

# **LONDON ELECTORAL HISTORY – STEPS TOWARDS DEMOCRACY**

## **3.1 THE VOTING CONTEXT IN METROPOLITAN LONDON**

London's electoral experience was especially formative in the generation of an active constitutionalist tradition, keeping those in elected office aware of their representative status and, from time to time, testing their representative authority. This system, however unsystematic in its details, gave an active form to the concept of representation. Historically, it was pre-democratic, well before the introduction of the full adult franchise. Yet its formalisation and activation of constitutional electoral procedures made it proto-democratic – as already argued.<sup>1</sup>

Within London, voters were householders and rate-payers – people with an economic 'stake' in the locality, to use the contemporary phraseology. The variety of franchisal conventions between constituency and constituency is analysed in the rest of Section 3.

At this point, it should be noted that lodgers, no matter how socially eminent, could not vote, unless they had some alternative electoral qualification such as membership of a London livery company. The owners of the smart new Georgian brick houses, springing up across the metropolis, might well be electors. Yet their country gentleman tenants, lodging in fine first-floor rooms when coming to town for politics and entertainment, would be mere witnesses to London's election excitements. For that reason many famous names do not appear in the poll books, while plenty of 'unknowns' exercised their constitutional rights.

Outside the metropolis, things were quieter. In the early seventeenth century, for example, parliamentary selection was a matter of honour, reputation, and the maintenance of good order in the community. Indeed, Kishlansky argues that the earliest contested elections were indicative of a failure within county communities to broker consensus.<sup>2</sup> Only after the Restoration did elections start to become accepted as moments of overt conflict and competition. And even then, custom and tradition, particularly with reference to the claims of seniority in selection for non-

parliamentary office, long remained important.

Only in the course of the twentieth century did it become conventional for all major parties to contest all seats at a general election. Well within living memory a few parliamentary hopefuls were returned unopposed,<sup>3</sup> as occasionally some candidates continue to be in local government elections.

For example, the importance attached to seniority in the election of London's lord mayors is characteristic of an honour-based world view, and some of the most heated contests for the mayoral chair occurred when the convention was broken that a lord mayor should not stand for a second term.<sup>4</sup>

Given that set of expectations, it is not surprising that the rules of the game did much to structure the context of the electoral behaviour recorded in the LED, even if many rules remained unwritten. The most obvious framework requirement was the act of open voting itself. Political scientists have made much of a distinction between 'expressive' voting, which expresses the state of mind of the individual elector, and 'instrumental' voting, which seeks to determine the control of government.<sup>5</sup> Thus twentieth-century psephological studies that are based upon individual-level opinion polls focus upon the voter's immediate 'expressive' opinions rather than the strategic conspectus of national politics.<sup>6</sup> In practice, however, the distinction is not so absolute, as voters' opinions may well incorporate assumptions and expectations about the national control of government.

In the years 1700-1850, it was commonly stressed that polling was the exercise of a trust, to be undertaken in the public interest. This view was encapsulated at its most high-minded by John Stuart Mill in 1861: 'the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage'.<sup>7</sup> Be that as it may in terms of the elector's inner calculations, it remains the case that electors in the period 1700-1850 were not invited by their votes to choose the government of the day but to vote for specific candidates in specific constituencies. Successive administrations were known as the king's ministers, and when in 1783 George III invited William Pitt the Younger to form an administration, the public knowledge that the minister had his monarch's support did much to sustain the government in its early days.

Hence a model of expressive voting, but to be undertaken openly as the exercise of a public trust, seems the appropriate one for application to the LED, within the constraints of the political system as it was operated. The constituencies of metropolitan London, characterised by large electorates

and freedom from the overweening domination of electoral patrons, afforded the electors considerable room for manoeuvre. Since the formation of governments in this period did not await upon the outcome of a general election, the electorate was not making an 'instrumental' judgment. On the other hand, the testing of opinion in the big open constituencies, especially when issues were being hotly contested, meant that the outcome was often taken to signal a wider public mood.

### 3.1.1 Tactical voting: 'plumping' and 'splitting'

At the time of casting their votes, electors could distinguish between the candidate who stood at the head of the poll and one who was fighting for survival.<sup>8</sup> This knowledge was reinforced because elections frequently continued for some days, and the state of the poll was published on posters and in the newspapers. Moreover, given open voting, electors' knowledge of the state of the poll gave an opportunity for the sophisticated distribution of votes largely unavailable to the present-day elector.<sup>9</sup> This possibility of the sophisticated distribution of political support was enhanced by multi-member constituencies, in which an elector had more than one vote at his disposal.

In general elections in Middlesex, Westminster, and Marylebone, each elector had two votes at his disposal, whilst the London liveryman had four votes. In by-elections each voter in all constituencies had a single vote at his disposal, corresponding to the single seat being contested.<sup>10</sup> Electors were under no obligation to use all, or indeed any, of their votes. Voters in Middlesex, Westminster, and Marylebone might choose to deploy just one of their two votes: in eighteenth-century parlance, this was the 'plumper'. It meant not only casting one vote in favour of the preferred candidate but, in effect, giving a negative to the others.

Election agents assiduously sought plumpers when their candidate was standing without a running-mate, since the tactical denial of votes to rival candidates could have a marked effect. It effectively maximised the advantage of the single candidate. For instance, when Fox stood against Rodney and Lincoln in the Westminster election of 1780, Admiral Rodney stood at the head of the poll. Fox was the beneficiary of votes split between Admiral Rodney and himself; but Fox's ideal vote was the plumper. It advanced his tally, while denying support to both his opponents. Meanwhile the voter at London's parliamentary elections might chose to use one, two, or three of the four available votes, giving

ample scope for tactical considerations. And it was open to any elector to abstain altogether at any election.

Importantly, too, individuals who used more than one vote were under no obligation to give them to candidates who were political allies. Votes given to different political interests were known as ‘split’ votes, and the voters who gave them were known as ‘splitters’. The practice of giving all available votes to candidates standing in the same interest was known as ‘straight’ voting for a particular party or interest group.

### **3.1.2 Voting in more than one constituency**

One constant in all circumstances was that no voter could bestow more than one vote upon any candidate in any election contest. Moreover, the entire disposal of all possible votes had to be made at one time. As they did so, voters had to swear that they had not polled before at that particular election.

However, the current convention that an individual could vote in only one constituency at a general election was unknown in the eighteenth century and remained so until the abolition of university seats in 1948.<sup>11</sup> Instead, a voter in this period could validly vote in as many constituencies as he had valid qualifications. Thus a London liveryman who was a householder resident in Westminster could vote in both of these constituencies, whilst if he were also a forty-shilling freeholder he would be entitled to vote in Middlesex elections as well.<sup>12</sup>

This duplication was possible because London’s parliamentary franchise was not based on a residential qualification. A famous individual in the 1830s provides an example: the Whig orator and historian Thomas Babington Macaulay was registered to vote in Westminster as a householder by virtue of his chambers in Albany (LED record 6708695), whilst being simultaneously registered in Finsbury where he had chambers in Gray’s Inn. But it still remained the case that, within each constituency, the voter should not poll more than once. So a post-1832 London elector who appeared in the register as both a liveryman and a £10 householder could poll only once in an election for that constituency.

Before the 1832 Reform Act, the right of voting in English parliamentary elections displayed a notorious and bewildering variety across the country as a whole.<sup>13</sup> Admittedly, there was some consistency in the county franchise, which since 1430 had lain in freeholders resident in the

county possessed of land worth forty shillings per annum.<sup>14</sup> But a wide variety of freeholds could qualify a man to vote in parliamentary elections. Still greater variety was to be found among the borough constituencies. Members of parliament for the English boroughs might be elected by their corporations, their freeholders, their freemen, their burgage holders, their rate-payers, or their inhabitants, or by combinations of these.

### **3.1.3 Voting procedures**

According to Sir William Mildmay in 1743, there were three stages in the voting process.<sup>15</sup> The first of these was a show of hands, which determined the outcome of the overwhelming majority of non-parliamentary elections. In London's Common Hall throughout the period 1700 to 1832 most of the annual elections for sheriffs, lord mayors, and auditors, together with virtually all elections for incumbent bridge masters, chamberlains, and aleconners were determined by the swift and inexpensive verdict of the show of hands.

Only if the numbers seemed close would the losing candidate call for a poll, this constituting the second stage. One reason why so many of London's parliamentary elections went to a poll was that, with eight or more candidates standing for four seats, it was hard to determine the outcome by a show of hands alone.

The potential third stage of the electoral process was a scrutiny to determine the majority of legal votes cast. Scrutinies were expensive and time-consuming; they were rarely held, and still more rarely did they alter the outcome of an election (as explained in section 2.1.6). Hence the information contained in the LED relates only to the second of these processes, when it was realised that there was no way of determining the outcome of a contest other than by recording and counting each individual voter's choice at the polls. Where information about scrutinies is available, it is included in the tables of Metropolitan Polls in section 8.

Not for nothing is the returning officer traditionally the first person to be thanked by the winning candidate in parliamentary elections: for long, much detail of actual electoral practice depended upon his judgment. In Middlesex and the London this was the sheriff, whilst Westminster's returning officer was the high bailiff. The returning officer's role was partly administrative, for example, in reading the proclamations for opening and closing the poll. But his role was partly judicial, since it was

his duty to return those candidates with the majority of *legal* votes. To determine the legality of an elector's vote the returning officer was empowered to administer oaths and to ask such questions as he saw fit. So returning officers had considerable discretion in determining which electors were admitted to poll.

### 3.1.4 Petitions against declared election results

While the returning officer presided over the process of electing Members of Parliament until the vote was declared, it was still open to a defeated candidate to petition the Commons against the return. That action referred the matter to Parliament, which (as noted in section 2.1.6) guarded its powers of adjudication seriously. Thus the Commons committee which sat on the petition following the Westminster election of 1788 decided that the issue at stake depended 'in part upon the right of election', which it then considered in detail.<sup>16</sup>

The full tally of petitions arising from metropolitan elections in this period ran to 22: thus there were petitions against the return of the Westminster elections of 1708, 1722, 1741, 1774, 1784, 1788, 1790, 1807 and 1819; against the Middlesex returns of 1722, April 1769, 1784, 1802, 1804, and 1806; against the London returns of 1713, 1722, 1784, 1802, 1837, and 1849; and against the Marylebone return of 1837. This relative frequency over a period of 150 years may be taken as an index of partisan commitment, as well as to the prestige attached to the representation of these large open constituencies.

The nineteenth-century proceedings of the parliamentary committees, which undertook the process of adjudication, fill whole shelves of the parliamentary Blue Books, as claims and counter-claims of bribery and corruption were reviewed.<sup>17</sup> 'Treating' might range from the comparatively minor, such as paying for a free round of drinks to the much more substantial, such as (in seats with a rate-paying franchise) paying off rent arrears on behalf of impecunious electors, whose electoral status as a *bona fide* rate-payer might otherwise be jeopardised. Such allegations relating to specific seats (often – but not exclusively – the constituencies with the fewest electors) have tended to skew the popular perception of parliamentary electioneering and to generate the false belief that electioneering in this period was everywhere corrupt.<sup>18</sup>

Eventually, the desire to bring all constituencies up to the best standard eventually led to legislation in 1854 to forbid the practice of 'treating' by

the candidates. That prohibition still left it open for candidates' agents to treat the electors, until the Corrupt and Illegal Practices Prevention Act (1833) extended the rule to ban all forms of 'treating' whether by candidates or their agents.<sup>19</sup>

### **3.1.5 Processes of electoral registration post-1832**

On the face of things, the bewildering variety of pre-1832 franchises was replaced in 1832 by a much greater consistency. To have the right to vote, a man's name had to appear in the new electoral register for his constituency, prepared afresh each year. But there were still many complicating factors. The requirement to appear in the electoral register merely shifted arguments from the returning officer's booth at the hustings to the courts of the revising barristers, where there was at least some time to consider the validity of the application.<sup>20</sup> Moreover, electors who were qualified to vote prior to 1832 retained their right of voting so long as they satisfied certain conditions.

Electoral registration post-1832 constituted a dual process.<sup>21</sup> Parish overseers (or for London's liverymen, the clerks of the livery companies) drew up draft registers or electoral lists, with a qualifying date of 31 July, which were published annually each August prior to the register coming into force. Though these drafts are sometimes confused with electoral registers, they may be distinguished by being for one parish only and by their lack of the sequential numbering of the full electoral registers. In the preparatory stage, these draft registers were subject to challenge, either by objecting to a claim to eligibility or by claiming a right to vote which had been omitted by the clerks. Individuals then seeking to rebut an objection, or to have their names placed on the register, had to prove their qualifications in the courts of the revising barristers during the September and October before the publication of the register. From 1832 to 1843 the register came into force on 1 November. Thereafter, all electoral registers came into force on 1 December.<sup>22</sup>

Two key points emerge from this overview of registration. First, the onus of proving a claim to eligibility lay with the claimant himself. Secondly, all electoral registers were (and are) somewhat out of date at the time of an election, having suffered attrition from mortality and population movements – and having also been unable to incorporate those who had become qualified since the official qualifying date. This potential mis-match remains a feature of all systems where voters have

to pre-register to vote, as opposing to having a vote by virtue of their citizenship.

### 3.1.6 Summary of the different metropolitan franchises

In overview, the LED contains poll book data from three pre-reform constituencies (Middlesex, London, and Westminster), and from three constituencies after 1832 (London, Marylebone, and Westminster). Between them, the voters fell into one or more of five categories.

Middlesex electors were qualified by being forty-shilling freeholders. London electors before 1832 were qualified by being liverymen. Westminster electors prior to 1832 were qualified by being householders liable to 'pay scot' (parish rates) and 'bear lot' (serving their turn in minor parochial offices under the houseman system). After 1832 electors in the London, Marylebone, and Westminster constituencies were qualified to vote if they were ten-pound householders. That had the effect of transforming the City of London from being a livery franchise to an inhabitant franchise. In addition, individual voters from the London or Westminster constituencies who had been qualified under the pre-1832 system (either as liverymen or as householders liable to pay scot and bear lot) retained their life-time right of voting so long as they lived within seven miles of the constituency. Their sons, however, had no right of claim by virtue of the father's electoral history.

None of these criteria placed matters beyond dispute – or beyond the effects of change over time. Population growth was accompanied by the creation of new housing stock and new parishes. New City livery companies were formed. And there were adaptations in both the law and its interpretation.

To stabilise things, some contemporaries argued from historic right that the franchise should properly be wider,<sup>23</sup> while others pragmatically advocated a narrowing of the right of voting.<sup>24</sup> A general overhaul of the electoral system was, however, hard to achieve, as the bitter arguments in 1830-31 demonstrated.<sup>25</sup>

Instead, reliance was placed upon the complex mixture of national rules and local case law within each constituency, as shown in detail in the accompanying sections. The crucial prerequisite for voting after 1832, however, was a listing within upon the official electoral register. These records are not without their errors and omissions, occasioned especially by the challenges of population turnover, conscious

avoidance, and accidental omission. But the electoral registers constitute an ever-growing set of national records, locally compiled.<sup>26</sup>

### Notes

- <sup>1</sup> See sections 1.9 and 1.10.
- <sup>2</sup> Kishlansky, *Parliamentary selection*. Readers in universities may consider how rarely issues at departmental meetings are put to a vote, and how deep a polarisation is reflected by such a vote. Meanwhile, anyone who has seen the annual ritual of the election of the board of directors of a limited company will recognise the concept of the nominal election. An alternative to vote based decision making is discussed in M.J. Sheeran, *Beyond majority rule: voteless decisions in the Religious Society of Friends* (Philadelphia, 1996).
- <sup>3</sup> D.C. Moore, 'The matter of the missing contests: towards a theory of nineteenth-century English politics', *Albion*, 6 (1974), pp. 93-119.
- <sup>4</sup> Humphry Parsons (lord mayor 1730-31) served a second term in 1740-41, while William Beckford (lord mayor 1762-3) served a second term in 1769-70. But when Brass Crosby stood for a second consecutive term as lord mayor in 1771, he was defeated at the poll. Later, Matthew Wood stood for a second consecutive term in 1816 and was successful both in the poll and in the electoral college. John Key's attempt to hold the chair for a second consecutive year in 1831 led to three polls.
- <sup>5</sup> R. Rose and I. McAllister, 'Expressive versus Instrumental voting', in D. Kavanagh (ed.), *Electoral politics* (Oxford, 1992), pp. 114-40.
- <sup>6</sup> An early British example of the voter-centred study was R.S. Milne and H.C. Mackenzie, *Straight fight: a study of voting behaviour in the constituency of Bristol North-East at the general election of 1951* (1954), the methodology of which is explicitly drawn from a study of the United States presidential election of 1940: see P.F. Lazarsfeld, B. Berelson, and H. Gaudet, *The people's choice* (New York, 1948). Similarly, A. Campbell, P.E. Converse, W.E. Miller, and D. Stokes, *The American voter* (New York, 1960), p. 27, declared their approach to be 'dependent on the point of view of the actor'.
- <sup>7</sup> John Stuart Mill, *Considerations on representative government* (1861), ed. C.V. Shields (1958), p. 156.
- <sup>8</sup> For example, the published poll book for London in 1784 did not record the votes given to all candidates, but noted only those given to John Sawbridge, the candidate in fourth place, and Richard Atkinson, his immediate challenger.

- <sup>9</sup> Occasionally, opinion polls in late twentieth-century elections have given electors the opportunity to know the relative strengths of the candidates, and hence to vote tactically. The Greenwich by-election of February 1987 appears to have been a case in point: see P. Norris, *British by-elections: the volatile electorate* (Oxford, 1990), pp. 105-7. The defeat of Michael Portillo by Labour's Stephen Twigg in the Enfield Southgate seat in 1997 was also encouraged by Labour leaflets, urging a tactical swing to Twigg as the candidate able to oust Portillo (as proved to be the case).
- <sup>10</sup> The anachronistic term 'by-election', first recorded in 1880, remains an invaluable shorthand to denote an election held to fill a vacancy caused by death, elevation or succession to the peerage, by appointment to office, *de facto* resignation, expulsion, or a double return. Voided elections were followed by a by-election with a new writ, and the electors were endowed with the same number of votes as they would have had in the election it replaced.
- <sup>11</sup> The 1918 Representation of the People Act (7 & 8 George V, c. 64) limited the right of voting to once for each class of qualification (whether residence; business; or university); and all forms of multiple voting were formally ended by the 1948 Representation of the People Act (11 & 12 George VI, c. 65), which abolished the separate University constituencies and the separate business vote. Electors continue to be allowed to register to vote in each constituency in which they are qualified to do so. They are allowed to vote only in one constituency on each writ, although the strict enforcement of this provision is impossible.
- <sup>12</sup> The LED thus constitutes a resource for historians of England's many boroughs with a freeman franchise, since the London out-voters who voted in other constituencies were frequently distinguished in the poll books for those constituencies, and may then be identified in the LED.
- <sup>13</sup> This section owes much to F.N. Rogers, *The law and practice of elections* (1820; 4<sup>th</sup> edn, 1835). A. Male, *A treatise on the law and practice of elections* (1818) is also valuable.
- <sup>14</sup> 8 Henry VI, c. 7 (1430).
- <sup>15</sup> W. Mildmay, *The method and rule of proceeding upon all elections, polls, and scrutinies, at common halls, and wardmotes within the City of London* (1743), p. 9.
- <sup>16</sup> *CJ*, 44, pp. 518-9.
- <sup>17</sup> After 1868, disputed petitions were referred to independent Parliamentary Commissioners, drawn from judges of the superior courts: see Election Petitions Act, 31 & 32 Victoria, c. 125 (1868).

- <sup>18</sup> Perceptions of nineteenth-century electioneering have also been influenced by accounts in contemporary novels. As already noted, Charles Dickens, *The posthumous papers of the Pickwick club* (1836-7) is well known, but Anthony Trollope, *Ralph the heir* (1871) is unjustly neglected. This latter work drew much from Trollope's own experiences when he stood unsuccessfully as Liberal candidate in the small seat of Beverley (Yorkshire) in 1868. After the election a petition (not from Trollope) claimed malpractice and, when the complaints were upheld, Beverley was disenfranchised in 1870.
- <sup>19</sup> 46 & 47 Victoria, c. 51 (1883). Trollope's *Ralph the heir* (cited in n. 18) provides a case of an agent treating electors behind the candidate's back.
- <sup>20</sup> The new profession of election lawyer has yet to be fully studied. R. Robson, *The attorney in eighteenth-century England* (Cambridge, 1959) has a perfunctory discussion; and, for the pre-reform period, E.A. Smith, 'The election agent in English politics, 1734-1832', *American Historical Review*, 84 (1969) remains essential reading.
- <sup>21</sup> See J.A. Thomas, 'The system of registration and the development of party organisation, 1832-70', *History*, 35 (1950), pp. 81-98; and P. Salmon, *Electoral reform at work: local politics and national parties, 1832-41* (Woodbridge, 2002), pp. 20-2.
- <sup>22</sup> 6 & 7 Victoria, c. 18 (1843). The procedure was changed again in 1866.
- <sup>23</sup> William King, *An essay on civil government* (1776) maintained that London's ancient franchise lay with the freemen at large, from whom it had been usurped by the liverymen. See also Henry Schultes, *An enquiry into the elective franchise of the citizens of London, and the general rights of the livery* (1822).
- <sup>24</sup> William Knox, *A friendly address to the members of several clubs, in the parish of St Anne, Westminster, associated for the purpose of obtaining a reform in parliament* (1793), p. 16, blamed the hubbub attending Westminster elections on the wide franchise, and urged 'raising the qualification, so as to confine the right of voting to the respectable citizen'. Knox was active in the St Anne's chapter of the Constitutional Club; a similar group in St Margaret's parish was led by Simon Stephenson, vestryman and *de facto* election agent in the Administration cause. The use of organisations such as the starkly named Association for Preserving Liberty and Property against Republicans and Levellers as front organisations in the Administration cause at parliamentary elections merits further study. Its papers are in BL, Add. Mss. 16,919-16,931. See esp. E.C. Black, *The Association: British extra-parliamentary political organization, 1769-93* (Oxford, 1963).

- <sup>25</sup> Details are provided in M. Brock, *The great reform act* (1973); E.J. Evans, *The great reform act of 1832* (1983); and N.D. Lopatin, *Political unions, popular politics and the Great Reform Act of 1832* (Basingstoke, 1999).
- <sup>26</sup> For the National Archives guide to ‘Looking for Records of Electoral Registration’, see [www.nationalarchives.gov.uk/records/looking-for-person/electoral-registration](http://www.nationalarchives.gov.uk/records/looking-for-person/electoral-registration).