

Erskine May, Chapter VI, pp. 353-362

Nominated Members outside the English Boroughs

The English Counties

In the counties, the franchise was more free and liberal, than in the majority of cities and boroughs. All forty-shilling freeholders were entitled to vote; and in this class were comprised the country gentlemen, and independent yeomanry of England. Hence the county constituencies were at once the most numerous, the most responsible, and the least corrupt. They represented public opinion more faithfully than other electoral bodies; and, on many occasions, had great weight in advancing a popular cause. Such were their respectability and public spirit, that most of the earlier schemes of parliamentary reform contemplated the disfranchisement of boroughs, and [354] the simple addition of members to the counties. But notwithstanding their unquestionable merits, the county electors were peculiarly exposed to the influence of the great nobles, who held nearly a feudal sway. Illustrious ancestry, vast possessions, high offices, distinguished political services and connections, placed them at the head of the society of their several counties; and local influence, and the innate respect for aristocracy which animates the English people, combined to make them the political leaders of the gentry and yeomanry. In some counties, powerful commoners were no less dominant. The greater number of the counties in England and Wales were represented by members of these families, or by gentlemen enjoying their confidence and patronage.

A contested election was more often due to the rivalry of great houses, than to the conflict of political principles among the electors: but, as the candidates generally belonged to opposite parties, their contentions produced political discussion and enlightenment. Such contests were conducted with the spirit and vigour which rivalry inspires, and with an extravagance which none but princely fortunes could support. They were like the wars of small states. In 1768, the Duke of Portland is said to have spent £40,000 in contesting Westmoreland and Cumberland with Sir James Lowther; who, on his side, must have spent at least as much. In 1779, Mr. Chester spent between £20,000 and [355] £30,000 in a great contest for Gloucestershire; and left, at his death, from £3,000 to £4,000 unpaid, of which £2,000 was defrayed by the king, out of his civil list. And, within the memory of some men still living, an election for the county of York has been known to cost upwards of £150,000.(1)

Scotland

Great as were the defects of the representation of England,—those of Scotland were even greater, and of more general operation. The county franchise consisted in 'superiorities,' which were bought and sold in the market, and were enjoyed independently of property or residence. The burgh franchise was vested in self-elected town-councillors. The constituencies, therefore, represented neither population nor property: but the narrowest local interests. It was shown in 1823, that the total number of persons enjoying the franchise was less than three thousand. In no county did the number of electors exceed two hundred and forty: in one it was as low as nine: and of this small number, a considerable proportion were fictitious voters,—without property, and not even resident in the country.

In 1831, the total number of county voters did not exceed two thousand five hundred; and the constituencies of the sixty-six boroughs amounted [356] to one thousand four hundred and

forty. Thus the entire electoral body of Scotland was not more than four thousand. The county of Argyll, with a population of one hundred thousand, had but one hundred and fifteen electors, of whom eighty-four were out-voters, without any land within the county. Caithness, with thirty thousand inhabitants, contained forty-seven freeholders, of whom thirty-six were out-voters. Inverness-shire, with ninety thousand inhabitants, had but eighty-eight freeholders, of whom fifty were out-voters. Edinburgh and Glasgow, the two first cities of Scotland, had each a constituency of thirty-three persons.

With a franchise so limited and partial as this, all the counties and burghs, without exception, had fallen under the influence of political patrons. A great kingdom, with more than two millions of people,(2)—intelligent, instructed, industrious, and peaceable,—was virtually disfranchised. Meanwhile, the potentates who returned the members to Parliament,—instead of contending among themselves, like their brethren in England, and joining opposite parties, —were generally disposed to make their terms with ministers; and by skilful management, the entire representation was engrossed by the friends and agents of the government. It was not secured, however, without a profuse distribution of patronage, which, judiciously administered, had [357] long retained the allegiance of members coming from the north of the Tweed.(3)

Lord Cockburn, a contemporary witness, has given a spirited account of the mode in which elections in Scotland were conducted. He says: 'The return of a single opposition member was never to be expected. . . . The return of three or four was miraculous, and these startling exceptions were always the result of local accidents. . . . Whatever this system may have been originally, it had grown, in reference to the people, into as complete a mockery, as if it had been invented for their degradation. The people had nothing to do with it. It was all managed by town-councils, of never more than thirty-three members; and every town-council was self-elected, and consequently perpetuated its own interests. The election of either the town or the county member, was a matter of such utter indifference to the people, that they often only knew of it by the ringing of a bell, or by seeing it mentioned next day in a newspaper; for the farce was generally performed in an apartment from which, if convenient, the public could be excluded, and never in the open air.'(4)

Where there were districts of burghs, each town-council elected a delegate, and the four or five delegates elected the member; 'and, instead of bribing the town-councils, the established practice [358] was to bribe only the delegates, or indeed only one of them, if this could secure the majority.'

A case of inconceivable grotesqueness was related by the Lord Advocate, in 1831. The county of Bute, with a population of fourteen thousand, had twenty-one electors, of whom one only resided in the county. 'At an election at Bute, not beyond the memory of man, only one person attended the meeting, except the sheriff and the returning officer. He, of course, took the chair, constituted the meeting, called over the roll of freeholders, answered to his own name, took the vote as to the Preses, and elected himself. He then moved and seconded his own nomination, put the question as to the vote, and was unanimously returned.'

Attempts at Reform in Scotland

This close system of elections had existed even before the Union: but though sufficiently notorious, the British Parliament had paid little attention to its defects. In 1818, and again in 1823, Lord Archibald Hamilton had shown the state of the Royal Burghs,—the self-election, and irresponsibility of the councillors,—and their uncontrolled authority over the local funds. The questions then raised referred to municipal rather than parliamentary reform: but the latter came incidentally under review, and it was admitted that there was 'no popular election, or pretence of popular election.' In 1823, Lord Archibald [359] exposed the state of the county representation, and the general electoral system of the country, and found one hundred and

seventeen supporters.

In 1824, the question of Scotch representation was brought forward by Mr. Abercromby. The inhabitants of Edinburgh complained, by petition,(5) that the representation of this capital city—the metropolis of the North, with upwards of one hundred thousand inhabitants—was returned by thirty-three electors, of whom nineteen had been chosen by their predecessors in the town-council! Mr. Abercromby moved for leave to bring in a bill to amend the representation of that city,—as an instalment of parliamentary reform in Scotland. His motion failed, and being renewed in 1826, was equally unsuccessful. Such proposals were always met in the same manner. When general measures of reform were advocated, the magnitude of the change was urged as the reason for rejecting them; and when, to obviate such objections, the correction of any particular defect was attempted, its exceptional character was a decisive argument against it.

Ireland

Prior to 1801, the British Parliament was not concerned in the state of the representation of the people of Ireland. But on the union of that country, the defects of its representation were added to those of England and Scotland, in [360] the constitution of the united Parliament. The counties and boroughs in Ireland were at least as much under the influence of great patrons as in England. It is true, that in arranging the terms of the union, Mr. Pitt took the opportunity of abolishing several of the smaller nomination boroughs: but many were spared, which were scarcely less under the patronage of noblemen and landowners; and places of more consideration were reduced, by restricted rights of election, to a similar dependence. In Belfast, in Carlow, in Wexford, and in Sligo, the right of election was vested in twelve self-elected burgesses: in Limerick and Kilkenny, it was in the corporation and freemen. In the counties, the influence of the territorial families was equally dominant. For the sake of political influence, the landowners had subdivided their estates into a prodigious number of forty-shilling freeholds; and until the freeholders had fallen under the dominion of the priests, they were faithful to their Protestant patrons. According to the law of Ireland, freeholds were created without the possession of property, and the votes of the freeholders were considered as the absolute right of the proprietor of the soil. Hence it was that after the union more than two thirds of the Irish members were returned, not by the people of Ireland, but by about fifty or sixty influential patrons.

Total Number of Nominated Members

[361] Such being the state of the representation in the United Kingdom, an actual majority of the members of the House of Commons were returned by an inconsiderable number of persons. According to a statement made by the Duke of Richmond in 1780, not more than six thousand men returned a clear majority of the House of Commons. It was alleged in the petition of the Society of the Friends of the People, presented by Mr. Grey in 1793, that eighty-four individuals absolutely returned one hundred and fifty-seven members to Parliament; that seventy influential men secured the return of one hundred and fifty members; and that, in this manner, three hundred and fifty-seven members,—being the majority of the House, before the union with Ireland,—were returned to Parliament by one hundred and fifty-four patrons; of whom forty were peers. In 1821, Mr. Lambton stated that he was prepared to prove by evidence, at the bar of the House of Commons, 'that one hundred and eighty individuals returned, by nomination or otherwise, three hundred and fifty members.'(6)

Dr. Oldfield's Representative History furnishes still more elaborate statistics of parliamentary patronage. According to his detailed statements, no less than two hundred and eighteen members were returned for counties and boroughs, in England [362] and Wales, by the nomination or influence of eighty-seven peers: one hundred and thirty-seven were returned by

ninety commoners, and sixteen by the Government; making a total number of three hundred and seventy-one nominee members. Of the forty-five members for Scotland, thirty-one were returned by twenty-one peers, and the remainder by fourteen commoners. Of the hundred members for Ireland, fifty-one were returned by thirty-six peers, and twenty by nineteen commoners. The general result of these surprising statements is,—that of the six hundred and fifty-eight members of the House of Commons, four hundred and eighty-seven were returned by nomination; and one hundred and seventy-one only were representatives of independent constituencies. Such matters did not admit of proof, and were beyond the scope of parliamentary inquiries: but after making allowances for imperfect evidence and exaggeration, we are unable to resist the conclusion, that not more than one third of the House of Commons were the free choice even of the limited bodies of electors then entrusted with the franchise.

Footnotes.

1. Speech of Lord J. Russell, March 1st, 1831; Hans. Deb., 3rd Ser., ii. 1074. In 1807, the joint expenses of Lord Milton and Mr. Lascelles, in contesting this county, were £200,000; while £64,000 were subscribed for Mr. Wilberforce, but not expended.—Wilberforce's Life, iii. 324.
2. The population of Scotland in 1831 was 2,365,807.
3. It was said of one Scotch county member, 'that his invariable rule was never to be present at a debate, or absent at a division; and that he had only once, in his long political life, ventured to vote according to his conscience, and that he found on that occasion he had voted wrong.'—Hans., Deb., 3rd Ser., vii. 643.
4. Life of Jeffrey, i. 76.
5. This petition had been presented May 6th, 1823, drawn up by Mr. Jeffrey, and signed by 7,000 out of the 10,000 householders of the city.—Cockburn Mem., 404.
6. Hans. Deb., 2nd Ser., v. 359. Writing in 1821, Sydney Smith says: 'The country belongs to the Duke of Rutland, Lord Lonsdale, the Duke of Newcastle, and about twenty other holders of boroughs. They are our masters.'—Mem., ii. 215.

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