

# LONDON ELECTORAL HISTORY – STEPS TOWARDS DEMOCRACY

## 3.2 THE ELECTORAL FRANCHISE IN MIDDLESEX

Middlesex, despite its increasing urban reality, was constitutionally a county and its pre-1832 voting qualifications were determined by that status. Unlike the very variegated borough franchise, the provisions for the counties were standard and relatively straightforward. Thus the right of voting in all county elections was confined to adult male freeholders resident in the county, in which they were possessed of property worth at least 40 shillings a year. These were the historically famous ‘40-shilling freeholders’.<sup>1</sup>

There were some legislative attempts to regulate the procedures with amplified precision. From 1712, freeholders were required to have been ‘charged or assessed to the public taxes, church rates, and parish duties’.<sup>2</sup> Two years later the requirement was lessened to being charged to any one of these taxes,<sup>3</sup> and from that date appearance on the Land Tax register became the *de facto* qualification for voting in county elections.<sup>4</sup> Legislation in 1745 subsequently required that the freeholder should have been in possession of his estate for a year before the election.<sup>5</sup> In 1780, however, this period was reduced to six months.<sup>6</sup> And in 1774, the formal requirement that a freeholder should live in the county that contained his estates was abolished,<sup>7</sup> although it is not clear whether this requirement had ever been effectively enforced.

Towards the end of the eighteenth century, however, appearance in the Land Tax register became increasingly unsatisfactory as a criterion for determining eligibility to vote in county elections. The initially straightforward relationship between landowning and payment of the Land Tax became increasingly complicated. In 1798, prime minister Pitt was driven by the exigencies of the war against France to enact legislation that allowed for the ‘redemption and purchase’ of the Land Tax for ready cash.<sup>8</sup> Many landowners seized the opportunity to discharge their future Land Tax obligations at a deep discount, and so

disappeared from the Land Tax registers. Further legislation was then required in 1802 to clarify that a freeholder who redeemed his Land Tax should not thereby lose his vote.<sup>9</sup>

Whilst the possession of a house or a house and land were by far the commonest qualifications for voting, they were by no means the only ones. The qualifications to vote recorded in the printed poll books from the Middlesex election of 1802 reveal the range of ways by which men gained the franchise, on grounds of having an 'interest' which was taken as an equivalent to a property right.

Possession of real property was the most obvious way in which an elector was qualified to vote in Middlesex. Such property included not just 'house', 'land', 'house and land', 'house and garden' and 'messuage', but also 'chambers', 'tenements', 'ground rents' and 'rent charges'.

Possession of an office was a second way of qualifying to vote as a Middlesex freeholder. An office was the right to employment, and to take the fees and emoluments annexed to it; to qualify a man to vote, the office had to be for life. Some of these offices were religious, whilst others were secular. Among the religious offices in the Middlesex poll books were to be found those of 'parish clerk', 'rectory', 'perpetual curacy', 'sacrist of Westminster Abbey', 'prebendary', and 'church benefice'.<sup>10</sup>

Meanwhile, by a statute of 1780, other electors were qualified to vote by possession of secular office.<sup>11</sup> In and around Westminster many of these offices were legal ones, including the 'clerk of the court of Chancery', the 'filazer [legal officer who filed writs and issued processes] of the county of Middlesex', and an 'attorney of the Pipe Office'. In the early eighteenth century, Middlesex voters were further qualified by positions in a miscellany of legal offices, including the Six Clerks' Office, the Cursitor's Office, the Petty Bag Office, and the Nisi Prius Office.<sup>12</sup> Incidentally, qualifying officers who voted in Middlesex could be humble as well as exalted, ranging from the high bailiff of Westminster to a messenger of the court of Exchequer. In fact, the votes cast by many of these officials were deemed to be invalid.<sup>13</sup> But their presence at the polls indicates the scope for ingenious interpretation to widen the franchise.

Other Middlesex electors were qualified by virtue of shares in a corporate enterprise, located in the area. Shareholders in the New River Company were particularly concentrated in Clerkenwell, but other

qualifying enterprises included the Royalty Theatre in Wellclose Square, the Ranelagh Gardens, and the companies that promoted both Battersea and Fulham Bridges.

The potential for dispute over such forms of qualification was amply demonstrated in the disputed 1802 election, by the case of the owners of the Good Intent Mill in Isleworth. In May 1801 a group of local inhabitants had formed the 'Good Intent Society' as a cooperative venture to grind corn cheaply. By August, there were some 80 or 90 members who bought a plot of land by the river Thames in Isleworth and began to build a mill. On 13 July 1802, when the election began, the mill was unfinished but the society had between 200 and 300 subscribers, and a further 200 new subscriptions were received in the next few months – mainly from labourers and mechanics. In all, some 374 voters in 1802 polled by virtue of their ownership of a share in the Good Intent Mill at Isleworth.

Albion Cooper, one of the Society's founders, was the first member to poll. In response to an objection from one of the inspectors, Cooper told the sheriff that he had two shares in the mill, and that he had owned them for over twelve months. He said that he expected to receive four quartern loaves a week at 6d. each, a saving of 1s. a week on the retail price. This saving, he claimed, constituted a 'value' of over 40s. a year, thus equating to the value of a 40s. freehold. On this occasion, the sheriff maintained that his function was administrative rather than judicial, and that he could not refuse the vote of anyone who took the oath. Cooper promptly did so and was admitted to poll.

However, legislation in 1696 had long ago prohibited splitting freeholds in order to create new votes,<sup>14</sup> and the Good Intent voters were challenged on various grounds. One objection was that they had not owned their shares for a full 12 months. And it was further claimed that a single share in an unbuilt mill did not equate to the requisite property value of 40s. *per annum*.

It took two years for the challenge to be heard by the Commons committee, which found that the sheriff and legal counsel had acted inconsistently: 'The obvious tendency of their conduct was, to admit persons having no right to poll, and to afford the greatest encouragement to perjury'.<sup>15</sup> The course of the poll was reviewed:

On the thirteenth, fourteenth, and fifteenth days of the poll, on the first of which days there was a considerable majority in favour of

William Mainwaring, Esq., the Sheriff, Robert Albion Cox, Esq., and Sir William Rawlins, Knight, wilfully, knowingly, and corruptly did admit to poll for Sir Francis Burdett, Baronet, upwards of three hundred persons, claiming to vote under a fictitious right, as proprietors of a mill purported to be situate in the parish of Isleworth, and called the Good Intent Mill; by which means a colourable majority was obtained in favour of Sir Francis Burdett, who was thereby returned as having the greatest number of legal votes.<sup>16</sup>

By removing the Good Intent voters, the radical candidate, Sir Francis Burdett, was unseated; and an ingenious, if rather blatant, attempt to extend the pre-1832 meaning of ‘property rights’ in Middlesex was rebuffed. The incident showed how pressures were mounting upon the traditional franchise, as eighteenth-century Middlesex had fundamentally shifted from being a society of landowners into a busy, fast-growing urban constituency.

#### Notes

- <sup>1</sup> See ‘Forty-Shilling Freeholders’ in [wikipedia.org/wiki/Forty\\_Shilling\\_Freeholders](http://wikipedia.org/wiki/Forty_Shilling_Freeholders), consulted 22 May 2012.
- <sup>2</sup> 10 Anne, *c.* 23, s. 2 (1711).
- <sup>3</sup> 12 Anne, *c.* 5 (1713).
- <sup>4</sup> Land Tax Assessments survive only patchily for eighteenth-century Middlesex, with little before 1780.
- <sup>5</sup> 18 George II, *c.* 18, s. 3 (1745).
- <sup>6</sup> 20 George III, *c.* 17 (1780), confirmed by 30 George III, *c.* 35 (1790).
- <sup>7</sup> 14 George III, *c.* 58 (1774).
- <sup>8</sup> 38 George III, *c.* 60 (1798).
- <sup>9</sup> 42 George III, *c.* 116, s. 200 (1802).
- <sup>10</sup> Ecclesiastical offices included the high bailiff of Westminster; the official of the

archdeaconry of Westminster; the steward of the Dean and Chapter of Westminster; the registrar of fines; the lay vicars; the abbey brewer; the bellringer to the abbey; the abbey gardener; the receiver to the abbey; the abbey cook; the abbey organ blower; the choristers; the almsmen; and the abbey sacrist.

<sup>11</sup> 20 George III, *c.* 17 (1780).

<sup>12</sup> Legal offices included the king's coroner; the clerk of the court of King's Bench; the clerk of the treasury of King's Bench; the secondary in King's Bench; the cursitor; the filazer; the attorney of the pipe; the usher of Common Pleas and Exchequer; the sealer in the court of Chancery; the deputy chirographer; the prothonotary; the clerk of the king's silver; the king's remembrance; and the clerk of the juries.

<sup>13</sup> For the list of offices whose votes were rejected by the Commons committee in 1802, see R.H. Peckwell, *Cases of controverted elections in the second parliament of the United Kingdom* (London, J. Butterworth, 2 vols, 1805-6), ii, pp. 101-2.

<sup>14</sup> 7 & 8 William III, *c.* 25, s. 7 (1696).

<sup>15</sup> Sixty years later, in the aftermath of the second reform Act (1867), land near the site of the Good Intent Mill was developed into the suburban villas of St Margaret's. But this time it was done to create franchises for Conservative voters. For the Conservative revival in late-Victorian London, see A. Windscheffel, *Popular conservatism in imperial London, 1868-1906* (Woodbridge, 2007).

<sup>16</sup> *BPP* (1803-4), ii, pp. 225-480. See also Peckwell, *Cases of controverted elections*, ii, pp. 1-145, 338-81, 387-9. For details of Burdett, see also sections 5 and 6.