

undoubtedly has always been a crime at common law, and consequently punishable by indictment or information. This crime still remains a crime at common law."

Here we find the crime of bribery recognized as an offence at common law in matters not connected with the administration of justice except in so far as the members elected to Parliament have the power of passing, amending and repealing laws, and if this is the ground upon which the common law principle rests, it applies with much greater force to the bribery of a member of the Legislature itself. In the *King v. Plympton*, (Lord Raymond's Reports II., page 1,377) an assistant burgess of the town of Tiverton was offered a bribe of £500 to vote for a certain person as mayor of the town, the mayor being chosen under the charter by the 12 capital and 12 assistant burgesses. An indictment was laid at common law against the defendant for attempting to bribe an assistant burgess, and Serjeant Bengally, for the defence, urged that :

"Here was no offence charged for it is lawful for one member of a corporation to ask and persuade another to vote for his friend, and if he made such a promise as is alleged in this information it will be no crime without showing the fact done. . . . But the Court were of opinion that to bribe persons either by giving money or promises to vote at elections of members of corporations *which are created for the sake of public government*, is an offence for which an information will lie."

It will be noticed that the Court makes no reference to the administration of justice, but to the question of *public government*. The next most important case of *Rex v. Vaughan* (4 Burrows, p. 2,499), where the defendant offered the Duke of Grafton, a Privy Councillor and Cabinet Minister, a bribe of £5000 to induce him to recommend the defendant for an appointment in Jamaica. Lord Mansfield held that it was a crime to offer a bribe to a Privy Councillor to advise the King. Mr. Justice Yates said :

"No doubt this is an offence at common law,"