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MINORITIES AND MAJORITIES;  
THEIR RELATIVE RIGHTS.

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A LETTER

TO

THE LORD JOHN RUSSELL, M.P.

ON

PARLIAMENTARY REFORM:

BY

JAMES GARTH MARSHALL.

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“Whosoever could devise a means of preventing Minorities from being as they now are swamped, and enabling them to obtain a share of the representation, proportionate to their numbers, and not more than proportionate, would render a great service.”—J. S. MILL.

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#### A D V E R T I S E M E N T.

THE following argument in favour of a change in the mode of voting for Members of Parliament was prepared and circulated in manuscript in the spring of the present year 1853. I rejoice to perceive that the principles I then recommended have subsequently been adopted by a very able writer in the October Number of the 'Edinburgh Review.'



# A LETTER,

ETC. ETC.

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MY LORD,

The decisive pledges given, first by yourself, and afterwards repeated by the Government of which you now form a part, of an intention to initiate without delay, a new measure of Parliamentary Reform, lead me to hope that you may not be unwilling to receive and consider any practical suggestions bearing on that important subject, which an earnest Reformer like myself may have to offer.

I wish chiefly to direct your attention to what appears to me to be an important defect in the mechanism of our Representative system as it now exists, and which, though it has not entirely escaped the attention of some writers, and of some statesmen whose opinions are entitled to great weight, has never yet, I think, been adequately investigated, or brought into public discussion. That defect consists in the very imperfect provision which the present mode of voting for Parliamentary Representatives affords for the fair and proportionate representation of the various political parties or opinions which may exist either in each constituency,

or in the whole country, whether they may chance to be majorities or minorities.

The leading principle of a free Representative Government is that the assent of a majority of the citizens, freely given, is a necessary sanction to all laws ; and this is the great and ultimate security for the personal and political liberty of all the citizens.

We are so much accustomed to have recourse to the test of a simple majority as the only just and practicable means of deciding all questions on which numbers of men possessing equality of rights, and holding various opinions, or swayed by various interests, have to vote ; that we do not easily recognize the possibility of any defect or error in this mode of voting to whatever purpose it may have to be applied.\*

Whether it is the householders of a parish electing Parochial Officers or Poor-Law Guardians, or the Subscribers to a Railway electing a Board of Directors, or the members of a learned society

\* The following is a part of Mr. Burke's denunciation of the errors and defects which HE recognized in the System.

“ The power of acting by a Majority must be grounded on two assumptions—first, that of an incorporation produced by unanimity ; and, secondly, a unanimous agreement that the act of a mere Majority (say of one) shall pass with them and with others as the act of the whole. But such a constructive whole, residing in a part only, is one of the most violent fictions of positive law that ever has been or can be made on the principles of artificial incorporation. And I see as little of policy or utility, as there is of right, in laying down the principle that such Majorities are to be considered as The People, and *that* their will is to be law.”—*Appeal from the New to the Old Whigs*.

electing their President and Council, or the Judges on the Bench consulting what is to be the decision of the Court on a point of law ; or finally, whether it is the Representatives of the Nation assembled in the House of Commons, and passing laws which may nearly concern every inhabitant of these islands ; in all these cases we have recourse, without hesitation, to the test of a simple majority, as the only practicable means of arriving at a just decision. In like manner, in the Republics of Greece and Rome in ancient times, and in some of the Cantons of Switzerland in our own times, in the one case where Representative Government was unknown, and in the other where it is not practised ; but where the whole body of citizens were accustomed to assemble and give their sanction to all laws by their personal votes ; the test of a simple majority was the usual mode of decision : but this rule was not without important exceptions and modifications, and some laws were, in nearly all cases, considered to be fundamental to be left subject to alteration by the vote of a simple majority alone.

Analogous exceptions exist also in the Constitution of the United States of America, and are very commonly made in the constitution of voluntary associations : in which certain fundamental laws cannot be altered without the assent of a larger proportion than a simple majority.

Now the question I wish, at present, to elucidate is this, whether an important distinction does not exist between all the cases I have enumerated, where the decision of a simple majority is the general

rule, and the case of a constituency, voting for members to represent them in Parliament.

In the cases I have first enumerated, we have a number of men possessing equal rights, themselves assembled as a deliberative body, deciding by their votes, either upon laws or propositions completely defined, and separately proposed for their discussion or acceptance: or appointing officers, chiefly of an executive character, whose powers and duties are strictly defined by law.

What in each of these cases may be called the Constituency are in the actual exercise of the ultimate legislative power and retain it, subject to qualifications in their own hands.

Every member or constituent has the opportunity of voting, and generally, of discussing, objecting, protesting, and proposing amendments, or alterations, to each enactment separately. But when a Representative Assembly, like our House of Commons, is to be created and invested with the supreme and ultimate legislative power, the case becomes widely different. The individual constituents or electors have at the hustings but one single function, that of choosing their Representatives. That duty performed, they wholly lose their direct legislative power which they consign in trust to other parties,—viz. to their Representatives—to be exercised on their behalf, and for their benefit. Consequently, it becomes a vital point that the mechanism of the elective process should be such as to allow all parties and opinions to be fairly represented in the House of Commons.

In the more simple political constitutions first

described, all parties are necessarily fairly represented, because they are all permitted to be present, and to act for themselves. But in our Representative system, as will appear hereafter, it may possibly happen that even a large minority may be wholly excluded: either in the case of a single constituency, or in that of the House of Commons itself. And a minority thus excluded are manifestly placed in a much worse position than if merely out-voted in an assembly at which they have the right of being present. The right of being heard, of discussing, objecting, explaining, protesting, is taken away from them, not on one question only, but on all questions; not on a single administrative act, but on questions of permanent legislation.

It is as if the majority in a simple democratic republic were to use their powers as a majority to disfranchise a minority, and exclude them altogether from the National Legislative Assembly. It may be said, that, to assume the entire exclusion of any considerable minority in the country from representation in our House of Commons as the result of our system of voting, is to argue on a very extreme case, the occurrence of which need not be apprehended.—Instances might however be adduced to shew that the danger is not entirely imaginary.

But this exclusion, even if only partial or local, is still an undeniable evil, and we ought to remedy it if we can. I state the ultimate and extreme result in order that the nature of the evil which is to be remedied may be clearly understood.

What Remedies can we suggest? Let us consider the various modes in which the votes of electors may be taken. The whole body of electors may vote as one constituency for the whole of the members of the Representative Body, and they may vote on different principles.

In the first place on the system which has been called Collective Voting, each elector may vote for the whole number of representatives; in our own case, for instance, might have 656 votes.

It is clear that on this system, a simple majority may return the whole of the Representatives; and a minority of nearly one half the electors may be excluded from all share in the Legislature.

Nay, further; it has been shewn, in an able article in the *Edinburgh Review*,\* that even a small minority may nearly monopolize the Representation.

The Reviewer is considering the instance of France, where this system is used in their plan of Departmental Voting:—

“ If France were one constituency for the election  
 “ of Representatives, as it is for the election of  
 “ a President, and each elector had to vote for  
 “ 750 Representatives, it is probable that a single  
 “ list would prevail almost without alteration. We  
 “ will suppose the country divided into Legitimists,  
 “ Orleanists, Bonapartists, and Republicans, in  
 “ the following proportions:  $\frac{4}{13}$  Republicans, and  
 “  $\frac{3}{13}$  belonging to each of the other denominations.

“ Under such circumstances the Republican party,  
 “ though scarcely exceeding one fourth of the whole

\* Lewis on Authority in Matters of Opinion. April, 1850.

“ population, would return nearly the whole As-  
 “ ssembly. If such be the effect of the collective  
 “ system when fully carried out, such must be its  
 “ tendency when partially adopted.

“ And it must be admitted to be most mis-  
 “ chievous both to the successful, and to the un-  
 “ successful party ; impelling one to acts of insolent  
 “ oppression and driving the other towards disaffec-  
 “ tion and revolution.”

In America this mode of voting is called the Ticket System. It is used in their Presidential Elections, in which each State has a number of Votes equal to their number of senators and representatives in Congress, and consequently a simple majority in each State returns the whole of the State Votes. It usually happens that the two great Parties, Whigs and Democrats, divide the States not very unequally between them ; but notwithstanding this nearly poised balance, at the last election of President Pierce, the Democrats had a majority in 29 out of 31\* States, an event stated to be unprecedented. Upon this the American papers represent the Whig party as being annihilated in America. Our surprise therefore is great when we examine the total numbers who voted for Pierce and Scott, the Democrat and Whig candidates, to find that Pierce only polled one-sixth more than Scott, the numbers being—

Pierce . . . . .	1,607,723
Scott . . . . .	1,386,934
Other Candidates . .	168,233
	<hr/>
Total . . . . .	3,162,890

\* See Appendix A.

Thus, by this mode of voting, a party only greater by one-sixth than their opponents in real strength, carried an apparent majority of 29 to 2. If instead of the vote being for a President, it had been given for a list of candidates for Congress, the event would probably have been nearly the same.

Again, the electors voting as one constituency, but adopting what is called the Single Vote, each elector can vote "only" for one representative. The minority, whatever it might be, would then have the power, by a proper distribution of their votes, of securing a fair share of the representation. If we suppose the country to be divided between two parties, the smaller, being, for example, one-third of the whole, if that minority were to restrict their list of candidates to one-third of the number to be elected, and were to distribute their votes equally amongst them, might thus secure the return of their list of candidates. If, again, we suppose the country to be divided into an almost indefinite number of parties, this mode of voting would in like manner give a proportionate share of representation to each. For instance, any party or opinion in this country which could number  $\frac{1}{35}$  part of the electors amongst its supporters, might by combination return one Member and have one voice in the Legislature.

This Single Vote, has, therefore, very different results from the Collective Vote, and possesses some considerable recommendations. But if applied to the whole body of the electors in a large country, voting as one constituency, it would be attended with many evident practical difficulties, and would



be altogether opposed to our established habits and customs.

And further, its tendency is to place the whole command of the representation in the hands of the most skilfully organized party, no slight objection. It may be questioned, too, whether it be desirable that all parties, however small in number or extreme in opinion, should have their voice heard within the walls of Parliament ; a reasonable limitation seems desirable in this direction.

The "Single Vote" is noticed by the writer of an article in the *Edinburgh Review* amongst other remedies proposed as against the exclusive representation of majorities to which we are liable under our present system.\*

There is a third mode of voting to be considered, which I will call the Cumulative Vote, the effect of which is the same as that of the Single Vote in giving a justly proportioned weight to the opinions both of minorities and of majorities, but which is preferable to the Single Vote as having, I think, many important practical advantages peculiar to itself, and as being more in harmony with long established usage, and therefore more likely to be acceptable to the electors than the Single Vote ; both being novelties.

By the "Cumulative Vote" I mean a system of voting where each elector in a constituency having as many votes as there are representatives to be elected in his county or borough, and distributing his votes as he pleases, may at his option give one

\* The Expected Reform Bill, Jan. 1852.

vote to each candidate, or accumulate the whole number of his votes in favour of one candidate. This plan of voting has the recommendation of giving to each elector a very perfect power of expressing by his votes, his exact opinions as he finds them best represented by one or more of the candidates. The single vote does not so effectually accomplish this object. We will take the instance of a large and important constituency, having four representatives, for which seats, in the event of a contest, there would probably be six, seven or eight candidates. After each elector has been called upon to listen to the opinions and judge of the fitness of so many claimants for his vote, he might feel many justifiable reasons for wishing to vote for more than one candidate. The Cumulative Vote would enable him to vote for one or for more as he pleases, without incurring the loss entailed by the present mode of voting, where a plumper counts only as one vote; so that in a constituency having four representatives, an elector giving a plumper vote loses three-fourths of his voting power.

And whilst under the present system parties are constantly hampered by the less enlightened of their voters, who are anxious to exercise to the uttermost their electoral privileges, and will by no means be content to resign their double vote, and give a plumper to the right man, but will rather cancel their own act by voting on both sides, thus frequently compelling their party to bring out a second candidate and so endanger the return of the first; the Cumulative Vote allowing the same

amount of weight to each man's voice into whatever scale he may please to throw it, removes his temptation to a course which is both mischievous and contrary to principle.

One of the highest of our living authorities, who considers the object of preventing minorities from being swamped, by enabling them to obtain a share of the representation proportionate, and not more than proportionate to their numbers, to be well worth consideration in a new Reform Bill, suggests "one very strong recommendation of the Cumulative Vote. If we suppose a voter to determine his vote by the personal merits of the candidates, and not solely by their being no the same side with himself in the common party divisions, it will frequently happen that he greatly prefers one of the candidates, and is comparatively indifferent to all the others, so that he would, if he could, give all his votes to that one. This wish is most likely to be felt by the best voters, and in favour of the best candidates, and it seems to me right that strength of preference should have some influence as well as the mere number of persons preferring." In other words, that quality of support should "count as well as quantity."

It is an argument which cuts both ways to dwell upon the noble things which have been achieved by our patient but strenuous minorities under the disadvantages with which the present system hampers them. But it is a part of the truth, and truth which we may be proud to recognize. And I hope we should not willingly argue, that because

a good and a just cause will finally triumph in spite of obstacles, we are therefore justified in leaving one obstacle to impede the progress of truth which by a discreet diligence we can safely remove.

It is interesting to point out a public attempt\* to introduce an approach towards the principle of the two last named modes of voting which was made by the late Earl Grey. In a debate in the House of Lords, June 1836, on consideration of the Commons amendments to the Irish Municipal Reform Bill, Earl Grey proposed as an amendment, that each elector should vote for five-eighths only of the number of councillors to be elected. "The consequence," he observes, "would be, that there could be no exclusive party established, but that a minority in any corporation, of whatever persuasion they might be, would retain their due share of influence."

This suggestion appears to have been received with the respect due to the quarter from which it proceeded, but being proposed by Lord Grey without previous concert with the Government of which he had then ceased to be the head, and at the very last stage of the Bill, it was not persevered in further.†

The present Earl Grey when Colonial minister adopted the principle of the Cumulative Vote still more decidedly, and recommended its introduction

\* The Municipal Act, Sept. 1835, applies the Single Vote method to the election of Auditors and Assessors of Boroughs, and Wards of Boroughs.

† See Appendix. (B.)

in several instances into the framework of our Colonial Legislatures.

When the Constitution of Malta was settled, the Cumulative Vote had not been thought of, but a modification of the Single Vote was proposed and adopted in the election of the Legislative Council of that Colony ; each elector being restricted to four votes in the choice of seven representatives. For the Legislative Council of the Ionian Islands the Cumulative Vote was proposed, but for special reasons was not adopted. A more important instance is found in the draft of the Constitution proposed for the Cape of Good Hope, adopted by Earl Grey, having been framed, discussed, and recommended in January, 1850, by the Committee of the Privy Council for Trade and Plantations.\* In this draft it is proposed that the members of the Legislative Council should be chosen for the whole Colony, not for particular districts. But the Report adds : “ The  
 “ adoption of this proposal would render it further  
 “ necessary to provide against the risk of having  
 “ the Legislative Council composed exclusively of  
 “ persons of the same political opinions.—It is the  
 “ invariable tendency of free governments to lead to  
 “ the formation of political parties ; and we believe  
 “ that much of the usefulness of deliberative bodies  
 “ exercising the power of legislation, depends upon

\* This Committee included Sir Jas. Stephen, Lord Campbell, (Lord Chief Justice), Sir E. Ryan, late Chief Justice of India, specially named for this service, together with the ordinary members, whom Mr. Labouchere, Earl Granville and Earl Grey attended and took part in the proceedings.

“ their being so constituted as not entirely to exclude  
 “ any of the parties into which the community is  
 “ divided. In a popular assembly, chosen by elec-  
 “ toral districts of limited size, it is found that the  
 “ various local influences which prevail, and the  
 “ diversities of opinion, and of interest which exist  
 “ between different bodies of constituents, are in  
 “ general sufficient, practically, to secure a fair  
 “ representation of every political party; but it is  
 “ obvious that this would not be the case in a  
 “ legislative council chosen by one election for the  
 “ whole colony, and that if it is desired that the  
 “ body should not be a representation of a single  
 “ interest and a single class of opinions, some means  
 “ must be adopted to guard against its falling entirely  
 “ into the hands of the dominant party. With this  
 “ view we would recommend that, in the election of  
 “ the council, each elector should have as many  
 “ votes as there might be members to be chosen, and  
 “ should be entitled either to give all these votes  
 “ to a single candidate, or to distribute them  
 “ amongst several. By this arrangement, a mo-  
 “ nopoly of power in the Legislative Council by any  
 “ one party, or any one district of the Colony,  
 “ would be prevented, since a minority of the  
 “ electors, by giving all their votes to a single can-  
 “ didate, would be enabled to secure his return.”\*

The value of the Cumulative Vote is here distinctly recognized for cases where the whole body of the electors vote as one constituency. But it is

\* The Colonial Policy of the Administration of Lord John Russell, by Earl Grey. Vol. ii. Appendix, p. 362.

at the same time asserted, that in an assembly chosen by electoral districts of limited size, there will be sufficient diversity of opinion among the different constituencies to secure a fair representation of every political party, in the common mode of voting.\* And I am aware that this would be the popular and prevailing opinion on the first consideration of the question, and would form the practical objection to any change. I will state the grounds of my own opposite belief.

It is true that the evils of the common mode of voting are palliated by the division of the voters into many local constituencies of limited extent, in which political parties will exist in different proportions, so that the minority in one place may be a majority in another. If the separation of parties according to locality were complete, so that each constituency consisted entirely of one party, then a just weight of representation might be secured by each, or if the number of constituencies in which any given opinions prevailed were proportioned to the general prevalence of these opinions. But we know how far this separation of parties falls short of completeness in point of fact; and how widely and generally large political parties are scattered and intermixed throughout the country. This intermixture is greater in reality than it appears to be on a hasty and superficial view; for from the very prevalence of the evils of the present mode of voting, we are apt to class this or that

\* I believe that Lord Grey does not now consider this object to be satisfactorily accomplished by the present system of representation.

constituency as almost exclusively Protectionist, Conservative, or Radical, because the minorities are habitually swamped, and voiceless, when a true statement of comparative numbers would often shew a very respectable, but, at present, a silenced minority. And when we speak of indirect palliation to this mischief, we must remember how monstrous, unjust, and unbearable the unabated evil would be, if it existed in its full proportions; nor can any palliations be well suggested, or relied on, that will not leave, without relief, a great weight of inequality and injustice.

That such inequalities, with their attendant evils, do extensively exist at present, I think the experience of every one who is conversant with political matters will prove.\* Take, for instance, the common case of a conservative minority entirely swamped in a large town constituency, and that of a liberal minority equally swamped in a county; and see what mischief is wrought in either case. The minority in both instances labour under a constant, and often a sore feeling of injustice and oppression, which tempts them, either to abandon in disgust all attempts to maintain their opinions in the public exercise of their political rights, or to use fraudulent and violent means in struggling against what they feel to be an injustice, but one for which the constitution gives them no lawful remedy. The majority in both cases having a monopoly of

\* In the Metropolitan boroughs, though they notoriously contain so large and intelligent a body of men far removed from extreme democratic opinions, the whole twelve members (excluding the City) are returned by the ultra liberals.



power, and no wholesome check or restraint, become, almost necessarily, tyrannical and bigotted, and will not even listen to any opinions adverse to their own. Can it be seriously argued that to balance one great mischief against another is as wise and safe a mode of proceeding as the endeavour to avert both? Is it not a pressing duty of Parliament to secure to all parties the just and equal exercise of their political rights, as the surest way of teaching each to respect the other, and of rubbing off much of the error and animosity on both sides?

Another objection which has been taken to the Cumulative Vote is, that it might in practice give, in many cases, even more than a just share of the representation to a minority, and that the discontent of a majority, who either were or believed themselves to be, defrauded of their just right, would be still more dangerous than that of a minority placed in a like condition. It has been pointed out, for instance, that in the case of a constituency having but two representatives, a minority of a little more than one-third of the electors, might, by the Cumulative Vote, be secure of half the representation, which is more than their just share. But it is to be observed in reply, that this advantage to the minority, when exceeding one-third and less than one-half of the electors, is more than balanced by the greater number of instances in which the minority having less than one-third, would probably not start any opposition candidate, and certainly could obtain no representative at all.

The Cumulative Vote would thus be an approxi-

mate if not a complete remedy for the existing evil in the cases under consideration, instead of introducing an evil in the opposite direction. The objection just answered only arises when the number of representatives does not exceed two. It would be wholly removed, if no conclusive objection is applicable to the adoption of a representative system, in which not less than three members were allotted to all counties and boroughs. It is therefore desirable that to give the fullest development to the advantages of the Cumulative Vote, there should be not less than three representatives to each constituency. As it is requisite, however, that the practical working of this mode of voting should be fully examined in all the circumstances likely to occur, I have added in the Appendix,\* a detailed analysis, exemplifying its effect on constituencies having various numbers of representatives, and including minorities of various degrees of proportionate strength.

Other objections to the Cumulative Vote have been adduced, such as that it would render parties more extreme and bigotted because more independent; that it would split up public opinion into too many fractions, and would prevent the formation of large and durable parties. To answer these objections in detail would require too much space. I must content myself with observing that these doubts are of the nature of those which occur to practical minds when any change whatever from an existing system is proposed, however good that change may be in

\* See Appendix C.

itself. As in the case of the introduction of Free Trade, many doubts were entertained by practical minds as to this or that difficulty in working it, but these were quickly dissipated by experience because the system we had adopted was founded on just natural laws—so in the case of the Cumulative Vote, the adoption of it will, I believe, be simply an advance to a natural and equitable mode of taking votes, which we should have adopted long ago, if the subject had been seriously considered; and we shall find that the natural laws which determine whether parties at any given time shall be large or small, extreme or moderate, will act at least as well, and there is every reason to think will act better and more freely under an equitable system of taking the votes, than under the present imperfect one.

Having noticed the objections to the Cumulative Vote, I proceed to point out two very weighty practical considerations which seem to me greatly to recommend the introduction of this form of voting in framing the proposed Reform Bill.

Two main objects of that Bill must be the abatement of a disgraceful blot in our existing system—the Bribery and Intimidation which prevail, especially amongst our smaller boroughs;—and the addition to the number of their representatives, so justly claimed by the large borough constituencies. One essential element in any plan for the abatement of Bribery and Intimidation, whatever else may be done, must be the substitution of large independent constituencies for many which are small and corrupt. We may suppose the ninety members, more

or less at disposal, by the disfranchisement of the small boroughs, to be divided between the County and Borough Representations. In providing for both the above-named objects, the tendency of the New Reform Bill, ought therefore to be, greatly to increase the number of large constituencies having three, four, or more members each. Now, such constituencies are precisely those in which the cumulative Vote acts most perfectly; and they are also those in which the evils either of the existing, or of the Collective Vote, would be greatly enhanced.

Again, many plans have been recommended, as being especially requisite when the franchise becomes more widely extended, for balancing the weight of mere numbers in our large Constituencies, by creating some new special representation of classes, and thereby giving weight to education and property. I venture to suggest that the simple change in the mode of voting, which I have explained, would give due weight to intelligence, education, and character, without introducing any new class privileges, which might be more or less odious to those excluded.

Whilst urging the recommendations of the Cumulative Vote, I have omitted to notice its bearing upon one of the principal inconveniences attributed to popular governments. A defect, which may be admitted to increase in proportion as the popular element is strengthened, is the want of fixed continuity of purpose in the conduct of public affairs. Foreign politics, domestic legislation, finance itself, are liable to be affected and strangely warped by the

sudden changes of public opinion acting through representative assemblies on the administrative bodies.

Whatever tends to make party spirit a more powerful motive than an honest patriotism, whatever tends to swell unduly the unchecked force of Majorities, giving alternate sweeping victories and defeats to the opposing extremes of opinion, aggravates this natural defect of free institutions. Our present system of voting seems to be ingeniously contrived to encourage this tendency to extremes. We seem to undervalue and distrust that calm and assured progress which is the result of energetic exertion, resting on solid convictions, and guided by reason and experience; we leave reforms to be effected, after a long delay by violence and at the risk of revolution. History furnishes us with many memorable examples of the intolerance of Majorities, of the long continued struggles of Minorities who were in the right, and triumphed at last, but only triumphed when it was almost too late, when the victory won achieved but half the good which an earlier success would have accomplished.—How much greater would have been the benefits of Roman Catholic Emancipation, could that great measure have been passed a quarter of a century earlier. Who can say whether the American War, as popular at the outset as it was always iniquitous and unjust, or the War of the French Revolution, would have been commenced and persevered in at a sacrifice of blood and trea-

sure unexampled in the annals of England, if the earlier and wiser views of Mr. Pitt, and the eloquence of his great rival, had been supported by an adequate parliamentary representation of the calmer and wiser judgments of the numerical minority in England at that time? Would the scandalous defeat of the philosophic statesman Burke have taken place on the hustings at Bristol if the Cumulative Vote had existed on that occasion?

I advocate the Cumulative Vote because its tendency is to steady the utterance of the Will of the People, and to steady its influence upon the Government which serves them; because I consider it to assist us in extending amongst the masses their just and wholesome share of political responsibility and political privileges.

I may, perhaps, appear to have claimed too much importance for so simple a change as that which I recommend in the mode of voting for Parliamentary Representatives. The more the matter is considered, however, the more clear I believe we shall find our conviction, that the introduction of this mode of voting is calculated to produce great effects. Its sphere of application is very wide, extending to all elective bodies, including those for which the late Earl Grey first proposed it—Municipal Corporations—where it is very much needed. In a great variety of other cases also, such as elections of Poor Law Guardians, Directors of Railways, and the governing bodies of voluntary

associations, it might, if not strictly necessary, be highly useful. The Representative System itself, which has now become a main part of the fabric of nearly all our institutions, sprung up at first almost unnoticed, and as it were by chance; it is therefore not surprising that its mechanism should be imperfect, nor that an apparently small change in that mechanism should have great results. And it would be a truly great result if by its means our Representative System could be freed from its present tendency to give a crushing weight to mere numbers, and to lessen the influence of individual intellect, and moral force and elevation of character. The tendency of the Cumulative Vote is undeniably in this direction, and its adoption would, I believe, form a much needed balance and regulator to the prevailing democratic tendencies of the age. I would not be understood as wishing to do more than balance and regulate democratic tendencies, for with these I fully sympathise. I believe them to be appointed to work out good, not evil;—but we must take care that our progress shall tend to the elevation of the masses, by raising the intellectual and moral standard of the whole; and not by grinding down whatever individual force and elevation of character may rise above the common level.

I must not be tempted to stray beyond the limited portion of a very large subject, which it is now my proper object to treat of, and in conclusion can only again ask your serious attention to the suggestions I have offered, in the hope that they may be in some degree calculated to assist you in what

## APPENDIX.

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### A.

#### Elections of President of the United States of America.

	Majority for Scott.	Electors.
Massachusetts . . . . .	7,300 . . . . .	13
Vermont . . . . .	10,000 . . . . .	5
	<hr style="width: 50%; margin: auto;"/>	<hr style="width: 50%; margin: auto;"/>
	17,300	18
	<hr style="width: 50%; margin: auto;"/>	<hr style="width: 50%; margin: auto;"/>
	Pierce.	
Maine . . . . .	11,000 . . . . .	8
New Hampshire . . . . .	14,000 . . . . .	5
Rhode Island . . . . .	1,100 . . . . .	4
Connecticut . . . . .	3,500 . . . . .	6
New York . . . . .	25,000 . . . . .	35
New Jersey . . . . .	5,000 . . . . .	7
Penusylvania . . . . .	23,000 . . . . .	27
Delaware . . . . .	100 . . . . .	3
Maryland . . . . .	5,000 . . . . .	8
Virginia . . . . .	8,000 . . . . .	15
North Carolina . . . . .	5,000 . . . . .	10
South Carolina . . . . .	(by Legislature) . . . . .	8
Georgia . . . . .	5,000 . . . . .	10
Florida . . . . .	500 . . . . .	3
Alabama . . . . .	4,000 . . . . .	9
Louisiana . . . . .	1,000 . . . . .	6
Texas . . . . .	7,000 . . . . .	4
Mississippi . . . . .	2,000 . . . . .	7
Tennessee . . . . .	1,000 . . . . .	12
Kentucky . . . . .	2,000 . . . . .	12
Arkansas . . . . .	6,000 . . . . .	4



I doubt not is your object,—the framing of a measure of Reform at once large, effectual, and safe.

I have the honour to be, my Lord,  
Your very obedient humble servant,

JAMES GARTH MARSHALL.

Hendingley, Leeds, *Dec. 10th*, 1853.

	Pierce.	Electors.
Ohio . . . . .	15,000 . . . . .	23
Indiana . . . . .	15,000 . . . . .	13
Illinois . . . . .	12,000 . . . . .	19
Missouri . . . . .	12,000 . . . . .	9
Michigan . . . . .	5,900 . . . . .	6
Wisconsin . . . . .	2,000 . . . . .	5
Iowa . . . . .	4,500 . . . . .	4
California . . . . .	1,500 . . . . .	4
	<hr/>	
	196,200	278
	<hr/>	
	Deduct Scott	260
	178,900	<hr/>
Jackson, Democrat . . . . .	1828 . . . . .	95
"          "          " . . . . .	1832 . . . . .	152
Van Buren, " . . . . .	1836 . . . . .	46
Harrison, Whig . . . . .	1840 . . . . .	174
Polk, Democrat . . . . .	1844 . . . . .	65
Taylor, Whig . . . . .	1848 . . . . .	36
Pierce, Democrat . . . . .	1852 . . . . .	260

## B.

Consideration of Common's Amendment to Municipal Corporations Bill, Ireland. House of Lords, June 27, 1836.

*Earl Grey.*—There is one suggestion to which I will venture to offer to your Lordships, for which I am alone responsible, not having communicated to my Noble Friend my intention, and not having any reason except my conviction of its expediency, to believe that it will be acceptable to either side of your Lordships' House. In this Bill, as it last left your Lordships' House, and as it now stands, there is a clause regulating the voting for auditors and assessors. Now in another Bill ordered to be brought into the House of Commons by Lord John Russell, the Attorney General, and Mr. Vernon Smith, a Bill for Regulating Charitable Trusts, there is a clause providing that every person intitled to vote shall vote for only half the number of Trustees. I wish your

Lordships would consider whether it might not be practicable to add clauses to this Bill of a similar character, but bearing on the election of Town Councillors, which would, in a great degree, remove the objection to the measure which some of your Lordships entertain. Suppose, for instance, that every voter were restricted to vote for only half the number of Town Councillors.—The consequence would be that there could be no exclusive party established, but that a minority on any corporation of whatever persuasion they might be, could retain their due share of influence. My Lords, I believe it is an over-statement to say that even if the Bill were carried in its present shape, its effect could be exclusive, because it would be only a transfer of authority from one party to another. Many of the corporations in Ireland are divided into wards, and in many of those wards the Protestants would have a preponderance. I am told that even in Waterford, where the Roman Catholics are most numerous, the electors would not be of that exclusive character apprehended. But even if that were not the case, the proposition which I have ventured to throw out would remedy the evil. It is obvious that if a voter were restricted to vote for only half the Town Councillors, unless the majority of one opinion could be swelled to two to one, no principle of exclusion could be established. What I propose, however, is that the voter should be restricted to vote for five-eighths of the Town Councillors. My Lords, I throw out this proposition in the crude and ill-digested form in which it suggests itself to me; and if it meets with your concurrence I shall propose that the further consideration of the subject be adjourned to a convenient but early day, when clauses can be introduced into the Bill, to carry it into effect.

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C.

Analysis of the Results of the Cumulative and of the Single Vote in Constituencies of 2, 3, 4, or more members, and where the minority is  $\frac{1}{3}$ ,  $\frac{2}{3}$ ,  $\frac{1}{4}$ th of the whole number of Electors.

The cases examined are:—

I.	} Two Members. } Three Candidates	}	1. Minority $\frac{1}{3}$ rd.
			2. „ $\frac{2}{3}$ th.
			3. „ $\frac{1}{4}$ th.
II.	} Two Members. } Four Candidates	}	4. „ $\frac{1}{3}$ rd.
			5 & 6. „ $\frac{2}{3}$ th. & $\frac{1}{4}$ th.

- III.  $\left. \begin{array}{l} \text{Three Members.} \\ \text{Four Candidates} \\ \text{Five or Six Candidates} \end{array} \right\} \begin{array}{l} 7. \text{ minority } \frac{1}{3}\text{rd.} \\ 8 \ \& \ 9., \quad \frac{2}{3}\text{th.} \end{array}$
- IV.  $\left. \begin{array}{l} \text{Four members.} \\ \text{Five, Six, Seven, Eight} \\ \text{Candidates} \end{array} \right\}$

V.—The Single Vote in all the above cases.

The Constituency in every case is supposed to consist of 300 Voters, and the object of the Analysis is to ascertain whether the minority obtain, in all cases, a proportionate share, and no more than a proportionate share of the representation.

### I.

2 Members ; 3 Candidates ; minority  $\frac{1}{3}$ rd=100.

The minority have 200 votes, the majority 400. It is an even chance whether the minority carry 1 member, or whether the majority carry 2. If the minority *exceed*  $\frac{1}{3}$ , they have half the Representation, if they are less than  $\frac{1}{3}$  they have no Representation.

(2.) 2 Members ; 3 Candidates ; minority  $\frac{2}{3}$ th=120.

In this case the minority are secure of one member. They cannot carry 2. The majority are secure of 1 member, but cannot carry 2, unless the minority have 2 candidates, which is not the supposition.

But suppose a split in the majority, can the smaller section, by aid of surplus votes of the minority, secure their member, causing the larger section of the majority to be unrepresented? The majority 180=360 votes. The minority 120=240 votes. Then minority 120+81, smaller section of majority, 201=402 votes And larger section of majority, 99=198 votes.

The result is that if so many of the majority joined the minority as to make their number exceed  $\frac{2}{3}$  of the whole votes, they would carry 2 members, and exclude the larger section of the majority reduced to less than  $\frac{1}{3}$ . This seems to be fair. But how would it be on the present mode of voting, plumpers being single votes?

Minority 120 + 31, smaller section of majority, 151 = 151

votes each for 2 members. And larger section of majority = 149 plumpers.

The result is, that if so many of the majority joined the minority as made them barely exceed  $\frac{1}{2}$  the voters, they would carry 2 members, and the larger section of the majority, barely less than  $\frac{1}{2}$  the voters, would be entirely unrepresented.

So that the Cumulative Vote is in this case much more fair towards a divided majority, and less likely to induce factious splitting of votes than the present mode of voting.

(3.) 2 Members ; 3 Candidates ; minority,  $\frac{1}{4}=75$ .

In this case, as the minority have no chance when the majority are united, we must suppose a split in the majority, and see how far the minority can pick out and secure 1 member most to their liking.

Minority,  $75+26$ , smaller section of majority,  $101=202$  votes.

Larger section of majority,  $199=398$  votes= $199$  votes for each of 2 members.

So that here again we turn on the same point. If so many of the majority join the minority as to make them *more* than  $\frac{1}{3}$ , they secure 1 member, which is fair. On the present mode of voting, the minority of  $\frac{1}{4}$ th would be entirely swamped unless so many of the majority split with them as to make them more than  $\frac{1}{2}$  the voters, and then they would carry 2 members, and the larger section of the majority would be entirely swamped.

In this case, too, the "Cumulative Vote" seems more equitable than the present mode ; tends less to injustice or factious splittings.

## II.

2 Members ; 4 Candidates ; minority,  $\frac{1}{3}=100$ .

(4.) In this case we must suppose the majority or minority to have each 2 candidates ; and if each party is united the majority must carry both members.

(5) and (6.) And the result would be similar when the minority is  $\frac{2}{5}$  or  $\frac{1}{4}$ . When each party brings out 2 candidates it is reasonable to suppose they are both united within themselves ; and then the minority have no chance, aiming at too much.

## III.

3 Members ; 4 Candidates ; minority,  $\frac{1}{3}=100$ .

Minority have 300 votes ; majority, 600.

Here, if both parties are united within themselves the minority are secure of 1 member, but cannot carry 2 ; but, suppose a split in the majority, can the smaller section, by aid of the surplus votes of the minority, carry their 1 or 2 candidates, excluding 1 or 2 supported by the larger section ?

In this case the smallest number of votes to secure a candidate is 226.

	Candidates.			
	Minority.		Majority.	
	A	B	C	D
Minority, 300 votes .	226	74		
Majority, 600 votes .		148	226	226
	<hr style="width: 50%; margin: 0 auto;"/>	<hr style="width: 50%; margin: 0 auto;"/>	<hr style="width: 50%; margin: 0 auto;"/>	<hr style="width: 50%; margin: 0 auto;"/>
	226	222	226	226

This shows, that so long as the larger section of the majority exceed  $\frac{2}{3}$  of their *own* party (or  $\frac{1}{3}$  the whole number of votes—in this case 450 votes) they can secure 2 members. But if they are *less* than  $\frac{2}{3}$  of their *own* party and less than  $\frac{1}{2}$  the total votes, they can only secure 1 member.

It may, indeed, appear at first sight that the majority might divide their votes equally amongst 3 candidates, 200 each ; and in that case the minority, by dividing their 74 spare votes between 2 of the other candidates, might secure both. But such a case would be imaginary merely, and could not happen in practice. The majority, in bringing out 3 candidates, must know they were liable to this occurrence ; there must be a split to begin with, or they would be content with 2 candidates. The split being known and acted upon, the result would be as first stated above.

(8) and (9.) 3 Members ; and 5 or 6 candidates ; minority,  $\frac{2}{3}$  129  
360 votes.

Minority, 360 votes ; majority, 540 votes.

This case will be easily understood by reference to the last. With 5 candidates, 181 is the smallest number of votes to secure a seat.

	Minority.		Majority.		
	A	B	C	D	E
Minority, 360 votes	180	180			
Majority, 540 votes	1	1	181	178	179
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	181	181	181	178	179

With six candidates, 151 is the smallest number.

	Minority.			Majority.		
	A	B	C	D	E	F
Minority, 360 votes	151	151	58			
Majority, 540 votes			93	149	149	149
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	151	151	151	149	149	149

In both cases the minority is secure of 1 member, and the majority is secure of 2 members if each party is tolerably united within itself.

The above tables show how a minority may possibly carry 2 out of 5, or 3 out of 6 candidates, if aided by a section of the majority.

But it is only necessary to consider the numbers to see that the majority must act with so little unity within themselves, and so much in alliance with the minority in order to give the minority their 2 or 3 members that it virtually amounts to a conversion of the minority into a majority. In practice it could rarely happen, that in the case of 5 candidates the two first of the majority should not poll more than the second candidate of the minority; or that in the case of six candidates they should divide their votes so equally amongst 4 candidates. If they do so divide them, it shows that in such case no strong general party feeling exists, but that candidates are supported for local or personal reasons. Now that is usually the defect of small constituencies; but the opposite character is usually the defect of large, and particularly large town constituencies. There too little weight is apt to be given to personal character and to local considerations, and general party spirit runs too high. And it is an advantage of the Cumulative Vote that it would tend to correct this defect; but the present mode of voting tends to exaggerate it. Where three or four members are to be chosen for an important constituency a simple majority carries the whole. The motives of intense party feeling are maximised.

## IV.

4 Members ; and 5, 6, 7, 8 Candidates.

It seems to me scarcely necessary to work out these calculations in detail further. I can see nothing in the principle of the Cumulative Vote as already analyzed to cause it to act otherwise than fairly both to majority and minority ; if we can only divest ourselves of the traditional prepossession that the majority have, somehow or other, a right to more than their share, and are ill used if they do not get it.

## V.

The single vote plan. All constituencies to have three members, and each voter only one vote.

Candidates 4, 5, or 6 ; minorities  $\frac{1}{4}$ ,  $\frac{1}{3}$ ,  $\frac{2}{5}$ .

In this mode of voting, out of a constituency of 300 votes, the minorities,  $\frac{1}{3}$ ,  $\frac{1}{4}$ ,  $\frac{2}{5}$ —that is, 75, 100, 120 respectively—would have, it seems to me, exactly the same absolute weight compared to the majority, the same means of taking advantage of a split in the majority, as in the cases we have analyzed where each voter has 3 votes. The difference in practice would be, that whereas, in order to carry out party tactics, there would be, on the plan of the Cumulative Vote, a splitting of votes, so on the single vote plan there would be a splitting of voters, so to speak. That is, the voters in each party must make an arrangement amongst themselves, that so many will vote for candidate A, and so many for candidate B, &c. Otherwise there would be no combined party action ; each candidate would stand separately, and there might be an indefinite number of candidates.

It is reasonable to suppose that party action would not cease ; and that each party would endeavour so to split and divide their voters as to carry as many members as they can. If so I can see no advantage in the single over the Cumulative Vote ; we reach the same final result by less simple means, for I think it will be conceded this splitting or distribution of voters would be less easy and simple than the splitting of votes.

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