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Petitions: Pledges

Early Petitions to Parliament

The relations of Parliament with the people have also been drawn closer, by the extended use of the popular right of petitioning for [61] redress of grievances. Though this right has existed from the earliest times, it had been, practically, restricted for many centuries, to petitions for the redress of personal and local grievances; and the remedies sought by petitioners were such as Courts of Equity, and private Acts of Parliament have since been accustomed to provide. The civil war of Charles I. encouraged a more active exercise of the right of petitioning. Numerous petitions of a political character, and signed by large bodies of people, were addressed to the Long Parliament. Freedom of opinion, however, was little tolerated by that assembly. The supporters of their cause were thanked and encouraged: its incautious opponents, if they ventured to petition, were punished as delinquents. Still it was during this period of revolution, that the practice of addressing Parliament upon general political questions had its rise. After the Restoration, petitions were again discouraged. For long periods, indeed, during the reign of Charles II., the discontinuance of Parliaments effectually suppressed them; and the collecting of signatures to petitions and addresses to the king, or either House of Parliament, for alteration of matters established by law, in church or state, was restrained by Act of Parliament.(1)

Nor does the Revolution appear to have extended [62] the free use of petitions. In the next ten years, petitions in some numbers were presented, chiefly from persons interested,—relative to the African Company,—the scarcity and depreciation of the coinage,—the duties on leather, —and the woollen trade: but very few of a general political character. Freedom of opinion was not tolerated. In 1690, a petition from the city of London, hinting at a repeal of the Test Act, so far as it affected Protestant dissenters, could hardly obtain a reading; and in 1701, the Commons imprisoned five of the Kentish petitioners, until the end of the session, for praying that the loyal addresses of the House might be turned into bills of supply. During the reigns of Queen Anne, and the first two Georges, petitions continued to pray for special relief; but rarely interposed in questions of general legislation. Even the ten first turbulent years of George III.'s reign failed to develop the agency of petitions, among other devices of agitation. So little indulgence did Parliament then show to petitions, that if they expressed opinions of which the majority disapproved, the right of the subject did not protect them from summary rejection. In 1772, a most temperate petition, praying for relief from subscription to the Thirty-nine Articles, was rejected by the Commons, by a large majority.

The Modern System of Petitioning

It was not until 1779, that an extensive [63] organisation to promote measures of economical and parliamentary reform, called into activity a general system of petitioning,—commencing with the freeholders of Yorkshire, and extending to many of the most important counties and cities in the kingdom. This may be regarded as the origin of the modern system of petitioning, by which public measures, and matters of general policy, have been pressed upon the attention of Parliament. Corresponding committees being established in various parts of the country, were associated for the purpose of effecting a common object, by means of petitions, to be followed by concerted motions made in Parliament. An organisation which has since

been so often used with success, was now first introduced into our political system.(2) But as yet the number of petitions was comparatively small; and bore little proportion to the vast accumulations of later times. Notwithstanding the elaborate system of association and correspondence established, there do not appear to have been more than forty petitions; but many of these were very numerously signed. The Yorkshire [64] petition was subscribed by upwards of eight thousand freeholders; the Westminster petition, by five thousand electors. The meetings at which they were agreed to, awakened the public interest in questions of reform, to an extraordinary degree, which was still further increased by the debates in Parliament, on their presentation. At the same time, Lord George Gordon and his fanatical associates were engaged in preparing petitions against the Roman Catholics. To one of these, no less than one hundred and twenty thousand signatures were annexed. But not satisfied with the influence of petitions so numerously signed, the dangerous fanatic who had collected them, sought to intimidate Parliament by the personal attendance of the petitioners; and his ill-advised conduct resulted in riots, conflagrations, and bloodshed, which nearly cost their mischievous originator his head.

In 1782, there were about fifty petitions praying for reform in the representation of the Commons in Parliament; and also a considerable number in subsequent years. The great movement for the abolition of the slave trade soon followed. The first petition against that infamous traffic was presented from the Quakers, in 1782; and was not supported by other petitions for some years. But in the meantime, an extensive association had instructed the people in the enormities of [65] the slave trade, and aroused the popular sympathies in favour of the African negro. In 1787 and 1788, a greater number of petitions were presented for this benevolent object, than had ever been addressed to Parliament, upon any other political question. There were upwards of a hundred petitions, numerously signed, and from influential places. Never yet had the direct influence of petitions upon the deliberations of Parliament been so remarkably exemplified. The question of the slave trade was immediately considered by the government, by the Privy Council, and by Parliament; and remedial measures were passed, which ultimately led to its prohibition. This consummation was indeed postponed for several years, and was not accomplished without many struggles: but the influence of petitions, and of the organisation by which they were produced, was marked throughout the contest.(3) The king and Mr. Pitt appear, from the first, to have regarded with disfavour this agitation for the abolition of the slave trade, by means of addresses and petitions, as being likely to establish a precedent for forcing the adoption of other measures, less unobjectionable.

Notwithstanding this recognition of the constitutional right of addressing Parliament upon public questions, the growth of petitions was not yet [66] materially advanced. Throughout the reign of George III. their numbers, upon the most interesting questions, were still to be reckoned by hundreds.(4) As yet, it was sought to express the sentiments of influential classes only; and a few select petitions from the principal counties and cities, drawn with great ability, and signed by leading men, characterised this period of the history of petitions. Even in 1816 there were little more than four hundred petitions against the continuance of the Property Tax, notwithstanding the strong public feeling against it.

Increase in Petitions

It was not until the latter part of the succeeding reign, that petitioning attained that development, by which it has since been distinguished. From that period it has been the custom to influence the judgment of Parliament, not so much by the weight and political consideration of the petitioners, as by their numbers. Religious bodies,—especially of Dissenting communions,—had already contributed the greatest number of petitions; and they have since been foremost in availing themselves of the rights of petitioners. In 1824, an agitation was commenced, mainly by means of petitions, for the abolition of slavery. and from

that period until 1833, when the Emancipation Act was passed, little less than twenty thousand petitions were presented: in 1833 alone, nearly seven [67] thousand were laid before the House of Commons. Upon many other subjects, petitions were now numbered by thousands, instead of hundreds. In 1827 and 1828, the repeal of the Corporation and Test Acts was urged by upwards of five thousand petitions. Between 1825 and 1829, there were about six thousand petitions in favour of the Roman Catholic claims, and nearly nine thousand against them. Other questions affecting the Church and Dissenters,—the Maynooth grant, church rates, and the observance of the Sabbath, have since called them forth in still greater numbers.(5) On a single day, in 1860, nearly four thousand petitions were presented, on the question of church rates.(6)

The people have also expressed their opinions upon all the great political measures of the last thirty years, by prodigious numbers of petitions;(7) and these petitions [68] have been freely received, however distasteful their opinions,—however strong their language. Disrespect and menace have not been suffered: but the wise and tolerant spirit of the age has recognised unbounded liberty of opinion.

This general use of petitions had been originally developed by associations; and in its progress, active organisation has ever since been resorted to, for bringing its great influence to bear upon Parliament. Sometimes, indeed, the manner in which petitioning has been systematised, has discredited the right on which it is founded, and the questions it has sought to advance. Petitions in thousands,—using the same language, inscribed in the same handwriting, and on the same description of paper,—and signed by fabulous numbers,—have marked the activity of agents, rather than the unanimity of petitioners; and, instead of being received as the expression of public opinion, have been reprobated as an abuse of a popular privilege. In some cases, the unscrupulous zeal of agents has even led them to resort to forgery and other frauds, for the multiplication of signatures.(8)

Debates on Petitions

While the number of petitions was thus [69] increasing, their influence was further extended, by the discussions to which their presentation gave rise. The arguments of the petitioners were repeated and enforced in debate. Whatever the business appointed for consideration, the claims of petitioners to a prior hearing were paramount. Again and again, were the same questions thus forced upon the attention of Parliament. A popular question absorbed all others: it was for ever under discussion. This free access of petitioners to the inner deliberations of Parliament, was a great privilege. It had long been enjoyed and appreciated: but when it was too often claimed, its continuance became incompatible with good government. After the reform act, the debating of petitions threatened to become the sole business of the House of Commons. For a time, expedients were tried to obtain partial relief from this serious embarrassment: but at length, in 1839, the House was forced to take the bold but necessary step, of prohibiting all debate upon the presentation of petitions. The reformed Parliament could venture upon so startling an invasion of the right of petitioning. and its fearless decision was not misconstrued by the people. Nor has the just influence of petitions been diminished by this change; for while the House restrained desultory and intrusive discussion, it devised other means for giving publicity, and extended circulation to the opinions of petitioners.(9) Their voice is still heard and respected in [70] the consideration of every public measure: but it is no longer suffered unduly to impede the toilsome work of legislation.

Pledges from Candidates

To these various modes of subjecting Parliament to the direct control of public opinion, must be added the modern custom of exacting pledges from candidates at elections. The general

election of 1774 appears to have been the first occasion, on which it prevailed so far as to attract public notice. Many popular questions, especially our differences with America, were then under discussion; and in many places, tests were proposed to candidates, by which they were required to support or oppose the leading measures of the time. Wilkes was forward in encouraging a practice so consonant with his own political principles; and volunteered a test for himself and his colleague, Sergeant Glynn, at the Middlesex election. Many candidates indignantly refused the proposed test, even when they were favourable to the views to which it was sought to pledge them. At this period, Mr. Burke explained to the electors of Bristol,—with that philosophy and breadth of constitutional principle, which distinguished him,—the relations of a representative to his constituents. 'His unbiassed opinion, his mature judgment, his enlightened conscience, be ought not to sacrifice to you, to any man, or to any set of men living. ... Your representative owes you, not his industry only, [71] but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion. . . . Government and legislation are matters of reason and judgment, and not of inclination; and what sort of reason is that in which the determination precedes the discussion,—in which one set of men deliberate, and another decide? . . . Parliament is not a congress of ambassadors from different and hostile interests; . . . but Parliament is a deliberative assembly of one nation, with one interest,—that of the whole; where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole.'(10)

Since that time, however, the relations between representatives and their constituents have become more intimate; and the constitutional theory of pledges has been somewhat modified. According to the true principles of representation, the constituents elect a man in whose character and general political views they have confidence; and their representative enters the Legislature a free agent, to assist in its deliberations, and to form his own independent judgment upon all public measures. If the contrary were universally the rule, representatives would become delegates; and government, by the entire body of the people, would be substituted for representative institutions.(11) But the political [72] conditions of our own time have brought occasional pledges more into harmony with the spirit of the constitution. The political education of the people,—the publicity of all parliamentary proceedings,—and the free discussions of the press, have combined to force upon constituencies the estimation of measures as well as of men. Hence candidates have sought to recommend themselves by the advocacy of popular measures; and constituents have expected explicit declarations of the political faith of candidates. And how can it be contended that upon such measures as catholic emancipation, parliamentary reform, and the repeal of the corn laws, constituencies were not entitled to know the opinions of their members? Unless the electors are to be deprived of their voice in legislation, such occasions as these were surely fit for their peculiar vigilance. At a dissolution, the crown has often appealed directly to the sense of the people, on the policy of great public measures;(12) and how could they respond to that appeal without satisfying themselves regarding the opinions and intentions of the candidates? Their response was found in the majority returned to the new Parliament, directly or indirectly pledged to support their decision.

[73] But while the right of electors to be assured of the political opinions of candidates has been generally admitted, the first principles of representative government are ever to be kept in view. A member, once elected, is free to act upon his own convictions and conscience. As a man of honour, he will violate no engagement which he may have thought it becoming to accept: but if he has a due respect for his own character, and for the dignity of his office, he will not yield himself to the petty meddling and dictation of busy knots of his constituents, who may assume to sway his judgment.

Footnotes.

1. 13 Chas. II. c. 5. Petitions to the king for the assembling of Parliament were discounte-

- nanced in 1679 by proclamation (Dec. 12th).
2. Mr. Hallam, in a valuable note to his *Constitutional History*, vol. ii. p. 434, to which I am much indebted, says that 'the great multiplication of petitions wholly unconnected with particular interests, cannot, I believe, be traced higher than those for the abolition of the slave trade in 1787; though a few were presented for reform about the end of the American War, which would undoubtedly have been rejected with indignation at any earlier stage of our constitution.' I have assigned the somewhat earlier period of 1779, as the origin of the modern system of petitioning.
 3. Mr. Fox, writing to Dr. Wakefield, April 28th, 1801, said: 'With regard to the slave trade, I conceive the great numbers which have voted with us, sometimes amounting to a majority, have been principally owing to petitions,'—*Fox Mem.*, iv. 429.
 4. In 1813, there were 200 in favour of Roman Catholic claims, and about 700 for promulgating the Christian religion in India: in 1814, about 150 on the corn laws, and nearly 1,000 for the abolition of the slave trade: in 1817 and 1818, upwards of 500 petitions for reform in Parliament.
 5. In 1834 there were upwards of 2,000 petitions in support of the Church Establishment, and 2,400 for relief of Dissenters. In 1837 there were about 10,000 petitions relating to church rates. Between 1833 and 1837, 6,000 petitions were presented for the better observance of the Lord's Day. In 1846, 10,263 petitions, with 1,288,742 signatures, were presented against the grant to Maynooth College. In 1850, 4,476 petitions, with 656,919 signatures, were presented against Sunday labour in the Post-office. In 1851, 4,144 petitions, with 1,016,667 signatures, were presented for repelling encroachments of the Church of Rome; and 2,151 petitions, with 948,081 signatures, against the Ecclesiastical Titles Bill. In 1856, 4,999 petitions, with 629,926 signatures, were presented against opening the British Museum on Sundays; and in 1860, there were 6,575 petitions, with 197,687 signatures, against the abolition of church rates; and 6,638 petitions, with 610,877 signatures, in favour of their abolition.
 6. March 28th, 1860.
 7. In 1846 there were 1,968 petitions, with 145,865 signatures, against the repeal of the corn laws; and 467 petitions with 1,414,303 signatures, in favour of repeal. In 1848 there were 577 petitions, with 2,018,080 signatures, praying for universal suffrage. In the five years ending 1843, 94,000 petitions were received by the House of Commons; in the five years ending 1848, 66,501; in the five years ending 1853, 54,908; and in the five years ending 1858, 47,669. In 1860, 24,279 petitions were received, being a greater number than in any previous year except 1843.
 8. Such practices appear to have been coeval with agitation by means of petitions. Lord Clarendon states that in 1640, 'when a multitude of hands was procured, the petition itself was cut off, and a new one framed suitable to the design in hand, and annexed to the long list of names, which were subscribed to the former. By this means many men found their hands subscribed to petitions of which they before had never heard.'—*Hist. of Rebellion*, ii. 357.
 9. About a thousand petitions are annually printed in extenso; and all petitions are classified, so as to exhibit the number of petitions, with the signatures, relating to every subject.
 10. *Burke's Works*, iii. 18-20.
 11. There is force, but at the same time exaggeration, in the opinions of an able reviewer upon this subject. 'For a long time past we have, unconsciously, been burning the candle of the constitution at both ends; our electors have been usurping the functions of the House of Commons, while the House of Commons has been monopolising those of the Parliament.'—*Ed. Rev.*, Oct. 1852, No. 196, p. 469. Again, p. 470: 'In place of selecting men, constituencies pronounce upon measures; in place of choosing representatives to discuss questions and decide on proposals in one of three co-

ordinate and co-equal bodies, the aggregate of which decree what shall be enacted or done, electors consider and decree what shall be done themselves. It is a reaction towards the old Athenian plan of direct government by the people, practised before the principle of representation was discovered.'

12. Speeches from the throne, 24th March, 1784; 27th April, 1807; 22nd April, 1831; 21st March, 1857.

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