

THE GREAT REFORM ACT

NORMAN MCL. ROGERS

THE year that has just closed marked the centenary of two events of considerable significance to the English-speaking world. One was the death of Sir Walter Scott. The other was the birth of the Reform Act of 1832. To most of us there would seem to be no more relation between these two happenings than an accidental juxtaposition in time. But if the spirits of the departed are given the opportunity to view the world they have left behind them, Sir Walter Scott must have had a whimsical satisfaction, mingled with not a little regret for the fallibility of human judgment, in the fact that the tributes occasioned by the centenary of his death had so filled the columns of learned periodicals as to leave scant space for the recollection of the Reform Act of 1832 which he had branded publicly as an irretrievable disaster for his country. In 1832, at Jedburgh, he spoke as follows:

My friends, I am old and failing, and you think me full of very silly prejudices; but I have seen a good deal of public affairs in my day, and I can't help suspecting that the manufacturers of this new Constitution are like a parcel of schoolboys taking to pieces a watch which used to go tolerably well for all practical purposes, in the conceit that they can put it together again far better than the old watchmaker. I fear they will fail when they come to the reconstruction, and I should not, I confess, be much surprised if it were to turn out that their first step had been to break the mainspring.

Lockhart records that Scott had a superstition that the middle of every century had always been marked by some great convulsion or calamity for England. There is little doubt that the melancholy forebodings aroused in his mind by the contemporary political change played their part in hastening his untimely end.

The slight attention given to the centenary of the Reform Act of 1832 may be taken as the final repudiation of the fears of Scott and many of his contemporaries as to the dire consequences that must follow it. But this is scarcely an excuse for the failure of historians and political philosophers to seize the opportunity to review one of the greatest of those transactions by which the English Constitution has been renewed in vitality at critical periods in its history. From the vantage-point of the present, it is possible to see more clearly the relation of the Reform Act to the old order

which preceded it and the new order which it ushered in. It is not too much to say that it marks a climacteric phase in the social and political development of England. It is of that distinguished company of Magna Charta, The Petition of Right, and the Bill of Rights which Lord Chatham once described as the Bible of the English Constitution. These memorable charters and enactments have so important a place in our history as to justify even so extravagant a tribute. Important as they are, however, they belong in time and temper to an older dispensation. Chatham's metaphor may be extended without doing violence to its meaning. The New Testament of the English Constitution begins with the Reform Act of 1832. By this measure there was established that vital contact between the Government and a new, alert, and progressive electorate from which flowed the great statutes of social and economic reform which profoundly altered the institutional life of England in the succeeding century. From it there flowed also in due course those more ample measures for the extension of the franchise which placed a democratic foundation beneath the English monarchy. After 1832 the pace of legislation was quickened and its direction changed. The eager spirit of enterprise which produced the Industrial Revolution was harnessed to the machinery of government. Tradition was compelled to make terms with innovation. The political centre of gravity was shifted from the country to the towns. Before the nineteenth century had passed its meridian, Carlyle's millocracy was firmly established in the places so long held unchallenged by the country squires. Whatever judgment may be pronounced upon the spirit and policies of these years, they changed the aspect and outlook of England. The Reform Act of 1832 was the threshold to a new era. Across this threshold the path seemed open to the promised land of democracy.

As we look back upon it to-day, the Reform Act appears in two aspects. Its immediate purpose and effect was to remove some of the worst features of the system of parliamentary representation. In this respect it takes a foremost place in the history of the law and custom of the Constitution. In its other aspect it was a part of the great reforming movement which swept over Europe between 1830 and 1848, with the returning tide of revolutionary fervour for liberty, equality, and fraternity which the barriers erected so painstakingly by the Congress of Vienna proved powerless to resist. This movement in turn had been given an earlier impulse by the gradual dissolution of the old economic and social order as a result of the Industrial Revolution. Nowhere in Europe did the agencies of economic change work more swiftly

or more surely than in England. In no country did the industrial and commercial classes become so quickly conscious of their power as a group, or so active in the prosecution of legislative reforms calculated to promote their interests. The relation of the Reform Act to the wider movement of European opinion during the second quarter of the nineteenth century is commonly acknowledged, though there are different views as to the emphasis that ought to be placed on the purely external influences. This at least will be conceded—the unreformed parliament of Britain was the lion in the path of those wider measures of amelioration which were ardently desired by the industrial and commercial classes in the community. Once the portals of Westminster could be opened to the middle classes and workingmen, the powers of Government could be utilized to the full towards the realization of the new policies and ideals which had emerged out of the ferment of industrial change and political upheaval at home and abroad.

The system of representation which prevailed in England at the opening of the nineteenth century was a fit target for the slings and arrows of reformers. It encouraged corruption and debauchery on a lavish scale. It was totally inadequate as a reflection of the population even on the narrow principle of representation of property and contribution to the national income. The qualification for the county franchise was the forty-shilling freehold established in the first half of the fifteenth century. The borough franchise was based upon the strangest assortment of qualifications that any country has ever known. Lord John Russell's description of the fantastic abuses of the borough representation may be recalled:

A stranger who was told that this country is unparalleled in wealth and industry, and more civilized and more enlightened than any country was before it—that it is a country that prides itself on its freedom, and that once in every seven years it elects representatives from its population to act as the guardians and preservers of that freedom—would be anxious and curious to see how that representation is formed, and how the people choose their representatives, to whose faith and guardianship they entrust their free and liberal institutions. Such a person would be very much astonished if he were taken to a ruined mound, and told that that mound sent two representatives to parliament; if he were taken to a stone wall and told that three niches in it sent two representatives to parliament; if he were taken to a park where no houses were to be seen, and told that that park sent two representatives to parliament. But if he were told all this, and were astonished at hearing it, he would be still more astonished if he were to see large and opulent towns, full of enterprise and industry and intelligence, containing vast magazines of every species of manufactures, and were then told that these towns sent no representatives to parliament.

The most flagrant of these abuses of the borough system were not unobserved by Englishmen of an earlier day. In 1766, Lord Chatham had referred to the borough representation as "the rotten part of our constitution" and said: "It cannot continue a century. If it does not drop, it must be amputated." And again, five years later, the same clear-sighted statesman predicted that "before the end of this century either the parliament will reform itself from within or be reformed with a vengeance from without." In 1793, the Society of Friends of the People were prepared to prove that in England and Wales seventy members of the House of Commons were returned by thirty-five places in which there were scarcely any electors at all, that ninety members were returned by forty-six places with fewer than fifty electors; and thirty-seven members by nineteen places having not more than one hundred electors. Such places were returning members, while Leeds, Birmingham, and Manchester were unrepresented. The Duke of Norfolk was represented by eleven members elected for boroughs under his control; Lord Lonsdale by nine; Lord Darlington by seven; the Duke of Rutland, the Marquess of Buckingham, and Lord Carrington, each by six. Well might Lord Russell say: "If the question before the House is a question of reason, the present state of representation is against reason."

But in England as elsewhere the event was to prove that tradition can wage a stubborn conflict with reason, especially when the institutions supported by tradition are favourable to the interests of the governing classes, and reason lacks the sharp blade of popular agitation. To the criticism of the existing system of representation, the reply was made by its hereditary apologists that with all its defects it was vastly superior to any other on the continent of Europe, that it had elicited extravagant praise from foreign observers, and had given the nation sound legislation and efficient administration. Nor is it to be forgotten that the supporters of the traditional system included among their number so distinguished a statesman as Edmund Burke. "Our representation," he wrote at the close of the eighteenth century, "has been found perfectly adequate to all the purposes for which a representation of the people can be desired or devised. I defy the enemies of our constitution to show the contrary." Such an opinion, strange and shocking as it appears to our generation, presents an attitude towards government which has been held by eminently respectable persons in almost every period of English history. Those who entertain such views argue that there is no absolute good in widening the franchise, that the task of government belongs properly to the

educated and propertied classes, and that good government is to be measured solely by its energy in administration and its wisdom in legislation. Pope's well-remembered couplet:

For forms of government let fools contest;
Whate'er is best administered is best,

contains the essence of this political philosophy.

Still, if we except the period of reaction which followed the French Revolution, the stars in their courses were fighting by the side of the reformers. Arkwright, Hargreaves, Crompton, and Watt were innocent agents in the destruction of the foundations of the unreformed parliament. Their inventions worked a transformation in the economic structure of England. At the same time a resumption of the enclosure movement accelerated the transfer of population from the countryside to the towns. Yeomen and labourers of rural England were converted by a strange alchemy into the artisans of Manchester, Leeds, and Birmingham. Small woollen and cotton merchants became flourishing capitalists, the vanguard of the new middle class which was soon to demand parliamentary reform as a means to a larger end. While the English Constitution continued on its unrepentant way, the increase and redistribution of population resulting from the new methods of production and the factory system accentuated the abuses of representation. In the last quarter of the eighteenth century the reform of the House of Commons was a problem for parliamentarians. In the first quarter of the nineteenth century it became the pre-occupation of a great popular movement. This significant change in the character of the agitation for reform was aided by an extraordinary increase in the number and circulation of newspapers and periodicals throughout the country. MacCulloch says: "With the increase of opulence and population consequent upon the increase of manufactures and trade, education and the desire of political information became more generally diffused. The press acquired great influence. Political journals were established in every considerable town, in which the conduct of public men and the policy of all the measures of Government were freely canvassed." In the thirty years between 1790 and 1821, the number of newspapers circulating in England, Scotland, and Ireland was almost doubled. In the same period there was a notable increase in periodical literature, circulating libraries, and book clubs. The influence of this dissemination of knowledge cannot easily be overestimated. It gave a coherence and self-consciousness to the unrepresented classes which had been lacking hitherto. It accounts for an intensity of public feeling over the issue of reform which otherwise would be inexplicable.

In the last decade of the eighteenth century the reform movement in England was suddenly arrested by events in another country. The excesses of the French Revolution filled the higher and middle classes with an extreme dread of change. This feeling of apprehension, when combined with the immediate patriotic interest of all classes in the prolonged war with France, was enough to set back the cause of reform for a quarter of a century. At the close of the war the Tories were in the ascendant, and once more the popular cause was delayed for a time by extraneous circumstances because of the attitude of a large section of the new middle class on the burning question of Catholic Emancipation. The Tory party which opposed reform was also opposed to the removal of Catholic disabilities. To many conscientious Protestants it seemed better to preserve parliament by excluding Catholics than to revive it by admitting the middle classes to the franchise. The sudden change in the policy of the Duke of Wellington's Government, announced by the introduction of the Catholic Emancipation Bill in 1829, altered this situation and brought to the support of the Whigs many dissatisfied Tory Protestants who were thrown into consternation by the unexpected concession to the Catholics. In the general election of 1830, the Ministry lost fifty seats in the House of Commons and suffered an even greater loss of prestige in the country. Then, as a crowning act of folly, the Duke of Wellington, in an unguarded moment, delivered himself of a panegyric on the excellence of the existing system of representation which might have been forgiven, or even applauded, in the previous century, but which showed such an utter lack of appreciation of the existing state of public feeling on the question of reform as to constitute an egregious insult to the intelligence of the English people. He said:

I am fully convinced that the country possesses at the present moment a legislature which answers all the good purposes of legislation, and this to a greater degree than any legislature ever has answered in any country whatever. I will go farther, and say that the legislature and system of representation possess the full and entire confidence of the country, deservedly possess that confidence, and the discussions in the legislature have a very great influence over the opinions of the country. I will go still farther, and say that if at the present moment I had imposed upon me the duty of forming a legislature for any country, and particularly for a country like this, in possession of great property of various descriptions, I do not mean to assert that I would form such a legislature as we possess now—for the nature of man were incapable of reaching it at once—but my great endeavour would be to form some description of legislature which would produce the same results.

While it was listening to these fateful words, it is said that the House of Lords, usually so calm, showed signs of amazement and perturbation. When it was all over, the Duke whispered to one of his Ministers: "What can I have said which seems to make so great a disturbance?" "You have announced the fall of your Government, that is all," was the prophetic reply.

With the advent of the Grey Ministry, parliamentary reform became a policy to which the Government of the day was definitely committed. But a long and tortuous path still remained to be travelled before the new measure was assured of adoption. Meanwhile, from 1830 to 1832, England hovered intermittently on the brink of revolution. The popular uprising in France which displaced the Bourbons in 1830 was not without its repercussions in England. An ancient dynasty had been deposed. The principle of legitimacy had been successfully assailed. The careful arrangements of the Congress of Vienna had been overthrown at the pivotal point of the system. A resurgence of revolutionary doctrines was observed in many parts of Europe. In England this period of political unsettlement was accompanied by acute economic distress. Strange and portentous rumours filled the air. Lord Eldon told the House of Lords that he was informed that the gaols contained great numbers of persons who were not natives of the country. There was an epidemic of incendiary fires in the agricultural districts. Molesworth declares: "Through twenty-six counties, night after night, the sky was reddened with the blaze of the nation's food going up in flame and smoke skywards. Never perhaps had this country been in a more deplorable condition; never had so deep a sadness weighed on the minds of all classes of the population as towards the close of this year, 1830." The change of Ministry did something to assuage public agitation, but it was with full knowledge of the serious condition of the country that Lord John Russell introduced the Government proposals for parliamentary reform on March 1st, 1831.

It is said that as the fateful day drew near, the state of the House and of all its approaches testified to the intensity of the public feeling. Never before had there been so great a desire to witness the proceedings; never had the avenues leading to the House been so thronged with persons anxious to obtain admission. On the stroke of six, Lord John Russell took his seat, and shortly afterwards he began his memorable speech on the theme which was to be repeated again and again during that historic session:

The confidence of the country in the construction and constitution of the House of Commons is gone. It would be easier

to transfer the flourishing manufactures of Leeds and Manchester to Gotton and Old Sarum than to re-establish confidence and sympathy between this House and those whom it calls its constituents. If therefore the question is one of right, right is in favour of reform; if it be a question of reason, reason is in favour of reform; if it be a question of policy and expediency, policy and expediency are in favour of reform.

So was the issue joined with the old order. Thereafter it was only a question of how long the self-appointed guardians of that old order could resist the onward march of an aroused public opinion throughout the nation. It is not without interest and instruction to note that the first man who rose to oppose the Reform Bill was Sir R. H. Inglis, member for the University of Oxford. His words were in some sense more prophetic than he knew: "I say, therefore, that what is proposed is not restoration. The House and the country may judge what it is; but I will state, in one word, that it is Revolution—a revolution that will overturn all the natural influence of rank and property."

While the Government proposals were far from satisfying the demands of the radicals, they dealt courageously with the worst features of the existing system of representation, and were designed to remove the three chief grievances which had been the subject of popular complaint:—the nomination of members by individuals, the election of members by close corporations, and the heavy expense of elections. Sixty-two boroughs were to be disfranchised altogether; forty-seven boroughs were to send one instead of two members to parliament. Populous towns and cities, hitherto unrepresented, were to be enfranchised, and additional representation was to be accorded to the larger counties. The qualification of the borough franchise was to be so widened as to admit householders paying rates for houses of the yearly value of £10 and upwards, while in the counties provision was made for extending the franchise to substantial copyholders and leaseholders. Finally, the long-protracted polls of the old system were to be abolished; provision was to be made for the registration of voters; and the election period was to be reduced to two days after the opening of the poll. As a result of the reforms in the franchise it was estimated that the constituency of the House of Commons would be increased by about half-a-million persons. Such proposals seem moderate enough when compared with the more ample measures of reform which were soon to follow. Their significance, however, lay in the fact that they formed the first breach in a time-honoured system, and that their tendency was to shift the balance of political power from the landed aristocracy to the industrial and commercial classes,

which had been born out of the far-reaching changes of the Industrial Revolution.

It was this tendency of the Reform Bill to transfer political power to the unpredictable judgment of these new classes which aroused the apprehension of the House of Lords and the landed interest. There is no doubt that the higher and better-educated classes regarded the reform measures as the commencement of the overthrow of all the established institutions of the country. The lessons of the French Revolution were too recent to have been forgotten. This too accounts for the antagonism of the clergy, who were almost as one in opposing the proposed innovation, a circumstance which had much to do with increasing their unpopularity during this period and for long afterwards. A contemporary historian has expressed the opinion that if at this juncture the Government had introduced a measure for the secularization of Church property, the proposal would have been welcomed by the nation with enthusiasm. Against these elements of opposition, the support for the Reform Bill came in the main from the manufacturers whose interest in its passage was direct and immediate, and from the shopkeepers and labourers who as a class were not admitted to the franchise, but who felt nevertheless that it would benefit them indirectly by giving legislative influence to classes whose interests were more closely related to their own. So in the country as in parliament the progress of the Reform Bill was followed with eager concern by two hostile groupings of the English people, one of which looked back upon an era which had passed, while the other turned its eyes towards the promise of a new and better day.

This is not the place to record the detailed history of the long discussions which filled the pages of Hansard in the ensuing months. Thwarted in one parliament, the Reform ministry appealed to a new parliament by means of a dissolution which was grudgingly granted by the king. The verdict of the electorate was overwhelmingly in favour of reform. The insistent demand from the country was "the Bill, the whole Bill, and nothing but the Bill." When the second Reform Bill was introduced in the first session of the new parliament, the question on the lips of everyone was, "What will the Lords do?" The answer was not long in coming. On October 8th, 1831, the House of Lords rejected the second reading by a majority of forty-one, an adverse majority which included the votes of the Archbishop of Canterbury and most of the assembled bishops. This was the climax of the struggle. Across the narrow Channel the French were engaged in abolishing the hereditary peerage. The news of the rejection of the Reform Bill passed

swiftly to the country, arousing mingled feelings of alarm, disappointment and bitter indignation. In London and in many other towns the shops were closed and the bells of the churches muffled. A run for gold commenced, causing much anxiety to the governors of the Bank of England. It is recorded that on Monday, October 10th, a great crowd assembled along the line of road from Whitehall to Parliament Street. "The obnoxious peers were received with roars of execration, which it was said at the time would have drowned a peal of thunder. The bishops especially were objects of popular detestation, and could not appear in the streets without danger of personal violence. Many of the temporal peers were assaulted on their way to and from the House." Two days later a procession composed of about sixty thousand people marched to St. James's to present a petition to the king. At the close of the month the country was startled by the news of the Bristol riots. Other disturbances at widely different points aroused the apprehension of the inhabitants. The fires of revolution were kindled. It needed but a spark to ignite them. Across the Channel, Lyons was in the hands of rioters. "The Archbishop of Canterbury, coming to Canterbury to hold his primary visitation, was insulted, spat on, and with great difficulty was brought to the deanery amidst the yells and execrations of a violent and angry mob."

With national feeling at such a pitch, the Grey Ministry resolved to press the attack, to re-introduce the Reform Bill with certain amendments, and if necessary to force its passage through the House of Lords by the creation of a sufficient number of new peers to overcome the adverse majority. Such an expedient could be justified at the time only by the grave emergency which existed. It involved violence to the accepted canons of constitutional propriety. The king was known to be strenuously opposed to it. Lord Grey and many of his Ministers, being either peers themselves or closely connected with the peerage, were almost equally adverse to it. Such scruples, however, could not be allowed to stand in the way of the successful passage of the measure of reform. Gradually the Ministers came to the view that the creation of peers was the alternative to a much more dangerous assault on the constitution. The king was the final obstacle to be surmounted. He had, it is true, given his cordial approval to the measure introduced by his Ministers, but he was not disposed to surrender the citadel of his prerogative under pressure, and had frankly informed Lord Grey that he would not consent to swamp the House of Lords for the purpose of carrying reform. When, therefore, Lord Grey and his colleagues compelled him to choose between a creation of peers and their resignation, he chose the latter.

Once more the state of public feeling was raised to fever heat, and on this occasion the king could not escape a degree of personal responsibility for the dangerous turn of events. On the 10th of May, 1832, the common council of the city of London resolved that "They who have advised His Majesty to put a negative on the proposal of Ministers to create peers have proved themselves enemies of the sovereign, and have put in imminent hazard the stability of the throne and the tranquillity and stability of the country." The task of forming an anti-Reform ministry proved to be impossible of achievement. One after another of the leaders of the opposition declined to assume the burden of forming an administration. Finally the Duke of Wellington accepted the commission, having previously declined it in favour of Sir Robert Peel. But it needed more than a loyal heart and a resolute mind to meet so delicate a situation. At length the king saw the hopelessness of trying to form an alternative Ministry, and Lord Grey was recalled to complete the work to which he had set his hand. Perhaps the king saw the handwriting on the wall. It is certain that his popularity with the masses of the people had suffered almost beyond repair. A contemporary chronicle reports that dirt was thrown into his carriage as he came up to London, that he was greeted on his arrival with hisses, groans, execration and obscene outcries, and was with difficulty protected from personal violence by the exertions of the Guards who surrounded his carriage.

But the passage of the great Reform Bill was now assured. The people had spoken, and would brook no delay. At an interview with Lord Grey and Lord Brougham, the king consented to the creation of as many peers as the Ministry might think necessary to carry the Reform Bill through the House of Lords, with the understanding that the power was to be exercised only when all other means had failed. This, as events revealed, was the final victory; for the Lords, with a belated spirit of concession, decided to save the king from an embarrassing duty, and a sufficient number of them withdrew their opposition to permit of the passage of the bill through its final stages. On June 7th, 1832, the royal assent was given to the measure, but without the personal presence of the sovereign which was customary on such occasions. With the vivid recollection of the treatment he had received after Lord Grey's resignation, he refused peremptorily to attend in person, thus losing a golden opportunity to reinstate himself in the loyal affections of his people. But the melancholy presentiments of the palace had little echo in the country. Agitation did not subside at once, but there was a general realization that a great crisis in English history

had been successfully passed, and that the English Constitution had been renovated without the extreme remedy of revolution.

Many years later Lord John Russell pronounced his own encomium on the Reform Act of 1832:

My proposal took away representation from the dead bones of a former state of England, and gave it to the living energy and industry of the England of the nineteenth century, with its steam-engines and its factories, its cotton and woollen cloths, its cutlery and its coal-mines, its wealth and its intelligence. The present vindicated its rights; the past lost its privilege.