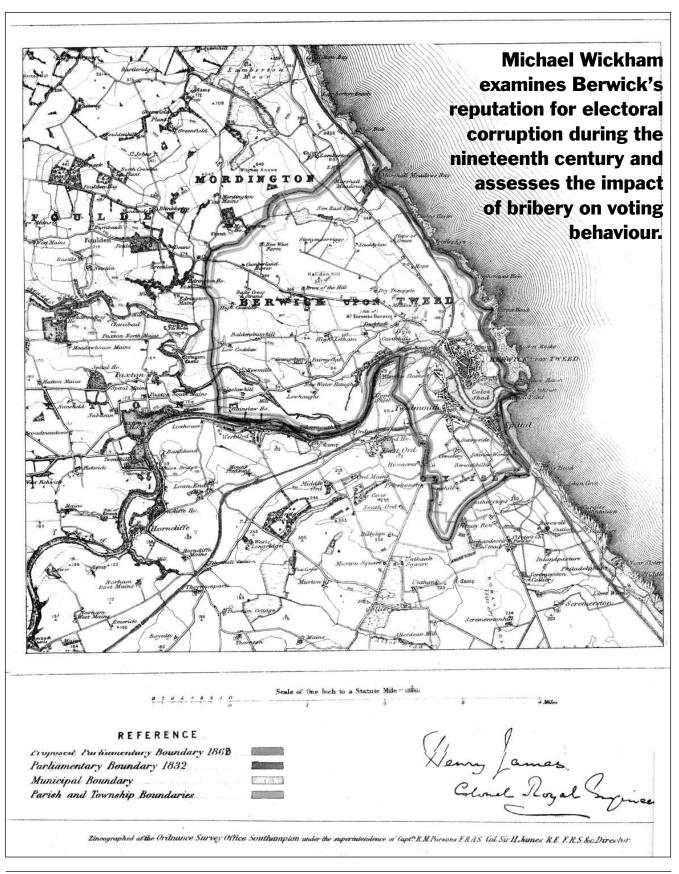
BERWICK-UPON-TWEE



D:AVENAL BOROUGH?

hen the English electoral system was reformed in 1832, it was hoped that the bribery and corruption that had characterised the old system would become a thing of the past. However, such hopes were soon dashed as many of the old practices continued unabated. Indeed, in some boroughs the situation was even worse than it had been before the 1832 Reform Act. In Berwick-upon-Tweed, for instance, a series of election scandals resulted in the appointment of a Royal Commission to investigate the alleged venality of the electors of England's most northerly parliamentary borough, which, until the Liberal victory of 1852, saw its representation shared by the two major political parties, except during the 1830s, when first the Whigs and then the Conservatives were briefly dominant.

In 1817 the Reverend Thomas Johnstone, minister of the Low Meeting House, Berwick, wrote:

It is not uncommon for the Burgesses of Berwick to promise their vote to a favourite Member of Parliament, several years before an election takes place; and, much to their honour, they have seldom been known to break this promise. Hence the Borough is often canvassed, and secured, long before a dissolution of Parliament, and the Representative who is fortunate enough to obtain the promise of a vote, has no doubt of its being literally fulfilled.

Unfortunately, this glowing assessment of the political integrity of the Berwick electorate was not one that was widely shared during the eighteenth and nineteenth centuries. The electors' ingratitude towards the Whig member John Delaval, who had spent thousands of pounds on them during the 1760s, prompted Captain Nethercott to refer to them as 'a herd of swine that the Devil possesses'. Similar sentiments were expressed by J. Lambert, Esq. when he informed Earl Grey in 1832 that:

... the Berwick electors are such a venal pack that I fear there can be little hope entertained of their supporting even so straightforward and uncompromising a reformer as Sir F [Francis Blake] upon the principle of political feeling only ... corruption has become so much a habit at Berwick that I think no candidate could rely on success, if opposed, unless he was prepared to spend something.³

Indeed, it was a well-known fact that electioneering at Berwick was a costly business. Even the Berwick Advertiser acknowledged this when, in 1831, it declared, 'The expensiveness of the election for this borough are sufficiently known, to terrify any prudent person from engaging in a contest for it.'4 Similarly, another local newspaper, the Kelso Mail, observed on the eve of the 1832 general election, 'Unless a pretty considerable REFORM has actually taken place, the purses of the honourable candidates may undergo a fearful change.'5 Berwick's notoriety spread far beyond the locality. In January 1833 the Weekly Despatch referred to the town as 'This once most corrupt and close Tory borough'.6

Not surprisingly, such attacks were deeply resented by the

upon-Tweed a series of election scandals resulted in the appointment of a **Royal Com**mission to investigate the alleged venality of the electors of **England's** most northerly parliamen-

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people of Berwick, who believed that the case against them had been somewhat overstated. Thus, in January 1833, the *Advertiser*, referring to the conduct of the town's electors on former occasions, warily observed:

We are far from believing that they were all guiltless, – yet the borough has been more sinned against than sinning, and why should six or seven hundred good men bear the odium attached to the sins of fifty or perhaps sixty who desecrate the privileges which they enjoy?⁷

The newspaper was highly conscious of the borough's reputation for venality and was determined that such notoriety should be laid to rest along with the old electoral system. With this object in mind, it constantly urged the electorate to pursue a more honest course. For instance, on 15 September 1832 it beseeched the electors:

Will you permit the name of your native place to be obnoxious to the very nostrils of honest men? – Will you have it written in corruption, and hackneyed round the land as a standing and evil jest with Gatton and Grampound?⁸

Such exhortations fell upon deaf ears, however, and the electors of Berwick continued with their venal practices. Consequently it was reported that, in 1832, both Whig and Tory candidates gave money to the electors, especially towards the close of the poll on the second day, when 'large sums were asked and given for votes'.9 Likewise, in 1835, Sir Rufane Shaw Donkin (Liberal) spent 'immense sums', James

Bradshaw (Tory) 'pulled out' a small amount, while Sir Francis Blake (Liberal), who later had the audacity to blame his defeat on bribery, was 'cleaned out'. 10 As a result of this high expenditure, no candidate could be found to represent the Conservative interest at the by-election four months later, although it was reported that William Holmes was prepared to stand provided he could be assured of one hundred volunteer votes' before the commencement of his canvass. His failure to contest the seat suggests that such an assurance was not forthcoming.

Rather than erase its tarnished image under the new electoral system, Berwick's notoriety seems to have increased in the years after 1832. Following the election petition of 1852, which resulted in the election of that year being declared void, Thomas Phinn, the Liberal member for Bath, said in the Commons that it was the opinion of people acquainted with elections in Berwick that 'It is of no use going down to Berwick unless you are prepared to pay the freemen all round.'12 He also said he believed that the corruption of Berwick was quite as notorious as that of Sudbury and St. Albans, two towns which had been disfranchised after a Royal Commission had found evidence of gross bribery and corruption.13 Indeed, seven years after Phinn's damning pronouncement Berwick itself became the subject of a similar investigation.

The aim of this article is to consider two important questions. First, did Berwick deserve its reputation for venality? And, second, what effect, if any, did corruption have on voting behaviour in the borough?

Any attempt to answer the first of these questions will inevitably rely heavily upon the report of the 1861 Royal Commission appointed to inquire into the existence of bribery at the Berwick elections of 1859. Although there were four successful election petitions between the Electoral Reform Act of 1832 and the Redistribution Act of 1885,

none of these produced an investigation as thorough as that of the Commissioners.

The first successful petition was in 1852 and it resulted in a void election after the Select Committee had determined that John Stapleton (Liberal) was, by his agents, guilty of treating (i.e. entertaining the electors with food and drink at the candidate's expense) and that Matthew Forster (Liberal) was, by his agents, guilty of bribery.14 The second was in 1860 and it led to a recommendation for a Royal Commission to investigate the borough after the Committee discovered that bribery extensively prevailed at the by-election in August 1859.15 The third was in 1863 and it culminated in the conclusions that no case of bribery was proved, and that it was not proved that corrupt practices extensively prevailed at the election.16 The fourth successful petition was in 1880 and it produced the ruling that corrupt practices had not prevailed on either side. 17

The 1861 Commission sat daily in Berwick (except for an adjournment for one week) from 30 July to 1 September, and afterwards six times in London. Since the Commissioners found no suspicion of corruption attached to the 1853 election, they did not enter into the details of that or of any previous election. However, they did receive 'general information as to the previous political reputation of the borough'.18 Of particular significance is the fact that the freemen were generally presented as 'the most accessible to the influence of bribery'.19 Thomas Bogue, the mayor, for instance, told the Commissioners that before 1853 'bribery was reported to have extensively prevailed, principally among the freemen': while John Graham, a resident of Berwick for fourteen years, said that 'since he came to Berwick the opinion has always prevailed that the freemen will not vote unless they are paid for their votes', but he added to this his opinion 'that the householders are as bad as the freemen'.

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(Before 1832 the electorate consisted exclusively of the freemen of the borough - thereafter, it included only those freemen who lived within a seven-mile radius of the borough, as well as the ten-pound householders of the town.) Another witness, Mr Jeffrey, a solicitor from Jedburgh, who was sent to Berwick in 1859 to collect evidence in support of the prosecutions initiated by the Northern Reform Union against some of the electors for bribery, told the Commissioners that he had heard in the town itself that 'an election never took place without extensive bribery on both sides'. And Matthew Forster, the Liberal member from 1841 to 1852, stated that, although it was difficult to ascertain what number of electors were bribable, his own impression was that, while he sat for the borough, 'two-thirds of the freemen and some portion of the householders were corrupt'.20 This would mean that in 1852, for example, about 235 freemen were bribable.

Collating this evidence of general reputation with the fact that large amounts were spent by the various candidates at the elections of 1837, 1841 and 1852, and with the fact that the two successful candidates were unseated in 1852, the Commissioners concluded that 'we could feel no doubt that the parliamentary elections at Berwick down to the year 1853 were attended with very considerable corruption'. ²¹

In contrast, the 1853 by-election was characterised by its integrity, although, as the Commissioners observed, 'As that election followed immediately on the avoidance for bribery of the return of the members elected in 1852, its purity has been reasonably attributed to the fear of ulterior consequences induced by the recent exposure'.²² In other words, the election was pure only because the electors were afraid that another inquiry might lead to their disfranchisement.

However, the main task of the 1861 Royal Commission was to investigate the elections of 1857

Table 1: Result of the general election at Berwick, 28 March 1857

John STAPLETON (Lib)	339
Dudley Coutts MARJORIBANKS (Lib)	271
Captain Charles William Gordon (Con)	269
Matthew Forster (Lib)	250

and 1859. In the event, it was an investigation fraught with difficulty. As the Commissioners observed in the introduction of their report:

In the investigation which we were charged to conduct, the difficulty experienced by us in obtaining any reliable information upon which to shape our inquiries soon gave ground for believing that nothing would be disclosed which could be withheld. During the inquiry itself the majority of the witnesses displayed a mental reservation through which it was difficult to break; while not a few prevaricated and perjured themselves with the utmost hardened effrontery.23

The Commissioners attributed this pervasive dishonesty partly to an apprehension that a truthful disclosure would result in either personal or general disfranchisement, and partly to 'a perverted notion of duty' which made some of the witnesses reluctant to betray those who had bribed them.²⁴

Yet, despite this general reticence on the part of the witnesses, the Commissioners were able to paint a fairly comprehensive picture of the 1857 and 1859 elections. In 1857, for instance, there had been some suspicion that the Conservative Charles Gordon's position on the poll had been achieved by illegitimate means. As a stranger who came to Berwick only ten days before the election, he was not expected to do very well. His canvass was not a favourable one, and he confessed to one of his opponents, the Liberal D. C. Marjoribanks, that he had no more than a hundred pledges. Indeed, his chances of success looked so slim that he retired to

Edinburgh on the morning of the nomination. However, John Renton Dunlop, the chairman of his committee, and the Reverend George Hans Hamilton were more sanguine, and Gordon was persuaded to return to the borough, where he was defeated by only two votes. The Liberals were certainly surprised by the unexpected support he had received. Marjoribanks, for example, said he thought that Gordon's position was due to the promises he had made about what he would do for the town after the election (Gordon had said that if he was elected he might give money for some public building for the benefit of the whole town).25 On the other hand, Hamilton argued that the presence of three Liberal candidates, each trying to get as many single votes as possible, had given Gordon a chance of success. After considering the testimony of all concerned, the Commissioners decided that 'nothing was adduced in evidence to warrant us in concluding that Captain Gordon's election was not, so far as he was personally concerned, legitimately conducted'.26 However, it was established that others, such as the erstwhile Conservative member for Berwick, Richard Hodgson, were especially active in furthering the cause of the Conservative candidate 'by treating electors in public houses'.27 It is little wonder that Dunlop and Hamilton were more optimistic than Gordon about his election prospects (see Table 1).

If Gordon had been a political novice in 1857, he certainly learned how to curry favour with the Berwick electors in time for his next foray into electoral politics. Not only did he donate over £2,000 for the building of a church, but he made regular trips to Berwick in 1858-59, visiting the sick and giving them money.28 He also employed Hamilton to dispense his charities. These included the distribution of coals, the payment of occasional sums to the poor and subscriptions to charitable societies. In all, Gordon had resolved to spend about £200

a year at Berwick. However, this was not the limit of his largesse. He also retained William McGall as his agent, by a fee of £50, for the purpose of cultivating the Conservative interest in the borough, and gave him money to distribute among the poor. Gordon's motives were perfectly clear:

I gave McGall the money with a sort of mixed object; one was, no doubt, to keep up my influence in the place; it had also reference to the peculiar poverty of the place, which had struck me very much. I instructed McGall not to exclude voters; he was to give money in all cases where there was poverty; but then he was not to exclude voters, because a great many of the voters were more needy than many of the paupers. I gave him a general discretionary power. He saw that it had reference to the election, that I was charitably disposed, and that I wished to help the people. There were no details gone into.29

In all, McGall spent £540 in the advancement of Gordon's object. It was distributed by him 'to some hundreds of individuals, of whom a large proportion were freemen'. ³⁰ A further £100 was spent by McGall within a few days of the poll. Indeed, according to Johnson How Pattison, who was himself bribed, McGall paid sixty or seventy voters from £1 to £3 in his house, popularly known as the 'gull-hole', the night before the election. ³¹

So confident of a Conservative victory was Gordon that he invited R. A. Earle, Disraeli's private secretary, to stand with him at Berwick in 1859. Gordon assured Earle that his election would be inexpensive, since he was certain to benefit from Gordon's popularity in the borough. And indeed he did, coming second in the poll behind Gordon.The Commissioners were in no doubt that Earle's election owed much to 'the potent monetary influences which had been discreetly employed by McGall for the promotion of the Conservative interest in the town'.32

Table 2: Result of the general election at Berwick, 30 April 1859

Captain Charles William GORDON (Con)	366
Ralph Anstruther EARLE (Con)	348
Dudley Coutts Marjoribanks (Lib)	330
John Stapleton (Lib)	257

Table 3: Result of the by-election at Berwick, 20 August 1859

Dudley Coutts MARJORIBANKS (Lib)	305
Richard Hodgson (Con)	304

Gordon himself concurred with this view, although he was inclined to believe that other factors played a part:

It is only natural to suppose that the money distributed through McGall had a considerable influence in securing the election, although I believe that people voted according to their predilections, and on other grounds as well.³³

This may well have been the case. However, the return of two Conservatives in 1859 was very much against expectations. Since their landslide victories in 1852 and 1853 the Liberals had dominated Berwick politics; and although there was always enough Conservative support in the borough to allow for the possibility of returning one Conservative candidate, the likelihood of achieving a double victory by legitimate means was fairly remote. It certainly did not happen again, although Richard Hodgson only narrowly failed to become Berwick's second Conservative member at the 1859 by-election. However, this election too was far from pure (see Table 2).

The 1859 by-election was brought about by the resignation of the Conservative member R. A. Earle. A compromise had been reached between Marjoribanks, Gordon and Earle, whereby the latter would retire following the withdrawal of Marjoribanks' petition against the two Conservative members; in return, Marjoribanks would be allowed to stand unopposed. However,

this did not prevent the Berwick Conservatives from mounting a challenge at the August election. As in April, corruption played a prominent part in the contest. The Commissioners reported that bribery was committed on both sides by individual supporters of the two candidates, but that they were unable to determine the exact extent to which it was carried on. They entirely absolved Marjoribanks from the suspicion that he either directly or indirectly supplied money for the purpose of corruptly influencing the constituency. Although they failed to discover the existence of any organisation for the purpose of bribery on the Liberal side, they did find that on polling day three individuals were 'actively engaged in endeavouring to promote Mr. Marjoribanks' election by corrupt payments and offers'.34 Yet this was nothing compared to the bribery practised by the Conservatives, which the Commissioners described as 'more systematic, and almost wholly performed by the agency of William McGall'.35 McGall had been very active on polling day, visiting the 'George' and the 'Woolpack' public houses, where he had bribed a number of electors to vote for Hodgson with money which was believed to have been provided by Hodgson for that express purpose (see Table 3).36

In their report the Commissioners named four individuals, including Gordon and McGall, who were guilty of bribery in April 1859 by corruptly giving or promising money for votes; and fifteen who were guilty of bribery by receiving money for their votes. In addition, they named twelve individuals, including Hodgson and McGall, who were guilty of bribery in August 1859 by giving or promising money for votes; and twelve who were guilty of bribery by receiving money.³⁷

The damning conclusions of the 1861 Royal Commission are supported by Robert Mathison's account of corruption in the borough. In a letter to Richard Reed, the secretary of the Northern Reform Union, Mathison describes the bribery and treating that occurred at Berwick between 1832 and 1859, drawing particular attention to the 'Capital election' of 1852 and the 'bribery election' of 1859. ³⁸ According to Mathison, after the 1859 election he heard 'a Gentleman who did "business" for the Whigs at many elections' say that there 'are two hundred voters who will not poll without money'. Mathison told Reed that he believed this to be true. ³⁹

If this evaluation of the corruptibility of the Berwick electorate is accurate, it would mean that of the 703 electors who were entitled to vote in 1859, just over 28 per cent of them were bribed to do so. On the other hand, if Forster's estimate of the number of corrupt electors is taken into consideration, the figure rises to above 35 per cent. Either way, this is bribery on a large scale. It would place Berwick on a par with boroughs like Yarmouth, where 33 per cent of the electors were proved to have given or received bribes,40 and Beverley, where 37 per cent of the electorate were open to bribery;41 but behind the most venal boroughs of the period, such as Reigate, where the proportion of the electorate affected by bribery was nearly 50 per cent,42 St. Albans, where almost 64 per cent of the electors habitually took money,43 Lancaster and Totnes, where corruption involved about 66 per cent of the electorate,44 and the incorrigible Bridgwater, where 75 per cent of the constituency were 'hopelessly addicted' to giving or receiving bribes.45 Since all of these boroughs were disfranchised for corruption, Berwick can count itself lucky to have escaped a similar fate.

With such a high proportion of the electorate susceptible to bribery, it would be easy to assume that the outcome of an election would be determined by the amount of money that found its way into the pockets of the voters. However, there is compelling evidence to suggest that this was not the case. In his

study of electoral politics in midnineteenth century Lancashire, M.A. Manai has shown that pollbook evidence casts doubt on the alleged importance of corruption on the outcome of elections. By tracing a number of voters over a period of time, he discovered that they did not change their political allegiances and were not swayed by money. Other factors, such as occupation, age, location and religion, were much more significant determinants of voting behaviour than money. Bribery', argues Manai, 'may have confirmed rather than changed political views.'46

Other historians have also questioned the importance of bribery in determining election results. For instance, in his analysis of 3,716 electors during four Colchester elections, Andrew Phillips found that their voting behaviour appeared consistent and partisan.47 He concludes, 'If Colchester voters were venal, they were consistently so: only 1% of four-time voters switched party twice.'48 Likewise, J. R. Vincent has shown that in constituencies throughout the country there was a strong correlation between occupation and political affiliation, suggesting that corruption had a limited impact upon voting behaviour. As he observes:

... though the relative will and power of each party to buy votes varied enormously from election to election and from candidate, the patterns of occupational preference remain relatively stable from year to year and from one place to another. Croesus fought many elections, but he never made shoemakers into good Tories, or butchers into good Liberals.⁴⁹

This view is endorsed by T. J. Nossiter, who, in his study of voting behaviour in the northeast of England, points out that, even if the case is not conclusive, 'there are good grounds for believing opinion to have had a continuous relationship to occupation from 1832 onwards,

not only in the north east, but in other large towns as well'. 50 Notwithstanding all the evidence of extensive bribery and treating unearthed by Election Committees and Royal Commissions, Nossiter warns that, 'it would be perhaps unwise to assume that a voter necessarily accepted money from a party he would not have supported anyway'. 51 Such a cautious approach to

the relationship between money and voting behaviour would appear to be justified by evidence from this investigation. Using the reports of the 1852 Election Committee and the 1861 Royal Commission in conjunction with existing poll books (which record the way electors voted), it was possible to trace the voting behaviour over a series of elections of the twenty-eight voters who took bribes at the general elections of 1852 and 1859 and at the by-election of 1859. As all of these voters are known to have been corruptible, they are amongst those most likely to have allowed their voting behaviour to be influenced by money. Yet an analysis of their voting record, which in some cases spans as many as eight elections, produces an overall impression, not of a group of electors who were constantly changing their political allegiance, but rather of a group which was consistently loyal to one particular party. Such a picture of partisan voting would appear to confirm Manai's assertion that money confirmed rather than determined the voting preferences of those who took bribes at elections.

Of course, there were always electors to whom this rule did not apply. At Beverley, for instance, it was reported that out of the 1,000 voters who were open to bribery in 1868, a good third (over 12 per cent of the electorate) were known as 'rolling stock'. In other words, an adequate bribe would make them roll to the other side. ⁵² No doubt most constituencies had their share of these voters. It was alleged that Donkin lost at Berwick in 1837, 'because the men who took his money

- sold again to the Tories and thus did him in two ways at once'.53 Similarly, in 1865 it was said that many of those electors who were charged in Alexander Mitchell's (Liberal) petition with having received bribes in 1863 had broken their pledges to William Cargill (Conservative) and voted for Mitchell.54 If such claims are true, the number of voters who sold out to the highest bidder must have been small. This is confirmed by the author's own investigation of voting consistency at Berwick elections during the period 1832-72.55 It is further supported by Manai's analysis of individual voting behaviour at Lancaster, which suggests that 'the majority of voters remained loyal to specific parties rather than changing their political allegiances in line with whichever party offered them monetary incentives'.56

Taking into consideration the poll-book evidence of Berwick and of other constituencies, it is difficult not to concur with John Phillips' conclusion that:

Nossiter warns that. **'it would** be perhaps unwise to assume that a voter necessarily accepted money from a party he would not have supported any-

way'.

The survival of bribery and other undue influences notwithstanding, most electors after 1832 chose to give their support to one of the parliamentary parties ... Moreover, once an elector had chosen a party and cast his votes for it, he was likely to continue to support that party for the rest of his parliamentary voting career. If bribery was an active force at these elections, it seems to have been notably ineffectual.⁵⁷

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