

ELECTIONEERING IN LANCASHIRE BEFORE SECRET BALLOT

I

THE PRESTON ELECTION OF 1768

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I. THE RESOLUTION OF 1661

UNTIL the Restoration the mayor and the twenty-four members of the corporation alone elected Preston's parliamentary representatives. Writs had never stipulated how borough members should be chosen, and, as in many other towns that used the same method of election, there was no conscious dictation or denial of civic rights in this Preston tradition. But in 1661 the mass of in-burgesses claimed that the franchise should not be restricted to a few select burgesses, that is to the mayor and the twenty-four freemen who served on the town council. The corporation's attitude remained unchanged. Details of the 1661 electoral campaign are irrelevant here. It is sufficient to say that after a petition to parliament from one of the three candidates the House of Commons passed an important resolution which was destined to play a vital part in the Great Preston Election of 1768. This resolution ran as follows: "Resolved . . . that this House do agree with the said Committee, that *all the inhabitants* of the said borough of Preston have voices in the election and that the majority of such voices is with Dr. Rishton." Dr. Rishton was the in-burgesses' candidate.

To the generation of 1661, the meaning of the resolution seemed perfectly clear. It was taken for granted that the expression *all the inhabitants* simply meant *resident freemen*, for, as the corporation pointed out in later years, any non-freemen resident in the town, were probably termed *foreigners*, never *inhabitants*.

The contemporary interpretation of the resolution remained unchallenged till 1768. In that year, on the fall of Chatham's government, writs were issued for a general election. In Preston

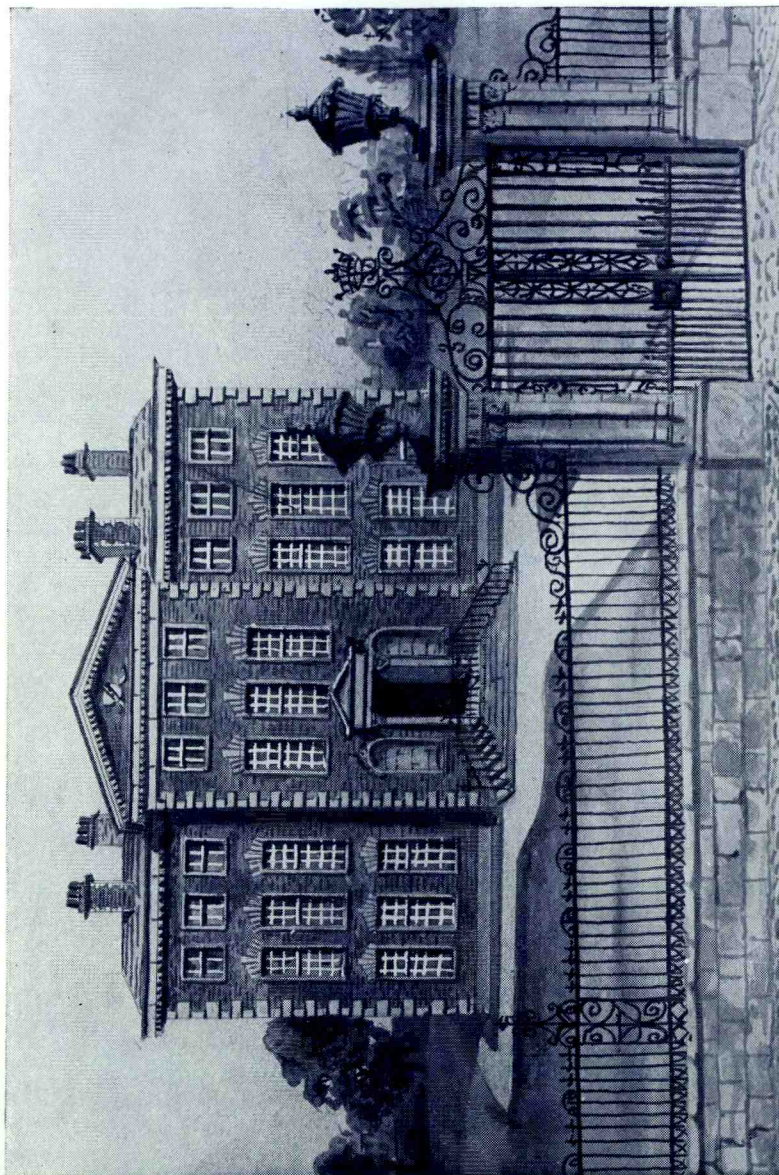


Plate 12. PATTEN HOUSE, THE PRESTON RESIDENCE OF THE DERBY FAMILY
Patten House stood near the junction of Church Street and Derby Street. It was demolished in 1835.
From a painting owned by the Royal Lancashire Agricultural Society.

there ensued a grim electoral struggle between the corporation and the Derby party, each striving for political supremacy. As the poll neared its close, the hitherto accepted meaning of the old resolution was suddenly called in question, the phrase *all the inhabitants* was given a new interpretation, and the non-freemen were allowed to vote. When the election was over, Preston, in common with Westminster, had gained a wider franchise than any other borough in the country. In their book on the *Unreformed House of Commons*, E. and A. Porritt declare that in 1768 in Preston "there was established one of the most extraordinary franchises on which Members of Parliament were ever elected"; and L. B. Namier, writing in his *Structure of Politics at the Accession of George the Third*, says: "At Preston, Lord Derby established his influence in 1768 by defeating the corporation, and on petition gaining for the borough the widest male franchise ever known in the British Isles."

It has been claimed that the battle was fought out on the local issue alone, and according to all the evidence available, this would seem to be true. For, in all the electoral propaganda, manifestos, and squibs poured out by the warring factions, there is no mention of the Wilkes's case, nor of anything that was happening in the field of national affairs, except for some doggerel verse protesting against enclosures, the bounty on corn, a standing army, and the national debt. However, in an age when the great mass of the electorate usually attached more importance to what was taking place in their own locality than to events in the world outside, it is probable that most, if not all electoral battles were decided on local issues alone, and that Preston was no exception to the rule.

II. THE CANDIDATES IN 1768

The parliamentary writs arrived in Preston in June 1767, summoning the town to send two members to a new parliament. Candidates were nominated by both sides—the Whig Derby party, and the Tory corporation party. Here, some apology must be offered for the use of a nomenclature, which, in the light of recent research, has become out-moded. The terms *Whig* and *Tory* do not appear in any of the poll books, nor, except in one or two isolated instances, in the election literature. They are used here in the wider sense sanctioned by Namier in his *England in the Age of the American Revolution*. "The division," says Namier, "between Whigs and Tories existed in 1761 as before, and as it still exists in the body politic of

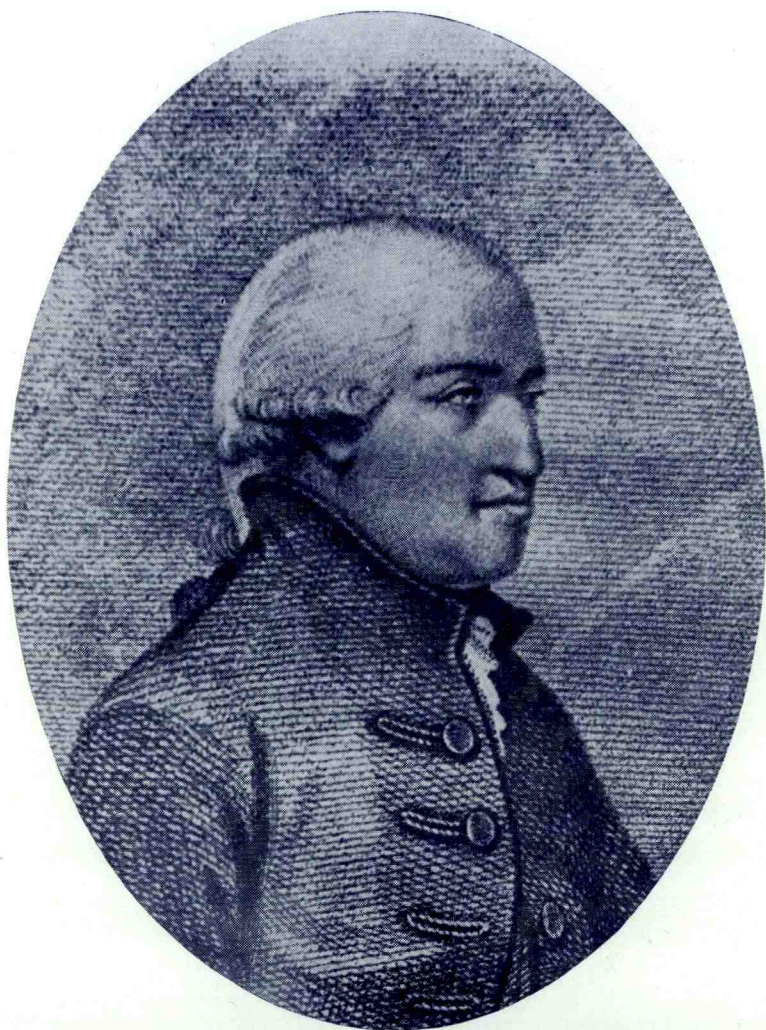


Plate 13. JOHN BURGOYNE, M.P. FOR PRESTON, 1768-92
Burgoyne was not only a politician and a soldier. He was also a playwright, and this portrait was the frontispiece to a collected edition of his plays printed in Dublin in 1794.

England; it was latent in temperament and outlook, in social types, in old connexions and traditions, but it was not focussed on particular problems."

Preston corporation, was in 1768, wedded to the Tory cause, and proud of its traditions and its ancient past. It was autocratic, self-elected, and strongly Anglican, and even at this late date, some of its supporters may still have cherished a lingering affection for the Stuart cause. Indeed, the election had a slightly Jacobite flavour, for it is said that the corporation turned a deaf ear when the mob raised shouts of "No King George", "Prince Charles", "King James", and "White Cockades". As candidates, the Tory party nominated Sir Peter Leicester and Sir Frank Standish. They appear to have been rather colourless figures, little of interest being recorded about them in the electoral literature. Sir Peter Leicester was already a sitting candidate, having filled the seat left vacant by the death of Nicholas Fazackerley in 1767. Sir Frank Standish was third baronet of Duxbury, and with him the direct line of the Standishes of Duxbury became extinct.

The Derby or Whig party was staunchly Hanoverian, in favour of some degree of toleration for the Nonconformists. It was led by Lord Strange (he was a member of the lower house) who was the son of the eleventh earl of Derby and father of the twelfth. He sat for the county for five years between 1741 and 1771. As chancellor of the Duchy, he was almost a viceroy, wielded great power, and had numerous subordinates at his command. When national issues and his own local interests were in conflict, he seems—possibly by reason of his high office—to have sided with the administration, for when most of the country gentlemen, for obvious reasons, voted with the opposition in favour of a reduction in the much-hated land tax, Lord Strange, a land-owner himself, gave his support to the government, which, for the benefit of the royal purse, had proposed that the tax should remain unchanged. During his political career, he did useful service on many parliamentary committees whose duty it was to consider the numerous petitions which poured into the House from all parts of the country, requesting that new roads should be constructed, old roads rendered safe, and that land should be drained and enclosed.

At one time Strange had been on very cordial terms with the corporation, and was probably still popular with the ordinary townsfolk in 1768. When in Preston he lived in Patten House, a fine building with a large garden. He kept horses and fighting cocks. He dealt in the local shops, made himself agreeable to all,

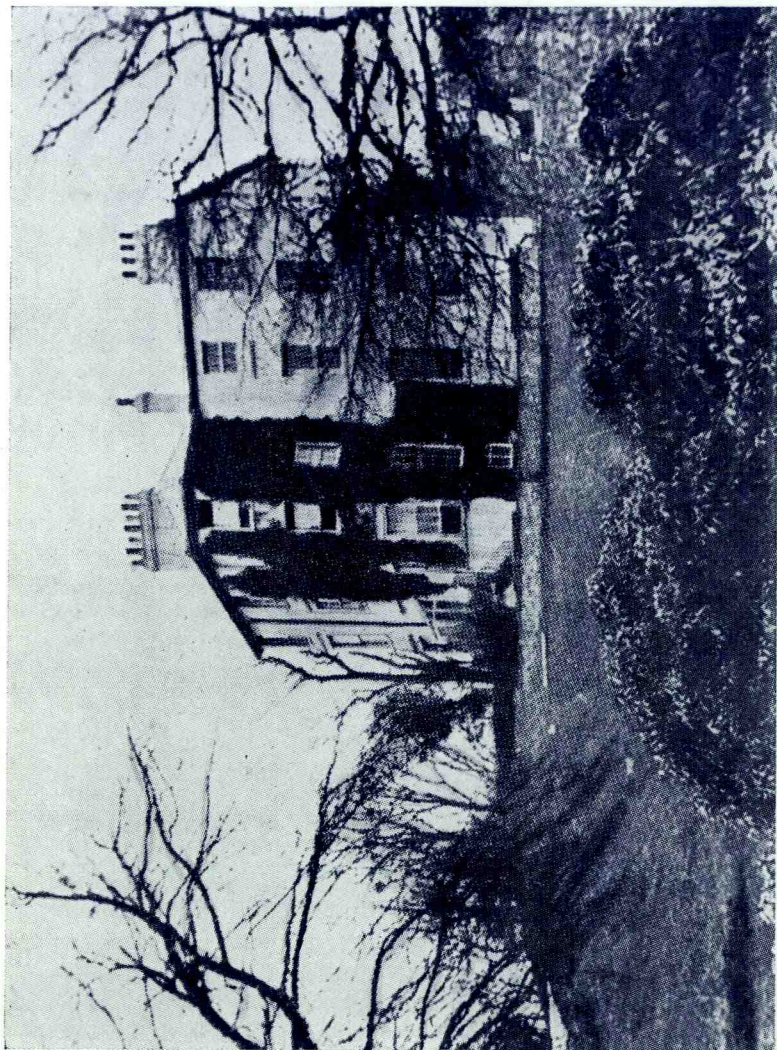


Plate 14. COOPER HILL, WALTON-LE-DALE

General Burgoyne lived here for some years. Benjamin Franklin is also associated with this house, for it is believed that here he set up the first lightning conductor in England.

and was generous to the needy. If any credence can be given to the partisan songs, he had at one time seized the Preston poor books and sent them up to London for examination, with the result that the corporation was fined £1,500—presumably for faulty book-keeping. According to the poll book he was present in the polling hall during the election, and as adviser to the Whig candidates he was indefatigable. His powerful figure dominated the electoral scene in 1768.

If the tactics Strange employed in the course of the contest can only be described as dubious, doubtless he considered that the end justified the means. His sole aim was to defeat the corporation; he had no interest in electoral reform, and the fact that Preston won manhood suffrage at the end of the long battle was purely incidental, as far as he was concerned. He entered the lists in Preston in 1768 in order to secure a parliamentary seat for his brother-in-law, John Burgoyne, and at the same time to recapture the Whig interest in Preston, which had been lost and never regained since 1741 when the corporation had succeeded in filling both seats with Tory candidates of its own choice.

At the time of the election John Burgoyne was a lieutenant-colonel in the army, but before that date, he had eloped with Lady Charlotte Stanley, sister of Lord Strange. Later, his rank was raised to that of general, and he was in command of the force which surrendered to the Americans at Saratoga in 1777. He was a man of many parts and the author of several plays. He sat for Midhurst from 1761 to 1768, and for Preston from 1768 until his death in 1792, when he was buried in Westminster Abbey. For some years Burgoyne lived in Walton-le-Dale in a large house called "Cooper Hill", which he is said to have designed himself. At the time of writing the house is still inhabited. Edward B. de Fonblanque, the writer of a book published in 1876 and quoted by Abram in his "Sketches", defends Burgoyne against certain hints and suggestions in the *Letters of Junius* (29 November 1768 and 12 December 1768) insinuating that he, Burgoyne, owed his seat in Preston to court influence. The charge was quite unfounded, for in a letter addressed to his constituents, the colonel had claimed to be of an independent turn of mind, and had declared that, on one occasion, he actually incurred the king's displeasure by voting in opposition to the administration. Unfortunately, having decided to contest the Preston seat in 1768, Burgoyne encountered such bitter enmity that he found himself unable to hold the field alone; Lord Strange, therefore, agreed to put forward a candidate to oppose the Tory nominee for the second seat, and so, only a few weeks before the election, Sir Henry

Hoghton announced that he would join forces with Burgoyne in contesting Preston.

Sir Henry was the sixth baronet of Hoghton Tower. He was to be returned for Preston in five successive parliaments between 1768 and 1795. Both the Stanleys and the Hoghtons had property and tenants in the borough, and Sir Henry was the parliamentary spokesman for the Nonconformists and introduced several measures for their relief.

III. PREPARATIONS FOR THE POLL

As soon as candidates had been nominated, both sides began their canvass of the freemen inhabitants. For this purpose the corporation issued to its supporters hand-written lists of those entitled to vote, arranged in order of house-row, there being, of course, in those days, no electoral register. One of these little "Call Books"⁽¹⁾ has been preserved and may be seen in the Lancashire Record Office.

Unhappily, with the canvass there came not only gross bribery and cruel threats, but also rioting and bloodshed, for both parties brought crowds of roughs into the town from the surrounding neighbourhood. The following letter from Preston appeared in the *Gentleman's Magazine* for February 1768:

"The contest here is attended with imminent danger. I have just escaped with many friends. The country is now up in arms. As the town is now abandoned by our men the cry is, 'Leave not a freeman alive.' God knows where this will end. I think tonight or tomorrow may be fatal to many. This is shocking work in a civilised country."⁽²⁾

John Burgoyne was heavily fined by the court of king's bench for aiding and abetting in the riots. The speech he delivered on that occasion appears in full in one of the manuscript miscellanies⁽³⁾ of election literature in the Lancashire Record Office.

Meanwhile arrangements had to be made for the taking of the poll—no easy matter in the days when there was little government guidance to help the councils in the conduct of elections. Towns were to a large extent independent. Both Crown and Commons were chary of encroaching on their

⁽¹⁾ DDP 131/7a

⁽²⁾ The horror of these riots is beyond belief. Space forbids an adequate account here. Previous writers have dealt with the matter at length. Numerous cases of bribery are reported in the poll book. Among them are the following: Thomas Place voted for the Whig party after being given an assurance that he would be admitted into Goosnargh Charity if he did so. He was afterwards accepted by the charity. Of Peter Clarkson a witness says, "I apply'd to him last Michs. for his vote for Burgoyne. He say'd he had been apply'd to by Lord Strange, but that he got nothing to drink, so had good mind to turn." Which he did, he voted for the Corporation party.

⁽³⁾ DDP 131/7.

cherished privileges, probably mindful even yet of what had happened nearly a century before when James II had dared to make what H. A. L. Fisher calls his "innovating and autocratic invasions on the ancient customs and charters of the boroughs." It was therefore left to each borough to nominate candidates, to decide for itself what voting qualifications should be required of the electors, and to attempt to maintain order without the help of a regular police force. When a dispute occurred between the rival parties, legal aid was solicited. If the law could offer no solution, and a disputed election followed, a petition was sent to parliament. Unfortunately, however, the decisions of the Commons were sometimes at variance with both justice and equity, since the victory often went to the candidate who could rely on the support of some powerful political group in the House with an axe of its own to grind.

In Preston, the corporation and the mayor, Robert Moss, found from the very outset that the road ahead was destined to be beset with pitfalls. How they dealt with their problems may in some measure be deduced from the list of legal and other fees paid by John Nabb, town clerk, on behalf of the corporation candidates. For, anxious not to step outside the law, the corporation leaders consulted the legal profession at every turn. How, for example, could they deal with the Roman Catholic vote, and how far could the interpretation of the constitution be made to cover all the eventualities likely to occur in the conduct of an eighteenth-century election? These problems were urgent and pressing, for the corporation knew that, in the event of an appeal against the polling return, every single doubtful vote was open to scrutiny by the Commons.

The corporation took legal action against the rioters; and also against John Wilkinson, Whig, the previous town clerk, who had refused to give up the stamp book which had been in his keeping, and which contained the names of the freemen of the borough. There was also the unprecedented case of the sick bailiff, Nicholas Winckley, who, as the poll book records, fell ill, and was therefore unable to take his place beside the other two returning officers, Robert Moss, the mayor, and Robert Farrer, the mayor's bailiff. The mayor, in a quandary, consulted the law, and was advised that if it were not possible to induce the sick bailiff to resign his position,⁽⁴⁾ so that another might be

⁽⁴⁾ Here are two relevant extracts from John Nabb's accounts: (DDPd 11/52-53)

"Paid for an express to Bath to Mr. Winckley—one of the returning officers touching his resignation and for Mr. Dunning's opinion upon a case relating thereto £3 3s."

"A Great many Journeys to Chorley and Wigan by my clerk in the Night time with letters to Mr. Winckley enclosing affidavits and other papers £3 12s."

appointed in his place, an election return sent in by the mayor and one bailiff would, in case of inevitable necessity, be justified and legal. Winckley did not resign, and Moss and Farrer, therefore, acted together as returning officers. Finally, on the very eve of the poll, the Whigs objected to the order in which the electors were to vote. Time-worn custom demanded that the council should vote first, followed by the rest of the voters according to house-row. But the Whigs insisted that the voters ought to appear in tallies of ten, ten votes being registered for each party in turn, till the voting list was exhausted. Unwilling but beaten, the corporation gave way, intimidated by the unruly bands of Colonel Burgoyne which still roamed the town. It is possible that it was the Whigs also who had the brilliant idea that an elector whose vote was not declared *de bene esse* should be allowed to announce for whom he would have voted if he had been given the chance to do so, and his choice was duly recorded in the book!

IV. THE POLL⁽⁵⁾

At long long last, on 21 March 1768, at 10.40 a.m., as the polling clerk tells us, the polling hall opened its doors, but not before "barmen" had been stationed at the entrance, lest voters should be molested on their way to the poll. This arrangement followed an agreement signed by both parties and recorded at the end of the poll book. It was probably drawn up at the instance of the Tory party as Burgoyne had previously declared his intention of retaining in his service one hundred ruffians, ostensibly to protect himself, but possibly with the real intention of preventing the supporters of Leicester and Standish from coming to the poll.

The would-be voters passed into the mayor's court room in the town hall to face a species of tribunal composed of the returning officers, (Robert Moss, the mayor, and Robert Farrer, his bailiff) and a goodly company of lawyers, some Whig, some

⁽⁵⁾ Much of the information given in the following pages is drawn from one of the poll books stored among the Pedder papers in the Lancashire Record Office, and listed as "Register of Voters with examinations as to their validity, 21 Mar.-1 Apr. 1768". (DDPd 11/51) This poll book was evidently familiar to previous writers, but none, as yet, has dealt with it in detail. It runs into over 100 folio pages, and is a day-to-day account of what happened in the polling hall as the electors passed before the returning officers to record their votes. The last few pages give in contracted form a résumé of the long legal wrangle which took place between the supporters of the opposing parties on the eighth day of the poll. This poll book is a human document, alive and often amusing. Lawyers, clerks in holy orders, innkeepers, labourers, paupers, and nitwits people its pages. It is of some topographical value, for it is the earliest directory of Preston we possess.

Tory. Also in the court room were Lord Strange, John Nabb, the town clerk, Henry Varley,⁽⁶⁾ the overseer of the poor, Tom Dawson, an innkeeper who held the office of town sergeant, and several polling clerks. Of the candidates, Colonel Burgoyne appears to have been the only one present. The two Tory baronets, like some of the terrified inhabitants of the town, had thought it wiser to leave the district while rioting was in progress.

For the next eleven days, 21 March to 1 April, three different groups of voters or would-be voters presented themselves before the returning officers. First, there were the resident freemen or "in-burgesses inhabitants", who automatically had the right to vote provided that they were twenty-one years of age, were not paupers, and had been resident in the town for three months before the receipt of the writ calling on the corporation to send members to a new parliament. These men owed their franchise to custom and usage; since time immemorial none but resident freemen had been allowed to vote, though before the Restoration, as we have seen, the privilege had been restricted to a select few, *i.e.* the mayor and corporation. By the resolution of 1661, the right to vote was extended to the whole body of freemen living in the borough. Secondly, there were the non-resident freemen, called simply "in-burgesses", who had been made free or who were born sons of freemen, but who now lived outside the town. Even if they emigrated, they remained freemen of Preston so long as they paid their fines at each successive guild, but, by tradition, they were excluded from the franchise. Thirdly, there were permanent residents who were not freemen and who were generally called "foreigners".⁽⁷⁾ It seems clear that, in spite of all the efforts made by Lord Strange and his party to prove the contrary, these non-freemen had never, in the years previous to the 1768 election, possessed the right to vote. In fact, about two-fifths of the town's population had no voice in the election of members of parliament. For this

⁽⁶⁾ Henry Varley lies buried near the door of Preston Parish Church.

⁽⁷⁾ There was also a fourth class—the so-called "foreign burgesses" (or "out-burgesses"). These men were, for the most part, honorary freemen resident outside the borough. They do not concern us here.

W. A. Abram in his "Sketches in Local History" reproduces in full a second poll book—evidently the work of a Whig supporter. He adds copious notes on the identity and occupation of many of the voters; however, he is unable to give detailed information about the resident non-freemen, and adopts the method of comparing the 1768 lists with the voters' lists for later years. For example, the John Ratcliff, surgeon, who voted at the 1807 election, may be identical with the voter who is mentioned simply as John Ratcliffe in the 1768 list. It seemed certain, however, that the Thomas Astley who appears in the 1768 poll book was none other than the Dissenting minister of the Presbyterian (now Unitarian) Chapel, and that Richard Baines was the father of Edward Baines, author of the well-known history of Lancashire.

curious situation the Tory corporation was responsible. In an attempt to gain control of the electorate, the governing body of the town had, for several decades, persistently denied the freedom of the borough, and in consequence the franchise, to Whigs, Catholics and Dissenters. Conscientious Catholics were in any case, automatically excluded by their natural unwillingness to take the statutory oaths.

In the legal discussion reported at the end of the poll book referred to above, it is revealed that an earlier Sir Henry Hoghton, M.P. for Preston at various dates between the years 1710 and 1741, had contemplated polling the votes of the resident non-freemen, but had later abandoned the attempt. Whether the voteless inhabitants of Preston accepted their lot as inevitable, whether they remained always in a state of mute discontent, or were sometimes vocal about their grievances, we cannot know. Doubtless there were many in their ranks who bitterly resented the disabilities imposed upon them. In any case, the situation was fraught with danger for the corporation, and between January 1768 and the date of the poll the Whigs decided to fish in troubled waters and announced publicly that in their opinion the resident non-freemen had the right to vote. However, in the early stages of the poll they made no attempt whatsoever to give effect to their threats, even going so far as to admit in argument that a *good* vote must have the joint qualifications of *freedom and inhabitancy*. Themselves, they brought only resident freemen to the poll, while challenging some of the corporation's supporters to prove that their names were inscribed on the freemen's roll. Nevertheless, the Whig menace was real, but they withheld their offensive for the time being.

It is to be regretted that no chronicler attempted to describe the tense scene in the polling hall, when, after weeks of strain and stress, the representatives of both political parties came face to face at last and braced themselves to play out the final act in the electoral drama. Robert Moss would open the proceedings with all the dignity worthy of the ancient borough, and during the first two days, if we judge only by what we read in the poll book, the election made peaceful progress. But the squibs and manifestos tell quite another story. Behind the scenes the battle raged fast and furious.

The first salvo came from the Whigs at the end of the first day's poll, and was aimed at their own supporters, some of whom had followed the eighteenth-century practice of splitting their votes between the two parties when their own political and social interests did not happen to coincide. And later the corporation reviled the deserters, the turncoats, those miscreants,

"who first promised their votes to Sir P—— L—— and Sir F—— S—— Baronets for the Borough of P——, immoderately wallowed in their generous entertainments, and at last infamously deserted those worthy Gentlemen they had long preyed upon, by giving their votes to the opposite interest, that alien B——."

It was, however, the question of the Catholic vote that roused the bitterest feelings. In 1768, the scales were still heavily weighted against both Roman Catholics and Dissenters. True, the passing of the annual act of Indemnity had, in some respects given liberty in all but name to the Dissenters, but parliament had not yet found it expedient to repeal the Test and Corporation acts, and many Catholics refused to take the required oaths of allegiance, which declared fidelity to George III, of supremacy, which denied papal authority in England, and of abjuration, which repudiated the rights of the Stuarts to the throne.⁽⁸⁾ There appears to have been surprise and consternation in the ranks of the Whigs therefore, when on the second day of the poll a number of Roman Catholics appeared before the returning officers and swallowed the oaths without protest. One Catholic alone, the first to appear, voted Whig; the rest voted Tory.

Immediately, one of the Whig spokesmen dipped his pen in vitriol, and after launching a vehement offensive against the Catholic community declaring them guilty of Jacobitism and perjury, proceeded to attack the corporation, and with good reason—from the Whig point of view. As early as the Guild of 1762, the corporation had felt it necessary to strengthen its political position. It therefore set to work to gain allies among the Roman Catholics by offering them the freedom of the borough if they could see their way to take the statutory oaths, and in the year preceding the election about thirty Catholics yielded to persuasion and were made freemen. At the same time the corporation continued to deny the freedom to any Protestant whose sympathies lay with the Whigs. An examination of the polling figures shows the importance of the part played by the Roman Catholics in the election, for, according to the returns sent in by the mayor immediately after the poll, the Tory majority amounted to only *seventy-six votes*, of which *twenty-eight* were cast by "papists".

The tension increased as the election progressed, for the court found itself confronted with a series of unforeseen problems, much to the joy of the attorneys, who prolonged the proceedings

⁽⁸⁾ In the margin of the poll book appear the contractions *Jurat All. S. and Abj.*, when a "papist" votes. *Jurat B.* refers to the bribery oath.

by arguing the finer points of the law among themselves. To do the corporation justice, its members had made every effort before the election to prepare for the task which lay before them. At the close of 1767, in a letter⁽⁹⁾ to Mr. Dunning, one of their legal advisers, the Tories made an attempt to anticipate the line of action likely to be taken by their opponents. Did the resolution of 1661 give every inhabitant of the borough the right to vote, they asked, and if so, how was the term *inhabitant* to be defined? There were many classes of people living in Preston: there were lodgers who ate in taverns and paid taxes, there were others who had board residence and yet paid no taxes, and there were also servants to gentlemen. Did the expression *inhabitant* as used in the resolution include all these people? In addition, the corporation wished to know whether the votes of the resident non-freemen should be accepted if offered by the "other side". The tenor of Dunning's reply to these and all other questions on which the corporation sought his advice was that his clients should adhere to the ancient usage observed at former elections.⁽¹⁰⁾ But in spite of the lawyer's advice, the returning officers were often in a dilemma, because many of the cases which were brought before them were without precedent. The court found it by no means easy, for example, to decide what constituted pauperdom. When a man had received parochial relief from Henry Varley, overseer of the poor, he was, according to the constitution of Preston disqualified from voting. But was he a pauper if he had been granted some charity paid only to those not eligible for town relief, or had accepted from the hands of Varley, acting as unofficial donor and not as overseer, money subscribed from time to time for the benefit of the poor of the parish? In cases like these the opposing parties succeeded in reaching a working agreement, but in others it was more difficult to reach a fair decision. Was a vote to be given to a "drinking man", for instance, whose family had lived for months on poor relief without his knowledge, the money, for obvious reasons, having been paid to his wife?

Every now and then the work of the court was delayed by a minor question, undeniably harassing if of a less controversial nature; for one reason or another, parents sometimes neglected

⁽⁹⁾ Copy in L. R.O., DDP 131/8a

⁽¹⁰⁾ Incidentally, Dunning's advice is, at one point, more than a little pompous. He says, "It is impossible to lay down any better rule for the conduct of the returning officers than that which they appear to be disposed to prescribe for themselves, *i.e.* to use their judgement impartially. It is by this conduct that they may best hope to escape censure, as they will at least have the consolation of feeling that they do not deserve it."

to record the births of their offspring in any church register, and as there was, as yet, no civil registration of births, young would-be voters were not always able to prove that they were of age to vote. Here, the returning officers had to be satisfied with such unofficial evidence as a note of the date of birth made by the mother on the fly-leaf of a book, and such "documents" were not always immediately available.

The problem which proved most difficult of solution was one which should never have arisen or at least should never have been allowed to become so great a hindrance to the progress of the election. This was the question of inhabitancy, aggravated in large measure by the action of the parties themselves. As early as 1690, some of the non-resident freemen had asserted their right to vote, and it would seem that in ensuing elections this class renewed their claim, for the Guild of 1722 found it necessary to declare that no freeman could have a voice in the election unless he had been resident in the town for three months before the arrival of the writ. Twenty years later the Guild of 1742 re-affirmed this decision.⁽¹¹⁾ In 1768, therefore, at a meeting held before the date of the poll, the candidates on both sides agreed that the franchise was vested only in the freemen living in the town. At the same time, it was pointed out that it had been the custom in the past to waive the residential qualification in the case of non-resident freemen who could prove that they had found work in Preston and that they intended to settle in the town. This being so, the rival parties were not slow to see that, without actually departing from the ancient usage of the borough, it might be possible to turn non-resident freemen into resident freemen, at least for the period of the election. Both Whigs and Tories therefore, decided to canvass for votes among the freemen who lived outside the town, inducing them to seek a temporary home in Preston, and to *pretend* that they had found permanent jobs and a place of residence, and so were eligible for the vote. Accordingly, no fewer than 229 of these strangers surged into the borough, intent on proving that they were genuine inhabitants.⁽¹²⁾ In

⁽¹¹⁾ According to lawyer Dunning, the guild orders had no "validity". Their value lay in the fact that they set forth the ancient usages and constitution of the borough.

⁽¹²⁾ The "Register of Foreign Voters" (L.R.O., DDPr 138/7) based on investigations made before the election itself, proves that many of these would-be voters divided their time between their real homes and their temporary quarters in Preston. Here are some examples: "Helme Wm. Came to town 5th Jan. 1768—stay'd about a week—then returned to Manchester, stay'd about a month, and then came to town again and has stay'd almost constantly—followed no business. Thos. Jackson—stays 2 or 3 nights (per week)—no imploy.

Pedder Jas. Revd. (vicar of Garstang) has been in town 3 or 4 times."

Mr. Pedder was allowed to vote at the election.



Plate 15. SIR RICHARD ARKWRIGHT

He was born in Lord Street, Preston, in 1732, became a freeman of the borough, but was refused a vote in the 1768 election.

the words of a corporation spokesman, "Both parties at great expense brought into the town from different and remote parts of the kingdom, and even from foreign parts, Inn-Burgesses to reside by way of qualifying them to vote as Inn-Burgesses Inhabitants."

The new-comers⁽¹³⁾ brought their tools, essential pieces of furniture,—for example, in the case of Edward Cuerden, a knife and fork—and even their wives and children. Many became servants to the residents of the town, in which capacity they busied themselves with sundry odd jobs. William Sharples cleaned knives and watered horses. Richard Threlfall, a tanner from Goosnargh, became a maltster, Edward Woodcock, of Leyland, a one-time weaver, worked in Lord Strange's garden, and Thomas Russell, of Copping (?), also a weaver, played the hautboy in a Preston band. Supporters of both sides gave what help they could in the shape of work and living accommodation, and some Prestonians took in lodgers for the first time in their lives. A few, at least, of the new arrivals had come with the evident intention of staying in the town if their affairs went well, but many returned, after voting, to their homes, having eaten and drunk their fill at the expense of the candidates and cast their votes for the party which was most lavish in this respect. The passage of these 229 non-resident freemen through the polling hall was by no means tranquil, for on the third day of the poll the returning officers had announced that the would-be voters must produce witnesses to speak on their behalf and to prove that they were resident in the town. The pages of the poll book are crammed with the meandering evidence given by all sorts and conditions of people who lied outrageously⁽¹⁴⁾ in support of their friends. Apparently, they had no qualms of conscience. Each one seemed to regard the matter as a perfectly

⁽¹³⁾ There is surely some irony in the fact that Richard Arkwright, whose invention was, in later years, to help to change the whole face of Preston, was refused a vote at the 1768 election, probably on the ground that he was only an occasional inhabitant. He left the town when the election was over. He was a freeman of the borough.

⁽¹⁴⁾ The evidence given by the polling clerk is, of course, incomplete, impartial, and sometimes irrelevant, and it is difficult to decide who has departed from the truth—the would-be voter or the witnesses. Entries in the "Register of Tallies at Preston Election, 1768," (L.R.O. DDPd 11/50) are however revealing. We quote the following examples: "Leonard Clarkson came in January 1768, pretended to be a hired servant to Jno. Charnock, mercer, but went away immediately after the poll. Voted for Hoghton and Burgoyne. Henry Woods came in September from Wigan to live with Mr. Parker, and returned backwards and forwards several times before the election. Has since left the town. Voted for Hoghton and Burgoyne." A list of persons who voted as inhabitants and who were non-resident, includes the following: A "trampling" pedlar, two of the hired mob (mobbers), one from Ribchester, and the other non-resident, a razor grinder, a travelling "Scotchman".

justifiable game of pretence. Both the voter and the witnesses who appeared to support or to challenge their claim had to endure heavy cross-examination by the returning officers. "Why have you come to live in Preston?" the voter was asked. Sometimes the answer was plausible—especially that given by the man who came, as he said, to seek a wife. The employer was also interrogated, and then the witnesses were brought forward. Had the voter's wife and children accompanied him to Preston? Had he brought his furniture, too, especially his bed (his own bed), or had he left some of his belongings behind him in the old home with the intention of returning there?

But in the end the whole business proved intolerably wearisome to both parties and in the poll book long lists of names appear bracketed together with the significant comment, "Rejected by consent". The "outvoters", as they were called, were, on their own admission, "tired of voting", and so were their wives. Some had already confessed that they intended to return to their own towns and villages as soon as the election was over. Finally, on 1 April, the eleventh day of the poll, the two parties decided, to save time and expense, that no more non-residents should be allowed to vote. Lord Strange remarked that he had always thought the out-votes "good for nothing, and so he had told the candidates several times".

Out of 155 freemen who came to reside in Preston after the canvass, and offered to vote in favour of the Whigs, the mayor rejected 133 as occasional inhabitants, and allowed the vote of 22, whereas out of 74 who wished to vote for the Tories 40 were allowed. The Tory mayor had served his party well, and as the election drew to its close he probably felt victory well within his grasp, when suddenly, events took a dramatic turn. The Whigs struck, at last!

On the eighth day of the poll they found themselves unable to put forward another tally of ten supporters, and it was clear that they had lost the election. It was at this juncture that Hoghton and Burgoyne, "the despairing party", as the Tories mockingly called them, decided to play their trump card. They put forward Randal Andrews, vicar of Preston for the last twenty-five years, who had been excluded from the freemen's roll on account of his Whig sympathies. Andrews is said to have bought his living from William Shaw of Preston, and to have threatened to dismiss the master of the Blue Coat School if he did not vote Whig. According to a tract printed in 1781, "the vicar stood forward upon the hustings—to assert in his own person a right, which, if it existed, had certainly never been exercised before." In fact, Randal Andrews, resident, but a non-freeman, claimed

the vote on the ground that the resolution of 1661 had declared that all the inhabitants of Preston, both freemen and non-freemen, had the right to vote. "I hope," cried Mr. Davenport, one of the legal advisers of the corporation, "that his infant will be disappointed in his faith." However, after a long and heated debate, at which as many as five lawyers were present, the mayor ruled that the resident non-freemen were not eligible for the franchise. Their votes were not to be included in the election return, but they were to be allowed to pass through the hall and say for whom they would have voted if they had been freemen. Their names are entered at the end of the poll book. They were subjected to no cross-examination as to age or means. 330 of them voted for the Whigs, one only for the Tories.

The Tory leaders, taken unawares, were now roused to indignation. Counsel for the corporation complained with some bitterness that Lord Strange and his party, ought, in all honesty, to have revealed earlier in the election that they intended to poll non-freemen. Instead, they had chosen to launch their attack on the very day that the mayor's adviser, Serjeant Aspinall, was absent from the court room. Randal Andrews had suggested an electoral procedure, declared the Tory lawyers, which was at variance with the custom and usage of the borough. In the first place the construction which the vicar had put on the resolution was utterly false, for, in the seventeenth century the term *inhabitant* meant simply *freeman*. The two words were almost synonymous, since in those days, most inhabitants were also freemen. Secondly, they argued, Andrews and his followers had not grasped the real significance of the electoral dispute of 1661. At that date, the battle had been waged not between the non-freemen and the rest of the community, but between a select body of in-burgesses (*i.e.* the mayor and corporation) and the remainder of the freemen. The non-freemen could have had no share in the quarrel, for, said the corporation, they had never possessed the right to vote. After the disputed election of 1690, counsel on both sides had admitted that the franchise was vested in the resident freemen only, and between 1661 and 1768, no non-freemen had ever claimed the privilege. Said one lawyer who spoke in the corporation interest, "If the inhabitants at large had fancied that they had a right [to vote] they would have tendered 'em selves. But they have never claimed or thought of it."

There appears to be no doubt that the corporation's case was sound, but the concrete proof needed to support its arguments was, unfortunately for the Tory cause, not available. Many of the documents relative to previous elections, the poll book of

1661, the petition against the return and the evidence given before the parliamentary committee on that occasion had been lost or hidden away. The corporation and its supporters were therefore at the mercy of their opponents. They could not poll non-freemen themselves; that would have been to abandon their oft-declared policy of obeying custom and usage. As was to be expected, the Whigs did not hesitate to make capital out of the helplessness of their adversaries. Deaf to all argument, they gave to that loosely-framed phrase *all the inhabitants* the widest interpretation possible, and so demanded the vote for all the residents of Preston, free or non-free.

It was now the duty of the mayor to send in his return. He claimed a majority of 76 votes over his opponents, the Tories, by his reckoning, had gained 565 votes, the Whigs 489. The Whigs at once declared the mayor's return false and claimed for themselves a majority of 580. Their own candidates, they said, had gained 1,147 votes, the corporation candidates only 567. Strange to relate, the mayor seems to have drawn up two returns—one in favour of the Whigs (a copy of which fell into Abram's hands when he was writing the story of the election⁽¹⁵⁾), and a second giving the victory to his own party. It may be that Robert Moss was at first uncertain which of the indentures he should send up to London, and later reached the conclusion that though he had almost certainly lost the electoral battle, nevertheless civic pride demanded that the corporation should go down with colours flying, for he sent in the return which declared that Sir Peter Leicester and Sir Frank Standish, the corporation candidates, had been elected to serve in Parliament. Immediately, the Whigs and certain of the inhabitants forwarded petitions to Parliament protesting against the polling figures submitted by the mayor, and claiming that all the inhabitants had the right to vote. The case came before the whole House of Commons. The return sent in by the mayor was quashed and the victory given to the Derby party. Manhood suffrage had been achieved in Preston.

The corporation, however, did not at once give up the struggle. Two more attempts were made to induce the House of Commons to reverse the decision of 1768, first at the general election of 1780, and again in 1784. But the House remained adamant, and even after the passing of the Great Reform Act of 1832, which gave the vote to £10 householders, the men of Preston who had been admitted to the franchise under the old system were allowed to vote as before until the day of their deaths. The Preston electoral register of 1832 contains the names of 6,352

⁽¹⁵⁾ "Sketches in Local History".

EXTRACT FROM WHIG STATEMENT

POLL 21st MARCH—2nd APRIL

	H.	B.	L.	S.
Freemen who were inhabitants before the canvass made in June last	208	237	249	236
Out of 155 other Freemen, who came to reside in Preston since the Canvass and offered to vote in favour of Hoghton and Burgoyne the Mayor rejected 133 as occasional inhabitants and allowed only	22	22	—	—
Out of 74 other Freemen who came to reside in Preston since the canvass and offered to vote in favour of Leicester and Standish the Mayor only rejected 34, and allowed	—	—	40	40
These are the numbers admitted by the Mayor on which he has made his return	230	259	289	276
Although by a Resolution of the House of Commons and confirmed by Act of Parliament as underneath, the Right of Election for the said Borough is vested in the Inhabitants at large, who although rejected by the Mayor voted for	328	330	1	1
	<u>558</u>	<u>589</u>	<u>290</u>	<u>277</u>

voters, of whom 6,291 were qualified by the old franchise alone, 61 were qualified by the new franchise alone, and 675 were qualified by both the old and the new. Nevertheless, the electorate of Preston gradually diminished, for, as the men qualified by the old franchise died off, there were not sufficient £10 householders to fill their places on the electoral register, despite the increase in the town's population.

Sir Henry Hoghton and Colonel Burgoyne duly took their seats in the House. But to the historian the Great Election with its amazing outcome is of far greater interest than the political career of either of the two candidates which it carried to Westminster, for it had consequences of some importance. To the Preston electorate, it meant not only a wider franchise, but also peace at election times for many years to come. The Derby party, emerging triumphant from the fray, retained two seats in the borough until the end of the century, when it reluctantly relinquished one in favour of John Horrocks, cotton manufacturer and Tory. As for the corporation, the years following the election saw a period of steady decline. One of its main functions had been the creation of new freemen for political ends—a task that seemed pointless now that every man, free

or unfree, possessed the parliamentary vote. The ordinary inhabitant was, in future, to regard the "freedom" of his native town more as a coveted honour than as a material advantage, for it conferred no electoral privilege, and as, little by little, the old order changed, no trading concessions either. To quote Clemesha, "When the commissioners appointed to inquire into municipal corporations came to Preston in 1833, they reported that the practice of selling the freedom had ceased, and that no instance of a sum having been given for it had occurred since the Guild of 1822."

Finally, the election had more than a purely local interest. From 1768 onwards, the returning officers took advantage of the widening of the franchise to become more and more lenient in their interpretation of the residential qualification, till, in 1781, on receipt of a petition from Preston consequent upon a disputed election return, the Commons expressed the opinion, that the right of election in Preston was too indefinite, and ought to be "confined to all the Inn-Burgesses resident and to all other inhabitants paying scot and lot." However, at this stage no action was taken and the matter was shelved. But when it was later reported to the House that the residential qualification in Preston was so loosely interpreted that "there was nothing to hinder a regiment of soldiers from marching into the town one night, and voting at an election next morning", Parliament felt compelled to pass the act of 1786 which imposed a six-months residential qualification in all inhabitant householder boroughs.⁽¹⁶⁾ This was the first act of parliament to impose a residential qualification, and it came into force as a direct result of the particular interpretation or, perhaps, mis-interpretation of that tiny phrase, *all the inhabitants*.

One important question remains to be discussed. Why, when all the evidence goes to show that the corporation had conducted the election in accordance with law and custom, should Parliament give the victory to the Whigs, and how did Lord Strange and his supporters succeed in swaying the opinion of the House of Commons in their favour? It is probable that the arguments advanced at Westminster by the Whigs in their attack upon the corporation were identical with those which appear in the long legal discussion reported in abbreviated form at the end of the poll book, and in the statement which accompanied the petition of 10 November 1768. First, the

⁽¹⁶⁾ The exact wording of the 1786 act is as follows: "No persons exercising the franchise as scot and lot voters, householders, pot wallers, or inhabitants, should vote unless they have been inhabitants for six months previous to the election."

Whigs declared that Preston corporation had tried to gain complete control of the electoral body. But, surely, this argument would carry little weight with the House of Commons which was well aware that other corporations were guilty of similar forms of sharp practice. Secondly, the Whigs contended that the corporation had ignored the act of William and Mary which declared the last resolution of the House binding, and also an act of George III couched in similar terms. But as no one was really certain of the meaning of the resolution with its famous phrase *all the inhabitants*, these arguments, too, would seem to be of small worth. Is it possible that the House set aside the pleas put forward by both the parties concerned, and taking an independent view, came to the ultimate conclusion that the situation in Preston could not, in all wisdom, be allowed to continue?

For two months the wretched inhabitants had lived in terror of the mob. A study of the polling figures shows that out of some 800 inhabitants who tendered their votes, 300 were judged to be ineligible for the franchise. But thanks to Andrews and the Derby party, the deprived 300 had seen the much coveted privilege of the vote, with all the financial and social benefits it might bring them, come at last within their reach. If Parliament, in 1768, had dashed their hopes by refusing them the franchise, they might, in the years ahead, have become a serious source of trouble in the body politic of Preston. It was, perhaps, in the opinion of the House, the wisest plan to give an interpretation of the resolution that must stand for all time, and to grant the vote to the "inhabitants at large". This measure, might, at least, bring peace to the battle-scarred town, which, in the event, was exactly what happened.

A second solution of the problem is possible—alluring if perhaps far-fetched. In an age when traffic in office and perquisites was quite compatible with the honour of a gentleman, is it too cynical to suggest that the powerful influence of the Derby party had carried the day even before the House went into committee on the petition? It is significant that Lord Strange was one of the tellers on this occasion. In any case, this point of view would seem to be consistent with what Lewis Namier and John Brooke have told us of the structure of politics in the eighteenth century.

AUTHORITIES AND ACKNOWLEDGMENTS

The manuscripts which form the foundation of this paper are to be found in the archives of the Lancashire Record Office.

They are:—"Register of Tallies at Preston Election, 1768", (DDPd 11/50); "Register of Voters with Examinations as to their Validity", (DDPd 11/51); "John Nabb's Accounts", (DDPd 11/52-53); "Squibs, etc", (DDPr 131/6 & 7); "Canvassing Book", (DDPr 131/7a); "Letter from Mr. Dunning to the Corporation of Preston", (copy), (DDPr 131/8a); "Register of Foreign Voters", (DDPr 138/7); The chief printed works consulted are:— H. W. Clemesha, *History of Preston in Amounderness*; W. Dobson, *History of the Parliamentary Representation of Preston*; W. A. Abram, *Memorials of the Guilds*; W. A. Abram, "Sketches in Local History", (preserved in the form of newspaper cuttings in Harris Reference Library, Preston).

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