

# How Bedfordshire Voted, 1735–1784

THE EVIDENCE OF LOCAL DOCUMENTS  
AND POLL BOOKS



JAMES COLLETT-WHITE



2011

THE BEDFORDSHIRE  
HISTORICAL RECORD SOCIETY

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The Hundreds and Parishes of Bedfordshire

THE PUBLICATIONS OF THE BEDFORDSHIRE  
HISTORICAL RECORD SOCIETY  
VOLUME 90

HOW BEDFORDSHIRE VOTED, 1735–1784  
THE EVIDENCE OF LOCAL DOCUMENTS  
AND POLL BOOKS

*Edited by*  
James Collett-White

THE BEDFORDSHIRE HISTORICAL RECORD SOCIETY

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THE BOYDELL PRESS

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First published 2012

A publication of  
Bedfordshire Historical Record Society  
published by The Boydell Press  
an imprint of Boydell & Brewer Ltd  
PO Box 9, Woodbridge, Suffolk IP12 3DF, UK  
and of Boydell & Brewer Inc.  
668 Mt Hope Avenue, Rochester, NY 14620, USA  
website: [www.boydellandbrewer.com](http://www.boydellandbrewer.com)

ISBN 978-0-85155-077-0

ISSN 0067-4826

The Society is most grateful for financial support from  
the Simon Whitbread Trust and other donors who have  
helped make the publication of this volume possible

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Edited and typeset by Toynbee Editorial Services Ltd

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Printed and bound by CPI Group (UK) Ltd, Croydon, CR0 4YY

## Contents

	<i>Page</i>
List of Tables	viii
List of Illustrations	ix
Acknowledgements	xi
Abbreviations	xii
General Summary of Election Results	xiii
Introduction	xv
Chapter One Bedfordshire and the fall of Walpole, 1734–1741	1
Chapter Two National and local politics, 1741–1747	8
Chapter Three The 1747 election	26
Chapter Four National and local politics, 1747–1754	64
Chapter Five National and local politics, 1754–1761	102
Chapter Six National and local politics, 1761–1768	123
Chapter Seven National and local politics, 1768–1774	169
Chapter Eight The 1774 election	175
Chapter Nine The 1774 county poll	191
Chapter Ten National and local politics, 1774–1784	240
Appendix 1 The constitution of the borough of Bedford in the 1740s	258



Appendix 2	
Local legislation for Bedfordshire, 1685–1785	260
Bibliography	272
Index of Personal Names	275
Index of Places	295
Subject Index	303

## Tables

1. Analysis of the vote for the Bedford bailiffs in 1741	17
2. The shift in political support from Tory to Whig in Bedford borough from 1731 to 1747	28
3. County of residence of Bedford freemen who voted Whig in the 1747 Bedford borough election	29
4. Analysis of Bedford burgesses and freemen by trade, 1747	30

## Illustrations

### *Frontispiece*

Map of the hundreds and parishes of Bedfordshire

Plates are between pages 174 and 175

- 1 The Fourth Duke of Bedford
- 2 Robert Butcher
- 3 Samuel Whitbread
- 4 John Howard
- 5 Sessions House in Bedford 1750
- 6 St John's Hospital and Church, Bedford
- 7 Philip Yorke, 2nd Earl of Hardwicke
- 8 The Earl of Upper Ossory
- 9 Map of Bedford, 1765
- 10 Watling Street, Dunstable
- 11 Poll book for the county, 1774

Picture acknowledgments: No. 1 Woburn Abbey. No. 2 Thomas Gainsborough (British; 1727-1788) Robert Butcher, Esqr., Steward to the Duke of Bedford, ca. 1775. Oil on canvas. Overall: 29 15/16 x 25 3/16 in. (76 x 64 cm). Frame: 37 3/8 x 32 1/2 in. (95 x 82.5 cm). Williams College Museum of Art, Williamstown, MA, Gift of the children of E. Harold Cluett, Class of 1896, (57.21). Nos 3 and 4 Southill Chattels. Nos 5–11 BLARS.

Front Cover Hogarth election painting (Sir John Soane's Museum)

This volume is dedicated by the Society to our Presidents Samuel Howard Whitbread (1912–1944); John Arnold Whitchurch (1945–1953); Simon Whitbread (1953–1978) and Samuel Charles Whitbread (since 1979) in gratitude for their loyal and generous support throughout its history. The Whitbreads follow in the footsteps of their ancestor, Samuel Whitbread I, who features prominently in the following pages.

## Acknowledgements

For various reasons there has been less time to produce this year's volume than usual. This has involved greater pressure on all those involved. I am particularly grateful for the tolerance shown by my family, my colleagues at BLARS and the staff of Boydell and Brewer, who have done their usual professional job. However the greatest support has come from Barbara Tearle, our General Editor, whose superb eye for detail, endless patience, meticulous index and generous sacrifice of time has improved this volume immeasurably.

I would also like to thank Elizabeth Collett-White, who typed the first draft of the 1774 poll book. Daniel Mitchell was most generous in sharing work from his doctoral thesis.

Sir Samuel Whitbread first encouraged me to look at the life of Samuel Whitbread I. David Stubbs and Charles Whitbread helped with photography. Ann Mitchell and Chris Gravett of Woburn Abbey assisted with queries relating to the Russell Archives. Susan Palmer, daughter of Peter Hull, an archivist at Bedfordshire County Record Office and editor of a volume for this Society in 1956, in her role as Archivist to Sir John Soane's Museum, supported us generously over the dust jacket.

I acknowledge with thanks permission to quote from the documents of the Duke of Bedford and the Trustees of the Bedford Estates, Bedford Borough Council, the British Library (Hardwicke Manuscripts), Major Chester and the Bedfordshire and Luton Archives Service (Orlebar, Williamson and Wrest Park (Lucas) Archives) and the vicar and churchwardens of St Paul's Church, Bedford.

For permission to reproduce images in their ownership, I am grateful to the Duke of Bedford and the Trustees of the Bedford Estates, Bedford Borough Council, Bedfordshire and Luton Archives and Records Service, Southill Chattels, the Trustees of Sir John Soane's Museum and Williams College Museum of Art, Williamstown, MA, USA.

As the Society moves into its hundredth year, may the Society continue to make available original sources relating to Bedfordshire for many years to come.

James Collett-White  
June 2011



## Abbreviations

Berks	Berkshire
BHRS	Publications of the Bedfordshire Historical Record Society
BLARS	Bedfordshire and Luton Archives and Records Service
Bucks	Buckinghamshire
Cambs	Cambridgeshire
ch.	chapter
Ck, Clk	clerk
Herts	Hertfordshire
Hunts	Huntingdonshire
L	London
Ld	Lord
Lincoln, Lincs	Lincolnshire
Lon.	London
Mid, Midx	Middlesex
MP	Member of Parliament
North., Northants	Northamptonshire
Nott.	Nottinghamshire
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i>
Srt, Str.	street
<i>VCH Bedford</i>	<i>The Victoria History of the County of Bedford</i>
vol.	volume
West., Westmr	Westminster

Many Christian names and common words abbreviated in the text of documents have been spelt out in full.

For abbreviations to archive collections see the Bibliography at the end of the volume.

## General Summary of Election Results

### Bedford Borough Election Results 1740–1780

1740	Sir Boteler Chernocke <i>vice</i> Sir Jeremy Sambrooke deceased		
1741	Sir Boteler Chernocke Samuel Ongley		
1747	Thomas Gore John Offley		
1754	Francis Herne Robert Henley Ongley		
1761	Richard Vernon Francis Herne		
1764	Richard Vernon re-elected on accepting office		
1768	Richard Vernon	127	elected
	Samuel Whitbread	209	elected
	Sir Gillies Payne	15	
1774	Sir William Wake	527	
	Samuel Whitbread	409	
	Robert Sparrow	517	unseated on petition
	John Howard	402	
1780	Sir William Wake	421	elected
	Samuel Whitbread	673	elected
	J. Kendrick	304	

### Bedfordshire County Election Results 1741–1780

1741	Sir John Chester Sir Roger Burgoyne		
1747	Sir Danvers Osborn Thomas Alston		

1753	Earl of Upper Ossory on Sir Danvers Osborn accepting office	
1754	Earl of Upper Ossory Thomas Alston	
1758	Henry Osborn in place of the Earl of Upper Ossory deceased	
1761	Marquis of Tavistock Robert Henley Ongley	
1767	Earl of Upper Ossory appointed in place of the Marquis of Tavistock deceased	
1768	Earl of Upper Ossory Robert Henley Ongley	
1774	Earl of Upper Ossory Robert Henley Ongley Thomas Hampden	1078 986 715 (of which 577 were single votes)
1780	Earl of Upper Ossory St Andrew St John returned unopposed (Ongley declined to stand the poll.)	

## Introduction

This volume is the third in the series published by the Bedfordshire Historical Record Society entitled *How Bedfordshire Voted*. The previous volumes covered the years 1685-1735, publishing the surviving poll books for the seats for the county of Bedfordshire and the borough of Bedford.<sup>1</sup> The introduction to the first volume covering the years 1685-1715 described the value of poll books as a source for family historians and the background to their creation. The object of publishing these volumes is to make available in print the names of Bedfordshire voters and the parish in which they voted, which helps both family and local historian. The shifting pattern of politics locally is analysed and related to factors both local and national. A review in *Archives*<sup>2</sup> suggested that the data should have been used to come to statistically based conclusions on occupation, religion etc. of voters. For the period up to 1740, Daniel Mitchell's as yet unpublished work will fill the gap.

The present volume covers the years from the fall of Walpole to the rise of William Pitt the younger. It was a period when Britain was constantly at war, when it suffered a dangerous Jacobite rebellion and when the American colonies were lost. Yet this constant warfare did not produce the revolutionary changes to the national and local economy of the later Napoleonic wars. Bedfordshire for example was very similar in 1740 to how it was in 1790. Despite the enclosure of fifteen parishes during that period, many parishes were still un-enclosed, arranged in the scattered strips in multiple ownership that had been the characteristic of the mediaeval open field system. Trade to the towns improved with better roads and an extended river navigation system but the changes were not revolutionary. The towns were small market towns with only Bedford having the status of a borough. Bedford's population in 1801 after a national population increase was only 3,948. The size of the town was determined by the boundaries of the large common fields round about it and it was contained within an area of one mile by half a mile.

Links with the national economy were all important. Coal came down the Ouse Navigation to Bedford and Bedfordshire corn was exported. Improved turnpike roads brought Biggleswade, Dunstable, Luton and Bedford into closer communication with London, the midlands and the north. The system was not complete and naturally Bedford and Bedfordshire voters put pressure on their MPs for the communication system to be extended to help Bedfordshire people.

The role of the greater landowners, especially the Duke of Bedford, extended both politically and economically in Bedfordshire in the last half of the eighteenth century, extending his interest – a web of political patronage and corresponding support. The lesser squires and some of the minor baronets, who had been members

<sup>1</sup> Collett-White, James F. J., *How Bedfordshire Voted, 1685-1735: The Evidence of Local Poll Books* (Woodbridge, 2006 and 2008) 2 volumes. BHRS vol. 85 and 87.

<sup>2</sup> Vol. 35, No. 122, April 2010, p. 87.



of Parliament, were reduced in importance, the last one elected being Thomas Alston MP for the county in 1747 and 1754.

Both the borough and the county returned two members. The county electors had to have freehold land valued for land tax at 40 shillings. Tenants as such were thus excluded but they often also owned small properties, which gave them the vote. The complex borough franchise in which householders ('by scot and lot' not receiving alms), freemen and burgesses all had the vote was described in an undated document of the 1740s, but probably 1747, which is reproduced in Appendix 1.

The balance of this volume will be somewhat different from the two previous volumes where poll books survive for both constituencies evenly throughout the period. The years 1735 to 1783 have only one poll book for the county at the latter end of the period and no full one for the borough. This volume contains more information therefore on the interplay of national and local politics.

There seems to have been considerable political activity in the borough of Bedford in the 1740s, including a power struggle centred on the appointment of the master of St John's hospital and the incumbent of the church in the south part of the town, and the administration of the Harpur Trust. Consequently, the earlier part of the book will contain more on the politics of the borough rather than the county. In the latter part the concentration will be on the county with one poll book and a chance to compare the results with the tables published in the two previous volumes.

For the borough there is included a poor law rate for the parish of St Paul's Bedford, the most populous parish in the borough. Compared with the pollbooks of 1727, 1747 and 1774, this gives a complete list of householders and a list of potential voters in the event of an election. The arrangement of the listings street by street helps understand the eighteenth-century town's topography. A list of public houses shows the number of houses that could be used for 'treating' and at the same time provides an important check list that can be compared with the 1508 survey<sup>3</sup> and commercial directories of Bedford from 1785. The large number of deeds held at BLARS in the borough of Bedford, solicitors' and brewers' archives could be used to reconstruct the landholding of the centre of the town in 1765 and before.

Politics can be seen at two levels. The high politics level of Parliament involved the members of the House of Lords and the House of Commons as part of the national power struggle, the rise and fall of ministers, peace and war, taxation and, latterly, parliamentary reform. The members of Parliament provided the link with local politics, getting acts passed relating to Bedfordshire's roads and enclosing individual parishes of the county.

At the purely local level there were jockeyings and rivalries to get MPs elected and offices for individuals – all part of extensive patronage networks. The giving of favours was intended to secure loyalty and support.

In the county, the Duke of Bedford operated an extensive patronage network organised from 1738 by Robert Butcher, his agent. This achieved its purpose of getting the Duke's relation, either his son or nephew, elected. It was not strong enough to ensure that a second candidate would be automatically elected. The strength of the Duke's interest was such that he could negotiate with Tory and Independent leaders

<sup>3</sup> W. N. Henman, 'Newnham Priory: A Bedford Rental 1506-7.' (Streatley, 1947) BHRS vol. 25, pp 15-81.

so that the representation could be split resulting in no contest and thus saving a great deal of money. This pattern was broken in 1774 with Thomas Hampden, the independent supporter of John Wilkes, the radical MP for Middlesex, trying to oust the Tory Lord Ongley. It was the Whig Andrew St John who succeeded in 1780, helped by Ongley's vacillating attitude. From the 1760s the Osborns of Chicksands were hostile to the Duke of Bedford.

The attitude of the Russells towards the borough of Bedford varied and their methods to win political control differed from election to election. In the 1730/1 by election, the third Duke vowed he would take Bedford for the Tory candidate, Sir Jeremy Sambrooke. After his death in 1733, he was succeeded as fourth Duke by his brother who was connected by marriage to the Dukes of Marlborough and the formidable Duchess, Sarah. He too was opposed to Walpole. In the 1741 election he was happy that opponents to Walpole were elected no matter if they were opposition Whigs, like himself, or Tories.

In 1747 he made an attempt to buy the borough, saying that he would pay its substantial debts if they elected a mayor who would be favourable to him. Interestingly, this direct tactic backfired as a council of opponents was elected and Lord St John of Bletsoe (seated at Melchbourne) was elected recorder rather than the Duke. It probably did not however cost him the Parliamentary election as two government supporters defeated two Tories. As Bedford was now in Pelham's government he would have backed the government supporters as candidates. In the 1750s and 1760s a *modus vivendi* seems to have been arranged, with the Duke appointing one candidate and the borough, the other. This worked well till 1767.

In consequence there were no contested elections from 1735 till 1768. In 1767 Samuel Whitbread of Cardington, a London brewer, challenged an unpopular Corporation candidate and won in the subsequent election.

In 1769 the mayor of Bedford, John Heaven, and Robert Bernard of Brampton, Huntingdonshire (a supporter of Wilkes) engineered the creation of a large number of freemen in an effort to diminish the influence of the Duke of Bedford in the borough. The contested election of 1774 saw a House of Commons committee, appointed to disentangle it, declare Sir William Wake (anti-Duke) and Samuel Whitbread, now supported by the Duke, as having been elected. Crucially John Howard was not elected and spent the rest of his life on his survey of prisons. The 1780 election saw Wake and Whitbread re-elected, seeing off a challenge from a government placeman.



## Chapter One

### Bedfordshire and the fall of Walpole, 1734–1741

*How Bedfordshire Voted 1685–1735*, volume 2,<sup>1</sup> ended with an account of the 1734 election in Bedfordshire. For the county seat, there had been three candidates: Sir Rowland Alston of Odell (a Walpole Whig), John Spencer (an opposition Whig, related to the Duke of Bedford and the Duchess of Marlborough) and Charles Leigh of Leighton Buzzard (a Tory). The two Whigs defeated the Tory. However Spencer had to represent Woodstock on the instructions of the Duchess of Marlborough. The Duke of Kent and Lord Torrington, Whigs supporting Walpole, asked John Orlebar of Hinwick House to stand but Sir Roger Burgoyne of Sutton pushed him aside, insisting on having the nomination as an opposition Whig.<sup>2</sup>

For the Bedford borough seat, two Tories were returned unopposed: Sir Jeremy Sambrooke, with estates in Keysoe, and Samuel Ongley of Old Warden. Ongley voted for Spencer, opposition Whig, and Leigh, the Tory, in the county election, suggesting cooperation between Tory and opposition Whig at Bedford.

#### *Bedfordshire and politics, 1734–1741*

How much did Bedfordshire people worry about politics, how much did they feel affinity to a political party and how much did they care that Walpole was prime minister? For the political classes, the landowners and their supporters, these were important issues. The landowner as a centre of a local interest and a justice of the peace had local political significance in elections, quarter sessions, national governments and political parties, all of which could help enhance a landowner's status and provide patronage for themselves, their families or their supporters within their interest group. For such people, Walpole's continuation as prime minister and the fortunes of the various groups opposing him was of critical importance.

#### *The county élite*

The key figures in county politics were the landowners, dukes, earls, baronets and gentlemen. They had important influence in their own areas, played the key role in selection of candidates and, through quarter sessions, administered the county. The chief of these was the 4th Duke of Bedford. To his Bedfordshire estate at Woburn, in the period 1735–1747 he added Oakley (from W. Levinz) and the honour of Ampthill (from the Bruces) in 1738. Significantly he had a stake in the north of the county.

<sup>1</sup> James F. J. Collett-White, *How Bedfordshire Voted 1685–1735: The Evidence of Local Poll Books* (Woodbridge, 2006 and 2008), 2 volumes. BHRS, vols 85 and 87.

<sup>2</sup> For the 1734 general election see Collett-White, *How Bedfordshire Voted*, vol. 2, ch. 4.



Adjoining the Duke's estates in central Bedfordshire were those of his relations, the Fitzpatricks, Earls of Upper Ossory (after 1751). The widow Ann Dowager Baroness Gowran purchased Ampthill Park in 1737. This passed to her son John, who married Evelyn Leveson Gower, the sister of the Duchess of Bedford. In 1741 he purchased the Conquest estate in Houghton Conquest. The two families worked closely together and held a dominant position in central Bedfordshire (Manshead and Redbornestoke hundreds) and an important toehold in the north in Willey hundred.<sup>3</sup> When the Duke was in the government the joint interest supported the government; when he was out, it supported the opposition. Unlike his brother (the 3rd Duke), he saw himself as a Whig.

The death of the Duke of Kent on 5 June 1740 meant that the Wrest Park estate with outlying properties in Blunham, Henlow and Harrold passed to his granddaughter Jemima, recently married to Philip Yorke, son of the Lord Chancellor. The Yorkes were firm supporters of Walpole and the successor governments of Pelham and the Duke of Newcastle.

The Alstons were baronets in Odell. Near neighbour was John Orlebar of Hinwick House. Southill was the seat of Lord Torrington, enriched as an Admiral, and their relations by marriage the Osborns of Chicksands. They had an important stake in that area of the county. They were all Whigs and supported Walpole. Other Whigs included William Becher of Howbury Hall and Francis Wingate of Harlington.

Lord St John of Bletsoe had extensive estates in north Bedfordshire centred on Melchbourne Park. In the 1740s the St Johns were Tories but in 1780 Andrew St John stood for the Whigs. The Napiers of Luton Hoo, the Leighs of the Prebendal House, Leighton Buzzard, the Ongleys of Old Warden, the Chesters of Chicheley Hall, the Chernockes of Hulcote and the Harveys were all substantial gentry families, supporting the Tories. They all had considerable support in their own areas. They were supporters of the Hanoverian dynasty rather than Jacobites.

Humphrey Monoux of Wootton 'drank to the King over the water' and was theoretically a Jacobite. He had been given the seat of Stockbridge in Hampshire by the Duchess of Marlborough. Even he was unlikely actively to support a Stuart pretender if he appeared in London.

Who was a justice of the peace (JP) was a matter of considerable importance to eighteenth-century governments. Statistics prepared by Joyce Godber show the involvement of the landowning JPs in Bedfordshire quarter sessions between 1737 and 1762.<sup>4</sup> The number of regular attendees throughout the period was very small but significantly included the Duke of Bedford. Others were William Becher, the Rev. Philip Birt of Flitton (acting for Philip Yorke of Wrest), Humphrey Monoux, John Nodes of Luton, John Orlebar and Cuthbert Sheldon of Flitwick. At various times, others who regularly attended were the Alstons, the Farrers of Cold Brayfield, Thomas Armstrong of Clophill, Richard Astell of Everton, Thomas Bromsall, Thomas Browne of Arlesey, Alderman Marshe Dickinson of Dunstable, Sir Danvers Osborn of Chicksands, Thomas Potter of Ridgmont, Talbot Williamson of Millbrook and Francis Wingate.

<sup>3</sup> BLARS Russell Register Index and introduction to BLARS catalogues RO and RH.

<sup>4</sup> BLARS Quarter Sessions Minutes catalogue (QSM).

*The Borough electorate*

After 1734, the borough of Bedford was more active politically as the Tory élite fought both among themselves and also against the Duke of Bedford's attempts to extend his interest within the Corporation and among the electorate.

A large percentage of the inhabitants were disenfranchised either for not being forty-shilling freeholders in the county or not being ratepayers, freemen or burgesses in Bedford. In particular the poor and women were excluded. Among those who did vote, there was a tendency to support the local man as candidate or those he supported. There were underlying allegiances of nonconformists to the Whigs and the Church of England to the Tories.

Most voters favoured local taxation and a small national army. Contrarily, they expected the government to intervene vigorously if national interests were threatened. Communities were focused on gaining benefits for themselves, such as better roads, more economic arrangement of the fields or a more effective distribution of the rents from Sir William Harpur's Holborn lands. While quiescent for much of the time, single issues could involve a much wider range of people than just the political classes.

*The survival of Walpole's government and the gathering opposition*

The whole nation was probably not as obsessed as the political classes with the survival of Walpole's government and the attacks upon it by dissident Whigs, Tories and supporters of Frederick, Prince of Wales, leading to his downfall. For nonconformists, the attempts by both dissident Whigs and Walpolean Whigs to get rid of the Test Act and the hated tithes in 1737 would have had their support. The Church of England supporters would have equally opposed them, as attacks on their privileges. Attempts to reduce the size of the army would have been welcomed among the payers of the land tax. The build up to the war in 1739 would have led to patriotic fears of Britain under threat. It is difficult to gauge the general feeling of Bedfordshire on political issues in this period, because of lack of documentation.

Despite opposition gains in county seats in 1734, Walpole was still in an impregnable position with the loyal support of George II, large numbers of placemen (MPs in paid positions under the government) and the interest of the Duke of Newcastle, the largest of the borough-mongers.

In 1735 there were three groups nationally who wanted Walpole to fall. The first of these were the Tories, whose leaders still had hopes for political office and a chance to enjoy the fruits of patronage. Their supporters favoured low taxation, a reduced army and support of the Church of England. Locally they were the supporters of Charles Leigh in the 1734 county election.

The second group of Walpole's opponents centred round Frederick Prince of Wales, who felt his father, George II, should have given him the same £100,000 the latter had enjoyed when he was Prince of Wales. Animosity intensified with demands that he should live after marriage in the same palace as his mother and that his daughter should be born at Hampton Court. Round Fredrick gathered ambitious politicians, the chief of whom was William Pitt.<sup>5</sup> As heir apparent to the throne, Frederick favoured a strong army and an active foreign policy. Pitt wanted military

<sup>5</sup> All references to William Pitt are to the elder, unless otherwise stated.

resources concentrated on the navy protecting trade with America and acquiring colonies, as opposed to preoccupation with Hanover, geographically situated between Prussia and Austria. Lady Torrington, who acted as a proxy sponsor for the baptism of Princess Augusta on 29 August 1737, seems to be the only Bedfordshire connection to this group.

More significant both nationally and locally were the dissident Whigs, opposed to Walpole. They had considerable success in 1733 when the government's excise bill had been defeated. They were likely to support nonconformists and therefore oppose the exclusivity of the Church of England. In foreign affairs, as their nickname of 'Patriots' suggests, they were prepared to stand up for Britain against Spain and France, if national interests dictated it.

The Whigs in Bedfordshire had united in 1734 to support a Walpole supporter and a dissident. Even Walpole's closest supporters locally, Sir Rowland Alston and the Duke of Kent, were not the best of friends. Opposition Whigs locally included nationally important figures, Lord Carteret of Hawnes Park and the Duke of Bedford of Woburn Abbey, who were both linked by marriage to Sarah, Duchess of Marlborough, an enthusiastic hater of Walpole.<sup>6</sup> The Patriots were led in the House of Commons by the able debater, William Pulteney. Carteret supported the defence of Hanover, a policy close to the heart of George II.

Walpole was only vulnerable if these three groups could act together against him consistently over a session. We have seen how the repeal of the Test Act and the tithe bill alienated Whigs from Tories. The tithe bill was supported by Carteret in the House of Lords.

Pulteney and the dissident Whigs' attempt in February to woo Frederick to the opposition, by moving that the full £100,000 should be awarded to him by Parliament, failed because of lack of support from economical Tories. By September 1737 the three dissident groups were in active consultation in the crisis over the birth of Frederick's daughter Augusta and the subsequent banning of the Prince and his supporters from the King's court. Archibald Ballantyne, biographer of Carteret, rightly commented 'Walpole was sitting even more firmly in power in 1737, than in 1730'.<sup>7</sup>

Despite the opposition elements coming together, initially, they were ineffective. In January 1738 Wyndham asked Frederick's followers to support a motion to reduce the army, a policy anathema to him. At the same time, Tory isolationists used the debate to attack all forms of Whigs; not the best way to create a united opposition.

The situation changed dramatically, as a result of the worsening relations with Spain. Resentment was felt at Spanish inspection of British slave ships supplying the one ship allowed to trade under the 1667 Asiento Clause. The leading opposition figures wanted to strengthen the navy to fight what they saw as a justified war against Spain. In February 1738 a petition was presented in Parliament seeking redress from the King of Spain for the cruelties and injustices that the Spanish had

<sup>6</sup> For her opinions, see Gladys Scott Thomson (ed.), *Letters of a Grandmother, 1732–1735: Being the Correspondence of Sarah, Duchess of Marlborough with her Granddaughter Diana, Duchess of Bedford* (London, 1943).

<sup>7</sup> Archibald Ballantyne, *Lord Carteret: A Political Biography, 1690–1763* (London, 1887), p. 190.

caused British traders in the Atlantic. The most famous of the victims was Captain Jenkins who had an ear struck off by Spanish officials in 1731. The leading opposition figures wanted to strengthen the navy to fight what they saw as a justified war against Spain.

In May Pulteney's bellicose motion failed in the Commons. Carteret in the Lords argued that the government should effectually secure British rights and challenge the Spanish claim of their right to search British vessels. Against Walpole's wishes, he succeeded in getting an address sent from the House of Lords to the King.

Walpole relied on diplomacy and achieved the Convention of Pardo with Spain, signed by Britain in January 1739. However, the King of Spain stated he would not ratify it if the South Sea Company failed to pay what he thought it owed Spain. Specifically he threatened not to approve the annual ship at a loss of 4800 slaves.

The convention was debated in the House of Commons on 8 March 1739 where a united opposition, consisting of supporters of Frederick, opposition Whigs and Tories, brought Walpole's majority down to twenty-eight. Their rallying cry was 'No searches', as this grievance was not mentioned in the convention. However, the united opposition did not last long as the next day William Wyndham and the Tories formally left Parliament to start an extra-parliamentary campaign against the convention, which turned out curiously lacklustre, suggesting that the public at large was not so concerned as the politicians with the issue.

Further disputes between the King of Spain and the South Sea Company led to 'strong measures' being taken in cabinet in June, leading to war being declared on 19 October 1739. Initially the war went well, with Admiral Vernon seizing the town of Porto Bello in November 1739, but he failed to take Cartagena on the mainland of Colombia. The patriotic MP for Bedfordshire, Sir Roger Burgoyne of Sutton later called two of the farms on his estate Porto Bello and Carthagena.

Despite initial difficulties, by Christmas 1739, William Wyndham, Tory leader, and William Pulteney, opposition Whig leader, had begun working out a joint strategy to bring down Walpole. However, in June 1740 Wyndham died and at a crucial moment the Tories lacked a national leader, having no-one with the stature to take over.

In February 1741 a petition to the King presented in the House of Lords by Carteret calling for Walpole's dismissal was defeated in the Commons by 290 to 106. Despite the pressure of a major war, Walpole was still safe. In April Parliament was dissolved under the Septennial Act and a crucial general election was fought.<sup>8</sup>

#### *The 1741 election in both county and borough seats*

Because of their success in 1734 it was unlikely the opposition would gain further county seats in 1741 sufficient enough to unseat him. The attitude of leading borough-mongers therefore would be critical.

It was with the background of growing hostility to Walpole that the general election of 1741 took place. Sir Rowland Alston, supporter of Walpole, perhaps sensing electoral disaster, decided not to stand.

<sup>8</sup> The national political manoeuvrings can be followed in Paul Langford, *A Polite and Commercial People* (Oxford, 1989), p. 53–7 and Edward Pearce, *The Great Man: Sir Robert Walpole, Scoundrel, Genius and Britain's First Prime Minister* (London, 2007), ch. 18.

Charles Leigh, MP for the county in the period 1722–1727 and unsuccessful candidate in 1734, did not run for the Tories. Sir Jeremy Vanacker Sambrooke, Tory MP for Bedford since 1730, died on 5 July 1740, at Bush Hill near Enfield. This forced the borough to appoint a replacement despite the impending general election. Thomas Bromsall of Blunham put himself up as a candidate and gave an undertaking not to take office under Walpole; i.e. opposing Walpole in any vote of confidence. In fact it was Sir Boteler Chernocke, Tory of Hulcote, who was elected. The Tory, Samuel Ongley, of Old Warden, was the other borough MP. He had bought the Old Warden estate with money gained from the East India Company.

In these changed circumstances in the county, the Duke of Bedford wrote to Sir John Chester, the leading Tory of the county, and asked him to stand for the county with united Tory and opposition Whig support. Therefore, there was no election for the county or borough, leaving all four Bedfordshire MPs opposed to Walpole.

**Document 1.1** Thomas Bromsall's undertaking not to accept office under the Government, 28 July 1740.

(BLARS OR 1822)

Know all men by these presents That I Thomas Bromsall of Blunham in the County of Bedford Esquire hold myself firmly bound unto the Mayor, Bayliffs, Burgesses & Comonalty of the Burrough or Town and Corporation of Bedford in the County aforesaid in the Sum of One thousand pounds of good and lawfull Money of Great Britaine to be paid unto them the said Mayor Bayliffs Burgesses and Comonalty or their Successors, to which payment well and truly to be made, I bind my Self, my heirs Executors and Administrators firmly by these presents Dated the twenty Eighth day of July in the fourteenth Year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France & Ireland King Defender of the Faith and so forth and in the Year of our Lord Christ 1740.

Whereas by the Death of Sir Jeremy Vanacker Sambrook Baronet, one of the representatives of the said Town & Corporation of Bedford in the House of Commons in Parliament there is become a Vacancy in that House for the filling whereof a New Election is expected soon to be had; And Whereas the above bounden Thomas Bromsall is and Stands a Candidate for the Same, Hee [sic] for the Satisfaction for all lovers of their Country and to Shew that if he should happen to be Elected he will keep himself at liberty and disingaged from being anyways influenced by any person or persons of what Quality soever or of what party soever to do Act Vote or otherwise than so as shall appear to him to be for the true interest and benefit of his Country. He hath Entered into the Obligation above written The condition whereof is such Vizt That if the said Thomas Bromsall happening to be Elected as aforesaid Shall at any time thereafter and before the Dissolution of this present Parliament accept or take & hold any place or office of Profit or Pention from or under the Government That then & in such case the above written obligation to Stand and be in full force and virtue otherwise to be void & of no force. Thomas Bromsall Sealed & delivered.

(three sixpenny stamps appearing hereon In the presence of us, Thomas Bithrey, William Weale, John Bromsall.)

This is a true Copy from the original Bond

Witness G. Morgan.

**Document 1.2** Letter from the Duke of Bedford to Sir John Chester, 3 February 1740/41.

(BLARS CH 924)

As I believe there is no one has more the Interest of his Country in general at heart than you have and in particular the peace of that part of the Country in which you live, I

trouble you with this, to inform you of some Steps that have been taken in order to obtain two proper Representatives (I mean Antiministerial ones) for the County of Bedford in the ensuing Parliament.

Sometime since I applied to Sir Roger Burgoyne, by the means of his Brother in law Lord Halifax, to know whether he was willing to stand for our County at the ensuing Election on the Country Interest, and laying aside all Party distinctions of Whig and Tory (which it is now high time to quit) to join with such Person as the Gentlemen of our County in the Country interest should think most proper. Those Gentlemen of that interest who are now in Town have thought proper to make me the Compliment of fixing upon any one of their Number, which occasions the trouble I now give you to desire you to offer your self as a Candidate with Sir Roger Burgoyne. I hope you may be prevailed upon to do it, as it seems the only way by which two proper Persons in opposition to the measures of the Ministry may be chose, without breaking the peace of the County.

This I apprehend will be the case if you agree to join with Sir Roger Burgoyne, and I flatter my self you will meet with no opposition, if there should be any I think it would not be to be feared.

Sir Walter Bagot who is so kind as to charge himself with this Letter, is firmly in our Sentiments, and I believe all your Friends both in Town and Country will be of the same mind.

I am, Your obedient, humble servant, Bedford

London Feb: 3<sup>d</sup> 1740

The Dutchess and my self join in Compliments to Lady Chester.

London

When Parliament met there would be four MPs opposed to Walpole, three Tories and an opposition Whig.

## Chapter Two

### National and local politics, 1741–1747

#### *The fall of Walpole*

The 1741 election gave Walpole a theoretical majority of twenty-six; eighteen of them with uncertain loyalty. On 16 December, the Tory, Dr George Lee was elected chairman of the key Committee of Privilege and Elections. After winning a number of votes, Walpole lost a case over a disputed election in Chippenham by one vote on 28 January 1742. On 11 February, he resigned and his long premiership was over.<sup>1</sup>

#### *National politics, 1741–1746*

Walpole's successor was one of his opponents, Spencer Compton, Earl of Wilmington. The new administration comprised thirteen of Walpole's friends (including the Duke of Newcastle and his brother, Henry Pelham) and only five of Wilmington's own friends. The Tories were particularly badly treated, partly because of Walpole and Newcastle's hostile lobbying. Lord Carteret of Hawnes Park, a vigorous opponent of Walpole, became the Secretary to the Northern Department. Lord Hardwicke, father-in-law to Jemima Marchioness Grey of Wrest Park, retained his post as Lord Chancellor.

Wilmington died on 4 July 1743 and by August was replaced by Henry Pelham, Walpole's intended heir, with his brother, Newcastle, continuing as Secretary of State. Pelham's appointment occurred despite George II's victory at Dettingen over the French, seemingly vindicating Carteret's pro-Hanoverian policy.

Relations in the cabinet worsened and Carteret was forced to renege on a subsidy to Maria Theresa of Austria, which helped her in wars with France and Prussia. Britain declared war formally with France on February 1744. In November the 'Old Corps' i.e. those who had served under Walpole, demanded the resignation of Carteret (Earl Granville since 18 October 1744).

The King asked Carteret to form a ministry, keen not to lose so staunch a supporter of Hanover. Walpole, when asked, said Carteret should work with Pelham, thus, thwarting his old enemy! Within four days Carteret gave up the unequal struggle.

Pelham returned to power but a difficult relationship with the King was unavoidable. He remodelled his cabinet making it a 'broad bottom' coalition, with the Tories being given two seats. Some 'new Whigs' (i.e. those left out in 1742) were also added, including the Duke of Bedford, as Lord of the Admiralty on 27 December

<sup>1</sup> For national developments in politics 1741–1746 see Langford, *A Polite and Commercial People*, pp. 186–209 and Pearce, *The Great Man: Sir Robert Walpole*, ch. 18.



1744. He was made a privy councillor and, on 28 May 1745, Lord Lieutenant of Bedfordshire. At the same time, his father-in-law Earl Gower left the Tories to support the Pelhams.

In April 1745 the Duke of Cumberland, George II's younger son, was defeated at the battle of Fontenoy in Flanders, leaving Britain open to invasion. Unexpectedly attack came from Scotland from the young pretender, Charles Edward Stuart, grandson of James II, who landed on 23 July 1745 in the Western Isles. By 4 December he had reached Derby with an army of 5000 and with virtually no troops to prevent him taking London. Unaccountably he retreated north and was ultimately defeated at Culloden, near Inverness, by the Duke of Cumberland on 16 April 1746. The Duke of Bedford raised a regiment to support the King but they arrived too late to fight.

**Document 2.1** Extract from Acts of Council, Bedford Borough, 8 October 1746.  
(BLARS Bor BB 2/6)

It is Ordered and Agreed At this Court That Mr Mayor may expend the sum of Thirty Shillings towards the Expences for the Corporation to morrow being the Thanksgiving Day for the Glorious and Complete Victory obtained over the Rebels by his Majesty's Forces at Culloden under His Royal Highness the Duke of Cumberland, And the Serjeants, Bellman & Beadles shall have no more than five shillings allowed them: to be paid by the Chamberlains; to meet at such time and place as Mr Mayor shall appoint.

[signed] John Hill Mayor

The Hanoverian regime had been vulnerable for a short time but there was virtually no support for the young pretender in England, even among Roman Catholics, who might have been expected to support a co-religionist.

In 1746 Pelham abandoned the broad bottom coalition, bringing in William Pitt, prominent supporter of Frederick Prince of Wales and a virulent critic of Carteret's Hanoverian policy. In a vote on 11 April 1746 when the pay of the Hanoverian troops was ratified, eight Tories voted with the government, including William Leveson-Gower (uncle of the Duchess of Bedford), Thomas Gore (who became MP for Bedford in 1747) and William Levinz, owner of the Oakley estate. Gore had changed from opposition to the issue in 1743 to support in 1746 because he was now Commissary General of the Musters.

*What did the MPs do for the county?*

As always, MPs voted in favour of, or opposition to, governments, took party lines and voted on major items of legislation, finance bills, army acts and in votes of no confidence. In addition, the eighteenth-century MP was expected to introduce and support local acts, which benefited Bedfordshire or specific parishes within it.

In the 1740s much of Bedfordshire was unenclosed with large open fields in multiple ownership. For animals, there were common pastures and in the northern part of the county near Podington and Souldrop scrubby ground called wolds. A parish could be enclosed by commissioners, empowered by acts of Parliament. The unenclosed parts of a parish were redistributed in blocks to those who had rights under the old system with substantial awards to owners of tithes.<sup>2</sup>

While most Bedfordshire enclosure acts date from the 1790s, there was a trickle

<sup>2</sup> F. G. Emmison, *Some Types of Common-field Parish* (Standing Conference for Local History, 1965),



of them in the 1740s. The first, in 1741, was at Sutton, mainly owned by Sir Roger Burgoyne MP. Porto Bello and Carthagenia farms were probably built at the centre of newly enclosed lands.<sup>3</sup>

MPs were also concerned about major roads going through Bedfordshire, particularly those to London, which improved their travel and, as importantly, the flow of wheat and barley one way and luxury goods, such as wine and tea, in the other. Since the sixteenth century, the upkeep of roads had been the responsibility of the parish through which they passed. On the major routes, such as Watling Street (now the A5) or on the Great North Road (now the A1), small parishes, such as Chalgrave Edworth and Eyeworth, could not cope. Throughout the eighteenth century, turnpike trusts were established with large initial investment by local landowners and tolls charged at bars or houses. The trusts came up for renewal after a given number of years. The MPs were expected to support the turnpike bills and thus further the interests of their local community.<sup>4</sup> The precise position of a turnpike or a toll bar could be divisive and an MP had to tread warily.

The road from Luton to Westwood Gate in Knotting parish, going through Bedford had been turnpiked in 1727. In 1743 the Turnpike Act came up for renewal. An attempt was made to turnpike the road from Luton on to St Albans as part of the renewal. The road was not turnpiked north of Westwood Gate, so the Bedfordshire section was a little oasis between two less well-maintained roads.<sup>5</sup> Those travelling to London from the central and eastern side of the county, tended to use the present A600 and join the Great North Road at Hitchin, avoiding the steep hill at Barton.

For heavy goods water was a more efficient method of transport. The Ouse Navigation had been established in the seventeenth century and coal, coming from Newcastle to King's Lynn and up the river, made Bedford an inland port.<sup>6</sup> Its economic well-being was an important concern of local MPs. The Ivel was not yet part of a navigation but in the future it was likely there would be pressure for a local act to achieve this.

### *The borough of Bedford*

The years 1741 to 1747 saw considerable political activity in the town. At the same time that the borough was deciding to appoint two Tory MPs without an election, splits were beginning to emerge in the Tory dominated Common Council of the Corporation. The battle concentrated on the appointment to the mastership of St John's Hospital, Bedford, which included the incumbency of the parish church.

### *St John's Hospital Bedford, Williams v the Corporation*

There had been a long-running dispute over the ownership of the Hospital between the Williams family, who claimed that they had been granted it by Elizabeth I, and

(based on Bedfordshire examples). W. E. Tate, *The English Village Community and the Enclosure Movements* (London, 1967), chs 8–10.

<sup>3</sup> Sutton Inclosure Act 1741, 15 Geo. 2, c. 40. See Thomas Jefferys' *Map of the County of Bedford, 1765*.

<sup>4</sup> For further information on roads and turnpikes, see William Albert, *The Turnpike Road System of England, 1663–1844* (Cambridge, 1972) and Beatrice and Sydney Webb, *The Story of the King's Highway* (London, 1963).

<sup>5</sup> F. G. Emmison, 'Turnpike roads and toll gates of Bedfordshire', *BHRS Survey of Ancient Buildings* (Aspley Guise, 1936), vol. III, pp. 1–26.

<sup>6</sup> Dorothy Summers, *The Great Ouse: the History of a River Navigation* (Newton Abbot, 1973).

Bedford Corporation.<sup>7</sup> From the late seventeenth century, the Williams had told the tenants they were discharged from paying their rents to the incumbent of St John's. On 24 September 1731, Edward Williams and his attorney demanded possession of the Hospital. After meetings with him, the Corporation instructed the deputy recorder, George Dixon, to research the records of the Court of Exchequer. These supported the Corporation. In an effort to avoid litigation, Williams met the Corporation on 25 March 1731/2. He proposed the following compromise: a) that the incumbent should have St John's for life, b) that the Corporation should be given the rectory of Wilden (to be purchased by him) in place of St John's, c) that current tenants were to enjoy the full term of their leases, and d) that the poor were to continue to be paid, and the beneficiaries selected by the Corporation. He also offered to endow St John's with £50 pa to support the minister. The quid pro quo was that, as the leases fell in, the Williams family should appoint the new tenants. The Corporation however decided, as its title to St John's was good, 'to treat no more upon this Subject'. One further meeting with some concessions produced the same result. 'Both parties growing warm Williams endeavouring to go off with the said Haughty Air, which he all along assumed.' The incumbent, Towersey, looked at St John's own records 'relating to former troubles which Papers had not been so carefully preserved nor so well kept together as they ought, so that many [documents] of importance being wanting he was forced sometimes to make up this Narrative from small hints ... as he goes on and because some of the Papers are already decayed and scarce legible and all of them likely to be embezzled and lost, as so many have been, he chose to preserve the Substance of the most important by making large abstracts of them.'

Having been quiet for four years, Williams petitioned the King in summer 1736, quoting from letters patent of 20 July 1576 and 30 January 1580 when St John's was conveyed to Williams's ancestor. Williams claimed that his family had been unlawfully kept out of possession since then. The Attorney General said at a hearing of 18 October 1736, that the Crown would not back Williams 'because the Grant was for a yearly rent of 6s 8d and possession had not been proved'.

A further hearing took place on 17 October 1738 before the new Attorney General, Sir Dudley Ryder. The Corporation claimed that they had lost the charters that proved the borough's right to speak for the master and brethren of St John's Hospital but did quote from leases back to 1383/4! The Attorney General judged that the Corporation had proved its case. The opposing counsel suggested that the Hospital was affected by the dissolution of the monasteries and so all subsequent payments were illegal. A long legal tussle took place because original documents at Lincoln Cathedral had not been produced and the legal validity of copies was questioned.

On 13 August 1739, the Bishop of Lincoln's register was produced, specially brought from Lincoln, and the Attorney General's clerk could then make copies. Further hearings took place on 1 October; still arguing about the 'superstitious' nature of the bequests. On 23 October the Attorney General told the Solicitor General (for Williams) 'there are points exceeding strong against your client and your next attendance must produce something extraordinary if it is to answer them. Is it not more advisable for your Client to save any more Expense, to acquiesce

<sup>7</sup> BLARS Bor BH 3/2.

and never trouble himself more about it?’ It seems that Williams agreed, at least, for the present.

*The start of the battle over the mastership of St John’s Hospital, April–August 1741*

The alliance between Corporation and deputy recorder, so successfully maintained in the dispute with Williams, was soon broken. The death on 27 March 1741 of the master of St John’s Hospital and the incumbent, the scholarly Rev. John Towersey,<sup>8</sup> created divisions in the Common Council over his successor. The mayor, Samuel Richardson, secured the appointment of Rev. William King of Pertenhall, confirmed on 24 April 1741. Protest against this was led by George Dixon, deputy recorder to the Tory Charles Bruce, alleging that the bailiffs were entitled to only one vote, thus bringing the result into question. The other candidate, Rev. William Bedford, was a protégée of Lord St John of Melchbourne, who had been his patron, appointing him to Yelden. He claimed that he had the majority of the votes legally cast on 27 August 1741. The mayor and his supporters entered a counter-petition against the bailiffs having a vote each. To the opposition’s claims about the bailiffs’ vote was added a specific challenging of the votes of three of Richardson’s supporters, Robert Richards, George Maddey and John Day. The split within the Common Council shows Lord St John’s increasing political influence.

The mayor did however ensure that the recorder and his deputy could not sit as of right in Common Council, thus, of course, depriving Dixon of his opportunity to cause trouble for him. Further moves in this complex but important case later in the 1740s will be discussed later in this chapter.

**Document 2.2** Bedford Borough, Acts of Council, 24 April 1741.

(BLARS Bor BB 2/6)

It is Ordered and Agreed at this Court of Common Council That the Reverend Mr William King Clerk be Presented to the Rectory and Hospital of St John the Baptist in this Town now void and vacant by the death of John Towersey Clerk late Incumbent thereof And that a Presentation be made under the Common Seal of this Town to be Signed by the present Mayor.

Protests against various votes were registered and were to be considered fully at the next Court:

**Document 2.3** Bedford Borough, Act of Common Council, 27 August 1741, for Mr King to sue and issue writs of *quare impedit* and *ne admittas* against the Bishop of Lincoln.

(BLARS, Bor BB 2/6)

It is Ordered and agreed at this Court of Common Council That the Revd Mr William King Clerk may at his own Costs and Charges bring & sue forth a Quare Impedit, a Ne Admittas, or any other Writt or Writts as he shall be advised to do, either against the Right Revd the Bishop of Lincoln alone or with any other person or persons against whom he shall be advised to bring the same in the name of the Mayor, Bailiffs, Burgesses and Commonalty of this Town and may make all such further Proceedings thereon in their names as he shall be advised to be

<sup>8</sup> Towersey was buried at St John’s Church, Bedford on 1 April 1741. Some of his books are part of the library at Southill. In St John’s Church it is recorded ‘Here lie the remains of John Towersey B.D. Sometime Fellow of Trinity College, Cambridge, 27 years, Rector of this Church. A man of Various and Extensive knowledge, Learned and accurate in Divinity, A judicious, Instructive and moving Preacher, whose Life was all he taught. He went to his Reward on Good Friday 27 March 1741; a Day which He had often Celebrated with a Great and truly Christian devotion’ (transcript by L. H. C. Chambers, BLARS, CRT 120/15/5).

necessary in order to support maintain and obtain the Benefit of the Presentation made by the said Mayor Bailiffs Burgesses, & Commonalty, of him the said William King to the Rectory of the Parish Church of Bedford St John Baptist and the Hospital of St John in this Town.

And it is also Ordered & agreed that the said Mr King may nominate & employ any Attorney or Attorneys that he shall think proper to Sue out such Writts & prosecute the same with effect in the name of the Mayor Bailiffs Burgesses & Commonalty of this Corporation and such Attorney or Attorneys are hereby authorised & empowered so to do.

At this Court the Reasons were given by Mr Mayor and others against the Bailiffes Voting severally, which Reasons are as follows. ...

First We Protest and object against the Votes of the said John Russell and John Webb Bailiffs of this Town as two Seperate and distinct Votes

Because We apprehend that the Bailiffs of this Town, if they have any right to Vote in the Courts of Common Council of the said Town might derive such their right either by Charter or Immemorial Custom So to do And we apprehend that there would not have been any dispute about their having Seperate Votes at this time if they constantly had Voted Severally But on the Contrary it appears to us that the Bailiffs of the said Town have never been allowed to Vote Seperately as two distinct Votes in the Courts of Common Council in the said Town when a Poll has been taken Unless by Some Mistake.

Secondly, Because we apprehend that the Bailiffs of the said Town have always been part of the Mayors House or Upper House and at the time of Entring upon their Office take an Oath to Execute the Office of Bailiffs and not Offices And at all Common Hall and Courts of Aldermen for Nomination of Officers of this Town if they Agree have but one Vote and if they Disagree or But one Bailiff appears No Vote in the Nomination of such Officers And it is not reasonable that they should have two Seperate Votes in the Courts of Common Council and but one vote in the Courts of Aldermen and Common Halls.

Thirdly, We protest and Object against the Votes of the said John Russell and John Webb as two separate Votes as Bailiffs of this Town For that no Person who is not a Burgess of the said Town is Capable of being elected one of the Bailiffs of this Town and it does not appear to us That the said John Russell was at the time of his Election or now is a Burgess of this Town Or that he was ever admitted or Entred a Burgess of the said Town on a Proper Stamp for that purpose and therefore we apprehend that the Election of the said John Russell and John Webb into the Office of Bailiffs of this Town to be null and Void, the said John Russell being only a Freeman of this Town and not Capable of being elected into the sd Office.

Lastly We apprehend that the said John Russell and John Webb had not any right to Vote at all at the said Court of Common Council For that the Bailiffs of the said Town as we apprehend have but one Vote in the Courts of Common Council of this Town for the reasons hereinbefore Set forth And the said John Russell not being in a Capacity to Vote at all as we apprehend the Vote of the said John Webb of Consequence must be Void Invalid and of none Effect.

Signed, Samuel Richardson, Thomas Day, Henry Fleming, R. Battisson, Thomas Maddey, Robert Richards, John Hornbuckle, George Maddey.

Also at this Court the Reasons were given by Mr Deputy Recorder & others against the Votes of Robert Richards, George Maddey and John Day; which Reasons are as follows:

We Protest against the Vote of Robert Richards (as one of the Common Council) in the Disposition and Patronage of the next Turn or Presentation of the Rectory and Hospitall of St John Baptist in this Town being in the Gift and disposition of this Corporation in Councell Assembled and now Vacant by the Death of the Reverend Mr John Towersey the late incumbent thereof For that the said Robert Richards being Elected into the Office of Common Councell since the Vacancy of the said Rectory and Hospitall by the Death of the said Mr Towersey the said Robert Richards cannot by Law give his Vote in this particular instance; As we conceive the right of Patronage to any Liveing whatsoever is incommunicable by any Act of Man after a Vacancy, And therefore we deem the Vote of the said Robert Richards on this Occasion altogether Null and Void For that the Seizin or pretended right of presentation as to him being had and procured after such Vacancy the exercising such right will we conceive render him in particular Guilty of a Simoniacall Practice and such Seizin or right

and of Consequence the Presentation under it being had and Obtained by Simoniacall Means and procurement may likewise render the Act of Disposition itself Simoniacall and thereby subject the Patrons the Liveing and the next incumbent to the severall Laws penaltys and Forfeitures made concerning Simony.

We Protest against the Vote of George Maddey (as another of the pretended Comon Council Men) in the above instance for the severall reasons before mentioned He the said George Maddey haveing also been or pretended to be Elected into the Office of Common Council Man since the Vacancy of the said Liveing And also against the Vote of the said George Maddey in the above Instance or any other dureing the Remainder of the Year for that by the Proclamation for Assembling the Common Hall when it is pretended the said George Maddey was chosen Notice was given a Common Hall would be held for the Election of One Common Council Man in the Room of Thomas Richardson who had resigned.

Firstly, Because if any such Act of Resignation has been made by the said Thomas Richardson We conceive it an Act in its Self Void and meaning Nothing at least nothing more than the Resignation of an Office into which he has been duely elected and chosen but never yet admitted and which he has neither power to make nor the Corporation or any particular part of its power of accepting.

Secondly, Because at the time of the Election of the said Richardson as one of the Thirteen he was in all respects eligible and accordingly duely Elected for the Year then ensuing according to Antient Custom And might therefore at any time dureing that Year and which is not yet expired be Sworn into and take upon him that Office there having been frequent Instances of Swearing Common Council Men at Various and distant days dureing the Year and therefore there cannot now be legally declared any Vacancy in the Councell.

Thirdly, Because It is an Office and Trust Vested in the Person Elected by the Electors who are the Burgesses and Freemen at large and maybe so far said to be a Trust Vested in him by the Publick of which therefore we conceive he can neither divest himself or be divested or removed by the Corporation.

Fourthly, Because no Instances or precedents appear to us upon the Books of the Corporation where any Common Halls have been called or held for the Election of any new Common Council Man in the Room of any other eligible and duely elected at the Generall Annuall Election unless such Common Council Man dyes within the Year and then not of Necessity for the Corporation Subsists without a New one. Where the Mayor in that Instance has been minded to Supply the place the form of the Proclamation for Assembling the Common Hall hath alwaies run, as is right, In the Room of such a Person deceased And never of any Person who has resigned Whereas Instances of this sort if they are Suffered must in their Consequences not only introduce new and unprecedented Forms to proclaim them but as we conceive will alter the Nature of the Constitution by Increasing the Common Councill to above its usuall and invariable number of Thirteen and be therefore in all respects unjustifiable and illegal.

Lastly – Because if the said Thomas Richardson had such Power or Right of Resignation Yet no such Act of Resignation hath appeared to us, nor in what Form, where, when, to whom, nor by what means the same has been made or procured.

We Protest against the Vote of John Day the Elder (as another of the pretended Common Council) in the above Instance For the Severall reasons mentioned in the first Protest against the vote of the said Robert Richards. He the said John Day haveing also been or pretended to be Elected into the Office of Common Council Man since the Vacancy of the said Liveing And also against the Vote of the said John Day in the above Instance or any other dureing the Remainder of the Year For that by the Proclamation for Assembling the Common Hall when it is pretended the said John Day was chosen, Notice was given a Common Hall would be held for the Election of one Common Council Man in the Room of Mr James Bradley the Younger who refused to resign not being qualified to Act.

First – Because it plainly appears by such Proclamation that the said James Bradley has made no Act of Resignation the pretence of proceeding to a New Election in the last Case And we therefore conceive the Attempt to choose and elect another Person in his Stead altogether illegall and without precedent of Consequence the Admission of the said John Day into the

Office of Common Councill and his Vote upon this or any other Occasion for the rest of the Year null and void.

Secondly – Protesting with regard to the Vote of the said John Day as before is Protested against the Vote of the said George Maddey in the Second, Third & Fourth Protest and for the same Severall reasons herein Specified.

Thirdly – For that the said James Bradley being duely Elected and chosen for Upwards of Six Months before the Proclamation for Assembling a Common Hall to Elect another Common Council Man in his Stead could not be removed by the Corporation neither is he Subject to any Incapacity Disability Forfeiture or Penalty whatsoever for not taking upon him that Office but may as we conceive at any time dureing the Year for which he has been Elected and Chosen, notwithstanding such new pretended Election be admitted into take upon and Exercise the Office of one of the Common Councill Men of this Corporation if he shall think fit so to do.

Signed, George Dixon, Dep[uty] R[ecorder], Francis Walker, Gidney Phillips, John Grey, John Russell, John Webb, Francis Jessop, John Longland, James Chamberlain, William Palmer, William Dove, John Archurch, Henry White.

Also at this Court the Reasons were given by Mr Deputy Recorder & others against Joining the Votes of the Bailiffs as one Vote, which Reasons are as follow

We Protest against the Joyning the Votes of the two Bailiffs and making them but one as hath been this Day attempted and ordered by the Mayor For that the said Bailiffs and their predecessors in that Office have alwaies in Right of such Office had used and exercised two Separate and distinct Votes in all Instances and upon all Occasions in the Courts of Common Councill whenever they have attended and appeared there And in divers Instances (as is well known) have divided in their Votes as they saw fit and when only one has attended at such Courts he has Voted and when both have Attended they both have Voted And their Votes in this Court have been alwaies deemed and taken as two Neither has any Instance or Precedent appeared to us to the Contrary or where they have ever before been taken or entred but as one Vote in the Manner the Mayor has now directed.

Against the Entry of them in the Poll in the Manner directed by the Mayor by the Name of the [Bailiffs]<sup>9</sup> as one Vote for that in the Stile of this very Court is in all other Stiles Acts and Business of the Courts of Common Councill they are and have been Entred by their Sperate and distinct Names in like Sort and manner as others of whom this Court Consists and ought now to be entred by their Separate and distinct Names [Mr John Russell, Mr John Webb]<sup>10</sup> Bailiffs according to the known and Usuall Form.

And in Consequence of our Severall Protests above Specified we deem the Pretended Act of this Court of Common Councill as ordered to be worded and Entred by the Mayor for Presenting the Reverend Mr William King to the Liveing of Saint John Baptist and for preparing an Instrument of Presentation to him under the Common Seal to be signed by the Mayor altogether Null and Void For that We conceive and Insist the said William King hath not been duely Elected thereto by this Corporation for the Severall reasons before alledged and Set forth and therefore ought not to be presented but on the Contrary That the Reverend Mr William Bedford the other of the Candidates hath been this day duely Elected by a Majority of legall and indisputable Votes and ought in Consequence of such Election to be presented by the Corporation to the said Rectory and Hospitall of Saint John Baptist in this Town Vacant by the Death of the late Incumbent.

Signed George Dixon Dep[uty] Rec[order], Francis Walker, Gidney Phillips, John Grey, John Russell, John Webb, Francis Jessop, John Archurch, James Chamberlain, William Palmer, John Longland, William Dove, Henry White.

Also at this Court Mr Francis Walker and others affiled and Entred their Protest against any Power in the Mayor to Abridge or Contract the two Bailiffes into one Vote, which Protest is in the Words following

<sup>9</sup> *Bailiffs* is enclosed in square brackets in the text.

<sup>10</sup> These names are enclosed in square brackets in the text.