

# The Examiner.

"THIS IS TRUE LIBERTY, WHEN FREEBORN MEN—HAVING TO ADVISE THE PUBLIC, MAY SPEAK FREE."—EURIPIDES.

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## VOTE BY BALLOT.

We announced a few days ago that the British Ministry were defeated on a motion of Mr. Berkeley, in favour of the Ballot, which the Government were not prepared to adopt. It is true that the House was by no means full when the motion was carried—the Bill which will succeed it may be lost, but if Mr. Cobden was correct in describing the Ballot as the most popular question in England, then the time when it will be registered on the Statue Book cannot be far distant. The policy of introducing the ballot in the election of members of Parliament has long engaged the attention of eminent public men in England; but its advocacy has been principally confined to the class of politicians called Radical Reformers—the Grotes, Humes, Molesworths and Roebucks—until within the last two or three years. As Mr. Berkeley observes, the ballot is one of that class of questions which always succeeds "more by the force of its own merits than by the ability of its advocates." Bribery, intimidation and corruption have been practised to such an unblushing and outrageous extent among the English Constituencies that the people have become ashamed, and are determined to purge the system. Accordingly we find that many men of 'mark and likelihood'—Whigs and Conservatives, have of late declared in favour of the ballot. We have now much pleasure in bringing to the notice of our readers copious extracts from Mr. Berkeley's speech in the Commons on the 8th August, upon introducing his motion that the Ballot should be substituted in place of the present mode of exercising the elective franchise. [*Novascotian.*]

Mr. H. Berkeley rose to move, 'That it is expedient in the election for members to serve in parliament that the votes of the electors be taken by the way of ballot.' He observed that, after the able manner in which the ballot had been advocated by Mr. Grote and others, he might, perhaps, be accused of vanity and presumption in meddling with so important a subject, of which it might truly be said, in the language of Cicero—'*Tabella, vindex, tacita libertatis.*' But the ballot was one of that class of questions which had always succeeded more by the force of their own merits than by the ability of their advocates;—and on this ground he trusted for the house's indulgence for a few moments while he trespassed on their attention. Since the passing of the Reform Bill, such had been the onward march of public opinion that the ballot seemed only a very minor question. From recent concessions made to free trade by the leaders on both sides the house, he was not without hopes of seeing them come forward as the advocates of this question. The ballot had been already affirmed by this house in 1810, but had been rejected by the upper house. Assuming that the merits of the ballot were fully known to the country at large, he would address himself to some of the more prominent objections. It was said that secret voting would be an innovation on the present electoral system; that it would not prevent bribery, if it prevented intimidation; that the ballot box would not secure secrecy; that it was un-English, and calculated to produce immorality, lying, and deceit. First, as to its being an innovation, he denied that such was the case. The franchise was originally uncontrolled; but persons of influence gradually undertook the control of the opinions of those beneath them, and then bribery and corruption crept in. The ballot was a most conservative measure, as tending to protect the franchise, and convert it from a mere *nomini umbra*, a mockery, a delusion, into a real and a substantial right. At present, the franchise kept the word of promise to the ear and broke it to the hope.

The arguments by which it was contended that the ballot would not prevent bribery were very sophistical. Would any one purchase goods without the certainty that they would be delivered? Look at Great Yarmouth—see the agents there with bowls of sovereigns before them; the voter entering at one door, receiving his bribe, and going out at the other door, to vote as he was expected to do. But would any one invest a sum of money—would the Duke of Richmond send down Lord A. Lennox—or would the monster speculator, Mr. Attwood himself, undertake such a traffic if there was no certainty of the result being obtained? He would not believe that such would be the case. Even if the evil were not cured in small constituencies, the good effected in large boroughs and counties, by the ballot,

would be a sufficient counterbalance. (Hear.) The small boroughs would not be in a worse state than they now were, and public opinion might operate beneficially upon them. He could not believe that the ballot box would fail to ensure secrecy. America had been referred to, but in America there was no reason for concealment, for property was generally diffused and tyranny was scarce. In America they had the ballot, and needed it not. Here we needed it, but had it not.

In answer to the allegation that the ballot was un-English, he would refer to the practice of the clubs, where were assembled valour, learning, and wealth. These all sought protection—from what? Perhaps from ill-will, intimidation, or tyranny. No one would accuse these men, members of parliament, and others, of unmanliness. But they sought protection from the bully, from the Sir Lucius O'Trigger of society, who, if excluded from a club, would consider it 'a very pretty quarrel as it stood.' (Hear, hear.) But was there not a bully of politics, as well as of society? Undoubtedly; and he eschewed equal arms, and sought to wound in the dark. If the victim was a tradesman, his credit and custom were assailed; if a tenant, let him look for ejectment; if a servant, for his discharge. (Hear, hear.) He accused not hon. gentlemen of unmanliness because they adopted the ballot; but he asked them to extend the same protection to others.

But it was said the ballot-box destroyed the legitimate influence of property. To this objection he could not reply better than in the eloquent words of Mr. Grote, who, in 1836, said—'I assert fearlessly that, under a system of secret voting, the legitimate influence of property will be preserved unimpaired; nay, more, that it will be even exalted beyond what it is at present. There is only one species of influence which the ballot will withdraw from a rich man—it will take away the power of rewarding or punishing electors according to the manner in which they vote.' Now, sir, I would ask, and I hope the question will be plainly answered, whether it be really this power of rewarding or punishing electors which gentlemen mean, when they talk of the legitimate influence of property? Does the house intend to recognise in any one citizen of this community, peer or commoner, titled or untitled, a legitimate authority to reward or punish electors for their votes? If we do, Sir, the sooner in all consistency we repeal our statutes against bribery, the better; the sooner we drop the farce of affecting to condemn intimidation the better. For what is this privilege of giving to an elector a reward for his vote, in plain and unvarnished English, except bribing him? And what is the privilege of punishing him for his vote, except a license of intimidation? But I, sir, deny the position entirely. I maintain that this influence which arises from the power of rewarding or punishing voters, is repudiated by the law and by the constitution. I maintain that a man is no more warranted in employing his legal powers as a landlord for the purpose of seducing and coercing his tenants' votes, than in employing his funded property to distribute among them bribes in hard cash. It is the ancient doctrine of the constitution that elections ought to be perfectly free; and the ballot can have no other effect than that of realising this strictly constitutional end. But all legitimate influence of property consists fully with freedom of election; and therefore it consists fully with vote by ballot.

Out of 13,000 registered electors in Westminster, only 4,500 had voted at the preceding election; and a great number of others avoided being placed on the register. Such was the character of the election in Westminster in 1837. In 1841 the election turned on the question of free trade, and was hotly contested. The exertions of the aristocracy in support of Capt. Rous were most energetic; there were large bodies of lady-canvassers. (Hear, hear.) One tradesman at the west end of the town, who was strongly in favour of free trade, and had always been a liberal, stated that, on the day before the election, no fewer than six carriages with coronets successively drew up before his door; from these descended parties of ladies, who so worried him with threats of withdrawal of custom and denouncing him to others, that he consented not to vote. (Hear, hear.) So far from pleasing them by this course, four out of the six families eventually withdrew their custom; and he had suffered a loss of 60% annually from the exercise of this tyranny. (Hear.) A few months after, Capt. Rous turned round with his leader, heedless of all this wear and tear of the consciences of electors, and voted for free trade. 'What shadows we are, and what shadows we pursue!' (Cheers.) Another case to which he would call the attention of the house was that of a publican in Westminster, in reference to whom aristocracy and democracy had both combined in doing what was wrong. Shortly before the election he was waited upon by a lady, who said to him in effect,

'You supply me with beer; my servants are in the habit of using your house. If you give your vote against Capt. Rous, I shall not only withdraw my custom but shall forbid any one of my servants ever again to enter your house; but if you vote for us I will see what can be done for your son in the customs. (Great laughter.) The poor man was overcome by arguments so forcible, and he voted for Capt. Rous. At the house of this same man, twelve tailors, all fierce democrats, regular 'Cuffeys,' who were to a man supporters of General Evans, held their weekly orgies. (Laughter.) At the next meeting-night after the election, when they heard how the poor man had voted, they summoned him before their tribunal, denounced him, not only as a publican, but a sinner and an apostate, called for their reckoning, and quitted the house. ('Hear' and laughter.) These were but two cases out of 50 similar ones which he could adduce. At the election of the noble lord (J. Russell) for the City in 1847, he (Mr. Berkeley) was on his committee for the west-end; and was continually met with declarations from tradesmen that they had no votes; they suffered from having the franchise, and were determined to have it no more, unless accompanied with the protection of the ballot. (Hear.)

The last objection was that the ballot was productive of lying and deceit. The right hon. member for Northampton (Mr. V. Smith) had said the ballot would convert the habits of the electors into one continued lie. Surely, then, there was something in the present system which encouraged truth. So far from this, he maintained that the existing electoral system was one vast lie, and might be summed up in that comprehensive term, 'humbug.' (Laughter.) Standing orders were passed every session against the interference of peers at elections; but the most extraordinary illustration of the way in which these orders were attended to was furnished by Mr. Dodd, in his 'Parliamentary Companion.' He gave, in a tabular and alphabetical form, the list of boroughs in which peers exercised influence in the return of members—in all no fewer than 62, in England and Wales, containing 43,000 inhabitants, and returning 98 members. Of these, 75 were returned by the direct influence of the aristocracy. In all there were 49 peers and 25 wealthy commoners who exercised a direct influence in the return of members of parliament. (Hear, hear.) In the face of such a statement as that what a farce were the sessional orders! (Hear, hear.) Under the present so-called open system of voting the candidate addressed his constituents as free and independent electors, well knowing that they were all slaves, and after having obtained his return by the pressure of every screw known to unscrupulous agents he thanked the electors for their 'free and independent suffrages.' (Cheers.) Then having taken his seat in the house, such a candidate was sure to be foremost in acting the British lion, and in declaiming against the 'un-English' practice of secret voting. (Laughter.)

He (Mr. Berkeley) had canvassed a populous parish and had taken every pains to arrive at a correct result, as to undoubted promises. After the election, however, he ascertained that sixty volunteer promises had been broken. His friends calculated that of these forty had been intimidated and twenty bought. Which, then, was the worse lie—that which was told to the constitutional canvasser, or that told to the base suborner of bribery and perjury? With reference to the antiquity of the ballot he might, with all respect, remind the house that the very first Christian election that took place was one by ballot. Between the death of our Saviour and his ascension a vacancy occurred among the Apostles, and the ballot was the mode adopted for filling up the vacancy. Was there not a strong probability that that mode of election had been adopted under divine inspiration? He feared the opposition of the noble lord the member for London; but he prayed that noble lord, who was a strong advocate of education, to recollect that the more enlightened the people became the more acutely would they feel any unconstitutional coercion respecting the exercise of their franchise. (Hear.) He trusted that the noble lord would in this, as in other cases, discard the doctrine of finality, and look at the question with that care and openness to conviction which its merits and importance deserved. He did not hope for the support of the chartists, whom he had always looked upon as the propagandists of violence, but he hoped for success from the growing influence of enlightened public opinion. He implored the house to emancipate the constituencies who had sent them there, and who, by their recent conduct in most excited times, had deserved so well at their hands. (Hear, hear.) Give the people the ballot, and they would have in their gratitude the best security for the stability and security of the national institutions.