The study of municipal politics has in recent years begun to enjoy something of a renaissance. Applying the same techniques that have revealed the 'critical, indeed, watershed, role of the Great Reform Act' of 1832 in parliamentary elections, historians have begun to unearth similar evidence of the dramatic politicizing effects of the Municipal Corporations Act of 1835 in local government elections. Almost a century after the last sustained debate about the role of municipal reform in England's constitutional development came to an end, new evidence is beginning to emerge about the changing nature of the relationship between municipal and parliamentary politics during the 1830s, and the way in which it fundamentally re-shaped the Victorian representative system. Extending this revisionist view of the importance of municipal politics back in time, this article traces the hitherto largely unexplored role of municipal reform in English politics prior to the events of the 1830s. After a brief survey of the extent of electoral influence possessed by the unreformed municipal corporations, it demonstrates how they came under increasing attack during the 1820s, often with far-reaching political consequences. Far from being a simple postscript to the Reform Act of 1832, municipal reform was under way well before the introduction of the Grey ministry's Reform Bill, and indeed played no small part in bringing about its eventual passage. This article reveals how municipal and parliamentary reform became inextricably linked between 1818 and 1832.

The role of the municipal corporations in early nineteenth-century parliamentary elections is worth re-mapping, not least because it illustrates a number of key

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* I would like to thank Joe Coohill, Stephen Farrell, Peter Mandler and John Prest for their comments on earlier versions of this article, which draws on some of the draft constituency histories written by past and present colleagues at the 1820-32 section of the History of Parliament.


differences between the operation of the unreformed and the reformed electoral systems. Of the 203 English boroughs returning M.P.s before 1832, 151 possessed some form of corporation. No two corporations were the same, either in terms of their composition or the role they played in local government, but they usually consisted of about a dozen aldermen (one of whom usually served as mayor for a year), about two dozen common councilmen or assistants, and a varying number of freemen or burgesses, whose membership was seldom more than nominal. In some places, such as Maidstone and Norwich, the principal officers of the town were popularly elected by the freemen, but in roughly three-quarters a ‘closed’ system of self-election prevailed, similar to that used in the select parish vestries. Even in boroughs with seemingly ‘open’ municipal elections there was often an important element of pre-selection. In Oxford’s mayoral and aldermanic polls, for instance, the freemen had ‘only the semblance of popular choice’, as the select body first chose the nominees.

The extent to which the English corporations involved themselves in parliamentary elections varied widely, but was most obvious in the so-called corporation boroughs, where the right of election actually lay with the corporate body itself. In practice this meant that the franchise was usually monopolized by a few dozen senior councillors and aldermen, who carefully controlled their own numbers. In Droitwich, for example, the self-electing corporation of two bailiffs and an indefinite number of burgesses qualified for the parliamentary franchise by receiving a burgageship or ‘seisin of a share in the original salt pit’, called the ‘old brine pit’, which had long since dried up. Between 1820 and 1830 only seven new burgesses were invested with this privilege, so that by 1831 the electorate had fallen from a peak of 40 to only 28. In common with most corporation boroughs, Droitwich was completely under the control of a local patron, in this case the 3rd Baron Foley, whose nominees were invariably elected to parliament. Other corporation boroughs included Banbury, where the sole function of the 12 aldermen and six capital burgesses was said to be ‘that of enabling the patron to return a member’, Lostwithiel, where 17 common councilmen and seven aldermen controlled the representation, and Malmesbury, where the alderman and 12 capital burgesses were known as the ‘13 Member-of-Parliament-manufacturers’. In total, there were 25 corporation boroughs and together they returned 49 M.P.s, or almost one-eighth of all the 405 English borough members. Yet their combined electorate of 680 barely approached that of a medium-sized freeman borough. Indeed, the

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4 *Parliamentary Papers* (1835), XXIII, 235.


7 Andover, Banbury, Bath, Bodmin, Brackley, Buckingham, Bury St Edmunds, Calne, Christchurch, Devizes, Droitwich, Harwich, Helston, Lostwithiel, Malmesbury, Marlborough, Newport (Isle of Wight), Salisbury, Saltash, Scarborough, Thetford, Tiverton, Truro, Wilton and Yarmouth (Isle of Wight).
The ratio of electors to M.P.s was a remarkable 14 to one in the corporate boroughs compared with 500 to one in all the rest.8 The presence of these corporation boroughs was certainly spectacular, and most accounts of electoral politics in this period afford them separate treatment.9 However, they by no means capture the true measure of corporate involvement in England’s unreformed electoral system. Frank O’Gorman has identified a further nine constituencies in which severe restrictions on freemen admissions made them virtually indistinguishable from a corporation borough, and two more where control of the corporation effectively permitted control of the representation.10 But, as he readily points out, there were also plenty of other boroughs where ‘the role of the corporation in electoral politics was of some account’.11 These included towns such as Morpeth, where the corporation’s tactic of admitting minors effectively limited the size of the electorate until they began to come of age, thereby limiting the number of voters and preserving the patron’s control.12 A more common device simply involved recruiting large numbers of non-resident freemen, who could then be called upon to provide support in the event of a poll. At Bewdley, for instance, the co-opting corporation of the bailiff and 12 capital burgesses, which had ‘always been selected from persons of particular political opinions’, limited the admission of its freemen almost wholly to non-residents in order ‘more effectually to secure’ to themselves the nomination of M.P.s, who were then expected to hand over ‘considerable sums of money’. Between 1820 and 1832 they admitted only ten new freemen, bringing the total to 43, and the patron’s nominee was returned unopposed at every election.13

The recruitment of non-resident and honorary freemen was especially useful in boroughs where genuine claims by local inhabitants to be admitted on the basis of birth or apprenticeship could not easily be refused (usually because they were mandated by a charter), and therefore needed to be offset if the corporation was to retain influence. The corporation of Newcastle-under-Lyme’s admission of 202 honorary freemen by ‘gift’ (as opposed to a seven-year ‘servitude’) between 1815 and 1818, for instance, ensured the return of its preferred candidates at the general elections of 1818 and 1820 and, after another top-up of 45, in the subsequent by-election of 1823.14 At Leicester, in what became something of a cause célèbre, the tory corporation enrolled 800 honorary freemen ‘of sound constitutional principles’ between 1822 and 1824, one third of them non-resident, in order to re-capture their

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8 There were approximately 182,000 English borough voters in 1831.


10 Cambridge, Chipping Wycombe, Liskeard, Lyme Regis, Lymington, Orford, Penryn, Poole, Rye, Seaford and Tewkesbury.


12 Parliamentary Papers (1835), XXV, 221.

13 Ibid., (1831-2), XXXVI, 500; (1835), XXV, 367.

command of both seats at the following general election. Similar practices occurred in Derby, where the whig corporation’s creation of honorary freemen from among the patron’s tenants, who were known locally as ‘faggots’, enabled it to ‘outnumber the legal freemen’ in elections and ‘ease the inhabitant freemen of all the inconveniences of a contest, by choosing their members for them’. As these examples suggest, some degree of forward planning was usually required in the admission of honorary freemen, who under an act of 1763 were prohibited from voting if they were of less than 12 months’ standing. Not all corporations complied, however. In Stafford, for instance, 53 honorary burgesses, or ‘towheads’ as they were called, were admitted by the mayor during the course of the 1826 general election and, contrary to law, permitted to poll.

The electoral influence of the corporations, however, was not just confined to their ability to admit (or to disqualify) freemen. They also possessed more indirect influence, through their management of borough funds, local charities and taxation, and the role of their senior officers (usually the mayor and his assistants) as returning officers. The last, in particular, provided plenty of opportunity for subtle forms of electoral manipulation, which would be almost impossible to prove. In one of the few successful investigations of its kind, for example, the mayor of Evesham was found to have ‘illegally and arbitrarily’ rejected many persons who were entitled to vote during the 1830 election, and to have terminated the proceedings without giving any notice, leaving many of the corporation’s opponents unpoll’d.

These forms of influence meant that even in the non-freeman boroughs, where the electorate was nominally completely independent of the corporation, they could still wield substantial control. In Northampton, for instance, where every inhabitant householder possessed the vote, the corporation’s distribution of charity and provision of free schooling enabled them ‘to exercise a very considerable influence’. They also had substantial funds at their disposal and, in another action that provoked a public scandal, during the 1826 general election they subscribed £1,000 towards a tory candidate. A petition from the town’s inhabitants accusing the corporation of an ‘illegal, gross and flagrant misapplication’ of borough funds and ‘unlawful interference’ failed to convince a committee of inquiry, chaired by Lord John Russell, and no action was forthcoming. This was significant for, as one newspaper complained, ‘if a corporation can subscribe £1,000, it may

16 Key to Both Houses, p. 317.
18 Hardy and Bailey, ‘Staffordshire Boroughs’, p. 286.
19 Parliamentary Papers (1830-1), III, 37-177; C.J., LXXXVI, 35-6, 168.
20 Parliamentary Papers (1835), XXV, 571.
21 Ibid., (1826-7), IV, 341-69; C.J., LXXXII, 208-9, 302.
Such practices may not have been as ‘universal’ as Lord Dacre alleged the following year in a parliamentary debate on the issue, but they do indicate how the influence of the corporations in the unreformed electoral system extended well beyond the 36 ‘closed’ boroughs identified earlier. Indeed, the Session of Parliament for 1825, a radical exposé of England’s political system similar in style and tone to the Black Book, asserted that ‘independently of the landed interest’, the corporations were ‘the great returning interest to which members of the lower House owe their seats’. The Times went even further in 1833, declaring that there was ‘scarcely an instance of any town sending representatives to parliament where the mayor, aldermen etc. have not regularly seized upon, or clutched at the nomination of the members’. Putting an exact figure on the number of boroughs where the corporation exercised a substantial influence over the representation is difficult, not least because the municipal corporations reports of 1835 into their activities were prone to exaggerate their worst features. Their ability and willingness to engage in electioneering also varied from one election to another. The anonymous Key to Both Houses of early 1832, however, listed some 90 constituencies where, on the eve of the 1830 parliament, the prevailing electoral influence was ‘in the corporation’, a figure broadly in line with the assessment provided almost a century ago by the Porritts and the Webbs. This would mean that in almost three-fifths of the 151 constituencies that possessed a corporation, or nearly half of all the unreformed English boroughs, a small clique of corporators and their patrons played a large, if not always controlling, part in the process of electing M.P.s. It is in this context that a very significant development occurred at the municipal level during the 1820s, which was profoundly to alter this state of affairs and have a dramatic impact on both local and national political life.

22 Worcester Herald, 24 June 1826.
23 The Times, 14 June 1827.
25 The Times, 25 June 1833.
26 Parliamentary Papers (1835), XXIII - XXVI.
During the 1820s England's municipal corporations came under mounting pressure to open their membership and to provide more effective urban government. Many factors were at work here, including a rapid rise in population and the growing civic demands of Dissenters and an emerging middle class. But it was the electoral activities of the corporations that increasingly caught the attention of contemporaries and inspired a new wave of publications aimed at promoting municipal reform. Significantly, their authors were not just radicals, but also respectable attorneys and barristers, many of them appalled at the state of the law governing corporations and the glaring illegitimacy of many of their actions. One of the first to establish a name for himself was the reforming lawyer Henry Alworth Merewether, later the co-author of a definitive three-volume history of England's municipalities. In 1822 he called for a complete review of their electoral rights and ancient privileges in a pamphlet dedicated to Lord John Russell, whose parliamentary reform scheme had been defeated in the Commons earlier that year. The following year he published a scathing account of his unsuccessful attempt, at the bar of the Commons, to force the corporation of West Looe to comply with an ancient charter of 1578 and admit local inhabitants as freemen. This select body, he complained, had 'arbitrarily' excluded the inhabitants from the franchise in order to give themselves 'the power of nominating those who are to return members to the Commons ... a power which neither that house, nor the House of Lords, nor the Crown itself possesses ... without any control and subject to no check, as is shown by the practice in many boroughs'. Other cases, he asserted, must soon follow respecting similar abuses in Bossiney, Clitheroe, Colchester, Liskeard, Lyme Regis, Poole, Portsmouth, Saltash, Southampton, Stafford, Tewkesbury and Truro.

Merewether's sentiments were echoed in a growing body of anti-corporation literature throughout this period, most of it dedicated to prominent M.P.s. Only a

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28 See, for example, Webb, Manor and Borough, pp. 695-705.
32 Examples of this genre include J. D. Burridge, A Concise and Impartial Essay on the British Constitution ... with a Few ... Remarks ... Touching Elections, the Close Borough System, and Right of Petition (1819); idem, A Narrative of an Interesting Trial at Law ... with Hints to the Whigs on the Close Borough System (Southampton, 1821); G. Pryme, A Letter to the Freemen and Inhabitants of the Town of Cambridge, on the State of the Borough (Cambridge, 1823); J. E. Elworthy, Lex Anglia non Patitur Absurdum. A Letter to the Rt. Hon. George Canning on Usurpations in Boroughs (1825); Anon., On the Abuses of Civil Incorporations: in a Letter to Hudson Gurney MP (1830); H. A. Merewether, An Address to the King, the Lords, and Commons, on the Representative Constitution of England (1830); E. Griffith, Parliamentary Reform Attainable Without the Bill. An Essay on the Elective Franchise, as Exercised by Select Prescriptive Corporations (1832).
few writers attempted to defend their role, such as Robert Cruden, and even he was forced to admit that it was now ‘full time for the several corporate bodies to bestir themselves ... [to] ascertain the most effectual means for securing their future safety’.

One especially noteworthy campaigner, not least because of his subsequent role as secretary of the municipal reform commission, was the Birmingham attorney Joseph Parkes, an election agent with first hand experience of the electoral activities of the corporations of Stafford and Leicester, where he had served William Evans in 1826. His account of his successful campaign to obtain a copy of the governing charter of the corporation of his native Warwick and end its ‘system of secrecy’ appeared the following year. Condemning the way in which, ‘during the whole of the last century’, this corporation, ‘like most other close corporate bodies, had been used mainly as a political engine’ for maintaining the influence of its patron, Parkes called on the ‘liberal and opulent inhabitants’ of similar towns to ‘unite to obtain transcripts and translations of the local charters and public records’, which would ‘point the way to an easy and entire reform of corporate abuses’ and ‘amendments in their administration (particularly the general introduction of the popular principle of election)’. Pointing to the widespread determination that ‘prevails throughout the country’ to rectify the ‘evils and local tyrannies’ of these ‘oligarchic bodies’, Parkes concluded with an appeal for action by the home secretary, Peel, and the prominent law reformer Henry Brougham (later lord chancellor), ‘to whom the country now look up for judicial improvements’.

One of the boroughs singled out by Parkes as ripe for reform was Marlborough, where since the mid-eighteenth century nobody had been admitted to the corporation ‘who was not attached to the interest of the patron’. At the instigation of a local attorney John Woodman, two independent candidates had stood in the 1826 general election in order to put the corporation’s restriction of the franchise to the test. Their subsequent search for records and charters to establish the right of the inhabitants to vote closely followed the pattern established by Parkes at Warwick, and even involved employing the former deputy keeper of the records in the Tower of London to look for ancient documents to support their case. Despite these efforts, however, their petition against the election result was unsuccessful, it being rejected on the casting vote of the tory chairman of the committee of M.P.s appointed to investigate.

Their failure illustrates an important point, which was not lost on the municipal reformers of this period. Up until the 1820s the usual way of challenging the electoral control of a corporation, or a patron for that matter, was to petition the

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37 *Parliamentary Papers* (1835), XXIII, 220.
38 *The Times*, 17 June 1826, 2 Apr. 1827.
house of commons, either in general terms or, more usually, against the result of a particular election. Typical of the former was a petition from Lyme Regis presented by the prominent whig John Lambton (later Lord Durham) on 12 April 1821, which complained that the electorate had been reduced to about 30 freemen, all of whom were ‘dependents and friends’ of the patron, by its closed corporation. The motion of another advanced whig John Cam Hobhouse to have it referred to a committee, however, was defeated, and, like many of its kind, it went no further.39

The second type of petition, if it ran its full course, would be investigated by an election committee of 15 M.P.s, who could then unseat an M.P., return an alternative candidate, call for (or suspend) fresh elections, and, where necessary, clarify the nature of the franchise.40 Prominent examples of this last sort of determination include the Commons’ rulings against the right of the inhabitants to vote at Marlborough (1717) and Poole (1791), the restriction of Newcastle-under-Lyme’s franchise to resident freemen (1792), and the disqualification of all freehold voters from an Evesham poll and unseating of one of its M.P.s (1808).41

There were, however, a number of disadvantages with this second type of election petition, not least that their protracted and arcane procedures, combined with the need for legal counsel, usually exposed the petitioners to very substantial costs. And as Brougham pointed out in 1827, even cases about which ‘no two lawyers would hesitate one moment’ would usually not be resolved by election committees, ‘until after they had entailed grievous expenses on the parties, and after seven or eight days discussion’.42 There was also no guarantee of impartiality by the M.P.s appointed to investigate. Indeed, many reformers complained of a ‘growing misdirection of election committees’ during this period.43 Perhaps the greatest drawback, however, was that each committee’s ruling was essentially an isolated judgment about one result, which did not necessarily establish a precedent for future elections and could be overturned on subsequent occasions. Despite the Commons’ ruling of 1808 on Evesham, for instance, its franchise remained in dispute for the next two decades, with further petitions being considered by the Commons in 1819 and 1830.44 In 1830 another committee on Rye admitted all the inhabitant ratepayers to the franchise, thereby destroying the electoral hegemony of its closed corporation. Six months later, however, the decision was reversed on appeal.45 Election petitions, of course, remained a central (though declining) feature of politics in this and subsequent periods, but they were clearly unsatisfactory as instruments of local electoral reform.46

39 C.J., LXXVI, 256.
40 This system, which was introduced by George Grenville in 1770, lasted until 1839. The literature on election petitions is regrettably thin, but see O’Gorman, Voters, Patrons, and Parties, pp. 164-9.
43 Ibid.
44 Parliamentary Papers (1830-1), III, 37-177.
45 C.J., LXXXV, 429; LXXXVI, 226-7.
46 On the decline in the number of petitions see O’Gorman, Voters, Patrons, and Parties, p. 168.
What distinguished the 1820s from earlier decades was a growing use of other types of legal proceedings against the corporations to resolve these political disputes, most notably that subsequently adopted by Merewether at West Looe. This involved appealing to the court of king’s bench at Westminster for a writ of *quo warranto*, compelling a municipal body or its officers to show ‘by what prescription, statute or charter’ they claimed to act or possess the franchise. Acting on the information obtained, the court could then issue a writ of *mandamus*, ordering any action that it deemed necessary ‘to enforce public rights and to compel officers to do their duty’. In this way, the validity of the specific actions of a municipal officer or the legality of an entire corporation could be put to the test, with the result having dramatic implications for its political activities.

In Stafford, for example, where the influence of the self-electing corporation had for many years been sold to the neighbouring Leveson Gower family, large numbers of resident freemen had been enrolled for electoral purposes, it having become ‘a custom of the borough to hold courts (for admitting freemen) immediately preceding an election’. The legal campaign against the control of the corporation began in 1823, when a group of ‘independent freemen’ engaged a local reforming solicitor, Charles Flint, to challenge the admission of certain capital burgesses at the Stafford assizes. The following year the case progressed to king’s bench, which issued a writ of *quo warranto* against George Chetwynd, the borough’s M.P., and another freeman, requiring them to show by what authority they claimed their rights given that they were both non-resident. After the rejection of their appeals in 1825, the campaign moved to the Gloucester assizes, where the legal status of the mayor and aldermen and their right to admit capital burgesses under ‘a bye-law now lost’ were successfully challenged by the whig barrister John Campbell (later lord chancellor). With the corporation’s appeal still pending, Campbell stood at the 1826 general election at the request of the town’s independents, citing his efforts to ‘establish the freedom and purity of election within the borough’. In a grand gesture of defiance, however, the mayor Francis Hughes admitted nearly 300 new voters, including 100 non-resident freemen (53 of whom were ‘honorary’), thereby ensuring the election of the two corporation candidates.

Campbell’s revenge came the following year, not in an election petition, which would merely have invalidated the poll, but in king’s bench, where he established that the mayor and many aldermen had been appointed illegitimately, without a ‘majority of votes’, and that as a result the corporation was ‘reduced below the

47 See *The Times*, 23 Nov. 1824.
50 *Staffordshire Advertiser*, 2 Nov. 1832.
51 Hardy and Bailey, ‘Staffordshire Boroughs’, pp. 287-93.
52 *Staffordshire Advertiser*, 10, 17, 24 June 1826.
number required by law to constitute a legal assembly’. This ruling effectively destroyed the entire corporation, making it ‘legally defunct’. The old charter, which dated back to 1206, was dissolved, and a new one requiring ‘a majority of each component part of the corporation at elections’ was granted on 6 September 1827. Although Campbell failed to overturn the subsequent re-election of Hughes as mayor with his argument that the new charter ‘had not been duly accepted’, enough damage had been done. Saddled with legal debts of £8,500 and severely depleted in numbers, the re-constituted corporation declined any further confrontation with the reformers and abandoned its control of the representation. Campbell and another supporter of parliamentary reform were returned in 1830 and 1831, and although bribery remained a central feature of its parliamentary elections, Stafford had effectively ‘won its freedom’.

Taking this form of legal action against a corporation clearly had a number of advantages over the traditional election petition. Most obviously, it challenged the rights of the corporation itself, rather than just the outcome of a single parliamentary return, and could therefore result in permanent reform or, as was sometimes the case, a severe purge of the corporate body. Where the appointment of municipal officers was found to have violated an ancient charter, for instance, their subsequent actions in admitting other members also became invalid, potentially reducing their numbers below the quorum usually required by law and incapacitating the whole corporation. A second advantage of *quo warranto* proceedings was that once a preliminary hearing had established that there was a case, even if it was a flimsy one, that required an answer, the corporation as respondent would be forced to engage in the expensive business of mounting a full-blown defence. Thus even when a corporation recovered quickly from a hostile *mandamus* ruling, or won its case, it was often left saddled with legal costs that severely restricted its future electoral activities.

Although there had been earlier *quo warranto* proceedings against individual corporations, the volume of litigation in king’s bench relating to their control of the parliamentary franchise grew rapidly during the 1820s. As a leading barrister of the Inner Temple noted when introducing a new treatise on municipal law in 1827:

> corporations have been incessantly disturbed by the cabals of private parties, for the purpose of influencing the returns of members to parliament, the effect of which has been to bring them more frequently under the inspection of the court of king’s bench, and to introduce a new system of legal proceedings for the

investigation of their conduct. In consequence … information, in the nature of a quo warranto, has been moulded into a regular form of action … proceedings on the writ of mandamus have also assumed a similar regularity.

The published reports of king’s bench contain some 25 cases relating to the electoral activities of corporations between 1820 and 1832, compared with just five in the previous two decades. But even this does not reveal the full extent of the legal crisis facing the corporations during this period. Cases involving one borough invariably had important implications for another, not only by establishing a legal precedent but also by providing the inspiration (and experienced personnel) for similar proceedings in other towns. A successful attack on one corporation could therefore seriously threaten the political authority of another, and even encourage it to seek some form of compromise with its opponents. As early as 1823 an anti-corporation candidate in a Newcastle-under-Lyme by-election pointed out that the Stafford campaign constituted an ‘exact plan’ for the borough’s independents to follow, and it was not long before the very same solicitor Charles Flint had been engaged to work on their behalf. In a conciliatory gesture the Newcastle corporation conceded one seat to an ‘independent’ at the 1826 general election, but almost identical quo warranto proceedings were nevertheless brought against its mayor J. E. Phillips, the town clerk Thomas Fenton, and another capital burgess the following year. The election of the mayor was eventually declared void under a rule nisi granted in king’s bench in 1828, after which ‘it followed that the titles of all those who were elected under the same system’ could ‘not be supported’. As at Stafford, this decision not only left the corporation more or less defunct – a state which continued until 1833 when a mayoral election ‘thrown open to the burgesses at large’ was approved by royal warrant – but also saddled with legal costs of £4,152. It also paved the way for the capture of the second seat by an independent (though not pro-reform) candidate at the 1830 general election, after which, as his election agent put it, ‘the independence of the borough was now completely established’.

Of course not all legal challenges were quite so successful or clear cut. Smaller boroughs, in particular, provide plenty of examples of local reformers failing in their attempts to release the franchise from corporate control. Despite initial successes in king’s bench, for instance, the campaign against the West Looe corporation had to be abandoned in 1826, a local commentator wryly noting that the patron of the borough was also a close friend of the tory lord chancellor, Lord

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57 John Campbell, *Reports of Cases ... in the Courts of King’s Bench*, (4 vols, 1818); R.V. Barnewall and E. H. Alderson, *Reports of Cases ... in the Courts of King’s Bench*, (5 vols, 1818-22); Barnewall and Cresswell, *Reports; R. V. Barnewall and J. L. Adolphus, Reports of Cases ... in the Courts of King’s Bench*, (5 vols, 1831-35), I, II.
58 Hardy and Bailey, ‘Staffordshire Boroughs’, pp. 280, 297-9; *Parliamentary Papers* (1835), XXV, 543-51; *The Times*, 18 June 1828.
Philip Salmon

Eldon. In Devizes yet another local reforming solicitor, James Tilby, was unable to invalidate the actions of the 36 corporation officers who monopolized the representation, king's bench deciding in 1827 that the necessary quorum at their meetings was 19 and not, as he had contended, 20. The protracted campaign at Chester also serves as an important reminder of the problems always associated with any form of litigation. Despite having over a thousand freemen on its rolls, this corporation still managed to control the representation in alliance with the whig Grosvenor family. Between 1821 and 1827 at least a dozen cases challenging the legitimacy of its officers were brought by the borough's independents, many of them successful, but each was then countered by appeals to king's bench from the corporation, which spent £3,000 on legal fees in the three months of May to July 1827 alone. A similarly expensive lawsuit to liberate Huntingdon from 'political and corporate profligacy' also collapsed, despite the best efforts of the common pleas lawyer Edward Griffith, whose account of his search for records to establish the voting rights of the inhabitants appeared in 1827.

Even unsuccessful or abortive campaigns, however, could still have a decisive impact on the political willingness and financial ability of the corporation to engage in parliamentary electioneering, and thereby bring about a dramatic change in borough politics. At about the same time that Flint launched his campaign against the Stafford corporation, for instance, a legal challenge was initiated in Rye against the Lamb family, who since the mid-eighteenth century had controlled the representation 'by their influence in the corporation'. Beginning in May 1825 about 60 inhabitant ratepayers, led by two disaffected freemen, applied to be admitted to the freedom in accordance with the ancient charters of the cinque ports, but were refused. The rebel ratepayers then elected their own mayor, who was promptly rejected by the corporation, following which they took forcible possession of the Guildhall and installed themselves as an alternative body. They were eventually persuaded to leave in November 1825, but not before they had rifled through the town's records and discovered written evidence of the corporation's deliberate restriction of freemen admissions for electoral purposes. Early in 1826 they applied to king's bench to have the inhabitant ratepayers admitted as freemen but were unsuccessful. They then persuaded Lord John Russell to present a petition to the Commons complaining of the 'undue influence' exercised by the corporation, which, as he put it on 26 April, was 'a question which

60 The Times, 23 Nov. 1824; West Briton, 18 Feb., 1 Apr. 1825.
62 Key to Both Houses, p. 311.
63 Chester Chronicle, 5 Aug. 1825, 13 Apr., 29 June, 6 July, 26 Oct. 1827.
65 Key to Both Houses, p. 386.
affected the representative system generally, and one which ought to be taken into
the serious consideration of the House'.

Undeterred by the defeat of the two anti-corporation candidates at the 1826
general election and further disappointing king’s bench rulings in 1828-9, the
rebels, who had formed the Rye Independent Association in 1826, invited Colonel
George de Lacy Evans to stand as an anti-corporation candidate in the 1830 by-
election. Evans was a close associate of Robert Otway Cave, who since his election
for Leicester in 1826 had campaigned relentlessly for restrictions on the activities
of corporations at elections. Following Evans’s defeat by 3 votes to 14, a petition
was lodged against the return, the case being argued by the attorney Samuel Miller
and Dr Thomas Edwards, both of whom had assisted Cave in his battles against the
Leicester corporation. They were also supported in the House by Hobhouse.

On 17 May 1830 the election committee ruled in their favour and seated Evans,
declaring that all resident householders paying rates (scot and lot) were entitled to
the freedom and to the vote.

Although this decision was later overturned on appeal (prompting Evans to
agitate for a general measure of parliamentary reform), the initial ruling had
important implications for other boroughs. Similar tactics to those used by Rye’s
independents in the by-election, for instance, were adopted against the
Marlborough corporation in the 1830 general election on the advice of the
reforming lawyer Merewether. ‘The Rye election is great feather for us’, commented
one of the local attorneys, and a ‘very good model.’ As the lord
lieutenant of Sussex was warned, the recent overturn of the borough was ‘a fate
which seems to await the whole of the cinque ports’, and it was not long before
calls were made for the ratepayers of Hastings, Hythe, New Romney and
Winchelsea to follow suit.

The Hastings campaign is particularly illustrative of the way in which a broader
parliamentary reform movement began to emerge out of these local campaigns for
municipal reform. As at Rye, the co-opting corporation had severely restricted its
freeman admissions, with the result that there were only about 24 voters. Fresh
from being seated by the Rye election committee, Evans addressed a meeting of
Hastings’s inhabitants on 28 May 1830 accompanied by Cave, at which it was

67 See below p. 109.
68 C.J., LXXV, 169-70; B.L., Add. MS 36466, f. 81: Charles Sinclair Cullen to Hobhouse, 1 Apr.
1830.
69 C.J., LXXV, 429.
70 Wiltshire R.O., Marlborough (Burke) MSS 124/4/1: J. Coverdale to J. Woodman, 16 June 1830.
71 West Sussex R.O., Petworth House MSS 80: E. J. Curteis to Lord Egremont, 5 June 1830;
Brighton Guardian, 23 June 1830.
72 Parliamentary Papers (1835), XXIV, 338.
resolved to form 'a Union for the recovery of their long lost rights'. Soon after a Reform Association was established which, aided by the legal advisor in the Rye campaign Samuel Miller, unsuccessfully applied to the corporation for the admission of 150 inhabitant ratepayers. With the intention of testing their electoral rights in the Commons, Cave and another reformer then stood in the 1830 general election. As expected, the mayor rejected hundreds of votes tendered by the ratepayers and returned the two corporation candidates, each of whom had 17 votes, thereby laying the way open for an election petition against the result.73 This, however, had to be abandoned following the reversal of the Rye decision on 18 December 1830, which, they were advised, had left 'a decidedly hostile spirit' towards similar cases. As in Rye and the other cinque ports, local reforming attention now shifted to participation in the general agitation for parliamentary reform. On 25 January 1831 Cave, who believed the about turn on Rye demonstrated the 'utter and glaring inutility' of seeking redress from an unreformed house of commons, exhorted the Hastings Reform Association to make common cause with national reform and 'above all to form in the cinque ports a branch of Mr Attwood's Political Union'.74

Similar developments can be traced in many other boroughs. Indeed, the extent to which these local municipal campaigns helped to prepare the ground for parliamentary reform is a missing part of the historiography of the reform crisis. The importance of extra-parliamentary support for the Reform Bill has, of course, long been recognized and recent work has demonstrated that the Political Unions, in particular, were far more sophisticated and influential than has previously been supposed.75 Such structures, however, could not have sprung from nowhere. Many local networks and experienced personnel must have already been in place for these organizations to have been mobilized so effectively. In numerous boroughs it appears to have been the anti-corporation party that took the lead in organizing support for parliamentary reform. Indeed, many chairmen of the new reform associations and Political Unions, such as those established at Chipping Wycombe in 1831 and Boston in 1832, were veterans of long-running anti-corporation campaigns.76 William Gribble, the local attorney behind an abortive campaign in Barnstaple, was instrumental in launching the North Devon Political Union.77 The leaders of Hythe's anti-corporation 'scot and lot' party were similarly responsible for the establishment of a local reform association in 1831.78 And at Northampton the anti-corporation club, which had been formed following the scandal of 1826, merged with the pro-reform Patriotic Union in April 1831 to form a

73 *Brighton Guardian*, 2, 9, 16 June, 28 July, 4 Aug. 1830.
76 *Buckinghamshire Gazette*, 19, 26 Feb., 7 May 1831; *Boston Gazette*, 24, 31 May 1832.
77 *Western Times*, 19, 26 June 1830; *North Devon Journal*, 15 Sept. 1831, 24 May 1832.
78 *Hastings Iris*, 18 Dec. 1830, 21 May 1831.
Northamptonshire Constitutional Union, expressly modelled on the Birmingham Political Union.  

This was not the only way in which these municipal campaigns helped to prepare the ground for parliamentary reform. In both Rye and Hastings they encouraged the corporation to adopt new strategies aimed at forestalling their opponents. In Rye, for example, the corporation enrolled 25 new ratepayer freemen shortly after the 1830 general election, thereby doubling the nominal electorate. This, and the threat of reform riots, forced it to concede one seat to the reformers in the 1831 general election, when Evans was returned as part of a compromise deal. Further freeman admissions followed in December 1831, which the corporation rather dubiously cited as evidence of their willingness to democratize the borough, and on the eve of the Reform Act the electorate stood at about 125, over five times its earlier size. Meanwhile at Hastings a similar compromise between the corporation and the local reform association led to the return of two pro-reform candidates at the 1831 general election, one of them admittedly a former mayor but apparently also a genuine convert to reform. A few dissidents objected that the struggle for municipal rights was being abandoned, but the leaders of the association believed that the concession was the best deal they were likely to get under the unreformed electoral system and, at a dinner to celebrate the ‘complete restoration of peace’ in the town, even agreed to ‘an amnesty for past borough mongering offences’. As in Rye, the electorate of about 25 was increased dramatically on the eve of reform with the admission of some 160 resident freemen, all of whom were entitled to vote after 1832. 

The implications of such developments are worth pausing to consider more closely. In 1827 The Times observed that ‘the corporations, in debts and difficulties inextricable, are becoming politically powerless’. By the time of the general election three years later many had begun to abandon their involvement in parliamentary representation. Whether legally defunct, severely restricted in numbers, or just plain exhausted from a series of expensive lawsuits, they were no longer either able or willing to interfere in general elections in the way that, for instance, they had in 1826. This retreat of the corporations from electoral politics not only aided the popular reform movement generally, but as the examples of Stafford, Rye, Hastings and other boroughs demonstrate, it also facilitated the return of far greater numbers of reforming M.P.s at the general elections of 1830 and 1831. Even the infamous tory corporation of Leicester, whose efforts to control the 1826 election had brought about a financial crisis and a vigorous campaign of opposition, was forced to acquiesce in the return of first one reformer in 1830 and then a second in 1831, ‘without offering any resistance’.

Similar occurrences in other boroughs ensured a level of support in the Commons for parliamentary reform at the beginning of the 1830s that had not been

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79 Northampton Free Press, 26 Apr. 1831.
81 Hastings Iris, 30 Apr., 7 May 1831.
82 The Times, 15 Sept. 1827.
possible before. Indeed, given the narrow majorities in so many of the crucial reform divisions the presence of these additional M.P.s may have been decisive. This is an important point because the corporations are traditionally viewed as providing the hard-core of tory resistance to the Reform Bill. Yet of the 90 boroughs identified earlier, where the corporation exercised a significant electoral influence, less than a third (28) fell into this category and sent active anti-reformers to parliament in 1830 and 1831. In all the rest, either an active supporter of reform or an abstainer on the issue was returned in at least one of these elections. Of course, in some of these boroughs the whigs already monopolized or shared the representation. What is revealing, however, is the number of constituencies where a political change occurred to the reformers’ advantage. Alongside the 22 boroughs that continued to return either one or two whigs, there were another 18 where the reformers effectively made gains at the 1830 general election. Indeed, as Brougham pointed out in his analysis of the results, the scale of the reformers’ inroads into these closed boroughs was a dramatic and unexpected embarrassment for the Wellington administration, which had done everything possible to shore up its traditional tory strongholds. Worse was to come though, for at the next election in 1831 a further 20 of these boroughs broke with their earlier patterns of politics and returned either a reformer or an abstainer in the place of a tory. More sophisticated work on the precise nature of the link between these constituencies and an M.P.’s stance on reform clearly needs to be undertaken, but the broader picture outlined here and remarked on by contemporaries is none the less striking. Support for parliamentary reform clearly emerged in places where it might least have been expected, including many boroughs where a tory corporation had either controlled or heavily influenced the representation. The anti-corporation campaigns of the 1820s played a key part in this, galvanizing local support for reform and forcing many corporations to abandon their control. The lasting legacy of the early municipal reform movement, therefore, was to smooth the way for parliamentary reform, both locally and nationally, by providing a ready-made network of supporters in the constituencies and a far greater number of pro-reform M.P.s in the Commons than had hitherto been possible. Without the type of municipal campaigns described earlier, the Reform Act of 1832 would have encountered much stiffer resistance.

84 The following analysis is based on voting behaviour (including abstentions) in the crucial Reform Bill divisions of 22 March and 6 July 1831, as reported by The Times, 24 Mar., 8 July 1831. The boroughs with anti-reformers in both were Aldeburgh, Bewdley, Bishop’s Castle, Bodmin, Bosiney, Buckingham, Cambridge, Castle Rising, Chippenham, Christchurch, Clitheroe, Dartmouth, Devizes, East Looe, Harwich, Hedon, Huntingdon, Liskeard, Lostwithiel, Lymington, Malmsbury, Marlborough, Newcastle-under-Lyme, Newport (Isle of Wight), Orford, Plympton Erle, Totnes and Truro.

85 Bath, Brackley, Dunwich, Helston, King’s Lynn, Launceston, Leicester, Liverpool, Okehampton, Oxford, Poole, Reading, Saltash, Stafford, Tiverton, West Looe, Wiltion and York.

86 Henry Brougham, The Result of the General Election; or What has the Duke of Wellington Gained by the Dissolution? (1830), pp. 5-18.

One final aspect of the link between municipal and parliamentary reform needs to be considered. The anti-corporation movement of the 1820s not only manifested itself in numerous pamphlets and court cases, but also in a series of attempts at legislative reform. Between 1827 and 1831 five bills to prevent the use of corporate funds in elections passed swiftly through the Commons, only to be blocked in the upper House by the former lord chancellor, Eldon, who insisted that corporations possessed property on the same legal basis as individuals and could do with it as they liked. The first bill was introduced in May 1827 by William Maberly, the reforming M.P. for Northampton, whose tory opponent in the 1826 contest had received £1,000 from the corporation. Significantly, as well as prohibiting any ‘application of corporation money, stocks, funds, or securities’ for electoral purposes, Maberly’s proposals included an important (though rarely remarked on) innovation in terms of establishing local government accountability, by making each officer ‘individually liable’ for any sums ‘illegally’ spent. Abandoned by Maberly after its defeat in the Lords on 13 June 1827, the same bill was re-introduced one year later by Cave, the M.P. for Leicester, who denounced the political use of municipal funds as a ‘flagrant violation of the rights and privileges of this House’ and warned against the Lords becoming an ‘insuperable barrier’ to reform. An attempt to kill it was defeated by 35 to 4 and it passed on 10 July 1828, but again was rejected by the Lords. Speaking at a local reform meeting later that year, Cave declared that there was now a national recognition of the need to end the ‘monstrous abuses’ of the corporations, adding that ‘bad as was the political morality of the lower house, no man of any note could latterly be found in it with the effrontery to stand up to their defence. It was quite otherwise amidst the hereditary legislators.

Following the accession of the Grey ministry, the bill was taken up again in 1831 by William Evans, the anti-corporation veteran for whom Parkes had acted, and Cave’s successor as a Leicester M.P. Acting on his knowledge of the tactics employed by that corporation, which had recently taken out a £10,000 mortgage to cover its electioneering debts, Evans redrafted the bill to include a section outlawing the use of any ‘conveyances, mortgages, leases, or other assurances’ made for the purpose of funding election expenses, and extended Maberly’s personal liability proposals to include any trustees appointed by the corporation. This bill passed the Commons on 18 April 1831, but the ‘wrecking’ of the Reform Bill and the ensuing general election then halted its progress.

By now, however, the fate of this bill was closely bound up with the broader scheme of parliamentary reform, of which it eventually formed an important,
though infrequently remarked on, component. As early as 1827 Lord Dacre had noted that the corporate funds bill ‘tended in some measures to remedy the evils that existed in the representation of the Commons House of parliament’ and on Evans’s re-introduction of the bill in June 1831, a reforming M.P. for Leicestershire remarked that it was ‘impossible’ that parliament should allow corporate abuses to continue, and that ‘if the bill should be defeated, he hoped the ministry would take it up, for the country called for it’.94

Although, like reform itself, the corporate bill was again rejected by the Lords, its passage through the Commons was even smoother than before. As Evans explained to his constituents shortly before the Reform Bill’s third reading in September 1831:

In the last parliament a very laborious attendance was necessary to carry the corporate funds bill to the stage which it reached ... but thanks to the exertions of the electors at the late election, a great many of its opponents have lost their seats, and the remainder found their cause so perfectly hopeless, that they withdrew from the field.95

Re-introduced on the same day that Russell unveiled the Grey ministry’s revised plan of parliamentary reform (12 December 1831), the Corporate Funds Bill, which applied equally to England, Wales, Scotland and Ireland, was passed by the Lords on 18 July and received royal assent on 1 August 1832.96

This neglected aspect of the reform legislation of 1832 was, of course, not the only provision to diminish the political influence of England’s unreformed corporations. The Reform Act’s introduction of strict polling regulations and annual voter registration did much to reduce the local power of returning officers.97 The new £10 household franchise also severely undermined their ability to create and control borough votes. The expansion of the franchise was most marked in the 21 corporation boroughs which survived abolition, where the combined electorate of 605 increased by a spectacular factor of 15 to over 9,000 at the first registration of 1832, thereby destroying the corporations’ role as ‘electoral colleges for parliament’.98 Another factor in the decline of corporation control was the Reform Act’s limitation of future freeman admissions to those who qualified ‘in respect of birth and servitude’. This prevented corporations such as Derby, Leicester,
Newcastle-under-Lyme and Stafford enrolling 'honorary' freemen for electoral purposes, as well as abolishing the right to the freedom 'by marriage'.

By far the most striking effect of the Reform Act, however, was the total disfranchisement of all non-resident freemen. As a number of tories had correctly predicted, in boroughs where the outvoters dominated the freeman rolls, this led to a remarkable decrease in the size of the electorate, which was totally at odds with the Reform Bill’s principle of extending the franchise. In Maldon, where most of the freemen were non-resident, for example, the number of voters dropped from an estimated 4,000 in 1831 to a mere 716 at the first registration of 1832. At Bridgnorth it fell from 1,500 to 755, at Canterbury from 2,325 to 1,511, and at York from 4,500 to 2,873. Indeed, out of the 105 English boroughs that retained some form of freeman franchise after 1832, almost a third witnessed a reduction in the total size of their electorate as a result of the disfranchisement of non-resident freemen. Taken together, these 29 boroughs had a combined electorate of approximately 55,000 on the eve of reform and just 38,000 afterwards.

These components of the Reform Act drastically reduced the influence possessed by the corporations over the composition of the borough electorate and serve as an important reminder of the differences that existed between the operation of the unreformed and the reformed electoral systems. However, as we saw earlier, even in those boroughs where the electorate was nominally independent of the corporation, they could still wield very substantial control, especially through their deployment of municipal funds. It was here that the Corporate Funds Bill assumed a central significance. By banning corporate spending in parliamentary elections it deprived municipal oligarchies and their patrons of their only other obvious means of exercising a powerful political influence. Elections, as a result, were substantially more 'reformed' after 1832 than they would otherwise have been, or as the provisions of the Reform Act on their own suggest.

These separate restrictions on corporate activities marked an important step in the slow nineteenth-century transition from oligarchy to democracy, and also had important implications at the local government level. Deprived of their political influence and income from the sale of parliamentary seats, many of the old corporations fell into swift decline. The fate of the corporations of East and West

102 Will. IV, c. 45, 730, clause 32. For a full discussion of this much misunderstood aspect of the Reform Act see Salmon, Electoral Reform at Work, pp. 4, 203-4.

Looe, which, having been ‘merely kept alive for electoral purposes’, were promptly abandoned by their patrons, was by no means a problem confined to the disfranchised boroughs alone. Just three years after the Reform Act most of the remaining corporations were swept away altogether by the Municipal Corporations Act and replaced with annually elected town councils. But this did not signal the end of municipal involvement in parliamentary elections. As recent work on the new council elections and another contribution in this volume reveal, on the basis of this long campaigned for municipal reform an entirely new type of political relationship between local and national politics began to emerge.

Municipal reform has traditionally been regarded as something of a sideshow in English political development, but its central importance is now becoming clear for the period before 1832 as well as after. During the 1820s the corporation oligarchies at the heart of England’s old borough representation became the target of a new campaign in the courts, which proved a remarkably effective method of challenging their political control. Carried out by reforming lawyers and local solicitors, many of them at the start of distinguished careers and in frequent contact with each other, this movement had broad implications for corporate actions generally and was supported by an increasing number of anti-corporation publications and legislative proposals in the Commons. The long-held notion that there was ‘very little interest’ in the reform of parliamentary representation during the 1820s, and that the reform movement itself had at that time somehow ‘fizzled out’, can no longer be accepted. Neither can its corollary, which is that a sophisticated network of campaigners and constituency organizations dedicated to reform of the representation simply sprang up overnight in support of the Grey ministry’s Reform Bill.

The unreformed electoral system may not have been on the point of collapse in 1830, but it was clearly already beginning to weaken. In numerous boroughs the interests which traditionally allied with corporations were in retreat. Parliamentary reform undoubtedly helped to galvanize opposition to the corporations still further in many boroughs, but that opposition was already substantially in place beforehand and was to provide many Reform Associations and Political Unions with a hardcore of organized support and electoral expertise. The transition from a legal campaign against corporate ‘usurpations’ in elections to agitation for a general measure of parliamentary reform was an easy one to make, especially for those who had experienced disappointing decisions in the courts or at the hands of unfair election committees. Faced with mounting hostility and rising legal costs,
many corporations were either no longer willing or able to interfere in parliamentary elections to the degree that they had before. The result was a ready-made network of organized support for the Grey ministry's Reform Bill, and a far greater number of reforming M.P.s being returned at the crucial general elections of 1830 and 1831 than would otherwise have been possible. Both elements contributed in no small way to the passage of parliamentary reform. In 1827 Joseph Parkes had called on the 'liberal and opulent inhabitants of the towns governed by close corporations' to unite against 'corporate abuses', and declared that 'reform should begin at home'. In many boroughs it seems to have done just that.