

THESIS SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

THE POLITICS AND ADMINISTRATION OF THE BOROUGH OF MORPETH
IN THE LATER EIGHTEENTH CENTURY

BY

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CHAPTER X

POLITICS AND THE FREE GRAMMAR SCHOOL

During the second and third decades of the eighteenth century, the history of King Edward VI Free Grammar School was eventful and turbulent.¹ Twice during the seventeen twenties rival candidates for the position of usher in one case and of headmaster in the other caused rifts in the corporation which to a large extent corresponded with existing divisions between the supporters and opponents of the Carlisle interest. There was, indeed, always a danger

1. In the early eighteenth century there was a strong body of Tories in Morpeth; the Whigs were "neither numerous nor influential in the town". Still, John Mather who was elected usher in 1707 was an ardent Whig, and when in 1715 a new headmaster named Salkeld was appointed, evidently with Tory backing, serious quarrels broke out between them. Mather attacked Tory principles and exhibited his zeal for the Government. As a result, he was presented at a court leet in 1716 as a "common Disturber of the Peace and quiet of the Corporation" and as "altogether negligent and regardless of his duty in the school". The grand jury recommended that the bailiffs and aldermen should take Counsel's opinion with a view to dismissing him, but when they consulted Counsel they were advised that they had no power to dismiss a master or usher. Nevertheless, they attempted to dismiss Mather, but he and his friends immediately brought a writ of mandamus against the bailiffs and obliged them to re-instate him. Salkeld, assisted by the pupils, then tried to make his position intolerable. The boys would shout at him, "Away Whigs, away! No Low Church! High Church and Ormond!" - and would sing, whistle, knit stockings, and throw cherry stones at him when he attempted to teach the only pupil that would listen to him. Mather, however, retaliated by making inquiries, with the assistance of his friends, into the administration of the school, and filed a bill in Chancery against the corporation in which it was alleged that £1800 of the school revenues had been misappropriated during the previous forty years. Salkeld was accused of lack of scholarship, and it was alleged that only three boys in the school could "make any exercise"

that contests over the school would sooner or later assume a political character; and, though by the terms of Edward VI's grant to the bailiffs and burgesses of Morpeth the Lord of the Manor had no control over the school, he nevertheless did intervene from time to time in its affairs.

The situations which arose through contests over the school required careful handling by Lord Carlisle and his agents. On 8 October 1724, for example, when there were rival candidates named Richardson and Hope for the position of usher, John Aynsley, steward of the Morpeth courts, wrote thus to Lord Carlisle:

"On Monday & Tuesday last I held your Courts att Morpeth, But before I Came from hence, I had considered that the Majority of the Burgesses & who were in Mr Richardson's Interest were the psons who were generally unsteady to yo^r Lordpps interest on most occasions, if not opposers of it; I therefore p^rpared the inclosed Paper to offer to them to Subscribe, whereby they promise for the future to Support & adhere to yo^r Lordpps interest, & which I hope will lay them under an obligacon Soe to Doe, being carryed further than anything subscribed before".¹

Aynsley had then tried to persuade both parties to leave

and that they "made it for all the rest for so much per week or quarter". Finally, in December 1717, the corporation surrendered and paid Salkeld £30 to resign. Mather died six months or so later, but the Chancery proceedings continued, and eventually the corporation appealed for help to Lord Carlisle. How he responded to their call for help is not clear, but, as will be shown in the following pages, he played an important part in subsequent disputes over the school. The above account is based on G. Kennedy's The Story of Morpeth Grammar School (1952), pp. 49-54.

1. Castle Howard MS.

the nomination of an usher to Lord Carlisle, but neither would agree to do so. After further unsuccessful efforts to bring about a settlement, Aynsley proposed to Richardson's supporters that they should take no further steps until Lord Carlisle had been consulted and his pleasure was known. To this they agreed, but, on learning that Richardson was in danger of being excommunicated for teaching without a licence, which would disable him from taking the post at Morpeth unless he was appointed before excommunication, they quickly summoned a Guild, which none of his rival's supporters attended, and chose him without opposition.¹ Negotiations with Lord Carlisle followed. Richardson and one of the bailiffs visited Castle Howard, and when the bailiff announced on their return that he hoped that all would go well for Richardson some disturbance broke out in which, it was alleged, insults were shouted against the Bishop of Durham. The Bishop was informed of this and evidently complained to Lord Carlisle, who ordered a strict enquiry into the affair and told Aynsley to call in the Justices of the Peace to assist him.² Aynsley, however, dealt with the matter at the court leet, and after hearing witnesses examined on oath before the grand jury he concluded that only boys and girls were concerned in the "mobbing", and that if any insult had been shouted Hope's

MS). 1. Aynsley to Carlisle, 8 Oct., 1724 (Castle Howard

2. Same to the same, 9 Oct., 1725 (Castle Howard MS).

friends had perhaps instigated it.

"The heats now about the usher are higher than ever", Aynsley reported on 9 October 1725, "And if Mr Richardson's friends are disappointed (who are two to one in Number) it will, in my humble opinion be impossible ever to gett them into temper againe. And therefore how to act in this matter, I must humbly Submitt to y^{or} Lordps great Wisdom".¹

"When y^{or} Lordship determines that Dispute of the Ushers", he wrote a month later, "I humbly desire I may Carry the account, being Senseable I can give it Such a turn as will highly oblige Richardson's friends and att the same time not in the least disoblige Mr Hopes which If I succeed in, phaps it may be of use to y^{or} Lordpps Interest, which I Shall allways Study to promote as much as in my power lyes".² The case had evidently been referred to Lord Carlisle on the advice of the Bishop of Durham, and on 23 November 1725 the Earl gave his decision in favour of Richardson.³

In 1727, when it became known that the headmaster of the school intended to resign, two candidates, Stackhouse and Holden, sought to gain the post, and the friends of both strove to win the support of Lord Carlisle. Stackhouse's supporters sent him with the following letter to the Earl:

"The bearer M^r. Stackhouse being recommended to us in an Extraordinary manner for his learning and Conduct as likewise for his zeal to the present Government both in Church and State yet notwithstanding Such his Character Wee would not give him any Incouragement till

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1. Castle Howard MS.
 2. 2 Nov., 1725 (Castle Howard MS).
 3. Kennedy, The Story of Morpeth Grammar School, p.55.

Such time as he Should waite upon your Lordship being a much better Judge of his qualificacons than wee can pretend to be and have your Lordships approbacon and recomendacon of him before Wee Ingage our Selves, for as the filling of the Schoole with a Gentleman of Learning and good Conduct is of Soe great Concernment to us Wee would gladly act as prudently as possible before Wee Ingage in an affair that may be attended with Soe many good or evill Consequences and for that reason Wee think wee can never doe better in a thing that Soe materially and nearly Concerns us as when your Lordship is pleased to furnish us with your advice and directions which Shall in all points be readily and chearefully Complyd with by

My Lord

Your Lordships most faithful humble
Servants".¹

The eleven freemen who signed this letter had all voted for Robert Fenwick at the recent General Election in an attempt (they declared) to protect Lord Carlisle's interest against the "Vile Corrupcon" and "evill designs" of the supporters of George Bowes.² In another letter to Lord Carlisle,³ the same group reported that Aynsley Donkin, an attorney who had evidently been an agent for Bowes and who still had some connection with him, had encouraged a number of freemen to set up Holden - "a person notoriously disaffected to the present happy Establishment". In support of this allegation, they enclosed a declaration by Thomas Shipley and Thomas Jones, two half-pay officers, setting forth that Holden had several times in their hearing openly proclaimed his "Anti-Revolution Principles", saying that there had "never been a Lawfull King upon the Throne of England Since the Reign of King James the Second,

1. 11 October 1727 (Castle Howard MS).

2. See chapter II, p. 57.

3. Undated (Castle Howard MS).

and that we should never be happy till there was a Change in the Government". If Stackhouse was found to be properly qualified for the post, the writers requested that Carlisle would join them in giving him the "utmost Assistance". They would abide by Carlisle's directions, they declared, though Stackhouse was very agreeable to them. "...Nothing appears plainer in all the world", they added, "than the other parties prosecuting of this affaire is out of pure malice and oppositon to your Lordship and your Friends in this place when the person they would Vote in to fill the Schoole as Principall Master is of known disaffeccion to the Government". If Carlisle warned the other party of the evil consequences of electing Holden and this proved of no avail, they requested that the Earl would join them in every other lawful measure as would "best keep up the dignity of the Schoole and preserve the Same from ruine".

On 9 November 1727, however, fifty-three freemen, including one bailiff and five aldermen, informed Lord Carlisle

"...that we design to Elect the Rev^d Mr Holden (who is Master of Arts, and is well known to us all, and every way Qualified for so great a Charge)...; and we hope we shall have yo^r Lordpp approbacon there on, since we have Nothing (?) else in View but to promote the School; and the peace of the Town will thereby be secured".¹

Nearly three weeks later, Thomas Warriner, the bailiff who had signed this letter, wrote to Carlisle enclosing a copy of a letter that William Richardson, usher of the school since 1725, had sent to Holden. After mentioning the

1. Castle Howard MS.

expected resignation of the headmaster, Richardson continued thus:

"...As I am incapacitated to take his place for want of a Master of arts degree, my Interest calls upon me to seek for some friend so dignified to be the elected, and give me security to resign, when I shall be qualified to hold it, which cannot be these six years at least, and perhaps Eight or Nine; for I propose but to keep two terms in a year. Now not knowing where to apply to any so able, or so agreeable both to my Friends and to the Corporation in General, as yourself, I beg leave to know your sentiments herin, & if such a proposal be acceptable, I shall make no delay in settling an Interest, if not, pray let me hear from you in a post or two, that I may not be disappointed in looking out for another. This being a secret, I desire you may not publish the Contents, lest I be prejudic'd by so doing".

"The school is at present in a Flourishing state", he added in a postscript, "& I shall desire but a very small sum towards my expense at Cambridge if we succeed. My Father Shipley presents his humble service to you, & begs You will endeavour to Make these Terms Agreeable to yourself".¹

Because Holden had refused to comply with these "vile terms", Warriner declared, Richardson and Shipley (Richardson's father-in-law) were now maliciously accusing him. Stackhouse, however, had evidently agreed to Richardson's terms.² Still, probably as a result of the allegations that Shipley and Jones had made against Holden, Lord Carlisle made it known that he favoured Stackhouse.³ On 13 December 1727, however, Aynsley Donkin, the chief promoter of Holden's candidature, wrote to Carlisle to

1. "A true Coppy of a Letter from William Richardson to Mr Holden, 7br 22^d 1727" (Castle Howard MS).

2. Warriner to Carlisle, 27 Nov. 1727 (Castle Howard MS).

3. Donkin to Carlisle, 13 Dec., 1727 (Castle Howard MS); cf. Warriner to Carlisle as in n. 2.

justify his own conduct both at the recent General Election and over the school affair. He hoped that Carlisle would not blame him or anyone else for trying to secure a good headmaster. All but one of those who had written to Carlisle in support of Stackhouse sent their children to other schools, he declared, and, as the school was almost ruined already by the usher last chosen (Richardson), unless a good headmaster was appointed, "we must send our Children abroad". If Carlisle would allow Holden to send certificates of his loyalty to the Government and of his great abilities for the position of headmaster, he would be fully convinced that Holden was being "most falsely accused".

"This Division in the Town (which will occasion greater Heats and diffirences among the Freemen than the last Election)" - Donkin continued - "is entirely raised by M^r Shipley, but if M^r. Holden would have taken the School upon such Terms as M^r Shipley and his Son proposed to him...then all would have been well, and M^r. Holden would have been a good Subject, but because he despised their Vile proposalls, They now cry out he's a Jacobite, and this I really believe is the ground of all their malice agt M^r Holden. M^r Shipley industriously gives out, that your Lordpp is resolved to make a great number of freemen of such persons as your Lordpp shall think fitt, without haveing any regard to the known and fundamentall Constitution of this Corporation, on purpose to Balk M^r Holden, and says that he himself is to be made a Freeman; These reports make the Members of this Corporacon Very Jealous of their undoubted Rights and priviledges, and onely tend to p^rjudice Your Lordpp's Interest".

Shipley, he alleged, had at the last General Election

"endeavoured all he could to persuade the Freemen to revolt from Lord Morpeth and to take the money offered by

Mr. Fenwicke of Bywell which was 25^s a Man". From this, Donkin declared, "You Lordpp may see Mr. Shipley's Principles, and also how much he is Lord Morpeth's friend".¹

The same month, Shipley himself wrote to Lord Carlisle, who had intimated that an affidavit relative to Holden's alleged Jacobitism would carry more weight than the declaration that Shipley and Jones had already made. This declaration, Shipley wrote, contained nothing but "fact and plain truth", and an affidavit would not decide Holden's victory or defeat. Besides, he added, Jones and he were half-pay officers, and as such they would be censured for not making an affidavit immediately or within three months of the words being spoken - "and so we wou'd", he declared, "had it not been in Respect to the Toone". He then explained that Richardson had written to Holden and offered him his services on some conditions and had indicated in a postscript that Shipley hoped that he would accept these terms. But on hearing that Richardson had thus used his name Shipley was angry and told Richardson that no man of such "Vile prples" ought to have anything to do with a royal foundation, and that all honest men ought to oppose Holden. Before Holden replied, Stackhouse offered his services as a candidate for the post, whereupon Richardson approached him and "show'd a great concern

1. 13 Dec., 1727 (Castle Howard MS).

for what he had writ to M^r. Holden, not knowing his Principles before and told M^r. Stackhouse he wou'd him all the Service lay in his power". All the gentry and all the townsmen were for Stackhouse, Shipley continued, "Excepting those that bribery and vile Corruption has an Accendent over". These latter were "Now the Men that Says they will govourn, and it must be Soe, till your Ldsp is pleased, by Shewing your power to make Such men Freemen that will Act for the good of the Town and yo^r L^dsps Interest". (This last remark indicates that there was probably a great deal of truth in what Donkin had said about the statements Shipley was making relative to Lord Carlisle and the creation of new freemen.) A letter from Bowes had "given new life" to the party that supported Holden, Shipley declared, and they gave out that if they could not have Holden they would have someone else. They declared that Shipley and Jones were "sore threatened" by three great men - Bowes, Donkin, and Warriner (the bailiff) - for meddling in the affair: "I have, my L^d, as good a right to medle as any has", Shipley observed, "being the Eldest Son of a Freeman and a brother". Jones and he would continue to despise their threats "soe long as we continue to be what we have hitherto been, lovours of our Country and of our present happy Constitucon". He begged that Carlisle would let them know whether he was pleased

with this letter: if not, they would be willing to do what he might further require.¹

Possibly this was the letter from "y^e Morpeth Gentlⁿ" which Lord Carlisle enclosed in a letter to Thomas Robinson about the middle of December 1727. At all events, on receiving Carlisle's letter, Robinson had written both to Bowes and Donkin:

"If the former has acted the p^t in relation to the Schoolmaster, they accuse him off", Robinson observed in a letter to Carlisle, "I think he can neither answer it to y^r Ldp as a Gentleman or Man of Honour - I have writ to him twice, the Contents were to let him know I heard such a report &c and desired he woud not fail to give me an Acct. how that affair stood in relation to himself &c - but have as yet not been favoured with an answer - at the same time told him I thought the part Donkin was acting to get his Friend chose Schoolmaster was not only using y^r Ldp, but himself & me very ill, it not being the least in his power to dispose of the promised gratuity otherwise then already agreed on, and I looked on my self oblidge to see the due performance of it.

"To Donkin I writ upon the same subject, but with this addition, to desist from using this unwarrantable method to gain a point - I thought he had no business to meddle with - The post before my letter went to the latter, I recd one from him, telling me [he] heard y^r Ldp was very angry with him, & shoud be very glad if I could inform him the reason; I mentiond this threatening the Freeman as one, & last Tuesday the enclosed answer was forwarded to me at Easingwood Sessions.

"By the letters I have seen & recd from Morpeth ab^t this matter, am apt to think M^r Donkin guilty, but if he can make the Freeman subscribe to what he says in his letter, he must either have had a great deall of injustice done him, or has a very great influence over 'em".²

Donkin's letter to which Robinson here refers has not

1. The letter is dated "Xb^r 1727" (Castle Howard MS).
2. 14 Jan., 1728 (Castle Howard MS).

been found, but it seems from Robinson's remarks that, in order to advance Holden's cause, Donkin was trying to bring pressure to bear on the freemen by threatening to dispose of the money that had been promised them in connection with the late General Election (and which had been left in his hands) in a manner other than had been agreed on by Lord Carlisle and the candidates. Thus, on 2 November 1729, over two years after the General Election, Robinson declared in a letter to Lord Carlisle that he believed a great many of the freemen were convinced of their error in trusting so much to Donkin "who has not only cheated & acted the Villain to them, but I am afraid has been too cunning for M^r Bowes, who writes me word he has come to a direct quarrel with him, he still retaining a great deall of the mony [that] was placed in his hands for them the last Election &c".¹

Exactly how the dispute over the school was settled there is no evidence to show; but by 1732, despite his alleged anti-Revolution principles, Holden had been appointed headmaster.² He held the post until his death in 1771, and the school meanwhile ceased to occasion dispute in Morpeth. New ushers were chosen at frequent intervals, but apparently without a contest, and gradually the school

1. Castle Howard MS. About the General Election of 1727, see chapter II, above.

2. It is not certain that the headmaster whose resignation led to the contest between Stackhouse and Holden did in fact quit the post as early as he had evidently intended. Kennedy states that Thomas Groover held the position for eight years after his appointment in 1724, and,

which in 1727, according to Richardson (though not to Donkin), was in a "Flourishing state", declined.¹

A few days after Holden's death, the bailiffs called a Guild which resolved that candidates for the post should be examined with respect to their learning and other qualifications by such persons as the bailiffs and burgesses appointed, and that Counsel's opinion should be taken on several queries relative to Edward VI's grant and the statutes which the bailiffs and burgesses had made, and the Bishop of Durham had confirmed, in 1725.² Accordingly, a case was submitted to Dunning: it set forth that the bailiffs and burgesses wished to appoint an "Able and Approved Teacher" and to know the extent of their power, and they therefore requested his opinion on the following queries:³

First, did it appear by the grant of Edward VI that only the bailiffs and freemen had the right to appoint the master, "or have not the Brothers who are also Burgesses a right to vote on these occasions, they having the same right with the Freemen to have their Children Educated Gratis at the said School, & have always exercised this right of sending their Children there without any hindrance. The Grant is to the Bailiffs and Burgesses without distinction". The brothers had not, within living memory,

if this is correct, he must have withdrawn his resignation in 1727 (The Story of Morpeth Grammar School, p. 54).

1. Donkin alleged that the school had been almost ruined by Richardson (see above, p.303). About the decline of the school, see below, pp. 311-2.

claimed the right to vote in such elections: would this "neglect or rather Ignorance of the Privilege" now destroy their right, and would the bailiffs be authorised to reject their votes if offered, or would it be "legal" for the bailiffs to admit them?

Dunning replied, on 16 July 1771, that in his opinion the word "Burgess" in the Charter signified the freemen (the members of the corporation) only. The brothers were not members of the corporation, but only of fraternities within the town. Though they had the same right as freemen to have their children educated gratis at the school, they certainly had no right to vote in elections for the headmaster.

The second query ran as follows:

"Have the Bailiffs & Burgesses aright to appropriate only Twenty Pounds for the Maintenance & support of a Master & Usher & may they with the residue of the Rents & Profits of the School Lands repair Morpeth Bridge, School House & of other necessary Burthens & for the benefit of the same Town of Morpeth aforesd or expend & lay out any part of the residue of the s^d School Lands for the support and Maintenance of a Master for teaching English Writing and Arithmetic &c which wou'd be of infinite Advantage to the Corporation in general? The Rents & profits of the School Lands &c being One Hundred & Fifty pounds & upwards at present, the late Head Master received One Hundred pounds & the Usher 50£, the former gave 10.£s annually out of his Salary & the latter 5£s for the support of an English School, but this was regarded by the Masters as a matter of favour; and the Corporation is therefore desirous to know how far their power extends over the Revenues of the said School, with or without the advice or Consent of the

2. Draft of letter from the bailiffs of Morpeth to the Bishop of Durham, 30 Sept., 1771 (Morpeth School MSS, I, ff. 161-3).

3. Morpeth School MSS, I, ff. 155-7).

Bishop of Durham, and whether they have a right to enter into an Agreement with the Master to be chosen to give him a Certain Sum annually while he officiates in the said School".

Dunning replied that so far as the lands granted by Edward VI were concerned the Charter expressly directed that the whole of their produce was to be applied to the support of the school, its master and usher.¹ This stipulation could not be controlled even by a by-law; nor would the consent of the Bishop of Durham authorise the bailiffs and burgesses to apply any part of the produce of these lands to any other uses, however desirable, than those laid down in the Charter, or, in strictness, to bind the master or usher by any stipulation of the sort mentioned in the query.

The third query concerned the statutes which the bailiffs and burgesses had made for the government of the school in 1725. Were these statutes still binding? Could they be annulled and replaced by new ones made in the same manner? And, if the majority of the burgesses appointed a master who was not qualified according to the statutes, would the bailiffs have power, or be authorised, to reject him? Was the bailiffs' consent

1. The Charter provided, however, that the bailiffs and burgesses might receive of the King or his successors, or of any other person, manors and other hereditaments not exceeding the clear yearly value of twenty pounds for the support of the school, the maintenance of the bridges and other necessary burdens of the town. If the corporation had purchased or had been granted lands pursuant to this licence, Dunning declared, the produce of them might, by the terms of the Charter, be applied to the school, the

absolutely necessary in the nomination of a master, or was the consent of the majority of the burgesses in Common Guild assembled sufficient to give a person a right to be master of the school "whether he is properly qualified or not", without the consent of the bailiffs?

Dunning replied that the statutes would be binding until repealed: if, after appointment, the master became disqualified through violation of their provisions, he was removeable by the bailiffs as the statutes prescribed. The bailiffs and burgesses could, however, repeal the statutes and substitute new ones, with the advice of the Bishop of Durham, whenever they thought proper. The bailiffs' consent was in no way necessary to the validity of an election: they had no other authority than as voters, in these school elections, though their presence was necessary to constitute a corporate meeting. At such a meeting any qualified candidate who received a majority of votes stood elected.

The fourth query indicates a decline in the school:

"It often happens that there is but one Freeman or Brothers Son at the s^d. Grammar School and sometimes none: In either of these Cases can the Bailiffs & Burgesses of the s^d Corporation withhold the Salary from the Master & Usher & pay them in proportion to the Number of Freemen or Brothers Sons under the Care & teaching of the s^d. Master & Usher?"

repair of the bridge, or to such other public use for the benefit of the town as the bailiffs and burgesses thought fit.

Dunning replied: "The paucity or total want of Scholars will not Authorise the Bailiffs & Burgesses to withhold or diminish the Salarys of the Master or Usher. It is enough if they are ready to teach such as may be sent to them".

The fifth and last query concerned certain property belonging to the school. Some dwelling houses and part of the school lands had "fallen wretchedly into decay" and could not be put into "Tenantable repair" unless the revenues of the school lands were applied to that purpose; this, however, would for some time reduce the salary of the master and usher to a "mere trifle". Had the bailiffs and burgesses some years ago granted building leases, the school revenues would have by this time been greatly increased, but by the statutes of 1725 the granting of leases for terms of more than twenty-one years was prohibited. Could the bailiffs and burgesses now grant building leases for forty or sixty years, despite this prohibition? Such leases would not produce an increased rent from the houses, but would keep the rents at their existing level when they would otherwise decrease annually, thereby greatly reducing the school revenues.

Dunning replied that, while the existing statutes remained in force, the lands or houses ought not to be let or leased in any other manner or for any longer term than the statutes allowed; but the case as stated afforded a

"very proper ground" for repealing so much of the statutes as was inconsistent with the leases proposed.

A few days after receiving Dunning's opinion, the bailiffs called a Guild, which, after hearing what Dunning had said, resolved that the candidates for the position of headmaster of the school should be examined by Dr Ogle, Dean of Winchester, Dr Sharp of Durham, and the Rev. Hugh Moises, headmaster of the Royal Grammar School, Newcastle. When application was made to them, however, all declined to act as examiners.¹

Meanwhile, two candidates had come forward: William Holden, son of the late headmaster and curate of Morpeth, and William Sanderson, usher of the school since July 1764. It was now six months since the headmaster's death, and Holden's friends were growing "Clamorous". Holden himself threatened to bring a writ of mandamus against the bailiffs to compel them to hold an election, and it was finally decided to proceed without examination of the candidates.² On 30 September 1771, after a short contest with "little Expence & Animosity on either Side",³ Holden was elected by ninety-five votes to forty-three.⁴ "The most sensible Men indeed regretted much that the freemen should be so rash in bestowing their Votes on the first who asked them", Trotter later declared, "but...it was a

1. Draft of letter from the bailiffs of Morpeth to the Bishop of Durham, 30 Sept., 1771 (Morpeth School MSS, I, ff. 162-3).

2. Ibid. 3. Trotter to Eyre, 17 March 1772 (M.C., I, ff. 576-9). 4. The bailiffs to the Bishop, v.n.1.

matter of little importance for the good of the place which of the Candidates succeeded...".¹ The bailiffs, however, did not hold such a view. After the result of the election had been declared, they (or someone they had consulted) drafted a letter to the Bishop of Durham, informing him of what had taken place before and at the election:

"M^r. Holden being now Elected Master of this School", part of the letter ran, "he will no Doubt be applying for your Lordships Licence, but we think it our duty as Governors of this School to acquaint your Lordship that it as been represented to us and the report strongly prevails, that M^r. Holden is altogether unqualified for this Trust with respect to his Learning and will come far Short of the necessary Qualifications mentioned in the Statutes & Orders herewith sent your Lordship. We therefore hope your Lordship will not Grant to M^r. Holden your Licence untill your Lordship is satisfied that he is in every respect Qualified according to the Statutes of the School & the Trust reposed in him as the above report will operate greatly to the disadvantage of the School untill the same is properly Contradicted".²

The bailiffs evidently hoped that Holden would not receive the Bishop's licence to teach at the school: the writer of the letter had thought of saying "Now whether this report prove true or false will operate almost equally to the disadvantage of the School", but had crossed this out and expressed the idea in the modified and less obviously partial form quoted above. A copy of Dunning's opinion was to be sent with this letter to the Bishop.

It is not known whether the Bishop granted a licence to Holden. Possibly he did not, or perhaps he delayed in

1. Trotter to Eyre, 17 March 1772 (M.C., I, ff. 576-9).

2. 30 September, 1771 (Morpeth School MSS, I, ff. 162-4).

doing so until he was satisfied as to Holden's qualifications. At all events, six months after his election, Holden resigned. "...It is now certain", declared Trotter on 17 March 1772, "that the Resignation was made by the Interposition of the Rector in order to bring in Sanderson Head Master, & who was to be supported by the Bailiffs & the Rector & all their friends". Holden gave a month's notice of his resignation to the corporation, though, according to Trotter, he was "strongly solicited to the contrary by that Junto".

Whatever the reason for Holden's resignation, no conspiracy appears to have been suspected in connection with it when his decision was first announced. William Crawford and some friends took advantage of the month's notice to apply to Dr Ogle (who on a visit to his estate near Morpeth had recently expressed an "anxious concern" for the school, which, in Trotter's words, had been "so long sunk almost to Nothing") and requested him to recommend a master and an usher for the school. Ogle replied that he hoped that the matter was no "party affair", but on being satisfied that it was not, he took some pains to try to find a suitable headmaster. Meanwhile, a Common Guild was called and decided by a very great majority to stand by Ogle's recommendation. Still, it was agreed to

1. Trotter to Eyre, 17 March 1772 (M.C., I, ff. 576-9).
2. Ibid.; Ogle to William Crawford and someone else whose name is illegible, 12 Feb., 1772 (M.C., I, f. 562). Dr Newton Ogle of Kirkley, Northumberland, a classical scholar of high repute, was appointed Dean of Winchester in 1769. About him see R. Welford, Men of Mark 'Twixt Tyne and Tweed, III, 234.

advertise for a master and usher for six weeks, and then to give at least four weeks' notice in the Newcastle newspapers of the date of the election. This order was signed by the bailiffs and aldermen and lodged in the town hutch.¹

A few days later, however, the bailiffs canvassed the freemen on behalf of Sanderson. Public houses were thrown open, and kept open at "immense expence", and every means used to secure votes for him. Dr Ogle had not yet recommended any candidates, and those who had applied to him now decided that it would be best not to hazard the success of any he might suggest. They therefore supported a local candidate named Walter, who was usher under the Rev. Hugh Moises, and had been well recommended by him.² Ogle declared that he was "always apprehensive that something of this kind wd happen", but it was impossible for him, "Consistant with his own Honor", to have recommended a master at random: he had therefore taken some pains and had no doubt but that he would have succeeded in finding a suitable candidate; but he would be equally well pleased if one could be found in the locality of Morpeth, and he would always be ready to give a master that deserved it any encouragement in his power.³

The "friends" of the corporation sent Ogle a public letter of thanks. William Crawford, however, took it on himself to give Ogle a few particulars "which could not be

1. Trotter to Eyre, 17 March 1772 (M.C., I, ff. 576-9).
 2. Wm. Crawford to Dr Ogle, 25 Feb., 1772 (*ibid.*, ff. 563-6).
 3. Ogle to Crawford..., 12 Feb., 1772 (*ibid.*, f. 562).

so well inserted in a publick Letter" from which he would see the "true Springs of that unnatural opposition formed agst. the real welfare of this Corporation by the Bailiffs and their Adherents".¹ He described how the bailiffs had become "wholly Subservient" to the Lord of the Manor, and declared that as the recent increase in the number of freemen was not at all agreeable to them and a few old freemen who had always been regarded as staunch friends to the Carlisle interest "Every thing proposed by the Body of the People for the publick good has been invariably opposed by them". Thus, in the present case, they had at last made the election of a schoolmaster "as much a party affair as if it had been an Election for a Member of Parliament", and the campaign was being carried on "with more heat of opposition than any contest I Ever Saw in the Borough".

"If we had acted on the Same principles with the Bailiffs", Crawford continued, "we could Easily have defeated them & insured Success at once by applying to Mr Eyre the Restorer of our Liberties for his recommendation of Candidates for the School, but this we considered would look so much like party that it might have hurt the prosperity of the School which we had so much at heart, & therefore never to this day signified our intentions to that Gentleman, but left his friends entirely to use their Liberty in ye affair as they Judged best, as we considered his Influence entirely out of the question in the Choice of a Schoolmaster.

"We thought it best to apply to you as a Gentleman whom we considered as perfectly detached from any political concerns in the Borough, and whose Character & abilities gave us the greatest hopes of putting

1. Crawford to Ogle, 25 Feb., 1772 (M.C., I, ff. 563-6).

the School upon the most respectable footing and we cou'd not imagine that the Bailiffs wou'd have opposed a Scheme Evidently calculated for the prosperity of the Town & the utility of the County, and where Every Idea of party was entirely removed".

Nevertheless, contrary to the resolution of the Common Guild, the bailiffs began canvassing for Sanderson, who had been usher of the school for the last seven years. During this time, declared Crawford, the school had been "constantly declining", and, when the vacancy occurred, was "reduced to 4 or 5 Boys at Most". If Sanderson succeeded, there was not the least prospect of the school being "any thing more than a Sinecure":

"And yet nothing is wanting on the part of the Bailiffs to Secure the Election of this Man; not only constant drinking, but Bribery, promises & threatenings, and Every oppressive method is used to corrupt and influence the people to Act Against their consciences & inclinations. Even Lord Carlisle's Steward has interfered & is indefatigable in procuring Votes in Town & Country, whether by his Lordship's directions or not, I cannot Say; Some of the Officers of the militia have been Applied to for the Votes of two or 3 Freemen in their Companys, Creditors have been found out to demand yr debts & oppress y^e poor people if they did not Vote for Mr. Sanderson: In Short no method however base is neglected to make a single Vote, and it is publicly said, the Vacant School Rents are applied by the Bailiffs for these infamous purposes".

In the circumstances, the friends of the school had given their support to Walter, and were not without hope of success, though "neither open Houses, bribery nor any oppressive Methods" were being employed by them. If they maintained their integrity in face of all temptations, it would be much to their honour, besides being of service

to the town and county. "The Bailiffs, Lord Carlisle's Steward, the Rector, & his friends have done Every thing in their Power to ruin this poor place", Crawford declared, "& it will be resented at a proper time in Such a Manner as will perhaps make ym repent hereafter of their present Conduct". "You are at Liberty from me to make what use you think proper of this Letter", he added in a postscript, "as I can support the facts therein mentioned".

Eyre had heard of the approaching school election from Trotter, about six weeks before Crawford wrote the above to Dr Ogle. The intention of the bailiffs had evidently not at that time been obvious, and, from Trotter's general remarks and his conclusion that Eyre's friends would manage the business, Eyre thought that he would hear no more of it.¹ On 8 March 1772, however, he heard some disquieting news. William Bullock, a young shoemaker from Morpeth (who like a number of other Morpeth men lived and worked in London), called on Eyre and showed him an invitation he had received from Mr Lavie, Lord Carlisle's steward, requesting his company at a certain tavern. On the advice of one of Eyre's friends Bullock had not gone there, but at Eyre's request he went to enquire among his acquaintances what had passed at the assembly. Before he returned, however, Edward Boutflower called, bringing a long letter he had written on the subject in case Eyre was not at home.

1. Eyre to Trotter, 9 March 1772 (M.C., I, ff.568-75).

"The Letter and what I learnt from him", Eyre wrote, "was That Lord Carlisle meant this as a Tryal of Skill with me, That those Worthy Honest Men the Bittlestones were Deserters from me and Attended as such & promised to serve Lord Carlisle, That there were about Eighteen present who all did the same except Young Dunn; he spoke Boldly & Sayd he would serve no body unless M^r Eyre recommended them - M^r. Boutflower then Sayd he wished I had given myself some Trouble to Provide for Young Adam Bittlestone; I answered him that I had done all in my Power & then told him as the Truth was that I had repeatedly Spoke to my Grocer & that he had done all he could & never could get him a fit place - I then wrote to Messrs. Mure & Atkinson from whom I have some pretence to ask it and desired it as the greatest Favour, I sent young Bittleston himself with it having first Let him See the Contents; he called sometime afterwards & told me that he had repeatedly called at M^r Mures & Could get no Satisfactory answer; I was hurt & the Young Man pressing me, I Wrote to M^r Baldwin another Merchant: he would have taken him, but some Misfortune in his Speech prevented it; Mr. Baldwin made me his Excuse - What could I do? I then told him & his Friends that I had Spoke to many but really could not get him any Thing, but that if he would go abroad I would provide for him & send him to my own Estate in Jamaica where he must do well; This they all refused, And here it ended; And now I find they are exceedingly angry at me for not doing what is not in my Power; But when M^r. Boutflower heard all this he Sayd he was glad that he knew it for now he should treat them very differently. I told him also as the Truth is that I had changed my Taylor who and his Father for near thirty years past had served me well, That the Bittlestones had made me all my Clothes & half my Liverys, & had made me my Mourning lately, & that I had heard no Complaints, That my Daughter had changed her Staymaker all to Serve & oblige these people who in Return I find are Cutting my Throat behind my Back. That many others also buy of them upon Account of their Supposed Attachment to me, And yet these People are all going down themselves & persuading others to go down at Lord Carlisles Expence to Vote for him - M^r Boutflower desired me however to apprize you of all this, in Order to prevent the undue Influence that these Bittlestones upon their Arrival at Morpeth may Attempt upon our Friends in General".

Eyre did not mention that three members of the Bittlestone

family had been mandamus men. Their desertion was an ominous sign that with the passage of time the gratitude of those who had gained their freedom at Eyre's expense might not endure.

When William Bullock next called on Eyre, he reported that he had seen "old" Bittlestone who had said that he believed all the Morpeth freemen who were in London would be going down to Morpeth for the election. Only nine freemen had attended Lavie's assembly, however, and some of them had refused to go to Morpeth, though Bittlestone was "pretty Sure" that all would go down for one side or the other. Both sides were claiming that they were sure of success. Eyre's name was not mentioned in this conversation. "Young Bullock is a very good Lad", Eyre observed; "he was in Difficulty upon his first coming to Town, and I paid a Man a Trifle to learn him, and he behaves very well".

Eyre thought it "very extraordinary" that none of the freemen who were in London had applied to him. He "proposed to Mr Boutflower the calling them altogether again", but Boutflower replied that they would say that it had nothing to do with the election of Members of Parliament in which they would still serve him. Eyre was somewhat dubious about this, however: "...I don't like this proceeding", he told Trotter, "and I beg you and the General will See these people as Soon as they come down

& prevent any ill consequence to the General Interest, and pray write me by the Return when this Election is to be and if you would have me do any Thing in it here. Assure the General that I rely upon him...". Still, Eyre was "very unwilling to interfere in the Town Business", since such intervention was bound to offend someone. Thus he had not intended to say a word about the school election, and for the same reason he had wished to avoid giving his opinion about the bailiffs' collecting the revenues: "M^r. Boutflower or Somebody may say that I abridge their Business; if they will Apply to me, in any public way or thro' M^r. Boutflower, I shall be ready & anxious to do all I can - The Cause is to be heard next Term, but it seems as if it was Studiously intended I Should not see the Briefs, for I know not a Word about it, altho' I long since desired to see the Case and proceedings". Some question relative to the bailiffs' administration of the school revenues was evidently about to be brought before the Courts, but no information about the suit has been found. It appears, however, that Eyre was willing to act in support of the bailiffs, if they applied to him, and he obviously did not regard it as a matter of political importance.

Although somewhat concerned at the behaviour of the freemen in London, Eyre was obviously uncertain whether to interfere in the school election or not. The same

note of indecision occurs in Trotter's reply¹ - at least in his considered reply, for on receiving Eyre's letter he had written a "hasty Scrawl" when his mind was "chaff'd & fired with Indignation" at the "base Ingratitude" of the Bittlestones. The bailiffs, he declared, had strengthened their party by every undue influence before the cause of any other candidate could be promoted, "So that in fact it is no trial of Strength":

"for Several of the freemen who vote for Mr Walter will never Vote for you, some of them are Lord Carlisle's Steadiest friends, and many who Vote for Mr Sanderson will never vote against you who have solemnly declared so, both to myself & many others that let the Consequence be what it will they will never vote against you at a general Election. I own their Stupidity to give it no worse a Name in voting on the Side of Men who by every villainous method have industriously been seeking their ruin hurts me greatly, but there is no help for it. We must admit their Excuse at present, that they did not look upon it as a party affair, or hurtful to you when they promised their Votes - This in one Sense is a great Truth; it was no party affair on the Side of your friends, for you have never interfered nor was ever consulted upon it so that go as it will, it cannot effect your Interest with any who mean to be your friends upon principle, nor with any propriety can it be construed a Tryal of Strength, as the Contest has not been carried on upon this Ground nor any Money expended by the friends of Mr Walter who are Principally your friends. Yet as the Bailiffs & Rector etc by applying to Lord Carlisle's Steward mean it in this Sense in order to flatter his Lordship with his great Interest in the Borough, it is much to be wished that they might be disappointed on this Account as well as for the prosperity of the School for there is no comparison in reality betwixt the two Candidates. However, as you have never interfered, I am still of opinion you should not be seen in the Matter; by this Means you give no Umbrage to any Side, your real friends will be still so, and these who mean to be false ones can have no pretence for deserting you. And if Success does not attend your friends in this affair, you Exhonor yourself with a good Grace, that it was no affair of yours. If it be

1. 17 March 1772 (M.C., I, ff. 576-9).

necessary to bring our friends from London, I wou'd not have you to be at the Expence, M^r Walter & his friends will do that - only the Votes at London shou'd be secur-ed by Some trusty friend for M^r Walter, & as many as can be prevented from coming down on the other Side. M^r Boutflower I think might prevent Geo Wright who I understand writes for him, & there is one Mark Reay a Stay-maker who left this town for Debt might easily be prevented from coming as he will not be over fond of running the hazard of being Seized by a Writ; there is one Bowman also a Tanner in the same Condition as Reay".

Champion of Liberty though Trotter was, he did not hesitate to advocate the employment of tactics very similar to those of the opposite party. And, despite all that he had written against any intervention by Eyre in the school election, his concluding paragraph indicates that he still had doubts on this score:

"After all if you think it an object worth Carrying, for We ought not to be beat, a bold Stroke within a few Days of the Election will effectually do the Business, if you require it. You understand Me - M^r Spottiswoode may give the Gen^l directions, & circumscribe the bounds of his operations. This will do in spite of all the Bittlestones and all they can bring from London..."

Eyre replied three weeks later, during which time he had had a "Conference" with Spottiswoode: "I understand what you mean", he wrote, "and I leave to you to do whatever must be done, but be as Sparing as you can. As I never have appeared so I do not intend it in this Matter, But I think that hereafter something of a Quarterly Club for our Friends here that are Free Burgesses would Cost but a Trifle, and might be the means of keeping ten or Dpzen of them together if Necessity shod oblige us to bring them down two or three years hence".¹ He would not

1. 7 April 1772 (M.C., I, f. 580).

say that it had been bad management that their friends had been allowed to "run Counter in this Manner", but feared that this had arisen through too great a sense of security which often led to the loss of a battle.

On 14 April 1772, Trotter informed Eyre that it was the opinion of his friends that, as Lord Carlisle's steward, Lavie, would be coming to Morpeth about the time of the school election, it would be expedient for him to come at the same time and secure his interest. He should bring with him, they advised, a colleague who had an interest in the county of Northumberland.¹ Eyre, however, did not even trouble to answer the letter. He hated writing, he once told Trotter, and tended to put off answering letters for as long as possible.² His aversion to letter writing and consequent procrastination became increasingly marked during 1772 and irritated and hampered his friends at Morpeth.

Eyre's neglect played into the hands of Lavie. Germain Lavie (or Levi, as his opponents sometimes preferred to spell his name) was a Jew of French extraction. He was said to have been brought to England as a French prisoner during the Seven Years' War, though there is no better authority for this than hostile newspaper gossip.³ He carried on business as a silk mercer in Pall Mall, and had been appointed steward and financial adviser to Lord Carlisle who had been plunged into financial difficulties

1. No copy of this letter of 14 April 1772 has been found but Trotter summarises its contents in his letter to Eyre of 25 April 1772 (M.C., I, ff. 582-4).

by his own extravagancies and by entanglement in Charles James Fox's vast debts.¹ Still, Lavie was not afraid to spend Carlisle's money, and, having arrived in Morpeth a few days before the school election, he "spared no expence to bribe a Majority" for Sanderson.² As a result of Lavie's "promises, threatnings & rewards", Sanderson gained 108 votes to Walter's 103. Four of Sanderson's votes were queried, but a majority of one was enough.

"A clear majority for M^r Walter would have been the consequence if M^r Lavie had not come down, or if you had come at the Same Time", Trotter declared in a letter to Eyre. "They bro^t over 6 Votes who had promised. There was no contending wth Such opposition wthout a Counterpoise. 30 or 40^s for a Single Vote was offer'd on the opposite Side So near were they run, Notwithstanding all the power and influence they were possess'd of. Our friends insisted that Something Might be done for ye Support of your Interest when they Saw the whole design of M^r Lavie was levelled agst it. - Some Expences became necessary, but as they had no particular instructions they cou'd not fight on Equal Ground, & yet they almost obtained a Victory almost unsupported but by y^r own Virtue. - Had you come down your preference wou'd have effected every purpose! This day they have given to the Voters for Sanderson £5G^s a Man. When M^r Lavie had made such an affair of it in treating the London Votes, I wonder you was not more alarmed. - You have a great Interest, but it may be shattered to pieces in this way, unless it is supported soon by all your might".³

Trotter added a few details of the "Villanous affair" in

2. Eyre to Trotter, 24 Sept., 1767 (M.C., I, f. 299), and 9 March 1772 (ibid., ff. 568-75).

3. The Newcastle Journal, 18 March 1775.

1. "Lavie has given himself a great deal of trouble in examining the causes of my expenses", Carlisle wrote to George Selwyn sometime in 1772, "and I hope I shall have the resolution of acting up to the plan of economy that we have settled. He assures me that I can afford to spend from twelve to fourteen thousand pounds a year, and I think that ought to satisfy me" (J.H. Jesse, George Selwyn and His Contemporaries (London 1844), III, 40). Carlisle later told Selwyn that he hoped that in the

a subsequent letter.¹ It was "confidently reported" that the Carlisle agents were determined to carry the school election even if it had cost £3000. At least half that sum had in fact been spent by them, and this was bound to have some effect upon the people, many of whom were "extremely poor". Yet among the poorest there had been remarkable "instances of Virtue": some who had not a shilling to buy their dinner refused £20 for their votes, and, in repeating this in a letter to Spottiswoode on 4 June 1772, Trotter put the sum refused at £30. The school, he told Spottiswoode, was "entirely ruined", an "irreparable loss" to the town, and a "Poor recompence for the Sum of 1600 £ which has certainly at least been expended to carry this important Matter":

"A number of unlucky circumstances attended the friends of y^e Town in this affair; Several of M^r E - s friends were stupidly drawn in at the beginning; no persuasion or Arg^t could have any effect; a good drink quenched all the Sparks of publick Spirit, and it was in vain to remonstrate that all this was done with a design to hurt yr Benefactor; and when the Mercer of Pall Mall came down & offered £20 & £30 for a Single vote, they were asked if they believed what their Friends had often told them? They answered they Never thought it wou'd come to this, but they had promised & they cou'd not help it. The Bittlestones gave the finishing Stroke, but they have paid dearly for yr base behaviour, being universally dispised. Such Conduct from some who had gained yr Liberty at Such immense labour & Expence to yr friends, to make Such a Sacrifice of the rights of their posterity to gratify their Enemies I own hurt me & many others greatly. The honest Men who acted from Principle only Suffered..."

course of another year he would be able to discharge all his "foolish contracts" by some "fine schemes" Lavie and he had for that purpose (Jesse, op. cit., III, 51).

2. Trotter to Eyre, 25 April 1772 (M.C., I, ff. 582-4).

3. Ibid. 1. 2 May 1772 (M.C., I, ff. 585-6).

Still, Trotter continued, Eyre's friends were not so much discouraged by the defeat of their candidate in the school election as by Eyre's silence after such an attack on his interest.¹ The day after the school election Trotter had strenuously urged Eyre to come immediately with his colleague and secure his interest and save the borough from ruin. "...It was a delicate matter to bring you into an affair of this kind as some of your Friends were on both sides", he declared, referring to the recent election, "but now as it is ov'r and as Your Enemies have made it a political Job to ruin you, why wd you hesitate a moment to come down & Support your Interest unless you mean to give all your labours up without one tryal? Some of your real friends are Staggered, & begin to fear they will never see you". Remissness in answering letters in a matter of such importance was certainly wrong, he added, and laid "such a load upon the Shoulders of your friends as is quite unsupportable".²

Eyre, however, remained silent. It was nearly three months later before he replied to this and several other letters from Trotter.³ He did not mention the school election, but he was somewhat annoyed over it, especially when he received the bill for the money expended by the

1. Trotter to Spottiswoode, 4 June 1772 (M.C., I, ff. 590-3).

2. 25 April 1772, (ibid., ff. 582-4).

3. 10 July 1772 (ibid., ff. 599-600).

"General" in support of Walter. Writing to Trotter on 20 October 1772, Spottiswoode declared that Eyre was "rather out of Humor with the Bussiness of the School-master":

"he read me some paragraphs from Letters to him on that Subject which to be sure were Contradictory of Each other, first desiring him not to Interfere than requesting him to use all his Influence and even to Come down to M: & make personal applications, than assuring him that should the worst Come the Townsmen Could be Carried for about 200£, and yet after all, says he, the money is Spent, the Election lost and the Blame thrown on me".¹

Still, even in retrospect, Spottiswoode considered that Eyre had done right by not actively interfering:

"I own to you", he told Trotter, "that att the Time the Business was going on he mentioned to me the propriety of appearing in the Canvass for Schoolmaster I declared flatt against it and am still of the opinion it was much better for him not to Intermeddle: our own people threw it away & he Could only have Interposed in opposition to them after they had Engaged themselves - The Generalls Bill however will be paid in a few days".²

Nine months went by, however, and the bill had not been paid, and, though Eyre promised to pay it, he was obviously reluctant to do so: "...tho' I will most certainly pay [it]", he remarked, "yet I think the Candidate for the School or his Friends were the right owners, but not a Word more about that, it is and shall be mine".³

The school election was the first round of the campaign for the next General Election. From the outset, the Carlisle agents headed by Lavie had treated it as such: their aim was to win friends and perhaps to explore the

1. M.C., I, ff. 623-5.

2. Ibid.

3. Eyre to Trotter, 26 July 1773 (M.C., II, ff. 4-6).

extent of their interest among the new freemen. Their determined and purposeful attack found their opponents irresolute and divided. Eyre's friends hesitated, wavered, contradicted themselves and finally failed in a last minute bid to carry the election at Eyre's expense but without his express instructions. Their position was difficult: they evidently had a genuine regard for the good of the school and were loath to turn the election into a political contest; some of Eyre's friends had promised to support Sanderson, and to have brought in Eyre on the other side might have been dangerous; and, in any case, it was far from certain that it was important for Eyre that Walter should win the election. Only when Lavie's design became abundantly clear did they attempt to safeguard Eyre's interest by employing similar methods. Lavie, however, had outbidden them. He had demonstrated the power of money in winning supporters and shown that skilful management combined with sufficient expenditure might be the means of eventually defeating Eyre. The case of the Bittlestone family indicated that even the mandamus men's ties of gratitude to Eyre were by no means indissoluble. Given strong enough inducements, others might follow the example the Bittlestones had set.

Eyre's friends had thus good reason to be alarmed at the turn events had taken. They called for an

immediate counter-attack, and did all in their power to promote it. But Eyre seemed deaf to their urgent advice and warnings, and, while the Carlisle agents were following up their victory at Morpeth, he did not even trouble to answer his friends' letters or pay the expenses that had been incurred as a result of their attempt to safeguard his interest.

CHAPTER XI

THE QUEST FOR A COLLEAGUE

During the school election campaign, Trotter remarked in a letter to Eyre that it was a pity that Lord Carlisle could not hear from Dr Ogle the truth of the affair and thus "See with his own Eyes the baseness of these Men who pretend to support his Interest at the expence of every-thing that is good & virtuous but who indeed are his greatest Enemies by involving him in perpetual Contests at a Vast expence, Debauching & Corrupting the People & ruining the Town".¹ Carlisle's true interest, he declared, was to behave well to Eyre and his friends: by this alone could their affections be gained, great expense saved, much mischief prevented, and peace and harmony restored to a "Divided People".

"In this View I could wish that your Colleague, who ever He might be, was well with L^d C - e, And the very possibility of a Contest prevented; For however Safe you yourself may be it will certainly be Contested with your Colleague in Case his Lordship does not drop all opposition, and if once begun, it may cost more money than it is worth, and the People at all times after, as ready as ever to revolt from him. Publicans & Sinners find the Sweets of a Contest, And will be always ready to encourage it".

It soon became clear, however, that Eyre was not as "safe" as Trotter had imagined, and that the Carlisles were determined to defeat him, even if the expense was great. By the middle of April 1772, Eyre's supporters

1. 17 March 1772 (M.C., I, ff. 576-9).

were advising him to appear in Morpeth with a colleague who had an "interest" in Northumberland: "If you could think of Mr Delaval for your Colleague", Trotter wrote, "we sho^d get rid of much opposition".¹

The Mr Delaval here mentioned was Thomas Delaval, brother of Sir John Hussey and Edward Delaval (the eldest member of the family, Sir Francis Blake Delaval, had died in August 1771). Thomas had started his career as a merchant in Hamburgh, but on returning to England he had devoted himself to developing the resources of the Delaval estates. He introduced the manufacture of glass at Hartley and by 1768 had invested "very considerable Sums" in establishing a glass-works there which attracted four or five hundred people to the estate.² In 1771, however, he got into financial difficulties and evidently sold the works to Sir John Hussey Delaval or came to some arrangement with him whereby he retired from active management of them, though he and a partner ran an agency for selling the bottles that were produced. Delaval had married in 1768 Cecilia Watson, a lady of fortune, and by 1772 was living in Clapham in a pleasant

1. Trotter to Eyre, 14 April 1772. No copy of this letter has been found, but Eyre quotes the above sentence from it in a letter to Trotter of 10 July 1772 (M.C., I, ff. 600-2).

2. Thomas Delaval to Sir John Hussey Delaval, 3 Nov., 1768 (Delaval MSS. preserved in the Central Reference Library, Newcastle).

state of tranquility.¹

The day after the school election, Trotter, now thoroughly alarmed, urgently pressed Eyre to appear with

1. Delaval to Trotter, 13 May 1772 (M.C., I, ff.587-9). The history of the Delaval family in the eighteenth century is eventful and complex. In the early part of the century Admiral George Delaval purchased the Seaton Delaval estate and commissioned Sir John Vanbrugh, who designed Castle Howard, to construct a new mansion. Admiral Delaval was succeeded by his nephew Captain Francis Delaval who married Rhoda Apreece, a Huntingdonshire heiress. His eldest son Francis (knighted in 1761) was educated at Christ Church Oxford and was M.P. for Hindon (1751-4) and Andover (1754-1768). Notorious for his extravagancies, not unmingled with generosity, and his dissipated manner of life, he died suddenly in August 1771. He had been obliged by his father to relinquish all the lands and possessions that would have been his under settlements and provisions of his ancestors, and his brothers and sisters were disinherited at the same time. But after Captain Delaval's death, this arrangement of 1748 was partly annulled by private Act of Parliament so that £45,000 might be raised on the estates to satisfy Francis' creditors. The Manors of Hartley, Seaton Sluice, Horton and Ford Castle were settled upon John Delaval, Francis' brother, and Elisha Biscoe and their male heirs and assigns, who were empowered to discharge Francis' debts to a sum not exceeding £45,000. The Manor and Lordship of Seaton Delaval alone remained the property of Francis for life; by a private family arrangement he was to receive £4,000 per year from his brother John.

Under John Delaval's management the estates became highly productive. He brought his brother Thomas from Germany to supervise the development of their resources. A new entrance was made to the harbour at Seaton Sluice by making a cut 900 feet long, 30 feet wide and 52 feet deep through the rock. This cut, when fitted with gates, formed a deep water dock where ships could be loaded at all states of the tide. Thomas Delaval erected glass-works at his own expense and brought over trained workers from Germany to staff them. Eventually, 10,000 bottles were turned out monthly. New houses and offices were built; new pit shafts were sunk and new machinery installed in the colliery which Thomas Delaval took over as a result of a quarrel between Sir Francis and Sir John Delaval. Thomas guaranteed Sir Francis £1500 per annum and a share in the profits, but by 1771 he was unable to pay the interest on the £45,000 mortgage that the estates carried and had no money to carry on the colliery. He had fallen into arrears of payment to Sir Francis, who was also in financial difficulties. Both brothers turned to Sir John Delaval and sought to

one of the Delavals:

"Not a moment is to be lost; one of that family I mentioned only can Save with you the Boro from ruin. This is the opinion of all your friends I do Assure you. Money has bo^t too many on ys. occasion, and without a County connection and a proper counterpoise your friends must be Sacrificed. Nothing but your presence with such a Man can save your friends and Secure yourself - wou'd you had taken yr advice - Such an Interest to be given up! a £100 now may save a £1000..."¹

"Mr D - 1 has some votes which will be against you if you have any other person", he added in a postscript.

A week later, he reported that since Lavie had left Morpeth the Carlisle agents had been "constantly working

secure from him a fixed income for life. Thomas evidently made over to him the glass-works in return for an annuity of £1000 for life and retired from management of the Northumberland estates. He contested the Newcastle elections of 1774 and 1780 but was unsuccessful. He died as a result of a fall from his horse in 1787.

John Delaval was born in 1728. He was educated at Pembroke College, Cambridge, and succeeded to the Manor of Doddington Pigot in Lincolnshire on the death of his mother who had inherited it from her own mother (Sarah Apreece, daughter of Sir Thomas Hussey). On inheriting the estate, Delaval assumed the additional surname of Hussey. He was created a baronet in July 1761 and was raised to the peerage of Ireland as Baron Delaval of Redford in 1783. He was elevated to the peerage of the United Kingdom as Baron Delaval of Seaton Delaval in 1786. For much of the period 1754 to 1786 he was Member of Parliament for Berwick. In 1774 he contested the county of Northumberland with the support of the Duke of Northumberland, but was defeated by Sir William Middleton who drew his support from the lesser county gentry (for the most part) who sought to preserve the independence of the county. On Lord Delaval's death in 1808, the whole of the entailed Delaval estates devolved upon his brother Edward, a scholar and scientist, who after unsuccessfully contesting the Newark election of 1754 evidently made no further ventures into politics. He died in 1814 and the male line of the Delaval family became extinct. (See Francis Askham, The Gay Delavals (1955), and A History of Northumberland, IX (ed. by H.H. E. Craster, 1909).

1. 25 April 1772 (M.C., I, ff. 582-4).

upon the people to declare in their favour". The people naturally looked to Eyre as their chief support, but they realised that it would be too heavy a burden for him to stand alone and therefore wished that Thomas Delaval should be his colleague "because that family wou'd be a proper Counterpoise against the power of Lord C - le in the County; and as so many publick works are carrying on at Seaton & Hartley under that family they cou'd Employ a Number of the Tradesmen without injuring themselves; this wou'd be a ballance to the farms & places in the power of the Lord of the Manor". Many of Eyre's friends had pressed Trotter to write thus to Eyre: all saw that there was no alternative, and as such a "formidable Attack" had been made on his interest no time was to be lost by him in securing his friends. By forming a proper plan of campaign the contest might be ended: at least Eyre would be able to see the ground on which he stood, and if it was not tenable he could save all future trouble and expense.

"It is no predilection in favour of Mr Delaval that your friends are so anxious for your connection with him but for your sake", Trotter added; "they Say they will Secure you by promising their vote to Mr Delaval with this proviso, that it does not injure you: if Sir John agrees to support his Brother, there will presently be an End of ye matter, and you may make your own Terms.

"All my desire is to obtain a reward for you for your generous labours & Expencc bestowed on Morpeth. The People will forget you & me in a few years, and Slavery again will be y^r portion. Honesty will always be a Starving Quality in this world quia Copia raria Bonorum".¹

1. 2 May 1772 (M.C., I, ff. 585-6).

Such sentiments come in sharp contrast to Trotter's former eulogies on the virtues of the sons of Liberty: clearly he was becoming disillusioned.

Despite Trotter's urgent appeals and warnings, Eyre remained silent. Trotter, therefore, took^u on himself to sound Delaval who replied on 13 May 1772:

"You will excuse my not answering your obliging letter sooner. It required Some consideration, and I resolved to take a few days to turn it in my mind. I think as you do that the Silken emissary [Lavie] had in his smooth speeches and in his more persuasive guineas views beyond the business of the free school; & I heartily wish M^r E may not suffer by these and such like practices; as to my own self, I have met with so little encouragement from that gentleman that since I had the pleasure of conversing with you I have thought little upon this subject, & to tell you the truth I find myself so happy in the tranquil state I am now living in that I am not desirous of embarking in one of a more troublesome nature especially if it must be attended with expence. You have been very open with me in expressing your good wishes & offering your services & I look upon it as a duty in me to be the same with you, & I frankly own to you that as my plan in Parliament would be totally dissinterested, so my manner of getting there is intended to be with little expence; how far this may suit M^r E I do not pretend to know; when I first thought about this business it occurred to me that my joining with your friend might keep out rivals & secure him from Dangers which he has already experienced, & that therefore it might be worth his while to take me by the hand, and I was in hopes that my Independency, my principles & the good fortune I had in being well thought of by you and other of my friends would have made me an eligible Colleague; but after all M^r E must know his own intentions best, & I wish not by any means to intrude upon, or to interfere with the affairs of others. Let things happen as they may, I shall always retain a gratefull sense of your & my worthy friend M^r Crawfords good intentions towards me ...".¹

Three weeks later, having waited in vain for a letter from Eyre, Trotter replied:

1. M.C., I, ff. 587-9.

"You will not doubt my veracity when I tell you that ever Since I had the pleasure of your Acquaintance, I entertained the pleasing hope of seeing you one of the Representatives of Morpeth, & I was happy to find that all my friends most cordially united with me in the Same Views. I wrote their sentiments as well as my own to Mr E Particularly when the designs of y^e Enemies of the Corporation were seen through in the late affair, and if Mr E had taken my Advice & made his appearance with you at the time when the Silk mercer was spending his ammunition without any opposition, I'll venture to Say he wou'd have left y^e field and retired w^t disgrace.

"Your principles, your Independency, the Connection of your family with this County, your Knowledge of the Constitution & commercial Interest of Your Country, all pointed you out as a desirable Colleague for Mr E, and as a worthy Representative of a free people: Nothing was wanting but your Appearance w^t. Mr E in the Borough, which I am Satisfied w^t have secured Such a Majority as Neither Lordly power nor Ministerial influence could have prevented. You may be assured I would be the last Man in the world to advise you to Engage in an affair which might be attended with More Expence than it was worth, but if Matters had been Settled according to the advice and wishes of Mr Eyre's friends, there cou'd not have been the least hazard. The first start is more than half a Victory; Even now it is not too late: at least a Trial might be made at a very trifling Expence, Especially as no Candidates are yet nominated by the opposite side. I am really of opinion that Mr Eyre has lost no ground, notwithstanding all the money which has been expended by the old Interest in the Election of a Schoolmaster; Many of Mr Eyre's friends who voted on that side are impatient to see him and assure the world of their inviolable attachment to him, and he will certainly do wrong if he does not See his friends this Summer - I must be his friend from a principle of Gratitude for his Services to Morpeth and Many more will be the Same, but he is certainly hazarding too much to disregard our Sentiments, as I am certain we never Entered a thought Inconsistent with his honor & prosperity. I can't blame you for not interfering less or more in the affair, as you have never heard from him on the Subject; I really know as little of his Sentiments as you do; it is well for him he has Such people to deal with, for y^r Gratitude to him will bear Much; however, He certainly ought not to Stretch the cord too far!"

The previous day, in a letter to Spottiswoode, Trotter had expressed himself much more freely on the subject of Eyre's conduct:

"I need not tell you that I have Suffered more uneasiness & vexation of mind on Mr Eyre's Acc^t than all the people of Morpeth together, and yet I would Spare no pains, nor labour, nor Expence to serve him, that he might get a grateful reward for his Services, but all I can do can be of no Consequence whilst he disregards the Sentiments of his best friends, & will favour them with no Instructions.

"Any man but himself would have lost his Interest here irretrievably before Now; He never pays the least attention to the advice of his friends, and yet it must be presumed that these who live upon the Spot must be the better Judges of the inclinations of the people, & what ought to be done according to circumstances than those that live at 300 miles distance; at least if he differed from them in Opinion he might give his reasons, & not treat them in so cavalier a Manner as to think their opinion so much beneath his Notice as not worthy of a reply".¹

Trotter then proceeded to give Spottiswoode his frank opinion on the state of the borough:

"It is Evident to me that Lord C - le is determined to hazard a good deal of Money Rather than lose the Borough; this Money lately Spent So freely to carry the Election of a Schoolmaster is a demonstration of their Intentions and indeed they make no Secret of y^r designs; their Agents have Money, and they are Constantly impr-tuning the Freemen to declare on their Side: their first attack is for one Vote, and if they can carry this, they will next Endeavour to Attack Mr Eyre himself - So that if He Continues to do Nothing, in a little time He will find few people will chuse to Stand a Colleague w^t him & In affairs of this Kind the first start is generally the best, it is half a Victory: it was ruinous to him in the last Election that he did not fix on a proper Colleague Sooner, & therefore he ought to have taken his resolution in good time Now, and concerted a proper plan of Action w^{ch} would have baffled his Enemies in y^e late affair, & probably Secured both himself and his Colleague without any hazard.

1. 4 June 1772 (M.C., I, ff. 590-3).

"You know time wears out the sense of obligations, and therefore it would have been expedient for him to have seen his friends this Summer, whether any Attacks had been made Against him or not; the Golden Opportunity should not have been lost when his presence was likely to make the Strongest impressions. If it was inconvenient for him to See his friends so soon as they wished, He shou'd have Said something to make them Easy & keep y^r Spirits up: the 17th day of next Month would be a proper day for his Appearance in the Borough; it will renew y^e remembrance of y^r Obligations to him and they are impatient to see him; they wish to give him all the Security in y^r. power of yr. attachment to him, & freely to bestow y^r Votes, that they may no more be teased by the other Side: if they have no Encouragem^t from him, the Consequences will be Either they will fall into ye Side where they are Sure of Support, or if they keep in a Body they will invite Some Gentleman or other to be y^r Candidates, and these will be Such as have either a great Interest in ye County, or persons of very great connections & fortune. M^r Eyre may view things in a very different light from me and his other friends, but I must Speak what I think, and I am more and more confirmed in my Opinion that the Man whom he would wish to Succeed with himself must either have a Strong County connection or the Govern^t Interest; without the one or the other I don't think there is much if any probability of Success for two Candidates in opposition to y^e old Interest".

Lord Marchmont, he added, had sometime ago thrown out some hints favourable to Eyre and had expressed a desire to have Lord Polwart connected with him.¹ "What do you think of that connection?" - asked Trotter - "Write me for I really Suffer too much".

Spottiswoode passed this letter to Eyre, but it was not until 10 July 1772 that the latter wrote to Trotter:

"Accept my best Thanks & thro' me those of Morpeth for your honest & Noble Endeavours to Serve both", he began. "For my own part however I cannot consider

1. Hugh, third Earl of Marchmont (1708-1794), was from 1750 to 1784 one of the sixteen Representative Peers for Scotland. Alexander Lord Polwart (1750-1781) was his only son by his second wife. In 1776 Lord Polwart was created a peer of Great Britain with the title Baron Hume of Berwick (The Scots Peerage, VI, 20-3).

those as my best Friends who wo^d even in the most distant Manner insinuate any Intention of mine not to come again to Morpeth; Not all the World Combined Sho^d force me to desert the Cause of Morpeth".¹

To find how such a fear had arisen he had been re-reading several of Trotter's letters: "I hope you keep Copys of them", he observed, "because you will see the very great Distress of Mind that they must have occasioned to me as the most firm and sincere Friend that Morpeth ever had or ever will have". He knew Trotter's "honest Soul" and that he wished Morpeth and him well (and, Eyre declared, "I mean to serve both"), but these letters had contained a great deal of contradictory advice about the choice of a colleague. First, Trotter had expressed the wish that Eyre's colleague should be "well with Lord Carlisle"; then, only twenty days later, he had mentioned Delaval; in his letter of 2 May 1772 he again said that the people wished that Delaval might be his colleague, but in his letter to Spottiswoode of 4 June 1772 he mentioned the possibility of a connection with Lord Polwarth. To consider how to act required much time and attention: "I am not at all fickle in a Matter of this Consequence, great to Morpeth but little to me in every Thing except the pleasure I shall feel if ever I have the Honor to represent that particular Borough", Eyre declared. But the election was three years off and yet his failure to appear in the borough and solicit votes was taken amiss.

1. M.C., I, ff. 600-2.

Only a few weeks ago he had heard Sir John Hussey Delaval complain in the House of Commons that some attempts had privately been made on some of his voters at Berwick which had the appearance of an approaching election and if this example was followed in other towns "the whole Kingdom would be in a Ferment for years to come & all business in Borough Towns give place to dissipation & Corruption". The whole House applauded the complaint; everyone denied knowledge of the matter in any of their boroughs - "And yet", declared Eyre, "I am singled out of all England to do this very Thing".

"If you will look back into my former Letters", he continued, "you will see how readily I fall in with your Idea of Joining the Delaval Family; I invited Sir Francis to dine with, I took his Brother Tom with me to the King when I presented the Petition for a Dissolution of the Parliament, I constantly kept up my acquaintance with him and it was well understood he was to be my Colleague. You and every Body as I thought knew it; Indeed, I wrote you Soon after the Death of Sir Francis that I was fearfull his Death wo^d break or hurt our Connections¹.... Since that Mr. T. Delaval and I have often seen and Met each other; we have conversed with Freedom & he always assured me that he was ready to do whatever I thought right upon the occasion; I understood him And tho' nothing positive passed, yet I never thought of another Man, but wished not to be ingaged in a Scene of Riot & Expen^ce until it was absolutely impossible to prevent it - I was distressed therefore when I saw your Letter of the 17th of March wishing me to get a Colleague that was well with Lord Carlisle - However your Subsequent Letter recurring to Mr Delaval Sett me right there again, but then your Letter to Mr Spottiswoode mentioning Lord Polwarth I was again distressed. In this Situation, after consulting Mr Spottiswoode, And Seeing your very extraordinary desire for me to appear on the 17th instant

1. "The loss of poor Sir Francis Delaval breaks all those connections", Eyre wrote to Trotter on 20 December 1771: "You see how vainly we look forward; I gave the General my Reasons against any early Engagements. The Chapter of Accidents is a great Thing in all human Events..." (M.C., I, f. 555).

with my Colleague I instantly applied to Mr Delaval & told him of it; he approved our going down. It then became necessary for us to Settle, as far as we could the Terms - he pressed me to propose, - I pressed him to do it - He excused himself - It then became my Province, and I will tell you almost verbatim what I Sayd - I began by stating to him That I had a great old noble & rich Family to oppose, That they had farms & other donations to bestow which we had not, and therefore that I always had in Contemplation Some Provision for old decayed Freemen, to which Men when young Sho^d look up, That a quiet Seat in Parliament was sought after at an Expence of three thousand pounds, That I could not warrant such a Seat, but considering his Family & connections he was sure of making it so, now and forever hereafter, with further views, That I therefore thought he sho^d not risque above a single thousand pounds that I would myself risque all the rest be it what it wo^d, That I expected however that he sho^d engage if he was elected to invest a Sum of two thousand pounds in the Names of Trustees for the purpose of buying Lands & paying the produce thereof into the Hands of a Majority of the Aldermen for the Time being for the purpose of maintaining Such old Freemen as they or a Majority of them Sho^d think proper objects - He Sayd he thought I Should expect to be reimbursed my Expences; I told him so far from it; That all the Expences of my Petition, all my Yearly and other Expences I had payd and wo^d pay myself without the least distant view to myself - not only that, but I wo^d spend Penny for Penny with him as far as a thousand pounds each, and wo^d after that indemnify him ag^t. all further & Subsequent Expences - It is impossible for any Man to have Sayd more kind & genteel Things to each other than we did; He agreed to the whole, thought it exceedingly right and disinterested Behaviour & was pleased with every Thing I propos'd and we agreed to sett out on our Journey so as to enter Morpeth early the 17th instant - I was for reducing it into Writing, which he was not averse to he sayd as soon as he had consulted his Wife & Sir John Delaval upon it. This naturally led me to ask whe^r what I had heard was true, that there was a Quarrell between him & Sir John; He told me there had been, but that they were within these few days reconciled in Consequence of the late Unhappy failure.¹ However

1. By the summer of 1772 the deteriorating situation in America led to a panic in the city of London. "The whole town", wrote Sir John Hussey Delaval's agent, Farrer, "is in commotion and new failures talked of every moment". Thomas Delaval's partner, Broughton, went bankrupt but Delaval was less deeply involved than he had feared (Askham, The Gay Delavals, pp. 153-5).

it appeared clear to me that his Wifes Concurrence was absolutely necessary in Regard to the Money, but this he seemed quite easy about, and I really thought we were to see you on your own Day; which I confess I yielded more from a Desire to please yourself & my other Friends than from Conviction of the Rectitude of the Measure in my own Mind; Because from that Moment a Scene of Expencc, Riot Bribery & Dissipation will ensue, which ought to be deferred till the latest Hour. As soon as I thought this Matter was Settled I again saw M^r Spottiswoode & told him the whole; he thought I had let him in too easy, considering the Family views - I was preparing for my Journey when to my great Surprize I received a very Polite Letter from him declining to engage in it, as it wou^d. not Suit him in Point of Expencc...".

Delaval's "very Polite Letter" ran as follows:

"I have considered maturely of what you were so good as to propose to me. It will not suit me to invest so large a Sum of Money, & as I think others might be found whom it would suit, I wish to act as disinterestedly as possible & therefore after returning you many thanks for your obliging offer I wish you to look out for such a person & if I can be of any service during the course of the business it will give me the greatest pleasure".¹

Commenting on Eyre's proposals, in a letter to Trotter, Delaval declared that he thought Eyre was acting disinterestedly in not wishing to be repaid part of his expenses, but, he added, "as I have all along hinted to you it will not suit me to come in upon such terms, for I do not want to purchase a Seat any where to answer any private Ends". He wished the town of Morpeth well, and was glad that Eyre and he had arrived at these early explanations as it would have made him unhappy to have been the cause of a disappointment through any misunderstanding.²

Eyre, however, declared that Delaval's refusal was

1. Delaval quotes his letter to Eyre in a letter to Trotter of 7 July 1772 (M.C., I, ff. 596-8).

2. Ibid.

a great disappointment both to himself and the town: "it throws us at Sea, and makes it impossible for me to See you as I had Settled". He begged that his friends at Morpeth should consider what they wished him to do:

"I will say again what I have often sayd", he declared: "take or name who you will, if they are agreeable to you they shall be to me, only let me have the recommending or approving him because I think I can more effectually serve the Town by it; I have not myself any Person that I wish to recommend, tho' I certainly can find many and I Sho^d hope upon those Terms, but do as you will yourselves".

This was a confidential letter, he added: Trotter might read such parts of it and of Delaval's letter (a copy of which Eyre enclosed) as he thought proper to particular friends, but neither of them was to be publicly read. He enclosed another letter to the aldermen and freemen in his interest, which he requested Trotter to read to them "& at the same Time assure them That I am as firmly and Sincerely attached to them as possible, that if I was pennyless I would offer myself a Candidate at the next Election for Morpeth, & sho^d be happy at the Suffrages of a chosen few in Opposition to the Tools of Slavery & Despotism". His address to them ran as follows:

"Gentlemen/
It would give me the greatest Uneasiness, nay it would involve me in deep Distress of Mind, if because I have not wrote to you in a Collective Body, any of you sho^d receive from the abject Tools of Despotism an Impression that I would not offer myself a Candidate to represent You at the next General Election - Perish all Such Wretches - I pledge myself for it, And that I would and will despise all the offers that can or may be made me for any Such Purpose; Like

Insinuations you well remember were thrown out that I would not prosecute my Petition - Why? because they had offered me Temptations that might have Staggered a Common Man, but I am not such a one, or Morpeth had still been in Slavery - I prosecuted my Petition to the Utmost, Copy me - follow my Example - I feel myself quiet under all the Losses & Disappointments: Let me have your Suffrages, and I value nothing else - for a Minute consider, if I meant not to come among You why Sho^d I have put myself to Such heavy Expences in hearing a Petition in Parliament that I was Sure wo^d not be attended with Success, & that I co^d have settled matters So much to my Advantage - Why be at any further Expence or Trouble? The Answer is Obvious, to Shew my Friends at Morpeth That every reasonable Sacrifice that a Man ought to make for them I was ready for and did make - It is absurd to suppose the Contrary; whatever I may be defective in it is not in my Regards for the honest Freemen of Morpeth, And therefore I must entreat the Favour of your votes & Interest for myself and my Colleague at the next General Election.

"As a Gentleman of the County seemed to be your Wish to joyn me & that you had pointed at one I instantly tendred him my Interest; I thought it was settled, And that I Sho^d very soon have had the Honour & Pleasure of again personally meeting those friends who so chearfully and firmly supported me at the last Election; an unexpected Delay in that particular has happened which our mutual Friend Mr Trotter will communicate to you - It behoves me to be cautious as well for your Sakes as my own: I was most infamously Treated by Some and betrayed by others at the last General Election - I bore it like a Man, and did not Shrink Nor will I ever from you whilst you honour me with your Friendship. We are Fellow Sufferers in ye Same Cause, but a Law has passed the Legislature by which the Freedom of Elections is rendered as secure as in the Nature of Such like Things it can be - Do you be honest and true to me; I have been & will be so to you and then in Spight of all the Tools of Power & every mean Insinuation I am sure you will make me & my Colleague Members for Morpeth, an honor I solemnly protest is the utmost of my Ambition & the greatest that you or my Friends can possibly confer upon, Gentlemen,
Yr most devoted Friend
Fras Eyre."1

Trotter read this letter at a full assembly of Eyre's supporters on 17 July 1772, the fifth anniversary of the

1. 10 July 1772 (M.C., I, f. 599). The law by which Eyre expected the freedom of elections to be secured was the Grenville Act.

victory in the mandamus causes. It was received with loud huzzars and "Every demonstration of honest heart felt Joy & sincere attachment" to Eyre.¹ Trotter pointed out how ready Eyre was to oblige his supporters by seeking a county gentleman as colleague - a matter of "great importance" to them - and all appeared perfectly satisfied whether his colleague was Delaval or any other gentleman of the county. Many of them declared that Eyre would make the best choice of a colleague for them himself when Trotter told them that Eyre was prepared to join the man most agreeable to them.

Trotter and John Wright had some private conversation on the subject and agreed that the terms that Eyre had offered to Delaval were too generous and too burdensome on Eyre himself. The investment of so large a sum in a charity would, they believed, never answer Eyre's "Noble purposes", and, as there had been an "annual Expence" ever since the last election, it was only just that the colleague should pay at least half of it; a sum should be deposited to support the interest against all emergencies, and what might be thought necessary in case of success should be left to future consideration. "You ought to run no hazard", declared Trotter, now more optimistic, "the Contest will be against your Colleague".

"Suppose you have another conference with M^r D - 1", he suggested; "the investing the sum mentioned may be got

1. Trotter to Eyre, 18 July 1772 (M.C., I, ff. 603-5).

over on other considerations which will answer a better purpose. Sir John [Delaval] in regard to a family Interest may in prudence go great lengths; He is a great Man in this County, and it is a desirable connection. If he can get the Portland Interest and Mr Orde's of Fenham who have Estates near Morpeth it wou'd be a decisive affair and if y^s was Secured, before he was publickly known it wou'd be the better; 8 or 9 Votes will depend upon this".

A colleague with a great family interest would relieve Eyre of much annual expense and keep his friends steady. Every art and influence was being used to pervert them: Lord Carlisle had given £50 for races; Sir Matthew White Ridley had subscribed £25 and his father had given two guineas for the same purpose; it was expected that Peter Beckford would also subscribe to them. Andrew Fenwick had given an entertainment to the Carlisle party at his own house on 17 July 1772 (no doubt to provide a counter attraction while Eyre's friends were celebrating the liberation of the borough that had been achieved in 1767), but he had only mustered a "very thin meeting". Still, Lavie was expected to achieve "great things" at Michaelmas. On 29 September 1772, however, there was to be a grand meeting of the Constitutional Club in Morpeth which would be attended by the gentlemen who were friends of liberty in Northumberland, Newcastle and Durham: "they are all your friends", Trotter assured Eyre.

"General" Crawford was in high spirits on account of the behaviour of Eyre's friends the previous day. Many of those who had voted for Sanderson in the school election

"attended the Flag of Liberty with their blue Cockades, and Solemnly declared they never meant to be against M^r E; that they were misled in the School affair, for which they were Sorry, and that M^r E had no firmer friends than they".

Trotter stated this in a letter to Thomas Delaval to whom he wrote three days after replying to Eyre.¹ He told Delaval that he did not approve of the terms that Eyre had proposed, and informed him of what had passed at the meeting of Eyre's supporters on 17 July. He had not the least doubt of Eyre's own success, he declared: "all the power of Ministry cou'd not disengage his friends from him", but, if his colleague did not obtain a great majority on a canvass, the Carlisles would have a contest with him. A trial might be made at small expense: most of Eyre's best friends would also vote for his colleague, but some would be inclined to reserve their second vote unless his colleague had "particular Connections".

"Whether Sir John Delaval would think it adviseable to Engage in it in supporting you must be left to your Consideration & his; it wou'd give his family Such a footing in the Borough as wou'd not be Easily removed and with that a great County Interest, for many of M^r Eyre's friends are freeholders, & Some of them also free burgesses of Newcastle".

Perhaps the day the Constitutional Club met in Morpeth would be a proper time for Eyre and his colleague to canvass, since they would "have the Countenance of

1. 21 July 1772 (M.C., I, ff. 606-8).

many worthy Gentlemen". Eyre thought it was rather soon to canvass, he observed, "and so must Every body think", but as his opponents had begun by interfering in the school affair "his taking the Start in a canvass is a great Matter and in my opinion W^d. Save much Expen^ce". "I write this in confidence to you", he added, "and though you may have dropt all thots of Morpeth I hope we shall have your best wishes in so good a Cause".

Delaval replied from Clapham four days later:¹

"I have received your very obliging letter..., & I have taken a Liberty which I hope you will excuse, as it may be the means of putting the business in question into a proper channel; It is the having sent your letter to Sir John; You may rely on its not being made any improper use of, & I think it is the most expeditious way of setting many things in a proper light".

He had called on Eyre, he added, but he was not at home. He would write to him, however, and inform him that he was in correspondence with Sir John and that he would wait on him when he heard from the north.

Meanwhile, Trotter wrote again to Eyre and explained why the investment of £2,000 in a charity of the sort that Eyre had proposed would never answer the intended purposes:²

"The Aldermen may not always be in the favor of the Town; if a majority of them shou'd be in y^e opposition, that fund Wou'd be perverted to a very different purposes, & wou'd be turned against the Cause of freedom - As Soon as such a trust was made known, Every Engine wou'd be at work, and every mode of corruption used to

1. 25 July 1772 (M.C., I, f. 613).

2. 25 July 1772 (ibid., ff. 609-12).

get Aldermen Elected who would abuse yr trust & make that very fund an Instrum^t of oppression. It wou'd be better y^t something of y^t kind be wholly in your own power: besides y^e. majority of y^e people are so poor that they never think of future want; present gain is yr. motive, & Such generous Sentiments as you adopt are quite foreign from y^r views - Among Philosophers & Speculative men such a Scheme will appear great & beneficent but among the Bulk of y^e People we have to deal with it wou'd pass for nothing. Such is human Nature in general & we must take it as it is".

Eyre's letter had satisfied his friends of his attachment to them, and they all seemed agreed that, though they wished Eyre to have a gentleman of the county as colleague, they would leave the approving of him to Eyre, that the two candidates might perfectly understand each other.

"The reason of yr. desire of a County Gentleman", Trotter explained, "is that they may have y^e. Countenance of his Connections in ye County for at present they have few or none who dare to espouse yr Cause; almost all y^e Gentlemen in the Town & Neighbourhood are mere tools to ye Lord of ye Manor, & do not seem to have y^e least Spark of that Liberty which once characterised y^e People of England: a Man of family & fortune in ye County connected w^t you wou'd make a considerable alteration. - Ye increase of Freemen has increased y^r Connections, & given Some Gentlemen importance who had none before, when you first knew Morpeth".

That some of the neighbouring gentry now found themselves in command of several Morpeth votes through the admission of their tenants, employees or dependants as freemen was one of the indirect results of the mandamus causes. If there was a close contest, these county gentlemen would be able to exert a decisive influence.

Trotter then explained what had appeared ambiguous or contradictory in his previous letters. When he had wished that Eyre's colleague might be "well with Lord Carlisle", he was merely signifying his desire to prevent a contest: if Eyre's colleague was a "Man of Influence in y^e Nation", it would be "eligible" for Lord Carlisle to "make matters up" rather than spend a great sum on a contest which would only "debauch ye people & enrich a few publick Houses". "I...meant to prevent these Evil Consequences, and the Expence that wou'd fall upon you, as well as trouble & vexation to yourself & friends, which must be ye result of a contest". He had next mentioned Delaval as a colleague because this was the wish of Eyre's friends: through such a connection, it was believed, "we shou'd get rid of much opposition from many of ye Gentlemen in y^e County, some of whom wou'd Espouse him". But, since Eyre did not reply to these letters, Trotter concluded that the suggestions made in them were not agreeable to him, and, since Delaval did not appear to be the man of Eyre's choice, he mentioned Lord Polwarth, who, as a "Government Man", he thought would have "Interest to succeed". This was perfectly consistent with his own view that Eyre's colleague must either be well with Lord Carlisle, or have a strong county connection, or the Government interest. For himself, Trotter was "perfectly Easy" as to whom Eyre had

as colleague, provided Eyre succeeded; but he thought that there might be some danger if Eyre had no colleague, or one of no influence, as the votes might then be so managed as to put him in some hazard.

"Your canvassing first with your Colleague is a matter of great importance", Trotter continued, "for I am afraid in a short time two Candidates will be declared by y^e Carlisle Interest; when the people have promised yr. Votes they are generally fixed, and if you take y^e Start & get a great Majority, it will cool yr opposition and by proper Managt without drinking & riot, Success may be infallibly Secured. Enemies have begun the opposition and it is only prudent in you to take such Steps as may Effectually frustrate yr designs. Sir John D - l I am informed has certainly lost Berwick by treating y^e opposition with contempt & not facing his Enemies in due time - the Start is generally a victory; many thoughtless inconsiderate people know not how to refuse a man in Gold Lace w^t a good drink or some other douceur into ye Bargain. Your Services to Morpeth one wou'd think shou'd be sufficient Guard against such Temptations, but it is not prudent to hazard Such an Interest as you have to such Uncertainties, & yrfore Your friends think it woud be right in you to appear before Lavie comes down again - y^e means used to invigle ye people by races etc Should put you upon your Guard, & nothing but your own personal Appearance can have such an Effect to weaken or destroy opposn".

To secure a suitable colleague was not an easy task, however. Any lingering hopes of a connection with the Delavals were soon shattered. On 7 August 1772, Thomas Delaval wrote to Trotter as follows:

"In answer to the letter I wrote to Sir John, I received the inclosed which I send you in confidence. You will please to return it to me; I rely upon your discretion in not communicating the contents. You have all along behaved with So much candour to me, that I could not help sending it to you. In consequence of the contents of the Said letter I have again informed M^r Eyre that it will not Suit me to engage upon the proposed terms..."¹

1. M.C., I, f. 614.

The reasons for Sir John Delaval's refusal to engage in the affair can only be surmised. It appears from Trotter's reply to Thomas Delaval's letter that Sir John had declared that there was little or no chance of success against the Carlisle interest:

"Accept of my best thanks", Trotter wrote, "for the confidence you have reposed in me in sending me the Inclosed which I transmit to you again having faithfully preserved it from ye possibility of any person knowing ye Contents; Only to Mr C[rawford] I mentioned that I believed the affair was at an End, as Sir John wou'd Not Engage in it: He Said he was Sorry for it, for He was certain Success might be Secured at a Small Expençe, & that Sir John cou'd do it Easier than any Gentleman in ye County. Indeed I think the same, and that by pursuing proper measures there cou'd hardly be a possibility of a defeat; However, Every Man must judge for himself in these Cases".¹

If one of Sir John Delaval's reasons for declining to assist his brother to contest Morpeth was the improbability of success, it is obvious from the latter's anxiety that the contents of Sir John's letter should not be divulged that he had given other reasons of a much more private nature. Perhaps they concerned matters of finance, but there is another possibility: Sir John may have already decided to offer himself as a candidate for Northumberland at the next General Election, and, if this was so, it is unlikely that he would wish to become embroiled in a contest over Morpeth, which, if it would secure him the votes of some of the lesser freeholders, would certainly alienate several magnates from whom he was anxious for support.

1. 12 August 1772 (M.C., I, f. 615).

Certainly, when he offered himself at a county meeting on 26 July 1774, he was charged with having "made application near two years ago to a cabal of great men of the county" for their votes and interest. He evidently declared in reply that it was "not quite two years" since he had done so;¹ but in any case it is probable that he was at least thinking about standing for Northumberland when his brother approached him about Morpeth - almost exactly two years before the county meeting. Thomas Delaval's political ambitions were indeed apt to be a cause of anxiety for Sir John as the following letter which Sir John wrote to him on 25 June 1774, in consequence of a very prevalent report that he was intending to offer himself a candidate at Newcastle upon Tyne, clearly shows:

"...I flatter myself that from the mutual friendship subsisting between us You have not already come to any Resolution upon this subject as you have never made me acquainted with the most distant hint of such an intention being in your mind and I hope that when I conjure you by every Argument of brotherly affection that can suggest itself to your own feelings to desist from this Undertaking if you have it in contemplation, or that You will not pursue it any farther but that you will by an Express as I have sent this to you confer upon me the great Obligation of letting me know I have intreated enough in your affections to prevail upon you to give up to my entreaty all concern and interference in this object. I need not I trust after I have put my request upon this ground make use of any other arguments however prevalent such as the Friendship I have for the present Members and that they are at this instant promoting my success as a Candidate for the County of Northumberland; if you could have heard during the course of this week when any opposition to them has been talked of here how

1. "ACCOUNT of the Transactions at the COUNTY MEETING at Morpeth, July 26, 1774", one of the printed papers published during the contest and reprinted in the Northumberland Poll-Book for the elections of 1748, 1774 and 1826 (Alnwick, 1826), pp.56-60.

extensive, I might almost say general, an opinion there is of their personal merits and of the numberless Services done by them to this Town during the long course of time in which they have represented it, I think upon that account alone you would not like to be concerned in any opposition to them or to take a part with a body of Persons to whose conduct I am willing to attribute the best motives but which I am convinced is founded in misinformation & prejudice & which will infallibly end in disappointment to themselves and their Supporters".¹

Perhaps Sir John's letter about Morpeth was written in much the same strain. At all events, it ended all negotiations with the Delavals. This would be a great disappointment to Eyre's friends, Trotter observed: he wished the news could be kept from them until matters were better settled.²

Five weeks later, Trotter, who was again becoming alarmed, wrote to inform Eyre of the situation:

"The measures adopted by the C - le agents to inveigle the Freemen to their Interest compel me Again to give you an Account of their proceedings, and you may Judge for yourself what ought to be done. M^r Grieg was here last week letting some farms in the Neighbourhood of Morpeth; Some of the Country Farmers have been dismissed and these farms are to be divided & Sub-divided to oblige Every Freeman who will come into their Views, but some of these freemen who have obstinately adhered to you have lost y^r little Inclosures, & it is supposed all your friends in these circumstances will share the same fate.

"The races begin on Friday the 29th Inst [September] Lavie is expected at the Same time & publick Entertainm^{ts} are to be made for all the Freemen who will Accept of them. Sir Mat: Ridley & M^r Fenwick of Bywell are Stewards of the Races; it is not improbable, after all, but Sir Mat: will be one of their Candidates, and that they will be both declared in a short time.

"Your friends are greatly alarmed and wonder that you take no Steps to support your Interest against such opposition which has been carrying on almost these

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1. Delaval MS, box 17 (0).
 2. Trotter to Thos. Delaval, 12 Aug., 1772 (M.C., I, f. 615).

twelve months at a Vast Expence & with unwearied labour. They have neither friends nor finances to make head against them, though they have the greatest desire to see & serve you to ye utmost of yr power: whether you will think it prudent to visit Morpeth this time must be left to your own Consideration, but if something is not done Speedily, your Interest must decline. There is no probability of any of the County Gentlemen having any inclination to oppose the C - le Interest; I wish therefore that you Cou'd Secure your own Seat without any Contest whoever is your Colleague.

"It is a pity you shou'd be at any future expence, & yet I see expences, and great Expences too, will be unavoidable, while Money is so lavishly thrown away by the other Side. - The Genl. is uneasy that his draft was not paid; He desires to be remembred to you".¹

The "General" himself wrote to Eyre three weeks later and reported that matters had come to a crisis.² Lavie had been at Morpeth for the past fortnight and had exerted every influence to corrupt the freemen: the races, assemblies and public entertainments had all been calculated for that purpose. Small farms had been offered to many on "Conditions that the Souls of the honest abhorred". "Some rascals on whom we never had any dependence have received the wages of iniquity", Crawford continued, "but as far as I can learn they are yet far from their mark". Eyre's friends were very impatient at not hearing from him at "So dangerous a Crisis" and as no plan had been made to combat the opposition they were at a loss ^{to know} what to do.

The previous day, however, a gentleman of a "very opulent family in the County", whose heart was with Eyre and his Morpeth friends, had declared that he would not scruple to spend three or four thousand pounds to secure

1. 18 Sept., 1772 (M.C., I, f. 616).
2. 9 Oct., 1772 (ibid., ff. 62C-3).

his return for the borough with Eyre, provided he could have a reasonable assurance of success. When told that a trial could be made at a small expense he replied that he did not wish to make an attempt without knowing the ground on which he was to stand, "for if he once Embarked, he wou'd hazard his whole fortune rather than be Beat". The only method that could be adopted was thus private application to the "doubtful votes" who at heart favoured Eyre's cause, but whose poverty had laid them under "Some little obligations to the opposite party", whose agents had recently been "very assiduous to find out their weak side". This would require some expense, "to put them in a Temper to be Asked", but, as Crawford had not heard that his last draft on Eyre had been paid, he did not know how to act.

The Carlisle agents were resorting to victimisation. The Lumsdens, two of Eyre's staunchest friends, had been dismissed from their fulling mill: "Lavie's Scouts" had declared that Eyre would not trouble himself further about Morpeth and if they would promise to support the Carlisle interest they might have the mill; but the Lumsdens bravely answered that they would never give any promise to hurt Eyre, even if they were sacrificed.

"Such honest Men as these wou'd be sorry to put you to the least Expencc or trouble in coming to Morpeth", Crawford told Eyre, "but you must be very Sensible that all have not that uncorrupted Virtue, and it is to preserve the wavering that your steady friends are

So desirous to See you. I hope and believe there will be found amongst them a great Majority that no influence can corrupt agst you, but things are now come to a crisis, and there is an absolute Necessity for you to shew yourself amongst your friends".

"Would it not be right to take some care of the London Votes if it is not already done?" - he asked in a post-script.

As usual, Eyre did not reply. On 20 October 1772, however, Spottiswoode, who had recently passed through Morpeth, went to Eyre and made a "faithfull Relation" of all that had passed in a conversation with Trotter, after which he wrote and informed Trotter of Eyre's sentiments.¹ Eyre was "Exceedingly affected & shocked" by the allegations that he had deserted Morpeth, the more so because some of his friends seemed to have been so far imposed upon as to believe them. He read to Spottiswoode copies of his letters to Trotter and the aldermen and freemen in his interest of 10 July 1772, and the many strong things he said convinced Spottiswoode that his resolution was still, and would ever continue, the same. He was "rather out of Humor" over the school election, but the "General's" bill would be paid in a few days. As for a colleague, he still wished that "the Burrow may be pleased: he woud be happy in the person mentioned & will most readily adopt any proper measures for bringing about an agreement with him". Meanwhile, Spottiswoode would arrange a meeting of the Morpeth freemen who were

1. 20 Oct., 1772 (M.C., I, ff. 623-5).

in London, with a view to requesting their votes for Eyre and his colleague, and Eyre himself would write to his supporters at Morpeth and let them know that he intended to visit them soon.

The person to whom Spottiswoode alluded in his letter as a possible colleague for Eyre was probably the "Gentleman of a very opulent family in the County" whom William Crawford had mentioned. This was probably Colonel Grey, brother of Sir Henry Grey of Howick; but, as Crawford had explained, he would not embark unless the chances of success were good, and this proved an insurmountable difficulty. Writing to Spottiswoode on 14 November 1772, Trotter declared:

"There is little probability of finding a Colleague in this County who has fortune and spirit to Support the Cause of Freedom in Morpeth. Col: G - y is timid and will not Engage without a Certainty. We have now no hopes from that quarter, and yet it is Evident to Every Body who understands the affair that He wou'd Succeed & carry it too with a high hand. Our only hope is in Sir W M[iddleton] who wou'd have all that family Interest, I mean the Grey family, for he is yr. near relation. He will be Sounded in a day or two, and if he will Engage it will answer Equally well; As Soon as I hear his Sentiments you shall know them: if that resourse fails, Mr E may bring w^t a good Grace whom he pleases for I dare say we have no other chance for a County connection".¹

Three weeks later, however, Trotter reported that Sir William Middleton had been suddenly called to London and was thus away when two of Eyre's friends called to make the proposal to him: "it was thought imprudent", Trotter added, "to communicate the business by Letter

1. M.C., I, f. 626.

after he was gone, so that unless an Application is made to him by some other Channell, there is an end to all County connections, and Mr E may take his own way".¹ So far as is known, no further attempt was made by Trotter and his friends to secure Sir William Middleton as Eyre's colleague; at all events, Middleton stood as one of the "independent" candidates for Northumberland at the General Election of 1774.

By 14 November 1772, Trotter was thoroughly irritated at Eyre's conduct:

"Our Cause here is Sadly neglected; if it prospers, it is more owing to the violent Measures of our Enemies than to the Support of its friends. The poorest among the people who I think are the most virtuous have Suffered too Severe a tryal; it is not good policy to leave all to hazard: they are courted and caressed by one Side to receive favours, and are wholly left without support by the other. I am compleatly vexed that the Gen^{ls}. draft is not yet paid; this has effectually tied his purse, and there is not another Man who will hazard what he has done. Such beheaviour to him at this time was ill Judged; to my certain knowledge, he Never Advanced Any Money when it could be Saved without hazarding Every thing: if He had spent nothing to support the Interest when the amount of 2 or 3000£ has been thrown away to destroy it, He wou'd have been condemned on all hands; & Now when yt very Interest is Stronger than Ever, He can't command his own Money to answer his Credit, a trifling Sum in comparison of what has been spent against it; this is monstrous, and out of all order. He told me yesterday, if He had known His Draft wou'd not have been ans^d long before this, He wou'd have Sent up the Amount to pay his Mercht. who has lain out of his money near 6 months beyond the usual time. However if it is not paid in the Course of next week, He must the following week be at the Trouble to remit the Same".

Still, Trotter believed that Eyre's interest was more

1. Trotter to Spottiswoode, 4 Dec., 1772 (M.C., I, f. 627).

"formidable" than ever, and if it was properly supported in due time both Eyre and his colleague would soon ensure their success; but if Eyre continued to neglect it until his opponents declared two candidates the consequence would be fatal. "Time is precious", Trotter added: "the People's keenest resentment is roused & it ought to be improved".¹

The people's "keenest resentment" had been aroused by the tactics which Lavie had recently attempted to employ. A week after Trotter wrote the above letter, the London Evening Post appeared with the following letter addressed from Newcastle and signed "Old England":

"Sir,

I met with the following paragraph in one of our weekly newspapers of last month: 'On Tuesday last Mr. Levi, agent to Lord Carlisle passed through this place in his way to Morpeth to attend the races there and to take care of his Lordship's interest in that borough against the general election'.

"The singularity of the agents name, as well as the nature of his employment excited my curiosity to enquire into the truth of this assertion...when to my astonishment I found that it was not only a literal fact, but that the said Levi had indeed taken special 'care of his Lordship's election interest in that borough'.

"An honest intelligent and indignant freeman of Morpeth has been at pains to explain to me the situation of that borough, and I think it will merit the attention of a generous public.

"The Carlisle family had for many years tyrannized in the most arbitrary manner over the independent party... This despotism, however was put an end to by the spirit and virtue of Mr. Eyre, a gentleman of fortune, who generously espoused their cause and gained

1. To Spottiswoode, 14 Nov., 1772 (M.C., I, f. 626).

victory for the injured burgesses...

"Hitherto they have not derived any advantage from this signal defeat of tyranny; for in defiance of this last remedy the Court of King's Bench had power to give [peremptory writs of mandamus] our worthy Representatives thought proper to determine that they [the mandamus men] were no freemen; a determination which must have attracted the attention of the Kingdom, but for the idea in general too justly formed in borough transactions, in this case however a most particular exception.

"But notwithstanding this vote of the House of Commons, the laws of our country by these verdicts have opened the door to the admission of freemen; and this Macaroni Lord [Carlisle] instead of the usual number of 30 or 40 Andrew Fenwicks devoted body and soul to his interest has now about 200 free burgesses to manage, the true cause of sending down this Israelite amongst them.

"Versed in chicanery,... he has tried every method to corrupt the poorest of the freemen, but seldom with success. Farms, places, pensions, and hard cash have been alternately his weapons, in vain. The doctrine of rewards failing, he has had recourse to punishments...

"No tenant or dependant of his Lordship must encourage the industrious tradesman, or even the publican, who has dared honestly to refuse to sacrifice his conscience and his country to serve this Levi and his arbitrary master. This has put the finishing hand to his proceedings; his malice thank God, has proved impotent, and his edicts are treated with contempt....¹

Thus had the "violent Measures" of Eyre's enemies strengthened rather than weakened his interest. A few days after the above letter appeared, a correspondent from Northumberland who signed himself "an English Elector" made an abusive personal attack on the Earl of Carlisle in the London Evening Post, and referred to the Earl's "implement", the "supple, fawning, subservient

1. The London Evening Post, 19 - 21 Nov., 1772.

Lavie...The pert, shuffling, convenient French mercer of Pall-Mall".¹ As a Jew of alien extraction, Lavie was the object of other disparaging attacks in the press, later,² and the methods he adopted to advance his master's electoral interest in Morpeth earned him the bitter hostility of the friends of Eyre and Liberty. "Some late publications in the London Evening have given some Spirit", wrote Trotter on 4 December 1772, but he added that something more material was required if Eyre was to preserve his interest.³ He had never replied to the "General's" letter, and had failed to pay^{the} outstanding bill. "The Cause suffers and must Suffer whilst things remain in this State", Trotter remarked to Spottiswoode, "but I shall say no more about it, nor plague myself and you to no purpose, as Neither you nor I can be Answerable for the Consequences".⁴

Another eight months went by before Eyre wrote to Trotter, but he seemed somewhat peevish at Trotter's own silence:

"The very great Regard & Esteem that I most truly have and possess for you, the mutual Love we really entertain for the Interest of Morpeth & the settled Hatred we have for Despotism sho^d have made you write me many Letters if I had not answered one of yours when the great Cause we have at Heart was likely to suffer - I have been almost distracted for above six months past by having my only Child Marry from me not only against my Will but even without by Privity, And her having Married a Man of Fortune and Family, tho' it is some alleviation, yet upon the whole my Heart has been almost broke, but I grow better And the Cause of Morpeth must and shall again rouse me. Add

1. The London Evening Post, 24-26 Nov., 1772.

2. See below, pp. 447-8.

3. To Spottiswoode (M.C., I, f. 627).

4. Ibid.

to this my Estate in Jamaica was in Lease to M^r Macfarlane of Edinburgh, Uncle to our mutual Friend M^r Spottiswoode who used to pay me here in London near 1000[£] Ster a year, which he has stopped for above three Years past, And the Lease being expired, there was to be a certain Quantity of Canes & Cattle to the amount of between two and three thousand Pounds more which he sho^d pay me, and which tho' M^r Spottiswoode has taken all the Pains he can about it, and that I thought it would long before this have been settled, yet I have hitherto received nothing but professions of payment of what is due, as we differ in our Calculations, which is always the Case when a Man is got so largely in your Debt as five thousand pounds Ster which is about the sum that M^r Macfarlane owes me, but I think this Matter will be settled soon, & I shall be strong in Cash. This I mention as one Reason why I have not taken up our Friend Crawfords Bill...".¹

He was still looking for a colleague. He had approached "a certain Noble Duke" who, though he had declined to nominate a colleague for him, had thanked him for the offer and assured him that it would never operate to his disadvantage.

"Various are the offers that have been made me since by different pretending Candidates found out by myself at much Trouble & Obligation to my Friends", Eyre continued, "but not one can I find yet who is a fit person for our Purpose. They will all give a large Sum for a Seat certain; Not a Man of Spirit or public Virtue among them; they will be returned or be at not one Shilling Expence. This will not do, but it is always the Case so long before the General Election; Every Man hopes for a quiet Seat & thinks in so long a Time as two or three Years he shall certainly get such a Thing. I really made an offer lately that I sho^d have thought wo^d have been complied with, but still the Answer at last was a quiet Seat".

He would be glad to visit Morpeth whenever his friends thought it proper, but, as Trotter had constantly warned him against appearing without naming a colleague.

1. 20 July 1773 (M.C., II, ff. 4-6).

and as his appearance had been deferred on that account, he thought it better to continue to wait until a colleague was found - provided that this was "consistent with the situation of our Affairs". He used the word "consistent" because he had been told by a gentleman who, he believed, wished him well, but whose veracity he ^{had} had reason on other occasions to doubt, that Lord Carlisle's agent had sent to London a paper signed by a number of Morpeth freemen sufficient to constitute a majority for at least one Member. Yet nearly four out of every five new freemen that had been admitted had signed and sent to Eyre "a most Solemn assurance" that they would serve him and his colleague, and they should all be reminded of this "in a most pathetic and Strong Manner". He had again written a general letter to his supporters in which he had incorporated his letter to them of the previous year, and he thought that they should be called together to hear it read. After this Trotter might privately get such an "Association Paper" as the opposite party pretended to have drawn up and signed. His opponents declared that they had found two candidates and that Lord Carlisle would go to Morpeth and name them in the course of the next month, Eyre added, but he did not believe that this was true. Certainly, neither Lord Carlisle nor his intimate friends had any money, and Eyre did not think they would wish to open a contest so early, as that was

bound to be "productive of very great Expence to both Partys". Nor did he see how the Carlisles could hope for a majority even for one Member, "if the Men who have been Elected & have signed those papers to me are not the most Abandoned set of Men upon Earth, which I can never believe, if they are properly cultivated".

"Let me therefore intreat you to Convene them together & read my Letter to them & then tell me what further you wo^d have me do - You know the Leading Men & my most Particular Friends; I do not Name them least one sho^d say I gave the preference to the other, but they are all equally mine; consult them and beg them to be industrious Among their Particulars - You will be very full in stating to them that a fair Majority now is sure to carry it, let the Returning Officer do what he will. It is to be tried by a Jury upon their Oaths".

He had written to five acquaintances in or near Morpeth and asked them to contradict the "Ridiculous & false Assertions" of his opponents that he did not intend to set up a colleague or stand himself. Many of his friends had constantly been writing to Morpeth to contradict these false reports, he added. Finally, he asked Trotter to let him know how he should act to provide for the "general safety":

"Ch! did you but know me as well as I think I know myself you would start at the bare or most distant Hint that I sho^d decline Morpeth - Sure after such Professions, I could never look up in the World again, was I or could I be induced to Desert Morpeth - We will fight & beat them; Return to your Charge approve yourself to me and Morpeth what I am to you".

Trotter wrote to Eyre on 2 August 1773 (about a fortnight after Eyre sent the above to him) and evidently

pressed him urgently to appear in Morpeth.¹ "Was I to follow the Dictates of my Inclinations", Eyre replied on 13 August 1773, "I sho^d upon the Receipt of your last Letter...have sett out directly for Morpeth, but my Reason tells me that after having stayed thus long I sho^d not come without a Collegue".² John Wright, who had written "entreating" him to come to Morpeth, had at the same time desired that he should bring a colleague with him, and he had repeated this in a postscript to Trotter's letter. "I know", Eyre declared, perhaps prompted by some remark of Trotter's on the damaging effects of the school election, "not only your Zeal for my Service but that of several of my Friends has been the only Wound to my Interest upon the late Contest for a Schoolmaster". He had therefore "sett about to solicit a Collegue instead of standing as I have hitherto done to be sollicitated", and had found a man of "High Rank, Fortune, Honor & Connections" to whom he had "Stated the whole Business from beginning to End, this very Morning". Being "exceedingly anxious to engage him", he had offered him "such Terms as I really think, if he will risk at all, he cannot sett out upon a more fair or hopeful Contingency".

"He wished it could be reduced to a Certainty", Eyre continued: "So did I, but that is Impossible; I could not say anyThing upon that Head; I told him he should

1. No copy of this letter has been found.

2. M.C., II, f. 7.

see your above Letter which I had about me; he read it and made such observations thereon as must occur to every Man of his Understanding; Indeed your Letter seems calculated rather to forbid than to invite a Candidate, but I know you do this to Shew me when I come, how much stronger I am than I had reason from your Letter to expect: could I suppose that after above seven years spent in releasing the Electors of Morpeth from their Chains and the very Strong and repeated assurances of Friendship that I have received from the Men I have created, there sho^d be a Doubt about these Men? It cannot be. The subject ended with Matters more fit to be Communicated in Person than otherwise & with his requesting me to keep myself open until Monday Sennight, when he wo^d give me a final Answer".

Meanwhile, Eyre begged Trotter to inform his supporters that for the best reasons in the world he had to delay a few more days before visiting them. If Lord Carlisle arrived in the borough before him, Eyre added, "let all my Friends be called forth & invited to a Dinner that nothing may be wanting to keep up their Spirits: Let the Flag of Liberty be carried in Procession"; he wished that everything possible should be done to convince his supporters that he was their affectionate friend and humble servant.

Perhaps to meet the danger that would arise when Lord Carlisle came to Morpeth, Trotter or one of Eyre's other friends drew up a list of eleven queries for the "Serious Consideration of the Independent Freemen of Morpeth". These queries were evidently intended to be printed and circulated, but there is no evidence to show whether or not this was done. They appear to have been drawn up sometime after 20 July 1773, since one of

them contains the phrase "the most abandoned Set of Men upon Earth" which Eyre had used in a letter to Trotter of that date.¹ The first eight queries concerned the oppressions inflicted on the corporation by Lord Carlisle and his agents and the benefits conferred on it by Eyre. For example:

"Has not the Corporation of Morpeth for many years been grievously oppressed by the Agents of Lord Carlisle?

Have they not in various instances invaded your Rights and destroyed your Privileges?²

Were not Several free Burgesses prosecuted in the most rigorous manner for opposing the Admission of Non Elected freeMen to the great Injury of themselves & families?

Were not these Men who were illegally admitted to their freedom afterwards set aside by the Court of King's Bench, and were you not indebted to M^r Eyre for this favour which Preserved your rights inviolable?

Did not Lord Carlisle dispute the right of...³³ Elected Burgesses before the Court of King's Bench, and did not you & they obtain your freedom by a Verdict at Law under the auspices of your Generous Benefactor M^r Eyre who relieved you from oppression and restored your Liberties?

Will it admit of a question whether Lord Carlisle or M^r Eyre Merits your Gratitude?"

The last three queries were of a political nature:

"Ought you not to consider a Nomination of Candidates by Lord Carlisle to represent you in Parliament unconstitutional, an insult to your understanding & to your Virtue? Will you tamely support an Interest which has oppressed you? an Interest destructive to your Liberty & Rights, which Rights you are bound by Solemn Oaths to Maintain & to transmit inviolate to your posterity, & which have been restored to you at an Immense labour & Expence?

1. See above, p. 367.

2. This statement is explained by a footnote which reads: "Cottingwood taken from you, your Commons claimed & your fences broke down by M: Potts his Lordships Steward". About

"Should you not as Englishmen & freemen Shew a Spirit worthy of your selves on this occasion and not Sacrifice your Liberty & that of your Country at the Shrine of Despotism?

"Will not all England consider you as the most abandoned Set of Men upon Earth, if you voluntarily put yourselves & posterity under the same Yoke which has so long galled you, & wickedly betray the very Man who had publick virtue & resolution to make you free?"¹

It seems unlikely that after his letter to Trotter of 13 August 1773 Eyre wrote to him again during the next three months. Writing to Spottiswoode on 6 October that year, Trotter declared: "I Shou'd certainly have declined Saying more on that Subject in which you and I have been so greatly interested, but the fate of our friend who is worthy of Every thing Morpeth can do for him fills my Heart with redoubled anxiety when I see his Enemies carrying all before them without opposition".² Eyre had still not found a colleague - his negotiations with the man of high rank, fortune, honour and connections had evidently come to nought - but on 5 October 1773 Edward Newton, one of the attorneys employed by Eyre in the late mandamus causes, informed Trotter that a gentleman "well known for his military Atchievements" in the last war in Germany had declared that a friend of his in London who was also a particular friend of Spottiswoode was "exceedingly desirous to be in Parlt, and wou'd deposit £3000 in Mr Newton's

these matters, see above, p. 80 and p. 110.

1. The manuscript, dated 1773, is preserved in M.C., II, ff. 2-3.

2. M.C., II, ff. 11-12.

hands to be Colleague with Mr E provided there was a certainty". Newton had replied that this could not be ascertained without a trial, which might be made for a few hundred pounds: if the person was a man of spirit and fortune, it was "very practicable to Succeed", and if Eyre was not otherwise engaged he would doubtless support such a man with all his interest. It was decided that General Beckwith (the gentleman "well known for his military Atchievements"¹) should write to his friend in London and tell him to call on Spottiswoode and to have a conference with Eyre. "Time is Now more precious than Ever with respect to this business", commented Trotter. Lavie had invited some gentlemen to dine with Lord Carlisle at Morpeth on 14 October 1773; and there could therefore be no doubt but that the Earl would come to the borough to finish off what Lavie had begun and carried on without opposition for the past two years at an expense (at a "moderate computation") of no less than £3000. Eyre's interest was nevertheless still great, but his conduct had been "altogether incomprehensible":

"His friends are quite dejected and look upon all that is said to them as humming them, while No step is taken to Support them. I am afraid if L - C[arlisle] comes here before Mr E all his Labours will be lost, and his Interest which a few Months ago might have been made impregnable will be given up without a competition. I

1. Major General John Beckwith commanded the twentieth regiment at the battle of Minden and the brigade of Grenadiers and Highlanders also in the Seven Years' War. His son was Sir George Beckwith (1753-1823) the General and Governor of St Vincent and Barbadoes (see Lieutenant-Colonel Bolton's article in the D.N.B. (1908), II, 88-9).

wish my fears may be ill-Grounded; His friends have been exposed to Temptations too great to be resisted according to the general Course of Human Nature; the least Support from him wou'd have made a very material Difference; it pains me to Say any More..."

The news that Lord Carlisle was to be at Morpeth on 14 October 1773 stirred Eyre into action. Whether or not he received any further warnings from his friends at Morpeth is not clear, but, at all events, six days after Trotter wrote the above to Spottiswoode, Eyre made a virtually non-stop dash to Morpeth. On 14 October he addressed a hasty note to Trotter from the Bull Inn, Newcastle:

"I am this Moment arrived, after travelling two Nights & one Day without ever getting out of my Chaise but to change, and by that Means have got Ground upon the Earl about five Hours as I compute. May all good & Happiness attend the People of Morpeth; assure them of my highest Regard, And that in Half an Hour after you receive this, I shall in Person have the Pleasure to assure them and you how much & sincerely I am their & your devoted

Fras. Eyre

P.S. Call the People together instantly; not a Moment is to be lost & Send back the Messenger to meet [me] a Mile from Morpeth".¹

Whether or not Eyre reached Morpeth before Lord Carlisle is not known, and unfortunately there is no evidence to show what happened when the rival sides joined battle.

Trotter, indeed, later claimed that Eyre had been promised the votes of all the true friends of freedom in the corporation for himself and his colleague (who had not yet been named) and that he had "a very great Majority of Votes"²

1. M.C., II, f. 10.

2. Trotter to Joseph Wilson, 29 October 1773 (M.C., II, f. 13).

but, on 11 January 1774, Spottiswoode reported that Lavie and others of the Carlisle party gave out that they had the borough "hollow" and were "dead certain" of both seats.¹ "There must be a great Mistake on Some side or other", Spottiswoode observed, but Trotter replied: "The Gasconades of Lavie are Natural Enough; they must talk bigg to Encourage Candidates and keep the Spirit of their party up; they seem a good deal dejected at present and I am positive they are yet far from a certainty even in respect to one Seat".² It did not appear, he added, that Eyre was in any danger himself, and, as several more of the freemen had declared for his colleague since Eyre was at Morpeth, it seemed "far from being impracticable to Succeed with both", provided the colleague was a man of spirit and fortune. Much, however, depended upon Eyre's naming a colleague before the candidates in the Carlisle interest appeared.

Eyre, however, was still unable to find a colleague. He had evidently been negotiating with someone who had hoped to secure the Government interest, but, Spottiswoode reported on 11 January 1774: "The Treaty with S: is not Concluded: Ministry Stand aloof; Severall others are treating now, but there is but one Man who looks Like Closing wt the Terms".³ Trotter remarked in his reply that he did not think that "S" (whose identity cannot be ascertained) would have had "weight enough without ministerial influence".⁴

1. To Trotter (M.C., II, ff. 25-6).

2. 25 Jan., 1774 (*ibid.*, ff. 30-2).

3. As in n. 1.

4. As in n. 2.

Spottiswoode had evidently agreed to handle the financial side of the election campaign, and Eyre had apparently appointed Edward Newton as his chief agent at Morpeth.

"Newtons Bill of £200 is paid", Spottiswoode informed Trotter on 11 January 1774. "I have always been of your opinion that a few pounds in the hands of Mich: Hancock & your other Operator would do more Good than double the Sum Expended in Eating & drinking: they know as Well where as hold to attack; for this purpose you may, or you may desire M^r Crawford, to draw on me att three days Sight for £50; put 25£ into Each of their hands; they will keep an Account of the Expenditure; if this answers any Good purpose they shall have a further Supply when that is done: in Cold winter weather a little money goes a Great way; perhaps Sparkes Warriner & others of our old friends may be reclaimed & new Ones Gained".

Trotter readily approved this idea: "a Small Supply in this hard Season to poor People is peculiarly Acceptable", he replied on 25 January 1774, "and I hope will be attended with good consequences - M^r Crawford will draw upon you for the amount in a few days". If Eyre could secure a colleague, Trotter declared, such measures might be taken before he appeared in the borough as would "infallibly Secure Success" and save money; this would "answer a much better purpose than rioting & drinking, the effects of canvassing".

"The publick Houses", he continued, "are now pretty well shut, and I shou'd not wish to see them soon opened: but some of the fellows who like a drink are perpetually teasing for a shilling to quench yr thirst, and often a dram into ye bargain. I shall have a hopeful time of it for 12 Months; Newton is never to be seen & when anything is to be done I must take the trouble. Therefore if any effectual Measures are to be taken they must be executed by Hancock, Singleton & others & ammunition sent in the Channel you have Pointed out, only take Care of yourself".

From this last caution it appears that Spottiswoode was using his own money for the purposes of the election and was not merely administering a fund that Eyre had placed at his disposal: presumably, Eyre had undertaken to reimburse him, but it obviously behoved Spottiswoode to be cautious.

"If any thing cou'd be contrived to promote any branch of Trade to keep Some of the poor fellows constantly employed", Trotter observed, "it woud save a deal of money. Is there not sometimes commissions of shoes sent to the West Indies? If any commission of that kind cou'd be got, Hancock cou'd execute it well & I suppose cheaper than in most places, & I only hint this as a Saving scheme if such a thing could be done without loss; besides it woud add to our Interest".¹

Trotter sent this letter with one to Eyre enclosed "Under Cover to M^r Adam Adelpho". "Will you be so good to make an Appology to him for it", he asked Spottiswoode, "as I may possibly for ye sake of Safety trouble him with some others for you". The lessons of the 1768 election campaign as to the untrustworthiness of the employees at Morpeth post office had not been forgotten.²

Trotter's letter to Eyre concerned the two Lumsden brothers. Although William Crawford had reported in October 1772 that they had been dismissed from their fulling mill, it appears that Lavie had for a time contented himself with ordering Lord Carlisle's tenants to give them no employment. Now, however, he had ordered that they should be given definite notice to quit.

1. To Spottiswoode, 25 Jan., 1774 (M.C.,II,ff.30-2).
2. See p. 151 and pp. 213-4.

"Your two friends the Lumsdens acquainted me the other day"- Trotter told Eyre - "that Lavie not contented with discharging the Lords Tennants to employ them in their business had ordred the Steward to give them Notice to quit their fulling Mills on the 12th. of May next. You see Lavie is put to his last Shifts; but acts of cruelty, oppression and injustice can never make friends but generally end in the destruction of such Tyrants.

"The Case of the Lumsdens is a very particular one; I dont know a friend you have can be affected in the Same manner; their Bread depends upon their business; and that cannot be carried on without their Mills; Notwithstanding they behave with manly fortitude and persevering Virtue of old Romans *non vultus instantis Tyranni mente quatit solida*. Yet it is a pity such honest Men shou'd be ruined for discharging the Sacred obligations of Truth, of Honor & Gratitude".¹

Their one resource was the "humanity" of the Duke of Portland whose estate was "equally conveniently Situated" for a fulling mill: if he would give permission, the Lumsdens would build one on his estate at their own expense and take it in lease at a small annual rent for forty-two years, or, if the Duke chose to go to the expense of building the mill, they would pay 6% for the money so expended, take the mill in lease for twenty-one years and leave everything in sufficient repair on the expiration of that term.

"These proposals appear fair and Equitable", Trotter continued, "but in what manner can they be laid before his Grace? Can you do it with propriety? I think from the known candour, humanity and virtue of that amiable Nobleman, your request wou'd not be rejected. His Grace is very much respected in this Country, and He might if he Chused have an Interest in Morpeth Superior to Lord C -'s; but setting aside all election Interest, the Case of the Lumsdens merits the attention of every good Man who has power to curb oppression and redress their wrongs.

1. 25 Jan., 1774 (M.C., II, ff. 27-9).

"I can Say it with great Truth, that tho' they have more extensive business in the Country than any Tradesman in Morpeth, that I never heard the least complaint from them; they are deservedly esteemed as men of good Sense of Strict Probity and honor, infinitely greater in the Eye of Reason than a thousand Lavies or a thousand Lavies' Masters however ennobled: paltry trappings and blushing honors when unaccompanied with true dignity and real worth".

If Eyre would not approach the Duke of Portland the Lumsdens intended to apply to him through his Cumberland friends; but the sooner he was asked the better, for if he refused their request they would have more time to look elsewhere.

Eyre evidently agreed to handle the matter, but by 16 April 1774 - eleven weeks later - Trotter and the Lumsdens were growing anxious since nothing had been heard from him about it. The Lumsdens had now only about three weeks in which to find new quarters, and through the long delay were in danger - if Portland's answer was unfavourable - of being disappointed altogether. "If his Grace is not in Town", Trotter wrote to Eyre; "wou'd it be too much trouble for you to wait on him in the Country? or might not the petition be Sent? He wou'd certainly give an answer".¹ Eyre did request an audience with the Duke, but it was not granted. The Lumsdens, however, were "relieved" and from the following remarks which Eyre made in a letter to Trotter of 7 June 1774 it seems possible that Portland had agreed to their request, though the inference is not certain:

1. M.C., II, ff. 35-7.

"I am glad to find that the Lumsdens will be relieved; they are very fine honest Hearted Fellows & will never I hope be really distressed; I was doubtful about the Duke, but his declining to see me, I think now was more of Fear that he should be embroiled by me, than Want of Feeling for the Distresses of Lumsdens".¹

Meanwhile, Eyre's position had taken on a none too favourable appearance. On 16 April 1774 Trotter reported that the Bittlestones (from whom at least one vote had been expected for Eyre) were "irretrievably gone". The Carlisles had secured a place for Adam Bittlestone, for whom Eyre had made every effort to find employment, and this had secured the votes of the whole family. Besides, the family had gained the custom of Lord Carlisle, Lord Gower and many others: they did not value Eyre or his friends and seemed "devoted to Slavery". Trotter had told one of the members of the family that they would be the "detestation of all Mankind if they Sacrificed the Man who had made them free"; but though he was "abashed" he was not convinced. Another freeman, George Tate had been frequently with Lavie and abused Eyre: it was suspected that he had promised Lavie his votes, and Trotter did not think that Eyre had any chance of winning him over unless Tate's uncle, a man of property in London, interfered: "If he has no influence with Him", declared Trotter, "nothing can". "The base ingratitude of the

1. M.C., II, ff. 40-1. According to the Carlisles' rentals for 1774, the rent of the fulling mill from which the Lumsdens had been given notice to quit was £12 per annum. In the rental for 1775-6 the mill is described as "not Lett", which indicates that the Lumsdens had been obliged to leave it; but according to the rental for 1777-8 Henry Lumsden was again the tenant.

Freemen of Morpeth will be the detestation of the whole Kingdom", wrote Trotter, now thoroughly disillusioned.¹

Lavie's tactics were proving effective, and Eyre himself was no longer out of danger:

"Lavie has been 10 days canvassing & corrupting the People as usual", Trotter informed Eyre on 16 April 1774; "the Act lately passed about trying controverted Elections does not in the least intimidate him: and whilst places & farms & pensions are so liberally distributed, He seems no unwelcome Visitor. In Short, He has corrupted them beyond all conception, for these who stand off and wont declare themselves dont seem to act from a Virtuous principle; they are either afraid of disoblising Some of their connections, or wait to raise their price. Your want of a powerful Colleague so long has been a great loss to your Interest - Profit weighs with bad Men, and that they See lies in the opposite Scale. Lavie says (I am told) He has every Man in London except Geo: Crawford and Tom Dunn: is this true? The D of P[ortland]'s people Stand off: I am afraid his Grace will be against us.... I wish you was Safe: the Monstrous ingratitude and injustice of the corrupted freemen of Morpeth fills every honest Heart with much concern. We have had the Misfortune to lose lately by Death James Heron, William Fenwick & John Hall - W^m Wright of Whitehaven is also dead. If you have no Colleague it will be hazardous, if the Split Votes shou'd give them to the C - le Interest at their own disposal; and therefore great Care Shou'd be taken to prevent that if possible. I know not how to advise you after seeing so much venality & Corruption prevail amongst these, who from every principle that can bind Man to Man ought to have been firm & true against every Temptation to the Contrary - 'Tis true you are yet Strong, but not so Strong as to put you out of danger. How more strength is to be gained I know not, When Ministry, places, pensions, farms and Every thing but virtue is against us?"

Two months later Eyre reported that he had still not found a colleague: he had been in treaty with several, but

1. The account of the behaviour of the Bittlestones and George Tate is taken from two letters which Trotter wrote on 16 April 1774, one to Eyre (M.C., II, ff. 35-7), and the other to George Crawford (ibid., ff. 33-4).

they were all "such mean Creatures" that he had not been able to get a man who would (in his opinion) effectually serve the friends of Liberty at Morpeth.¹ This delay in securing a colleague was the more serious in view of the fact that the Carlisles had both their candidates fixed and were about to introduce them to the borough. Both candidates were related to the Earl of Carlisle: Peter Delmé was his brother-in-law, and William Byron, only son of the fifth Lord Byron, was his cousin (Carlisle's mother being the daughter of the fourth Lord Byron). It is possible that the Carlisles had named their candidates several months previously - they may have been declared when Lord Carlisle visited Morpeth in October 1773 - but as yet they had not appeared in the borough. Probably one reason for this was that Delmé, despite the "very large paternal estate" which he had inherited, was short of money - the consequence of over indulgence in several "fashionable vices".² "I am well assured that Mr Delmé wants to mortgage his house in Grosvenor Square to raise a Sum of Money for the purpose of this Election", Spottiswoode told Trotter on 11 January 1774, "but I have not yet heard that he has Succeeded".³ It was a considerable time before he did succeed because, though he did not know it, he was

1. Eyre to Trotter, 7 June 1774 (M.C., II, ff. 40-1).

2. English Chronicle 1780 or 1781 quoted in the History of Parliament Trust's biography of Delmé. He was born in 1748, and besides succeeding to the very large estate of his father, Peter Delmé, M.P., he inherited £140,000 from an uncle. But by his extravagancies he "considerably diminished the superabundance of that

negotiating indirectly with Eyre:

"I now come to tell you what was some Satisfaction to me", Eyre wrote to Trotter on 7 June 1774, "the lending the great Mr Delme as he is called by my Adversarys three thousand pounds; previous to this he declared that all he had in the World, Except his House in Grosvenor Square was Mortgaged or settled. This House was not thought by my Friend a sufficient Security; I was kept concealed from Delme, and thereby got out his Secrets. I threw it off from Month to Month, made my Friend tell him it was to throw away at Morpeth where he wo^d not Succeed; he was mean enough to submit to have his Chimney pieces and Ceilings valued on our doubting it to be good Security - This Delay of mine occasioned Lavie's Delay - it was at last done - you cannot guess at the Amazing Distress of my Lords Affairs; however, as they have got Money, Watch them by all Means; Fenwick is so very open that you may catch him often & often at Bribery. This must be done, even if some of our best Friends are obliged to do it".¹

The procedure established by the Grenville Act for the trial of controverted elections would render bribery a very difficult and dangerous practice, he added: "I must therefore repeat to you to have a strict Eye upon Andrew Fenwick".

A week later (14 June 1774) Delmé and Byron accompanied by Lavie arrived in Morpeth. Trotter immediately informed Eyre who replied on 18 June that he was not at all surprised: "It was what you and I and all our Friends must naturally have expected and had I known it I co^d not have altered or Counteracted it...I observe you [are] a little fearfull; original affluence". He loved horse-racing, and indulged in a style of living celebrated for its magnificence. He had at one time a hundred men servants. After his death in August 1789, George Selwyn remarked that his wife (Carlisle's sister Elizabeth) would now be in more modest circumstances but free from "the constant dread of the consequences of a heedless dissipation"(H.M.C., Carlisle, p. 665).

3. M.C., II, ff. 25-6.

1. Ibid., ff.40-1.

I am not at all; I really don't think the Men will deceive me - I do not think the Candidates have much Money; What I lent or procured for them on the Mortgage of Mr Delmes House I really think went to stop other Gaps; However, be attentive to their Bribery: let us be Sure to bring it home to them - I shall come among them with a Colleague soon And I wo^d rather follow them at the End of a few Months than be upon the Spot now".¹

The day after their arrival Delmé and Byron canvassed "very peaceably". Lavie who accompanied them evidently did all the soliciting:

"It was observable", Trotter declared in a letter to Eyre, "the Candidates looked very Sullen & dissatisfied during the Canvass, no marks of approbation or regard being shewn them by the Populace; they had no address. I think I see How you will Eclipse ym if ever they meet you in y^e field of Contest. I never could hear that they ever asked any Votes for themselves, but Lavie asked for them - Your friends received them with such a determined firmness that they Say they never Spoke a word to them but were greatly agitated & looked affrighted when they heard the Tale of y^r oppressions & the Just Sarcasms thrown out agst. Lavie and Fenwick & Lord Carlisles Agents".²

One of the freemen had been somewhat rude in inferring that the candidates were "blockheads", but, so far as Trotter knew, they had received no other insult. Some of Eyre's friends replied when Lavie asked them for their votes in the presence of the candidates: "Certainly, Gentlemen, you must think the People of Morpeth the greatest Villains upon Earth if you Cou'd expect our Votes against the man that made us free". Edward Lumsden was

1. M.C., II, f. 47.

2. 20 June 1774 (ibid., ff. 50-4).

"exceedingly Severe upon Lavie" in the presence of the candidates and they heard "many Home Truths wch they did not like". William Crawford and his two sons received them with "great manliness":

"Young Bill Crawford asked Lavie how He had the impudence to enter that House after endeavouring to take away their Bread; He Said He did not expect to be insulted under that roof. I don't mean to insult you, replied Crawford, but to let these Gentlemen know what a villain you are, & the way is open to lead you out which brought You in. The Candidates Stood amazed, but Said little or Nothing, hoped they were not in the blame for these things. I don't blame you, Said old Crawford, but no Honest Man can wish you success in so bad a Cause: Gentlemen, will you be pleased to take a glass of wine. They thanked him & retired".

When Ralph Heron, one of the eighteeners, was approached by Lavie, he asked, "Am I a Vote?" "Yes", replied Lavie, "You are as good a Free burgess as any in Morpeth". "Then", Heron declared, "I will be a freeman and I give my Votes to Sq^r Eyre & his Colleague who best deserve them". "You Seem to be a very Poor Man", observed Lavie. "I am", Heron replied, "A very poor Man, as poor a Man as can be clothed in Rags, but I will be an Honest Man".

On hearing this story from two friends, Trotter had proposed that a small subscription should be raised and sent to Heron by an "unknown hand" in a paper inscribed "praemium virtutis". "He has 6 or 7 small Children", Trotter explained, "was long in a bad State of Health, & has nothing but his own hard Labour to Support them. He is Son to John Heron that old Roman in the poor House, one of the old votes made free by you whom Lord C - le's Estate

cou'd not buy".¹

"In short", Trotter continued, "we have Some as rare instances of astonishing disinterested Virtue, as others of the most abandoned principles & profligate villainy. When I consider the latter, I am filled with indignation & Heartily wish that neither you nor I Nor any Honest Man had ever Taken any pains about ye freedom of such wretches; When I consider the former My Heart Softens & I think all is well bestowed for the sake of such virtuous Men: for a Good Man one wd. even dare to die".

When the canvass was over and the "Slavish Venal Band" were drinking healths with huzzars, some young fellows hoisted the flag of Liberty and shouted Eyre. Immediately the windows of the house where the Carlisle party was assembled were flung shut and all was hushed in a moment. The young men then paraded the streets till nightfall, and though they were somewhat noisy and abusive they retired without doing any mischief. The candidates dined in private at Lavie's lodgings, but provided some sort of "Cheese & bread Entertainments" for their voters at Andrew Fenwick's and at the public houses which enjoyed the custom of the Carlisle party. Andrew Fenwick was not a publican, but he kept open house for all freemen and they could go there and drink what they pleased.

The candidates left Morpeth after spending little more than two full days there, and the day after their departure Lavie and Andrew Fenwick set out for Carlisle to do the same "dirty work" there. Trotter was well

1. Trotter to Eyre, 20 June 1774 (M.C.,II,ff.50-4).

satisfied with the conduct of Eyre's supporters during the attack. Edward Newton was as "extremely Active & clever" as Lavie and Fenwick; all during the canvass he kept a few freemen whom he was afraid to expose to temptation beside him; and, on the whole, Eyre's friends had behaved "nobly". Trotter himself appears to have been doing some canvassing about this time. He approached one of the Duke of Portland's tenants and read to him a letter which Eyre had recently addressed to the freemen in his interest:¹

"His Soul", Trotter declared, "was Melted & He Said No Man in Conscience cou'd refuse his Votes to M^r E but added, my bread depends upon ye D. of P[ortland]. I observed the D had not interfered, but that if He did He wou'd not be hurt, if He gave a Vote to M^r E from a p^{le} of conscience & reserved y^e other as a compliment to his Grace, that the D. after ye. affair was over wou'd like him ye better for being an honest Man; He said He was determined to do So & that He w^d make no promises to y^e other side, & that his brother Robin w^d reserve his other vote also & not promise it at present..."

Several other freemen had promised to vote for Eyre, but most of them would be split votes. Still, as Trotter remarked, things looked "tolerably well" after their opponents' attack.

Meanwhile, Eyre's friends had come to the conclusion that Eyre should try to form a connection with the Duke of Northumberland. On 7 June 1774 Eyre mentioned that John Wright had had some conversation about Morpeth with the Duke,² and a week later one of Eyre's friends, perhaps Edward Newton, wrote to Eyre from Morpeth as follows:

1. No copy of this letter has been found.
2. Eyre to Trotter (M.C., II, ff. 40-1).

"At the instance of Many of your friends here, I am desired to acquaint you that after having looked round the Country and considered your Situation in this Borough they cannot find any person so proper for you to be connected with as his Grace the Duke of Northumberland. If his Grace would choose to have one of his Sons to Stand with you for Morpeth or to recommend any relation or friend, there can be little doubt of the success of both, because the Inclinations & affections of the People in general being clearly with You, the weight of the Duke's Interest added to yours would be more than a counterpoise to Lord Carlisle's which one would think should be upon the decline, as we are well informed that He is either gone or going to retire into a foreign Country upon an annuity the Bounty of his Creditors. There is a particular reason for recommending the Duke of Northumberland to You, because He has not only shewed himself a friend to Liberty in all publick questions, but as we understand Lord Percy intends to be a Candidate for the County of Northumberland it will be in the power of your friends in this Town and Neighbourhood to make a very considerable Number of Votes for the County which we have come to a resolution not to dispose of against your and the general Interest of Liberty.

"It is not only the Intention of the Freeburghesses your friends who are freeholders to make y^s use of their votes, but also of several others in the Town & Neighbourhood who have espoused your Cause on account of your having stood forth y^e friend of Liberty and of the oppressed freemen of Morpeth; it will be no diminution to the Honor of the Duke of Northumberland that it should be said He is the friend of an oppressed people within the County from which he derives his Title".¹

Trotter also wrote to Eyre about this time, and John Wright thought, in consequence of what had recently passed between the Duke of Northumberland and himself, that Trotter's letter might be of use to Eyre if he had a conference with the Duke. Trotter, however, had "no

1. The letter is endorsed "Copy to Mr Eyre, June 15th 1774" and is unsigned. It may, however, have been written by Edward Newton, Eyre's agent. It is preserved in M.C., II, ff. 44-6. Hugh Percy (Smithson) first Duke of Northumberland of the third creation (1715-1786) had opposed Eyre when he petitioned against Sir Matthew White Ridley in 1768: see above, pp. 253-4. About the Duke, see D.N.B.

opinion of the Patriotism of such Men", for, no matter how they differed in their political sentiments, they all seemed to agree in support of "Aristocratical power".¹

His suspicions proved fully justified. Eyre waited upon the Duke and gave him Trotter's letter:

"...He read it repeatedly with Attention", Eyre told Trotter, "thanked me kindly for the Offer, talked long and freely on the Matter and Assured me he would think of it & either propose somebody or let me know his Opinion upon the whole, as of the next Tuesday Sennight; I told him perhaps he might forget - Oh - No, by No Means; you shall certainly hear from me - He went out of Town without even a Compliment, nor have I heard one word from him since - I even made him such offers & Concessions that I am hurt in my own Mind about it".²

Thus, on hearing from Spottiswoode that a meeting of the freeholders of Northumberland was to be held shortly at Morpeth to nominate the candidates for the county, Eyre immediately wrote to Trotter so that he might "know how to treat His Grace for his above mentioned polite behaviour".³

The county meeting was in fact held on 26 July 1774 - three days before Eyre wrote this letter. Four candidates were nominated: the Duke of Northumberland's son Lord Algernon Percy, Sir John Hussey Delaval, Sir William Middleton of Belsay, and William Fenwick of Bywell. A show of hands appeared in favour of the latter two who stood in opposition to the Duke of Northumberland's alleged design to force two Members on the county, despite

1. Trotter to Eyre, 20 June 1774 (M.C., II, ff. 50-4).

2. Eyre to Trotter, 29 July 1774 (ibid., ff. 55-6).

3. Ibid.

his repeated declarations that if the gentlemen of the county would support his son he would "coincide with the sense of the county in the choice of the other member". The supporters of Percy and Delaval strongly denied that the show of hands at the meeting at Morpeth represented the sense of the county: they alleged that the meeting had been packed with non-freeholders to procure a majority in favour of Middleton and Fenwick, and declared that a large body of gentlemen and freeholders of the greatest property in the county all supported Percy and Delaval and truly expressed the sense of the county, since they voiced not only their own sentiments but also those of their tenants and neighbours which they had been "authorised to communicate".¹

As one of Eyre's friends had pointed out some weeks previously, the freemen in Eyre's interest, and those who although not free burgesses of Morpeth sympathised with him, had power to "make a very considerable Number of Votes for the County" which they had agreed not to use against Eyre or against the "general Interest of Liberty".² Three days before the county meeting, this group issued the following manifesto:

1. See collection of the papers published during the contest in the Northumberland Poll-Book for the elections of 1748, 1774 and 1826 (Alnwick, 1826).

2. See above, p. 387.

"We, being Freeholders of the county of Northumberland, do voluntarily promise and engage to unite as honest men, to give our votes and interest to these candidates only, who shall offer themselves to represent this county in Parliament, at the next general election, who shall declare themselves supporters of the free constitution of this kingdom, against all undue influence; and who will also give their assistance to support the freedom and independency of the borough of Morpeth, in opposition to all arbitrary power and usurped authority".¹

Since the Duke of Northumberland was regarded as a "friend to Liberty",² such terms did not necessarily exclude the possibility of an alliance with him; but in the event it was Middleton and Fenwick who "cheerfully complied" with the conditions, and at a general meeting the freeholders concerned promised them their votes and interest.³ Trotter reported what had occurred, and Eyre replied on 3 August 1774:

"Your Letter which I received Yesterday with an Account of the County Meeting at Morpeth gave me inexpressible pleasure; I had in Effect answered it before by a Letter of last Fryday which I hoped would have reached you Time enough for the Meeting not knowing when it was to be & thinking from what I had from Mr Spottiswoode that it was to have been last Tuesday - I wish I had known it sooner; I think the Duke of Northumberlands Behaviour to me would have helped our Cause, consequently the County Cause.

"I beg you would present my most respectfull Compliments to the Worthy Candidates Sir W^m Middleton Mr Fenwick of Bywell & the other Independent Gentlemen you mentioned: thank them for the kind offer of their Assistance - that I hope for the Exertion of their generous Support in preserving the Independency of the Borough of Morpeth as well as the County of Northumberland, And that I Shall be happy in doing every Thing in my Power to contribute to it; More Particularly that if they would recommend me a Colleague I will joyn him with all my Friends".⁴

1. Northumberland Poll-Book, p. 55.

2. Unsigned copy of a letter to Eyre, 15 June 1774, see above, p. 387.

3. Poll-Book, p. 55, footnote.

4. M.C., II, f. 57.

As Eyre had remarked in his letter to Trotter of 29 July 1774, he had "taken all the Pains in the World" to try to find a colleague such as all his friends desired, "a Man of Honor and Fortune, with a Spirit to use it".¹ He had almost daily offers, "but when it comes to Expençe, oh No, they will have a Quiet Seat, & deposit, but risque Nothing". "As I want nothing myself", he declared, "so I cannot accept such", though he repeated that he was ready to receive or join anyone that the "town" would set up. Spottiswoode had told him of the "Thriving way M^r. Delaval and M^r. Phipps are in at Newcastle at an Expençe of about Seven Shillings a piece for their Canvass". (Thomas Delaval, despite Sir John Hussey Delaval's strong disapproval, had resolved to contest Newcastle upon Tyne in support of the burgesses who were at variance with the magistrates of the corporation.²)

"What a Lesson this to Morpeth", commented Eyre. - "To do this for Strangers who never did them any Service, whilst I with all my Services am to doubt of my Success & cannot come in and out of the Town under an Expençe of between five & Six hundred pounds - I am doing all that a Man can do to procure a Colleague, And I can get a hundred who would even be glad to spend fifty Times Seven Shillings & yet will not be Willing to risque what is necessary to effectuate their Return - What can I do? but wait; There is not one half of the Boroughs yet fixed - Fortitude and the Example of Newcastle Sho^d. be eternally before the Eyes of my Friends, and I am sure you will not fail to remind them of it".

1. M.C., II, ff. 55-6.

2. See Sir Lewis Namier's Structure of Politics (1957), pp. 96-7, and I.R. Christie's The End of North's Ministry 1780-1782 (1958), pp. 142-5.

"Let our Friends keep up their Spirits", he added, "And let Some of them take Fenwicks Money; I wish & want it of all Things; Let that be done by a Dozen true ones; it will preserve Us entire". He had, he declared, "every Reason to believe that Captain Biron never means to stand the Poll".¹

The connection with the independent candidates for Northumberland gave Eyre's friends new hope of securing a colleague for Eyre from the county gentry. Some weeks before the county meeting, Trotter had mentioned in a letter to Eyre that "Mr John Ord of this Town told Crawford Mr Orde of Fenham had a great desire to be in Parlt & Would Join Mr E but He was afraid of ye Expençe & that He had Exchanged some Letters upon ye subject".² But, when Byron and Delmé came to Morpeth, Ord of Fenham's steward accompanied Lavie on a canvass of Ord's tenants. "What a pity is it that Gentlemen of Independent fortune Shou'd give Such countenance & Assistance to support Despotic power!" - Trotter commented - "though I much question if Mr Orde knows any thing of his Stewards behaviour".³ About two months later, Trotter approached Ord personally; he also wrote to Colonel Charles Grey of Fallodon, brother of Sir Henry Grey of Howick leader of the independent party in the county, and evidently requested him to try to persuade Ord to join Eyre. Grey

1. M.C., II, ff. 55-6.

2. 20 June 1774 (*ibid.*, ff. 50-4)

3. *Ibid.* William Ord had succeeded his father to the Fenham and Newminster estates in 1768. He was High Sheriff of Northumberland in 1777. He died in 1789.

replied:

"I am favored with your Letter, and sit down to express my sincere wishes for success to Attend you and your friends at Morpeth; I clearly See Mr Ord to be the proper Person, and for that reason made use of every Argument in my power to prevail upon him to declare, and even to have canvassed the Town immediately; He did not seem Averse to it, but thought it Absolutely Necessary to consult his Relations, & Friends, previous to his Embarking in a business of that Nature, and on their Advice & Opinion, his determination depends".¹

On 13 September 1774, however, Ord wrote to Trotter from Fenham as follows:

"Upon a mature consideration of the matter you talked to me about when I Saw you at Morpeth: I cannot at this time as I could have wished, espouse the cause of the Freemen of Morpeth with Mr Eyre, without deviating from my honor, which I think is pledged to Lord Carlisle. You may be Sure I shall ever retain a great-full Sense of the intended favors of the Freemen: and shall hope that at some future time they will give me an opportunity of expressing how much

I am theirs and your Most obliged
and devoted Humble Servant
William Ord".²

That Ord's honour was pledged to Lord Carlisle meant not only the loss for Eyre of a colleague who in Trotter's opinion would have been undoubtedly the "properest person" to have ensured success,³ but also the loss of the several votes which Ord could control.

In his letter to Trotter, Colonel Grey had said that if Ord declined to engage "I know of no Person so likely to Accept, and so proper in every respect, as Mr. Dixon,

1. M.C., II, ff. 61-2. The date of the letter is not clear, but it was written in September 1774 and before the 14th of that month when Trotter replied to it.

2. M.C., II, f. 58.

and who, I hope if properly applied to, may consent; his Ill health, I believe, is his Chief Objection". When Trotter replied informing Grey of Ord's refusal, he declared that Dixon would in all respects be "very eligible", and he heartily wished that he would embark. Another possible candidate was Smith Lorrain:

"We had Strong hints from a particular friend of Mr Smith's of his desire to Engage", Trotter told Grey, "but we waited Mr Ord's answer. The time is so critical that I know not what to do; will you be so kind to communicate this to Mr Dixon without delay, & in the meantime I will Endeavour to see Mr Smith as soon as possible".

Two days later (16 September 1774), Trotter informed Eyre that there was "not the least doubt" but that one of the county gentlemen would join him, but, as his friends might not be able to settle the matter without him, they all thought that he should come to Morpeth immediately. All the county gentlemen who were well disposed towards him would be there at the races on 27 September. Eyre, however, did not reply to this or to any of the numerous letters which Trotter sent him. Perhaps the frequent disappointments he had already suffered made him doubt the sincerity of this new offer. Certainly, Spottiswoode received the news of it with little enthusiasm:

"Last time I saw Mr Eyre", he wrote to Trotter on 27 September 1774, "he told me you had mentioned to him that a Gentleman of the County had it under Consideration to Join himself to Mr Eys party as a Candidate for M: this would be a fortunate Event & a proper Time for the Declaration but I am affraid your County Gentlemen either want Spirit or Money".¹

This time, however, the offer was made in earnest. Undoubtedly, the independent party in the county had played a large part in promoting it. "To shew you that they were in earnest to support your Cause & the independency of the Borrough", Trotter wrote on 1 October 1774 to Eyre, "I have Sent you the inclosed hand Bill, which their Committee published in order to prevent your friends from being taken in by the manouvres of Lavie who is now here and following his old Trade of Corruption".² The following "advertisement", dated 23 September 1774, which was displayed at the market cross in Morpeth was perhaps a manuscript copy of the handbill to which Trotter referred:

"The Worthy Freemen of Morpeth are earnestly requested to withhold their votes and interest for a few days when a neighbouring gentleman of independent principles and of an unexceptionable character will certainly offer them his services in conjunction with Mr Eyre at the next general Election".³

The sudden dissolution of Parliament a week later (30 September) made it imperative that Eyre should take advantage of this offer without delay. "Your long silence amazes every Body here", Trotter rebuked him on 1 October,

1. M.C., II, ff. 63-4.

2. Ibid., ff. 20-23 (misplaced in the Collectanea).

3. Howard of Naworth MS. It bears an endorsement stating that it had been "put up at the Cross". Perhaps one of the Carlisle party took it away.

"I have written many Letters without the least answer".

"Mr Bigge of Benton near Newcastle who married Mr Ord of Fenham's Sister is the Person who has offered his Services to the Borough to Stand your Colleague - his Character is as fair as any Gentleman in the County, his fortune very independ^t & his Connections the most favourable that cou'd be wished except Mr Ord himself. Nothing more can be done without your presence, and if you are not set off before this reaches London, you are desired to lose no time in coming down and to Send a previous Letter to Mr Wright and another to myself at what day & Hour you expect to be at Durham, & We will meet you there and conduct you to Mr Bigge's House without appearing at Newcastle till all matters are Settled between you & proper measures taken for collecting the Gentlemen of the Party".

John Wright, who was with Trotter, agreed that no time should be lost by Eyre in forming the connection with Bigge and "publishing it by an immediate Canvass". "We desire you will bring all the original Letters of thanks with You", Trotter added, referring to the letters which many of the newly admitted freemen had sent to Eyre: "they will now have some effect".

It is not known when Eyre arrived but since the Morpeth election was fixed for 13 October 1774 he had little time for delay. When he did arrive, negotiations with Bigge were successfully concluded and the long desired connection with a county gentleman of character and fortune was at last formed. It remained to be seen whether or not it had been formed too late.

"There is one Thing which is very material, and may be more so, if I am close drove, which is the Determination of the Question about the Eighteeners", Eyre had remarked three months previously; "if both the old & New Freemen could be brought to Join in a Request in Writing to me to lay that Matter before the Court of King's Bench for the Opinion of the Judges next Term, I think it would be a very desirable Thing to all partys".¹ It is unlikely that Eyre pursued this plan ~~any~~ further: certainly neither he nor Trotter made any further mention of it. Trotter believed that the eighteners would certainly be "good votes" because Lavie and his assistants were very anxious to secure their promises for the candidates in the Carlisle interest.²

However eager Lavie and his fellow agents may have appeared to be to secure the promises of the eighteners, it is extremely unlikely that they regarded them as legal freemen. Indeed, they had already obtained Counsel's opinion against them. On 25 January 1774, James Wallace had given the following opinion on a case submitted to him about the eighteners:

"It seems to me that the mode of electing and presenting free Brothers to be admitted freemen of the Borough is an essential part of the Constitution of the Borough calculated to preserve a due proportion of freemen belonging to each company. - this constitutional regulation was both on the Tryal & on the motion for the new Tryal of the Cause alluded to [the mandamus cause, 1767] the strongest circumstance agt the claim

1. To Trotter, 18 June 1774 (M.C., I, f. 47).

2. Trotter to Eyre, 20 June 1774 (ibid., ff. 50-4).

of the Lord of the Manor to a previous approbation of every person to be a freeman of the Borough: for if, as was contended & proved, the unanimous presentment of the aldermen of persons to be freemen in the proportion stated was a part of the constitution of the place, the right claimed by the Lord defeated the object of the usage, namely a due proportion of freemen to belong to each company, as the Lord might vary the numbers according to his pleasure. I am therefore of opinion that the freemen who have been presented & admitted without the concurrence of the alderman of the Tanners' Company & a presentment of a proportional part from that Company are not legal freemen - If any of the Companies should become dissolved & incapable of acting, it might be a question whether the other companies might not present, but in the present case nothing appears necessary but to wait till a proper supply from ye tanners' Company can be had & which in course will happen".¹

At the Easter court leet 1773, several resolutions of the Tanners' company had been read whereby the company protested against the admission of persons as freemen, when no return had been made by their fraternity, as "illegal, contrary to the immemorial Usage and Custom of making Freemen in the...Borough, and in Subversion of the Rights and Privileges of the said Company of Tanners";² and a year later, the company resolved that these protests should be continued and that the alderman, or some member of the company, should protest against Thomas Robson and John Brown taking upon themselves the office of alderman, and against every act they performed as aldermen, since they were not legal freemen of the borough. It was further ordered that the alderman of the company should "as much as in him lieth prevent the Said Thomas Robson and John Brown from acting

1. Case for Mr Wallace's opinion (Howard of Naworth MS). The case and opinion of Kenyon, Lee, and Wallace are printed in Mackenzie's Northumberland, II, 192 sqq.

2. Court Book, sub. Easter 1773; cf. Records of the Tanners' company, book (b), f. 4.

in the Capacity as Aldⁿ and that he shall read or cause to be read these our Resolutions at the next Court Leet..."¹ The author of "A Narrative of the Oppressions of the Borough of Morpeth" hints that these protests were made from political motives. The company did not protest when the eighteeners were first admitted, "but when the time of a general Election drew nigh, some of that Company who were always devoted to the Interest of Lord Carlisle entered a protest against any future Admissions of Freemen till their Company had Free Brothers to Elect". Political considerations may well have had some part in stimulating the Tanners' protests, but the admission of the eighteeners was detrimental to the general interests of the company, since instead of one quarter of the freemen of the corporation being members of their fraternity the proportion would decrease with each group of eighteeners admitted, so diminishing the influence of the company in corporation affairs.

By October 1774 there were eighty-two eighteeners, and on the determination of their rights might well depend the result of the General Election. The position was in some respects similar to that in 1768, when the thirty-three mandamus men were in a comparable situation. There was, moreover, another similarity in the position as compared with that in 1768. At the Michaelmas courts held at Morpeth on 3 October 1774 (three days after the dissolution of Parliament) one of the new bailiffs ~~who were the~~ chosen

1. Records of the Tanners' company, book (b), f.5.

was Andrew Fenwick. Once again he would be one of the Returning Officers and have power to accept or reject votes of doubtful legality as he and his fellow bailiff pleased. In 1768 he had rejected the votes of the mandamus men: would he dare to reject those of the eighteeners, if that was necessary to carry the election for the candidates in the Carlisle interest for which he was an agent? Such action would be extremely provocative to Eyre's supporters. As the election approached feelings ran high. When Delmé, Byron and Lavie entered Morpeth they were attacked with dirt and stones.¹ "Ayres & Mr. Bigg are canvassing Morpeth where I am told there is great heat on all sides" - wrote Sir John Hussey Delaval on ~~about~~ 10 October 1774 - "I am told there Mr Delme & Mr Byron were much pelted with dirt and in great danger".² Before the election (it was later alleged) many had "in cold blood threatened Mr Lavie both by letter & in person that he never should go alive from Morpeth".³ The situation was inflammable: the conduct of Andrew Fenwick and Robert Cooper, his fellow bailiff, would largely determine whether or not there would be a conflagration.

1. Evidence of Germain Lavie before a committee of the House of Commons as reported in the Newcastle Journal, 11 March 1775.

2. To the Duke of Northumberland (Delaval MSS., box 17 (0)).

3. Account in the Newcastle Courant, 22 October 1774, by a "real bystander", expressing the Carlisle party's point of view.

CHAPTER XII

AN ELECTION RIOT

On Thursday 13 October 1774, the electors and many spectators gathered in Morpeth town hall for the poll.¹ Eyre offered himself first in what his friends called a very spirited speech and his opponents a very inflammatory one. He enumerated all the struggles between the "burgesses of the Town" and Lord Carlisle and his own part in restoring their rights and liberties. He declared with great warmth that they would have had no votes but for him: he had brought them from slavery to freedom, had been their "political creator", and if they would do as much for him as he had done for them he would be their Member, as he would have been but for the late "venal House of Commons", now happily dissolved, and if they did not exert themselves in his interest that day they might never have another opportunity. This speech was received with a "torrent of applause".²

1. The account which follows is based almost entirely on two sources: the signed declarations of various persons most of whom were members of the Carlisle party (Howard of Naworth MSS.), and the evidence of several witnesses before a Committee of the House of Commons: this evidence was subsequently published in the Newcastle Journal by someone styling himself "Your old Correspondent" who stated that he had had access to the notes taken by a gentleman who had attended the Committee. He also stated that the depositions of the Carlisle party's witnesses "must be particularly edifying to the people of Morpeth, who were witnesses to the transactions and have therefore the opportunity of comparing the facts with the representations on oath of these conspicuous personages" (Newcastle Journal, 11 March 1775). Fortunately, when he published the evidence he added footnotes which indicate in some instances which points he considered untrue.

Bigge then offered himself as Eyre's colleague. He addressed the electors "in a manner peculiar to freedom & virtue" and explained the "particularity of his connections" and ... stressed the "claim" he had to the votes of the freemen through the active part that all his friends had taken in defence of the independence of the county; he declared that "so particularly were his liberties & properties blended with theirs [the freemen's] that he only wished them to stand or fall together".

Delmé then spoke, "but his voice was so delicately low he could be heard only by a few very near". He said: "Gentlemen - I - come here to offer - to offer my services and I hope to be elected". Byron then declared himself to be Delmé's colleague and promised "everything for everybody" - at least that is how his speech is dismissed by the writer of an obviously partial account that appeared in the press.

A gentleman well disposed towards Eyre and his friends next made a "warm friendly speech" entreating the electors to "stand forth that day freely, and disinterestedly give their suffrages to men that would preserve them their liberties and properties". He reminded them of the last election that had been "unjustly obtained against them by a noble Lord's influence" and that

that very Lord had now sent down two more candidates to be imposed upon them through the agency of Lavie who had for some time been "tampering with the Free Burgesses".¹

Polling began between nine and ten o'clock in the morning. After a few of the undisputed votes had been polled, Eyre or one of his agents called John Carmichael, one of the eighteners. Andrew Fenwick immediately objected to his right of voting. Eyre asked Robert Cooper, the other Returning Officer, what his opinion was. Cooper replied that he had always thought the eighteners were not good votes. It was agreed that Carmichael's right should be argued by Counsel and that the right of the other eighteners should abide by the same determination. After Counsel on both sides had been heard, Andrew Fenwick announced that the eighteners would not be allowed on the poll. Cooper said nothing but evidently acquiesced. It was agreed, however, that Eyre might call on the eighteners to vote and note those who voted for him in his check-poll so that if he wished he could have their right determined by the House of Commons. In this manner the eighteners were polled, and Lavie, who took a check-poll for Delmé and Byron, noted those who voted for them.²

1. The Newcastle Journal, 15 October 1774.

2. Evidence of Andrew Fenwick and Edward Lawson the poll-clerk (Newcastle Journal, 6 May 1775); evidence of Robert Cooper given under cross-examination (ibid., 20 May 1775); declaration of Andrew Fenwick and Robert Cooper (Howard of Naworth MSS.).

Polling of the undisputed votes then continued, often amid "great noise and tumult", though the poll was not interrupted.¹ One freeman, however, was "so intimidated with the threatenings & other ill usage that he met with that he left the court without being polled".² And John Bowman later declared that he had heard threatenings at the entrance to the town hall and that two or three persons had told him he would be murdered if he did not vote for Eyre.³ Eyre made frequent speeches which "always produced a clamour",⁴ but when Bigge asked him to tell the people to be silent he did so, declaring that they were hurting his cause and that if they did not keep quiet he would quit the poll and leave the town.⁵ "This is not now your time", he is alleged to have added.⁶ Several times he attempted to silence the crowd and did have some success.⁷ He told Delmé and Byron that there might be some disturbance towards the end of the poll but promised that he would take care that they did not get hurt and that he would see them safe home.⁸ As polling drew to a close he advised them both to leave,⁹ but they chose to stay until the result was declared.

Darkness had meanwhile fallen and polling was being carried on by candle-light. After the last freeman voted

1. Declaration of Fenwick and Cooper.
2. Account of "a real bystander" (in the Newcastle Courant, 22 Oct., 1774) expressing the Carlisle party's point of view.
3. Evidence of Bowman (Newcastle Journal, 10 June 1775).
4. Evidence of Lavie (ibid., 11 March 1775).
5. Ibid. ; evidence of Cooper (Newcastle Journal, 20 May 1775).
6. Evidence of Lavie.
7. Evidence of Cooper.

Fenwick asked the poll-clerk, Edward Lawson, for the poll. He took it from Lawson, looked it over, and read out the numbers without the eighteners: Delmé 119, Byron 109, Eyre 100, Bigge 82. "I think", he said, "we must return Mr Delmé and Mr Byron". Immediately, William Wood, one of Eyre's friends who was standing at Eyre's side, called out: "Another false return, Gentlemen! Another false return!" - and jumped from the benches among the people. Eyre, however, called him back. "Shut the doors!" -several shouted - "Shut the doors! - Murder the rogues!". A mob rushed towards the hustings in a "furious, riotous manner". Lavie and the bailiffs attempted to get away, but two or three men grabbed Fenwick and Lavie and swore they should not go out; one threatened that Lavie would not leave the hall alive. Lavie and the bailiffs managed to get back to their places on the bench, Lavie receiving three blows with sticks or bludgeons in the process. Eyre immediately told Delmé and Byron that it was time for them to go, but just then someone hurled a candlestick which gashed Delmé's head. At the sight of the blood gushing from the wound, Edward Lawson took a fit, or fainted. Calling some friends to escort him, Eyre assisted Delmé from the hall;

8. Declaration of Fenwick and Cooper. According to "A State of the particulars relating to the Riot after our Election" drawn up by some member of the Carlisle party (M.C., IV, large vols, f. 196) "this promise came from Eyre in Consequence of the people being noisy during the poll".

9. Evidence of Cooper. Eyre, he declared, said to Delmé and Byron: "You had better go, you will be both returned".

several men armed with sticks followed and threatened to kill Delmé and Byron. At the top of the stairs someone struck Byron a severe blow over the head with a stick.¹

The doors into the town hall were now guarded. George Paul, a butcher, armed with a long heavy stick, threatened to brain Joseph Wilson, a farmer, if he attempted to leave.² And when Thomas Daglish, a cabinet maker, tried to get water for Lawson, Paul prevented him and someone struck him (Daglish) violently over the arm with a stick. Daglish told Henry Lumsden that Lawson was dying, but Lumsden replied to the effect that their deeds were evil and they all deserved to die.³ Eventually, Lawson was carried out, but not without some hindrance from the mob: one of the men who helped to carry him out declared that had the mob not believed Lawson to be dead it would have killed him.⁴ In the confusion, the blank return which Lawson had in his possession ready for the insertion of the names of the successful candidates was lost.⁵

Meanwhile, the bailiffs had been surrounded; their hats and wigs were torn off, sticks were thrown and thrust at them and shaken over their heads. Fenwick was struck a violent blow over the head and was dazed for more than

1. Evidence of Lavie, Robert Cooper, and Thomas Robson (for the latter's evidence see, the Newcastle Journal 17 June 1775); and the declarations of Fenwick and Cooper, John Young, Thomas Daglish and Joseph Wilson (Howard of Naworth MSS).

2. Declaration of Joseph Wilson.

3. Declaration of Thomas Daglish.

4. Declaration of William Bower.

5. State of particulars relating to the riot (M.C., IV, f. 196).

an hour.¹ John Young, sergeant of the corporation, was severely beaten; he tried to ward off the blows with the town mace; one of the rioters tried to wrest it from him while others struck him, mostly from behind. The rioters continued to beat him for about quarter of an hour.² Lavie and the bailiffs were still in great peril: "Throw them out of the windows" several rioters shouted, and in the market-place below an angry mob took up the cry. The windows were flung open as if the threat was going to be carried out.³ The whole mob then took up the cry that if the bailiffs wished to save their lives they must return Eyre.⁴ Cooper declared that they would return Eyre and anyone else the people wished. "Ah, rogues!" - came the reply - "Why did you not do it at the first?"⁵ (It was now half an hour since the riot began.) Cooper took a sheet of paper and wrote: "We do hereby return Mr Eyre & Mr Bigge as duly elected - Witness our hands this 13th Oct., 1774".⁶ Cooper read this out ~~to the throng~~, and, having signed it, the bailiffs gave it to William Leighton to take to Eyre or his agents. The mob grew quieter, but, when Leighton returned from Trotter's house, where he had shown the paper to Eyre's Counsel, and

1. Declaration of Fenwick and Cooper; declaration of Andrew Fenwick (who made a separate information also); declarations of Joseph Wilson and William Burn.

2. Declaration of John Young.

3. Declaration of Fenwick and Cooper; evidence of Cooper.

4. Evidence of Lavie.

5. Evidence of Cooper.

6. Declaration of Fenwick and Cooper.

announced that it was no return and good for nothing, the mob again grew furious.¹ Some again struck at the bailiffs and the universal cry was "Murder them, throw them out of the windows". The bailiffs protested that they would sign anything if their lives were spared, but as they did not know the form of a return they asked for a blank return and promised to complete it as soon as it was procured. Meanwhile, to "amuse" the mob, they produced the sheriff's precept, which was read out.²

About this time one of Eyre's supporters asked John Young the sergeant, who had been trying to conceal himself, whether he wished to go home. Young did not trust him, but after much hesitation placed himself under his protection. They moved slowly along the wall towards the door and seized a chance when the door was opened to thrust themselves out. As they were leaving the building, however, someone struck Young violently over the head; he staggered and collapsed against a wall; his protector called out that he was dead, but Young managed to get to his feet and, assisted by his protector and a young man, he got home, but not without being pelted with stones and dirt on the way. His arm and shoulders, he later declared, were "quite black" and he was unable to raise his

1. "W.L.'s account of how the bailiffs returned Francis Eyre & Peter Delme" (Howard of Naworth MS). W.L. was, presumably, William Leighton. See also the declaration of Fenwick and Cooper; evidence of Cooper.

2. Declaration of Fenwick and Cooper; evidence of Lavie. Joseph Wilson and several others sought to contrive to get Lavie and the bailiffs out of the hall lest they were murdered but, after going into a neighbouring yard to

hand to his head for three days.¹

Meanwhile, in the town hall, Lavie was being attacked by a man with a butcher's knife. The first two thrusts did not reach him, but at the third the knife became entangled in the buttonhole of his coat; by stooping, however, he escaped being hurt. Then, remembering that a friend had given him two pocket pistols, he drew one, but this produced a clamour from those around him; he was told to give it up; he replied that he had no objection to giving it up and ^{that he} ~~had~~ meant only to defend his life with it. He gave it to a man beside him, and, on being asked whether he had not another, he gave that up also.²

Lavie and the bailiffs had meanwhile asked one or two of those about them to inform Eyre of their danger and to request him to come and pacify the mob.³ George Fenwick went at once to Trotter's house and gave Eyre the message, but he replied that he had risked his life to bring out Delmé and Byron and would not put it any more in hazard. They (the bailiffs and Lavie) knew well what they had to do, he added, by which Fenwick understood him to mean that if the bailiffs returned him they would be perfectly safe.⁴ Several similar messages were sent to Eyre but he would not come.⁵

see whether it was possible to get them out the back way and finding this impracticable, they evidently gave up the attempt (declaration of Joseph Wilson).

1. Declaration of John Young.

2. Evidence of Lavie.

3. Ibid.

4. Declaration of George Fenwick.

5. State of particulars relating to the Riot.

About two hours after the riot began, a blank return on parchment was brought to the bailiffs. The mob shouted for Eyre to be returned and the bailiffs agreed, but then the question arose as to who was second. Lavie was asked who was second on the poll with the eighteeners: he replied that his book was lost; he knew Eyre was first on that poll, but did not know who was second. The bailiffs then asked some persons to go to William James, the attorney who had taken a check-poll for Eyre, and ask him to bring it to them.¹ James, however, refused to come and declared that he would not give up his poll for a thousand pounds. One of the messengers noticed that James' wife had the poll and, stepping forward, he managed to see the numbers at the end, and on returning to the hall informed the bailiffs that Delmé was second.² William James may have told two other persons that Delmé was second and shown them the poll: at all events, the mob was informed by two men, who had evidently seen Eyre's check-poll, that Delmé was second, and insisted that he should be returned with Eyre.³ After Cooper had written in Delmé's name, it was declared necessary to have some of the freemen's names inserted in the return. All at first refused to set their names down on it, but eventually some agreed to do so.⁴ The bailiffs then signed it and the return was given to the aldermen

1. Evidence of Lavie.
2. W.L.'s account.
3. Declaration of Fenwick and Cooper.
4. Evidence of Lavie.

to sign and seal with the corporation seal. Five of them signed it immediately, but the other two refused to do so unless they saw the poll. The mob again grew dissatisfied, but one of Eyre's friends interposed and said that as the bailiffs had done all they could it was better to let them go: they had agreed to complete the return the next day. It was now between eleven and twelve o'clock and it was agreed that the sheriff's precept and the return should be left with Edward Lumsden. Lumsden then advised the people to go to their beds and declared that he was going to his, whereupon all began to move out.¹ Lavie and the bailiffs managed with some difficulty to get out; some spat in Lavie's face, and when he came to the bottom of the stairs the only candle that remained was immediately put out. Lavie expected another attack, but one of Eyre's friends who had² promised to protect him saw him home.

Despite his promise of the previous night, Andrew Fenwick had no intention of completing the return the next day.³ When Edward Atkinson, one of the Aldermen, called on him, he declared that he would not go to Lumsden's house to complete the return and told Atkinson to tell Cooper to do nothing further in the matter.⁴ "I was struck with terror at the message", Cooper later declared, "and desired him to come down or that the consequence might be worse

1. Evidence of Lavie; declaration of Fenwick and Cooper.

2. Evidence of Lavie.

3. Declaration of Fenwick; evidence of Fenwick (Newcastle Journal, 6 May 1775).

4. Declaration of Fenwick; declaration of Atkinson.

than it was the night before".¹ He warned Fenwick that the mob would be "at him & pull down his house" if he did not do so.² Fenwick was perplexed, but shortly afterwards went to Lumsden's house.³

Accompanied by the aldermen, the bailiffs then made their way to the town hall where a crowd had gathered. There was, however, no disturbance.⁴ The two aldermen who had refused to sign the return the previous night now signed it, and the bailiffs and aldermen each sealed it with the corporation seal. Soon after this had been done, Edward Lumsden and William Wood informed them that Eyre wished to see the return. Cooper took it to Trotter's house where Eyre and several friends were gathered. Eyre passed the return round and William James immediately noticed that the bailiffs had not endorsed it.⁵ Cooper took it back to Fenwick and they both endorsed it, after which Cooper returned, this time with a guard,⁶ to Eyre and his friends; some of them called him rogue, others said he was an honest fellow. Eyre asked him what he meant to do with the return. Cooper said he intended to deliver it to the sheriff. Eyre replied that he had no right to do so: he was not the proper person to deliver it. Cooper retorted that he was the only proper person. Eyre declared that

1. Evidence of Cooper. 2. Declaration of Fenwick.

3. Declaration of Edward Atkinson; evidence of Fenwick.

4. Evidence of Cooper. There were, he said, about a hundred people in the hall.

5. Evidence of Cooper; declaration of Fenwick and Cooper.

6. Evidence of Cooper: he said that he thought it "best for my security to go back guarded".

it was his (Cooper's) duty to deliver it to any gentleman who would give a receipt for it, and asked whether he had any objection to James Tyler, one of those present. Cooper replied that he did not regard Tyler as a proper person for the purpose; Eyre contradicted him and declared that as bailiff Cooper was the most improper person to deliver the return; he repeated that he ought to deliver it to any gentleman present, and said, evidently with some warmth, "If you do not" - but broke off and looked towards the window. Fearing from what Eyre said that the consequences might be "worse", Cooper asked Eyre's pardon and gave the return to Edward Lumsden, but insisted on accompanying him to Alnwick where it was to be delivered to the sheriff. Lumsden and Cooper later separated by agreement; Cooper reached Alnwick first, but Lumsden delivered the return to the sheriff without him.¹

Thus ended what was probably the most eventful Morpeth election of the eighteenth century. Eyre had indeed been returned, but his majority depended on the eighteeners' votes which were of disputable validity, and the circumstances in which the return had been made were such as might occasion a petition. Hitherto the Carlisle family had spared neither trouble nor expense to preserve their interest in Morpeth; time would show whether they were determined to make yet another attempt to wrest the coveted prize from Eyre's grasp.

1. Declaration of Fenwick and Cooper; evidence of Cooper.

CHAPTER XIII

THE COMMITTEE'S DECISION

"My highest Ambition is gratified by the Honour you have conferred on me in electing me one of your Representatives in Parliament" - Eyre declared in an address to the "Worthy and Independent Free Burgesses" of Morpeth - "an Honour which I prize the more, as I cannot but flatter myself it proceeded wholly from a personal Attachment founded on Services that you have nobly rewarded".¹

"The Contempt which you have shewn for all venal Influence" (he continued) "your spirited and persevering Conduct tho' oppressed in every Instance where Despotism could Screen itself under the Shadow of Right, evince how well you merit that Freedom and those Privileges, which repeated struggles have at length, I hope, secured to you.

"My Obligations, seven Years ago, were as great to you as those of yesterday and they are as fresh in my Memory. The very considerable Majority of Votes I had on that Poll shews the honest Zeal with which you were actuated, and also justified my petitioning. The ill Success of that Petition we all remember with Concern: But as Mr Grenville's Bill had not then received the Sanction of the Legislature, I will not now reflect on a Decision which a Jury of the House of Commons would Surely disavow.

"In return for your Favour, Gentlemen, permit me to assure you of my unremitting Attention to your Interests and that nothing shall ever make me swerve from that Rule of Conduct which you have been so repeatedly pleased to approve. Those Rights & that Freedom which I was the happy instrument of procuring you I will ever defend according to my Abilities against all Innovators whatsoever. And as my Opponents have not ventured to deny my having a large Majority upon the Poll, and only

1. The Newcastle Journal, 19 November 1774.

complain of Violence, and a forced, not a false Return, it shall be my first Endeavour to vindicate the independent Free Burgesses of Morpeth from all Such Aspersions, and to convince the unprejudiced where those tumultuous Proceedings originated, who are the real Culprits, and who ought to be the Objects of Punishment".

A week earlier, the following address of William Byron to the "Worthy Freemen of the Town of Morpeth" had appeared in the Newcastle Journal:¹

"Accept of my sincerest acknowledgements for the high honour you have conferred on me in electing me one of your representatives in Parliament.

"Although the outrageous proceedings of an unruly Populace forced the bailiffs to sign a return contrary to their declaration & conviction, yet I trust the justice of the House of Commons will immediately set that matter right and will establish those legal Rights of which so atrocious an Attempt has been made by Fury & Licentiousness to rob you.

"The Support of your just Privileges being an essential Part of my Duty I here pledge myself to you that I will with the utmost Zeal prosecute the Invaders of them & those who abbetted Acts of such daring & inhuman violence".

In the same issue, Peter Delmé published his thanks to his supporters. The tumultuous state of the town, he declared, had made it impossible for him to pay his respects to them in person and he therefore sent them his "most cordial Thanks" through the press. "I reflect with the deepest Concern on the Dangers you incurred from the unbridled Fury of a deluded Populace", he added: "and as I received your Suffrages at the Peril of your Lives, I am determined to Support your Freedom & Independence at the Risk of every Thing that is dear to me, by making the

1. 12 November 1774.

most public Example of those daring offenders".

While Byron was making ready to petition against Eyre, Eyre was preparing a petition for his friends to present against Delmé:

"I shall send you next Post a Petition for some of the Burgesses to sign ag^t Mr Delme's sitting on Accont. of Bribery", he told Trotter on 19 November 1774, "& the Persons who sign it must not be the Persons who prove it. I think a Petition from Mr Bigge also may be necessary - The Merits will be clearly with us - Distress & Expen^ce will be what they aim at - And if Cooper is as honest as he professes, & will keep up to his Declarations & not submit to be imposed upon & sign any Petition or Affidavit to the contrary and pretend Force, there will be an end of all their blustering".¹

A fortnight later, however, the day after he had been sworn in and had taken his seat as Member for Morpeth, Eyre wrote: "I think a petition against me certain & am preparing for it - I wish George Grieve wo^d write Serg^t. Glynn a pressing Letter to be my Nominee; some Friends with Jack Wright might also press him".² To approach Serjeant Glynn, the "famous radical", Recorder of the City of London" and Member of Parliament for Middlesex, through the young and ardent Northumberland radical George Greive, son of an attorney of Alnwick, was not without precedent, for the burgesses of Newcastle in their dispute with the magistrates over the town moor had recently enlisted the services of Greive "to ask the Bill of Rights influence with Serjeant Glynn to come and plead their cause", and

1. M.C., II, f. 66.

2. To Trotter, 2 December 1774 (ibid., f. 67).

Greive had "cheerfully" complied with their request.¹

Meanwhile, Eyre had received from William James, the attorney, several affidavits, some of which, he declared, were "very strong as well to the Bribery as to Fenwicks swearing he never would return me".² Evidently, as in 1768, Andrew Fenwick had openly vowed that he would never return Eyre. On 3 December 1774, Eyre sent a petition for some of the freemen in his interest to sign, and a few days later he sent one for Bigge to sign, even if he had already signed and sent away any other: "Do the like by this for Fear of Accidents", Eyre requested. "This Petition must be returned & in my Hands by Saturday the 17.th instant", he added, "the next Monday being the last Day for receiving Petitions".³

On 6 December 1774, William Byron's petition was presented to the House. It set forth that

"Peter Delmé, and the Petitioner, at the Conclusion of of the Poll, had the Majority of legal Votes, in the Judgment of the ...Returning Officers, who declared the said Peter Delmé, and the Petitioner, duly elected Bur-gesses for the said Borough; and did intend to have returned them accordingly; but a daring and outrageous Mob, consisting of a great Number of Persons, by Violence and Threats, compelled the said Bailiffs to sign a Return of...Francis Eyre, instead of the Petitioner, together with the said Peter Delmé; And therefore praying the House, That the said Return may be altered, by erasing

1. See Sir Lewis Namier's Structure of Politics (1957), pp. 96-7. Having wasted his patrimony, Greive emigrated to America where he became acquainted with Washington and other founders of the Republic. He later settled in Paris and during the Revolution actively persecuted Madame Du Barry. In a virulent pamphlet which he published attacking her in July 1793 he styled himself "défendeur officieux des braves sans-cullottes de Louveciennes, ami de Franklin et de Marat, factieux et anarchiste de premier ordre et désorganisateur du despotisme dans les

the Name of the said Francis Eyre, and inserting the Name of the Petitioner in his Stead; or that the Petitioner may have such other Relief in the Premises as the Nature of the Case requires, and as to the House shall seem reasonable".¹

The same day, a petition of several Morpeth freemen was presented, setting forth that the Returning Officers were proceeding to return Delme and Byron, who had an undoubted majority of legal votes,

"when a Multitude of disorderly Persons, armed with Sticks and other Weapons, assaulted the said Returning Officers in a riotous and outrageous Manner, and, by open Force and Violence, obliged them to return the said Francis Eyre, instead of the said William Byron... whereby the Petitioners are deprived of One of their legal Representatives, and have had another illegally imposed upon them; And therefore praying the House That they may be heard by their Counsel against the said Return; and that such Relief may be granted to the Petitioners, and such Punishment inflicted upon the Offenders, as to the House shall seem meet".²

It was ordered that these petitions should be taken into consideration at 3p.m. on 24 January 1775. This evidently upset the Carlisle party's plans: "The Villainous Designs of the Rascally Bailiffs & more rascally French Jew have been defeated", Eyre reported on 8 December 1774. "Their Petition is gone to the Committee & is to be heard the 24th of next January".³ Exactly what these "Villainous

deux hémisphères depuis vingt ans". He was arrested on the fall of Robespierre, but was later released. He returned to America but eventually came back to Europe and settled in Brussels. He died in 1809 (see J.G. Alger's article on him in the DNB.).

Serjeant Glynn (1722-79), who was said to know more law than Dunning, was a leading member of the Society of the Supporters of the Bill of Rights and M.P. for Middlesex from 1768 to his death in 1779. He acted for Wilkes who later said of him to George III: "Sir, he was a Wilkite, which I never was" (see W.P. Courtney's article on Glynn in the DNB.)

2. Eyre to Trotter, 2 Dec., 1774 (M.C., II, f. 67).

3. Same to the same, 8 Dec., 1774 (ibid., f. 68).

1. JHC., XXXV, 15. 2. JHC., XXXV, 16. 3. M.C., II, f. 68.

Designs" were cannot be ascertained, but Eyre's statement implies that Lavie and the bailiffs had wished to have their petition (i.e., presumably, the one ostensibly from several freemen of Morpeth) examined otherwise than by a committee of the House. Perhaps they had hoped that the special circumstances of the Morpeth election afforded grounds for an inquiry before the whole House. At all events, there was certainly some discussion in the Commons about the Morpeth election. Eyre himself took part and evidently expressed himself with some warmth: "...I rather lost my Temper when I spoke upon my own Affair", he told Trotter on 8 December 1774, "but it had its Effect & got me many Friends - Lord John Cavendish, Sir Edward Astley, M^r Fuller - M^r Mackworth &&& who all spoke for me".¹ That some had spoken for him implies that others had spoken against him, but no record of any of these speeches has been preserved. The matter, however, was settled to Eyre's satisfaction, and for the moment he was confident of the outcome: "Say I am in good Spirits & that every Body says we shall succeed", he told Trotter. "I am tore to Pieces for Time", he added.² Presumably he continued to carry on his legal practice, and with his parliamentary duties and the preparations he had to make to defend his seat he would have little or no time to spare.

1. M.C., II, f. 68. Lord John Cavendish was M.P. for York; Sir Edward Astley, M.P. for Norfolk; Rose Fuller, M.P. for Rye; Herbert Mackworth, M.P. for Cardiff.

2. Ibid.

Eyre had no hesitation in voicing his opinions in the House: "I spoke upon a great National Question very coolly relative to Mr Grenvilles Bill", he reported on 8 December 1774, "& the Public say I got much Honor by it, as I succeeded".¹ This was evidently a reference to the debate which had taken place in the Commons two days earlier on the mode of proceeding with election petitions,² a subject so closely akin to Eyre's "own Affair" that it was something of an achievement that he had managed to keep his temper. But, despite his claim that he had gained much honour by his speech, it has not been recorded.

1. Eyre to Trotter (M.C., II, f. 68).

2. The question over the procedure to be adopted was raised by the Speaker (Sir Fletcher Norton) who pointed out that the standing order of the House stipulated that election petitions must be presented within fourteen days, but the recent Grenville Act had laid down that "whenever" a petition complaining of an undue election or return was presented a day should be fixed for appointing a committee to determine it. Charles Cornwall, a commissioner of the Treasury, proposed that the House should have, in the first instance, power to enlarge the time to more than fourteen days, as well as to reject petitions, if frivolous or ill-grounded. Dunning, however, vigorously opposed this: the probable consequence would be that a majority of the House "whether of this or that party (for we cannot be ignorant of what party is capable of doing) without enquiry, and perhaps only knowing the name of the town, or the petitioner, or chusing to usurp a jurisdiction to determine the merits in the first instance, could at once take upon itself to reject a petition, without any other hearing or trial whatever". He therefore moved that, according to the true construction of the Grenville Act, whenever an election petition was offered to be presented to the House within the stipulated time as established by the order of the House, it should be read without a question being put thereon. This was agreed after a debate and made a Resolution of the House (Parliamentary History, XVIII, columns 48-51; JHC., XXXV, 10). It was also agreed after a short debate that the order in which several petitions then about to be presented should be read should be decided by lot. Byron's and the other petition against Eyre were treated in this manner (JHC., XXXV, 15-16; Parl. Hist., XVIII, 51-2).

On 19 December 1774, Bigge's petition was presented to the House. It alleged that several of those who had voted for Delmé and Byron had been prevailed upon to do so "by several corrupt, illegal, and undue Practices of Andrew Fenwick, one of the Returning Officers, and others, Agents for the said Delmé and Byron", and that Fenwick and the other agents had employed corrupt, illegal and undue practices to obtain votes for Delmé and Byron: "whereby, and by the Partiality of the Returning Officers in rejecting the Petitioner's Votes, he was not returned as he ought to have been".¹

The same day, a petition of the aldermen and free burgesses of Morpeth was presented, setting forth, in phraseology identical with that of Bigge's petition, the alleged corrupt practices of Andrew Fenwick and the other Carlisle agents. It further alleged that the Returning Officer had rejected several legal votes tendered for Eyre and Bigge, and begged the House to declare Eyre and Bigge duly elected and the rejected votes legal.²

It was ordered that these petitions should be taken into consideration on 24 January 1775 at the same time as those of Byron and the freemen in the Carlisle interest. On 23 December 1774, however, a motion was made that the orders of 19 December for taking into consideration the petitions of Bigge and the aldermen and freemen, complaining

1. JHC., XXXV, 51-2.

2. Ibid., 52.

of an undue election for Morpeth, at the same time as those of Byron and the electors, alleging an undue return, should be discharged. An order was made that those of 19 December should be discharged, whereupon it was proposed that Bigge's petition should be taken into consideration on 12 July 1775. An amendment was proposed whereby the petition should be examined on 26 January 1775, but, the question being put, it was ordered that it should be heard on 12 July. A motion was then made that the petition of the aldermen and freemen should be taken into consideration at the same time. An amendment was proposed that the words specifying the time of the hearing should be left out of the motion and ^{that} Wednesday 1 February should be inserted instead. The question was put that the words which it was proposed should be omitted should stand part of the question, whereupon the House divided: ninety "Yeas" (including the Tellers - Lord Carlisle's intimate friends George Selwyn, Member for Gloucester, and Anthony Storer, Member for Carlisle), and twenty-eight "Noes", again including the Tellers - John Elwes, Member for Berkshire, and George Foster Tuffnell, Member for Beverley. The main question was then put, and it was ordered that the aldermen's petition should be examined on 12 July 1775 at the same time as Bigge's.¹

This was an important victory for the Carlisles: the two petitions which would necessitate an enquiry into the

1. JHC., XXXV, 61.

merits of the election had been temporarily set aside, and the hearing of 24 January 1775 would therefore be confined to the alleged forced return; all that Eyre's Counsel might say about bribery and corrupt practices on the part of the Carlisle agents would, at that hearing, probably be declared irrelevant. Eyre was now forced entirely onto the defensive, and by 12 January 1775 he was much less confident of success than he had once been: "The Force alone & the Declarations of the Bailiffs & the Mode of making the Return will be the Subject of the 24th when it will certainly come on to be heard", he told Trotter; "...I am unfortunate but persevering - If I lose my Seat, the Merits will occasion another Hearing".¹ It is not clear why Eyre described himself as unfortunate, though the context suggests that it was on account of the hearing of 24 January being confined to the question of the force and the manner in which the return had been made.

On 24 January 1775, a select committee was chosen to try and determine the merits of the return. In accordance with the procedure established by the Grenville Act, the Speaker ordered the Serjeant to convene the Members; one hundred and forty-eight appeared. Counsel and agents for the petitioners, and Counsel and agents for Eyre were then called in, and also the clerk appointed to attend the committee. The door was locked and the clerk read the orders of the day for taking the petitions into consider-

1. 12 January 1775 (M.C., II, f. 116).

ation. A box sealed with the Speaker's seal and containing the names of all the Members of the House was then placed on the table, and an attestation, signed by the Speaker, that the contents of the box had been made up in his presence the previous day, in the manner prescribed by the Grenville Act, was read, after which the box was opened, and the clerk's attestation that he had placed all the Members' names in the box in the presence of the Speaker was also read. The clerk placed the Members' names, written on separate pieces of paper of approximately equal size and rolled up in the same manner, in equal numbers into six glasses. The papers in each glass were shaken together, and the clerk then proceeded to draw out one from alternate glasses. The Speaker read out the names thus drawn. Only the Members actually present were selected; the names of absent Members, when drawn, were set aside, as were those of Members against whom a petition was depending or who had already been chosen to serve on another select committee. In the course of drawing, eight Members were rejected because petitions had been presented against them which had not yet been determined, and six because they were serving on another committee.

When forty-nine names had been selected, the Speaker ordered Counsel on each side to nominate one of the Members present who had not already been chosen. Counsel for the petitioners chose Lord Carlisle's intimate friend Sir Charles Bunbury (Member for Suffolk), and Counsel for Eyre

nominated the Lord Advocate of Scotland (James Montgomery, Member for Peeblesshire). Neither nominee asked to be excused, and no objection was made to either of them.

A list of the names that had been selected was then given to Counsel on each side, and accompanied by the clerk they withdrew from the chamber. On their return, the clerk announced that Counsel for the petitioners and Counsel for the sitting Member had (beginning with the former) alternately struck off one of the forty-nine names until the following thirteen remained: Thomas Foley (Member for Herefordshire), Filmer Honywood (Steypning), William Howe (Nottingham), Richard Coombe (Aldborough), Molyneux Shuldham (Fowey), Christopher Griffith (Berkshire), Sir John Barrington, Bart., (Newton), Lord Wenman (Oxfordshire), Sir Thomas Miller, Bart., (Lewes), James Whitshed (Cirencester), Richard Milles (Canterbury), Lord Fredrick Campbell (Glasgow), and Sir Charles Cocks, Bart., (Ryegate). To these were added the two nominees, and the committee thus constituted was then sworn in, the form of the oath being as follows:

"You, and each of you, shall well and truly try the Matter of the Petition of the honourable William Byron, and also the Petition of the several Freemen and Electors of the Borough of Morpeth, referred to you, and a true Judgment give according to the Evidence: so help you God".

Counsel then withdrew, and the committee met immediately.¹

It seems, however, that it was the following day before

1. The above account is based on the Journals of the House of Commons, XXXV, 73-5.

the merits of the return were examined.

When the hearing began, a debate almost immediately arose as to whether anything should be heard on the merits of the election.¹ Eyre had expressly stated the contrary in his letter to Trotter two weeks earlier,² but the final decision evidently lay with the committee. Eyre's belief proved correct, however, for it was decided that nothing should be heard relative to the merits of the election.

A debate then arose as to whose Counsel should be heard

first.³ It was decided in favour of the petitioners'

(L. Kenyon), who accordingly began by stating how on election day Eyre had harangued the multitude and declared he was their political creator and great deliverer and that had it not been for him they would not then have been free to vote. Kenyon then described the tumult at the close of the poll, and how the bailiffs had at last consented to return anybody the mob desired: he explained how they had "returned" Eyre and Bigge, and later Eyre and Delmé, so that there had been, in effect, three returns - Delmé and Byron, Eyre and Bigge, and Eyre and Delmé - which showed that the bailiffs had acted under duress. Kenyon did not speak very long, but was "very severe against his opponents".⁴

1. Sylvester Douglas: History of the Cases of Controverted Elections...determined during the First Session of the Fourteenth Parliament of Great Britain...(London, 1775), I, 150; Newcastle Journal, 4 February 1775.

2. See above, p. 423.

3. The Newcastle Journal, 4 February 1775.

4. Ibid. In the account of the proceedings supplied

The first witness called was Edward Lawson, who stated that he had taken the poll and that the numbers, at the close, stood as follows: Delmé 119, Byron 109, Eyre 100, Bigge 82. He produced the poll-book in which the numbers appeared as stated. Counsel for Eyre (Mansfield and Wigmore) pressed Lawson to declare whether he had not taken down or whether he did not know the names of several persons who had voted besides those he had set down in the book produced. He answered, "No". He was then asked whether he did not know of a set of voters called eighteners. He said that he did: they were permitted to poll, but no notice was taken of their names;¹ the bailiffs rejected them all, but it was agreed that they might be called to vote^{so} that the House might determine their rights.²

Counsel for the petitioners next called Andrew Fenwick. Wigmore immediately objected: Fenwick was coming to declare a return to be false which he had given under his hand as true; if it were false he was liable to an action, and was therefore interested in giving an account of it. As Returning Officer he had taken an oath

by the "old Correspondent", it is stated that Kenyon "affected to be severe upon Mr Eyre's speech to the burgesses and to condemn the honest, though unsuccessful endeavours of his friends in opposing the torrent of BRIBERY with which they were likely to be overpowered, and even hinted the necessity of making use of Military force, to protect the authors, and to favour this infamous plan of corruption". In a footnote it is added that Kenyon's advice had been taken, "for the military soon after made their appearance at Morpeth" (the Newcastle Journal, 6 May 1775).

1. Ibid., 4 Feb., 1775. 2. Ibid., 6 May 1775.

to return those who appeared to have a majority on the poll, and in giving evidence, therefore, he must either perjure himself or show cause why he had returned others - a thing never allowed in any court of law. The case was similar to that of a jurymen who after a verdict was not obliged to give the reasons why he consented to it.

Kenyon replied to Wigmore's objection and "invalidated his quotations". The maxim that a man should not be admitted to prove his own turpitude was neither true in law, nor, even if it were, could it apply in this case, since nothing that the Returning Officer said before the committee could be produced against him in an action for a false return. Counsel proceeded to get into a "high debate", and the committee finally ordered the room to be cleared. Then, after some private deliberations, the committee resolved that Fenwick might be heard as to the return.¹

He was then called in and described how an objection had been made to the eighteners and how they were called to vote but not set down on the poll. Some of them, he declared, "voted for us" - a slip of the tongue, natural enough in view of his employment as agent for the Carlisle candidates.² At the close of the poll, he continued, "I declared Delmé and Byron duly elected - I did myself, Cooper

1. The Newcastle Journal, 4 February 1775; Sylvester Douglas, History of Cases of Controverted Elections, I, 150.

2. The Newcastle Journal, 6 May 1775. "Fenwick, one of the returning officers, was so accustomed to act as agent for Delmé and Byron that he could not help considering himself in that capacity, even before the committee" (footnote by "your old Correspondent").

by me did not contradict it".¹ He then described the riot and how, to save their lives, Cooper and he had offered to return anyone the mob chose: the people insisted on a return being made "according to the majority in favour of Mr Eyre". They (the Returning Officers) were released from the town hall on condition that they promised to return Eyre and Delme the next day. The next morning, he sent a message to Cooper and told him that he would not have any further part in the return. Cooper replied that he (Cooper) would then be in the same situation as before. Fenwick therefore decided to complete the return. He did so out of fear. In reply to a general question, he declared that he was afraid for his life. He was then cross-examined by Mansfield. He admitted that when the return was completed there was no riot, threats, or disturbance. He was then pressed to declare "whether the Aldermen were not shewn PREVIOUS to their signing, a list of the voters, among which were the EIGHTEENERS, and whether the reason of their signing was not on account of a majority being on THAT POLL?" He denied all knowledge of such a poll: "I never had any poll in my hand", he declared; "I had it

1. The Newcastle Journal, 6 May 1775. The following footnote is attached to this statement: "Instead of counting the numbers from the poll taken by Lawson...he counted them from a list of names which he carried into the hall, previous to the election, and which included none of the eighteners, from whence it is evident that he and his brother agents had determined before hand not to take their votes; and his zeal was so great to serve his lord and master, that he never consulted his colleague, Mr Cooper who therefore had no opportunity of contradicting him".

upon another paper - I had a list of voters in my hand - I had no poll". He told how two of the aldermen refused to sign the return until they saw the poll, but he repeated that no poll had been produced: he had seen none the next day. "I do not know who is to pay Lawson OUR poll clerk", he declared in answer to another question: "I did not believe we were to pay him". Asked whether Lavie had employed Lawson, he replied that he could not tell; but, when asked upon his oath whether he did not know that Lavie was to pay Lawson, he replied "Yes". He declared that he himself had received no more than one blow. A man named Merrick had told Cooper and him that they would not go out alive if they did not return Eyre. Fenwick saw Delmé "all bloody" in the arms of Eyre. "Do you believe that whatever it was that was thrown struck M^r Eyre first?" - he was asked. "No", he replied, "but I did not see it strike M^r Delmé". He was never satisfied, he declared, at the return of Eyre and Delmé: it had been made to appease the people. Sir Charles Bunbury, the petitioners' nominee, then asked him whom he would have returned had he been left to his calm judgment. "Delmé and Byron", he replied.¹

Robert Cooper was then called to give evidence. He described how Eyre had made a very long speech before polling began, how the eighteners had been rejected and

1. The above account is based on the report of the committee's proceedings which appeared in the Newcastle Journal, 4 Feb., 1775 and the minutes of Fenwick's evidence published in the same newspaper on 5 May 1775.

how riot had broken out at the close of the poll. He said that Fenwick and he would have returned Delmé and Byron had they been left at liberty to do so. He was "struck with terror" when Fenwick had informed him that he was not going to complete the return the next day. He gave an account in considerable detail of the altercation between Eyre and himself over the delivery of the return to the sheriff. He was then cross-examined. Asked whether Eyre's speech had been addressed to the voters, he replied, "Yes; I could not suppose it was to no voters". He said that after the riot began wine had been brought in and as he was in a "fainting situation" he had taken a draught which gave him a "good deal of ease". His cross-examination, as reported in the Newcastle Journal, 20 May 1775, then proceeded as follows:

"Did you yourself object to Carmichael [the first eighteener called to vote]?"

"Mr. Fenwick did - Mr Eyre asked me my opinion about the eighteeners - I told him it was always my opinion they were not good".

"Then you never declared yourself of any other?"

"NEVER when I declared my own sentiments of my heart. Even that night I was willing to say anything that might be pleasing to the mob to save my own life - It was my only reason - I never did say the eighteeners were good voters".

"You never said it?"

"If I ever did, it was with a view to saving my life".

"Then if you ever said it, it was only with a view to save your life?"

"I spoke to Mr Boutflower the next day and said what was most pleasing to the people - After the argument about the eighteners I said nothing but Fenwick did, and I silently approved it. Mr Fenwick and I employed one Lawson as our clerk - Mr Fenwick recommended him, and I agreed to it - Mr Lavie is Lord Carlisle's agent. Mr Fenwick and I are to pay him [Lawson]. I don't expect to be repaid".

"Mr Lavie, was he not desired to take a poll?"

"He did it by our approbation - but not by order - ...Barker and Brown refused to sign unless they saw Eyre's poll-check, or poll, cannot say which".

"When you cast up the poll, Mr Barker and Brown refused to sign a return that night, alledging for a reason they would not do it till they saw the number on Mr Eyre's poll or check poll?"

"Yes".

"Did you not meet at Lumsden's?"

"Yes! No poll was produced at Lumsden's either by me or by anybody else".

"Look at the poll you call your own poll".

"I know of no poll nor any produced at Lumsden's; I must have seen it if it was".

"Have you ever said, if it had not been for that fellow Fenwick, you should have returned the eighteners?"

"I never did, BUT IF I DID, it was not the sentiments of my heart - I do not recollect any such expression - If I ever said so, it must be from fear, and when it was at Mr Trotter's, among Mr Eyre's friends - It was through fear - I thought myself much obliged to Mr Eyre".

"Did you not hear Mr. Eyre thanked for his behaviour?"

"Mr. Bigge desired Mr Eyre to speak to the people - Mr Eyre desired them to be quiet till the business was over, and they seemed to be quiet a little while - When we were proceeding on the poll, Mr Eyre said, if you are not quiet I will quit the poll and leave the town".

"When you met the next morning about ten o'clock, how many were present?"

"Six of the Aldermen, and some others, and Mr Edward Boutflower, and then we went to the hall. About a hundred in the hall and no disturbance there".

"Did you apprehend a riot?"

"Yes, No I mean".

Cooper's evidence and cross-examination ended at three o'clock and the committee adjourned until the next morning.

Lavie was the next witness for the petitioners'. He declared that he was agent for Lord Carlisle who had property worth seven thousand pounds per year in the county of Northumberland.¹ About five or six days before the election, when Delmé, Byron and himself came into Morpeth, they were attacked with dirt and stones, and Thomas Green of Morpeth came close to his face and said, "You'r none of us", but gave no reason; another man joined Green and repeated the same words and told Lavie that it was through him that Eyre was likely to lose the election and declared that Lavie and others were sure to lose their lives. "I received several anonymous letters", Lavie said, when asked whether he had any reason to apprehend a mob, "acquainting me that if Mr Eyre was not returned I should certainly be MURDERED". As the business on which he was employed for Delmé and Byron obliged him to be frequently in the streets both day and night, a friend had lent him a brace of pocket pistols to prevent any sudden attack. He was asked who that friend was, but declined to answer. He did not know whether the pistols were loaded.

1. The minutes of Lavie's evidence were published in the Newcastle Journal, 11 March 1775.

He then described how Eyre had made a very inflammatory speech before polling began and frequent speeches, which always produced a clamour, during the polling. He had, however, attempted to silence the crowd and said "this is not now your time". Lavie then told how the riot had begun and begged leave to refer to a paper which he had written the day after:

"...I saw Mr Leighton with a candlestick in his hand which he threw and wounded Mr Delmé on the head. I got away from the place where I sat, and jumped where the bailiffs were. Mr Eyre told Delmé and Byron it was time for them to be gone, and that he would take care to conduct them safe home, and then called to some body in the hall to come and assist him. I saw the bailiffs attempt to move to go also, and I attempted to follow them - Mr Fenwick and myself got down below the benches. Two or three men laid hold of me and Fenwick...who swore we should not stir out. One of them told me I never should go out alive. I endeavoured then to get back to my place; the bailiffs and I got back, after having received three blows with bludgeons or sticks. The moment I got upon the bench I saw him close to me and received a blow from my friend Thomas Green who had threatened to murder me before he struck me with a stick. Then the cry was if we would save our lives the bailiffs must return Eyre. This was from the whole multitude; at the same time I saw both bailiffs receive blows. One of the fellows was Luke Nicholson - He struck Fenwick with a stick. Nicholson, a shoemaker, pulled off Fenwick's wig and hat - The mob in the hall cried - "Murder the rogues"... Cooper replied they would return Eyre or anybody else they pleased".

The bailiffs "returned" Eyre and Bigge and the mob grew quiet for a time, but when it was announced that this return was useless the disturbance again began, and Lavie thought that both the bailiffs and himself were, if possible, in greater danger than before. The universal cry was "Murder them, throw them out of the windows". Cooper

said they would sign anything as long as their lives were spared. A blank return was requested and at the same time the bailiffs and Lavie "desired one or two of the persons by us to go to M^r Eyre acquainting him with the danger we were in, requesting that he would come and quiet the mob; the answer brought back was that M^r Eyre would not come, and that we knew what we were to do to save our lives".

Lavie next described how he had been attacked by a man with a butcher's knife and narrowly escaped injury, and how he had drawn a pistol to defend himself. Then he told how, when the blank return had been brought, the question had arisen as to who was second on the poll, and how the information had been obtained from William James' check-poll. Finally he described how the bailiffs and himself had made their way out of the town hall and how the next day he had, while ill in bed, taken the poll, which had been lost but recovered, for his amusement and satisfaction, and made two partitions, in one of which he set down the votes which the bailiffs had rejected and in the other those which they had admitted.

John Bowman when giving evidence stated that he had heard threatenings at the entrance of the town hall; two or three men declared that he would be murdered if he did not vote for Eyre. When the numbers were declared, some called out of the windows: "A false return, throw them out and rip them open and burn their hearts at the bull ring".

The next morning he heard many people in the market-place say that if the bailiffs did not come to make the return in a more proper manner "they would bring them against their mind". The people were just as peremptory the next day as they had been at the end of the election. When cross-examined, however, he said he did not know the names of any of those assembled in the market-place.¹

Joseph Wilson then gave evidence and said that he had heard the bailiffs' lives threatened; he named several persons who had sworn to kill them. He saw John Merrick strike Byron. George Paul who was armed with a stick about as thick as Wilson's arm had told Wilson that he would knock his brains out if he tried to leave the hall. It was "such a mob as would frighten a STOUT MAN". Fenwick said that he would return anybody.²

After all the petitioners' witnesses had been heard, Eyre's witnesses gave evidence. Thomas Robson, a master saddler and ironmonger, who had been an alderman at the time of the election, stated that he had been in the town hall from about ten o'clock in the morning until eleven at night on the election day. He declared that there was no determination after the argument about the eighteeners: the bailiffs had said nothing in reply to it. Two aldermen had refused to sign the return because no poll had been produced. The next morning the bailiffs and aldermen

1. The Newcastle Journal, 10 June 1775.

2. Ibid.

and some other persons met at Lumsden's house:

"MR. COOPER TOOK A POLL OUT OF HIS POCKET AND LAID IT UPON THE TABLE. It was wet on the back; Mr Cooper said a woman gave it him the night before; he said it was one of their polls - he said he would have given £500 for it last night. By their poll I mean the bailiffs - somebody asked Cooper whose hand it was in; he said he thought it was Lavie's - said it was not Lawson's. Some people thought it was not Lawson's hand and therefore concluded it was not Lawson's. Cooper looked it over; he added up the different numbers upon a piece of paper, first one leaf, then another - the total of each leaf was cast up at the bottom - then he took the totals of each leaf and cast up the whole, and all the numbers upon the last leaf. Mr Fenwick, Cooper and all 7 aldermen and others were present. Mr Cooper then said the numbers are 160 for Mr Eyre, I am not perhaps exact, but do not differ above one or two, 149 for Delmé, I think it was, 134 for Bigge and 134 for Byron - the major numbers were a good way ahead for Mr Eyre and Delmé".

Cooper replaced the poll in his pocket and the bailiffs and aldermen proceeded to the town hall. The sergeant made a proclamation, the aldermen who had refused the previous night to sign the return signed it, and the bailiffs and aldermen then sealed it. After leaving the town hall, the bailiffs and four or five of the aldermen went to a public house and "had a glass together":

"Mr Marshall of Newcastle was there and desired the bailiffs would give him a state of the poll and how the numbers stood - Mr Cooper than took the poll out of his pocket again and told Marshall the numbers which were the same numbers as he gave us at Lumsden's. Mr Cooper said that William Wood did a very bad thing when he called out "a false return" before any return was made - if he had not called, they would have returned the first two candidates as they had done and there would have been no noise".

Robson was then cross-examined by Kenyon. He declared that the poll was carried on "with decency and

regularity"; Eyre called for silence several times, and others, including Lavie, did the same. When William Wood called "Another false return", the people "pressed hard up" and several got onto the bench. Some shouted "Keep them up till they make a just return", and many in the streets called "Toss them out of the windows". He believed that the eighteners were set down in all the polls. There had been an objection to Carmichael and Counsel had argued about him a long time; there was no further objection afterwards. The bailiffs made no reply after Counsel had pleaded. The next morning Cooper said that he thought that the poll he then produced was Lavie's. Robson was then closely questioned about this poll: how many pages had it; were the numbers at the bottom of each leaf? "Yes", he replied, "I am very positive they were". Kenyon then produced a poll. Robson thought that it was the same one, but was not certain. The bailiffs had not said a word about rejecting the eighteners. He heard a great deal of noise; a man at the door had declared that he (Robson) should not leave the hall until he had signed the return. Lavie had assured the bailiffs that Eyre was first on the poll but he did not know who was second. In answer to another question, Robson said that he had seen Delmé's face "bloody", but saw no sticks. The poll was¹ not interrupted.

1. Robson's evidence and cross-examination was published in the Newcastle Journal, 17 June 1775.

George Barker, one of the aldermen who had refused to sign the return until he saw the poll, then gave evidence. The morning after the election the bailiffs and aldermen met at Lumsden's. Asked whether a poll was then produced, he replied:

"Yes there was; Cooper took it out of his pocket; Fenwick was standing by.... I saw who were the first candidates and was satisfied - Cooper said and so did Fenwick that they both meant to return the first two upon the poll. - This was at Lumsden's, the town hall and at Dunn's. They said the two first were Eyre and Delmé. ...They all went after the return to Dunn's tavern; there I said to Fenwick and Cooper, gentlemen, had you not as well have produced the poll and have done this last night?"

He was then cross-examined and asked whether all was peaceable. "I was out and in several times", he replied.

"One Richard Wright offered to give a man a shilling to fight him, or give him the first blow.¹ I saw Lavie insist upon passing; he pressed Merrick to pass him, But Merrick said he could not. Then Lavie produced a pistol, put it to Merrick's breast and swore he would shoot him or put it home to him - I saw no violence". He did not hear the bailiffs declare the majority at the close of the poll: it was said that Eyre and Delmé were first, but he would not believe this because no poll was produced. The first time he had heard the numbers declared was the next morning and they were then declared from a poll.²

1. In a footnote appended to this statement it is said: "This was believed to be done with the view of producing a riot for Lavie to effect his purpose the better". It seems, however, extremely unlikely that Lavie or his fellow agents would wish to provoke a riot, in which they were bound to be in danger of being hurt themselves, so that they could have grounds for pleading a forced return in a petition against Eyre.

2. Newcastle Journal, 17 June 1775.

If any other witnesses were heard their examinations have not been recorded. Counsel for the petitioners insisted that the committee ought to make a special report against the rioters as had been done in similar cases - e.g. the Coventry election of 1772, when those chiefly concerned in a riot were ordered into custody. In the case of Morpeth, however, no special report was made.¹

On 27 January 1775, Lord Frederick Campbell, chairman of the committee, informed the House that the committee had decided that Eyre was not duly returned and that Byron ought to have been returned instead. The return was amended accordingly, but it was ordered that Eyre and the freemen of Morpeth should be at liberty to petition within the next fourteen days against Byron's election.²

Exactly how truthful were the witnesses who appeared before the committee cannot be determined, but some persons had no hesitation in casting doubt upon the veracity of those who gave evidence for the petitioners. The "old Correspondent" who supplied the Newcastle Journal with the minutes of the evidence declared that the depositions of Lord Carlisle's witnesses were bound to be "particularly edifying" to the people of Morpeth, who were in a position to compare the facts with "the representations on oath of these conspicuous personages".³ The truth of some of

1. Sylvester Douglas, History of the Cases of Controverted Elections, I, 152.

2. JHC., XXXV, 83-4.

3. The Newcastle Journal, 11 March 1775.

Robert Cooper's statements seems especially open to doubt. After the election he had certainly given Eyre's friends reason to hope that he would not be party to any petition alleging a forced return: "...If Cooper is as honest as he professes", wrote Eyre on 19 November 1774, "& will keep up to his Declarations & not submit to be imposed upon & sign any Petition or Affidavit to the contrary and pretend Force, there will be an end of all their blustering".¹ When giving evidence before the Committee, Cooper first denied that he had made certain statements and then qualified his denials in such a manner as showed that he had made them.² Perhaps, as he told the committee, he had spoken out of fear (though he admitted that there was no disturbance at the time), but in the Newcastle Journal of 11 February 1775 a very different interpretation was put on his conduct:

"We are informed on good authority that Robert Cooper, Andrew Fenwick's colleague, who in his testimony before the select committee on the Morpeth election, declared that by his free choice he would have returned Byron and Delmé, some time after the return as positively declared that he was well satisfied with the return as it stood as he believed Eyre and Delmé had the majority of legal votes; but 'Evil communications corrupt good manners'; the company of "You Lawson" (as he was called with a proper contempt by the committee) and the notorious Andrew Fenwick, is enough to corrupt gentlemen of much more delicacy than M^r Robert Cooper - N.B. Fenwick, Lawson and Cooper were all UPON OATH".

When Cooper's evidence was published in the Newcastle Journal, his statement that he had never said that the

1. Eyre to Trotter (M.C., II, f. 66).
2. See above, pp. 431-2.

eighteeners were "good votes" is annotated thus: "Mr W. Smith of Togston - Mr John Chaloner - ye people of Morpeth - say if this be Truth". The writer obviously believed that it was well known that it was not. Again, Cooper was presumably lying when he declared that Fenwick and he were to pay Lawson out of their own pockets, since Fenwick had already admitted that Lavie was to pay Lawson. It is just possible that Cooper did not know that this arrangement had been made, but it seems ~~more~~ probable that he was well aware of it, as it can hardly be supposed that he would have agreed to the employment of a poll-clerk without inquiring about the fee and who was to pay it.

The statement of Fenwick and Cooper that they had no poll when the return was completed the morning after the election seems open to serious doubt. Two witnesses declared that Cooper took a poll from his pocket, and the fact that the two aldermen who had refused to sign the return the previous night because they had not seen the poll signed it the next day suggests that a poll had been produced. One of the witnesses who declared that Cooper had a poll was himself one of the aldermen who had refused to sign without seeing a poll. If no poll was produced, the case for a forced return would be very strong indeed, as Eyre and Delmé had evidently been returned the previous night purely on hearsay in circumstances which gave the bailiffs cause to fear for their lives. If, as the bailiffs

declared, this return was completed without reference to a poll, their plea of a forced return would have every chance of success. If, however, a poll was produced by the bailiffs and examined before the completion of the return, the case was altered considerably. If Eyre and Delme had a majority on a poll, it was of little consequence that the bailiffs had been afraid: the vital question would be that of the validity of the eighteners' votes. The case that Eyre's witnesses sought to prove was that the bailiffs' attempt to make a false return by ignoring the votes of the eighteners led to a disturbance, and that the bailiffs finally agreed to make a just return of the candidates with a majority on the poll including the eighteners.¹ Had the committee accepted this version of the story, the plea of a forced return would have to have been dismissed, and the question of the validity of the eighteners' votes would perhaps have been left for a new inquiry, for which Byron would have been obliged to have petitioned afresh. The committee, however, accepted the story of the bailiffs and Lavie. Apart from the fact of the violence following the close of the poll, the allegations made about Eyre's own conduct must have weighed heavily against him.

1. The author of "A Narrative of the Oppressions of the Borough of Morpeth" expressed this view relative to the eighteners thus: "The Notorious Andrew Fenwick & Germain Lavie professed Agents of Lord Carlisle, offered Many of them bribes for their Votes in favour of Mr Delme and Mr Biron, but when they could not obtain a Majority, Andrew Fenwick and Robert Cooper the two returning officers at the last general Election in 1774 rejected them upon the Poll, and wou'd have returned Mr Delme & Mr Biron as

His alleged inflammatory speech, his absolute refusal to attempt to rescue the bailiffs and Lavie, his alleged declaration that the bailiffs knew what they had to do to save their lives, his dispute with Cooper over the delivery of the return - all this must have counted against him. Once again, then, he was faced with the task of petitioning against a sitting Member to gain the seat which it was his highest ambition to hold.

duly Elected, but the people interfered, and insisted that Mr Eyre and Mr Delmé who had the Majority of Votes shou'd be returned, and the return was made in favour of Mr Eyre & Mr Delmé".

CHAPTER XIV

A PETITION WITHDRAWN

On 8 February 1775, twelve days after losing his seat, Eyre petitioned against Byron. His petition set forth that, at the late Morpeth election, a great majority of persons having a legal right to vote duly voted for him and he was returned duly elected with Peter Delmé. After reciting Byron's petition of 6 December 1774, and that of the aldermen and free burgesses of Morpeth of 19 December the same year, and mentioning the decision of the select committee as to the return, and how the merits of the election "were not, nor could be, entered into before the said Committee, the Reference being confined to the Return only, whether it was under Fear, or according to the Declaration and Opinion of the Bailiffs", his petition continued thus:

"...the said Andrew Fenwick solicited Votes for the said Peter Delmé and William Byron; and the said Andrew Fenwick and Robert Cooper did, by their Conduct, manifested by frequent Declarations and otherwise, shew great Partiality to, and a determined Resolution to return, the said Peter Delmé and William Byron as duly elected in all Events; and that the said Andrew Fenwick and Robert Cooper refused to allow several Votes which were offered and given in favour of the Petitioner, which were good and legal Votes, and ought to have been admitted; and they admitted several Votes in favour of the said William Byron which were not good Votes, and ought to have been rejected; and that the said Andrew Fenwick acted as Agent for the said Peter Delmé and William Byron, and did actually bribe and corrupt several

Persons to vote for the said Peter Delmé and William Byron, and endeavoured to prevail upon several others, by Bribery and Corruption, to give their Votes in favour of the said Peter Delmé and William Byron, and assured several others, that in case they voted for the said Peter Delmé and William Byron, their Votes should be good and allowed, but if they voted for the Petitioner, they Should be bad and not allowed; and that the said William Byron, and also Germain Lavie, who acted at and previous to the Election as Agent for the said Peter Delmé and William Byron, and other their Agents, did bribe, and did endeavour to bribe, others to vote for the said Peter Delmé and William Byron, and were guilty of divers other indirect and corrupt Practices relating to the said Election; and that, by such and other partial, illegal, and unwarrantable Practices, a Majority of Votes was pretended, and declared by the said Bailiffs in favour of the said William Byron, contrary to Truth and Justice, and to the manifest Prejudice of the Petitioner, who had a clear Majority of legal Votes; And therefore praying (as the Merits of the said Election have not been heard by any Committee) the House to take the same into Consideration; and that the Petitioner may be declared duly elected and have such Relief as to the House Shall seem reasonable".¹

It was ordered that this petition should be taken into consideration on 12 July 1775, at the same time as those of Bigge and the aldermen and free burgesses of Morpeth.

Meanwhile, at the Sessions at Morpeth on 26 April 1775, bills of indictment were preferred against fourteen of those concerned in the disturbance at the election. True bills of indictment were found by the Grand Jury against eleven of the accused,² and at the Quarter Sessions, the following July, they were bound over to the Court of King's Bench. "...Legal malice is in a fair way of having its full scope" ran a comment on the prosecution in the Newcastle Journal of 22 July 1775, "but we have the

1. JHC., XXXV, 102.

2. Howard of Naworth MSS. (bundle 4); the Newcastle Journal, 29 April 1775, and 6 May 1775.

pleasure to hear likewise that a public spirited gentleman in the North has declared his intention of soliciting a subscription amongst his friends, for the purpose of supporting the cause of these victims of tyranny and oppression". There is no evidence to show whether such a subscription was in fact raised,¹ nor is there any evidence of the fate of those thus prosecuted.

According to the Newcastle Journal, the so called rioters were "prosecuted by order of a vindictive Jew". This was by no means the only example of hostile comment appearing in this newspaper against Lavie. On 4 March 1775, the following paragraph appeared:

"We hear from Morpeth that on the event of old Naylor's death, the living of that place was promised to Mr Ekins, late tutor to Lord Carlisle; but by some dexterous management, the son of the noted LEVI is to have that valuable presentation, and in the meantime a HACK is to be put in to officiate till the young Israelite is of sufficient age: Thus is holy mother church made the paymistress of panderers, parasites and corrupters of the people; for on the present plan of church preferment, we shall have our pulpits filled with no other than Servile Swiss, and the descendants of Jew Mercers. Mr Saint says that this living is worth 700£ a year; he is an authority in this case we cannot doubt. A pretty decent reward for the encouragement of FAITHFUL SERVANTS".

Whether or not Lavie had tried to get his son presented to the living at Morpeth is not known, but at all events Ekins succeeded Naylor as Rector.

Again, in the issue of 22 April 1775, it was reported that Lord Carlisle had withdrawn his donation of fifty

1. Among the records of the Weavers' company is an undated poll held to decide among other things whether the company should pay William Wood £3:3s - part of his charges relative to a riot. The company agreed by ten votes to two that the money should be paid to him.

shillings (corrected, the following week, to fifty pounds) from the poor of Morpeth, "because the freemen will not submit to slavery: Levi the Jew must have his pound of flesh". In the same issue, it was reported that two days previously

"general Lavie, alias Levi, passed through this town [Newcastle] in his way to Morpeth to review the troops, and consult with Andrew Fenwick, you Lawson and the gang, upon the future steps to be taken to reduce that borough and force the freemen to surrender their birth-right: he is likewise entrusted with the management of of Sir George Warren's affairs, and has appointed Andrew Fenwick his aide de camp and under secretary".

Earlier, in the issue of 18 March 1775, it was asserted that "Levi, the notorious Jew agent actually came into this country a French prisoner last war, and is now made a comptroller of English freedom". On 29 July 1775, however, the following paragraph appeared:

"We are happy to inform the public, and the free burgesses of Morpeth in particular that Germain Lavie, the quondam silk mercer in Pall-Mall, the corrupter general under my Lord Carlisle, the vindictive persecutor of every honest freeman, the patron of Andrew Fenwick... has received his discharge from the above nobleman, in consequence of which a new arrangement is expected to take place, and the servile followers of Levi display most rueful visages on the occasion".

The following week, the Newcastle Journal published some particulars about the dismissal of Lavie (which, it was declared, had given as much pleasure to Lord Carlisle's real friends as to the independent freemen) that had been supplied by an unnamed correspondent:

"Lavie, it seems, gives out, like other courtiers that he has resigned, and that he advised Lord C. to place his affairs in the hands of his lordship's father-in-law, Lord Gower; the fact however is said to be that Lord C finding no advantage from L's superior management, that he was not much better than his old steward, Mr Cleaver, and receiving complaints against him from all quarters requested Lord G to assist him in arranging matters and putting them on a different footing; this Lord G. refused, and it was not until lady C. his daughter had repeatedly intreated him in the most earnest manner, that he consented. Lavie's dismissal was the first necessary step to this reform, but it is said that he has involved his master during his short administration in 20,000£. additional debt. Lord Gower, however, is a man of sense, and very able to discriminate between just and unjust demands. - At present lord C. out of his immense fortune, has only 5000£ a year to live on - an income with which he must endeavour to be content for a few years, if ever he desires or hopes to retrieve his natural consequence in this country".¹

It is impossible to determine how accurate are the above statements, but it is certain that there had been a serious quarrel between Lavie and Lord Carlisle. In an undated letter to Lord Carlisle, George Selwyn commented thus on an encounter he had had with Lavie in the street: "He saluted me with a souris (sic) gracieux, affable, suffisant et content, comme si rien n'en etoit. He is undoubtedly one of the most impudent coxcombs I ever saw in my whole life; no words passed".² Again, after mentioning in a letter to Lord Carlisle that the Rev. Jeffery Ekins, the new Rector of Morpeth, was about to go there and wished to know what to say to the people about Lavie, Selwyn declared: "I believe that he can tell them nothing of his real character but what they know. They....had

1. 5 August 1775.

2. H.M.C., Carlisle, p. 752.

good reason to think he was a knave".¹

Meanwhile, very early in Michaelmas term 1774 (the first law term after the General Election), the Carlisles applied to the Court of King's Bench for rules requiring each of the eighty-two eighteners to show cause why an information in the nature of a quo warranto should not be exhibited against them to set forth by what authority they claimed to be freemen of Morpeth. Then, on 16 January 1775, Thomas Bowman (tanner), Charles Warriner (tanner), Edward Atkinson (tanner) and Joseph Warriner (yeoman) made an affidavit which was subsequently used to move to make the rules absolute. They declared that during all their remembrance, and, as they had heard and believed, from time immemorial, the custom and method of electing and admitting free burgesses of Morpeth was that each company elected a certain number of brothers, so that there were twenty-four in all, "and the Aldermen of the said respective Companies when they have Agreed & Concurred in making returns from all the said Companies & not otherwise, have returned the

1. 1 August 1775 (H.M.C., Carlisle, p. 282). According to the correspondent who supplied the Newcastle Journal with the details of Lavie's dismissal, as quoted on p. 449 above, a poor freeman and pensioner hearing of it took alarm, and asked Andrew Fenwick whether his pension was to be continued: "being answered that 'now he did not know', or 'he believed not', or words to that effect, the poor wretch finding himself likely to be duped, although he had taken the bribery oath to oblige them at the election, went home and cut his arteries in a most shocking manner; he is not, however, dead, but it is to be hoped will yet live to wash out the foul blot from his conscience, and do away his iniquity before he enters on 'That undiscover'd country, from whose bourne No traveller returns'".

Lavie died in 1781. Writing to Lord Carlisle on 10 March that year, George Selwyn mentioned "the catastrophe

names of the persons elected by their respective Companies at the Court Leet". This method of electing and admitting free burgesses had always been reputed within the borough to be to preserve a due proportion of freemen among the companies. In the remembrance of the deponents and from time immemorial, as they believed (except in the last few years), no elected brother had been, nor, according to the custom, ought to be, admitted a free burgess unless the full number of twenty-four elected brothers were returned by the companies, in the proper proportions, to the steward of the court leet. At different times it had happened that no return was made to the steward for several years, because, the deponents understood, some of the companies could not, or had not, elected their proper numbers of brothers, and no return could be made by the other companies without them. After stating how, when the Tanners' company had run short of brothers to elect, eighteen had been returned by the other companies and admitted as free burgesses, the deponents declared that the Merchants' and Tailors' company had subsequently become deficient of brothers also, so that only fourteen elected brothers had then been returned to the leet, and by Michaelmas 1774

of my old friend Lavie (H.M.C., Carlisle, p. 470). In another letter to Carlisle, two days later, Selwyn declared that Lavie had "distressed his family, and furnished amusement by the circumstances of his exit to all who happen to have heard of him (ibid., p. 471). The next day, Selwyn added: "The most immediate cause of Lavie's death seemed to have been his vexation, the day on which it happened, for having lost the Borough of Lime. He flattered himself with having, in a certain degree, appropriated it to himself" (ibid., p. 472).

the Smiths' company had been unable to make a return, and thus only eleven elected brothers had been returned to that court. The admission of all those so returned as free burgesses was, the deponents declared, contrary to the custom and usage of the borough.¹

On 21 April, 1775, Andrew Bullock, John Heron, Robert Mitford, George Rutter and John Stirling made an affidavit which was later filed to show cause against the rules for an information in the nature of a quo warranto being made absolute. They declared that according to the immemorial custom of electing and admitting free burgesses in Morpeth, there was no limited time for any of the companies to elect brothers for that purpose, nor, until recent years, had it been usual or customary for the companies to consult or concur with each other about such elections, or the return of those elected to the court leet. Before 1768, the companies had each elected freemen at their own discretion, and had caused them to be returned for admission to the next court leet without consulting the other companies, so that it was common for some of the companies to elect freemen and return them to the court leet for admission several years before the others. And, the deponents declared, those so returned had a right to be admitted. Christopher Fawcett, they added, knew the custom of the borough as steward of the Morpeth courts for many years, and he had sworn in and admitted the persons concerned, who had paid

1. There is a copy of this affidavit amongst the Howard of Naworth MSS.

the usual fees, had been entered in the call book and called over as free burgesses at every court leet. Several of them had been elected aldermen by their companies: two of them had been aldermen at the last General Election, and had been called upon by the Returning Officers and Lord Carlisle's agent to sign the return. Their freedom had been "universally acquiesced in" until the Tanners' company protested against them in 1773. They believed, the deponents declared, and it was also the general opinion of the people of Morpeth, that, if a majority of those admitted free burgesses since the "failure" of the Tanners' company had voted for the candidates nominated by Lord Carlisle at the last General Election, no legal action would have been taken against them. George Rutter and John Stirling swore that one of Lord Carlisle's principal agents had declared in their presence before the election that if these men voted in Lord Carlisle's interest they would be good votes, but, if they did not, they would be no votes (or words to that effect). All the deponents declared

"that it is the general opinion & they verily believe that Lord Carlisle's agent brought several votes from London & several other places in the same predicament at a great Expence. And it is the general opinion that this prosecution was begun & is carried on at the expence of the said Lord of Carlisle or the members elected for the said borough by his interest and with a view of election Interest and to oppress the freemen that voted against his interest and not the good of the said Borough: and that the prosecutors Bowman, Warriners and Atkinson have not of their own motion

or accord made the affidavit sworn to by them...but have been prevailed on by some of Lord Carlisle's agents to swear it, they being all poor persons and pensioners or dependent on Lord Carlisle and utterly incapable of defraying the expence of Such a prosecution".

It was also the general opinion, the deponents added, that the companies had elected freemen in proportions agreed by themselves, "according to the number of each respective company". For many years, the Tanners' company had been declining "in numbers & consequence" in the borough, and now bore "no proportion in comparison of what it once did with the other Companies". The Skinners' and Butchers' company which was believed to have been once the least was now the second largest company in the borough, and, as a result of several other changes in the state and membership of the other companies, the number of freemen elected by each company did not by any means now bear a due proportion to the number of members electing them.¹

Issue being joined, the trial was fixed for the Northumberland Assizes in August 1775. It was agreed that two of the causes should be tried as test cases. Once again the fate of the borough hung on the verdict of a Court of Law: "...on the Event of these Trials", wrote the author of "A Narrative of the Oppressions of the Borough of Morpeth", "the future Slavery or Freedom

1. A copy of this affidavit is preserved among the Howard of Naworth MSS. For the sake of clarity, most of the words abbreviated in the original have been set out in full in the extract quoted above.

of the Borough...must depend". Those bringing the action were, he declared, "Creatures and dependants on Lord Carlisle for Bread", and the Tanners' company were known to be "devoted Tools to the Carlisle Interest":

"they are supplied with bark etc from the Lord's woods; their Company is very inconsiderable compared with the Butchers & Cordwainers Companies, & yet these Companies must suffer the loss of their Franchises because the Tanners Company is decayed and of less importance in the Borough than formerly, having obtained all their Rights, and may have no more to ask for many years, till they take more apprentices, or their Sons are come of age to be Admitted Freemen. But if the other Companies are to be deprived of their freedom till the Tanners find Six Men to Elect, it will be an Easy Matter for the Lord of the Manor to influence that Company not to take Apprentices nor go to an Election till He please, and then the Corporation will be as much in his power as Ever, & He may return whom He pleaseth two Members of Parliament for the Borough".

Lord Carlisle himself fully appreciated the importance of the trial, and as the time for the hearing approached he was far from confident of success: "I am prepared for losing our cause at Morpeth which will determine my interest in the borough", he told Selwyn on 15 August 1775. "The judge affects popularity, and the people will be very glad of an opportunity of demolishing the ancient custom of the place"¹. The day after the trial, however, Francis Gregg wrote to Lord Carlisle from Newcastle:

"I am happy beyond Description in having the Honour of Congratulating your Lordship on obtaining a compleat Victory in the Morpeth Business: the first Cause came on Yesterday Morning early, and a little after nine at night the Jury withdrew to consider their Verdict; the Jury in the second Cause was then impanelled, & the

1. J.H. Jesse, George Selwyn and His Contemporaries, III, 97-8.

Council on both sides agreed that a Verdict should be taken in the second Cause the same as the Jury should find in the first; in about a quarter of an hour the first Jury returned and brought in a Verdict for the Prosecutor. The Custom was clearly proved & the Defendants had not the Shadow of a Defence, but yet I can assure your Lordship we had much to struggle with, as the Judge seemed the whole way through to incline much in their favour".

Gregg added that he had been dangerously ill with a bilious fever and total stoppage occasioned, the physician said, by over-anxiety and fatigue:

"It did not however, thank God, Seize me, till after I had prepared everything for Council that could be wanted, and held all my Witnesses and Evidence safe in this place, so that I only missed the last Consultation on Tuesday when the Council met to arrange their Evidence, & likewise the attending the Tryal Yesterday, where I could not be wanted, as all was ready: the Success we met with has added much to my Recovery..."¹

This was a great victory for the Carlisles. Unless the verdict could be set aside, it would mean that the number of freemen in Morpeth would be reduced by eighty-two, and that any future increase of freemen would be strictly limited, especially when the company which had to elect a quarter of every twenty-four new freemen was declining in membership and was particularly amenable to the influence of the Lord of the Manor. Moreover, the verdict greatly strengthened the position of William Byron in the House of Commons, for, as was stated in the brief for the Crown against the eighteners, in view of the petitions of Eyre and Bigge, "the right of Mr. Byron's Seat" would "certainly depend upon the Queen whether such

1. Castle Howard MS.

eighteen men have a right to give their votes or not".¹

Although the petitions of Eyre, Bigge, and the aldermen and free burgesses of Morpeth had been ordered to be taken into consideration on 12 July 1775 - some weeks before the trial of the causes relative to the eighteeners - Parliament was prorogued before that date, which meant that the petitions would have to be presented again at the beginning of the next session. Still, Eyre was determined to persevere. "Eyre intended today to renew his petition", Selwyn wrote to Lord Carlisle towards the end of October 1775, "so Gregg and I went down to the House. I left him there to come home and write to you, because, if he had, nothing could have been said about it, today".² The petition was presented on 31 October 1775. It was not, however, an exact repetition of Eyre's previous petition. It is entered in the Journals of the House thus:

"...that...Peter Delmé and William Byron, and also Germain Lavie, who acted at and previous to the Election as Agent for the said Peter Delmé and William Byron, and other their Agents, did bribe, and did endeavour to bribe, others to vote for the said Peter Delmé and William Byron, and were guilty of divers other indirect and corrupt Practices relating to the said Election; and that, by such and other partial, illegal, and unwarrantable Practices, a Majority of Votes was pretended and declared, by the ... Bailiffs, in favour of the said Peter Delmé and William Byron, contrary to Truth and Justice, and to the manifest Prejudice of the Petitioner, who had a clear Majority of legal Votes: and therefore praying the House, to take the Premises into Consideration, and to grant the Petitioner such Relief as to the House shall seem reasonable".³

1. Howard of Naworth MS.

2. H.M.C., Carlisle, p. 304. The editor has dated this letter "Nov. 7" 1775, but as Eyre presented his petition on 31 October, Selwyn must have written on or before that date.

3. JHC., XXXV, 410-11.

The corresponding part of Eyre's former petition read:

"...that...William Byron, and also Germain Lavie, who acted...as Agent for the said Peter Delmé and William Byron, and other their Agents, did bribe, and did endeavour to bribe, others to vote for the said Peter Delmé and William Byron...; and that, by such and other partial, illegal, and unwarrantable Practices, a Majority of Votes was pretended, and declared...in favour of the said William Byron, contrary to Truth and Justice..."

Thus, whereas in this petition Byron himself (but not Delmé) was charged with bribery and only his "pretended" majority was challenged, in the new petition both Delmé and Byron were accused of direct bribery, and the "pretended" majority in favour of both of them was declared unjust.

It was ordered that Eyre's petition should be taken into consideration on 26 January 1776. According to the Newcastle Journal of 11 November 1775, Bigge had the previous week sent his petition to London to be presented to the House, but for some unknown reason it was not presented. Nor was the petition of the aldermen and free burgesses against Delmé and Byron renewed.

"...I beg leave to inform your Lordship", Gregg wrote to Carlisle on 16 November 1775, "that no other Petition has been presented except M^r Eyres, of which I have already informed your Lordship, & that I am now troubling your Lordships Friends to meet together & consider of a proper Motion to be made for discharging the order of Reference made upon that Petition so as to get entirely rid of the whole Business at once & which Motion I hope to get made sometime in the next week".¹

Eyre, however, was still on the attack: "I must likewise inform your Lordship", Gregg continued, "that M^r Eyre has moved the Court of King's Bench for new Tryals in the

1. Castle Howard MS.

Morpeth Causes, & that I daily expect the Judge who tried the Causes to make his Report, upon which the Court will judge whether it is proper to grant the Motion or not".

It seems, from a remark Eyre later made, that the Court did grant his motion,¹ but in his struggle against Byron this availed him nothing. A week after Gregg wrote the above letter to Carlisle, the House of Commons was informed

"that the Petition of Francis Eyre, Esquire, which was presented to this House upon the 31st Day of October last, complaining of an undue Election for the Borough of Morpeth...is different in Substance from the Petition of the said Francis Eyre...presented to the House upon the 8th Day of February, in the last Session of Parliament".²

The two petitions were read and it was ordered that a committee should be appointed to examine whether they were the same in substance and to report its findings to the House. The committee was appointed (one of the only two members of it who are named in the Journals of the House was Lord Carlisle's friend Anthony Storer), and it was arranged that it should meet the next morning. It was agreed that "all who come to the Committee are to have Voices".³ Thus, irrespective of the merits of the cases, the issue could be determined by the number of friends each side could muster. Eyre, however, had a bad case. If it was implied in his first petition

1. In a letter to Trotter of 27 June 1776 (M.C., II, f. 129), Eyre declared that he would try a case relative to the eighteners at his own expense, which indicates that the Court had decreed that a new trial could be held.

2. JHC., XXXV, 457.

3. Ibid.

that Delmé was guilty of bribery, a direct charge to this effect had not been made against him as in the second petition. Exactly why Eyre, or his Counsel, had made such an alteration is not clear. Perhaps new evidence of Delmé's alleged guilt had come to light, or perhaps Eyre had decided to combine the former petition of the aldermen and free burgesses against Delmé with his own. At all events, he now realised that he had made a fatal blunder, and, before the committee had come to a decision (perhaps even before it had met), the House was informed that Eyre wished to withdraw his petition. He was granted leave to do so, and the orders of the previous day were discharged.¹ Thus Gregg's plan to get a "proper Motion" made, and to "get entirely rid of the whole Business at once", had worked perfectly.

"Eyres has, I believe, withdrawn his petition", Selwyn wrote to Carlisle on 25 November 1775; "that is not bad".² Certainly, to have gained victory without the trouble and expense of another hearing before a committee of the House was a piece of rare good fortune for Lord Carlisle and the Members returned on his interest. Indeed, in the struggle with Eyre, Lord Carlisle seemed to be rapidly gaining the upper hand. He could now reasonably look forward to a period of respite from election worries about Morpeth, but, just seven months later, he was plunged into the midst of them again.

1. JHC., XXXV, 457.

2. H.M.C., Carlisle, p. 303.

CHAPTER XV

HOPE AND DESPAIR

On Saturday evening, 22 June 1776, Lord Carlisle wrote from Almack's to George Selwyn:

"My Dear G[eorge]

I am in great distress - Mr Byron Member for Morpeth died this Morning. I have no one in Town to consult with, L^d Gower is in Berkshire - I hope to see Gregg tomorrow, but I have not yet heard from him yet Pray let me hear from you as soon as possible, dont mind (?) sending an express - This event is extremely ill timed for I fear we certainly shall have a contest".¹

The next morning, Carlisle met Gregg, and at noon the latter sent the following express to Andrew Fenwick:

"An event has happened which is of the utmost consequence but as we have been successful hitherto I flatter myself, with your usual kind assistance we shall still do well, and therefore I hope nothing will make you lose your Spirits. The event is no less than the Death of one of our members, Mr. Byron, he dyed almost suddenly yesterday morning at his House in the Country. Lord Carlisle had no account sent him till late at night and he sent me an account of it to my House in the Country in the dead of the night and I was with him early this morning. The event is so sudden and unexpected that we have not yet time to consider of anything, much less who to fix upon as your Candidate, but I would not omit one moment giving you notice of the event that you may take your steps accordingly".²

If their "antagonists" did not already know what had occurred they would undoubtedly get to know, he continued, "and I doubt not you will have a Canvass for Mr. Eyre or Mr. Ord directly". (The Mr. Ord was William Ord of Fenham, whom Trotter had once tried to engage as colleague for Eyre.)

1. Castle Howard MS.
2. Howard of Naworth MS.

If Eyre and Ord opposed each other, it would be so much the better for the Carlisle interest, Gregg observed; he had only to fear that they would unite.

"It is impossible for me to determine at this distance whether you should make an immediate Canvass", he added; "you must have a consultation with Lawson (?) and a few more of our confidential friends and determine; if it is thought advisable you must then do it with all your vigour and send round to the out voters...; though you should determine not to do it immediately, yet I am clearly of opinion if anyone stirs up on the other side, you should then not lose a moment and therefore at all events keep yourself prepared....

"You will undoubtedly write to me every night and if material send off an express. Lord Carlisle begs me particularly to say he hopes for and trusts to your usual Activity and Friends. Could we have foreseen this event, no doubt it would have been prudent to have done some time ago what I proposed doing in August but it is quite unexpected - I have satisfied all in London and therefore I am in hopes my intentions are somehow known but if they are not, I must particularly desire you to be cautious and not (?) to make any promises of any sort for it would Ruin the Cause should it be done".

These latter remarks probably concerned the rewards expected by the freemen who had voted in the Carlisle interest at the election of 1774. For some unknown reason, the Carlisles had evidently delayed in rewarding their supporters, and in view of the vacancy which had now occurred the delay appeared somewhat imprudent.¹ Gregg's emphatic warning to Fenwick against making any promises was presumably intended to prevent, in the case of a contest, yet another petition against a Member returned on the Carlisle interest.

1. The "London voters" had certainly been discontented. On 3 October 1775, Gregg wrote to Carlisle: "I am sorry to inform your Lordship, that since I came to Town I find many Complaints from the London Voters, who were not

The day after Gregg wrote the above to Fenwick,
Eyre sent an express to Trotter:

"The Death of M^r Byron makes all Apologys for my not Writing for Some Time past needless - he dyed yesterday at 11. Some say Saturday at 11 but he is certainly dead. Distracted & Disappointed as I have been no Wonder that I did not Write; my Love & Regard for the People I mean the Sons of Liberty would have prompted me to use Expressions to alleviate their Sorrows that were beyond my Abilitys; I wanted & wished to recover myself, And tho' I am not wholly what I was, I am in every Respect the Same in Regard to Morpeth; I would lay down my Life to serve them; and as I have frequently pledged myself to stand a Contest whenever a Vacancy should happen if my Friends would Support me, I now beg & intreat you will instantly Convene my Friends & Canvass for me, And if there is the least Probability of Success I am at their Service when and as they Please. But at all Events as Soon as you have their Sense, let me have a line from you - The Election cannot be for above a Fortnight. - The Bittlestones are displeased with their last Voting and may be made. I am so far determined that no Man shall at my Expence ride into the Borough upon my Shoulders if I can avoid it - You know what I mean - and therefore I will stand, tho' I cannot be at Expence, nor as Elections are now carried on can there be any, I mean but what is trifling.

"Inclosed is a Letter from M^r Spottiswoode, the Contents of which you will be so kind as to Communicate to our Friends.

"This will come by Express - a Copy you will have by the Post".¹

He enclosed a letter to the free burgesses: "Assure them that my Heart & Soul ever will be with them", he requested.

His address to the "Worthy & independent Free Burgesses" was as follows:

paid their Expences up or down or during the time they were at Morpeth. I was in hopes this Expence had been included in the general Account of Election Charges" (Castle Howard MS). It appears that the freemen in the Carlisle interest were not rewarded for their support at the election of 1774 until Christmas 1776 (see below, p.477).

1. 24 June 1776 (M.C., II, f. 123).

"The Death of M^r. Byron who was so fortunate as to succeed to my Seat in Parliament has again put it in your Power to elect me one of your Representatives which I shall consider as the Highest Honor that can possibly be conferred upon me.

"I am almost grown old & Grey in my Endeavours to serve you, my Disappointments have been great, Yours have been the same, occasioned by the Defection of some from whom I thought I deserved a different Treatment, but who now I hope will return to a Sense of Honor and Joyn us upon this Occasion.

"I pledged myself to you when I was last at Morpeth that whilst I had Life and Health I would upon every Vacancy offer you my Services which I now do, And it rests with You to determine whether I shall be your Member. If I sho^d be so fortunate as to succeed, be assured that to the latest Hour of my Life I will with the Utmost Gratitude acknowledge the Obligation conferred upon

Gentlemen
Your most faithfull &
most obedt. hble Servt.

Surry Street
24 June 1776

Fras. Eyre".¹

Three days later, before Trotter had even begun to reply, Eyre, highly excited and torn betwixt hopes and fears, wrote to him again:

"I hope you rec^d my Express, And that there is a Letter upon the Road for my Direction upon this Occasion - I am sure, if M^r Ord does not throw his Votes to L^d Carlisle, that we shall beat them - Such a Thing is impossible for the County owes us much: they depend upon Bribery - We must watch them very narrowly - Oh! My dear Sir - how have Morpeth & I been abused - the Trial of the Eighteeners hurts me, the Case has never yet been tryed - I will try it at my own Expence - Altho' I do not mean to be at Expence, yet dont disquiet me & yet tell me the naked Truth - Let me hear from you every Day - The Election I think will be about this Day three Weeks, they cannot have it above a Day sooner - Watch their Bribery - Pray write to M^r. Ord directly - Say when or how you wo^d have me come - Commend me to my old Friends - I declare I wo^d rather be Member for Morpeth than for the first City or County in the World".²

1. M.C., II, f. 128.

2. 27 June 1776 (ibid., f. 129).

Trotter's reply to Eyre's first letter was by no means encouraging; indeed, the tone of his letter indicated that Trotter had lost much of his interest and all his old zeal and enthusiasm for the cause of liberty in Morpeth.

"I rec^d yours by Express on Wednesday night $\frac{1}{2}$ past 11, also a Copy of the same last night...", he wrote on Friday 28 June; "I communicated the Contents to as many of our Friends as could be conveniently seen, but our Antagonists had got the Start, for they had an Express on tuesday at Noon & immediately canvassed; they modestly desired the Freeman to reserve their Votes till the Lord pleased to Send them a Man which from his great goodness they expected Soon.

"We have taken pains to examine the list of Freeman and find that the Numbers are 194, two of whom are under Age and 3 in America so that there is a possibility that 189 may Vote. We heartily wish we could say that Mr Eyre had 95 Certain, which would be a Majority of one, but Monsieur Lavie has introduced Such a System of Corruption amongst them last Election, that Nothing certain can be Said, though I believe many of them are sadly disappointed in their Expectations from his promises; their Mountains of Gold are dwindled into Mole Hills.

"The honest Men who are Attached to you from principle would be extremely Sorry to be witnesses of any^r defeat, and therefore would not wish to see you Stand a Candidate merely to Make your Enemies Men of Consequence, and give them Another Triumph at your Expence, and therefore cannot take upon them to advise you to embark again in Another Sea of Troubles, As they think there is no probability of Success without the Gentlemen of the County would warmly espouse your Interest, I mean Sir Wm. Middleton's friends, particularly Mr Orde of Fenham, who I believe is at present in London. If Mr Orde and his friends would heartily Join you, the probability of Success would be great.

"Whether you will think it worth the Trouble of a Journey to the North to make the Experiment what Assistance the Gentlemen Mean to give you, Must remain with yourself to Judge, but if you think of y^s not a moment of time ought to be lost; when you come to NCastle, Some of your friends will Meet you there & advise with you.

"If you can make any impression on the London Votes wo were against you last time, it would be Something.

There is one Man in London has it in his power to secure both the Taites; it is M^r John Tate of Silver Street Cripple Gate, a very worthy Man; Geo: Crawford is very intimate with him and may introduce you; this is a Matter of consequence, and Now that I mention G: Crawford, I must take Notice that his Father's Affair has been too long Neglected & he ought to be made Easy about it, also M^{rs} Pye's Ribbon Bill, otherwise we cannot hope for the concurrence of these families.¹

"I pray God to direct you, and bless you with length of days & good health & to give you reward for all your Services & Sufferings for Morpeth".²

Eyre was surprised at the unenthusiastic tone of Trotter's letter; still he did not despair:

"Yesterday I received Your Letter in Answer to mine by Express", he replied on 2 July 1776 - "It is a fair honest Letter, but rather without that Fire that used to animate yours & that at a Time also when I am sure I never had so fair a Chance for my Election as I have at this Minute - And I am Sure such is the Opinion of of my Adversarys - It is only a few Hours ago that M^r Elliott Son of S^r Gilbert Elliott Set out for Morpeth with Lord Carlisles Recommendation - Sir Ralph Payne who is an old acquaintance of mine I was told with a Degree of Confidence had Actually Sett off two Days ago with Lord Carlisles Recommendation, And so it is still affirmed to me - M^r Elliott says the Contrary And that after Several Days Treaty with S^r Ralph it broke off - How that is a few Days will discover. As for his Cause let us all Execrate it. M^r Spottiswoode & I have been just now long Advising".³

Immediately he learnt from Trotter's letter that William Ord of Fenham was in London, Eyre continued, he had "sent after him", but Ord had set off for Morpeth with intent, it was reported, to stand himself. That, however, Eyre declared, was "absurd and contrary to all

1. Crawford's father's "Affair" was presumably the cash which the "General" had advanced and expended on Eyre's account in the course of the last election campaign, unless, of course, Eyre had not yet settled the bill in connection with the school election of 1772 (see above, pp. 329, 361). The "Ribbon Bill" would probably be for cockades for the freemen.

2. M.C., II, ff. 124-5. 3. Ibid., ff. 132-3.

the County Assurances who I understood were from the Support of my Friends in the County Cause to give me their Int at the next Election, true it was Supposed to be a general one". Lord Carlisle, Eyre continued, "holds him [Ord] Cheap, but Considering his Votes with us, I think the Election with any Degree of Managemt. Secure". He enclosed a letter which he asked Trotter to send to Ord.

Then, reverting to Trotter's last letter, he exclaimed: "Oh! My Dear Sir if you had two Years ago wrote me such a Letter...it wo^d have saved me near two Thousand Pounds in Money, & ten thousand Heart Aches & Distresses that I have since Endured". Still, he clung to his belief that success was not impossible: "If my Friends will exert themselves they can elect me - and they never can be of their own Consequence but thro' my being Elected - of this however they will Judge". "The Loss of my Seat in Parliament altho' I Seem to Carry it off has Hurt me Vastly", he confessed - "Indeed I am prepared for every Event now - You do not buoy me up with hopes; Therefore whatever be the Event, I am prepared". He wished the honest men who supported him from principle to be told "that nothing has gone nearer to me than not having it in my Power to reward them". He believed that Thomas Dunn would tell how anxious he (Eyre) was to oblige when he could do so, but, he declared, "I cannot do more than I can". The freemen, he added, were fighting for themselves when they assisted him.

Eyre declared in his letter that the Carlisles had had "great Difficulty to get a Candidate", and that he was sure that they believed his chance of defeating them was better than ever before. Certainly, his opponents' task of finding a candidate had proved difficult, and, as the following letter written the same day as Eyre wrote the above to Trotter shows, Lord Carlisle was far from confident of victory:

"My Dear George" (he wrote to Selwyn),

"I am surrounded by difficulties, and as fast as I get the better of one, another starts up, or rather as fast as I have done thinking of one, another demands my serious attention.

"In the first place, Sir R[alph] P[ayne] will not be the person, as his views are quite incompatible with my interest. Frequent elections will effectually ruin us at Morpeth, and his expectations, if answered by Government, may get us into the same scrape next year. We have parted the best of friends imaginable. I next made my offer to Mr. Mansfield the lawyer. He had similar reasons for refusing it. We were then entirely aground; but late last night I desired Storer to make the offer to Sir G. Elliot's son, who has accepted, and is this morning set out with his father. Thus this affair is off my shoulders for a little time¹ though in its consequences it may sit heavy upon them".

That Lord Carlisle was unwilling to set up anyone at Morpeth who was anxious for office under the crown, which would, if secured, necessitate a re-election and thereby open the way for a further contest, had severely complicated his search for a candidate. Sir Ralph Payne's attitude, for example, can be seen from some remarks Lord

1. 2 July 1776: J.H. Jesse, George Selwyn and His Contemporaries, III, 132-3. Mansfield the lawyer was James Mansfield, K.C., M.P. for Cambridge University. He was Solicitor-General from 1780 to 1782 and again in 1783 (Foss, Biographical Dict. of the Judges of England (1870).

North made a few weeks earlier in a letter to John Robinson about a vacancy at St. Germans:

"Agree if you can for Sr. Ralph Payne who is eager for it but I believe, eager as he is, He would not accept the seat unless M^r E[lliott] would promise to re-elect him during the Parliament in case he should vacate his seat by the acceptance of an office or otherwise. He would have no objection, I dare say, to pay the necessary expences of his re-election but no more".¹

However important the question of expense was in the case of Morpeth, the security of Lord Carlisle's interest was the primary consideration.

Carlisle's late-night decision to make an offer to the young barrister, Gilbert Elliot, rescued the latter from an embarrassing situation. He was just on the point of breaking the news to his father that he wished to marry Anna Maria, the eldest daughter of Sir George Amyand, when Storer arrived with Carlisle's message:

1. 20 May 1776 (rotographs from the Robinson Papers, British Museum MSS Facsimilies, 340(1), ff. 42-4; and H.M.C., 10th Report, Marquis of Abergavenny's MSS, Appendix VI, 13-14). Sir Ralph Payne was born in 1738 or 1739 at Basseterre St. Christopher's, the son of Ralph Payne, Chief Justice and subsequently Governor of St. Kitts. He was educated in England, but returned to St. Christopher's where he was elected to the House of Assembly. In 1762 he toured Europe, and having returned to England was elected Member of Parliament for Shaftesbury at the General Election of 1768. In 1771 he was created a Knight of Bath and was appointed Captain-General and Governor-in-Chief of the Leeward Islands, where he had inherited a considerable estate from his parents. He was re-called in 1775 and was thus free to re-enter Parliament. He was returned for Camelford in November 1776 and, having been made a clerk of the Board of Green Cloth in June 1777, he was re-elected. He was created Baron Lavington of Lavington in the Peerage of Ireland in 1795, and was re-appointed Governor of the Leeward Islands in 1799. He died in Antigua in 1807 (see W.P. Courtney's article on him in the DNB.).

"In the very instant of my exordium", Elliot wrote to Miss Aymand from Morpeth, "when my father and I were both beginning to look foolish, and to be afraid of each other, when it did not seem possible to delay a moment longer, Storer knocked at the door, asked for me, and proposed the business which brought me here within eighteen hours after I saw him. Will you forgive me if I found it a relief? ... We were thrown into an uproar by this embassy of Storer's. My father liked it, and was very happy, but became proportionately busy, hurried, and agitated. I flatter myself I was the coolest of the family".¹

Elliot happened to be a friend of Spottiswoode who therefore had no hesitation in entrusting to him a letter for Trotter:

"This will be delivered to you", he wrote, "by M G: Elliot (Eldest Son of Sir Gil: Elliot of Minto) who goes down to your place to offer himself a Candidate in the Room of and upon the Same Interest on wh M^r Byron was Elected. If this Interest was not so hostile to our friends you would join with me in wishing Success to M^r Elliot: You woud do it out of Respect to Mr Elliots Family and Connections w^t which as their Countryman you are well Acquainted & I would do it as well upon that Ground as from the personal Esteem & attachment I have towards M Elliot - I have known him for Several years & Every month has added to my Regard for him: You have only to know him as well to Respect him as Much - Thus for himself; as to the Ground on which he Stands, I am affraid you & I never Can think it has been properly directed in oppressing many worthy respectable people of our Acquaintance and though you cannot fail of regarding M^r Elliot Yet I do not believe or mean you should fall in Love with his Cause.

"I have assured him however that in the opposition he meets with in the Burrow it will be Conducted with Good Manners & though it may be strenuous it will not be marked with violence or personal attacks - our friends were rather accused of too much of this last Election. I hope they will put it out of the power of their Bitterest Enemys to Impute any Such Conduct to them upon the present occasion.

"To your acquaintance therefore as a Gentleman & to your Candour as a Man of Honor I Committ M^r Elliot - to

1. See The Life and Letters of Sir Gilbert Elliot first Earl of Minto from 1751-1806, edited by the Countess of Minto (London 1884), I, 48.

Andrew Fenwick, Germain Lavie & others he must Committ his Cause - The God whom you Serve will dispose of Every thing for the Best".¹

Naturally, in the circumstances, Spottiswoode had to try to keep a delicately balanced outlook, but it appears from his letter (probably the last he wrote to Trotter on election matters at Morpeth) that his old enthusiasm for the cause of liberty in the borough had passed away.

Although no copy of Trotter's next letter to Eyre has been found, the nature of its contents can be gathered from Eyre's reply of 6 July 1776: "I have this Moment reced your Letter of the 2^d instant, full of Tears; You was formerly always very full of Hopes, with less real Ground to stand on". "The Treatment of M^r. Ords Interest by Lord Carlisle and his Agents has exasperated them I am sure", he continued, "And no Probability of any Coalition there, I think, as M^r. Ord or his Friends have given out that he would be the Candidate". Eyre therefore refused to despair, but Trotter's letter made him decide to change his tactics:

"I shall sett off either with the Writt, if I can get the Carriage of it, or when it is sent away - I Shall

1. 2 July 1776 (M.C., II, f. 130). Gilbert Elliot was born in 1751 and educated at the Pension Militaire, Fontainebleau (1764-6), and, having attended lectures on various subjects including history and civil law at Edinburgh, he entered Lincoln's Inn in 1769 and was called to the Bar in 1774. He went the northern circuit and obtained a certain amount of practice. He was at this point invited to stand for Morpeth. On 3 January 1777 he married Anna Maria Amyand and a few days later he succeeded, on his father's death, as the fourth Baronet of Minto. See J.M. Rigg's article on him in the DNB. For details of his later career, see below, p.500, n.3.

bring with me a Man of Fortune & Honor who will I hope Fight the Cause of Morpeth in a Manner that I cannot, And I have no Doubt, but if they are backward in electing of me, he will be elected by my Friends - keep them up - Lord Carlisle could not get Sir Ralph Payne to go - the Probability upon the State of the Borough being against him - The County Gentlemen cannot with any Degree of Honor refuse their Assistance - I hope my Letter is Sent or delivered to M^r Ord - Lord Carlisle has given his Interest to M^r Elliot; He is to Support it - don't let my Friends drop their Heads - be assured they Shall be much better supported by the Gentlemen I Shall bring with me - I think we shall get many of their Votes - The Honor and Interest of my Friends at Morpeth is entirely uppermost with me - Let us but defeat the Carlisle party I shall be happy - I am not anxious for a Seat - Let us keep up the Interest - Spirit up all the honest Fellows, dont let them sink; My Friend will work Wonders - Elect him & I dont care - I have Made up my Mind - I rest Assured of Success....".¹

"P.S. Write me every Post".¹

Thus the friend of liberty, who (Spottiswoode had declared in 1766) "woud on no Consideration submit to represent a Venal mercenary Body whose only attachment is gold and who are always att market to be bought & Sold",² was, almost exactly ten years later, preparing to introduce someone into the borough who would secure victory evidently by outbidding the Carlisles in buying up the freemen's votes. True, it was the "honest Fellows" that Eyre was eager to represent (for, despite his declaration that he was not anxious for a seat, the fact remains that within the last fortnight he had declared that he would lay down his life to serve the "Sons of Liberty",³ and that he would rather be Member for Morpeth than for the first city or county in the world⁴), and the man he intended to introduce

1. M.C., II, f. 137.

2. Spottiswoode to Trotter, 12 Aug., 1766 (M.C., I, ff. 130-3).

3. Eyre to Trotter, 24 June 1776 (M.C., II, f. 123).

4. Same to the same, 27 June 1776 (ibid., f. 129).

would fight the cause of Morpeth, but his methods, it seems, would be those of Andrew Fenwick and Germain Lavie.

Despite what he said about being confident of success, Eyre must have realised that his own chance of being elected was becoming increasingly remote. However sincere he may have been in declaring that the defeat of the Carlisles rather than his personal success was his prime concern, it is probable that he had adopted this attitude, consciously or unconsciously, as a mode of defence against another bitter disappointment. To reconcile himself to the possibility of defeat was indeed the best policy for him, for on the same day as he wrote to inform Trotter of his new plan Trotter replied to his previous letter as follows:

1

"I am fav^rd wt. both yours of the 2^d Inst. also your Letter for M^r Ord which I doubt is too late, and have dispatched W. Wood with it to Fenham, and wait the result - M^r Elliot canvassed ye Town on Thursday the day he arived Very quietly & peaceably without Opposition; some of your friends have promised him, ye effect of being first upon ye field. I am afraid he has secured his ground too well to be Easily beat out of it, even with all the County Interest - You yourself wou'd have been the best Express & Not a Moment was to be lost when you heard of M^r Byron's death - delays are dangerous, you have experienced this before, & certainly Should have profited by it, or given up the Cause at once - there was no alternative: the first Start is generally half a victory; you will find ys too true: I am sorry for it, but I could not hesitate a Moment in telling the Truth.

1. Eyre had evidently written two letters to Trotter but only one has been found.

"Willie Wood is returned at 2 o'clock this day; Mr Ord does not know what to think of it, but rec^d him civilly & said he wou'd write you by this post; he thinks it very strange you shou'd stay in London, and offer yourself a Candidate while your Adversary is Securing his Election at Morpeth - I can say no more. The battle I am afraid is over. Adieu: my best wishes Ever attend you and am D^r Sir

most truly yours
R. Trotter." 1

The tone of Trotter's letter was severe and the attitude it expressed was cold and almost indifferent. Politics evidently no longer occupied a prominent place in his interests, partly, perhaps, because he had married about eighteen months previously,² but probably more so because his faith in the virtue of the "sons of liberty" had been badly shaken as a result of the success of the tactics employed by Germain Lavie. Moreover, his friendship for Eyre must have been strained by the latter's frequent disregard of his advice, failure to answer his letters and neglect to settle accounts with William Crawford.

Trotter did not offer Eyre the least hope, and his letter made Eyre accept defeat as inevitable:

"By my Letter of Friday last", he replied on 9 July 1776, "You might see I tho^t myself unequal to the Contest which you had by both your Letters led me to expect - It is a very easy Matter to say Come down and try your Strength; that very Trial with only Geo. Crawford's, Tom Dunn's & my own Post Chaises & the necessary

1. 6 July 1776 (M.C., II, f. 133).

2. He entered into a marriage bond to obtain a licence to marry Mary Akenhead of Falstone Chapelry in the parish of Simonburn aged twenty-four. Trotter himself was about forty-one at the time. One of the several children born of this marriage was named John Spottiswoode Trotter. I am indebted to Mr C.R. Hudleston for obtaining

Expence of a Canvass would have put me at least to Several hundred Pounds Expence,¹ And if it did not, I Sho^d not have tho^t it proper to stirr out of London witho^t a Command of double that Sum - These were Considerations for me - And sure when Your Second Letter had told me that Several of my Friends were going over to my Adversarys as the strongest Party, what co^d I do? I formed a Resolution of bringing a formidable Man with me as a Candidate & had two Meetings with him & tho^t myself sure of being at Morpeth at this Time, but he has declined it, And others have done the Same.

"Your Letter which I have received to Day has so dispirited me, that, to use your own Phrase to M^r Spottiswoode I must be a Madman to attempt it, especially when tho' you say M^r Ord promised to write me he has not.

"I am therefore compelled tho' very reluctantly for the present to decline visiting Morpeth in Person, altho nothing wo^d give me So much Pleasure on this Side the Grave as a Victory over the present Slavish ungrateful Majority or So much Pain as to See my Friends defeated - I most solemnly vow that were my Abilitys equal to my Inclinations, I would not have stayed ten Minutes after I had heard of the Death of M^r Byron - As to spending of Money I cannot, but if my Friends think it necessary that they Sho^d for the Cause of Morpeth set me up on the Day of Election they have my Consent - A Time may come that I may again be of Service to Morpeth - Would I could - Read this to my honest worthy Friends the Bullocks, Lumsdens, Willy Wood, Hancock & all the other honest Men & assure Them that in what ever I can as long as I live they may nay Shall command the Love, the Esteem & the honest Services of D^r S^r

their & your ever faithfull
humble Servant
Fras Eyre".²

So far as is known, this was Eyre's last letter to Trotter. His hope and wish that he could be of future service to Morpeth was never realised. As he had hinted in his recent letters, his fortunes were on the decline. Two years previously, he had entered into an agreement to

this information for me from Hodgson's MS, pedigrees preserved in Newcastle Central Reference Library (vol.III, f. 228).

1. Writing to Trotter on 29 July 1774, Eyre declared that he could not come in and out of Morpeth under an expense of between £500 and £600 (M.C.,II,ff.55-6).

2. Ibid., ff. 138-9.

purchase a West Indian estate, and already it was apparent that he had made a disastrous blunder. The details of this and of Eyre's subsequent career must be reserved for treatment in Appendix I, but the purchase plunged him into divers lawsuits and brought him to the brink of financial ruin. Thus, because he could no further command cash or credit, he was now forced to abandon the interest which he had built up at Morpeth at the cost of ten years of hard, if intermittent, labour, anxiety, disappointment and distress, as well as of an expense which must have amounted to some thousands of pounds.

Trotter wrote what was probably his last letter to him on 17 July 1776 - the ninth anniversary of the victory in the mandamus causes:

"Yesterday the Liberties of Morpeth were solemnly offered up at the shrine of Power by a slavish venal Majority, and it is only nine years this Day when they were restored to their Franchises under your Auspices. What a pity such efforts had been made to restore Liberty to those who desire [not?] the blessing, who prefer Vassalage & slavery to freedom & Independency, who basely crouch to their Task Masters, & ungratefully oppose y^r Benefactors.

"M^r Elliot had a considerable Majority upon his first Canvass & indeed except about 30 or 40 Freemen of Sterling Virtue, the whole seem'd to vie with each other who should first submit to the yoke; I think it will gall Some of them, but they will never find another M^r Eyre to break it again.

"Your last Letter which intimated your Resolution not to come to Morpeth at this time was more Satisfying to your friends than acceptable to your Adversaries. The former saw no prospect of success, & therefore did not wish to see you spend your money to no purpose; the latter were very desirous to see you, but it was only

to enhance their price, & they are exceedingly mortified that they met with no Opposition. I hope the wages of their iniquity will be small - That you have saved both your Money & the trouble of a Journey is however Some consolation to those who love you, & no Small Satisfaction to

D^r Sir

Your most affect friend & Servt.

R.T."¹

The "wages of iniquity" received by the freemen in the Carlisle interest are recorded in an account preserved among the Howard of Naworth manuscripts. It is undated, but there is some evidence which suggests that the payments recorded in it were made at Christmas 1776.² Eighty-five "Real friends at the General Election" (of 1774) - that is the "double votes" - received ten pounds each; twenty-one "Half friends" - the split votes - received seven pounds each; thirty-six "Recruits" who "Promised M^r Elliot" received five pounds each; and eight freemen listed under the heading "Charity", because they received a pension or regular allowance from the Carlisles, got nothing. Forty freemen are listed as "Contra and refused M^r Elliot"; they alone had remained loyal to Eyre. Only the thirty-six new "Recruits" appear to have been rewarded specifically for promising to support Elliot; the real and half-friends probably received no more than

1. M.C., II, f. 140.

2. Another account of election expenditure among the Howard of Naworth MSS. shows that in January 1777 widow Baites received £10 - "the Same Comp[li]ment as was paid the freemen last Christmas". This probably referred to the payments made to "real friends" as set out above.

they would have, even if there had been no by-election in 1776.¹ At all events, they almost certainly would have received more had Eyre appeared in opposition to Elliot and had therefore good reason to be "exceedingly mortified" because he did not do so.

Out of one hundred and ninety-four freemen only forty certainly remained outside the Carlisle party. (Two of the one hundred and ninety-four were, however, in America and their sentiments are not known.) Of the thirty-three mandamus men, nine were by this date dead; another nine had refused to promise Elliot;^{and} the remaining fifteen had gone over to the Carlisle party. At the General Election of 1774, six of these fifteen had been "double votes" in the Carlisle interest, another six "double votes" in Eyre's interest, and two "split votes". How the remaining one voted is uncertain.² In his letter to Trotter of 2 July 1776 Eyre wrote: "Assure the Honest Men who Vote with me upon Principle, that nothing has gone nearer to me than not having it in my Power to reward them".³ This implies that he had been unable to reward those who had supported him at the General Election of 1774, which may explain why so many of them readily promised Elliot.

1. In 1784 when there was no contest, the freemen who promised to vote for the candidates in the Carlisle interest were paid £10 each (Howard of Naworth MS).

2. No poll for the 1774 election has been found, but the list of real and half friends among the Howard of Naworth MSS, and a list drawn up by Eyre's friends on 4 July 1776 in which the "double votes" and "split votes" on both sides at that election are indicated (M.C., II, ff. 135-6), provide a useful guide as to how the freemen

"I have the pleasure to acquaint you the Election at Morpeth is over without any trouble or opposition", Lord Carlisle wrote to Selwyn shortly afterwards. "Nobody thought it worth while to appear, and perhaps with care and management we may deter them from interfering with us at any future time".¹ One of the essentials of such care and management was the avoidance, so far as possible, of vacancies at Morpeth between General Elections. In seeking a candidate to replace Byron, Lord Carlisle had taken pains to find one who would not wish to vacate the seat; but, despite all the trouble he had taken, six months later he was confronted with the prospect of yet another vacancy.

voted. In the case of Hugh Bates, one of the mandamus men, there is a discrepancy between the two lists. On the Carlisle list he is classed as a "Recruit", but on the other list he is noted as a "double vote" for the Carlisle candidates at the election of 1774. Whichever is correct, it is clear that by 1776 he had joined the Carlisle party.

3. M.C., II, ff. 132-3; cf. p. 467 above.

1. Castle Howard MS. The letter is dated "Sat July" - probably Saturday 20 July 1776, the first Saturday after the election.

CHAPTER XVI

THE TROUBLES OF A BOROUGH-OWNER

Frederick fifth Earl of Carlisle was born on 28 May 1748. He was educated at Eton, where he was a friend and contemporary of Lord Fitzwilliam, Charles James Fox and Anthony Storer, and at King's College, Cambridge. He took his seat in the House of Lords in 1770, but, as yet, remained a man of pleasure. Fox and he were the best dressed men in town; both gambled and lost heavily. Carlisle, however, became a collateral surety for Fox's vast debts, and this, together with his own extravagancies, plunged him into financial distress which obliged him to retire for a time to Castle Howard. "The more I live", he wrote, while there, to Selwyn, "the more I think I shall alter my way of life very essentially for the future. I feel more ambitious here than at Almack's, among a set of people who seem to have none, except Charles [Fox], and he seems to have as much in ruining himself as in any other pursuit".¹

1. Quoted, without date, by G.O. Trevelyan, The Early History of Charles James Fox (1880), p. 490. Carlisle was surety for £15,000 or £16,000 borrowed for Fox and an annuity of £2,000 or £2,500 was to be paid on the loan (Carlisle to Lady Holland, 5 December 1773, printed in Jesse's George Selwyn, III, 65-6). Carlisle declined the chance of an appointment to the Bedchamber, because he considered the position would not allow him to "succeed to any kind of confidence" with the king, who "damps all views of ambition which might arise from that quarter" (see Trevelyan, op. cit., as above, p. 124, footnote). On 13 June 1777, Carlisle was appointed Treasurer of the

This increasing sense of responsibility is reflected in Carlisle's attitude to Morpeth. In 1767, Sir William Musgrave had been obliged to remind him more than once of the necessity of sending certain letters relative to Morpeth without delay; and Carlisle was admittedly more interested in the sights of Rome than in the fate of his borough: "If I was not too much taken up with the ancients", he wrote to Selwyn from Rome on 30 April 1768, "I ought to pay some attention to my own modern affairs, for I see by the papers that there has been the devil to pay at Morpeth".² "I find that Lord Carlisle is exceedingly negligent", Eyre remarked in a letter to Trotter of 7 April 1772, "So that his Agents do what they please".³ Still, the following letter of Carlisle to Selwyn (which was probably written in 1773 or 1774) indicates that he was by no means indifferent to his Morpeth affairs:

"My Dear George,

Nothing that you can tell me of Charles [Fox] can surprise me. When he is so perfectly neglectful of his own affairs, it is not to be expected that he will have attention to those of his friends. I am a little out of humour with him for not having taken any

Household and sworn of the Privy Council. The next year, he headed the commissioners sent to treat with the American colonists. He was made President of the Board of Trade in November 1779 and Lord Lieutenant of the East Riding of Yorkshire in February 1780. In October that year he was appointed Lord Lieutenant of Ireland, but resigned when the Rockingham administration dismissed him from the Lord Lieutenancy of the East Riding. He was Lord Privy Seal in ~~under~~ the Fox North coalition. He died in 1825 aged seventy-eight (see G.F. Russell Barker's article on him in the DNB.).

1. H.M.C., Carlisle, pp. 219, 220.
2. Jesse, George Selwyn, II, 297.
3. M.C., I, f. 580.

notice of a paper I gave him before I left town. It is in relation to Morpeth, and he knows that it is of serious consequence to me".¹

Again and again, George Selwyn had tried to impress upon Carlisle the importance of maintaining control of the borough and giving personal attention to its affairs. "Morpeth I hope will be settled to your satisfaction for this time by the help of the Duke of Grafton", he remarked in a letter to Carlisle on 29 December 1767, "and in all future times by no means but what are in your hands".² A month later, he wrote to him: "As to Morpeth, the best that can be done at present is done. I'm persuaded what can be done in future times will depend upon yourself, as I hope and suppose".³ Then, three weeks later: "I wish Morpeth could have waited till you come of age. But I hope that in future times everything will be done there and elsewhere which your family consequence entitles you to wish may be done".⁴ Selwyn was obviously anxious that Carlisle should have the borough entirely in his own control to the exclusion not only of opponents but also of Administration.

As the General Election of 1774 approached, Selwyn declared that he was very much pleased with Carlisle's prospects both at Morpeth and Carlisle: "...Don't neglect the reasonable means of securing them this time", he admonished the Earl. "They will give you a weight which

1. Jesse, George Selwyn, III, 20-1. Jesse has placed this letter which is evidently undated under the year 1771, but it seems more likely that it was written in 1773 or 1774 when the approach of a General Election would force the affairs of Morpeth upon the attention of Lord Carlisle.

2. H.M.C., Carlisle, p.225. 3. 26 Jan., 1768 (ibid., p.233).

your family, and those you wish to assist in the world, must feel the good effects of. I am not so much afraid of your refusing your money as your trouble, but I hope it will not be requisite to afford a great deal of either".¹

Then, on 25 November 1775, after Eyre had withdrawn his petition and left Delmé and Byron secure as Members for Morpeth, and Anthony Storer had been returned on Lord Carlisle's interest for Carlisle, Selwyn wrote to the Earl:

"Storer attends very closely, and seems to have a mind to speak. I wish that he would try that ground. He could not fail doing tolerably well at least, and that would be doing well for you. All I wish in the two others [Delmé and Byron] is attendance; they will not refuse what you desire. I only desire it, to take off all possible objection which may be made to your importance".²

With such constant reminders of the importance of his electoral interest, it is not surprising that Carlisle came to regard Morpeth affairs as of great consequence to him. The sudden death of William Byron threw him into "great distress" on account of the probability of another contest at Morpeth;³ somewhat later, he declared that he was "surrounded by difficulties" which continually demanded his "serious attention", and, even after Gilbert Elliot set out for the borough and thus lifted the affair from his

4. Selwyn to Carlisle, 16 Feb., 1768 (H.M.C., Carlisle, p. 242).

1. 14 August 1774 (ibid., p. 278).

2. Ibid., p. 748.

3. See above, p. 461.

shoulders for a while, he feared that the consequences might yet "sit heavy upon them".¹ A few days later, when his letters concerning Morpeth were misdirected, he remarked: "I hope they will not be lost, as they are of consequence to me".² He appears to have conducted the negotiations with Sir Ralph Payne, and possibly with Mansfield, the lawyer, personally, though, when both declined, he sent Storer to make the offer to Gilbert Elliot, and evidently left all negotiations with Elliot to him.³

On 11 January 1777, Elliot's father, Sir Gilbert Elliot, who had been in declining health, died. Towards the end of that month, Elliot addressed the following letter to Lord Carlisle:

"The melancholy Event of my Fathers death which took place at Marseilles...makes it necessary for me to explain to your Lordship some part of my present situation - My Father represented the County in which he lived, several Parliaments & enjoyed the respect & Friendship of the Gentlemen of that Country in an Extraordinary degree. On considering the different Duties which my present misfortunes impose on me, I cannot help feeling that it is due both to the memory of my Father & to the friendship of the Gentlemen of the Country for his Family, to aim at this part of his succession & offer at least my services in the room of those which are now lost. In this View I am on my way to Scotland, but with what prospect of success in the object of my Journey I am at present quite unable to Judge. If however I should find the Event likely to be favourable your Lordship sees that it would be a necessary Step to Vacate my seat for Morpeth. - So far my own situation & Duties to my family seem to require of me; but there is another Dutie to which I assure your Lordship I shall on this and all other

1. See Carlisle to Selwyn, 2 July 1776, quoted above, p. 468.

2. To Selwyn, 12 July 1776, see Jesse, George Selwyn, III, 135.

3. Carlisle to Selwyn, as in n. 1; Storer to Carlisle, 13 Feb., 1777 (see below, p. 499).

occasions give the Utmost attention. I feel sincerely both the Importance of the obligations I owe to Your Lordship & the very handsome & friendly manner in which they were conferred. At all events therefore I am determined to abide by your Lordships wishes as to my present Conduct, & if you should think that a vacancy at Morpeth will materially affect your Lordships Interest there, I shall finally desist from my present pursuit, trusting however that unless it should seem of Essential consequence, I shall have Your Lordship's Assent to the Step I am now taking, & that if on the contrary it should be otherwise Your Lordship will use no delicacy or scruple in telling me so frankly. In the meanwhile if on Enquiry I should find that I am unlikely to succeed in Scotland I should then naturally desist and retain the Seat in which Your Lordship has placed me. Whatever be your determination, I shall let your Lordship know, as soon as I know it myself, what my success & my Conduct will be. This I may promise to do in a week & shall write two Letters on the Subject one directed to Castle Howard & the other to London. I hope Your Lordship will as soon as convenient inform me of your Wishes by a letter directed to me at Minto near Howick, by Carlisle. - The Hurry of the present moment has made it impossible for me to wait on Your Lordship in Person, which I much wished to do".

"P.S. I go to Scotland by the way of Carlisle on purpose that my Journey & intention may not be known at Morpeth sooner than Your Lordship Chooses".¹

Lord Carlisle's reply has not been found, but the nature of its contents can be gathered from the following note he addressed to Elliot on 31 January 1777 to supplement what he had already said:

"Having I find omitted one circumstance in my last letter to you, I must beg leave to lay it before you. Upon the arrangement of my affairs sometime ago, I gave them up to the management of some friends, who then undertook the settling of them; A trust was intrd, which will not expire in some time. You must easily conceive that any proposal that in its consequences may open the door to great expence, must be receiv'd by me with extreme caution, not thinking myself at Liberty as an honest Man, one moment to lay myself under restrictions,

1. 29 January 1777 (Castle Howard MS).

& the next to act with the Same freedom, as if I never had submitted to them. This is an additional reason, which I make no doubt but you will see the force of, for making it impossible for me to consider only my own judgement & inclinations which would certainly lead me to consult your convenience & intrest in all circumstances & upon every occasion".¹

Carlisle had evidently received Elliot's proposal with "extreme caution", and, while not positively forbidding him to proceed, had pointed to circumstances which made it difficult for him to approve of his doing so.

Carlisle sent a copy of Elliot's letter and one of his reply to it to Francis Gregg in London. Gregg, full of indignation, replied:

"...I beg pardon of your Lordship for saying Sir Gilberts reall Intention manifestly appears very Evident to me from his own Letter, Viz: of offering himself for the County his Father Represented if he should find a proper Opening, & I cannot consider the other part of his Letter as any thing more than common place Compliment; how far such Intentions are consistent with the Obligations he is under to your Lordship, I cannot presume to Judge for your Lordship, but with the greatest Submission to your Lordship, he ought not in my opinion to have attempted, so much as though of it, without having first had your Lordships Consent. I am sorry to say so much, but when I consider your Lordship's Behaviour to him, his Engagements, & my Zeal for your Lordships Interest, I hope you will excuse me. It is impossible that frequent Elections should not weaken your Lordships Power at Morpeth, & it is clear that without them the Borough is almost as secure as if it were a Burgage Tenure. This Sir Gilbert is fully apprized of, & must therefore (if he would have seen at all) have been sure his attempting to make a Vacancy was an Injury to your Lordship, as on the first Report, any ill advised Nabob might have been spirited up to have attempted a Canvass.² It was impossible Sir Gilbert should think

1. Castle Howard MS.

2. Perhaps Gregg was thinking particularly of the possibility that Eyre might in such a case "spirit up" a nabob to contest the seat. In view of Eyre's avowed intention to introduce a "formidable Man" the previous year, this was a distinct possibility. Gregg evidently

his Intention of offering himself for Roxburghshire could remain long a secret, and if they could not, it was surely incumbent upon him to have given me, as your Lordships Agent, the earliest notice of such Intentions, that a private Intimation might have been sent to Morpeth, to prevent a sudden Surprize. Should Sir Gilbert not find any Prospect of succeeding where he is gone, still his Intentions, could he have succeeded, are not in the least Justifiable, and I hope your Lordship will be so obliging as to write to him & express your Wishes that he should not attempt to make a Vacancy at Morpeth. I think there are many other things to urge which as they must occur to your Lordship I shall not trouble you with. I did presume to tell Sir Gilberts Brother, the Night I met him, that if it was only meant to keep up the Family Interest, that I thought it might, for once be done by attempting to bring him in for the remainder of this Parliament, but he told me that could not be".

Carlisle had mentioned in his letter the person to whom he wished Gregg to make the first offer of the seat if Elliot vacated it, though he did not make it clear whether he desired the offer to be made immediately.

"I was not certain", Gregg continued, "whether your Lordship meant I should post pone waiting on M^r Boothby till after Mondays Post, or on Lord Gower only, but I was sure your Lordship meant to pay Mr Boothby the highest Compliment you could do, I determined to do it directly & I am happy I did so, as Mr Boothby leaves Town tomorrow Morning for a Month, & I should have missed him had I waited even till to Morrow. I delivered your Lordships Message to him, after having told him the Situation we were in & the Chance of a Vacancy so very uncertain at present, but that as it was your Lordships particular Directions the first Offer should be given to him, I was determined not to wait an hour doing it. I should do great Injustice to M^r Boothby, was I to omit Informing your Lordship how much he thought himself obliged to your Lordship for the Offer you had made him, and of the great Friendship he expressed for you: he

knew that Eyre himself was no longer able to contest the seat.

desired me however to assure your Lordship he had not the least Idea of being in Parliament, & that nothing could Induce him to accept a Seat, but the thoughts of being of Service to your Lordship, which tho' he was ever so averse to, he should certainly be ready to do if you wished it. I requested him, agreeable to your Lordships Desires, to observe the greatest Secrecy, which he promised me faithfully to do with every one but Mr Selwyn, whom he sayed he should see in the Evening, & if it was not too late, he meant to write to your Lordship".

Gregg himself had "talked over every part of the Business" with Selwyn, who, Gregg believed, agreed with him that Elliot ought to have taken no steps in the matter without Carlisle's "entire privity".¹

Two days later (3 February), Gregg received another letter from Carlisle, in consequence of which he called on Selwyn, and after discussing its contents they both went to Lord Gower's. Gower, although engaged with company, had admitted them, and they had much conversation on the subject.

"I shewed Lord Gower Sir Gilbert Elliots Letter to your Lordship & your Lordships Answer", Gregg told Carlisle, "upon the perusal of which his Lordship was pleased to observe that if Sir Gilbert had the least Feeling, he could not possibly think of taking any Step towards Vacating his Seat at Morpeth, & was of opinion your Lordships Answer was a very proper one; his Lordship further Informed us he had waited upon Lord North so long since as the Wednesday (the day he first heard Sir Gilbert was gone into Scotland) & that his Lordship told him he knew nothing of Sir Gilberts plan, & that no Application had been made to him. In a former Letter I took the Liberty of telling your Lordship I had heard Lord North had approved of it, of which I had been informed by Mr Wallace, but I did not mention his Name to Lord Gower as he had desired I would not. I then acquainted Lord Gower that in case

1. 1 Feb. 1777 (Castle Howard MS). It is marked 12 o'clock - probably midnight 1-2 February.

there should be a vacancy, your Lordship had desired I would take his Directions upon every Point & I told him your Lordship had mentioned the Seat being offered to a Mr Waldgrave in case his Lordship approved of it. Lord Gower acknowledged himself obliged to your Lordship for the Compliment but told me Mr Waldgrave was gone to the East Indies, & that till we knew there would be a Vacancy, we need not trouble ourselves to think of any one, at least for the present. There being no Letter from Sir Gilbert to St James place by Yesterdays Post (where I had called in my way to Mr Selwyn) Lord Gower was so good as to give Mr Selwyn & myself leave to meet at his Home today at 4, by which time it would be known if any Letter came by todays Post, & his Lordship promised to make some further Inquiry what was likely to pass in Roxburghshire should there be any Opposition, & to give us the Information".

The meeting took place as arranged, but no letter had arrived from Elliot. Gower, however, informed Gregg and Selwyn that he had heard "from the first Authority" that the Dukes of Roxburgh and Buccleugh had joined their interests in support of Lord Robert Kerr as candidate for Roxburghshire, and therefore was of opinion that until more information was received nothing further could be done. Gregg asked Gower whether he thought that Carlisle would do right if he declined to consent to Elliot's vacating his seat.

"I think I may assure your Lordship that Lord Gower was of opinion, considering all Circumstances you might do it, unless you could satisfy yourself there was not any Likelyhood an opposition should take place at Morpeth upon such an Event, but his Lordship thought it unnecessary you should put a Negative at once upon it untill further Consideration, especially as it might happen Sir Gilbert would not offer himself for Roxburghshire, & that if your Lordship should be further pressed by Sir Gilbert to consent to it, he then thought it advisable to give no other Answer than that your Lordship had not received such particular Intelligence as

to enable you to form any Judgment whether it would be prudent to attempt a Vacancy at Morpeth or not. Lord Gower desired me to mention to your Lordship that upon the whole of what appeared at present, he did not think there was any reason to be much alarmed".

Gower, Selwyn and himself were to meet again the next day, Gregg told Carlisle, "& your Lordship may rest assured that every Step shall be taken the same as if your Lordship was in Town". Even before he received Carlisle's first letter, Gregg declared, he himself had omitted nothing that could be done. Lord Gower, he added, did not consider the reasons which Elliot had given Carlisle for wishing to change his seat the least satisfactory.

"I hope your Lordship approved my waiting on M^r Boothby on Saturday", Gregg continued. "I particularly cautioned M^r Selwyn not to mention the least Hint of it at Lord Gowers, nor to anyone, so that I think your Lordship may rest assured that offer will never be known". (Certainly, Lord Gower, if gratified at his son-in-law's order that Gregg should, in case of a vacancy, "take his Directions upon every Point", might have been offended had he learnt that Carlisle and Gregg had already attempted to secure a candidate without consulting him.) If Boothby was supposed to be "out of the Question", it would, Gregg declared, "give me great Satisfaction to have the person to be thought of, in case of a Vacancy, particularly approved by your Lordship". Carlisle had evidently mentioned several possible candidates, but they were all either unavailable or were not approved by Gregg himself, Anthony

Storer (with whom Gregg had discussed the matter), or by Mr Wallace (probably James Wallace, Lord Carlisle's Counsel):

"The Mr^r Potter your Lordship mentions", Gregg wrote, "& who I know, is² already in Parliament.¹ Mr^r McDonald is gone to Hindon² where should he not succeed there may be a Petition; besides that I have already taken the Liberty to hope your Lordship would not think of him, & none of the others your Lordship names are approved of by Mr^r Storer...or Mr^r Wallace. They wish your Lordship might name some Man of Business, & Mr^r Wallace in particular wishes it might be some Gentleman in North², but yet cannot give me any Names to send me. Mr^r Storer mentions Mr^r Walker, & S^r Charles Cope".

"I wrote again to Morpeth last Night", he continued, "to inform Mr^r Fenwick matters remained just as they were, & that he might not think I neglected giving him an account of what passed". He intended to write to him again to inform him about the two Dukes supporting Lord Robert Kerr, to keep ~~up~~ his spirits, "which I must suppose rather sunk, with the thoughts of another Election coming on so soon". Obviously, it was vital to keep Andrew Fenwick in good temper since, in the event of a vacancy, he was the agent on whom most would depend. He had been Lavie's chief assistant, and, now that Lavie had been dismissed, Carlisle was evidently anxious to know whether Gregg and Fenwick were on good terms. Gregg, however, reassured Carlisle, though he himself was clearly not altogether free from doubt:

1. Thomas Potter had been returned for Lostwithiel on 28 November 1776. In May 1778 he was re-elected after being appointed one of the Justices for Carnarvon, Merioneth and Anglesey (Official Return (1878), II, 150).

2. Archibald Macdonald was returned for Hindon (Wilts) on 5 February 1777 (ibid., 157).

"In answer to your Lordships Question as to the Terms I am now upon with him, I hope they are as well as usual, as we have had frequent Letters pass between us, since those relating to the Business that passed at Morpeth when M^r Lavie was there (in which nothing has been mentioned on that Subject) and particularly many were wrote by him & answered by me, in relation to the late Distribution there, and therefore upon the whole I flatter myself I have nothing to fear from him. I shall expect an answer from him to my Letter of Wednesday by toMorrrows Post, which will satisfy me fully about him & I shall certainly communicate the Contents of it to your Lordship the next Post".¹

The same night, Selwyn wrote to Carlisle and mentioned the two consultations at Lord Gower's about Morpeth, "which", he declared, "if it has alarmed you, is, I believe, at present safe from any change":

"But I must own myself much surprised at Sir G[ilbert] Elliot's conduct. However, if it be true, as Lord G[ower] seems to think, and with reason, that there will be no re-election, you may be more moderate in what you say in regard to Sir G. E[lliott's] conduct. If there really was more probability of his design to be chose at Roxb[urgh], and Lord N[orth] consented to it, I should undoubtedly, in your situation, explain myself with great freedom to him, and indeed both he and Lord N[orth] would be inexcusable in putting your affairs to such a hazard".²

When Gregg wrote to Carlisle two days later, he reproached the Earl for not answering his numerous letters to him: "I have taken the liberty of troubling your Lordship with a Letter by every Post since this day sennit, and considering the uncertain state in which we are here, I was much disappointed in not having received any letter from your Lordship or anyone directed to your Lordship

1. 4 February 1777 (Castle Howard MS). It is not known what the nature of the business was that passed at Morpeth when Lavie was there, though, from what Gregg here says, it seems probable that it had occasioned some disagreement between Fenwick and himself. The "late Distribution" was probably the money distributed among the free-men towards the end of 1776 (see above, p. 477).

from Scotland".¹ Selwyn and he had had two more meetings with Lord Gower, Gregg continued, but, as no letters had arrived, Gower and Selwyn declared that nothing further could be done beyond what Gregg had done already in writing to Morpeth. Fenwick had replied to Gregg's first letter and said he hoped that Gregg would find him prepared, but he had no time to give Gregg any particulars.

"It was publicly Reported yesterday", Gregg declared, "that Sir G.E. was to be Elected for the County of Roxburgh without Opposition, and Mr Storer told me at Noon he had seen a Gentleman, who had dined with Mr Eden the day before, who mentioned at Table his having received an Express from Sir G.E. to that Effect. Lord Gower was pleased to make many Observations upon this strange Conduct, as there can be no doubt the Publick are at this Moment more fully informed of Facts than any of your Lordships Friends".

As Lord Gower had not thought of any candidate for the seat in case of a vacancy, Gregg had mentioned to him a gentleman who he believed had been at Eton at the same time as Carlisle -

"Mr Sargent, and in looking round among all the Young Men I know, I can hardly fix upon one whom I could wish so much to recommend to your Lordship. His Education has been very Compleat, as he was intended for the Bar, but after studying very close for sometime, he chose rather to enter into his Fathers Business, who is a Merchant of the first Character and was in the last Parliament. This Gentleman is quite a Man of Business and a very good Speaker and I am sure your Lordship on being acquainted with him, will be most perfectly satisfied with his Abilities and Character".

Carlisle, however, on receiving Gregg's previous letter of 4 February reporting Gower's opinion that he

2. H.M.C., Carlisle, p. 319. The letter is dated "Tuesday night" i.e. Tuesday 4 February 1777 (cf. Gregg's letter to Carlisle of the same date).

1. 6 February 1777 (Castle Howard MS).

might, if necessary, refuse to consent to Elliot's vacating the seat (see p. 489), and Selwyn's letter expressing a similar view (see p. 492), determined to avoid any vacancy at all, and, without further consulting Gregg, Gower, and Selwyn, wrote to Elliot and informed him of his decision. The following undated letter to Gregg was not actually sent, but it shows the attitude Carlisle had taken:

"You will have had my letter by express, and I make no doubt but as things seemed to draw so rapidly to a conclusion, you will see the Necessity I was under, not to wait for more advice, but to give a finite answer to S^r G E! - My servant is not returned, therefore can give you no account of the reception of my letter of which you have a copy. - I am to expect but one answer to it, an acquiescence with my wishes. - The copies and originals of those letters of which you have had possession, containing according to my apprehension a full promise to abide by my determination, can suggest to you no possible method I will venture to say by which a gentleman can free himself from the obligation - But I have to hope that this business will not turn upon the mere performance of a promise, but that the attention for my interests, which induced him to make it, will still be the motive to regulate his conduct, without any reference to the obligation. Neither M^r Storer nor yourself have answered to a query I put in a former letter? Was S^r G E informed by either of you of the situation in which I stood in regard to S^r R Payne or M^r Mansfield and the nature of those transactions?

"M^r Selwyn was clearly of opinion that if things tended to a conclusion I should explain myself without any reserve to S^r G E - I hope I have not made use of any in my letters to him. You tell me that L^d Gower was as clear in his opinion that in the same case, a negative ought to be given to the proposals, & the only reason for keeping back that negative was that other circumstances might interfere, so that I might never be reduced to the disagreeable necessity of giving it... Possessed of these opinions which entirely coincide with my own, and as I saw but these reasons existed no longer which might have justified a delay, upon more mature consideration I have not repented taking the steps which I did".¹

1. Castle Howard MS. According to an endorsement, it was not sent.

In a letter to Selwyn, which again was not sent, Carlisle expressed himself at greater length on "this disagreeable business":

"...You will see by the copies of my last letters what resolution I immediately formed upon possessing your opinion & Lord Gowers upon the nature of Sr G Elliots demand, that if things drew towards a conclusion, I should not hesitate acquainting him that all circumstances considered it was impossible for me to comply with his request. - It now remains with him - I expect the return of my servant tomorrow. - With so short a warning, sending a post boy from an inn acquainting me with his resolutions when it would not have been twenty miles out of his way if he had called here (tho' I am better pleased that all that has past is by letter & not conversation) the not acquainting Gregg before he set out, tho' I have put the most liberal construction upon this omission, all these circumstances together awaken one a little to an attention for oneself. - If he desists upon receiving my letter in his pursuits in Scotland, which by his promise (which you probably have seen in his own hand writing) he is bound to do, I shall only be sorry for the indiscretion of his conduct, and wish that he had been better advised than to have put me to the disagreeable necessity of fixing him down to it. But if he proceeds, he will not only manifest a most unfeeling neglect both of my convenience & interest, which having some obligation to me will do him no great credit, but he will proceed likewise in full defiance of a solemn promise to abide by my determination - It is injustice till they happen to suppose either of these cases likely or indeed possible. But at all events There is one which I fear is not only possible but very probable, which is that I may be accused of severity in not complying with Sr G' demands. The question ought to be, should Lord Carlisle expose himself to danger to oblige Sr G E? Or ought not Sr G E^t immediately to withdraw such a request that may in its consequences prejudice L^d Carlisle? But this is not the way you will find it will be stated; all that part of it will be sunk, which forces me to the negative, and the simple act of giving that negative will bring upon me the censure of that nation, who seem always invariably to make it a rule to support each other most vigorously when they are most in the wrong. - You know in any remark of this sort I except always March, who indeed ought always to be excepted when the Scotch are described as a people.

"What has not S^r Ralph Payne cause to say to us, if there is a tame acquiescence with this manner of vacating the seat at Morpeth? M^r Mansfield the same? Were they not told that we could not chuse them because their different pursuits prevented them from assuring us they could remain with us. They have a right to think it was extraordinary treatment to offer the seat to M^r E upon different terms than those which we mentioned to them. - If I had consented to S^r G Elliots request, some apology and explanation in the first place would have been necessary to them, and it would have been very difficult to have made them see any difference between their situations and S^r G E^ts and this would have been attended with another difficulty, because it would be owning that vacancy's at Morpeth were not of that alarming nature which we were willing to describe them, and as that, which was the only objection to them before, was now in a great measure removed, we ought if we were consistent to renew to them the former offer - This at the distance I am at would have taken up time, and every person who knows S^r R P, knows what an unconsionable consumer of time he is in any negociation. - The people who write from Morpeth are of opinion that there is little real danger to be apprehended, provided what? that there is no delay & that a gentleman is immediately sent down. No gentleman is, or can be ready to set out, and there must be a delay of what length accident and fortune can alone determine. This in itself if I was in S^r G E^ts case would [be] a sufficient reason for me to do, what I trust he will do. - If we had had time, warning, opportunity of settling and getting through these difficulties, had had a proper person ready to have been at Morpeth as soon as a vacancy should have been declared, The request would have worn a very different complexion, & I am persuaded would have been by every person conversant in this business regarded in a very different light, but as the contrary of this is the case, there was little room left for choice - Is not the Chiltern Hundreds necessary for the vacancy? I hear Lord North has had no application to that purpose. I think he would mention it to Lord Gower before he gave it. - There will be no harm in speaking to L^d G upon this point; if L^d N facilitates this business without any consideration for me it is not a treatment I shall submit to with patience".

Evidently before these letters to Gregg and Selwyn could be dispatched, Lord Carlisle changed his decision, or at least suspended it. This was presumably brought about by the return of his servant, who, if not actually accompanied

1. Castle Howard MS. The letter is undated, and like the one to Gregg, evidently not sent. Carlisle seems to have been unaware that Sir Ralph Payne had been returned to

by Elliot, must have carried news that he was coming to Castle Howard to discuss the position. By 10 February 1777, Elliot had had an interview with Carlisle, and in the following memorandum of that date set down what had taken place:

"On an Interview with Lord Carlisle, I have the satisfaction to find that we agree perfectly both as to the relation in which we stand to each other; & as to the line of Conduct which ought to follow from it. That this may be the more clearly understood, & the more easily referred to, I have endeavoured to reduce my ideas on this subject into writing.

My own situation is this.

"My Father by his Character & Abilities had formed an Interest in the County of Roxburgh which he represented. On his Death it became my Dutie to attend to this object and to take immediate Steps to preserve it. I offered myself as a Candadate, giving Lord Carlisle the earliest notice, & have succeeded - Without entring into the Circumstances & Grounds on which my success has turned, it is enough to say that this is the object not only the most important of my life in point of advantage, but the most interesting & affecting to my wishes.

"I understand Lord Carlisles situation to be as follows - He has with great Expençe & much trouble formed & preserved an interest in the B^d of Morpeth. This Interest has at different times been endangerd & it has been thought that the best means of securing it are tranquility & avoiding as much as possible all opportunities of a Contest. - L^d Carlisle recommended me at Morpeth & I was in Consequence elected there on the last vacancy -

"Although no Condition as to vacating my seat was either mentioned by the Friends of L^d Carlisle, or understood by me, Yet I feel myself as strongly bound in Gratitude & Dutie as I would have been by an express Engagement, not to sacrifice that Interest, which his friendship bestowed on me, to any advantage, however considerable, of my own. On the other hand L^d C. is pleased to say that even if I had been tied by the most express conditions, he would have felt it as a point of natural Dutie to ballance in some degree my Losses or advantage against his own; & that the Magnitude & importance of

Parliament for Camelford in November 1776.

my pursuits in Scotland would not have permitted him to exact more of me [than] that I have voluntarily offered. - In compliance with these sentiments in which we both so happily meet, it has been thought reasonable, before I resign the advantages I have gained in Scotland, to ascertain as clearly as the nature of the Thing can admit of, that they cannot be pursued without endangering Lord Carlisle's Interest at Morpeth. It is therefore proposed to make the Experiment; that is to say.- To name a Candidate, who shall immediately canvass the B⁹ - If on the Canvass he has such a majority as may reasonably assure him of success then the Seat to be vacated, & the Election to be had without delay. If on the contrary it should appear clearly on the Canvass that there is real danger of a defeat, or that there is such an opposition as must incur a very enormous Expence then the seat not to be vacated & a new Election avoided.

"The time of vacating or of the Election may be in the hands of L^d Carlisle, as I shall not be obliged to vacate my seat there six weeks".¹

Although this memorandum is dated 10 February 1777, the interview between Elliot and Carlisle may have taken place some days previously. At all events, Gregg knew on 8 February that there would certainly be a vacancy for Morpeth and that the writ would be moved on 10 February. Moreover, a candidate had now been found and was evidently going to set out for Morpeth immediately. He was Captain Egerton, the eldest son of the Bishop of Durham: "he is a near Relation", Gregg wrote, "to the Duke of Bridgewater, who is uncle to Lady Carlisle, and the Bishop is likewise a Relation to Lord Carlisles Family so that the Connection is a very strong one. This Gentleman will be Earl of Bridgewater on the Dukes Death".² Egerton, who was twenty-four, had been educated at Eton and Christ Church, Oxford,

1. Castle Howard MS.

2. Gregg to Edward (?) Lawson, 8 Feb., 1777 (M.C., II, f. 144).

and had recently been promoted to the rank of captain in the seventh Dragoons.¹

Speed was essential. Gregg promised to send the writ to Lawson at Morpeth by express, and believed that it would arrive there on 12 February. "Would it not be prudent", he asked Lawson, "to Send over to Alnwick to Mr Adams Undersheriff to get him to be at Morpeth early on Thursday Morning that the Praecept may be delivered that day and the Notice for the Election on the Monday following immediately given: indeed if notice was given on Wednesday, if I remember our last Determination, the Election could not be sooner than Monday". "I have wrote to Andrew [Fenwick] & George Potts", he added, "& beg all may be done that is possible".²

"It will be useless now to enter into conversation concerning the arrangement of Affairs at Morpeth", Storer wrote to Carlisle on 13 February 1777, "as Everything since the time of writing y^t Letter is now fixed".

"The only thing I think necessary to inform you of", he continued, "is, that, without entering into any consideration what obligation Sir G. Elliott is under to you, I did preface my conversation to Elliott with our reasons for not bringing Sir Ralph Payne into Parliament, & more particularly I remember his Father told me besides that his son had no views of any place, & that a vacancy was not at all to be apprehended by you. This was an event which was not look't for, & of course not considered.

1. He subsequently held several high ranking military commands and eventually attained the rank of general. He succeeded as seventh Earl of Bridgewater in 1803 and died in 1823. About him see the History of Parliament Trust's biography.

2. 8 Feb., 1777 (M.C., II, f. 144). Possibly opposition was feared from the disputable Irish radical, A.R. Stoney (Bones), who had recently married the Dowager Countess of Strathmore. See Selwyn to Carlisle, 4 Feb., 1777 (M.C., Carlisle, p. 319).

Yesterday at the house of commons Gregg told me M^r Egerton was in London, The Chiltern hundreds are not as yet given to Elliott, so that I think, having fixed upon y^r Member you are likely to be as forward in this business as you could possibly expect & I hope it will turn out entirely to y^r satisfaction....I find Eden seems discontented at ye withholding y^r consent, & talk't to me yesterday of Mr Elliott's preferring to go & live abroad rather give up the County, abdicate the couty, after having been so receiving by it. Bekles paroles! Magnificent ideas - if he means doing anything by going abroad rather than not have a good thing - he reduces his abdication, & his travels to a distance, which one's imagination & one's eye may reach without being lost in the length of the perspective. The only step now for you to take is to chuse M^r Egerton at Morpeth-& not make y^rself uneasy about any part of S^r G. Elliott's Conduct. I shall the first opportunity ask Gregg to inform me of those transactions of which I am as yet ignorant & then I shall be a better judge than I am at present of Elliott's Manner of acting on this Occasion. I comprehend the reason perfectly of M^r Egerton's being nominated, & I think he is a very proper person, as far as I can judge of him - I am not at all acquainted with him, & therefore can say very little de (?) son Chapitre".¹

Egerton was returned unopposed on 20 February 1777.

The expense of the election came to £303-17-8½d, of which £161-9-1d was paid to twelve publicans for entertaining the freemen, and £43-19-0d was laid out to meet the travelling expenses of various freemen from outlying parts.²

Whether or not Gilbert Elliot made any contribution towards the expenses that were incurred as a result of the vacancy and election is not known.³

Egerton sat for Morpeth until 1780. At the General Election that year, Peter Delmé was again returned and

1. Castle Howard MS. Part of this letter is summarised in H.M.C., Carlisle, pp. 317-8 where mention is made of Stoney (subsequently Bowes, the disreputable radical who was returned for Newcastle in 1780). I find no reference to him in the original letter, however.

2. Howard of Naworth MS.

3. Elliot sat for Roxburghshire until 1784. He gave up his legal practice after his father's death. He was sworn of the Privy Council in 1793, was Viceroy of

Carlisle's friend Anthony Storer came in instead of Egerton. The election was not contested: out of one hundred and ninety-three voters, only ten positively refused to promise Storer and Delmé. These ten included Eyre's staunch friends - Andrew and George Bullock, William Arthur, Michael Hancock, William and George Crawford, Edward Lumsden and William Wood. Two freemen were listed by the Carlisle agents as "not seen", three others were at sea, and another two were in America.¹

The withering of the opposition at Morpeth removed a heavy burden from Lord Carlisle's shoulders, but he had still to face problems and difficulties as patron of the borough. The affairs and conduct of the two Members returned on his interest were matters of the utmost importance to him, and on occasions the management of these Members was a difficult and delicate business. If they had duties and obligations to Carlisle as their patron, they certainly expected him to assist them by using his influence to advance their interests. This is particularly obvious in the case of Anthony Storer who sat for Morpeth from 1780-1784.

Storer, according to the Gentleman's Magazine,² was "a man whose singular felicity it was to excell in everything he set his heart and hand to...He was the best dancer, the best skaiter of his time, and beat all

Corsica 1795-6, Envoy extraordinary and Minister-Plenipotentiary at Vienna 1799-1801 and Governor General of India 1806-14. In 1797 he was made Baron Minto of Roxburgh, and, in 1813, Earl of Minto. He died the next year.

1. Howard of Naworth MS. 2. 1799 (ii), 626.

his competitors in gymnastic honours. He excelled too as a musician, and a disputant, and very early as a Latin poet. In short, whatsoever he undertook he did it con amore, and as perfectly as if it were his only accomplishment. He was polite in his conversation, elegant in his manners and amusing in a high degree, or otherwise in the extreme, as he felt himself and his company. If at any time he was rude, brusque, insolent, or overbearing, some allowance ought to be made for a state of health highly bilious which influenced the man at times, and gave a yellow tinge and a saturnine hue to his character. He was bred at Eton and with Mr. Fox and Earl Fitzwilliam, and at Cambridge with Mr. Hare and Lord Carlisle. After he had finished his academic course, he came to London and for many years figured in the circle of bon-ton as the Coryphaeus of fashion, and led the dancing world at balls and assemblies till he went with Mr. Eden and the Earl of Carlisle to America".

Storer was not one of the Commissioners appointed to "Treat, Consult, and Agree upon the means of quieting the Disorders" in America,¹ but was taken as an assistant by Lord Carlisle who headed the mission of 1778. Storer had been elected with the Earl's assistance for Carlisle at the election of 1774,² and, having returned from the unsuccessful mission to America, he was returned for Morpeth in 1780. Within a few months, however, he and his father, like many others, suffered heavy losses through devastation of their West Indian estates. "...The Storers", wrote Horace Walpole on 9 January 1781, "are totally undone, and so George Selwyn says too. I pity them!"³ Selwyn himself informed Carlisle that the situation of Storer's affairs was "triste enough". Several friends were soliciting that

1. For the terms of reference of the commissioners see H.M.C., Carlisle, pp. 322-33.

2. Writing to the Earl of Carlisle about the approaching election for Carlisle, Charles Howard, later tenth Duke of Norfolk, declared: "Mr Storer is totally unconnected

he should be appointed to a vacancy at the Board of Trade, and Selwyn hoped that if Carlisle thought it proper he would "urge it too". Lord North had received Storer civilly, but had taken no action, and Selwyn had "very little reliance...upon his promises of assistance". "You know better how to treat with him than I do", Selwyn remarked to Carlisle. "I know your friendship for Storer, and his for you. His sentiments concerning you and all he said upon that subject did him great credit with me. I shall be sorry if these endeavours to serve him prove fruitless".¹ A day later, Selwyn informed Carlisle that he had again seen Storer who wore "un air forte triste": "he told me that he should put down his horses, and it may be that he must be obliged to retrench many other expenses if this succour of the Board of Trade is not administered to him. I hope, my dear Lord, that you will do what you can for him. I have, when I say this, no doubt but you will".²

Carlisle mentioned the matter in a letter to Storer, who in his reply of 5 February 1781 gave the following account of the efforts that he and his friends were making to secure the place:

with Cumberland, and in the ideas of many on whose favourable sentiments his election greatly depends, he is a stranger to the kingdom, his property lying in Antigua; and it has ever been a great complaint against Sir James Lowther that he has introduced none but strangers. However, what the Duke of Portland, Mr. Graham, Mr. Dacre, and Mr. Jos. Nicholson can do for him will not be wanting" (H.M.C., Carlisle, p. 280).

3. To the Countess of Upper Ossory (Walpole's Letters, ed. Toynbee (1904), XI, 366).

1. 27 Jan., 1781 (H.M.C., Carlisle, p. 449). 2. Ibid., p. 451.

"Lord Robert's resignation of the Board of Trade after what passed before Christmas between Lord North and myself, made me apply to him again. I assure you that I have had neither pride[n]or false delicacy hitherto in any applications of this side the water, that I thought might be of service. I have worked with Lady North and George North. Others for me have done so with Miss North. Le père de famille, Lord Guildford, has not been neglected. Lord Dartmouth has said a word. Robinson too has been applied to. Lord Loughborough has promised to speak to Lord North. Then his Honour and Lady Brudenell have interested themselves with more warmth and friendship than I really could have possibly expected. At Bushey during the holidays Lady B[rudenell] mentioned the matter to Lord N[orth], and his answer was, 'I assure you that I am very much disposed towards him, but I cannot always do those things as quickly as I wish them'. She advised me to write to you to beg you to write Lord North, but you are the only person I cannot solicit, and had you not first opened this, I believe it would not have been in my power to have wrote you a word about it. I have left nobody unsolicited that has any access to Lord North except Keene. I could not prevail upon myself to try to make Keene imagine that I thought him of any importance, or let him think for a moment that I could possibly consent to owe the shadow of an obligation to him. Thus you see that I have treated Keene and you just in the same way. I leave you to guess whether from the same motives".¹

Gregg, he added, had advised him to refuse an appointment to the Board of Trade, or to delay accepting it until after the sessions of Parliament, because he was sure that the opposition would attack the Board of Trade which might be "totally carried away". "This", declared Storer, "was not said as a reason for my not accepting it, with any view to my re-election, but as a good substantial reason in itself; consequently I did not by any mean[s] coincide in his opinion". He supposed, he added, that Carlisle would not do so either. "...Some appointment will be perfectly necessary to me", he declared, in concluding his letter. "My finances require it in some degree,

1. H.M.C., Carlisle, p.454. Lord Robert Spencer was a member of the Board of Trade 1772-81. Keene was probably

but in whatever degree that may be, I assure you that my mind stands as much in need of it".

Just over a week later, Storer thanked Carlisle for sending Lord North a "pressing letter" on his behalf.¹ Storer had also written to North. He had submitted the letter to Selwyn before sending it, and the latter approved it: indeed, he later told Carlisle that the letter was "parfaite".² Ten days later, on 24 February 1781, however, Selwyn reported that Storer's expectations, though reasonable, were not "very sanguine", and that Storer thought another letter from Carlisle to Lord North would be a "necessary stimulus".³ Storer strongly hinted this when he wrote to Carlisle, who was in Ireland as the Lord Lieutenant, on 28 February 1781. It was now six weeks since he had first made his application and he had still heard nothing from Lord North:

"I wished to have known your opinion, whether I had acted properly in writing to him. ...If I had known how disagreeable it was to ask a favour of Lord North, I really believe nothing would have persuaded me to apply to him. ...Nobody knew how to manage, I believe, Lord North better than you did, and therefore I should think, though you might do more if you were upon the spot, yet you are not so far removed from our political hemisphere, as to have perfectly lost your influence".⁴

At this point, however, it appears that Gregg, who had previously attempted to dissuade Storer from

Whitshed Keene, a Lord of Trade.

1. Storer to Carlisle, 14 Feb., 1781 (H.M.C., Carlisle, p.459).

2. Selwyn to Carlisle, 15 Feb., 1781 (ibid., p.461).

3. Same to the same (ibid., 462).

4. Ibid., p. 466.

accepting a place at the Board of Trade lest it should be "carried away" in the immediate future, admitted that the real ground of his objection was that a re-election at this time might prejudice Lord Carlisle's interest. On learning this, Storer, who had paid little heed to Gregg's previous objection, evidently determined to abandon all attempts to secure the place, and it was probably at this point that he wrote the following undated letter to one of the Carlisle agents, perhaps Andrew Fenwick, at Morpeth:

"When I told you that it was probable that I might occasion you some trouble in short time I thought that Ld. Carlisle, or rather I was taught to think, that he would very readily have given his consent for my re-election. I find that I have been mistaken and therefore I take this early opportunity of acquainting [you] that you need not expect a visit from me. I understand that a re election might be prejudicial to Ld. Carlisle's Interest & therefore I very cheerfully resign all hopes of advantage to myself when it is incompatible with Ld. Carlisle's views and Interest.

"The Quiet of the borough and its permanency in the hands it now is are objects much more worthy consideration than any trifling emolument I might derive from office".¹

On 1 March 1781, however, Storer wrote to Carlisle in a strain which indicates that the latter had given him permission to continue his quest for a place:

"...Do not let me proceed one step further in my application to Lord North, if the object of my pursuit clashes in the most distant manner with your interest. I never solicited you to ask this appointment for me originally, and I am very ready to forego it, even though it were proposed to me by Lord North, had you the slightest objection to it, or did it not in every point square with your views and designs. It is undoubtedly true that having served Government fairly and

1. Howard of Naworth MS.

honestly, as far as a petit monsieur could, one rather feels a right, for more reasons than merely interested ones, to share, as Burke says, the loaves and fishes; but I am sure I shall never dream about my pretensions, either from yours or any other person's application, if my success be attended with the suspicion or shadow of the smallest inconvenience to you".¹

Storer was, nevertheless, angry at Gregg's conduct:

"What could induce Gregg to give me the reason he did for postponing my election?" - he asked Carlisle. "An ostensible reason should always have some pretension to common sense, otherwise it generally does more mischief than good. He might have saved me a great deal of trouble and vexation, if he had desired me to defer all thought of the Board of Trade for the present, without stating any reason at all. In that case, one supposes some material ground of objection, no matter what, and one desists; but having urged what in my mind was no objection whatever, or at any rate a very trivial one, I proceed pell-mell, and supposing that I had overcome all difficulties, even after my stone has touched the summit of the hill, it comes tumbling down upon me, and I have my work to begin again, because Mr. Gregg won't flatly tell me beforehand to desist, and cannot pass off upon me a nonsensical reason for a good substantial one".²

Storer here seems to imply that he had been obliged to abandon some advantage that he had gained, but the details of the transactions which took place about this time are not known. Exactly why Gregg was afraid of the consequence of a re-election at this time is not known either, but even Storer admitted that Gregg's reason for wishing to postpone the election was "a good substantial one". Still, the danger was evidently only temporary, and Carlisle did not demand that Storer should abandon his ambition for a place.

To secure a place was, however, no easy task, and, when Storer wrote to Carlisle nearly two months later, he

1. H.M.C., Carlisle, p. 467. 2. Ibid.

had still not heard "one syllable" from Lord North:

"I cannot help feeling sometimes a spark of anger at his treatment", he declared, "and wish it was in the power of so little a gentleman as myself to have some revenge. John St. John says I have no right whatever to any favour from Government but from Lord North's friendship and good-will to me: considering the matter as a Smithfield bargain, he says, Lord Carlisle is amply recompensed for the members of Parliament he has or does bring in. It may be handsome to tell Lord North that you should be flattered by an appointment quelconque as a mark of his friendship; but I should be sorry to trust to that alone. If a Parliamentary right was not mixed in my claim, I would not give much for my chance".¹

In an undated letter to Lord Carlisle, Selwyn expressed a very different view from that of John St. John as reported in the above extract: "I hope that Storer will be discreet till that affair is decided, and receive this favour for which the obligation will be to you, in Lord N[orth's] own ungracious manner, and at his own time. It is a good thing to have once a footing in Government, and so early an opportunity of being at one of the Boards is what he could not have had but by the means which you have furnished him with".² Again, on 30 June 1781, he wrote to Carlisle:

"Storer is much out of humour with Lord N[orth], as I understand from his friend Lord Brudenell; he may perhaps in time have reason to be so, but at present I could wish that he did not express it. He will gain your point, for it is yours, not his; and so I should, in his place, govern my resentment by your directions; am I not right? But this, de vous a moi".³

Storer had "perfectly renounced all hopes of the Board of Trade" when he was informed that he was to succeed

1. 27 April 1781 (H.M.C., Carlisle, p.477). John St. John was Surveyor-General of the Land Revenues 1775-84.
2. Ibid., p. 506.
3. Ibid., p. 512.

to a place. He was summoned to meet Lord North on 18 July 1781 at between eleven and twelve o'clock. North, however, did not arrive until one o'clock, when he told Storer to go immediately to the Levee. Storer, however, arrived too late, but kissed the King's hand as the latter was leaving the Closet for the House of Lords.

"It is certainly true with respect to me", Storer remarked to Carlisle, "that Lord North has contrived to make me a present in the most ungracious way possible. People say that it is his nature and not his fault, and therefore one must be satisfied. If, however, I do not feel much gratitude to him, you will give me leave to say how much obliged I am to you".¹

Storer was re-elected on 26 July 1781. Andrew Fenwick's electioneering expenditure "Preparative and attending" the re-election came to £210-16-6d, of which £77-15-0d went to ten publicans.² A considerable number of freemen received half a guinea each on election day: probably, as at the next General Election, they were "Poor Freemen signifying their wish in Lieu of dinner half a guinea each".³

Carlisle and Selwyn continued to keep a close watch over Storer's conduct. When he proposed to absent himself from the House, Selwyn wrote to Carlisle:

"...As it is much my opinion that he would do very wrong both in his account, as well as yours, if he absented himself from the meeting of our Parliament, I shall tell him so, taking the occasion which he has so fairly offered me by what he has said in his last letter. I shall do this as you desire it, and as I intended it, and for his sake and yours, for it [can] never be imagined that I shall ever do anything hereafter for the sake of Administration only".⁴

1. 18 July 1781 (H.M.C., Carlisle, pp. 513-4).
2. Howard of Naworth MS.
3. Howard of Naworth MS.
4. Undated (H.M.C., Carlisle, p. 522).

Again, on 13 November 1781, Selwyn advised Carlisle to try to persuade Storer to control his temper better:

"Il a l'esprit un peu trop échauffé, et il fera bien de s'en corriger... You may take occasion to speak to him gently upon the matter. I am no advocate, as you know, for Lord N[orth] or the Treasury, but I wish him to conduct himself with temper and by your directions, for you have and must be the artifex suae fortunæ".¹

Selwyn reverted to the subject three days later:

"I am very glad that Storer is coming, and when he does I hope that he will come and attend with better grace that that has been done, which has been done for him. But the point of the cause to which he is to advert, and the only one, is the part which you have acted by him, and the benefit which will accrue to him from it. He has, when he reflects, a great deal of sense, and his heart is very good; therefore I look upon his present humour to be rather un effervescence than the result of much reflection".²

Storer was perhaps out of humour on account of Carlisle's insistence that he should attend Parliament, especially since he had now a grievance against Lord North and the Secretary to the Treasury, John Robinson.

Storer had succeeded to the place of Thomas de Grey who had resigned from the Board of Trade on being elevated to the peerage as Lord Walsingham. Despite his resignation, however, he prevailed upon North and Robinson to delay the issue of Storer's patent so that he might draw further instalments of the salary attached to the place. Selwyn declared in a letter to Carlisle of 30 November 1781 that he thought Storer had "very just cause to complain":

1. H.M.C., Carlisle, p. 530.
2. 17 November 1781 (ibid., p. 531).

"If I wish or desire him to be pacified, it is not that I do not think he has had great provocation. But he has taken the only just and true line of reasoning and acting for him, which is to do whatever is the most consonant to your plan and idea, acknowledging as he ought, avowing, and giving me authority also to say, that he thinks himself obliged to you and to you only for the situation he has.

"To the obligation which you have laid him under, and of which no one can be more sensible, Lord North might have added one of his own, which was, to have done what you required, and had a right to require, de bon coeur, with a good grace. Instead of that, he has permitted a little attorney, [Robinson] upon whose good judgment and liberality he reposes for all the great conduct of his Administration, to job away from Storer and Sir Adam Ferguson half a year's salary, in order to put one quarter more into the pocket of Lord Walsingham, who had the pride, acquired by his title, of disdaining to be in a new patent, and so pressing that the old might not expire till he had received 200^l more salary".¹

In the House of Commons, Selwyn added, nobody could pretend to divide any obligation (that Storer lay under) with Carlisle, who would always hear that Storer acted agreeably to him: "that is what he ought to do, and what will give you the weight which is due to you", declared Selwyn.

A week later, Selwyn reported that some "very sour words" had passed between Storer and Robinson,² and a few

1. H.M.C., Carlisle, pp. 539-40. Writing to the Countess of Ossory on 18 December 1781, Horace Walpole gave the following account of the matter from information derived from Selwyn: "When Mr. de Grey became Baron of Walsingham, he felt that so high a rank and a title so illustrated could not consort with Commercial Commissioners, he resigned his seat at the Board of Trade. Lord Carlisle obtained it for Storer, who kissed hands, vacated his seat, and was re-elected; but, lo! the great Baron of Walsingham cried, "Hold! I am above the place, but till I have another as lucrative, I will not relinquish the salary"...and so Storer has already lost four hundred pounds because a peer blushes to be in the red-book below his rank, but not to take another man's pension who works for it" (Letters of Horace Walpole, edited by P. Cunningham (1891), VIII, 125-6). p. 547]. Selwyn to Carlisle, 8 Dec., 1781 (H.M.C., Carlisle,

days afterwards Storer himself told Carlisle that Robinson had laboured with a "great deal of awkward artifice" to dupe and impose on him:

"He wanted to make me believe that my seat in Parliament might become vacated a second time by the issuing of the patent, and if it had been issued during the prorogation of Parliament, the Borough must have remained open during the whole summer, and therefore the patent had not been made out till the meeting of Parliament, in order that if Opposition should be inclined to force me a second time to vacate my seat, I might then be rechosen immediately, and consequently not leave the Borough open but for a few days".¹

Although Storer believed a second re-election could never be required in such a case, he thought of pretending to accept Robinson's argument in the hope of thereby inducing him to issue the original patent which had been dated before Storer had kissed hands.

"I mean, and I suppose you think it proper that I should keep my temper, though I do not get my place", he remarked to Carlisle. "I should wish that you who have a much cooler head than I can boast of, would direct me what to do. I should not be surprised if the patent was not made out while Parliament is sitting, and then it will not be made out during the recess for the reasons which hindered its being made out, according to Mr. Robinson, during the last vacation".²

The same day, Selwyn informed Carlisle that Gregg had said it was expected that Storer should contribute towards the expenses of the re-election:

"I do not well see how he can, at present", he observed; "I am afraid que les fonds baissent avec lui, and no patent is yet renewed, so that, to keep Lord Walsingham in possession, Storer is deprived of at least 400 l. of his salary. This is what we call an Affair, of which Robinson is so fond, and so is all that class of people".³

1. 11 Dec., 1781 (H.M.C., Carlisle, p. 548).

2. Ibid.

3. 11 Dec., 1781 (ibid., p. 549).

The patent was eventually made out early in January 1782.¹
It cost Storer £116-0-0d. "He will have nothing to receive these nine months", declared Selwyn.²

Several weeks later, Selwyn dined with Storer, and, in the course of the conversation (Selwyn told Carlisle), Storer declared that

"he became every day more sensible of the great benefit which he had derived from your friendship, and how sensibly he felt the obligation; I then took the liberty to tell him it was true, both as to the substance and the mode; and I was very glad of it on both your accounts, for, if it was a benefit to one, it was a credit to the other. I am afraid that the place is more than merely convenient to him".³

"He attends at his Board very exactly", Selwyn reported in a subsequent letter to Carlisle. "You have done a great thing for him, and no one seems more sensible of it".⁴

Selwyn dreaded to think of the situation to which, he believed, Storer would be reduced when North's ministry fell,⁵ but, contrary to his and Carlisle's expectations,⁶ Storer was left in his place. Carlisle was evidently not altogether satisfied with his conduct about this time, however: "Storer was with me and alone for a great while", Selwyn wrote to Carlisle in March 1782; "I was careful to conceal what you have said, but delivered sentiments of yours for my own. He loves and honours you extremely; he is delicate about you beyond measure, but how good his judgment may be I protest I know not".⁷

1. Storer to Carlisle, 7 Jan., 1782 (H.M.C., Carlisle, p. 565). 2. Selwyn to Carlisle, undated (ibid., p. 559).

3. 16 February 1782 (ibid., p. 578).

4. 19(?) February 1782 (ibid., p. 581).

5. Selwyn to Carlisle, 21 March 1782 (ibid., p. 602).

Eighteen months later, Selwyn's doubts about Storer's judgment were justified. The Fox-North Coalition had now been in office several months, and, when the position of secretary to the British Legation at Paris became vacant, Storer was "very strongly recommended" to Fox for the post.¹ Edward Gibbon, who had himself hoped to be appointed to the place, observed that Storer was likely to get it "not so much from the zeal and activity of Lord's N[orth]'s friendship, as because he could resign a place which Fox wants for Colonel Stanhope, to whom however he has given Thomas's company in the Guards".² Fox himself made no secret of the fact that the "disposition" of Storer's place would be "very remarkably convenient",³ and on 21 September 1783 he wrote to the Duke of Manchester, Ambassador Extraordinary at Paris:

"After considering all the circumstances of the case, it was impossible for to avoid naming Mr. Storer to succeed Mr. Maddison, and you will accordingly hear of his appointment in my next letter. It is true that his principal attachment is to Lord North, but I have been much acquainted with him ever since we were at school together, and have no doubt but he will consider himself entirely as appointed by me, and act accordingly. When I say this I do not mean to insinuate that I have the least jealousy of Lord North's wishing him to do otherwise; for I do assure you (and the Duke of Portland will tell you the same thing) that it is impossible for people to act more cordially together and with less jealousy than we have done. With regard to what your Grace mentions of the manner in which Storer mentioned

6. Carlisle to Selwyn, 6 March 1782 (H.M.C., Carlisle, p. 587). 7. Ibid., p. 614. The editor dates the letter March 30?

1. Fox to the Duke of Manchester, 17 Sept., 1783 (H.M.C., 8th Report, II, 132(b)).

2. Gibbon: Private Letters 1753-1794, ed. R.E. Prothero (1896), pp. 67-8.

3. Fox to Manchester as in n. 1.

the thing to you, I have perfectly undeceived him, if ever he entertained the idea you seem to imagine. He is certainly a man of some parts and knowledge, and used when he was very young to have an uncommon degree of application; but whether the dissipated and very idle habits of his life have changed him in this respect is more than I know. This I am sure of, that he is very desirous to please me, and that he is perfectly sensible that the best road to this object is by giving every possible satisfaction to your Grace. I will only add that I have had personal knowledge of him long enough to know that he is a man in whom confidence may be reposed without any hazard".¹

Whoever had strongly recommended Storer to Fox, it was not Lord Carlisle. Indeed, Storer accepted the place without consulting his patron, though afterwards he wrote to Carlisle as follows:

"Mr. Fox having appointed me to the Secretaryship at Paris is an event which I think it proper to inform you of, and I should, I own, have requested your leave to accept it, had you not upon a former occasion of the like nature, seemed to think that my application to you was perfectly idle, and that your dissent or approbation was entirely useless and unnecessary. I have considered it however as right to acquaint you with this appointment, lest you might imagine that it might make me neglect that attendance in Parliament which might be material to your interest, but which, give me leave to assure you, certainly will not do [so], as I shall be ready at all times to return to England, upon the shortest notice that I may receive, that my attendance is wanted".²

It is extremely doubtful whether Storer received the ready acquiescence of Carlisle that he expected. Selwyn had repeatedly stressed in letters to Carlisle how Storer owed his place at the Board of Trade entirely to his patron, but now, without even consulting Carlisle, Storer had resigned that place and accepted one to which Fox expected that he would consider himself as being

1. H.M.C., 8th Report, II, 133a.
2. 23 September 1783 (H.M.C., Carlisle, p. 638).

appointed entirely by him. Moreover, despite Storer's assurance that the appointment would not prevent his attendance at Parliament when it was "material" to Carlisle's interest, it soon became clear that it was Fox who was to direct Storer's movements. On 1 November 1783, Fox declared in a letter to the Duke of Manchester that he wished the Duke would (if he did not intend returning to England himself for some time) "make some pretence to send Storer, as an appearance of strength at the opening of the Session is everything".¹ Then, if Manchester let him know when he intended coming himself, Fox would take care that Storer was sent back to Paris in time. He repeated this a week later: "If you send Storer over, only let me know when you will want to set out, and I will take care he shall be back by the day".² A fortnight later, he informed Manchester that Storer would set out for Paris on 28 November, and that the sooner the Duke came to England, the more the Duke of Portland, who was leading the Government in the Lords, would be obliged.³ Manchester's absence from Paris meant temporary promotion for Storer, who, the day that the Duke left for England, delivered his credentials as "minister Plenipotentiary from his Brittannic Majesty to their most Christian Majesties at the Court of Versailles" and was "graciously received".⁴

1. H.M.C., 8th Report, II, number 1250, p.137b.

2. Ibid., 1256, pp. 137-8.

3. 21 November 1783, ibid., 1268, p.138a.

4. Storer to Sir Robert Murray Keith, British Ambassador at Vienna, 12 December 1783. (Hardwicke Papers CLXXXII, Add. MSS. 35,530, ff. 249-50).

The Duke of Manchester's attendance was required by the Government because Fox's India Bill was about to come before the House of Lords. "Everything wears at present in England the complexion of strength and permanency in the present Government", Storer declared in a letter to Sir Robert Murray Keith on 12 December 1783.¹ The overthrow of the Coalition shortly afterwards brought Storer's diplomatic career to an end. It is probable, however, that his short period of office under Fox cost him the friendship of Lord Carlisle. When the dissolution took place a few months later, Storer had no hope of being returned again for Morpeth:

"Hazy weather indeed", he commented in an undated letter to William Eden. "The King must be completely mad. This dissolution will certainly set me adrift, and I have nothing for it but virtute mea involvere which is a thin covering this cold weather. If you can be of any service to me, I trust you will in any means, to get into Parliament. I will borrow spend or beg money for that purpose: having once enlisted under the banner of the Coalition, I do not like being broke and left without employment".²

Yet such was his fate. Never again did he sit in Parliament, and, so far as is known, Carlisle and he were never reconciled. As a result of their quarrel, Storer revoked his will under which he had bequeathed all that he was worth to Carlisle.³

Although the details of the quarrel are not known, there can be little doubt but that it was occasioned by

1. Hardwicke Papers CLXXXII, Add. MSS. 35,530, ff. 249-50.

2. Journal and Correspondence of William Lord Auckland, ed. G. Hogge (1861), I, 76.

3. Gentleman's Magazine, 1799 (11), 626.

Storer's having divided his allegiance between Carlisle and Fox. The author of the pamphlet Fox's Martyrs commented thus on Storer's fate:

"ANTxxxY STxxRxR

In following him, I follow but myself.
Heav'n is my judge, not I for love or duty,
But seeming so, for my peculiar end.

OTHELLO, Act I.

"And yet it would have been wise in Mr. St-r-r, before he had thrown away the protection of Lord C-sle, to have exactly estimated the value of the friendship of Mr. FOX".

Writing to Carlisle on 11 December 1781, Selwyn had declared: "...You have at present two members who I am confident will act as you desire that they should; so far so good".¹ Storer, it seems, in accepting a place for which he owed a direct obligation to Fox had ceased to act as Carlisle wished. Carlisle was evidently not prepared to tolerate a Member returned on his interest who tried to serve two masters.²

1. H.M.C., Carlisle, p550.

2. In 1782, Storer had been a "medium of communication" between Lord North ("in whose family he was domesticated more than in his own") and Fox. The previous year, Horace Walpole was much surprised at a visit from Storer who had "turned antiquary" - "the last passion I should have thought a Macaroni would have taken", Walpole observed. "...I hope this conversion will not ruin Mr. Storer's fortune under the Lord Lieutenant of Ireland [Carlisle]" (Letters of Horace Walpole, edited P. Cunningham, VIII, 51). Storer had been elected F.S.A. in 1777, and was a member of the Dilettante Society. He bequeathed his library, "rich in old bindings, in old plays and in Caxtons", with many books illustrated by himself and other artists, to Eton College. In 1787 he wished to enter diplomatic service, and in 1793 "languished for employment", but on the death of his father, later that year, he inherited an ample fortune issuing from a large estate in Jamaica. He purchased Purley Park near Reading, and expended a

The problem of a divided allegiance does not appear to have arisen in the case of Peter Delmé who sat for Morpeth from 1774 until his death in 1789. He does not seem to have aspired to office. According to the English Chronicle of 1780 or 1781, the "Aye" or the "No" had up to that time been the "limits of his legislative eloquence", and these he had always pronounced "with a most implicit acquiescence in the political sentiments of his patron and relation [Lord Carlisle]".¹ It seems, however, that his attendance at the House was by no means regular: on 5 May 1781 (after a question had been carried against the Government two days previously in a sparsely attended House²), Selwyn commented on Delmé's absence: "Delmé, I believe, thought that he had had merit enough by attending on Lord Sandwich's motion".³ And on 25 February 1782, Selwyn remarked: "Delmé was not to blame the other day in not coming down, for no messages had been sent".⁴

Delmé's financial difficulties (see above, pp.381-2) involved trouble for Lord Carlisle. It was, presumably, considerable sum on improving and ornamenting the grounds. He had a house under construction at the time of his death, and his executors set apart £20,000 to complete it. He died of a "deep decline" on 28 June 1799, aged fifty-three. He left his fortune, "a good 8,000£ a year" to his nephew. The only legacy in his will was one of £1000 to his friend James Hare. "He had once, in a former will, given all he was then worth to Lord Carlisle, but subsequent events induced him to change this disposition of his effects" (Gentleman's Magazine, 1799 (ii), 626; W. P. Courtney's article on Storer in the DNB.).

1. Quoted in the History of Parliament Trust's biography of Delmé. 2. See ibid.

3. Sandwich had written to Selwyn and asked him to apply to Delmé; he assured Selwyn that Carlisle had been

to Delmé that Selwyn referred in the following remarks he made in a letter to Lord Carlisle soon after Eyre had withdrawn his petition against Byron and Delmé in 1775:

"Your affair of Morpeth being now settled, it was Gregg's intention to have seen and spoke to D. about the 1,500*L.*, but he went out of Town so precipitately, that it was impossible to get hold of him; and I am afraid it will be at least as impossible to get anything from Charles".¹

Carlisle may have given security for part of the £3,000 which Delmé borrowed from Eyre in 1774,² but, at all events, it appears that Delmé owed money on account of the election and was in no hurry to settle the debt with his patron. Again, on 1 March 1781, five months after the General Election of 1780, Storer, perhaps referring to the election expenses at Morpeth, declared that he was "entirely ignorant" of Delmé's having disappointed Carlisle "respecting the payment of the money stipulated". "I am surprised at nothing of that sort that he does", he added, "but I flatter myself I can apply something like a remedy; at least, as I run all the risk, I think I have a right to undertake the patient, especially as I shall be the sufferer in not completing the cure".³

No evidence has been found that would permit a comprehensive survey of relations between Lord Carlisle and the other Members returned on his interest for Morpeth

so obliging to him that he was sure that Carlisle would recommend it to Delmé to give Sandwich support. Selwyn, however, found that Delmé had decided to attend, so that there was no need to solicit him to do so (Selwyn to Carlisle, H.M.C., Carlisle, p. 479).

4. Same to the same, (ibid., p. 583).

1. 8 December 1775 (ibid., p. 306).

during the later eighteenth century. But, from what has been said, it is clear that as a borough-owner, Lord Carlisle had to face many troubles and difficulties, not only in endeavouring to preserve the borough from attack, but also in seeking to maintain an influence in the House of Commons through the Morpeth Members.

2. Lord Carlisle evidently had something to do with the loan, since in writing to Trotter about it Eyre remarked: "You cannot guess at the Amazing Distress of my Lord's Affairs" (see above, p. 382).

3. Storer to Carlisle (H.M.C., Carlisle, p. 467). No information has been found as to the nature of the transaction to which Storer referred; it is not known whether or not he succeeded in "completing the cure".

CHAPTER XVII

THE MANAGEMENT OF THE BOROUGH AFTER 1776

While Lord Carlisle was pre-occupied with the tasks of finding candidates for his borough, trying to avoid vacancies, and controlling the Members returned on his interest, Andrew Fenwick, Christopher Fawcett, and a few other trusty servants of the Carlisle interest were striving, under the supervision of Francis Gregg, to exercise that "care and management" by which Lord Carlisle hoped it might be possible to deter future interference in the borough.

The creation of freemen still required careful handling. The verdict against the eighteners at the Northumberland Assizes of 1775 had left several problems unsolved: indeed, it had created new ones. Thus, when Christopher Fawcett asked Edward Lawson to deputise for him as steward of the Morpeth courts at Michaelmas 1777, Lawson replied: "Be assured that I shall always be happy in serving you in anything in my power, but in consequence of some disputes which will most certainly arise on Monday respecting the admission of freemen it is thought improper that I should hold the court".¹

At the Easter court of 1775, before the trial concerning the eighteners, four companies had returned to the

1. 3 October 1777 (Howard of Naworth MS). Fawcett was confined to bed with a fever (Fawcett to Lawson, 1 October 1777, Howard of Naworth MS).

steward their quotas of elected brothers, eleven in all, for admission as freemen. Five of these brothers had demanded their freedom and had been admitted, but, since the verdict in the trial, they had not acted as freemen. The six who had not been admitted were not directly affected by the verdict, however, and five of them were expected to demand admission when the companies which had made no return previously returned their quotas to the leet. Moreover, in July 1775, the Cordwainers' company (one of the four which had made a return to the Easter court 1775) had elected another three brothers who were returned to the Easter court 1777.¹ They, too, would demand admission when the other companies completed their returns. But, since Easter court 1777, all seven companies had proceeded to elections, and the twenty-four newly elected brothers would be returned to the Michaelmas court 1777, and, it was expected, would insist on being admitted to the exclusion of those returned to the Easter courts of 1775 and 1777. The position was further complicated by the fact that the three brothers returned by the Smiths' company in 1775 had been elected when an eighteener was alderman of the company, and, as this had evidently occasioned doubts as to the validity of the elections, one of the brothers concerned had been re-elected and would be returned again at the Michaelmas court 1777.

1. Six members of the Cordwainers' company protested on behalf of the company against this return, because it was contrary to custom in that the persons were not returned the same year as they were elected, and one of them had been admitted when an illegal alderman presided (Howard of Naworth MS.).

Such was the tangled web of problems that the steward of the court, or his deputy, would have to try to unravel. Some of Lord Carlisle's friends, declared Lawson who did not relish the task, believed that if he held the court

"it might be a means of prejudicing his Lordship's Interest, as let me act as I would, the people here (who are much divided in their opinions as to this matter) would look [upon] my determination as the partial determination of my Lord Carlisle and might be the means of giving offence which if possible must be avoided".¹

Fawcett replied that the only thing he could think of "to keep Things quiet at present" was for Lawson to hold the courts but to adjourn any matters of difficulty to Friday 17 October 1777 when he hoped to be able to attend himself.²

This course was adopted, and at the adjourned court Fawcett dealt with the difficulties personally. He refused to accept the return from the Smiths' company because the alderman at the time had been an eighteener, and he pointed out that the company itself had recognised the election to be void by re-electing one of the brothers concerned. He also refused to accept any returns from the Fullers' and Dyers' and the Cordwainers' companies, because the three Fullers and Dyers returned in 1775 and the three Cordwainers returned at Easter 1777 had not yet been admitted. He then swore and admitted these six together with eighteen of the twenty-four brothers elected since Easter court 1777, after which he accepted the returns from the Fullers' and Dyers'

1. Lawson to Fawcett, 3 October 1777 (Howard of Naworth MS). 2. Fawcett to Lawson, 3 October 1777 (Howard of Naworth MS). Lawson mentioned in his letter to Fawcett of 3 October that Lord Carlisle's friends suggested, as one possible way out of the difficulty, that Lawson should open the court but adjourn it after the juries had been sworn in.

and the Cordwainers' companies which he had previously refused, and declared that the brothers concerned would be admitted when the other companies next returned their quotas.¹

As had been expected, some dispute occurred. It was "strongly contended" against Fawcett's opinion that each group of twenty-four elected brothers should be returned at the same court, as was proved to be the custom at the trial of the mandamus causes. Fawcett, however, "thought otherwise", and declared that such a custom would be attended with many inconveniences and hardships, since some companies might proceed to ten elections before the Tanners' company could hold one, and in such a case the aldermen of those companies would be able to return the last elected in preference to the first.²

Another dispute arose when three of the eighteners against whom judgment had been signed in the quo warranto causes of 1775, and another man who had been returned but not admitted in 1773, when there was no return from the Tanners' company, demanded to be sworn as freemen. Fawcett

1. Lawson to Gregg, 28 October 1777 (Howard of Naworth MS).

2. Ibid. As Lawson mentioned in his letter to Fawcett of 3 October 1777, however, there were some objections to the steward's accepting a return from one or more of the companies when the rest made no return: some companies might make ten returns before others could make one, which would occasion much confusion, and, if any of the first returned died before a complete group of twenty-four elected brothers was secured, the steward would be placed in a difficult position, because the company concerned might not elect another person in place of the deceased, and, in any case, it was doubtful whether it could do so in prejudice to the second set of brothers it had returned.

refused, despite the contention of John Wright, their attorney, that, although the admissions of the three eighteners were void, their elections and that of the other man stood. "From what I can learn", wrote Lawson, "it is intended to take Mr Dunning's opinion upon all those questions and be directed by him".¹ Whether or not Dunning was consulted is not known, but there is no evidence to suggest that the three eighteners who had demanded re-admission were able to enforce their claim.²

Before the end of November 1777, six of the companies had elected their quotas of brothers for freemen. The Tan-ners' company, however, did not proceed to an election until 18 October 1782, and, as a result, none of those elected in 1777 could gain admission until Easter court 1783: the delay of the one company had deprived eighteen brothers of the privileges of freemen for more than five years. As Christopher Fawcett had pointed out, such a delay might enable some companies to hold further elections before the returns were completed, and this might give the aldermen a power of discrimination in making their returns. But, if more than one set of elected brothers were returned, even at different times, the steward would have, or might assume,

1. Lawson to Gregg, 28 October 1777.

2. In 1780, it seems, the eighteners had to face further legal proceedings. Among the records of the Weavers' company is a paper with the heading "A poll of the Weavers Company whether the sum of Ten Pounds is to be taken out of the Company's Box or not, And Lodged in the Aldermans Hand in Order to Put up appearance for the Eighteners that is served With a Copy of a Writ for the Expences at the Asaizes Relating to the Tryal of the Eighteners...& Likewise to pay William Wood £3:3 which is part of his Charges etc Relating to a Riot". The

power to decide which group to admit first. At the Michaelmas court 1777, Fawcett had given preference to those who had been returned first, but there was no guarantee that he would continue to act thus in the future. To offset these dangers, several companies placed their aldermen under penalty to follow a stipulated line of conduct in the election of freemen.

On 12 October 1782, the alderman and majority of the Fullers' and Dyers' company ordered that neither the present nor any future alderman should proceed to an election for freemen until the three brothers already standing elected had been admitted, under the penalty of fifty pounds or exclusion from the privileges of the company. The Merchants' and Tailors' company passed similar orders in 1785 and 1786. Once again, the Tanners' company had caused a delay in the admission of new freemen: all the other companies had made their returns by Michaelmas 1783, but the Tanners' did not do so until Michaelmas 1786. By that time some of the brothers of the other companies had stood elected eight or nine years. On 26 May 1785, the majority of the Merchants' and Tailors' company agreed that the alderman "shall not at any time hereafter Proceed to the Election of Brothers for Freemen...until the first set of Elected Brothers be Sworn and Admitted Freemen... under the Penalty of Ten pounds". And, on 7 October 1786,

company agreed by ten votes to two that the money should be made available for that purpose. In the alderman's account for 1781 is the item: "Recd. of Edw^d Hedley the Ballance of the 10^s which he Recd. to put up appearance for the Eighteeners: £4:19:2".

the company unanimously agreed that no election for free-men should be held until the two sets of brothers then standing elected in the company were sworn and admitted as freemen. It was also agreed that elections for free-men should be held only on one of the company's head meeting days in each year, and that "if any Alderman shall at any time hereafter presume to proceed and go upon any Election of Brothers for Freemen contrary to this Order ...such Alderman shall be fined and pay a penalty of Ten pounds for the use of the said Company".¹ On 26 October 1786, the Smiths' company unanimously agreed that in future no alderman should proceed to an election for free-men in the company "untill the last set be return'd and sworn Inn, under the penalty of Twenty Pound".²

The Smiths', Merchants' and Tailors' and the Skinners' and Butchers' companies held elections for freemen in October 1786, and, by Easter court 1792, all except the Weavers' and Tanners' companies had made returns. These two did not do so until Michaelmas court 1793.³ The author of "A Narrative of the Oppressions of the Borough of Morpeth" declared in 1775 that it would be easy for the Lord of the Manor to influence the Tanners' company against

1. Merchants' and Tailors' minute and order book. The order of 1786 appears to have been cancelled in 1801.

2. Orders of the Smiths' company (on parchment).

3. Records of the Tanners' company; the returns of elected brothers preserved among the Howard of Naworth MSS. These returns, signed by the aldermen, sometimes state the date of the election by the company concerned, as well as the date of the return.

electing freemen until he wished them to do so, and in the case of these last mentioned elections there is proof that Andrew Fenwick deliberately contrived the Tanners' company's delay. His account of electioneering expenses for 1787-8 shows that on 20 December 1787 Robert Fenwick, alderman of the Tanners' company, was paid three guineas "for stopping the election of freemen".¹ Again, in his account of electioneering expenditure from 1789 to 1790, the following item appears under 8 October 1789: "Preventing freemen being made - to Ed. Atkinson & Sons standing Alderman 6-6-0". Edward Atkinson, as Andrew Fenwick himself, was a member of the Tanners' company, and it appears from Fenwick's account that Atkinson's son had been set up as a candidate for the position of alderman in order that he might prevent elections for freemen. It is not known who was alderman of the company 1789-90, but, at all events, the fact remains that though the company could have evidently elected its quota of freemen in December 1787 it did not do so until 20 September 1793.

Although there is no evidence that Andrew Fenwick was responsible for all the delays on the part of the Tanners' company in electing freemen, it is unlikely that he missed any opportunity of occasioning such delays. At all events, the behaviour of the company coincided remarkably well with Fenwick's aim to keep the number of freemen as small as possible. Thus, in October 1777,

1. Howard of Naworth MS.

when some companies had elected their quotas of freemen and others were about to do so, the Tanners' company passed the following order:

"Whereas many inconveniences may arise to this Company from Electing Persons for Freemen of this Borough before they attain to the Age of Twenty one years, for remedy whereof it is order'd and resolv'd on, that no Person for the future be capable of being Elected by this Company for Freemen of this Borough before they attain to the Age of Twenty one years".¹

This evidently precluded all possibility of the company's making a return with the others, since it was only after the repeal of the order and the reduction of the age-limit to sixteen (10 October 1782)² that the company held an election for freemen (18 October 1782). It seems possible, therefore, that the order of 1777 was deliberately designed to prevent an increase in the number of freemen at that time.

On 11 October 1793, three weeks after the Tanners' company had elected its quota of freemen, it agreed to repeal the order fixing the age-limit at sixteen, because it had been found "inconsistant with the Constitution of the Borough", and to fix the age at twenty-one.³ Perhaps the steward had protested against the return of minors at the last Michaelmas court. But, despite the alleged custom of the borough, the company repealed this order in September 1795 and reduced the age to twenty. It was further

1. Records of the Tanners' company, book (a), f.5.

2. Ibid., f. 7.

3. Ibid., f. 8. At the Michaelmas court 1706, the Grand jury ordered that "noe pson whatsoever shall be mad. a freeman within this burrough till they arrive to the full age of Twenty one yeares" (Tailors' book, f. 6).

agreed "that if any Alderman for the time being Act contrary to the recited order [he] shall forfeit the sum of Twenty Pounds to and for the use of the said Company".¹ Two years later, however, after two polls, the company agreed by a majority of eleven votes to repeal this order and reduce the age to eighteen.² But, although this would enable the company to elect its quota of freemen earlier than before, the steward of the court leet could refuse to admit any new freemen until each group of twenty-four elected brothers contained no one under age. Thus, if one or more of the companies could be influenced by Lord Carlisle's agents to elect some brothers who were under twenty-one, the whole group could be excluded until the minors came of age. The practice in Morpeth during the first three decades of the nineteenth century is described in the Report on the Municipal Corporations as follows:

"Until the whole number of 24 persons upon the list are of full age, no new list can be presented, and it happens, that in consequence of some of the companies returning persons on the list under the age of 21, the exercise of this right of election is very much narrowed. Only four new lists have been presented during the last 20 years. This is said to have been done designedly, and with the view of limiting the number of burgesses, and increasing the political influence of Lord Carlisle, the lord of the manor".³

Thus were the effects of the mandamus causes virtually cancelled out.

The prevention of increases in the number of freemen was the negative aspect of the management of the borough.

1. Records of the Tanners' company, book (a), f. 9.

2. 25 Sept., 1797 (ibid., f. 10).

3. IV, 1629.

Andrew Fenwick's main task as salaried election agent for Lord Carlisle was to manage the existing freemen. The methods he adopted are indicated by a series of accounts of his electioneering expenditure,¹ much of which was devoted to relieving distress among the poor freemen, assisting tradesmen to purchase materials and tenants to pay their rents. Indeed, for the most part, his accounts are made up of items which might well have found a place in the accounts of an officer in charge of poor relief. The following items, for example, occur in his account of electioneering expenses "from the first Alarm of a dissolution of Parlt. to the Conclusion of Mr Delme & Sir Jas. Erskine's Election for Morpeth, 5th April 1784":

"Dec. 1783

24th Ralph Bradys wife crying for bread 1 guinea & 15/- to pay rent.
Alex^r Nevilles extreme poor £1:11:6 & a quarter of beef of Mr White 14/-

26th Thos. Youngs wife neither meat nor fire £1-11-6

28th Joseph Burn to help to pay his rent £1-1-0.

29 John Bowman's Wife lying in, Child dying a few days after & paying rent £2-2-0.

1784

Jan. 7 W^m Wilson no work 1 ga. & a quarter of beef 17/-

14 Thos. Wilson no Work 1 ga. Robert Flint sick 2 ga; Thos Bowman 2 ga. Thos. Mitford 15/- Andrew Cowans 7/- Mr Pape 10/6
John Brady's family starving as by letter £1-1-0

Feb. 10th Geo Wright no work Starving at different times 2 Gs. M. Bowman 4 B: peas £1-8-0.

13th Michl Nevins 2 cwt. Iron £2-0-0.
Thos. Wardle 2 ga."

1. Howard of Naworth MS.

On 19 March 1784 when Fenwick made his first canvass, he spent £2-3-0 at one public house, and four guineas in "stopping at other houses all over". Still, he was not enthusiastically received: "A sullen silence prevailing almost to a mutiny", he noted: "ordered R. Fenwick Snr to keep the town on spirits and spend £5-5-0". Andrew Fenwick evidently continued his old practice of keeping open house.¹ One item of his account runs: "House of Rendezvous, Fenwick's, at all times open, more so from Dec. to 5th April. Poor freemen not invited elsewhere were happy there: £30-0-0". Fenwick kept a careful watch over the poor freemen, who, if an attack was made on the borough, might be most easily tempted by large promises or hard cash. Thus, another entry in his account reads: "My daily canvassing 5 months more than usual making the poor freemen follow me and driving all before us - £25-0-0". This implies that there was some opposition, but only six freemen finally refused to promise Lord Carlisle's nominees. One hundred and sixty-five freemen who promised to vote for them were paid ten pounds each, but eight others who also promised their votes were probably paid nothing for doing so because they were living on charity provided by Lord Carlisle.² The total bill for dinners provided for the freemen by seven publicans came to £112-7-0. Fifty poor freemen (including most of those living on charity) signified their wish to receive half

1. See above, p. 385.

2. It is not expressly stated on this list that

a guinea each instead of a dinner. The total bill for the election, with Fenwick's canvassing expenses, came to £491-1-4. This does not include the rewards subsequently paid to the freemen for their support of the candidates nominated by Lord Carlisle.

Fenwick's account of electioneering expenses from October 1784 to October 1785 includes the following disbursements:

1785 Apr. 16th	John Brady his wife lying in	£2-12-6.
May 26th	Ralph Garrett to buy leather	£2-2-0.
	Michael Nevins to buy iron	£2-2-0.
	Thos Young very poor	£2-2-0.
	Robt Milburn Snr.	£5-0-0.
Sept. 2nd	William Leighton	£3-3-0.
	John Daglish on note	£3-3-0.
	Jas Bowman Taylor at Shields to pay his rent	£1-11-6.
	Alex. Nevills Weaver, very poor	£3-3-0.
	Thos. Bowman's & John Bowman's $\frac{1}{2}$ yrs rent	£2-2-0.
	Widow Sparks & Widow Dunn's rent	£2-0-0.
	Thos. Mitford to buy a coat	£1-5-0.
	Robt. Flint Shoemaker, large family	£1-1-0.
	Wm Scott to pay his rent	£1-1-0.
	Geo Wright very poor	£1-1-0.
	Open house one year	£10-0-0.
	Pocket expences	£10-0-0.

The total, including £66-17-0 paid to eight persons who in other accounts are listed under the heading "charity", and £50-0-0 for Fenwick's yearly salary, came to £170-17-6.

these freemen received no payment for promising their votes, but they are grouped in a separate section at the end of the account and it is probable, therefore, that as in 1776 (see above p. 477) those in receipt of "charity" did not share the rewards of the other freemen.

In February 1785, Sir James Erskine who had been returned for Morpeth the previous year was made a director of the Court of Chancery in Scotland and had to seek re-election. The total expenses attending his re-election came to £326-11-7, of which £102-10-4 was paid to ten publicans. A further £12-4-0 was spent on "Newcastle men's Victuals etc" - presumably a treat for Morpeth freemen living in Newcastle. Fenwick's own "house expences", before and "more after the election", came to £21-0-0. His son had been active in the cause and his "pockett expences every night, Treating the whole everywhere" amounted to seven guineas. Sixty freemen chose to have half a guinea instead of a dinner.

Fenwick's account for the year 1785-6 contains several curious items. Robert Brewell, "a soldier run short on recruiting service", was paid two guineas; Ralph Brady received £2-12-6 "to loose his Son from Newcastle Goal"; James Bowman, a tailor at Shields, was given three guineas "to set up [an] old Cloaths Trade"; Thomas Atkinson, a tanner, received ten guineas, "his goods being pawned, Debt etc." John Watson, a tailor, was given a guinea "to help him pay an old debt", and William Leighton received £3-12-0 "to buy beef", his family being in "great want". Robert Flint, "an honest man & large

family", was given two guineas. Michael Nevins, a blacksmith, received £2-12-6 to buy iron, and Ralph Garret, a shoemaker, £3-14-6 for leather, and an additional half guinea. Michael Hancock received £2-10-0 "to pay for leather"; against his name is the note "formerly an Agent against". (Hancock had indeed been an agent for Eyre at the election of 1774, and was one of the first two elected brothers who had brought writs of mandamus against Christopher Fawcett in 1766.) William Wilson, another shoemaker, and Thomas Young, a "failed Taylor", each received two guineas to pay their house-rents for two years. John Stirling was given a guinea "to pay the Whig Priest his having spent the pa. money". William Lewis who had a large family received £3-0-0 to buy hay for a cow; William Atkinson, who was unable to pay his rent for a field, was given £1-15-0. George Milburn received a loan of ten pounds to settle an old debt, Fenwick being "willing to oblige him". Four pounds were laid out to pay the house rents of widow Dunn and widow Spark, and £6-14-0 to pay that of Thomas and John Bowman, for two years in each case. These and various other payments to persons, often without any reason being stated, amounted to £158-11-0.

Fenwick's account for the year October 1787 to October 1788 includes a payment of two guineas to Gilbert Shotton

who was very old and had voted in the interest for fifty years; one of £7-12-0 to John Baites as a present "to keep him steady"; and one of two guineas to Robert Flint who was now "very ill" and had a large family. Edward Oliver received £2-10-0 for two pikes of hay, and James Bowman, who "wrote Ld. Carlisle about a place", was given £4-4-6. Eight pounds were laid out to cover the house rents of various persons. Fenwick's "pockett expences" came to £10-0-0.

In the course of the next year (October 1788-October 1789), Fenwick gave half a guinea each to Ralph Brady and William Wilson who were both starving; two guineas each to Edward Oliver and George Todd "to pay for hay"; £4-11-0 to Thomas Todd to "carry him back to London & his Brother... to keep him there"; and two guineas to Gilbert Shotton, who was ninety-four and very poor. On 17 July 1789 an entertainment was given to the freemen which cost £10-0-0, and Fenwick charged the same amount for keeping open house for a year. His "extraordinary expences from an apprehension of the King's illness & a dissolution" amounted to £30-0-0. Total expenditure for the year, including Fenwick's salary of £50-0-0, came to £199-11-0.

Fenwick's account for the year October 1789-90 includes an item of £3-14-0 for "Treating the beer club freemen & making peace among them at (?) different times". Ralph Brady received half a guinea to bury his wife; John

Brady, whose clothes were pawned, was given £1-10-0; John Brown, "being laimed", was given £1-11-6 and sixteen shillings for his house-rent. Robert Swan, whose goods had been destroyed, received £1-7-6 which evidently included the price of a new pair of shoes. Michael Hancock, who the previous year had "at the request of many friends" been given two guineas, received one guinea. George Todd and Edward Oliver were again given two guineas each to buy hay, and, as in previous years, various sums were disbursed to cover the rents of several persons. On 17 July 1790 an entertainment was held "for the whole freemen" which cost £10-0-0. The previous year, an entertainment had been given on the same day, which suggests that it had some special significance: perhaps the custom of celebrating the victory in the mandamus causes of 17 July 1767 still survived, and, now that opposition to the Carlisle interest had ceased, had been turned into a means of maintaining that interest which the mandamus causes had been designed to destroy.

In October 1789, Fenwick paid Edward Hedley £5-0-0 for "giving up the Sergeant's place". The previous year Fenwick had given John Marr the same sum "for giving up his pretentions" to the place of sergeant, and, in 1785 or 1786, Robert Swan had evidently received money from Fenwick "in Lieu of being Sergt." The sergeant was chosen in a similar manner to the bailiffs: each jury at the

the Michaelmas court returned one of its members for the place and the steward of the court made the final choice. Exactly why Fenwick deemed it prudent, or necessary, to interfere with this system and bribe the successful candidate, or the one that was likely to be successful, to stand down, is not clear; but the fact that the sums paid out for this purpose were included in an account of electioneering expenditure provides yet another example of the way in which the local administrative machinery in Morpeth was managed for political ends.

Fenwick's account for the year ending October 1790 is the last that has been found. He lived until 1796, but it is not known whether he continued to manage the borough until his death. His accounts reveal chiefly how he sought to keep the poor freemen attached to the Carlisle interest, and it would be unsafe to conclude that this was the only means by which the borough was kept under control. Presumably the freemen who had no need to seek financial help out of Fenwick's electioneering fund would have to be gratified in other ways, perhaps by the grant of places or of farms on favourable terms. The sums expended by Fenwick were not in themselves large, but they must have been of immense importance to the penniless, the starving, the sick, the aged, and the unemployed. The connection between the relief of the distressed and the political management of the borough might seem remote, but in fact

it was not so. To alleviate distress was to allay discontent which if allowed to grow unchecked might develop into political opposition, or at least produce the conditions which might tempt someone anxious for a seat in Parliament to attack the borough.

In the event, the borough was not attacked until 1802. Meanwhile, when Peter Delmé, who had sat for Morpeth since 1774, died in August 1789, Lord Carlisle found it "necessary" to nominate Gregg for the remainder of the Parliament. "I should have been glad", commented Selwyn, "that the return could have been of the same person, whoever he may be, who is designed to represent it [Morpeth] at the ensuing and general election".¹ But, although Carlisle had evidently intended that Gregg should hold the seat merely until the dissolution, he was returned at the General Election and represented the borough until the end of December 1794 when he resigned his seat, evidently to make room for Carlisle's eldest son, Lord Morpeth, who three months earlier had come of age.² Lord Morpeth was returned in place of Gregg in January 1795 and retained the seat until 1806 when he was succeeded by his younger brother, the Honourable William Howard. From 1784 to 1796, the other seat was held by Sir James Erskine. Sometime before the

1. Selwyn to Lady Carlisle, 27 August 1789 (H.M.C., Carlisle, p. 667).

2. Porrit, The Un-Reformed House of Commons, pp. 231-2. Lord Morpeth came of age on 17 September 1794, and, say the Porrits, "as soon after his majority as a new writ could be obtained, he took the place of Gregg". Gregg died three months after resigning his seat. He owned

General Election¹ Erskine had evidently informed Carlisle that he wished to stand for a Scottish constituency,¹ and Carlisle therefore had to seek a new candidate. He addressed the following letter to William Huskisson:

"Lord Gower informs me that you are looking out for a seat in Parliament at the coming Election.

"It may be in my power to promote your views. In advancing these it would be an additional satisfaction to me beyond respect to yr. personal character, to mark attention to those with whom you are closely connected.

"I shall be happy to converse with you upon this subject whenever you shall be at leisure".²

Huskisson was returned with Lord Morpeth at the General Election, and again in 1801, but he did not stand in 1802 when the Carlisle interest was challenged by William Ord, eldest son of William Ord of Fenham who had himself been considered a possible candidate in opposition to the Carlisles in 1774 and 1776. Ord stood without a colleague against Lord Morpeth and Peter Delmé, son of the late Member for the borough, and gained a clear majority over Delmé. Scarcely any material relative to this election has been found, but it is possible that the

property in Lincolnshire, Leicestershire and Surrey, and had a town house. He sold his Leicestershire estate for £23,000 and lent the money to Lord Carlisle on mortgages. His daughters had marriage portions of £3,000 and £2,500 respectively. He left his wife an annuity of £800 and £100 for keeping a coach etc. (History of Parliament Trust's biography).

1. He was returned for Kirkcaldy Burghs at the election of 1796. The eldest son of Sir Henry Erskine, seventh Baronet of Alva whom he succeeded as eighth Baronet in 1763, he had a distinguished military career. He was a manager of the trial of Warren Hastings. He was made

defeat of one of the candidates in the Carlisle interest was directly connected with a dispute which had evidently broken out in about 1797 between Lord Carlisle and the corporation over the ownership of Morpeth High Common. In November 1797, the Merchants' and Tailors' company indemnified their alderman against any costs arising from Lord Carlisle's claim to the High Common;¹ and, in July 1799, the Common Guild resolved to improve the High Common in the same manner as the Low Common.² Such action, if attempted or carried out without the Earl of Carlisle's permission, would bring matters to a crisis, and it was probably against this background that the defeat of Delmé occurred.³ Finally, in 1806, Lord Carlisle brought an action of ejectment against the corporation and gained a verdict with costs.⁴

Keeper of the Privy Seal and sworn of the Privy Council in 1829, and was appointed Lord President of the Council in December 1834. He had succeeded his uncle in 1805 as second Lord Loughborough and second Earl of Rosslyn.

2. Huskisson Papers (Add. MSS. 38,734, f. 229).

1. Records of the Merchants' and Tailors' company.

2. Guild book (1741-1835), p. 91.

3. Lord Morpeth polled 129 votes, Ord 125 and Delmé 97.

4. On 13 May 1806, the Common Guild resolved to resist the Earl of Carlisle's claim to the common, and, to raise funds to carry on the suit, stint money was increased to ten shillings per stint. A house known as "Wright's house" was to be let in such manner as should seem "best adapted to raise a Sum of Money for the said purpose". A committee of seven was appointed to act with the bailiffs: any differences of opinion among them were to be referred to a Common Guild. In July 1806, after judgment had gone against the corporation, a Common Guild indemnified the bailiffs against all losses and resolved that sufficient money should be raised for this purpose. It was ordered that the stewards for the improvement of the commons should pay to the bailiffs £100, exclusive of the additional stint money, and, if all the money raised proved insufficient, the

So far as is known, the Carlisles made no attempt to recapture Ord's seat and he represented the borough until 1831. Both Lord Carlisle and he maintained their interest by grants of land to the freemen. It evidently became customary for freemen to receive a field either from Lord Carlisle or Ord, and this is said to have cost the Earl and Ord over a thousand pounds a year each.¹ Since freemen were entitled to these grants of land, an elected brother might sell his rights of election to another at a high price: over sixty pounds was evidently paid in the nineteenth century for the transference of these rights.² Such was the result of the shortage of brothers and the age requirement, which, together with management by the Carlisle agents, greatly restricted the creation and admission of freemen. By the time that the ancient constitution of Morpeth was swept away by the Municipal Corporations Act, the borough was returning to much the same state as it was in before the struggle between the supporters and opponents of the Carlisle interest in the later eighteenth century.

succeeding bailiffs were to draw on the town revenues until all the costs, charges and damages were liquidated. In 1811 Lord Carlisle offered to accept £500 instead of the rents and profits of the common. The Common Guild accepted the offer and agreed to raise £765 to pay the £500 and £265 costs from the lawsuit. Stint money was increased to one pound per stint, and, to help pay off the loans, part of the Low Common was to be cultivated (Guild book, pp.97-103).

1. J.C. Hodgson, "An Account of the Customs of the Court Leet and Court Baron of Morpeth..." (Archaeologia Aeliana, new series, XVI (1894), 54).

2. Ibid., 54.

CHAPTER XVIII

CONCLUSIONS

One of the most significant facts emerging from this study is that the issues at stake in the struggle between the Carlisles and their opponents were primarily of merely local importance. The struggle began over local issues; it permeated the whole of the local administration, and was decided as much by verdicts in the Courts on questions of local rights and customs as by what happened on the hustings, at the poll, or in the House of Commons. When the Carlisles' attempts to maintain absolute control of the borough led to what were regarded as encroachments on the privileges of the brothers and freemen, some of the freemen sought to choose their own Members of Parliament chiefly to safeguard their local "liberties". They expected Lord Gairlies to be a "faithful Guardian and an able Protector of their Rights & Privileges",¹ and regarded his failure to assist them in their subsequent struggle with the Carlisles as a betrayal.² "If Mr Eyre att Least does not Sitt there will end your Liberty", declared Spottiswoode in a letter to Trotter before the³ election of 1768, and, in another letter, he stated that Eyre always had in view "the Preservation of the Rights & Libertys of the Town & securing his own Seat as Guardian

1. "A Narrative of the Oppressions of...Morpeth".

2. See above, p. 108.

3. 27 February 1768 (M.C., I, ff. 454-5).

thereof".¹ Eyre himself declared in 1776 that his friends at Morpeth could never "be of their own Consequence" except through his being elected, and that the freemen were fighting for themselves when they assisted him.²

Although the struggle over Morpeth coincided with that centring around John Wilkes, the slogans "Eyre and Liberty" and "Wilkes and Liberty" related to issues which were but remotely connected. Those raised by Wilkes both in respect of General Warrants and the Middlesex election were of unquestionable national importance; but those which Eyre raised in the course of his attempt to secure election for Morpeth were, in effect, only of local significance. The mandamus causes concerned rights which were essentially local - even the parliamentary franchise was a local right of the freemen, which freemen in all boroughs did not share, and the manner in which it was acquired was peculiar to Morpeth. Before the trial of the causes Spottiswoode declared: "This matter now Comes to a Crisis when the Law will determine whr. Ld. Carlisle or the Burgesses of Morpeth are to Send the representatives to parliament for that Burrough".³ Such a statement, while stressing the local nature of the struggle, raises the wider constitutional question of the freedom of parliamentary elections

1. Spottiswoode to Trotter, 5 March 1768 (M.C., I, ff. 456-7).

2. Eyre to Trotter, 2 July 1776 (M.C., II, ff. 132-3).

3. Spottiswoode to Trotter, 28 May 1767 (M.C., I, ff. 249-50).

but as a separate issue this was scarcely^{of} any practical importance (so far as can be determined) in the contest between Eyre and the Carlisle family. True, in 1773, the independent freemen were asked whether they ought not to consider a nomination of candidates by Lord Carlisle to represent them in Parliament unconstitutional, but this was only one of a long list of queries predominantly local in substance (see pp.370-1). Although Eyre's supporters petitioned the King at the time of the controversy over the Middlesex election, it was to draw attention to their own local grievance and to secure the dissolution of Parliament as a step towards remedying it, rather than to support the freeholders of Middlesex or Wilkes himself. They claimed in their petition that the determination of the House of Commons against the mandamus men was in its nature of "extensive national Importance", being "a Violation of the elective Rights of your Majesty's Citizens and Burgesses in equal Degree with the Violation of the Rights of the Freeholders of Middlesex..."¹ This, however, was an exaggeration. The cases of Morpeth and Middlesex were really very different. In the first case, the House of Commons decided that certain votes that had been offered for Eyre were not legal and that the election of the candidate who, in that case, had the majority should stand. But, in the second case, the Commons first refused to accept the return of a candidate who had an unquestionable

1. See above, pp. 287-8.

majority of legal votes, and then declared a candidate who was second on the poll duly elected. However hard the decision in the case of Morpeth, it cannot be classed as a violation of elective rights unless the legality of the votes of the mandamus men was indisputable, which, in fact, it was not.

That the leader of the opposition to the Carlisle interest was a Dissenting minister, "a Man of Conscience & of Constitutional Liberty",¹ who at one time liked to think that "the Interests of thousands, the Libertys of Brittons, the privileges of Citizens & the Rights of their innocent Posterity" were at stake in the struggle,² might suggest that there was a political element in the opposition; and that "General" Crawford and some of the freemen were probably Dissenters ~~also~~ might prompt the same conclusion, especially since Richard Fuller, the son of a Baptist minister, was introduced as a candidate in 1768. Political principles, however, were of no importance in the struggle. After the election of 1768, Trotter declared that a "perfect understanding" between Lord Carlisle and Eyre would be the best means of saving the borough from "intestine commotions" and from "becoming the prey of some Indian Nabob". He visualised peace and harmony being restored when Lord Carlisle and Eyre together maintained the freemen's rights and redressed their wrongs.³ Four

1. Eyre to Trotter, 13 March 1769 (M.C., I, ff. 513-4).

2. Trotter to Spottiswoode, 29 Oct., 1766 (ibid., f. 172).

3. Same to the same, 30 March 1768 (ibid., ff. 467-9).

years later, he declared that he wished that Eyre's colleague was "well" with Lord Carlisle and "the very possibility of a Contest prevented".¹ He was "perfectly Easy" as to whom Eyre had as colleague, though he thought that the colleague should either be "well" with Lord Carlisle or have a strong county connection or the Government interest.² Trotter's opposition to the Carlisle family's interest seems to have arisen chiefly on account of the local injustices (as he regarded them) by which that interest was maintained. Later, when he became disillusioned at the conduct of some of the freemen, he declared that his whole desire was to obtain a reward for Eyre.³ Trotter was not a politician; his zeal for Liberty was evidently an expression of idealism rather than of political principle.

"General" Crawford seems to have shared Trotter's ideals. "Every Laudable Principle in human nature", declared Crawford, prompted the opponents of the Carlisles to proceed with the first two mandamus causes, and to have submitted to "tyranny & oppression" would have branded them with "cowardice, treachery & baseness".⁴ "His Soul towers above the Clouds", Spottiswoode wrote after meeting Crawford in London in 1766: "his Spirit for liberty - Zeal for the freedom and independence of his fellow citizens, added to an honest sincere integrity of heart makes his

1. Trotter to Eyre, 17 March 1772 (M.C., I, ff. 576-9).
2. Same to the same, 25 July 1772 (ibid., ff. 609-12).
3. Same to the same, 2 May 1772 (ibid., ff. 585-6).
4. Crawford to Boutflower, 2 May 1766 (ibid., ff. 124-5).

character amiable and commands the respect and esteem of mankind".¹ Such a view was obviously not shared by the friends of the Carlisle interest. Commenting on the tactics that Crawford and his friends were employing before the election of 1768, Thomas Saint declared:

"But what will not people do, whose Hearts are big with the Vastness of their Designs? nothing will stop their Career in inflaming a Body of people, whose Interest lies as opposite to Contention as possible; & whose chief happiness it ought to be in sheltering Themselves under Lord C's Wings. The Ruin of others such people will think a small Matter; when they can make up their own purses".²

Whatever personal gains Crawford and his friends might have hoped to derive from the return of independent Members of Parliament for the borough, there is no evidence to suggest that they were, in Saint's words, "a pack of Fellows, who wants to ma[ke] up their Bags on the Ruin of poor, honest, harmless, innocent people".³ They appear to have had a genuine regard for the welfare of the borough and its institutions: their reluctance, for example, to turn the school election of 1772 into a political contest enabled Lavie to gain an advantage for the Carlisle party which marked the turning of the tide against Eyre.

The part played by Eyre was one of the most remarkable features of the struggle. An adventurer he certainly was, but one of a very unusual kind. Influenced by Trotter's "clever but intoxicating letters on the subject of 'Liberty Restored'", which, he declared, "finished and

1. Spottiswoode to Trotter, 26 June 1756 (M.C., I, ff. 126-9).

2. Saint to Ramshaw, 16 Jan., 1768 (Castle Howard MS).

3. Ibid.

completed what I had then scarce half resolved",¹ he became sincerely captivated with the rôle of liberator of the oppressed, and, abandoning the caution which he had at first shown, embarked on what he fully realised was an arduous undertaking. He courageously persevered against great odds, constant set-backs, and bitter disappointments, and, though "offered very considerably to give it up",² remained unshaken by "Soothings, - Immense Promises - [and].. Threatenings".³ After his defeat at the poll in 1768, he continued to resist "Temptations that might have Staggered a Common Man"⁴: he could, he declared, have had almost "ANY Thing", but would have nothing but his seat for Morpeth. He was determined to carry on his petition against Ridley even if the other seat at Morpeth were vacated, so anxious was he to oblige the "Liberty Men", who had got possession of his mind "even perhaps beyond the Bounds of Prudence".⁵ He would lay down his life to serve them, he declared in 1776, and would rather be Member for Morpeth than for the first city or county in the world.⁶ Still, the "Honor and Interest" of his friends at Morpeth was "entirely uppermost" with him, and provided that the Carlisle party was defeated he did not care (he declared) whether he was himself returned for the seat.⁷

1. Eyre to Trotter, 24 Sept., 1767 (M.C., I, f. 299).

2. Musgrave to Carlisle, 19 Jan., 1768 (H.M.C., Carlisle, p. 231).

3. Eyre to Trotter, 22 Jan., 1768 (M.C., I, f. 446).

4. Eyre to the aldermen and freemen, 10 July 1772 (ibid., f. 599).

If defeat of the Carlisle party and service of the "Sons of Liberty" became Eyre's chief reasons for continuing his battle against the Carlisle interest, he must originally have had other motives for seeking to gain a seat in the Commons. When Spottiswoode first mentioned Morpeth to him in 1766, he had already "for Some time Past entertained thoughts of Coming into Parliamt".¹ Presumably he never altogether lost sight of his original objectives, though his letters contain only the barest hints of what they were. In 1767, he mentioned the fluctuating state of the Ministry and men in power "which I must look forward to as effectual Service must be considered & to that every other Considerations must give way".² Then, after the defeat of his petition against Ridley in 1769, he declared: "Perseverance is a very high Character when it is in pursuit of great & good Designs, And...in my first Resolutions of Doing all the Good I can to my Country in General & to Morpeth in particular...I am determined to persevere to the last...".³ Of the petition for the dissolution of Parliament which would, if granted, give him the chance to gain his seat for Morpeth he wrote: "tho' I am not the Mover of this Petition, yet the whole of it will lye

5. Eyre to Trotter, 7 Jan., 1769 (M.C.,I, ff. 511-2).

6. Same to the same, 27 June 1776 (M.C.,II, f. 129).

7. Same to the same, 6 July 1776 (ibid., f. 137). See above, p. 472.

1. Spottiswoode to Trotter, 12 Aug., 1766 (M.C.,I, ff.130-3).

2. Eyre to Trotter, 6 Aug., 1767 (ibid., ff. 282-3).

3. Same to the same, 13 March 1769 (ibid., ff. 513-4).

at my Door in the World, And therefore...I ought to be particularly careful about it".¹ Again, two years later, he remarked in a letter that he meant to serve both Morpeth and himself.²

Naturally, one of his motives for seeking to enter Parliament was self-advancement, though in what form he desired it is not clear. From what he said about his "Door in the World", it is possible that like Admiral Sir George Rodney he considered that "to be out of Parliament is to be out of the world", and, as the Admiral, had his heart set upon being in it.³ Perhaps he was anxious for social prestige: the letters "M.P." might help to cloak his humble origin and disguise the fact that socially he was a parvenu. Again, a seat in the Commons might open up to him avenues along which he could advance in the legal profession, or give him the chance of a lucrative place under the Administration. He evidently intended to support the Government if he was returned, and was determined to use his abilities for the good of his country as well as of his constituency. But whatever his original aim or aims, once he had embarked on the contest for Morpeth, his determination to achieve success, his unwillingness to accept defeat, his deep regard for his supporters and friends, and a pride in his own sense of honour - "Sure", he declared in 1773, "after such Professions, I could never

1. Eyre to Trotter, 21 Nov., 1769 (M.C., I, ff. 538-9).

2. Same to same, 10 July 1772 (*ibid.*, 600-2); see above, p. 341.

3. Rodney to Lord George Germain, 2 Aug., 1780, quoted Namier, Structure of Politics, p. 3.

look up in the World again, was I or could I be induced to Desert Morpeth"¹ - drove him on. A less honest man would probably have accepted the offers of alternative satisfaction held out to him by his opponents in 1768 and 1769. Eyre, however, stubbornly refused to compromise matters to his own advantage² and continued to struggle against odds which became progressively heavier against him.

When he embarked on the venture, it appeared that the election of 1768 would be decided by the result of the preliminary legal battle. This placed both sides on a fairly even footing, since the great material resources of the Carlisles would not necessarily avail them in the Courts. But after his defeat at the poll in 1768, Eyre had to fight at a disadvantage. He fully realised that his petition against Sir Matthew White Ridley had no chance of success if Lord Carlisle's friends deserted him,³ as they evidently did,⁴ and the subsequent increase in the number of freemen in Morpeth raised problems of management at which the Carlisle agents proved more adept at solving than his.

From 1772, the Carlisle agents under the leadership of Lavie sought to promote their master's interest by lavish expenditure of money, public entertainments, races, assemblies, the letting of small farms on conditions that

1. Eyre to Trotter, 20 July 1773 (M.C.,II, ff.4-6).

2. An exception must be made, however, in his agreement to compromise the election of 1768 in an attempt to avoid almost certain defeat (see above, p. 229).

"the Souls of the honest abhorred", the dismissal of Eyre's supporters from enclosures they held of Lord Carlisle, and by an attempted boycott against the tradesmen and publicans who supported Eyre.¹ Despite the financial difficulties in which Lord Carlisle was involved, his agents had at their disposal sufficient money to make an impression on the freemen and to win the initiative from Eyre, and in addition they had at their command the influence of the Carlisle family both in the county of Northumberland and with the Government. "How more strength is to be gained I know not", wrote Trotter on 16 April 1774, "When Ministry, places, pensions, farms and Everything but virtue is against us".²

To offset the grave disadvantage at which Eyre was thus placed, his friends were anxious that he should secure as colleague one of the county gentlemen. In particular, they regarded the Delaval family as "a proper Counterpoise against the power of Lord C - le in the County", and, since the Delavals could give employment to some of the Morpeth tradesmen, they would provide "a ballance to the farms & places in the power of the Lord of the Manor".³ Eyre's friends also wished for a county gentleman because they would get the "Countenance"

3. See above, p. 263. 4. See above, p. 280.

1. See chapter XI, especially pp. 356-64.

2. Trotter to Eyre (M.C., II, ff. 35-7).

3. Same to the same, 2 May 1772 (ibid., I, ff. 585-6).

of his connections in the county.¹ Almost all the gentry in the town and neighbourhood, Trotter declared, were "mere tools" of the Lord of the Manor, and few or none of them dared to support the independent freemen. But, if Eyre's colleague was a member of one of the county families, some of the local gentry would give him their interest.² Thus, a connection with Thomas Delaval would, it was believed, get rid of much opposition from many county gentlemen, some of whom would espouse his cause.³ But even those gentlemen of the county who were well disposed towards Eyre and his party were unwilling to plunge into what was bound to prove an expensive contest against the Carlisle interest: "I am affraid your County Gentlemen either want Spirit or Money",⁴ remarked Spottiswoode, aptly summing up what his friends had experienced in this respect during the past two years. It was only when the contest for Northumberland got well under way, and those of Eyre's supporters who were also freeholders gave their support to the independent party, that a county gentleman came forward to join Eyre.

As a result of the increase in freemen after the mandamus causes, some of the neighbouring gentry whose tenants or dependants had gained admission acquired an

1. Trotter to Eyre, 25 July 1772 (M.C., I, ff. 609-12).

2. Ibid. See above, p. 351.

3. Ibid. See above, p. 352.

4. Spottiswoode to Trotter, 27 September 1774 (M.C., II, ff. 63-4).

electoral interest in Morpeth. This proved to be of almost decisive importance in 1776. Trotter warned Eyre that it was believed that there would be no probability of success "without the Gentlemen of the County would warmly espouse your Interest". The gentlemen in question were Sir William Middleton's friends, particularly William Ord of Fenham.¹ Eyre himself believed that if Ord supported him his election would, with management, be secure, and, apart from lack of money, one of the chief reasons which led him to abandon the borough was Ord's failure to write to him when he had promised to do so.² The part that Eyre's friends had played in the county election of 1774 had evidently resulted in a promise from the adherents of the independent party to give Eyre their support at the next General Election,³ but Ord was obviously unwilling to honour this promise in respect of the by-election of 1776.

Lack of material resources, insufficient support from the county gentry, failure to procure a suitable colleague at an early stage in the contest, and want of managers as skilful, ruthless and efficient as Andrew Fenwick and Germain Lavie, were probably the chief causes of Eyre's failure to capture the borough. To a large extent he relied upon ties of gratitude and of personal loyalty to himself, but, though these were strong, especially in the early stages of the struggle, and sometimes gave

1. Trotter to Eyre, 28 June 1776 (M.C., II, ff. 124-5).

2. Eyre to Trotter, 9 July 1776 (*ibid.*, ff. 138-9).

3. Same to the same, 2 July 1776 (*ibid.*, ff. 132-3), see above, p. 467.

rise to remarkable instances of "virtue", it became increasingly obvious after 1772 that they were by themselves insufficient to bring him success. And, though he went to an "annual Expence" to maintain his interest,¹ the Carlisle agents probably expended much larger sums to extend theirs. William Crawford, who handled much of the financial side of the campaign for Eyre, "Never Advanced Any Money when it could be saved without hazarding Every thing".²

As shown in chapter XVI, the fifth Earl of Carlisle and his friends regarded control over the representation of the borough as an asset of great value, both on account of the prestige it brought Lord Carlisle himself, and the opportunities it afforded him of assisting his relatives and friends in the world. Preservation of his interest was Lord Carlisle's prime concern, and he selected candidates for the borough with this end in view: considerations of their abilities, or of any contribution they might make to the government of the country or to political life in general, were not of primary importance to him. George Selwyn did not expect anything more than attendance at the House from Carlisle's relatives, Delmé and Byron, and the Earl's desire to avoid frequent elections at Morpeth made him seek candidates with lack of ambition for government office as an essential qualification, though, as

1. See above, p. 347.

2. Trotter to Spottiswoode, 14 Nov., 1772 (M.C., I, f. 626).

opposition withered at Morpeth, he relaxed this requirement. Some of the Members returned on his interest were men of considerable ability: Gilbert Elliot, Anthony Storer, Sir James Erskine, William Huskisson, George Lord Morpeth, and Francis Gregg. All these, except Gregg, were young when returned for Morpeth, and for all of them except Erskine and Storer it was the first constituency they represented. To some extent, then, the borough was a "waiting-room" (to borrow a term from Sir Lewis Namier) for rising men; certainly, it was not a refuge for those on the downward path. The majority of the Members returned on the Carlisle interest in the period covered by this study were either relatives or close friends of the Earls of Carlisle. The third Earl's eldest son, Henry, Lord Morpeth, represented the borough from 1717 to 1738, when he succeeded as fourth Earl of Carlisle. The latter's son-in-law, Thomas Duncombe, sat for Morpeth from 1754 to 1768, and Robert Ord, one of his executors, from 1741-1755. The fifth Earl's cousin, William Byron, was M.P. for the borough from 1774 until his death in 1776, and the Earl's brother-in-law, Peter Delmé, from 1774 until his death in 1789. John William Egerton, who represented Morpeth from 1777 to 1780, was a kinsman both of Lord and Lady Carlisle, and Anthony Storer, who sat for the borough from 1780 to 1784, was, until 1783, an intimate friend of Lord Carlisle.

Francis Gregg, M.P. for Morpeth from 1789-1794, managed Lord Carlisle's legal and business affairs, and William Huskisson, Member for the borough from 1796-1801, was a friend of the Earl. Carlisle's eldest son, George, Lord Morpeth, was returned for the borough in 1795 and sat for it until 1806 when he was succeeded in the seat by his younger brother William.

The methods adopted by the Carlisles to preserve their interest do not appear by the standards of the time to have been unusually oppressive or brutal. True, the restriction on the admission of freemen and the prosecution of those who actively expressed their discontent gave rise to hardship, but such methods would almost certainly have been employed in any other borough in the same circumstances. In some instances, the "Friends of Liberty" resorted to methods no different from those practised by the Carlisles and their agents: they, too, manipulated the machinery of local administration to serve their own political ends. In 1767, they took care that the election of the aldermen was "secured in favour of Liberty" to prevent new elections of freemen, lest the Carlisle party gained additional strength.¹ "The Broyrs in the Tanners Company in our Interest are by this Time I suppose Exhausted which will Barr all thots of further Elections for some Time", wrote Spottiswoode in October 1768, "& indeed Increasing our numbers further woud be

1. See above, p. 190.

weakening ourselves":¹ clearly, he expected the elections by the companies to be governed by considerations of political expediency. Eyre's supporters also broke through the old custom whereby the Skinners' and Butchers' company elected one skinner and one butcher as freemen, to ensure that in future the company would always elect two "good Men".² And, before the hearing of his petition against Ridley, Eyre's friends at Morpeth did everything in their power to make his interest paramount in the borough, with the idea that he might avail himself of his influence in such a way that it might have "a good effect in determining the grand question".³

The electioneering tactics of the "Friends of Liberty" were probably no different in kind from those which the Carlisles practised on a larger scale. "General" Crawford declared in 1772 that expense would be necessary to put some of the freemen "in a Temper to be Asked" for their votes;⁴ and Spottiswoode's plan that Eyre's agents should distribute small sums of money during the hard weather at the beginning of 1774 was similar to Andrew Fenwick's methods.⁵ If Lavie spent money lavishly on his frequent visits to Morpeth, so did Eyre on his occasional appearances there. He declared in 1774 that he could not go in and out of the town under an expense of between five and six hundred pounds,⁶ and between 1774 and 1776 he spent nearly

1. Spottiswoode to Trotter, 20 Oct., 1768 (M.C., I, ff. 489-91). See above, p. 290. 2. See above, pp. 249-50.

3. See above, p. 251.

4. See above, p. 358.

5. See above, p. 375.

6. See above, p. 391.

two thousand pounds on the borough,¹ presumably on the election of 1774 and the subsequent petitions. Again, despite his love of Liberty, Trotter was evidently prepared to see pressure brought to bear on some of the freemen. He told Cleaver at the election of 1768 that as William Wright owed his bread to Sir William Musgrave he would have voted for Eyre had Cleaver "made a Point of it";² and, in 1772, he mentioned two freemen who might be prevented from coming to vote in the school election on account of debts they owed in Morpeth.³

Although the Carlisles and their agents dominated the town economically and socially, they were bound by the principles of representation and majority rule in the Common Guild and the companies as well as in the electorate. They might strain the law but they could not evade or openly violate it: they might use all their arts to create a majority but they had to abide by the decision of the majority whether favourable to them or not. To obtain a majority in their favour they had to use every possible means to lay the individual freemen under obligations of gratitude: without constant care and management, without judicious distribution of rewards in cash and in kind, without due deference and respect to the freemen and their rights and privileges, the Carlisle interest would neither remain unassailed nor withstand the attacks

1. See above, p. 391.

2. Trotter to Eyre, 1 April 1768 (M.C., I, ff.470-3).

3. See above, p. 324.

that were made on it. Thus Lord Gairlles and William Ord succeeded in breaking into the borough, and Eyre very nearly did so.¹ As shown in chapter XVI, Lord Carlisle's position was neither easy nor secure. The list of Members returned for the borough during the later eighteenth century is liable to convey a false impression of the strength of the Carlisle interest, and prompt the conclusion that Morpeth was a pocket-borough safe in the possession of that family; but, in view of the struggle which took place in that period, the term "pocket-borough" should not be applied to Morpeth without due qualification. True, Francis Gregg declared in 1777 that without frequent elections the borough would be almost as secure in Lord Carlisle's possession as a Burgage Tenure,² but this was an exaggeration. Management of individuals was a much more delicate task than management of pieces of real property, and the result could never be predicted with absolute certainty. As Sir Lewis Namier remarks, such certainty was impossible where there were any real voters.³ Even when there was not a contest at Morpeth the freemen required careful management: Andrew Fenwick was greeted with a "sullen silence...almost to a

1. At the election of 1768, Eyre polled twenty-four votes (without the mandamus men) to Sir Matthew White Ridley's twenty-nine (to four of which Eyre objected), and, in 1774, Eyre had a hundred votes, excluding the eighteenthers, and Byron one hundred and nine.

2. Gregg to Carlisle, 1 Feb., 1777 (Castle Howard MS). See above, p. 486.

3. Structure of Politics (1957), p. 138.

mutiny", when he began canvassing in 1784.¹ And though the Carlises were in a position to bring pressure to bear upon some of the voters (exactly how many cannot be ascertained) this alone was insufficient to make their interest secure. Trotter, who was fond of pouring contempt on the adherents of the Carlisle party, once declared that they were "devoted Tools of a family Interest & it makes no difference w^t them w^o are the Candidates if they are supported by a great Name";² but, however indifferent the freemen in the Carlisle interest may have been with regard to the identity of the candidates they voted for, they were certainly not indifferent with regard to the rewards they expected for doing so. This was clearly appreciated by the agents employed by the Carlisle family - Robert Bulman, John Nowell, Germain Lavie, Francis Gregg, and Andrew Fenwick. Morpeth, indeed, provides a good illustration of the truth of Sir Lewis Namier's dictum: "Political bullying starts usually from above, the demand for benefits, from below; the two between them made eighteenth-century elections".³

1. See above, p. 533.

2. Trotter to Spottiswoode, 19 Dec., 1767 (M.C., I, f. 432). See above, pp. 218-9.

3. Structure of Politics (1929), I, 128.

APPENDIX I

FRANCIS EYRE

Francis Eyre, the fifth but only surviving child of Francis Eyre of Truro, a cordwainer, by his first wife Elizabeth Pascoe, was baptised in St Mary's parish church Truro, on 28 June 1722. His mother died in 1726, soon after the birth of her seventh child; his father married a second time, but only one of three children born of this union survived. This child, Joseph, was born in 1732, ten years after his half-brother Francis.¹

On 3 October 1737, Francis and his father, who is described as a "Shoomaker", entered into an agreement with Zacharias Williams of Truro, an attorney of the Court of Common Pleas, who undertook to take Francis as his clerk for six years and instruct him in "the Profession of the Lawe and Practice of an Attorney". Eyre's father agreed to provide for his son "Washing and all manner of Apparral Both Linnen and Woolen And ALSO Shoes and Boots AND Likewise Horses for doing and Executing the Commands

1. Register of Marriages, Baptisms and Burials of the Parish of St. Mary, Truro, Cornwall, parts I and II. The name is sometimes spelt "Ayre", but since the christian names of the parents are given in the case of the baptisms and burials of the children are the same, it is obvious that "Eyre" and "Ayre" are alternative spellings of the name of the same persons. Francis Eyre senior married Elizabeth Pascoe on 27 June 1714 (*ibid.*, I, 31). For the entry relating to the baptism of Francis Eyre junior, see *ibid.*, part II, 510. Joseph Eyre became a peruke-maker; he died in 1761 (see his will preserved in the District Probate Registry, Bodmin). Francis Eyre senior described himself as a cordwainer in his will, dated

of the said Zacharias Williams when and as often as the said Zacharias Williams shall think fitt to make use of Them in His way of Business, He the said Zacharias Williams affording them sufficient Pasture and feeding as the Season of the yeare shall require". Williams undertook to provide Eyre with sufficient meat, drink and lodging, and at the end of six years to give him a certificate for admission as an attorney of the Court of Common Pleas, if he was "Capable of Such Certificate".

These articles of agreement were at Eyre's request, and with his father's consent, assigned on 3 October 1741 to Hugh Mander of Tnuro, an attorney of the Court of King's Bench. Eyre's father now undertook to provide him with "Competent and Sufficient meat drink washing & Lodging, & all manner of apparrall both Linnen and Woollen". Mander undertook to provide horses for Eyre to use in carrying out his orders. He also agreed to instruct Eyre in the profession of the law and practice of an attorney and at the end of the term specified in the articles to give him a certificate for admission as an attorney of the Court of King's Bench, provided he was "capable" of such a certificate.

On 31 October 1743, Zacharias Williams and Hugh Mander certified that Eyre had diligently served as their clerk (for four years and two years respectively) and that they believed him "every way qualified both as to his Integrity

9 March 1745 (O.S.). I am greatly indebted to Sir Lewis Namier and the History of Parliament Trust for obtaining photocopies of both the above wills for me from the District Probate Registry, Bodmin.

and Capacity to be admitted an Attorney of his Majestys court of Common Pleas". And, on 30 April 1744, Eyre made an affidavit at Serjeant's Inn that he had faithfully served Williams and Mander in pursuance of the articles of clerkship.¹ He was subsequently admitted an attorney of the Court of Common Pleas.²

His movements for the next ten years are obscure, but he possibly set up practice in London immediately, or soon, after admission as a qualified attorney. Sometime during this period he married, perhaps on 13 May 1746, when Francis Eyre of St Martin in the Fields parish, aged twenty-three, and Sarah Innes of the same parish, aged twenty-two, were married at St Gregory's by St Paul's.³ By 1750, or 1751, Eyre's only child, a daughter named Sarah Maria, had been born.⁴

Meanwhile, in 1746, his father had died; he left Eyre fifteen pounds under his will: the residue of his estate (the details of which are not specified) was to be divided equally between his widow and son Joseph. Eyre entered a caveat against the will on behalf of himself and his half-brother, but the result is not known.⁵

1. Affidavits of service of Articles of Clerkship in the Court of Common Pleas (preserved in the P.R.O), C.P. 5/32/10. The articles of agreement between Eyre and his father on the one part and Williams on the other, and the agreement of 1741 whereby these articles were assigned to Hugh Mander are preserved in the P.R.O under the above reference.

2. Each court maintained its own list and in theory an attorney of one court ought not to practise in other courts. I am indebted to Sir Lewis Namier for obtaining this information for me from Professor Plucknett. See Holdsworth, History of English Law, VI (1924), 435.

By 1754, Eyre was gaining employment as ^{an} attorney in cases relative to trade and plantation affairs. In that year he acted in a case from Antigua which was being heard by the Lords Commissioners for Trade and Plantations, and in which one of the parties was Ralph Payne, presumably father of the future Sir Ralph Payne.¹ In 1763, he acted for Samuel Touchet, M.P. for Shaftesbury (one of the financial advisers of Charles Townshend when Chancellor of the Exchequer), who sought to secure a monopoly of trade to the River Senegal in face of vigorous opposition from groups of merchants of London, Liverpool, Bristol and elsewhere.² In 1764, Eyre acted for Jasper Hall and

3. Marriage Register of St Gregory by St Paul (typescript in the Guildhall Library, London). The ages of Eyre and his wife are stated in the slip index of the Society of Genealogists, and were derived by the compilers of that index from the Bishop of London's Registry of Marriage Licences. Francis Eyre of Truro would be about twenty-three at the time of this marriage (assuming that he was born in June 1722, the month in which he was baptised), and he lived in St Martin in the Field's parish at a later date and could well have done so in 1746. If he did marry Sarah Innes, he must have married again at a later date, since in his will, dated 1792, he describes his wife as "heretofore Sarah Prescott". I have been unable to discover anything about either Sarah Innes or Prescott.

4. The approximate year of her birth can be calculated from the fact that when she married in 1772, she was twenty-one (Marriage Licences of the Bishop of London's Registry as cited in the slip index of the Society of Genealogists).

5. There are a few documents relating to the dispute over the will preserved in the District Probate Registry, Bodmin.

1. One of Eyre's letters relating to this case is preserved among the records of the Colonial Office in the P.R.O. It is addressed to John Pownall, secretary to the Lords Commissioners for Trade and Plantations, and dated 15 June 1754. It bears Eyre's signature and the entwined letters 'F E' which appear on his letters relating to Morpeth. See CO. 152/28, Leeward Islands, bundle Bb 12.

others concerned in the supply of negroes to the Spanish colonies who were complaining of an Act passed in Jamaica in 1763 for raising money to maintain the forty-ninth Regiment of foot for one year. Eyre entered a caveat against the Act and was rebuked for doing so without stating the general reasons for it. Hall was said to have entered into engagements for extending "this valuable commerce" beyond what it had been ever extended before, but the duty lessened the profit by thirty shillings per head and would affect the trade in the sum of ten thousand pounds.¹

Eyre's name does not appear in the Journals of the Commissioners for Trade and Plantations after 1765, but in 1797 he was described in the Gentleman's Magazine as being "many years Solicitor for plantation-appeals, and formerly M.P. for Great Grimsby...".² Eyre represented

2. One of Eyre's letters relative to Touchet's petition for the grant of a monopoly of the Senegal trade is preserved among the records of the Colonial Office (CO. 388/50 Hh no. 67). It is addressed from Surrey Street London, and dated 7 January 1763. Cf. Journals of the Commissioners for Trade and Plantations, 1759-1763, p. 320. In opposing the grant of such a monopoly, the Liverpool merchants alleged that on a moderate computation it would, if granted, yield £60,000 per year (CO. 388/50 Hh no. 61).

1. Journals of the Commissioners for Trade and Plantations, 1764-1767, p. 136. The Lords Commissioners eventually resolved that the duty was "an inexpedient and improper restraint upon trade, and that this practice should not be continued, unless the exigencies and necessities of the island should appear absolutely to require it" (*ibid.*, p. 146). One of Eyre's letters concerning this case has been preserved. It is dated 9 January 1765 and relates to the papers that would be required by "our Counsel" in connection with the Jamaica Act concerned (CO. 137/33 bundle CC no. 53).

2. Part I, 353.

that borough from 1780 to 1784, and the phraseology in the Gentleman's Magazine of 1797 suggests that he held the position of Solicitor for plantation-appeals after the period when he was Member for Great Grimsby. This inference is not, however, absolutely certain; but at all events it is clear that Eyre specialised at an early stage in his career in cases concerning trade and plantation affairs,¹ and that eventually he gained what was presumably an official position as legal adviser to the government department concerned.² It is clear also that his legal practice brought him into contact with colonial and especially West Indian affairs, and connected him with merchants of wealth and influence.³

Eyre's legal practice was not his sole source of income. In 1758 a privateer, the Nelly's Resolution, of which Eyre and John Dunbar, a London merchant, were

1. Although Eyre specialised, he did not do so to the exclusion of all other business. In 1762, Richard Gillett, who had been employed as Eyre's clerk from 1765 to 1761, described him as an attorney-at-law and solicitor of the Court of Chancery (Gillett v Eyre, in Chancery, 1762, C 12/357/10).

2. He is classed as such by Mr I.R. Christie, The End of North's Ministry, 1780-1782, p. 175.

3. Besides the cases mentioned in the text above in which Francis Eyre was certainly employed, there are several others in the Journals of the Commissioners for Trade and Plantations in which an attorney named Eyre acted for one of the parties. There is no conclusive proof that this was Francis Eyre, but it can be safely assumed that it was, since it is highly unlikely that two attorneys named Eyre were acting at about the same time in the same specialised line of business. Eyre is first mentioned in the Journals of the Commissioners in February 1753 when he is described as "Sollicitor" for Mr King in a suit against Thomas Warrer. King was evidently a Councillor of Antigua who had been suspended in 1749;

alleged to be "Sole owners and Proprietors", took a "very Rich and Valuable Prize", Yong Vrow Adriana, a Dutch ship with a cargo of coffee, sugar, indigo, cochineal, wool and other merchandise, a great part of which had been loaded from two French ships lying in Cadiz Bay.¹ The Nelly's Resolution made the capture within a mile of Cadiz and brought it for condemnation to Gibraltar. On hearing of this, Eyre and Dunbar decided to send someone to see to the condemnation, and Eyre prevailed upon Gillett, his clerk, to go; he promised that his salary of £40-0-0 per year would be continued and (Gillett alleged) that he would get a hundred guineas for his trouble. On reaching Gibraltar, however, Gillett

he had been tried in 1748 for extortion in his capacity of Judge in the local court of Admiralty (Journals of the Commissioners for Trade and Plantations, 1750-9, pp. 53; 394-5). In 1761, Mr Eyres acted for some merchants trading to Jamaica relative to the export of prize goods from the island free of duty, and to the duty imposed on certain wines brought to the island, condemned as prize goods, and sold there. He also acted for them in matters relating to the import of sugar, rum and molasses into Jamaica from French, Spanish, Dutch and Danish colonies in America (ibid., 1759-1763, p. 231). Eyre acted for Mr Muir, agent for the captors of prize ships and goods brought to Jamaica, and evidently briefed William De Grey (subsequently first Lord Walsingham) and Wedderburn (subsequently first Lord Loughborough) as Counsel in the case (ibid., p. 241).

1. The account which follows is based on two sources: a bill in Chancery filed by Richard Gillett, formerly Eyre's clerk, against Eyre in 1762, and an amended version of the same bill, both preserved in the Public Record Office (C 12/357/10), and E.S. Roscoe's Reports of Prize Cases determined in the High Court of Admiralty before the Lords Commissioners of Appeals in Prize Causes... (1905) I, 8-10. Gillett first named the ship as the Inffrow Adcana and in his amended bill as the Inffrow Adriana.

found that the captain of the Nelly's Resolution had already secured condemnation of all the cargo the ship carried except some wine and money. But the ship was to be restored to its owners who were subjects of the States General. The owners, however, appealed against the condemnation of the cargo to the High Court of Admiralty in England, and Gillett therefore returned with authenticated copies of the process of condemnation in the Vice Admiralty Court at Gibraltar. The case continued until June 1764. Points of French and Spanish law were involved, but on 30 June 1764 the Lords Commissioners for Prize Causes declared that the transboarding from the French to the Dutch ship was in this instance not done in any fair course of trade or commerce, but was a "fraudulent contrivance" on account of the war to cover the goods of the enemy to their destined port.¹

How much Eyre gained as a result of this verdict is not known, but according to Gillett the prize was a very rich one, and, even though the ship itself was not condemned, Eyre's gain may have been considerable.² Moreover, Eyre and Dunbar had two other privateers, the Lissa and the Berlin, which between 1759 and 1760 operated in the North Sea, having set out from Emden. The Lissa took a "very Rich Prize" which was subsequently condemned;

1. Roscoe, English Prize Causes, I, 8-10.

2. Gillett who in 1762 filed a bill in Chancery against Eyre called on him to answer whether the Adriana and her cargo were not "reputed to be or estimated at the value of £30,000 or some other...value" (C 12/357/10).

the cargo was sold and fetched "a large Sum of Money which became distributable amongst the Owners Officers & Seamen of....the Lissa According to the Shares and Proportions specified in the Articles Executed by such Owners Officers and Seamen".¹ Whether or not Eyre's privateers made other captures is not known, but it is possible that he gained a considerable part of his fortune from this source during 'the Seven Years' War.

From 1759 he began to invest in land. In October that year he agreed to purchase an estate in Jamaica for £5,700. By 1761 he had paid £3,300 of this sum and evidently paid the remainder on or about 20 May that year, but he was deprived of possession of the estate by two brothers named Macfarlane who were heirs to an adjacent estate and had entered on Eyre's also. Eyre filed a bill in Chancery against them; he alleged that they received several thousand pounds out of his estate annually, and in particular had received a "very large Sum of Money" from it in 1760 and would receive a much larger one in 1761.² Eventually, he leased the estate to one of the

1. Gillett v Eyre (C 12/357/10). After Gillett returned from Gibraltar, Eyre sent him to Emden on business in connection with the Lissa and the Berlin. By letters of attorney dated 7 December 1759, Gillett alleged, he was appointed agent or attorney for Eyre and Dunbar in all matters relating to the two privateers. He returned to England on 10 May 1760 and remained in Eyre's service until December 1761, but in March the following year he filed a bill in Chancery against Eyre, who, with Dunbar, refused to pay him the hundred guineas for his trouble in going to Gibraltar and acting for them there, and £330-0-0 which he demanded for his services at Emden (a rate of five shillings per day for extraordinary expenses and ten shillings per day for time, care and trouble). Eyre

Macfarlanes (John Spottiswoode's uncle) and received nearly a thousand pounds a year from him for it. But by 1773, when the lease expired, Macfarlane owed over three years' rent, and between two and three thousand pounds more on account of canes and stock - a total of some five thousand pounds, Eyre estimated, but Macfarlane's calculations differed from his. Although Spottiswoode had taken all the pains he could in the matter, up to 20 July 1773 Eyre had received nothing but promises of payment of what was due.¹ It is not certain how the affair was settled, but, a year later, Eyre, who had been running short of cash evidently because of Macfarlane's failure to settle the debt,² was able to lend Peter Delmé three thousand pounds.³

Meanwhile, on 19 April 1765 Eyre had agreed to purchase the Manor of Colesbourne in Gloucestershire for £7,500 plus an annuity of £300 to the vendor for life.⁴

and Dunbar evidently contended that Gillett went to Gibraltar and Emden as Eyre's clerk and as such received his salary of £40-0-0 per year; his necessary expenses were defrayed, but he was not entitled to any additional consideration. Gillett, however, maintained that he had undertaken the journeys and business as agent for Dunbar and Eyre, not as Eyre's clerk. Altogether, he claimed that £484-1-4 was justly due to him from them. The result of the suit is not known.

2. Eyre v Macfarlane, 1761 (C 12/892/26).

1. Eyre to Trotter, 20 July 1773 (M.C., II, ff.4-6).

2. Ibid. See above, p. 365.

3. See above, p. 382.

4. Eyre v Sheppard, in Chancery, 1765 (C 12/39/22). Eyre decided to purchase the estate on seeing its rental, according to which the gross annual rent was £530-19-9 and the outgoings £106-0-7.

Soon after entering into this agreement, Eyre hired a bailiff at £60-0-0 per annum to manage the estate, but when the vendor produced his title Eyre complained that it was very defective and a dispute arose which led to a suit in Chancery.¹ Eventually, however, Eyre gained possession of the estate and in later years evidently resided there for a time.²

On 29 April, 1767, after he had become involved in the struggle for Morpeth, Eyre agreed to purchase the Manor of Holnest in Dorsetshire. It is not known what price he paid, but the premises were conveyed to him early in March 1768, less than a fortnight before the General Election at Morpeth.³

In 1771, William James, a Morpeth attorney, recommended to Eyre as a very desirable purchase an estate belonging to William Swinburne of Longwitton, Northumberland, which was to be sold. Eyre was "very Candid and explicit" in

1. Eyre v Sheppard 1765 (C 12/39/22). John Sheppard, the vendor, denied that his title was defective, but offered to vacate the agreement and pay Eyre's costs of suit if he remained dissatisfied. He declared that he had signed the agreement after midnight when he was "very much heated with Liquor and not sober", and he believed that had he been sober he would not have signed such an agreement since the premises were thereby sold for "considerably less" than their worth. The next morning he wished to have the agreement annulled, but Eyre refused to cancel it (further answer of Sheppard to Eyre's bill, 17 June 1766).

2. In his will dated 31 May 1792, Eyre described himself as "late of Colesborne in the C^o of Gloucester". By 1797, however, this had been crossed out and "of Cecil Street in the County of Middlesex" substituted (P.C.C. Exeter, fo. 491). At one time, Eyre evidently held a house in Surrey: "I have not seen Mr Eyre who is att his House in Surrey but will be in Town this Eveng" Spottiswoode wrote to Trotter on 29 Sept., 1767 (M.C., I, f.301).

telling James why he could not attempt the purchase of such an estate immediately, but declared that in four or five years' time he might be able to do so. In a letter to Trotter he gave the following account of the negotiations that ensued:

"...therefore on seeing the Rental a clear 900£ a Year and having an Option of purchase at 27000£ within that Time I agreed as soon as possible to procure 16000£ at four & a Quarter p Cent, and altho' upon repeated Applications to many of my Friends I found it impossible to raise the Money under four and a half yet I would have bore that Loss myself which in four Years Time would have been near 200£ & made him a Present of all my own Trouble; In answer to this M^r James Writes me that I might have the preference of the Estate when it was to be Sold Some Years hence if I would Advance the Money but that M^r Swinburne did not chuse to sell it at present or if I did not chuse to do that he desired me to procure 4000£ upon a second Mortgage, And it is his not receiving an answer to this last Letter...that he complains of".¹

Eyre had delayed answering James' letter partly because he had been away in Dorsetshire, but even if he had been in London, he declared, he would not have been able to have procured such a loan immediately:

"I might speak to Twenty people in Vain; I have Spoke to many, I mean as to the 4000£ but cannot get any person here to do it as yet, nor do I know that I can for some Time to come; These things are sometimes done in a Week at other Times not in a Year, And therefore tho' I would wish to do that to oblige M^r James, Yet I protest I cannot make it palatable to any of my Friends to accept Such a Second Mortgage. And as to lending the 16000£ without any Agreement for price or purchase I must lay myself open to be censured as acting either absurd or oppressive Because Surely for me to lend him 16000£ for Several Years with a View that he

3. Eyre v Bainton, in Chancery 1768 (C 12/1937/28). Eyre filed this bill because Bainton refused to make out a title to part of the land Eyre had purchased.

1. 31 May 1771 (M.C., II, ff. 38-9).

may out of my Labour & Money enhance the Value of this Estate would be absurd to the last Degree - and for me to lend it him with a View that by not keeping down the Interest & perhaps lending him something more he might be compelled to Sell me the Estate, would be oppressive or Something So unlike me that rather than incur the Appearance of either I must decline the whole unless we can settle an imediate price upon the Terms before mentioned. I have thus long delayed Writing because I was in hopes to procure the 4000[£] which I Sho^d have been happy at doing as it would have obliged M^r James but I cannot do more than I can".¹

Sometime during the next few weeks, however, Eyre agreed to lend Swinburne the £16,000 at 4% immediately, but on condition that, if he wished, he might withdraw from the agreement at the end of four years. He made this stipulation, he explained, "because in a less Time than that I might not be able to Dispose of my own Estate, or perhaps not at all in which Case I Should wish to be off".² Eyre considered that he had entered into a "treaty" with Swinburne on these terms, but, on 9 July 1771, Swinburne wrote to him in a manner that showed that he did not regard what had passed as any "treaty" at all.³ His price for the estate in case of an immediate sale was £35,000. Eyre observed in a letter to William James that by asking such a price Swinburne did not wish to sell the estate, but Swinburne declared that he really estimated it at that value both in its existing state and on account of the "great room" there was for future improvements.⁴ He would

1. Eyre to Trotter, 31 May 1771 (M.C., II, ff. 39-9).

2. Same to the same, 20 Dec., 1771 (*ibid.*, I, f. 555).

3. *Ibid.* A copy of Swinburne's letter is preserved in M.C., I, f. 557.

4. Swinburne to Eyre, as above.

be very happy, he informed Eyre, to let him have the estate in mortgage for £16,000 and to sell it at a fair valuation for both parties at the end of four years. Eyre was hurt at the way his previous offers had been brushed aside, and he did not consider the estate at Swinburne's price to be a good bargain: "it does not appear to me to be a cheap purchase", he declared in a letter to Trotter, "& without it a Man only purchases a plague".¹ By March 1772, Swinburne had made some further proposals which Eyre could not accept,² and the negotiations appear to have ended.

Eyre did not confine his investments to land. With Sir Edward Walpole, Charles James Fox, Sir Charles Bunbury, Samuel Touchet, John Spottiswoode, and others, he was a founder-member and shareholder in the "Company of Adventurers for Working Mines in about and under Lake Superior in America". This company, which was incorporated on 19 June 1772, was formed to exploit copper ores and other valuable minerals discovered in the region of Lake Superior. Eyre and Spottiswoode were two of the twelve assistants, who had to possess at least half an original share each, appointed to manage the company's affairs.³

In March or April 1774, Eyre became interested in a plantation in Dominica which was being offered for sale

1. 20 December 1771 (M.C., I, f. 555).

2. Eyre to Trotter, 9 March 1772 (*ibid.*, ff. 568-75).

3. Acts of the Privy Council (Colonial), 1766-83,

pp. 132-7. Sir Edward Walpole was appointed Governor of the company and Samuel Touchet Deputy-Governor.

by John Boone of Cecil Street, London. Boone, Eyre later alleged, declared that it produced one hundred and fifty hogsheads of sugar per year with a proportionate quantity of rum and made a clear profit of £2,000 per year: it consisted of about four hundred acres of good land with buildings, stock, and one hundred and twelve negroes, and, with twenty more, might in a short time produce three hundred hogsheads of sugar yearly.¹

After consulting his friends, Eyre agreed to purchase the estate which, Boone declared, was in mortgage to Thomas and Rowland Hunt for £11,500. Eyre promised that when he had arranged to pay off the mortgage he would pay Boone £500 plus an annuity of £160 to Boone and his wife, or the survivor of them, for life, and another annuity of £160 to Ezekiel Lewis of Dominica for life, since Lewis had this claim on the estate. Eyre then approached one of the Hunts and asked whether they would accept payment of the mortgage money in instalments: he explained that he was to have immediate possession of the estate and was going to spend a considerable sum on slaves and stock for it. According to Eyre, after several meetings, Hunt agreed to accept payment in instalments of £2,000 commencing from the execution of the deeds and continuing each year until December 1778. Any residue was to be paid off in 1779. The plantation was to be conveyed to Eyre, but

1. Eyre v Boone, in Chancery 1777-1792 (C 12/182/31). Eyre filed amended versions of his bill in 1778 and 1791. The account which follows is, unless otherwise stated, based on Eyre's bills.

he was to give a mortgage for the money he owed. He made a proviso, however, that if he saw fit he might pay all the debt after giving three months' notice. He agreed to pay interest on the debt remaining after the first year of the agreement.

The same day (18 April 1774), after Boone had made asseverations as to the truth of his statements about the estate, Eyre signed an agreement to purchase it. "Being a total stranger to all or any persons in Dominica", he accepted, on Boone's recommendation, Francis Daxon and Levi Porter as his agents there. Boone executed a full power of attorney to them to confirm Eyre in possession of the estate. Eyre himself wrote to Abraham Harris, an attorney employed by the Hunts in Dominica, and told him that he had purchased the estate:

"I shall write", he declared, "to my good Friends Arthur Freeman, Baptist Looby and John Dunbar in Antigua to get me two or three good Carpenters and Coopers and sixteen or seventeen more able Negroes which with Mules will compleat the Strength so much desired and wanted upon this Estate to make it do all the Wonders that are talked of about it - I much want to know the exact Number of Cane pieces with the Quantity of Acres in each and whether Plants or Rattoons and of what Growth".¹

Boone wrote to John Dunbar and authorised him to take possession of the estate for Eyre. To "compleat the

1. 29 April 1774, quoted in Eyre's bills. Arthur Freeman was appointed to the Council of Antigua in 1759 (Journals of the Commissioners for Trade and Plantations, 1759-1763, pp. 16, 125). He was suspended in 1766 (ibid., 1764-1767, pp. 306-7), but was reinstated by Order in Council in September the same year (ibid., p. 347). Baptiste Looby was appointed by the Governor of the Leeward Islands to a seat in the Court of Common Pleas in the Virgin Islands to fill a vacancy through the absence of one of the Justices in September 1777 (ibid., 1776-82, p. 149).

Estate" Eyre spent nearly £2,000 on workmen, slaves, and stock, but, when the slaves and stock arrived from Antigua, Harris refused to allow them on the estate. Moreover, by January 1775, the Hunts were demanding from Eyre £6,000 immediately and his bond and security on the estate for payment of the remainder of the mortgage money, which they now declared to be over £12,000 instead of £11,500, in June 1777. Eyre now discovered that before Boone sold the estate to him he had entered into a deed whereby the Hunts were appointed his "irrevocable agents and attorneys" while the mortgage money remained unpaid, and the estate was committed to their "entire management", so that they had been in possession when he sold it.¹ Eyre was forced to enter into a new agreement with the Hunts in February 1775: he was obliged to agree to pay them £6,000 in money and bills, and "upwards of Seven thousand pounds more" on 30 June 1777. He paid the £6,000, hoping that he would thereby gain possession and get the benefit of the crops for 1774 and 1775, which (he alleged) he had been led by Harris and the Hunts to understand would be worth between £4,000 and £5,000 after deduction of plantation expenses. But at the end of 1775 or the beginning of 1776, Eyre's agents informed him that the whole estate was "a Desart": what sugar canes there were had been so neglected that they were worth little or nothing and the whole crop for

1. Answer of Thomas and Rowland Hunt to Eyre's bill, 1777 or 1778 (C 12/94/16). Only part of this answer has been found.

1775 amounted to no more than nine hogsheads of bad sugar and four of worse rum; and in respect of cane-land he had been "defrauded of near seven thousand pounds out of Eight thousand pounds". Boone had title to sixty-eight acres of land less than he claimed; the house and buildings that he had sold to Eyre for £6,000 were not worth half that sum; there were only ninety-five slaves, and they were half-starved, naked, and without tools. Eyre had to order from his London merchant immediate supplies of clothing, tools, and provisions worth about £500, and his agents in Dominica had to expend a similar sum on like necessities. But even under his own agents' management the estate produced only nineteen hogsheads of sugar in 1776.

Realising that he had made a serious blunder, Eyre repeatedly sought to be released from his agreements with the Hunts and Boone. He offered to convey the premises back to Boone, but Boone refused, and the Hunts insisted on his paying the mortgage money. Eyre thus "became in advance for this estate above ten thousand pounds Sterling", excluding over seven thousand pounds more that the Hunts insisted was due to them. With interest and other demands on the estate, the whole sum came to more than twenty thousand pounds without Boone's annuity. Thus, if the transaction were countenanced, instead of paying eleven thousand five hundred pounds

for a plantation producing between one hundred and one hundred and fifty hogsheads of sugar and clearing a profit of one thousand two hundred pounds per year, which, Eyre declared, he had a fair right to expect, since the legal interest-rate of the island was eight percent, he would have to pay twenty-thousand pounds plus two annuities of one hundred and sixty pounds for an estate making no more than fifteen or twenty hogsheads of sugar, which, when plantation expenses were deducted, would make an annual loss of five hundred pounds. The original bargain, he declared, had been a hard one for him: in view of the annuities he had to pay, he did not stand to gain except "in the event of the lives dropping, which in the peril of a West Indian Estate is not adequate". He could have gained only by a large outlay on improvements.

By 1777, he had stopped paying the annuity to Boone who had therefore brought an action against him in the Court of King's Bench. The Hunts were also threatening to take legal action against Eyre for payment of the remainder of the mortgage money. Eyre therefore filed his bill in Chancery against the Hunts and Boone and begged that they should be brought to answer the charges made in it and that they should be restrained from taking legal action against him in the other Courts.

On 4 June 1777, Boone filed his answer to Eyre's bill. To the best of his knowledge, he declared, the

valuation of the estate that he had shown to Eyre was true. He denied that he had told Eyre that the estate ever produced more than sixty hogsheads of sugar a year, though he had told him that with improvement and additional labour it would yield one hundred and fifty hogsheads of sugar per annum. He had executed powers of attorney to various persons, but "always apprehended" at the time that he was in possession of the estate. Some months after Eyre had agreed to purchase it, he informed Boone that the Hunts had caused it to be sold and had bought it themselves: he was "perfectly acquainted" with this when he took the conveyance from Boone and before he entered into the new agreement with the Hunts in 1775. Boone quoted in full a letter he had received from Eyre: it was dated 17 January 1775 and set forth that the estate had been sold and bought by one of the Hunts, and that, unless Boone could recover it, he would lose some thousands of pounds, as he (Eyre) would give a much higher price for it than Hunt. He also observed that the estate had produced no sugar. Nevertheless, knowing that it was a cheap purchase (Boone alleged), Eyre treated with the Hunts; it was not until several months later that he signed deeds of conveyance with Boone. Boone denied that his title was defective in respect of sixty-eight acres, or that the transaction was a hard bargain for Eyre: the estate had been valued at about twenty thousand pounds,

and this valuation had been made with a view to raising a loan, not to selling the estate, but Eyre was paying no more than fifteen thousand five hundred pounds for it in accordance with his agreement with Boone. At the time of the agreement, Eyre had assured Boone

"that he was certain of being in Parliament And that he had such Interest as would procure this Defendant [Boone] a place which would make him an equivalent for the loss he sustained by selling the said Estate for so low a price And...this Defendant being at that Time an officer in his Majesty's Garrison stationed at the said Island [Dominica] resigned his place which produced between four and five hundred pounds a Year in full assurance of the said Complainants services All which he hath since found to be an imposition practiced upon him by the said Complainant whereby and by the loss of his place as aforesaid and by means of the said Complainant's not having paid his Annuity of One hundred and Sixty Pounds as aforesaid He this Defendant and his family are reduced to great necessity".¹

Boone had frequently applied to Eyre for payment of the annuity, but Eyre had continually put him off "under no other pretence whatever but the want of Money". Sometimes he had declared that he was borrowing ten thousand pounds on his Gloucestershire estate, but this, Boone found, was done only to "amuse" him. In 1776, towards the end of the summer, Boone was in great need of money and applied

1. In answer to the amended version of Eyre's bill Boone's lawyers declared: "...this Defendant positively saith that had he not very much relied on the future Friendship and good Services of the Said Complainant who at the time of the Treaty for the Estate promised and assured this Defendant what great Things he would do for him He this Defendant would never have sold the Estate to the Complainant at less than Twenty thousand Pounds". Whatever the truth of these statements, it appears that Eyre had talked confidently of his chances of gaining a seat in Parliament for Morpeth. Replying on 27 February 1775 to a letter from Eyre, Auchterlony, an attorney who was acting for Boone in Dominica, declared:

to Eyre for payment of the arrears of the annuity. Eyre gave him a bill of exchange for £400 payable in six months, but Boone could not get it discounted because of the date; he therefore returned it to Eyre who gave him another bill for £500. Boone, however, could not get it cashed because Eyre's credit was "not...sufficient for that purpose".¹ He had therefore brought actions against Eyre in the Court of King's Bench for £240 due from 28 February 1775 to 28 August 1776. If Eyre had believed him guilty of fraud, Boone declared, he would not have given him the bills of exchange mentioned above.

By Hilary term 1777, Eyre was evidently in serious financial difficulties. When he appeared to answer Boone's "plea of Covenant broken", he was "in the Custody of the Marshall of the Marshalsea of the Lord the King".² He contended that Boone had not been possessed of the negroes concerned in the transaction, and that his title was insufficient to enable him to sell them. But the Court found that Eyre's objection was insufficient in law, and Boone was awarded a total of £239 costs and damages. In January 1778, the case was brought before the Court of Exchequer in pursuance of a writ of error; but no error

"I am happy to find that Dominica is likely to have so good an Advocate as you in the House of Commons" (quoted in the amended version of Eyre's bill). By that time Eyre had been unseated but had petitioned against Byron.

1. These remarks are particularly interesting in view of the fact that Eyre had to abandon his interest in Morpeth in 1776 chiefly on account of his lack of ready cash.

2. Boone v Eyre (K.B. 122/410 roll 1455).

was found and Boone was awarded a further £18 costs and damages on account of the delay.¹

In Trinity term 1779, Boone brought another action against Eyre because of his failure to pay the annuity for two and a half years ending on 28 February 1779. Eyre's defence was that Boone had showed him a valuation containing many serious misrepresentations, that Boone's title was not good, that he was not in possession of the estate when the agreement between Eyre and him was made, that the estate was encumbered with arrears of an annuity to Ezekiel Lewis, that the Hunts were in possession of the premises when the abovementioned agreement was made and that they continued to hold them for eighteen months afterwards. Boone had not, therefore, fulfilled his part of the agreement, and the arrears of the annuity he owed to Lewis plus the excess mortgage money he owed to the Hunts far exceeded the sum he now claimed from Eyre. Boone's attorney, however, contended that these objections were insufficient in law and in several instances not in conformity with the forms of pleading in such cases.² The case was adjourned for a time, after which the Justices

1. The result of Eyre's appeal to the Court of Exchequer is entered on the roll on which the proceedings in the Court of King's Bench are set down (K.B.122/410 roll 1455).

2. It was argued that Eyre did not "deny, confess or avert" the agreement, and that his plea was double in attempting to put in issue whether the indenture concerned was the deed of Eyre or not and also whether or not Eyre had paid the arrears of the annuity mentioned in that indenture; moreover, Boone's declaration about the breach of covenant had been made in the negative, and Eyre's

found that Eyre's objections were insufficient: Boone was awarded a total of £441-15-0 damages. Eyre was granted a writ of error, but no error was found: Boone was therefore awarded a further £32 costs and damages. Boone sued Eyre on account of his failure to pay the annuity on several future occasions and always gained a verdict with costs and damages.¹

Meanwhile, Eyre was hard pressed by other creditors: in 1778, he was defendant in at least four different pleas of debt.² His financial difficulties had obliged him to

plea that he had not broken the covenant was also in the negative and therefore not "issuable". Eyre had not shown that he had performed the covenant and had not answered the alleged breach of that covenant. His other objections were insufficient in law and were not bound to be answered. See Boone v Eyre K.B. 122/439 roll 328.

1. In August 1784, for example, Boone brought an action against Eyre in the Court of Common Pleas on account of Eyre's failure to pay £80 of the annuity due to him. Judgment was signed against Eyre in that Court on 29 January 1785 and Boone was awarded damages amounting to £97-12-0: Eyre moved for a writ of error and the case was brought before the Court of King's Bench, but on 10 June 1785 this Court affirmed the previous judgment and Boone gained a further award of £20-10-0 costs (K.B. 122/509 roll 772). In 1791 Boone sued Eyre for unjustly detaining £80 of the annuity due to him on 1 April 1791. Eyre pleaded that he had delivered to Boone fifty gallons of wine in discharge of the sum due, and that Boone had accepted it as such. Boone denied that the wine had been delivered to him in full satisfaction of the debt or that he had accepted it as such and prayed that this might be inquired into by the country. Eyre contended that this plea was insufficient in law and that it should have been made to the Court, not to the country. The Justices of the Court of Common Pleas finally gave a verdict in favour of Boone who was to recover the debt plus £19-5-0 damages (C.P. 40/3797 rolls 367-8). Boone evidently brought another action against Eyre for non-payment of £80 the following year and gained a verdict with £22-13-0 damages (Dockett Book, Index 6558, Hilary 1792).

abandon his interest at Morpeth in 1776: the Hunts' sudden demand in February 1775 for £6,000 and a further £7,000 by the end of June 1777 certainly made it impossible for him to engage in lavish expenditure on a contest with Gilbert Elliot; and the continued deterioration in his financial position during the next two years precluded any possibility of his reattempting to capture a seat for the borough on Elliot's resignation in 1777 or at the General Election of 1780.

2. John Sheppard sued Eyre on account of his failure to pay £150 of the annuity due to him from the agreement whereby Eyre had purchased the Gloucestershire estate. Sheppard was awarded a total of £156-12-0 against Eyre as damages. Eyre moved for a writ of error, but the Court of King's Bench affirmed the previous judgment of the Court of Common Pleas and Sheppard gained additional costs of £16-0-0 (K.B. 122/425 roll 1825). Eyre appears to have been defendant in a plea of debt in which James Innes was plaintiff in Michaelmas term 18 George III. The sum involved was £1,100, but no details of the case have been found (Dockett Book, Index 6248). In the same term, Eyre was sued by Jacob Solomons on account of failure to honour a bill of exchange of £202-5-0. Judgment was signed against Eyre on 29 January 1778 whereby Solomons was to recover a total of £219-15-0 costs, charges and damages. Eyre moved for a writ of error and the process was by virtue of a writ closed brought before the House of Lords, but Eyre did not carry on his plea and the writ of error was ordered to be "Non-pros'd" with £40 costs (MSs of the House of Lords). In 1778 Eyre moved for a writ of error in another case of debt in which judgment had been given against him with costs and damages amounting to £62-15-0. No error, however, was found in the process, and a further £15-10-0 damages were awarded to Richard Cracraft, the plaintiff in the original action (K.B. 122/422 roll 894).

Sometime during 1776, Eyre's agents in Dominica evidently took possession of the estate, but about June 1778, by virtue of an execution entered in the office of the Provost Marshal of the island against Eyre on account of his having fallen into arrears in the payment of the annuity to Ezekiel Lewis, the latter's attorney was put into possession of the estate. Rowland Hunt then gained possession of it by paying the arrears due to Lewis, and in August 1779 Eyre's title to the estate was publicly sold by the Provost Marshal to meet the unsatisfied executions against Eyre. James Wallis purchased the estate and held it as "absolute owner" until his death in September 1782, when ownership passed to the Hunts, Wallis' executors, under his will. Rowland Hunt entered into possession of the estate in April 1783, but in 1791 Eyre wrote to the Hunts and demanded an account of the produce and profits of the plantation during the past eleven years. The Hunts refused this demand, since Eyre's title, they alleged, had been conveyed to Wallis and through him to them.¹ Eyre, however, proceeded to file an amended version of his bill in Chancery against Boone and them, and in Trinity term 1791 he commenced an action against Boone in the Court of Common Pleas for breach of covenant and claimed very heavy damages.² Boone therefore filed a bill in Chancery against

1. Answer of the Hunts to Eyre's amended bill of 1791 (C 12/182/31).

2. Boone v Eyre, in Chancery, November 1791 (C 12/463/64).

Eyre.¹ He contended that Eyre was maintaining different pleas at the same time: by his bill in Chancery he was seeking to have the agreement of purchase declared null and void, but by his action in Common Pleas he was suing for alleged breach of a valid contract. It is not known whether this latter suit was brought to a hearing, but, if it was, it is unlikely that it was determined in Eyre's favour. When he made his will in May 1792, he left the plantation and negroes to his "dearest and only child", Sarah Maria Booth, "hoping and requesting that as I have been obliged to sell my Gloucestershire Estate to pay for it and that it has already Cost me above £25,000 ster. she will prosecute my suits in Chancery about it & pursue the Villains who have attempted to rob me".² But, so far as is known, these suits were never determined in Eyre's favour and he died without having regained possession of the estate.

1. C 12/463/64.

2. P.C.C., Exeter, fo. 491. Eyre's daughter married the Reverend Charles Everard, "a very intimate Friend of Sir Francis Delaval", at St Clement Danes on 14 August 1772. On 20 July 1773, Eyre wrote to Trotter: "I have been almost distracted for above six months past by having my only Child Marry from me not only against my Will but even without by Privity, And her having Married a Man of Fortune and Family tho' it is some alleviation yet upon the whole my Heart has been almost broke" (M.C., II, ff. 4-6). Everard was born in about 1726, the son of Charles Everard of Brereton, Cheshire. He was educated at Queen's College and Brasenose College, Oxford. He was made a fellow of Brasenose in 1747 and Vice-Principal from 1758-60 and again from 1761-2. He was senior Bursar there from 1763-4. In July 1764, he was presented as Rector of Middleton Cheney and Greatworth, Northamptonshire, and subsequently of Llongerm, Merionethshire. He was also a Prebendary of York and Salisbury. Some years before his death in 1792, he changed his name to Booth to inherit an estate, presumably his uncle's (Tremlow Hall, Cheshire). By his will dated 28 February 1789 and a

Although Eyre's fortunes were on the decline after 1774, he did attain what had for long been "the predominant object of his ambition": he was returned in 1780 as M.P. for Great Grimsby.

"It must not be concealed, however," - declared an unknown writer in the English Chronicle of 1780 or 1781 - "that casualty conspired with industry in his ultimate success, for he was an entire stranger in the county of Lincoln, and in the borough of Grimsby, but hearing that Mr. Pelham, who possesses the uncontroled power of Parliamentary nomination for that borough was not decided as to his choice of any particular individual, he rode post to Grimsby, and paid his compliments to his unknown patron. Mr. Eyre is a man of very good understanding, and good address, accomplishments which had their common effect with Mr. Pelham, and induced him to interest himself in the success of this adventurous stranger. All his authority was, of course, exerted in behalf of the alien candidate, who was elected accordingly".

"To great abilities", the writer continued, "Mr. Eyre is said to add great integrity, and under the consciousness of possessing these best and most necessary qualities for a legislator, no candid man will condemn him for the eagerness which he has excercised in its attainment. He is bred

codicil dated 29 June 1789 he left to his wife, Sarah Maria, his house in Gate Street, Lincoln's Inn Fields, and any other houses in Middlesex, London, Surrey or Westminster that were in his possession at the time of his death. His money he left in the hands of three trustees who were to pay to his wife or transfer to her good securities for £3,000 for her own use; she was to have the ready cash in his possession at the time of his death unless it exceeded £500 when all in excess of that sum was to be paid into the hands of the trustees. After certain debts of his uncle had been discharged, the residue of the trust money was to be invested in securities approved by his wife who was to receive the interest from them during her life; after her death, the money was to be invested in estates. She was also to receive his plate, linen, china, furniture, stock, goods and chattles in or about his capital messuage of Twemlow. (P.C.C., Fountain, fo. 129). See also the Gentleman's Mag., 1792, p.283; the European Magazine and London Review, 1792, p. 240; the Brasenose College Register, 1509-1909, p. 334.

to the Bar, and possesses a fortune sufficient to give him the power of independence, and, what is better, a disposition that will beyond all doubt render him a rigid enthusiast in the practical display of it".¹

Eyre consistently supported North's administration and subsequently the Fox-North Coalition.² His only recorded speech was in the debate on the rupture with Holland, when he called for vigorous action against the Dutch. His remarks reflect his interest in privateering and in West Indian affairs:

"...So far from not agreeing that the war was indispensibly necessary", he declared, "he was convinced that government would have shewn the most dastardly pusillanimity, and had been at once regardless of the honour of Great Britain, and the rights of her subjects if the manifesto had not been published and sent to sir Joseph Yorke. The Dutch, it was notorious, had, during the whole contest, been busily employed in furnishing the French with naval stores; and had in more than one instance, openly countenanced the Americans in their revolt. He...deduced his argument from a variety of facts which had been well authenticated, and were stated to him in letters written by persons on the spot, of undoubted veracity. By a letter from Antigua, dated 30th. Nov. he was assured of one strong fact, that would serve to prove his assertion, and this was that the Dutch admiral at St. Eustatia had ordered all the prizes that the British privateers had made from the Americans, and that were then there, to come under his stern; which

1. I am greatly indebted to Sir Lewis Namier for sending me a copy of this newspaper sketch of Eyre.

2. See the various lists and states drawn up by John Robinson (Abergavenny MSS., B.M. facsimiles 340 (4-5)); cf. I. R. Christie, The End of North's Ministry (1958), p.396; a list of the M.Ps. who supported and opposed Pitt's administration prior to the dissolution of 1784 in The Beauties and Deformities of Fox, North, Burke (copy in the B.M., under the press-mark 1853.e5, tract 48); Fox's Martyrs, p. 69.

being complied with, he immediately ordered the captains to restore the ships instantly to their original owners, and this without a trial in any admiralty court, or any judicial process whatever. He appaled to the House whether a proceeding of this unwarrantable nature became a power in alliance with Great Britain, or whether such unexampled injustice ought to be patiently submitted to? He advised ministers, therefore, to pursue the war against the States General in a steady and determined manner. He remembered that in the two last wars we had not stood upon ceremony with the Dutch, but had seized their ships freighted with contraband goods to the value of millions, had brought them into port and condemned them. If ever it was necessary to act without ceremony towards the Dutch it was at this moment, and he hoped ministers had taken proper orders to their admirals and generals, by which means such blows might be struck as would most cripple the Dutch. In particular he hoped to hear soon that the island of St. Eustatius, that abominable nest of pirates, was in our hands. It was that island which had given the Dutch such frequent opportunity of acting treacherously with Great Britain, and of assisting her enemies".¹

With the dissolution of 1784, Eyre's parliamentary career ended. Possibly John Robinson had some part in displacing him, though it is not known whether Eyre wished to be returned to the next Parliament.² According to the pamphlet Fox's Martyrs, he was one of those who "expired very quietly".

1. Parliamentary History, XXI, cols. 1089-90. The name of the speaker is given as "Mr. Eyre" and there were two Members in the House with that surname, Anthony Eyre and Francis Eyre. But the nature of the subject matter and the reference to a letter from Antigua, where he had friends, suggest that it was Francis Eyre who made the speech. He had indeed good reason to remember that British privateers had on previous occasions seized Dutch ships: Yong Vrow Adriana was one of them. Eyre seems to have had strong connections in Antigua: in 1774 he mentioned his "good Friends Arthur Freeman, Baptist Looby and John Dunbar in Antigua" (see above, pp. 579-80 footnote), and John Boone declared in a letter to Francis Daxon, an attorney in Dominica: "Your family is no stranger to his Eyre's Reputation, Fortune and Character nor the principal people of the Island of Antigua" (quoted in Eyre's amended bill in Chancery against Boone).

2. In a memorandum evidently drawn up in December

By May 1792, Eyre had disposed of all his estates except a small-holding in Hertfordshire, which he had purchased for £100,¹ and the plantation in Dominica which he still hoped to recover. By his will, which he made that year, he left the small-holding (two or three acres of land and a small cottage)² and all household goods, furniture and stock there to his wife, "heretofore Sarah Prescott", for her life. He also left her his leasehold house in Cecil Street, London, and the household goods, furniture, plate and pictures except such as his "dear and only Child" Sarah Maria Booth might choose to the value of £100: well knowing her soul, he entreated his daughter to behave "nobly" in the matter. To his wife he also gave an annuity of £100 (issuing out of the estate of the late John Angell) which had been granted to him, and also his chambers in Elm Court in the Temple. He left his plantation and the residue of his estate to his daughter, whom he appointed sole executrix.³

1783 by John Robinson, Grimsby is described as an "open" borough, the Members for which were then opposed to Pitt. The Members who would probably be returned after an election were also expected to oppose Pitt (W.T. Laprade, The Parliamentary Papers of John Robinson, 1774-1784, Camden Society, 3rd series xxxiii. (1922), p. 65). A further note by Robinson stated that both Members would very likely be carried by Pelham, but that there might be a contest (ibid., p. 74). Grimsby is later listed among boroughs where seats might be obtained "with expence", £2,000 being the sum supposed necessary to carry one seat there (ibid., p. 109). An explanatory note states that one seat at Grimsby was "very uncertain" but that "something may turn out on a conversation Mr. Rose should have with Mr. Eyre the present member, immediately after the change" (ibid., p. 112). About the time of the Dissolution Grimsby is listed among places where there might be contests, and a candidate was evidently to be set up, perhaps against Eyre (p.114).

In January 1797, he agreed to purchase a freehold estate consisting of the Manor of Plompton Boscage in Sussex, and also a leasehold estate in the same county for a total of £1,500. He paid a deposit of £300, but, on 13 March 1797, before the estates could be conveyed to him he died.¹ He was about seventy-four years of age. His will was proved by his sister-in-law, Ann Prescott,² and the Reverend John Eyre of Hackney, a prominent Evangelical clergyman who was probably his kinsman.³

1. (from p. 595). Boone v Eyre, in Chancery 1798 (C 12/678/21): the answer of Sarah Maria Booth. In his will Eyre described the holding as being in Monmouthshire, but his widow declared in 1798 that it was "more or less in the County of Hereford" (answer of Sarah Eyre to Boone's bill in Chancery as above).

2. The answer of Sarah Eyre, as above.

3. P.C.C., Exeter, fo. 491.

1. (p. 595). The answer of Sarah Maria Booth to Boone's bill in Chancery, as above; The Gentleman's Magazine, 1797, I, 353.

2. She was associated with John Boniot de Mainaduc, a member of the Corporation of Surgeons of London, in research into animal magnetism. De Mainaduc, whose father was "one of the greatest mathematicians in Europe", was described in 1790 as "the much-talked-of lecturer on Animal Magnetism" (The Gentleman's Magazine, 1790, I, 575). According to The Gentleman's Magazine, 1797, I, 353, Francis Eyre and De Mainaduc were married to two sisters, but De Mainaduc's will, preserved in Somerset House, shows that Ann Prescott was not his wife, though she was evidently living with him. He left her many of his possessions under his will on account of her assistance in his scientific researches. He died "in a fit of apoplexy" after returning from the funeral of Francis Eyre (The Gentleman's Magazine, 1797, I, 353).

3. He was born in 1754, the son of John Eyre of Bodmin. After serving an apprenticeship under a clothier, he began work in his father's business, but, because he devoted his spare time to preaching, his father drove him from home. After a variety of ministerial work, especially among Dissenters, he took orders in the Church of England, being ordained in 1779 after matriculating at Emmanuel College, Cambridge, the previous year. He later opened a

Less than a year after Eyre's death, John Boone filed a bill in Chancery against Sarah Eyre and Sarah Maria Booth; he claimed that £280 was due to him from the annuity Eyre had granted him in 1774. Boone had applied to Sarah Eyre, but she refused to pay what was due, although, he alleged, Eyre's estate and effects were "amply sufficient" to discharge all his debts. He was, he declared, entitled to resort to these estates for payment of the arrears in the annuity and its future instalments, but Eyre's wife and daughter refused to take measures for that purpose.¹

In reply to Boone's allegations, Sarah Eyre swore that her husband had never entered into actual possession of the estate he had purchased from Boone and that he received from it no more than nine or thirteen hogsheads of sugar. He had been paying the annuity of £160 to Boone for "upwards of twenty years", and she did not know of any arrears in the payment of it. By virtue of

school at Hackney and took an active part in Evangelical enterprises. He was largely responsible for launching the Evangelical Magazine, a joint venture of Church of England and Dissenting ministers, which first appeared in 1793. He was a founder of the London Missionary Society and one of the originators of a scheme for sending Evangelical preachers into the counties south of London: the Hackney Theological College originated from this scheme. Eyre who was of "Calvinistic sentiments" died in 1802 (see W.P. Courtney's article in the D.N.B. (1909), VI, 964-5). Whether or not John Eyre was a near relation of Francis Eyre is not clear, but both Ann Prescott and he swore that they were "intimately acquainted" with Francis Eyre when they proved his will. There was evidently some connection between the Eyres of Truro and of Bodmin, since Eyre's half-brother Joseph appointed John Eyre of Bodmin, Bridewell-keeper, a trustee under his will.

letters of administration, she had taken possession of as much of her husband's personal estate and effects as possible, which, she estimated, was worth about £130. She had allowed Sarah Maria Booth to receive certain articles in part satisfaction of the hundred pounds-worth of goods bequeathed to her out of her father's personal estate, but should that personal estate prove insufficient to discharge his funeral and testamentary expenses, and debts, she submitted that his daughter should restore what she had taken. She was willing to account for what she had received, as the Court should direct. She denied any unlawful combination to defraud, and prayed to be dismissed with the costs which she had "most wrongfully sustained".

In her answer to Boone's bill, Sarah Maria Booth swore that after her father's death she had taken possession of the title deeds and papers relating to his holding in Hertfordshire, and claimed that as his heir at law she was entitled to the freehold estate in Sussex which he had been in the course of purchasing at the time of his death. The remainder of the purchase money, she contended, should be paid out of her father's personal estate. She had received from Sarah Eyre a silver tea kettle, a lamp, a silver cup, four dozen bottles of rum, and a print of "very trifling value" as part of her legacy from her

1. Boone v Eyre, 1798, (C 12/678/21). The answers of Sarah Eyre and Sarah Maria Booth are preserved under the same reference.

father's personal estate, and claimed that she was entitled to his other personal effects up to the value of the full amount of her legacy, provided there was sufficient personal estate to meet the funeral and testamentary expenses and to satisfy all debts. If the personal estate proved insufficient to meet all these demands, she would restore what she had taken, and, if the whole personal estate was insufficient, she would sell and convey, under the decree of the Court the whole or part of the real estate devised to her, on being paid her costs. She denied any unlawful combination and prayed to be dismissed with her costs.

It is not known how the matter was finally settled, but, from Eyre's will and the sworn statements of his daughter and wife, it appears that very little remained of his once considerable fortune. At his death, what was probably the major part of his assets in both real and personal estate amounted to only £530.¹ His blunder over the plantation in Dominica had brought him to the brink of financial ruin. The payment of the annuity to Boone over a period of twenty years itself cost Eyre £3,200, and even by 1792 the whole transaction had cost him over £25,000.² Despite all his efforts, he never escaped from

1. According to Sarah Eyre, the value of his personal estate was about £130; he had paid £300 towards the estates he intended to purchase in Sussex, and his Hertfordshire holding was worth about £100. By 1798, there was no mention of the annuity of £100 which Eyre had bequeathed to his wife in 1792.

2. Eyre's will, P.C.C., Exeter, fo. 491.

the engagement he had made with Boone. The fortune which he had possibly gained to a large extent by judgments in the Courts of Admiralty¹ he lost by verdicts in the Courts of King's Bench and Common Pleas.

1. There is no means of ascertaining what income Eyre gained from his legal practice. In the London Directory (1774), he is listed as a merchant. Perhaps he advertised as such because of the rum and sugar he expected from the estate in Dominica, though he may have sold the produce of his Gloucestershire and other estates. He is listed as a merchant in the same directory for 1791, and in The Universal British Directory of Trade, Commerce, & Manufacture (second edition, 1793, p. 140). In view of his association with John Spottiswoode, it is as well to point out that so far as can be ascertained Francis Eyre had no connection with Charles Eyre, the King's Printer. John Eyre of Putney, Surrey, who acquired the Patent of King's Printer, died in 1750, leaving three sons - John, Daniel and Charles. John and Daniel Eyre made over their shares of the Patent to Charles who agreed with William Strahan of London for the sale of one third of it. From 1770, Charles Eyre and William Strahan were co-partners, but, after Strahan's death in 1785, Margaret Penelope, his daughter, who had married John Spottiswoode in 1779, acquired a share of the Patent, but, by an agreement in 1787, Spottiswoode and his wife made over this share to Andrew Strahan who was sworn in as King's Printer in place of his father. So far as is known, John Spottiswoode himself took no part in the printing business, but through his children the connection of Eyre and Spottiswoode, King's Printers, was formed in the nineteenth century. The information about Charles Eyre has been derived from a bill in Chancery concerning the printing business (C 12/464/21).

APPENDIX II

(Appendix to chapter III)

JOHN BULMAN v ALEXANDER EARL OF GALLOWAY and JOHN LORD GAIRLIES¹

On 13 November 1761, some eight months after the General Election of 1761, James Aitkenson died. In January the following year, his kinsman, John Bulman, an attorney of Morpeth, was granted Letters of Administration in respect of Aitkenson's estate, and later that month he met the Earl of Galloway and settled an account of Aitkenson's disbursements during the election. Galloway paid £68-19-6 (half of what Aitkenson had expended over and above the £600 jointly deposited by Galloway and Mitford in the early stages of the contest), and Bulman discharged him of the whole of the articles of the account; he reserved, however, the right to take legal action against Mitford to recover the other half of the balance.²

Over a year later, Bulman wrote to Galloway and Gairlies and demanded, on behalf of Aitkenson's relatives, adequate recompense for Aitkenson's services to Gairlies during the election. Galloway and his son returned an "absolute refusal", whereupon Bulman commenced proceedings

1. The MS. records of this process are preserved in the Scottish Record Office, Register House, Edinburgh. The printed Informations, however, are preserved in the Signet Library, Edinburgh, under the reference 'Sessions Papers 96/5'.

2. Bulman's receipt to Galloway is appended to the Answers for Galloway and Gairlies to Bulman's Petition.

against them in the Scottish Courts to recover £500 as the fee Aitkenson's services deserved, and £100 costs of suit.¹ At the meeting at Kelso in June 1760, Bulman alleged, Aitkenson was "formally appointed Agent, Attorney, and Manager by Lord Gairlies" to conduct the election campaign. Throughout the contest, Aitkenson neglected the "whole business of his profession" (which was "very considerable") to serve Gairlies: he was employed "hourly, daily, and weekly" both before and after the election on Gairlies' affairs. By his "ability, Activity, and Address" he gained victory for Gairlies "Contrary to the Expectation of every person", but it was a victory gained at the cost of his own life, for as a result of the "fatigue and Irregular Living always attending Burgh Elections" he wore out his constitution and "Contracted a Distemper of which he soon Dyed".²

It was the "Universall practice" in England for candidates in contested elections to employ attorneys³ "to Consider the Set or Constitution, how the Freemen are Admitted, To Make objections to the Voters of his Opponent, and to Support and have new Members inrolled to Serve his Constituent".⁴ But, if attorneys were constantly employed by Englishmen seeking election by their

1. Summonse, 19 November 1763.

2. Condescendance for Bulman, 4 July 1764, passim.

3. Petition for Bulman, 28 January 1766, p. 4.

4. Condescendance for Bulman, p. 3.

neighbours and fellow countrymen, it was far more necessary for Lord Gairlies to employ such assistance:

"He was an absolute stranger, without patrimonial interest, ministerial influence, acquaintance, connection, or friendship. At his first outset, his sole adviser, Major Mitfoord, left him to struggle alone, and under ever dis-advantage, had a contest to maintain with the family of Carlisle, which had always directed the borough, were men of fortune there and in the neighbourhood, had the interest of the whole county against this stranger and intruder, and knew well the constitution and members of the borough. In what situation then would Lord Gairlies have been, rarely and seldom in the borough? Absent, and residing in Scotland, at a great distance, how were his affairs to be managed, and his interest attended to, without his attorney?"¹

Before 1760, Gairlies was an entire stranger to Aitkenson; had he not been employed as Gairlies' agent, Aitkenson would never have undertaken the management of the election. It had been with difficulty that Gairlies and the freemen had persuaded him to do so, for he well knew the "almost unsurmountable" obstacles that would have to be overcome.²

Between 26 May 1760 and 10 October 1761, Aitkenson received from Galloway and Gairlies ~~some~~ sixty letters,³ a clear indication that they regarded him as their employed agent. The agreement between Gairlies and Aitkenson had not been set down in writing, but, in practice, Bulman alleged, no mandate or formal appointment in writing was ever given to attorneys acting in such affairs.⁴ Certain

1. Information for Bulman, p. 13.

2. Replies for Bulman to the Answers given for Galloway and Gairlies to his Condescendance, p. 3.

3. Condescendance for Bulman, p. 2.

4. Replies for Bulman. (as in n. 2), p. 2.

passages in the letters from Galloway and Gairlies to Aitkenson, however, indicated that he was employed by them as agent for Gairlies. In a letter to Aitkenson dated 10 June 1760, for example, Galloway wrote: "...As the affair is left entirely to your discretion, and you are perfectly capable to manage it, I don't despair of Success".¹ On 15 July, the same year, he wrote to Aitkenson:

"'Tis upon your friendship, honesty, activity, and address that my Son and I do mostly depend; and we expect that in case you cannot carry your point, and you are sensible that your Scheme will not succeed, you will then in justice to the confidence we place in you, let us know it frankly, that my son may direct his views and make application Somewhere else".²

Then, on 27 August 1760, he gave Aitkenson what amounted to a "Direct Commission in the Clearest & most Express terms" when he wrote: "My Son and I.... have had already Such proofs of your friendship and Activity that we Trust and Depend entirely upon your Management. You may be Sure of all the Grateful returns in our power".³ Again, on 24 October 1760 he declared: "I don't pretend to give you my directions, I shall be ready to follow yours".⁴ After the election, Gairlies wrote to Aitkenson and asked him to deal with all the applications for places and pensions which the freemen might make;⁵ and, replying to a letter from Aitkenson just over a week later, Gairlies remarked: "Your giving me an account of the horse-races

1. Quoted in the Information for Bulman, p. 7.

2. Quoted in ibid., p. 8.

3. Quoted in the Memorial for Bulman, pp. 10-11.

4. Quoted in the Information for Bulman, p. 6.

5. For the text of this letter see above, p. 97.

at the end of your letter on business is showing yourself in your true colours, to wit, the being a man of business does not prevent you from amusing yourself and others".¹

Most of the other letters tended to confirm that Aitkenson had been formally employed as Gairlies' agent. And, though Aitkenson had left no indication that he expected a fee for his services, the claim was in no way vitiated thereby, since attorneys so employed seldom bargained for a definite sum or charged a fee under articles of an account, the generosity of the client "always intimating what is proper to be given on such extraordinary occasions".² Nor did the discharge Bulman gave Galloway in respect of the account of Aitkenson's disbursements during the election debar the claim for a fee for Aitkenson's trouble, the discharge relating only to the articles set down in the account, beyond which it could not extend, especially when given by an Executor or Administrator.³

The case for Bulman, then, stood thus:

"Aitkenson was an attorney, and lived by the profits of his profession; his time was his only inheritance; he was not a freeman of the Corporation of Morpeth entitled to vote at an election; he lay under no obligation to Lord Gairlies; he had no other connection with him than in the way of business by being appointed his sole agent, attorney, and manager at Kelso, and afterwards confirmed almost in every letter in a very

1. 27 June 1761, quoted in the Information for Bulman, p. 11. 2. Condescendance for Bulman, p. 3.

3. Petition of Bulman, p. 13.

long correspondence with the defenders. The business committed to him is a common and usual branch of business for an attorney in England, in a contested election, where no bargain is made with the attorney for a particular sum; but that depending on the trouble and labour, which is accordingly recompensed by the generosity of the employer. This business, accepted by Mr Aitkenson, was conducted with great abilities and address; it was profitably carried on and crowned with success; it required a total sequestration, and Mr Aitkenson engaged in no other business for near a twelvemonth.

"In those circumstances it cannot be presumed that Mr Aitkenson intended a donation of his labour and pains, the interest of his family, and the fees which every other attorney in England receives in cases of that kind. The law sustains action for recompence even in the management of affairs of a person absent, though without commission, and without his knowledge: will it then deny action for recompence to a person who acts under a Commission granted by a person with whom he is neither acquainted, obliged, or connected, and in affairs peculiarly adapted to that profession in which the person employed has been carefully educated, and by which alone he is to make a livelihood?"¹

"...It Cannot be Supposed he would have acted the Volunteer for an Absolute Stranger, have provoked the indignation of the family of Carlisle their potent and Numerous friends or have incensed the whole County where he was to Live and practise in his profession. This would have been a wild and extravagant imagination, But being employed in a Branch of his Business, he knew that no Man could reasonably be Offended with him, as it was the only inheritance he had and the Sole Means of Supporting himself and his family. And having thus faithfully laboured for a recompence He escaped both the resentment and Censure of all, & altho' payment has been refused it is hoped it will be obtained by the Judgement to be pronounced in this Cause".²

In the Memorial submitted for Galloway and Gairlies,³ their lawyers declared that it was doubtful whether the

1. Information for Bulman, p. 14.
2. Memorial for Bulman, pp. 8-9.
3. The Defenders objected that Galloway had improperly been made a party to the suit, since he had acted only occasionally for Gairlies (when the latter happened to be absent from Scotland); it would be as absurd, they declared, to make Gairlies' banker a party as it was to include Galloway in the suit. To this it was replied that Galloway was the chief correspondent with Aitkenson and handled all

novelty or the exorbitancy of the pursuer's demand was the more surprising. It was a "most unprecedented demand", and had there been any prospect of such a claim being upheld in the English Courts, to which Lord Gairlies was amenable, it would never have been brought before the Scottish Courts.¹

Although not himself a freeman, Aitkenson had "strongly incited" the freemen to oppose the Carlisle interest and "distinguished himself So much in the Cause, that, from his abillitys & keenness, he was regarded by every one as the head of the opposition". His motives for taking such a rôle were not clear; but, probably, he considered the cause as a popular one "which his engaging in, and distinguishing himself in Support of might raise his Character & recommend him to business in that part of the Country". But, whatever his motives, it was an "undoubted fact" that he was "fully more interested in the Success of the opposition than any of the Freemen themselves".² He was "Tribunus

financial matters in the course of the contest. The Defenders seem to have eventually dropped their objection to the inclusion of Galloway in the suit. See Memorial for Galloway and Gairlies, p. 5; Answers to the Condescendance for Bulman, p. 1; the Information for Galloway and Gairlies, p. 3; Replies for Bulman to the Answers to his Condescendance p. 1; Memorial for Bulman, p. 10; Information for Bulman, p. 15.

1. Memorial for Galloway and Gairlies, p. 1, and pp. 4-5; Answers to Bulman's Petition, pp. 5-6. It was submitted on Bulman's part that Galloway was amenable only to the Scottish Courts, and that Gairlies resided in England only during the Sessions of Parliament and might, had the case been tried in England, have pleaded his Parliamentary privilege (Replies for Bulman to the Answers to his Condescendance, p. 1). As for the action being extraordinary, "this Defence strikes with greater force Against the

plebis" in the borough. "The Attorneys", declared the defending lawyers, "Generally Speaking are of the first rank in these Borrowes and have frequent opportunitys to Ingratiate themselves. It was placing Mr Aitkinson in a favourable point de vue when he was to be set in the opposite Scale to the Family of Carlyle. He was the most active man in that opposition; was not influenced by any pecuniary considerations; Liberty Independance and the Freedom of the Burrow were the objects in view".¹

At the meeting at Kelso, Aitkenson as well as the freemen had strongly importuned Gairlies to engage in the contest. Aitkenson was spokesman for the others, and, believing him to be the man of the "greatest reach of understanding" among them, Gairlies chose to correspond with him during the contest. Aitkenson, however, "never was formally appointed Agent Attorney or Manager but thro' the whole course of these transactions acted as a friend to Ld Gairlies in conjunction wth Mr Jas Crawford, Mr Weatherhead and several others influenced by no other principle than preserving the liberties of their burrow which they thought were attacked in a most flagrant manner".²

Defenders than the Pursuer; for it is well known that Services of this kind are in every instance liberally rewarded, No Occasion for Dunning much less for process. If therefore the Defenders are the first who have refused to pay a just and Adequate recompence It is with a very bad Grace they complain that they are the first who have been prosecuted to make payment..." (Memorial for Bulman, p.10).

2. Memorial for Galloway and Gairlies, p. 2.

1. Answers for Galloway and Gairlies to Bulman's Petition, pp. 7-8.

2. Answers to the Condescendance for Bulman, p. 3.

The allegation that the particular attention Aitkenson had devoted to Gairlies' affairs had made him neglect the business others had entrusted to his care, and that he had wasted his constitution by intemperance during the election campaign, was, in view of the circumstances in which the Borough of Morpeth was at that time placed, "too gross to gain the smallest credit". Of the twenty-six freemen who voted for Gairlies, more than twenty had declared for him from the outset, "so that here there was no room for the intemperance bodily labour and neglect of business on which the pursuers lay so great a stress...especially as several others of Ld Garlies's friends bore an equal share".¹ Only a few freemen who were "dubious" had to be won over. Lord Gairlies was "extremely sensible that M^r Atkinson was of the utmost service to him nor will he deny that his ability greatly contributed to his success. Yet he cannot do his other friends the injustice as to allow him the whole merit on this occasion. To all of them he owns his most gratefull obligations. Many cogent weighty arguments were used & were strongly pressed home by all his friends. It's probable M^r Atkinsons superior abilities might represent them such a manner as to afford a superior degree of conviction".² Gairlies most sincerely regretted Aitkenson's death by which he lost a friend who he believed had a real regard for him and his interest and to whom he

1. Answers to the Condescendance for Bulman, pp.4-5.

2. Ibid., p.4. Bulman contradicted the assertions made on Gairlies' behalf about the strength of his party at

lay under obligations, but he was "assured from what M^r Atkinson told him himself that his affairs were not the cause of his illness but that it proceeded from a cold he caught in going to Durham & attending the poll at the elections there which lasted for many days and was a work of the utmost trouble and fatigue".¹

Aitkenson had always declined the "smallest insinuation of a pecuniary recompence"; he had declared that Gairlies had his interest out of friendship and regard for the borough,² and he assured Gairlies that he would "think himself over paid for any trouble he had been at if his Lordship by his Interest with Lord Mansfield could Get him appointed one of the twelve ordinary Masters in Chancery".³ Any attorney of tolerable reputation might be appointed an Extraordinary Master in Chancery for the county or district in which he lived, but it required "not a Small degree of ability and a very Great deal of Interest" to gain the position of one of the twelve Ordinary Masters in Chancery who always resided in London, and, as they were employed almost every day, their office was "extreamly Lucrative".⁴

the beginning of the contest. Gairlies, he declared, had at that time only twelve or fourteen supporters among the freemen and several of these could not be "depended on"; to secure Gairlies' election twelve or fourteen more were required, and to win over this number was a task which cost Aitkenson "much labour, time, pains, and fatigue" (Replies to the Answers for Galloway and Gairlies to Bulman's Condescendance, p. 3). The tone of Galloway's letter to Aitkenson of 10 June 1760 (see above, p. 86) does not suggest that the task was as easy as the Defenders represented it to be, and they later admitted that when the "plot began to thicken" the attempt seemed to be attended with more difficulty and expense than Gairlies had been led to believe (Memorial for Galloway and Gairlies, p. 3).

Aitkenson was well qualified to have performed the duties of one of these Masters had he been called on to do so; but at the time of Aitkenson's death Gairlies had been negotiating to have him appointed an Extraordinary Master¹ (presumably as a preliminary step in the attempt to secure for him the higher office).

It was incumbent on the pursuer to prove that Aitkenson intended to demand a pecuniary reward, but he had produced no excerpts or jottings from Aitkenson's books to show that he meant to make such a claim, nor had he alleged that Aitkenson had ever spoken to anyone of his expectations of such a reward for his services.² The letters that Aitkenson had received from Galloway and Gairlies were written not in the style of employer to agent but in the "Stile and language of a friendly Intercourse between persons united in one common measure and pursuing the same end".³ Galloway's letter to Aitkenson of 27 August

1. (from p. 609.) Answers to the Condescendance for Bulman, p. 5. 2. Ibid., p. 6.

3. Memorial for Galloway and Gairlies, p. 4. Bulman argued that this statement showed that the Defenders had acknowledged that a fee was due to Aitkenson, and he called upon them to prove that Aitkenson had rejected a pecuniary reward and accepted an equivalent instead (Information for Bulman, pp. 12-13).

4. Memorial for Galloway and Gairlies, p. 4.

1. Information for Galloway and Gairlies, p. 6. Bulman, "upon the best information", absolutely denied the whole of the allegation about Aitkenson and the position of Master in Chancery. Such an allegation was "extremely absurd" and there was no evidence to support it. It was very improbable that a man whom the Defenders represented to be one with the greatest abilities could have been "so miserably duped" as to have imagined that an office of such high trust in the first department of the law in

1760, in which ^{he} Galloway assured Aitkenson of "grateful returns" for his services, contained the promise of such returns as a friend might expect, but could not bear the construction of an engagement to give a pecuniary reward.¹ Aitkenson had kept accounts of every farthing of his disbursements during the election campaign, but he had made no charge for his trouble and had not even left a blank space in the account for that purpose as was the usual practice in such cases when a fee was due.²

A "decisive" point against Bulman's claim was that William Crawford, who had handled a far greater sum of money for Gairlies than Aitkenson, had made no demand for a fee for his trouble.³ The only difference between Crawford and Aitkenson was that one was by profession an attorney and the other was not:

"But it surely cannot be maintained that all attorneys without exception are so mercenary in their disposition and so little regardful of publick or political views that they can engage on no side in such an affair without expectation of payment in this way. It may on the contrary be said that scarce a man of any profession residing in an English borough is proof against the infection of party, and embracing one side or other from

Britain could be given as a "premium for a job in a northern borough". Moreover, it was "a certain fact" that an attorney could not be appointed an Ordinary Master in Chancery: only barristers were qualified for that office, and it could not be supposed that Aitkenson was ignorant of this. Every attorney of character and abilities might be promoted to the office of Extraordinary Master in Chancery, but it was not believed to be usual "to proceed upon the Recommendation of persons of the highest Rank in the outset of Life and on their return from their Travels" (Memorial for Bulman, pp. 12-13; Information for Bulman, pp. 17-18).

2. Information for Galloway and Gairlies, p. 8.

3. Answers to Bulman's Petition, pp. 6-7.

1. Information for Galloway and Gairlies, p. 9.

publick and laudable views. In this case, almost every man in the burrow of every profession was engaged on one side or other."

It was more natural, in view of the influence that Aitken-son had in the borough, to suppose that he acted for Gairlies not as a professional agent expecting payment but as leader of the party for which Gairlies was candidate.¹ Aitkenson was one of the few "who actuated merely by a patriotic love of freedom will rise up and boldly endeavour to stem the tide of oppression and vindicate the liberties of the Community of which they are members".

"Should such a one appear, as is seldom the case, no wonder that his notions by people of narrower views should be deemed romantick, nor will it be surprizing if his relations should claim as their right a lure for what the good man himself considered barely as doing his duty and to which he was influenced by no sordid pecuniary notions; but whenever such a case shall happen, Reason will dictate that such sordid notions ought to be discouraged, nor will a mans relations be found intitled to demand in a Court of law what he himself would have blushed to receive".²

Bulman's claim was too vague to be sustained in a Court of Law.³ "With equal reason every man in the borough who could prove that he openly espoused the same party and spoke for or solicited, and, a fortiori, if he voted for the candidate, might prosecute him for a fee or reward proportionable to his services".⁴ If every one of

2. (from p.611.) Answers to Bulman's Petition, p. 6.

3. Ibid., pp. 5, 11.

1. Information for Galloway and Gairlies, pp. 7-8.

2. Answers to the Condescendance for Bulman, p. 7.

3. Memorial for Galloway and Gairlies, p. 6.

4. Information for Galloway and Gairlies, p. 10.

Gairlies' voters presented an account like this - "To Expenditure of health, Constitution &c in drinking and Canvassing for Lord Gairlies, loss of time & pains in endeavouring to procure new votes and keeping others Steady to his Lordships interest, £50-0-0" - there could be no doubt as to what decision a Court of Law would give in such a case; yet the claim on Aitkenson's behalf was "exactly Similar".¹ Moreover, much of Aitkenson's work was designed to secure the independence of the borough by carrying Gairlies' election,² and he might therefore be as properly styled agent and manager for the members of the party opposing the Carlisles as for Lord Gairlies.³

In the account that Bulman had settled with Lord Galloway, Aitkenson had always charged the expenses incurred when he had handled legal business in the course of the election, but never had he charged anything for his trouble, a clear indication that he did not intend to make such a charge.⁴ Bulman's demand was, in any case, "extravagant beyond measure".⁵ If a reward was given in all the instances in which Aitkenson acted as an attorney, it was believed that the total would not amount to ten pounds.⁶ "What time or Labour he and others bestowed in Solicitation and Such other matters

1. Memorial for Galloway and Gairlies, p. 7.
2. Answers to Bulman's Petition, p. 13.
3. Memorial for Galloway and Gairlies, p. 3.
4. Answers to Bulman's Petition, p. 13.
5. Ibid., p. 2.
6. Ibid., p. 14.

Incidental to Elections are incapable of proof, and it is not Improbable that under this extravagant demand of five hundred pounds M^r Bullman means to Include a high Fee for loss of time in every Carousing bout in which he and the other Conductors of that affair did Share".¹ There was no evidence whatever that either Galloway or Gairlies had given Aitkenson a mandate or commission that would have entitled him to claim, as of right, any fee at all, and since the business in which he engaged was of public as well as of private concern its nature could not imply the grant of such a commission. Nor could the claim be founded on the grounds that Aitkenson was a "negotiorum gestor" for Lord Gairlies, for the same plea might be put in by every one of his friends in the election. Besides, a "negotiorum gestor" was only entitled to recover the necessary expenses he had incurred, sometimes with the addition of interest on these sums.² Even if there had been sufficient evidence to prove that Aitkenson had acted as an agent or mandatory, Mandat was by civil law a gratuitous contract "whereby the mandator is supposed

1. Answers to Bulman's Petition, p. 14. Bulman admitted that the claim was vague, but contended that the sixty letters showed a "constant and uninterrupted employment from the middle of May 1760 to the middle of April 1761"; the particulars of Aitkenson's trouble on Gairlies' behalf could only be ascertained by a "proof" and Bulman begged that the Lords of Session would allow this sort of evidence to be brought (Information for Bulman, p. 16; Petition of Bulman, pp. 4, 15). The Defenders, however, were unwilling to submit to a "proof" by Morpeth witnesses, "now that the tide being turned runs strong the other way" (Answer to Bulman's Petition, p. 12).

to undertake the business from friendship and good will, and, consequently, no fee or reward is held to be due to him, unless it was proved to have been expressly stipulated". True, in "modern practice" a fee had in certain cases been found due without stipulation (as in the case of an attorney acting in a lawsuit), but could Aitkenson be held to have acted as an agent and not "entirely from public spirit"? Even if it was supposed that he had meant to act as an agent, the nature of the business he undertook was such as might well have led him to have made a previous stipulation for a reward, and, as he did not, it had to be supposed that he had acted gratuitously. At least, the claim made on his behalf could be no better founded against Gairlies than against every one of the electors or members of the same party.¹

That Bulman did not make his claim until a year after he had settled accounts with Galloway was real evidence that the idea of making such a demand arose not from any knowledge of Aitkenson's intentions but as an afterthought on the part of Bulman or from the suggestion of some other person.² Moreover, since, to

This was presumably a reference to Gairlies' unpopularity in Morpeth after he deserted the "Friends of Liberty". So far as is known, the Court did not allow the question to be the subject of a "proof".

2. Information for Galloway and Gairlies, pp.10-11. Bulman replied that these observations on a "negotiorum gestor" were irrelevant, since the "Lybell" was "laid upon an express employment and Commission" (Petition, p.10).

1. Information for Galloway and Gairlies, pp. 11-12. Bulman's lawyers replied by citing Lord Bankton's dictum that, whereas Mandates were gratuitous, "A Gratification

all intents, Bulman stood in the place of Aitkenson, the discharge he had given Galloway in respect of Aitkenson's account of expenses, without any reservation of his title to a reward for trouble on Aitkenson's part, and his failure to mention it for more than a year after must "per se" effectually bar the claim. The discharge might be held either as an admission by the party himself that no reward was due, or as a virtual discharge of any demand for a recompense. Lord Bankton's opinion was "that if the agent or factor has accepted of a discharge of his intromissions, without reservation of a gratuity for his pains, he cannot demand thereafter a salary".¹

After hearing the report of the Lord President, who was deputising for the Lord Ordinary, upon the Informations lodged with the clerk of the Court by both parties, the Lords of the Council and Session sustained the Defence and assolizied the Defenders.² Bulman petitioned against this verdict. He submitted that

is now Generally allowed by the Lords of Session when it does not appear the Service was intended to be Gratuitous It being reasonable that persons be rewarded for their pains and this practice is Conform to the Customs of other Nations" (Petition of Bulman, p. 14).

2. Information for Galloway and Gairlies, pp. 8-9. Bulman had already set forth that in such cases rewards for trouble were seldom demanded and that usually they were left to the generosity of the employer. Gairlies was not present when the account was settled with Galloway, and Bulman declared that he understood that when Gairlies returned from London he would advise with Galloway about the sum "most proper to be offered" (Replies for Bulman to the Answers to his Condescendance, p. 4).

1. Information for Galloway and Gairlies, p. 12.

2. Note at the end of Bulman's Memorial, p. 14.

the Condescendance formerly given in was too General leaving A Blank of many Months from M^r Atkinsons being first employed by the Defenders as Agent Attorney and Manager at Kelso in June 1760 to Aprile thereafter the time of the Election of a Member to Parliament for Morpeth It did not appear medio tempore that there had been any proper employment as Attorney tho a great deall of business as a Manager of the Defenders which last was not thought of itself sufficient to sustain the present Action And it is believed that the above Interlocutor went upon that Ground".¹

He therefore begged leave to condescend further on the business done by Aitkenson as Gairlies' attorney during the election. The details of how Aitkenson defended various freemen and drew up cases for Counsel's opinion have been described in chapter III. The Answers of Galloway and Gairlies to the petition set forth that most of the instances in which Aitkenson acted in a professional capacity directly concerned the independence of the borough, and that he charged nothing for his trouble in the account that had been settled with Galloway.² If Bulman's claim were admitted and drawn into a precedent, the Defenders declared, "it may be affirmed without the spirit of Prophecy that the Child unborn will rue that day".³

On 4 March 1766, the Lords of Session, having considered the petition and the answers to it, refused the desire of the petition and adhered to their former decision.⁴ In point of law the Defenders probably

1. Petition of Bulman (28 January 1766), p. 4.

2. Bulman contended that the settlement of the account related only to the articles specified in it. It was not a general account or discharge, but one of special articles beyond which it could not extend especially when settled by an Administrator (Petition, p. 13).

deserved to succeed. The evidence that Bulman produced was insufficient to prove that Aitkenson received a commission of employment from the Defenders and his case rested mainly on the assertion that in the circumstances it was virtually inconceivable that Aitkenson had intended to act gratuitously. Both parties relied largely on circumstantial evidence and each maintained that the burden of proof as to Aitkenson's intentions lay with the other. Since Gairlies had destroyed Aitkenson's letters,¹ the Defenders had even less direct evidence at their disposal than Bulman, but they had no difficulty in undermining Bulman's basic assumptions by stressing the possibility that Aitkenson acted from motives other than those Bulman alleged.

However fair the verdict in point of law, the question whether or not Aitkenson had acted on the understanding that he would receive a pecuniary reward for his services remains unanswered. That Bulman was unable to prove his claim to the satisfaction of the Court does not necessarily mean that it was ill-founded, but, without further evidence, the matter remains one on which neither the lawyer nor the historian can presume to pass final judgment.

3. Answers to Bulman's Petition, p. 1.

4. Endorsement on Bulman's Petition.

1. The Defenders alleged that Aitkenson's letters were "wrote with so much warmth and Charged Such strong things upon persons of High Rank, that Lord Garlies, not Imagining they could be of use, as he did not then foresee a dispute of this nature thought it for M^r. Aitkenson's Interest that they should be destroyed" (Answers to Bulman's Petition, pp. 10-11).

APPENDIX III

SOURCES

(1) Primary Sources

(a) Manuscript

The two most important sources are the Morpeth Collectanea in the Woodman Collection and the Carlisle Manuscripts. In general terms, the first of these gives the anti-Carlisle and the second the Carlisle "case".

The Morpeth Collectanea form part of the Woodman Collection, the property of the Society of Antiquaries of Newcastle-upon-Tyne. This Collection consists partly of tracts, deeds, pedigrees, court rolls, and other manuscripts, relating in some measure to the county of Northumberland, but principally to the borough of Morpeth. Besides these, there are two volumes of manuscripts labelled "Morpeth School MSS.", seven folio volumes, numbered I to VII, labelled "Morpeth Collectanea", and four smaller volumes, numbered I to IV, also labelled Morpeth Collectanea. It is chiefly volumes I and II of this latter series that have been used in this thesis. The Collectanea as a whole are in the highest degree miscellaneous in their contents, which ranges from original letters to newspaper clippings and reprints of sermons. They are roughly indexed and paged somewhat unsatisfactorily, but the pagination, such as it is, has been used throughout this thesis.

Volumes I and II of the Morpeth Collectanea (small volume series) contain the election correspondence of Robert Trotter. Besides preserving the letters he received from Eyre, Spottiswoode, and others, Trotter kept copies of many of the letters he sent to them. Most of these letters are endorsed "Copy", but, judging from the numerous alterations to be found in many of them, it seems more correct to call them drafts of letters rather than copies in the strict sense of the word. Some evidence in support of this view is provided by the following note, evidently by James Crawford, at the end of a letter Trotter had written in draft form on 26 May 1767 to Spottiswoode:

"Our honest friend went abroad Early this Morning...but before He went he left me the above to Copy & send you...".¹

The Woodman Collection as a whole was bequeathed to the Society of Antiquaries of Newcastle by William Woodman. He was born in Morpeth in 1806 and educated at Morpeth Grammar School and at Bruce's Academy, Newcastle. He was articled to Anthony Charleton, a local solicitor, and set up practice in Morpeth in 1832. He soon became a prominent figure in the locality, and at the first meeting of the newly constituted Town Council in 1835 he was appointed Town Clerk of Morpeth, an office which he held until 1860. He was greatly interested in local history and helped Hodgson, the historian of Northumberland, to examine the records of Morpeth corporation and assisted him in other

1. M.C., I, f. 247.

ways. He took up the cause of Morpeth Grammar School in a legal battle with the Trevelyan family over certain lands claimed by the School. After a protracted suit in Chancery, a compromise was reached in 1870 whereby the School received £15,000. In 1857, when it appeared that the suit had been won for the School, Woodman was presented with silver plate to the value of £150 by his many admirers in Morpeth and the neighbourhood. He died at his Morpeth residence on 19 September 1895, in his ninetieth year.¹

The Carlisle family papers are in two parts: one in Castle Howard, Yorkshire, and the other until recently at Naworth Castle, Cumberland, (and therefore cited as "Howard of Naworth MSS." in this thesis), in the Prior's Kitchen, Durham. The details of the family arrangements which led to the division of the Carlisle papers into two parts are scarcely relevant to this note, but, so far as eighteenth century documents are concerned, irrespective of whether they are at Castle Howard or have come from Naworth, all are the records of the Earls of Carlisle. I understand that, on the whole, the division has been a purely arbitrary one, but, so far as Morpeth is concerned, the documents from Naworth mostly relate to estate management and the administration of the borough. There is very little correspondence, and what there is generally concerns litigation and administration.

1. See G. Kennedy, The Story of Morpeth Grammar School, pp. 38-42.

The listing and arranging of the Howard of Naworth papers is as yet in its early stages. Most of the documents used in this thesis have been placed in boxes which in some instances have been numbered in accordance with numbers found on the parcels from which the documents were taken. A list of the contents of some of the boxes has been drawn up, but, as the documents themselves have not yet been numbered or finally arranged, it is impossible to give a precise reference to any particular document cited. The contents of some of the bundles of documents within the boxes is such that a complete rearrangement will very probably have to be carried out eventually. Most of the records of the court leet and court baron are contained in a series of bound volumes labelled "Morpeth Manor Court Rolls". The rentals and estate accounts are also for the most part entered in bound volumes. The following list may serve as a rough guide to the present location of the chief documents cited in this thesis:

The box marked "Bundle 55" contains (among other documents) the admittances of freemen 1712-1768.

The box labelled "Parcel 57, part I" contains: A brief for a consultation by the Defendant's Counsel in the suit Handcock v Fawcett (one of the first two mandamus causes); Brief for the Defendant in the suit Wright v Fawcett 1767 (one of the thirty-three mandamus causes), which includes Robert Lisle's "Further State of the Customs & Constitutions of Morpeth"; and Brief for the Defendants in the suit the King v Saint, Nicholls (and others) 1767 (quo warranto proceedings against non-elected freemen).

The box labelled "Parcel 57, part 2" contains:

Documents relative to the prosecution of the "rioters" at the court-leet in 1761 (the King v Weatherhead, and others).

Papers concerning notice for trial in the 33 mandamus causes.

Documents relative to the prosecution of the rioters at the General Election of 1774: bills of Indictment, etc.

Draft petitions of Byron and the freemen of Morpeth against Eyre, and a copy of Bigge's petition.

List of real and half friends at the General Election (of 1774) and a list of the amounts paid to them.

Case for Wallace's opinion relative to the eighteners (1774).

Brief for the Crown in the suit the King v Leightley, and the King v Thos Young, and others (quo warranto proceedings against the eighteners, 1775).

List of freemen who promised Delmé and Storer in 1780.

Case for Wallace's opinion on the election of minors as freemen (1783).

The box labelled "Bundles A,B,3 and 4" contains:

Several letters relative to the holding of the Michaelmas court 1777 and the admission of freemen there (Bundle A). There is one letter of Christopher Fawcett to Edward Lawson concerning the above in Bundle B.

In Bundle 4 are the signed informations of various persons giving a detailed account of the riot at the General Election of 1774.

The box labelled "the King v Sayburn" contains the documents relative to the prosecution of those concerned in a disturbance at the head meeting of the Cordwainers' company in 1752 and quo warranto proceedings against Sayburn (alias Seaburon) for assuming the office of alderman of the company. There are some rentals for the seventeen fifties in this box.

The box marked "Morpeth Estates 1735-1864" includes returns of freemen by the aldermen to the steward of the court leet for the period 1771-93. Also a letter of Christopher Fawcett to Andrew Fenwick giving notice that he is obliged through ill-health to resign the stewardship of the Morpeth courts.

The box labelled "Cottingwood" contains a number of documents about this land and some correspondence about it c. 1730.

The Castle Howard manuscripts include a large amount of correspondence, much of which has been published by the Historical Manuscripts Commission (see below, pp.627-8). At the time I examined them, the papers were undergoing rearrangement and it was therefore impossible to take exact references to the documents I wished to cite. Most of the unpublished Castle Howard manuscripts used in this thesis take the form of letters written to the Earls of Carlisle by their agents or by inhabitants, or groups of inhabitants, of Morpeth. These documents fall into the following groups:

About 24 letters from John Aynsley, steward of the Morpeth courts, to the Earls of Carlisle over the period 1724-45.

Letters etc. from various individuals and groups of free-men to the Earl of Carlisle about the General Election of 1727 and the election of a schoolmaster the same year.

A few letters of Robert Bulman, an agent of the Carlises, to the Earl of Carlisle over the period 1735-47.

Several letters of John Nowell, an agent of the Carlises, to Lord Carlisle over the period 1735-57.

Letters and other documents concerning Sir Gilbert Elliot and Morpeth in 1777.

The most important source after the Morpeth Collectanea and the Carlisle papers is a group of manuscripts relating almost entirely to the constitution of Morpeth and the companies. The company records are for the most part in private possession, the holders being descendants of some of the last members of these guilds. When I examined them these records were held by the following:

The Merchants' and Tailors' : The Misses Brady, 12 Hollon Street, Morpeth.

The Tanners' : Mr Relph, Newminster Lodge, High Stanners, Morpeth.

The Smiths' : Mr Creighton, 4 Olympia Gardens, Morpeth.

The Fullers' and Dyers' : Mr Daglish, 10 Hood Street, Morpeth.

The Cordwainers' : Mr Matheson, 35 Oldgate Street, Morpeth.

The Weavers' : Mr Brown, 37 Park Road, Ashington, Northumberland.

The Skinners' and Butchers' : The Corporation of Morpeth hold the company's box containing a few records of no value for this thesis. Some fragments of the company's records are also preserved in the Society of Genealogists' library, 37 Harrington Gardens, London. They were presented to the Society by the British Records Association in 1936.

The records of the Cordwainers' company, as those of the Skinners' and Butchers' company, are scanty and of little value for this thesis. Those of the Smiths' company were in a state of disorder but yielded some useful information. The records of the Merchants' and Tailors', the Fullers' and Dyers', the Weavers', and the Tanners' companies, are in a good state of preservation and all yielded information that has been of value in this study. Typical documents among the company records are the ordinances of the company, minute and order books, aldermen's accounts, polls on various matters, and documents relating to the stinting of the commons, the election of freemen, and the regulation of the trade concerned.

The records of Morpeth Corporation include a number of leases relating to various pieces of property and land, a

lease book containing entries relating to the leasing of property by the Corporation, a volume of the bailiffs' accounts covering the second half of the eighteenth and the early nineteenth centuries, and the Guild book containing the transactions of the Common Guild over the period 1741-1835. As mentioned in chapter I, pp. 24-5, however, the Guild book does not by any means contain a complete record of the proceedings of the Common Guild in the later eighteenth century.

The following collections of manuscripts have also yielded information for this study:

In the British Museum: the Newcastle papers, the Hardwick papers and the Huskisson papers; rotographs of the Abergavenny papers (British Museum facsimiles, 340 (1-5)).

In the Public Record Office: records of the Courts of Chancery, Exchequer, King's Bench and Common Pleas; records of the Colonial Office; state papers, domestic. Among the Chancery Masters' exhibits are several volumes of rentals and accounts of the Carlisle family for the period 1760-67 (C 114/69/70).

In the Scottish Record Office, Register House, Edinburgh: the records of the process Bulman v the Earl of Galloway and Lord Gairlies (1762-66), consisting of summonse, condescendence for Bulman, answers to this condescendence for the Defenders, replies for Bulman to these answers, memorials on behalf of both parties, the petition of Bulman against the verdict and the answer for Galloway and Gairlies to this petition. (The printed informations of both parties, and also a printed copy of Bulman's petition and the answer thereto are preserved in the Signet Library, Edinburgh, under the reference "Sessions Papers 96/5")

In Somerset House: the wills of Francis Eyre, the Rev. Charles Booth, and John Boniot de Mainaduc.

In the District Probate Registry, Bodmin: the wills of Francis Eyre (senior) and Joseph Eyre.

In the Society of Genealogists, 37 Harrington Gardens, London, S.W. 7: manuscript index containing information

about Eyre, his daughter and Everard.

In the Guildhall Library, London: the marriage register of St Gregory by St Paul (typescript).

In the House of Lords Record Office: documents relating to a suit between Jacob Solomons and Francis Eyre (1778).

In the Central Reference Library, Newcastle-upon-Tyne: the Delaval Manuscripts; they have been roughly arranged in bundles and a list of these is available. J.C. Hodgson's manuscript pedigrees are also preserved in this library.

The Ridley Manuscripts at Blagdon contain little about Morpeth affairs, but there is a copy of the poll for the election of 1768, a manuscript draft of Sir Matthew White Ridley's case against Eyre, a printed copy of the same case, and a copy of Eyre's case against Ridley.

(b) Printed Sources

The most important printed source for this study is the Historical Manuscripts Commission's fifteenth report, Appendix, part VI, The Manuscripts of the Earl of Carlisle, preserved at Castle Howard (1897). Although "matters of purely local interest, such as Parliamentary elections in Yorkshire, Cumberland, and Northumberland, have usually been omitted" from the ¹report, a number of letters of Sir William Musgrave to the Earl of Carlisle (1767-8) has been included and throws much light on Morpeth affairs. These letters have for the most part been transcribed and printed in full, and, so far as can be ascertained, there are no omissions of importance. Apart from this group of letters, only occasional items of information can be found about Morpeth in the rest of the correspondence published by the

1. R.E.G. Kirk's introduction to the Report, p. iii.

Commission. The letters of George Selwyn to the fifth Earl of Carlisle, however, contain many details about Anthony Storer, M.P. for Morpeth 1780-84. I understand that none of the Naworth MSS. has been published by the Commission, even though documents at Castle Howard when the report was prepared ~~may~~ have been subsequently transferred to Naworth.

The following are other printed sources used in this study:

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The Manuscripts of the Duke of Manchester.

H.M.C., tenth report, Appendix, part VI (1887),
The Manuscripts of the Marquis of Abergavenny.

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