

EARL RUSSELL

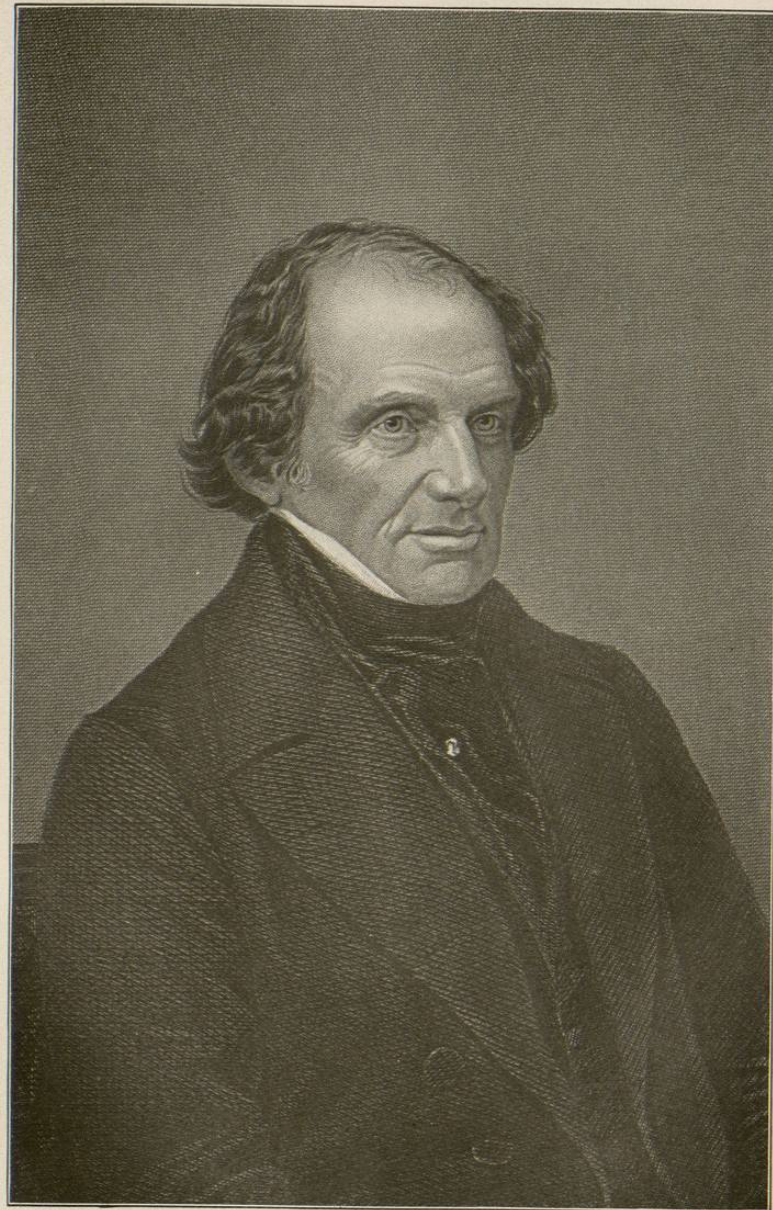
LORD JOHN RUSSELL, first EARL RUSSELL, English liberal statesman, orator, and author, third son of the sixth Duke of Bedford, and noted as the great advocate of parliamentary reform and Catholic Emancipation, was born at London, Aug. 18, 1792, and died at Richmond Park, Surrey, May 28, 1878. Educated at Westminster School and at Edinburgh University, he entered Parliament when only twenty-one, as member for Tavistock, and began a public career, with its adversities as well as its triumphs, which extended for more than half a century. Being in delicate health, and the Whigs at this period being in the minority in the Commons, he at first did not meet with the success and prestige as a statesman he afterward attained, though he was not long to prove his powers as a parliamentary debater. He, moreover, somewhat dissipated his energies by undertaking literary work, such as his "Life of William, Lord Russell," and his "Essay on the History of the English Government and Constitution," which appeared at this period. Reforms, both political and religious, were however imminent, and into these he threw himself, with notable results, for he was one of the chief framers of the first Reform Bill, led the movement which resulted in the abolition of the Test and Corporation Acts and the repeal of the Corn Laws, and took part in bringing about Catholic Emancipation. In Melbourne's administration he became home secretary and leader in the Commons, and on Peel's resignation he was entrusted with the task of forming an administration, which lasted from 1846 to 1852. In Aberdeen's Cabinet he became foreign secretary and president of the council, and in 1855 was English representative at the conference at Vienna. Defeating Palmerston in 1857, he led the attack on the Tory Reform Bill of 1859, but being reconciled soon to the rival Whig leader, he became foreign secretary under Palmerston, and in 1861 accepted an earldom and entered the House of Lords. At Palmerston's death (1865) Russell again became for a short time premier, but suffering defeat he retired from public life. Among his writings, besides those already mentioned, are the Memoirs of Thomas Moore and of Charles James Fox, a treatise on "The Rise and Progress of Religion in Europe," and a volume of "Recollections and Suggestions." As a speaker he was forceful and convincing, and as a statesman he has left an enduring mark upon the legislation of his country.

ON THE BALLOT

DELIVERED IN THE HOUSE OF LORDS, JULY 8, 1872

I THINK I may venture to address your lordships on the present occasion, as my attention has been directed to the subject of the ballot for more than forty years. When, in 1831, the ministry of the late Earl Grey was formed on the principle of introducing the question of parliamentary

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reform as a ministerial question, I was one of a committee of the ministers to whom was committed the charge of drawing up the scheme of the first reform bill. The proposals of that committee contained a recommendation of the ballot.

When Earl Grey spoke to me of the scheme he said that while the cabinet cordially approved of the measure as a whole, there was one part of it to which they could by no means assent—namely, the ballot. He asked me whether I attached much importance to the point, and whether I was willing to give it up. My answer was that in fact I had used every argument to induce the committee not to insert the ballot in their proposals. The suggestion of the ballot was consequently omitted from the reform bill which I introduced into the House of Commons, and it never appeared in any of the subsequent bills. Since that time I have watched all the discussions that have been raised upon the ballot question, and have taken part in some, and have seen no ground for changing the opinions I entertained forty years ago.

The late Sir Robert Peel was as much opposed to the ballot as Earl Grey. Many noble lords will remember the speech of wonderful argumentative force and eloquence which he delivered against Mr. Grote's motion in 1838. The result of the debate on that occasion was that the motion of Mr. Grote was rejected by a majority of 117. The present prime minister [Mr. Gladstone] has eight or nine times voted against the ballot in the House of Commons.

It was therefore with no little surprise that I heard the year before last that Mr. Gladstone had suddenly announced that he had become a convert to it. The reason given for this sudden conversion was twofold—first, that secret voting had been adopted all over the world; and, secondly, that now every adult person in England had the right of voting.

These two reasons are no doubt plausible; but the allegations on which they rest are totally inadequate. With regard to the first, it is far from being true that the ballot has been introduced all over the world. It has not been adopted even in all our own colonies. The good sense of the people of the Dominion has refused to accept its introduction in Canada, and if I do not mistake, the use of secret voting has not been practically adopted in our great colony of Victoria. Secret ballot does not really exist in half of the States of the American Union. In the New England State of Massachusetts a law was passed by which a voter might go to a public office and ask for an envelope in which he might enclose his vote, and thus, if he chose, keep the way in which he voted a secret. That was, if anything, an "optional ballot"—the secrecy was in the absolute power of the voter himself.

At the end of three or four years some curious people wished to know how many of those envelopes had been taken, and whether any great number of the electors had chosen to vote secretly. It was found that very few, if any, of the electors had taken those envelopes or chosen to vote secretly. The law was therefore repealed, and everyone voted openly. No doubt, open voting gives opportunity for intimidation; but, in my opinion, the system embodied in the present measure will increase personation, will increase bribery, will increase fraud and falsehood of every kind—indeed, in whatever light secret voting is viewed, it seems a bad system; it is nothing but an increased power of corruption in every direction.

It will encourage falsehood, for it is quite possible under the ballot that a voter may be intimidated by his landlord into promising his vote; but having the power to vote will secretly vote against his promise. He would then go to his

landlord and say, "I voted as you asked me; I quite agree in your opinions, and have voted with you." It was some such argument as this that Mr. Grote put forward in proof of the value of the ballot in checking the influence of the landlord and employer, and he maintained that the tenant would be perfectly justified in acting in this way.

It seems, however, to me that though the intimidation may fail as to the actual vote, the ballot will introduce a new form of fraud and distrust which will not be much preferable to the old-fashioned intimidation. The Englishman's privilege of public voting should be as sacredly respected; he should have the same right of voting openly as he has by the existing law; and at least there is no reason why the electors of Old England should be deprived of a privilege of open voting which is enjoyed by the voters of New England.

It seems to me a great argument in support of open voting that a man who is desirous of promoting some great public question; of something that would improve the condition of his fellow creatures—is more likely than any other man to give his vote publicly, and will be proud of proclaiming his support of a candidate who holds large and liberal views.

When Sir Samuel Romilly was engaged in his endeavors to mitigate the severity of our criminal code, and was a candidate for Westminster, an elector, sympathizing with his efforts, was proud to say, "I vote for Samuel Romilly!" Why should not a voter be allowed to proclaim his sympathy with a man whose life is devoted to mitigating the sufferings of his fellow men? Or again, when Wilberforce stood before the great constituency of Yorkshire, the champion of the abolition of slavery throughout the world—a great and noble aspiration—surely the electors should not be prohibited from

proclaiming openly, in the face of all men, "I vote for Mr. Wilberforce and the emancipation of the human race!"

This bill will make the revelation of his vote an offence and a crime on the part of the official persons who are in the polling booth at the time. It is provided by this bill that the voter, having secretly marked his vote on the ballot paper and folded it up so as to conceal his vote, shall place it in a closed box. There is, indeed, no penalty imposed on the voter for telling his vote, but every officer, clerk, and agent in attendance at a polling station who shall communicate at any time to any person any information obtained in a polling station, as to the candidate for whom any voter in such station is about to vote, or has voted, will be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labor.

I feel ashamed that such a proposition should have come up from the other House. Surely it is a degradation to which the country will never submit. As to the allegation that every adult man in England has the right of voting, it is allowed by Mr. Gladstone himself not to be an accurate statement, and he rebukes Mr. Disraeli for supposing that every man who marries has the right of voting. I must, in addition, point out that our whole progress for the last century and a half has been in favor of publicity. There was a time when the proceedings of Parliament were published under the disguise of "Debates in the Senate of Lilliput," and notes of the speeches were prefixed by fictitious names.

I remember, in my own time, seeing the sergent-at-arms bring before the House a man whom he found making notes in the gallery. Since that time we have gone on introducing

more and more publicity in the transaction of public affairs. The debates in Parliament are reported day by day, under the real names of the speakers, and are openly discussed the next morning in the journals throughout the kingdom. The proceedings of the courts of law are public, and the man who is called upon to give evidence in a court of law is not allowed the shelter of secrecy even where—as is too often the case in Ireland—his giving evidence may be attended with risk to his life. No exemptions are made, all questions affecting life and property are decided in public. Yet it is now proposed that if a man comes to the polling booth, and says, "I wish to vote for Lord Enfield," so essential is secrecy in the performance of public duty that the open declaration of a man's wish and opinion by an officer in the polling booth is declared to be a disgrace and a crime.

We declare that publicity must be the rule of our law courts whatever the consequences. In one of our courts, presided over by a member of this House, cases arise of which the publicity is injurious to morality and offensive to decency, nevertheless no exception is made. Proposals have been made that in the divorce court proceedings may be taken in secrecy if the judge shall think fit; but no—the noble and learned lord who presides over that court approves of publicity; and by means of this publicity all persons may read the details of these trials in the public journals.

At whatever cost, the law must be administered in public; but when you come to the election of the lawgivers—secrecy is so essential in the performance of this form of public duty—the vote must be so entirely in the bosom of the voter that it is impossible that publicity can be allowed—the vote must be given in secret. The man who is in office in the booth and hears a person say, "I vote for Lord Enfield," or, "I vote

for Lord George Hamilton," is liable to six months' imprisonment.

This is simply monstrous. The people of England have for hundreds of years been free to go to the poll and say, "I vote for such and such a man because I look upon him as the most fit." But this is no longer to be allowed—secrecy, not freedom of voting, is henceforth to be the rule.

I will not go into the question of the ulterior results of secret voting, but I do not believe it will long stand alone. Probably it will lead in no very long time to universal suffrage. I cannot forbear from noting the language of the administration of Earl Grey in reference to the great plans for parliamentary reform which they had laid before Parliament. In 1831 there appeared the following passage in the speech from the throne:

"I have availed myself of the earliest opportunity of resorting to your advice and assistance after the dissolution of the late Parliament. Having had recourse to that measure for the purpose of ascertaining the sense of my people on the expediency of a reform in the representation, I have now to recommend that important question to your earliest and most attentive consideration, confident that in any measures which you may prepare for its adjustment you will carefully adhere to the acknowledged principles of the constitution, by which the prerogative of the crown, the authority of both Houses of Parliament, and the rights and liberties of the people are equally secured."

That was firm and clear language. No such language is heard in these days. On the contrary, when a question arises affecting the hereditary rights of your lordships, the prime minister says, "I will think once, twice, or thrice before touching such a question." That, however, was not the course adopted by the people of England upon a recent oc-

casion. When the people of England found that the life of the heir to the throne was in peril, they did not think thrice, or twice, or even once; but by one unanimous voice, as if impelled by instinct, in supplication for the heir to the throne, they put up prayers to heaven for his recovery. It is not by measures of this kind, but by feelings such as those which animated the whole people during that crisis—and which, I trust, will ever be the sentiments of the people of England—that the constitution can be preserved, and the rights and liberties of the people secured.