

Erskine May, Chapter VI, pp. 448-459

Qualification Acts: Later Attempts at Reform

Qualification Acts

Since the reform act, the qualification laws,—which in different forms had existed for one hundred and fifty years,—have passed away. It was ostensibly to correct the evils of bribery at elections, that property in land was first proposed as a qualification for a member of Parliament. The corruption of boroughs being mainly due to the intrusion of rich commercial men, without local connection, the natural jealousy of the landowners suggested this restraint upon their rivals. In 1696, the first measure to establish a qualification in land, was received with so much favour, that it passed both Houses; but the king, leaning rather to the commercial interests, withheld his assent. In the following year, a similar bill was passed by the Commons, but rejected by the Lords, who had now begun to think that a small landed qualification would increase the influence of the squires, but diminish the authority of the great nobles, who filled the smaller boroughs with members of their own families, and dependents.

The policy of excluding all but the proprietors of land, from the right of sitting in the House of Commons, was at length adopted in the reign of Queen Anne,(1) and was maintained until 1838. In that year this exclusive principle was surrendered; and a new qualification substituted, of the same amount, [449] either in real or personal property, or in both combined.(2) In 1858, the law of property qualification was abandoned altogether.(3) In its original form, it had been invidious and unjust; and, from its beginning to its end, it had been systematically evaded. It would probably not have survived so long the jealousies from which it had sprung, had it not been invested with undue importance, by radical reformers. But when the repeal of this insignificant law was proclaimed as one of the five points of the 'Charter' it is not surprising that more moderate politicians should have regarded it as one of the safeguards of the constitution.

Minor Reforms

After the passing of the reform act, of 1832, various minor amendments were made in the electoral laws. The registration of electors was improved and simplified,(4) the number of polling-places was increased,(5) and the polling reduced, in counties as well as in boroughs, to a single day.(6) Even the Universities, which had retained their fifteen days of polling, were glad to accept five days, in 1863.

Promptitude in election proceedings was further ensured by the change of some ancient customs. The prescriptive period of forty days between the summons of a new Parliament and its meeting, enlarged by custom to fifty days since the union with Scotland,—having become an anomaly in an age of railways and telegraphs, was reduced to thirty-five.(7) [450] Another ancient custom also gave way to a more simple procedure; the writs for an election are addressed direct to the several returning officers, instead of passing through the sheriff of the county.(8)

Reform Bill of 1852

A more general revision of the representative system, as settled by the reform acts of 1832, was also the aim of several administrations, and Parliaments. For some years, there had been a natural reluctance to disturb the settlement which those important measures had recently effected. The old Whig party had regarded it as a constitutional charter, and contended for its 'finality.' But their advanced Liberal supporters,—after many discussions in Parliament, and much agitation and 'pressure from without,'—at length prevailed over the more cautious policy of their leaders; and a promise was given, in 1851, that the consideration of the representative system should, at a fitting opportunity, be resumed.(9)

In fulfilment of this promise, Lord John Russell,—twenty years after the settlement of 1832,—proposed its further revision. That measure had not proposed to redistribute the franchise, in precise correspondence with the population of different parts of the country. Not founded upon theoretical views of equal representation, it had not assumed to frame a new constitution; but had provided a remedy for the worst evils of a faulty and corrupt electoral system. It had rescued the [451] representation from a small oligarchy of peers and landowners; and had vested it in the hands of the middle classes. But it had spared many boroughs, which were perhaps too small to exercise their suffrage independently: it had overlooked the claims of some considerable places; and had not embraced the working classes within its scheme of enfranchisement. Lord John Russell now sought to correct these partial defects, which time had disclosed in the original measure.

He proposed that every existing borough, having less than five hundred electors, should be associated with adjacent places, in the right of returning members; and that Birkenhead and Burnley should be enfranchised. In twenty years there had been a vast increase of population, wealth, and industry throughout the country. The spread of education and political enlightenment had been rapid: a more instructed generation had grown up; and a marked improvement had arisen, in the social condition of the working classes. It was, therefore, thought right and safe to lower the franchise so far as to embrace classes not hitherto included, and particularly the most skilled artisans,—men who had given proof of their intelligence and good conduct, by large earnings, and a high position among their fellow workmen. With this view, it was proposed to extend the borough franchise to the occupiers of houses of £5 rated value; and the county franchise to tenants-at-will rated at £20, and copyholders and leaseholders rated at £5. It was also intended to create a new franchise, arising out of the annual payment of 40s. [452] in direct taxes to the state. Lord John Russell's administration soon afterwards resigned; and this measure was withdrawn before the second reading.

Reform Bill of 1854

In 1854, Lord John Russell, as a member of Lord Aberdeen's government, proposed another measure, more comprehensive than the last. It comprised the disfranchisement of nineteen small boroughs, returning twenty-nine members; the deprivation of thirty-three other boroughs of one of their members; and the redistribution of the vacant seats, sixty-six in number,(10) amongst the counties and larger boroughs, the Inns of Court, and the University of London. It proposed to reduce the franchise in counties to £10; and in boroughs to the municipal rating franchise of £6. Several new franchises were also to be added, in order to modify the hard uniformity of the household franchise. A salary of £100 a year: an income of £10 from dividends: the payment of 40s. in direct taxes: a degree at any of the universities; and £50 in a savings bank, were accounted sufficient securities for the proper exercise of the suffrage. In the distribution of seats, a novel principle was to be established, with a view to ensure the representation of minorities. Some counties and other large places were to return three members each; but no elector would be entitled to vote for more than two candidates out of three. This theory of representation,—though very ably advocated by some speculative

writers,(11)—found little [453] favour in Parliament, at that time, with men accustomed to determine every disputed question among themselves, by the votes of the majority. The consideration of this measure was postponed, by the outbreak of the war with Russia.

Reform Bill of 1859

The next measure of parliamentary reform was proposed in 1859, by the government of the Earl of Derby. That statesman,—having been one of the most eloquent, spirited, and courageous of Earl Grey's colleagues in 1832,—was now the leader of the great Conservative party, which had opposed the first reform act. But his party, deferring to the judgment of Parliament, had since honourably acquiesced in that settlement. Meanwhile, the revision of that measure had been thrice recommended from the throne; and three successive administrations had been pledged to undertake the task. Some scheme of reform had thus become a political necessity. The measure agreed upon by ministers, and the principles upon which it was founded, were ably explained by Mr. Disraeli. It was not sought to reconstruct the representation of the country, solely on the basis of population and property: but having reference to those material elements, as well as to the representation of various interests, and classes of the community,—this measure comprehended some considerable changes. It was not proposed wholly to disfranchise any borough: but one member was to be taken from fifteen [454] boroughs, having a population under six thousand. Eight of the vacant seats were assigned to the great county populations of Yorkshire, South Lancashire, and Middlesex; and seven to new boroughs, which according to this scheme, would complete the representation of the several interests of the country.

The two previous measures of Lord John Russell had contemplated a reduction of the borough franchise. No such reduction was now proposed: but the franchise in counties was assimilated to that in boroughs. Hitherto the borough franchise had been founded upon occupation; and the county franchise generally upon property. This distinction it was now proposed to abolish; and to substitute an identity of franchise between the county and the town. The 40s. freeholders resident in towns, would be transferred from the constituency of the county, to that of the town. Several new franchises were also to be created, similar to those proposed in 1854, but more comprehensive. Men possessed of £10 a year arising from dividends: £60 in a savings bank; or a pension of £20 a year,—equal to 8s. a week: graduates of all universities: ministers of religion of every denomination: members of the legal profession in all its branches: registered medical practitioners: and schoolmasters holding a certificate from the Privy Council, were to be entitled to vote, wherever they were resident. And facilities for exercising the franchise were to be afforded by means of voting papers.

[455] This scheme encountered objections from two different quarters. Two influential members of the government,—Mr. Walpole and Mr. Henley,—alarmed by the proposed identity of franchise, in counties and boroughs, resigned their seats in the cabinet. The opposition, partly taking up the same ground, were unwilling to deprive the 40s. freeholders resident in boroughs, of their county votes; and insisted upon the lowering of the borough suffrage. The government, weakened by these resignations, had now to meet a formidable amendment, moved by Lord John Russell on the second reading of the bill, which expressed the views of the opposition. The identity of franchise was objected to by Mr. Walpole and Mr. Henley, on account of the supposed danger of drawing one broad line between the represented, and the unrepresented classes. Lord John Russell concurred in this objection, believing that such a principle would eventually lead to electoral districts. He also opposed the bill on two other grounds: first, that the 40s. freeholders, being the most liberal element in the county constituencies, ought not to be disfranchised; and secondly, that their admission to the borough franchise would encourage the manufacture of faggot votes,—like the old burgage-tenure, which had been the means of extending the influence of patrons. He objected to the continuance of the £10 household suffrage in boroughs, on the ground that considerable

classes of people, worthy to be entrusted with votes, had sprung up since that franchise had [456] been established. After seven nights' debate, the amendment was carried by a majority of thirty-nine. Upon the issue raised by this decision, the government determined to dissolve Parliament, and appeal to the people. On the assembling of a new Parliament, ministers having failed to secure a majority at the elections, were at once driven from office by an amendment to the address, declaring that they had not the confidence of the House of Commons.

Reform Bill of 1860

And now the question of reform was resumed, once more, by Lord John Russell, on behalf of Lord Palmerston's administration. On the 1st March 1860, he introduced a bill, in accordance with the spirit of the amendment by which he had destroyed the measure of the previous year: but differing materially from the bills of 1852 and 1854. Like the scheme of Lord Derby's government, it spared all the smaller boroughs. None were to be disfranchised: but it deprived twenty-five boroughs, with a population under seven thousand, of one of their members. This disfranchisement fell far short of that proposed in 1854; and it was avowed that if any more places had been condemned, their representatives, combining with the Conservative opposition, would have succeeded in defeating the bill. If such was now the difficulty of contending with these personal and local interests, what must have been the difficulties of Mr. Pitt in 1784, and of Lord Grey in 1832? One minister vainly attempted to buy off his opponents: the other overcame them by strong [457] popular support. The first expedient was now wholly out of the question: the latter source of strength was wanting.

Fifteen of the vacant seats were distributed amongst the counties; and ten given to the larger cities, and some new boroughs. The £50 occupation franchise in counties, was reduced to a £10 *bonâ fide* holding. The £10 borough franchise was lowered to £6, avowedly for the purpose of comprehending many of the working classes. It was calculated that the new franchise would add two hundred thousand electors to the cities and boroughs. None of the varied franchises, which had formed part of the bills of 1854 and 1859, were again proposed. Sneered at as 'fancy franchises,' and distrusted as the means of creating fictitious votes, they were now abandoned; and the more rude, but tangible tests of good citizenship inflexibly maintained.

Reasons for Defeat of these Bills

This bill was defeated, neither by adverse majorities, nor by changes in the government: but by delays, and the pressure of other important measures. It was not until the 3rd of May,—after six adjourned debates,—that it was read a second time, without a division. Discussions were renewed on going into committee; and at length, on the 11th June, the bill was withdrawn. Bills to amend the representation in Scotland and Ireland, which had been hopelessly awaiting discussion, had already been abandoned.

[458] Such obstacles as these,—however harassing and inconvenient,—would have been easily overcome, if the government had been cordially supported by their own party in the House of Commons, and by popular acclamations. But within the walls of the House, parliamentary reform was received with coldness,—if not with ill-disguised repugnance,—even by its professed supporters; and throughout the country, there prevailed the most profound indifference. The cause which had once aroused enthusiasm, now languished from general neglect. The press was silent or discouraging: petitions were not forthcoming: public meetings were not assembled: the people were unmoved. Whence this indifference? Why so marked a change of popular feeling, in less than thirty years? It was generally believed that the settlement of 1832 had secured the great object of representation,—good government. Wise and beneficent measures had been passed: enlightened public opinion had been satisfied.

The representation was theoretically incomplete: but Parliament had been brought into harmony with the interests and sympathies of the people. It had nearly approached Mr. Burke's standard, according to whom, 'The virtue, spirit, and essence of a House of Commons, consists in its being the express image of the feelings of a nation.'⁽¹²⁾ The best results of reform had been realised: the country was prosperous and contented. It has ever been the genius of the English people to love freedom: they are aroused by injustice: they resent a public or private wrong; but they are rarely moved [459] by theoretical grievances. Living under a settled form of government, they have cared little for model constitutions; and united in the bonds of a highly civilised society, they have never favoured democracy. Again, since 1832, political power had been vested mainly in the middle classes; and the employers of labour, being masters of the representation, were unwilling to share their power with the working classes, by whom they were outnumbered. Hence the inertness of existing constituencies. They enjoyed exclusive political privileges; and desired to maintain them.

One other cause must not be omitted. While these moderate measures of reform were being proposed by successive governments, other schemes had been discussed elsewhere,—designed to extend largely the influence of numbers,—and conceived and advocated in the spirit of democracy. Such proposals increased the indisposition of moderate reformers, and of the classes already enfranchised, to forward an extension of the suffrage. At the same time, the advocates of more comprehensive schemes of reform,—while they coldly accepted measures falling far short of their own,—were not unwilling that they should be postponed to some period more promising for the adoption of their advanced principles. And thus, with the tacit acquiescence of all parties, the question of parliamentary reform was again suffered to sleep for awhile.⁽¹³⁾

Footnotes.

1. Landed Property Qualification Acts, 9 Anne, c. 5; 33 Geo. II. c. 15.
2. 1 and 2 Vict. c. 48.
3. 21 and 22 Vict. c. 26.
4. 6 and 7 Vict. c. 18.
5. 6 and 7 Will. IV. c. 102.
6. 5 and 6 Will. IV. c. 36; 16 and 17 Vict. c. 15.
7. By Lord Brougham's Act, 1852; 15 Vict. c. 23.
8. 16 and 17 Vict. c. 78.
9. Speech of Lord John Russell, 20th Feb. 1851; Hans. Deb., 3rd Ser., cxiv. 863. See also Speech 20th June, 1848: Ibid., xcix. 929.
10. Including the vacant seats of Sudbury and St. Albans.
11. Minorities and Majorities; their relative Rights, by James Garth Marshall, 1853; Edinb. Rev., July 1854, Art. vii.; and more lately Hare on the Election of Representatives, 1859.
12. Burke's Works, ii. 288 (Present Discontents).
13. See [Supplementary Chapter](#)

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