 (101), ii, 23; *PP* 1843 (395), ii, 81; *PP* 1843 (508), ii, 145.
[135] *PP* 1843 (101), ii, 23, cc.2, 3, 5, 15 were verbatim copies of 5 & 6 Victoria, c.89, ss.3, 6, 9, 24. Clauses 1, 4, 6-14, 16 of the English bill corresponded to ss. 1, 2, 8, 10-13, 16-18, 21, 23, 25 of the Irish act.
[136] The principal clauses describing the envisaged powers of the central commissioners were *PP* 1843 (101), ii, 23, cc.1, 2-8.
[137] Thomas Dick Lauder to Andrew Rutherfurd, 15 Feb. 1848, Lord Advocate's Office papers, NRS, AD58/238.
[138] *Ibid*.
[139] *Ibid*.
[140] *Ibid*.

of 1850 concerning the theft of oysters being drawn directly from the first section of the 1847 Scottish mussel beds act.[141] Osmosis of particular English clauses north of the Tweed was infrequent, but not unknown. The Scottish game law amendment act of 1832, for instance, borrowed various – admittedly rather more routine – clauses from the English and Welsh act of the previous session.[142] Similarly, the stipulations and phrasing concerning penalties on persons keeping places for bull-baiting and dog-fighting in the Scottish cruelty to animals act of 1850 were drawn from the second section of the English and Welsh statute of over a decade earlier, whilst sections four and five of that same Scottish enactment were largely derived from provisions laid out in sections seven to eleven of the Anglo-Irish cruelty to animals amendment act of 1849.[143]

However, the most extensive cross-fertilisation of clauses between England and Scotland occurred in relation to those nations' respective measures for the registration of births, deaths and marriages. All three of the Scottish bills of 1847-49 lent heavily on the Anglo-Welsh analogue passed a decade earlier, replicating provisions and language liberally.[144] Interestingly, though, private correspondence reveals that the bills' author, Andrew Rutherfurd, went rather further in drawing upon English experience, seeking out George Graham, the registrar-general for England and Wales, in order to glean not merely the strengths but also the shortcomings revealed by that kingdom's decade-long exposure to its statute.[145] Graham duly obliged, listing those provisions of the Anglo-Welsh act which he deemed had been shown deficient, including the lack of compulsion to undertake registration, and the deposition of copies, rather than original documents, in the central office.[146]

Even specifically Welsh clauses were likewise deemed fair game for appropriation elsewhere. In 1849, whilst introducing his England and North Wales public roads bill, the Under-secretary to the Home Office, George Cornewall Lewis, explicitly defended clause 23 of the measure providing for the Exchequer loan commissioners to recover their loans on

[141] 13 & 14 Victoria, c.88 (oysters); 10 & 11 Victoria, c.92 (mussel beds).
[142] 2 & 3 William IV, c.68 (Scotland); 1 & 2 William IV, c.32 (England and Wales): compare, for instance, clauses 3 and 10 of the Scottish act and 34 and 40 of the English and Welsh.
[143] 13 & 14 Victoria, c.92 (Scottish cruelty to animals); 5 & 6 William IV, c.59 (English cruelty to animals); 12 & 13 Victoria, c.92 (Anglo-Irish cruelty to animals).
[144] The Scottish bills were printed as *PP* 1847 (95), iii, 521; *PP* 1847-48 (561), vi, 97; *PP* 1849 (107), vi, 209. The Anglo-Welsh act reached the statute book as 6 & 7 William IV, c.86. For evidence of the role of the English act as a template for the Scottish measures, compare sections 3, 4, 5, 6, 13-19 of the English statute which map almost directly onto clauses 3, 4, 5, 6, 14, 16-21 of the 1847 Scottish bill; Cameron, "The establishment of civil registration in Scotland," 377-95.
[145] George Graham to Andrew Rutherfurd, 25 Feb., 20 Mar. 1846 [sic: 1847], Lord Advocate's Office papers, NRS, AD58/126; *HPD*, 7 June 1847, vol. 93, cc. 230-1.
[146] George Graham to Andrew Rutherfurd, 5 Apr. 1847, Lord Advocate's Office papers, NRS, AD58/126.

the basis that it was 'copied from the South Wales [turnpike trusts] Act' of 1844.[147] But Cornewall Lewis might have applied that line of argument to a much greater portion of his measure: clauses 15 to 24, attending to the powers of the newly-created road commissioners, for instance, were lifted, almost verbatim, from sections 1-10 of the South Wales measure, whilst amongst numerous others, clause 83, concerning the rate of tolls to be levied on highways, replicated section 50 of the 1844 statute.

The cross-fertilisation of clauses across the four nations could set in train even more complex webs of imperial interactions, such that the imitator swiftly became the imitated. The English and Welsh loan societies act of 1835, for example, which clearly echoed its specifically Irish predecessor of 1823, duly served in turn as a repository of clauses for the Irish loan societies amendment act of 1836.[148] When, in due course, the English and Welsh measure of 1835 came under the spotlight, the provision in the resulting act (s.4) of 1840 (3 & 4 Victoria, c.110) requiring three transcripts of prospective loan societies' rules to be submitted to a barrister was lifted verbatim from the corresponding section of the 1836 Irish act.[149] An Anglo-Irish legislative dialectic was in action.

The various town improvement measures of the Reform era presented an even more intricate web of imperial interaction. As we saw in the previous chapter, in this respect, Ireland blazed the legislative trail. Its extensive lighting and watching act of 1828 provided the framework by which Irish cities and towns could elect a body of commissioners empowered to administer a wide range of urban amenities.[150] A broadly analogous Anglo-Welsh act followed in 1830 – subsequently amended in 1833 – and, thereafter, a parallel Scottish police measure, also of 1833.[151] Whilst the precise stipulations within this trio of measures possessed important national inflections, to which we shall return, nevertheless the Irish act evidently provided a model legislative framework and rubric upon which the subsequent English and Scottish statutes were broadly constructed. In those sections describing the individuals empowered to request the uptake of those measures, to whom applications were to be made, how the proceedings of subsequent deliberative meetings were to be regulated, in whom voting powers were to be vested, and, if adopted, the officials to be elected, the

[147] *PP* 1849 (27), v, 547; the south Wales turnpike trusts act was 7 & 8 Victoria, c.91; *HPD*, 14 Apr. 1849, vol. 104, c. 426.
[148] 5 & 6 William IV, c.23 (Anglo-Welsh loan societies); 4 George IV, c.32 (Irish loan societies). For the role of the latter as a template for the former, compare the preambles, as well as sections eight and five of the Irish and English acts respectively; the 1836 Irish loan societies act reached the statute book as 6 & 7 William IV, c.55. The influence of the aforementioned 1835 English act can be seen by comparing sections 2, 3, 4 and 7 of that English measure with sections 7, 9, 10 and 14 of the Irish.
[149] 3 & 4 Victoria, c.110, s.4. The template for this stipulation was section four of the 1836 Irish act.
[150] 9 George IV, c.82.
[151] The Anglo-Welsh statutes were 11 George IV & 1 William IV, c.27 and 3 & 4 William IV, c.90; the Scottish police act was 3 & 4 William IV, c.46.

language and progression of the relevant sections of the Anglo-Welsh and Scottish measures closely shadowed their Irish precursor.[152] Certain provisions were adopted wholesale. Section 75 of the Scottish act, wherein were described the penalties to be incurred by individuals deliberately enticing watchmen from attending to their duties, was apparently copied almost verbatim from section 49 of the Irish act. So too the Scottish clauses requiring the naming and numbering of houses and the removal of encroachments on streets.[153] Moreover, coming last in the trio of statutes, the Scottish act could also draw upon approved English-only stipulations: thus, section 31 of the 1830 English act, whereby watchmen were invested with the powers of constables, and which had been absent from the Irish act, was broadly replicated in section 74 of the Scottish act. By 1833, each of the three kingdoms of the Union was in possession of its own separate statute regulating civic improvement; as we saw in Chapter 4, each differed in various ways from the others (the Irish and Scottish encompassing a much wider range of powers); yet, each too was clearly also part of a much larger, intertwined imperial legislative genealogy 'grounded in the belief that all over the United Kingdom good and active men existed, whose desire was to take a lead in the improvement of their localities'.[154]

But that four nations genealogical line did not halt in 1833. Whilst the Scots were the last part of the United Kingdom to receive their legislative dose of urban improvement in 1833, that measure was also the most substantial in terms of its provisions.[155] It is not surprising, then, that when, in 1847, following the advice of a report of a select committee investigating private bills, so-called model clauses bills were drawn up in order to provide urban authorities with the means to seek local acts more cheaply and consistently, the measures concerning the improvement and police of towns were both extended to England and Ireland only, and included various clauses concerning subjects to which Scotland alone had thoroughly attended in 1833, such as the regulation of hackney carriages and the granting of powers to secure or remove ruinous buildings.[156] At the same time, these Anglo-Irish clause consolidation measures went a good deal further than the Scottish statute of 1833: the towns improvement act alone extended to nearly 220 clauses. Once enacted, *these* measures thus, in turn, became the repository of model provisions for a prospective Scottish bill seen as

[152] 9 George IV, c.82, ss.1-13 (Ireland); 11 George IV & 1 William IV, c.27, ss.1-9 (England and Wales); 3 & 4 William IV, c.46, ss.1-11 (Scotland).
[153] The sections regarding the naming and numbering of houses were 9 George IV, c.82, s.56 and 3 & 4 William IV, c.46, s.88 in the Irish and Scottish acts respectively; the clauses concerning the removal of encroachments were 9 George IV, c.82, s.62 and 3 & 4 William IV, c.46, s.90.
[154] Prest, *Liberty and locality*, 9.
[155] *Ibid.*, 13-14.
[156] *Report from the Select Committee on private bills; together with the minutes of evidence, appendix, and index*, *PP* 1846 (556), xii, i-vii; the Anglo-Irish improvement and police of towns clauses consolidation acts reached the statute book as 10 & 11 Victoria, cc. 34, 89 respectively.

necessary in order to keep Scotland in step with the rest of the United Kingdom.[157] Indeed, the structure and component parts of the resulting Scottish police act of 1850 were essentially 'cut and paste' from the schedules of these Anglo-Irish antecedents.[158] The sections of the Scottish act concerning constables, obstructions and nuisances, fires, hackney carriages and bathing facilities thus all mapped on almost precisely in terms of structure, if not necessarily in its exact language and stipulations, with corresponding sections of the Anglo-Irish police clauses consolidation act of 1847.[159] By the same token, save for minor rearrangements, sections 6 to 78 of the Anglo-Irish towns improvement clauses consolidation act were mirrored in sections 217 to 282 of the Scottish act.[160] In certain instances, sections were even replicated verbatim across both measures: section 21 of the English and Irish towns improvement act concerned with the prevention of obstructions in the streets during public processions was repeated word-for-word as section 93 of the Scottish act.

Critically, however, the Scottish statute of 1850 *did* differ markedly from the Anglo-Irish model in its methods of implementation. In the case of England, Wales and Ireland, the clauses consolidation acts presented a 'bank' of textbook clauses to be adopted or shunned by local authorities seeking to draw up and enact a local improvement act. However, the permissive Scottish act could be adopted wholesale or in part by burghs *without* the need to prosecute a private bill. As Prest neatly put it, if the 1847 model clauses statutes provided England, Wales and Ireland with pieces of 'legislative meccano', the Scottish act of 1850 did likewise but with a 'motor' inserted.[161] It thus synthesised the permissiveness of the 1830s improvement legislation with the range and depth of provision of the Anglo-Irish model clauses measures of 1847, and in so doing, set itself up as the new imperial exemplar.

Sure enough, as early as the following 1851 session, a specifically Irish bill, introduced by the Chief Secretary Sir William Somerville, sought to follow clearly and deliberately in Scotland's legislative trail.[162] Save for necessary alterations in administrative detail, clauses 24 to 298 of the improvement of towns (Ireland) bill mirrored, in its overarching sub-categorisation of topics addressed, as well as those subjects' ordering, sections 27 to 328 of

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[157] John Richardson to Andrew Rutherfurd, 15 Jan., 22 May 1849, Rutherfurd papers, NLS, MS. 9705, fos. 64-9; R.M. Urquhart, *The Burghs of Scotland and the Police of Towns (Scotland) Act 1850 (13 & 14 Vict. c.33)* (Motherwell: Scottish Library Association, 1989), 3.
[158] The 1850 Scottish police act was 13 & 14 Victoria, c.33; Urquhart, *The burghs of Scotland and the Police of Towns (Scotland) Act 1850*, 8.
[159] 13 & 14 Victoria, c.33, ss.85-136 (Scotland); 10 & 11 Victoria, c.89, ss.6-72 (England and Ireland).
[160] 13 & 14 Victoria, c.33, ss.217-82 (Scotland); 10 & 11 Victoria, cc. 34, ss.6-78 (England and Ireland).
[161] Prest, *Liberty and locality*, 7.
[162] The Irish bill was printed as *PP* 1851 (30), iii, 311.

the aforementioned Scottish statute almost precisely. Various portions of the Scottish act were replicated wholesale: those clauses of the Irish bill, concerning the regulation of polls, for instance, were drawn word-for-word – save for altering the presiding officer from the Scottish preses to the Irish chairman – from the corresponding sections of the Scottish act.[163] The Irish clauses relating to places of public resort were a simulacra of the analogous sections of the Scottish statute; so too the clauses concerning the cleansing of pavements.[164] In short, then, the 1851 improvement of towns (Ireland) bill was scarcely more than the 1850 Scottish police act redux with a minor Hibernian makeover. Indeed, it is telling as to the widespread awareness of its Caledonian inspiration that when the draft of the Irish bill was distributed to Irish urban authorities for comment, at least one existing improvement commissioner actually adverted to those very few omissions from the Scottish act and requested their 'restor[ation]' to the Irish facsimile.[165]

Scrutiny of these various town improvement measures brings to the fore a final, more controversial way in which the separate national legislation of the Reform era bore the mark of imperial interconnection. Put simply, certain bills, irrespective of the precise extent to which they shared, borrowed and replicated clauses were nonetheless bound together in the minds of contemporaries on a more fundamental level, being presented, defended and assailed explicitly as separate national components of an overarching imperial programme of Reform.[166] An example of this phenomenon was surveyed in Chapter 1. As we saw there, whilst certain sections of the three Reform bills for England and Wales, Scotland and Ireland directly replicated each other, allowance was nonetheless made for national distinctiveness (for instance, in the various leaseholder franchises) applied within a broadly consistent imperial framework. For the supporters of reform, the interconnectedness of the trio of measures was founded chiefly on the fact that their stipulations were all animated by the same essential *principles*, if not necessarily actuated by the same precise provisions. In certain respects, the same was true of the suite of town improvement measures introduced between 1828 and 1833. Whilst uptake of the Irish measure's provisions required 21 Irish householders, each possessing at least twenty pounds of property, to apply to the Lord

[163] Clauses 9-16 of the Irish bill; sections 14-21 of 13 & 14 Victoria, c.33.
[164] Clauses 121-132 of the Irish bill dealt with the cleansing of pavements. They were essentially drawn from sections 142-53 of the Scottish act 13 & 14 Victoria, c.33.
[165] Printed observations on improvement of towns bill by J.O. Woodhouse [chairman of Portadown sanitary commission], 10 May 1851, Chief Secretary's Office official papers, NAI, CSO/OP/1851/45; see also *Improvement of towns (Ireland). Return of all applications made to the Lord Lieutenant, or Chief or Under-Secretary for Ireland, during the last five years, for an alteration or amendment of the act 9 Geo. 4, c. 82, with the date when received, the places and persons making such applications, the general purport thereof, and of the replies given thereto respectively, PP* 1852-53 (679), xciv, 713-15.
[166] For the close interconnection of the three reform measures, see chapter 1 above; on the public health bills, see Lord Morpeth's speeches: *HPD*, 30 Mar. 1847, vol. 91, c. 629; *HPD*, 8 May 1848, vol. 98, c. 796.

Lieutenant to convene a meeting, in England and Wales it necessitated merely 3 rated householders to solicit the churchwarden, and in Scotland 21 householders in possession of ten-pounds-worth of property.[167] Yet, as debates during the 1840 health of towns select committee attested, in establishing the principle of 'ratepayers' democracies' across the United Kingdom, contemporaries perceived these statutes as interconnected parts of a larger imperial whole.[168]

This particular dynamic of imperial interaction, and its resulting impact on the legislative process, was brought out most strongly in the case of the municipal reform bills for England and Wales, Scotland and Ireland, which were introduced, deliberated and enacted over the course of years between 1833 and 1840.[169] Here, time and again, the Whig authors of these measures presented and defended each separate national measure on the basis of their status as but single instalments of an overarching policy designed to bring open, accountable, trustworthy local urban government to the United Kingdom. Thus, in response to attacks on the 1835 English and Welsh municipal corporation bill, Lord Lansdowne defended the measure explicitly by recourse to the Scottish exemplar that that same parliament had sanctioned two years previously. 'The Scotch corporations were not found to be a fit depository of local political power…and a new body was raised up', reasoned Lansdowne, 'This Bill proceeds on the same principle – substituting one class of men for another on an improved principle'.[170] When, at the close of that same session, an *Irish* municipal corporation bill was introduced, Lord John Russell, in turn, denied the necessity for any considerable debate prior to the committee stage, since 'all the great principles which form the basis of the Bill have been already discussed and decided on by an extremely full House…with reference to the English Corporation Bill'.[171] Defeated in that session, when another Irish measure was subsequently introduced in the following 1836 session, its echoing of British *principle*, if not necessarily precise detail, was once again urged, this time

[167] 9 George IV, c.82, s. 2; 11 George IV & 1 William IV, c.27, s. 2; 3 & 4 William IV, c.46, s. 1.
[168] Prest, *Liberty and locality*, 9.
[169] As the introduction to the thesis noted (see page 22), no single four nations narrative exists concerning the establishment of reformed municipal corporations across the United Kingdom, though several historians have noted interconnections between the different measures. See, for instance, J. P. D. Dunbabin, "British local government reform: the nineteenth century and after," *English Historical Review* 92, no. 365 (1977): 778; Philip J. Salmon, *Electoral reform at work: local politics and national parties, 1832-1841* (Woodbridge: Boydell for the Royal Historical Society, 2002), 210-11; Joanna Innes and Nicholas Rogers, "Politics and government 1700-1840," in *The Cambridge urban history of Britain, volume 2: 1540-1840*, ed. Peter Clark (Cambridge: Cambridge University Press, 2000), 531, 537, 571-2; Angus D. Macintyre, *The Liberator: Daniel O'Connell and the Irish party, 1830-47* (London: Hamish Hamilton, 1965), 227-62; Ian Newbould, *Whiggery and reform, 1830-1841: the politics of government* (London: Macmillan, 1990), 170, 198, 206, 288-9; Crossman, *Local government in nineteenth-century Ireland*, 77-9.
[170] *Mirror of Parliament*, 13 Aug. 1835, 2474.
[171] *Mirror of Parliament*, 31 Jul. 1835, 2226.

in the King's Speech, where 'a remedy founded upon the same principles as those of the Acts which have already passed for England and Scotland' was explicitly endorsed.[172] Assailed by Conservatives, Lord John Russell challenged his opponents to 'declare that those principles which have been established in England and Scotland – the principles of vigilant popular control and responsibility…are totally inapplicable to the system by which Ireland is to be governed'.[173]

However, for those who sought to make such claims for the imposition of pan-United Kingdom principle, problems of definition presented themselves. For in what precisely did such principles consist? Whereas a ten-pound householder franchise had been imposed upon the Scottish burghs in 1833, that dispensation was summarily dismissed 'as impracticable and inconvenient' for England and Wales.[174] Instead, from 1835 that kingdom enjoyed a ratepayer franchise. In turn, early incarnations of the Irish bill envisaged a five-pound householder franchise in the smaller Irish corporations – a stipulation which had been explicitly negatived when broached over Scottish provisions in 1833.[175] 'The franchise in England differs…from that of Scotland. Is Ireland to be assimilated to England or to Scotland?', inquired Graham during debate in 1836.[176] Indeed, time and again, Conservatives sought to highlight the apparent disjunctions between consistent imperial principle and imperial detail. Why the departure from the English stipulation of requiring two-thirds of inhabitants to petition the king to grant a new corporation?[177] Having entrusted the town councils of England and Scotland with the superintendence of the police, why, in Ireland, should it be reserved to the Lord Lieutenant by the terms of the recently-introduced Irish constabulary bill?[178] As Lord Francis Egerton observed in response to the Whig harangue that Conservatives sought to deny municipal reform to Ireland on 'similar principles' to those afforded to Scotland, England and Wales:

> My answer…would depend upon a definition of the expression, "similar principles"…[which] seems to me…to contain the sum and substance of an argument well calculated to dazzle by its specious lustre, - to attract one's attention

[172] *Mirror of Parliament*, 4 Feb. 1836, 2.
[173] *Ibid.*, 15.
[174] A.D. Kriegel, ed., *The Holland House diaries, 1831-40, with extracts from the diary of Dr. John Allen* (London: Routledge, 1977), 296.
[175] For the debates on the suitability of a five-pound franchise for Scotland: *Mirror of Parliament*, 26 June 1833, 2570-2; 3 Jul. 1833, 2730-1; 8 Jul. 1833, 2832; for efforts to introduce it in Ireland: *Mirror of Parliament*, 31 Jul. 1835, 2224; 7 Mar. 1836, 500-1; 14 Mar. 1836, 617-19; 26 Apr. 1836, 1171-2; Gordon Pentland, *Radicalism, reform and national identity in Scotland, 1820-1833* (Woodbridge: Boydell for the Royal Historical Society, 2008), 173.
[176] *Mirror of Parliament*, 7 Mar. 1836, 535; see also the similar comments made by William Gregson to Peel in 1838: William Gregson to Sir Robert Peel, 25 May 1838, Peel papers, BL, Add. MSS. 40425, fos. 102-3.
[177] *Mirror of Parliament*, 29 Feb, 1836, 383.
[178] *Mirror of Parliament*, 29 Feb. 1836, 385; 7 Mar. 1836, 498-9, 504, 512, 550; 28 Mar. 1836, 831.

> by its seductive generalities, - and to blind us to those consequences which, however they may be described as matters of detail, require…no microscope to detect.[179]

Ultimately, however, one suspects that the attractiveness of the 'same principle' argument lay precisely in its ability to combine a studied vagueness – or 'creative…ambigu[ity] – in detail with a generalising Unionist philosophy of justice and consistency, difficult for any politician to rebuff without appearing to stoke the fires of the Repeal cause.[180] As Lord Mulgrave privately remarked apropos the Irish bill of 1836, the object was simply to bind together the English and Irish municipal causes, and thus 'oblige…the enemy…to state their opinion markedly… "that Ireland could not have the same Legislation as England"'.[181]

Conclusion

In her essay, 'What would a four-nations history of eighteenth-century social policy entail?', Joanna Innes claimed it was 'easy' to argue why the legislative experiences of the four nations should be considered separately:

> Distinct laws and practices were necessarily the focus of distinct debates: institutional and cultural differences determined that the form of these debates also differed from one nation to another. Finally, socio-economic and…religious differences determined that the forms problems took, and the resources available for dealing with them, differed between nations.[182]

That such distinctions and differences all remained in place into the 1830s and 1840s was demonstrated in Chapter 4. It was 'less obvious', continued Innes, however, 'why the experiences of these "four nations" [we]re usefully considered in conjunction'.[183] This chapter makes that rationale slightly more obvious in the case of the Reform era. It has uncovered a wealth of interaction, interconnection and cross-fertilisation between the different, ostensibly separate, national measures for England and Wales, Scotland and Ireland, which are liable to fly under the radar of analyses based purely upon the geographies of legislation delineated by the statute book. Such four nations exchanges were facilitated by the imperial dimensions of the legislature in which they took place, by the lionisation of legislative precedent, and, crucially, by the weight of arguments in favour of imperial consistency and integration so preponderant during the 1830s and 1840s. Within this context,

[179] *Mirror of Parliament*, 7 Mar. 1836, 497.
[180] Peter Gray, *The making of the Irish poor law, 1815-43* (Manchester: Manchester University Press, 2009), 146.
[181] Lord Mulgrave to Lord John Russell, [?] Jan. 1836, Russell papers, TNA, 30/22/2A fos. 97-8.
[182] Innes, "What would a 'Four Nations' approach to the study of eighteenth-century British social policy entail?," 184.
[183] *Ibid*., 183.

existing or prospective measures in one country served as 'models for mutual experiment', spurring, alternatively, emulation or rejection in others.[184] If Anglo-Welsh measures tended overwhelmingly to serve as the imperial templates in these relationships of model and replica, nonetheless this chapter has shown that the Reformed Imperial Parliament was unquestionably a legislative workshop that witnessed interactions across and between all four nations.

[184] Butler, "Rethinking the origins of the British prisons act of 1835," 745.

Chapter 6 A divided kingdom?

The heightened mutual awareness of four nations practice and principle facilitated by the multinational dimensions of the Reformed Imperial Parliament had ambiguous consequences upon the legislation of the 1830s and 1840s. While, fundamentally, it entwined and entangled separate national bills, those entanglements operated in various ways. Actual or prospective bills in one national sphere could widen and extend the palette of legislative options in others – but it could constrain and contract them too. Acts passed on one side of the border could inspire emulative initiative on the other – but they could kindle fears and apprehensions of legislative contagion too. Even more fundamentally, as Joanna Innes has observed, 'increased mutual awareness also meant increased awareness of difference: the discourse of comparison was also a discourse of dissimilarity'.[1] As much as the Imperial Parliament could unify, so too could it divide, highlighting and accentuating separate national tradition and custom, as well as firing national pride in the continuation of that separateness.

This chapter shall suggest that divisions and tensions amongst the four nations, arising more or less directly from the process of legislating for each and all, formed a recurrent feature of the Reform era. National tensions at Westminster were nothing new, of course. In particular, amongst the Scottish and Irish Members, accusations of the neglect of their nations' interests, or of their subordination to those of England were common parlance in an unreformed Imperial Parliament where Anglo-Welsh Members had dominated numerically to an ever greater extent than after 1832.[2] Nevertheless, this chapter argues that national

[1] Joanna Innes, "Legislating for three kingdoms: how the Westminster parliament legislated for England, Scotland and Ireland 1707-1830," in *Parliaments, nations and identities in Britain and Ireland, 1660-1850*, ed. Julian Hoppit (Manchester: Manchester University Press, 2003), 39.
[2] In the case of Scotland, see, for instance, John S. Shaw, *The management of Scottish society 1707-1764: power, nobles, lawyers, Edinburgh agents and English influences* (Edinburgh: John Donald, 1983), 126; Nicholas T. Phillipson, *The Scottish Whigs and the reform of the Court of Session, 1785-1830* (Edinburgh: Stair Society, 1990), 2-4, 62; Michael Fry, *Patronage and principle: a political history of modern Scotland* (Aberdeen: Aberdeen University Press, 1991), 70; I.G.C. Hutchison, "Anglo-Scottish Political Relations in the Nineteenth Century, c. 1815-1914," in *Anglo-Scottish relations from 1603 to 1900*, ed. T.C. Smout (Oxford: Oxford University Press, 2005), 251-2; A.E. Whetstone, *Scottish county government: in the eighteenth and nineteenth centuries* (Edinburgh, 1981), ix-xi; D. Walker, *A legal history of Scotland*, 7 vols. (Edinburgh: W.Green/Butterworths, 1988-2004), V, 248-9; Andrew Mackley "The interest of 'North Britain': Scottish lobbying, the Westminster Parliament, and the British Union-State, c.1760-c.1830," (Unpublished DPhil thesis, University of Oxford, 2016), 228; for the relative indifference of Westminster to Irish affairs prior to 1830, see K. Theodore Hoppen, "An Incorporating Union? British Politicians and Ireland 1800-1830," English Historical Review 123, no. 501 (2008): 343; K. Theodore Hoppen, *Governing Hibernia: British politicians and Ireland 1800-1921* (Oxford: Oxford University Press, 2016), 31-3; for lengthened discussions on the question of the historic neglect of Irish affairs at Westminster, see:

frictions were experienced in an especially acute form during the 1830s and 1840s, in part as a result of the heightened expectations and altered atmosphere occasioned by the passage of Reform, and in part because Reform was widely seen to have precipitated a shift in the balance of power amongst the four nations at Westminster and, thus, in the dynamics and character of the Union itself.[3] In order to illustrate and explore these tensions, this chapter focuses upon two separate junctures when they bubbled to the surface with particular vigour. The first, in the mid- to late-1830s, was characterised by widespread English anguish at what was perceived to be a legislative record symptomatic of the Melbourne administration's renunciation of that nation's interests in favour of flaccid subserviency to the Scottish and Irish votes upon which its survival depended. Ultimately, it was an upwelling of national Anglo-Welsh tension which substantially contributed to the wave upon which Peel and his rejuvenated Conservatives rode to power in 1841.[4] The second flashpoint in national tensions was associated with the return of the Whigs to power following the accession of Lord John Russell's administration in July 1846. Amidst the disarray and turmoil precipitated by the onset of the Famine, the Whig ministry's legislative programme was assailed from all four corners of the United Kingdom, and on a multitude of – often contradictory – grounds. In Scotland and Ireland, specific national measures were attacked in one breath on the basis that, in their very exceptionalism, they appeared to depart from the Whigs' much-vaunted professions of legislative consistency and fairness across the Union, and in another because they allegedly rode roughshod over particular national interests and peculiarity in a blind crusade at imposing an Anglicised, centralised imperial conformity.[5] Indeed, though lambasted for its 'un-Englishness' by critics in that nation, so far as Scotland and Ireland were concerned, one of the principal perils of this apparently inexorable Whiggish centralisation was that it frequently appeared to be synonymous with a creeping Anglicisation of native institutions, and rule from a remote metropolis. Regardless of their precise inflections, however, the critical factor uniting these various attacks was their portrayal of the incumbent Whig administration's legislative output as one fundamentally at odds with its claims to embody and represent national interests, whether that be those of

HPD, 22, 23 Apr. 1834, vol. 22, cc. 1090-1158, 1164-1284; see also *London Evening Standard*, 16 June 1832, 4; *Pilot*, 16 Apr. 1834, 2.

[3] For more on these perceived shifts in the Union, see Chapter 1 above.

[4] Norman Gash, *Reaction and reconstruction in English politics, 1832-52* (Oxford: Oxford University Press, 1964), 134, 136; Ian Newbould, *Whiggery and reform, 1830-1841: the politics of government* (London: Macmillan, 1990), 308; Norman Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830* (London: Longman, 1972), 265; Richard A. Gaunt, *Sir Robert Peel: the life and legacy* (London: I.B. Tauris, 2010), 82.

[5] The centralising critique made against Russell's ministry is well-established: William C. Lubenow, *The politics of government growth: early Victorian attitudes towards state intervention, 1833-48* (Newton Abbot: David & Charles, 1971), 85-106; Benjamin Weinstein, *Liberalism and local government in early Victorian London* (Woodbridge: Boydell and Brewer, 2011), 79-97.

England, Wales, Scotland and Ireland separately, or the Union as a conjoined whole.[6] By the time the Whigs were removed from office in 1852, their efforts at legislating for the four nations had contributed to the creation of a Union apparently more fractious than at any point since the passage of parliamentary reform some twenty years earlier.

'England has a rope round her neck, of which Scotland holds one end, and Ireland the other': legislative tensions at Westminster, 1835-41[7]

That the task of legislating for the four nations during the Reform era was likely to be productive of considerable tensions had been foreshadowed at its birth. As we saw in Chapter 1, debate over the redistribution of seats across the united polity reflected very real concerns that, together with Catholic Emancipation, parliamentary reform would prompt a fundamental recasting of the finely-tuned 'British' balance of power that was seen to inhere at unreformed Westminster.[8] For the bills' supporters, a re-balancing was precisely what was required in order to realign the Imperial Parliament with the peoples and interests of the four nations that it was designed to represent. In contrast, opponents and sceptics forecast that the result would be a diminution of the Anglican English hegemony at Westminster.[9] For those inclined to take that latter view, the years of the Grey ministry after 1832 appeared to offer support. Complaints at the loquaciousness of the Irish Members in debate and the dominance of Irish bills in the legislative schedule were commonplace. So prolonged had been the debates on the Irish coercion bill, lamented Thomas Attwood, that 'the great work of English legislation had been totally neglected for it'.[10] Francis Jeffrey likewise complained that Irish concerns rendered the prospect of parliamentary consideration of Scottish measures 'absolutely hopeless'.[11] Even the Whiggish *Edinburgh Review* summarised the 1833 sitting as one in which 'The greater part of the Session was consumed, not in improving the condition either of the English nation or the Scotch, but in hearing the endless wranglings of the Irish representatives'.[12] In fact, as we saw in Chapter 2, the Grey/Melbourne ministry's overarching legislative output was reasonably well spread in terms of its geographical scope – it was with the advent of the Melbourne administration that matters assumed a different complexion. Here, electoral politics were key.

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[6] Jonathan Parry, *The politics of patriotism: English liberalism, national identity and Europe, 1830-1886* (Cambridge: Cambridge University Press, 2006), 55, 57.
[7] *The Times*, 25 August 1837, 2.
[8] See Chapter 1 above.
[9] See, for instance, *John Bull*, 18 Apr. 1831, 6.
[10] *HPD*, 19 Mar. 1833, vol. 16, c. 828.
[11] Francis Jeffrey to Henry Cockburn, 16 Apr. 1833, NLS, Adv. MSS., 9.1.9, fol. 154.
[12] [Anon.], "First session of the Reformed Parliament," *Edinburgh Review* 58, no. 117 (Oct. 1833): 225-6.

At the polls in 1835, the 'British' complexion of the Commons underwent a significant shift. Melbourne's former administration retained its comfortable – if marginally depleted – supremacy in Scotland and Ireland, securing majorities of 23 and 29 respectively. However, the Whig's English and Welsh support fell by nearly a quarter on its 1832 returns, its majority in that portion of the United Kingdom resting at a mere 62. The Whig drop-off in England and Wales was most acutely felt in the counties, which, by the close of the 1835 polls, were shared almost equally between the Whigs and Robert Peel's short-lived Conservative administration.[13] Numbers only told half the story, however. Throughout much of the session of 1834, the Whig government had appeared directionless, exposed to Radical, Irish and Dissenting salvoes aimed against their financial and religious policies, or lack thereof, and reliant upon Tory support, marshalled by Peel, to retain their Commons' majorities.[14] Whilst the 1835 returns confirmed the minority status of the new Conservative administration, any hopes of dislodging them from power were dependent on the Whigs driving forward in one direction the unwieldy coalition that had undermined its efforts during the opening sessions of the Reformed parliament. The Whig response to this peculiar electoral situation has been subjected to considerable investigation by historians, and the circumstances of the informal alliance into which the Whigs, English and Scottish Radicals and Irish O'Connellites entered, disparagingly referred to by opponents as the Lichfield House Compact, well-established.[15] For the purposes of this chapter, it is sufficient to note that, in reaching such an informal accord, Melbourne's opposition accepted and embraced its dependence upon the Commons votes of the Scottish Members, and, more controversially, the Irish, to secure its return to power.[16]

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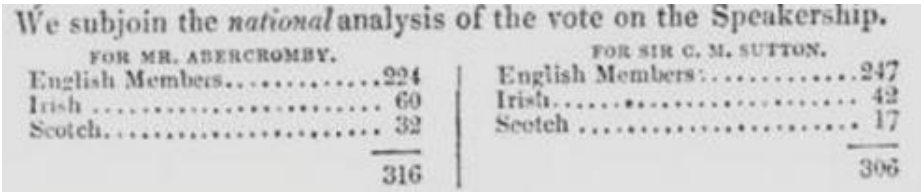
[13] Colin Rallings and Michael Thrasher, *British electoral facts, 1832-1999* (Abingdon: Routledge, 2000), 3-4; David H. Close, "The rise of the Conservatives in the age of reform," *Bulletin of the Institute of Historical Research* 45, no. 111 (1972): 89-90; Donald Read, *Peel and the Victorians* (Oxford: Basil Blackwell, 1987), 74-5; Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830*, 101; Gash, *Reaction and reconstruction in English politics*, 164; Travis L. Crosby, *English farmers and the politics of protection, 1815-1852* (Hassocks: Harvester, 1977), 103-4.

[14] Newbould, *Whiggery and reform, 1830-1841*, 78-152; Ian Newbould, "Sir Robert Peel and the Conservative Party, 1832-1841: A Study in Failure?," *English Historical Review* 98, no. 388 (1983): 529-57.

[15] Spencer Walpole, *The life of Lord John Russell*, 2 vols. (London: Longmans, Green, 1889), I, 220; A.H. Graham, "The Lichfield House compact, 1835," *Irish Historical Studies* 12, no. 47 (1961): 209-25; Joseph Coohill, *Ideas of the Liberal Party: perceptions, agendas and liberal politics in the House of Commons, 1832-1852* (Oxford: Wiley-Blackwell, 2011), 102-8; Joseph Coohill, "The 'Liberal Brigade': Ideas of Co-operation between Liberal M.P.s in 1835," *Parliamentary History* 24, no. 2 (2005): 231-6; Angus D. Macintyre, *The Liberator: Daniel O'Connell and the Irish party, 1830-47* (London: Hamish Hamilton, 1965), 144-5.

[16] Richard Brent, *Liberal Anglican politics: Whiggery, religion and reform, 1830-1841* (Oxford: Oxford University Press, 1987), 95-6; Graham, "The Lichfield House compact," 209; Coohill, *Ideas of the Liberal Party*, 108; Peter Mandler, *Aristocratic government in the age of reform: Whigs and Liberals, 1830-1852* (Oxford: Oxford University Press, 1990), 160-4.

If this apparent shift in the Whigs' parliamentary power-base towards the 'Celtic fringe' was not immediately apparent, the opening blows of the new parliament in February 1835 revealed the national dynamics that would grip Westminster for the next six years. In the immediate aftermath of the division on the speakership on 19 February 1835, in which the Whig candidate, James Abercromby, narrowly triumphed over the Tory incumbent Charles Manners Sutton by a mere ten votes in a House of over six hundred, a jubilant *Spectator* pointedly 'subjoin[ed]' for its readers 'the *national* analysis of the vote on the Speakership'.[17]



We subjoin the *national* analysis of the vote on the Speakership.

FOR MR. ABERCROMBY.		FOR SIR C. M. SUTTON.	
English Members	224	English Members	247
Irish	60	Irish	42
Scotch	32	Scotch	17
	316		306

The breaking-down of Commons' majorities and minorities into their national components was nothing new, of course. It was an exercise frequently undertaken by the parliamentary parties themselves, especially in the aftermath of elections, when chief whips were tasked with providing their leaders with an assessment of the party's probable strength.[18] What made the *Spectator*'s national analysis so notable and provocative, however, was that, in a House where the numerical support for the Whigs and Tories was already known to be closely balanced, it provided a stark illustration that the majority sentiment of the *English* Members in favour of Manners Sutton had been thwarted by the combined votes of MPs from the rest of the Union.[19]

O'Connell's troop of Irish Members, disparagingly referred to as his 'Tail', predictably attracted the most vociferous criticism from inflamed English Conservative opinion, already rendered indignant at the Lichfield House Compact. Mere unthinking 'delegates of the Irish priesthood', it was the Irish Members who had 'overborne…the deliberate voice of the English people', railed an article in *Blackwood's*.[20] Yet, as the *Spectator*'s commentary had

[17] *Spectator*, 21 Feb. 1835, 11.
[18] See, for instance, Charles Wood's assessment as government whip in the aftermath of the 1832 election: Coohill, *Ideas of the Liberal Party*, 127; David H. Close, "The formation of a two party alignment in the House of Commons between 1832 and 1841," *English Historical Review* 84, no. 331 (1969): 259; see also, William Torrens McCullagh Torrens, ed. *Memoirs of William Lamb, Second Viscount Melbourne*, 2 vols. (London: Macmillan, 1878), II, 91.
[19] For the general background to the speakership vote, see Newbould, *Whiggery and reform*, 164-81; Mandler, *Aristocratic government in the age of reform*, 159-60; John Prest, *Lord John Russell* (London: Macmillan, 1972), 85-90; Coohill, *Ideas of the Liberal Party*, 102-9.
[20] [Samuel O'Sullivan], "The Irish Constituency," *Blackwood's Edinburgh Magazine* 5, no. 28 (Apr. 1835): 382; Robert Stewart, *The Foundation of the Conservative Party, 1830-1867* (London: Longman, 1978), 55-7.

hinted, many onlookers could not fail to observe the crucial role that Scottish votes had also played in registering England's reverse over the choice of speaker. *The Times* alluded to the direction in which its sentiments were turning when it quietly noted that the division lists suggested 'an index of the spirit predominating throughout the English representation, *as contradistinguished from the Scotch and the Irish*'.[21] Other reports were more outspoken in their analyses: the editor of the *Royal Cornwall Gazette* informed his readers that Manners Sutton had been turned out 'by the representatives of the unenlightened Roman Catholics of Ireland, and by the delegates of the newly enfranchised Scotch constituencies'.[22] At a meal in honour of Sir John Elley (New Windsor), an attendee bemoaned that a 'majority of English voices' in favour of Manners Sutton had been 'overborne by the independent, high-minded, wealthy tail of O'Connell, and the liberal spawn of Scotch Presbyterian boroughs'.[23] By the close of 1835, *The Times*'s opinion on this momentous division, and the subsequent amendment on the address, had similarly hardened. 'When Parliament was assembled in February [1835]', it recollected:

> The analysis of the votes on the Speakership…plainly showed that ENGLAND had declared in favour of Sir R. Peel's Government. This there could be no mistake about: for, strike off the support which Lord John Russell received from Scotch and Irish Members, and you have his Lordship and his colleagues exactly where they should have been – in a decided minority.[24]

Unsurprisingly, the resignation of Peel's ministry in April 1835 only intensified English Conservative outrage against a House of Commons seen as being in thrall to its Irish and Scottish opponents. Amongst certain contemporaries a view was matured that Peel's government, though displaced, remained the party of the English nation.[25] In May 1835, Lord Abinger exhorted a meeting of Norfolk Conservatives that 'England' had 'nothing to fear' if she remained 'true to herself...in returning a majority of Conservative representatives to Parliament…her opponents are the Scotch and Irish representatives, who are united to overturn her institutions'.[26]

Such opinions were given ever greater ammunition upon the installation of Lord Melbourne's Whig administration. National tensions in the legislative process flared especially markedly during the debates and votes on the English municipal corporation bill,

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[21] *The Times*, 23 Feb. 1835, 2.
[22] *Royal Cornwall Gazette*, 28 Feb. 1835, 4.
[23] *Berkshire Chronicle*, 9 May 1835, 1-2.
[24] *The Times*, 30 Nov. 1835, 4.
[25] See, for instance, Gladstone's Glasgow speech, *Morning Post*, 16 Jan. 1837, 2; and, subsequently, William Follett, *HPD*, 2 June 1841, vol. 57, c.1022.
[26] *The Times*, 11 May 1835, 3.

when analyses of the division lobbies revealed that a majority of English votes in favour of preserving the rights of freemen to vote for MPs had been overturned by combined Scottish and Irish majorities.[27] Melbourne's new Whig administration, 'incited and supported by Irish Papists and Scotch Reformers', was thus widely decried as plumbing new depths of anti-national, anti-English feeling.[28] Such sentiment began to trench on debates in the Commons itself. During a reprisal of the question as to whether freemen should continue to possess the English municipal franchise, Henry Aglionby poured scorn on those who asserted that the 'freemen of England and Wales are to robbed of their rights, by a majority of Scotch and Irish Members'.[29] Nevertheless, during that same debate, Donald Maclean (Oxford) tendered his vote in opposition to the government 'happy' in the knowledge that he had 'acted in conjunction with the majority of the representatives of England'.[30] When the bill made its way to the Upper Chamber, Lord Lyndhurst explicitly moved for the preservation of the freeman franchise on the basis that 'a majority of the representatives of England, who alone are interested in the question, voted for the introduction of such a provision'.[31]

Unsurprisingly, Lyndhurst's claims to be standing up for English Commons' opinion were warmly greeted in the Conservative provincial press. 'The Ministerial papers bawl loudly about the voice of the people being against any alteration…in the…Lords', the *Westmorland Gazette* noted: 'The Irish and Scotch Members may bawl against it, but what have they to do with it? Or we with them? This is an English Corporation Bill, and the people of England ought to decide upon its merits or demerits'.[32] Similarly, the *London Evening Standard* chastised 'the Popish delegates of the Irish priests, and the creatures who have imposed themselves upon inexperienced Scotch constituencies' for arraying themselves against a 'bill exclusively affecting England'.[33] 'The people of England' saw the measures of Melbourne's government for what they were – 'the refuse of the Irish and the scum of the Scotch'.[34] In the aftermath of a final vote on the bill, *The Times* rounded on what they saw as the inherent rottenness of the legislative process within such a nationally fractious chamber as the Reformed Commons:

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[27] Two discussions and divisions were taken on this subject: *HPD*, 23 June 1835, vol. 28, cc. 1069-1116; *HPD*, 16 Jul. 1835, vol. 29, cc. 646-673; G.B.A.M. Finlayson, "The politics of municipal reform, 1835," *English Historical Review* 81, no. 321 (1966): 680-2.
[28] *The Times*, 22 July 1835, 5.
[29] *Mirror of Parliament*, 16 Jul. 1835, 1938.
[30] *Mirror of Parliament*, 20 Jul. 1835, 1985; see also *The Annual Register, or, A view of the history, politics, and literature for the year* (London: R. and J. Dodsley, 1835), 255.
[31] *Mirror of Parliament*, 13 Aug. 1835, 2475.
[32] *Westmorland Gazette*, 22 Aug. 1835, 2.
[33] *London Evening Standard*, 19 Aug. 1835, 2.
[34] The *Age*, 30 Aug. 1835, 276.

> The people of Ireland [and] Scotland, call upon the Lords to pass our English Corporation Bill without alteration, because the majority of the representatives of those portions of the empire have so voted for the bill; but the people of England do not call upon their own freely-chosen representatives to bow the head to Scotch and Irish Members…upon a question purely English. Upon the most important division in the Commons…there was but a majority of 28 in favour of the bill; but of the English Members, there were 179 for it, and 194 against it.[35]

Such claims were reprised with still greater potency in the wake of the ministry's resolution to introduce an Anglo-Welsh church rates commutation bill in early 1837. In the division that took place on the motion of Thomas Spring Rice to go into committee, a national breakdown of the lobbies revealed that only a combined Scottish and Irish majority of 36 (87 vs. 51) had secured ministerial victory over an English contingent, of which a majority of thirteen (240 vs. 227) had opposed the scheme.[36] Within the Tory press, cries against an English legislature whose decisions no longer embodied English majority sentiment were made shriller by the fact that, 'if ever such a distinction [between English, Scottish and Irish votes] were just and proper it is assuredly so upon the present occasion, when we are called upon to consider the merits of a plan which relates exclusively to the…*English* Protestant Church'.[37] The *Standard* adopted a similar line of argument a few days earlier, when, noticing the presentation of numerous Scottish petitions against the church-rates measure by those Scottish MPs 'ready to cast in their lot with the Infidels and Voluntaries of their country', it professed itself unable to 'guess…upon what decent pretext our North British fellow-subjects offer their interference in this strictly English question'.[38] Likewise, during the turbulent passage of the ministry's English education proposals in 1839, no opportunity was lost by its opponents to point up the national delineations of its support within the Imperial Parliament. After the closely-fought division to enter into the committee of supply, the *Morning Post* noted that only 'a majority in its favour of ten Scotch and thirty-seven Irish representatives…rescued…the Ministerial scheme…from the perdition it so well deserves'.[39]

For many onlooking commentators, however, votes such as these were significant less in terms of the substantive issues at stake, and more because they appeared to give direct

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[35] *The Times*, 19 Aug. 1835, 2.
[36] *HPD*, 15 Mar. 1837, vol. 37, cc. 549-554; for the background to this vote, see Richard Brent, "The Whigs and Protestant dissent in the decade of reform: the case of church rates, 1833-1841," *English Historical Review* 102, no. 405 (1987): 887-910, and J.P. Ellens, "Lord John Russell and the Church Rate Conflict: The Struggle for a Broad Church: 1834-1868," *Journal of British Studies* 26, no. 2 (1987): 233, 238-41; Gash, *Reaction and reconstruction in English politics*, 73.
[37] *The Standard*, 17 Mar. 1837, 2.
[38] *The Standard*, 9 Mar. 1837, 4.
[39] *Morning Post*, 26 June 1839, 4.

credence to those prognostications voiced during 1830-32 that the passage of Reform would herald an insidious shift in the geopolitical power balance that underwrote the legislative process. The Tory dandy banker Thomas Raikes confided to his diary in August 1835 that the suborning of English votes by those of Scotland and Ireland during the divisions on the English municipal corporation bill was merely the inevitable outcome of 'the working of this Reform Bill'.[40] An article in *Blackwood's Edinburgh Magazine* claimed that the English constitution was under attack from a 'Revolutionary faction, resting on a small majority of Scotch, and a considerable majority of Irish Members, reared up into political activity by the Reform Bill'. 'The question', it ominously advised its readers, is 'whether the Commons of England and the Peers of England shall be ruled with a rod of iron by a band of Scotch and Irish revolutionists'.[41]

In practice, however, national disquiet was not limited to the English alone. During debate in 1836 on the Irish municipal corporation bill, William Smith O' Brien (Co. Limerick) argued the point in very similar terms:

> The great contending parties stake the success of their rivalry upon Irish questions, and then, when Irish Members, speaking the sense of their constituents, turn the scale, it is made a matter of reproach to them that they hold in their hands the balance which regulates the destinies of the empire! Is it not a much fairer ground of reproach that English majorities…should interfere to defeat the clearly-expected wishes of the majority of the Irish people?[42]

Similar assertions were aired during debates on the Irish poor bill in 1838, much to the anguish of Lord John Russell.[43] The *Morning Chronicle* wryly inquired 'What kind of majority' would please the Imperial Parliament: 'The Corporation Bill is bad because an Irish majority carries it, and the Poor-Law Bill is bad because an English majority supports it'.[44] In June 1840, Henry Grattan (Meath) assailed the double standards that he perceived in the widespread English favour shown to Lord Stanley's Irish registration bill. 'They [i.e. the English Members] suffered from and indeed openly complained of, being beaten down by an

[40] Thomas Raikes, *A portion of the journal kept by Thomas Raikes, Esq., from 1831-1847: comprising reminiscences of social and political life in London and Paris during that period*, 2 vols. (London: Longman, Brown, Green, and Longmans, 1856), I, 311-12.
[41] [Anon.], "Shall we overturn the peers?," *Blackwood's Edinburgh Magazine* 38, no. 241 (Nov. 1835): 575.
[42] *Mirror of Parliament*, 7 Mar. 1836, 523-4.
[43] *HPD*, 30 Apr. 1838, vol. 42, cc. 676-7, 681, 686-7, 691-6, 701, 719; Peter Gray, *The making of the Irish poor law, 1815-43* (Manchester: Manchester University Press, 2009), 207.
[44] *Morning Chronicle*, 2 May 1838, 5.

Irish majority in that House', he averred, 'and then they sought to carry that measure by an English majority. Was that justice to Ireland?'[45]

That such Hibernian counter-assertions ultimately registered rather less on the parliamentary consciousness was in no small part because, at root, underlying English lamentations of the shifts in power at Westminster was a more fundamental allegation that, until Reform, that nation had rightfully been the dominant power in the imperial legislative process. 'The English nation formed the empire. Ours is the imperial isle', declared Benjamin Disraeli in a pseudonymous article of 1836.[46] Prior to the 1837 elections, in which the Conservatives made even greater inroads into the English electorate, the *Morning Herald* ran a leader entitled, 'English influence overpowered in England', in which the author soberly declared that 'no man of ordinary sense…can regard without apprehension a state of things in which English influence…as represented by the majority of English representatives…is no longer the leading influence…in the Commons'.[47] For the author, such apprehension was borne of the fact that, in placing an apparent reliance upon Scottish and Irish votes, the Whigs had subverted the balance of Unionist relations to such an extent that England no longer enjoyed the parliamentary and legislative pre-eminence which its numbers, history and commercial status demanded. Though since 1707, and, thence, 1800, the Westminster parliament and the legislation it sponsored had been, first, British, and latterly Imperial, 'a legislative union does not fuse into one whole the interests…prejudices, and power of the kingdoms united, especially when differences are actually left in the laws, institutions, and public customs of the respective kingdoms'.[48] What had permitted parliament to function during these years, maintained the *Morning Herald*, was the fact that the imperial admixture it belied had been predominantly English, and fittingly so.[49] In the wake of the church rates vote, judge and colonial administrator Sir Alexander Croke expressed similar sentiments. 'Although England in extent, population, wealth, and commerce far exceeds both of the other kingdoms united', still, 'overborne by the votes of the Scotch and Irish Members', English interests in its own nation's legislative affairs had been reduced to 'perfect insignificance'. 'People of England', scolded Croke, 'will ye submit to be so degraded?..Shall the lion crouch to the thistle and the shamrock?[50]

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[45] *HPD*, 11 June 1840, vol. 54, c. 1067.
[46] *The Times*, 25 Apr. 1836, 4; see also Allen Warren, "Disraeli, the Conservatives and the National Church, 1837–1881," *Parliamentary History* 19, no. 1 (2000): 97; and Disraeli's subsequent comments qu. in Hugh Cunningham, "The Language of Patriotism, 1750-1914," *History Workshop* 12, no. 1 (1981): 21.
[47] Qu. in *Liverpool Mail*, 5 Sep. 1837, 4; for the further English gains made by the Conservatives at the 1837 elections, see Gash, *Reaction and reconstruction in English politics*, 134, 164.
[48] Qu. in *Liverpool Mail*, 5 Sep. 1837, 4.
[49] *Ibid*; Mandler, *The English National Character*, 29, 41.
[50] *Oxford University and City Herald*, 22 Apr. 1837, 4; see also, *John Bull*, 27 Aug. 1837, 416.

Nor was it merely votes cast in the division lobbies that signalled the usurpation of English dominance in the legislative processes. Even amongst those warm to Melbourne's administration, disquiet was widespread at what they perceived to be the ministry's continuing infatuation with Irish measures. In December 1836, Lord Granville Somerset wrote to Sir James Graham that future Radical support for the Whig ministry would be dependent on 'Radical *English* measures as well as Radical Irish measures'.[51] Meanwhile, Charles Buller informed the Whig whip, Edward Ellice, that much English Radical apathy towards the government was the result of its 'taking its stand' on the 'weak points [of]…its Irish bills'.[52] The *Manchester Courier* bemoaned the fact that ever since the Whig government had ascended to power by 'the aid of the "tail"…we have heard of nothing but Irish grievances, Irish tithe bills, and Irish justice…Thus Irish affairs are all in all'. 'But though most of the English Members confine themselves to Irish legislation', the article continued,

> The Irish by no means reciprocate the compliment…We have no objection to the fair consideration of Irish questions, but we do not understand why everything else should give way to them…We doubt not that when the people begin to…reflect upon the total disregard of English affairs…they will hesitate in the partial confidence they have hitherto given, and will seek the establishment of such a government as will give equal justice to all, and not deny to England under the shallow pretence of awarding "justice to Ireland".[53]

Inevitably, the Conservative *Annual Register* eagerly concurred in the view that the Whigs had entirely subverted the English character of the Westminster parliament, reflecting that were one to judge from the 'space it engrosses in the proceedings of the legislature, one might suppose that the effect of the Union had been rather to transfer the English parliament to Dublin'.[54] In 1836, the Duke of Newcastle lamented that 'the present House of Commons was not an English House of Commons', as he deemed was naturally desirable, 'but a low Irish House of Commons'.[55]

It was precisely such vehement insistence upon disaggregating parliamentary division lists into their national fractions, and upon asserting the existence of such distinct national interests at Westminster, that permitted and encouraged the Whigs to present themselves in

[51] Macintyre, *The Liberator: Daniel O'Connell and the Irish party*, 247.
[52] *Ibid.*, 247 n.2.
[53] *Manchester Courier*, 25 June 1836, 2.
[54] *The Annual Register, or, A view of the history, politics, and literature for the year* (London: R. and J. Dodsley, 1837), 26.
[55] *Standard*, 17 Mar. 1836, 2.

contrast to their opponents as the true proponents of an integrated, thoroughly Reformed, imperial interest. Thus, in response to the assertions of the dominance of purely Irish issues within the Commons, the *Examiner* enunciated the guiding Whig rationale when it vigorously denied that 'the least degree of undue prominence has been given to these great questions, involving interests, nominally Irish, really imperial'.[56] Reluctantly admitting 'that certain questions are *more* Irish than English', it maintained that there was 'no Irish question which is not, viewed by the light of the Union, an English question also'.[57]

Ultimately, it was upon this claim to be effacing separate national interests into one single set of guiding Unionist principles that Melbourne's ministry set their store. Responding to the efforts made by the Conservatives to reinstitute the freemen franchise into the English municipal corporation bill on the basis of its majority support amongst the English Members, Lord Melbourne chided his opponents for sanctioning a 'species of argument' premised upon 'disjoin[ting] the Imperial Parliament'. Rather, the 'duty' of parliament, he maintained, was to

> legislate unitedly for the interests of the whole empire. And if we are to say that the principle of a Bill is to be adopted because the majority in its favour are composed of the Members of one particular country, - what is that but to repeal the Union?[58]

In similar vein, Henry Aglionby and Lord Brougham each decried their opponents' recourse to such divisive 'arithmetical arguments' premised on the corrosive notion that 'Irish questions are to be decided by the feelings of the majority of Irish Members; English questions by the feelings of the majority of English Members; and Scotch questions by those of Scotch Members'.[59] Rather, as a piece in the *Northern Whig* of May 1838, argued:

> There is no such thing as either an English Parliament, or a Scotch Parliament…The Union with Ireland established an Imperial Parliament…a Parliament in which all distinctions of race, dialects, and countries, merge in the common appellation of British senator, or Member of the Parliament of the United Kingdom.[60]

In countering their opponents, Whig ministers and their supporters stressed that in their refusal to fragment the national portions of the Imperial Parliament, but rather to formulate policy on a truly 'British' platform, they, and not their unconstitutional, insular opponents,

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[56] *Examiner* qu. in *Caledonian Mercury*, 12 Nov. 1837, 4.
[57] *Ibid*.
[58] *Mirror of Parliament*, 13 Aug. 1835, 2475.
[59] *Ibid*., 13 Aug. 1835, 2476 (Brougham); 16 Jul. 1835, 1938 (Aglionby).
[60] *Northern Whig*, 22 May 1838, 2.

were the true patriots. Indeed, the *Examiner* judged that 'The Union would not bear the analysis of majorities insisted upon by the Tories'.[61]

To this depiction of their Conservative opponents as fomenters of discord within the Union, was added an equally derogatory portrayal presenting their determination to dwell on the superior claims of England and Wales as evidence of their ridiculous small-minded 'shallow[ness]'. In his myopic inability to 'look…beyond the walls of Parliament', Peel mistook 'the applause of a coterie for the expression of national sentiments', claimed the *Morning Chronicle*.[62] Though a purely '*Anglo-Welch* [sic] *majority*' might be a 'political logic…suit[ed] [to] Tory partisans', it was one that found 'no place in the vocabulary' of the more imperially-minded Whig statesmen, who deemed it 'unconstitutional' to treat such a majority 'insulated from the Representation of the Empire'.[63] In the *Domestic prospects of the country*, the author ridiculed Sir Robert Peel's hypothetical 'Anglo-Cambrian sovereignty' in a 'Parliament purely Saxon and Welsh', echoing Spring Rice's earlier excoriation of notions of a 'Saxon' rather than 'Imperial Parliament'.[64]

Ridicule they might, but come 1841 few onlookers could doubt the effectiveness with which a rejuvenated Conservative party and press had succeeded in stealing the patriotic national mantle from a Whig party whose Reform heroics were forgotten amid accusations of their 'perfidious unEnglish' legislative record.[65] In the months preceding the general election, national analyses of the division lobbies continued apace.[66] Votes cast on both of the rival Irish voters bills, the one introduced by Lord Stanley, the other by Lord Morpeth, were variously extolled or assailed on the basis of their English and Irish ratios.[67] At the polls themselves, Conservatives secured some 277 English seats – a remarkable shift in national fortunes from the total of 117 secured less than a decade earlier in 1832.[68] 'The English nation is determinedly Tory', groaned Lord Campbell.[69] Though somewhat simplistic, Campbell's verdict was echoed by Norman Gash more than a century later when, in

[61] *Examiner*, 20 Aug. 1837, 1.
[62] *Morning Chronicle*, 6 Feb. 1836, 3.
[63] [Anon.], *The Melbourne ministry, and the Irish Members; or, what should be done?* (London: Effingham Wilson, 1837), 16.
[64] [Anon.], *Domestic prospects of the country under the new parliament*, 2nd rev. ed. (London: James Ridgway, 1837), 19-20; *HPD*, 23 Apr. 1834, vol. 22, c. 1171.
[65] *The Times*, 30 Nov. 1835, 4.
[66] *HPD*, 2 June 1841, vol. 57, c. 1033.
[67] See, for instance, *HPD*, 24 Feb. 1841, vol. 56, c. 963; 25 Feb. 1841, vol. 56, c. 1075.
[68] I.G.C. Hutchison, *A political history of Scotland 1832-1924: parties, elections and issues* (Edinburgh: John Donald, 1986), 3; Read, *Peel and the Victorians*, 92-3.
[69] Qu. in Gash, *Reaction and reconstruction in English politics*, 133-4.

analysing the backbone of Peel's majority after 1841, he reflected that, 'The Conservatives were still primarily the party of England and above all of the English counties'.[70]

'This is our Prime Minister, this is legislation. God help the country': national legislative tensions at Westminster, 1846-52[71]

If national tensions arising from the legislative processes of the 1830s thus proved a significant factor in bringing about the downfall of Melbourne's ministry in 1841, such four nations fractures were once again in evidence upon the return of the Whigs to power five years later, in June 1846. In different ways, and for different reasons, between 1846 and 1852, the Russell administration's legislative record contrived to provoke national tensions and inflame national sensibilities across and between each of the component portions of the United Kingdom. This contributed materially to what Jonathan Parry has identified as nothing less than a 'political crisis' in these years, prompted principally over the validity of the 'Whig elite's claim to represent the national interest'.[72]

Perhaps unsurprisingly, a common root cause of such frictions within the Union was the Whig ministry's legislative activities in response to the cataclysmic Famine that engulfed Ireland and much of the Scottish Highlands and Islands following the failure of the potato crop from 1845.[73] Prior to its dismissal in June 1846, Peel's government had passed a raft of specific Irish measures advancing public loans and providing for a coterie of state-aided relief projects.[74] Indeed, the first four statutes to receive the royal assent in the 1846 session were all solely Irish in focus, and all contained stipulations providing for the application of public monies from the Imperial Exchequer in the extension and promotion of public works

[70] Gash, *Sir Robert Peel: the life of Sir Robert Peel after 1830*, 265; see also Robert Stewart, *Party and politics, 1830-1852* (Basingstoke: Macmillan, 1989), 62-3; Edwin Jaggard, "The 1841 British General Election: a reconsideration," *Australian Journal of Politics & History* 30, no. 1 (1984): 99-114; Gaunt, *Sir Robert Peel: the life and legacy*, 82.
[71] David Thomson with Moyra McGusty, ed., *The Irish journals of Elizabeth Smith, 1840-1850: a selection* (Oxford: Clarendon Press, 1980), 216.
[72] Parry, *The politics of patriotism*, 57.
[73] Unsurprisingly, a vast literature exists on the subject of the Whig ministry's Irish legislation during this period. See, in particular, Peter Gray, *Famine, land and politics: British government and Irish society, 1843-50* (Dublin: Irish Academic Press, 1998), 142-328; the relevant chapters from W.E. Vaughan ed., *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870* (Oxford: Clarendon Press, 1989), 272-85, 286-92, 294-306, 307-314, 316-29, 357-71; James S. Donnelly Jnr., *The great Irish potato famine* (Stroud: Sutton, 2001), chaps.3-5; Douglas Kanter, *The making of British unionism, 1740-1848: politics, government, and the Anglo-Irish constitutional relationship* (Dublin: Four Courts, 2009), 282-318; Donal A. Kerr, '*A nation of beggars'? Priests, people, and politics in Famine Ireland, 1846-52* (Oxford: Oxford University Press, 1998); Prest, *Lord John Russell*, 219-345; Robert Dudley Edwards and T.D. Williams, ed., *The Great Famine: studies in Irish history, 1845-1852* (Dublin: Irish committee of historical sciences by Browne and Nolan, 1956).
[74] Gray, *Famine, land and politics*, 125-37; T.P. O'Neill, "The organization and administration of relief, 1845-52," in *The Great Famine: studies in Irish history, 1845-1852*, ed. Robert Dudley Edwards and T.D. Williams (Dublin: Irish committee of historical sciences by Browne and Nolan, 1956), 209-56.

generally, and in the encouragement of draining, navigation and the construction of piers, harbours and roads.[75] Whilst Peel's Irish measures largely arrested that nation's fall in the wake of the partial failure of the potato crop in 1845-46, they presented a poisoned chalice to his Whig successors, whom, from mid-1846, were tasked with responding both to a total failure of the potato harvest, and ever deepening disquiet at the extent of financial support being extended to the Irish on the part of the majority of English, Welsh and Scottish Members.[76] By the spring of 1847, some £4.85 million of imperial funds had been disbursed on Irish public works relief schemes alone.[77] British displeasure at such expense was given added edge by the continued exemption of Ireland from the terms of 1842 income tax legislation. Ireland, it seemed, wanted the benefits of legislative union, just as it shied away from the commitments that that imperial arrangement was deemed to entail. 'I do not think that you have a notion how strong the feeling is on this subject', warned Chancellor Charles Wood to Lord Clarendon in April 1848,

> any proposal for money would rouse such a burst of feeling as would do anything but conciliate the alienation between the two countries…County Gentleman, Members for large towns & economists all join against further expenditure for a Country which does not pay the Income Tax.[78]

Constrained by ever-widening fractures across the British body politic in response to their Irish legislative policy and exposed to vociferous calls for retrenchment from a Treasury increasingly dominated by Assistant-secretary Charles Trevelyan, Russell's government duly embarked on a dramatic change in legislative tack, pregnant with significance for their perceived Unionist credentials.[79] Henceforth, it was decreed, Irish property was to pay for Irish poverty. 'Ireland must swim alone', announced *The Times*, 'the Irish poor must be supported by the Irish soil'.[80] A series of specific Irish measures embodied the *bouleversement*. As early as August 1846, the passage of the labour rate act put an end to the practice of the Treasury contributing half the cost of projects controlled by the Board of

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[75] 9 & 10 Victoria, cc.1-4.
[76] Prest, *Lord John Russell*, 234; O'Neill, "The organization and administration of relief," 222; see also Lord John Russell to Lord Clarendon, 2 Aug. 1847, Clarendon papers, Bodleian Library, MS. Clar. Dep. Irish Box 43..
[77] James S. Donnelly, "The administration of relief, 1846-7," in *A new history of Ireland, volume 5: Ireland under the Union. 1801-1870*, ed. W.E. Vaughan (Oxford: Clarendon Press, 1989), 300.
[78] Charles Wood to Lord Clarendon, 3 Apr. 1848, Hickleton papers, Borthwick Institute for Archives, A4/185/2, fos. 172, 174; Edward Lengel, *The Irish through British eyes: perceptions of Ireland in the Famine era* (Westport, CT: Praeger, 2002), 163-4.
[79] *Northern Whig*, 10 March 1849, 2; R. Haines, *Charles Trevelyan and the Great Famine* (Dublin: Four Courts Press, 2004), *passim*; George L. Bernstein, "Liberals, the Irish Famine and the role of the state," *Irish Historical Studies* 29, no. 116 (1995): 513.
[80] *The Times*, 24 Sep. 1847, 4.

Works, instead demanding its full remission from the local cess.[81] In the following 1847 session, the remodelled Irish poor law, though permitting the granting of outdoor relief, implemented an almost wholesale transfer of the costs of relief from the Treasury to the Irish localities.[82] Attempts to leaven such measures with more constructive schemes met with scant success. The wastelands reclamation bill of 1847 was quietly dropped, chiefly at the request of Peel; the 1848 landlord and tenant measure was shelved in no small part, Lord Clarendon thought, because of fears of English landlords that their turn was next; and the encumbered estates act, also passed in the 1848 session, proved a dead letter in the Irish court of Chancery.[83]

It was the Irish rate-in-aid act of 1849, however, which met with the most rancorous reception.[84] By the terms of this measure, more than twenty bankrupt Irish poor law unions, almost exclusively in Munster and Connacht, were to be bailed out through means of a rate levied solely on Irish soil.[85] Unsurprisingly, critics rounded on the implications for the notion of a United Kingdom of such exceptional Irish legislation.[86] How were such acts to be reconciled with the Whigs' long-professed aspirations towards utilising legislation to achieve a more integrated, uniform, and fair Union?[87] Indeed, how was it to be reconciled with Lord John Russell's own pronouncements scarcely eighteen months previously that, 'the Union was but a parchment…if Ireland [wa]s not to be treated, in the hour of difficulty and distress, as an integral part of the United Kingdom'?[88] Within the Commons, Ulster MP William Sharman Crawford set out the rationale for Irish opposition to the rate-in-aid in striking terms: 'it is unconstitutional and unjust', he maintained, 'to impose on Ireland

[81] 9 & 10 Victoria, c.107; Peter Gray, "The Great Famine, 1845-1850," in *The Cambridge history of Ireland, volume 3: 1730-1880*, ed. James Kelly (Cambridge: Cambridge University Press, 2018), 651-2.
[82] The Irish poor law was 10 & 11 Victoria, c.90; Charles Read, "Taxation and the economics of nationalism in 1840s Ireland," in *Taxation, Politics, and Protest in Ireland, 1662–2016*, ed. Douglas Kanter and Patrick Walsh (Cham: Palgrave Macmillan, 2019), 214; James S. Donnelly, "'Irish property must pay for Irish poverty': British public opinion and the Great Irish Famine," in *Fearful realities: new perspectives on the Famine*, ed. C. Morash and R. Hayes (Blackrock: Irish Academic Press, 1996), 60-76; Gray, "The Great Famine, 1845-1850," 654-5; Bernstein, "Liberals, the Irish Famine and the role of the state," 529.
[83] The wastelands reclamation bill was never printed: Prest, *Lord John Russell*, 248-50; Gray, *Famine, land and politics*, 157-62; the landlord and tenant bill was *PP* 1847-48 (106), iv, 25; Gray, *Famine, land and politics*, 171-91; the encumbered estates act was 11 & 12 Victoria, c.48. For details on that measure, see Pádraig G. Lane, "The encumbered estates court, Ireland : 1848-9," *Economic & Social Review* 3, no. 3 (1972): 435-9.
[84] 12 & 13 Victoria, c.24.
[85] James Grant, "The Great Famine and the Poor Law in Ulster: the rate-in-aid issue of 1849," *Irish Historical Review* 27, no. 105 (1990): 30-47; Gray, *Famine, land and politics*, 311-17.
[86] Thomas Redington to Charles Wood, 6 Apr. 1849, Hickleton papers, Borthwick Institute for Archives, A4/61.
[87] Kerr, *A nation of beggars?*, 199; Gray, *Famine, land and politics*, 314.
[88] Russell made this speech whilst being presented with the freedom of the city of Glasgow, *Illustrated London News*, 17 Jan. 1846, 39.

separate national taxation for the wants of particular localities, so long as the public general revenue of Ireland is paid into an Imperial Treasury and placed at the disposal of the imperial legislature for the general purposes of the United Kingdom'.[89] Francis Scully (Tipperary) denounced the rate-in-aid measure on the basis that 'if they were about to separate the two countries in matters of taxation, why would they not repeal the Act of Union at once?'[90] Englishman Sir John Walsh agreed: 'They [i.e. the Commons] were treating this as a provincial question…withdrawing…from Ireland…the privilege to which she was entitled – that of being one of the component parts of the United Kingdom'.[91] 'The imposition of this tax is, in truth, to declare the Union a nullity', agreed Isaac Butt; it was, concluded the *Northern Whig*, 'an anti-Union scheme'.[92] Poor law commissioner Edward Twistleton resigned in protest at the bill, placed in a 'position that no man of honour or humanity can endure'.[93] 'This is our Prime Minister, this is legislation. God help the country', exclaimed Elizabeth Smith in her journal entry of 9 March 1849.[94]

More general accusations of neglect and ignorance of Irish interests at the hands of the Whig administration became commonplace amongst a group of Irish Members boasting an increased number of adherents to the Repeal cause after the 1847 elections.[95] A draft petition was circulated amongst numerous Irish Members in the spring of 1848 observing 'with deep regret…the prevailing belief in that part of Your Majesty's Dominions to which we belong, that Irish interests are not sufficiently considered, and that Irish questions are not thoroughly investigated by the Imperial Legislature'.[96] 'Was it not notorious', maintained Bernal Osborne (Middlesex), that '[Irish ministerial] Bills were dropped carelessly on the table and never heard more of?'[97] For the Repealer Henry Grattan (Meath), the Commons simply 'did not understand the case of Ireland', and was, thus, 'utterly incapable of legislating for that country'.[98] Some even questioned the much-vaunted cry of legislative assimilation. Reviewing the Whigs' legislative output during 1849, William Torrens McCullagh (Dundalk) cast doubt on the substantive statutory reality of the Whig mantra, noting that no

[89] *HPD*, 1 Mar. 1849, vol. 103, cc. 48-9.
[90] *HPD*, 20 Apr. 1849, vol. 103, c. 559.
[91] *HPD*, 30 Apr. 1849, vol. 104, c. 975.
[92] Isaac Butt, '*The rate in aid': a letter to the Right Hon. the Earl of Roden, K.P.* (Dublin: James McGlashan, 1849), 27; *Northern Whig*, 15 Feb. 1849, 2.
[93] Qu. in Gray, *Famine, land and politics*, 314.
[94] Thomson with McGusty, *The Irish journals of Elizabeth Smith*, 216.
[95] Brian Walker, "Politicians, elections and catastrophe: the general election of 1847," *Irish Political Studies* 22, no. 1 (2007): 29-30.
[96] Draft petition, [?] Apr. 1848, Monteagle papers, NLI, MS 13,398/7.
[97] *HPD*, 17 May 1850, vol. 111, cc. 208-9.
[98] *HPD*, 26 Jul. 1848, vol. 100, c. 880.

less than 32 measures exclusively applicable to Ireland had been passed, 'and of assimilating statutes, there were…but three'.[99]

For the majority of onlooking Scottish Members, these Irish salvoes against the Russell government's Hibernian measures served only to heighten their own frustrations at the legislative treatment accorded their nation. Tensions in this Scottish context were as much the result of absence as presence: 'The feeling that our Scottish interests have been culpably and dangerously overlooked, is now far more prevalent than ever', observed W.E. Aytoun in July 1847.[100] Whereas some 127 specific Irish acts were passed during the four sessions between 1846 and 1849, a mere 25 attended solely to Scottish circumstances.[101] 'We ask for a sale of Encumbered Estates (Scotland) bill', reflected one commentator, 'and might as well beg the moon, from our present legislature'.[102] In contrast to the mass of specific Irish bills, the ministry's legislative response to the potato blight in the Highlands and Islands was almost entirely carried out in British or United Kingdom-wide measures, which were often poorly framed for Scottish circumstances.[103] The drainage loans act of 1846 – in theory applicable to all four nations – was a case in point. Here, 'technical difficulties' emerged as to whether fencing and the installation of outfalls – essential precursors to drainage in the Highlands – were encompassed under its terms.[104] Doubts as to the arrangements for entailed estates north of the border also stymied uptake.[105] Russell was 'well aware' of the disparity in approach to Scotland vis-à-vis Ireland, but privately expressed his unwillingness to 'acquiesce in the opinion that the two countries can be compared at the present moment'.[106] It was scarcely surprising, then, that the Russell administration was assailed throughout its tenure with allegations of ignorance, neglect and sheer indifference towards legislative

[99] *HPD*, 17 June 1850, vol. 111, c. 1450.
[100] [W.E. Aytoun], "Letter from a railway witness in London," *Blackwood's Edinburgh Magazine* 62, no. 381 (Jul. 1847): 79.
[101] Statistics taken from my database.
[102] [Anon.], "Scottish bills and Scotch representation," *Tait's Edinburgh Magazine* 16, no. 187 (Jul. 1849): 412.
[103] Only two remedial statutes geared solely to Scottish circumstances were enacted during Russell's ministry: 10 & 11 Victoria, c.113 and 14 & 15 Victoria, c.91.
[104] George Grey to Charles Wood, 16, 19 Oct. 1846, Hickleton papers, Borthwick Institute for Archives, A4/58/Part I; George Grey to Andrew Rutherfurd, 24 Oct. 1846; "Report on the Drainage Act," *Transactions of the Highland and Agricultural Society of Scotland, July 1845- March 1847* (1847): 610-618, Lord Advocate's Office papers, NRS, AD58/134.
[105] Marquis of Lorne to Andrew Rutherfurd, 9 Nov. 1846, Lord Advocate's Office papers, NRS, AD58/134; George Grey to Andrew Rutherfurd, 21 Dec. 1846, Rutherfurd papers, NLS, 9692 fos. 29-30; William Stuart Walker, *The Drainage Act: an analysis and exposition of the Act 9 & 10 Victoria, Cap. 101* (Edinburgh: William Blackwood, 1847), 36, 53-4; though see *Return of applications for advances of money by England, Ireland and Scotland under 9 & 10 Vic [1846] c.101, PP* 1847 (91), xxxiv, 301, 305-13.
[106] George Peabody Gooch, *The later correspondence of Lord John Russell, 1840-1878*, 2 vols. (London: Longmans, 1925), I, 150.

interests and affairs north of the Tweed.[107] In May 1848, the *London Daily News* remarked on the ever-increasing 'tired[ness] of the Scottish Members and their constituents at the 'do-nothing policy' of the government; twelve months later, in July 1849, Scotsman Joseph Hume remarked of discussions on the Scottish public health bill, that such deliberation was 'the first four hours during the whole Session that had been devoted to a consideration of the affairs of Scotland'.[108] Complaints were made against the 'hole-and-corner' character imparted to Scottish legislative affairs by Lord Advocate Rutherfurd's propensity to 'shuffle' Scottish bills 'upstairs' to select committees and away from discussion in the chamber proper.[109]

But tensions surfacing north of the Tweed arose, too, in response to those few measures that actually were served up by the Whigs between 1846 and 1852. Such Scottish animosity tended to erupt down two principal fault-lines, which, nonetheless ultimately conjoined in presenting the Whigs as lawgivers almost congenitally incapable of being trusted to attend to Scottish affairs with a due regard to that nation's particular interests. On the one hand, Caledonian hostility reflected a sense of unfair dealing on the part of the Whigs, and of an abnegation of the ministry's professed aspirations to forge a more legislatively consistent, fair United Kingdom. This was manifested most markedly in the Scottish lunacy bills of 1848 and 1849, which were assailed far and wide across that nation principally on account of their deviation from the 1845 Anglo-Welsh statutes upon which they appeared chiefly to have been modelled.[110] In a lengthy diatribe, the *Edinburgh Advertiser* railed against the 'entirely new law, quite different from that which has worked so well in England [that was]…proposed to be enacted for this country [i.e. Scotland] at a heavy expense, and for no apparent purpose'.[111] Disquiet focused in particular on the proposed administrative arrangements which, in England, had devolved considerable powers on local magistrates 'to unite and tax as they deemed best', but which north of the Tweed proposed to cede most aspects of management to a central commission.[112] 'In England', lamented the *Advertiser*, 'the powers of inspecting and examining both private and public asylums have always been carefully defined…But the proposed Scottish law disregards all such justice'.[113] In a pamphlet printed and widely distributed by the Forfar commissioners of supply, the 1849 Scottish measure was dissected clause by clause in comparison to its English analogue,

[107] Hutchison, "Anglo-Scottish Political Relations in the Nineteenth Century, c. 1815-1914," 255.
[108] *London Daily News*, 16 May 1848, 4; *HPD*, 9 Jul. 1849, vol. 107, c. 43.
[109] *HPD*, 1 June 1849, vol. 105, cc. 1078-9.
[110] The two Scottish lunacy bills were: *PP* 1847-48 (223), iv, 299 and *PP* 1849 (114), iv, 103.
[111] *Edinburgh Advertiser*, 6 Apr. 1849, Lord Advocate's Office papers, NRS, AD58/106.
[112] In the 1848 bill, the commission was to be comprised of a board; in the measure of 1849, all powers were to be vested in a single commissioner: *Edinburgh Advertiser*, 6 Apr. 1849, Lord Advocate's Office papers, NRS, AD58/106.
[113] *Edinburgh Advertiser*, 6 Apr. 1849, Lord Advocate's Office papers, NRS, AD58/106.

much to the detriment of the former.[114] The commissioners of supply in Lanark remarked that 'Throughout the whole of this Bill, the Counties of Scotland are treated as if they were not worthy to be trusted' – treatment, it noted, 'more marked when compared with the Legislative enactments on the same subject for England'.[115]

The much more frequent catalyst of Scottish displeasure at this time, however, lay in a direction almost precisely the converse. Here, Caledonian unrest was borne of concerns that the Whig ministry's northern measures amounted to a campaign of creeping Anglicisation aimed at the imposition of English customs, practices and principles under the guise of imperial integration and consistency.[116] Fears of a rising tide of Englishness overwhelming and subverting Scotland's distinctive legislative heritage was not a new phenomenon under Russell's administration. As we saw in Chapter 1, tensions abounded throughout the Reform crisis in light of the perceived shaping of Scotland's bills according to the desiderata of its southern neighbours.[117] Nor, in fact, was the echoing of Anglo-Welsh legislative example always an affliction to be lamented. Nearly a hundred years after the abolition of heritable jurisdictions was widely 'welcomed' as an assimilating measure that provided 'a sensible and long overdue liberation from the dead hand of [Scottish] feudal localism', Lord Advocate Andrew Rutherfurd's entail act of 1848 was similarly hailed.[118] 'Though there was great risk of producing confusion by any attempt to assimilate the law of real property in one country to the rules which prevailed under a different system', noted Rutherfurd upon the bill's introduction, still 'he hoped to be able to adapt the one to the other more nearly than had been accomplished by any previous attempts made for that purpose'.[119] In line with the works of Colin Kidd and Gordon Pentland, this thesis would thus argue that the legislative relations of England and Scotland during the Reform era turned less on the merits of assimilation as an intrinsic principle, and more on the degree to which the Westminster parliament seemed willing to display a 'sensitive[ness]' and 'accommodation' to Scottish difference and

[114] Forfar commissioners of supply, *Comparative view of the enactments proposed in the Scottish Lunacy Bill and in the English Acts for the management of private and public asylums*, [Apr. 1849], Lord Advocate's Office papers, NRS, AD58/106.
[115] Printed report of the commissioners of supply of Lanark, [Apr. 1849], Lord Advocate's Office papers, NRS, AD58/106.
[116] For recognition of this dichotomy in Scottish complaints, see Gordon Pentland, "By-elections and the Peculiarities of Scottish Politics, 1832–1900," in *By-elections in British politics, 1832-1914*, ed. Thomas G. Otte and Paul A. Readman (Woodbridge: Boydell Press, 2013), 274.
[117] See pages 59-60 above.
[118] 11 & 12 Victoria, c.36; Colin Kidd, "Sentiment, race and revival: Scottish identities in the aftermath of Enlightenment," in *A union of multiple identities: the British Isles, 1750-1850*, ed. Laurence W. B. Brockliss and David Eastwood (Manchester: Manchester University Press, 1997), 111.
[119] *HPD*, 24 Feb. 1848, vol. 96, cc. 1310-11.

particularity when it was deemed necessary.[120] In an address delivered in 1860, the Lord Advocate James Moncrieff, first appointed in 1851, assailed not assimilation in toto, but rather an unthinking, inflexible posture adopted 'without any regard to the associations and traditions of a people jealous of their national integrity, and without estimating the necessary, though tacit part which these bear in the operation of any system of law'.[121]

For many Scottish onlookers in the late 1840s, there seemed to be a worrying proliferation of these 'unthinking, inflexible postures', lacking in regard for Scotland's 'national integrity'. Though ministers had been at pains to stress that the Scottish banking act of 1845 and the Scotto-Irish joint-stock banking act of 1846 were not simply efforts to compel Scotland to fall into line with English policy, many still saw in the Peel ministry's restriction of note circulation and enforcement of bullionism the strong arm of English legislative policy crushing the traditional, much cherished Scottish system.[122] 'They well knew', observed James Oswald, Member for Glasgow, 'when the Right Honourable Baronet [i.e. Peel] interfered with monetary affairs in England, that his measures would not stop there'.[123] In an article in *Blackwood's*, W.E. Aytoun pointedly compared Peel's efforts of 1845 with the infamous attempts in 1826 to suppress small note circulation in Scotland: 'CENTRALIZE and ASSIMILATE – these were the watchwords of the ministers of that day; and for ought that we can see, Sir Robert Peel is determined to persevere in the theory'.[124] Whilst Peel had indeed been the architect of these banking measures, the major manufacturing depression and consequent bank runs of 1847-48 redirected Scottish opprobrium towards the incumbent Whigs and revivified assaults on statutes which were widely depicted as inimical to the wants, habits and character of the Scottish nation.[125] During 1848, both the Glasgow and Edinburgh chambers of commerce memorialised government against the Scottish legislation as

[120] Colin Kidd, "North Britishness and the nature of eighteenth-century British patriotisms," *Historical Journal* 39, no. 2 (1996): 364; Gordon Pentland, "The Debate on Scottish Parliamentary Reform, 1830-1832," *Scottish Historical Review* 85, no. 1 (2006): 129.
[121] Sir James Moncrieff, *Introductory address on jurisprudence and the amendment of the law* (Edinburgh: Adam and Charles Black, 1860), 19.
[122] *HPD*, 5 June 1845, vol. 81, cc. 140-3, 149-58, 170-1; S. G. Checkland, *Scottish banking: a history, 1695-1973* (Glasgow: Collins, 1975), 456; Anna Gambles, *Protection and politics: conservative economic discourse, 1815-1852* (Woodbridge: Royal Historical Society, 1999), 131-33; Checkland, *Scottish banking*, 454-8.
[123] *HPD*, 5 June 1845, vol.81, c.173.
[124] W.E. Aytoun, "The Scottish banking system," *Blackwood's Edinburgh Magazine* 56, no. 350 (Dec. 1844): 672; Alex Tyrrell, "The earl of Eglinton, Scottish conservatism, and the National Association for the Vindication of Scottish Rights," *Historical Journal* 53, no. 1 (2010): 91-2.
[125] Fry, *Patronage and principle*, 55-6; Checkland, *Scottish banking*, 457-8; *HPD*, 30 Jul. 1846, vol. 88, cc. 216-20; *HPD*, 4 Aug. 1846, vol. 88, c. 338.

'injudicious, uncalled-for and positively injurious to the country', and much hostile evidence was taken from Scottish witnesses before the select committee on commercial distress.[126]

More controversial still were the Scottish marriage amendment measures, introduced and defeated annually between 1847 and 1849, which essentially aimed to thwart clandestine nuptials and to formalise the modes of marriage legal north of the Tweed.[127] Whilst opposition to these bills crystallised around several factors, chief among them was its apparent attempt to 'proceed…on the same principle as the [English and Welsh] Marriage Act of 1836'.[128] By the terms of that statute, marriage was rendered valid in two ways only: either by a religious ceremony performed before a clergyman, or by the parties appearing before a public registrar.[129] The latter was widely assailed as an unacceptable infringement on the famously unbending religious sensibilities of Scottish people, whom, unsurprisingly, likewise bristled at allegations that 'a looser marriage law [than Scotland's]…was not known in any civilised country'.[130] Lord Aberdeen pointedly reminded his fellow peers that

> they were not legislating for persons governed by the same laws, and influenced by the same opinions…as the people of England. They were legislating for a country under an entirely different system of law; for a people whose feelings and prejudices were altogether at variance with their own.[131]

No less sharply, former Lord Advocate Duncan McNeill, quoting testimony given before a previous select committee that breaches of promises of marriage were much less common in Scotland than England, inquired why the nation in possession of a 'high[er] state of virtue' should have its law 'assimilate[d]' to one where seduction was commonplace?[132] The fact that the measure was intended, in part, to halt clandestine English 'Gretna-green' marriages did little to commend it to most onlooking Scots.[133] 'The Scots people did not want this bill', averred William Forbes Mackenzie (Peebleshire), 'there was no mincing the matter, they did not want it'.[134]

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[126] *Second report from the Secret Committee on Commercial Distress; with the minutes of evidence*, *PP* 1847-48 (584), [no volume], 515; Checkland, *Scottish banking*, 458.
[127] *PP* 1847 (96), ii, 439; *PP* 1847-48 (562), iv, 311; *PP* 1849 (106), iv, 147; Anne Cameron, "The establishment of civil registration in Scotland," *Historical Journal* 50, no. 2 (2007): 391-3.
[128] *HPD*, 19 Feb. 1849, vol. 102, c. 857; Cameron, "The establishment of civil registration in Scotland," 392.
[129] *HPD*, 9 June 1848, vol. 99, cc. 569-71; G.I.T. Machin, *Politics and the Churches in Great Britain, 1832 to 1868* (Oxford: Oxford University Press, 1977), 51.
[130] *HPD*, 7 Aug. 1848, vol. 100, c. 1165; *HPD*, 25 Jul. 1848, vol. 100, cc. 779-82; *HPD*, 19 Feb. 1849, vol. 102, cc. 857-63; *Elgin Courant*, 23 Mar. 1849, 4; *Scotsman*, 28 Mar. 1849, 3.
[131] *HPD*, 19 Feb. 1849, vol. 102, c. 860.
[132] *HPD*, 9 Jul. 1849, vol. 107, cc. 32-3.
[133] *HPD*, 22 Feb. 1847, vol. 90, cc. 386-7; *HPD*, 9 June 1848, vol. 99, c. 570.
[134] *HPD*, 9 Jul. 1849, vol. 107, cc. 4-5.

At the same time, efforts to include Scotland within a wider four nations measure designed to abolish the prohibition against marriage with a deceased wife's sister raised a tempest of national fury in 1849-50.[135] Minister Fox Maule led the Caledonian assault, alleging 'without fear of contradiction, and in the presence of the Lord Advocate, that this Bill was abhorrent to the feelings of the people of Scotland' and 'an unnecessary and rash attack on ecclesiastical authority in Scotland…for the mere purpose of establishing uniformity of law'.[136] When the measure was reintroduced a year later, Maule once again took up cudgels, moving for the exemption of Scotland from its terms on the basis that it was 'the only question upon which he could really say that he believed Scotland was almost unanimous'.[137] Elsewhere, voices were raised against more small-scale examples of perceived English legislative diktats. In preparing the Scottish police bill in January 1849, Scottish draftsman John Richardson noted how 'in a good many particulars' he and his colleagues had been 'called upon…to assimilate the police regulations in the Scottish Acts as much as possible to those of the English Acts'.[138] Similarly, in adverting to the causes of amendments in the latest draft of a Scottish lunatics bill of 1848 to the Lord Advocate, Richardson explained they had arisen as a result of a conference with James Mylne, one of the English commissioners in lunacy, who had urged upon him the desirability of following the example of recent English legislation by 'avoid[ing] all words of coercion' and by establishing 'one general register compiled from the returns'.[139]

As in the case of the banking acts, often dovetailing neatly with these Scottish tensions born of Anglo-assimilationist concerns was a parallel critique assailing the Whigs' alleged centralising predilections.[140] Thus, one of the principal faults levelled against the unsuccessful Scottish public health bills of 1848 and 1849 were their proposals to vest ultimate power in the General Board of Health in London.[141] 'It…remains, therefore, for the country…to decide', observed the *Stonehaven Journal*,

> whether they will have their…sanatory comforts entirely committed to Dr Southwood Smith and Mr Chadwick, sitting in their parlour in Gwydwr House, or if they will, as one man, demand as a matter of right that Parliament shall appoint an independent

[135] The bills were *PP* 1849 (75), iv, 167; *PP* 1850 (28), iv, 5.
[136] *HPD*, 4 Jul. 1849, vol. 106, c. 1321.
[137] *HPD*, 18 Apr. 1850, vol. 110, cc. 532-3.
[138] John Richardson to Andrew Rutherfurd, 15 Jan. 1849, Rutherfurd papers, NLS, MS. 9705, fol. 66.
[139] John Richardson to Andrew Rutherfurd, 30 Dec. 1847, Rutherfurd papers, NLS, MS. 9705, fol. 58.
[140] *HPD*, 4 Aug. 1846, vol. 88, c. 338 (Scotto-Irish joint-stock banking bill); *HPD*, 9 June 1848, vol. 99, c. 572 (Scottish registration bill); [Anon.], "Scottish bills and Scotch representation," 412.
[141] See, for instance, *Report by the sanitary committee of the commissioners of police [in Edinburgh] on the Public Health (Scotland) bill*, 25 Apr. 1849, Lord Advocate's Office papers, NRS, AD58/132; see also, David Hamilton, *The Healers: a history of medicine in Scotland* (Edinburgh: Canongate, 1981), 201-2.

> Board of Scotland composed of gentlemen intimately acquainted with the habits, circumstances, and wants of their fellow countrymen.[142]

The Royal College of Physicians in Edinburgh likewise demanded a national board 'conversant with the laws of Scotland'.[143] 'It would not be the fault of the Whigs', reckoned one enraged Aberdeen townsman, 'if London did not become both Scotland and England'.[144] A few years earlier, complaints had poured in from across both Scotland and Ireland in response to the Whigs' harbour conservancy bill, chiefly in light of its proposals to establish a central board in London under whose aegis all harbour trusts across the four nations would be required to serve.[145] Indeed, for one commentator in *Tait*'s *Edinburgh Magazine*, such centralising statutes amounted to nothing less than a full-bodied Whig assault on the distinctive nationalisms at the heart of the Union, in a manner redolent of continental tyranny. 'Nothing is more amusing', the piece observed, 'than the terrible protests of the London Whig journals against the imprudence, oppression and tyranny of the Austrians towards Hungary'. 'Yet', it continued,

> the poor Austrians have done nothing more than copy the Whig policy of Britain. They merely wanted leave to do everything for Hungary, Transylvania, Croatia, Bohemia, Lombardy, Venetia and the Tyrol at Vienna; as the Whigs try to do everything for Scotland, Ireland, Wales, India and all our forty-three colonies, at London.[146]

More often than not, however, this Anglicising dimension to legislative centralisation was less important than the widely-held view that, irrespective of whether central direction came from London or Edinburgh, such Whig efforts to transfer power and responsibility away from the localities represented an attack on the national values and principles of the Scottish people.[147] In the systems of central bureaucracy they entailed, the Scottish marriage, lunacy and registration bills were all rebuked as being fundamentally 'at variance with the spirit, the habits and the character of the People of Scotland, who have…been famed for insisting upon governing themselves'.[148] As we saw above, one of the principal complaints against the proposed Scottish lunacy bills, in contradistinction to the statutes in operation in England and Wales, was its 'pernicious and dangerous' proposal, 'inconsistent with the free institutions of

[142] *Stonehaven Journal*, 29 May 1849, 3.
[143] Qu. in Hamilton, *The Healers*, 202.
[144] *Aberdeen Press and Journal*, 20 June 1849, 4.
[145] *Opinions of harbour boards, Lloyd's agents, and others, on the Harbour Conservancy Bill, PP* 1847 (778), lxi, 149.
[146] [Anon.], "Scottish bills and Scotch representation," 412.
[147] Graeme Morton, *Ourselves and others: Scotland, 1832-1914* (Edinburgh: Edinburgh University Press, 2012), 228; [W.E. Aytoun], "Letter from a railway witness in London," 78-9.
[148] *Montrose Standard*, 27 Apr. 1849, 4-5.

this country', to vest power in a single official resident in Edinburgh.[149] 'Scotland will not be true to herself if she permits it', reflected one local paper, which likewise saw in such propositions proof positive of the Whigs' 'sad ignorance of the real state of matters in Scotland'.[150]

This critique of Whig centralisation as inimical to, and enfeebling of, national character and values was one which, in turn, spurred the onslaughts of English and Welsh Members against their own kingdom's legislative provision. Indeed, even allowing for the often unthinking elision of England and Britain, the extent to which invective was framed in the language of national outrage was striking. Such complaints became particularly widespread in the aftermath of the 1847 election, when the English and Welsh radical cause, having enjoyed considerable success at the polls, fastened upon the Whigs' Anglo-Welsh public health and education measures as archetypal specimens of that party's penchant for nationally-enervating, fiscally irresponsible pieces of legislation.[151] As Benjamin Hall (Marylebone) observed of the government's education proposals, 'He did not think it would do for a country like this, where the people had been taught for many years to depend upon their own exertions, and…saw the proud results of those exertions'.[152] Charles Pearson, Member for Lambeth, likewise led the assault on Morpeth's public health bill on the 'broad principle of its 'un-English and unconstitutional character', and thus the Whigs' seeming lack of patriotism in attempting to 'fasten [it] on [a] country' whose principles of 'independent conduct and action' were 'the glory of its Saxon institutions'.[153] In assailing the 'system of local government', remarked Joseph Toulmin Smith, such Whig measures undermined 'the whole groundwork and sole strength of the English Constitution'.[154] Other measures of a similar ilk duly met with a similarly coruscating reception. The metropolitan interments bill of 1850, for instance, with its proposed 'army of CENTRAL FUNCTIONARIES', was deemed a 'system…least accordant with the precedents, and least congenial with the spirit of, Englishmen'.[155] Time and again, Radical critiques of the Anglo-Welsh legislation of Russell's ministry focused upon its allegedly sectional, autocratic and centralising characteristics in order to paint the Whigs as unworthy guardians and

[149] *Arbroath Guide*, 12 May 1849, 9.
[150] *Ibid*.
[151] Miles Taylor, *The decline of British radicalism, 1847-1860* (Oxford: Oxford University Press, 1995), 7-8; Parry, *The politics of patriotism*, 173-4; Benjamin Weinstein, *Liberalism and local government in early Victorian London* (Woodbridge: Boydell & Brewer, 2011), 97.
[152] *HPD*, 23 Apr. 1847, vol. 91, c. 1297.
[153] *HPD*, 8 May 1848, vol. 98, c. 771.
[154] Joshua Toulmin Smith, *Local self-government and centralization: the characteristics of each, and its practical tendencies as affecting social, moral, and political welfare and progress including comprehensive outlines of the English constitution* (London: John Chapman, 1851), 396.
[155] 13 & 14 Victoria, c.52; qu. in Weinstein, *Liberalism and local government*, 131.

untrustworthy exponents of those values and principles deemed by many to be at the heart of what made Englishmen truly English.[156]

Indeed, Russell's Whig ministry even managed to inflame the nation which, to that point, had remained the most decidedly quiescent. The so-called 'Blue Books' episode of 1847, the result of Coventry MP and Welshman William Williams's request for a commission into the state of education in Wales – 'he might truly say neglected Wales' – precipitated uproar in the principality.[157] In presenting the Welsh language as barbarous and the Welsh people – and most especially their ministers – as benighted and immoral, the commission's three reports precipitated the politicisation of Welsh dissent and initiated a process of reflection on the notion of the representation of Wales and Welsh interests, and their embodiment in specific Welsh legislation, at Westminster.[158] In various local papers, including the newly-created *Principality*, the Welsh Members were criticised for failing to press Welsh subjects on the government.[159] In the run-up to the 1847 general election, a correspondent in the *Hereford Journal*, making direct reference to dissatisfaction at the various Welsh turnpike measures of the previous years, called on electors to procure a pledge from all candidates that they would 'dedicate all [their] energies…and best exertions in Parliament to procure such an adaptation of the Laws to Wales as the circumstances of each portion of it require' and that the 'first aim' of all successful Welsh MPs would be 'calling the attention of the Government to what is required for the welfare and improvement of the Principality, hitherto so neglected and ill-treated'.[160]

So it was that at various junctures during the late 1840s, all four nations of the United Kingdom alike came to view Russell's ministry and its legislative output as hostile to their particular national interests and corrosive of their national values. Nor, at the last, did the efforts of the Whig administration as *imperial* legislators present them in much better light. Here, no doubt, the contrast with Peel's record was acutely felt.[161] We have already seen in Chapter 2 the purely quantitative disparity between Peel's output of multinational legislation

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[156] Jonathan Parry, "The Decline of Institutional Reform in Nineteenth-Century Britain," in *Structures and Transformations in Modern British History*, ed. David Feldman and Jon Lawrence (Cambridge: Cambridge University Press, 2011), 169-70.
[157] *HPD*, 10 Mar. 1846, vol. 84, c. 846.
[158] Matthew Cragoe, *Culture, politics, and national identity in Wales 1832-1886* (Oxford: Oxford University Press, 2004), 186-7; P. Morgan, "From long knives to blue books," in *Welsh society and nationhood: historical essays presented to Glanmor Williams*, ed. R.R. Davies et al. (Cardiff: University of Wales Press, 1984), 199-215; I.G. Jones, *Mid-Victorian Wales: the observers and the observed* (Cardiff: University of Wales Press, 1992), 150-2; David J.V. Jones, *Rebecca's children: a study of rural society, crime, and protest* (Oxford: Clarendon Press, 1989), 357-61.
[159] *Principality*, 14 Jul. 1848, 4; 28 Jul. 1848, 4.
[160] *Hereford Journal*, 30 June 1847, 4.
[161] See, for instance, *Leeds Times*, 1 Nov. 1845, 4; Derek Beales, "Peel, Russell and Reform," *Historical Journal* 17, no. 4 (1974): 881-2; Gray, *Famine, land and politics*, 79.

and that of the Russell ministry, whose shift back to the dominance of separate national legislation recalled the days of Lord Melbourne's government.[162] Moreover, where the Whigs *did* try to demonstrate their credentials as trustworthy legislators for the interests of the United Kingdom as an imperial whole, tensions frequently proved no less forthcoming. Indeed, one of the defining legislative fiascos of the Russell administration – the ecclesiastical titles bill of 1851 – arose precisely because of a seemingly inflexible determination to meet an essentially Anglo-Welsh problem with an imperial four nations solution.[163]

In response to the announcement in October 1850 that the Pope intended to establish a hierarchy of Catholic bishops in *England* with territorial titles, the Russell ministry responded with its ecclesiastical titles bill, which sought to equip the government with powers to fine any cleric outside of any of the *United Kingdom's* established churches assuming any such territorial title without their consent.[164] Here, as Sir James Graham recognised as early as November 1850, the Whigs ran up against their own long-standing imperial professions, and their unwillingness to entertain the notion of having 'one law for England and another for Ireland with respect to Roman Catholic discipline and worship'.[165] That view was hardened by the fact that the measure itself was presented as a defence of the rights of an infringed royal prerogative, which, naturally extended across the entirety of the United Kingdom. 'Separate legislation for England' upon such a subject, reckoned Aubrey de Vere in correspondence with William Gladstone, 'would be a recognition of the Repeal principle not likely soon to be forgotten in Ireland'.[166] The Irish Lord Lieutenant the Earl of Clarendon put the matter even more starkly in private correspondence to the Home Secretary Sir George Grey: exclude Ireland from the terms of measure and 'it would be virtually repealing the Union'.[167] Yet, there were dissenting voices. Sir George Cornewall Lewis, whilst admitting the 'logical consistency' underpinning the 'inclusion of the whole of the United Kingdom', nonetheless observed:

> That our legislation generally proceeds by a different method. We do not codify, but make laws to meet existing evils…we provide a plaster for the wound, but we do not make the plaster larger than the wound. In this case the evil is the

[162] See pages 99-102 above; Angus Hawkins, *Victorian political culture: 'habits of heart and mind'* (Oxford: Oxford University Press, 2015), 245; Gray, *Famine, land and politics*, 91.
[163] Kerr, *A nation of beggars?*, 252.
[164] 14 & 15 Victoria, c.60; for the background to the episode, see Kerr, *A nation of beggars?*, 243-79; Machin, *Politics and the Churches in Great Britain*, 210-29.
[165] *HPD*, 28 Feb. 1851, vol. 114, c. 1049. Graham's words were written in a letter penned in November 1850, read to the Commons.
[166] Qu. in G.I.T. Machin, "Lord John Russell and the prelude to the Ecclesiastical Titles Bill, 1846-51," *Journal of Ecclesiastical History* 25, no. 3 (1974): 294-5.
[167] Qu. in Kerr, *A nation of beggars?*, 270.

> Papal Brief, which is confined to England, and…does not extend to Ireland. Why should the defensive measures be more extensive than the attack?[168]

Lord Minto put matters similarly to his son-in-law: though 'sensible of the difficulty of dealing separately with the two countries', explained the Lord Privy Seal,

> This is nothing to the embarrassment hereafter to be felt from starting with the false step of maintaining the identity of circumstances so dissimilar…in starting…with the assumption that England and Ireland must fare alike, you are harnessing two horses to your carriage which will pull in opposite directions.[169]

It was not just the Irish dimension that posed problems with this religious measure, however. In March 1851, Sir George Grey was forced to insert a new clause explicitly exempting the bishops of the Protestant episcopal church in Scotland after it became apparent that, once the measure's remit was accepted as UK-wide, those individuals, standing outside of the established Presbyterian Kirk in Scotland, stood in an analogous position, 'as to this point of territorial aggression', as the Roman Catholic Church.[170]

Whilst the ecclesiastical titles bill did ultimately pass with large majorities, it proved a significant political mistake for the Whigs, highlighting for many their inability to superintend the legislative interests of the unified multinational British and Irish polity in a dependable, disinterested fashion. Once more, tensions and frictions arising directly out of the four nations dimensions of the Imperial Parliament had arisen, and once more the Whigs had shown themselves inadequate to the task of attending to them. As a legislative initiative, it alienated the 'king-making' Peelites, and, more importantly, the bulk of Irish Catholic MPs, fifteen of whom divided in favour of the motion that ultimately brought down the Russell ministry in February 1852.[171]

By that time, the four nations legislative activities of the Whigs over the preceding six years had materially contributed to a state of Union which, at least at first glance, appeared more fractious than at any period since the Reform crisis itself. At Westminster, independent Irish parliamentary parties had formed, firstly in 1847 in response to the Whigs' Famine programme, and latterly, in 1850, in the shape of both the Irish Tenant League and the so-called Irish Brigade.[172] In Scotland, on the eve of the 1852 election, a correspondent to the

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[168] Gooch, *The later correspondence of Lord John Russell, 1840-1878*, II, 61-2.
[169] *Ibid*, II, 63-4.
[170] *HPD*, 14 Mar. 1851, vol. 114, cc. 1315-16, 1358.
[171] Parry, *The politics of patriotism*, 180-2; J.B. Conacher, *The Peelites and the party system* (Newton Abbot: David & Charles, 1972), 77-89.
[172] For the short-lived Irish parliamentary party formed in 1847, see K.B. Nowlan, "The political background," in *The Great Famine: studies in Irish history, 1845-1852*, ed. Robert Dudley Edwards

Scotsman urged his fellow countrymen to associate in order to guard the political privileges of the Scots and their nation against the Anglicising, centralising legislative designs of Whig ministers.[173] Sure enough, in less than twelve months, the National Association for the Vindication of Scottish Rights (NAVSR) had been established. Point three of its manifesto explicitly condemned the 'neglect of Scottish business in the Imperial Parliament', and the 'frequently crude legislation, incongruous with the existing laws and policy of Scotland' for which that institution was responsible.[174] When the incumbent Anglican William Bulkeley Hughes was challenged by Welsh nonconformist candidate Richard Davies at the Caernarvon borough election of 1852, 'a new departure in Welsh politics', and a portent of things to come had been signalled.[175]

Nevertheless, these were strains, not irreparable fractures, in a legislative Union that Lord John Russell declared in April 1848 he would defend 'as long as I have any breath or life in me'.[176] Indeed, as Douglas Kanter has observed, in the wake of the crushing of the Young Ireland rebellion in August 1848, and the general revolutionary upheavals of that year, adherence to the Union itself had arguably never been stronger.[177] 'Repeal is forgotten', declared Lord Clarendon in June 1849.[178] The NAVSR explicitly sought to operate *within* the legislative union in order to make it work more effectively for Scotland; the Independent Irish Party likewise shunned calls for self-government in order to focus upon seeking out reforms in Irish land law and religion at Westminster; and Wales, reported Lord Cawdor in October 1853, 'was never in a more quiet, peaceable and prosperous condition than at present'.[179] Political turmoil in continental Europe prompted British introspection on their constitutional arrangements, ultimately confirming a 'sense that nationalism was an atavism from which England had providentially escaped' and 'reinforc[ing] consciousness' of that state as 'multi-national kingdom and empire'.[180] Thus, whilst the Russell ministry's

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and T.D. Williams (Dublin: Irish committee of historical sciences by Browne and Nolan, 1956), 154-6; J.H. Whyte, *The Independent Irish party, 1850-9* (London: Oxford University Press, 1958), 1-39.
[173] Morton, *Ourselves and others*, 228.
[174] *Address to the people of Scotland and statement of grievances by the National Association for the Vindication of Scottish Rights* (Edinburgh: Johnstone & Hunter, 1853), 33.
[175] Cragoe, *Culture, politics, and national identity in Wales*, 61.
[176] *HPD*, 18 Apr. 1848, vol. 98, c. 478.
[177] Kanter, *The making of British unionism*, 258, 318.
[178] Lord Clarendon to Lord John Russell, 7 June 1849, Clarendon papers, Bodleian Library, MS. Clar. Dep. Irish vol.4.
[179] Alex Tyrrell, 'The earl of Eglinton," 87-88; Colin Kidd, *Union and unionisms: political thought in Scotland, 1500-2000* (Cambridge: Cambridge University Press, 2008), 271; *Morning Post*, 4 Nov. 1853, 2-3; Douglas Kanter, "Post-Famine politics, 1850-1879," in *The Cambridge history of Ireland, volume 3: 1730-1880*, ed. James Kelly (Cambridge: Cambridge University Press, 2018), 689; Cawdor's quote is taken from Jones, *Rebecca's children*, 354.
[180] Peter Mandler, "'Race' and 'nation' in mid-Victorian thought," in *History, religion, and culture: British intellectual history, 1750–1950*, ed. Stefan Collini, Richard Whatmore and Brian Young (Cambridge: Cambridge University Press, 2000), 230.

legislative record had clearly revealed the strains and tensions that could arise from Westminster's four nations law-making responsibilities, ultimately, the legislative Union had weathered those stresses. That it had done so, and continued to do so for more than seven decades, reflected something of its character, of its flexibility and malleability and tenacity – considerations to which this thesis's concluding remarks will return.

Conclusion

For the English, Welsh, Scottish and Irish Members taking up their Commons seats for the first time in the Gothic splendour of Charles Barry's new palace of Westminster in November 1852, the sense that they were entering the political epicentre of the British empire, and, in particular, a high temple to the Union of the four nations, must have been strong.[1] Above the entrance arch of the lofty Victoria Tower, through which the queen's coach clattered upon her arrival to open proceedings on that November morning, stood the figures of the four patron saints of the United Kingdom, one of six sets carved by the famed sculptor John Thomas that adorned the building's exterior.[2] Elsewhere, both inside and out, ornamentation featuring badges of the arms of the three kingdoms, and floral symbols of the four nations, was everywhere festooned.[3] But with work on the building set to continue for a further eight years, such decoration was merely the start of what was envisaged as nothing short of a paean in bricks and mortar to the Union state established in 1800. Within the royal gallery were planned paintings of the Irish king Brian Boru's victory at the battle of Clontarf, King Alfred's parley with the Danes, and Robert the Bruce's retreat from the field of war.[4] The painted chamber, which served as the hall of conference between the Commons and Lords, was to have images referencing the 'acquisition of the countries, colonies and important places constituting the British Empire', including the marriage of Strongbow and Eva, daughter of the king of Leinster, Edward I presenting his infant son to the Welsh as their prince, and James VI of Scotland setting out to claim the English throne upon the death of Elizabeth I.[5] The central lobby, however, was to represent the apotheosis of this Union imagery. As the commissioners explained, in light of its position as:

> the central point of the whole building…your committee…were of opinion that the nationality of the component parts of the United Kingdom should be the idea illustrated here, and would be appropriately expressed by representations of the four patron saints.[6]

[1] *Illustrated London News*, 13 Mar. 1852, 216; 13 Nov. 1852, 402.
[2] T.S.R. Boase, "The decoration of the New Palace of Westminster, 1841-1863," *Journal of the Warburg and Courtauld Institutes* 17, no. 3/4 (1954): 331.
[3] [Anon.], *The new palace of Westminster* (London: Warrington, 1854), 45.
[4] *Seventh report of the Commissioners on the Fine Arts: with appendix*, *PP* 1847 (862), xxxiii, 279.
[5] *Ibid*., 280.
[6] *Ibid*., 276.

‘When early- and mid-Victorians described the palace of Westminster as the “imperial parliament”’, David Cannadine has observed, ‘they meant it in the sense that it was the “four kingdoms” [sic] legislature’.[7]

The prominence of four nations imagery within the re-modelled Westminster is scarcely surprising. For, here, in the Imperial Parliament, lay not only the most explicit, tangible manifestation of the Union created in 1800, but also its most complete realisation. Here was the site in which representatives from all four nations assembled under one roof in order to make laws for themselves, each other, and for the united polity as a whole. As Richard Rose has observed, ‘the unitary status of the United Kingdom is most clearly affirmed in Parliament’s status as the sole law-making body in the United Kingdom’.[8]

This study has explored what that singular circumstance of one legislature making laws for four nations, three kingdoms, two islands and one state actually entailed in principle and practice. Navigating between the reefs of a nineteenth-century political historiography dominated by narratives concerned, variously, with the fate of administrations and parties, or with largely ‘Westminster-averse’ nationalisms, or by a teleology of an ever-declining Union, this study has built upon the more structural approaches to the study of parliament, to date primarily associated with historians of the eighteenth century, in order to examine, both in breadth and depth, the legislative dimensions of what was, above all else, a legislative Union.

Though the physical geography of the legislative Union brought into being in 1800 remained unaltered at the conclusion of the Reform crisis in August 1832, contemporaries were in little doubt that this was a radically remodelled imperial institution. During the first three decades of its existence, efforts to bind the four nations together to make the United Kingdom a reality in substance as well as name had been cursory and stuttering: if anything, as Theo Hoppen has observed, Ireland appeared to have been allowed ‘to float further and further into the Atlantic’.[9] Contemporaries – admittedly partisan – agreed. ‘Thirty years had been allowed to elapse…down to the accession of Lord Grey’s administration’, railed Lord Hatherton in 1836, ‘during which the Irish people had reaped no benefit whatsoever from the

[7] David Cannadine, “The palace of Westminster as palace of varieties,” in *The Houses of Parliament: history, art and architecture*, ed. Christine Riding and Jacqueline Riding (London: Merrell, 2000), 18-19; see also, Roland Quinault, “Westminster and the Victorian constitution,” *Transactions of the Royal Historical Society* 6th ser., 2 (1992): 79-82.
[8] Richard Rose, *Understanding the United Kingdom: the territorial dimension in government* (London: Longman, 1982), 129.
[9] K. Theodore Hoppen, “An Incorporating Union? British Politicians and Ireland 1800-1830,” *English Historical Review* 123, no. 501 (2008): 350; see also, [Anon.], “On what general principles ought Ireland to be governed?,” *Blackwood’s Edinburgh Magazine* 25, no. 148 (Jan. 1829): 41.

Union'.[10] If the union of England, Wales and Scotland was more thoroughly enmeshed at the start of the 1830s, still Scotland's tightly constricted franchise meant that, for many, 'until the passing of the Reform Act of 1832, Scotland had no political existence. The struggles therewith connected were the birth pangs of her political life.'[11]

The Whigs' parliamentary reform legislation, introduced in various iterations between 1830 and 1832, was in no small part borne of a desire to arrest this seemingly inexorable decline in the health of the Union. Fundamentally conceived as one single imperial project of political regeneration, the separate measures of reform for England and Wales, Scotland and Ireland were designed to create a more effective, harmonious, representative legislature, suitably balanced and attuned to the needs both of its separate national parts and of the united polity as a whole. If, as we saw, many perceived the constitutional upheavals brought about by parliamentary reform as an 'unbalancing' – most especially, an 'unEnglish-ing' – rather than 'rebalancing' of the national equilibrium of the Union, few were under any illusion that those acts heralded the start of a new era in the parliamentary relations of the four nations – and, one, moreover, in which the instrumentality of statute law was set to play as great a part in shaping its unfolding as it had in facilitating its birth.

This thesis has probed that subsequent legislative record, and the processes responsible for it, in an effort to see what they can tell us about the political geography of the Reform era, and, in consequence, the character and workings of the Union itself. Ultimately, such investigations have uncovered an intricate, multi-layered picture, expressive of the 'highly complex polity' from which it arose.[12] Centrifugal tendencies borne of national distinctiveness, rivalry and jealousy amongst the four nations repeatedly came hard up against countervailing centripetal impulses towards greater integration and consistency.

The legislative record certainly offers up evidence in support of a more cohesive polity taking shape during the 1830s and 1840s. By 1852, the Imperial Parliament was producing more statutes than ever before applicable equally and (more or less) evenly across all four of its component portions. Similarly, within a parliamentary milieu peculiarly receptive to efforts at the legal assimilation of Ireland into the British mainland, measures whose scope straddled the Irish Sea embracing England, Wales and Ireland had likewise seen dramatic

[10] *HPD*, 9 May 1836, vol. 33, c. 722.
[11] Alexander Mitchell, *Political and social movements in Dalkeith from 1831 to 1882* (privately printed, 1882), 104.
[12] Joanna Innes, "What would a 'Four Nations' approach to the study of eighteenth-century British social policy entail?," in *Kingdoms united? Great Britain and Ireland since 1500: integration and diversity*, ed. Sean J. Connolly (Dublin: Four Courts, 1998), 199; see also Andrew Mackillop's similar assessment in "Subsidy state or drawback province? Eighteenth-Century Scotland and the British fiscal-military complex," in *The British fiscal-military states, 1660-c.1783*, ed. Aaron Graham and Patrick Walsh (London: Routledge, 2016), 181.

increases, particularly during the second half of the 1840s. If the central struts propping up the legislative Union retained the pre-eminently fiscal-military dimensions they had assumed ever since its creation, fifty years on, it was unquestionably a more diverse, multi-faceted structure spanning criminal and intellectual law, business and banking, and the railway, postal and maritime networks. On the back of the implementation of remodelled municipal corporations and poor law systems across all three kingdoms, certain social reforms endeavoured – with mixed success – to assume pan-United Kingdom or Anglo-Irish scopes also. Indeed, by 1852, the broad delineation of legislative 'types' into national and imperial, as would be defined by Gladstone some 35 years later in 1886 when introducing his first Irish Home Rule bill, had been established. Those powers which Gladstone would reserve to Westminster as 'exceptions of principle' amounted, in essence, to the royal and fiscal-military apparatus of the state, and to foreign policy. Amongst those he termed 'exceptions of…practical necessity' were included patents, copyright law, quarantine, the postal network, and the system of beacons and lighthouses, all of which established themselves firmly as subjects demanding imperial treatment during the 1830s and 1840s.[13]

However, to focus too intently on these trends of integration and greater cohesiveness – on what Keith Robbins has seen as the 'acceleration of the blending' of the four nations – is to present a lop-sided account of the legislative Union between 1830 and 1852.[14] 'Institutions can institutionalise division rather than harmony', and the parliaments of the Reform era certainly frequently displayed their capacity to be such divisive institutions.[15] As Chapter 1 demonstrated, from the very outset national tensions were legislated into the Reformed Union state, primarily as a consequence of the re-apportionment of parliamentary seats across each of the four nations, but also as a result of Scotto-Irish disgruntlement at the legislative treatment meted out to their nations vis-à-vis England and Wales. Though they waxed and waned in intensity, such 'nation-based' grievances remained a fundamental feature of the legislative process at Westminster for the next twenty years – and beyond. This is unsurprising in view of the sheer range of causes that possessed the potential to raise national hackles. As we saw in Chapter 6, attacks against the Russell ministry's Scottish measures in the late 1840s were precipitated, variously, by a sense of neglect at being denied the time and attention meted out to Irish affairs, injustice at the inadequacy of Scottish provisions in comparison to those previously granted to Anglo-Welsh bills, and of inflamed

[13] *HPD*, 8 Apr. 1886, vol. 304, c. 1064.
[14] Keith Robbins, "An imperial and multinational polity: the 'scene from the centre', 1832-1922," in *Uniting the kingdom? The making of British history*, ed. Alexander Grant and K. J. Stringer (London: Routledge, 1995), 251.
[15] Rose, *Understanding the United Kingdom*, 3; see also Paul Seaward's review of Julian Hoppit's edited volume, *Parliaments, nations and identities in Britain and Ireland, 1660-1850*: *Parliamentary History* 24, no. 2 (2005): 245.

national pride at the alleged sacrifice of Scottish national custom and tradition on the altar of Anglo-assimilation. Aggrieved Irish Members, in turn, decried the inadequacy of the Whigs' legislative response to the exceptional circumstances faced by that island's inhabitants in the wake of the failure of the potato crop just as they assailed the Irish rate-in-aid act of 1849 as a blatant denial of Ireland's status as an equal partner in the Union. Demands for 'more' Union, pleas for 'less' Union, entreaties for different types of Union: all possessed the potential to raise national temperatures in the legislative processes of the Reform era.

At the same time, Chapter 3 showed the degree to which the legislators of the four nations – both front and backbench – operated in more or less well-defined, separate national spheres, with the inadequacy of the Scottish ministerial apparatus and personnel an important factor in its relative lack of Reform legislation. Hopes entertained in the aftermath of Reform that Scottish legislative affairs would be integrated more thoroughly into ministerial agendas, and the role of the Lord Advocate remodelled, fell by the wayside. Though the Home Secretary was an office which, in theory, straddled the borders of the four nations in its law-making responsibilities, the practice of the 1830s and 1840s proved otherwise. Save for some minor sallies by British Members into the separate legislative affairs of Ireland, the Reform-era backbencher proved himself remarkably 'isolationist' in legislative intent, largely unwilling to stray outside his particular home territory. And when, as we saw in the mid-1830s, piqued English Members felt their own nation's legislative affairs were becoming unduly beholden to Scottish and Irish concerns and votes, the West Lothian Question *avant-la-lettre* arose on the floor of the Commons and in the columns of the press.[16]

That the Union remained pre-eminently a collectivity of three kingdoms rather than one imperial state during the Reform era has thus received considerable support from this study. Indeed, arguably the most powerful proof of that circumstance was the continued preponderance of legislation whose scope was restricted to one of the three kingdoms alone. Between 1830 and 1852, just under three hundred more statutes limited in their extent to one kingdom or one nation reached the statute book than those which straddled either or both the Tweed and Irish Sea. In terms of bills, the disparity was even sharper: whereas 2332 measures were introduced to, or reached, the Commons designed solely for England and Wales *or* Scotland *or* Ireland, only 1319 did so with a more ambitious multinational scope. When, in May 1832, George Murray implored the Commons that, since England, Wales, Scotland and Ireland 'had not now separate Legislatures, adjusting separate interests, but a national Legislature, consulting together for the common interests of a United Kingdom' and

[16] Vernon Bogdanor, *Devolution in the United Kingdom* (Oxford: Oxford University Press, 2001), 227-35.

that, in consequence, 'they should not legislate separately for these parts of the United Kingdom, but alike for the whole', he was expressing sentiments that the legislative record has revealed could have been pronounced at any point during the Reform era without diminished pertinence.[17] If, as Alvin Jackson has recently observed, 'From the beginning…union appealed primarily…to a sense of individual, sectional, or national advantage, and not generally to any higher ideal', then the sheer preponderance of the separate national statute during the Reform era appears to add weight to that view.[18]

At the same time, however, this thesis has demonstrated the need to tread rather more delicately when considering the geographical orientation of the legislation of the 1830s and 1840s. Within the confines of a Reformed Imperial Parliament ideally circumstanced to facilitate cross-border comparisons, and acutely susceptible to arguments framed on themes of national fairness, integration and congruity, bills designed for application in one kingdom alone inevitably became entangled – sometimes intentionally, sometimes not – in processes and debates concerning others. This imbrication of separate national legislation was also a reflection of the fact that much of what dispersed the bills and acts of the Reform era down such national lines were matters of pragmatism rather than principle. The reformers of the 1830s and 1840s were not presented with a four nations legislative *tabula rasa*: each of the three kingdoms possessed its own intricate array of historically-conditioned institutions, administrative frameworks and personnel through which any statute had to be implemented. While that circumstance placed considerable constraints on the practical geography of measures, it did not prevent imperial connections being forged by those desirous to make them: 'distinctiveness', as Andrew Mackillop has stressed, 'was no barrier to connectivity'.[19] Thus, as with the parliamentary reform bills of 1830-32, the Whigs were insistent that their suite of municipal corporation reform measures introduced between 1833 and 1840 were *not* to be judged as isolated, discrete national acts, save in form only, but rather interlocking parts of one larger imperial reform programme designed to revivify the stultified civic politics of the United Kingdom. Irrespective of whether one accepts this Whig reading of their legislative endeavours, it nonetheless presents a cautionary reminder that impulses toward imperial legislative convergence could lie in the ostensibly divergent, just as closer inspection of the details of various integrative multinational measures revealed contemporary awareness of the need to accommodate national diversity within such seemingly unifying forms.

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[17] *HPD*, 21 May 1832, vol. 12, c. 1198; see also Francis Burdett's comments, *HPD*, 11 Mar. 1835, vol. 26, c. 871.
[18] Alvin Jackson, *The two unions: Ireland, Scotland, and the survival of the United Kingdom, 1707-2007* (Oxford: Oxford University Press, 2012), 341.
[19] Mackillop, "Subsidy state or drawback province?, 181.

So, trends of convergence and divergence, of integration and separation across and between the four nations, lay at the very heart of the legislative processes of the Imperial Parliament during the Reform era. Those countervailing tendencies presented ministers and backbenchers alike with obvious difficulties and problems, as we saw in Chapter 6. Nevertheless, this thesis suggests that it was precisely the ability of the Imperial Parliament to flex its legislative muscles in all directions that endowed it, and the Union, with some of its enduring strength. It could pass measures exclusively attending to specific national interests just as it sought to enact statutes that bridged borders. It could create laws that accommodated diversity within overarching unity, or which sought broad imperial consistency across interconnected separate national measures. When George Cornewall Lewis told his Liberal chief Lord John Russell in 1851 that Britons 'do not profess systematic and logical legislation', he saw that circumstance as an indication of national superiority.[20]

'The result', observed Rose, '[wa]s Union but not uniformity'; the United Kingdom was 'unified but not uniform', agreed Keith Robbins.[21] In recent years, political scientists have sought to categorise such distinctions, positing the notion of 'union' and 'unitary' states.[22] Whereas the unitary state is one constructed around a single 'unambiguous political centre' and 'pursues a more or less undeviating policy of administrative standardisation', the union state seeks to impose broad legislative and administration consistency but with a 'tolerant indifference' to the variations across its peripheries borne of the 'survival of pre-union rights and institutional infrastructures'.[23] For Colin Kidd and others, the nineteenth-century United Kingdom presents the union state *par excellence*.[24] This thesis lends support to that view, as surveyed from the perspective of that Union-state's legislative output. There was a territorial flexibility at the heart of the legislative processes of the Reform era – a flexibility that could enrage, certainly, but one which also allowed for 'ethnic and cultural diversity within a unitary political framework'.[25] That legislative flexibility, moreover, dovetailed with the prevailing views of nationality held by the Britons of the mid-Victorian era. Here, as Peter Mandler has argued, a 'civilisational' conception of nationhood lent intellectual support to

[20] George Peabody Gooch, *The later correspondence of Lord John Russell, 1840-1878*, 2 vols. (London: Longmans, 1925), II, 61-2.
[21] Rose, *Understanding the United Kingdom*, 115; Robbins, "An imperial and multinational polity," 253.
[22] S. Rokkan and D.W. Urwin, "Introduction: centres and peripheries in western Europe," in *The politics of territorial identity*, ed. S. Rokkan and D.W. Unwin (London: Sage, 1982), 11.
[23] *Ibid*.; Colin Kidd, *Union and unionisms: political thought in Scotland, 1500-2000* (Cambridge: Cambridge University Press, 2008), 37-8; Graeme Morton, *Unionist nationalism: governing urban Scotland, 1830-1860* (East Linton: Tuckwell, 1999), *passim*.
[24] Kidd, *Union and unionisms*, 37-8.
[25] Peter Mandler, *The English national character: the history of an idea from Edmund Burke to Tony Blair* (New Haven: Yale University Press, 2006), 33-4.

the multinational Union-state.[26] As Lord Acton famously claimed in 1862, it was precisely the 'co-existence of several nations under the same state' – the 'English system' – which not only ensured the 'freedom' of that state, but also permitted it to function as a 'cauldron' facilitating the 'fusion' of those nations to take place 'by which the vigour, the knowledge, and the capacity of one portion may be communicated to another'.[27] Pre-empting the political scientists by more than a century, Acton thus rebuked the 'French system' for its propensity to ride roughshod over individual liberty by endeavouring to 'absorb…divergent interests into a fictitious [national] unity', and extolled the multinational model of the Union-state. 'Rights which are sacrificed to the unity', averred Acton, 'are preserved by the union, of nations'.[28]

Here, at the last, then, is one possible answer to Alvin Jackson's salutary injunction to historians to 'explain more directly why…the Union…survived for as long as it did'.[29] If Barry's new palace of Westminster celebrated the four nations character of the Imperial Parliament in stone, painting and fresco, this study has shown that the ways in which that institution carried out its multinational legislative responsibilities were as 'instrumental' as much as they were 'symbolic' in realising and perpetuating that Union.[30]

[26] Peter Mandler, "'Race' and 'nation' in mid-Victorian thought," in *History, religion, and culture: British intellectual history, 1750-1950* ed. Stefan Collini, Richard Whatmore and Brian Young (Cambridge: Cambridge University Press, 2000), 224-244; see also, H.S. Jones, "The idea of the national in Victorian political thought," *European Journal of Political Theory* 5, no. 1 (2006): 12-21.
[27] Lord Acton, "Nationality," *Home and Foreign Review* 1 (Jul. 1862): 16-18.
[28] Acton, "Nationality," 16; see also, Georgios Varouxakis, *Mill on nationality* (London: Routledge, 2002), 22-3.
[29] Jackson, *The two unions*, 184.
[30] Mandler, *The English national character*, 34.

APPENDIX 1

Database methodology

The database was created using Microsoft Access 2007-2016, and works on a relational model. It is primarily comprised of five interrelated tables: Activity, Region, Public Bills, MPs and Activity Classification. These tables contain information concerning every public general bill ordered to be brought into the House of Commons, or which reached the Commons from the Lords, between 26 Oct. 1830 and 1 Jul. 1852. As discussed in the Introduction, bills originating in the House of Lords which did not advance beyond that chamber are not included. The titles of all select committees appointed between Oct. 1830 and Jul. 1852, together with their geographical scope (where identifiable) have also been entered.

The database was also designed to cater for the input of additional information which, for reasons of analytical interpretation and/or because of time constraints, was not entered. However, since this database represents an ongoing project, to which it is hoped subsequent additions will be made, these categories have been retained.

The five tables noted above record the following pieces of information:

Table 1: Activity

- Activity ID: a unique identifying number for each bill.
- Parliamentary session: the session in which the bill was ordered to be presented. Note that the 1841 session has been split into two sessions labelled (1) and (2).
- Parliamentary paper number: the first numerical iteration of any printed bill.
- *Commons journal* page number: the page on which the bill was ordered to be brought in.
- Activity type: Public bill (PubB) / Private bill (Priv) / Select committee (SC).
- Activity short-title: Since the official titles of parliamentary activity were frequently verbose, this information is usually taken from the shortened marginal descriptions in the *Commons* and *Lords Journals*.
- Notes: Any additional information about the activity, particularly notes concerning more precise details about proposed legislation. Where it has been possible to discern that the geographical remit of a bill was altered *following* its introduction, this has been noted here.

Table 2: Region

- Nation(s): the nations to which the bill in question applies. The options available were:
    - England (Eng)
    - Wales (Wal)
    - Scotland (Sco)
    - Ireland (Ire)
    - United Kingdom (either UKExp. where the bill was explicitly stated as referring to the whole of the United Kingdom, or UKImp. where the bill was not explicitly stated as referring to the whole of the United Kingdom, but where such a scope has been inferred from the internal evidence of the bill).
    - World (any bill principally concerned with the internal governance and administration of non-UK territory, including overseas British colonies. Where a bill was judged to concern the economic intercourse of colonies and foreign lands with the United Kingdom, this was classified with *both* a UKExp. or UKImp. *and* a World label).
    - Non-Geo (any subject not helpfully considered in geographical terms. In practice, every effort has been made to apply geographical criteria, so this designation is largely reserved for bills relating to specific named individuals).
    - Uncertain (where the geographical remit of the bill is ambiguous, to the extent even of rendering assured inferences unreliable).

    In the case of certain bills, a standard convention was used whereby it was stated that the terms of measures did not extend to certain nations except where 'expressly mentioned'. Since in most cases where this convention was employed the measure in question was designed for a specific nation (with oblique reference to those nations 'expressly mentioned'), only the geographical remit of the principal nation concerned was used. However, the presence of certain clauses affecting other nations was noted. The exceptions to this rule were measures concerning poor law settlement and removal, which, though often classed as Anglo-Welsh measures, impinged considerably on Scotland and Ireland, and its paupers, also.

- County: where the bill was explicitly limited to a county or counties this has been recorded.
- Notes: any additional information concerning the geographical scope of bills.

Table 3: Public bills

- Spec/Gen: A subjective assessment of whether the geographical scope of the bill is specific (Spec), that is, sub-national; or general (Gen), that is national / multinational / global.
- New?: Bills have been given one of five codes, depending on the character of the changes they sought to implement:
    - New or apparently new bill (New)
    - Bill continuing previous act (Cont.)
    - Bill amending previous act (Amend.)
    - Bill repealing previous act (Rep.)
    - Bill consolidating previous acts (Consol.)
- Pass/Fail: the success or failure of the bill
- Gov/Priv/Oth: legislation classified as 'Gov' encompassed those measures whose sponsors were entirely drawn from the incumbent ministry; measures classified as 'Priv' were sponsored by two or more backbench private Members; measures classified as 'Oth' covered measures sponsored by opposition members or combinations *either* of minister and private Member *or* opposition and private Member *or* minister and opposition Member. For the most part, matters were relatively clear-cut in the case of deciding whether Members were to be considered as ministerial or private in character. The personnel of the different governments was chiefly constructed from the extensive lists contained within Chris Cook and Brendan Smith, *British historical facts, 1830-1900* (London: Macmillan, 1975). However, certain offices did pose more tricky decisions, and these are described below. Rather more difficulties were presented in labelling certain individuals as opposition Members, though fortunately this comprised a very small number of cases. Members were deemed as opposition when they were holders of office in the previous administration generally associated with their preponderant political sympathies. Where Members held office in a previous administration but *not* in a subsequent one professing the *same* political sympathies, they have been considered private Members. Where Members resigned from a government during its incumbency, and subsequently prosecuted legislation, they too have been considered as private Members. When Irish serjeants-of-law occupied a parliamentary seat, they were treated as government Members. The exception to this rule was Joseph Jackson, appointed in 1835 during the brief Conservative administration, but who retained his position until 1841, and was treated during this period as a private Member. For the purposes of this study, the holders of the office of chairmen of

ways and means have been considered as Members of the incumbent ministry. Note too that after the accession to power of Russell's ministry at the end of the 1846 session, former Irish Attorney-general D.R. Pigot co-sponsored some thirteen bills with the incumbent chief secretary Henry Labouchere. Though Pigot did not hold office at this time, these were clearly government measures and have been classified as such. Pigot's involvement here seems to have been a feature of the lack of Irish expertise for the Whigs at Westminster at that juncture. The status of certain Members serving as commissioners (such as members of the lunacy, real property or ecclesiastical commissions) and their position vis-à-vis the ministry proved very difficult to judge. For the sake of simplicity, for the purposes of this study, membership of a commission (save for the Board of Control) has *not* been deemed sufficient to warrant treating Members as ministerial. In a very small number of cases there was a certain degree of ambiguity where the same name was held by more than one incumbent of any given parliament. In practice, however, this proved a very minor problem, and any errors arising in consequence would not skew the overarching patterns.

- Whig/Conservative: to enable differentiation of administration during sessions in which two or more ministries were incumbent (i.e. 1830-31 / 1835 / 1846 / 1852).
- Notes: any additional information concerning the nature of the bill in question.

Table 4: MPs

This table was intended to record details concerning the sponsors of legislation and members of select committees, including the nationality of MPs, their constituency nationality and type, their government position (if applicable) etc. However, time constraints rendered this infeasible, so this table solely records the names of the MPs associated with any given public general bill (i.e. as sponsor).

Table 5: Activity classification

The classification system employed in this thesis is an amended version of the scheme developed by Julian Hoppit, and used in *Britain's political economies: parliament and economic life, 1660-1800* (Cambridge: Cambridge University Press, 2017), 327-334. I am very grateful to Professor Hoppit for permitting me to use his scheme, and for responding to various queries concerning it.

0 – PERSONAL

WEALTH – 00

000 ESTATES BROADLY DEFINED (including settlements, specific leases, jointures)

001 WILLS, INHERITANCE

002 GUARDIANSHIP, MINORS

003 PATENTS

004 DIVORCE AND ALLOWING TO MARRY

005 ILLEGITIMATE, LEGITIMATE

006 BANKRUPTCY, DEBT OF INDIVIDUAL

009 MISCELLANEOUS

STATUS – 01

010 NAME CHANGE

011 NATURALIZATION (individual or small groups only)

012 DIGNITIES (peerage creation, rewards for public service)

019 MISCELLANEOUS

1 – GOVERNMENT

EXECUTIVE – 10

100 THE CROWN, including ROYAL HOUSEHOLDS

101 FORFEITED ESTATES, CROWN GRANTS, CROWN LANDS, DUCHIES

102 DEPARTMENTS AND OFFICES

103 ECONOMIC REFORM

109 MISCELLANEOUS

LEGISLATURE – 11

110 PARLIAMENTARY ELECTIONS, REFORM

111 PARLIAMENTARY BUSINESS

112 PARLIAMENTARY PRIVILEGE

119 MISCELLANEOUS

LOCAL – 12

120 COUNTY

121 PARISH

122 BOROUGH

123 OTHER LOCAL JURISDICTION

125 LOCAL TAXATION

129 MISCELLANEOUS

2 – FINANCE

PUBLIC FINANCE – 20

200 LAND TAX, INCOME TAX

201 CUSTOMS AND EXCISE (including bonding)

202 SMUGGLING AND FRAUD

203 PUBLIC LOTTERIES, ANNUITIES

204 SUPPLY BILLS (i.e. Consolidated Fund and Exchequer bills)

205 LOANS AND NATIONAL DEBT MANAGEMENT (Bank of England)

206 OTHER DIRECT TAXES (e.g. windows, carriages, stamp duties, assessed taxes)

207 DEBTS TO CROWN

208 CIVIL LIST

209 MISCELLANEOUS (including Exchequer administration)

MONEY AND BANKING – 21

210 COINAGE AND CLIPPING

211 BULLION

212 STOCK EXCHANGE AND SHARE MARKET

213 BANKS, LENDERS (including pawnbrokers/savings banks/loans)

214 USURY

215 NOTES, BILLS OF EXCHANGE AND OTHER PAPER MONEY

216 INSURANCE, ASSURANCE

217 BANKRUPTCY AND DEBT (not individuals)

219 MISCELLANEOUS (including private lotteries)

3 – LAW AND ORDER

LAW – 30

300 CRIMINAL LAW

301 LAW OF PROPERTY (including land registry)

302 INTELLECTUAL PROPERTY

303 COMMON LAW, CUSTOMARY RIGHTS

304 MARRIAGE LAW

305 GAME LAW

309 MISCELLANEOUS

ORDER – 31

310 LEGAL ADMINISTRATION AND PROCEDURE

311 CIVIL ORDER, RIOTS, SEDITION

312 TREASON, OATHS OF ALLEGIANCE, IMPEACHMENTS

313 PUNISHMENTS (including outlawry), PARDONS, INDEMNITY

314 PRISONS AND PRISONERS

315 POLICING, LAW ENFORCEMENT

316 PUBLIC RECORDS

319 MISCELLANEOUS

4 – RELIGION

ESTABLISHED CHURCHES – 40

400 LIVINGS, ENTITLEMENTS, TITHES & FINANCES

401 PARISHES, CHURCHES, CATHEDRALS (building fabric, creating parishes)

402 HIERACHY, ADMINISTRATION & ORGANISATION

403 THEOLOGY, RITUAL

404 FASTS, CELEBRATIONS

405 AUTHORITY, CHURCH COURTS, ECCLESIASTICAL LAW

406 OATHS

409 MISCELLANEOUS

DISSENTING CHURCHES – 41

410 RELIGIOUS DISABILITIES & OATHS

411 CHAPELS & MEETING HOUSES

412 CHURCH FINANCES

413 MARRIAGES & BURIALS

419 MISCELLANEOUS

ROMAN CATHOLICISM – 42

420 RELIGIOUS DISABILITIES & OATHS

421 MAYNOOTH & OTHER SEMINARIES

429 MISCELLANEOUS

JUDAISM – 43

430 RELIGIOUS DISABILITIES & OATHS

439 MISCELLANEOUS

5 – ARMED SERVICES

ARMY – 50 (excluding Marines)

500 RECRUITMENT AND DISBANDING

501 PAY AND ARREARS

502 PROVISIONS, EQUIPMENT, ORDNANCE, VICTUALLING, DEBTS, ESTIMATES

503 ORGANIZATION AND DISCIPLINE

504 FORTIFICATIONS

505 PENSIONS, RETIREMENT, FAMILY SUPPORT, HOSPITALS (e.g. Chelsea)

509 MISCELLANEOUS (including promotions, prize money)

NAVY – 51 (including Marines)

510 RECRUITMENT AND DISBANDING

511 PAY AND ARREARS

512 PROVISIONS, EQUIPMENT, ORDNANCE, VICTUALLING, DEBTS, ESTIMATES

513 ORGANIZATION AND DISCIPLINE

514 FORTIFICATIONS AND CONVOYS

515 PENSIONS, RETIREMENT, FAMILY SUPPORT, HOSPITAL (e.g. Greenwich)

516 PRIZES, PRIVATEERS AND PIRACY

519 MISCELLANEOUS (including promotions, prize money)

MILITIA – 52 (including Volunteers)

520 RECRUITMENT AND DISBANDING

521 PAY AND ARREARS

522 PROVISIONS, EQUIPMENT, ORDNANCE, VICTUALLING, DEBTS, ESTIMATES

523 ORGANIZATION AND DISCIPLINE

524 FORTIFICATIONS

525 PENSIONS, RETIREMENT, FAMILY SUPPORT, HOSPITALS

529 MISCELLANEOUS (includ. promotions)

6 – SOCIAL ISSUES

HEALTH AND COMMUNITY – 60

600 PHYSICAL AND MENTAL HEALTH (e.g. hospitals, apothecaries, quarantine, vaccination, asylums)

601 WATER SUPPLY AND SEWAGE

602 STREETS, PAVEMENTS AND CLEANSING

603 LIGHTING AND WATCH

604 BUILDING REGULATIONS AND HOUSING

605 FIRE

606 MORAL REGULATION (including prostitution, gambling)

607 CEMETERIES AND DEATH

608 GENERAL PUBLIC WORKS

609 MISCELLANEOUS (including child welfare and animal cruelty)

LABOUR – 61

610 WAGES (including truck) AND LABOUR RELATIONS

611 HOURS AND CONDITIONS (including children and women in work)

612 APPRENTICESHIP AND SKILLS

613 COMBINATIONS, FRIENDLY SOCIETIES

614 EMIGRATION AND IMMIGRATION (not poor relief settlement regulations)

615 LABOUR RELATIONS

619 MISCELLANEOUS

POOR LAW AND POVERTY – 62

620 POOR LAW RELIEF (including bastardy and settlement)

621 VAGRANCY

622 WORKHOUSES, BRIDEWELLS, IDLENESS, PUTTING TO WORK

623 CHARITIES (including orphans, prostitutes)

629 MISCELLANEOUS

EDUCATION AND KNOWLEDGE – 63

630 SCHOOLS

631 UNIVERSITIES, COLLEGES

632 LIBRARIES

633 SCIENCE AND THE USEFUL ARTS

634 THE WRITTEN WORD (e.g. press, censorship)

639 MISCELLANEOUS

CULTURE & OUTDOOR ACTIVITIES – 64

640 THEATRE, MUSIC, ENTERTAINMENT

641 MUSEUMS, EXHIBITIONS, ART etc.

642 SPORT

643 PUBLIC ACCESS

649 MISCELLANEOUS (including monuments)

POPULATION – 65

650 CENSUS

651 REGISTRATION OF BIRTHS/DEATHS/MARRIAGES

652 STATISTICS & MAPPING

659 MISCELLANEOUS

7 – ECONOMY

THE LAND – 70

700 ENCLOSURE, WASTE LANDS AND BOUNDARIES

701 LEASES, GENERAL (including landlord and tenant)

702 STEWARDSHIP

703 DRAINAGE AND FLOODING

704 GENERAL IMPROVEMENTS AND PUBLIC WORKS

709 MISCELLANEOUS

AGRICULTURAL PRODUCTION – 71

710 CORN

711 OTHER CROPS (including market gardening, tobacco, hops, starch)

712 LIVESTOCK AND DAIRY PRODUCTION (including disease prevention)

713 WOODS AND FORESTS

714 FISHERIES (including whaling)

715 AGRICULTURAL MACHINERY

719 MISCELLANEOUS

MINES AND QUARRIES – 72

720 COAL AND GAS

721 METALS

722 OTHER (including salt)

723 QUARRIES

729 MISCELLANEOUS

FOOD AND DRINK MANUFACTURES – 73

730 BREWING, DISTILLING, MALT

731 FOOD PROCESSING (e.g. baking, butchery)

739 MISCELLANEOUS

OTHER MANUFACTURES – 74

740 WOOL

741 OTHER TEXTILES

742 METAL

743 LEATHER

744 WOOD

745 CONSTRUCTION

746 PRECIOUS METAL AND JEWELLERY

747 SHIPBUILDING

749 MISCELLANEOUS

INTERNAL TRADE – 75

750 CONSUMPTION RESTRICTIONS-ENCOURAGEMENT (sumptuary laws)

751 COMPANIES AND BUSINESS LAW (including guilds)

752 WEIGHTS, MEASURES, STANDARDS, FRAUDS

753 PRICE REGULATION

754 WHOLESALERS – MERCHANTS, JOBBERS, BADGERS

755 RETAILERS – SHOPS, MARKETS AND FAIRS, HAWKERS

759 MISCELLANEOUS (including coasting, local tolls)

EXTERNAL TRADE – 76

760 IMPORT, EXPORT REGULATIONS (including navigation acts)

761 FOOD AND DRINK

762 TEXTILES

763 SLAVES

764 OTHER RAW MATERIALS

765 OTHER FINISHED PRODUCTS

769 MISCELLANEOUS

8 – COMMUNICATIONS

WATER – 80

800 RIVERS

801 CANALS

802 BRIDGES, FERRIES AND TUNNELS

803 PORTS, HARBOURS, DOCKS, PIERS, QUAYS (including pilots)

804 SHIPPING

805 LIGHTHOUSES AND SAFETY AT SEA

809 MISCELLANEOUS (including coastal defence)

ROADS – 81

810 ROADS, GENERAL

811 ROADS, SPECIFIC (largely turnpikes)

813 ROAD VEHICLES

819 MISCELLANEOUS

RAILWAYS – 82

820 RAILWAYS, GENERAL

821 RAILWAYS, SPECIFIC

822 ACCIDENTS & SAFETY

823 PASSENGERS

829 MISCELLANEOUS

POSTAL COMMUNICATION – 83

830 POST ROADS

831 POSTAL VEHICLES

832 OVERSEAS POST

833 POSTAL ITEMS

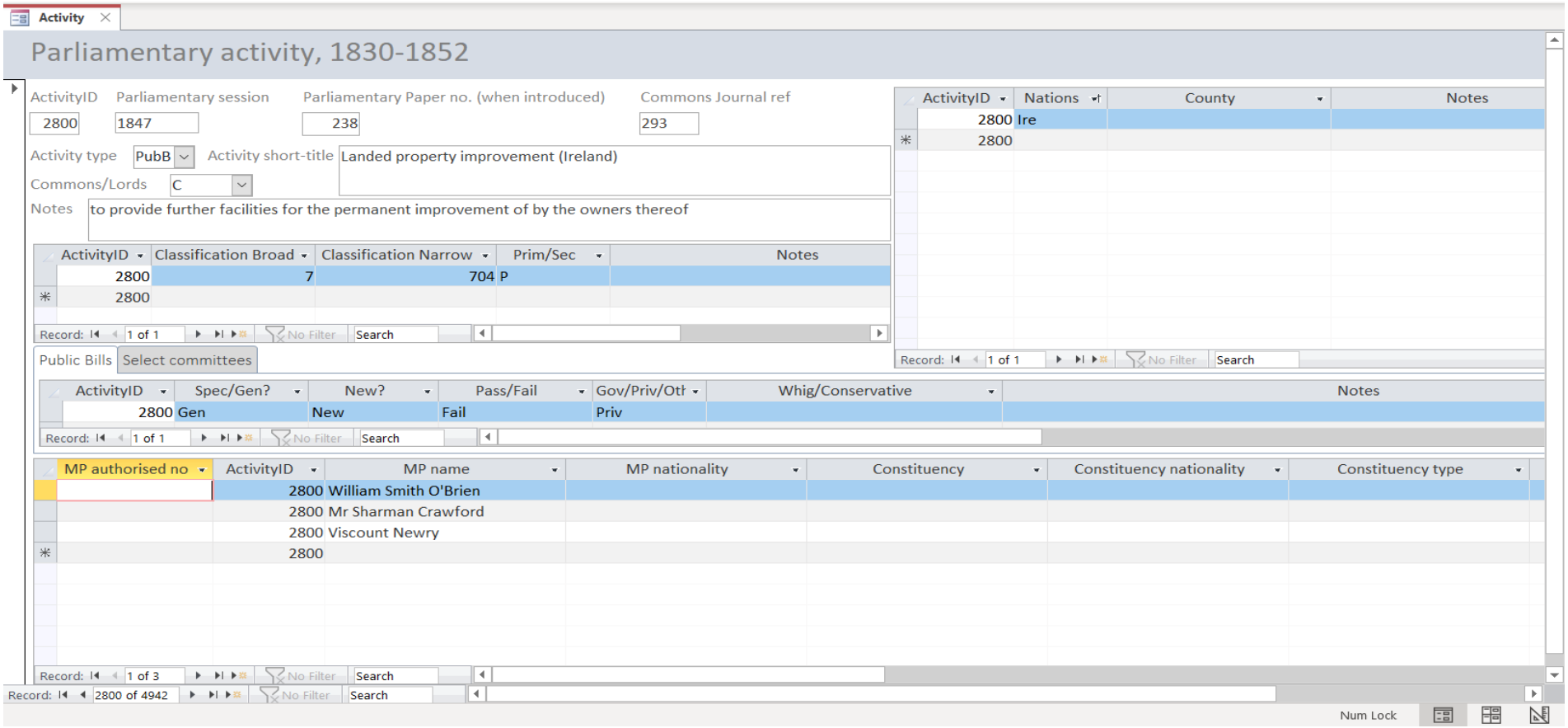
839 MISCELLANEOUS

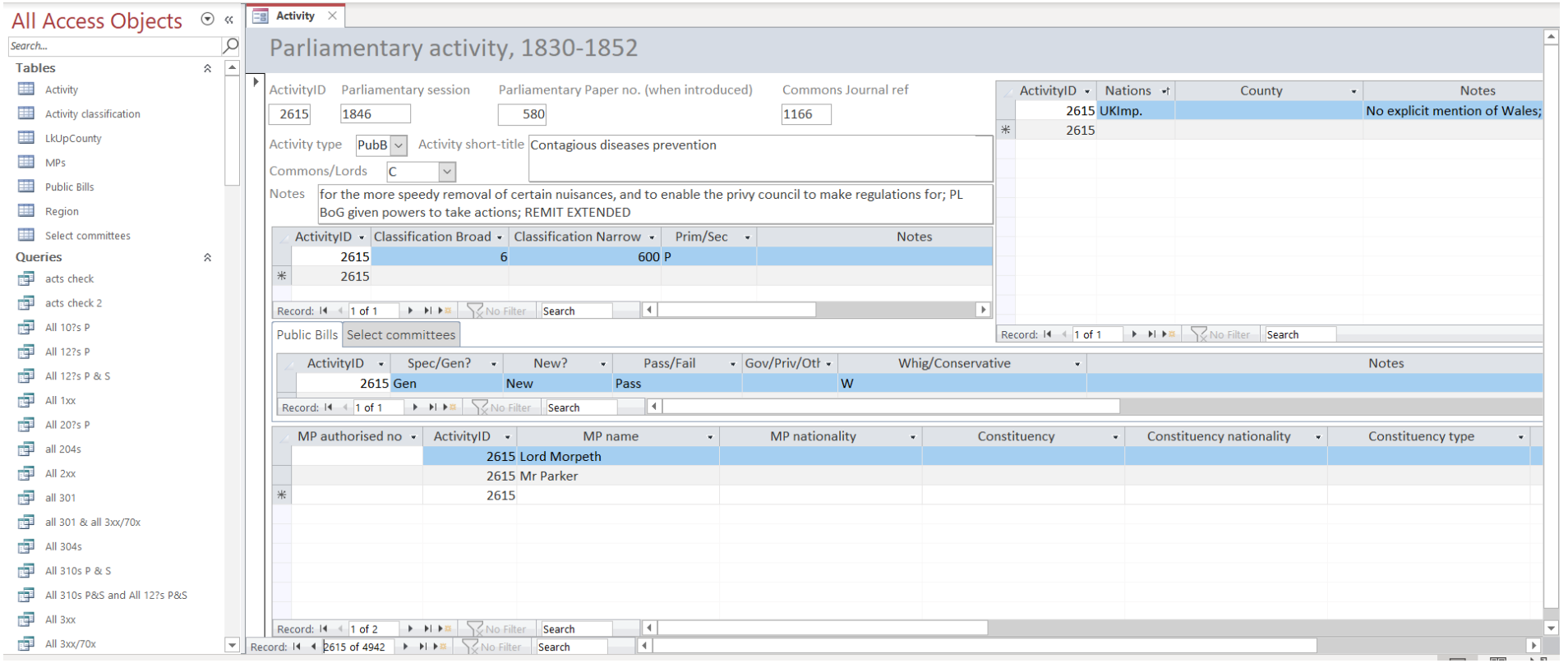
9 – FOREIGN AFFAIRS

900 FOREIGN AFFAIRS/DIPLOMACY/TREATIES

901 INTERNAL COLONIAL GOVERNANCE

Illustrative screenshots of database

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Search...
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Activity
Activity classification
LkUpCounty
MPs
Public Bills
Region
Select committees
Queries
acts check
acts check 2
All 10?s P
All 12?s P
All 12?s P & S
All 1xx
All 20?s P
all 204s
All 2xx
all 301
all 301 & all 3xx/70x
All 304s
All 310s P & S
All 310s P&S and All 12?s P&S
All 3xx
All 3xx/70x
Activity
Parliamentary activity, 1830-1852
ActivityID
Parliamentary session
Parliamentary Paper no. (when introduced)
Commons Journal ref
2615
1846
580
1166
Activity type
PubB
Activity short-title
Contagious diseases prevention
Commons/Lords
C
Notes
for the more speedy removal of certain nuisances, and to enable the privy council to make regulations for; PL BoG given powers to take actions; REMIT EXTENDED
ActivityID
Classification Broad
Classification Narrow
Prim/Sec
Notes
2615
6
600
P
ActivityID
Nations
County
Notes
2615
UKImp.
No explicit mention of Wales;
Public Bills
Select committees
ActivityID
Spec/Gen?
New?
Pass/Fail
Gov/Priv/Otl
Whig/Conservative
Notes
2615
Gen
New
Pass
W
MP authorised no
ActivityID
MP name
MP nationality
Constituency
Constituency nationality
Constituency type
2615
Lord Morpeth
2615
Mr Parker
Record: 2615 of 4942
No Filter
Search

APPENDIX 2

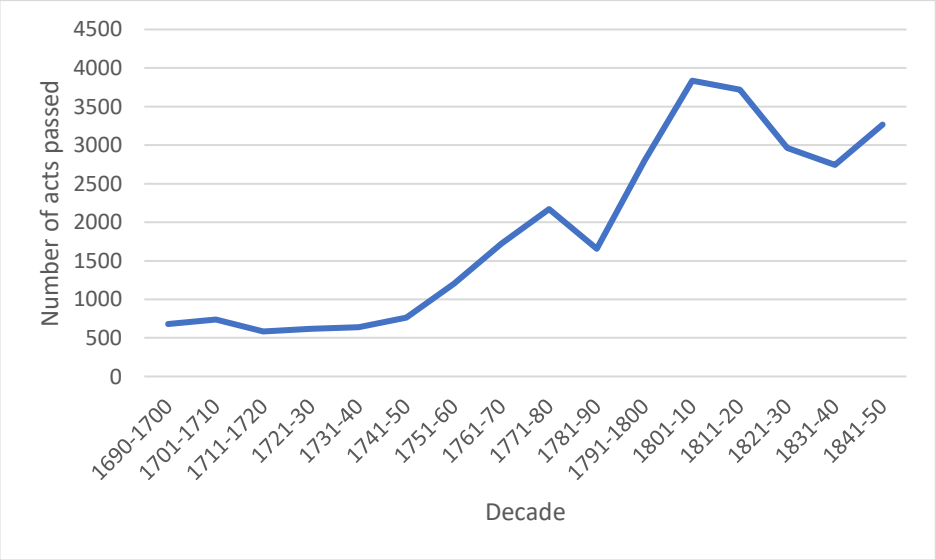
Reference to, and explanation of, the following figures can be found in the body of Chapters 2-4. Unless otherwise stated, all empirical data has been derived from queries run on the database described above.

Fig. 2.1: Total number of acts passed at Westminster, 1690-1850

Decade	Number of acts passed
1690-1700	681
1701-1710	738
1711-1720	584
1721-30	619
1731-40	639
1741-50	762
1751-60	1205
1761-70	1724
1771-80	2172
1781-90	1657
1791-1800	2798
1801-10	3836
1811-20	3720
1821-30	2965
1831-40	2745
1841-50	3269

Source: The decade-on-decade totals between 1690 and 1800 are taken from the table contained in David Hayton, "Introduction: the Long Apprenticeship," *Parliamentary History* vol. 20, no. 1 (2001): 13. These figures, however, are ultimately derived from Julian Hoppit's records. The quantity of acts passed between 1801 and 1850 is calculated from: *Acts of Parliament. Return of the total number of acts passed in each session since the year 1800, distinguishing the number of public, private, and local and personal acts*: *PP* 1852-53 (11), lxxxiii, 279.

Fig. 2.2: Total number of acts passed at Westminster, 1690-1850



Source: *Acts of Parliament. Return of the total number of acts passed in each session since the year 1800, distinguishing the number of public, private, and local and personal acts*: *PP* 1852-53 (11), lxxxiii, 279.

Fig. 2.3: Number of general and specific acts passed at Westminster, 1760-1852

a)

	General acts	Specific acts	Ratio
1760-1800	2145	6206	1 : 2.9

Source: Julian Hoppit, "Patterns of parliamentary legislation 1660-1800," *Historical Journal* 39, no. 1 (1996): 117.

b)

	Public general acts	Local and personal/private acts	Ratio
1801-52	6157	10,934	1 : 1.7

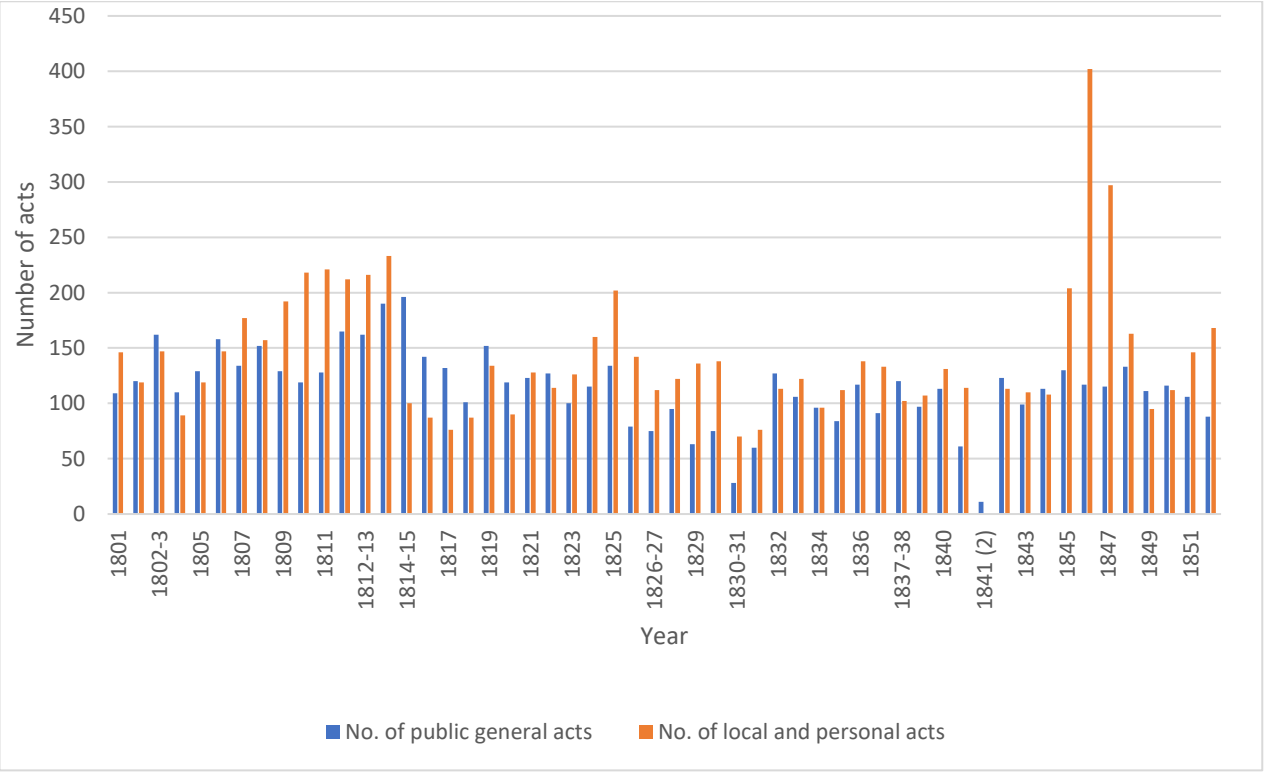
Source: *Acts of Parliament. Return of the total number of acts passed in each session since the year 1800, distinguishing the number of public, private, and local and personal acts*: *PP* 1852-53 (11), lxxxiii, 279.

c)

	General acts	Specific acts	Ratio
1801-52	5717	11,374	1 : 1.99

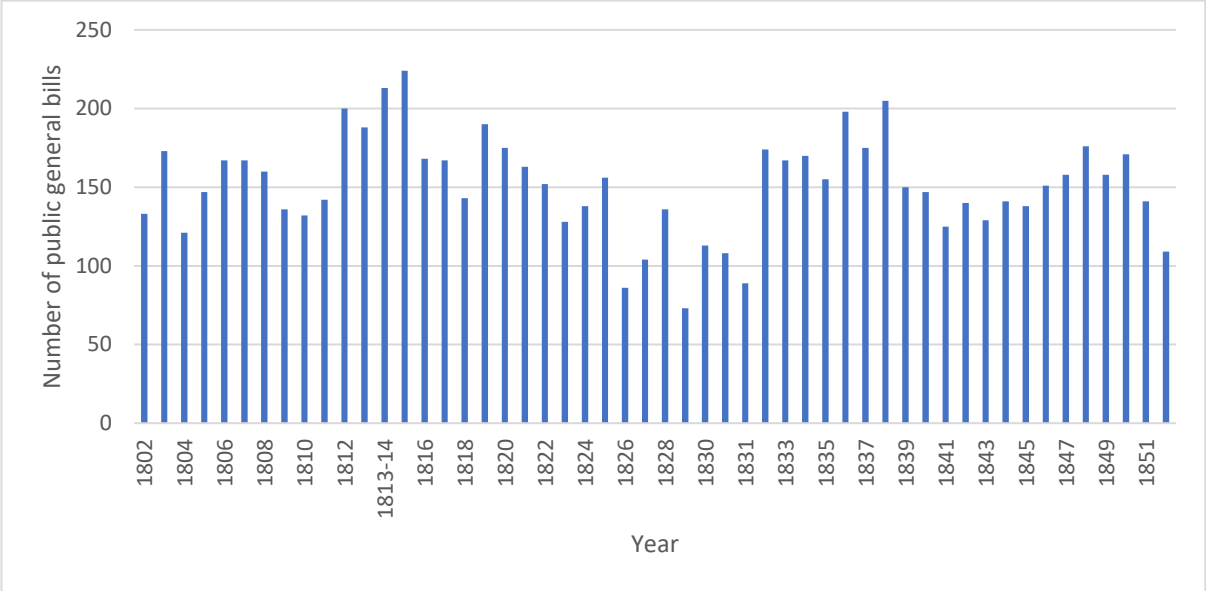
Source: Databases of legislation compiled by Professor Joanna Innes and James Smith; *Acts of Parliament. Return of the total number of acts passed in each session since the year 1800, distinguishing the number of public, private, and local and personal acts*: *PP* 1852-53 (11), lxxxiii, 279.

Fig. 2.4: Number of public general acts and local and personal (not private) acts by year, 1801-1852



Source: *Return of the total number of acts passed in each session since the year 1800, distinguishing the number of public, private, and local and personal acts*: *PP* 1852-53 (11), lxxxiii, 279.

Fig. 2.5: Number of public general bills introduced to the House of Commons, 1801-1852



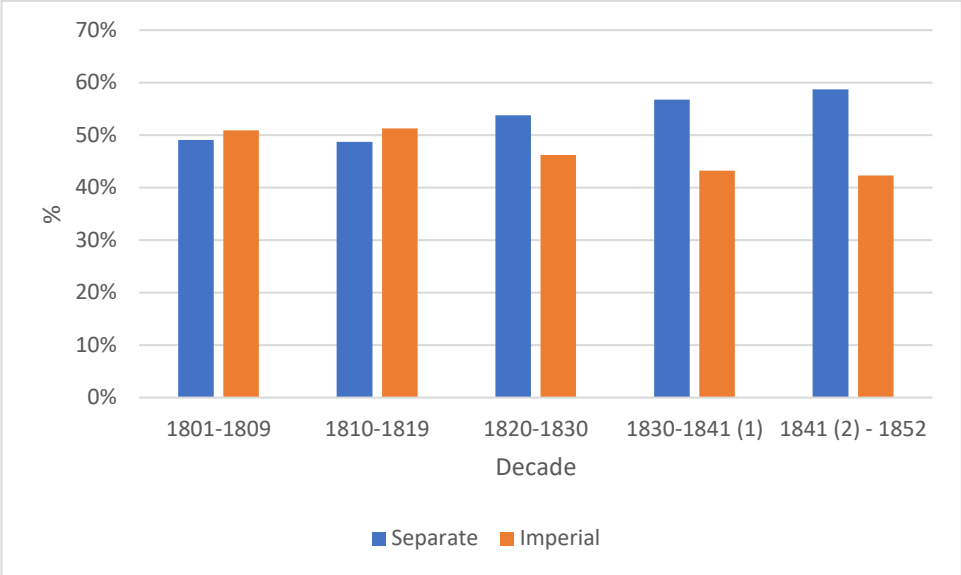
Sources: *Return of number of public bills presented to the House of Commons since 1801*, *PP* 1836(41) xlvii, 29-30; Database compiled by James Smith.

Fig. 2.6: Number of separate and imperial acts, 1801-1852

Decade	Separate acts (%)	Imperial acts (%)
1801-1809	523 (49.1)	543 (50.9)
1810-1819	632 (48.7)	665 (51.3)
1820-1830	535 (53.8)	460 (46.2)
1830-31-1841 (1)	564 (56.8)	428 (43.2)
1841 (2)-1852	676 (58.7)	476 (42.3)

Sources: Databases compiled by Joanna Innes and James Smith.

Fig. 2.7: Percentage split of separate and imperial acts by decade



Sources: Databases compiled by Joanna Innes and James Smith.

Fig. 2.8: Total number of separate and imperial acts by session, 1830-31 – 1852

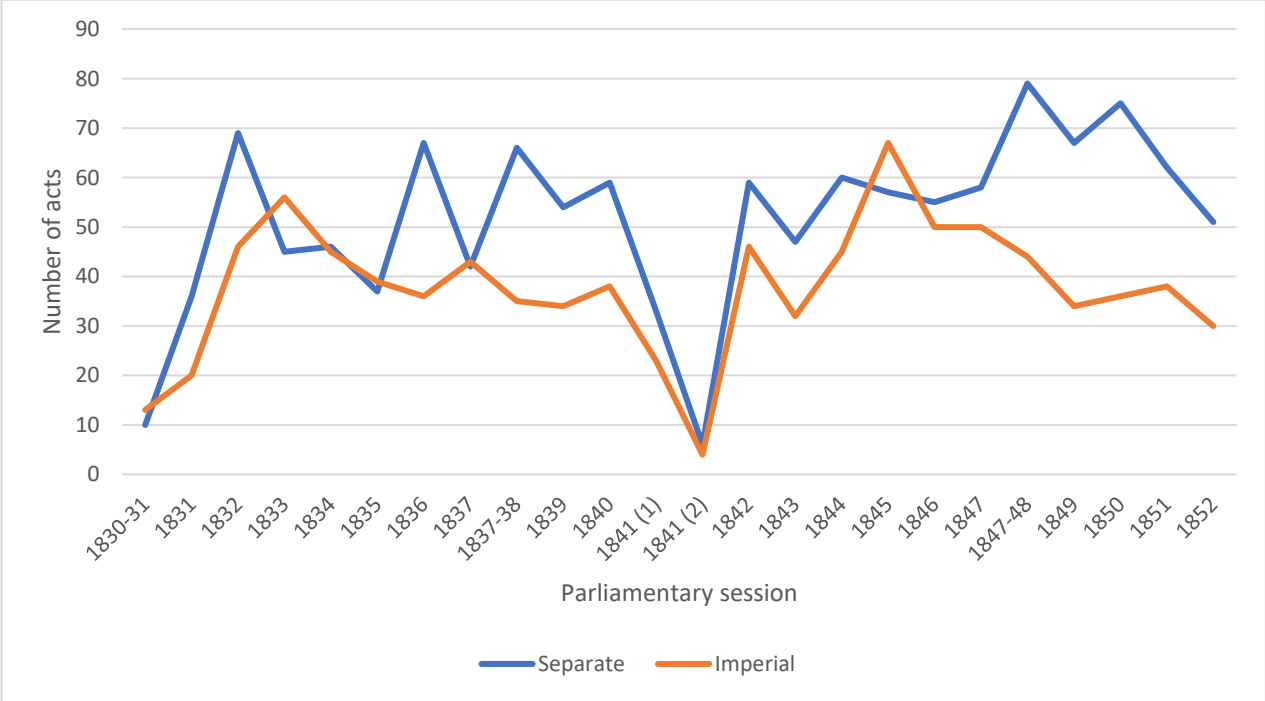


Fig. 2.9: Total number of separate and imperial bills by session, 1830-31 – 1852

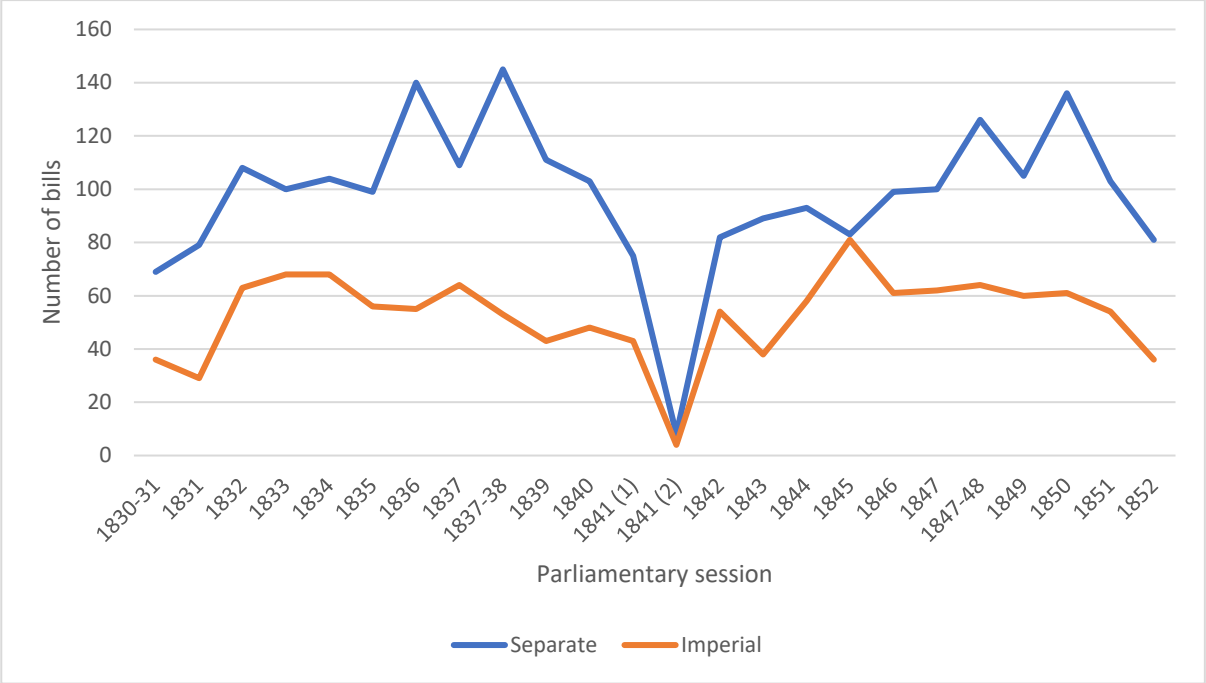


Fig. 2.10: Number of public general acts by decade across all geographical units, 1801-1852

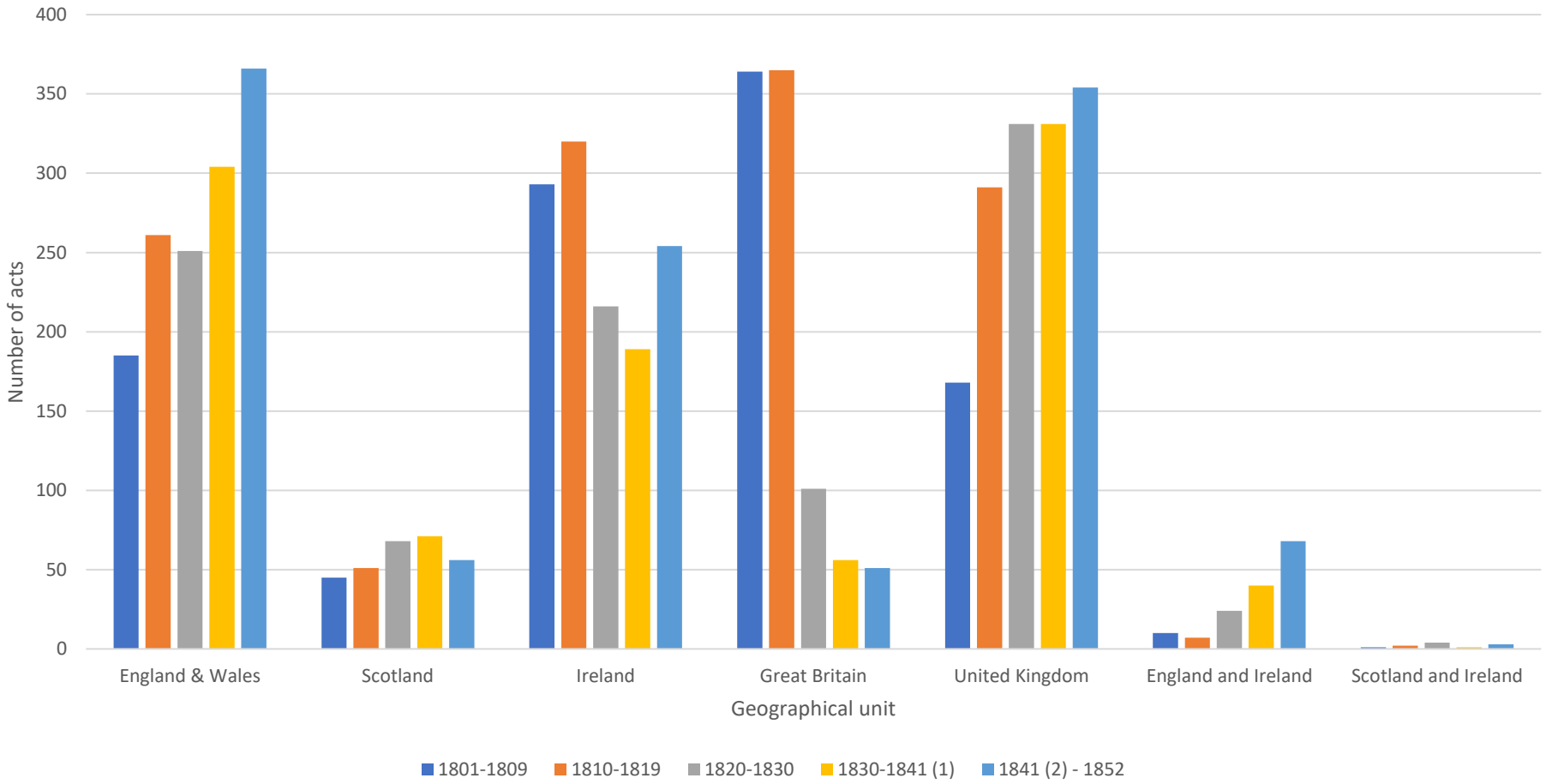
	SEPARATE LEGISLATION					IMPERIAL LEGISLATION				TOTALS			
Decade	**England & Wales***	**England****	**Wales**	**Scotland**	**Ireland**	**United Kingdom**	**Great Britain**	**England & Wales & Ireland**	**Scotland & Ireland**	**Separate**	**Imperial**	**Total**	**Ratio**
1801-09	185	-	0	45	293	168	364	10	1	523	543	1066	49:51
1810-19	261	-	7	51	320	291	365	7	2	632	665	1297	49:51
1820-30	251	-	11	68	216	331	101	24	4	535	460	995	54:46
1830/31 – 1841 (1)	304	73	1	71	189	331	56	40	1	564	428	992	57:43
1841 (2) - 1852	366	107	9	56	254	354	51	68	3	676	476	1152	59:41
Reform period total	670	180	10	127	443	685	107	108	4	1240	904	2144	58:42

***** England & Wales includes the separate figures for legislation affecting England only and Wales only

** Joanna Innes did not attempt to distinguish between English and Welsh and English general acts, hence the absence of separate figures for legislation affecting England only between 1801-1830.

Sources: Databases compiled by Joanna Innes and James Smith.

Fig. 2.11: Number of public general acts by decade across all geographical units, 1801-1852



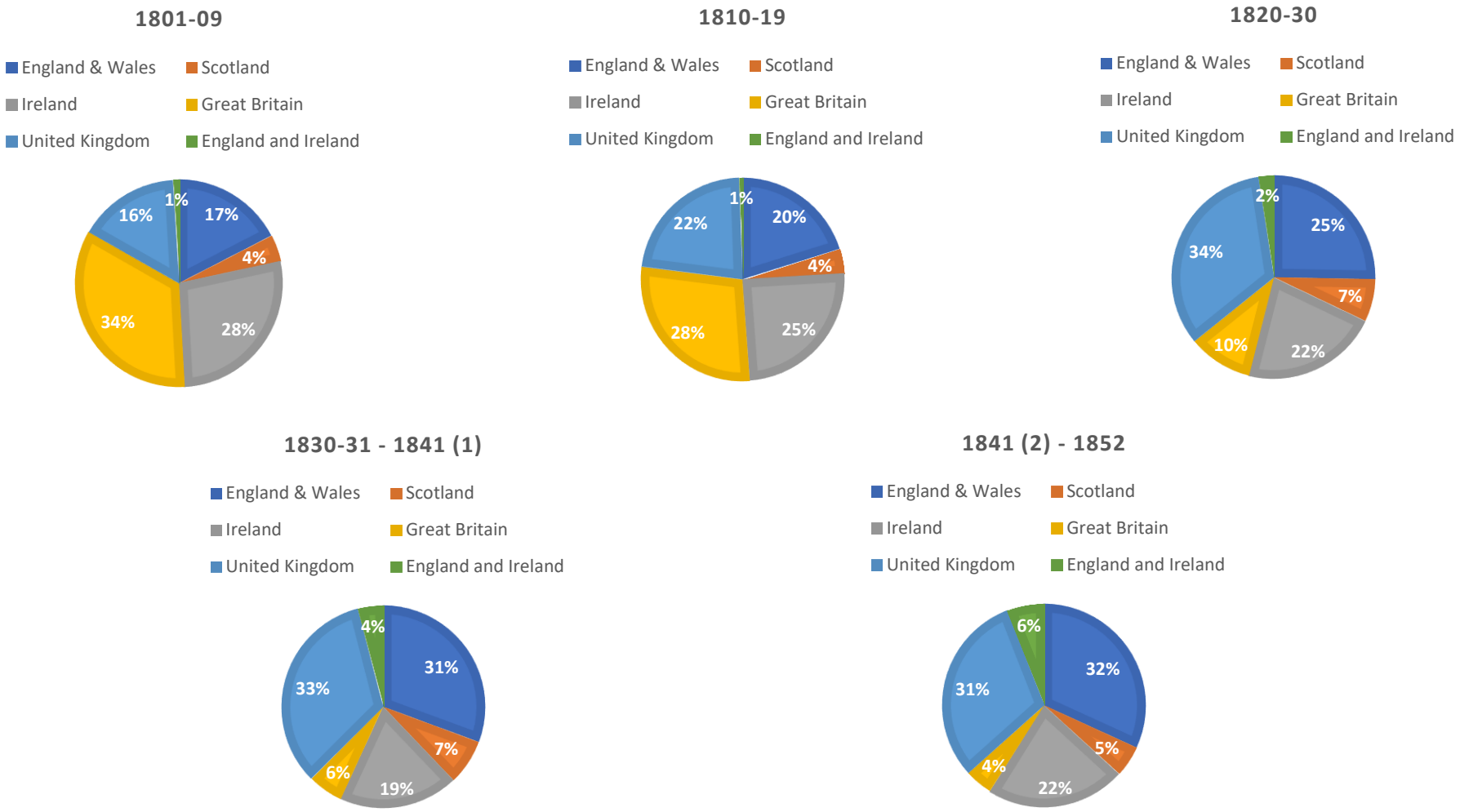
Sources: Databases compiled by Joanna Innes and James Smith.

Fig. 2.12: Average number of public general acts per session by decade across all geographical units, 1801-1852

	SEPARATE LEGISLATION					IMPERIAL LEGISLATION			
Decade	**England & Wales**	**England**	**Wales**	**Scotland**	**Ireland**	**United Kingdom**	**Great Britain**	**England & Wales & Ireland**	**Scotland & Ireland**
1801-09 (9)	20.6	-	0	5	32.6	18.7	40.4	1.1	1<
1810-19 (10)	26.1	-	0.7	5.1	32	29.1	36.5	0.7	1<
1820-30 (11)	22.8	-	1	6.2	19.6	30.1	9.2	2.2	1<
Pre-Reform period average	23.2	-	1<	5.4	28.1	26.0	28.7	1.3	1<
1830/31 – 1841 (11)	27.6	6.6	0.09	6.5	17.2	30.1	5.1	3.6	1<
1842- 1852 (11)	33.3	9.7	0.8	5.1	23.1	32.2	4.6	6.2	1<
Reform period average	30.5	8.2	0.5	5.8	20.2	31.1	4.9	4.9	1<

Sources: Databases compiled by Joanna Innes and James Smith.

Fig. 2.13: Division of public general acts by geographical unit as proportion of decade totals, 1801-1852



Sources: Databases compiled by Joanna Innes and James Smith

Fig. 2.14: Percentage of all public general acts affecting England and Wales, Scotland and Ireland by decade, 1801-1852

Sources: Databases compiled by Joanna Innes and James Smith.

Fig. 2.15: Number of public general bills by decade across all geographical units, 1830-1852

	SEPARATE LEGISLATION					IMPERIAL LEGISLATION					
Decade	**England & Wales**	**England**	**Wales**	**Scotland**	**Ireland**	**United Kingdom**	**Great Britain**	**England & Wales & Ireland**	**Scotland & Ireland**	**Separate**	**Imperial**
1830/31 – 1841 (1)	656	142	2	200	387	475	76	74	1	1243	626
1841 (2) - 1852	613	154	13	108	384	460	62	107	4	1105	633
Reform period total	1269	296	15	308	771	935	138	181	5	2348	1259

Fig. 2.16: Number of public general acts versus number of public general bills by decade across all geographical units, 1830-1852

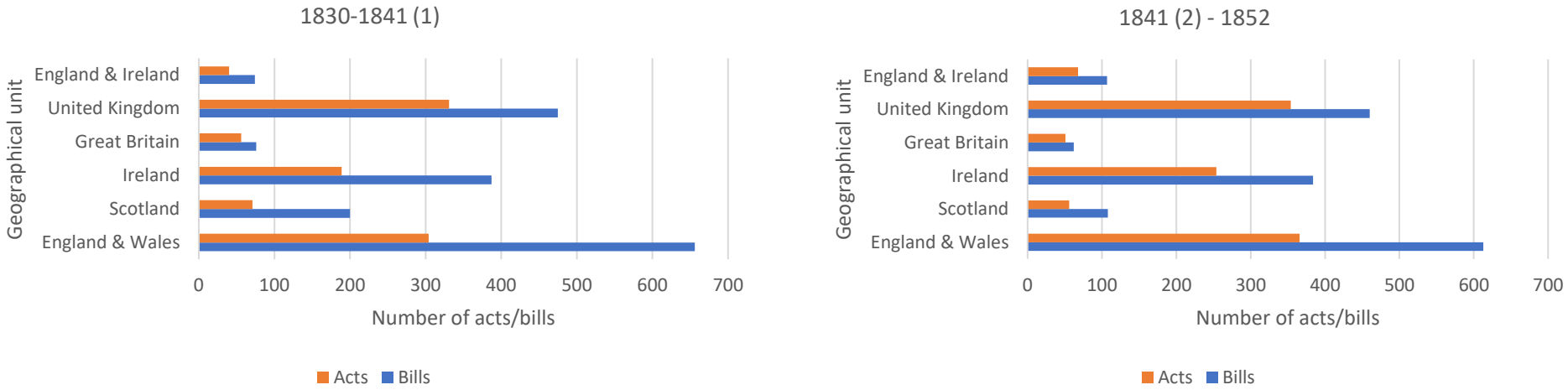


Fig. 2.17: Number of public general acts by ministry across all geographical units, 1830-52

	SEPARATE LEGISLATION					IMPERIAL LEGISLATION				TOTALS			
Decade	**England & Wales**	**England**	**Wales**	**Scotland**	**Ireland**	**United Kingdom**	**Great Britain**	**England & Wales & Ireland**	**Scotland & Ireland**	**Separate**	**Imperial**	**Total**	**Ratio**
Grey/ Melbourne, 1830-34	103 (26.9%)	32	1	28 (7.3%)	72 (18.8%)	139 (36.3%)	28 (7.3%)	12 (3.1%)	1 (0.3%)	203	180	383	53:47
Melbourne, 1835-41 (1)	195 (33.2%)	40	0	42 (7.2%)	113 (19.3%)	183 (31.2%)	27 (4.6%)	26 (4.4%)	0	350	236	586	60:40
Peel, 1841 (2) -1846	144 (30.0%)	46	5	22 (4.6%)	90 (18.8%)	165 (34.4%)	21 (4.4%)	35 (7.3%)	3 (0.6%)	256	224	480	53:47
Russell, 1846-52	195 (32.1%)	50	4	32 (5.3%)	153 (25.2%)	171 (28.1%)	27 (4.4%)	30 (4.9%)	0	380	228	608	63:37

N.B. The figures in brackets provide the proportion of each geographical unit's share of legislation across the total output of each ministry

Fig. 2.18: Number of public general bills by ministry across all geographical units, 1830-52

	SEPARATE LEGISLATION					IMPERIAL LEGISLATION				TOTALS			
Decade	**England & Wales**	**England**	**Wales**	**Scotland**	**Ireland**	**United Kingdom**	**Great Britain**	**England & Wales & Ireland**	**Scotland & Ireland**	**Separate**	**Imperial**	**Total**	**Ratio**
Grey/ Melbourne, 1830-34	240 (33.9%)	67	2	70 (9.9%)	137 (19.3%)	189 (26.7%)	39 (5.5%)	33 (4.7%)	1 (0.1%)	447	262	709	63:37
Melbourne, 1835-41 (1)	394 (35.9%)	72	0	122 (11.1%)	239 (21.7%)	273 (24.8%)	35 (3.2%)	36 (3.3%)	0	755	344	1099	69:31
Peel, 1841 (2) - 1846	239 (35.1%)	62	8	43 (6.3%)	127 (18.6%)	193 (28.3%)	24 (3.5%)	51 (7.5%)	4 (0.6%)	409	272	681	60:40
Russell, 1846-52	335 (34.3%)	77	5	62 (6.4%)	245 (25.1%)	247 (25.3%)	35 (3.6%)	52 (5.3%)	0	642	334	976	66:34

Fig. 2.19: Number of public general acts versus number of public general bills by ministry across all geographical units, 1830-1852

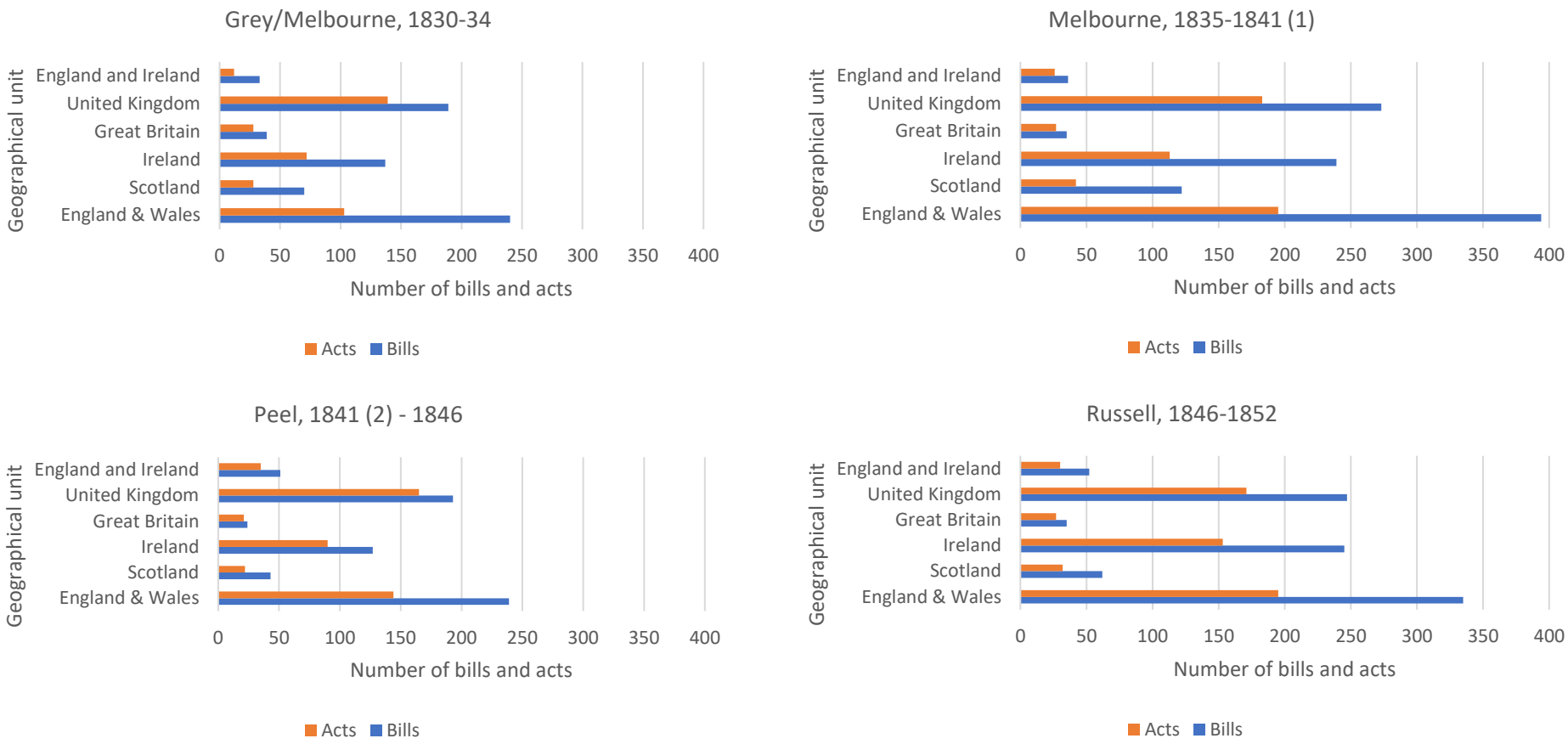


Fig. 3.4: Ministerial sponsors of Scottish legislation, 1830-1852 (includes measures co-sponsored with non-ministerial Members when in office)

Name	No. of bills sponsored	Office(s)
John Murray	67	Clerk of the Pipe (7) Lord Advocate (60)
Andrew Rutherfurd	46	Lord Advocate (46)
Sir John Campbell	43	Attorney-general for England (43)
Fox Maule	33	Under-secretary to the Home Office (23) Secretary at War (10)
Francis Jeffrey	33	Lord Advocate (33)
Robert Steuart	22	Junior (i.e. Scottish) Lord of the Treasury (22)
Duncan McNeill	19	Lord Advocate (19)
Sir James Graham	15	Admiralty Secretary (1) Home Secretary (14)
Thomas Maitland	14	Solicitor-general for Scotland (14)
T.F. Kennedy	13	Clerk of the Ordnance (2) Junior (i.e. Scottish) Lord of the Treasury (11)
Lord John Russell	12	Paymaster-general (2) Home Secretary (5) Colonial Secretary (3) Prime Minister (2)
Thomas Spring Rice	11	Financial Secretary to the Treasury (7) Chancellor of the Exchequer (4)
William Gibson-Craig	11	Junior (i.e. Scottish) Lord of the Treasury (11)
Sir George Grey	9	Home Secretary (9)
Sir William Rae	7	Lord Advocate (7)
Lord Althorp	6	Chancellor of the Exchequer (6)
Charles Wood	5	Chancellor of the Exchequer (5)
Francis Baring	5	Junior Lord of the Treasury (2) Financial Secretary to the Treasury (3)
James Moncrieff	5	Lord Advocate (5)

Fig. 3.5: Ministerial sponsors of Irish legislation, 1830-1852 (includes measures co-sponsored with non-ministerial Members when in office)

Name	No. of bills sponsored	Office(s)
Lord Morpeth	133	Chief Secretary (133)
Sir William Somerville	113	Under-secretary to the Home Office (1) Chief Secretary (112)
David Pigot	65	Solicitor-general for Ireland (38) Attorney-general for Ireland (14) 'Temporary' Irish law officer (13) – see Appendix 1 (page 276)
Sir George Grey	53	Home Secretary (53)
Lord Eliot	50	Chief Secretary (50)
Lord John Russell	44	Paymaster-general (1) Home Secretary (20) Colonial Secretary (2) Prime Minister (21)
J. Hatchell	44	Solicitor-general for Ireland (23) Attorney-general for Ireland (21)

Name	No. of bills sponsored	Office(s)
Thomas Spring Rice	42	Financial Secretary to the Treasury (22) Chancellor of the Exchequer (20)
Lord Stanley	40	Chief Secretary (40)
Philip Crampton	39	Solicitor-general for Ireland (39)
Henry Labouchere	39	President of the Board of Trade (3) Chief Secretary (36)
Charles Wood	35	Secretary to Admiralty (1) Chancellor of the Exchequer (34)
Thomas Cusack-Smith	31	Attorney-general for Ireland (31)
Sir James Graham	25	Admiralty Secretary (1) Home Secretary (24)
Stephen Woulfe	25	Third Irish Serjeant-at-law (2) Attorney-general for Ireland (23)
Michael O'Loghlen	22	Solicitor-general for Ireland (6) Attorney-general for Ireland (16)
John Parker	19	Junior Lord of the Treasury (2) Financial Secretary to the Treasury (17)
J.D. Jackson	18	Attorney-general for Ireland (18)
Lord Althorp	16	Chancellor of the Exchequer (16)
Sir Thomas Fremantle	16	Chief Secretary (16)
Charles Littleton	15	Chief Secretary (15)
Richard More O'Ferrall	13	Junior (i.e. Irish) Lord of the Treasury (12) Secretary of Admiralty (1)
Louis Perrin	12	Third Irish Serjeant-at-law (6) Attorney-general for Ireland (6)
Henry Goulburn	11	Home Secretary (1) Chancellor of the Exchequer (10)
Sir John Romilly	9	Solicitor-general for England (9)
Francis Baring	9	Junior Lord of the Treasury (2) Financial Secretary to the Treasury (6) Chancellor of the Exchequer (1)
James Henry Monahan	8	Solicitor-general for Ireland (8)
Earl of Lincoln	8	Chief Commissioner of Woods etc. (1) Chief Secretary (7)
Lord Naas	7	Chief Secretary (7)
Sir George Clerk	7	Personal Secretary to the Treasury (1) Financial Secretary to the Treasury (6)
R.M. Bellew	7	Junior (i.e. Irish) Lord of the Treasury (7)
Sir John Campbell	5	Solicitor-general for England (3) Attorney-general for Ireland (2)
Lord Howick	5	Under-secretary to the Home Office (3) Secretary at War (2)
Sir Henry Hardinge	5	Chief Secretary (5)
George Alexander Hamilton	5	Financial Secretary to the Treasury (5)

Fig. 3.6: Ministerial sponsors of English and Welsh legislation, 1830-1852 (includes measures co-sponsored with non-ministerial Members when in office)

Name	No. of bills sponsored	Office(s)
Lord John Russell	100	Paymaster-general (13) Home Secretary (60) Colonial Secretary (12) Prime Minister (15)
Sir John Campbell	81	Solicitor-general for England (12) Attorney-general for England (69)
Sir George Grey	77	Judge Advocate General (2) Home Secretary (75)
Thomas Spring Rice	71	Financial Secretary to the Treasury (40) Chancellor of the Exchequer (31)
Sir James Graham	67	Admiralty Secretary (8) Home Secretary (59)
George Cornewall Lewis	59	Under-secretary to the Home Office (52) Financial Secretary to the Treasury (7)
Robert Rolfe	54	Solicitor-general for England (54)
Fox Maule	44	Under-secretary to the Home Office (43) Secretary-at-War (1)
Charles Manners Sutton	39	Under-secretary to the Home Office (39)
John Jervis	32	Attorney-general for England (32)
Lord Althorp	30	Chancellor of the Exchequer (30)
Francis Baring	28	Junior Lord of the Treasury (9) Financial Secretary to the Treasury (15) Chancellor of the Exchequer (4)
Thomas Denman	29	Attorney-general for England (29)
Earl of Lincoln	29	First Commissioner of Woods etc. (29)
Lord Seymour	24	Junior Lord of the Treasury (1) First Commissioner of Woods etc. (23)
William Horne	21	Solicitor-general for England (10) Attorney-general for England (5)
Frederick Pollock	20	Attorney-general for England (20)
John Romilly	19	Solicitor-general for England (17) Attorney-general for England (2)
William Follett	18	Solicitor-general for England (18)
Lord Morpeth	18	Chief Secretary (2) First Commissioner of Woods (16)
Henry Goulburn	17	Home Secretary (6) Chancellor of the Exchequer (11)
George Lamb	16	Under-secretary to the Home Office (16)
Edward Bouverie	15	Under-secretary to the Home Office (15)
Lord Ebrington	15	Secretary to the Poor Law Board (15)
Robert Gordon	15	Commissioner to the Board of Control (2) Secretary to the Board of Control (5) Financial Secretary to the Treasury (8)
Lord Duncannon	15	First Commissioner of Woods etc. (15)
Edward John Stanley	14	Under-secretary to the Home Office (2) Personal Secretary to the Treasury (12)
John Nicholl	14	Judge Advocate General (14)
Sir William Somerville	13	Under-secretary to the Home Office (13)

Name	No. of bills sponsored	Office(s)
Sir William Jolliffe	12	Under-secretary to the Home Office (12)
Sir George Clerk	12	Financial Secretary to the Treasury (12)
Robert Peel	11	Prime Minister (11)
Robert Vernon Smith	11	Junior Lord of the Treasury (5) Secretary to the Board of Control (6)
John Parker	11	Junior Lord of the Treasury (2) Financial Secretary to the Treasury (9)
Charles Poulett Thomson	11	Vice-president of the Board of Trade (2) President of the Board of Trade (9)
Charles Wood	10	Personal Secretary to the Treasury (1) Chancellor of the Exchequer (9)
Matthew Baines	10	President of the Poor Law Board (10)
Thomas Wilde	10	Solicitor-general for England (10)
Spencer Walpole	9	Home Secretary (6)
Edward Cardwell	8	Financial Secretary to the Treasury (8)
Lord Granville Somerset	8	Duchy of Lancaster (8)
Sir David Dundas	7	Solicitor-general for England (7)
Lord Palmerston	6	Foreign Secretary (6)
Henry Tufnell	6	Junior Lord of the Treasury (2) Personal Secretary to the Treasury (4)
Sir Alexander Cockburn	6	Attorney-general for England (6)
Lord Stanley	5	Chief Secretary (3) Colonial Secretary (2)
Sir William Page Wood	5	Solicitor-general for England (5)
Sir John Hobhouse	5	Secretary to the Board of Control (5)

Fig. 3.7: Private Members most active in sponsoring legislation by geographical unit, 1830-1852 (county Members emboldened; where private Members subsequently became ministers, only those measures introduced during their period as backbenchers have been included. Where Members occupied a status as an 'Opposition' Member, these too have been excluded from the totals. See Appendix 1 for more details on these classifications).

	England and Wales		**Scotland**		**Ireland**		**United Kingdom**	
1	Henry Aglionby (35)	*Cockermouth, 1832-54*	Robert Wallace (14)	*Greenock, 1832-45*	Thomas Wyse (28)	***Co. Tipperary, 1830-32**; Waterford, 1835-41, June 1842-47*	Joseph Brotherton (12)	*Salford, 1832-Jan. 1857*
2	Joseph Hume (28)	**Middlesex, 1830-37**; *Kilkenny, 1837-41; Montrose Burghs, Apr. 1842-Feb. 1855*	James Loch (13)	*Tain Burghs, 1830-32; Wick Burghs, 1832-52*	Daniel O'Connell (27)	***Co. Waterford, 1830-31; Co. Kerry, 1831-32**; Dublin, 1832-Mar. 1836; Kilkenny, May 1836-1837; Dublin, 1837-41; **Co. Cork, 1841-May 1847***	Henry Warburton (11)	*Bridport, 1826-41; Kendal, Nov. 1843-47*
3	Benjamin Hawes (19)	*Lambeth, 1832-47; Kinsale, Mar. 1848-Oct. 1851*	Henry Home Drummond (7)	***Stirlingshire, May 1821-1831; Perthshire, May 1840-1852***	Andrew Lynch (27)	*Galway, 1832-41*	James Buckingham (9)	*Sheffield, 1832-37*
4	Joseph Brotherton (17)	*Salford, 1832-Jan. 1857*	James Oswald (7)	*Glasgow, 1832-37, June 1839-1847*	Morgan John O'Connell (18)	***Co. Kerry, 1835-52***	Joseph Hume (9)	**Middlesex, 1830-37**; *Kilkenny, 1837-41; Montrose Burghs, Apr. 1842-Feb. 1855*
5	James Freshfield (15)	*Penryn, 1830-32; Penryn & Falmouth, 1835-41, 1852-57; Boston, Apr. 1851-2*	Joseph Hume (6)	***Middlesex, 1830-37**; Kilkenny, 1837-41; Montrose Burghs, Apr. 1842-Feb. 1855*	William Sharman Crawford (18)	*Dundalk, 1835-37; Rochdale, 1841-52*	William Ewart (9)	*Liverpool, 1832-37; Wigan, Mar. 1839-41; Dumfries Burghs, 1841-68*

	England and Wales		**Scotland**		**Ireland**		**United Kingdom**	
6	William Ewart (14)	*Liverpool, 1832-37; Wigan, Mar. 1839-41; Dumfries Burghs, 1841-68*	William Gillon (5)	***Linlithgowshire, May 1831-1832**; Falkirk, 1832-41*	William Smith O'Brien (17)	*Ennis, Apr. 1828-31;* ***Co. Limerick, 1835-May 1849***	Edward Strutt (9)	*Derby, 1830-Mar. 1848; Arundel, Jul. 1851-1852*
7	John Pakington (13)	*Droitwich, 1837-74*	Charles Cumming Bruce (4)	*Inverness Burghs, May 1831-32, May 1833-37;* ***Elginshire & Nairnshire, Apr. 1840-1868***	George Hamilton (16)	*Dublin, 1835-37; Dublin University, Feb. 1843-1859*	Sir Robert Inglis (8)	*Oxford University, Feb. 1829-Jan. 1855*
8	Charles Shaw Lefevre (13)	*Downton, 1830-31;* ***Hampshire, 1831-32; Hampshire North, 1832-57***	Edward Ellice (4)	*Huddersfield, May 1837-1837; St Andrews Burghs, 1837-80*	Fitzstephen French (15)	***Co. Roscommon, 1832-June 1873***	Daniel O'Connell (8)	***Co. Waterford, 1830-31**; Co. Kerry, 1831-32**; Dublin, 1832-Mar. 1836; Kilkenny, May 1836-1837; Dublin, 1837-41;* ***Co. Cork, 1841-May 1847***
9	Alderman Matthew Wood (13)	*London, June 1817-Sep. 1843*	John Dennistoun (4)	*Glasgow, 1837-47*	Charles Jephson-Norreys (13)	*Mallow, 1826-32, Apr. 1833-1859*	John Hardy (7)	*Bradford, 1832-37, 1841-47*
10	Sir Howard Elphinstone (13)	*Hastings, 1835-37; Lewes, 1841-47*	Patrick Stewart (4)	*Lancaster, Mar. 1831-37;* ***Renfrewshire, 1841-46***	Joseph Napier (13)	*Dublin University, Feb. 1848-1858*	Henry Aglionby (7)	*Cockermouth, 1832-54*

	England and Wales		**Scotland**		**Ireland**		**United Kingdom**	
11	Lord Worsley (13)	*Newton, I.O.W., 1830-31; Lincolnshire, 1831-32; Lincolnshire North, 1832-Sep. 1846*	Patrick Chalmers (3)	*Montrose Burghs, 1835 – Apr. 1842*	James Emerson Tennent (12)	*Belfast, 1832-37, Mar. 1838-41, Aug. 1842-45; Lisburn, Jan. 1852-1852*	Lord Ashley (6)	*Dorchester, 1830-Sep. 1831;* ***Dorset, Sep. 1831-Jan. 1846****; Bath, 1847-June 1851*
12	Charles Hay Frewen (12)	***Sussex East, Feb. 1846-57***	James Ewing (3)	*Wareham, Jul. 1830 – May 1831; Glasgow, 1832-35*	Sir Robert Ferguson (11)	*Londonderry, 1830-Mar. 1831, Apr. 1831-1860*	Benjamin Hawes (6)	*Lambeth, 1832-47; Kinsale, Mar. 1848-Oct. 1851*
13	William Miles (11)	*New Romney, 1830-32;* **Somerset East, Feb. 1834-Jul. 1865**	Andrew Johnston (3)	*Anstruther Easter Burghs, 1831-32; St Andrews Burghs, 1832-37*	Frederick Shaw (10)	*Dublin, 1830-31, Aug. 1831-32; Dublin University, 1832-Feb. 1848*	George Moffat (6)	*Dartmouth, 1845-52*
14	Dr Stephen Lushington (11)	*Winchilsea, Apr. 1831-1831; Ilchester, 1831-32; Tower Hamlets, 1832-41*	William Gibson-Craig (3)	***Midlothian, 1837-41****; Edinburgh, 1841-52*	Henry Barron (9)	*Waterford, 1832-41, June 1842-47, Mar. 1848-52*	Dr Stephen Lushington (6)	*Winchilsea, Apr. 1831-1831; Ilchester, 1831-32; Tower Hamlets, 1832-41*
15	Sir De Lacy Evans (11)	*Rye, May 1830-1830, 1831-32; Westminster, May 1833-41, Feb. 1846-65*	Thomas Kennedy (3)	*Ayr Burghs, 1818- Feb. 1834*	Joseph Jackson (8)	*Bandon, 1835-Feb. 1842; Dublin University, Feb. 1842-1842*	Thomas Sotheron-Estcourt (6)	*Marlborough, 1830-32; Devizes, Nov. 1835-1844;* ***Wiltshire North, 1844-52***
16	Sir John Jervis (10)	*Chester, 1832-50*	Robert Steuart (3)	*Haddington Burghs 1831-Apr. 1831; 1832-41*	Benjamin Chapman (7)	***Co. Westmeath, 1841-47***	Thomas Talfourd (6)	*Reading, 1835-41, 1847-49*

	England and Wales		Scotland		Ireland		United Kingdom	
17	Lord Ashley (10)	*Dorchester, 1830-Sep. 1831;* ***Dorset, Sep. 1831-Jan. 1846****; Bath, 1847-June 1851*	George Ferguson (3)	***Banffshire, 1832-37***	William Keogh (7)	*Athlone, 1847-56*	George Pryme (6)	*Cambridge, 1832-41*
18	Lord Robert Grosvenor (10)	*Chester, 1826-Jan. 1847;* ***Middlesex, Feb. 1847-57***			William Fagan (7)	*Cork, 1847-51*	William Mackinnon (5)	*Lymington, 1831-32, 1835-52*
19	Rigby Wason (10)	*Ipswich, 1831-34, June 1835-37, 1841-Apr. 1842*			Sir Richard Musgrave (7)	***Co. Waterford, 1831-32, 1835-37***	Thomas Wakley (5)	*Finsbury, 1835-52*
20	Sir John Campbell (10)	*Stafford, 1830-32; Dudley, 1832-Feb. 1834; Edinburgh, June 1834-41*			George Poulett Scrope (6)	*Stroud, May 1833-Aug. 1867*	Sir Charles Adderley (5)	***Staffordshire North, 1841-Apr. 1878***
21	Philip Pusey (9)	*Chippenham, 1830-31; Cashel, Jul. 1831-32;* ***Berkshire, 1835-52***			Richard More O'Ferrall (6)	***Co. Kildare, 1830-47; Co. Longford, Apr. 1851-52***	James Freshfield (5)	*Penryn, 1830-32; Penryn & Falmouth, 1835-41, 1852-57; Boston, Apr. 1851-2;*
22	Edward Ayshford Sanford (9)	***Somerset, 1830-32; Somerset West, 1832-41***			John Reynolds (6)	*Dublin, 1847-52*		
23	William Mackinnon (9)	*Lymington, 1831-32, 1835-52*			Charles Arthur Walker (5)	*Wexford, 1831-41*		
24	Robert Slaney (9)	*Shrewsbury, 1826-34, 1837-41, 1847-52*			Pierce Mahony (5)	*Kinsale, 1837-38*		

	England and Wales		**Scotland**	**Ireland**		**United Kingdom**
25	Sir George Pechell (9)	*Brighton, 1835-Jan. 1860*		Richard Lalor Sheil (5)	*Milborne Port, Mar. 1831-1831;* ***Co. Louth, 1831-32 ; Co. Tipperary, 1832-41*** *; Dungarvan, 1841-Feb. 1851*	
26	William Clay (9)	*Tower Hamlets, 1832-57*		Alexander Perceval (5)	***Co. Sligo, 1831-41***	
27	Edward Baines (9)	*Leeds, Feb. 1834-41*		Edward Grogan (5)	*Dublin, 1841-Jul. 1865*	
28	Thomas Milner Gibson (9)	*Ipswich, 1837-39; Manchester, 1841-57*		Thomas Chisholm Anstey (5)	*Youghal, 1847-52*	
29	Thomas Law Hodges (8)	***Kent, 1830-32; Kent West, 1832-41, 1847-52***				
30	Thomas Sotheron-Estcourt (8)	*Marlborough, 1830-32; Devizes, Nov. 1835-1844;* ***Wiltshire North, 1844-52***				
31	Sir Thomas Fremantle (8)	*Buckingham, May 1827-Feb. 1846*				
32	William Brougham (8)	*Southwark, 1831-34*				
33	Lord Sandon (7)	*Tiverton, Jul. 1819-31; Liverpool, Oct. 1831-47*				
34	George Bankes (7)	*Corfe Castle, Feb. 1826-32;* ***Dorset, 1841-Jul. 1856***				

	England and Wales		Scotland	Ireland	United Kingdom
35	Henry Warburton (7)	*Bridport, 1826-41; Kendal, Nov. 1843-47*			
36	John Barneby (7)	*Droitwich, 1835-37;* ***Worcestershire East, 1837-Dec. 1846***			
37	George Pryme (7)	*Cambridge, 1832-41*			
38	Sir Charles Lemon (7)	*Penryn, 1830-31;* ***Cornwall, 1831-32; Cornwall West, 1832-41, Feb. 1842-57***			
39	Sir Harry Verney (6)	*Buckingham, 1832-41; Bedford, 1847-52*			
40	Sir John Yarde-Buller (6)	***Devon South, 1835-Aug. 1858***			
41	William Page Wood (6)	*Oxford, 1847-53*			
42	John Weyland (6)	*Hindon, 1830-32*			
43	George Poulett Scrope (6)	*Stroud, May 1833-Aug. 1867*			
44	Joseph Mullings (6)	*Cirencester, May 1848-59*			
45	Sir Charles Burrell (6)	*New Shoreham, 1806-Jan. 1862*			
46	Jonathan Pollock (6)	*Huntingdon, 1831-Apr. 1844*			

	England and Wales		Scotland	Ireland	United Kingdom
47	Edward Pendarves (6)	***Cornwall, 1826-32; Cornwell West, 1832-June 1853***			
48	Charles Lushington (6)	*Ashburton, 1835-41; Westminster, 1847-52*			
49	William Hutt (6)	*Hull, 1832-41; Gateshead, 1841-74*			
50	Thomas Duncombe (6)	*Hertford, 1826-32; Finsbury, Jul. 1834 – 1861*			
51	Benjamin Hall (6)	*Monmouth, 1831, 1832-37; Marylebone, 1837-59*			
52	Thomas Estcourt (5)	*Oxford University, Feb. 1826-47*			
53	Sir Fitzroy Kelly (5)	*Ipswich, 1835-1835, 1838-41; Cambridge, Mar. 1843-47; Harwich, Apr.-May 1852;* ***Suffolk East, May 1852-66***			
54	Thomas Headlam (5)	*Newcastle, 1847-74*			
55	Henry Coles (5)	*Andover, 1847-57*			
56	William Tooke (5)	*Truro, 1832-37*			

	England and Wales		Scotland	Ireland	United Kingdom
57	William Beckett (5)	*Leeds, 1841-52*			
58	John Evelyn Denison (5)	***Nottinghamshire, 1831-32; Nottinghamshire South, 1832-37****; Malton, 1841-57*			
59	Richard Spooner (5)	*Birmingham, Jul. 1844-47;* ***Warwickshire North, 1847-Dec. 1864***			
60	William Harland (5)	*Durham, 1832-41*			
61	John Poulter (5)	*Shaftesbury, 1832-38*			
62	Arthur Hill Trevor (5)	*New Romney, 1830-Mar. 1831; Durham, 1831-32;* ***Co. Durham, 1835-41, 1843***			
63	Sir Eardley Wilmot (5)	***Warwickshire North, 1832-42***			

	SEPARATE LEGISLATION					IMPERIAL LEGISLATION					
Subject	**England & Wales***	**England**	**Wales**	**Scotland**	**Ireland**	**United Kingdom**	**Great Britain**	**England & Wales & Ireland**	**Scotland & Ireland**	**Separate**	**Imperial**
Central government	44	42	0	4	1	15	0	2	0	49	17
Parliament	23	14	0	8	10	26	1	1	0	41	28
Local government	32	3	0	7	52	0	1	2	0	91	3
Customs and excise	1	1	0	1	2	116	4	0	2	4	122
Public finance	9	1	0	4	6	157	41	0	0	19	198
Money and banking	6	0	0	2	9	17	0	4	1	17	22
Bankruptcy and debt	20	0	0	14	13	0	0	3	0	47	3
Law	18	3	0	17	20	23	2	37	0	55	62
Legal administration	128	19	1	21	68	11	0	13	1	217	25
Order and punishment	48	21	0	9	59	34	5	10	0	116	49
Religion	75	6	2	5	30	5	2	9	0	110	16
Armed services	6	5	0	0	1	125	0	0	0	7	125
Health and community	68	32	0	7	21	7	1	6	0	96	14
Labour	17	0	0	2	8	33	4	0	0	27	37
Poor law and poverty	55	0	0	1	31	5	2	0	0	87	7
Education, knowledge and culture	6	2	0	5	3	10	8	4	0	14	22
Population and statistics	5	0	0	0	3	2	5	0	0	8	7
Land and agricultural production	35	10	0	7	41	21	9	8	0	83	38
Mines and quarries	7	6	0	0	3	0	0	0	0	10	0
Food, drink and other manufactures	6	0	0	1	18	10	2	0	0	25	12
Internal and external trade	4	3	0	2	2	18	0	5	0	8	23
Water communications	13	6	3	4	19	27	0	1	0	36	28
Road communications	42	4	4	5	19	0	20	2	0	66	22
Railway communications	1	1	0	1	2	10	0	1	0	4	11
Postal communications	1	1	0	0	2	13	0	0	0	3	13

Fig. 4.1: Detailed subject spread of public general acts by geographical unit, 1830-1852 ***England and Wales includes the totals for England only and Wales only

Fig. 4.2: Grouped subject spread of public general acts by geographical unit, 1830-1852

	SEPARATE LEGISLATION					IMPERIAL LEGISLATION					
Subject	**England & Wales***	**England**	**Wales**	**Scotland**	**Ireland**	**United Kingdom**	**Great Britain**	**England & Wales & Ireland**	**Scotland & Ireland**	**Separate**	**Imperial**
Military-fiscal	60	49	0	9	10	413	45	2	2	79	462
Parliament	23	14	0	8	10	26	1	1	0	41	28
Local government	32	3	0	7	52	0	1	2	0	91	3
Law and order	86	24	0	40	92	57	7	50	0	218	114
Legal administration	128	19	1	21	68	11	0	13	1	217	25
Religion	75	6	2	5	30	5	2	9	0	110	16
Social	151	34	0	15	66	57	20	10	0	232	87
Economy	58	19	0	12	73	66	11	17	1	143	95
Transport and communications	57	12	7	10	42	50	20	4	0	109	74

*****England and Wales includes the totals for England only and Wales only

	SEPARATE LEGISLATION					IMPERIAL LEGISLATION					
Subject	**England & Wales***	**England**	**Wales**	**Scotland**	**Ireland**	**United Kingdom**	**Great Britain**	**England & Wales & Ireland**	**Scotland & Ireland**	**Separate**	**Imperial**
Central government	50	48	0	4	2	22	0	2	0	56	24
Parliament	83	30	0	19	43	63	3	9	0	145	75
Local government	87	8	0	22	86	0	1	4	0	195	5
Customs and excise	1	1	0	1	3	129	4	0	2	5	135
Public finance	10	1	0	4	6	165	45	0	0	20	210
Money and banking	6	0	0	2	10	24	0	5	2	18	31
Bankruptcy and debt	44	0	0	43	21	2	0	3	0	108	5
Law	66	7	0	43	40	45	3	67	0	149	115
Legal administration	223	35	2	49	120	17	1	22	1	392	41
Order and punishment	71	28	0	16	70	36	6	11	0	157	53
Religion	141	13	4	15	56	19	2	14	0	212	35
Armed services	7	6	0	0	1	133	1	0	0	8	134
Health and community	117	57	0	14	37	16	2	11	0	168	29
Labour	25	1	0	2	14	60	11	0	0	41	71
Poor law and poverty	111	1	0	1	49	13	4	1	0	161	18
Education, knowledge and culture	14	6	0	13	9	27	11	5	0	36	43
Population and statistics	8	1	0	6	5	2	5	1	0	19	8
Land and agricultural production	65	13	0	24	99	25	13	14	0	188	52
Mines and quarries	10	8	0	0	4	1	0	0	0	14	1
Food, drink and other manufactures	19	1	0	9	23	17	5	0	0	51	22
Internal and external trade	5	3	0	2	5	28	0	6	0	12	34
Water communications	22	15	0	8	32	49	0	1	0	62	50
Road communications	79	10	9	9	26	2	22	2	0	114	26
Railway communications	4	2	0	2	7	21	1	3	0	13	25
Postal communications	1	1	0	0	3	19	0	0	0	4	19

Fig. 4.3: Detailed subject spread of public general bills by geographical unit, 1830-1852 *England and Wales includes the totals for England only and Wales only

Fig. 4.4: Grouped subject spread of public general bills by geographical unit, 1830-1852

	SEPARATE LEGISLATION					IMPERIAL LEGISLATION					
Subject	**England & Wales***	**England**	**Wales**	**Scotland**	**Ireland**	**United Kingdom**	**Great Britain**	**England & Wales & Ireland**	**Scotland & Ireland**	**Separate**	**Imperial**
Military-fiscal	68	56	0	9	12	449	53	2	2	89	506
Parliament	83	30	0	19	43	63	3	9	0	145	75
Local government	87	8	0	22	86	0	1	4	0	195	5
Law and order	181	35	0	102	131	83	9	81	0	414	173
Legal administration	223	35	2	49	120	17	1	22	1	392	41
Religion	141	13	4	15	56	19	2	14	0	212	35
Social	275	66	0	36	114	118	33	18	0	425	169
Economy	105	25	0	37	141	95	13	25	2	283	135
Transport and communications	106	28	9	19	68	91	23	6	0	193	120

*****England and Wales includes the totals for England only and Wales only

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New Quarterly Review, or, Home, Foreign and Commonwealth Journal
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