The Forty-Shilling Freeholder

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Between 1429 and 1832 the franchise, or right to vote, in the counties of England was confined to those who owned freehold land worth 40/- (forty shillings, or two old pounds sterling) a year. The 'forty-shilling freeholders' were the bedrock of society, the men (and itwas the men, not the women) who made the engine of the unwritten English constitution run. But a Google search reveals some rather confusing entries as to the origins of all this. It would be easy to draw the conclusion from these entries that, when the forty-shilling freeholder gained the vote in 1429, this was 'progress', akin to the Great Reform Act of 1832, which extended the franchise to a far greater class of relatively humble men, who had been denied the right to vote before.

This would be a very old fashioned view to take now, as well as an historically wrong one. It is true that in the late 19th century, in his *Constitutional History of England* (3 vols., 1874–78), Bishop William Stubbs – founder of the Oxford School of Modern History - promoted the idea that the Lancastrian monarchs (1399-1461) had been 'constitutionalists'. This was part of a more general interpretation of history which focussed on the development of Parliament and representative government as a theme of central importance. In this light, the granting of the franchise to the forty-shilling freeholder, in an intensely aristocratic society where everyone but wild-eye rebels believed in maintaining 'degree', can be seen as part of the history of progress; but the idea of Lancastrian constitutionalism has long had it day. In reality, Henry IV, V and VI were completely uninterested in the constitution. They were interested in restoring internal peace (Henry IV), winning the war in France (Henry V) and promoting religion (Henry VI). They were certainly not interested in increasing the powers of Parliament, or trying to make it more representative of the people as a whole. Parliament was there to support them, provide counsel and raise taxes. So what was the Act of 1429 about?

We went back to Maurice Keen's *England in the Late Middle Ages* (2nd edition 2003), where the late master tells us that in 1429 the county franchise was <u>limited</u> to 40/- freeholders. In other words, it had been thought, prior to that date, that more or less any free man could participate in county elections; but real power lay with the larger landowners; and they wanted to ensure a modicum of decorum during the election process, and that M.P.s should represent the 'county community' – i.e. themselves. They had become concerned that, on some occasions and in some areas, the voice of the county was being drowned out by noisy commoners. In 1429 they legislated to ensure that the franchise should only be exercised by those who had a sufficient stake in the county.

This is all counter-intuitive in terms of the 19th century Reform Acts, which are all about widening the franchise and letting more and more people into the

political process; but men did not think about the world and man's place in it in the same way in 1429 as they did in 1832, or 1867 or 1884.

The story of the Act of 1429 also stands in complete contrast to the world we see depicted in the Putney debates of 1647. Here, we see a stand-off, between the Army commanders and the Levellers about who should have the right to vote. Henry Ireton, for the Army says: *no man hath a right to an interest or share in the disposing of the affairs of the kingdom... that hath not a permanent fixed interest in this kingdom,* while Colonel Rainsbrough, for the Levellers, argues that *the poorest he that is in England hath a life to live, as the greatest he; and therefore truly, Sir, I think it clear, that every Man that is to live under a Government ought first by his own Consent to put himself under that Government; and I do think that the poorest man in England is not at all bound in a strict sense to that Government that he hath not had a voice to put Himself under.*

In our day, it was rare to find a student who did not thrill to the sound of Rainsbrough's protest. We agreed with Rainsbrough and thought that Ireton was on the side of 'the Establishment'. But the voice of the Levellers was not the voice of the medieval county community. In 1429, men cast their votes in public and elections were often violent affairs; and no one believed in 'progress'. On the contrary, everyone was brought up to believe that he should know his place and respect both his elders and betters. It is perfectly understandable in such a society, that the vote should be confined to the more conservative and stable elements - those who accepted the responsibilities which came with the ownership of freehold land and generally knew at least a little law. Things did not change in this respect until the Civil War turned the world upside down.

How much is 40/- anyway? The way to find out is not by applying a crude multiplier but by looking at other relevant monetary data available. An Act of 1371 laid down a qualification of £20 per annum from land for the office of sheriff and an Act of 1439 established the same qualification for Justices of the Peace. An Act of 1414 imposed the 40/- freehold qualification for jurymen in cases of homicide and in real-estate disputes. In 1445 it was decreed that no one of 'yeoman' status or lower should be eligible for election to Parliament.

It was clearly thought that the sort of person who was to vote was the sort of person who could be trusted to decide the most serious kinds of criminal and civil trials; but a man would have to be ten times more wealthy before he was considered suitable to serve as a sheriff of JP; but more wealthy again before he could serve in the House of Commons as an M.P. The class of person we are talking about was the yeoman farmer, who typically owned between ¼ hide and 1 hide of freehold land (about 30 to 120 acres, or 12 to 50 hectares). This man was a person with a stake in the county or country, but not necessarily a large stake. He was the sort of man who had helped to win the battle of Agincourt; and he was the sort of man extolled by Sir John Fortescue (c. 1394 – c. 1480), author of *De Laudibus Legum Angliæ* (*Concerning the Praises of the Laws of England*, as the reason why the English constitution was so much better than the French.