

Erskine May, Chapter VI, pp. 417-431

The Reform Act of 1832

The Dissolution of 1830

At the end of this session, Parliament was dissolved, in consequence of the death of George IV. The government was weak,—parties had been completely disorganised by the passing of the Catholic Relief Act,—much discontent prevailed in the country; and the question of parliamentary reform,—which had been so often discussed in the late session,—became a popular topic at the elections. Meanwhile a startling event abroad, added to the usual excitement of a general election. Scarcely had the writs been issued, when Charles X. of France,—having attempted a *coup d'état*,—suddenly lost his crown, and was an exile on his way to England.(1) As he had fallen, in violating the liberty of the press, and subverting the representative constitution of France, this revolution gained the sympathy of the English people, and gave an impulse to liberal opinions. The excitement was further increased by the revolution in Belgium, which immediately followed. The new Parliament, elected [418] under such circumstances, met in October. Being without the restraint of a strong government, acknowledged leaders, and accustomed party connections, it was open to fresh political impressions; and the first night of the session determined their direction.

Wellington's Declaration

A few words from the Duke of Wellington raised a storm, which swept away his government, and destroyed his party. In the debate on the address, Earl Grey adverted to reform, and expressed a hope that it would not be deferred, like Catholic emancipation, until government would be 'compelled to yield to expediency, what they refused to concede upon principle.' This elicited from the Duke an ill-timed profession of faith in our representation. 'He was fully convinced that the country possessed, at the present moment, a legislature which answered all the good purposes of legislation,—and this to a greater degree than any legislature ever had answered, in any country whatever. He would go further, and say that the legislature and system of representation possessed the full and entire confidence of the country,—deservedly possessed that confidence,—and the discussions in the legislature had a very great influence over the opinions of the country. He would go still further, and say, that if at the present moment he had imposed upon him the duty of forming a legislature for any country,—and particularly for a country like this, in possession of great property of various descriptions,—he did not mean to assert that he could form such a legislature as they possessed now, for [419] the nature of man was incapable of reaching such excellence at once: but his great endeavour would be to form some description of legislature, which would produce the same results. . . . Under these circumstances he was not prepared to bring forward any measure of the description alluded to by the noble lord. He was not only not prepared to bring forward any measure of this nature; but he would at once declare that, as far as he was concerned, as long as he held any station in the government of the country, he should always feel it his duty to resist such measures, when proposed by others.'(2)

At another time such sentiments as these might have passed unheeded, like other general panegyrics upon the British constitution, with which the public taste had long been familiar. Yet, so general a defence of our representative system had never, perhaps, been hazarded by any statesman. Ministers had usually been cautious in advancing the theoretical merits of the

system,—even when its abuses had been less frequently exposed, and public opinion less awakened. They had spoken of the dangers of innovation,—they had asserted that the system, if imperfect in theory, had yet 'worked well,'—they had said that the people were satisfied, and desired no change,—they had appealed to revolutions abroad, and disaffection at home, as reasons for not entertaining any proposal for change: but it was reserved for the Duke of Wellington,—at a time of excitement like the present,—to insult the understanding of the [420] people, by declaring that the system was perfect in itself, and deservedly possessed their confidence.(3)

Fall of the Wellington Government

On the same night, Mr. Brougham gave notice of a motion on the subject of parliamentary reform. Within a fortnight, the duke's administration resigned, after an adverse division in the Commons, on the appointment of a committee to examine the accounts of the civil list.(4) Though this defeat was the immediate cause of their resignation, the expected motion of Mr. Brougham was not without its influence, in determining them to withdraw from further embarrassments.

Earl Grey was the new minister; and Mr. Brougham his lord chancellor. The first announcement of the premier was that the government would 'take into immediate consideration the state of the representation, with a view to the correction of those defects which had been occasioned in it by the operation of time; and with a view to the re-establishment of that confidence upon the part of the people, which he was afraid Parliament did not at present enjoy, to the full extent that is essential for the welfare and safety [421] of the country, and the preservation of the government.'

The government were now pledged to a measure of parliamentary reform: and during the Christmas recess, were occupied in preparing it. Meanwhile, the cause was eagerly supported by the people. Public meetings were held, political unions established, and numerous petitions signed, in favour of reform. So great were the difficulties with which the government had to contend, that they needed all the encouragement that the people could give. They had to encounter the reluctance of the king,(5)—the interests of the proprietors of boroughs, which Mr. Pitt, unable to overcome, had sought to purchase,—the opposition of two-thirds of the House of Lords, and perhaps of a majority of the House of Commons,—and above all, the strong Tory spirit of the country. Tory principles had been strengthened by a rule of sixty years. Not confined to the governing classes, but pervading society,—they were now confirmed by fears of impending danger. On the other hand, the too ardent reformers, while they alarmed the opponents of reform, embarrassed the government, and injured the cause, by their extravagance.

First Reform Bill

On the 3rd February, when Parliament reassembled, Lord Grey announced that the government had succeeded in framing 'a measure which would be effective, without exceeding the bounds of a just and well-advised moderation,' [422] and which 'had received the unanimous consent of the whole government.'

On the 1st March, this measure was brought forward in the House of Commons by Lord John Russell, to whom,—though not in the cabinet,—this honourable duty had been justly confided. In the House of Commons he had already made the question his own; and now he was the exponent of the policy of the government. The measure was briefly this:—to disfranchise sixty of the smallest boroughs; to withdraw one member from forty-seven other boroughs; to add eight members for the metropolis; thirty-four for large towns; and fifty-five for counties, in England; and to give five additional members to Scotland, three to Ireland,

and one to Wales. By this new distribution of the franchise, the House of Commons would be reduced in number from six hundred and fifty-eight, to five hundred and ninety-six, or by sixty-two members.

For the old rights of election in boroughs, a £10 household franchise was substituted; and the corporations were deprived of their exclusive privileges. It was computed that half a million of persons would be enfranchised. Improved arrangements were also proposed, for the registration of votes, and the mode of polling at elections.

The Bill Defeated

This bold measure alarmed the opponents of reform, and failed to satisfy the radical reformers: but on the whole, it was well received by the reform party, and by the country. One of the most stirring [423] periods in our history was approaching: but its events must be rapidly passed over. After a debate of seven nights, the bill was brought in without a division. Its opponents were collecting their forces, while the excitement of the people in favour of the measure, was continually increasing. On the 22nd March, the second reading of the bill was carried by a majority of one only, in a House of six hundred and eight,—by far the greatest number which, up to that time, had ever been assembled at a division.(6) On the 19th of April, on going into committee, ministers found themselves in a minority of eight, on a resolution proposed by General Gascoyne, that the number of members returned for England, ought not to be diminished. On the 21st, ministers announced that it was not their intention to proceed with the bill. On that same night, they were again defeated on a question of adjournment, by a majority of twenty-two.(7)

The General Election of 1831

This last vote was decisive. The very next day, Parliament was prorogued by the king in person, [424] 'with a view to its immediate dissolution.'(8) It was one of the most critical days in the history of our country. At a time of grave political agitation, the people were directly appealed to by the king's government, to support a measure by which their feelings and passions had been aroused,—and which was known to be obnoxious to both Houses of Parliament, and to the governing classes.

The people were now to decide the question;—and they decided it. A triumphant body of reformers was returned, pledged to carry the reform bill; and on the 6th July, the second reading of the renewed measure was agreed to, by a majority of one hundred and thirty-six. The most tedious and irritating discussions ensued in committee,—night after night; and the bill was not disposed of until the 21st September, when it was passed by a majority of one hundred and nine.

Second Reform Bill Defeated by the Lords

That the peers were still adverse to the bill was certain: but whether, at such a crisis, they would venture to oppose the national will, was doubtful.(9) On the 7th October, after a debate of five nights,—one of the most memorable by which that House has ever been distinguished, and itself a great event in history,—the bill was rejected on the second reading, by a majority of forty-one.(10)

[425] The battle was to be fought again. Ministers were too far pledged to the people to think of resigning; and on the motion of Lord Ebrington, they were immediately supported by a vote of confidence from the House of Commons. On the 20th October, Parliament was prorogued; and after a short interval of excitement, turbulence and danger, met again on the 6th December. A third reform bill was immediately brought in, changed in many respects,—

and much improved by reason of the recent census, and other statistical investigations. Amongst other changes, the total number of members was no longer proposed to be reduced. This bill was read a second time on Sunday morning, the 18th of December, by a majority of one hundred and sixty-two. On the 23rd March, it was passed by the House of Commons, and once more was before the House of Lords.

Third Reform Bill Before the Lords

Here the peril of again rejecting it could not be concealed. The courage of some was shaken,—the patriotism of others aroused; and after a debate of four nights, the second reading was affirmed by the narrow majority of nine. But danger still awaited it. The peers who would no longer venture to reject such a bill, were preparing to change its essential character by amendments. Meanwhile the agitation of the people [426] was becoming dangerous. Compulsion and physical force were spoken of; and political unions, and excited meetings assumed an attitude of intimidation. A crisis was approaching,—fatal, perhaps, to the peace of the country: violence, if not revolution, seemed impending.

The disfranchisement of boroughs formed the basis of the measure; and the first vote of the peers, in committee on the bill, postponed the consideration of the disfranchising clauses, by a majority of thirty-five. Notwithstanding the assurances of opposition peers, that they would concede a large measure of reform,—it was now evident that amendments would be made, to which ministers were bound in honour to the people and the Commons, not to assent. The time had come, when either the Lords must be coerced, or ministers must resign.(11) This alternative was submitted to the king. He refused to create peers: the ministers resigned, and their resignation was accepted. Again the Commons came to the rescue of the bill and the reform ministry. On the motion of Lord Ebrington, an address was immediately voted by them, renewing their expressions of unaltered confidence in the late ministers, and imploring his Majesty 'to call to his councils such persons only, as will carry into effect, unimpaired in all its essential provisions, that bill for reforming the representation of the people, which has recently passed this House.'

The Bill Passes

The king, meanwhile, insisted upon one condition, [427]—that any new ministry,—however constituted,—should pledge themselves to an extensive measure of reform. But, even if the Commons and the people had been willing to give up their own measure, and accept another at the hands of their opponents,—no such ministry could be formed. The public excitement was greater than ever; and the government and the people were in imminent danger of a bloody collision, when Earl Grey was recalled to the councils of his sovereign. The bill was now secure. The peers averted the threatened addition to their numbers, by abstaining from further opposition; and the bill,—the Great Charter of 1832,—at length received the Royal Assent.

Provisions of the English Act

It is now time to advert to the provisions of this famous statute; and to inquire how far it corrected the faults of a system, which had been complained of for more than half a century. The main evil had been the number of nomination, or rotten boroughs enjoying the franchise. Fifty-six of these, having less than two thousand inhabitants, and returning one hundred and eleven members, were swept away. Thirty boroughs, having less than four thousand inhabitants, lost each a member. Weymouth and Melcombe Regis lost two. This disfranchisement extended to one hundred and forty-three members. The next evil had been, that large populations were unrepresented; and this was now redressed. Twenty-two large

towns, including [428] metropolitan districts, received the privilege of returning two members; and twenty more, of returning one. The large county populations were also regarded in the distribution of seats,—the number of county members being increased from ninety-four to one hundred and fifty-nine. The larger counties were divided; and the number of members adjusted with reference to the importance of the constituencies.

Another evil was the restricted and unequal franchise. This too was corrected. All narrow rights of election were set aside in boroughs; and a £10 household franchise was established. The freemen of corporate towns were the only class of electors whose rights were reserved: but residence within the borough was attached as a condition to their right of voting. Those freemen, however, who had been created since March 1831, were excepted from the electoral privilege. Crowds had received their freedom, in order to vote against the reform candidates at the general election: they had served their purpose, and were now disfranchised. Birth or servitude were henceforth to be the sole claims to the freedom of any city, entitling freemen to vote.

The county constituency was enlarged by the addition of copyholders and leaseholders, for terms of years, and of tenants-at-will paying a rent of £50 a year. The latter class had been added in the Commons, on the motion of the Marquess of Chandos, in opposition to the government. The object of this addition was to strengthen the interests of the landlords, which it undoubtedly effected: but as it extended the franchise to a [429] considerable class of persons, it was at least consistent with the liberal design of the reform act.

Another evil of the representative system had been the excessive expenses at elections. This too was sought to be mitigated by the registration of electors, the division of counties and boroughs into convenient polling districts, and the reduction of the days of polling.

It was a measure, at once bold, comprehensive, moderate, and constitutional. Popular, but not democratic: it extended liberty, without hazarding revolution. Two years before, Parliament had refused to enfranchise a single unrepresented town; and now this wide redistribution of the franchise had been accomplished! That it was theoretically complete, and left nothing for future statesmen to effect,—its authors never affirmed: but it was a masterly settlement of a perilous question. Its defects will be noticed hereafter, in recounting the efforts which have since been made to correct them; but whatever they were,—no law since the Bill of Rights, is to be compared with it in importance. Worthy of the struggles it occasioned,—it conferred immortal honour on the statesmen who had the wisdom to conceive it, and the courage to command its success.

The Scottish and Irish Acts

The defects of the Scotch representation, being even more flagrant and indefensible than those of England, were not likely to be omitted from Lord Grey's general scheme of reform. On the 9th March, 1831, a bill was brought in to amend the representation of Scotland: but the [430] discussions on the English bill, and the sudden dissolution of Parliament, interrupted its further progress. The same lot awaited it, in the short session of 1831: but in 1832, its success was assured in the general triumph of the cause. The entire representation was remodelled. Forty-five members had been assigned to Scotland at the Union: this number was now increased to fifty-three, of whom thirty were allotted to counties, and twenty-three to cities and burghs. The county franchise was extended to all owners of property of £10 a year, and to certain classes of leaseholders; and the burgh franchise to all £10 householders.

The representation of Ireland had many of the defects of the English system. Several rotten and nomination boroughs, however, had already been disfranchised on the union with England; and disfranchisement, therefore, did not form any part of the Irish Reform Act. But the right of election was taken away from the corporations, and vested in £10 householders;

and large additions were made to the county constituency. The number of members in Ireland, which the Act of Union had settled at one hundred, was now increased to one hundred and five.

This measure was the least successful of the three great reform acts of 1832. Complaints were immediately made of the restricted franchise which it had created; and the number of electors registered, proved much less [431] than had been anticipated. After repeated discussions, a measure was passed in 1850, by which the borough franchise was extended to householders rated at £8; and further additions were made to the county franchise.

The representation of the country had now been reconstructed on a wider basis. Large classes had been admitted to the franchise; and the House of Commons represented more freely the interests and political sentiments of the people. The reformed Parliament was, unquestionably, more liberal and progressive in its policy than the Parliaments of old; more vigorous and active; more susceptible to the influence of public opinion; and more secure in the confidence of the people. But in its constitution grave defects still remained to be considered.

Footnotes.

1. Parliament was dissolved July 24th. The 'three days' commenced in France, on the 27th.
2. Hans. Deb, 3rd Ser., i. 52. The Duke, on a subsequent occasion, explained this speech, but did not deny that he had used the expressions attributed to him.—Hans. Deb., 3rd Ser., vii. 1186.
3. This declaration was condemned even by his own party. Lord Grenville wrote to the Duke of Buckingham, Nov. 21st, 1830: 'It has been most unfortunate for him, and not less so for the question. Absolute resistance, *in limine*, to any reform, is manifestly no longer possible.'—Courts and Cabinets of Wm. IV and Queen Vict., i. 146. The Duke himself, however, far from perceiving his error, wrote, March 24th. 1831: 'In my opinion, the fault of which those have been guilty who oppose the measure, is the admission that any reform is necessary.'—Ibid. 260.
4. Sydney Smith, writing Nov. 1830, says: 'Never was any administration so completely and so suddenly destroyed; and, I believe, entirely by the Duke's declaration, made, I suspect, in perfect ignorance of the state of public feeling and opinion.'—Mem., ii. 313.
5. Supra, p 139.
6. According to Lord Colchester, the largest division since the Union had been on Mr. Tierney's motion, on the state of the nation, 21st May, 1819, when 530 were present, including the Speaker and tellers,—Lord Colchester's Diary, iii. 76. For other cases of large divisions, see Ibid., i. 520; ii. 123, 377. The largest division since known was on the 4th June, 1841, on the vote of want of confidence in Lord Melbourne's ministry, when 628 were present, including the Speaker and tellers.—Cornwallis' Corr., iii. 181.
7. Hans. Deb., 3rd Ser., 1806. It has often been represented,—and was so stated by Lord Brougham on the following day,—that this vote amounted to 'stopping the supplies.' It cannot, however, bear such a construction, the question before the House being a motion concerning the Liverpool election. Late down in the list of orders of the day, a report from the Committee of Supply was to be received, which dropped by reason of the adjournment.
8. See supra, p. 141.
9. The position of the peers at this time has been already noticed. supra, p. 308, et seq.
10. Hans. Deb., 3rd Ser., viii. 340. This debate I heard myself, being present in the House of Lords until the daylight division on the 7th October. It was the first debate, in the Lords, which I had yet had the privilege of attending.
11. See supra, p. 311.

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