
Hobhouse rose to make his promised motion with respect to the Regulation of Parish Vestries. He said, that it would be necessary for him upon this occasion to take up more of the time of the House than he should have felt inclined to do, were it not that he was impressed with the great importance of the subject which he was about to introduce to their notice. Without attaching too great or any factitious importance to that subject, he would say that it was one which at all periods had very much engaged the attention of the people of this country, that it was one which well deserved the general attention of the people, and one which, on various occasions, in recent periods of our history, had been agitated even in that House. He was perfectly well aware, that there existed a great number of important topics which honourable members were in the habit of bringing before the House, and to which they might conceive they had more reason to claim the attention of the House; but he was also convinced, that in looking fairly at this subject, and examining its details, it would be found to be one materially involving the interests, the comforts, the happiness, and the well-being of society; and as such he considered that there were few questions which more deserved the serious attention of the representatives of the people. He was not only impressed with the importance of this subject, because he now brought forward a question regarding the parochial management of this country, but he was also impressed with the importance and necessity of such a measure for this reason, that whenever applications had been hitherto made to the House of Commons for the alteration of the local government in individual parishes, the answer uniformly to the supporters of such applications was, that they should bring forward some general measure respecting the system of parochial management throughout the country, and that then, and then only, the subject could be properly discussed. He regretted that this subject had not fallen into abler hands - he regretted that it had not been brought forward by some member of his majesty’s government; but, at all events, he trusted that he should have the support and cooperation of the government in the measure which he was about to introduce.

He should now proceed to the of this subject. At this moment the assessment for parochial management, and of course for the support of the poor, was so immense as to afford convincing proof of the importance of this subject. It appeared, from a return presented in February, 1828, that the poor-rates in England and Wales amounted to £7,784,356; and that out of that sum £1,362,000, being about seventeen per cent upon the whole sum, was devoted to other purposes besides the relief of the poor. What use was made of that money he was not enabled, looking at the return, to state; but, of course, a considerable portion of that money was expended – indeed, the fact was quite notorious that it was so – upon the management and collection of that enormous sum. Honourable members would have some notion of the importance of this subject, when they learned, that the enormous sum thus raised was a great deal larger than what was raised in many states of Europe for their whole revenue. It amounted to nearly £8,000,000, and if to this were added the £4,000,000 which were raised for other objects, - for paving, lighting, watching, and church-rates; and the collection and disposal of which were subject to parochial management, they had thus a sum amounting to almost one-fourth of the entire revenue of the country. Last year the whole revenue of United States amounted to only £5,539,000. The revenues of
Turin, the two Sicilies, Spain, and Portugal, all put together, amounted to £12,500,000, a sum exceeding by only half a million the sum levied by parochial rates in this country for the support of the poor, and for other objects of parochial government. That sum, in fact, now exceeded the whole revenue raised fifty years ago for all the objects of the government of England. In 1795, the poor-rates amounted only to £2,500,000. When they came to examine the details of individual parishes, honourable members would be surprised at the enormous amount of the rates levied on some parishes. In the parish of Marylebone there were one hundred and twenty thousand inhabitant householders, and the poor-rates in that parish amounted to £173,000 - a sum twice as great as that raised for the revenue of seven German duchies. In the parish of St James, the parochial rates amounted to £63,000; in St Giles’s and St George’s, Bloomsbury, to £50,000; and, in the parish of Clerkenwell, to the sum of £38,000, being twice as much, and £2,000 over, as the entire revenue of a state which had been honoured by the alliance of one of the princesses of this country, the Duchy of Hesse Hombourg, for the government of which but £18,000 was levied annually. The poor-rates in the parish of St. Martin-in-the-Fields amounted to £30,000, and in the parish of St. Pancras to £34,000; and the whole of the rates levied this year in Middlesex amounted to £799,000, out of which the sum of £101,000 was employed for other purposes than the relief of the poor.

Now, it was natural for the inhabitants of these parishes, when they saw such a large sum of money thus expended, - when they beheld moreover the jealousy with which the House and the country watched over the proceedings of such a public functionary as the Chancellor of the Exchequer, - it was quite natural that they should inquire into the proceedings of those to whose management their parochial concerns were intrusted, and whom they looked upon as neither higher nor better than themselves. It was natural that they should be anxious to know whether parliament would sanction the continuance of those self-elected, uncontrollable vestries for the management of their parochial affairs.

Some honourable members might maintain, that the constitution of this country countenanced the existence of such bodies as these self-elected uncontrollable vestries, but he would refer them to the opinion of a popular author, who was in the hands of every gentleman - to prove the contrary. Dr Burn states, that under the common law of this country, the parish-rates consisted of scot and lot – that no person had a right to attend vestries but those who paid these rates - but that all the parishioners had a right to be present. He proceeded to state, that afterwards, for the general convenience and better dispatch of business, the people deputed certain individuals to manage their parochial affairs; that, in the course of time, the inhabitants of those parishes thus came to lose their right, not only to be present at and to participate in the management of their parochial concerns, but even the right to elect those persons who were to manage them for them; and that thus the select vestries came to be established. He (Mr Hobhouse) had heard it declared from the bench in this country; that there existed the sanction of ancient prescription for these select vestries; but he dissented entirely from the doctrine, that there was any real, old, ancient custom to sanction their existence. There was no right attached to these select vestries, which was not of very modern date indeed. Their power of levying watch-rates existed under the 9th [year of reign] of George 2nd. The power of levying the paving and lighting tax was conferred by the 10th of George 2nd; and the poor-rates were levied, as every one knew, under the 43rd of Elizabeth. It would be
found, therefore, that there existed no ancient prescription to sanction the powers exercised by the select vestries. He had already shown from Dr Burn the manner in which they had been originally constituted. The writer adduced no authority to show that they had any ancient custom or prescription in their favour. He mentions a case which occurred in the year 1691, where an issue was tried at law respecting a select vestry, and its power was countenanced and confirmed by the decision of the court; but he adds, that the original commentator on the case says, that the reasons and arguments not having been mentioned, it was impossible to say upon what grounds the opinion of the court was formed in that instance. In the year 1740, a similar issue was tried respecting the parish of Northallerton, and in that case the ancient custom, which was set up by the select vestry, was held by the court to be “ill.” He would go to a case which bore more on this point than any to which he had alluded - he meant that of the parish of St Martin-in-the-fields. That parish formerly embraced the parishes of St Margaret, Westminster; St John; St Anne, Soho; St George, Hanover-square; and St Paul, Covent-garden; and it afforded a curious instance of the manner in which the select vestry had gradually usurped the management of the affairs of that parish. The parochial book of the parish of St Martin-in-the-fields commenced with the year 1576. At that time, no select vestry existed in that parish. The vestry was first mentioned in the book under the date of 1660, when it appeared, that the members of it were chosen by the parishioners at large. A select vestry, on the principle of the present one, was first constituted in that parish by Gilbert Sheldon, bishop of London, in 1662, and it was afterwards confirmed by Humphry Henchman, bishop of London, in 1672. The present select vestry in that parish was established by the operation of the 10th of queen Anne, for the building of certain new churches. By that Act commissioners were appointed, with power to nominate certain persons as the vestry to manage the parochial affairs, and on their decease their places to be filled up by other persons nominated by the vestry thus appointed. It was plain, then, that the select vestry in the parish of St Martin-in-the-fields was first constituted under the 10th of Anne, in its existing form. It appeared that the opposition to the select vestries manifested itself at an early period. By reference to the Journals of the House it would be found, that on the 15th of January, 1695, leave was given to bring in a Bill for the Regulation of Select Vestries within the Bills of Mortality. Petitions against that bill were presented from the select vestries of the different parishes. The petition from the parish of St Saviour, Southwark, stated that the select vestry was established there in 1656, and that there was good reason to continue it therefore. Now the fact was, that not many years ago a trial at law was had regarding this same select vestry – the decision went against it – the power of this select vestry was quashed – and the power of managing the parochial concerns placed upon a more popular basis. This was a case in point to show how little custom or prescription could be pleaded in support of these select vestries. In the year 1715 a select committee of this House was appointed on the subject, and having examined into the state of the parish of St Martin, Westminster, they reported unfavourably to the select vestry there, and came to the conclusion, that more than one-half of the poor-rates in that parish was employed for purposes other than the relief of the poor. In consequence of that report, leave was given to bring in a bill to regulate select vestries. That bill was passed upon the 4th of May, 1716, by a majority of 105. He could not discover what became of it afterwards in the House of Lords; for their lordships appeared to have taken no notice of it. It appeared from the Journals of this House, that one of the members of the select vestry of the parish of St Martin, Westminster, during the progress of that bill, appeared at the bar of the House to state, that they had omitted to mention, the sum of £49, 7s.,
which had been expended upon a dinner to the church-wardens. It seemed, then, that
the act of eating and drinking out of the funds of the parish was not a modern
invention. On the 11th of March, 1741, a petition was presented from the inhabitants
of the parishes of St Martin, St Anne, St James, &c. against select vestries. These
petitions were referred to a committee of the House of Commons, which sat for more
than a year; and the result was, that in the year following a bill was brought in, which
on the 28th of March, 1742, was lost by a majority of 160 to 132.

He had made these statements, in order to show that the complaints against
these select vestries were far from being of a modern date: and, in truth, the
parishioners of St Martin’s, Westminster, when they found that they could get no
relief from parliament, applied to the King’s-bench on four different occasions. With
respect to the two first proceedings, he had discovered no legal record; but with
reference to the two others, he had found two records; and to these he begged to call
the particular attention of the House. In 1791, the cause between the complainants in
the parish of St Martin and the select vestry came on before lord Kenyon. The parties
had agreed, that it should be tried on a feigned issue; and the point mooted was,
whether from time immemorial a select vestry, consisting of a certain number of
persons, had existed. Lord Kenyon said, that unless the number of the vestry could be
shown to have been always fixed, there could be no legal custom; and the jury found
that there had been a select vestry consisting of forty-nine persons. In consequence,
the select vestry gained the cause, and the parishioners lost it. But thirty-three years
afterwards, in 1823, owing to certain proceedings in the court of King’s-bench, the
parish books were inspected, and it was found that there had not been a select vestry
consisting of a fixed number of forty-nine, but that the number had varied at different
times, and was never more than twenty-two. Of course, the jury which had given the
former verdict had acted from erroneous information. But, what occurred in
consequence of that erroneous verdict? Why, the select vestry continued to exercise
their illegal powers, to levy rates, and to perform all their parochial functions, until, in
1823, the court of King’s-bench was again applied to, and another feigned issue was
directed to be tried. That feigned issue was tried before the present chief justice of the
court of King’s-bench, Lord Tenterden, and it was a very strange thing, that it was not
allowed to stand in terms similar to that which was tried before lord Kenyon. Lord
Tenterden, for reasons best known to himself, altered it, by striking out the words, “a
certain number,” and left it to be tried, whether “a body of parishioners,” had acted as
a select vestry. Therefore, as it was clear that “a set of parishioners” though not “a
certain number,” as had been laid down by lord Kenyon, had acted as a select vestry,
a verdict was given, as before, in favour of the select vestry, and against the
parishioners. The select vestry had, in consequence, governed ever since; with what
benefit and effect the House should presently hear. They now possessed an
uncontrolled power over that extensive and populous parish, and it was right the
House should know how they had exercised that power.

However, notwithstanding this was the case with respect to the parish of St
Martin, there were other parishes that were more fortunate, and the House would be
surprised to hear that, in more than one instance, the parishioners had taken the law
into their own hands, and succeeded in turning out select vestries. The parishioners of
St Anne’s, Westminster, one day broke into the vestry-room, burned all the books and
made themselves an open vestry [A laugh]. They had continued so ever since; and no
disturbances whatever had occurred. In the same way the parishioners of St Paul’s,
Covent-garden, had their cause tried in the court of the King’s-bench, and though the select-vestry had prevailed in that parish for one hundred and seventy years, they overthrew it, and became an open vestry; and the parishioners of St Giles’s, Cripplegate, were equally fortunate. They also instituted a cause; and it was decided, that the select vestry there was not good or valid in law. Some of those select vestries were founded on custom, others on particular acts of parliament. That of St James’s, Westminster, was of the latter description, and dated its origin so far back as the happy period of James 2nd. Now, owing to the increasing population of the parishes in London and its neighbourhood, it was thought necessary, a few years ago, to apply to parliament for some measures to render parochial elections less turbulent than they were before; for it was very natural that in some places anarchy should have produced the same effect in parochial governments, that it always created in states, and have given rise to a complete and perfect despotism. In 1818 and 1819, many parishes, where the vestries were open, exhibited scenes of great confusion and disorder. The consequence was, that respectable parishioners withdrew themselves from the administration of parochial affairs, and none but a few individuals, and those not of the first consideration in their respective parishes, attended at vestry meetings. To correct this evil, a right honourable gentleman opposite (Mr Sturges Bourne) bought his two bills, of 1818 and 1819, before parliament. That of 1819 gave the parishioners, in the country, to power to elect vestries, and discountenanced the then prevailing system of self-election.

If he succeeded in getting the committee for which he meant to move, it was his intention to propose a bill founded on the same principle, doing away with the system of self-election, and substituting the principle of free election. The bill of the right honourable gentleman, which was passed in 1819, had done a great deal of good throughout the country; but there was a portion of that bill, - he alluded to that part which referred to rateable property, and which, in proportion to the extent to which he was rated, gave to an individual more votes than one, - with respect to that part of it he doubted whether it could be made to apply to the great parishes of the metropolis. Indeed, he did not think that it could. It appeared from the returns laid on the table of the House, that there were in England and Wales, two thousand eight hundred and sixty-eight select vestries. Many of these were formed under the act of the right honourable gentleman; some were founded on custom, and some were authorized by private acts of parliament. Now, in some of these select vestries, it was notorious that very great abuses were prevalent. But he did not believe that the evils now complained of were at all worse than those which were exclaimed against more than a hundred years ago; for he found in the work of an author of that period, and who was much esteemed in our day - the author of one of the most current books in the English language - he meant De Foe, the author of Robinson Crusoe - he found a very strong picture drawn of the evils which were produced by select vestries, in a pamphlet of his entitled Parochial Tyranny - a tract not, perhaps, so much known by honourable members as Robinson Crusoe. De Foe said, “there is not a greater abuse in the world than that of select vestries. It is the most flagrant of tyrannies; for, while the king gives us the full enjoyment of our liberties, the select vestry makes us the completest slaves imaginable. And there is no mode of saving us but by his majesty taking us out of the jaws of those who may exercise their tyranny in æternum. The power of all other bodies has a termination; parliament is elected septentially, - the mayor and common council annually; but the select vestry is perpetual; for, as the old members drop off, none are put in their place except those who are willing to pursue the old
practices; so, rogues succeed succeeding rogues, the same scene of villany is carried on to the terror of the parishioners. Besides, while the election is vested in themselves, there is no hope of amendment. If, mistaken in their object, they happen to choose an honest man among them, he is compelled to absent himself - for he is placed in a situation like the owl amongst birds. He who becomes a member of a select vestry, like a man who goes to the Mint, if he go in honest, he is perfectly sure not to come out so.”

In this manner were select vestries described by De Foe, a hundred years ago. And Dr Burn described the select vestries of the present day in something of the same manner. His opinion was, that “of all the modern modes of conducting parochial affairs, that of select vestries was the most nefarious and unconstitutional; annihilating the rights of the parishioners, and taking away all the control which was necessary over parochial authorities. They are so unjust, that wherever they exist constant struggles are made to abolish them; and no wonder that it should be so, especially in parishes where they elect one another; because, if evil practices prevail, they will only elect those persons who will connive at such practices, or who will assist them therein.”