Corruption and the Oxford Elections of 1857

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SUMMARY

For much of the later 19th century Oxford elections were synonymous with corrupt practices, a notoriety which the two elections of 1857 did much to promote. In March, at the general election of 1857 which returned a parliamentary majority for the Government of Lord Palmerston, the Peelite sitting member Sir Edward Cardwell was ousted by the populist fellow of Oriel College, Charles Neate. Cardwell and his Oxford friends protested and, after parliamentary hearings, Neate was unseated and a new writ issued for the by-election at which the novelist, William Thackeray, was an unsuccessful candidate. This article seeks to examine the role of corruption in the mid-Victorian electoral system, arguing that it was not always seen through the moralistic eyes of Westminster Radicals but could be financially and materially beneficial for electors and non-voters alike. Electoral malpratice was not simply a pernicious evil, but was part of a complex interplay of ritual and conditioning which connected Westminster with popular politics.

INTRODUCTION

The few historians of Victorian electoral morality have tended to regard the gradual purification of the electoral system as synonymous with the extension of the franchise, a very Whiggish interpretation of the advent of democracy. For Charles Seymour, writing in 1915, the removal of corrupt practices was 'part of the long and gradual process by which the electoral institutions of England have become democratic, inaugurated by the Reform Act of 1832'.[1] Corruption has thus been considered endemic to the mid-Victorian electoral system, its persistence seen as an instrument of anti-democratic interests to impede the operation of free choice. The *Westminster Review* of 1833 observed that 'Bribery is such that the representative system is utterly defeated. If corrupt practices are not restrained the Reform Act will prove worse than a non-entity; it will be a curse', whilst the Liberal party agent Joseph Parkes declared 'I consider that almost every place has a system of corruption peculiar to itself where the same end is obtained and the same system of corrupt practices

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[1] Charles Seymour, *Electoral Reform in England and Wales* (1915), 7. Also see C. O'Leary, *The Elimination of Corrupt Practices in British Elections* (1962); or H. Hanham, *Elections and Party Management, Politics in the Age of Gladstone and Disraeli* (1959) for discussions of corruption along these lines.

prevails, but in different modes'.[2] The definition of what constitutes corruption, as opposed to other quasi-legal forms of patronage and influence, is obviously problematic. The survival of corrupt practices in the aftermath of the 1832 Reform Act had proven a severe disappointment to reformers, in particular the survival of the Hanoverian freeman franchise which allowed old electoral habits to become embedded in the new system. It is clear that the Reform Act, although disenfranchising many of the most corrupt small boroughs and despite the Whig emphasis on the respectability and independence of the new electorate, had encouraged the persistence of a more sophisticated form of bribery, as shown by the rapid escalation in the costs of elections.[3] It was the registration system instituted in 1832 which proved conducive to the persistence of corrupt practices and in many ways encouraged organized bribery. Electoral agents sought to enfranchise their own supporters and disqualify known opponents, and as local organization was often hereditary, a new element of political power emerged, in the hands of party agents and lawers. At the very least the practice of petitioning against corruption was increasing, with 443 petitions and 185 Parliamentary inquiries between 1832–52, and 61 unseatings.

However, corruption seemed to be undermining popular faith in the legitimacy of Parliament, as evidenced by the Chartist attack on 'Old Corruption', and there was a growing atmosphere within the Commons for stringent legislation against venal constituencies, motivated more by the rising costs of elections than by moral concerns. Eventually the Aberdeen coalition, with a Peelite input stressing integrity and the need for Parliament to renew its legitimacy, passed the Corrupt Practices Prevention Act of 1854, which defined for the first time bribery, treating and undue influence, and outlined the penal penalties for such offences, and it is within these strictures that the Oxford election of 1857 was conducted.[4]

THE CITY OF OXFORD AND URBAN POLITICS

The city of Oxford seat was a medium-sized borough with, according to Dod, 2,818 registered electors in 1857 out of a population of 27,843,[5] a fairly wide suffrage. The Reform Act had permitted existing freemen to retain their franchise, transmissable by birth or servitude, which meant in 1857 that about half the electorate retained freeman status, and as late as 1880 there were 881 freemen.[6] No poll book survives for either of the 1857 elections, but a register of voters for 1854 lists 180 out-of-town freemen,[7] a category which appears frequently in the witnesses at the 1857 committee. That the franchise was broad can be seen by the most common professions listed on the register, with tailors, grocers, butchers, and coal merchants well represented, as well as some labourers. A medium-sized borough, sufficiently large to allow open elections and preclude proprietorial control but small enough to make corruption effective, was a fertile environment for bribery.

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[2] Both quoted in Norman Gash, *Politics in the Age of Peel* (1953), 125.

[3] Professor Gash estimates that a borough election costing each side £1,000 was quite common in the 1840s, although it must be remembered that half of all seats were uncontested.

[4] 17 & 18 Victoria *c.* 102.

[5] *Dod's Parliamentary Companion* (1857).

[6] According to the *Report of the Royal Commissioners into the existence of Corrupt Practices in the City of Oxford*, 1, p. 9, H.C. (1881) xliv.

[7] *A list of Freemen and Householders in the City of Oxford* (1854), found at Bodl. G.A. Oxon 8° 1430.

The electorate had risen substantially prior to the Reform Act, to about 1,780 in 1832, many of these voters having only recently acquired their status, often paid for by candidates, which helps explain why the constituency had acquired a reputation for corruption. One candidate spent nearly £4,000 in 1826, whilst another was disqualified for colourable employment in the first election under the reformed franchise, and the cost of votes in 1841 was rumoured to be £1 for a plumper, and 10s. for a split-vote.[8]

The parliamentary history of the borough after 1841 attests to the deleterious effects of the Tory party schism of 1846 and the party's decimation as an organizational force in the English boroughs. In Oxford therefore the Liberals had a monopoly on parliamentary representation after 1846, although there existed infinite gradations within the broad Whig-Liberal party. The Oxford MPs were James Langston, an anti-Corn Law veteran, William Page Wood, and, after 1853, the Peelite President of the Board of Trade, Edward Cardwell, although 'the Conservatives appear to have regarded Mr Cardwell as in a certain measure representing their opinions'.[9] The 1850s saw the emergence of a radicalized Liberal faction, which controlled the town corporation after 1853, mirroring national developments, but also in reaction to the wealth and influence of the University. As late as 1880 the Liberal majority on the council was 32–8,[10] and it is clear that the town council administered patronage and public funds in a politically partisan way, whilst Tory traders and publicans frequently complained about discrimination. It is apparent that influential local connexions were therefore vital for prospective parliamentary candidates, and that in Oxford, as in most other boroughs, the control of influence was in Liberal hands.

The 1857 General Election

Many historians have tended to see 19th-century elections as parochial, dominated by local issues and personalities. The Oxford election of 1857 would suggest otherwise, for although conducted in a localized context, the dominant issues were those at Westminster, namely the Chinese war, the question of further franchise reform, and the personality of Palmerston. The election was called after the success of Cobden's motion of censure over the China question, following the bombardment of Canton, and supported by the 'Cobden-Derby Co.', a coalition of Radicals, Tories, and Peelites, allowing Palmerston to mobilize patriotic and jingoistic sentiment. Angus Hawkins observes in relation to the 1857 General Election that 'what is striking is how peripheral . . . the issue of Palmerstonianism was to the election results,'[11] yet it is clear that commitment to Palmerston was a decisive factor in the success of James Langston and Charles Neate in Oxford. Neate declared himself in favour of 'Lord Palmerston and extension of the suffrage!', whilst the *Oxford Chronicle* could declare in its editorial that 'Lord Palmerston and progressive reform are the mottoes of the day!'[12] Certainly Palmerston himself believed that the election results had 'rendered a great service to the government' and left him 'dictator for the moment.'[13]

Party organization in mid-Victorian Britain was more developed, if fluid, at Westminster

[8] Taken from *V.C.H. Oxon.* iv (1979), 253.

[9] *Report of the Commissioners* (1881), 4.

[10] Ibid. 9.

[11] Angus Hawkins, *Parliament, Party and Politics 1855–1859* (1987), 64.

[12] *Oxford Chronicle*, 21 March 1857.

[13] These quotations are taken from E. Steele, *Palmerston and Liberalism 1855–1865* (1990), 73–6.

than in the provinces, so that party nomenclature can be misguiding before 1868, when the provinces began to lose their autonomy to central machinery. A concentration on party dialectic can therefore be misleading, as party was by no means the sole, or even major, determinant of political ideaology. Four candidates stood for Oxford in 1857, all professing to be liberals, who 'were all in favour of progressive improvement and reform in every department of the state'.[14] The election therefore attests to the breadth and diversity of opinion within the Liberal coalition, formalized in 1859 with the incorporation of the remaining Peelites, including Cardwell, and which was maintained until the schism over Home Rule in 1886. Importantly, the local press, like its national counterpart, was solidly liberal, ranging from the mainstream *Oxford Chronicle* to the more radical views of the *Oxford Herald*.[15] Whereas the county and university seats were both uncontested and together returned three Conservatives and two Liberals, the borough attested to the marginalization of the Tories as an urban political force.[16] Indeed, Cardwell considered not standing for fear that his views were too conservative for a popular borough, and it is clear that his unopposed return in 1853 had angered the radical element on the city council. That is not to say, however, that local Tory opinion was unrepresented, for there is evidence in other constituencies of local arrangements between the Derbyites and Peelites, and Gladstone had written to Derby that, 'Derbyites and Peelites should not go knocking our heads together against one another at every election as we did in 1852'.[17] Cardwell therefore could benefit from Conserative sentiment. According to the autobiography of T.F. Plowman, a future editor of the *Oxford Journal*, Cardwell stood as a 'Liberal Conservative' and his campaign workers were decorated in blue rosettes, and it was only after Cardwell's affiliation with the Liberals in 1859 that angered local Conservatives felt obliged to foster their own candidates.[18] Nonetheless, despite the lack of definitive party distinctions, it was 'the most animated and exciting contest that has ever been known in Oxford',[19] whilst Neate's agent observed 'there never was so much printed at Oxford before',[20] showing a high degree of political mobilization.

It is evident that the absence of an explicit party contest in 1857 did not entail a lack of doctrinal conflict, and in many ways the contest resembled a battle for the leadership and direction of the Liberal party. 'It augurs very little for the success of the liberal cause when we find two gentlemen in the field professing liberal opinions and supported by two influential sections of the Liberal party', declared the *Oxford Chronicle* in reference to the contest between Cardwell and Neate for the second seat.[21] However the candidacy of a Serjeant Gaselee, a radical lawyer from Portsmouth, seems to have complicated the situation by dividing the radical vote to the benefit of Cardwell. The *Oxford Chronicle* observed that 'the principles professed by both these candidates do not differ in any material degree',[22] and called on either Neate or Gaselee to withdraw and allow an anti-Cardwell

[14] *Oxford Chronicle*, 4 April 1857.

[15] *Jackson's Oxford Journal*, although conservative, supported the government of Lord Palmerston; i.e. in its editorial of 4 April.

[16] However, *The Times*, 23 March 1857, tells how George Stratton, an independent Tory, intended to stand but missed the deadline for nominations!

[17] Quoted in Hawkins, *Parliament*, 67.

[18] See T.F. Plowman, *In the days of Victoria* (1918), 111–34.

[19] *Oxford Herald*, 4 April 1857.

[20] *Report of the Select Committee into the Oxford City Election Petition*, pp. 1–132, H.C. (1857), session 2, vol. viii, evidence of T. Green, 3404.

[21] 21 March 1857.

[22] 14 March 1857.

vote. The *Times* remarked that Neate should have been more decisive and not allowed Gaselee to stand, and opined that 'it is admitted by all that if both go to the poll, Mr Cardwell must win'.[23] Gaselee was forced on a number of occasions to deny the accusation that he was as a lackey of Cardwell and was standing to take votes away from Neate. There was certainly much rivalry for the sizeable radical vote, Neate's committee organizing speaker meetings in public houses which Gaselee had already visited 'for the purpose of stating the comparative claims between Mr Gaselee and myself'.[24] On election day Gaselee circulated placards stating that Neate had withdrawn from the poll, whilst a report in *Jackson's Oxford Journal* suggests that Neate's committee may have circulated an underhand counter-placard claiming that Gaselee had died![25]

A survey of the issues and personalities at the Oxford election of 1857 is axiomatic to understanding the context in which corruption operated. The Nonconformists, about 35% of the Oxford population according to the 1861 census, were an important political constituency and courted by all the candidates. Yet, surprisingly, religious issues were of minor importance to the result, despite its centrality as a determinant of voting behaviour in this period and the lack of liberal unanimity over the Maynooth grant or Sunday trading. Langston stood on a staunch ministerialist ticket, described by Dod as 'A Whig-Liberal, opposed to the church rates, in favour of extension of the franchise and rational progress'. He seems to have kept a low profile during the campaign, confident of his return, defending the Chinese action and pointing towards the consistency of his behaviour as Oxford member. In fact, there seems to have been an informal alliance between Langston and Neate, centred upon the figure of Joseph Greenwood, a publican, town councillor and member of Langston's election committee, who also canvassed with Neate on at least one occasion and was looked upon by Neate as 'a most zealous friend of the cause throughout'.[26] The lack of a poll-book prevents confirming whether this alliance was translated into voting patterns, but the evidence in front of the Commons Committee shows that the large majority of witnesses voted for both Neate and Langston, and that there were very few plumpers for either candidate. A member of Neate's committee observed that a vote for his man 'could not be incompatible with a vote given for Mr Langston'.[27]

The Importance of Local Influence

The significance of local influence and patronage is apparent from the 1857 election. Langston, the sitting member from 1826 to 1835 and since 1841, was a sizeable Whig landowner who owned a number of properties in the city, and since 1851 had been the High Sheriff of Oxfordshire. His patron and first nominee was the powerful Alderman Sadler, who was said to control over 300 votes in his heyday, and his success was reputed to come from his generous expenditure. Plowman tells us that his return was widely expected 'because he had always been very liberal with his money, and therefore derived support from many on both sides, who were anxious not to have such a source of supply interfered with'.[28]

[23] *Times*, 23 March 1857.
[24] *Committee of Oxf. Petition* (1857), evidence of Charles Neate, 3653.
[25] *Oxford Chronicle*, 4 April 1857.
[26] *Committee for Oxf. Petition* (1857), evidence of Neate, 3699.
[27] Ibid., evidence of George Roberson, 3498.
[28] Plowman, *Victoria*, 117.

Langston's return was seen by candidates and correspondents alike as inevitable, and that he eventually topped the poll by more than 600 votes shows his popularity and status, as well as strong cross-party support. Cardwell also seems to have courted influential local patrons, and certainly his adoption of the seat in 1853 must have received approval from the controlling Whig faction on the council. His campaign was directed by ex-mayor James Pike,[29] and supported by at least two aldermen, Ward and Castle, and a number of town councillors. *Jackson's Oxford Journal* remarked that on the day of the declaration of the poll, 'Mr Cardwell . . . was accompanied by a large body of the principal inhabitants of the town and university.'[30] Indeed, Neate complained constantly during the campaign that many leading tradesmen sought to exercise illegitimate influence on behalf of his opponent. Neate was also active in city government, where he seems to have railed against the Whig monopoly of the parliamentary representation and had written widely on the deficiencies of the poor law boards in Oxford. Amongst his supporters he could count Sheriff Spiers and Councillor Edmund Dore. Gaselee, on the other hand, seemed to have lacked local connections, although his campaign chairman was Thomas North, a radical later active in the National Reform League.

The Contest

Neate announced his intention of standing on Saturday 7 March but seems to have considered withdrawing due to the projected cost, which may have encouraged Gaselee to stand. In a private letter, Cardwell claimed that Neate had received £250 from the liberal whip W.G. Hayter which, if true, would show that the government was keen to oust Cardwell.[31] At a packed public meeting at the town hall on Tuesday 10th, in front of largely working-class audience, Neate outlined a populist ticket of suffrage extension, triennial parliaments, and free trade, and condemned the 'increasing power and selfishness of the aristocracy of wealth'.[32] Gaselee first addressed the public on 12 March at a riotous meeting, where he avowed his 'extreme liberal principles' and called for the ballot, abolition of church-rates, suffrage extension, and income tax reform.[33] He justified his opposition to Neate by arguing that the independent borough should not return a University man as 'they might as well consent to forego one of their members', although it is doubtful that ths was a popular sentiment. It is clear however that Neate and Gaselee both mobilized anti-Cardwell, or more generally anti-Peelite, feeling. Cardwell had angered a large body of his constituents by his support for Cobden's China motion, as well as alienating the publican community by supporting licensing legislation. Before Cardwell agreed to stand he issued a public address justifying his position, claiming in quintessentially Peelite language that he had voted independently in the public interest,[34] and waited until 27 March before holding a public meeting, at which he was heckled and interrupted. Gaselee claimed somewhat

[29] The first Nonconformist mayor of Oxford, appointed in 1855.

[30] 4 April 1857.

[31] Cardwell Papers: papers of 1st Viscount Cardwell, P.R.O., Series 30/48, vol 47, Cardwell to Stanhope, 17 May 1857.

[32] *Times*, 11 March 1857.

[33] *Oxford Chronicle*, 14 March 1857.

[34] For this address, see the collection of papers and handbills relating to the two elections of 1857 held in Bodl. G.A. Oxon b.94/2, largely relating to the by-election in July.

exaggeratedly that he 'differed from Mr Cardwell on almost every aspect of his political creed', whilst Neate asserted the Peelites were 'a party singularly wanting of sympathy for the people.' An election poem published in the *Spectator* epitomized one public perception of Cardwell:

> And now my friends let's have a talk with smooth-tongued Mr Cardwell
> No doubt a fine and stalwart man, whose name befits a bard well.
> I ask you is he not, my lads, as slippery as an eel
> We all know what sort of boys vote for Bobby Peel![35]

Cardwell proclaimed that he was standing as 'an independent and unfettered representative', a language of public honour and executive duty which very much underlined his Peelite credentials. Indeed the *Times* believed that, with his political upbringing as Peel's adopted favourite , 'Mr Cardwell perhaps most faithfully represents . . . the character of his master'.[36] His electoral addresses were equivocal, although he seems to have accepted the need for franchise reform but not the ballot. However, when one of his supporters was to describe him as 'an advanced liberal', it was greeted with laughter.[37] His campaign was strongly defensive, justifying not only his China vote, but also his opposition in 1855 to the continuation of the Crimean War. He certainly appreciated the weakness of his position, writing to Aberdeen that, 'between China on one hand and my rejection of the ballot on the other, I may come to the ground. But nil desperandum is my motto'.[38]

Nomination day, Saturday 28 March, saw about 3,000 people gather round the town hall, and the mayor delivered a warning against corruption. Two nominees spoke for each candidate, then the aspirants spoke in turn. Cardwell said that he opposed the ballot because the 1854 act, introduced by an administration in which he was President of the Board of Trade, was sufficient. Neate contended that 'Mr Cardwell supported Lord Palmerston on the Tory side while he himself did so on the popular side', and that he would represent 'not only those who have votes, but also those who ought to have votes'.[39] A show of hands was taken, in favour of Langston and Neate, and the poll was set for the following Monday.

Polling was conducted at a vigorous pace and the result was in doubt throughout the day. The turnout must have been considerable, for, even if no plumpers were cast, a minimum of 2,000 electors out of 2,800 on the register must have voted, and we can presume that Cardwell in particular would have had a large number of plumpers from Tory supporters. It soon became evident that Gaselee's vote had been squeezed, but he refused to withdraw throughout the day. Polling figures from Cardwell's committee show that Neate overhauled their man in the final two hours of voting and at the declaration had a majority of forty-one. The result was met with popular processions, the *Chronicle* concluding that 'the masses ranged themselves on the side of Mr Neate while the more aristocratic element joined the forces of Mr Cardwell,'[40] and Gaselee declaring that 'now Oxford has a true liberal, whilst the previous member had only been a semi-liberal'.[41] Cardwell was well received, the

[35] *Spectator*, 16 March 1857.
[36] *Times*, 22 July 1857.
[37] *Committee for Oxf. Petition* (1857), evidence of Underhill, 32.
[38] P.R.O. 30/48/54, Cardwell to Aberdeen, 18 March 1857.
[39] *Oxford Chronicle*, 4 April 1857.
[40] Ibid., 4 April 1857.
[41] Ibid., 4 April 1857.

Reading Mercury expressing the hope that his loss to the House would not be permanent, especially as 'he is gradually imbibing the liberal spirit of the age'.[42] Meanwhile a ball was arranged at the town hall to celebrate Neate's return.

TABLE OF RESULTS: MARCH 1857

James Langston	(Liberal)	1,667
Charles Neate	(Liberal)	1,057
Edward Cardwell	(Liberal Conservative)	1,016
Serjeant Gaselee	(Radical)	225

CORRUPTION AND PETITIONING

The 1857 election was the first to be conducted under the 1854 Corrupt Practices Act, and the candidates were very conscious of its central provisions, all publishing adverts after the contest requesting any claims to be sent to their respective agents. Cardwell declared that 'the strict law on the prevention of bribery had been most studiousy observed by himself and his friends,'[43] whilst the *Oxford Chronicle* noted that the election had been characterized by fairness and honesty. Certainly there were no accusations or reports of bribery at the time, and the first report of any petition was a meeting of Cardwell's supporters on 15 May when it was decided to protest against the return of both Langston and Neate. The *Oxford Chronicle* observed in an editorial that it could not comment on the 'obnoxious petition' but that there was little doubt that Langston had been elected fairly given the size of his majority,[44] and when the petition was presented to the Commons on the 20th all mention of Langston had been omitted. Neate and his agents were accused of 'open and notorious bribery, treating and undue influence . . . in order to induce voters to vote at the last election'.[45] There seems to have been much debate over the nature of the appeal, for Sir James Graham wrote to Cardwell on the 12th that 'I have been on the watch for the presentation of the petition . . . is there a delay which is unavoidable?', and again on the 13th, 'I am sorry to hear the failure of my hopes respecting the Oxford petition . . . and that your seating be not possible; yet if the seat be vacated, might it not be hoped that you would attain the vacancy?', adding that 'I care more for the success of this petition than all the rest put together'.[46] Eventually the petition only beat the closing deadline by several hours, whilst Cardwell withdrew a second, personal petition.

It would appear that Cardwell had been planning to petition directly for the seat but he was advised that his prospects would be reduced, possibly because this could allow counter-evidence of illegality. Allowing his supporters to petition merely for the voiding of the election, thereby causing a by-election, would have a greater chance of success, as no

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[42] *Reading Mercury and Oxford Gazette*, 4 April 1857.
[43] *Oxford Chronicle*, 4 April 1857.
[44] Ibid., 23 May 1857.
[45] The original petition has not survived, but a copy was printed in the *Oxford Chronicle*, 23 May 1857.
[46] P.R.O., 30/48/47, Graham to Cardwell, 12 and 13 May 1857.

counter-evidence was admissible. Therefore Cardwell withdrew his own recognizance, yet even so the allegations of undue influence were withdrawn when the inquiry opened, whilst those of treating were unproven by the Committee.

Cardwell's motives should perhaps be distinguished from those of his supporters. He had many contacts amongst the influential trading community who had adopted him in 1853 because of his almost messianic commitment to free trade and economic retrenchment at the Board of Trade in the Aberdeen Coalition. The petition was signed by seven local notables, including town councillors Pike and Herbert, the brewer Frederick Morrell and two local traders, James Watson and a Mr Underhill. There was thus a substantial body of powerful local opinion keen to unseat Neate. It is clear that Cardwell was actively involved in the formulation of the petition, as one of his letters describes:

> I went over the case yesterday afternoon with my Oxford agent and my London solicitor . . . I expect it will be irresistible, and as my opponent is a mere adventurer, who has no property, and only seeks to make some profit over the thing, I should question whether he will venture to contest it . . . I think that a speculator who gets £250 from Hayter, and then raises the wind enough to buy low voters cheap, deserves no better treatment.[47]

As a faithful Peelite, Cardwell shared his mentor's notion of the executive sovereignty of Parliament, one which showed its responsibility to govern in the public interest but was immune from popular pressure. The election of a populist liberal, 'a mere adventurer', was anathema to him and helps explain his antipathy towards Neate, as well as his belief that Neate could not afford to contest a petition. Cardwell was eager to return to the House, where he was much esteemed, and seems to have discussed with Graham the possibility of a vacancy in Liverpool or Rochdale, where the new Tory members faced corruption charges. Cardwell wrote to Graham to 'thank you for availing yourself to speak to Bright so kindly of me regarding Rochdale',[48] whilst Graham replied that 'Bright says that a vote for the ballot is a sine qua non and abolition of church rates is undisputable . . . but I take the upshot to be that Bright is keeping the seat open for himself'.[49] However, Cardwell's plans to stand were precluded by the dismissal of the petition against the Rochdale member. Cardwell seems to have had an aggrieved sense of moral sensibility about electoral malpractice, which translated into a remarkable predilection to petition. Defeated in 1841 by five votes at Clitheroe, a small Lancashire borough, he petitioned and was seated in place of his opponent; at Liverpool in 1852, although ousted by a Tory Anglican candidate by over 1,000 votes, he successfully petitioned, although by the time the seat was vacated he was safely ensconced in Oxford. As has been shown, Cardwell was renowned for his Peelite opportunism, and his familiarity with the intricacies of electoral law allowed him to employ it, in suitable circumstances, as an electoral method. At the very least his wealth, coming from a prosperous mercantile background, like Gladstone, meant that the costs of petitioning were not a deterrent for him.[50]

The only secondary source for the petition of 1857 is Plowman, who mentioned it as a

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[47] P.R.O., 30/48/54, Cardwell to Stanhope, 17 May 1857.

[48] The Graham Papers: the papers of Sir James Graham, available on microfilm at Bodl.; Cardwell to Graham, 5 June 1857.

[49] P.R.O., 30/48/47, Graham to Cardwell, 29 June 1857.

[50] A. Erickson, 'Edward Cardwell: Peelite', *Transactions of the American Philosophical Society* (1959) is the only substantial work on the political career of Cardwell, concentrating mainly on his ministerial career under Gladstone.

prelude to the important business of Thackeray's candidacy. Writing in 1918, his account of bribery is unreliable and certainly not substantiated by the Committee report, although it may represent a populist version of the event. Plowman recounts that between forty and fifty voters arrived at Cardwell's committee-room after 3 p.m. and named a price for voting en bloc, but were refused by Cardwell who 'denounced in no measured terms any proposition for the purchase of votes'. The voters then approached Neate's committee, whose agents agreed to pay the price, but Cardwell's committee reported the names of the voters.[51] However, the evidence presented before the Commons bears little relation to Plowman's account, and Neate was unseated for colourable employment, not for purchase of votes.

The cumbersome machinery for disclosing corruption meant that petitions were heard by a committee of Commons members. The bias of these committees was notorious, which meant that the outcome was often predetermined and dependent on the political proclivities of the members. John Kinglake, the MP for Rochester, giving evidence in front of the 1860 Select Committee assessing the workings of the 1854 Act, remarked that 'There is no uniformity of decisions . . . there is much uncertainty and the decisions are rarely unanimous . . . I look with great anxiety to who is to be chairman.'[52] The House of Commons Committee for the Oxford election began hearing evidence on 1 July and reported on the 8th. The five-man tribunal was chaired by E.C. Egerton, a liberal conservative, and also consisted of two Tories, Peter Blackburn, and Colonel Gilpin, 'a strong supporter of the Protestant constitution of church and state',[53] a Whiggish military captain, Sir Thomas Burke, and the radical Christopher Rice Mansel Talbot, an ardent supporter of the ballot. Given that committees were obliged to have three representatives from one side and two from the other, Neate was perhaps unfortunate in being heard by such a conservative tribunal whose collective sympathy probably rested with Cardwell. In a private letter, Cardwell had cautioned that 'We must see what sort of a committee we get',[54] and could not have been disappointed.

The case against Neate rested on his returns to the election auditor which showed that he had employed a total of 198 poll clerks and messengers, 152 of whom were voters, who all voted for Neate. It was thus alleged that a connection existed between payment and voting, and that adequate services were not performed in remuneration. It was also claimed that extensive treating had been undertaken with the intent of influencing voting behaviour. Over seventy witnesses were called by Cardwell's counsel, Serjeant Piggott QC and Mr Clerk, and by Neate's defence lawyers, Mr Welsby, a personal friend from Neate's days at the Bar, and Mr Richards.

It was disclosed that Cardwell had only needed to employ twenty-eight messengers, half of whom were voters, and even Neate's agent, Charles Green, admitted that 'he never heard of any inefficiency on their part.'[55] Neate's committee on the other hand spent a day and a half at their committee-room at the Roebuck pub paying off their messengers. A convincing case for colourable employment was certainly created; one witness admitted he was paid 5s. for sitting around the Roebuck on election day,[56] a second received a sovereign for four days'

[51] Plowman, *Victoria*, 117–22.

[52] *Report of the Select Committee into the 1854 Corrupt Practices Act*, H.C. (1860), session 1, vol x, evidence of Sir John Kinglake M.P., 262–4.

[53] According to *Dod's Parl. Companion*.

[54] P.R.O., 30/48/54, Cardwell to Stanhope, 17 May 1857.

[55] *Committee of Oxf. Petition* (1857), evidence of Green, 3353.

[56] Ibid., evidence of Bossum, 879–916.

work but only worked for two,[57] and a third revealed that he was 'waiting about for two or three days'.[58] A further witness claimed that 'I did not do anything but walk about all day',[59] whilst another stated that 'there was nothing to do for either Langston or Neate'.[60] Serjeant Piggott claimed that many of the messengers could not have performed adequate services, as some were almsmen, others were infirm, and two were special constables who were thereby precluded from voting. One non-voter was partially blind and so in an almshouse on election day, yet still was paid 5s.[61] Central to the prosecution case was the fact that a book containing lists of messengers had many names scratched out for which Green provided no explanation. The committee found that fifteen witnesses had been found to be bribed by colourable employment, ranging from £1 to 2s. 6d., although it exonerated Neate, deciding that 'the aforesaid acts were committed without the knowledge and consent of the said Charles Neate',[62] thus indicting his agents. However, Neate was duly unseated and a new writ issued.

Was Neate's fate unfortunate?

Whilst there clearly was ammunition for the decision, the committee appears to have been selective in its analysis of the evidence. The 198 messengers were not all employed at the same time, unlike in Cardwell's more professionally run campaign where the messengers were better paid and in constant employment. More importantly, the committee concluded that 'it was not proved that these payments to the voters were the primary motive in deciding their votes'.[63] Not one witness declared that employment was accompanied by improper coercion to vote for Neate, and indeed most stated that they had already decided how to vote before applying for work. Employment was on this evidence more likely to be a means of confirming votes than of influencing them, and it seems to have been a sine qua non for both campaigns that workers should be politically trustworthy. Bribery was defined in the 1854 act as 'to induce, compel . . . or attempt to corrupt',[64] and under this definition it is doubtful whether the framers of the legislation had intended to capture candidates like Neate within their framework, or even that the committee paid much heed to its provisions.

What does emerge from the committee's evidence is a substantial corpus of evidence incriminating Langston for the same activities for which Neate was unseated. It was proposed originally to petition against Langston as well, but it would appear from a letter from William Thompson, a printer and the propagandist for the Cardwell campaign, that there was insufficient time before the deadline to collate evidence against him, as well as the obvious consideration that a petition against the popular Langston would be unlikely to succeed.[65] However, there were very few plumpers for Neate and most of the witnesses voted for Langston as well. There was also much synergy between the two campaigns, a number of

[57] Ibid., evidence of Faulkner, 671–712.
[58] Ibid., evidence of T. Harris, 2064.
[59] Ibid., evidence of Haines, 785.
[60] Ibid., evidence of Tipping, 1303.
[61] Ibid., evidence of Knight, 1770–95.
[62] Ibid., Report, p. iii.
[63] Ibid., Report, p. i.
[64] 17 & 18 Victoria, c. 102.
[65] Oxford Chronicle, 'Letter from an Elector', 30 March 1857.

witnesses also being employed as messengers by Langston. One witness, found to be bribed, was paid 5*s.* by both and stated that the only work he thought he did was 'voting for them both'![66] A special constable, again found to have accepted a bribe, was paid 5*s.* by Langston but confessed, 'I did not know that I did anything for that'.[67] Welsby noted that the number of messengers employed and the sums spent by Langston far exceeded those by Neate, yet no petition had been brought against him. At this point however, the committee ruled that Langston's name could not be brought into the proceedings as he was unrepresented.

The allegations of treating against Neate and his agents were not proven, although the committee did find that 'there was treating to some extent at the last election'.[68] The treating charges centred around the Maidenhead pub, owned by Greenwood, on polling day, as well as other occasions when Neate was giving electoral addresses. There certainly seems to have been free beer and lunch provided 'for the messengers or something of that sort',[69] but the identity of the benefactor was not revealed. A breakfast was provided for seven out-of-town freemen from Abingdon, but the landlord stated he 'made out the bill to Mr Langston and sent it to Mr Greenwood',[70] and the committee found that there was no official association between Neate and Greenwood.

The credentials of some of the witnesses can best be described as unreliable. One witness was a clerk to Mallam, Cardwell's election agent, whilst another had helped in assembling the evidence of treating. One non-voter admitted that she only agreed to give evidence after George Brunner, one of Cardwell's legal advisers, had found her new employment,[71] whilst a George Salmon accused Joseph Freeman, one of Neate's committee, of offering him printing work in return for a vote, although in a later court case reported in the *Oxford Chronicle* after he was assaulted by Freeman, Salmon confessed that he had fabricated his evidence![72]

It has been seen therefore that the committee's decision was harsh given that much of the evidence was unsubstantiated and unreliable. Indeed, the decision was not unanimous but was passed 4–1, with Mansel Talbot voting in defence of Neate. Neate's agents had obviously given much ammunition to the petitioners, but given the body of evidence against Langston for equally questionable activities, his fate was unfortunate. It is possible that Neate's committee were guilty of negligence rather than of intentional bribery, as they seem to have run a very unprofessional campaign. Cardwell on the other hand had a number of lawyers advising him,[73] all experienced in running a campaign, and who were well versed in electoral law and able to capitalize upon digressions by his opponents.

Local reaction to the decision to invalidate the election was not favourable. The *Oxford Chronicle* noted that a new election was unexpected,[74] whilst the *University Herald* observed that 'the Neate party are vexed and indignant . . . the purity which characterized the last election was of the most unprecedented nature'. In the same editorial it opined that 'there is generally a fashion or bias in the judgements of all the committees which sit at any

[66] *Committee of Oxf. Petition* (1857), evidence of Haynes, 804.
[67] Ibid., evidence of Golding, 1145.
[68] Ibid., Report, i.
[69] Ibid., evidence of Shurrock, 2468.
[70] Ibid., evidence of Taylor, 2758–9.
[71] Ibid., evidence of Sarah Carter, 2895–2928.
[72] *Oxford Chronicle*, 18 July 1857.
[73] Including Thomas Mallam and George Brunner, as well as his experienced London counsel.
[74] *Oxford Chronicle*, 11 July 1857.

particular time' and that 'not one petitioner in twenty would succeed in unseating his opponent if the strict rules which prevail in courts of justice were applied to the proof of bribery or treating'.[75] It is notable in this regard that the three Conservatives on the committee sided with the petitioners, whereas Talbot, whose views had most in common with Neate, favoured the defendant. The *Times*, sympathetic at this time to the Peelites, remarked in a leading article that 'the resolutions of the Oxford Election Committee offer the first direct proof of the efficacy of the Corrupt Practices Act',[76] and concluded that Neate's small majority of forty-one was probably the decisive factor. Neate was in fact the first of nine members to be unseated in 1857, five on charges of bribery, but a study of some of the unsuccessful petitions reveals the inconsistency of decisions. Even the *Times* declared that 'somewhat differing views were taken by committees as to what constitutes colourable employment of voters', and noted that in contrast the engagement of seventy-four voters as messengers in Cambridge had been deemed acceptable. More importantly, the judgements for the Wareham and the Bury cases held that a candidate could be held responsible for the collective actions of his committee but not for acts by individual members of that committee. The Oxford ruling seems not to have shared this notion, for throughout the proceedings the actions of Boddington, Green, or Freeman were considered to be acts for which Neate's committee was collectively accountable. In the Wareham case the Liberal member, elected by the slender majority of three votes, had the benefit of defending himself before a Committee with a Liberal majority.[77] At the very least, the various committee decisions meant that a consistent corpus of electoral law based on the 1854 act failed to emerge, which meant that petitions continued to be treated on an ad-hoc individual basis with much scope for discrepancy.

THE OXFORD BY-ELECTION OF JULY 1857

The story of the candidacy of the novelist William Thackeray for the borough of Oxford after the unseating of Neate has been told elsewhere,[78] and this article is largely concerned with what that by-election illuminates about electoral corruption in Oxford. The government had initially proposed Lord Monck, a former Treasury chief, as its candidate, but he retired in favour of Cardwell after a visit to the constituency by Hayter, the Liberal Whip. Cardwell therefore had clearly come to some arrangement with the same government that had sought to oust him in March, and dissociated himself from the Conservatives. Indeed, Graham wrote to Gladstone that 'your little band is broken up . . . Cardwell must henceforth be regarded as one of Pam's retainers'.[79] Neate's committee seems to have adopted Thackeray, a personal friend of Neate since the 1830s, as their candidate without consulting local council leaders, which seems to have antagonized the local Liberal party into supporting Cardwell, who conducted his campaign from London. Thackeray had been active in the Administrative Reform Association in the 1850s, and stood on a platform of

[75] 11 July 1857.

[76] *Times*, 11 July 1857.

[77] See *Report of the Select Committee on the Wareham Election Petition*, pp. 615–657, H.C. (1857), session 2, vol. viii, for the Wareham decision.

[78] For Thackeray's candidacy see G. Ray, *Thackeray: The Age of Wisdom*, vol. 2 (1958); or J. Sutherland, 'Thackeray, the Oxford Election, and the Sunday Question', *Bodleian Library Record*, ix (1977).

[79] The Graham Papers, Graham to Gladstone, 5 June 1857 (on microfilm in Bodl.).

suffrage extension, reducing the power of the aristocracy, and the ballot. Neate, clearly still popular, issued a public address calling for support for the 'people's cause' represented by Thackeray against 'an exclusive Whig dominion'.[80] The contest was certainly fiercely contested, Cardwell's committee placing spies at a private meeting given by the author, and publishing remarks on the Sunday question attributed to him. John Sutherland, in an article drawing heavily on Plowman, concluded that Thackeray was defeated because he alienated the Nonconformist community by supporting the opening of Crystal Palace for recreational activities on the Sabbath, a point which has some validity given the number of hand-bills circulated by Cardwell's committee denouncing his views.[81] However, as Neate had expressed identical opinions in March, without injuring his chances, it is clear that there must have been other reasons for Thackeray's defeat in another high turnout by 1,085 votes to 1,018. It is revealing that the *Examiner* and the *Saturday Review*, both mainstream liberal papers, published editorials portraying Cardwell as an experienced politician against an idealistic novelist, the latter commenting that Thackeray was seeking to 'accept the situation of delegate to the mob . . . which is the growing evil of our representative system'.[82] It was Thackeray's electoral inexperience and ineptitude, exploited by Cardwell's committee, and not his opinions on the Sunday question, which proved the decisive factor in his defeat.

The role of influence and corruption in the by-election is difficult to assess, although the difficulty of distinguishing between legitimate and illegitimate is confirmed. Thackeray inherited the whole of Neate's committee, despite their condemnation in the Commons report, whilst Cardwell's committee ran his campaign in his absence, showing that there were clearly two well-defined groups in Oxford seeking future control over the Liberal party. Boddington asserted that 'Mr Neate has been scandalously ill-used by a small but conspicuous body of men', whilst Dore called upon electors 'to show these wealthy, these influential citizens, that you dare to be free'.[83] Conversely Alderman Ward, for Cardwell, said that the election was a question of 'whether certain persons trying to domineer over Oxford shall succeed'.[84] On a less reputable level, Thackeray admitted that his agents had failed to observe the lessons of the unseating of Neate, confessing later that, if elected, 'I should have been turned out, my agents in spite of express promises to me, having done acts which would have ousted me'.[85] There was much popular disapproval at the declaration of the poll and many allegations of bribery. Neate claimed that 'such influence has been used . . . if any of you suffer in consequence of the part you have taken in this election I will do my best to retrieve that oppression',[86] whilst the *Herald* reported that 'a petition is contemplated, we understand, by Mr Thackeray's supporters, several instances of bribery and intimidation having come to their knowledge'.[87] No petition was presented, presumably through lack of concrete evidence, although perhaps also due to the prohibitive cost of litigation. It is apparent however that the by-election was clouded by accusations of venality, and that cases of corruption which were investigated publicly in the Commons were by no means the only instances of illegality.

[80] The address was made on 10 July 1857, and can be seen at Bodl. G.A. Oxon b.94/2.
[81] Sutherland, 'Sunday Question'; Plowman, *Victoria*, 129.
[82] The articles, both dated 18 July 1857, are available in Bodl. G.A. Oxon b. 94/2.
[83] Public letters by Boddington and by Dore, 20 July 1857, in Bodl. G.A. Oxon b. 94/2.
[84] *Oxford Chronicle*, 25 July 1857.
[85] Quoted in Ray, *Thackeray*, 271.
[86] *Oxford Chronicle*, 25 July 1857.
[87] *University Herald*, 25 July 1857.

The Costs of Corruption

Expenditure figures can be used to elucidate the distinguishing features of corrupt practices, and in particular its relationship with other methods of electioneering. Records for the March election survive only of Neate's accounts, but it is clear that his resources could not compete with those of Langston or Cardwell.[88] All figures are obviously unreliable as they record only registered expenses, a point made by Plowman, who remarked in reference to the by-election that there was much unreported expenditure by both sides. Neate asserted that he contemplated withdrawal when his committee estimated the cost of an Oxford election to be between £1,000 and £1,800, stating 'I could not think of exceeding £500, which was more than I ought to spend, and I immediately put out a paper withdrawing my pretensions'.[89] His official expenditure amounted to £550, plus personal expenses, which was substantially less than the sums available to Cardwell, the son of wealthy Liverpool merchants. In the by-election Cardwell spent £785 in addition to payments to his agents, which we know amounted to £577 in 1868.[90] Thackeray is registered as spending £347 on messengers out of a total of £831, and Cardwell £315 out of £785,[91] both substantially more than Neate, whose figures suggest he had spent in the region of £250 on messengers, and yet was unseated for colourable employment.

One illuminating fact is that Cardwell recorded the large amount of £235 on printing costs in his July figures, whereas Neate had returned £115 in March, showing that Cardwell's methods were more professional, and a precursor of distinctively modern election campaigns. Cardwell in fact conducted the by-election from London, revealing a distaste for campaigning and in many ways an elitist, characteristically Peelite, sense of the duties of a representative towards his constituents. Neate, and Thackeray, practised more traditional and personalized techniques, and therefore it is possible to see electoral corruption as symptomatic of divergent approaches to electioneering and, for a poorer candidate like Neate, as an alternative to more expensive means of campaigning. Under this interpretation, the decline of corrupt practices owes much to its replacement by more sophisticated and effective electoral methods in the age of professional political parties.

PUBLIC OPINION AND CORRUPTION – THE POPULAR CONTEXT

Electoral corruption has been presented by recent historians as a moral evil at the heart of the parliamentary system and as an impediment to fair and proper elections.[92] Whilst such a view has much validity, it is one-dimensional and considers only the putative objective of corruption, namely election to Parliament. What it does not consider is the context in which corruption operated, or even why bribery was deemed necessary and why electors were willing to accept bribes, especially after the 1854 Act had imposed penal penalties on both the making and the acceptance of bribes. Elections were public affairs, conducted openly, an axiom which justified much of the opposition to the ballot. Polling day was a kind of civic

[88] See *Committee of Oxf. Petition* (1857), evidence of Green, 3150–3470, for Neate's election accounts and expenditure.

[89] Ibid., evidence of Neate, 3585.

[90] P.R.O., 30/48/51, Cardwell to Mallam, 28 November 1868.

[91] *Report of the Commissioners* (1881), pp. 4–5, for the July 1857 and the 1868 election expenses.

[92] See for instance O'Leary, op. cit. note 1, passim; Gash, op.cit. note 2, ch.7; Hanham, op.cit. note 1, 262–75.

festival, and as such involved the whole community, electors and non-electors alike. Thackeray, writing in 1853, describes a typical election scene:

> Immense banners of blue and yellow floated from every window and decorated the balcony from which the candidates were in the habit of addressing the multitude. Fiddlers and trumpeters . . . paraded the town and enlivened it with their melodius strains . . . The town boys and street blackguards rejoiced in combats and exhibited their valour on one side or the other.[93]

Mob violence at elections was a frequent occurrence, often through spontaneous enthusiasm but occasionally organized by a candidate's committee, usually as an intimidatory device. Thackeray's supporters, for example, had determined to try to prevent Cardwell's allies from speaking on nomination day, whilst after the declaration of the poll there were acts of violence against Cardwellites and damage was caused to his committee-room, *Jackson's Oxford Journal* claiming that 'the losers were wreaking their vengeance on the winners'.[94] There was a curious aspect of universal suffrage to mid-Victorian elections, usually ignored by historians, in the show of hands at nomination day, an ancient and symbolic ritual. A poll could only be called if requested by a candidate defeated at the show of hands, and it was only at the poll that electors could be distinguished from the unfranchised. Hence the fact that Thackeray won the show of hands by 'an immense majority'[95] confirmed him as the popular choice and endowed him with a certain moral legitimacy, as with Chartist candidates in the 1840s. The extent of popular involvement, even at a mere symbolic or anthropological level, should therefore not be underestimated, even before the advent of the mass franchise.

It emerges from an analysis of the evidence in front of the 1857 Committee that corruption was not generally perceived as a public wrong, but instead was in many ways expected from a candidate, usually as a sign of suitability – for example, Langston's success was euphemistically attributed in part to his financial generosity. Treating was widely practiced and seen as customary, and despite the provisions in the 1854 Act to prevent it, no candidate was ever unseated for treating alone. Bribery was deeply rooted in the electoral system, one Irish candidate in 1841 writing that 'the very whisper of a dissolution sent a visible thrill through the town',[96] whilst the diarist Charles Greville observed that the 'only prevailing object among a community is to make money of their vote'.[97] Indeed, one provision of the 1854 act which aroused popular hostility was the prohibition of the distribution of cockades and ribbons, and the outlawing of flags and even musical bands on polling day. The enforcement of the provision must have been difficult, but it can be seen as a symbol that Parliament was becoming more detached from the localities and distancing itself from popular ritual and ceremony. Plowman remarked that 'I was heartily sorry at being deprived of so much which, from a spectacular point of view, lent a colour and a joy to life'.[98]

It is important to ask the question as to where contemporaries drew the line between corruption and other forms of influence. Petitioning was almost exclusively an urban phenomenon, which suggests that in the counties corruption was either less detectable or, more probably, unnecessary, as other forms of influence were sufficient, such as the communal

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[93] William Thackeray, *The Newsomes* (1853), ch. XXXII.
[94] 25 July 1857.
[95] *Oxford Chronicle*, 25 July 1857.
[96] Quoted in Gash, *Politics*, 132.
[97] Ibid., 123.
[98] Plowman, *Victoria*, 116.

relationship between landlord and tenant farmer, a proprietorial patronage. Treating was clearly seen more as an electoral custom, a courtesy, than as a venal offence. Bribery via direct payment for votes was generally regarded as unacceptable, as was coercive or violent intimidation. However, influence which reflected social relationships seems to have been tolerated: for example, one of the Oxford witnesses declared that he had supported Neate 'because it was my landlady, Lady Croke's, wish',[99] a remark which passed without comment, whilst a coal-merchant voted for Cardwell because his employers advised him to do so.[100]

Neate's popularity in the light of his unseating shows that corruption was broadly seen less as a transgression, and more as a sign of munificence and charity, which helps explain why employment was also given to non-voters, and especially to almsmen. Plowman astutely commented that 'experience has generally shown that one of the most unpopular things . . . is to unseat a representative for spending his money too freely'.[101] Elections provided an influx of cash into the local economy, especially important in a University town like Oxford where much employment was seasonal, and indeed one witness declared that in light of the new strictures on treating and bribery 'it was the worst election I ever knew'.[102] Plowman noted that a vote was regarded as 'a marketable commodity'[103] in Jericho, where Thackeray remarked on the venality of the electors, commenting that 'I went down to Jericho and fell among thieves.'[104]

The impetus for corruption thus often came from the community rather than the candidates. The constable posted at the Roebuck estimated that between 400 and 500 people turned up after the election to demand payment, most of whom were fraudulent and were left unpaid.[105] Residents also applied to the committees for employment, and one member of Neate's committee stated that one voter told him 'I shall transfer my services elsewhere and vote as they vote',[106] after failing to secure employment. Cardwell had about 500 applications for work, and many witnesses at first seem to have approached Cardwell's committee before applying to Neate. It is apparent that a substantial part of the local community, whether electors or not, saw an election as an opportunity for financial gain. One witness, found to be bribed, received 15s. from Neate for two days' work and 5s. from Langston, whereas his daily wage from Balliol was a mere 2s. 4d.[107] Another, a grocer, was able to continue his business and also collect 7s. 6d. from Neate,[108] whilst a coal-porter combined his job with work as a messenger.[109] One voter told the committee that he applied for work from Neate to prevent himself going to the poorhouse,[110] whilst a number of witnesses declared that they needed employment to supplement insufficient wages.

It is evident therefore, studying the electoral system from a bottom-upwards, grass-roots level, that corruption cannot simply be dismissed as 'an evil at the root of the system',[111] but rather was an alternative form of patronage where candidates were expected to nurse their constituencies to the benefit the whole community.

[99] *Committee of Oxf. Petition* (1857), evidence of Gibbins, 2632.
[100] Ibid., evidence of Goold, 2330–410.
[101] Plowman, *Victoria*, 126.
[102] *Committee of Oxf. Petition* (1857), evidence of Gibbins, 2632.
[103] Plowman, *Victoria*, 131.
[104] Ray, *Thackeray*, 279.
[105] *Committee of Oxf. Petition* (1857), evidence of Brown, 223–360.
[106] Ibid., evidence of George Roberson, 3512–9.
[107] Ibid., evidence of Harbud, 409–609.
[108] Ibid., evidence of Bowley, 1360–6.
[109] Ibid., evidence of Ward, 1988–2027.
[110] Ibid., evidence of Prickett, 1726–1769.
[111] According to Gash, *Politics in The Age of Peel*, 292.

POSTSCRIPT: OXFORD POLITICS AFTER 1857

The unseating of Neate served neither to improve electoral purity, nor to reduce the costs of Oxford elections. In fact, Neate was returned unopposed in 1863 upon the death of Langston, showing that his popularity remained intact. However, his refusal to support the National Reform League agitation in the 1860s undermined his radical base, and he stood down in 1868 in favour of William Harcourt, a more centrist but well-connected liberal, whose candidacy was endorsed by Cardwell.[112] Corrupt practices in Oxford were in fact aggravated after the extension of the franchise in 1867, and the renaissance of an organized and competitive Conservative party under the popular local brewer, Alexander Hall, inflated the costs of electioneering. Thomas Mallam wrote to Cardwell during the 1868 campaign that 'About 1,000 voters are now open to influence of some kind . . . I see slight difficulties apply and petitions cannot be excluded',[113] which would suggest that, whatever the outcome, a determined candidate could often find evidence of wrongdoing in such circumstances. Cardwell financed his campaign by sending two blank cheques to his agent to spend as he saw fit, the two liberal candidates spending a combined total of £2,310.[114]

In 1880, with Cardwell now in the Lords, there was a general election in April, followed the next month by a by-election after the appointment of Harcourt as Home Secretary. The Liberal party petitioned on the defeat of Harcourt and a Royal Commission was appointed for an investigation which lasted fifty-four days and resulted in the unseating of Hall.[115] In the schedules arraigning those found guilty of giving or accepting bribes, there was a large number of local notables, including both party agents, five town councillors and two magistrates, all of whom were disfranchised for seven years, whilst the borough representation was reduced to one member.[116] The commission determined that about one sixth of the electorate was open to illegal influences, and concluded that:

> There is also a residuum of voters who are open to the influence of money, which has usually been given in the form of payment for the sort of employment reported in the case of Mr Neate, which we find was prevalent at the last election to a greater extent than had ever been known before . . . The expectation of this employment appears to have become so general that in the opinion of experienced agents the side which failed to resort to it would infallibly lose the election.[117]

Electoral corruption must have persisted in some form in Oxford even after the 1883 Corrupt and Illegal Practices Act, a Gladstonian piece of morally improving legislation, for as late as 1923 the successful candidate Frank Gray was unseated on the grounds of excessive and illegal expenditure. However, the most important consequence of the legislation of 1883 was to render election to Parliament accessible to more than the very rich, even if politicians remained unpaid, which meant that for candidates like Charles Neate there was less need to dispense money on employment and treating to counter the influence and patronage of wealthy candidates such as Cardwell.

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[112] See D. Bowie, *Radicalism, Socialism, and Labourism in Oxford 1830–1980* (1980), for the Oxford political scene after the 1857 elections.

[113] P.R.O., 30/48/51, Mallam to Cardwell, 9 June 1868.

[114] See Erickson, *Cardwell*, 22–5.

[115] *Report of the Commissioners* (1881), p. 9.

[116] P.D. John, 'Politics and Corruption: Oxford and the General Election of 1880, *Oxoniensia*, lv (1990), 131–46, argues that greater party rivalry, transforming Oxford into a marginal seat, provided the impetus for the resurgence of corruption – although clearly Oxford elections had never been renowned for their purity at any time in the 19th century!

[117] *Report of the Commissioners* (1881), p. 9.

CONCLUSIONS: CORRUPTION AND THE POLITICAL SYSTEM

It has been argued in this article that there was a fundamental continuity of practice and of attitude in 19th-century politics and electioneering, so that electoral malpractice was firmly rooted in ritual and custom. Electoral corruption was therefore part of the political system, part of the intercourse between candidates, their constituents and also the non-voting public, and thereby a complication to the Millite ideal of an informed electorate voting on the basis of political issues. As such, to eradicate electoral corruption, which of course not everyone wanted to do, required a reformation of habits, and not just parliamentary legislation.

A historiographical assumption has been that the advent of democracy was incompatible with the survival of corrupt practices, with the emergence of a politics of opinion rather than of influence. However, it is clear that neither the Reform Acts of 1832 and 1867, nor the 1872 Ballot Act, brought a marked improvement in electoral morality. This should not be surprising, as this article has shown that non-voters were also deeply involved in corrupt practices, for elections had always mobilized the whole community. There were sixty-one unseatings between 1865 and 1884, and Hanham estimates that between a third and a half of English boroughs possessed a substantial corrupt element, showing that corruption was indeed endemic.[118] The major impact of a larger franchise was to make direct bribery less liable to succeed and to reduce the personal influence of magnates, but this in itself did not help purify elections. More important was the growing independence of the electorate, through mass education and politicisation, especially under the impetus of Gladstonian liberalism.

Nonetheless, legislative action against corruption can be placed in a wider historical context, as part of the process of reforming and reconstructing the British state. The 1854 act was passed in the same year as the Northcote-Trevelyan proposals on Civil Service reforms, designed to make state office more accessible and meritocratic. The 1868 act followed the Second Reform Act, whilst the 1883 act was part of the Gladstonian crusade to purify Parliament of its unhealthy aspects, thereby endowing it with legitimacy and renewing popular confidence in the ruling elites. 'The British constitution presumes more than any other the good faith of those who work it', declared Gladstone in 1861.[119] W. Rubenstein's theory of the end of Old Corruption, the curbing of state patronage and the opening up of office by the 1860s, can thus be applied in part to electoral morality.[120] Corrupt practices were in gradual diminution as the ideology and mentality of the ancien regime electoral system were slowly supplanted after 1832 by the development of the party-based, modern electoral methods of an industrial plutocracy.

It is curious that studies of electoral corruption, whilst showing that it was endemic to 19th-century elections, have failed to discusss what this reveals about mid-Victorian urban politics, or even about the changing political worldview as politicians sought to control the ramifications of an extended franchise. Neate, the populist liberal, clearly lacked the influence and patronage of his Peelite opponent. Cardwell's campaign was conducted more covertly, supported by many local notables and employers, and although only fragments of his electoral methods can be discerned from the Committee report, he seems to have relied heavily upon his connections. In the by-election he conducted his campaign in absentia,

[118] Hanham, *Elections and Party Management*, 263.
[119] Quoted in Steele, *Palmerston*, 28.
[120] W. Rubenstein, 'The End of Old Corruption in Britain 1780–1860', *Past and Present*, ci (1983).

showing a typical Peelite aversion for electioneering and populism, and the same executive view of parliamentary sovereignty held by Sir Robert Peel. Neate's actions, it should be remembered, were overt, and the local police was even present at the payment of the messengers, which reflects the attitudes of a populist whose methods relied on the canvass, public meetings and popular involvement, as an alternative to covert and expensive campaigns run by well-connected opponents like Cardwell. Corrupt practices of this nature were electoral methods which could mobilize and involve the people, a corollary of democracy in the semi-reformed political system. Thus legislation against corruption was only effective once both parliamentary opinion and a politicized electorate had been educated to change electoral habits, a process which by 1857 had scarcely begun. Thackeray, in reference to the unseating of Neate, declaimed:

> He has been found guilty of a two pennyworth of bribery which he never committed, and a Parliament which has swallowed so many camels strained at that little gnat, and the very best man you could find to represent you was turned out.[121]

Further studies of the role of corrupt practices in the mechanics of the post-1832 political system are needed at both a local and a national level. However this article has suggested that electoral corruption was a systemic weakness, a product of the interplay between the community and their representatives, and very much a cardinal part of mid-Victorian electioneering.

[121] Reported in *The Times*, 21 July 1857.