

A Great Electioneer and His Motives Reconsidered: The 4th Duke of Newcastle*

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The fourth duke of Newcastle (1785-1851) is recognised as one of the most prominent peers with electoral influence in early-19th century Britain. This article considers the way in which he deployed that influence and the purposes to which it was turned. The essay explains why Newcastle became a leading symbol of the campaign for parliamentary reform and details the nature of his opposition to the Bill which eventually became the ‘Great’ Reform Act of 1832. In some respects, Newcastle was an atypical electioneer, because he was less overtly concerned with the desire for office, patronage or income. On the other hand, the methods by which that influence was deployed, and the anti-reform purposes to which it was turned, meant that he was inevitably numbered amongst the reactionary forces opposing political change in this period.

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1

On Stanton moor in Derbyshire stands a stone tower, 150-feet tall. It does not mark the site of an ancient battle, nor does it signify the location of a deserted medieval village. Rather, standing majestically over the landscape in which it sits, the tower provides one of the more unusual forms of commemoration celebrating the passage of the Great Reform Act of 1832. It was founded by William Pole Thornhill (1807-76), the last member of the Thornhill family who owned estates at Stanton Hall in Derbyshire. Thornhill served as high sheriff of Derbyshire in 1836 and as MP for North Derbyshire from 1853-65. His strong dedication to reform resulted in the creation of the Earl Grey tower on the eastern edge of Stanton moor.¹

To contemporaries like Thornhill, the passage of the piece of legislation formally known as the Representation of the People Act (2 & 3 Wm. IV, c. 45) was a matter for widespread celebration, when it received the royal assent on 7 June 1832. Commercialisation went hand-in-hand with commemoration, as manufacturers rushed to meet the seemingly insatiable demand for celebratory wares, be it hundreds of prints and caricatures, transfer-printed pottery, cordial flasks shaped to look like leading politicians involved in the passing of the Bill, and specially-minted coins and tokens. Whilst *McLean's Monthly Sheet of Caricatures* had the prime minister, Earl Grey, doubting whether his name would long be associated with the measure of reform, and worrying about his posthumous fame - 'Now the giddy multitude have got their toy, they seem to cast it aside, no general rejoicings, no triumph, no idolising, as I was led to expect' - generations since have come to know the name of 'Lord Grey of the Reform Bill'. Grey also lived long enough to see the erection of a splendid monument in the centre of Newcastle-upon-Tyne, honouring his role in the passage of the Reform Act in a manner whose purpose and significance required little interpretation.²

The Great Reform Act of 1832 provides one of the anchor-points of English history, comparable with the Battle of Hastings in 1066, Magna Carta in 1215, and the Glorious Revolution of 1688. The perceived defects of the electoral system before 1832 have become familiar to us, in different ways, through literature, drama, and long-forgotten lessons from our schooldays. Parliamentary reformers argued that the electoral system had failed to keep pace with population changes and with internal migration patterns which were leading people away from the countryside towards the burgeoning industrial towns of northern England. So it was that the infamous rotten boroughs continued to enjoy the right of representation, returning two MPs to the house of commons, in spite of their declining or wholly decayed populations.³

Pocket boroughs, by contrast, were characterised by their biddable constituents. Their dependence on powerful local landowners or the borough corporation made them particularly susceptible to being influenced – by the promise to bestow, or withhold, patronage, employment, a tenancy, or other forms of benefit. Some election practices walked a fine line between the legitimate ‘treating’ of electors with food, drink and transport to the poll, and illegitimate corruption, in the form of bribery and venality. The latter had been immortalised on canvas by William Hogarth in his famous series of paintings illustrating the notorious Oxfordshire election of 1754. The financial sums involved in fighting an election and the potential for abuse meant that contests, stretching over weeks rather than (until 1918) a single day, could quickly descend into drink-sodden punch-ups and all-out violence.⁴

However, contrary to some of the claims later made by the Act’s memorialists, it was not the intention of the authors of the Reform Act to eradicate all these practices or to legislate for a democratic political system of the sort which we enjoy today. In their famous satirical history book, *1066 and All That*, first published in 1930, Walter Sellar and Robert Yeatman summarised the terms of the Great Reform Act as follows:

This Bill had two important clauses, which said:

(1) that some of the Burrows [*sic*] were rotten and that the people who lived in them should not be allowed either to stand [for parliament] or to have seats.

(2) that ‘householders leaseholders and copyholders who had £10 in the towns or freeholders who paid 40/- in the county for 10 years or lease-holders (in the country) and copyholders for 21 years in the towns (paying a rent of £50) should in some cases (in the towns) have a vote (for 1 year) but in others for 41 years (in the country) paying a leasehold or copyhold of £10 should not’.

When this unforgettable Law was made known there was great rejoicing and bonfires were lit all over the country.⁵

In satirising the convoluted terms of the legislation, Sellar and Yeatman were drawing attention to the fact that, even after 1832, the right to vote was still largely a matter of wealth; a privilege which was confined to the respectable propertied classes, whose property signified their responsibility and 'soundness'. Men – and for the first time in history the Reform Act defined the franchise as male – were thus trustees for the whole population, electors and non-electors alike, and their vote, being a trust, was exercised publicly, rather than through the secret ballot. Only in this way could the large majority of non-electors see, and hold the electors accountable, for the exercise of that trust.⁶

As a result of the 1832 Reform Act, approximately 800,000 adult males qualified for the vote across the United Kingdom. However, this figure masked major internal variations. In England and Wales, 1 in 5 adult men enjoyed the franchise, and in Scotland it was 1 in 8, but, due to much poorer economic conditions in Ireland, only 1 in 20 qualified. However, over the course of the next thirty years, while the population of England and Wales increased by 50%, the electorate did so by 60%, as property came within the reach of much larger numbers of the industrious working classes.⁷

2

The Great Reform Act is today regarded as a long overdue reform of a corrupt and outdated electoral system and the first step on the long road to the modern system of democratic political representation. That it was incomplete and insufficient was quickly recognised by contemporaries, not least by the speedy emergence of the Chartist movement in the late-1830s and 1840s. The 'six points' of the People's Charter provided a rallying point for those

working men who felt that, having campaigned for the Reform Act, they had been ‘betrayed’, by their continuing exclusion from the franchise.⁸

But what of those individuals who felt, not that the Reform Act had not gone far enough, but that it had gone too far? These are voices which tend to have been drowned out in the history books, on the not unreasonable grounds that many of them were out-of-touch and self-interested in their opposition to change. Of these voices, perhaps one of the more notable examples is Henry Pelham Fiennes Pelham-Clinton, fourth duke of Newcastle-under-Lyne (1785-1851).

Newcastle’s prominence as an electioneer and a ‘borough-monger’ needs little introduction to readers of *Parliamentary History*. Under the careful eye of Clyve Jones, an edition of his diaries was published in 2006, with a further volume to follow.⁹ Newcastle was the representative of a family who had risen to wealth, title and prominence over the course of the preceding century. His grandfather, the second duke, had been notable for the extensive reach of his property interests and electoral influence in parliament. The so-called ‘Newcastle Ninepins’ was a memorable short-hand quantifying the extent of his influence in the house of commons. As a peer of the realm, he was excluded from exercising the franchise in his own right, in parliamentary elections, but his ability to return MPs, through the weight of his property influence and his patronage network, made him someone whom governments of the day could ill-afford to ignore. In an era before organised political parties, when the power of the crown and the reach of the executive over the electorate was greater than we might recognise today, influential magnates like Newcastle were essential allies in building and sustaining a political following in the house of commons. Lewis Namier famously wrote about pre-Reform electoral politics largely in terms of the machinations of men like Newcastle and his successors. In Namier’s classic works, these men were devoid of, or not

seriously motivated by, ideas or principles, but wished to extend their personal influence, power and standing, usually at the expense of their fellow magnates.¹⁰

Since Namier's time, a great deal of research has been devoted to the pre-Reform electorate: historians have explored the operation of the electoral system in 'open' boroughs, emphasising the 'participatory' element, while, in relation to the electioneering of aristocratic magnates, there has been a strong challenge to the assumption that these 'borough-mongers' were motivated solely by personal self-interest and the desire to 'do down' their fellow peers. In 1965, John Golby argued that, 'As a peer of the realm', the fourth duke of Newcastle 'believed that he was one of God's "instruments" chosen to safeguard the constitution and uphold the principles of the Church and State'. This was at variance with the usual insinuation that electioneers were motivated by the desire for political office, preferment, patronage, or income.¹¹

The fourth duke of Newcastle inherited his estates and title in 1806. The preceding decade had seen a steady erosion in the family's electoral power. The deaths, in quick succession, of the second and third dukes, in 1794 and 1795, meant that the fourth duke inherited as a minor, and the estates were under the control of trustees, until he reached his legal majority at the age of 21. During this period, some element of 'borough-mongering' took place, in order to raise much-needed capital for the family's depleted finances, but the degree of personal involvement by Newcastle was probably minimal. The most famous example of such activity was the sale of one of the family's parliamentary seats at Boroughbridge, Yorkshire, to Sir Francis Burdett, in May 1796, for £4,000. Burdett's father-in-law, Thomas Coutts, was the Newcastle family banker, and in the straitened circumstances of a minority, the trustees of the fourth duke (John Gally Knight and George Mason) thought the transaction prudent in more than one respect. The terms of the agreement included a provision for returning Burdett

again, should the parliament not last six years, and for Burdett to pay expenses not exceeding £300, in the event of his re-election upon accepting office. Even so, it still proved necessary for Burdett to subscribe to the usual round of local patronage expected of the MP, including subscription to the local races.¹²

On attaining his majority in 1806, the fourth duke quickly sought to re-establish what he saw as his family's rightful place in the electoral affairs of Nottinghamshire. He moved to install blood relations within the constituencies where he exercised influence, both in Nottinghamshire and Yorkshire, and swiftly curtailed the ambitions of his stepfather, Sir Charles Gregan Craufurd. Craufurd had married the Duke's widowed mother in 1800 and proceeded to flex his muscles, telling Henry Dundas that:

In consequence of [my marriage] the management of all the duke's affairs and interests of course devolves upon me, jointly, during his minority. It would certainly be superfluous to enter into any detail with you upon the extent of the very great and preponderating parliamentary influence of the family...

Craufurd had been trying to build his own family interest, by proxy. Newcastle reasserted the influence of the legitimate family line, the Clintons, and their satellites, but over-reached himself when he challenged the third duke of Portland for a right to be consulted about the representation of Nottinghamshire, at the general election of 1806. Portland sent Newcastle away with a flea in his ear.¹³

For the first twenty years of his ducal life, Newcastle appeared to fit the standard definition of a powerful aristocratic magnate motivated by a policy of self-aggrandisement for his family and personal interests. Things might have been different, had the governments of the day not been defenders of the existing constitution in Church and State. On many occasions, Newcastle risked provocation in order to gratify his ambitions. In 1812, he observed:

I have a right to be consulted upon [the representation of the County], as the greatest freeholder in the county, and those who think clandestinely and surreptitiously to step in a representative without consulting me on the subject act unwisely for themselves and unjustly towards me.

When a candidate was recommended to Newcastle with the honest admission that he was ‘not qualified to shine in the Senate and I apprehend not in the least likely ever to open his lips in the house of commons’, Newcastle responded that the character given was ‘most engaging’ and supplied ‘the place of a mine of talent’.¹⁴ Given the need to conciliate constituents, whether they enjoyed the franchise or not, these attitudes exposed the Duke’s candidates to ridicule and opposition at election time.¹⁵

Matters began to change markedly from the mid-1820s. Newcastle became increasingly politicised, attending debates in the house of lords more frequently and turning his thoughts to how he could use his electoral influence in the Commons to shore up the defence of the status quo. The great issue of the day was the campaign for catholic emancipation. This was intimately connected with parliamentary reform because catholics had been excluded from election to the house of commons by the Test and Corporation Acts. In the face of a vigorous campaign for emancipation, Newcastle turned his political patronage towards ensuring that he not only had sound protestant defenders of the establishment in parliament but that they would defend that establishment to the hilt. When the duke of Wellington’s government introduced a Catholic Relief Bill, granting emancipation, in 1829, in an attempt to head off the threat of civil unrest in Ireland, Newcastle responded in kind. When his cousin, William Henry Clinton, the MP for Newark, decided to support the Bill, there was a painful parting of the ways. As Clinton observed:

From that moment his tone & manner changed. He was very civil but he was a different man from what I had ever seen him & plainly shewed that to differ with him in politics was a thing he could not endure.¹⁶

Lady Louisa Stuart told Clinton's daughter, Louisa, that she had 'apprehended mischief, the moment I found in what key his Chieftain was disposed to play'. Thus, Newcastle was more than prepared to disclaim blood-ties in the service of a political cause. This was the more significant because, as Lady Stuart observed, 'if the Duke of Newcastle had no son, your father would succeed him as Earl of Lincoln', as his nearest living male heir. Newcastle secured the services of Michael Thomas Sadler, a talented opponent of emancipation, as Clinton's successor. This raised a good deal of local hostility at Newark, partly because Sadler was a 'stranger' to the borough, but, perhaps as significantly, because he lacked any sort of family connection to the Duke.¹⁷

Catholic emancipation passed into law and Newcastle subsequently supported those who brought down the Wellington government in November 1830. The passage of emancipation encouraged demands for parliamentary reform, because some commentators argued that the country was much more hostile to the measure than those who had passed it through parliament. Newcastle shared these views, although he did not prescribe parliamentary reform as a solution for them. Nevertheless, he welcomed the appointment of Earl Grey as prime minister in November 1830 and was willing to give a cautious support to the new government. This situation was not to last for long.¹⁸

3

It is no surprise to find that Newcastle was in the vanguard of those who opposed the Whigs' Parliamentary Reform Bill, when it was introduced into the house of commons on 1 March 1831. Such was the sweeping nature of its proposals to disenfranchise rotten boroughs and

revise the terms upon which people qualified for the franchise that opponents quickly likened it to ‘Pride’s Purge’ – the moment, in December 1648, when troops of the New Model Army under the command of Colonel Thomas Pride forcibly removed all those from the Long Parliament who were not its supporters.¹⁹

Newcastle quickly assumed prominence in the fifteen-month conflict over the Reform Bill, not only as a leading opponent of the measure in the house of lords, but as someone who was frequently cited in the arguments of reformers themselves. Given that the Duke was one of about 200 peers exercising influence in the house of commons, at this time, what explains this prominence?²⁰

In the first place, Newcastle quickly came to personify all the manifold abuses of the unreformed electoral system. Parliamentary sketch-writers, such as James Grant, noted that the usual reaction to Newcastle’s short, vituperative speeches in the house of lords was the observation ‘What a passion he is in!’ The duke was a proud, shy, man, in private, whose personal life had been blighted by the death of his wife in childbirth in 1822. However, his public face was as an uncompromising martinet, utterly unyielding and uncompromising in his political views. It is hardly surprising that reformers fastened upon him as the arch-representative of an exclusive system of privilege which they were trying to dismantle.²¹

Secondly, Newcastle’s portfolio of constituencies covered the whole spectrum of borough types amongst the unreformed electorate, typifying the vagaries by which individuals qualified for the vote in different areas of the country. By 1832, the Duke theoretically enjoyed influence in five parliamentary constituencies – the Nottinghamshire boroughs of East Retford and Newark, the county seats for Nottinghamshire, and the Yorkshire boroughs of Aldborough and Boroughbridge. Though Newcastle remained a substantial property owner in Nottingham, the expanding influence of the town’s corporation had seen-off any

interference by the Duke, and other local magnates, long ago; a fact which explains the difficult relationship which existed between Newcastle and the Nottingham authorities, throughout his lifetime.²²

The highest degree of ducal dominance was exercised in Aldborough and Boroughbridge, which returned four MPs between them. At Aldborough, the electoral qualification resided in those who paid scot and lot. 80 people were qualified to vote in 1831 out of a population of nearly 600. In Boroughbridge, by contrast, 65 individuals out of a population approaching 1000 qualified as 'occupiers of burgage properties who had been admitted at the court of the lord of the manor of Aldborough'. The lord of the manor was the duke of Newcastle. In this capacity, he appointed the bailiffs who acted as returning officers at elections in the boroughs, and these were usually his tenants. After 1818, this level of control was challenged by a local, resident family, the Lawsons, who contested the right of nomination at every opportunity. It was local influence, rather than alternative politics, which motivated these battles, for the Lawsons were, like Newcastle, essentially Tories.²³

At East Retford, the Duke came up against a different sort of challenge. Here, the franchise was vested in the freemen of the borough, who could qualify by birth, apprenticeship and redemption, so long as they were resident at the time of their admission. Outright bribery and payment for votes was endemic amongst the electorate. Though Newcastle attempted to assert the family's traditional right of nomination in one of Retford's two seats, at the general election of 1812, he did not press the point, having been faced with the insatiable demands of a small electorate well used to extracting a high price for their services. As Newcastle pithily remarked to a correspondent, at the time, 'I would not pay and they would not vote'.²⁴

In Nottinghamshire, Newcastle pressed his claims to be treated with respect, from an early date, not only as a major property owner in the county, but, after the death of the third duke

of Portland in 1809, as its Lord Lieutenant (1809-39). Newcastle finally achieved success in 1814, when his preferred candidate, Admiral Frank Sotheron of Kirklington, became one of the county's two MPs. Sotheron was still representing the county at the time of the Reform Bill debates in 1831.²⁵

Newark was the seat which has perhaps attracted most attention from historians but, even here, describing it as a pocket borough does an injustice to its political complexion. The franchise rested in those who paid scot and lot, but, as so many of these individuals were in a dependent relationship with the major property ownerships in the borough – Newcastle first amongst them – a prudent electoral compromise, 'the United Interest', was thought essential to keep electoral harmony between them, at least until it broke down, amidst mutual recrimination, in 1830. Newcastle's tenants were pacified, between elections, with an annual Christmas gift of coal.²⁶

During the 1820s, a vigorous campaign for 'Independence' grew in Newark, finding its ablest champion in Serjeant Thomas Wilde, a lawyer with a growing reputation and a winning style of oratory. Having unsuccessfully fought Sadler, in the by-election provoked by W.H. Clinton's resignation in 1829, Wilde continued to fight Newark, at successive elections, with the Duke's interest firmly in his sights. Louisa Stuart, still smarting from Clinton's abrupt removal, had to 'check' herself 'from wishing Sergeant Wilde success', during the 1830 contest, 'for fear he should be *fool enough* to feel hurt at it, otherwise, if ever [a] man deserved being fairly ousted, it is his Grace (of Newcastle)'.²⁷

It was not just that Newcastle's parliamentary influence seemed to typify the irrationality of the existing electoral system, but managing that influence gave rise to the abuses which reformers were at pains to condemn. Newcastle was encouraged to throw his influence

behind one of the candidates at East Retford in the 1826 general election, but the contest descended into wholesale violence. As Lord Fitzwilliam's local agent, John Parker, observed:

The Riot Act has been twice read already and the civil power is quite set at defiance... Some men have been nearly killed, not by freemen but by a hired mob of the scum of the neighbourhood...The principals in these riots are the most abandoned characters about Retford...encouraged privately by party zeal...²⁸

After a parliamentary enquiry, the franchise at Retford was altered in 1830, by enlarging the boundaries of the constituency through incorporating it with the neighbouring hundred of Bassetlaw. Critics complained that this actually served to increase Newcastle's influence, given the extent of his property interests there.²⁹

More direct and serious were Newcastle's acts of retribution against those who defied his wishes at Newark. Trouble had begun in 1826, when a 'third man' contested the constituency as an 'Independent'. Newcastle told his agent, W.E. Tallents, that 'On full consideration I am sure that the straightforward course will be best and that no song no supper, or no votes no houses, shall be the distinguishing rule'. Three years later, some three dozen tenants were evicted from tenancies under the Duke's control for having failed to support Sadler. This action assured maximum national publicity against Newcastle, because some of the tenants were evicted from land which the Duke leased from the crown. It initiated a long-running battle with the forces of 'Independence' in the borough, and led Newcastle into an infamous public defence of his rights of nomination:

Is it presumed, then, that I am not to do what I will with my own, or that I am to surrender my property and the inherent rights belonging to it into the hands of those who desire to deprive me of it? This is the simple question - to which I answer, that whilst the laws of England exist

and are respected, I shall permit neither clamour nor threats nor even force itself to deter me from doing as I may think fit with my property...

Gladstone later reflected that Newcastle's 'own kindly nature would recoil much more strongly' from these views 'than those of many who revile him'. However, at the time, Louisa Stuart correctly foresaw that they would produce no good outcome, telling Louisa Clinton, 'the Duke is in for it, and will as surely lose the borough as I sit here. I am sorry, because I know it will vex your father'.³⁰

4

In some respects, Newcastle had good reason to fear the effects of the Reform Bill, for, under its terms, he was to lose the right of representation at Aldborough and Boroughbridge completely. He regarded this as an uncompensated loss to his property worth £200,000. By contrast, in 1833, the Whig government compensated the owners of former slaves, to the sum of £20 million, in the legislation which abolished slavery in the British empire. Likewise, in 1785, William Pitt the Younger's unsuccessful Reform Bill included the purchase of 36 small boroughs, with the electors' consent, and compensation of £1m for borough 'owners', in consideration of their loss of influence. However, as Julian Hoppit has argued, insofar as compensation for compulsory dispossession is concerned, the definition of property was 'not a fixed unchanging given', in this period, but 'the outcome of debate and disagreement, fed by different ideals and assumptions in which the outcome was not at all predictable'. Whilst the possessors of Irish boroughs were compensated under the Act of Union with Great Britain in 1801, 'those in Britain were not at reform in 1832'. Nor does anyone seem to have made a serious case for such compensation.³¹

In other respects, however, Newcastle had less cause for concern. Not only was the redistribution of seats proposed by the Bill strongly directed towards the counties, which

were traditionally seen as the most prestigious constituencies and the ones most susceptible to landed influence, but, even in Newark, there was cause for optimism. Though the voting rights of the scot and lot electors would only be retained for their lifetime, eventually reducing the electorate of Newark from approximately 1,600 to 600, William Tallents calculated that it would still leave the Duke's interest with a majority of about 140 over their opponents.³²

However, for Newcastle, the fact remained that the Reform Bill was a 'revolutionary' measure, which he must exert every nerve to oppose, by every means in his power. As he memorably put it, on one occasion:

[The Reform Bill] is the arrantest counterfeit, the most barefaced cheat, the most tangled mass of incongruities, impracticabilities, injustice, and nonsense that ever emanated from the brains of rational men, or ever was ushered in under the auspices of a talented Cabinet.³³

How was Newcastle to resist the measure? Three options were open to him: to influence the house of commons, to influence the house of lords, and to influence the King, William IV. Each of these options corresponded with the different stages through which the Bill would have to pass before becoming law, and each of them corresponded with the different parts of the British political system necessary to enact legislation. Each of them raised different forms of resistance from Newcastle.

Between the introduction of the Reform Bill into the house of commons in March 1831 and its' defeat there, six weeks later, Newcastle deployed his parliamentary nominees against it. Though he had known that some reform was coming, he had been 'hopeful that some practical and unobjectionable meliorations only were thought of'. When the Bill was defeated in the Commons, by one vote, in April 1831, the government dissolved parliament and called a general election. The battle thus moved to the constituencies, where Newcastle tried to

secure a solid phalanx of anti-reform MPs. He was particularly keen to have Nottinghamshire send opponents of the Bill back to the Commons.³⁴

Newcastle was to be disappointed. Admiral Sotheron, the long-serving county member, retired from parliament, whilst Sadler decided to move from Newark to Aldborough. Sadler's successor, Sir Roger Gresley, had been accused of electoral bribery in an earlier stage of his parliamentary career, and, after a long and bruising contest, the Newcastle interest was convincingly beaten into third place by Thomas Wilde. The duke was no more successful in the county seats, where moderate opinion swung decisively behind reform. As Newcastle bitterly concluded, when the final results came in, 'It is melancholy to think that of the 8 members returned from this County all are reformers'. Later, he publicly condemned the government for the frequency with which it had deployed the King's name to gain electoral support: 'You have complained of the interference of Peers in elections [he observed] if this be an evil, how much greater must that be'.³⁵

The government, having ensured a majority for its measure amongst MPs, introduced a revised Reform Bill, which passed through the house of commons and was sent up to the house of lords in the autumn of 1831. In the early hours of Saturday 8 October, it was defeated, by a majority of 41 votes. Newcastle featured prominently amongst their number. As is well-known, the Bill's defeat provoked a number of reactions, including the Reform Bill riots in Bristol, Derby and Nottingham. Newcastle's unoccupied mansion-house, Nottingham Castle, was set on fire, and military preparations were instituted for the defence of his family home at Clumber.³⁶

The violent confrontation between authority and popular pressure, as manifested in the riots, only served to reinforce Newcastle's prejudices against the Bill. To the Duke, the government had wantonly and unreasonably encouraged those whom he described as 'revolutionary

harpies'. The results were obvious: 'We see [political] unions, associations, and other unlawful assemblies usurping the power of the Executive; mob law substituted for the law of the land'.³⁷

Attention now turned to the constitutional deadlock between the two houses of parliament. With a favourable commons and an unfavourable lords, attention focused on the attitude of the King. Historically, the precedent for breaking a constitutional impasse between the two houses was for the monarch to use his or her prerogative powers and create new peers, in order to bolster the government's support in the upper chamber. This was a tactic which Newcastle thought to be particularly objectionable. He now turned all his efforts towards preventing its realisation.³⁸

In the spring of 1832, Newcastle issued his 153-page *Address to all Classes and Conditions of Englishmen*. This reviewed the events of the preceding year in detail but was principally concerned with two objectives: detailing the Duke's objections to the Reform Bill and attempting to stop William IV from carrying through the threat of peerage creation.³⁹

In respect of the Reform Bill, which was once more in the process of passing through the house of commons on its way to the Lords, Newcastle remained unrepentant:

The Bill remedies none of the evils which it professes to cure.

Does it make the constituency more pure? No...

Does it destroy the influence of the Peers? No...

Does it equalize the representation? No...

Though Newcastle was opposed to what he called 'the theoretical notion that it is the birth-right of every man to possess a vote', he saw real danger in promising people a sham reform on a false prospectus. Not only was the 'patronage of boroughs still...extensively retained',

but ‘the same arbitrary power which disfranchises a borough for no delinquency, and violates the house of lords because it is honest, will deprive you, when it pleases, of your valued rights, laws and liberties!’.⁴⁰

Newcastle then moved to his second objective, offering his readers a lesson on the English political system and, by extension, defending the constitutional position of the house of lords. Having expressed his hopes that ‘William IV will never betray his duty, nor outrage the lawful independence of any class of his subjects’, he reminded the King, rather pointedly, that James II had been removed from the throne, at the time of the Glorious Revolution, for ‘having endeavoured to *subvert the Constitution*’ [original emphasis]. The matter of peerage creation was particularly objectionable to Newcastle, because it interfered with the delicate, mixed system of government which had operated in this country since that time:

If the Constitution of England acknowledges the house of lords as an essential constituent part of parliament...and that the purpose for which parliament is created is to consult and deliberate freely and without control, how could it be endured that all deliberation should be rendered nugatory by a previously *created* majority?

The monarch should play no role in the legislative process until a bill had passed through both houses of parliament and he was asked to give it his consent, or else refuse it. ‘The King acts unconstitutionally, if he seeks unlawfully, through his Ministers or others, to control a debate’, Newcastle argued. If he does more, ‘he does what he does not possess the right to do, and he acts unconstitutionally’.⁴¹ The issue at hand, parliamentary reform, had become part of a wider debate about the relative weight and influence of different parts of the British political system - notably the house of lords - and the legitimacy which they claimed for affecting the legislative process.⁴²

In spite of Newcastle's best efforts, the Reform Bill did pass through the house of lords, without the mass creation of peers, because the Conservative front-bench, led by the duke of Wellington, recognised that William IV had committed himself to create the necessary peers to pass the legislation and wished to protect the house of lords, and the monarchy, from further embarrassment. In the later stages of the Bill's passage through the house of lords, Newcastle specifically raised the issue of peerage creation, referencing a letter published in the *Morning Chronicle*, 'which purported to be...from his Majesty, pledging himself to the Minister to create as many peers as might be necessary to carry the Reform Bill'. Grey denied the letter's authenticity, but when Newcastle enquired of the lord chancellor whether the government would institute criminal proceedings against the *Morning Chronicle* for publishing it, Lord Brougham 'begged leave to remind the noble Duke, that he was not the public prosecutor'. Newcastle followed up this intervention with a proposal for a motion 'that would test the opinion of the House as to the prerogative of creating peers'. However, finding little appetite for this, or for a motion on the state of the nation, Newcastle abandoned the effort on 1 June. Three days later, he was one of only 22 peers who voted against the 3rd reading of the Bill and, three days after that, when William IV gave it the royal assent, Newcastle pointedly refused to illuminate the windows of his London home.⁴³

5

The Reform Bill had passed but revolution did not come. Newcastle's parliamentary influence in the house of commons continued, not least in Newark, where the young William Ewart Gladstone was returned as a Conservative MP, alongside Thomas Wilde, in December 1832. Perhaps as significantly, Newcastle's son and heir, Lord Lincoln, was encouraged to stand for the newly created southern division of Nottinghamshire. There was less success elsewhere. In spite of its incorporation with the hundred of Bassetlaw, East Retford failed to

return one of Newcastle's younger sons to parliament, in the general election of 1835. Nevertheless, on balance, it would be easy to conclude that Newcastle continued to operate as if the Reform Act had never been passed.⁴⁴

Though the Duke was clearly trying to continue the sort of family interest which he had nurtured before the Reform Act, his actions continued to demonstrate quite clearly that, whilst blood might be thicker than water, it was not stronger than his own unyielding political ideals. In 1846, when Sir Robert Peel's government decided to repeal the corn laws, Newcastle succeeded in removing both Gladstone and Lincoln from their seats. In the case of Lincoln, he went so far as to issue a public address, urging the voters of South Nottinghamshire to reject his son. This was not just a simple case of compliant voters following the Duke's bidding. In an agricultural constituency, the practical impact of repeal as an issue provided as strong a motivation as any electoral influence at Newcastle's command.⁴⁵

Today, the idea that anyone should influence parliamentary elections, or interfere with our democratic choice, strikes us as a violation of our basic civil rights. But, as it is sometimes observed, the British system of parliamentary representation is a work in progress and any advances made are hard-fought and vulnerable to assault. The role of the peerage in modern politics remains a contentious issue, although the monarch's right to create peers has largely been supplanted by the ability of political parties and the prime minister to swell the ranks of the house of lords with their own nominees. It would, perhaps, be hard to think of any resonance between the events of the 1830s and those of today.⁴⁶

However, in 2013, the well-respected Labour peer, Lord Dubs, introduced a private members bill into the house of lords which, had it been successful, would have provided members of the Lords with the right to vote at parliamentary elections. Of 189 countries in the Inter-

parliamentary Union, the United Kingdom is the only country where members of the second chamber are disqualified, by virtue of that membership, from voting in elections to the lower chamber. As Lord Dubs observed:

I think we are the only Members of a second chamber in any democratic country in the world who do not have the right to vote in general elections. It seems to me that there is a point of principle here. Many of us campaign in elections. I have window bills up in my house, and yet I am not allowed to vote for reasons that have disappeared in the mists of history and which make no logical sense today...the point of voting is to choose or influence the Government of this country. That is the right that we do not have as Members of this legislature, unless we are given the right to vote.

It has been the resolution of the house of commons since 1699 that peers could not vote in parliamentary elections and, where this has been challenged, the veto has been reinforced in case law.⁴⁷

Not even the fourth duke of Newcastle argued that, as a peer of the realm, he should exercise an individual right to vote in elections. Rather, he saw his rights as being safeguarded through his ability to influence the choice of MPs in constituencies where he enjoyed a ‘natural influence’ resulting from his status and property ownership. It was this, in essence, which motivated his opposition to the Reform Bill. As a substantial property owner with (what he regarded as) ‘legitimate influence’, he was defending himself from being disenfranchised.⁴⁸ As a senior member of the nobility, he was defending himself from what he regarded as the degradation of the peerage, through the government’s threatened new creations. It was Newcastle’s continuing sense of the threat to the nobility as a body and the house of lords as an institution which helps to explain his political interventions after the Reform Act had passed.⁴⁹

In the context of 21st century Britain, Lord Dubs' sentiments might be dismissed as easily as those of the duke of Newcastle were dismissed in the context of the early-19th century. But they might also give us pause for thought. Not for the first time in our history, a matter of parliamentary and electoral reform has raised fundamental issues about the nature of the representative system under which we operate and the purposes to which it is turned. Given our current political preoccupations, it is unlikely to be the last.

* This essay was originally delivered as a lecture at the exhibition 'A Selection of Elections', held at the Weston Gallery, University of Nottingham, during autumn 2018. I am grateful to all those who commented on the paper then and subsequently.

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⁴ Robert J. Robson, *The Oxfordshire Election of 1754: A Study in the Interplay of City, County and University Politics* (Oxford, 1949).

⁵ Walter C. Sellar and Robert J. Yeatman, *1066 and All That* (1990), 97-8.

⁶ See Catherine Hall, Keith McClelland and Jane Rendall (eds), *Defining the Victorian Nation, Class, Race, Gender and the British Reform Act of 1867* (Cambridge, 2000).

⁷ Philip Salmon, 'The English reform legislation, 1831-32', in *The History of Parliament: The House of Commons, 1820-1832*, ed. David R. Fisher (7 vols, Cambridge, 2009) [hereafter cited as *HPC 1820-32*], i, 374-412.

⁸ Malcolm Chase, *Chartism: A New History* (Manchester, 2007).

⁹ *Unrepentant Tory. Political Selections from the Diaries of the Fourth Duke of Newcastle-under-Lyne, 1827-38*, ed. Richard A. Gaunt, Parliamentary History Record Series, 3 (Woodbridge, 2006); *'The Last of the Tories'. Political Selections from the Diaries of the Fourth Duke of Newcastle-under-Lyne, 1839-50*, ed. Richard A. Gaunt, Parliamentary History Texts and Studies (forthcoming).

¹⁰ For Namier and his critics, see David W. Hayton, *Conservative Revolutionary: The Lives of Lewis Namier* (Manchester, 2019).

¹¹ Frank O'Gorman, *Voters, Patrons and Parties: The Unreformed Electoral System of Hanoverian England, 1734-1832* (Oxford, 1989); John A. Phillips, *The Great Reform Bill in the Boroughs: English Electoral Behaviour 1818-1841* (Oxford, 1992); John Golby, 'A Great Electioneer and His Motives: The Fourth Duke of Newcastle', *HJ*, 8 (1965), 204.

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¹³ National Library of Scotland, MS 15, 77/81-3, Charles Gregan Craufurd to Henry Dundas, 5 Mar. 1800; UNMASC, Pw H 334, Portland to Titchfield, 15 Jul. 1806, reprinted in Peter Jupp, *British and Irish Elections, 1784-1831* (Newton Abbot, 1973), 23.

¹⁴ Nottinghamshire Archives [hereafter cited as NA], C/QACP/5/2/56, Newcastle to Edward Smith Godfrey, 3 Oct. 1812; John Rylands University Library Manchester [hereafter cited as JRULM], Clinton Papers (uncatalogued), Newcastle to W.H. Clinton, 20 May 1817; Newcastle to W.H. Clinton, 5, 12 Feb. 1820; W.H. Clinton to Newcastle, 9 Feb. 1820.

¹⁵ Marmaduke Lawson, *Substance of a Speech Delivered at the Boroughbridge Election, Previous to the Poll; on Saturday, June the 20th, 1818* (2nd edition, 1818); Jon Lawrence,

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¹⁷ *Letters of Lady Louisa Stuart to Miss Louisa Clinton*, second series, ed. James A. Home (Edinburgh, 1903), 145-6; *Letters of Lady Louisa Stuart to Miss Louisa Clinton*, ed. James A. Home (Edinburgh, 1901), 226; Richard A. Gaunt, 'On the Campaign Trail, Georgian style: The Newark By-Election of 1829', *The Nottinghamshire Historian*, No. 84 (2010), 10-13.

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²⁰ James J. Sack, 'The House of Lords and parliamentary patronage in Great Britain, 1802-1832' reprinted in Clyve Jones and David Lewis Jones (eds), *Peers, Politics and Power: The House of Lords, 1603-1911* (1986), 369.

²¹ James Grant, *Random Recollections of the House of Lords: From the Year 1830 to 1836, Including Personal Sketches of the Leading Members* (London, 1836), 96.

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²⁵ *The History of Parliament: The House of Commons, 1790-1820*, ed. Roland G. Thorne (5 vols, 1986), iii, 828-9.

²⁶ For the origins of ‘the United Interest’, see UNMASC, MS 71/3, Dowager Duchess of Newcastle to J.C. Brough, 26 Mar. 1803; for its dissolution, *Unhappy Reactionary: The Diaries of the Fourth Duke of Newcastle-under-Lyne 1822-50*, ed. Richard A. Gaunt, Thoroton Society Record Series (Nottingham, 2003), 73-4.

²⁷ Home, *Stuart to Clinton*, second series, 221.

²⁸ *HPC 1820-32*, ii, 803.

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³¹ Julian Hoppit, ‘Compulsion, Compensation and Property Rights in Britain, 1688-1833’, *Past and Present*, 210 (2011), 123; John Cannon, *Parliamentary Reform, 1640-1832* (Cambridge, 1973), 81, 92, 102, 131, 160, 209-10.

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³³ The Duke of Newcastle, *An Address to all Classes and Conditions of Englishmen* (1832), 119.

³⁴ Newcastle, *Address*, 109.

³⁵ Gaunt, *Unhappy Reactionary*, 77-82; Newcastle, *Address*, 113.

³⁶ John Beckett, 'The Nottingham Reform Bill Riots of 1831', Clyve Jones, Philip Salmon and Richard W. Davis, (eds), *Partisan politics, principle and reform in parliament and the constituencies, 1689-1880: Essays in memory of John A. Phillips* (Edinburgh, 2005), 114-38.

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³⁹ Gaunt, *Unrepentant Tory*, 178, 181. The *Address* was noticed in *The Times*, 20 Mar., 31 Oct. 1832, *Fraser's Magazine for Town and Country*, V (1832), 351-60, and *The Quarterly Review*, 47 (1832), 587-9.

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⁴¹ Newcastle, *Address*, 132-6.

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⁴³ Gaunt, *Unrepentant Tory*, 192-7; Hansard, Lords Debates, 3rd ser., xii, cols. 1096-8.

⁴⁴ Richard A. Gaunt, 'A Stern Unbending Tory and the Rising Young Hope: Gladstone, Newark and the Fourth Duke of Newcastle, 1832-46', Peter Francis, (ed.), *The Gladstone Umbrella* (Hawarden, 2001), 14-35.

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⁴⁶ The persistent refrain may be summed up in the title of a recent survey: Peter Dorey and Alexandra Kelso, *House of Lords Reform since 1911. Must the Lords Go?* (2011).

⁴⁷ House of Lords Library and Matthew Purvis, *Extension of Franchise (House of Lords) Bill [HL] (HL Bill 6 of 2013-14)*, (House of Lords Library Note, LLN 2013/016), 1-2, 4, available at: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/LLN-2013-016#fullreport> [accessed: 3 September 2019].

⁴⁸ On influence, see Alan Heesom, ““Legitimate” versus “Illegitimate” Influences: Aristocratic Electioneering in Mid-Victorian Britain’, *Parliamentary History*, 7 (1988), 282-305. Gladstone thought seriously about this issue during his canvass of Newark in 1832: *Prime Ministers’ Papers*, ii, 12-15.

⁴⁹ See, for example, Gaunt, *Unrepentant Tory*, 219-20. This theme is developed in Gaunt, ‘*The Last of the Tories*’.