

## Erskine May, Chapter VI, pp. 340-353

### Attempts to Restrain Bribery: The Westminster Election

#### Disfranchisement of Corrupt Boroughs

In 1771, the systematic bribery which had long prevailed at New Shoreham was exposed by an election committee—the first appointed under the Grenville Act. It appeared that a corrupt association, comprising the majority of the electors, and calling itself the 'Christian Club,' had, under the guise of charity, been in the habit of selling the borough to the highest bidder, and dividing [340] the spoil amongst its members. They all fearlessly took the bribery oath, as the bargain had been made by a committee of their club, who abstained from voting; and the money was not distributed till after the election. But the returning officer, having been himself a member of the society, and knowing all the electors who belonged to it, had rejected their votes. This case was too gross to be lightly treated; and an act was passed to disfranchise the members of the club, eighty-one in number, and to admit to the franchise all the forty shilling freeholders of the Rape of Bramber. An address was also voted to prosecute the five members of the committee for a corrupt conspiracy.

In 1775, bribery was proved to have prevailed so widely and shamelessly at Hindon, that an election committee recommended the disfranchisement of the borough; and at Shaftesbury the same abuse was no less notorious.

In 1782, the universal corruption of the electors of Cricklade was exposed before an election committee. It appeared that out of two hundred and forty voters, eighty-three had already been convicted of bribery; and that actions were pending against forty-three others. A bill was accordingly brought in, to extend the franchise to all the freeholders of the adjoining hundreds. Even this moderate measure encountered much opposition,—especially in the Lords, where Lord Mansfield and Lord Chancellor Thurlow fought stoutly for the [341] corrupt electors. Though the bill did not seek to disfranchise a single person, it was termed a bill of pains and penalties, and counsel were heard against it. But the cause of the electors, even with such supporters, was too bad to be defended; and the bill was passed.(1)

#### Government Expenditure on Bribery

There can be little doubt that the king himself was cognisant of the bribery which, at this period, was systematically used to secure Parliamentary support. Nay, more, he personally advised and recommended it. Writing to Lord North, 16th October, 1779, he said: 'If the Duke of Northumberland requires some gold pills for the election, it would be wrong not to satisfy him.'

As these expenses were paid out of the king's civil list, his Majesty, however earnest in the cause, found them a heavy burthen upon his resources. Writing to Lord North on the 18th April, 1782, he said: 'As to the immense expense of the general election, it has quite surprised me: the sum is at least double of what was expended on any other general election since I came to the throne.' And Lord North, in excusing himself for this heavy outlay, entered into some curious details, illustrative of the part which the king and himself had taken in various elections. He said: 'If Lord North had thought that the expense attending elections and re-elections in the years 1779, 1780, and 1781, would have amounted to £72,000, [342] he certainly would not have advised his Majesty to have embarked in any such expense.' And he

proceeded to explain the reasons which had induced him to spend £5,000 at Bristol, £8,000 at Westminster, £4,000 in Surrey, £4,000 in the city of London, and how the last general election had altogether cost the crown £50,000, as well as certain pensions.

When the disgraceful traffic in boroughs was exposed in the House of Commons, before the general election of 1768, Alderman Beckford brought in a bill requiring an oath to be taken by every member, that he had not been concerned in any bribery. According to Horace Walpole, the country gentlemen were favourable to this bill, as a protection against 'great lords, Nabobs, commissaries, and West Indians:' but the extreme stringency of the oath, which was represented as an incitement to perjury,—a jealousy lest, under some of the provisions of the bill, the privileges of the House should be submitted to the courts of law,—and above all, a disinclination to deal hardly with practices, which all had been concerned in, had profited by, or connived at,—ultimately secured its rejection. Again, in 1782 and 1783, Lord Mahon vainly proposed bills to prevent bribery and expenses at elections. In 1786, he brought in a bill for the improvement of county elections, which was supported by Mr. Pitt, and passed by the Commons, but rejected by the Lords. The same evil practices [343] continued,—unchecked by legislation, connived at by statesmen, and tolerated by public opinion.

### **Purchase of Seats**

The system of purchasing seats in the House of Commons, however indefensible in principle, was at least preferable to the general corruption of electors, and in some respects, to the more prevalent practice of nomination. To buy a seat in Parliament was often the only means, by which an independent member could gain admission to the House of Commons. If he accepted a seat from a patron, his independence was compromised: but if he acquired a seat by purchase, he was free to vote according to his own opinions and conscience. Thus, we find Sir Samuel Romilly,—the most pure and virtuous of public men,—who had declined one seat from the favour of the Prince of Wales, justifying the purchase of another, for the sake of his own independence, and the public interests. Writing in September, 1805, he says: 'As long as burgage tenure representatives are only of two descriptions,—they who buy their seats, and they who discharge the most sacred of trusts at the pleasure, and almost as the servants of another,—surely there can be no doubt in which class a man would choose to enrol himself; and one who should carry his notions of purity so far, that, thinking he possessed the means of rendering service to his country, he would yet rather seclude himself altogether from Parliament, than get into it by such a violation of the theory of the constitution, must be under the dominion of a species of moral superstition which must wholly [344] disqualify him for the discharge of any public duties.'

The extent to which the sale of seats prevailed, and its influence over the composition of the House of Commons, may also be exemplified from the diary of Sir Samuel Romilly, in 1807. Thus he writes, 'Tierney, who manages this business for the friends of the late administration, assures me that he can hear of no seats to be disposed of. After a Parliament which had lived little more than four months, one would naturally suppose that those seats which are regularly sold by the proprietors of them, would be very cheap: they are, however, in fact, sold now at a higher price than was ever given for them before. Tierney tells me that he has offered £10,000 for the two seats of Westbury, the property of the late Lord Abingdon, and which are to be made the most of by trustees for creditors, and has met with a refusal. £6,000 and £5,500 have been given for seats, with no stipulation as to time, or against the event of a speedy dissolution by the king's death, or by any change of administration. The truth is, that the new ministers have bought up all the seats that were to be disposed of, and at any prices. Amongst others, Sir C. H—, the great dealer in boroughs, has sold all he had to ministers. With what money all this is done I know not, but it is supposed that the king, who has greatly at heart to preserve this new administration, the favourite objects of his choice, has advanced a very large sum out of his privy purse.'

[345] 'This buying of seats is detestable; and yet it is almost the only way in which one in my situation, who is resolved to be an independent man, can get into Parliament. To come in by a popular election, in the present state of the representation, is quite impossible; to be placed there by some great lord, and to vote as he shall direct, is to be in a state of complete dependence; and nothing hardly remains but to owe a seat to the sacrifice of a part of one's fortune. It is true, that many men who buy seats do it as a matter of pecuniary speculation, as a profitable way of employing their money: they carry on a political trade; they buy their seats and sell their votes.'(2) He afterwards bought his seat for Horsham of the Duke of Norfolk, for £2,000.(3)

So regular was the market for seats, that where it was inconvenient to candidates to pay down the purchase-money, they were accommodated by its commutation into an annual rent. It was the sole redeeming quality of this traffic, that boroughs were generally disposed of to persons professing the same political opinions as the proprietors.(4) These nominees were unknown to [346] their constituents, and were sometimes under an engagement not to make their acquaintance.(5) The practice of selling and letting seats, by which ministers themselves were sometimes compromised, at last become so notorious, that it could no longer be openly tolerated by Parliament. In 1809, Mr. Curwen brought in a bill to prevent the obtaining of seats in Parliament by corrupt practices, which, after much discussion in both Houses, he succeeded in passing. It imposed heavy penalties upon corrupt agreements for the return of members, whether for money, office, or other consideration; and in the case of the person returned, added the forfeiture of his seat.(6)

But notwithstanding these penalties, the sale of seats,—if no longer so open and avowed,—continued to be carried on by private arrangement, so long as nomination boroughs were suffered to exist, as one of the anomalies of our representative system. The representation of Hastings, being vested in a close corporation, was regularly sold, until the reform act had enlarged the franchise, for £6,000. And until 1832, an extensive sale of similar boroughs continued to be negotiated [347] by the Secretary to the Treasury, by the 'whippers-in' of the opposition, and by proprietors and close corporations. So long as any boroughs remained, which could be bought and sold, the market was well supplied with buyers and sellers.

## **The Revenue Officers**

Boroughs whose members were nominated, as to an office, and boroughs bought in the open market, or corrupted by lavish bribery, could not pretend to popular election. The members for such places were independent of the people, whom they professed to represent. But there were populous places, thriving ports, and manufacturing towns, whence representatives, freely chosen, might have been expected to find their way into the House of Commons. But these very places were the favourite resort of the government candidates. The seven years' war had increased the national debt, and the taxation of the country. The number of officers employed in the collection of the revenue was consequently augmented. As servants of the government, their votes were secured for the ministerial candidates. It was quite understood to be a part of their duty, to vote for any candidate who hoisted the colours of the minister of the day; and their number was the greatest, precisely where they were most needed by the government. The smaller boroughs were already secured by purchase, or overwhelming local interest: but the cities and ports had some pretensions to independence. Here, however, troops of petty officers of customs and excise were driven to the poll, and,—supported by venal freemen,—overpowered the independent electors.

[348] In 1768, Mr. Dowdeswell had in vain endeavoured to insert a clause in Alderman Beckford's bribery bill, for the disqualification of revenue officers. In 1770, he proposed a bill to disqualify these officers from voting at elections, and was supported by Mr. Grenville. It was urged, however, that they were already prohibited from interfering at elections, though

not from voting; and that no further restraint could reasonably be required. But, in truth, the ministry of Lord North were little disposed to surrender so important a source of influence, and the bill was accordingly rejected.(7)

The measure, however, was merely postponed for a time. The dangerous policy of the court, under Lord North,—and its struggle to rule by prerogative and influence,—convinced all liberal statesmen of the necessity of protecting public liberty, by more effectual safeguards. Meanwhile the disastrous American war further aggravated the evils of taxes, and tax-collectors.

In 1780, a bill to disqualify revenue officers was proposed by Mr. Crewe, and though rejected on the second reading, it met with much more support than Mr. Dowdeswell's previous measure.(8) It was again brought forward in 1781, with less success than in the previous year.(9) But the time was now at hand, when a determined assault was contemplated upon the influence of the crown; and in 1782, the [349] disqualification of revenue officers,—which had hitherto been an opposition measure,—was proposed by the ministry of Lord Rockingham. Its imperative necessity was proved by Lord Rockingham himself, who stated that seventy elections chiefly depended on the votes of these officers; and that eleven thousand five hundred officers of customs and excise were electors. In one borough, he said that one hundred and twenty out of the five hundred voters had obtained revenue appointments, through the influence of a single person.

This necessary measure was now carried through both Houses, by large majorities, though not without remonstrances against its principle, especially from Lord Mansfield. It is not to be denied that the disqualification of any class of men is, abstractedly, opposed to liberty, and an illiberal principle of legislation; but here was a gross constitutional abuse requiring correction; and though many voters were deprived of the rights of citizenship,—these rights could not be freely exercised, and were sacrificed in order to protect the general liberties of the people. Had there been a franchise so extensive as to leave the general body of electors free to vote, without being overborne by the servants of the crown, it would have been difficult to justify the policy of disfranchisement.(10) But with a franchise so restricted that the electors were controlled by the [350] crown, in the choice of their representatives, the measure was necessary in the interests of freedom.

## **The Great Cities**

Such being the dependence and corruption of the smaller boroughs,—and such the government influence in many of the larger towns,—there were still a few great cities, with popular rights of election, whose inhabitants neither landowners nor government could control, and which were beyond the influence of corruption. Here, at least, there might have been a free expression of public opinion. But such were the vices of the laws which formerly regulated elections—laws not designed for the protection of the franchise,—that a popular candidate, with a majority of votes, might be met by obstacles so vexatious and oppressive, as to debar him from the free suffrage of the electors. If not defeated at the poll, by riots and open violence,—or defrauded of his votes, by the partiality of the returning officer, or the factious manoeuvres of his opponents,—he was ruined by the extravagant costs of his victory. The poll was liable to be kept open for forty days, entailing an enormous expense upon the candidates, and prolific of bribery, treating, and riots. During this period, the public houses were thrown open; and drunkenness and disorder prevailed in the streets, and at the hustings. Bands of hired ruffians,—armed with bludgeons, and inflamed by drink,—paraded the public thoroughfares, intimidating voters, and resisting their access to the polling places. Candidates assailed with offensive, and often dangerous missiles, braved the penalties of the pillory; while their supporters were exposed to [351] the fury of a drunken mob. Even now, a contested election, which lasts but a day, is often a reproach to a civilised people. What then

must it have been before any of its worst vices had been controlled, and when it continued for upwards of a month?

## The Westminster Election of 1784

The most conspicuous example of all the abuses of which the old electoral system was capable, was that of the Westminster election, in 1784. Mr. Fox had incurred the violent resentment of the government, by his recent opposition to Mr. Pitt, and the court party. It had been determined, that all the members who had supported the coalition should be opposed, at the general election; and Mr. Fox, their ablest leader, was the foremost man to be assailed. The election,—disgraced throughout by scenes of drunkenness, tumult, and violence,(11)—and by the coarsest libels and lampoons,—was continued for forty days. When the poll was closed, Mr. Fox was in a majority of two hundred and thirty-six above Sir Cecil Wray, one of the court candidates. But he was now robbed of the fruits of his victory by the High Bailiff, who withheld his return, and commenced a scrutiny into the votes. By withholding the return, after the day on which the writ was returnable, he denied the successful candidate his right to sit in Parliament: and anticipated the jurisdiction of the House of Commons, by which court alone, the validity of the election could then properly be determined. This [352] unwarrantable proceeding would have excluded Mr. Fox from his rightful place in Parliament: but he had already been returned for Kirkwall, and took his seat, at the commencement of the session.

Apart from the vexation and injustice to which Mr. Fox had been exposed, the expense of the scrutiny was estimated at £18,000. In vain his friends endeavoured to induce the House of Commons to order the High Bailiff to make an immediate return. That officer was upheld by Mr. Pitt, who was followed, at first, by a large majority. Mr. Fox, in his bitterness, exclaimed: 'I have no reason to expect indulgence: nor do I know that I shall meet with bare justice in this House.' As no return had been made, which could be submitted to the adjudication of an election committee, Mr. Fox was at the mercy of a hostile majority of the House. The High Bailiff was, indeed, directed to proceed with the scrutiny, with all practicable despatch: but at the commencement of the following session,—when the scrutiny had been proceeding for eight months,—it had only been completed in a single parish; and had but slightly affected the relative position of the candidates. Notwithstanding this exposure of the monstrous injustice of the scrutiny, Mr. Pitt still resisted a motion for directing the High Bailiff to make an immediate return. But, blindly as he had hitherto been followed,—such was the iniquity of the cause which he persisted in supporting, that all his influence failed in commanding a larger majority than nine; and on the 3rd of March, he was defeated by a majority of [353] thirty-eight. The minister was justly punished for his ungenerous conduct to an opponent, and for his contempt of the law,—indignantly ascribed by Mr. Fox, to 'the malignant wish of gratifying an inordinate and implacable spirit of resentment.' But a system which had thus placed a popular candidate,—in one of the first cities of the kingdom,—at the mercy of factious violence, and ministerial oppression, was a flagrant outrage upon the principles of freedom. Parliament further marked its reprobation of such proceedings, by limiting every poll to fifteen days, and closing a scrutiny six days before the day on which the writ was returnable.(12)

### Footnotes.

1. 22 Geo. III. c. 31.
2. Romilly's Life, ii. 200-201.
3. Lord Palmerston, in his Diary, Nov. 1806, writes:—'Fitz-Harris and I paid each £1,600 for the pleasure of sitting under the gallery for a week, in our capacity of petitioners.' At the dissolution we 'rejoiced in our good fortune at not having paid £6,000 ( which

would have been its price) for a three mouths' seat.'—Bulwer' s Life of Palmerston, i. 19.

4. Romilly's Life, ii. 202. Sometimes differences of opinion were appraised at a money value. At Petersfield, for example, a candidate, by paying guineas instead of pounds, overcame the proprietor's repugnance to his politics.—From private information.
5. 'I came into Parliament for Newtown, in the Isle of Wight, a borough of Sir Leonard Holmes'. One condition required was, that I would never, even for the election, set foot in the place, so jealous was the patron lest any attempt should be made to get a new interest in the borough,'—Lord Palmerston's Diary, May, 1807.
6. 49 Geo. III. c.118.
7. By a majority of 263 to 188; Parl. Hist., xvi. 834; Cavendish Deb., i. 442.
8. The numbers were 224 to 195; Parl. Hist., xxi. 403.
9. The numbers being 133 to 86; Parl. Hist., xxi. 1398.
10. This principle has since been recognised by the Legislature; and in 1868, the repeal of this disqualification accompanied the extended franchises of that time.—31 and 32 Vict. c. 73, 192; Hans. Deb., 3rd Ser., 1362. etc.; 37 and 38 Vict. c. 22.
11. In one of the brawls which arose during its progress, a man was killed, whose death was charged against persons belonging to Mr. Fox's party, but they were all acquitted.
12. 25 Geo. III. c. 84.

[Next](#)

[Contents](#)

[Previous](#)