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By

J. L. HAMMOND

Hon. D.Litt., Oxon.

and

BARBARA HAMMOND

Hon. D.Litt., Oxon.



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To
GILBERT AND MARY MURRAY

THE ISOLATION OF THE POOR

THE upper classes, to whom the fact that the labourers were more wretched in 1830 than they had been in 1795 was a reason for making punishment more severe, were not deliberately callous and cruel in their neglect of all this growing misery and hunger. Most of those who thought seriously about it had learnt a reasoned insensibility from the stern Sybil of the political economy in fashion, that strange and partial interpretation of Adam Smith, Malthus and Ricardo which was then in full power. This political economy had robbed poverty of its sting for the rich by representing it as Nature's medicine, bitter indeed, but less bitter than any medicine that man could prescribe. If poverty was sharper at one time than another, this only meant that society was more than ever in need of this medicine. But the governing class as a whole did not think out any such scheme or order of society, or master the new science of misery and vice. They thought of the poor not in relation to the mysterious forces of Nature, but in relation to the privileges of their own class in which they saw no mystery at all. Their state of mind is presented in a passage in Bolingbroke's *Idea of a Patriot King*. 'As men are apt to make themselves the measure of all being, so they make themselves the final cause of all creation. Thus the reputed orthodox philosophers in all ages have taught that the world was made for man, the earth for him to inhabit, and all the luminous bodies in the immense expanse around us for him to gaze at. Kings do no more, nay not so much, when they imagine themselves the final cause for which societies were formed and governments instituted.' If we read 'the aristocracy' for 'kings' we shall have a complete analysis of the social philosophy of the ruling class. It was from this centre that they looked out upon the world. When the misery of the poor reacted on their own comfort, as in the case of poaching or crime or the pressure on the rates, they were aware of it and took measures to protect their property, but of any social problem outside these relations they were entirely unconscious.

Their philosophy and their religion taught them that it was the duty of the rich to be benevolent, and of the poor to be patient and industrious. The rich were ready to do their part, and all they asked of the poor was that they should learn to bear their lot with resignation. Burke had laid down the true and full philosophy of social life once and for all. 'Good order is the foundation of all good things. To be enabled to acquire, the people, without being servile, must be tractable and obedient. The magistrate must have his reverence, the laws their authority. The body of the people must not find the principles of natural subordination by art rooted out of their minds. They must respect that property of which they cannot partake. They must labour to obtain what by labour can be obtained; and when they find, as they commonly do, the success disproportioned to the endeavour, they must be taught their consolation in the final proportions of eternal justice.'¹

The upper classes, looking upon the world in this way, considered that it was the duty of the poor man to adapt himself, his tastes, his habits, and his ambitions, to the arrangements of a society which it had pleased Providence to organise on this interesting plan. We have in the pages of Eden the portrait of the ideal poor woman, whose life showed what could be done if poverty were faced in the proper spirit. 'Anne Hurst was born at Witley in Surrey: there she lived the whole period of a long life, and there she died. As soon as she was thought able to work, she went to service: there, before she was twenty, she married James Strudwick, who, like her own father, was a day labourer. With this husband she lived, a prolific, hard-working, contented wife, somewhat more than fifty years. He worked more than threescore years on one farm, and his wages, summer and winter, were regularly a shilling a day. He never asked more nor was never offered less. They had between them seven children: and lived to see six daughters married and three the mothers of sixteen children: all of whom were brought up, or are bringing up, to be day labourers. Strudwick continued to work till within seven weeks of the day of his death, and at the age of four score, in 1787, he closed, in peace, a not inglorious life; for, to the day of his death, he never received a farthing in the way of parochial aid. His wife survived him about seven years, and though

¹ *Reflections on the Revolution in France* (fourth edition), p. 359.

bent with age and infirmities, and little able to work, excepting as a weeder in a gentleman's garden, she also was too proud to ask or receive any relief from the parish. For six or seven of the last years of her life, she received twenty shillings a year from the person who favoured me with this account, which he drew up from her own mouth. With all her virtue, and all her merit, she yet was not much liked in her neighbourhood; people in affluence thought her haughty, and the Paupers of the parish, seeing, as they could not help seeing, that her life was a reproach to theirs, aggravated all her little failings. Yet, the worst thing they had to say of her was, that she was proud; which, they said, was manifested by the way in which she buried her husband. Resolute, as she owned she was, to have the funeral, and everything that related to it, what she called decent, nothing could dissuade her from having handles to his coffin and a plate on it, mentioning his age. She was also charged with having behaved herself crossly and peevishly towards one of her sons-in-law, who was a mason and went regularly every Saturday evening to the ale house as he said just to drink a pot of beer. James Strudwick in all his life, as she often told this ungracious son-in-law, never spent five shillings in any idleness: luckily (as she was sure to add) he had it not to spend. A more serious charge against her was that, living to a great age, and but little able to work, she grew to be seriously afraid, that, at last, she might become chargeable to the parish (the heaviest, in her estimation, of all human calamities), and that thus alarmed she did suffer herself more than once, during the exacerbations of a fit of distempered despondency, peevishly (and perhaps petulantly) to exclaim that God Almighty, by suffering her to remain so long upon earth, seemed actually to have forgotten her.' 'Such,' concludes Eden, 'are the simple annals of Dame Strudwick: and her historian, partial to his subject, closes it with lamenting that such village memoirs have not oftener been sought for and recorded.'¹ This was the ideal character for the cottage. How Eden or anybody else would have hated this poor woman in whom every kindly feeling had been starved to death if she had been in his own class! We know from Creevey what his friends thought of 'the stingy kip' Lambton when they found themselves under his roof, where 'a round of beef at a side table was run at with as much keenness as

¹ Eden, vol. i. p. 579.

a banker's shop before a stoppage.' A little peevishness or even petulance with God Almighty would not have seemed the most serious charge that could be brought against such a neighbour. But if every villager had had Dame Strudwick's hard and narrow virtues, and had crushed all other tastes and interests in the passion for living on a shilling a day in a cold and bitter independence, the problem of preserving the monopolies of the few without disorder or trouble would have been greatly simplified. There would have been little danger, as Burke would have said, that the fruits of successful industry and the accumulations of fortune would be exposed to 'the plunder of the negligent, the disappointed, and the unprosperous.'

The way in which the ruling class regarded the poor is illustrated in the tone of the discussions when the problem of poverty had become acute at the end of the eighteenth century. When Pitt, who had been pestered by Eden to read his book, handed a volume to Canning, then his secretary, that brilliant young politician spent his time writing a parody on the grotesque names to be found in the Appendix, and it will be recollected that Pitt excused himself for abandoning his scheme for reforming the Poor Law, on the ground that he was inexperienced in the condition of the poor. It was no shame to a politician to be ignorant of such subjects. The poor were happy or unhappy in the view of the ruling class according to the sympathy the rich bestowed on them. If there were occasional misgivings they were easily dispelled. Thus one philosopher pointed out that though the position of the poor man might seem wanting in dignity or independence, it should be remembered by way of consolation that he could play the tyrant over his wife and children as much as he liked.¹ Another train of soothing reflections was started by such papers as that published in the *Annals of Agriculture* in 1797, under the title 'On the Comforts enjoyed by the Cottagers compared to those of the ancient Barons.' In such a society a sentiment like that expressed by Fox when supporting Whitbread's Bill in 1795, that 'it was not fitting in a free country that the great body of the people should depend on the charity of the rich,' seemed a challenging paradox. Eden thought this an extraordinary way of looking at the problem, and retorted that it was gratifying to see how ready the rich were to bestow their benevolent attentions.

¹ *Reports on Poor*, vol. ii. p. 325.

This was the point of view of Pitt and of almost all the speakers in the debate that followed Fox's outburst, Buxton going so far as to say that owing to those attentions the condition of the poor had never been 'so eligible.' Just as the boisterous captain in *Evelina* thought it was an honour to a wretched Frenchwoman to be rolled in British mud, so the English House of Commons thought that poverty was turned into a positive blessing by the kindness of the rich.

Writing towards the end of the ancient régime, Cobbett maintained that in his own lifetime the tone and language of society about the poor had changed very greatly for the worse, that the old name of 'the commons of England' had given way to such names as 'the lower orders,' 'the peasantry,' and 'the population,' and that when the poor met together to demand their rights they were invariably spoken of by such contumelious terms as 'the populace' or 'the mob.' 'In short, by degrees beginning about fifty years ago the industrious part of the community, particularly those who create every useful thing by their labour, have been spoken of by everyone possessing the power to oppress them in any degree in just the same manner in which we speak of the animals which compose the stock upon a farm. This is not the manner in which the forefathers of us the common people, were treated.'¹ Such language, Cobbett said, was to be heard not only from 'tax devourers, bankers, brewers, monopolists of every sort, but also from their clerks, from the very shopkeepers and waiters, and from the fribbles stuck up behind the counter to do the business that ought to be done by a girl.' This is perhaps only another way of saying that the isolation of the poor was becoming a more and more conspicuous feature of English society.

Many causes combined to destroy the companionship of classes, and most of all the break-up of the old village which followed on the enclosures and the consolidation of farms. In the old village, labourers and cottagers and small farmers were neighbours. They knew each other and lived much the same kind of life. The small farmer was a farmer one day of the week and a labourer another; he married, according to Cobbett, the domestic servant of the gentry, a fact that explains the remark of Sophia Western's maid to the landlady of the inn, 'and let me have the bacon cut very

¹ *Political Register*, vol. lxxviii. p. 710.

nice and thin, for I can't endure anything that's gross. Prythee try if you can't do a little tolerably for once; and don't think you have a farmer's wife or some of those creatures in the house.' The new farmer lived in a different latitude. He married a young lady from the boarding school. He often occupied the old manor house.¹ He was divided from the labourer by his tastes, his interests, his ambitions, his display and whole manner of life. The change that came over the English village in consequence was apparent to all observers with social insight. When Goldsmith wanted to describe a happy village he was careful to choose a village of the old kind, with the farmers 'strangers alike to opulence and to poverty,' and Crabbe, to whose sincere and realist pen we owe much of our knowledge of the social life of the time, gives a particularly poignant impression of the cold and friendless atmosphere that surrounded the poor:

'Where Plenty smiles, alas! she smiles for few,
And those who taste not, yet behold her store,
Are as the slaves that dig the golden ore,
The wealth around them makes them doubly poor.'²

Perhaps the most vivid account of the change is given in a letter from Cobbett in the *Political Register* for 17th March 1821,³ addressed to Mr. Gooch:—

'I hold a return to *small farms* to be *absolutely necessary* to a restoration to anything like an English community; and I am quite sure, that the ruin of the present race of farmers, generally, is a necessary preliminary to this . . . The life of the husbandman cannot be that of a *gentleman* without injury to society at large. When farmers become *gentlemen* their labourers become *slaves*. A *Virginian* farmer, as he is called, very much resembles a *great farmer* in England; but then, the *Virginian's* work is done by slaves. It is in those States of America, where the farmer is only the *first labourer* that all the domestic virtues are to be found, and all that public spirit and that valour, which are the safeguards of American independence, freedom, and happiness. You, Sir, with others, complain of the increase of the *poor-rates*. But, you seem to forget, that, in the

¹ Hasbach, p. 131.

² 'Village,' Book I.

³ Vol. xxxviii. p. 750 ff.

destruction of the small farms, as separate farms, small-farmers have become mere hired labourers. . . . Take England throughout *three farms have been turned into one within fifty years*, and the far greater part of the change has taken place within the last *thirty years*; that is to say, since the commencement of the deadly system of PITT. Instead of families of small farmers with all their exertions, all their decency of dress and of manners, and all their scrupulousness as to character, we have *families of paupers*, with all the improvidence and wrecklessness belonging to an irrevocable sentence of poverty for life. Mr. CURWEN in his *Hints on Agriculture*, observes that he saw somewhere in Norfolk, I believe it was, *two hundred farmers worth from five to ten thousand pounds each*; and exclaims "What a *glorious* sight!" In commenting on this passage in the Register, in the year 1810, I observed "Mr. CURWEN only saw the *outside* of the sepulchre; if he had seen the *two or three thousand half-starved labourers* of these two hundred farmers, and the *five or six thousand ragged wives and children* of those labourers; if the farmers had brought those with them, the sight would not have been so *glorious*." "

A practice referred to in the same letter of Cobbett's that tended to widen the gulf between the farmer and the labourer was the introduction of bailiffs: 'Along with enormous prices for corn came in the employment of *Bailiffs* by farmers, a natural consequence of large farms; and to what a degree of insolent folly the system was leading, may be guessed from an observation of Mr. ARTHUR YOUNG, who recommended, that the Bailiff should have a good horse to ride, and a *bottle of port wine every day at his dinner*: while in the same work, Mr. YOUNG gives great numbers of rules for saving labour upon a farm. A pretty sort of farm where the bailiff was to have a bottle of port wine at his dinner! The custom was, too, to bring bailiffs from some *distant part*, in order to prevent them from having any feeling of compassion for the labourers. *Scotch* bailiffs above all, were preferred, as being thought harder than any others that could be obtained; and thus (with shame I write the words!) the farms of *England*, like those of *Jamaica*, were supplied with drivers from Scotland! . . . Never was a truer saying, than that of the common people, that a Scotchman makes a "good *sole*,

but a d——d bad *upper leather*.”¹ Bamford, speaking of 1745, says: ‘Gentlemen then lived as they ought to live: as real gentlemen will ever be found living: in kindness with their neighbours; in openhanded charity towards the poor, and in hospitality towards all friendly comers. There were no grinding bailiffs and land stewards in those days to stand betwixt the gentleman and his labourer or his tenant: to screw up rents and screw down livings, and to invent and transact all little meannesses for so much per annum.’² Cobbett’s prejudice against Scotsmen, the race of ‘feelosofers,’ blinded him to virtues which were notoriously theirs, as in his round declaration that all the hard work of agriculture was done by Englishmen and Irishmen, and that the Scotsmen chose such tasks as ‘peeping into melon frames.’ But that his remarks upon the subject of the introduction of Scottish bailiffs reflected a general feeling may be seen from a passage in Miss Austen’s *Emma*, ‘Mr. Graham intends to have a Scotch bailiff for his new estate. Will it answer? Will not the old prejudice be too strong?’

The change in the status of the farmer came at a time of a general growth of luxury. All classes above the poor adopted a more extravagant and ostentatious style and scale of living. This was true, for example, of sporting England. Fox-hunting dates from this century. Before the eighteenth century the amusement of the aristocracy was hunting the stag, and that of the country squire was of hunting the hare. It was because Walpole kept beagles at Richmond and used to hunt once a week that the House of Commons has always made Saturday a holiday. In the Peninsular War, Wellington kept a pack of hounds at headquarters, but they were fox-hounds. In its early days fox-hunting had continued the simpler traditions of hare-hunting, and each small squire kept a few couple of hounds and brought them to the meet. Gray has described his uncle’s establishment at Burnham, where every chair in the house was taken up by a dog. But as the century advanced the sport was organised on a grander scale: the old buck-hounds and slow horses were superseded by more expensive breeds, and far greater distances were covered. Fox-hunting became the amusement both of the aristocracy and of the squires, and it resembled rather the pomp and state of stag-hunting than the modest pleasures

¹ Cobbett’s *Political Register*, March 17, 1821, p. 779.

² Bamford, *Passages in the Life of a Radical*, p. 38.

of Walpole and his friends. In all other directions there was a general increase of magnificence in life. The eighteenth century was the century of great mansions, and some of the most splendid palaces of the aristocracy were built during the distress and famine of the French war. The ambitions of the aristocracy became the ambitions of the classes that admired them, as we know from Smollett. Sir William Scott in 1802, speaking in favour of the non-residence of the clergy, 'expressly said that they and their families ought to appear at watering-places, and that this was amongst the means of making them respected by their flocks!'¹

The rich and the poor were thus growing further and further apart, and there was nobody in the English village to interpret these two worlds to each other. M. Babeau has pointed out that in France, under the ancient régime, the lawyers represented and defended in some degree the rights of the peasants. This was one consequence of the constant litigation between peasants and seigneurs over communal property. The lawyers who took the side of the peasants lived at their expense it is true, but they rendered public services, they presented the peasants' case before public opinion, and they understood their ideas and difficulties. This explains a striking feature of the French Revolution, the large number of local lawyers who became prominent as champions of revolutionary ideas. One of Burke's chief complaints of the Constituent Assembly was that it contained so many country attorneys and notaries, 'the fomenters and conductors of the petty war of village vexation.'² In England the lawyers never occupied this position, and it is impossible to imagine such a development taking place there. The lawyers who interested themselves in the poor were enlisted not in the defence of the rights of the commoners but in the defence of the purses of the parishes. For them the all-important question was not what rights the peasant had against his lord, but on which parish he had a claim for maintenance.

The causes of litigation were endless: if a man rented a tenement of the annual value of £10 he acquired a settlement. But his rental might not have represented the annual value, and so the further question would come up, Was the annual

¹ *Rural Rides*, p. 460.

² *Reflections*, p. 61.

value actually £10? 'If it may be really not far from that sum, and the family of the pauper be numerous, the interests of the contending parishes, supported by the conflicting opinions of their respective surveyors, leads to the utmost expense and extremity of litigation.'¹ If the annual value were not in dispute there might be nice and intricate questions about the kind of tenement and the nature of the tenure: if the settlement was claimed in virtue of a contract of hiring, was the contract 'general, special, customary, retrospective, conditional, personal' or what not?² If the settlement was claimed in virtue of apprenticeship,³ what was the nature of the indentures and so on. If claimed for an estate of £30, was the estate really worth £30, and how was it acquired? These are a few of the questions in dispute, and to add to the confusion 'on no branch of the law have the judgments of the superior court been so contradictory.'⁴

Thus the principal occupation of those lawyers whose business brought them into the world of the poor was of a nature to draw their sympathies and interests to the side of the possessing classes, and whereas peasants' ideas were acclimatised outside their own class in France as a consequence of the character of rural litigation and of rural lawyers, the English villager came before the lawyer, not as a client, but as a danger; not as a person whose rights and interests had to be explored and studied, but as a person whose claims on the parish had to be parried or evaded. It is not surprising therefore, to find that both Fielding and Smollett lay great stress on the reputation of lawyers for harshness and extortion in their treatment of the poor, regarding them, like Carlyle, as 'attorneys and law beagles who hunt ravenous on the earth.' Readers of the adventures of Sir Launcelot Greaves will remember Tom Clarke 'whose goodness of heart even the exercise of his profession had not been able to corrupt. Before strangers he never owned himself an attorney without blushing, though he had no reason to blush for his own practice, for he constantly refused to engage in the cause of any client whose character was equivocal, and was never known

¹ *Poor Law Report*, 1817.

² Cf. *Ibid.*, 1834, p. 161.

³ Cf. case of apprentice, *Annual Register*, 1819, p. 195.

⁴ *Poor Law Report*, 1817; in some cases there were amicable arrangements to keep down legal expenses; e.g. at Halifax (Eden), the overseer formed a society of the officers of the adjoining parishes. Cases were referred to them, and the decision of the majority was accepted.

to act with such industry as when concerned for the widow and orphan or any other object that sued *in forma pauperis*.' Fielding speaks in a foot-note to *Tom Jones* of the oppression of the poor by attorneys, as a scandal to the law, the nation, Christianity, and even human nature itself.

There was another class that might, under different circumstances, have helped to soothe and soften the isolation of the poor, but the position and the sympathies of the English Church made this impossible. This was seen very clearly by Adam Smith, who was troubled by the fear that 'enthusiasm,' the religious force so dreaded by the men of science and reason, would spread among the poor, because the clergy who should have controlled and counteracted it were so little in touch with the mass of the people. Under the government of the Anglican Church, as set up by the Reformation, he pointed out, 'the clergy naturally endeavour to recommend themselves to the sovereign, to the court, and to the nobility and gentry of the country, by whose influence they chiefly expect to obtain preferment.'¹ He added that such a clergy are very apt to neglect altogether the means of maintaining their influence and authority with the lower ranks of life. The association of the Anglican Church with the governing class has never been more intimate and binding than it was during the eighteenth century. This was true alike of bishops and of clergy. The English bishop was not a gay Voltairean like the French, but he was just as zealous a member of the privileged orders, and the system over which he presided and which he defended was a faint copy of the gloriously coloured scandals of the French Church. The prelates who lived upon those scandals were described by Robespierre, with a humour that he did not often indulge, as treating the deity in the same way as the mayor of the palace used to treat the French kings. 'Ils l'ont traité comme jadis les maires du palais traitèrent les descendants de Clovis pour régner sous son nom et se mettre à sa place. Ils l'ont relégué dans le ciel comme dans un palais, et ne l'ont appelé sur la terre que pour demander à leur profit des dîmes, des richesses, des honneurs, des plaisirs et de la puissance.' When Archbishop Dillon declared against the civil constitution he said that he and his colleagues acted as gentlemen and not as theologians. The Archbishop of Aix spoke of tithes

¹ *Wealth of Nations*, vol. iii. p. 234.

as a voluntary offering from the piety of the faithful. 'As to that,' said the Duke de la Rochefoucault, 'there are now forty thousand cases in the Courts.' Both these Archbishops would have found themselves quite at home among the spiritual peers in the House of Lords, where the same decorous hypocrisies mingled with the same class atmosphere. For the English bishops, though they were not libertines like the French, never learnt so to be Christians as to forget to be aristocrats, and their religious duties were never allowed to interfere with the demands of scholarship or of pleasure. Perhaps the most distinguished product of this régime was Bishop Watson of Llandaff, who invented an improved gunpowder and defended Christianity against Paine and Gibbon. These were his diversions; his main business was carried on at his magnificent country seat on the banks of Windermere. He was bishop for thirty-four years, and during the whole of that time he never lived within his diocese, preferring to play the part of the grand seigneur planting trees in Westmorland. He has left a sympathetic and charming account of what he modestly calls his retirement from public life, an event not to be confused with abdication of his see, and of how he built the palace where he spent the emoluments of Llandaff and the long autumn of his life.

It was natural to men who lived in this atmosphere to see politics through the spectacles of the aristocracy. To understand how strongly the view that the Church existed to serve the aristocracy, and the rest of the State through the aristocracy, was fixed in the minds of the higher clergy we have only to look at the case of a reformer like Bishop Horsley. The bishop is chiefly known as a preacher, a controversialist, and the author of the celebrated dictum that the poor had nothing to do with the laws except to obey them. His battle with Priestley has been compared to the encounter of Bentley and Collins, a comparison that may not give Horsley more, but certainly gives Priestley less than his due. When he preached before the House of Lords on the death of Louis XVI. his audience rose and stood in silent reverence during his peroration. The cynical may feel that it was not difficult to inspire emotion and awe in such a congregation on such a subject at such a time, but we know from De Quincey that Horsley's reputation as a preacher stood remarkably high. He was one of the leaders of the Church in politics; for our purposes it is more important

to note that he was one of the reforming bishops. Among other scandals he attacked the scandal of non-residence, and he may be taken as setting in this regard the strictest standard of his time; yet he did not scruple to go and live in Oxford for some years as tutor to Lord Guernsey, during the time that he was Rector of Newington, as plain a confession as we could want that in the estimation of the most public-spirited of the clergy the nobility had the first claims on the Church. These social sympathies were confirmed by common political interests. The privileges of the aristocracy and of the bishops were in fact bound up together, and both bishops and aristocracy had good reason to shrink from breaking a thread anywhere. Perhaps the malicious would find the most complete and piquant illustration of the relations of the Church and the governing class in the letter written by Dr. Goodenough to Addington, who had just made him Dean of Rochester, when the clerkship of the Pells, worth £3000 a year, was about to become vacant. 'I understand that Colonel Barré is in a very precarious state. I hope you will have the fortitude to nominate Harry to be his successor.' Harry, Addington's son, was a boy at Winchester. The father's fortitude rose to the emergency: the dean blossomed a little later into a bishop.

But if the French and the English Bishops both belonged to the aristocracy in feelings and in habits, a great difference distinguishes the rank and file of the clergy in the two countries. The French priest belonged by circumstances and by sympathy to the peasant class. The bishop regarded the country curé as *un vilain sentant le fumier*, and treated him with about as much consideration as the seigneur showed to his dependants. The priest's quarrel with the bishop was like the peasant's quarrel with the seigneur: for both priest and peasant smarted under the arrogant airs of their respective superiors, and the bishops swallowed up the tithes as the seigneur swallowed up the feudal dues. Sometimes the curé put himself at the head of a local rebellion. In the reign of Louis xv. the priests round Saint-Germain led out their flocks to destroy the game which devoured their crops, the campaign being announced and sanctified from the pulpit. In the Revolution the common clergy were largely on the side of the peasants. Such a development was inconceivable in England. As the curé's windows looked to the village, the parson's windows looked to the hall. When the parson's

circumstances enabled him to live like the squire, he rode to hounds, for though, as Blackstone tells us, Roman Canon Law, under the influence of the tradition that St. Jerome had once observed that the saints had eschewed such diversions, had interdicted *venationes et sylvaticas vagationes cum canibus et accipitribus* to all clergymen, this early severity of life had vanished long before the eighteenth century. He treated the calls of his profession as trifling accidents interrupting his normal life of vigorous pleasure. On becoming Bishop of Chester, Dr. Blomfield astonished the diocese by refusing to license a curate until he had promised to abstain from hunting, and by the pain and surprise with which he saw one of his clergy carried away drunk from a visitation dinner. One rector, whom he rebuked for drunkenness, replied with an injured manner that he was never drunk on duty.

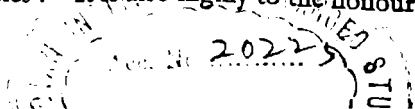
There were, it is true, clergymen of great public spirit and devoted lives, and such men figure in these pages, but the Church, as a whole, was an easy-going society, careful of its pleasures and comforts, living with the moral ideas and as far as possible in the manner of the rich. The rivalry of the Methodist movement had given a certain stimulus to zeal, and the Vicar of Corsley in Wilts,¹ for example, added a second service to the duties of the Sunday, though guarding himself expressly against the admission of any obligation to make it permanent. But it was found impossible to eradicate from the system certain of the vices that belong to a society which is primarily a class. Some of the bishops set themselves to reduce the practice of non-residence. Porteus, Bishop of London, devoted a great part of his charge to his clergy in 1790 to this subject, and though he pleaded passionately for reform he cannot be said to have shut his eyes to the difficulties of the clergy. 'There are, indeed, two impediments to constant residence which cannot easily be surmounted; the first is (what unfortunately prevails in some parts of this diocese) unwholesomeness of situation; the other is the possession of a second benefice. Yet even these will not justify a *total and perpetual* absence from your cures. The unhealthiness of many places is of late years by various improvements greatly abated, and there are now few so circumstanced as not to admit of residence there in *some* part of the year without any danger to the constitution.' Thus even Bishop Porteus, who in this very charge reminded

¹ *Life in an English Village*, by Maude F. Davies, p. 58.

the clergy that they were called by the titles of stewards, watchmen, shepherds, and labourers, never went the length of thinking that the Church was to be expected to minister to the poor in all weathers and in all climates.

The exertions of the reforming bishops did not achieve a conspicuous success, for the second of the difficulties touched on by Porteus was insurmountable. In his *Legacy to Parsons*, Cobbett, quoting from the *Clerical Guide*, showed that 332 parsons shared the revenues of 1496 parishes, and 500 more shared those of 1524. Among the pluralists were Lord Walsingham, who besides enjoying a pension of £700 a year, was Archdeacon of Surrey, Prebendary of Winchester, Rector of Calbourne, Rector of Fawley, perpetual Curate of Exbury, and Rector of Merton; the Earl of Guildford, Rector of Old Alresford, Rector of New Alresford, perpetual Curate of Medsted, Rector of St. Mary, Southampton, including the great parish of South Stoncham, Master of St. Cross Hospital, with the revenue of the parish of St. Faith along with it. There were three Pretymans dividing fifteen benefices, and Wellington's brother was Prebendary of Durham, Rector of Bishopwearmouth, Rector of Chelsea, and Rector of Therfield. This method of treating the parson's profession as a comfortable career was so closely entangled in the system of aristocracy, that no Government which represented those interests would ever dream of touching it. Parliament intervened indeed, but intervened to protect those who lived on these abuses. For before 1801 there were Acts of Parliament on the Statute Book (21 Henry VIII. c. 13, and 13 Elizabeth c. 20), which provided certain penalties for non-residence. In 1799 a certain Mr. Williams laid informations against hundreds of the clergy for offences against these Acts. Parliament replied by passing a series of Acts to stay proceedings, and finally in 1803 Sir William Scott, member for the University of Oxford, passed an Act which allowed the bishops to authorise parsons to reside out of their parishes. It is not surprising to find that in 1812, out of ten thousand incumbents, nearly six thousand were non-resident.

In the parishes where the incumbent was non-resident, if there was a clergyman at all in the place, it was generally a curate on a miserable pittance. Bishop Porteus, in the charge already mentioned, gives some interesting information about the salaries of curates: 'It is also highly to the honour



of this Diocese that in general the stipends allowed to the curates are more liberal than in many other parts of the kingdom. In several instances I find that the stipend for one church only is £50 a year; for two £60 and the use of a parsonage; and in the unwholesome parts of the Diocese £70 and even £80 (that is £40 for each church), with the same indulgence of a house to reside in.' Many of the parishes did not see much of the curate assigned to them. 'A man must have travelled very little in the kingdom,' said Arthur Young in 1798, 'who does not know that country towns abound with curates who never see the parishes they serve, but when they are absolutely forced to it by duty.'¹ But the ill-paid curate, even when he was resident and conscientious, as he often was, moved like the pluralist rector in the orbit of the rich. He was in that world though not of it. All his hopes hung on the squire. To have taken the side of the poor against him would have meant ruin, and the English Church was not a nursery of this kind of heroism. It is significant that almost every eighteenth-century novelist puts at least one sycophantic parson in his or her gallery of portraits.²

In addition to the social ties that drew the clergy to the aristocracy, there was a powerful economic hindrance to their friendship with the poor. De Tocquerville thought that the tithe system brought the French priest into interesting and touching relations with the peasant: a view that has seemed fanciful to later historians, who are more impressed by the quarrels that resulted. But De Tocquerville himself could scarcely argue that the tithe system helped to warm the heart of the labourer to the Church of England in cases such as those recorded in the Parliamentary Paper issued in 1833, in which parson magistrates sent working men to prison for refusing to pay tithes to their rector. Day labouring men had originally been exempted from liability to pay tithes, but just as the French Church brought more and more of the property and industry of the State within her confiscating grasp, so the English Parliament, from the reign of William III., had been drawing the parson's net more closely round the labourer. Moreover, as we shall see in a later chapter,

¹ *Inquiry into the State of the Public Mind among the Lower Classes*, p. 27.

² The parsons under Squire Allworthy's roof, the parson to whom Pamela appealed in vain, and, most striking of all, Mr. Collins in *Pride and Prejudice*.

the question of tithes was in the very centre of the social agitations that ended in the rising of 1830 and its terrible punishment. In this particular quarrel the farmers and labourers were on the same side, and the parsons as a body stood out for their own property with as much determination as the landlords.

In one respect the Church took an active part in oppressing the village poor, for Wilberforce and his friends started, just before the French Revolution, a Society for the Reformation of Manners, which aimed at enforcing the observance of Sunday, forbidding any kind of social dissipation, and repressing freedom of speech and of thought whenever they refused to conform to the superstitions of the morose religion that was then in fashion. This campaign was directed against the license of the poor alone. There were no stocks for the Sabbath-breakers of Brooks's: a Gibbon might take what liberties he pleased with religion: the wildest Methodist never tried to shackle the loose tongues or the loose lives of the gay rich. The attitude of the Church to the excesses of this class is well depicted in Fielding's account of Parson Supple, who never remonstrated with Squire Western for swearing, but preached so vigorously in the pulpit against the habit that the authorities put the laws very severely in execution against others, 'and the magistrate was the only person in the parish who could swear with impunity.' This description might seem to border on burlesque, but there is an entry in Wilberforce's diary that reveals a state of mind which even Fielding would have found it impossible to caricature. Wilberforce was staying at Brighton, and this is his description of an evening he spent at the Pavilion with the first gentleman of Europe: 'The Prince and Duke of Clarence too very civil. Prince showed he had read Cobbett. Spoke strongly of the blasphemy of his late papers and most justly.'¹ We can only hope that Sheridan was there to enjoy the scene, and that the Prince was able for once to do justice to his strong feelings in language that would not shock Wilberforce's ears.

Men like Wilberforce and the magistrates whom he inspired did not punish the rich for their dissolute behaviour; they only found in that behaviour another argument for coercing the poor. As they watched the dishevelled lives of men like George Selwyn, their one idea of action was to punish a

¹ *Life*, vol. iv. p. 277.

village labourer for neglecting church on Sunday morning. We have seen how the cottagers paid in Enclosure Bills for their lords' adventures at play. They paid also for their lords' dissipations in the loss of innocent pleasures that might have brought some colour into their grey lives. The more boisterous the fun at Almack's, the deeper the gloom thrown over the village. The Select Committee on Allotments that reported in 1843 found one of the chief causes of crime in the lack of recreations. Sheridan at one time and Cobbett at another tried to revive village sports, but social circumstances were too strong for them. In this respect the French peasant had the advantage. Babeau's picture of his gay and sociable Sunday may be overdrawn, but a comparison of Crabbe's description of the English Sunday with contemporary descriptions of Sunday as it was spent in a French village, shows that the spirit of common gaiety, killed in England by Puritanism and by the destruction of the natural and easy-going relations of the village community, survived in France through all the tribulations of poverty and famine. The eighteenth-century French village still bore a resemblance in fact to the mediæval English village, and Goldsmith has recorded in *The Traveller* his impressions of 'mirth and social ease.' Babeau gives an account of a great variety of village games, from the violent contests in Brittany for the 'choule,' in one of which fourteen players were drowned, to the gentler dances and the children's romps that were general in other parts of France, and Arthur Young was very much struck by the agility and the grace that the heavy peasants displayed in dancing on the village green. Windham, speaking in a bad cause, the defence of bull-baiting in 1800, laid stress on the contrast: In the south of France and in Spain, at the end of the day's labour, and in the cool of the evening's shade, the poor dance in mirthful festivity on the green, to the sound of the guitar. But in this country no such source of amusement presents itself. If they dance, it must be often in a marsh, or in the rain, for the pleasure of catching cold. But there is a substitute in this country well known by the name of *Hops*. We all know the alarm which the very word inspires, and the sound of the fiddle calls forth the magistrate to dissolve the meeting. Men bred in ignorance of the world, and having no opportunity of mixing in its scenes or observing its manners, may be much worse employed than in learning

something of its customs from theatrical representations ; but if a company of strolling players make their appearance in a village, they are hunted immediately from it as a nuisance, except, perhaps, there be a few people of greater wealth in the neighbourhood, whose wives and daughters patronize them.'¹ Thus all the influences of the time conspired to isolate the poor, and the changes, destructive of their freedom and happiness, that were taking place in their social and economic surroundings, were aggravated by a revival of Puritanism which helped to rob village life of all its natural melody and colour.

¹ *Parliamentary Register*, April 18, 1800.

THE VILLAGE IN 1830

WE have described the growing misery of the labourer, the increasing rigours of the criminal law, and the insensibility of the upper classes, due to the isolation of the poor. What kind of a community was created by the Speenhamland system after it had been in force for a generation? We have, fortunately, a very full picture given in a Parliamentary Report that is generally regarded as one of the landmarks of English history. We cannot do better than set out the main features of the Report of the Poor Law Commissioners of 1834, and the several effects they traced to this system.

The first effect is one that everybody could have anticipated: the destruction of all motives for effort and ambition. Under this system 'the most worthless were sure of *something*, while the prudent, the industrious, and the sober, with all their care and pains, obtained *only something*; and even that scanty pittance was doled out to them by the overseer.'¹ All labourers were condemned to live on the brink of starvation, for no effort of will or character could improve their position. The effect on the imagination was well summed up in a rhetorical question from a labourer who gave evidence to a Commissioner. 'When a man has his spirit broken what is he good for?'² The Poor Law Commissioners looked at it from a different point of view: 'The labourer feels that the existing system, though it generally gives him low wages, always gives him work. It gives him also, strange as it may appear, what he values more, a sort of independence. He need not bestir himself to seek work; he need not study to please his master; he need not put any restraint upon his temper; he need not ask relief as a favour. He has all a slave's security for subsistence, without his liability to punishment. . . . All the other classes of society are exposed to the vicissitudes of hope and fear; he alone has nothing to lose or to gain.'³

¹ Report of the Poor Law Commission, 1834, p. 243.

² *Ibid.*, p. 84.

³ *Ibid.*, pp. 56-7.

But it is understating the result of the system on individual enterprise to say that it destroyed incentives to ambition; for in some parishes it actually proscribed independence and punished the labourer who owned some small property. Wages under these conditions were so low that a man with a little property or a few savings could not keep himself alive without help from the parish, but if a man was convicted of possessing anything he was refused parish help. It was dangerous even to look tidy or neat, 'ragged clothes are kept by the poor, for the express purpose of coming to the vestry in them.'¹ The Report of the Commissioners on this subject recalls Rousseau's description of the French peasant with whom he stayed in the course of his travels, who, when his suspicions had been soothed, and his hospitable instincts had been warmed by friendly conversation, produced stores of food from the secret place where they had been hidden to escape the eye of the tax-collector. A man who had saved anything was ruined. A Mr. Hickson, a Northampton manufacturer and landowner in Kent, gave an illustration of this.

'The case of a man who has worked for me will show the effect of the parish system in preventing frugal habits. This is a hard-working, industrious man, named William Williams, He is married, and had saved some money, to the amount of about £70, and had two cows; he had also a sow and ten pigs. He had got a cottage well furnished; he was a member of a benefit club at Meopham, from which he received 8s. a week when he was ill. He was beginning to learn to read and write, and sent his children to the Sunday School. He had a legacy of about £46, but he got his other money together by saving from his fair wages as a waggoner. Some circumstances occurred which obliged me to part with him. The consequence of this labouring man having been frugal and saved money, and got the cows, was that no one would employ him, although his superior character as a workman was well known in the parish. He told me at the time I was obliged to part with him: "Whilst I have these things I shall get no work; I must part with them all; I must be reduced to a state of beggary before any one will employ me." I was compelled to part with him at Michaelmas; he has not yet got work, and he has no chance of getting any until he has become a pauper; for until then the paupers will be

¹ Report of the Poor Law Commission, 1834, p. 244.

preferred to him. He cannot get work in his own parish, and he will not be allowed to get any in other parishes. Another instance of the same kind occurred amongst my workmen. Thomas Hardy, the brother-in-law of the same man, was an excellent workman, discharged under similar circumstances; he has a very industrious wife. They have got two cows, a well-furnished cottage, and a pig and fowls. Now he cannot get work, because he has property. The pauper will be preferred to him, and he can qualify himself for it only by becoming a pauper. If he attempts to get work elsewhere, he is told that they do not want to fix him on the parish. Both of these are fine young men, and as excellent labourers as I could wish to have. The latter labouring man mentioned another instance of a labouring man in another parish (Henstead), who had once had more property than he, but was obliged to consume it all, and is now working on the roads.'¹ This effect of the Speenhamland arrangements was dwelt on in the evidence before the Committee on Agricultural Labourers' Wages in 1824. Labourers had to give up their cottages in a Dorsetshire village because they could not become pensioners if they possessed a cottage, and farmers would only give employment to village pensioners. Thus these cottagers who had not been evicted by enclosure were evicted by the Speenhamland system.

It is not surprising that in the case of another man of independent nature in Cambridgeshire, who had saved money and so could get no work, we are told that the young men pointed at him, and called him a fool for not spending his money at the public-house, 'adding that then he would get work.'² The statesmen who condemned the labourer to this fate had rejected the proposal for a minimum wage, on the ground that it would destroy emulation.

There was one slight alleviation of this vicious system, which the Poor Law Commissioners considered in the very different light of an aggravation. If society was to be reorganised on such a basis as this, it was at any rate better that the men who were made to live on public money should not be grateful to the ratepayers. The Commissioners were pained by the insolence of the paupers. 'The parish money,' said a Sussex labourer, 'is now chucked to us like as to a

¹ Report of the Poor Law Commission, 1834, pp. 78-9.

² *Ibid.*, p. 80.

dog,'¹ but the labourers did not lick the hand that threw it. All through the Report we read complaints of the 'insolent, discontented, surly pauper,' who talks of 'right' and 'income,' and who will soon fight for these supposed rights and income 'unless some step is taken to arrest his progress to open violence.' The poor emphasised this view by the terms they applied to their rate subsidies, which they sometimes called 'their reglars,' sometimes 'the county allowance,' and sometimes 'The Act of Parliament allowance.' Old dusty rent-books of receipts and old dirty indentures of apprenticeship were handed down from father to son with as much care as if they had been deeds of freehold property, as documentary evidence to their right to a share in the rates of a particular parish.² Of course there was not a uniform administration, and the Commissioners reported that whilst in some districts men were disqualified for relief if they had any wages, in others there was no inquiry into circumstances, and non-necessitous persons dipped like the rest into the till. In many cases only the wages received during the last week or fortnight were taken into account, and thus the allowance would be paid to some persons who at particular periods received wages in excess of the scale. This accounts for the fact stated by Thorold Rogers from his own experience that there were labourers who actually saved considerable sums out of the system.

The most obvious and immediate effect was the effect which had been foreseen without misgiving in Warwickshire and Worcestershire. The married man was employed in preference to the bachelor, and his income rose with the birth of each child. But there was one thing better than to marry and have a family, and that was to marry a mother of bastards, for bastards were more profitable than legitimate children since the parish guaranteed the contribution for which the putative father was legally liable. It was easier to manage with a family than with a single child. As one young woman of twenty-four with four bastard children put it, 'If she had one more she should be very comfortable.'³ Women with bastard children were thus very eligible wives. The effect of the whole system on village morals was striking and widespread, and a witness from a parish which was overwhelmed

¹ Report of the Poor Law Commission, 1834, p. 291.

² *Ibid.*, p. 94.

³ *Ibid.*, p. 172.

with the sudden deluge of population said to the Commission, 'the eighteen-penny children will eat up this parish in ten years more, unless some relief be afforded us.'¹ Before this period, if we are to believe Cobbett, it had been rare for a woman to be with child at the time of her marriage; in these days of demoralisation and distress it became the habit.

The effects produced by this system on the recipients of relief were all of them such as might have been anticipated, and in this respect the Report of the Commissioners contained no surprises. It merely illustrated the generalisations that had been made by all Poor Law Reformers during the last fifteen years. But the discovery of the extent of the corruption which the system had bred in local government and administration was probably a revelation to most people. It demoralised not only those who received but those who gave. A network of tangled interests spread over local life, and employers and tradesmen were faced with innumerable temptations and opportunities for fraud. To take the case of the overseer first. Suppose him to be a tradesman: he was liable to suffer in his custom if he refused to relieve the friends, or it might be the workmen of his customers. It would require a man of almost superhuman rigidity of principle to be willing not only to lose time and money in serving a troublesome and unprofitable office, but to lose custom as well.² From the resolve not to lose custom he might gradually slip down to the determination to reimburse himself for 'the vexatious demands' on his time, till a state of affairs like that in Slaugham came about.

'Population, 740. Expenditure, £1706. The above large sum of money is expended principally in orders on the village shops for flour, clothes, butter, cheese, etc.: the tradesmen serve the office of overseer by turns; the two last could neither read nor write.'³

If the overseer were a farmer there were temptations to pay part of the wages of his own and his friends' labourers out of parish money, or to supply the workhouse with his own produce. The same temptations beset the members of vestries, whether they were open or select. 'Each vestryman, so far as he is an immediate employer of labour, is interested

¹ Report of the Poor Law Commission, 1834, p. 66.

² *Ibid.*, p. 98-104.

³ *Ibid.*, p. 100.

in keeping down the rate of wages, and in throwing part of their payment on others, and, above all, on the principal object of parochial fraud, the tithe-owner: if he is the owner of cottages, he endeavours to get their rent paid by the parish; if he keeps a shop, he struggles to get allowance for his customers or debtors; if he deals in articles used in the workhouse, he tries to increase the workhouse consumption; if he is in humble circumstances, his own relations or friends may be among the applicants.¹ Mr. Drummond, a magistrate for Hants and Surrey, said to the Committee on Labourers' Wages in 1824, that part of the poor-rate expenditure was returned to farmers and landowners in exorbitant cottage rents, and that the farmers always opposed a poor man who wished to build himself a cottage on the waste.

In the case of what was known as the 'labour rate' system, the members of one class combined together to impose the burden of maintaining the poor on the shoulders of the other classes. By this system, instead of the labourers' wages being made up to a fixed amount by the parish, each ratepayer was bound to employ, and to pay at a certain rate, a certain number of labourers, whether he wanted them or not. The number depended sometimes on his assessment to the poor rate, sometimes on the number of acres he occupied (of the use to which the land was put no notice was taken, a sheep-walk counting for as much as arable fields): when the occupiers of land had employed a fixed number of labourers, the surplus labourers were divided amongst all the ratepayers according to their rental. This plan was superficially fair, but as a matter of fact it worked out to the advantage of the big farmers with much arable land, and pressed hard on the small ones who cultivated their holdings by their own and their children's labour, and, in cases where they were liable to the rate, on the tradesmen who had no employment at which to set an agricultural labourer. After 1832 (2 and 3 William IV. c. 96) the agreement of three-fourths of the ratepayers to such a system was binding on all, and the large farmers often banded together to impose it on their fellow ratepayers by intimidation or other equally unscrupulous means: thus at Kelvedon in Essex we read: 'There was no occasion in this parish, nor would it have been done but for a junto of powerful landholders, putting down opposition

¹ Report of the Poor Law Commission, 1834, p. 108.

by exempting a sufficient number, to give themselves the means of a majority.'¹

Landlords in some cases resorted to Machiavellian tactics in order to escape their burdens.

'Several instances have been mentioned to us, of parishes nearly depopulated, in which almost all the labour is performed by persons settled in the neighbouring villages or towns; drawing from them, as allowance, the greater part of their subsistence.'² This method is described more at length in the following passage:—

'When a parish is in the hands of only one proprietor, or of proprietors so few in number as to be able to act, and to compel their tenants to act, in unison, and adjoins to parishes in which property is much divided, they may pull down every cottage as it becomes vacant, and prevent the building of new ones. By a small immediate outlay they may enable and induce a considerable portion of those who have settlements in their parish to obtain settlements in the adjoining parishes: by hiring their labourers for periods less than a year, they may prevent the acquisition of new settlements in their own. They may thus depopulate their own estates, and cultivate them by means of the surplus population of the surrounding district.'³ A clergyman in Reading⁴ said that he had between ten and twenty families living in his parish and working for the farmers in their original parish, whose cottages had been pulled down over their heads. Occasionally a big proprietor of parish A, in order to lessen the poor rates, would, with unscrupulous ingenuity, take a farm in parish B, and there hire for the year a batch of labourers from A: these at the end of their term he would turn off on to the mercies of parish B which was now responsible for them, whilst he sent for a fresh consignment from parish A.⁵

The Report of the Commission is a remarkable and searching picture of the general demoralisation produced by the Speenhamland system, and from that point of view it is most graphic and instructive. But nobody who has followed the history of the agricultural labourer can fail to be struck by its capital omission. The Commissioners, in their simple analysis of that system, could not take their eyes off the Speen-

¹ Report of the Poor Law Commission, 1834, p. 210.

² *Ibid.*, p. 73.

³ *Ibid.*, p. 157.

⁴ *Ibid.*, p. 158.

⁵ *Ibid.*, p. 161.

hamland goblin, and instead of dealing with that system as a wrong and disastrous answer to certain difficult questions, they treated the system itself as the one and original source of all evils. They sighed for the days when 'the paupers were a small disreputable minority, whose resentment was not to be feared, and whose favour was of no value,' and 'all other classes were anxious to diminish the number of applicants, and to reduce the expenses of their maintenance.'¹ They did not realise that the governing class had not created a Frankenstein monster for the mere pleasure of its creation; that they had not set out to draw up an ideal constitution, as Rousseau had done for the Poles. In 1795 there was a fear of revolution, and the upper classes threw the Speenhamland system over the villages as a wet blanket over sparks. The Commissioners merely isolated the consequences of Speenhamland and treated them as if they were the entire problem, and consequently, though their report served to extinguish that system, it did nothing to rehabilitate the position of the labourer, or to restore the rights and status he had lost. The new Poor Law was the only gift of the Reformed Parliament to the agricultural labourer; it was an improvement on the old, but only in the sense that the east wind is better than the sirocco.

What would have happened if either of the other two remedies had been adopted for the problem to which the Speenhamland system was applied, it is impossible to say. But it is easy to see that the position of the agricultural labourer, which could not have been worse, might have been very much better, and that the nation, as apart from the landlords and money-lords, would have come out of this whirlpool much stronger and much richer. This was clear to one correspondent of the Poor Law Commission, whose memorandum, printed in an Appendix,² is more interesting and profound than any contribution to the subject made by the Commissioners themselves. M. Chateaucieux set out an alternative policy to Speenhamland, which, if the governing class of 1795 or the governing class of 1834 had been enlightened enough to follow it, would have set up a very different labouring class in the villages from the helpless proletariat that was created by the enclosures.

¹ Report of the Poor Law Commission, 1834, p. 130.

² Appendix F. No. 3, to 1st Report of Commissioners.

‘ Mais si au lieu d’opérer le partage des biens communaux, l’administration de la commune s’était bornée à louer pour quelques années des parcelles des terres qu’elle possède en vaine pâture, et cela à très bas prix, aux journaliers domiciliés sur son territoire, il en serait résulté :

‘ (1) Que le capital de ces terres n’aurait point été aliéné et absorbé dans la propriété particulière.

‘ (2) Que ce capital aurait été néanmoins utilisé pour la reproduction.

‘ (3) Qu’il aurait servi à l’amélioration du sort des pauvres qui l’auraient défriché, de toute la différence entre le prix du loyer qu’ils en auraient payé, et le montant du revenu qu’ils auraient obtenu de sa récolte.

‘ (4) Que la commune aurait encaissé le montant de ses loyers, et aurait augmenté d’autant les moyens dont elle dispose pour le soulagement de ces pauvres.’

M. Chateaufieux understood better than any of the Commissioners, dominated as they were by the extreme individualist economy of the time, the meaning of Bolingbroke’s maxim that a wise minister considers his administration as a single day in the great year of Government ; but as a day that is affected by those which went before and must affect those which are to come after. A Government of enclosing landowners was perhaps not to be expected to understand all that the State was in danger of losing in the reckless alienation of common property.

What of the prospects of the other remedy that was proposed ? At first sight it seems natural to argue that had Whitbread’s Minimum Wage Bill become an Act of Parliament it would have remained a dead letter. The administration depended on the magistrates and the magistrates represented the rent-receiving and employing classes. A closer scrutiny warrants a different conclusion. At the time that the Speenhamland plan was adopted there were many magistrates in favour of setting a minimum scale. The Suffolk magistrates, for example, put pressure on the county members to vote for Whitbread’s Bill, and those members, together with Grey and Sheridan, were its backers. The Parliamentary support for the Bill was enough to show that it was not only in Suffolk that it would have been adopted ; there were men like Lechmere and Whitbread scattered about the country, and though they were men of far more enlight-

ened views than the average J.P., they were not without influence in their own neighbourhoods. It is pretty certain, therefore, that if the Bill had been carried, it would have been administered in some parts of the country. The public opinion in support of the Act would have been powerfully reinforced by the pressure of the labourers, and this would have meant a more considerable stimulus than might at first be supposed, for the Report of the Poor Law Commissioners shows that the pressure of the labourers was a very important factor in the retention of the allowance system in parishes where the overseers wished to abandon it, and if the labourers could coerce the local authorities into continuing the Speenhamland system, they could have coerced the magistrates into making an assessment of wages. The labourers were able by a show of violence to raise wages and to reduce prices temporarily, as it is clear from the history of 1816 and 1830. It is not too much to suppose that they could have exercised enough influence in 1795 to induce magistrates in many places to carry out a law that was on the Statute Book. Further, it is not unreasonable to suppose that agricultural labourers' unions to enforce the execution of the law would have escaped the monstrous Combination Law of 1799 and 1800, for even in 1808 the Glasgow and Lancashire cotton-weavers were permitted openly to combine for the purpose of seeking a legal fixing of wages.¹

If assessment had once become the practice, the real struggle would have arisen when the great prosperity of agriculture began to decline; at the time, that is, when the Speenhamland system began to show those symptoms of strain that we have described. Would the customary wage, established under the more favourable conditions of 1795, have stood against the pressure? Would the labourers have been able to keep up wages, as critics of the Whitbread Bill had feared that they would? In considering the answers to that question, we have to reckon with a force that the debaters of 1795 could not have foreseen. In 1795 Cobbett was engaged in the politics and polemics of America, and if any member of the House of Commons knew his name, he knew it as the name of a fierce champion of English institutions, and a fierce enemy of revolutionary ideas; a hero of the *Anti-Jacobin* itself. In 1810 Cobbett was rapidly making himself the most powerful tribune that the English poor

¹ See Webb's *History of Trade Unionism*, p. 59.

have ever known. Cobbett's faults are plain enough, for they are all on the surface. His egotism sometimes seduced his judgment; he had a strongly perverse element in his nature; his opinion of any proposals not his own was apt to be petulant and peevish, and it might perhaps be said of him that he generally had a wasp in his bonnet. These qualities earned for him his title of the Contentious Man. They would have been seriously disabling in a Cabinet Minister, but they did not affect his power of collecting and mobilising and leading the spasmodic forces of the poor.

Let us recall his career in order to understand what his influence would have been if the labourers had won their customary wage in 1795, and had been fighting to maintain it fifteen or twenty years later. His adventures began early. When he was thirteen his imagination was fired by stories the gardener at Farnham told him of the glories of Kew. He ran away from home, and made so good an impression on the Kew gardener that he was given work there. His last coppers on that journey were spent in buying Swift's *Tale of a Tub*. He returned home, but his restless dreams drove him again into the world. He tried to become a sailor, and ultimately became a soldier. He left the army, where he had made his mark and received rapid promotion, in order to expose a financial scandal in his regiment, but on discovering that the interests involved in the countenance of military abuses were far more powerful than he had supposed, he abandoned his attempt and fled to France. A few months later he crossed to America, and settled down to earn a living by teaching English to French refugees. This peaceful occupation he relinquished for the congenial excitements of polemical journalism, and he was soon the fiercest pamphleteer on the side of the Federals, who took the part of England, in their controversies with the Democrats, who took the part of the Revolution. So far as the warfare of pamphlets went, Cobbett turned the scale. The Democrats could not match his wit, his sarcasm, his graphic and pointed invectives, his power of clever and sparkling analysis and ridicule. This warfare occupied him for nearly ten years, and he returned to England in time to have his windows broken for refusing to illuminate his house in celebration of the Peace of Amiens. In 1802 he started the *Political Register*. At that time he was still a Tory, but a closer study of English life changed his opinions, and four years later he threw himself into the

Radical movement. The effect of his descent on English politics can only be compared to the shock that was given to the mind of Italy by the French methods of warfare, when Charles VIII. led his armies into her plains to fight pitched battles without any of the etiquette or polite conventions that had graced the combats of the condottieri. He gave to the Reform agitation an uncompromising reality and daring, and a movement which had become the dying echo of a smothered struggle broke into storm and thunder. Hazlitt scarcely exaggerated his dæmonic powers when he said of him that he formed a fourth estate of himself.

Now Cobbett may be said to have spent twenty years of his life in the effort to save the labourers from degradation and ruin. He was the only man of his generation who regarded politics from this standpoint. This motive is the key to his career. He saw in 1816 that the nation had to choose between its sinecures, its extravagant army, its ruler's mad scheme of borrowing at a higher rate to extinguish debt, for which it was paying interest at a low rate, its huge Civil List and privileged establishments, the interests of the fundholders and contractors on the one hand, and its labourers on the other. In that conflict of forces the labourer could not hold his own. Later, Cobbett saw that there were other interests, the interests of landowners and of tithe-holders, which the State would have to subordinate to national claims if the labourer was to be saved. In that conflict, too, the labourer was beaten. He was unrepresented in Parliament, whereas the opposing interests were massed there. Cobbett wanted Parliamentary Reform, not like the traditional Radicals as a philosophy of rights, but as an avalanche of social power. Parliamentary Reform was never an end to him, nor the means to anything short of the emancipation of the labourer. In this, his main mission, Cobbett failed. The upper classes winced under his ruthless manners, and they trembled before his Berserker rage, but it is the sad truth of English history that they beat him. Now if, instead of throwing himself against the world of privilege and vested interests in the hopes of wringing a pittance of justice for a sinking class, it had been his task to maintain a position already held, he would have fought under very different conditions. If, when prices began to fall, there had been a customary wage in most English villages, the question would not have been whether the ruling class was to maintain its privileges and surplus profits by

letting the labourer sink deeper into the morass, but whether it was to maintain these privileges and profits by taking something openly from him. It is easier to prevent a dog from stealing a bone than to take the bone out of his mouth. Cobbett was not strong enough to break the power of the governing class, but he might have been strong enough to defend the customary rights of the labouring class. As it was, the governing class was on the defensive at every point. The rent receivers, the tithe owners, the mortgagers, the lenders to the Government and the contractors all clung to their gains, and the food allowance of the labourer slowly and steadily declined.

There was this great difference between the Speenhamland system and a fixed standard of wages. The Speenhamland system after 1812 was not applied so as to maintain an equilibrium between the income and expenditure of the labourer: it was applied to maintain an equilibrium between social forces. The scale fell not with the fall of prices to the labourer, but with the fall of profits to the possessing classes. The minimum was not the minimum on which the labourer could live, but the minimum below which rebellion was certain. This was the way in which wages found their own level. They gravitated lower and lower with the growing weakness of the wage-earner. If Cobbett had been at the head of a movement for preserving to the labourer a right bestowed on him by Act of Parliament, either he would have succeeded, or the disease would have come to a crisis in 1816, instead of taking the form of a lingering and wasting illness. Either, that is, other classes would have had to make economies necessary to keep the labourers' wages at the customary point, or the labourers would have made their last throw before they had been desolated and weakened by another fifteen years of famine.

There is another respect in which the minimum wage policy would have profoundly altered the character of village society. It would have given the village labourers a bond of union before they had lost the memories and the habits of their more independent life; it would have made them an organised force, something like the organised forces that have built up a standard of life for industrial workmen. An important passage in Fielding's *Tom Jones* shows that there was material for such combination in the commoners of the old village. Fielding is talking of his borrowings from the classics and

he defends himself with this analogy: 'The ancients may be considered as a rich common, where every person who hath the smallest tenement in Parnassus hath a free right to batten his muse: or, to place it in a clearer light, we moderns are to the ancients what the poor are to the rich. By the poor here I mean that large and venerable body which in English we call the mob. Now whoever hath had the honour to be admitted to any degree of intimacy with this mob must well know, that it is one of their established maxims to plunder and pillage their rich neighbours without any reluctance; and that this is held to be neither sin nor crime among them. And so constantly do they abide and act by this maxim, that in every parish almost in the kingdom there is a kind of confederacy ever carrying on against a certain person of opulence called the squire whose property is considered as free booty by all his poor neighbours; who, as they conclude that there is no manner of guilt in such depredation, look upon it as a point of honour and moral obligation to conceal and to preserve each other from punishment on all such occasions. In like manner are the ancients such as Homer, Virgil, Horace, Cicero and the rest to be esteemed among us writers as so many wealthy squires from whom we, the poor of Parnassus, claim an immemorial custom of taking whatever we can come at.'¹

It would not have been possible to create a great labourers' union before the Combination Laws were repealed in 1824, but if the labourers had been organised to defend their standard wage, they would have established a tradition of permanent association in each village. The want of this was their fatal weakness. All the circumstances make the spirit of combination falter in the country. In towns men are face to face with the brutal realities of their lives, unsoftened by any of the assuaging influences of brook and glade and valley. Men and women who work in the fields breathe something of the resignation and peace of Nature; they bear trouble and wrong with a dangerous patience. Discontent moves, but it moves slowly, and whereas storms blow up in the towns, they beat up in the country. That is one reason why the history of the anguish of the English agricultural labourer so rarely breaks into violence. Castlereagh's Select Committee in 1817 rejoiced in the discovery that 'notwithstanding the alarming progress which has been made in extending dis-

¹ *Tom Jones*, Bk. XII. chap. i.

affection, its success has been confined to the principal manufacturing districts, and that scarcely any of the agricultural population have lent themselves to these violent projects.' There is a Russian saying that the peasant must 'be boiled in the factory pot' before a revolution can succeed. And if it is difficult in the nature of things to make rural labourers as formidable to their masters as industrial workers, there is another reason why the English labourer rebelled so reluctantly and so tardily against what Sir Spencer Walpole called, in the true spirit of a classical politician, 'his inevitable and hereditary lot.' Village society was constantly losing its best and bravest blood. Bamford's description of the poacher who nearly killed a gamekeeper's understrapper in a quarrel in a public-house, and then hearing from Dr. Healey that his man was only stunned, promised the doctor that if there was but one single hare on Lord Suffield's estates, that hare should be in the doctor's stew-pot next Sunday, reminds us of the loss a village suffered when its poachers were snapped up by a game-preserving bench, and tossed to the other side of the world. During the years between Waterloo and the Reform Bill the governing class was decimating the village populations on the principle of the Greek tyrant who flicked off the heads of the tallest blades in his field; the Game Laws, summary jurisdiction, special commissions, drove men of spirit and enterprise, the natural leaders of their fellows, from the villages where they might have troubled the peace of their masters. The village Hampdens of that generation sleep by the shores of Botany Bay. Those who blame the supine character of the English labourer forget that his race, before it had quite lost the memories and the habits of the days of its independence and its share in the commons, was passed through this sieve. The scenes we shall describe in the next chapter show that the labourers were capable of great mutual fidelity when once they were driven into rebellion. If they had had a right to defend and a comradeship to foster from the first, Cobbett, who spent his superb strength in a magnificent onslaught on the governing class, might have made of the race whose wrongs he pitied as his own, an army no less resolute and disciplined than the army O'Connell made of the broken peasants of the West.

THE LAST LABOURERS' REVOLT

Where not otherwise stated the authorities for the two following chapters are the Home Office Papers for the time (Municipal and Provincial, Criminal, Disturbances, Domestic, etc.), the *Times* and local papers.

I

A TRAVELLER who wished to compare the condition of the English and French rural populations in 1830 would have had little else to do than to invert all that had been written on the subject by travellers a century earlier. At the beginning of the eighteenth century England had the prosperous and France the miserable peasantry. But by the beginning of the nineteenth century the French peasant had been set free from the impoverishing and degrading services which had made his lot so intolerable in the eyes of foreign observers; he cultivated his own land, and lived a life, spare, arduous, and exacting but independent. The work of the Revolution had been done so thoroughly in this respect that the Bourbons, when Wellington and the allies lifted them back on to their throne, could not undo it. It is true that the future of the French peasants was a subject of some anxiety to English observers, and that M'Culloch committed himself to the prediction that in half a century, owing to her mass of small owners, France would be the greatest pauper-warren in Europe. If any French peasant was disturbed by this nightmare of the political economy of the time, he had the grim satisfaction of knowing that his position could hardly become worse than the position that the English labourer already occupied. He would have based his conclusion, not on the wild language of revolutionaries, but on the considered statements of those who were so far from meditating revolution that they shrank even from a moderate reform of Parliament. Lord Carnarvon said in one House of Parliament that the English labourer had been reduced to a plight more abject than that of any race in Europe; English landlords reproduced in the other that very parallel between the English labourer and the West Indian negro which had figured so

conspicuously in Thelwall's lectures. Thelwall, as Canning reminded him in a savage parody on the Benedicite, got pelted for his pains. Since the days of those lectures all Europe had been overrun by war, and England alone had escaped what Pitt had called the liquid fire of Jacobinism. There had followed for England fifteen years of healing peace. Yet at the end of all this time the conquerors of Napoleon found themselves in a position which they would have done well to exchange with the positions of his victims. The German peasant had been rescued from serfdom; Spain and Italy had at least known a brief spell of less unequal government. The English labourer alone was the poorer; poorer in money, poorer in happiness, poorer in sympathy, and infinitely poorer in horizon and in hope. The riches that he had been promised by the champions of enclosure had faded into something less than a maintenance. The wages he received without land had a lower purchasing power than the wages he had received in the days when his wages were supplemented by common rights. The standard of living which was prescribed for him by the governing class was now much lower than it had been in 1795.

This was not part of a general decline. Other classes for whom the rulers of England prescribed the standard had advanced during the years in which the labourers had lost ground. The King's Civil List had been revised when provisions rose. The salaries of the judges had been raised by three several Acts of Parliament (1799, 1809, and 1825), a similar course had been taken in the case of officials. Those who have a taste for the finished and unconscious cynicism of this age will note—recollecting that the upper classes refused to raise wages in 1795 to meet the extra cost of living, on the ground that it would be difficult afterwards to reduce them—that all the upper-class officials, whose salaries were increased because living was more expensive, were left to the permanent enjoyment of that increase. The lives of the judges, the landlords, the parsons, and the rest of the governing class were not become more meagre but more spacious in the last fifty years. During that period many of the great palaces of the English nobility had been built, noble libraries had been collected and famous galleries had grown up, wing upon wing. The agricultural labourers whose fathers had eaten meat, bacon, cheese, and vegetables were living on bread and potatoes. They had lost their pigs and fowl, they

had ceased to brew their beer in their cottages. In their work they had no sense of ownership or interest. They no longer 'sauntered after cattle' on the open common, and at twilight they no longer 'played down the setting sun'; the games had almost disappeared from the English village, their wives and children were starving before their eyes, their homes were more squalid, and the philosophy of the hour taught the upper classes that to mend a window or to put in a brick to shield the cottage from damp or wind was to increase the ultimate miseries of the poor. The sense of sympathy and comradeship, which had been mixed with rude and unskilful government, in the old village had been destroyed in the bitter days of want and distress. Degrading and repulsive work was invented for those whom the farmer would not or could not employ. De Quincey, wishing to illustrate the manners of eighteenth-century France, used to quote M. Simond's story of how he had seen, not very long before the Revolution, a peasant ploughing with a team consisting of a donkey and a woman. The English poor could have told him that half a century later there were English villages in which it was the practice of the overseer to harness men and women to the parish cart, and that the sight of an idiot woman between the shafts was not unknown within a hundred miles of London.¹ Men and women were living on roots and sorrel; in the summer of the year 1830 four harvest labourers were found under a hedge dead of starvation, and Lord Winchilsea, who mentioned the fact in the House of Lords, said that this was not an exceptional case. The labourer was worse fed and worse housed than the prisoner, and he would not have been able to keep body and soul together if he had not found in poaching or in thieving or in smuggling the means of eking out his doles and wages.

The feelings of this sinking class, the anger, dismay, and despair with which it watched the going out of all the warm comfort and light of life, scarcely stir the surface of history. The upper classes have told us what the poor ought to have thought of these vicissitudes; religion, philosophy, and political economy were ready with alleviations and explanations which seemed singularly helpful and convincing to the rich. The voice of the poor themselves does not come to our ears. This great population seems to resemble nature, and to bear all the storms that beat upon it with a strange

¹ See Fawley, p. 81.

silence and resignation. But just as nature has her power of protest in some sudden upheaval, so this world of men and women—an underground world as we trace the distances that its voices have to travel to reach us—has a volcanic character of its own, and it is only by some volcanic surprise that it can speak the language of remonstrance or menace or prayer, or place on record its consciousness of wrong. This world has no member of Parliament, no press, it does not make literature or write history; no diary or memoirs have kept alive for us the thoughts and cares of the passing day. It is for this reason that the events of the winter of 1830 have so profound an interest, for in the scenes now to be described we have the mind of this class hidden from us through all this period of pain, bursting the silence by the only power at its command. The demands presented to the farmer, the parson, and the squire this winter tell us as much about the South of England labourer in 1830 as the cahiers tell us of the French peasants in 1789.

We have seen that in 1795 and in 1816 there had been serious disturbances in different parts of England. These had been suppressed with a firm hand, but during hard winters sporadic violence and blazing hay-stacks showed from time to time that the fire was still alive under the ashes. The rising of 1830 was far more general and more serious; several counties in the South of England were in a state bordering on insurrection; London was in a panic, and to some at least of those who had tried to forget the price that had been paid for the splendour of the rich, the message of red skies and broken mills and mob diplomacy and villages in arms sounded like the summons that came to Hernani. The terror of the landowners during those weeks is reflected in such language as that of the Duke of Buckingham, who talked of the country being in the hands of the rebels, or of one of the Barings, who said in the House of Commons that if the disorders went on for three or four days longer they would be beyond the reach of almost any power to control them. This chapter of social history has been overshadowed by the riots that followed the rejection of the Reform Bill. Every one knows about the destruction of the Mansion House at Bristol, and the burning of Nottingham Castle; few know of the destruction of the hated workhouses at Selborne and Headley. The riots at Nottingham and Bristol

were a prelude to victory ; they were the wild shout of power. If the rising of 1830 had succeeded, and won back for the labourer his lost livelihood, the day when the Headley workhouse was thrown down would be remembered by the poor as the day of the taking of the Bastille. But this rebellion failed, and the men who led that last struggle for the labourer passed into the forgetfulness of death and exile.

Kent was the scene of the first disturbances. There had been some alarming fires in the west of the county during the summer, at Orpington and near Sevenoaks. In one case the victim had made himself unpopular by pulling down a cottage built on a common adjoining his property, and turning out the occupants. How far these fires were connected with later events it is impossible to say : the authors were never discovered. The first riot occurred at Hardres on Sunday the 29th of August, when four hundred labourers destroyed some threshing machines.¹ Next day two magistrates with a hundred special constables and some soldiers went to Hardres Court, and no more was heard of the rioters. The *Spectator* early next year announced that it had found as a result of inquiries that the riots began with a dispute between farmers over a threshing machine, in the course of which a magistrate had expressed strong views against the introduction of these machines. The labourers proceeded to destroy the machine, whereupon, to their surprise, the magistrate turned on them and punished them ; in revenge they fired his ricks. 'A farmer in another village, talking of the distress of the labourers, said, " Ah, I should be well pleased if a plague were to break out among them, and then I should have their carcasses as manure, and right good stuff it would make for my hops." This speech, which was perhaps only intended as a brutal jest, was reported ; it excited rage instead of mirth, and the stacks of the jester were soon in a blaze. This act of incendiarism was open and deliberate. The incendiary is known, and not only has he not been tried, he has not even been charged.'² Cobbett, on the other hand, maintained that the occasion of the first riots was the importation of Irish labourers, a practice now some years old, that might well inflame resentment, at a time when the governing class was continually contending that the sole cause of distress

¹ *Kent Herald*, September 2, 1830.

² *Times*, January 3, 1831.

was excessive population, and that the true solution was the removal of surplus labourers to the colonies.

Whatever the actual origin of the first outbreak may have been, the destruction of machinery was to be a prominent feature of this social war. This was not merely an instinct of violence, there was method and reason in it. Threshing was one of the few kinds of work left that provided the labourer with a means of existence above starvation level. A landowner and occupier near Canterbury wrote to the *Kent Herald*,¹ that in his parish, where no machines had been introduced, there were twenty-three barns. He calculated that in these barns fifteen men at least would find employment threshing corn up till May. If we suppose that each man had a wife and three children, this employment would affect seventy-five persons. 'An industrious man who has a barn never requires poor relief; he can earn from 15s. to 20s. per week; he considers it almost as his little freehold, and that in effect it certainly is.' It is easy to imagine what the sight of one of these hated engines meant to such a parish; the fifteen men, their wives and families would have found cold comfort, when they had become submerged in the morass of parish relief, in the reflection that the new machine extracted for their master's and the public benefit ten per cent. more corn than they could hammer out by their free arms. The destruction of threshing machines by bands of men in the district round Canterbury continued through September practically unchecked. By the end of the month three of the most active rioters were in custody, and the magistrates were under the pleasant illusion that there would be voluntary surrenders. In this they were disappointed, and the disturbances spread over a wider area, which embraced the Dover district. Early in October there was a riot at Lyminge, at which Sir Edward Knatchbull and the Rev. Mr. Price succeeded in arresting the ringleaders, and bound over about fifty other persons. Sir Edward Knatchbull, in writing to the Home Office, stated that the labourers said 'they would rather do anything than encounter such a winter as the last.' Mr. Price had to pay the penalty for his active part in this affair, and his ricks were fired.

Large rewards were promised from the first to informers, these rewards including a wise offer of establishment elsewhere, but the prize was refused, and rick-burning spread

¹ September 30, 1830.

steadily through a second month. Threatening letters signed 'Swing,' a mysterious name that for the next few weeks spread terror over England, were received by many farmers and landowners. The machine-breakers were reported not to take money or plunder, and to refuse it if offered. Their programme was extensive and formidable. When the High Sheriff attended one of their meetings to remonstrate with them, they listened to his homily with attention, but before dispersing one of them said, 'We will destroy the cornstacks and threshing machines this year, next year we will have a turn with the parsons, and the third we will make war upon the statesmen.'¹

On 24th October seven prisoners were tried at the East Kent Quarter Sessions, for machine-breaking. They pleaded guilty, and were let off with a lenient sentence of three days' imprisonment and a harangue from Sir Edward Knatchbull. Hitherto all attempts to discover the incendiaries had been baffled, but on 21st October a zealous magistrate wrote to the Home Office to say that he had found a clue. He had apprehended a man called Charles Blow, and since the evidence was not sufficient to warrant committal for arson, he had sent him to Lewes Jail as a vagrant for three months. 'In company with Blow was a girl of about ten years of age (of the name of Mary Ann Johnson), but of intelligence and cunning far beyond her age. It having been stated to me that she had let fall some expressions which went to show that she could if she pleased communicate important information, I committed her also for the same period as Blow.' Now the fires in question had taken place in Kent, and the vagrants were apprehended in Sussex, consequently the officials of both counties meddled with the matter and between them spoilt the whole plan, for Mary Ann and her companion were questioned by so many different persons that they were put on their guard, and failed to give the information that was expected. Thus at any rate, Lord Camden, the Lord-Lieutenant, explained their silence, but he did not despair, 'if the Parties cannot even be convicted I am apt to think their Committal now will do good, though they may be liberated afterwards, but nothing is so likely to produce alarm and produce evidence as a Committal for a Capital Crime.' However, as no more is heard of Mary Ann, it may be assumed that when she had served

¹ *Brighton Chronicle*, October 6, quoted in *Times*, October 14.

her three months she left Lewes Jail a sadder and a wiser child.

Towards the end of October, after something of a lull in the middle of the month, the situation became more serious. Dissatisfaction, or, as some called it, 'frightful anarchy,' spread to the Maidstone and Sittingbourne districts. Sir Robert Peel was anxious to take strong measures. 'I beg to repeat to you that I will adopt any measure—will incur any expense at the public charge—that can promote the suppression of the outrages in Kent and the detection of the offenders.' A troop of cavalry was sent to Sittingbourne. In the last days of October, mobs scoured the country round Maidstone, demanding half a crown a day wages and constant employment, forcing all labourers to join them, and levying money, beer, and provisions. At Stockbury, between Maidstone and Sittingbourne, one of these mobs paraded a tricolour and a black flag. On 30th October the Maidstone magistrates went out with a body of thirty-four soldiers to meet a mob of four hundred people, about four miles from Maidstone, and laid hold of the three ringleaders. The arrests were made without difficulty or resistance, from which it looks as if these bands of men were not very formidable, but the officer in command of the soldiers laid stress in his confidential report on the dangers of the situation and the necessity for field pieces, and Peel promptly ordered two pieces of artillery to be dispatched.

At the beginning of November disturbances broke out in Sussex, and the movement developed into an organised demand for a living wage. By the middle of the month the labourers were masters over almost all the triangle on the map, of which Maidstone is the apex and Hythe and Brighton the bases. The movement, which was more systematic, thorough, and successful in this part of the country than anywhere else, is thus described by the special correspondent of the *Times*, 17th November: 'Divested of its objectionable character, as a dangerous precedent, the conduct of the peasantry has been admirable. There is no ground for concluding that there has been any extensive concert amongst them. Each Parish, generally speaking, has risen *per se*; in many places their proceedings have been managed with astonishing coolness and regularity; there has been little of the ordinary effervescence displayed on similar occasions. The farmers have notice to meet the men: a deputation of

two or more of the latter produce a written statement, well drawn up, which the farmers are required to sign; the spokesman, sometimes a Dissenting or Methodist teacher, fulfils his office with great propriety and temper. Where disorder has occurred, it has arisen from dislike to some obnoxious clergyman, or tithe man, or assistant overseer, who has been trundled out of the parish in a wheelbarrow, or drawn in triumph in a load of ballast by a dozen old women. The farmers universally agreed to the demands they made: that is, they were not mad enough to refuse requests which they could not demonstrate to be unreasonable in themselves, and which were urged by three hundred or four hundred men after a barn or two had been fired, and each farmer had an incendiary letter addressed to him in his pocket.'

There was another development of the movement which is not noted in this account by the correspondent of the *Times*. It often happened that the farmers would agree to pay the wages demanded by the labourers, but would add that they could not continue to pay those wages unless rents and tithes were reduced. The labourers generally took the hint and turned their attention to tithes and rents, particularly to tithes. Their usual procedure was to go in a body to the rector, often accompanied by the farmers, and demand an abatement of tithes, or else to attend the tithe audit and put some not unwelcome pressure upon the farmers to prevent them from paying.

It must not be supposed that the agitation for a living wage was confined to the triangular district named above, though there it took a more systematic shape. Among the Home Office Papers is a very interesting letter from Mr. D. Bishop, a London police officer, written from Deal on 11th November, describing the state of things in that neighbourhood: 'I have gone to the different Pot Houses in the Villages, disguised among the Labourers, of an evening and all their talk is about the wages, some give 1s. 8d. per day some 2s. some 2s. 3d. . . . all they say they want is 2s. 6d. per day and then they say they shall be comfortable. I have every reason to believe the Farmers will give the 2s. 6d. per day after a bit . . . they are going to have a meeting and I think it will stop all outrages.'

The disturbances in Sussex began with a fire on 3rd November at an overseer's in Battle. The explanation suggested by the authorities was that the paupers had been

excited by a lecture lately given here publicly by a person named Cobbett.' Next night there was another fire at Battle; but it was at Brede, a village near Rye, that open hostilities began. As the rising at Brede set the fashion for the district, it is perhaps worth-while to describe it in some detail.¹

For a long time the poor of Brede had smarted under the insults of Mr. Abel, the assistant overseer, who, among other innovations, had introduced one of the hated parish carts, and the labourers were determined to have a reckoning with him. After some preliminary discussions on the previous day, the labourers held a meeting on 5th November, and deputed four men to negotiate with the farmers. At the conference which resulted, the following resolutions, drawn up by the labourers, were signed by both parties²:—

'Nov. 5, 1830. At a meeting held this day at the Red Lion, of the farmers, to meet the poor labourers who delegated David Noakes Senior, Thomas Henley, Joseph Bryant and Th. Noakes, to meet the gentlemen this day to discuss the present distress of the poor. . . . Resolution 1. The gentlemen agree to give to every able-bodied labourer with wife and two children 2s. 3d. per day, from this day to the 1st of March next, and from the 1st of March to the 1st of Oct. 2s. 6d. per day, and to have 1s. 6d. per week with three children, and so on according to their family. Resolution 2. The poor are determined to take the present overseer, Mr. Abell, out of the parish to any adjoining parish and to use him with civility.'

The meeting over, the labourers went to Mr. Abel's house with their wives and children and some of the farmers, and placed the parish cart at his door. After some hammering at the gates, Mr. Abel was persuaded to come out and get into the cart. He was then solemnly drawn along by women and children, accompanied by a crowd of five hundred, to the place of his choice, Vine Hall, near Robertsbridge, on the turnpike road, where he was deposited with all due solemnity. Mr. Abel made his way to the nearest magistrate to lodge his complaint, while the people of the parish returned home and were regaled with beer by the farmers: 'and Mr. Coleman . . . he gave every one of us half a pint of Beer, women and men,

¹ For Brede see H. O. Papers, Extracts from Poor Law Commissioners' Report, published 1833, and newspapers.

² They were signed by G. S. Hcle, minister, by eight farmers and the four labourer delegates.

and Mr. Reed of Brede High gave us a Barrel because we had done such a great thing in the Parish as to carry that man away, and Mr. Coleman said he never was better pleased in his life than with the day's work which had been done.'¹

The parish rid of Mr. Abel, the next reform in the new era was to be the reduction of tithes, and here the farmers needed the help of the labourers. What happened is best told in the words of one of the chief actors. He describes how, a little before the tithe audit, his employer came to him when he was working in the fields and suggested that the labourers should see if they could 'get a little of the tithe off'; they were only to show themselves and not to take any violent action. Other farmers made the same suggestions to their labourers. 'We went to the tithe audit and Mr. Hele came out and spoke to us a good while and I and David Noakes and Thomas Noakes and Thomas Henley answered him begging as well as we could for him to throw something off for us and our poor Children and to set up a School for them and Mr. Hele said he would see what he could do.

'Mr. Coleman afterwards came out and said Mr. Hele had satisfied them all well and then Mr. Hele came out and we made our obedience to him and he to us, and we gave him three cheers and went and set the Bells ringing and were all as pleased as could be at what we had done.'

The success of the Brede rising had an immediate effect on the neighbourhood, and every parish round prepared to deport its obnoxious overseer and start a new life on better wages. Burwash, Ticehurst, Mayfield, Heathfield, Warbleton and Ninfield were among the parishes that adopted the Brede programme. Sometimes the assistant overseer thought it wise to decamp before the cart was at his door. Sometimes the mob was aggressive in its manners. 'A very considerable Mob,' wrote Sir Godfrey Webster from Battle Abbey on 9th November, 'to the amount of nearly 500, having their Parish Officer in custody drawn in a Dung Cart, attempted to enter this town at eleven o'clock this Morning.' The attempt was unsuccessful, and twenty of the rioters were arrested. The writer of this letter took an active part throughout the disturbances. In this emergency he seems to have displayed great zeal and energy. A second letter of his on 12th November gives a good description of the state of affairs round Mayfield. 'The Collector of Lord Carrington's

¹ Affidavit in H. O. Papers.

Tithes had been driven out of the Parish and the same Proceeding was intended to be adopted towards the Parish Officer who fled the place, it had been intended by the Rioters to have taken by Force this Morning as many Waggons as possible (forcibly) carried off the Tithe Corn and distributed it amongst themselves in case of interruption they were resolved to burn it. One of the most violent and dangerous papers I have yet seen (a copy of which I enclose) was carried round the 3 adjoining Parishes and unfortunately was assented to by too many Occupiers of Land. I arrived in Time to prevent its circulation at Mayfield a small Town tho' populous parish 3000. By apprehending the Bearer of the Paper who acted as Chief of the Party and instantly in presence of a large Mob committing him for Trial I succeeded in repressing the tumultuous action then going on, and by subsequently calling together the Occupiers of Land, and afterwards the Mob (composed wholly of Agricultural Labourers) I had the satisfaction of mediating an arrangement between them perfectly to the content of each party, and on my leaving Mayfield this afternoon tranquillity was perfectly restored at that Place.' The violent and dangerous paper enclosed ran thus : ' Now gentlemen this is wat we intend to have for a married man to have 2s. and 3d. per Day and all over two children 1s. 6d. per head a week and if a Man has got any boys or girls over age for to have employ that they may live by there Labour and likewise all single men to have 1s. 9d. a day per head and we intend to have the rents lowered likewise and this is what we intend to have before we leave the place and if ther is no alteration we shall proceed further about it. For we are all at one and we will keep to each other.'

At Ringmer in Sussex the proceedings were marked by moderation and order. Lord Gage, the principal landowner of the neighbourhood, knowing that disturbances were imminent, met the labourers by appointment on the village green. There were about one hundred and fifty persons present. By this time magistrates in many places had taken to arresting arbitrarily the ringleaders of the men, and hence when Lord Gage, who probably had no such intention, asked for the leader or captain nobody came forward, but a letter was thrown into the ring with a general shout. The letter which Lord Gage picked up and took to the Vestry for consideration read as follows : ' We the labourers of Ringmer

and surrounding villages, have for a long period suffered the greatest privations and endured the most debasing treatment with the greatest resignation and forbearance, in the hope that time and circumstances would bring about an amelioration of our condition, till, worn out by hope deferred and disappointed in our fond expectations, we have taken this method of assembling ourselves in one general body, for the purpose of making known our grievances, and in a peaceable, quiet, and orderly manner, to ask redress; and we would rather appeal to the good sense of the magistracy, instead of inflaming the passions of our fellow labourers, and ask those gentlemen who have done us the favour of meeting us this day whether 7d. a day is sufficient for a working man, hale and hearty, to keep up the strength necessary to the execution of the labour he has to do? We ask also, is 9s. a week sufficient for a married man with a family, to provide the common necessaries of life? Have we no reason to complain that we have been obliged for so long a period to go to our daily toil with only potatoes in our satchels, and the only beverage to assuage our thirst the cold spring; and on retiring to our cottages to be welcomed by the meagre and half-famished offspring of our toilworn bodies? All we ask, then, is that our wages may be advanced to such a degree as will enable us to provide for ourselves and families without being driven to the overseer, who, by the bye, is a stranger amongst us, and as in most instances where permanent overseers are appointed, are men callous to the ties of nature, lost to every feeling of humanity, and deaf to the voice of reason. We say we want wages sufficient to support us, without being driven to the overseer to experience his petty tyranny and dictation. We therefore ask for married men 2s. 3d. per day to the first of March, and from that period to the first of October 2s. 6d. a day: for single men 1s. 9d. a day to the first of March, and 2s. from that time to the first of October. We also request that the permanent overseers of the neighbouring parishes may be directly discharged, particularly Finch, the governor of Ringmer poorhouse and overseer of the Parish, that in case we are obliged, through misfortune or affliction, to seek parochial relief, we may apply to one of our neighbouring farmers or tradesmen, who would naturally feel some sympathy for our situation, and who would be much better acquainted with our characters and claims. This is what we ask at your hands—this is what

we expect, and we sincerely trust this is what we shall not be under the painful necessity of demanding.'

While the Vestry deliberated the labourers remained quietly in the yard of the poorhouse. One of them, a veteran from the Peninsular War who had lost a limb, contrasted his situation on 9d. a day with that of the Duke of Wellington whose 'skin was whole' and whose pension was £60,000 a year. After they had waited some time, they were informed that their demands were granted, and they dispersed to their homes with huzzas and tears of joy, and as a sign of the new and auspicious era they broke up the parish grindstone, a memory of the evil past.¹

An important feature of the proceedings in Kent and Sussex was the sympathy of other classes with the demands of the labourers. The success of the movement in Kent and Sussex, and especially of the rising that began at Brede, was due partly, no doubt, to the fact that smuggling was still a common practice in those counties, and that the agricultural labourers thus found their natural leaders among men who had learnt audacity, resourcefulness, and a habit of common action in that school of danger. But the movement could not have made such headway without any serious attempt to suppress it if the other classes had been hostile. There was a general sense that the risings were due to the neglect of the Government. Mr. Hodges, one of the Members for Kent, declared in the House of Commons on 10th December that if the Duke of Wellington had attended to a petition received from the entire Grand Jury of Kent there would have been no disturbances.²

The same spirit is displayed in a letter written by a magistrate at Battle, named Collingwood. 'I have seen three or four of our parochial insurrections, and been with the People for hours alone and discussing their matters with them which they do with a temper and respectful behaviour and an intelligence which must interest everyone in their favor. The

¹ *Times*, November 25.

² The petition was as follows: 'We feel that in justice we ought not to suffer a moment to pass away without communicating to your Grace the great and unprecedented distress which we are enabled from our own personal experience to state prevails among all the peasantry to a degree not only dreadful to individuals, but also to an extent which, if not checked, must be attended with serious consequences to the national prosperity.' Mr. Hodges does not mention the date, merely stating that it was sent to Wellington when Prime Minister.

poor in the Parishes in the South of England, and in Sussex and Kent greatly, have been ground to the dust in many instances by the Poor Laws. Instead of happy peasants they are made miserable and sour tempered paupers. Every Parish has its own peculiar system, directed more strictly, and executed with more or less severity or harshness. A principal tradesman in Salehurst (Sussex) in one part of which, Robertsbridge, we had our row the other night, said to me these words "You attended our meeting the other day and voted with me against the two principal Rate payers in this parish, two Millers, paying the people in two gallons of bad flour instead of money. You heard how saucy they were to their betters, can you wonder if they are more violent to their inferiors? They never call a man Tom, Dick, etc. but you d——d rascal etc., at every word, and force them to take their flour. Should you wonder that they are dissatisfied?" These words he used to me a week before our Robertsbridge Row. Each of these Parochial Rows differs in character as the man whom they select as leader differs in impudence or courage or audacity or whatever you may call it. If they are opposed at the moment, their resistance shows itself in more or less violent outrages; personally I witnessed but one, that of Robertsbridge putting Mr. Johnson into the cart, and that was half an accident. I was a stranger to them, went among them and was told by hundreds after that most unjustifiable assault that I was safe among them as in my bed, and I never thought otherwise. One or two desperate characters, and such there are, may at any moment make the contest of Parish A differ from that of Parish B, but their spirit, as far as regards loyalty and love for the King and Laws, is, I believe, on my conscience, sound. I feel convinced that all the cavalry in the world, if sent into Sussex, and all the spirited acts of Sir Godfrey Webster, who, however, is invaluable here will (not?) stop this spirit from running through Hampshire, Wiltshire, Somersetshire, where Mr. Hobhouse, your predecessor, told me the other day that they have got the wages for single men down to 6s. per week (on which they *cannot live*) through many other counties. In a week you will have demands for cavalry from Hampshire under the same feeling of alarm as I and all here entertained: the next week from Wiltshire, Dorsetshire, and all the counties in which the poor Rates have been raised for the payment of the poor up to Essex and the very neighbourhood of London,

where Mr. Geo. Palmer, a magistrate, told me lately that the poor single man is got down to 6s. I shall be over to-morrow probably at Benenden where they are resolved not to let either Mr. Hodge's taxes, the tithes or the King's taxes be paid. So I hear, and so I dare say two or three carter boys may have said. I shall go to-morrow and if I see occasion will arrest some man, and break his head with my staff. But do you suppose that that (though a show of vigor is not without avail) will prevent Somersetshire men from crying out, when the train has got to them, we will not *live* on 6s. per week, for living it is not, but a long starving, and we will have tithes and taxes, and I know not what else done away with. The only way to stop them is to run before the evil. Let the Hampshire Magistrates and Vestries raise the wages before the Row gets to their County, and you will stop the thing from spreading, otherwise you will not, I am satisfied. In saying all this, I know that I differ with many able and excellent Magistrates, and my opinion may be wrong but I state it to you.'

It is not surprising that magistrates holding these opinions acted rather less vigorously than the central Government wished, and that Lord Camden's appeals to them not to let their political feelings and 'fanciful Crotchets'¹ interfere with their activity were unsuccessful. But even had all the magistrates been united and eager to crush the risings they could not act without support from classes that were reluctant to give it. The first thought of the big landed proprietors was to reestablish the yeomanry, but they found an unexpected obstacle in the temper of the farmers. The High Sheriff, after consultation with the Home Secretary, convened a meeting for this purpose at Canterbury on 1st November, but proceedings took an unexpected turn, the farmers recommending as a preferable alternative that public salaries should be reduced, and the meeting adjourned without result. There were similar surprises at other meetings summoned with this object, and landlords who expected to find the farmers rallying to their support were met with awkward resolutions calling for reductions in rent and tithes. The *Kent Herald* went so far as to say that only the dependents of great landowners will join the yeomanry, 'this most unpopular corps.' The magistrates found it equally difficult to enlist special constables, the farmers and tradesmen

¹ H. O. Papers.

definitely refusing to act in this capacity at Maidstone, at Cranbrook, at Tonbridge, and at Tunbridge Wells,¹ as well as in the smaller villages. The chairman of the Battle magistrates wrote to the Home Office to say that he intended to reduce his rents in the hope that the farmers would then consent to serve.

Even the Coast Blockade Service was not considered trustworthy. 'It is the last force,' wrote one magistrate, 'I should resort to, on account of the feeling which exists between them and the people hereabouts.'² In the absence of local help, the magistrates had to rely on military aid to quell a mob, or to execute a warrant. Demands for troops from different quarters were incessant, and sometimes querulous. 'If you cannot send a military force,' wrote one indignant country gentleman from Heathfield on 14th November, 'for God's sake, say so, without delay, in order that we may remove our families to a place of safety from a district which want of support renders us totally unable longer to defend.'³ Troops were dispatched to Cranbrook, but when the Battle magistrates sent thither for help they were told to their great annoyance that no soldiers could be spared. The Government indeed found it impossible to supply enough troops. 'My dear Lord Liverpool,' wrote Sir Robert Peel on 15th November, 'since I last saw you I have made arrangements for sending every disposable cavalry soldier into Kent and the east part of Sussex. General Dalbiac will take the command. He will be at Battel to-day to confer with the Magistracy and to attempt to establish some effectual plan of operations against the rioters.'

The 7th Dragoon Guards at Canterbury were to provide for East Kent; the 2nd Dragoon Guards at Maidstone were to provide for Mid-Kent; and the 5th Dragoon Guards at Tunbridge Wells for the whole of East Sussex. Sir Robert Peel meanwhile thought that the magistrates should themselves play a more active part, and he continually expressed the hope that they would 'meet and concert some effectual mode of resisting the illegal demands.'⁴ He deprecated strongly the action of certain magistrates in yielding to the mobs. Mr. Collingwood, who has been mentioned already,

¹ H. O. Papers.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

received a severe reproof for his behaviour at Goudhurst, where he had adopted a conciliatory policy and let off the rioters on their own recognisances. 'We did not think the case a very strong one,' he wrote on 18th November, 'or see any very urgent necessity for the apprehension of Eaves, nor after Captain King's statement that he had not felt a blow, could we consider the assault of a magistrate proved. The whole parish unanimously begged them off, and said that their being discharged on their own recognisances would probably contribute to the peace of the parish.'

The same weakness, or sympathy, was displayed by magistrates in the western part of Sussex, where the rising spread after the middle of November. In the Arundel district the magistrates anticipated disturbances by holding a meeting of the inhabitants to fix the scale of wages. The wages agreed on were '2s. a day wet and dry and 1s. 6d. a week for every child (above 2) under 4,' during the winter: from Lady Day to Michaelmas 14s. a week, wet and dry, with the same allowance for children. A scale was also drawn up for lads and young men. The mobs were demanding 14s. a week all the year round, but they seem to have acquiesced in the Arundel scale, and to have given no further trouble. At Horsham, the labourers adopted more violent measures and met with almost universal sympathy. There was a strong Radical party in that town, and one magistrate described it later as 'a hot Bed of Sedition.' Attempts were made, without success, to show that the Radicals were at the bottom of the disturbances. The district round Horsham was in an agitated state. Among others who received threatening letters was Sir Timothy Shelley of Field Place. The letter was couched in the general spirit of Shelley's song to the men of England:—

'Men of England, wherefore plough,
For the lords who lay ye low,'

which his father may, or may not, have read. The writer urged him, 'if you wish to escape the impending danger in this world and in that which is to come,' to go round to the miserable beings from whom he exacted tithes, 'and enquire and hear from there own lips what disstres there in.' Like many of these letters, it contained at the end a rough picture of a knife, with 'Beware of the fatel dagger' inscribed on it.

In Horsham itself the mob, composed of from seven hundred to a thousand persons, summoned a vestry meeting in the church. Mr. Sanctuary, the High Sheriff for Sussex, described the episode in a letter to the Home Office on the same day (18th November). The labourers, he said, demanded 2s. 6d. a day, and the lowering of rents and tithes: 'all these complaints were attended to——thought reasonable and complied with,' and the meeting dispersed quietly. Anticipating, it may be, some censure, he added, 'I should have found it quite impossible to have prevailed upon any person to serve as special constable——most of the tradespeople and many of the farmers considering the demands of the people but just (and) equitable——indeed many of them advocated (them)——a doctor spoke about the taxes——but no one backed him——that was not the object of the meeting.' A lady living at Horsham wrote a more vivid account of the day's work. She described how the mob made everybody come to the church. Mr. Simpson, the vicar, went without more ado, but Mr. Hurst, senior, owner of the great tithes, held out till the mob seized a chariot from the King's Arms and dragged it to his door. Whilst the chariot was being brought he slipped out, and entered the church with his two sons. All the gentlemen stood up at the altar, while the farmers encouraged the labourers in the body of the church. 'Mr. Hurst held out so long that it was feared blood would be shed, the Doors were shut till the Demands were granted, no lights were allowed, the Iron railing that surrounds the Monuments torn up, and the sacred boundary between the chancel and Altar overleapt before he would yield.' Mr. Hurst himself wrote to the Home Office to say that it was only the promise to reduce rents and tithes that had prevented serious riots, but he met with little sympathy at headquarters. 'I cannot concur,' wrote Sir Robert Peel, 'in the opinion of Mr. Hurst that it was expedient or necessary for the Vestry to yield to the demands of the Mob. In every case that I have seen, in which the mob has been firmly and temperately resisted, they have given way without resorting to personal violence.' A neighbouring magistrate, who shared Sir Robert Peel's opinion about the affair, went to Horsham a day or two later to swear in special constables. He found that out of sixty-three 'respectable householders' four only would take the oath. Meanwhile the difficulties of providing troops increased with the area of disturbances.

'I have requested that every effort may be made to reinforce the troops in the western part of Sussex,' wrote Sir Robert Peel to a Horsham magistrate on 18th November, 'and you may judge of the difficulty of doing so, when I mention to you that the most expeditious mode of effecting this is to bring from Dorchester *the only* cavalry force that is in the West of England. This, however, shall be done, and 100 men (infantry) shall be brought from the Garrison of Portsmouth.

Until the middle of November the rising was confined to Kent, Sussex and parts of Surrey, with occasional fires and threatening letters in neighbouring counties. After that time the disturbances became more serious, spreading not only to the West of Sussex, but to Berkshire, Hampshire, and Wiltshire. On 22nd November the Duke of Buckingham wrote from Avington in Hampshire to the Duke of Wellington: 'Nothing can be worse than the state of this neighbourhood. I may say that this part of the country is wholly in the hands of the rebels . . . 1500 rioters are to assemble to-morrow morning, and will attack any farmhouses where there are threshing machines. They go about levying contributions on every gentleman's house. There are very few magistrates; and what there are are completely cowed. In short, something decisive must instantly be done.'

The risings in these counties differed in some respects from the rising in Kent and Sussex. The disturbances were not so much like the firing of a train of discontent, they were rather a sudden and spontaneous explosion. They lasted only about a week, and were well described in a report of Colonel Brotherton, one of the two military experts sent by Lord Melbourne to Wiltshire to advise the magistrates. He wrote on 28th November: 'The insurrectionary movement seems to be directed by no plan or system, but merely actuated by the spontaneous feeling of the peasantry and quite at random.' The labourers went about in large numbers, combining with the destruction of threshing machines and the demand for higher wages a claim for 'satisfaction' as they called it in the form of ready money. It was their practice to charge £2 for breaking a threshing machine, but in some cases the mobs were satisfied with a few coppers. The demand for ready money was not a new feature, for many correspondents of the Home Office note in their letters that the mobs levied money in Kent and Sussex, but hitherto this 'sturdy begging,' as Cobbett called it, had been regarded by the magistrates as

unimportant. The wages demanded in these counties were 2s. a day, whereas the demands in Kent and usually in Sussex had been for 2s. 6d. or 2s. 3d. Wages had fallen to a lower level in Hampshire, Berkshire and Wiltshire. The current rate in Wiltshire was 7s., and Colonel Mair, the second officer sent down by the Home Office, reported that wages were sometimes as low as 6s. It is therefore not surprising to learn that in two parishes the labourers instead of asking for 2s. a day, asked only for 8s. or 9s. a week. In Berkshire wages varied from 7s. to 9s., and in Hampshire the usual rate seems to have been 8s.

The rising in Hampshire was marked by a considerable destruction of property. At Fordingbridge, the mob under the leadership of a man called Cooper, broke up the machinery both at a sacking manufactory and at a manufactory of threshing machines. Cooper was soon clothed in innumerable legends: he was a gipsy, a mysterious gentleman, possibly the renowned 'Swing' himself. At the Fordingbridge riots he rode on horseback and assumed the title of Captain Hunt. His followers addressed him bareheaded. In point of fact he was an agricultural labourer of good character, a native of East Grimstead in Wilts, who had served in the artillery in the French War. Some two months before the riots his wife had robbed him, and then eloped with a paramour. This unhinged his self-control; he gave himself up to drink and despair, and tried to forget his misery in reckless rioting. Near Andover again a foundry was destroyed by a mob, after the ringleader, Gilmore, had entered the justices' room at Andover, where the justices were sitting, and treated with them on behalf of the mob. Gilmore also was a labourer; he was twenty-five years old and had been a soldier.

The most interesting event in the Hampshire rising was the destruction of the workhouses at Selborne and Headley. Little is reported of the demolition of the poorhouse at Selborne. The indictment of the persons accused of taking part in it fell through on technical grounds, and as the defendants were also the persons charged with destroying the Headley workhouse, the prosecution in the Selborne case was abandoned. The mob first went to Mr. Cobbold, Vicar of Selborne, and demanded that he should reduce his tithes, telling him with some bluntness 'we must have a touch of your tithes: we think £300 a year quite enough for you . . . £4 a week is quite enough.' Mr. Cobbold was thoroughly

alarmed, and consented to sign a paper promising to reduce his tithes, which amounted to something over £600, by half that sum. The mob were accompanied by a good many farmers who had agreed to raise wages if the labourers would undertake to obtain a reduction of tithes, and these farmers signed the paper also. After Mr. Cobbold's surrender the mob went on to the workhouse at Headley, which served the parishes of Bramshott, Headley and Kingsley. Their leader was a certain Robert Holdaway, a wheelwright, who had been for a short time a publican. He was a widower, with eight small children, described by the witnesses at his trial as a man of excellent character, quiet, industrious, and inoffensive. The master of the workhouse greeted Holdaway with 'What, Holdy, are you here?' 'Yes, but I mean you no harm nor your wife nor your goods: so get them out as soon as you can, for the house must come down.' The master warned him that there were old people and sick children in the House. Holdaway promised that they should be protected, asked where they were, and said the window would be marked. What followed is described in the evidence given by the master of the workhouse: 'There was not a room left entire, except that in which the sick children were. These were removed into the yard on two beds, and covered over, and kept from harm all the time. This was done by the mob. They were left there because there was no room for them in the sick ward. The sick ward was full of infirm old paupers. It was not touched, but of all the rest of the place not a room was left entire.' The farmers looked on whilst the destruction proceeded, and one at least of the labourers in the mob declared afterwards that his master had forced him to join.

In Wiltshire also the destruction of property was not confined to threshing machines. At Wilton, the mob, under the leadership of a certain John Jennings, aged eighteen,¹ who declared that he 'was going to break the machinery to make more work for the poor people,' did £500 worth of damage in a woollen mill. Another cloth factory at Quidhampton was also injured; in this affair an active part was taken by a boy even younger than Jennings, John Ford, who was only seventeen years old.²

¹ Transported for life to New South Wales.

² Ford was capitally convicted and sentenced to transportation for life, but his sentence was commuted to imprisonment.

The riot which attracted most attention of all the disturbances in Wiltshire took place at Pyt House, the seat of Mr. John Benett, M.P. for the county. Mr. Benett was a well-known local figure, and had given evidence before several Committees on Poor Laws. The depth of his sympathy with the labourers may be gauged by the threat that he uttered before the Committee of 1817 to pull down his cottages if Parliament should make length of residence a legal method of gaining a settlement. Some member of the Committee suggested that if there were no cottages there would be no labourers, but Mr. Benett replied cheerfully enough that it did not matter to a labourer how far he walked to his work: 'I have many labourers coming three miles to my farm every morning during the winter' (the hours were six to six) 'and they are the most punctual persons we have.' At the time he gave this evidence, he stated that about three-quarters of the labouring population in his parish of Tisbury received relief from the poor rates in aid of wages, and he declared that it was useless to let them small parcels of land. The condition of the poor had not improved in Mr. Benett's parish between 1817 and 1830, and Lord Arundel, who lived in it, described it as 'a Parish in which the Poor have been more oppressed and are in greater misery as a whole than any Parish in the Kingdom.'¹ It is not surprising that when the news of what had been achieved in Kent and Sussex spread west to Wiltshire, the labourers of Tisbury rose to demand 2s. a day, and to destroy the threshing machines. A mob of five hundred persons collected, and their first act was to destroy a threshing machine, with the sanction of the owner, Mr. Turner, who sat by on horseback, watching them. They afterwards proceeded to the Pyt House estate. Mr. Benett met them, parleyed and rode with them for some way; they behaved politely but firmly, telling him their intentions. One incident throws a light on the minds of the actors in these scenes. 'I then,' said Mr. Benett afterwards, 'pointed out to them that they could not trust each other, for any man, I said, by informing against ten of you will obtain at once £500.' It was an adroit speech, but as it happened the Wiltshire labourers, half-starved, degraded and brutalised, as they might be, had a different standard of honour from that imagined by this magistrate and member of Parliament, and the devilish temptation he set before them was rejected. The

¹ H. O. Papers.

mob destroyed various threshing machines on Mr. Benett's farms, and refused to disperse; at last, after a good deal of sharp language from Mr. Benett, they threw stones at him. At the same time a troop of yeomanry from Hindon came up and received orders to fire blank cartridges above the heads of the mob. This only produced laughter; the yeomanry then began to charge; the mob took shelter in the plantations round Pyt House and stoned the yeomanry, who replied by fierce onslaught, shooting one man dead on the spot,¹ wounding six by cutting off fingers and opening skulls, and taking a great number of prisoners. At the inquest at Tisbury on the man John Harding, who was killed, the jury returned a verdict of justifiable homicide, and the coroner refused to grant a warrant for burial, saying that the man's action was equivalent to *felo de se*. Hunt stated in the House of Commons that the foreman of the jury was the father of one of the yeomen.

We have seen that in these counties the magistrates took a very grave view of the crime of levying money from householders. This was often done by casual bands of men and boys, who had little connection with the organised rising. An examination of the cases described before the Special Commissioners gives the impression that in point of fact there was very little danger to person or property. A farmer's wife at Aston Tirrold in Berkshire described her own experience to the Abingdon Special Commission. A mob came to her house and demanded beer. Her husband was out and she went to the door. 'Bennett was spokesman. He said "Now a little of your beer if you please." I answered "Not a drop." He asked "Why?" and I said "I cannot give beer to encourage riot." Bennett said "Why you don't call this rioting do you?" I said "I don't know what you call it, but it is a number of people assembled together to alarm others: but don't think I'm afraid or daunted at it." Bennett said "Suppose your premises should be set on fire?" I said "Then I certainly should be alarmed but I don't suppose either of you intends doing that." Bennett said "No, we do not intend any such thing, I don't wish to alarm you and we are not come with the intention of mischief.'" The result of the dialogue was that Bennett

¹ According to local tradition he was killed not by the yeomanry but by a farmer, before the troop came up. See Hudson, *A Shepherd's Life* p. 248.

and his party went home without beer and without giving trouble.

It was natural that when mob-begging of this kind became fashionable, unpopular individuals should be singled out for rough and threatening visits. Sometimes the assistant overseers were the objects of special hatred, sometimes the parson. It is worth while to give the facts of a case at St. Mary Bourne in Hampshire, because stress was laid upon it in the subsequent prosecutions as an instance of extraordinary violence. The clergyman, Mr. Easton, was not a favourite in his parish, and he preached what the poor regarded as a harsh and a hostile sermon. When the parish rose, a mob of two hundred forced their way into the vicarage and demanded money, some of them repeating, 'Money or blood.' Mrs. Easton, who was rather an invalid, Miss Lucy Easton, and Master Easton were downstairs, and Mrs. Easton was so much alarmed that she sent Lucy upstairs to fetch ros. Meanwhile Mr. Easton had come down, and was listening to some extremely unsympathetic criticisms of his performances in the pulpit. 'Damn you,' said Daniel Simms,¹ 'where will your text be next Sunday?' William Simms was equally blunt and uncompromising. Meanwhile Lucy had brought down the half-sovereign, and Mrs. Easton gave it to William Simms,² who thereupon cried 'All out,' and the mob left the Eastons at peace.

One representative of the Church was distinguished from most of the country gentlemen and clergymen of the time by his treatment of one of these wandering mobs. Cobbett's letter to the Hampshire parsons, published in the *Political Register*, 15th January 1831, contains an account of the conduct of Bishop Sumner, the Bishop of Winchester. 'I have, at last, found a Bishop of the *Law Church* to *praise*. The facts are these: the Bishop, in coming from Winchester to his palace at Farnham, was met about a mile before he got to the latter place, by a band of sturdy beggars, whom some call robbers. They stopped his carriage, and asked for some money, which he gave them. But he did not *prosecute* them: he had not a man of them called to account for his conduct, but, the next day, set *twenty-four labourers to constant work*, opened his Castle to the distressed of all ages, and supplied all with food and other necessaries who stood in need of them.

¹ Transported for life to New South Wales.

² Transported for life to New South Wales.

This was becoming a Christian teacher.' Perhaps the Bishop remembered the lines from Dryden's *Tales from Chaucer*, describing the spirit in which the good parson regarded the poor :

' Who, should they steal for want of his relief,
He judged himself accomplice with the thief.'

There was an exhibition of free speaking at Hungerford, where the magistrates sat in the Town Hall to receive deputations from various mobs, in connection with the demand for higher wages. The magistrates had made their peace with the Hungerford mob, when a deputation from the Kintbury mob arrived, led by William Oakley, a young carpenter of twenty-five. Oakley addressed the magistrates in language which they had never heard before in their lives and were never likely to hear again. 'You have not such d——d flats to deal with now, as you had before; we will have 2s. a day till Lady Day, and 2s. 6d. afterwards for labourers and 3s. 6d. for tradesmen. And as we are here we will have £5 before we leave the place or we will smash it. . . . You gentlemen have been living long enough on the good things, now is our time and we will have them. You gentlemen would not speak to us now, only you are afraid and intimidated.' The magistrates acceded to the demands of the Kintbury mob and also gave them the £5, after which they gave the Hungerford mob £5, because they had behaved well, and it would be unjust to treat them worse than their Kintbury neighbours. Mr. Page, Deputy-Lieutenant for Berks, sent Lord Melbourne some tales about this same Kintbury mob, which was described by Mr. Pearse, M.P., as a set of 'desperate savages.' 'I beg to add some anecdotes of the mob yesterday to illustrate the nature of its component parts. They took £2 from Mr. Cherry a magistrate and broke his Machine. Afterwards another party came and demanded One Pound——when the two parties had again formed into one, they passed by Mr. Cherry's door and said they had taken one pound too much, which they offered to return to him which it is said he refused——they had before understood that Mrs. Cherry was unwell and therefore came only in small parties. A poor woman passed them selling rabbits, some few of the mob took some by force, the ringleader ordered them to be restored. At a farmer's where they had been

regaled with bread cheese and beer one of them stole an umbrella: the ringleader hearing of it, as they were passing the canal threw him into it and gave him a good ducking.' ¹

In the early days of the rising in Hampshire, Wiltshire and Berkshire, there was a good deal of sympathy with the labourers. The farmers in many cases made no objection to the destruction of their threshing machines. One gentleman of Market Lavington went so far as to say that 'nearly all the Wiltshire Farmers were willing to destroy or set aside their machines.' 'My Lord,' wrote Mr. Williams, J.P., from Marlborough, 'you will perhaps be surprised to hear that the greatest number of the threshing machines destroyed have been put out for the Purpose by the Owners themselves.' The Duke of Buckingham complained that in the district round Avington 'the farmers have not the Spirit and in some instances not the Wish to put down' disturbances.² At a meeting in Winchester, convened by the Mayor to preserve the peace (reported in the *Hampshire Chronicle* of 22nd November), Dr. Newbolt, a clergyman and magistrate, described his own dealings with one of the mobs. The mob said they wanted 12s. a week wages: this he said was a reasonable demand. He acted as mediator between the labourers and farmers, and as a result of his efforts the farmers agreed to these terms, and the labourers returned to work, abandoning their project of a descent on Winchester. The Mayor of Winchester also declared that the wages demanded were not unreasonable, and he laid stress on the fact that the object of the meeting was not to appoint special constables to come into conflict with the people, but merely to preserve the peace. Next week Dr. Newbolt put an advertisement into the *Hampshire Chronicle*, acknowledging the vote of thanks that had been passed to him, and reaffirming his belief that conciliation was the right policy.³ At Overton, in Hampshire, Henry Hunt acted as mediator between the farmers

¹ H. O. Papers.

² *Ibid.*

³ Ten days later, after Lord Melbourne's circular of December 8, Dr. Newbolt changed his tone. Writing to the Home Office he deprecated the censure implied in that circular, and stated that his conduct was due to personal infirmities and threats of violence: indeed he had subsequently heard from a certain Mr. Wickham that 'I left his place just in time to save my own life, as some of the Mob had it in contemplation to drag me out of the carriage, and to destroy me upon the spot, and it was entirely owing to the interference of some of the better disposed of the Peasantry that my life was preserved.'

and a hungry and menacing mob. Such was the fear of the farmers that they gave him unlimited power to make promises on their behalf: he promised the labourers that their wages should be raised from 9s. to 12s., with house rent in addition, and they dispersed in delight.

Fortune had so far smiled upon the rising, and there was some hope of success. If the spirit that animated the farmers, and in Kent many of the landowners, had lasted, the winter of 1830 might have ended in an improvement of wages and a reduction of rents and tithes throughout the south of England. In places where the decline of the labourer had been watched for years without pity or dismay, magistrates were now calling meetings to consider his circumstances, and the Home Office Papers show that some, at any rate, of the country gentlemen were aware of the desperate condition of the poor. Unhappily the day of conciliatory measures was a brief one. Two facts frightened the upper classes into brutality: one was the spread of the rising, the other the scarcity of troops.¹ As the movement spread, the alarm of the authorities inspired a different policy, and even those landowners who recognised that the labourers were miserable, thought that they were in the presence of a rising that would sweep them away unless they could suppress it at once by drastic means. They pictured the labourers as Huns and the mysterious Swing as a second Attila, and this panic they contrived to communicate to the other classes of society.

Conciliatory methods consequently ceased; the upper classes substituted action for diplomacy, and the movement rapidly collapsed. Little resistance was offered, and the terrible hosts of armed and desperate men melted down into groups of weak and ill-fed labourers, armed with sticks and stones. On 26th November the *Times* could report that seventy persons had been apprehended near Newbury, and that 'about 60 of the most forward half-starved fellows' had been taken into custody some two miles from Southampton. Already the housing of the Berkshire prisoners was becoming a problem, the gaols at Reading and Abingdon being overcrowded: by the end of the month the Newbury Mansion House and Workhouse had been converted into prisons. This energy had been stimulated by a circular letter issued on 24th November, in which Lord Melbourne urged

¹ See p. 60.

the lord-lieutenants and the magistrates to use firmness and vigour in quelling disturbances, and virtually promised them immunity for legal acts done in discharge of their duty. A village here and there continued to give the magistrates some uneasiness, for example, Broughton in Hants, 'an open village in an open country . . . where there is no Gentleman to overawe them,'¹ but these were exceptions. The day of risings was over, and from this time forward, arson was the only weapon of discontent. At Charlton in Wilts, where 'the magistrates had talked of 12s. and the farmers had given 10s.,' a certain Mr. Polhill, who had lowered the wages one Saturday to 9s., found his premises in flame. 'The poor,' remarked a neighbouring magistrate, 'naturally consider that they will be beaten down again to 7s.'² By 4th December the *Times* correspondent in Wiltshire and Hampshire could report that quiet was restored, that the peasantry were cowed, and that the men who had been prominent in the mobs were being picked out and arrested every day. He gave an amusing account of the trials of a special correspondent, and of the difficulties of obtaining information. 'The circular of Lord Melbourne which encourages the magistrates to seize suspected persons, and promises them impunity if the motives are good (such is the construction of the circular in these parts), and which the magistrates are determined to act upon, renders inquiries unsafe, and I have received a few good natured hints on this head. Gentlemen in gigs and post chaises are peculiar objects of jealousy. A cigar, which is no slight comfort in this humid atmosphere, is regarded on the road as a species of pyrotechnical tube and even an eye glass is in danger of being metamorphosed into a newly invented air gun, with which these *gentlemen* ignite stacks and barns as they pass. An innocent enquiry of whose house or farm is that? is, under existing circumstances, an overt act of incendiarism.'

In such a state of feeling, it was not surprising that labourers were bundled into prison for sour looks or discontented conversation. A zealous magistrate wrote to the Home Office on 13th December after a fire near Maidenhead, to say that he had committed a certain Greenaway to prison on the following evidence: 'Dr. Vansittart, Rector of Shottesbrook, gave a sermon a short time before the fire

¹ H. O. Papers.

² *Ibid.*

took place, recommending a quiet conduct to his Parishioners. Greenaway said openly in the churchyard, we have been quiet too long. His temper is bad, always discontented and churlish, frequently changing his Master from finding great difficulty in maintaining a large family from the Wages of labour.'

Meanwhile the rising had spread westward to Dorset and Gloucestershire, and northward to Bucks. In Dorsetshire and Gloucestershire, the disturbances were much like those in Wiltshire. In Bucks, in addition to the usual agricultural rising, with the breaking of threshing machines and the demand for higher wages, there were riots in High Wycombe, and considerable destruction of paper-making machinery by the unemployed. Where special grievances existed in a village, the labourers took advantage of the rising to seek redress for them. Thus at Walden in Bucks, in addition to demanding 2s. a day wages with 6d. for each child and a reduction of tithes, they made a special point of the improper distribution of parish gifts. 'Another person said that buns used to be thrown from the church steeple and beer given away in the churchyard, and a sermon preached on the bun day. Witness (the parson) told them that the custom had ceased before he came to the parish, but that he always preached a sermon on St. George's day, and two on Sundays, one of which was a volunteer. He told them that he had consulted the Archdeacon on the claim set up for the distribution of buns, and that the Archdeacon was of opinion that no such claim could be maintained.'

At Benson or Bensington, in Oxfordshire, the labourers, after destroying some threshing machines, made a demonstration against a proposal for enclosure. Mr. Newton, a large proprietor, had just made one of many unsuccessful attempts to obtain an Enclosure Act for the parish. Some thousand persons assembled in the churchyard expecting that Mr. Newton would try to fix the notice on the church door, but as he did not venture to appear, they proceeded to his house, and made him promise never again to attempt to obtain an Enclosure Act.¹

The movement for obtaining higher wages by this rude collective bargaining was extinguished in the counties already mentioned by the beginning of December, but disturbances now developed over a larger area. A 'daring riot' took

¹ See *Oxford University and City Herald*, November 20 and 27, 1830.

place at Stotfold in Bedfordshire. The labourers met together to demand exemption from taxes, dismissal of the assistant overseer, and the raising of wages to 2s. a day. The last demand was refused, on which the labourers set some straw alight in a field to alarm the farmers. Mr. Whitbread, J.P., brought a hundred special constables, and arrested ten ringleaders, after which the riot ceased. There were disturbances in Norfolk, Suffolk, and Essex; and in many other counties the propertied classes were terrified from time to time by the news of fires. In Cambridgeshire there were meetings of labourers to demand higher wages, in some places with immediate success, and one magistrate was alarmed by rumours of a design to march upon Cambridge itself on market day. In Devonshire Lord Ebrington reported an agitation for higher wages with encouragement from the farmers. He was himself impressed by the low wages in force, and had raised them in places still quiet; a mistake for which he apologised. Even Hereford, 'this hitherto submissive and peaceful county,' was not unaffected. In Northamptonshire there were several fires, and also risings round Peterborough, Oundle and Wellingborough, and a general outbreak in the Midlands was thought to be imminent. Hayricks began to blaze as far north as Carlisle. Swing letters were delivered in Yorkshire, and in Lincolnshire the labourer was said to be awakening to his own importance. There were in fact few counties quite free from infection, and a leading article appeared in the *Times* on 6th December, in which it was stated that never had such a dangerous state of things existed to such an extent in England, in the period of well-authenticated records. 'Let the rich be taught that Providence will not suffer them to oppress their fellow creatures with impunity. Here are tens of thousands of Englishmen, industrious, kind-hearted, but broken-hearted beings, exasperated into madness by insufficient food and clothing, by utter want of necessaries for themselves and their unfortunate families.'

Unfortunately Providence, to whom the *Times* attributed these revolutionary sentiments, was not so close to the scene as Lord Melbourne, whose sentiments on the subject were very different. On 8th December he issued a circular, which gave a death-blow to the hope that the magistrates would act as mediators on behalf of the labourers. After blaming those magistrates who, under intimidation, had advised the

establishment of a uniform rate of wages, the Home Secretary went on, 'Reason and experience concur in proving that a compliance with demands so unreasonable in themselves, and urged in such a manner, can only lead, and probably within a very short period of time, to the most disastrous results.' He added that the justices had 'no general legal authority to settle the amount of the wages of labour.' The circular contained a promise on the part of the Government that they would adopt 'every practicable and reasonable measure' for the alleviation of the labourers' privations.

From this time the magistrates were everywhere on the alert for the first signs of life and movement among the labourers, and they forbade meetings of any kind. In Suffolk and Essex the labourers who took up the cry for higher wages were promptly thrown into prison, and arbitrary arrests became the custom. The movement was crushed, and the time for retribution had come. The gaols were full to overflowing, and the Government appointed Special Commissions to try the rioters in Hampshire, Wiltshire, Dorset, Berks, and Bucks. Brougham, who was now enjoying the office in whose pompous manner he must have lisped in his cradle, told the House of Lords on 2nd December, 'Within a few days from the time I am addressing your Lordships, the sword of justice shall be unsheathed to smite, if it be necessary, with a firm and vigorous hand, the rebel against the law.'

The disturbances were over, but the panic had been such that the upper classes could not persuade themselves that England was yet tranquil. As late as Christmas Eve the Privy Council gave orders to the archbishop to prepare 'a form of prayer to Almighty God, on account of the troubled state of certain parts of the United Kingdom.' The archbishop's composition, which was published after scores of men and boys had been sentenced to transportation for life, must have been recited with genuine feeling by those clergymen who had either broken, or were about to break, their agreement to surrender part of their tithes. One passage ran as follows: 'Restore, O Lord, to Thy people the quiet enjoyment of the many and great blessings which we have received from Thy bounty: defeat and frustrate the malice of wicked and turbulent men, and turn their hearts: have pity, O Lord, on the simple and ignorant, who have been led astray, and recall them to a sense of their duty; and to

persons of all ranks and conditions in this country vouchsafe such a measure of Thy grace, that our hearts being filled with true faith and devotion, and cleansed from all evil affections, we may serve Thee with one accord, in duty and loyalty to the King, in obedience to the laws of the land, and in brotherly love towards each other. . . .'

We shall see in the next chapter what happened to 'the simple and ignorant' who had fallen into the hands of the English judges.

THE LAST LABOURERS' REVOLT

II

THE bands of men and boys who had given their rulers one moment of excitement and lively interest in the condition of the poor had made themselves liable to ferocious penalties. For the privileged classes had set up a code under which no labourer could take a single step for the improvement of the lot of his class without putting his life and liberties in a noose. It is true that the savage laws which had been passed against combination in 1799 and 1800 had been repealed in 1824, and that even under the less liberal Act of the following year, which rescinded the Act of 1824, it was no longer a penal offence to form a Trades Union. But it is easy to see that the labourers who tried to raise their wages were in fact on a shelving and most perilous slope. If they used threats or intimidation or molested or obstructed, either to get a labourer to join with them or to get an employer to make concessions, they were guilty of a misdemeanour punishable with three months' imprisonment. They were lucky if they ran no graver risk than this. Few of the prosecutions at the Special Commissions were under the Act of 1825. A body of men holding a meeting in a village where famine and unemployment were chronic, and where hardly any one had been taught to read or write, might very soon find themselves becoming what the Act of 1714 called a riotous assembly, and if a magistrate took alarm and read the Riot Act, and they did not disperse within one hour, every one of them might be punished as a felon. The hour's interval did not mean an hour's grace, for, as Mr. Justice Alderson told the court at Dorchester, within that hour 'all persons, even private individuals, may do anything, using force even to the last extremity to prevent the commission of a felony.'

There were at least three ways in which labourers meeting together to demonstrate for higher wages ran a risk of losing their lives, if any of their fellows got out of hand from temper, or from drink, or from hunger and despair. Most

of the prosecutions before the Special Commissions were prosecutions under three Acts of 1827 and 1828, consolidating the law on the subject of offences against property and offences against the person. Under the eighth section of one Act (7 and 8 George IV. c. 30), any persons riotously or tumultuously assembled together who destroyed any house, stable, coach-house, outhouse, barn, granary, or any building or erection or machinery used in carrying on any trade or manufacture were to suffer death as felons. In this Act there is no definition of riot, and therefore 'the common law definition of a riot is resorted to, and in such a case if any one of His Majesty's subjects was terrified there was a sufficient terror and alarm to substantiate that part of the charge.'¹ Under the sixth section of another Act, any person who robbed any other person of any chattel, money, or valuable security was to suffer death as a felon.

Now if a mob presented itself before a householder with a demand for money, and the householder in fear gave even a few coppers, any person who was in that mob, whether he had anything to do with this particular transaction or not, whether he was aware or ignorant of it, was guilty of robbery, and liable to the capital penalty. Under section 12 of the Act of the following year, generally known as Lansdowne's Act, which amended Ellenborough's Act of 1803, it was a capital offence to attempt to shoot at a person, or to stab, cut, or wound him, with intent to murder, rob, or maim. Under this Act, as it was interpreted, if an altercation arose and any violence was offered by a single individual in the mob, the lives of the whole band were forfeit. This was put very clearly by Baron Vaughan: 'There seems to be some impression that unless the attack on an individual is made with some deadly weapons, those concerned are not liable to capital punishment; but it should be made known to all persons that if the same injury were inflicted by a blow of a stone, all and every person forming part of a riotous assembly is equally guilty as he whose hand may have thrown it, and all alike are liable to death.' Under section 4 of one Act of 1827 the penalty for destroying a threshing machine was transportation for seven years, and under section 17 the penalty for firing a rick was death. These were the terrors hanging over the village labourers of whom several hundreds were now awaiting their trial.

¹ Russell, *On Crimes and Misdemeanours*, p. 371.

The temper of the judges was revealed in their charges to the Grand Juries. In opening the Maidstone Assizes on 14th December, Mr. Justice Bosanquet¹ declared that though there might be some distress it was much exaggerated, and that he was sure that those whom he had the honour to address would find it not only their duty but their pleasure to lend an ear to the wants of the poor.² Mr. Justice Taunton³ was even more reassuring on this subject at the Lewes Assizes: the distress was less than it had been twelve months before. 'I regret to say,' he went on, 'there are persons who exaggerate the distress and raise up barriers between different classes—who use the most inflammatory language—who represent the rich as oppressors of the poor. It would be impertinent in me to say anything to you as to your treatment of labourers or servants. That man must know little of the gentry of England, whether connected with the town or country, who represents them as tyrants to the poor, as not sympathising in their distress, and as not anxious to relieve their burdens and to promote their welfare and happiness.'⁴ In opening the Special Commission at Winchester Baron Vaughan⁵ alluded to the theory that the tumults had arisen from distress and admitted that it might be partly true, but, he continued, 'every man possessed of the feelings common to our nature must deeply lament it, and endeavour to alleviate it (as you gentlemen no doubt have done and will continue to do), by every means which Providence has put within his power.' If individuals were aggrieved by privations and injuries, they must apply to the Legislature, which alone could afford them relief, 'but it can never be tolerated in any country which professes to acknowledge the obligations of municipal law, that any man or body of men should be permitted to sit in judgment upon their own wrongs, or to arrogate to themselves the power of redressing them. To suffer it would be to relapse into the barbarism of savage life and to dissolve the very elements by which society is held together.'⁶ The opinions of the Bench on the sections of the Act (7 and 8 George IV. c. 30) under which men could

¹ Sir J. B. Bosanquet (1773-1847).

² *Times*, December 15, 1830.

³ Sir W. E. Taunton (1773-1835).

⁴ The *Times* on December 25 quoted part of this charge in a leading article with some sharp strictures.

⁵ Sir John Vaughan (1769-1839).

⁶ *Times*, December 21, 1830.

be hung for assembling riotously and breaking machinery were clearly expressed by Mr. Justice Parke¹ (afterwards Lord Wensleydale) at Salisbury: 'If that law ceases to be administered with due firmness, and men look to it in vain for the security of their rights, our wealth and power will soon be at an end, and our capital and industry would be transferred to some more peaceful country, whose laws are more respected or better enforced.'² By another section of that Act seven years was fixed as the maximum penalty for breaking a threshing machine. Mr. Justice Alderson³ chafed under this restriction, and he told two men, Case and Morgan, who were found guilty at the Salisbury Special Commission of going into a neighbouring parish and breaking a threshing machine, that had the Legislature foreseen such crimes as theirs, it would have enabled the court to give them a severer sentence.⁴

Mr. Justice Park⁵ was equally stern and uncompromising in defending the property of the followers of the carpenter of Nazareth against the unreasoning misery of the hour. Summing up in a case at Aylesbury, in which one of the charges was that of attempting to procure a reduction of tithes, he remarked with warmth: 'It was highly insolent in such men to require of gentlemen, who had by an expensive education qualified themselves to discharge the sacred duties of a Minister of the Gospel, to descend from that station and reduce themselves to the situation of common labourers.'⁶

Few judges could resist the temptation to introduce into their charges a homily on the economic benefits of machinery. Mr. Justice Park was an exception, for he observed at Aylesbury that the question of the advantages of machinery was outside the province of the judges, 'and much mischief often resulted from persons stepping out of their line of duty.'⁷

¹ Sir James Parke (1782-1868).

² *Times*, January, 3, 1831.

³ Sir E. H. Alderson (1787-1857).

⁴ *Times*, January 6, 1831. Cf. letter of Mr. R. Pollen, J.P., afterwards one of Winchester Commissioners, to Home Office, November 26: 'It may be worth considering the law, which exempts all *Threshing Machines* from capital punishment, should such scenes as these occur again amongst the agricultural classes. I confess I view with great regret that they have found the mode of combining, which I had hoped was confined to the manufacturing classes.'

⁵ Sir J. A. Park (1763-1838).

⁶ *Times*, January 15, 1831.

⁷ *Ibid.*, January 12, 1831.

Mr. Justice Alderson took a different view, and the very next day he was expounding the truths of political economy at Dorchester, starting with what he termed the 'beautiful and simple illustration' of the printing press.¹ The illustration must have seemed singularly intimate and convincing to the labourers in the dock who had never been taught their letters.

Such was the temper of the judges. Who and what were the prisoners before them? After the suppression of the riots, the magistrates could pick out culprits at their leisure, and when a riot had involved the whole of the village the temptation to get rid by this method of persons who for one reason or another were obnoxious to the authorities was irresistible. Hunt, speaking in the House of Commons,² quoted the case of Hindon; seven men had been apprehended for rioting and they were all poachers. Many of the prisoners had already spent a month in an overcrowded prison; almost all of them were poor men; the majority could not read or write.³ Few could afford counsel, and it must be remembered that counsel could not address the court on behalf of prisoners who were being tried for breaking machines, or for belonging to a mob that asked for money or destroyed property. By the rules of the gaol, the prisoners at Salisbury were not allowed to see their attorney except in the presence of the gaoler or his servant. The labourers' ignorance of the law was complete and inevitable. Many of them thought that the King or the Government or the magistrates had given orders that machines were to be broken. Most of them supposed that if a person from whom they demanded money threw it down or gave it without the application of physical force, there was no question of robbery. We have an illustration of this illusion in a trial at Winchester when Isaac Hill, junior, who was charged with breaking a threshing machine near Micheldever, for which the maximum penalty was seven years, pleaded in his defence that he had not broken the machine and that all he did 'was to ask the prosecutor civilly for the money, which the

¹ *Times*, January 12, 1831.

² February 8, 1831.

³ There are no statistics for Wilts, Hants, Bucks, and Dorsetshire prisoners. At Reading out of 138 prisoners 37 could read, and 25 of the 37 could also write. At Abingdon, out of 47, 17 could read, and 6 of them could also write. In Wilts and Hants the proportion was probably smaller, as the people were more neglected.

mob took from him, and the prosecutor gave it to him, and that he thanked him very kindly for it,'¹ an admission which made him liable to a death penalty. A prisoner at Salisbury, when he was asked what he had to say in his defence to the jury, replied: 'Now, my Lord, I'se got nothing to say to 'em, I doant knaow any on 'em.'² The prisoners were at this further disadvantage that all the witnesses whom they could call as to their share in the conduct of a mob had themselves been in the mob, and were thus liable to prosecution. Thus when James Lush (who was afterwards selected for execution) and James Toomer appealed to a man named Lane, who had just been acquitted on a previous charge, to give evidence that they had not struck Mr. Pinniger in a scuffle, Mr. Justice Alderson cautioned Lane that if he acknowledged that he had been in the mob he would be committed. Lane chose the safer part of silence.³ In another case a witness had the courage to incriminate himself. When the brothers Simms were being tried for extorting money from Parson Easton's wife, a case which we have already described, Henry Bunce, called as a witness for the defence, voluntarily declared, in spite of a caution from the judge (Alderson), that he had been present himself and that William Simms did not use the expression 'blood or money.' He was at once ordered into custody. 'The prisoner immediately sprung over the bar into the dock with his former comrades, seemingly unaffected by the decision of the learned judge.'⁴

Perhaps the darkest side of the business was the temptation held out to prisoners awaiting trial to betray their comrades. Immunity or a lighter sentence was freely offered to those who would give evidence. Stokes, who was found guilty at Dorchester of breaking a threshing machine, was sentenced by Mr. Justice Alderson to a year's imprisonment, with the explanation that he was not transported because 'after you were taken into custody, you gave very valuable information which tended greatly to further the ends of justice.'⁵ These transactions were not often dragged into the daylight, but some negotiations of this character were made public in the

¹ *Times*, December 24, 1830.

² *Ibid.*, January 8, 1831.

³ *Times*, January 7, 1831.

⁴ *Ibid.*, December 24, 1830. Henry Bunce was transported for life to New South Wales.

⁵ *Ibid.*, January 14.

trial of Mr. Deacle next year. Mr. Deacle, a well-to-do gentleman farmer, was tried at the Lent Assizes at Winchester for being concerned in the riots. One of the witnesses against him, named Collins, admitted in cross-examination that he believed he should have been prosecuted himself, if he had not promised to give evidence against Mr. Deacle; another witness, named Barnes, a carpenter, stated in cross-examination that during the trials at the Special Commission, 'he being in the dock, and about to be put on his trial, the gaoler Beckett called him out, and took him into a room where there were Walter Long, a magistrate, and another person, whom he believed to be Bingham Baring, who told him that he should not be put upon his trial if he would come and swear against Deacle.' When the next witness was about to be cross-examined, the counsel for the prosecution abruptly abandoned the case.¹

The first Special Commission was opened at Winchester with suitable pomp on 18th December. Not only the prison but the whole town was crowded, and the inhabitants of Winchester determined to make the best of the windfall. The jurymen and the *Times* special correspondent complained bitterly of the abnormal cost of living, the latter mentioning that in addition to extraordinary charges for beds, 5s. a day was exacted for firing and tallow candles, bedroom fire not included. The three judges sent down as commissioners were Baron Vaughan, Mr. Justice Parke, and Mr. Justice Alderson. With them were associated two other commissioners, Mr. Sturges Bourne, of assistant overseer fame, and Mr. Richard Pollen. The Duke of Wellington, as Lord-Lieutenant, sat on the Bench. The Attorney-General, Mr. Sergeant Wilde, and others appeared to prosecute for the Crown. The County took up every charge, the Government only the more serious ones.

There were three hundred prisoners, most of them charged with extorting money by threats or with breaking machinery. What chance had they of a fair trial? They started with the disabilities already described. They were thrown by batches into the dock; the pitiless law was explained to the jury; extenuating circumstances were ruled out as irrelevant. 'We do not come here,' said Mr. Justice Alderson, 'to inquire into grievances. We come here to decide law.' But though evidence about wages or distress was not

¹ Cobbett, *Political Register*, vol. lxxiii. p. 535, and local papers.

admitted, the judges did not scruple to give their own views of the social conditions which had produced these disturbances. Perhaps the most flagrant example was provided by a trial which happily was for a misdemeanour only. Seven men were indicted for conspiring together and riotously assembling for the purpose of raising wages and for compelling others to join them. The labourers of the parish of Fawley had combined together for two objects, the first to raise their wages, which stood at 9s. a week, the second to get rid of the assistant overseer, who had introduced a parish cart, to which he had harnessed women and boys, amongst others an idiot woman, named Jane Stevens. The labourers determined to break up the cart, but they desisted on the promise of a farmer that a horse should be bought for it. Lord Cavan was the large landowner of the parish. He paid his men as a rule 9s. a week, but two of them received 10s. The mob came up to his house to demand an increase of wages: Lord Cavan was out, quelling rioters elsewhere. Lady Cavan came down to see them. 'Seeing you are my neighbours and armed,' said she, 'yet, as I am an unprotected woman, I am sure you will do no harm.' The labourers protested that they meant no harm, and they did no harm. 'I asked them,' said Lady Cavan afterwards, in evidence, 'why they rose then, there was no apparent distress round Eaglehurst, and the wages were the same as they had been for several years. I have been in several of their cottages and never saw any appearance of distress. They said they had been oppressed long and would bear it no longer.' One man told her that he had 9s. a week wages and 3s. from the parish, he had heard that the 3s. was to be discontinued. With the common-sense characteristic of her class Lady Cavan assured him that he was not improving his position by idling. The labourers impressed the Cavan men, and went on their peaceful way round the parish. The farmers who gave evidence for the prosecution were allowed to assert that there was no distress, but when it came to evidence for the defence a stricter standard of relevancy was exacted. One witness for the prisoners said of the labourers: 'The men were in very great distress; many of the men had only a few potatoes in their bag when they came to work.' 'The learned judges objected to this course of examination being continued: it might happen that through drinking a man might suffer distress.' The Attorney-General, in his closing

speech, asserted again that the prisoners did not seem to have been in distress. Baron Vaughan, in summing up, said that men were not to assemble and conspire together for the purpose of determining what their wages should be. 'That which at first might be in itself a lawful act, might in the event become illegal. . . . A respectful statement or representation of their grievances was legal, and to which no one would object, but the evidence, if they believed it, showed that the conduct of this assembly was far from being respectful. No one could feel more for the distresses of the people than he did, but he would never endure that persons should by physical strength compel wages to be raised. There was no country where charity fell in a purer stream than in this. Let the man make his appeal in a proper and respectful manner, and he might be assured that appeal would never be heard in vain. . . . His Lordship spoke very highly of the conduct of Lady Cavan. She had visited the cottages of all those who lived in the neighbourhood, she knew they were not distressed, and she also felt confident from her kindness to them that they would not offer her any violence.' All seven were found guilty; four were sentenced to six months hard labour, and three to three months.

Very few, however, of the cases at Winchester were simple misdemeanours, for in most instances, in addition to asking for higher wages, the labourers had made themselves liable to a prosecution for felony, either by breaking a threshing machine or by asking for money. Those prisoners who had taken part in the Fordingbridge riots, or in the destruction of machinery near Andover, or in the demolition of the Headley Workhouse, were sentenced to death or to transportation for life. Case after case was tried in which prisoners from different villages were indicted for assault and robbery. The features varied little, and the spectators began to find the proceedings monotonous. Most of the agricultural population of Hampshire had made itself liable to the death penalty, if the authorities cared to draw the noose. The three hundred who actually appeared in Court were like the men on whom the tower of Siloam fell.

A case to which the prosecution attached special importance arose out of an affair at the house of Mr. Eyre Coote. A mob of forty persons, some of whom had iron bars, presented themselves before Mr. Coote's door at two o'clock in the morning. Two bands of men had already visited Mr. Coote

that evening, and he had given them beer: this third band was a party of stragglers. Mr. Coote stationed his ten servants in the portico, and when the mob arrived he asked them, 'What do you want, my lads?' 'Money,' was the answer. 'Money,' said Mr. Coote, 'you shan't have.' One of the band seemed to Mr. Coote about to strike him. Mr. Coote seized him, nine of the mob were knocked down and taken, and the rest fled. Six of the men were prosecuted for feloniously demanding money. Baron Vaughan remarked that outrages like this made one wonder whether one was in a civilised country, and he proceeded to raise its moral tone by sentencing all the prisoners to transportation for life, except one, Henry Eldridge, who was reserved for execution. He had been already capitally convicted of complicity in the Fordingbridge riots, and this attempt to 'enter the sanctuary of Mr. Eyre Coote's home' following upon that crime, rendered him a suitable 'sacrifice to be made on the altar of the offended justice' of his country.

In many of the so-called robberies punished by the Special Commissions the sums taken were trifling. George Steel, aged eighteen, was sentenced to transportation for life for obtaining a shilling, when he was in liquor, from Jane Neale: William Sutton, another boy of eighteen, was found guilty of taking 4d. in a drunken frolic: Sutton, who was a carter boy receiving 1s. 6d. a week and his food, was given an excellent character by his master, who declared that he had never had a better servant. The jury recommended him to mercy, and the judges responded by sentencing him to death and banishing him for life. George Clerk, aged twenty, and E. C. Nutbean, aged eighteen, paid the same price for 3d. down and the promise of beer at the Greyhound. Such cases were not exceptional, as any one who turns to the reports of the trials will see.

The evidence on which prisoners were convicted was often of the most shadowy kind. Eight young agricultural labourers, of ages varying from eighteen to twenty-five, were found guilty of riotously assembling in the parish of St. Lawrence Wootton and feloniously stealing £2 from William Lutely Sclater of Tangier Park. 'We want to get a little satisfaction from you' was the phrase they used. Two days later another man, named William Farmer, was charged with the same offence. Mr. Sclater thought that Farmer was like the

man in the mob who blew a trumpet or horn, but could not swear to his identity. Other witnesses swore that he was with the mob elsewhere, and said, 'Money wa want and money wa will hae.' On this evidence he was found guilty, and though Mr. Justice Alderson announced that he felt warranted in recommending that he should not lose his life, 'yet, it was his duty,' he continued, 'to state that he should for this violent and disgraceful outrage be sent out of the country, and separated for life from those friends and connections which were dear to him here: that he should have to employ the rest of his days in labour, at the will and for the profit of another, to show the people of the class to which the prisoner belonged that they cannot with impunity lend their aid to such outrages against the peace and security of person and property.'

We have seen that at the time of the riots it was freely stated that the farmers incited the labourers to make disturbances. Hunt went so far as to say in the House of Commons that in nineteen cases out of twenty the farmers encouraged the labourers to break the threshing machines. The county authorities evidently thought it unwise to prosecute the farmers, although it was proved in evidence that there were several farmers present at the destruction of the Headley Workhouse, and at the demonstration at Mr. Cobbold's house. Occasionally a farmer, in testifying to a prisoner's character, would admit that he had been in a mob himself. In such cases the judge administered rebukes, but the prosecution took no action. There was, however, one exception. A small farmer, John Boys, of the parish of Owslebury, had thrown himself heartily into the labourers' cause. A number of small farmers met and decided that the labourers' wages ought to be raised. Boys agreed to take a paper round for signature. The paper ran as follows: 'We the undersigned are willing to give 2s. per day for able-bodied married men, and 9s. per week for single men, on consideration of our rents and tithes being abated in proportion.' In similar cases, as a rule, the farmers left it to the labourers to collect signatures, and Boys, by undertaking the work himself, made himself a marked man. He had been in a mob which extorted money from Lord Northesk's steward at Owslebury, and for this he was indicted for felony. But the jury, to the chagrin of the prosecution, acquitted him. What followed is best described in the report of Sergeant Wilde's

speech in the House of Commons (21st July 1831). 'Boyce was tried and acquitted: but he (Mr. Wilde) being unable to account for the acquittal, considering the evidence to have been clear against him, and feeling that although the jury were most respectable men, they might possibly entertain some sympathy for him in consequence of his situation in life, thought it his duty to send a communication to the Attorney-General, stating that Boyce was deeply responsible for the acts which had taken place: that he thought he should not be allowed to escape, and recommending that he be tried before a different jury in the other Court. The Attorney-General sent to him (Mr. Wilde) to come into the other Court, and the result was that Boyce was then tried and convicted.' In the other more complaisant Court, Farmer Boys and James Fussell, described as a genteel young man of about twenty, living with his mother, were found guilty of heading a riotous mob for reducing rents and tithes and sentenced to seven years' transportation.¹

This was not the only case in which the sympathies of the jury created a difficulty. The Home Office Papers contain a letter from Dr. Quarrier, a Hampshire magistrate, who had been particularly vigorous in suppressing riots, stating that Sir James Parke discharged a jury at the special Commission 'under the impression that they were reluctant to convict the Prisoners which was more strongly impressed upon the mind of the Judge, by its being reported to his Lordship that "some of the Gosport Jurors had said, while travelling in the stage coach to Winchester, that they would not convict in cases where the Labourers had been driven to excess by Poverty and low Wages!" It was ascertained that some of those empannelled upon the acquitting Jury were from Gosport, which confirmed the learned Judge in the determination to discharge them.'²

An interesting feature of the trials at Winchester was the number of men just above the condition of agricultural labourers who threw in their lot with the poor: the village mechanics, the wheelwrights, carpenters, joiners, smiths, and the bricklayers, shoemakers, shepherds and small holders were often prominent in the disturbances. To the judges this fact was a riddle. The threshing machines had done

¹ Fussell's sentence was commuted to imprisonment. Boys was sent to Van Diemen's Land.

² H. O. Papers, Municipal and Provincial. Hants 1831, March 24.

these men no injury ; they had not known the sting of hunger ; till the time of the riots their characters had been as a rule irreproachable. *Nemo repente turpissimus fuit*, and yet apparently these persons had suddenly, without warning, turned into the 'wicked and turbulent men' of the archbishop's prayer. Such culprits deserved, in the opinions of the bench, severer punishment than the labourers, whom their example should have kept in the paths of obedience and peace.¹ Where the law permitted, they were sentenced to transportation for life. One heinous offender of this type Gregory, a carpenter, was actually earning 18s. a week in the service of Lord Winchester. But the most interesting instances were two brothers, Joseph and Robert Mason, who lived at Bullington. They rented three or four acres, kept a cow, and worked for the neighbouring farmers as well. Joseph, who was thirty-two, had a wife and one child ; Robert, who was twenty-four, was unmarried. Between them they supported a widowed mother. Their characters were exemplary, and the most eager malice could detect no blot upon their past. But their opinions were dangerous : they regularly took in Cobbett's *Register* and read it aloud to twenty or thirty of the villagers. Further, Joseph had carried on foot a petition for reform to the king at Brighton from a hundred and seventy-seven 'persons, belonging to the working and labouring classes' of Wonston, Barton Stacey and Bullington, and was reported to have given some trouble to the king's porter by an importunate demand for an audience. The recital of these facts gave rise to much merriment at his trial, and was not considered irrelevant by judges who ruled out all allusions to distress.² An interesting light is thrown on the history of this petition by a fragment of a letter, written by Robert Mason to a friend, which somehow fell into the hands of a Captain Thompson of Longparish, and was forwarded by him to the Home Office as a valuable piece of evidence.

¹ As early as November 26, Mr. Richard Pollen, Chairman of Quarter Sessions and afterwards a commissioner at Winchester, had written to the Home Office, 'I have directed the Magistrates' attention very much to the class of People found in the Mobs many miles from their own homes, Taylors, Shoemakers etc., who have been found always very eloquent, they are universally politicians : they should be, I think, selected.'—H. O. Papers.

² For a full account of the incident, including the text of the petition and list of signatures, see Cobbett's *Two-penny Trash*, July 1, 1832.

' P.S.—Since I wrote the above I have saw and talked with two persons who say " Bullington Barton and Sutton has sent a petition and why not Longparish Hursborne and Wherwell send another." I think as much, to be sure if we had all signed one, one journey and expense would have served but what is expence? Why I would engage to carry a Petition and deliver it at St. James for 30 shillings, and to a place like Longparish what is that? If you do send one pray do not let Church property escape your notice. There is the Church which cost Longparish I should think nearly £1500 yearly: yes and there is an old established Chaple which I will be bound does not cost £25 annually. For God sake . . .' (illegible).

The first charge brought against the Masons was that of robbing Sir Thomas Baring's steward of £10 at East Stratton. The money had been taken by one of the mobs; the Masons were acquitted. They were next put on their trial together with William Winkworth, a cobbler and a fellow reader of Cobbett, and ten others, for a similar offence. This time they were accused of demanding £2 or £5 from Mr. W. Dowden of Micheldever. The Attorney-General, in opening the case, drew attention to the circumstances of the Masons and Winkworth, saying that the offence with which they were charged was of a deeper dye, because they were men of superior education and intelligence. A humane clergyman, Mr. Cockerton, curate of Stoke Charity, gave evidence to the effect that if the men had been met in a conciliatory temper in the morning they would have dispersed. Joseph Mason and William Winkworth were found guilty, and sentenced, in the words of the judge, to ' be cut off from all communion with society ' for the rest of their lives. Robert Mason was still unconvicted, but he was not allowed to escape. The next charge against him was that he was one of a mob that extorted five shillings from the Rev. J. Joliffe at Barton Stacey. He admitted that he had accompanied the mob, partly because the labourers had urged him to do so, partly because he hoped that Mr. Joliffe, being accustomed to public speaking, would be able to persuade the labourers to disperse before any harm was done. There was no evidence to show that he had anything to do with the demand for money. He was found guilty and sentenced to transportation for life. When asked what he had to say for

himself, he replied, 'If the learned Counsel, who had so painted my conduct to you, was present at that place and wore a smock frock instead of a gown, and a straw hat instead of a wig, he would now be standing in this dock instead of being seated where he is.'

Six men were reserved for execution, and told that they must expect no mercy on this side of the grave: Cooper, the leader in the Fordingbridge riots; Holdaway, who had headed the attack on Headley Workhouse; Gilmore, who had entered the justices' room in Andover 'in rather a violent manner' and parleyed with the justices, and afterwards, in spite of their remonstrances, been a ringleader in the destruction of a foundry in the parish of Upper Clatford; Eldridge, who had taken part in the Fordingbridge riot and also 'invaded the sanctuary' of Mr. Eyre Coote's home; James Aunalls, a lad of nineteen, who had extorted money at night with threats of a fire, from a person whom he bade look over the hills, where a fire was subsequently seen, and Henry Cook. Cook was a ploughboy of nineteen, who could neither read nor write. For most of his life, since the age of ten, he had been a farm hand. For six months before the riots he had been employed at sawing, at 10s. a week, but at the time of the rising he was out of work. After the riots he got work as a ploughboy at about 5s. a week till his arrest. Like the other lads of the neighbourhood he had gone round with a mob, and he was found guilty with Joseph Mason, of extorting money from William Dowden. For this he might have got off with transportation for life, but another charge was preferred against him. Mr. William Bingham Baring, J.P., tried, with the help of some of his servants, to quell a riot at Northingdon Down Farm. Silcock, who seemed the leader of the rioters, declared that they would break every machine. Bingham Baring made Silcock repeat these words several times and then seized him. Cook then aimed a blow at Bingham Baring with a sledge-hammer and struck his hat. So far there was no dispute as to what had happened. One servant of the Barings gave evidence to the effect that he had saved his master's life by preventing Cook from striking again; another afterwards put in a sworn deposition to the effect that Cook never attempted to strike a second blow. All witnesses agreed that Bingham Baring's hat had suffered

severely : some of them said that he himself had been felled to the ground. Whatever his injuries may have been, he was seen out a few hours later, apparently in perfect health ; next day he was walking the streets of Winchester ; two days later he was presented at Court, and within a week he was strong enough to administer a sharp blow himself with his stick to a handcuffed and unconvicted prisoner, a display of zeal for which he had to pay £50. Cook did not put up any defence. He was sentenced to death.

Perhaps it was felt that this victim to justice was in some respects ill chosen, for reasons for severity were soon invented. He was a heavy, stolid, unattractive boy, and his appearance was taken to indicate a brutal and vicious disposition. Stories of his cruelties to animals were spread abroad. 'The fate of Henry Cook,' said the *Times* correspondent (3rd January 1831), 'excites no commiseration. From everything I have heard of him, justice has seldom met with a more appropriate sacrifice. He shed some tears shortly after hearing his doom, but has since relapsed into a brutal insensibility to his fate.' His age was raised to thirty, his wages to 30s. a week. Denman described him in the House of Commons, after his execution, as a carpenter earning 30s. a week, who had struck down one of the family of his benefactor, and had only been prevented from killing his victim by the interposition of a more faithful individual. This is the epitaph written on this obscure ploughboy of nineteen by the upper classes. His own fellows, who probably knew him at least as well as a Denman or a Baring, regarded his punishment as murder. Cobbett tells us that the labourers of Micheldever subscribed their pennies to get Denman's misstatements about Cook taken out of the newspapers. When his body was brought home after execution, the whole parish went out to meet it, and he was buried in Micheldever churchyard in solemn silence.¹

Bingham Baring himself, as has been mentioned, happened to offend against the law by an act of violence at this time. He was not like Cook, a starving boy, but the son of a man who was reputed to have made seven millions of money, and was called by Erskine the first merchant in Europe. He did not strike his victim in a riot, but in cold blood. His victim could not defend himself, for he was handcuffed. The man struck was a Mr. Deacle, a small farmer who had

¹ It is said in Micheldever to-day that the snow never lies on his grave.

had his own threshing machine broken, and was afterwards arrested with his wife, by Bingham Baring and a posse of magistrates, on suspicion of encouraging the rioters. Deacle's story was that Baring and the other magistrates concerned in the arrest treated his wife with great insolence in the cart in which they drove the Deacles to prison, and that Bingham Baring further struck him with a stick. For this Deacle got £50 damages in an action he brought against Baring. 'This verdict,' said the *Morning Herald*, 'seemed to excite the greatest astonishment: for most of the Bar and almost every one in Court said, if on the jury, they would have given at least £5000 for so gross and wanton an insult and unfeeling conduct towards those who had not offered the least resistance; the defendants not addressing the slightest evidence in palliation or attempting to justify it.' The judge, in summing up, 'could not help remarking that the handcuffing was, to say the least of it, a very harsh proceeding towards a lady and gentleman who had been perfectly civil and quiet.' Meanwhile the case of the magistrates against the Deacles had collapsed in the most inglorious manner. Though they had handcuffed these two unresisting people, they had thought it wiser not to proceed against them. Deacle, however, insisted on being tried, and by threatening the magistrates with an action, he obliged them to prosecute. He was tried at the Assizes, and, as we have seen, the trial came to an abrupt conclusion under circumstances that threw the gravest suspicion on the methods of the authorities.¹ Meanwhile the treatment these two persons had received (and we can imagine from their story how innocent poor people, without friends or position, were handled) had excited great indignation, and the newspapers were full of it. There were petitions sent up to Parliament for a Committee of Inquiry. Now the class to which Cook was unlucky enough to belong had never sent a single member to Parliament, but the Baring family had five members in the House of Commons at this very moment, one of whom had taken part with Bingham Baring in the violent arrest of the Deacles. The five, moreover, were very happily distributed, one of them being Junior Lord of the Treasury in Grey's Government and husband of Grey's niece, and another an important member of the Opposition and afterwards Chancellor of the Exchequer under Peel. The Barings therefore were in less danger of

¹ See p. 80.

misrepresentation or misunderstanding; the motion for a Committee was rejected by a great majority on the advice of Althorp and Peel; the leader of the House of Commons came forward to testify that the Barings were friends of his, and the discussion ended in a chorus of praise for the family that had been judged so harshly outside the walls of Parliament.

When the Special Commission had finished its labours at Winchester, 101 prisoners had been capitally convicted; of these 6 were left for execution. The remaining 95 were, with few exceptions, transported for life. Of the other prisoners tried, 36 were sentenced to transportation for various periods, 65 were imprisoned with hard labour, and 67 were acquitted. Not a single life had been taken by the rioters, not a single person wounded. Yet the riots in this county alone were punished by more than a hundred capital convictions, or almost double the number that followed the devilish doings of Lord George Gordon's mob. The spirit in which Denman regarded the proceedings is illustrated by his speech in the House of Commons on the amnesty debate: 'No fewer than a hundred persons were capitally convicted at Winchester, of offences for every one of which their lives might have been justly taken, and ought to have been taken if examples to such an extent had been necessary.'¹

These sentences came like a thunderclap on the people of Winchester, and all classes, except the magistrates, joined in petitions to the Government for mercy. The *Times* correspondent wrote as follows:—

'WINCHESTER, Friday Morning, 7th. Jan.

'The scenes of distress in and about the jail are most terrible. The number of men who are to be torn from their homes and connexions is so great that there is scarcely a hamlet in the county into which anguish and tribulation have not entered. Wives, sisters, mothers, children, beset the gates daily, and the governor of the jail informs me that the scenes he is obliged to witness at the time of locking up the prison are truly heartbreaking.

'You will have heard before this of the petitions which have been presented to the Home Office from Gosport, Portsmouth, Romsey, Whitchurch, and Basingstoke, praying for an extension of mercy to all the men who now lie under

¹ February 8, 1831.

sentence of death. A similar petition has been got up in this city. It is signed by the clergy of the Low Church, some of the bankers, and every tradesman in the town without exception. Application was made to the clergy of the Cathedral for their signatures, but they refused to give them, except conditionally, upon reasons which I cannot comprehend. They told the petitioners, as I am informed, that they would not sign any such petition unless the grand jury and the magistracy of the county previously affixed their names to it. Now such an answer, as it appears to me, is an admission on their part that no mischief would ensue from not carrying into effect the dreadful sentence of the law ; for I cannot conceive that if they were of opinion that mischief would ensue from it, they would sign the petition, even though it were recommended by all the talent and respectability of the Court of Quarter Sessions. I can understand the principles on which that man acts, who asserts and laments the necessity of vindicating the majesty of the law by the sacrifice of human life ; but I cannot understand the reasons of those who, admitting that there is no necessity for the sword of justice to strike the offender, decline to call upon the executive government to stay its arm, and make their application for its mercy dependent on the judgment, or it may be the caprice, of an influential aristocracy. Surely, of all classes of society, the clergy is that which ought not to be backward in the remission of offences. They are daily preaching mercy to their flocks, and it wears but an ill grace when they are seen refusing their consent to a practical application of their own doctrines. Whatever my own opinion may be, as a faithful recorder of the opinions of those around me, I am bound to inform you, that, except among the magistracy of the county, there is a general, I had almost said a universal, opinion among all ranks of society, that no good will be effected by sacrificing human life.’¹

This outburst of public opinion saved the lives of four of the six men who had been left for execution. The two who were hung were Cooper and Cook. But the Government

¹ *Times*, January 8, 1831. The *Times* of the same day contains an interesting petition from the Birmingham Political Union on behalf of all the prisoners tried before the Special Commissions.

and the judges were determined that the lessons of civilisation should not be wanting in impressiveness or in dignity. They compelled all the prisoners who had been condemned by the Commission to witness the last agonies of the two men whom public opinion had been unable to rescue. The account given in the *Times* of 17th January shows that this piece of refined and spectacular discipline was not thrown away, and that the wretched comrades of the men who were hanged suffered as acutely as Denman or Alderson themselves could have desired. 'At this moment I cast my eyes down into the felons' yard, and saw many of the convicts weeping bitterly, some burying their faces in their smock frocks, others wringing their hands convulsively, and others leaning for support against the wall of the yard and unable to cast their eyes upwards.' This was the last vision of English justice that each labourer carried to his distant and dreaded servitude, a scene that would never fade from his mind. There was much that England had not taught him. She had not taught him that the rich owed a duty to the poor, that society owed any shelter to the freedom of the property of the weak, that the mere labourer had a share in the State, or a right to be considered in its laws, or that it mattered to his rulers in what wretchedness he lived or in what wretchedness he died. But one lesson she had taught him with such savage power that his simple memory would not forget it, and if ever in an exile's gilding dreams he thought with longing of his boyhood's famine-shadowed home, that inexorable dawn would break again before his shrinking eyes and he would thank God for the wide wastes of the illimitable sea.

The Special Commission for Wiltshire opened at Salisbury on 2nd January 1831. The judges were the same as those at Winchester; the other commissioners were Lord Radnor, the friend of Cobbett, and Mr. T. G. B. Estcourt. Lord Lansdowne, the Lord-Lieutenant, sat on the bench. The foreman of the Grand Jury was Mr. John Benett, who has already figured in these pages as the proprietor whose property was destroyed and the magistrate who committed the culprits. There were three hundred prisoners awaiting trial.

The method in which the prosecutions were conducted in Wiltshire, though it did not differ from the procedure followed in Hampshire and elsewhere, provoked some criticism

from the lawyers. The prosecutions were all managed by the county authorities. The clerks of the committing magistrates in the different districts first took the depositions, and then got up all the prosecutions in their capacity of solicitors to the same magistrates prosecuting as county authorities, to the exclusion of the solicitors of the individual prosecutors. Further, all the prosecutions were managed for the county by a single barrister, who assisted the Attorney-General and left no opening for other members of the Bar. The counsel for one of the prisoners objected to this method, not only on the ground of its unfairness to the legal profession, but on the wider grounds of the interests of justice. For it was inconsistent with the impartiality required from magistrates who committed prisoners that they should go on to mix themselves up with the management of the prosecution; in many cases these magistrates served again as grand jurors in the proceedings against the prisoners. Such procedure, he argued 'was calculated to throw at least a strong suspicion on the fair administration of justice.' These protests, however, were silenced by the judges, and though the Attorney-General announced that he was willing that the counsel for the magistrates should retire, no change was made in the arrangements.

The Salisbury prisoners were under a further disadvantage peculiar, it is to be hoped, to that gaol. They were forbidden to see their attorney except in the presence of the gaoler or his servants. This rule seems to have been construed by the authorities in a manner that simplified considerably the task of the prosecution. The facts of the case of James Lush, condemned to death on two charges of extorting money in a mob, were made public by Hunt in a letter to the *Times*, 22nd January 1831. Lush was a very poor man, but when first committed he sent for an attorney and made a full confession. 'This confession, so confidentially made to his attorney (by an extraordinary rule of the gaol) the legal adviser was compelled to submit to the inspection of the gaoler, which paper he kept in his hands for several days and in all human probability, this document, or a copy of it, was either submitted to the inspection of the judge, or placed in the hands of the prosecutor, the Crown Solicitor, or the Attorney-General: when this man was called up for trial, such was his extreme poverty, that he could not raise a guinea to fee counsel, and he was left destitute, without legal advice or

assistance.' The Attorney-General could only answer this charge in the House of Commons by declaring that he had no recollection of any such circumstance himself, and that no gentleman of the Bar would avail himself of information obtained in such a manner. Lush could not distinguish these niceties of honour, or understand why his confession should be examined and kept by the gaoler unless it was to be used against him, and it is not surprising that he thought himself betrayed. It is only fair to Lord Melbourne to add that when Hunt drew his attention to this iniquitous rule in Salisbury Gaol he had it abolished.

The cases tried were very similar to those at Winchester; batch after batch of boys and men in the prime of life were brought up to the dock for a brief trial and sentence of exile. Such was the haste that in one case at least the prisoners appeared with the handcuffs still on their wrists, a circumstance which elicited a rebuke from the judge, and an excuse of overwork from the gaoler. Amongst the first cases eight prisoners, varying in age from seventeen to thirty, were sentenced to transportation for life for doing £500 worth of damage at Brasher's cloth mill at Wilton. Thirteen men were transported for seven years and one for fourteen years for breaking threshing machines on the day of the Pyt House affray. Mr. John Bennett was satisfied with this tale of victims in addition to the man killed by the yeomanry, and refrained from prosecuting for the stones thrown at him. For this he took great credit in the House of Commons, and no doubt it was open to him to imitate Bingham Baring's friends, and to talk of that kind of outrage as 'murder.'

At Salisbury, as at Winchester, evidence about distress and wages was ruled out by the judges whenever possible; thus when twelve men, nine of whom were afterwards transported for seven years, were being tried for breaking a threshing machine on the farm of a man named Ambrose Patience the cross-examination of Patience, which aimed at eliciting facts about wages and distress, was stopped by the court on the ground that in a case of this sort such evidence was scarcely regular; it was intimated, however, that the court would hear representations of this kind later. But some light was thrown incidentally in the course of the trials on the circumstances of the prisoners. Thus one of the Pyt House prisoners urged in his defence: 'My Lord, I found work very bad in my own parish for the last three years, and having

a wife and three children to support I was glad to get work wherever I could get it. I had some work at a place four miles from my house.' He then described how on his way to work he was met by the mob and forced to join them. 'It is a hard case with me, my Lord; I was glad to get work though I could earn only seven shillings per week, and it cost me a shilling a week for iron, so that I had only six shillings a week to support five persons.' Another prisoner, Mould of Hatch, was stated by Lord Arundel to be very poor: he had a wife and six children, of whom one or two had died of typhus since his committal. They had nothing to live on but what they got at Lord Arundel's house. The benevolent Lord Arundel, or the parish, must have supported the survivors indefinitely, for Mould was exiled for seven years. Barrett again, another of these prisoners, was supporting himself, a wife, and a child on 5s. a week. The usual rate of wages in Wiltshire was 7s. a week.

Evidence about the instigation of the labourers by those in good circumstances was also ruled out, and much that would be interesting in the history of the riots has thus perished. When six men were being prosecuted for breaking a threshing machine on the farm of Mr. Judd at Newton Toney, counsel for the defence started a cross-examination of the prosecutor designed to show that certain landowners in the parish had instigated the labourers to the outrages, but he was stopped by Mr. Justice Alderson, who declared that such an inquiry was not material to the issue, which was the guilt or innocence of the prisoners. If the prisoners were found guilty these circumstances would be laid before the court in mitigation of punishment. However strong the mitigating circumstances in this case were, the punishment was certainly not mitigated, for all six men were sentenced to the maximum penalty of seven years' transportation. In a similar case in Whiteparish it came out in the evidence that Squire Bristowe had sent down buckets of strong beer, and that Squire Wynne, who was staying with Squire Bristowe, was present at the breaking of the machine. In the affair at Ambrose Patience's farm already mentioned, the defence of the prisoners was that Farmer Parham had offered them half a hogshead of cider if they would come and break his machine, whilst in another case three men were acquitted because one of the witnesses for the prosecution, a young brother of the farmer whose property had been destroyed, unexpectedly

disclosed the fact that his brother had said to the mob: 'Act like men, go and break the machine, but don't go up to the house.'

The proportion of charges of extorting money was smaller at Salisbury than at Winchester: most of the indictments were for breaking machines only. In some instances the prosecution dropped the charge of robbery, thinking transportation for seven years a sufficient punishment for the offence. Three brothers were sentenced to death for taking half a crown: nobody received this sentence for a few coppers. In this case the three brothers, William, Thomas, and John Legg, aged twenty-eight, twenty-one, and eighteen, had gone at midnight to the kitchen door of the house of Mrs. Montgomery, wife of a J.P., and asked the manservant for money or beer. The man gave them half a crown, and they thanked him civilly and went away. A curious light is thrown on the relations between robbers and the robbed in the trial of six men for machine-breaking at West Grimstead: the mob of fifty persons asked the farmer for a sovereign, he promised to pay it next day, whereupon one of the mob, a man named Light who was his tenant, offered to pay the sovereign himself and to deduct it from the rent.

At Salisbury, as at Winchester, the fate of the victims depended largely on the character given to the prisoners by the local gentry. This was especially the case towards the end when justice began to tire, and a good many charges were dropped. Thus Charles Bourton was only imprisoned for three months for breaking a threshing machine, whilst John Perry was transported for seven years for the same offence. But then John Perry had been convicted seven or eight times for poaching.

In Wiltshire, as in Hampshire, the judges were particularly severe to those prisoners who were not agricultural labourers. A striking instance is worth quoting, not only as illustrating this special severity, but also because it shows that the judges when inflicting the maximum penalty of seven years' transportation for machine-breaking were well aware that it was tantamount to exile for life. Thomas Porter, aged eighteen, a shepherd, Henry Dicketts, aged nineteen, a bricklayer's labourer, Aaron Shepherd, aged forty (occupation not stated), James Stevens, aged twenty-five, an agricultural labourer, and George Burbage, aged twenty-four, also an agricultural labourer, were found guilty of machine breaking at Mr.

Blake's at Idmiston. Stevens and Burbage escaped with two years' and one year's imprisonment with hard labour, respectively, and the following homily from Mr. Justice Alderson to think over in prison: 'You are both thrashers and you might in the perversion of your understanding think that these machines are detrimental to you. Be assured that your labour cannot ultimately be hurt by the employment of these machines. If they are profitable to the farmer, they will also be profitable ultimately to the labourer, though they may for a time injure him. If they are not profitable to the farmer he will soon cease to employ them.' The shepherd boy of eighteen, the bricklayer's labourer of nineteen, and their companion of forty were reserved for a heavier penalty: 'As to you, Aaron Shepherd, I can give you no hope of remaining in this country. You Thomas Porter, are a shepherd, and you Henry Dicketts, are a bricklayer's labourer. You have nothing to do with threshing machines. They do not interfere with your labour, and you could not, even in the darkness of your ignorance, suppose that their destruction would do you any good. . . . I hope that your fate will be a warning to others. You will leave the country, all of you: you will see your friends and relations no more: for though you will be transported for seven years only, it is not likely that at the expiration of that term you will find yourselves in a situation to return. You will be in a distant land at the expiration of your sentence. The land which you have disgraced will see you no more: the friends with whom you are connected, will be parted from you for ever in this world.'

Mr. Justice Alderson's methods received a good deal of attention in one of the Salisbury trials, known as the Looker case. Isaac Looker, a well-to-do farmer, was indicted for sending a threatening letter to John Rowland: 'Mr. Rowland, Haxford Farm, Hif you goes to sware against or a man in prisson, you have here farm burnt down to ground, and thy bluddy head chopt off.' Some evidence was produced to show that Isaac Looker had asserted in conversation that it was the magistrates and the soldiers, and not the mobs, who were the real breakers of the peace. But this did not amount to absolute proof that he had written the letter: to establish this conclusion the prosecution relied on the evidence of four witnesses; the first had quarrelled with Looker, and had not seen his writing for four or five years; the second denied

that there had been any quarrel, but had not been in the habit of speaking to the prisoner for five or six years, or seen his writing during that time; the third had not had 'much of a quarrel' with him, but had not seen his writing since 1824; the fourth was the special constable who found in Looker's bureau, which was unlocked and stood in the kitchen where the family sat, a blank piece of paper that fitted on to the piece on which the letter was written. More witnesses were called for the defence than for the prosecution, and they included the vestry clerk of Wimborne, an ex-schoolmaster; all of these witnesses had known Looker's writing recently, and all of them swore that the threatening letter was not in his writing. Mr. Justice Alderson summed up against the prisoner, the jury returned a verdict of guilty, and sentence of transportation for life was passed upon Looker in spite of his vehement protestations of innocence. 'I cannot attend to these asseverations,' said Mr. Justice Alderson, 'for we all know that a man who can be guilty of such an offence as that of which you have been convicted, will not hesitate to deny it as you now do. I would rather trust to such evidence as has been given in your case, than to the most solemn declarations even on the scaffold.'

The learned judge and the jury then retired for refreshment, when a curious development took place. Edward, son of Isaac Looker, aged eighteen years, came forward and declared that he had written the letter in question and other letters as well. He wrote a copy from memory, and the handwriting was precisely similar. He explained that he had written the letters without his father's knowledge and without a thought of the consequences, in order to help two cousins who were in gaol for machine-breaking. He had heard people say that 'it would get my cousins off if threatening letters were written.' He had let his father know in prison that he had written the letters, and had also told his father's solicitor. Edward Looker was subsequently tried and sentenced to seven years' transportation; Isaac's case was submitted to the Home Secretary for pardon.

Although, as we have said, the Government, or its representatives, grew rather more lenient towards the end of the proceedings at Salisbury, it was evidently thought essential to produce some crime deserving actual death. The culprit in this case was Peter Withers, a young man of

twenty-three, married and with five children. His character till the time of the riots was exemplary. He was committed on a charge of riot, and briefed a lawyer to defend him for this misdemeanour. Just before the trial came on the charge was changed, apparently by the Attorney-General, to the capital charge of assaulting Oliver Calley Codrington with a hammer. His counsel was of course unprepared to defend him on this charge, and, as he explained afterwards, 'it was only by the humane kindness of the Attorney-General who allowed him to look at his brief that he was aware of all the facts to be alleged against his client.' Withers himself seemed equally unprepared; when asked for his defence he said that he would leave it to his counsel, as of course he had arranged to do when the charge was one of misdemeanour only.

The incident occurred in an affray at Rockley near Marlborough. Mr. Baskerville, J.P., rode up with some special constables to a mob of forty or fifty men, Withers amongst them, and bade them go home. They refused, declaring that they did not care a damn for the magistrates. Mr. Baskerville ordered Mr. Codrington, who was a special constable, to arrest Withers. A general mêlée ensued, blows were given and received, and Codrington was hit by a hammer thrown by Withers. Withers' own version of the affair was that Codrington attacked him without provocation in a ferocious manner with a hunting whip, loaded with iron at the end. Baskerville also struck him. He aimed his hammer at Codrington and it missed. Codrington's horse then crushed him against the wall, and he threw his hammer a second time with better aim. There was nothing in the evidence of the prosecution to discredit this version, and both Baskerville and Codrington admitted that they might have struck him. Codrington's injuries were apparently more serious than Bingham Baring's; it was stated that he had been confined to bed for two or three days, and to the house from Tuesday to Saturday, and that he had a scar of one and a half inches on the right side of his nose. No surgeon, however, appeared as a witness, and the hammer was not produced in court. Withers was found guilty and reserved, together with Lush, for execution.

The special correspondent of the *Times* who had been present at Winchester made an interesting comparison between the Hampshire and Wiltshire labourers on trial

(8th January 1831). The Wiltshire labourers he described as more athletic in appearance and more hardy in manner. 'The prisoners here turn to the witnesses against them with a bold and confident air: cross-examine them, and contradict their answers, with a confidence and a want of common courtesy, in terms of which comparatively few instances occurred in the neighbouring county.' In this behaviour the correspondent detected the signs of a very low state of moral intelligence.

When the time came for the last scene in court there was no trace of the bold demeanour which had impressed the *Times* correspondent during the conduct of the trials. For the people of Wiltshire, like the people of Hampshire, were stunned by the crash and ruin of this catastrophic vengeance. The two men sentenced to death were reprieved, but one hundred and fifty-four men and boys were sentenced to transportation, thirty-three of them for life, the rest for seven or fourteen years, with no prospect of ever returning to their homes. And Alderson and his brother judges in so punishing this wild fling of folly, or hope, or despair, were not passing sentence only on the men and boys before them: they were pronouncing a doom not less terrible on wives and mothers and children and babes in arms in every village on the Wiltshire Downs. One man begged to be allowed to take his child, eight months old, into exile, for its mother had died in childbirth, and it would be left without kith or kin. He was told by the judge that he should have remembered this earlier. The sentence of final separation on all these families and homes was received with a frenzy of consternation and grief, and the judges themselves were affected by the spectacle of these broken creatures in the dock and round the court, abandoned to the unchecked paroxysms of despair.¹ 'Such a total prostration of the mental faculties by fear,' wrote the *Times* correspondent, 'and such a terrible exhibition of anguish and despair, I never before witnessed in a Court of Justice.' 'Immediately on the conclusion of this sentence a number of women, who were seated in court behind the prisoners, set up a dreadful shriek of lamentation. Some of them rushed forward to shake hands with the prisoners,

¹ The scene is still vividly remembered by an old woman over ninety years of age with whom Mr. Hudson spoke.

and more than one voice was heard to exclaim, "Farewell, I shall never see you more."

'The whole proceedings of this day in court were of the most afflicting and distressing nature. But the laceration of the feelings did not end with the proceedings in court. The car for the removal of the prisoners was at the back entrance to the court-house and was surrounded by a crowd of mothers, wives, sister and children, anxiously waiting for a glance of their condemned relatives. The weeping and wailing of the different parties, as they pressed the hands of the convicts as they stepped into the car, was truly heartrending. We never saw so distressing a spectacle before, and trust that the restored tranquillity of the country will prevent us from ever seeing anything like it again.'

The historian may regret that these men do not pass out before him in a cold and splendid defiance. Their blind blow had been struck and it had been answered; they had dreamt that their lot might be made less intolerable, and the governing class had crushed that daring fancy for ever with banishment and the breaking of their homes; it only remained for them to accept their fate with a look of stone upon their faces and a curse of fire in their hearts. So had Muir and Palmer and many a political prisoner, victims of the tyrannies of Pitt and Dundas, of Castlereagh and Sidmouth, gone to their barbarous doom. So had the Lantenacs and the Gauvains alike gone to the guillotine. History likes to match such calm and unshaken bearing against the distempered justice of power. Here she is cheated of her spectacle. Outwardly it might seem a worse fate for men of education to be flung to the hulks with the coarsest of felons: for men whose lives had been comfortable to be thrust into the dirt and disorder of prisons. But political prisoners are martyrs, and martyrs are not the stuff for pity. However bitter their sufferings, they do not suffer alone: they are sustained by a Herculean comradeship of hopes and of ideas. The darkest cage is lighted by a ray from Paradise to men or women who believe that the night of their sufferings will bring a dawn less cold and sombre to mankind than the cold and sombre dawn of yesterday. But what ideas befriended the ploughboy or the shepherd torn from his rude home? What vision had he of a nobler future for humanity? To what dawn did he leave his wife or his mother, his child, his home, his friends, or his trampled race? What robe of dream and hope and

fancy was thrown over his exile or their hunger, his poignant hour of separation, or their ceaseless ache of poverty and cold

‘ to comfort the human want
From the bosom of magical skies ? ’

The three judges who had restored respect for law and order in Wiltshire and Hampshire next proceeded to Dorchester, where a Special Commission to try the Dorsetshire rioters was opened on 11th January. The rising had been less serious in Dorset than in the two other counties, and there were only some fifty prisoners awaiting trial on charges of machine-breaking, extorting money and riot. The Government took no part in the prosecutions; for, as it was explained in a letter to Denman, ‘ the state of things is quite altered; great effect has been produced: the law has been clearly explained, and prosecutions go on without the least difficulty.’¹ Baron Vaughan and Mr. Justice Parke had given the charges at Winchester and Salisbury: it was now the turn of Mr. Justice Alderson, and in his opening survey of the social conditions of the time he covered a wide field. To the usual dissertation on the economics of machinery he added a special homily on the duties incumbent on the gentry, who were bidden to discourage and discountenance, and if necessary to prosecute, the dangerous publications that were doing such harm in rural districts. But their duties did not end here, and they were urged to go home and to educate their poorer neighbours and to improve their conditions. The improvement to be aimed at, however, was not material but moral. ‘ Poverty,’ said Mr. Justice Alderson, ‘ is indeed, I fear, inseparable from the state of the human race, but poverty itself and the misery attendant on it, would no doubt be greatly mitigated if a spirit of prudence were more generally diffused among the people, and if they understood more fully and practised better their civil, moral and religious duties.’

The Dorsetshire labourers had unfortunately arrived at the precipitate conclusion that a spirit of prudence would not transform 7s. a week into a reasonable livelihood. They used no violence beyond breaking up the threshing machines. ‘ We don’t intend to hurt the farmer,’ they told the owner of

¹ H. O. Papers, Disturbance Entry-Book, Letter of January 3, 1831.

one machine, 'but we are determined that the land shall come down, and the tithes, and we will have more wages.' When money was taken it seems to have been demanded and received in an amicable spirit. The sums asked for were often very small. Sentence of death was pronounced on two men, Joseph Sheppard and George Legg, for taking 2s. from Farmer Christopher Morey at Buckland Newton. The mob asked for money, and the farmer offered them a 1s. : they replied that they wanted 1s. 6d., and the farmer gave them 2s. Sheppard's character was very good, and it came out that he and the prosecutor had had a dispute about money some years before. He was transported, but not for life. Legg was declared by the prosecutor to have been 'saucy and impudent,' and to have 'talked rough and bobbish.' His character, however, was stated by many witnesses, including the clergyman, to be exemplary. He had five children whom he supported without parish help on 7s. a week : a cottage was given him but no fuel. Baron Vaughan was so much impressed by this evidence that he declared that he had never heard better testimony to character, and that he would recommend a less severe penalty than transportation. But Legg showed a lamentable want of discretion, for he interrupted the judge with these words : 'I would rather that your Lordship would put twenty-one years' transportation upon me than be placed in the condition of the prosecutor. I never said a word to him, that I declare.' Baron Vaughan sardonically remarked that he had not benefited himself by this observation.

The tendency to give less severe punishment, noticed in the closing trials at Salisbury, was more marked at Dorchester. Nine men were let off on recognisances and ten were not proceeded against : in the case of six of these ten the prosecutor, one Robert Bullen, who had been robbed of 4s. and 2s. 6d., refused to come forward. But enough sharp sentences were given to keep the labourers in submission for the future. One man was transported for life and eleven for seven years : fifteen were sentenced to various terms of imprisonment ; seven were acquitted. It was not surprising that the special correspondent of the *Times* complained that such meagre results scarcely justified the pomp and expense of a Special Commission. In the neighbouring county of Gloucester, where the country gentlemen carried out the work of retribution without help from headquarters, seven

men were transported for fourteen years, twenty for seven years, and twenty-five were sentenced to terms of imprisonment ranging from six months to three years. All of these sentences were for breaking threshing machines.

The disturbances in Berks and Bucks had been considered serious enough to demand a Special Commission, and Sir James Alan Park, Sir William Bolland and Sir John Patteson were the judges appointed. The first of the two Berkshire Commissions opened at Reading on 27th December. The Earl of Abingdon, Lord-Lieutenant of the County, and Mr. Charles Dundas were the two local commissioners. Mr. Dundas has figured already in these pages as chairman of the meeting at Speenhamland. One hundred and thirty-eight prisoners were awaiting trial at Reading: they were most of them young, only eighteen being forty or over. The rest, with few exceptions, varied from seventeen to thirty-five in age, and must have lived all their lives under the Speenhamland system.

It is impossible to compare the accounts of the Special Commissions in Berks and Bucks with those in Hampshire and Wiltshire without noticing a difference in the treatment of the rioters. The risings had been almost simultaneous, the offences were of the same character, and the Commissions sat at the same time. The difference was apparent from the first, and on 1st January the *Times* published a leading article pleading for uniformity, and pointing out that the Berkshire Commission was 'a merciful contrast' to that at Winchester. The cause is probably to be found in the dispositions and characters of the authorities responsible in the two cases. The country gentlemen of Berkshire, represented by a man like Mr. Dundas, were more humane than the country gentlemen of Hampshire, represented by men like the Duke of Wellington and the Barings; Mr. Gurney, the public prosecutor at Reading, was more lenient than Sir Thomas Denman, and the Reading judges were more kindly and considerate than the judges at Winchester. Further, there had been in Berkshire little of the wild panic that swept over the country houses in Hampshire and Wiltshire. The judges at Reading occasionally interjected questions on the prisoners' behalf, and in many cases they did not conceal their satisfaction at an acquittal. Further, they had a more delicate sense for the proprieties. Contrary to custom, they asked neither the Grand Jury nor the magistrates to dinner on the

first day, being anxious, we are told, to free the administration of justice 'from the slightest appearance of partiality in the eyes of the lower classes.' The Lord Chancellor and Lord Melbourne had been consulted and approved.

It must not be supposed that Mr. Justice Park's theories of life and social relationships differed from those of his brothers at Winchester. In his address to the Grand Jury he repudiated with indignation the 'impudent and base slander . . . that the upper ranks of society care little for the wants and privations of the poor. I deny this positively, upon a very extensive means of knowledge upon subjects of this nature. But every man can deny it who looks about him and sees the vast institutions in every part of the kingdom for the relief of the young and the old, the deaf and the lame, the blind, the widow, the orphan—and every child of wretchedness and woe. There is not a calamity or distress incident to humanity, either of body or of mind, that is not humbly endeavoured to be mitigated or relieved, by the powerful and the affluent, either of high or middling rank, in this our happy land, which for its benevolence, charity, and boundless humanity, has been the admiration of the world.' The theory that the rich kept the poor in a state of starvation and that this was the cause of the disturbances, he declared later to be entirely disproved by the conduct of one of the mobs in destroying a threshing machine belonging to William Mount, Esq., at Wasing. 'Mr. Mount having given away £100 no longer ago than last winter to assist the lower orders during that inclement season.'

A feature of the Reading Commission was the difficulty of finding jurymen. All farmers were challenged on behalf of the prisoners, and matters were at a deadlock until the judges ordered the bystanders to be empanelled.

The earlier cases were connected with the riots in Hungerford. Property in an iron foundry had been destroyed, and fifteen men were found guilty on this capital charge. One of the fifteen was William Oakley, who now paid the penalty for his £5 and strong language. But when the first cases were over, Mr. Gurney began to drop the capital charge, and to content himself, as a rule, with convictions for breaking threshing machines. One case revealed serious perjury on one side or the other. Thomas Goodfellow and Cornelius Bennett were charged with breaking a threshing machine at Matthew Batten's farm. The prisoners produced four

witnesses, two labourers, a woman whose husband was in prison for the riots, and John Gaiter, who described himself as 'not quite a master bricklayer,' to prove that Matthew Batten had encouraged the riots. The first three witnesses declared that Batten had asked the rioters to come and break his machine in order to serve out his landlord and Mr. Ward, and had promised them victuals and £1. Batten and his son, on the other hand, swore that these statements were false. The prisoners were found guilty, with a recommendation to mercy which was disregarded. Goodfellow, who was found guilty of breaking other machines as well, was sentenced to fourteen, and Cornelius Bennett to seven years transportation, The judge spoke of their scandalous attempt to blacken the character of a respectable farmer: 'It pleased God however that the atrocious attempt had failed.' It would be interesting to know what were the relations between Matthew Batten and his landlord.

On the last day of the trials Mr. Gurney announced that there would be no more prosecutions for felony, as enough had been done in the way of making examples. Some interesting cases of riot were tried. The most important riot had taken place as early as 19th November, and the hero of the proceedings was the Rev. Edward Cove, the venerable Vicar of Brimpton, one of the many parson magistrates. A mob had assembled in order to demand an increase of wages, and it was met by Mr. Cove and his posse of special constables. On occasions like this, Mr. Gurney remarked, we become sensible of the great advantages of our social order. Mr. Cove without more ado read the Riot Act; the mob refused to disperse; his special constables thereupon attacked them, and a general *mêlée* followed in which hard blows were given and taken. No one attempted to strike Mr. Cove himself, but one of his companions received from a rioter, whom he identified, a blow rivalling that given to Mr. Bingham Baring, which beat the crown of his hat in and drove the rim over his eyes: it was followed by other and more serious blows on his head and body. The counsel for the defence tried to show that it was distress that had caused the rioters to assemble, and he quoted a remark of the Chairman of Quarter Sessions that the poor were starved almost into insurrection; but all evidence about wages was ruled out. The court were deeply impressed by this riot, and Mr. Justice Park announced that it had alarmed him and his fellow judges more 'than anything

that had hitherto transpired in these proceedings.' 'Had one life been lost,' he continued, 'the lives of every individual of the mob would have been forfeited, and the law must have been carried into effect against those convicted.' As it was, nobody was condemned to death for his share in the affray, though the more violent, such as George Williams, alias 'Staffordshire Jack,' a 'desperate character,' received heavier penalties for machine-breaking in consequence.

Three men were reserved for execution: William Oakley, who was told that as a carpenter he had no business to mix himself up in these transactions; Alfred Darling, a blacksmith by trade, who had been found guilty on several charges of demanding money; and Winterbourne, who had taken part in the Hungerford affair in the magistrates' room, and had also acted as leader in some cases when a mob asked for money. In one instance the mob had been content with £1 instead of the £2 for which it had asked for breaking a threshing machine, Winterbourne remarking, 'we will take half price because he has stood like a man.'

Public opinion in Berkshire was horrified at the prospect of taking life. Petitions for mercy poured in from Reading, including one from ladies to the queen, from Newbury, from Hungerford, from Henley, and from other places. Two country gentlemen, Mr. J. B. Monck and Mr. Wheble, made every exertion to save the condemned men. They waited with petitions on Lord Melbourne, who heard them patiently for an hour. They obtained a reprieve for Oakley and for Darling, who were transported for life; Winterbourne they could not save: he was hung on 11th January, praying to the last that his wife, who was dangerously ill of typhus, might die before she knew of his fate.

Fifty-six men were sentenced to transportation from Reading—twenty-three for life, sixteen for fourteen years, seventeen for seven years: thirty-six were sent to prison for various terms.

The same commissioners went on to Abingdon where proceedings opened on 6th January. Here there were only forty-seven prisoners, all but two of whom were agricultural labourers, most of them very young. The cases resembled those tried at Reading, but it is clear that the evidence of Mrs. Charlotte Slade, whose conduct we have already described, and her method of dealing with the rioters, made a great impression on Mr. Justice Park and his colleagues, and

opened their eyes to the true perspective of the rhetorical language that had assumed such terrifying importance to other judges. One young labourer, Richard Kempster by name, who was found guilty of breaking a threshing machine, had carried a black-and-red flag in the mob, and when arrested had exclaimed, 'be damned if I don't wish it was a revolution, and that all was a fire together': it is easy to imagine the grave homily on the necessity of cutting such a man off for ever from his kind that these words would have provoked from the judges at Winchester. Mr. Justice Park and his colleagues sentenced Kempster to twelve months' imprisonment. At Abingdon only one man was sentenced to be transported; Thomas Mackrell, an agricultural labourer of forty-three. Another, Henry Woolridge, had sentence of death commuted to eighteen months' imprisonment. Thirty-five others were sent to prison for various terms.

The same three judges proceeded to Aylesbury to try the Buckinghamshire rioters. The chief event in this county had been the destruction of paper-making machinery at Wycombe. The Commission opened on 11th January: the Duke of Buckingham and Mr. Maurice Swabey were the local commissioners. There were one hundred and thirty-six prisoners to be tried, almost all young and illiterate: only eighteen were forty years of age or over. Forty-four men and boys were found guilty of the capital charge of destroying paper machinery. Most of the other prisoners who were charged with breaking threshing machines were allowed to plead guilty and let off on their own recognisances, or else the charge was not pressed. An exception was made in a case in which some members of a mob had been armed with guns. Three men who had carried guns were sent to transportation for seven years, and thirteen others involved were sent to prison for two years or eighteen months. Several men were tried for rioting, and those who had combined a demand for increased wages with a request for the restoration of parish buns were sent to prison for six weeks.¹ One more trial is worth notice, because it suggests that even in Buckinghamshire, where the general temper was more lenient, individuals who had made themselves obnoxious were singled out for special treatment. John Crook, a miller, was indicted with four others for riotously assembling and breaking a winnowing machine at Mr. Fryer's at Long Crendon. As

¹ See p. 70.

Crook was charged with a misdemeanour his counsel could address the jury, and we learn from his speech that Crook had been kept in prison since 2nd December, though £2000 had been offered in bail and many other prisoners had been allowed out. The explanation, it was argued, was to be found in the fact that Crook had come into some property which qualified him to hold a gun licence and to kill game. He was sentenced to three months' imprisonment without hard labour, and to pay a fine of £10.

Thirty-two men in all were sent to prison for the agricultural disturbances in addition to the three sentenced to transportation. Forty-two of those concerned in the breaking of paper-making machinery received sentence of death, but their punishment was commuted to life transportation for one, seven years' transportation for twenty-two, and imprisonment for various terms for the rest. Two men were reserved for execution. One, Thomas Blizzard, was thirty years old, with a wife and three children. His character was excellent. At the time of the riots he was a roundsman, receiving 1s. a day from the overseers and 1s. 6d. a week from a farmer. He told his employer at Little Marlow that he would take a holiday to go machine-breaking, for he would endure imprisonment, or even transportation, rather than see his wife and children cry for bread. John Sarney, the other, was fifty-six years old and had a wife and six children: he kept a small beer-shop and his character was irreproachable. Petitions on behalf of the two men were signed extensively, and the sentence was commuted to transportation for life. The Aylesbury sentences seem lenient in comparison with those given at Salisbury and Winchester, but they did not seem lenient to the people in the district. 'Pen cannot describe,' wrote a *Times* correspondent, 'the heart-rending scene of despair, misery and want, prevailing at Flackwell-Heath, the residence of the families of the major part of the misguided men now incarcerated at Aylesbury.' The same correspondent tells of a benevolent Quaker, who had become rich as a maker of paper, helping these families by stealth.

The work of the Special Commissions was now over. Melbourne had explained in Parliament that they had been set up 'to expound the law' and to bring home to the ignorant the gravity of their crimes against social order. In spite of the daily imposition of ferocious punishment on

poachers and thieves, the poor apparently did not know in what letters of blood the code against rioting and discontent was composed. These three weeks had brought a lurid enlightenment into their dark homes. In the riots, as we have seen, the only man who had been killed was a rioter, killed according to the reports of the time by a yeomanry soldier, according to local tradition by a farmer, and for that offence he had been refused Christian burial. On the other side, not a single person had been killed or seriously wounded. For these riots, apart from the cases of arson, for which six men or boys were hung, aristocratic justice exacted three lives, and the transportation of four hundred and fifty-seven men and boys,¹ in addition to the imprisonment of about four hundred at home. The shadow of this vengeance still darkens the minds of old men and women in the villages of Wiltshire, and eighty years have been too short a time to blot out its train of desolating memories.² Nobody who does not realise what Mr. Hudson has described with his intimate touch, the effect on the imagination and the character of 'a life of simple unchanging action and of habits that are like instincts, of hard labour in sun and rain and wind from day to day,' can ever understand what the breaking of all the ties of life, and home and memory meant to the exiles

¹ Three boats carried the convicts, the *Eliza* and the *Proteus* to Van Diemen's Land, the *Eleanor* to New South Wales. The list of the prisoners on board shows that they came from the following counties:—

Berks, . . . 44	Hampshire, 100	Suffolk, . . . 7
Bucks, . . . 29	Hunts, . . . 5	Sussex, . . . 17
Dorset, . . . 13	Kent, . . . 22	Wilts, . . . 151
Essex, . . . 23	Norfolk, 11	—
Gloucester, 24	Oxford, . . . 11	TOTAL, . . . 457

If this represents the total, some sentences of transportation must have been commuted for imprisonment; possibly some rioters were sent later, for Mr. Potter MacQueen, in giving evidence before the Committee on Secondary punishments, spoke of the six hundred able-bodied men who had been transported in consequence of being concerned in the Swing offences.—Report of Committee, p. 95. Four years later Lord John Russell, as Home Secretary, pardoned 264 of the convicts, in 1836 he pardoned 86 more, and in 1837 the survivors, mostly men sentenced for life or for fourteen years, were given pardons conditional on their 'continuing to reside in Australia for the remainder of their sentences.' No free passages back were granted, and Mr. Hudson states that very few, not more than one in five or six, ever returned.—*A Shepherd's Life* p. 247.

² See Hudson, *Ibid.*

and to those from whose companionship they were then torn for ever.

We have said that one feature of the rising was the firing of stacks and ricks and barns. This practice was widespread, and fires broke out even in counties where the organised rioting made little progress. Associations for the detection of incendiaries were formed at an early stage, and immense rewards were offered. Yet not a single case of arson was tried before the Special Commissions, and the labourers kept their secret well. Many of the governing class in the early days persuaded themselves that the labourers had no secret to keep, and that the fires were due to any one except the labourers, and to any cause except distress. Perhaps the wish was father to the thought, for as the *Times* observed, persons responsible for grinding the faces of their labourers preferred to think the outrages the work of strangers. Sometimes it was smugglers, suffering from the depression in their trade: sometimes it was foreigners: sometimes it was mysterious gentlemen in gigs, driving furiously about the country, led by Captain Swing, scattering fireballs and devastation. These were the fashionable theories in the House of Lords, although Richmond reminded his brother peers that there had been a flood of petitions representing the sufferings of the labourers from the very beginning of the year, and that the House of Lords had not thought it necessary to give them the slightest attention. Lord Camden ascribed the outrages to the French spirit, and argued that the country was enjoying 'what was undeniably a genial autumn.' The Duke of Wellington took the same view, denying that the troubles were due to distress: the most influential cause of disturbances was the example, 'and I will unhesitatingly say the bad and the mischievous example, afforded by the neighbouring States.' Eldon remarked that many of the prisoners taken in the riots were foreigners, a point on which Melbourne undeceived him. The speakers who regarded the disturbances in the south of England as the overflow of the Paris Revolution had no positive evidence to produce, but they had a piece of negative evidence which they thought conclusive. For if the labourers knew who were the incendiaries, they would surely have given information. In some cases a reward of £1000 with a free pardon for all except the actual author was waiting to be claimed, 'and yet not one of the miserable beings

have availed themselves of the prospect of becoming rich.'

Some eleven cases of arson were tried at the Assizes in Essex, Kent, Sussex, and Surrey: all the prisoners were agricultural labourers and most of them were boys. Eight were convicted, often on very defective evidence, and six were executed. One of the eight, Thomas Goodman, a boy of eighteen, saved his life by declaring in prison that the idea had been put into his head by a lecture of Cobbett's. Two brothers of the name of Pakeman, nineteen and twenty years old, were convicted on the evidence of Bishop, another lad of eighteen, who had prompted them to set fire to a barn and later turned king's evidence 'after a gentleman in the gaol had told him of the big reward.' This fire seems to have been a piece of bravado, as no doubt many others were, for Bishop remarked, as the three were sitting under a hedge after lighting the barn, 'who says we can't have a fire too, as well as them at Blean?' The two boys, who had never been taught to read or write, scandalised the public by displaying a painful indifference to the ministrations of the chaplain, and dying without receiving the sacrament.¹ A half-witted boy of fourteen, Richard Pennells, was tried at Lewes for setting fire to his master's haystack for a promise of sixpence from a man who was not discovered. His master, who prosecuted, remarked that he was 'dull of apprehension, but not so much as not to know right from wrong.' The boy, who had no counsel, offered no defence, and stood sobbing in the dock. The jury found him guilty, with a recommendation to mercy on account of his youth and imperfect understanding. Sentence of death was recorded, but he was told that his life would be spared.

These same Lewes Assizes, conducted by Mr. Justice Taunton, afforded a striking example of the comparative treatment of different crimes. Thomas Brown, a lad of seventeen, was charged with writing the following letter to Lord Sheffield, 'Please, my Lord, I dont wise to hurt you. This is the case al the world over. If you dont get rid of your foreign steward and farmer and bailiff in a few days time—less than a month—we will burn him up, and you along with him. My writing is bad, but my firing is good my Lord.' Lord Sheffield gave evidence as to the receipt of the letter: the prisoner, who had no counsel, was asked by the judge if he would like to put any questions, and he only replied that

¹ See *Annual Register* and local papers.

he hoped that his lordship would forgive him. The judge answered that his lordship had not the power, and sentenced Brown to transportation for life.¹ Later on in the same Assizes, Captain Winter, a man of sixty, captain of a coasting vessel, was tried for the murder of his wife, who had been killed in a most brutal manner. He had been hacking and wounding her for four hours at night, and she was last seen alive at half past two in the morning, naked and begging for mercy. Her body was covered with wounds. The man's defence was that he came home drunk, that he found his wife drunk, and that he had no knowledge of what followed. To the general surprise Captain Winter escaped with a verdict of manslaughter. 'The prisoner,' wrote the *Times* correspondent, 'is indebted for his life to the very merciful way in which Mr. Justice Taunton appeared to view the case, and the hint which he threw out to the jury, that the parties might have had a quarrel, in which case her death by the prisoner would amount to manslaughter only.'

When the disturbances began, the Duke of Wellington was Prime Minister, and Sir Robert Peel Home Secretary. But in November 1830 Wellington, who had made a last effort to rally the old Tories, sulking over his surrender on Catholic Emancipation, by some sudden thunder against Reform, had been beaten on the Civil List and resigned. Reform was inevitable, and with Reform the Whigs. Thus, towards the close of the year of the Revolution that drove Charles x. from France, Lord Grey became Prime Minister, to carry the measure which as Charles Grey, lieutenant of Charles Fox, he had proposed in the House of Commons in 1793, a few months after Louis xvi. had lost his head in the Revolution which had maddened and terrified the English aristocracy. Fortune had been sparing in her favours to this cold, proud, honourable and courageous man. She had shut him out from power for twenty-three years, waiting to make him Prime Minister until he was verging on seventy, and all the dash and ardour of youth had been chilled by disappointment and delay. But she had reserved her extreme of malice to the end, for it was her chief unkindness that having waited so long she did not wait a little longer. Grey, who had been

¹ He was sent to Van Diemen's Land. It is only fair to Lord Sheffield to say that he applied in vain to Lord Melbourne for a mitigation of the life sentence. See Criminal Entry-Book, H. O. Papers.

forty-four years in public life, and forty-three in opposition, took office at the moment that the rising passed into Hampshire and Wiltshire, and thus his first act as Prime Minister was to summon his colleagues to a Cabinet meeting to discuss, not their plans for Parliamentary Reform, but the measures to be taken in this alarming emergency. After a lifetime of noble protest against intolerance, and repression, he found himself in the toils and snares of the consequences of a policy in which intolerance, and repression had been conspicuous features. And those consequences were especially to be dreaded by such a man at such a time.

Grey became Prime Minister to carry Reform, and Reform was still enveloped in many minds in the wild fancies and terrors of Jacobin past. To those who knew, conscious as they were of their own modest purposes and limited aim, that their accession to power boded to many violence, confusion, and the breaking up of the old ways and life of the State, it was maddening that these undiscerning peasants should choose this moment of all others for noise and riot. The struggle for Reform was certain to lead to strife, and it was hard that before they entered upon it England should already be in tumult from other causes. Moreover, Grey had to reckon with William IV. So long as he could remember, the Court had been the refuge of all that was base in English politics, and it was a question whether Liberal ideas had suffered more from the narrow and darkened mind of George III. or the mean and incorrigible perfidy of George IV. In comparison with his father, the new king had the wisdom of a Bentham or an Adam Smith; in comparison with his brother, he had the generous and loyal heart of a Philip Sidney or a Falkland. But seen in any less flattering mirror, he was a very ordinary mortal, and Grey had known this jolly, drinking, sailor prince too long and too well to trust either his intellect or his character, under too fierce or too continuous a strain. These riots tried him severely. No sooner was William on his throne than the labourers came out of their dens, looking like those sansculottes whose shadows were never far from the imagination of the English upper classes. The king's support of Reform was no violent enthusiasm, and the slightest threat of disorder might disturb the uneasy equilibrium of his likes and fears. In the long run it depended on the will of this genial mediocrity—so strangely had Providence mixed caprice and

design in this world of politics—whether or not Reform should be carried, and carried without bloodshed. Throughout these months then, the king, always at Melbourne's elbow, trying to tempt and push the Government into more drastic measures, was a very formidable enemy to the cause of moderation and of justice.

These influences were strong, and there was little to counteract them. For there was nobody in the world which Grey and Melbourne alike inhabited who could enter into the minds of the labourers. This is readily seen, if we glance at two men who were regarded as extreme Radicals in the House of Commons, Hobhouse and Burdett. Each of these men had served the cause of Reform in prison as well as in Parliament, and each with rather ridiculous associations; Hobhouse's imprisonment being connected with the ballad inspired by the malicious and disloyal wit of his friend and hero, Byron, and Burdett's with the ludicrous scene of his arrest, with his boy spelling out Magna Charta on his knee. It is difficult for those who have read Hobhouse's *Diaries* to divine what play of reason and feeling ever made him a Radical, but a Radical he was, an indefatigable critic of the old régime, and in particular of such abuses as flogging in the army. Burdett was a leader in the same causes. To these men, if to any, the conduct of the labourers might have seemed to call for sympathy rather than for violence. But if we turn to Hobhouse's *Diary* we see that he was never betrayed into a solitary expression of pity or concern for the scenes we have described, and as for Burdett, he was all for dragooning the discontented counties and placing them under martial law. And even Radnor, who as a friend of Cobbett was much less academic in his Radicalism, sat on the Wiltshire Commission without making any protest that has reached posterity.

All the circumstances then made it easy for Grey and his colleagues to slip into a policy of violence and repression. They breathed an atmosphere of panic, and they dreaded the recoil of that panic on their own schemes. Yet when all allowance is made for this insidious climate, when we remember that no man is so dangerous as the kind man haunted by the fear of seeming weak, at a moment when he thinks his power of doing good depends on his character for strength; when we remember, too, the tone of Society caught between scare and excitement, the bad inspiration of

the Court, the malevolent influence of a frightened Opposition the absorbing interest of making a ministry, the game apart from the business of politics, it is still difficult to understand how men like Grey and Holland and Durham could ever have lent themselves to the cruelties of this savage retribution. When first there were rumours of the intention of the Government to put down the riots with severe measures, Cobbett wrote a passage in which he reviewed the characters of the chief ministers, Grey with his 'humane disposition,' Holland 'who never gave his consent to an act of cruelty,' Althorp 'who has never dipped his hand in blood,' Brougham 'who with all his half Scotch crotchets has at any rate no blood about him,' to show that the new ministers, unlike many of their Tory predecessors, might be trusted to be lenient and merciful. Two of these men, Grey and Holland, had made a noble stand against all the persecutions of which Tory Governments had been guilty, defending with passion men whose opinions they regarded with horror; if any record could justify confidence it was theirs. Unfortunately the politician who was made Home Secretary did not share in this past. The common talk at the time of Melbourne's appointment was that he was too lazy for his office; the real criticism should have been that he had taken the side of Castlereagh and Sidmouth in 1817. As Home Secretary he stopped short of the infamous measures he had then approved; he refused to employ spies, and the Habeas Corpus was not suspended. But nobody can follow the history of this rising, and the history of the class that made it, without recognising that the punishment which exiled these four hundred and fifty labourers is a stain, and an indelible stain, on the reputation of the Government that lives in history on the fame of the Reform Bill. It is difficult to believe that either Fox or Sheridan could have been parties to it. The chief shame attaches to Melbourne, who let the judges do their worst, and to Lansdowne, who sat beside the judges on the Salisbury bench, but the fact that the Prime Minister was immersed in the preparation of a reform, believed by his contemporaries to be a revolution, does not relieve him of his share of the odium, which is the due of Governments that are cruel to the weak, and careless of justice to the poor.

One effort was made, apart from the intercession of public opinion, to induce the Government to relax its rigours.

When the panic had abated and the last echo of the riots had been stilled by this summary retribution, a motion was proposed in the House of Commons for a general amnesty. Unhappily the cause of the labourers was in the hands of Henry Hunt, a man whose wisdom was not equal to his courage, and whose egregious vanity demoralised and spoilt his natural eloquence. If those who were in close sympathy with his general aims could not tolerate his manners, it is not surprising that his advocacy was a doubtful recommendation in the unsympathetic atmosphere of the House of Commons. He was a man of passionate sincerity, and had already been twice in prison for his opinions, but the ruling class thinking itself on the brink of a social catastrophe, while very conscious of Hunt's defects, was in no mood to take a detached view of this virtue. The debate, which took place on the 8th of February 1831, reflects little credit on the House of Commons, and the division still less, for Hume was Hunt's only supporter. The chief speakers against the motion were Benett of Wiltshire, George Lamb, brother of Melbourne and Under-Secretary at the Home Office, and Denman, the Attorney-General. Lamb amused himself and the House with jests on the illiterate letter for writing which the boy Looker was then on the high seas, and Denman threw out a suggestion that Looker's father had had a share in the boy's guilt. Denman closed his speech by pouring scorn on those who talked sentimentality, and declaring that he would ever look back with pride on his part in the scenes of this memorable winter.

So far the Government had had it all their own way. But in their anxiety to show a resolute front and to reassure those who had suspected that a Reform Government would encourage social disorder by weakness, Lord Grey and his colleagues were drawn into a scrape in which they burnt their fingers rather badly. They decided to prosecute two writers for inciting the labourers to rebel. The two writers were Richard Carlile and William Cobbett. Carlile was the natural prey for a Government in search of a victim. He had already spent six or seven years of his lion-hearted life in prison for publishing the writings of Paine and Hone: his wife, his sister, and his shopman had all paid a similar penalty for their association, voluntary or involuntary, with his public spirited adventures. The document for which he stood in the dock at the Old Bailey early in January 1831 was

an address to the agricultural labourers, praising them for what they had done, and reviewing their misfortunes in this sentence: 'The more tame you have grown, the more you have been oppressed and despised, the more you have been trampled on.' Carlile defended himself in a speech that lasted four hours and a half. The jury disagreed, but after several hours they united on a verdict of acquittal on the charge of bringing the Crown into contempt, and of guilty on the charge of addressing inflammatory language to the labouring classes. He was sentenced to imprisonment for two years, to pay a fine, and to find sureties.

Cobbett's trial was a more important event, for whereas Carlile was the Don Quixote of liberty of mind, Cobbett was a great political force, and his acquittal would give a very serious shock to the prestige of the Government that attacked him. The attention of the authorities had been called to Cobbett's speeches very early in the history of the riots, and the Home Office Papers show that appeals to the Government to prosecute Cobbett were the most common of all the recommendations and requests that poured into Whitehall from the country. Some of these letters were addressed to Sir Robert Peel, and one of them is endorsed with the draft of a reply: 'My dear Sir,—If you can give me the name of the person who heard Cobbett make use of the expression to which you refer you would probably enable me to render no small public service by the prosecution of Cobbett for sedition.—Very faithfully Yours, Robert Peel.'

In an evil moment for themselves, Peel's successors decided to take action, not indeed on his speeches, but on his articles in the *Political Register*. The character of those articles might perhaps be described as militant and uncompromising truth. They were inflammatory, because the truth was inflammatory. Nobody who knew the condition of the labourers could have found in them serious misstatement or exaggeration. The only question was whether it was in the public interest to publish them in a time of disturbance. From this point of view the position of the Government was seriously weakened by the fact that the *Times* had used language on this very subject which was not one whit less calculated to excite indignation against the rich, and the *Times*, though it was the organ of wealthy men, was in point of fact considerably cheaper to buy than the *Register*, the price of which Cobbet

had raised to a shilling in the autumn of 1830. But this was not the only reason why the Government was in danger of exposing itself to a charge of malice in choosing Cobbett for a prosecution. The unrest in the southern counties had been due to a special set of economic causes, but there was unrest due to other causes in other parts of England. It was not the misery of ploughboys and labourers in Hampshire and Kent that had made Wellington and Peel decide that it was unsafe for the King to dine at the Guildhall in the winter of 1830: the Political Unions, which struck such terror into the Court and the politicians, were not bred in the villages. There was a general and acute discontent with extravagant government, with swollen lists and the burden of sinecures, with the whole system of control of the boroughs and its mockery of representation. Now in such a state of opinion every paper on the side of reform might be charged with spreading unrest. Statistics of sinecures, and pensions, and the fat revenues of bishoprics, were scattered all over England, and the facts published in every such sheet were like sparks thrown about near a powder magazine. The private citizens who wrote to the Home Office in the winter of 1830 mentioned these papers almost as often as they mentioned Cobbett's lectures. Many of these papers were based on a pamphlet written by Sir James Graham, First Lord of the Admiralty in the very Government that prosecuted Cobbett. One of the Barings complained in the House of Commons in December 1830, that the official papers on offices and sinecures which the Reform Government had itself presented to Parliament to satisfy public opinion of its sincerity in the cause of retrenchment were the cause of mischief and danger. At such a time no writer, who wished to help the cause of reform, could measure the effects of every sentence so nicely as to escape the charge of exciting passion, and the Government was guilty of an extraordinary piece of folly in attacking Cobbett for conduct of which their own chief supporters were guilty every time they put a pen to paper.

The trial took place in July 1831 at the Guildhall. It was the great triumph of Cobbett's life, as his earlier trial had been his great humiliation. There was very little of the lion in the Cobbett who faltered before Vicary Gibbs in 1810; there was very little of the lamb in the Cobbett who towered before Denman in 1831. And the court that witnessed his triumph

presented a strange scene. The trial had excited intense interest, and Cobbett said that every county in England was represented in the company that broke, from time to time, into storms of cheering. The judge was Tenterden, the Chief Justice, who, as a bitter enemy of reform, hated alike accusers and accused. Six members of the Cabinet, the Prime Minister himself and the Lord Chancellor, Melbourne and Durham, Palmerston and Goderich listened, from no choice of their own, to the scathing speech in which Cobbett reviewed their conduct. Bennett of Pyt House was there, a spectre of vengeance from one Commission, and the father of the boy Cook of Micheldever, a shadow of death from another. All the memories of those terrible weeks seemed to gather together in the suspense of that eager crowd watching this momentous encounter.

Denman, who prosecuted, employed a very different tone towards Cobbett from the tone that Perceval had used at the first of Cobbett's trials. Perceval, when prosecuting Cobbett for some articles on Ireland in the *Register* in 1803, asked the jury with the patrician insolence of a class that held all the prizes of life. 'Gentlemen, who is Mr. Cobbett? Is he a man writing purely from motives of patriotism? *Quis homo hic est? Quo patre natus?*' No counsel prosecuting Cobbett could open with this kind of rhetoric in 1831: Denman preferred to describe him as 'one of the greatest masters of the English language.' Denman's speech was brief, and it was confined mainly to a paraphrase of certain of Cobbett's articles and to comments upon their effect. It was no difficult task to pick out passages which set the riots in a very favourable light, and emphasised the undoubted fact that they had brought some improvement in the social conditions, and that nothing else had moved the heart or the fears of the ruling class. But the speech was not long over before it became evident that Cobbett, like another great political defendant, though beginning as the accused, was to end as the accuser. His reply to the charge of exciting the labourers to violence was immediate and annihilating. In December 1830, after the publication of the article for which he was now being tried, Brougham, as President of the Society for the Diffusion of Useful Knowledge, had asked and obtained Cobbett's leave to reprint his earlier 'Letter to the Luddites,' as the most likely means of turning the labourers from rioting and the breaking of machines. There stood the Lord Chancellor

in the witness-box, in answer to Cobbett's subpoena, to admit that crushing fact. This was a thunderclap to Denman, who was quite ignorant of what Brougham had done, and, as we learn from Greville, he knew at once that his case was hopeless. Cobbett passed rapidly from defence to attack. Grey, Melbourne, Palmerston, Durham, and Goderich had all been subpoena'd in order to answer some very awkward questions as to the circumstances under which Thomas Goodman had been pardoned. The Lord Chief Justice refused to allow the questions to be put, but at least these great Ministers had to listen as Cobbett told the story of those strange transactions, including a visit from a parson and magistrates to a 'man with a rope round his neck,' which resulted in Goodman's unexplained pardon and the publication of a statement purporting to come from him ascribing his conduct to the incitement at Cobbett's 'lecture.' Cobbett destroyed any effect that Goodman's charge might have had by producing a declaration signed by one hundred and three persons present at the lecture—farmers, tradesmen, labourers, carpenters, and shoemakers—denying that Cobbett had made the statement ascribed to him in Goodman's confession, one of the signatories being the farmer whose barn Goodman had burnt. He then proceeded to contrast the treatment Goodman had received with the treatment received by others convicted of incendiarism, and piecing together all the evidence of the machinations of the magistrates, constructed a very formidable indictment to which Denman could only reply that he knew nothing of the matter, and that Cobbett was capable of entertaining the most absurd suspicions. On another question Denman found himself thrown on the defensive, for he was now confronted with his own misstatements in Parliament about Cook, and the affidavits of Cook's father present in court. Denman could only answer that till that day no one had contradicted him, though he could scarcely have been unaware that the House of Commons was not the place in which a Minister's statement about the age, occupation, pay, and conduct of an obscure boy was most likely to be challenged. Denman made a chastened reply, and the jury, after spending the night at the Guildhall, disagreed, six voting each way. Cobbett was a free man, for the Whigs, overwhelmed by the invective they had foolishly provoked, remembered, when too late, the wise saying of Maurice of Saxony about Charles v. : 'I have no

cage big enough for such a bird,' and resisted all the King's invitations to repeat their rash adventure. To those who have made their melancholy way through the trials at Winchester and Salisbury, at which rude boys from the Hampshire villages and the Wiltshire Downs, about to be tossed across the sea, stood shelterless in the unpitying storm of question and insinuation and abuse, there is a certain grim satisfaction in reading this last chapter and watching Denman face to face, not with the broken excuses and appeals of ignorant and helpless peasants, but with a volleyed thunder that swept into space all his lawyer's artifice and skill. Justice plays strange tricks upon mankind, but who will say that she has not her inspirations ?

One more incident has to be recorded in the tale of suppression. The riots were over, but the fires continued. In the autumn of 1831 Melbourne, in a shameful moment, proposed a remedy borrowed from the evil practices which a Tory Parliament had consented at last to forbid. The setting of spring guns and man-traps, the common device of game preservers, had been made a misdemeanour in 1826 by an Act of which Suffield was the author. Melbourne now proposed to allow persons who obtained a license from two magistrates to protect their property by these means. The Bill passed the House of Lords, and the *Journals* record that it was introduced in the House of Commons, but there, let us hope from very horror at the thought of this moral relapse, silently it disappears.

When Grey met Parliament as Prime Minister he said that the Government recognised two duties : the duty of finding a remedy for the distress of the labourers, and the duty of repressing the riots with severity and firmness. We have seen how the riots were suppressed ; we have now to see what was done towards providing a remedy. This side of the picture is scarcely less melancholy than the other ; for when we turn to the debates in Parliament we see clearly how hopeless it was to expect any solution of an economic problem from the legislators of the time. Now, if ever, circumstances had forced the problem on the mind of Parliament, and in such an emergency as this men might be trusted to say seriously and sincerely what they had to suggest. Yet the debates are a *mêlée* of futile generalisations, overshadowed by the doctrine which Grey himself laid down that 'all

matters respecting the amount of rent and the extent of farms would be much better regulated by the individuals who were immediately interested than by any Committee of their Lordships.' One peer got into trouble for blurting out the truth that the riots had raised wages; another would curse machinery as vigorously as any labourer; many blamed the past inattention of the House of Lords to the labourers' misery; and one considered the first necessity of the moment was the impeachment of Wellington. Two men had actual and serious proposals to make. They were Lord King and Lord Suffield.

Both of these men are striking figures. King (1776-1833) was an economist who had startled the Government in 1811 by calling for the payments of his rents in the lawful coin of the realm. This dramatic manœuvre for discrediting paper money had been thwarted by Lord Stanhope, who, though in agreement with King on many subjects, strongly approved of paper money in England as he had approved of assignats in France. Lord Holland tells a story of how he twitted Stanhope with wanting to see history repeat itself, and how Stanhope answered with a chuckle: 'And if they take property from the drones and give it to the bees, where, my dear Citoyen, is the great harm of that?' King was always in a small minority and his signature was given, together with those of Albemarle, Thanet, and Holland, to the protest against establishing martial law in Ireland in 1801, which was written with such wounding directness that it was afterwards blackened out of the records of the House of Lords, on the motion of the infamous Lord Clare. But he was never in a smaller minority than he was on this occasion when he told his fellow landlords that the only remedy for the public distress was the abolition of the Corn Laws. Such a proposal stood no chance in the House of Lords or in the House of Commons. Grey declared that the abolition of the Corn Laws would lead to the destruction of the country, and though there were Free Traders among the Whigs, even nine years after this Melbourne described such a policy as 'the wildest and maddest scheme that has ever entered into the imagination of man to conceive.'

Suffield (1781-1835), the only other politician with a remedy, is an interesting and attractive character. Originally a Tory, and the son of Sir Harbord Harbord, who was not a man of very tender sensibilities, Suffield gradually felt

his way towards Liberalism. He was too large-minded a man to be happy and at ease in an atmosphere where the ruling class flew instinctively in every crisis to measures of tyranny and repression. Peterloo completed his conversion. From that time he became a champion of the poor, a fierce critic of the Game Laws, and a strong advocate of prison reform. He is revealed in his diary and all the traditions of his life as a man of independence and great sincerity. Suffield's policy in this crisis was the policy of home colonisation, and its fate can best be described by means of extracts from a memoir prepared by R. M. Bacon, a Norwich journalist and publicist of importance, and printed privately in 1838, three years after Suffield had been killed by a fall from his horse. They give a far more intimate and graphic picture of the mind of the Government than the best reported debates in the records of Parliament.

We have seen in a previous chapter that there had been at this time a revival of the movement for restoring the land to the labourers. One of the chief supporters of this policy was R. M. Bacon, who, as editor of the *Norwich Mercury*, was in close touch with Suffield. Bacon set out an elaborate scheme of home colonisation, resembling in its main ideas the plan sketched by Arthur Young thirty years earlier, and this scheme Suffield took up with great enthusiasm. Its chief recommendation in his eyes was that it applied public money to establishing labourers with a property of their own, so that whereas, under the existing system, public money was used, in the form of subsidies from the rates, to depress wages, public money would be used under this scheme to raise them. For it was the object of the plan to make the labourers independent of the farmers, and to substitute the competition of employers for the competition of employed. No other scheme, Suffield used to maintain, promised any real relief. If rents and taxes were reduced the farmer would be able, but would not be compelled, to give better wages: if taxes on the labourers' necessaries were reduced, the labourers would be able to live on a smaller wage, and as long as they were scrambling for employment they were certain to be ground down to the minimum of subsistence. The only way to rescue them from this plight was to place them again in such a position that they were not absolutely dependent on the farmers. This the Government could do by purchasing land, at present waste, and compelling parishes, with

the help of a public loan, to set up labourers upon it, and to build cottages with a fixed allotment of land.

Suffield's efforts to persuade the Government to take up this constructive policy began as soon as Grey came into office. His first letters to Bacon on the subject are written in November. The opposition, he says, is very strong, and Sturges Bourne and Lansdowne are both hostile. On 17th November he writes that a peer had told him that he had sat on an earlier committee on this subject with Sturges Bourne, as chairman, and that 'those who understood the subject best agreed with Malthus that vice and misery alone could *cure* the evil.' On 19th November he writes that he has had a conference with Brougham, with about the same success as his conference with Lansdowne and Sturges Bourne. On the 23rd he writes that he has been promised an interview at the Home Office; on the 25th 'no invitation from Lord Melbourne—the truth is he cannot find one moment of leisure. The Home Office is distracted by the numerous representations of imminent danger to property, if not to life, and applications for protection.' Later in the same day he writes that he had seen both Grey and Melbourne: 'I at once attacked Grey. I found him disposed to give every possible consideration to the matter. He himself has in Northumberland seen upon his own property the beneficent effects of my plan, namely of apportioning land to cottagers, but he foresaw innumerable difficulties.' A House of Lords Committee had been appointed on the Poor Laws at the instance of Lord Salisbury, and Suffield hoped to persuade this committee to report in favour of his scheme. He therefore pressed Grey to make a public statement of sympathy. Grey said 'he would intimate that Government would be disposed to carry into effect any measure of relief recommended by the Committee; very pressed but would call Cabinet together to-morrow.' The interview with Melbourne was very different. 'Next I saw Lord Melbourne. "Oppressed as you are," said I, "I am willing to relieve you from a conference, but you must say something on Monday next and I fear you have not devoted much attention to the subject." "I understand it perfectly," he replied, "and that is the reason for my saying nothing about it." "How is this to be explained?" "Because I consider it hopeless." "Oh, you think with Malthus that vice and misery are the only cure?" "No," said Lord Melbourne, "but the evil is in

numbers and the sort of competition that ensues." "Well then I have measures to propose which may meet this difficulty." "Of these," said Lord Melbourne, "I know nothing," and he turned away from me to a friend to enquire respecting outrages.' Suffield concludes on a melancholy note: 'The fact is, with the exception of a few individuals, the subject is deemed by the world a bore: every one who touches on it is a bore, and nothing but the strongest conviction of its importance to the country would induce me to subject myself to the indifference that I daily experience when I venture to intrude the matter on the attention of legislators.'

A fortnight later Suffield was very sanguine: 'Most satisfactory interview with Melbourne: thinks Lord Grey will do the job in the recess.' But the sky soon darkens again, and on the 27th Suffield writes strongly to Melbourne on the necessity of action, and he adds: 'Tranquillity being now restored, all the farmers are of course reducing their wages to that miserable rate that led to the recent disturbances.' Unhappily the last sentence had a significance which perhaps escaped Suffield. Believing as he did in his scheme, he thought that its necessity was proved by the relapse of wages on the restoration of tranquillity, but vice and misery-ridden politicians might regard the restoration of tranquillity as an argument for dropping the scheme. After this the first hopes fade away. There is strong opposition on the Select Committee to Suffield's views, and he is disappointed of the prompt report in favour of action which he had expected from it. The Government are indisposed to take action, and Suffield, growing sick and impatient of their slow clocks, warns Melbourne in June that he cannot defend them. Melbourne replies that such a measure could not be maturely considered or passed during the agitation over the Reform Bill. Later in the month there was a meeting between Suffield and Melbourne, of which unfortunately no record is preserved in the Memoir, with the result that Suffield declared in Parliament that the Government had a plan. In the autumn of 1831 an Act was placed on the Statute Book which was the merest mockery of all Suffield's hopes, empowering churchwardens or overseers to hire or lease, and under certain conditions to enclose, land up to a limit of fifty acres, for the employment of the poor. It is difficult to resist the belief that if the riots had lasted longer they might have forced the Government

to accept the scheme, in the efficacy of which it had no faith, as the price of peace, and the change in temperature recorded in Suffield's *Diary* after the middle of December marks the restoration of confidence at Whitehall.

So perished the last hope of reform and reparation for the poor. The labourers' revolt was ended; and four hundred and fifty men had spent their freedom in vain. Of these exiles we have one final glimpse; it is in a letter from the Governor of Van Diemen's Land to Lord Goderich: 'If, my Lord, the evidence, or conduct, of particular individuals, can be relied on as proof of the efficiency or non-efficiency of transportation, I am sure that a strong case indeed could be made out in its favour. I might instance the rioters who arrived by the *Eliza*, several of whom died almost immediately from disease, induced apparently by despair. A great many of them went about dejected and stupefied with care and grief, and their situation after assignment was not for a long time much less unhappy.'¹

¹ Correspondence on Secondary Punishment, March 1834, p. 23.

CONCLUSION

A row of eighteenth-century houses, or a room of normal eighteenth-century furniture, or a characteristic piece of eighteenth-century literature, conveys at once a sense of satisfaction and completeness. The secret of this charm is not to be found in any special beauty or nobility of design or expression, but simply in an exquisite fitness. The eighteenth-century mind was a unity, an order; it was finished, and it was simple. All literature and art that really belong to the eighteenth century are the language of a little society of men and women who moved within one set of ideas; who understood each other; who were not tormented by any anxious or bewildering problems; who lived in comfort, and, above all things, in composure. The classics were their freemasonry. There was a standard for the mind, for the emotions, for the taste: there were no incongruities. Such a society leaves its character and canons in its surroundings and its literature, for its definite ideas lend themselves readily to expression. A larger society seems an anarchy in contrast; just because of its escape into a greater world it seems powerless to stamp itself on wood or stone; it is condemned as an age of chaos and mutiny, with nothing to declare. In comparison with the disbevelled century that follows, the eighteenth century was neat, well dressed and nicely appointed. It had a religion, the religion of quiet common sense and contentment with a world that it found agreeable and encouraging; it had a style, the style of the elegant and polished English of Addison or Gibbon. Men who were not conscious of any strain or great emotion asked of their writers and their painters that they should observe in their art the equanimity and moderation that were desirable in life. They did not torture their minds with eager questions; there was no piercing curiosity or passionate love or hatred in their souls; they all breathed the same air of distinguished satisfaction and dignified self-control. English institutions suited them admirably; a

monarchy so reasonable nobody could mind; Parliament was a convenient instrument for their wishes and the English Church was the very thing to keep religion in its place. What this atmosphere could produce at its best was seen in Gibbon or in Reynolds; and neither Gibbon nor Reynolds could lose themselves in a transport of the imagination. To pass from the eighteenth century to the Revolt, from Pope to Blake, or from Sheridan to Shelley, is to burst from this little hothouse of sheltered and nurtured elegance into an infinite wild garden of romance and mystery.

The small class that enjoyed the monopoly of political power and social luxuries, round whose interests and pleasures the State revolved, consisted, down to the French war, of persons accustomed to travel, to find amusement and instruction in foreign galleries and French salons, and to study the fashions and changes of thought, and letters and religion, outside England; of persons who liked to surround themselves with the refinements and the decorations of life, and to display their good taste in collecting old masters, or fine fragments of sculpture, or the scattered treasures of an ancient library. Perhaps at no time since the days when Isabella d'Este consoled herself for the calamities of her friends and relatives with the thought of the little Greek statues that were brought by these calamities into the market, has there been a class so keenly interested in the acquisition of beautiful workmanship, for the sake of the acquisition rather than for the sake of the renown of acquiring it. The eighteenth-century collectors bought with discernment as well as with liberality: they were not the slaves of a single rage or passion, and consequently they enriched the mansions of England with the achievements of various schools. Of course the eighteenth century had its own fashion in art, and no admiration is more unintelligible to modern taste than the admiration for Guercino and Guido Reni and the other seventeenth-century painters of Bologna. But the pictures that came across the Channel in such great numbers were not the products of one school, or indeed the products of one country. Dutch, Flemish, French, Italian, they all streamed into England, and the nation suddenly found itself, or rather its rulers, very rich in masterpieces. The importance of such a school of manners as this, with its knowledge of other worlds and other societies, its interest in literature and art,

its cosmopolitan atmosphere, can only be truly estimated by those who remember the boorish habits of the country gentlemen of the earlier eighteenth century described by Fielding. With the French war this cosmopolitan atmosphere disappeared. Thenceforth the aristocracy were as insular in their prejudices as any of their countrymen, and Lord Holland, who preserved the larger traditions of his class, provoked suspicion and resentment by travelling in Spain during the Peninsular War.¹

But if the art and literature of the eighteenth century show the predominance of a class that cultivated its taste outside England, and that regarded art and literature as mere ministers to the pleasure of a few,² they show also that that class had political power as well as social privileges. There is no art of the time that can be called national either in England or in France, but the art of eighteenth-century England bears a less distinct relation to the English people than the art of eighteenth-century France to the people of France, just in proportion as the great English houses touched the English people more closely than Versailles touched the French. English art is less of mere decoration and less of mere imitation, for, though it is true that Chippendale, Sheraton, and the Adam brothers were all in one sense copying the furniture of other countries—Holland, China, France—they all preserved a certain English strain, and it was the flavour of the vernacular, so to speak, that saved their designs from the worst foreign extravagance. They were designing, indeed, for a class and not for a nation, but it was for a class that had never broken quite away from the life of the society that it controlled. The English aristocracy remained a race of country gentlemen. They never became mere loungers or triflers, kicking their heels about a Court and amusing themselves with tedious gallantries and intrigues. They threw themselves into country life and government, and they were happiest away from London. The great swarms of guests that settled on such country seats as Holkham were like gay and boisterous schoolboys compared with the French

¹ See a remarkable letter from Lord Dudley. 'He has already been enough on the Continent for any reasonable end, either of curiosity or instruction, and his availing himself so immediately of this opportunity to go to a foreign country again looks a little too much like distaste for his own.'—Letters to Ivy from the first Earl of Dudley, October 1808.

² See on this subject a very interesting article by Mr. L. March Phillipps in the *Contemporary Review*, August 1911.

nobles who had forgotten how to live in the country, and were tired of living at Versailles. If anything could exceed Grey's reluctance to leave his great house in Northumberland for the excitements of Parliament, it was Fox's reluctance to leave his little house in Surrey. The taste for country pleasures and for country sports was never lost, and its persistence explains the physical vitality of the aristocracy. This was a social fact of great importance, for it is health after all that wins half the battles of classes. No quantity of Burgundy and Port could kill off a race that was continually restoring its health by life in the open air; it did not matter that Squire Western generally spent the night under the table if he generally spent the day in the saddle. This inheritance of an open-air life is probably the reason that in England, in contrast to France and Italy, good looks are more often to be found in the aristocracy than in other classes of society.

It was due to this physical vigour that the aristocracy, corrupt and selfish though it was, never fell into the supreme vice of moral decadence. The other European aristocracies crumbled at once before Napoleon: the English aristocracy, amidst all its blunders and errors, kept its character for endurance and fortitude. Throughout that long struggle, when Napoleon was strewing Europe with his triumphs and, as Sheridan said, making kings the sentinels of his power, England alone never broke a treaty or made a surrender at his bidding. For ten years Pitt seems the one fixed point among the rulers of Europe. It is not, of course, to be argued that the ruling class showed more valour and determination than any other class of Englishmen would have shown: the empire-builders of the century, men of daring and enterprise on distant frontiers, were not usually of the ruling class, and Dr. Johnson once wrote an essay to explain why it was that the English common soldier was the bravest of the common soldiers of the world. The comparison is between the English aristocracy and the other champions of law and order in the great ordeal of this war, and in that comparison the English aristocracy stands out in conspicuous eminence in a Europe of shifting and melting governments.

The politics of a small class of privileged persons enjoying an undisputed power might easily have degenerated into a mere business of money-making and nothing else. There is

plenty of this atmosphere in the eighteenth-century system : a study merely of the society memoirs of the age is enough to dissipate the fine old illusion that men of blood and breeding have a nice and fastidious sense about money. Just the opposite is the truth. Aristocracies have had their virtues, but the virtue of a magnificent disdain for money is not to be expected in a class which has for generations taken it as a matter of course that it should be maintained by the State. At no time in English history have sordid motives been so conspicuous in politics as during the days when power was most a monopoly of the aristocracy. No politicians have sacrificed so much of their time, ability, and principles to the pursuit of gain as the politicians of the age when poor men could only squeeze into politics by twos or threes in a generation, when the aristocracy put whole families into the House of Commons as a matter of course, and Burke boasted that the House of Lords was wholly, and the House of Commons was mainly, composed for the defence of hereditary property.

But the politics of the eighteenth century are not a mere scramble for place and power. An age which produced the two Pitts could not be called an age of mere avarice. An age which produced Burke and Fox and Grey could not be called an age of mere ambition. The politics of this little class are illuminated by the great and generous behaviour of individuals. If England was the only country where the ruling class made a stand against Napoleon, England was the only country where members of the ruling class were found to make a stand for the ideas of the Revolution. Perhaps the proudest boast that the English oligarchy can make is the boast that some of its members, nursed as they had been in a soft and feathered world of luxury and privilege, could look without dismay on what Burke called the strange, wild, nameless, enthusiastic thing established in the centre of Europe. The spectacle of Fox and Sheridan and Grey leading out their handful of Liberals night after night against the Treason and Sedition Bills, at a time when an avalanche of terror had overwhelmed the mind of England, when Pitt, Burke, and Dundas thought no malice too poisoned, Gillray and Rowlandson no deforming touch of the brush too brutal, when the upper classes thought they were going to lose their property, and the middle classes thought they were going to lose their religion, is one of the sublime spectacles of

history. This quality of fearlessness in the defence of great causes is displayed in a fine succession of characters and incidents; Chatham, whose courage in facing his country's dangers was not greater than his courage in blaming his country's crimes; Burke, with his elaborate rage playing round the dazzling renown of a Rodney; Fox, whose voice sounds like thunder coming over the mountains, hurled at the whole race of conquerors; Holland, pleading almost alone for the abolition of capital punishment for stealing before a bench of bishops; a man so little given to revolutionary sympathies as Fitzwilliam, leaving his lord-lieutenancy rather than condone the massacre of Peterloo. If moral courage is the power of combating and defying an enveloping atmosphere of prejudice, passion, and panic, a generation which was poor in most of the public virtues was, at least, conspicuously rich in one. Foreign policy, the treatment of Ireland, of India, of slaves, are beyond the scope of this book, but in glancing at the class whose treatment of the English poor has been the subject of our study, it is only just to record that in other regions of thought and conduct they bequeathed a great inheritance of moral and liberal ideas: a passion for justice between peoples, a sense for national freedom, a great body of principle by which to check, refine, and discipline the gross appetites of national ambition. Those ideas were the ideas of a minority, but they were expressed and defended with an eloquence and a power that have made them an important and a glorious part of English history. In all this development of liberal doctrine it is not fanciful to see the ennobling influence of the Greek writers on whom every eighteenth-century politician was bred and nourished.

Fox thought in the bad days of the war with the Revolution that his own age resembled the age of Cicero, and that Parliamentary government in England, undermined by the power of the Court, would disappear like liberty in republican Rome. There is a strange letter in which, condoling with Grey on his father's becoming a peer, he remarks that it matters the less because the House of Commons will soon cease to be of any importance. This prediction was falsified, and England never produced a Cæsar. There is, however, a real analogy in the social history of the two periods. The English ruling class corresponds to the Roman senatorial order, both classes claiming office on the same ground of family title, a Cavendish

being as inevitable as a Claudius, and an Æmilius as a Gower. The *equites* were the second rank of the Roman social aristocracy, as the manufacturers or bankers were of the English. A Roman *equus* could pass into the senatorial order by holding the *quæstorship*; an English manufacturer could pass into the governing class by buying an estate. The English aristocracy, like the Roman, looked a little doubtfully on new-comers, and even a Cicero or a Canning might complain of the freezing welcome of the old nobles; but it preferred to use rather than to exclude them.

In both societies the aristocracy regarded the poor in much the same spirit, as a problem of discipline and order, and passed on to posterity the same vague suggestion of squalor and turbulence. Thus it comes that most people who think of the poor in the Roman Republic think only of the great corn largesses; and most people who think of the poor in eighteenth-century England think only of the great system of relief from the rates. Mr. Warde Fowler has shown how hard it is to find in the Roman writers any records of the poor. So it is with the records of eighteenth-century England. In both societies the obscurity which surrounded the poor in life has settled on their wrongs in history. For one person who knows anything about so immense an event as the disappearance of the old English village society, there are a hundred who know everything about the fashionable scenes of high politics and high play, that formed the exciting world of the upper classes. The silence that shrouds these village revolutions was not quite unbroken, but the cry that disturbed it is like a noise that breaks for a moment on the night, and then dies away, only serving to make the stillness deeper and more solemn. The *Deserted Village* is known wherever the English language is spoken, but Goldsmith's critics have been apt to treat it, as Dr. Johnson treated it, as a beautiful piece of irrelevant pathos, and his picture of what was happening in England has been admired as a picture of what was happening in his discolouring dreams. Macaulay connected that picture with reality in his ingenious theory, that England provided the village of the happy and smiling opening, and Ireland the village of the sombre and tragical end. One enclosure has been described in literature, and described by a victim, John Clare, the Northamptonshire peasant, who drifted into a madhouse through a life of want

and trouble. Those who recall the discussions of the time, and the assumption of the upper classes that the only question that concerned the poor was the question whether enclosure increased employment, will be struck by the genuine emotion with which Clare dwells on the natural beauties of the village of his childhood, and his attachment to his home and its memories. But Clare's day was brief and he has few readers.¹ In art the most undistinguished features of the most undistinguished members of the aristocracy dwell in the glowing colours of a Reynolds; the poor have no heirlooms, and there was no Millet to preserve the sorrow and despair of the homeless and dispossessed. So comfortably have the rich soothed to sleep the sensibilities of history. These debonair lords who smile at us from the family galleries do not grudge us our knowledge of the escapades at Brooks's or at White's in which they sowed their wild oats, but some of them, we fancy, are grateful for the poppy seeds of oblivion that have been scattered over the secrets of their estates. Happy the race that can so engage the world with its follies that it can secure repose for its misdeeds.

De Quincey has compared the blotting out of a colony of Alexander's in the remote and unknown confines of civilisation, to the disappearance of one of those starry bodies which, fixed in longitude and latitude for generations, are one night observed to be missing by some wandering telescope. 'The agonies of a perishing world have been going on, but all is bright and silent in the heavenly host.' So is it with the agonies of the poor. Wilberforce, in the midst of the scenes described in this volume, could declare, 'What blessings do we enjoy in this happy country; I am reading ancient history, and the pictures it exhibits of the vices and the miseries of men fill me with mixed emotions of indignation, horror and gratitude.' Amid the great distress that followed Waterloo and peace, it was a commonplace of statesmen like Castlereagh and Canning that England was the only happy country in the world, and that so long as the monopoly of their little class was left untouched, her happiness would survive. That class has left bright and ample records of its life in

¹ Helpstone was enclosed by an Act of 1809. Clare was then sixteen years old. His association with the old village life had been intimate, for he had tended geese and sheep on the common, and he had learnt the old country songs from the last village cowherd. His poem on Helpstone was published in 1820.

literature, in art, in political traditions, in the display of great orations and debates, in memories of brilliant conversation and sparkling wit ; it has left dim and meagre records of the disinherited peasants that are the shadow of its wealth ; of the exiled labourers that are the shadow of its pleasures ; of the villages sinking in poverty and crime and shame that are the shadow of its power and its pride.

APPENDIX A (1)

CROYDON, SURREY.—ENCLOSURE ACT, 1797

AREA.—2950 acres.

NATURE OF GROUND.—Open and Common Fields, about 750 acres, Commons, Marshes, Heaths, Wastes and Commonable Woods, Lands, and Grounds about 2200 acres.

PARLIAMENTARY PROCEEDINGS.—*November 7, 1796.*—Petition for enclosure from Hon. Richard Walpole, John Cator, Esq., Richard Carew, Esq., John Brickwood, Esq., and others. Leave given; bill presented May 8, 1797; read twice and committed.

May 18, 1797.—(1) Petition against the bill from Richard Davis and others, as prejudicial to their rights and interests; (2) Petition against it from James Trecothick, Esq. Both petitions to be heard before Committee. *May 26,* Petition against the bill from Richard Davis and others stating ‘that the said Bill goes to deprive the Inhabitants of the said Parish and the Poor thereof in particular, of certain ancient Rights and Immunities granted to them (as they have been informed) by some, or one, of the Predecessors of His present Majesty, and that the said Bill seems calculated to answer the Ends of certain Individuals.’

Petitioners to be heard when the Bill was reported.

June 7.—Petition of various inhabitants of Croydon against the bill; similar to last petition. To be heard when Bill reported.

REPORT AND ENUMERATION OF CONSENTS.—*June 19.*—Lord William Russell reported from the Committee, standing orders complied with, that the Petitions had been considered, allegations true; parties concerned have given their consent to the satisfaction of the Committee, ‘(except the Owners of 230 Acres 2 Roods and 25 Perches of Inclosed Land, and 67 Acres 1 Rood and 31 Perches of Common Field Land, who refused to sign the Bill; and also the Owners of 225 Acres 1 Rood and 34 Perches of Inclosed Land, and 7 Acres 3 Roods and 5 Perches of Common Field Land, who, on being applied to, returned no Answer; and that the Whole of the Land consists of 6316 Acres and 37 Perches of Inclosed Land,

and 733 Acres 1 Rood and 39 Perches of Common Field Land, or thereabouts). . .'

The same day (June 19) petition from various Freeholders, Copyholders, Leaseholders and Inhabitant Householders of Croydon stating that the promoters of the bill have named Commissioners without consulting the persons interested 'at an open and public meeting,' and that since the Archbishop of Canterbury as Lord of the Soil of the Wastes has named one Commissioner (James Iles of Steyning, Gentleman) the other two Commissioners ought, 'in common Justice and Impartiality' to be nominated by the proprietors of lands and the Parish at large; and as they understand that the Tithe owners and other Proprietors wish John Foakes, named in the bill, to remain a Commissioner, asking leave to nominate as the third Thomas Penfold of Croydon, Gentleman. Lord William Russell proposed to recommit the bill in order to consider this petition, but obtained only 5 votes for his motion against 51.

The Bill passed Commons.

In the Lords a Petition was read July 4, 1797, against the Bill from the Freeholders, Copyholders, Leaseholders and Inhabitant-Freeholders of Croydon, praying their Lordships, 'To take their Case into their most serious Consideration.' Petition referred to Committee.

July 10, 1797.—Bill passed Lords in a House of 4 Peers. (Bishop of Bristol, Lords Walsingham, Kenyon, and Stewart of Garlies.)

[3 of these had been members of the Committee of 6 to whom the Bill was committed.]

Royal Assent, July 19.

MAIN FEATURES OF ACT.—(Private, 37 George III. c. 144.)

COMMISSIONERS.—Three appointed. (1) James Iles of Steyning, Sussex; (2) John Foakes of Gray's Inn; (3) Thomas Crawter of Cobham, Gentlemen.

The first represents the Archbishop of Canterbury, Lord of the Manor of Croydon, the other two represent the proprietors of estates with right of common (the Archbishop excluded) 'or the major part in value' (such value to be collected from the rentals in land tax assessments). Vacancies to be filled up by the parties represented. New Commissioners not to be interested in the inclosure. Two Surveyors appointed by name: vacancies to be filled up by Commissioners.

PAYMENT TO COMMISSIONERS.—2 guineas a day. Surveyors to be paid what the Commissioners think 'just and reasonable.'

CLAIMS.—To be delivered in at the meeting or meetings advertised for the purpose. None to be received after, except for some special cause. Claimants must send in claims 'in Writing under their Hands, or the Hands of their Agents, distinguishing in such Claims the Tenure of the Estates in respect whereof such Claims are made, and stating therein such further Particulars as shall be necessary to describe such Claims with Precision.' The Commissioners are to hold a meeting to hear and determine about claims, and if no objections are raised, then their determination is final and conclusive. If objections are raised, then any one person whose claim is disallowed, or any three persons who object to the allowance of some one else's claim, can proceed to trial at the Assizes on a feigned issue. The verdict of the trial is to be final. Due notice of trial must be given and the allotment suspended. The Commissioners cannot determine on questions of title which may still be tried at law.

SYSTEM OF DIVISION—SPECIAL PROVISIONS :

Provisions for Lord of the Manor.—The Archbishop of Canterbury is Lord of the Manor of Croydon and also of Waddon, and there are six other Lords whose manors lie either wholly or partly within the parish, *i.e.* (1) Robert Harris, Esq., of Bermondsey; (2) Richard Carew, Esq., of Norbury; (3) John Cator, Esq., of Bensham; (4) William Parker Hamond Esq., of Haling; (5) James Trecothick, Esq., of Addington, otherwise Temple, who also claims for Bardolph and Bures. (6) The Warden and Poor of the Hospital of Holy Trinity (Whitgift Foundation) of Croham. Each of these 7 Lords is to have one-eighteenth of the Commons and Wastes lying within his Manor. But whereas James Trecothick claims some quit-rents in the Manor of Croydon, if he makes good his claim to the Commissioners, then the Archbishop's eighteenth is to be divided between James Trecothick and the Archbishop, and this is to be taken by James Trecothick as his whole share as Lord of a Manor. The Archbishop can also have part of Norwood Common in lieu of his due share of Norwood woodlands.

Manorial rights, save Right of Soil, continue as before.

Compensation for the timber in Norwood Woodlands is to be fixed by the Commissioners and paid by the allottees to the Archbishop.

Provision for Tithe Owners.—For Rectorial Tithes, such parcel or parcels as Commissioners judge to be full equivalent.

Whereas the Archbishop claims that Norwood Woodlands (295 acres) are exempt from all tithes, this claim is to be determined by the Commissioners or at law, and if not found good, another parcel to be set out as full equivalent.

But the tithe allotments in all are not to equal in value more than one-ninths of the Commons, marshes etc.

For Vicar's tithes over Norwood Common, an equivalent parcel of land.

Provisions for the Poor.—If the inhabitants of Croydon prove their claim to Rights of Common on Norwood Common, and in Norwood Commonable Woods to the satisfaction of the Commissioners, or before a Court (if it is tried at law) then the Commissioners are to set out from the Commons, Wastes, etc., as much land as they judge to be equivalent to such right, 'having particular Regard to the Accommodation of Houses and Cottages contiguous to the said Commons, etc.,' and this land is to remain common, for the use of the inhabitants of Croydon, subject to the right of getting gravel from it. Suppose, however, that the inhabitants' claim is not allowed, or if allowed does not equal 215 acres of common in value: even then the Commissioners are to set out 215 acres for the above purpose. These 215 acres are to be vested in the Vicar, Churchwardens, Overseers, and 6 Inhabitants chosen at a Vestry meeting. These trustees can inclose as much as a seventh part and let it on lease for 21 years. They are to manage the common with regard to stint, etc., and to dispose of rents.

Allotment of Residue.—The open common fields, commons, marshes, etc., to be divided amongst the several persons 'according to their respective Rights and Interests,' due regard being paid to Quality, Quantity, and Situation, and the allotments being placed as near the Homesteads, etc., as is consistent with general convenience.

All houses erected 20 years and more before the Act, and the Sites of all such houses to be considered as ancient messuages entitled to right of common, with the exception of houses built on encroachments, the owners of which are to have whatever allotment the Commissioners think fair and reasonable.

The Commissioners are to give notice of a place where a schedule of allotments can be inspected and of a meeting

where objections can be heard. The Commissioners are to hear complaints, but their determination is to be binding and conclusive on all parties.

When the award is drawn up 'the said Allotments, Partitions, Divisions, and Exchanges, and all Orders, and Directions, Penalties, Impositions, Regulations and Determinations so to be made as aforesaid, in and by such Award or Instrument, shall be, and are hereby declared to be final, binding and conclusive unto and upon all Persons interested in the said Division and Inclosure.' Persons who refuse to accept within an appointed time, or who molest others who accept, are 'divested of all Right of Possession, Right of Pasturage and Common, and all other Right, Estate and Interest whatsoever in the allotments.' Allotments are to be of the same tenure as the estates in right of which they are given. Copyhold allotments in the Manors of Croydon and Waddon can be enfranchised by the Commissioners at the request of the allottees, a part of such allotments being deducted and given to the Archbishop for compensation. Allotments may be laid together if the different owners wish it.

INCROACHMENTS.—Those made within 6 months not to count. Those of 20 years old and over to remain with present possessor, but not to confer right to an allotment.

Encroachments under 20 years old, (1) if the encroacher has a right to an allotment, then it shall be given to him as a whole or part of that allotment (not reckoning the value of buildings and improvements); (2) if the allotment to which he has a right is unequal in value to the encroachment, or if he has no right to an allotment, he can pay the surplus or the whole price at the rate of £10 an acre; (3) if the encroacher cannot or will not purchase, the Commissioners are to allot him his encroachment for which he is to pay rent at the rate of 12s. an acre a year for ever, such rent being apportioned to whomever the Commissioners direct as part of their allotment.

Provisions are also made for giving encroachers allotments elsewhere instead, in certain cases.

FENCING.—To be done by allottees. If the proportion of fencing to be done by any allottee is unfair, the Commissioners have power to equalise it. *Exception.*—(1) The allotment to Rector for Tithes which is to be fenced at the expense of or by the person or persons whom the Commissioners appoint;

(2) The allotments belonging to certain estates leased out at reserved rents by the Archbishop and by Trinity Hospital for 21 years are to be fenced by the lessees; to compensate lessees new leases are to be allowed; (3) Allotments to Charity Estates (except Trinity Hospital) are to have a part deducted from them and be fenced by the Commissioners. If any proprietor refuses to fence, his neighbour can, on complaint to a J.P., obtain an order or an authorisation to enter, do the fencing, and take the rents till it is paid for.

Guard fences to protect the quickset are allowed.

Penalty for damaging fences from 40s. to £10. The owner of the damaged fence may give evidence. Half the penalty goes to the informer and half to the owner. But if the owner informs, the whole penalty goes to the Overseer.

Estates may be mortgaged up to 40s. an acre to meet expenses of fencing. Roads are not to be depastured for 10 years.

EXPENSES.—To meet all expenses (including the lawsuits on feigned issues) part of the Commons, Wastes, etc., are to be sold by public auction. Private sales are also authorised, but no one person may buy privately more than 2 acres; except that if James Trecothick, Esq., so wishes, the Commissioners are to sell him by private contract part of Addington Hills at what they judge a fair and reasonable price.

Any surplus is to be paid to the Highways or Poor Rates within 6 months after award. Commissioners are to keep Accounts, which must be open to Inspection.

Common Rights and Interests may be sold before the execution of the award by allottees except the Archbishop, the Vicar, Trinity Hospital, and Trustees for Charitable purposes.

COMPENSATION TO OCCUPIERS.—In the case of leases at rack-rent the Commissioners are to set out the allotment to the owner, but the owner is to pay fair compensation to the tenant for loss of right of common, either by lowering his rent or by paying him a gross sum of money as the Commissioners direct. *Exception.*—If the Commissioners think it a more equitable course they may allot the allotment to the tenant during his lease, and settle what extra rent he shall pay in respect of the owner's expense in fencing, etc.

Satisfaction for crops, ploughing, tilling, manuring, etc. is to be given in cases where the ground is allotted to a new possessor.

ROADS.—Commissioners have power to set out and shut up roads (turnpike roads excluded), footpaths, etc., but if they shut up a footpath through old inclosed land, the person for whose benefit it is shut is to pay such compensation as the Commissioners decide, the money going towards the Expenses of the Act.

POWER OF APPEAL.—To Quarter Sessions only, and not in cases, *e.g.* claims and allotment, where the Commissioners' decisions are final and conclusive or a provision for trial at law is made.

ARRANGEMENTS BETWEEN ACT AND AWARD.—As soon as the Act is passed the Commissioners are to have sole direction of the course of husbandry. *Exception.*—They are not to interfere with Thomas Wood and Peter Wood, Gentlemen, in their cultivation of such parts of the common fields of Waddon as are leased to them by the Archbishop. (Four years of the lease are still to run.)

AWARD.—Date, March 2, 1801. Clerk of Peace or of County Council, Surrey.

AMENDING ACT, 1803.—(Private, 43 George III. c. 53.)

Passed in response to a petition (February 16, 1803) from the Vicar, Churchwardens, Overseers, and other inhabitants of Croydon, stating that whereas the Commissioners have set out 237 acres 2 roods for the inhabitants of Croydon, instead of 215 acres, doubts have arisen as to whether this land is vested in trustees as was directed to be done with the 215 acres.

MAIN FEATURES.—The 237 acres 2 roods to be treated as the 215 acres. Land up to 5 acres to be sold to defray cost of this new Act; any surplus to go to Use and Benefit of Poor, any deficit to be made up by rents or sale of gravel.

NOTE ON RESULTS.—Third Report of Select Committee on Emigration, 1826-7, p. 369. Dr. Benjamin Wills stated that as the result of the loss of common rights suffered under the Bill, he had seen some 900 persons summoned for the Poor Rate. 'By the destruction of the common rights, and giving no remuneration to the poor man, a gentleman has taken an immense tract of it and converted it into a park: a person in the middling walk of life has bought an acre or two; and though this common in its original state was not so valuable as it has been made, yet the poor man should have been consulted in it; and the good that it was originally to him was of such a nature that, destroying that, has had an immense effect.'

APPENDIX A (2)

HAUTE HUNTRE, LINCS.—ENCLOSURE ACT, 1767

AREA.—22,000 Acres 'more or less.'

NATURE OF GROUND.—Haute Huntre, Eight Hundred or Holland Fen and other commonable places adjacent.

Owners and Proprietors of Houses and Toftsteads in the following 11 Parishes or Townships have Right of Common :—Boston West, Skirbeck Quarter, Wyberton, Frampton, Kirton, Algarkirke, Fosdyke, Sutterton, Wigtoft, Swineshead, and Brothertoft ; and also in a place called Dog Dyke in the Parish of Billingham.

PARLIAMENTARY PROCEEDINGS.—*December 4, 1766.*—Petition for enclosure from various owners and proprietors with right of common, asking that the fen shall be divided up into specific allotments for each Town. Leave given. Bill read first time, December 9.

March 4, 1767.—Long petition against the bill from (1) the Master, Fellows and Scholars of Trinity College, Cambridge, which College is Impropriator of the Great Tythes, and Patron of the Vicarage of Swineshead, (2) the Rev. John Shaw, Patron and Rector of Wyberton, (3) Zachary Chambers, Esq., Lord of the Manor of Swineshead, and others. The petition gave a history of the movement for enclosure. On August 26, 1766, a meeting of several gentlemen and others was held at the Angel Inn, Sleaford, at which a resolution was passed that a Plan or Survey of the fen with a return of the Houses etc., with Right of Common should be made before a bill was brought in. On October 16, 1766, a public meeting of several proprietors was held at Sleaford at which some of those present proposed to read a bill for dividing and inclosing the fen ; the great majority however of those present objected to this course, and requested and insisted that as no Survey had been produced, nothing further should be done till the following spring, 'but notwithstanding the said Request, some few of the said Proprietors then present proposed that a Petition for the said Bill might then be signed ; which Proposition being rejected by a considerable Majority, the said few Proprietors declared their Resolution

to sign such a Petition, as soon as their then Meeting was broke up, without any Resolutions being concluded upon, or the Sentiments of the Majority of the Proprietors either entered down or paid any Regard to, and without making any Adjournment of the said Meeting; and that, soon after the said Meeting broke up, some of the Proprietors present at the said Meeting signed the Petition, in consequence of which the said Bill hath been brought in.' The petitioners also pointed out that the petition for enclosure was signed by very few proprietors except those in Boston West, and requested that no further measures should be taken till next session, and that meanwhile the Survey in question should be made, and suggested that the present bill was in many respects exceptionable, and asked to be heard by Counsel against the bill as it now stood. Petition to lie on table till second reading.

March 6, 1767.—Bill read second time and committed. Petition referred to Committee.

March 21.—Petition against the bill from Sir Charles Frederick, Knight of the Bath, sole owner of Brothertoft, where there are 51 Cottages or Toftsteads with right of common. Referred to Committee.

March 27.—Petition against the bill from Sir Gilbert Heathcote, Bart. and others; bill injurious to interests. Referred to Committee.

REPORT AND ENUMERATION OF CONSENTS.—*April 29, 1767.*—Lord Brownlow Bertie reported from the Committee; Committee had heard Counsel in favour of the first petition and considered the other two; that the Allegations of the Bill were true; and that the Parties concerned had given their consent to the Bill to the satisfaction of the Committee '(except 94 Persons with Right of Common and Property of the Annual Value of £3177, 2s. 6d. who refused, and except 53 Persons with Right of Common and Property of the Annual Value of £694, 10s. who could not be found, and except 40 Persons with Right of Common and Property of the Annual Value of £1310, 0s. 6d. who declared they were indifferent, and that the whole Number of Persons with Right of Common is 614, and the whole Property of the Annual Value of £23,347, 8s.)' Several amendments were made in the Bill and it was sent up to the Lords. In the Lords, petitions against it were received from Sir Gilbert Heathcote (May 7) and Samuel Reynardson, Esq. (May 14),

both of which were referred to the Committee. Several amendments were made, including the insertion of a clause giving the Proprietors or Occupiers the same right of common over the Parish allotment as they already had over the whole. Royal Assent, June 29, 1767.

MAIN FEATURES OF ACT.—(Private, 7 George III. c. 112.)

COMMISSIONERS.—Five are to be appointed; they are to be chosen by eleven persons, each representing one of the eleven townships. These eleven persons are to be elected in each township by the owners and proprietors of Houses, Toftsteads, and Lands which formerly paid Dyke-reeve assessments; except in the case of Brothertoft, where Sir Charles Frederick, as sole owner and proprietor, nominates the person. No person interested in the inclosure is to be chosen as Commissioner, and in addition to the usual oath of acting ‘without favour or affection’ the Commissioners are required to take the following oath:—

‘I, A. B., do swear, that I am neither Proprietor nor Occupier of, nor, to the best of my Knowledge, am I concerned as Guardian, Steward or Agent for any Proprietor of any Houses, Toftsteads, or Lands within any of the Parishes of’ (names given) ‘or for any Person to whom any Allotment is to be made by virtue of the said Act.’

Three Commissioners are a quorum. Vacancies are to be filled by the 11 persons elected as before. If they fail to do so, the remaining Commissioners can nominate. Survey to be made by persons appointed by the Commissioners, and number of present Houses and Toftsteads to be recorded except in Boston West and Brothertoft. Edward Draper of Boston, Gentleman, to be Clerk.

PAYMENT.—Commissioners each to have £210 and no more. Two guineas to be deducted for each day’s absence.

CLAIMS.—Nothing is said about sending in claims, as the survey giving the Houses, etc., does instead. If any difference or dispute arise between parties interested in the division with respect to shares, rights, interests, and proportions, the Commissioners are to hear them, and their determination is to be binding and conclusive.

SYSTEM OF DIVISION—SPECIAL PROVISIONS:

To Lords of the Manor.—Zachary Chambers, Esq., is Lord of the Manor of Swineshead; Charles Anderson Pelham, Esq., is Lord of the Manor of Frampton. These two are intitled jointly to the soil of the fen, and Charles Anderson Pelham,

Esq., is also intitled 'to the Brovage or Agistment' of 480 head of cattle on the fen every year.

(1) Zachary Chambers, Esq., is to have 120 Acres in one piece in a part called Brand End in lieu of his rights of soil and of all mines and quarries of what nature whatsoever.

(2) Charles Anderson Pelham, Esq., is to have 120 Acres in one piece, near Great Beets, for his rights of soil and of mines and quarries.¹

Charles Anderson Pelham, Esq., is also to have in lieu of his right of Brovage a parcel of the same number of acres that were given by an Act of 9 James 1. to the Lords of the Manor of Swineshead for Brovage.

Tithe Owners.—Not mentioned.

Allotment of Residue.—After part has been sold for expenses (see below) and after allotment to the Lords of the Manor, the residue is to be divided amongst the eleven townships and Dog Dyke in proportion and according to the number of Houses and Toftsteads in each parish. For Brothertoft and Dog Dyke there are special arrangements; in the ten remaining townships or parishes, the following method is to be pursued:—For each House or Tenement there must be 4 acres, and for each Toftstead 2 acres allowed; when this proportion has been set out, the remainder is to be shared out in proportion to the Dyke-reeve assessments before the passing of a recent drainage Act. Quantity, Quality, and Situation are to be considered. *Special provision.*—Boston West is to have the same proportion of fen as Frampton.

The share that each of the above ten townships receives is to be the common fen belonging to the township or parish, subject to the same common rights as the present fen, and is to be contiguous to the township.

Brothertoft and Dog Dyke allotments.—The allotment for Brothertoft is to be half as many acres as are allotted to Boston West, and is to go to Sir Charles Frederick, sole owner and proprietor, and to be near Brothertoft.

The allotment to Dog Dyke is to be calculated in reference to the share that Brothertoft receives. Each House or Toftstead in Dog Dyke is to have $\frac{2}{3}$ of the proportion that each House or Toftstead in Brothertoft is assigned. The Dog Dyke Allotment is to go to Earl Fitzwilliam, the sole owner, and is to be near the Earl's gardens.

¹ Note that the compensation to the Lords of the Manor added together comes to less than one ninety-first part of the soil.

If any half-year lands, and other inclosed lands, directed to be sold (see Expenses) remain unsold, these are to be sold and the leases are to be allotted to the parishes in such proportions as the Commissioners direct.

An award is to be drawn up and its provisions are binding and conclusive.

FENCING.—Each township's share is to be divided by an 8-foot wide ditch and a quick hedge, and guarded with a fence and rail $4\frac{1}{2}$ feet high, with double bars of fir or deal and with oak posts; the fence and the rail are to be nailed or mortified together. The Commissioners do this fencing out of the money raised for defraying the expenses of the Act, but each township is to keep up its fences according to the Commissioners' directions. The fences, etc., are to be made within 18 months.

Penalty for wilfully and maliciously cutting, breaking down, burning, demolishing, or destroying any division fence:

1st offence (before 2 J.P.'s), fine of £5 to £20, or from 1 to 3 months in House of Correction.

2nd offence (before 2 J.P.'s), fine of £10 to £40, or from 6 to 12 months in House of Correction.

3rd offence (before Quarter Sessions), transportation for 7 years as a felon.

EXPENSES.—To defray all expenses the Commissioners can—

(1) sell the Right of Acreage or Common upon certain specified half-year lands,¹ e.g. The Frith, Great Beets, Little Beets, the Mown Rakes, etc., to the owners and proprietors of these lands. If the owners refuse to buy or do not pay enough to cover the expenses of the Act, the Commissioners can—

(2) sell part of the Fen. In this case the first land to be sold is Coppin Sykes Plot, Ferry Corner Plot, Pepper Gowt Plot, and Brand End Plot; the next land, Gibbet Hills.

As Coppin Sykes Plot, etc., belong to the Commissioners of two Drainage Acts, the drainage Commissioners can as compensation charge rates on the respective townships instead, and if any township refuses to pay, they can inclose a portion of its allotment, but not for tillage.

Penalty for taking turf or sod after Act.

¹ *I.e.* lands over which there is right of common for half the year between Michaelmas and Lady Day or Lammas and Lady Day.

Culprit can be tried before one J.P., and fined from 40s. to £10, or, if he or she fails to pay, be given hard labour in the House of Correction for 1 to 3 months, or till the penalty is paid. Notice of this penalty is to be fixed on Church and Chapel Doors and published in newspapers.

POWER OF APPEAL.—To Quarter Sessions only, and not in cases where the Commissioners' decisions are said to be final and conclusive.

AWARD.—Date, May 19, 1769. With Clerk of Peace or County Council, Lincoln.

From *Annual Register*, 1769, p. 116 (Chronicle for July 16): 'Holland Fen, in Lincolnshire, being to be inclosed by act of parliament, some desperate persons have been so incensed at what they called their right being taken from them, that in the dead of night they shot into the windows of several gentlemen whom they thought active in procuring the act for inclosure; but happily no person has been killed.'

AMENDING ACT, 1770.

PARLIAMENTARY PROCEEDINGS.—*January 25, 1770.*—Petition for an amending Act from the Commissioners who carried out the previous one; stating that 'the Posts and Rails for many Miles in the Division Fences, which have been erected pursuant to the Directions of the said Act, have been pulled down, and the greatest Part thereof destroyed, together with great Part of the Materials for completing the said Fencing,' and asking for leave to take down the Fencing and to make wide ditches instead.

Leave given. Bill passed both Houses and received Royal Assent.

MAIN FEATURES OF AMENDING ACT.—(Private, 10 George III. c. 40.)

The Commissioners are empowered to take down the posts and rails, and to make ditches 10 feet wide and 5 feet deep as boundaries instead.

The Posts and Rails are to be sold, and the proceeds are to defray the expenses of this Act and the costs of the Commissioners. The Commissioners are to have a sum of £31, 10s. each as payment, with 2 guineas deducted for each day's absence.

Edward Draper, Clerk to the Commissioners, is to be repaid up to £1000, his costs in prosecuting fence-destroyers.

If any proprietor has already made ditches wide enough, he is to be repaid his proportion.

Any surplus is to be handed over to Drainage Commissioners.

NOTES :—

	Act. Award.	
Boston West division was enclosed in	1771	1772
Algarkirke cum Fosdyke	1771	..
Frampton	1784	..
Kirton	1772	1773
Skirbeck	1771	1772
Swineshead	1773	1774
Sutterton	1772	1773
Wigtoft	1772	1773
Wyberton	1789	..

APPENDIX A (3)

STANWELL.—ENCLOSURE ACT, 1789

AREA.—According to Act 'by Estimation about 3000 Acres,' but Award gives 2126 Acres only.

NATURE OF GROUND.—'Large open fields, Arable and Meadow Grounds, and Lammas Lands, about 1621 acres, and also several Commons, Moors and Waste Lands,' about 505 acres (unstinted).

PARLIAMENTARY PROCEEDINGS.—

First Attempt, December 12, 1766.—Petition for Enclosure from the Lord of the Manor, the ImproPRIATOR of the Great Tythes, the Vicar, and most considerable Proprietors. Leave given. Bill read first time, January 27, 1767.

February 18, 1767.—Petition against the bill from various 'Owners or Occupiers of Cottages or Tenements in the parish of Stanwell,' setting forth that the Petitioners in Right of their said Cottages and Tenements are severally intitled to Common of Pasture for their Cattle and Sheep upon all the said Commons, Moors, and Waste Lands, at all Times of the Year, except for Sheep, without any Stint whatsoever, as also a Right of intercommoning their Cattle and Sheep, with those of the Tenants of divers other Manors, at all Times in the Year, upon the large Common called *Hounslow Heath*: and the Petitioners in the Rights aforesaid, are also intitled to and do enjoy Common of Turbary on the said Commons and Heath, and that the Lord of the Manor of Stanwell lately caused part of the said Moors within the said Parish, to be fenced in, and inclosed with Pales for his own sole and separate Use, without the Consent of the Petitioners and other Persons intitled to a Right of Common therein, which said Pales have been since pulled down by several of the Petitioners and others, against whom several Actions have been commenced by the Lord of the said Manor, in order to try the Petitioners' said Right of Common therein, all which Actions are now depending; and that the Petitioners apprehend, and believe, in case the said Bill should pass into a Law, the Legality of the Petitioners' said Rights will be left to the Determination of Commissioners unqualified to

judge of the same: and that in case the Petitioners' said Rights should be allowed by such Commissioners, that no adequate Compensation in Land will or can be awarded to the Petitioners for the same: and that the dividing and inclosing the said Commons, Moors, and Waste Lands within the said Parish, will greatly injure and distress many. . . . Another petition was presented on the same day from George Richard Carter, Esq., Samuel Clark, Esq., Jervoise Clark, Esq., John Bullock, Esq., and several others, being owners and proprietors of Farms and Lands in the parish of Stanwell, setting forth that the Petitioners, as also the Owners of near 100 Cottages or Tenements within the said Parish, and their respective Tenants are entitled to right of pasture as in the petition given above, and stating that inclosing will be attended with great inconvenience.

On February 26 came yet another petition from owners and occupiers in the parishes of Harmondsworth, Harlington, Cranford, Heston, Isleworth, Twickenham, Teddington, Hampton, Hanworth, Feltham, and East Bedfont in Middlesex, setting forth that the Commons and Waste Lands in the parish of Stanwell were part of Hounslow Heath, over which the petitioners had right of pasture, and stating that if the part of the Heath in Stanwell parish were inclosed it would be very injurious to all the owners and occupiers in the parish of Stanwell, except to the Lord of the Manor, and would also be prejudicial to the petitioners.

All these petitions were ordered to lie on the table till the second reading, which took place on February 26. Counsel was heard for and against the Bill; the motion that the Bill should be committed was defeated by 34 to 17 votes, and thus the farmers were able to parade along Pall Mall with cockades in their hats.¹

Second Attempt, February 20, 1789.—Petition from the Lord of the Manor (Sir William Gibbons), the Vicar and others for enclosure. Leave given. Bill read twice.

REPORT AND ENUMERATION OF CONSENTS.—*March 30, 1789.*—Sir William Lemon reported from the Committee that the Standing Orders had been complied with; that the allegations were true, and that the parties concerned had given their consent ' (except the Proprietors of Estates of the Annual Value of £164, 14s. or thereabouts who refused to sign the Bill, and also except the Proprietors of £220, 5s. 8d. per

¹ See Vol. 1. p. 49.

Annun or thereabouts who did not chuse to sign the Bill, but made no Objection to the Inclosure, and also except some small Proprietors of about £76 per Annun who could not be found, and that the whole Property belonging to Persons interested in the Inclosure amounts to £2,929, 5s. 4d. per annun or thereabouts).’ Bill passed both Houses. Royal Assent, May 19, 1789.

MAIN FEATURES OF ACT.—(Private, 29 George III. c. 15.)

COMMISSIONERS.—Edward Hare of Castor, Northampton, Gentleman; William Young of Chancery Lane, Gentleman; Richard Davis of Lewknor, Oxford, Gentleman. Two a quorum. Vacancies to be filled by remaining Commissioners from persons not interested in the Inclosure.

SURVEYOR.—One named. Vacancy to be filled by Commissioners.

PAYMENT TO COMMISSIONERS.—£2, 2s. for each working day. Nothing about Surveyor’s pay.

Special clause that certain Surveys already made may be used.

CLAIMS.—All claims about Right of Common ‘and all Differences and Disputes which shall arise between the Parties interested, or claiming to be interested in the said intended Division and Inclosure, or any of them concerning their respective Rights, Shares, and Interests in the said open Fields, arable and meadow Grounds, and Lammas Lands, Commons, Moors, and Waste Grounds, or their respective Allotments, Shares and Proportions which they, or any of them ought to have’ in the division, are to be heard and determined by the Commissioners. This determination is to be binding and conclusive on all parties; except with regard to matters of Title which can be tried at law.

SYSTEM OF DIVISION—SPECIAL PROVISIONS:

(1) *Lords of the Manor* (Sir William Gibbons, Thomas Somers Cocks, Esq, and Thomas Graham, Esq.).—One sixteenth part of the residue of the Moors and Waste Lands, when roads and allotment for gravel have been deducted.

(2) *Tithe Owners*.—Not to be prejudiced by the Act. Land still to be liable to tithes as before.

(3) *Gravel Pits*.—For roads and for use of inhabitants; not more than 3 acres.

(4) *Provision for Poor*.—Such parcel as the Commissioners think proper (‘not exceeding in the whole 30 Acres’). To be vested in the Lords of the Manor, the Vicar, Church-

wardens, and Overseers, and to be let out, and the rents and profits thereof to be given for the benefit of such occupiers and inhabitants as do not receive parish relief, or occupy lands and tenements of more than £5 a year, or receive any allotment under the Act.

Allotment of Residue.—The land to be divided among the various persons interested ‘in proportion and according (Quantity, Quality and Situation considered) to their several and respective Shares, Rights, and Interests therein.’ If the Commissioners think that any of the allotments in the common fields are too small to be worth enclosing they may lay such proprietors’ allotments together.

Certain principles to be followed.—Owners of cottage commons who are also proprietors of lands in the open fields are to have their allotment in virtue of their Right of Common added to the other allotment to which they are entitled.

Owners of cottage commons who do not possess land in the open fields as well, are to have their allotments put all together for a cow common, with such stint as the Commissioners decide. But if they wish for separate allotments they may have them.

Allotments must be accepted within six months after award. Failure to accept excludes allottee from all ‘Benefit Advantage’ by this Act, and also from all estate right or interest in any other allotment. (Saving clause for infants, etc.)

The award is to be drawn up; ‘and the Award, and all Orders, Directions, Regulations, and Determinations therein contained, and thereby declared, shall be binding and conclusive to and upon all Persons whomsoever.’ Tenure of allotments to be that of estates in virtue of which they are granted. Copyhold allotments can be enfranchised if wished, the Commissioners deducting a certain amount as compensation for Lord of the Manor. Allottees lose all Right of Common on any common in adjoining parishes.

INCROACHMENTS.—Not mentioned in Act.

EXCHANGES.—Allowed (as always). Also former exchanges can be confirmed by the Commissioners ‘notwithstanding any legal or natural Incapacity of any Proprietor or Owner having made any such Exchanges.’

FENCING.—To be done by allottees. If any person has an undue proportion Commissioners have power to equalise.

Exceptions.—(1) Fences of cow common allotment for those

who have Cottage Common only (see above), which are to be made and kept in repair by the other proprietors; but if these allottees choose to have separate allotments they must fence them themselves.

(2) Allotment for the Poor (30 acres).—To be fenced by other proprietors.

(3) Allotments to charities, ditto.

If any allottee refuses to fence or keep fences in repair his neighbour can complain to a J.P. 'not interested' in the inclosure, and the J.P. can either make an order, or else empower the complainant to enter and carry the work out at the charge of the owner.

EXPENSES.—Part of the Commons and Wastes to be sold by auction to cover expenses. Any surplus to be laid out by Commissioners on some lasting improvements; any deficit to be made up by proprietors as Commissioners direct.

Commissioners are to keep accounts which must be open to inspection.

To meet expenses allotments may be mortgaged up to 40s. an acre.

COMPENSATION TO OCCUPIERS.—Leases at rack or extended rents of any of the land to be inclosed by this Act to be void, owners paying tenants such compensation as Commissioners direct. Satisfaction is also to be given for standing crops, for ploughing, manuring, and tilling.

ARRANGEMENTS BETWEEN THE ACT AND AWARD.—The Commissioners are to direct the course of husbandry 'as well with respect to the Stocking as to the Plowing, Tilling, Cropping, Sowing, and Laying down the same.'

ROADS.—Full power to set out roads and footpaths and to shut up others. Turnpike roads excluded.

POWER OF APPEAL.—None.

AWARD.—Record Office.

From the Award we learn as follows:—

14 parcels of land, containing in all over 123 acres were sold to cover expenses for £2512.

31½ acres are allotted to the Lords of the Manor (Sir William Gibbons, Thomas Somers Cocks, and Thomas Graham) in lieu of their rights as Lords of the Soil.

490 acres to Sir William Gibbons in trust for himself and the other Lords of the Manor in lieu of all other claims (freehold lands, rights of common, etc.).

69 acres to the mortgagees of the late Sir J. Gibbons.

6 acres to the Trustees of the late Sir J. Gibbons.

400 acres to Edmund Hill, Esq. (who also bought 117 acres of the land sold to defray costs).

100 acres to Henry Bullock, Esq.

72 acres to Thomas Hankey, Esq.

45 acres to Jervoise Clark Jervoise, Esq.

Allotments of from 20 to 40 acres to eleven other allottees.

Allotments of from 10 to 20 acres to twelve allottees.

Allotments of from 12 perches to 9 acres to seventy-nine allottees.

Twenty four of these smaller allotments (including six of less than 2 acres) are given in lieu of open field property; the remaining fifty-five are given in compensation for common rights of some sort or other.

Sixty-six cottages appear as entitling their owners to compensation.¹ Of these 66, 16 belong to Henry Bullock and 8 to Sir William Gibbons, and the remaining 42 to 38 different owners. The allotments to cottages vary from a quarter of an acre (John Merrick) to over an acre (Anne Higgs). The owners of cottage commons only had their allotments separately and not in common.

¹ See Petition, p. 153, where nearly a hundred are said to do so.

APPENDIX A (4)

WAKEFIELD, YORKS.—ENCLOSURE ACT, 1793

AREA.—2300 acres 'or thereabouts.'

NATURE OF GROUND.—Open Common Fields, Ings, Commons, Waste Grounds, within the townships of Wakefield, Stanley, Wrenthorpe, Alverthorpe, and Thornes.

PARLIAMENTARY PROCEEDINGS.—*January 23, 1793.*—Petition from several owners and proprietors for enclosure. Leave given to prepare bill. *January 28,* Wilberforce presented it; *February 18,* it was committed to Wilberforce, Duncombe and others.

February 28.—Petition against the Bill from the Earl of Strafford, stating that the bill will greatly affect and prejudice his property. Petition referred to Committee.

Same day, Petition against the bill from several Persons, being owners of Estates and Occupiers of Houses in the Town and Parish of Wakefield. 'Setting forth, That, if the said Bill should pass into a Law, as it now stands, the same will greatly affect and prejudice the Estates and Property of the Petitioners, (viz.), their being deprived of the Benefit they now receive from the Pasturage of the Ings, from the 12th of August to 5th of April, and for which they cannot receive any Compensation adequate thereto, as well as the Restrictions which exclude the Inhabitants from erecting Buildings on Land that may be allotted to them for Twenty, Forty, and Sixty Years, on different Parts of Westgate Common, as specified in the said Bill.' This petition also was referred to the Committee.

REPORT AND ENUMERATION OF CONSENTS.—*March 12.*—Wilberforce reported from the Committee that the Standing Orders had been complied with, that they had considered the first Petition (Lord Strafford's), (no one had appeared to be heard on behalf of the second Petition), that they found the allegations of the Bill true, that 'the Parties concerned' had given their consent to the Bill, and also to adding one Commissioner to the three named in the Bill ' (except the Owners of Estates whose Property in the Lands and Grounds to be divided and inclosed is assessed to the Land Tax at £5

per Annum or thereabouts, who refused to sign the Bill ; and also, except the Owners of Estates whose Property in the said Lands and Grounds is assessed to the Land Tax at about £51 per Annum, who have either declared themselves perfectly indifferent about the Inclosure, or not given any Answer to the Application made to them respecting it ; and that the whole Property belonging to Persons interested in the Inclosure is assessed to the Land Tax at £432 per Annum, or thereabouts . . .)’

Bill passed Commons and Lords. March 28, Royal Assent.

MAIN FEATURES OF ACT.—(Private, 33 George III. c. 11.)

COMMISSIONERS.—Four appointed. (1) Richard Clark of Rothwell Haigh, Gentleman ; (2) John Renshaw of Owthorp, Notts, Gentleman ; (3) John Sharp of Gildersome, Yorks, Gentleman ; (4) William Whitelock of Brotherton, Yorks, Gentleman ; the first representing the Duke of Leeds, the second the Earl of Strafford (no doubt this was the Commissioner added in Committee), and the other two representing the Majority in Value of the Persons interested. Any vacancy to be filled up by the party represented, and new Commissioners to be ‘not interested in the said Inclosure.’ Three to be a quorum. In case of dispute and equal division of opinion amongst the Commissioners, an Umpire is appointed (Isaac Leatham of Barton, Gentleman) ; the decision of Commissioners and Umpire to be final and conclusive.

PAYMENT TO COMMISSIONERS.—2 guineas each for each working day. The Surveyors (2 appointed) to be paid as Commissioners think fit.

CLAIMS.—All claims with full particulars of the nature and tenure of the property on behalf of which the claim is made are to be handed in at the 1st or 2nd meeting of the Commissioners ; no claim is to be received later except for some special cause ; and the determination of the Commissioners as to the various claims is to be binding and final. There are, however, three exceptions to the above, (1) Persons claiming in virtue of Messuages and Toffs need not prove usage of common ; (2) Any Person who is dissatisfied with regard to his own or some one else’s claim, may give notice in writing, and the Commissioners are then to take Counsel’s opinion on the matter. The Commissioners are to choose the Counsel, who is to be ‘not interested in the Premises.’ The Commissioners may also on their own responsibility

take Counsel's opinion at any time they think proper; Counsel's opinion is to be final. The costs are to be paid by the party against whom the dispute is determined, or otherwise as the Commissioners decide; (3) The Earl of Strafford is exempted from specifying particulars of Tenure in making his claim, for there are disputes on this subject between the Duke and the Earl, 'which Matters in Difference the said Duke and Earl have not agreed to submit to the Consideration or Determination of the said Commissioners.' The Commissioners need not specify the tenure of the Earl's share in making their award, and if the Duke and Earl go to law about their dispute and the matter is settled in a Court of Equity, then the Commissioners are to make a second special Award for them.

SYSTEM OF DIVISION—SPECIAL PROVISIONS :

Provisions for the Lord of the Manor—'the Most Noble Francis, Duke of Leeds.'—

(1) Such part of the Commons and Waste Grounds as is 'equal in Value to One full Sixteenth Part thereof in lieu of and as a sufficient Recompence for his Right to the Soil of the said Commons and Waste Grounds, and for his Consent to the Division and Inclosure thereof;

(2) An allotment of the Commons and Waste Grounds to be (in the judgment of the Commissioners) a fair compensation for his Coney Warrens which are to be destroyed;

(3) An allotment equal in value (in the judgment of the Commissioners) to £40 a year as compensation for the reserved Rents he has been receiving from persons who have made incroachments during the last 20 years;

(4) An allotment or allotments of not more than 5 acres in the whole, to be awarded in such place as the Duke or his Agents appoint, close to one of his stone quarries, as compensation for the right given by the Act to other Allottees of the Common of getting stone on their allotments;

(5) The value of all the timber on allotments from the common is to be assessed by the Commissioners, and paid by the respective allottees to the Duke. If they refuse to pay, the Duke may come and cut down the timber 'without making any Allowance or Satisfaction whatsoever to the Person or Persons to whom any such Allotment shall belong, for any Injury to be done thereby';

(6) The Duke's power to work Mines and to get all

Minerals is not to be interfered with by anything in this Act but the 'Owners or Proprietors of the Ground wherein such Pits or Soughs shall be made, driven, or worked, or such Engines, Machines or Buildings erected, or such Coals or Rubbish laid, or such Ways, Roads or Passages made and used,' are to have 'a reasonable Satisfaction for Damages.' The payment of the reasonable Satisfaction however is not to fall on the Duke, but on all the allottees of the Commons and Waste Grounds who are to meet together in the Moot Hall and appoint a salaried officer to settle the damages and collect the money by a rate raised according to the Poor Rate of the previous year. If the claimant and the officer fail to agree, arbitrators, and ultimately an umpire, can be appointed.

Provisions for Tithe Owners.—A fair allotment is to be given to the Vicar in compensation for his small Tythes. In cases where the allottees have not enough land to contribute their due share to the tithe allotment, they have to pay a yearly sum instead.

For Stone and Gravel, etc.—Suitable allotments for stone and gravel, etc., to be made 'for the Use and Benefit' of all allottees 'for the Purpose of getting Stone, Sand, Gravel, or other Materials for making and repairing of the public Roads and Drains'; but these allotments are not to include any of the Duke's or of his tenants' stone quarries.

Provision for the Poor.—None.

Allotment of Residue.—(1) The open fields are to be divided out amongst the present proprietors in proportion to their present value and with regard to convenience; unless any owner of open-field land specially asks for an allotment elsewhere; (2) The owners of Ings are to have Ings allotted to them, unless they wish for land elsewhere; (3) The Commons and Waste grounds are first to have the various allotments to the Lord of the Manor and the Vicar specified above, and also the allotment for Stone and Gravel for Roads deducted from them, and then the residue is to be allotted 'among the several Persons (considering the said Duke of Leeds as one) having Right of Common in or upon the said Commons and Waste Grounds' in the following fashion; one half is to be divided among the Owners or Proprietors of Messuages, Cottages or Tofts with Right of Common, according to their several Rights and Interests; the other half, together with the rest and residue of Land to be divided, is to be allo^{ted}

among the Owners or Proprietors of open common fields, Ings, and old inclosed Lands according to their several rights and interests 'without any undue Preference whatsoever.' The Commissioners are also directed to pay due regard to situation and to putting the different allotments of the same person together. Allotments are to be of the same tenure, *i.e.* freehold or copyhold, as the holdings in respect of which they are claimed, but no fines are to be taken on account of the allotment.

With respect to the allottees of allotments on Westgate Moor, a special clause (see petition on January 23) is inserted. They are forbidden to put up any House, Building or Erection of any kind on one part for 20, on another for 40, on another for 60, years, unless the Duke consents, the object being 'thereby the more advantageously to enable the said Duke, his Heirs and Assigns, to work his Colliery in and upon the same Moor.'

The award, with full particulars of allotments, etc., is to be drawn up and is to be 'final, binding, and conclusive upon all Parties and Persons interested therein.'

If any person (being Guardian, etc., tenant in tail or for life of lessee, etc.) fails to accept and fence, then Commissioners can do it for him and charge; if he still refuses, Commissioners can lease allotment out and take rent till Expenses are paid.

INCROACHMENTS.—Incroachments 20 years old are to stand; those made within 20 years are to be treated as part of the Commons to be divided, but they are, if the Commissioners think it fit and convenient, to be allotted to the person in possession without considering the value of erections and improvements. Three contingencies for allotment to the person in possession are provided for;—(1) if he is entitled to an allotment, his incroachment is to be treated as part or the whole of his allotment;

(2) If his incroachment is of greater value than the allotment he is entitled to, then he is to pay whatever extra sum of money the Commissioners judge right;

(3) If he is not entitled to any allotment at all, then he has to pay the price set on his incroachment by the Commissioners.

If the Commissioners do not allot an incroachment to the person in possession, they may sell it at public auction and apply the money to the purposes of the Act, or they may allot it to someone not in possession, in which case a 'reasonable'

sum of money is to be given to the dispossessed owner, the new allottee paying the whole or part of it.

The above provisions apply to the ordinary incroachers; the Duke has special arrangements. If he has made any new incroachments during the last 20 years in addition to any older incroachments, these new incroachments are to be valued by the Commissioners, and the Duke is to have them either as part of his allotment or for a money payment, as he chooses; also 'whereas the Tenants of the said Duke of Leeds of the Collieries on the said Commons and Waste Lands . . . have from Time to Time erected Fire Engines, Messuages, Dwelling Houses, Cottages and other Buildings upon the said Commons and Waste Lands, and made several other Conveniences thereon for the Use and Accommodation of the said Collieries, and the Persons managing and working the same, a great Part of which have been erected and made within the last Twentv Years,' these are not to be treated like other incroachments, but are to 'be and continue the absolute Property of the said Duke of Leeds, his Heirs and Assigns, in as full and ample Manner' as if the erections had been made more than 20 years before.

FENCING.—All allotments are to be fenced at the expense of their several proprietors 'in such Manner, Shares and Proportions as the said Commissioners shall . . . direct' with the following exceptions—(1) the Vicar's allotment for small Tithes is to be fenced by the other proprietors; (2) the allotments to Hospitals, Schools, and other public Charities are to have a certain proportion deducted from them to cover the cost of fencing. Allottees who refuse to fence can be summoned before a J.P. by their neighbours, and the J.P. (who is not to be interested in the Enclosure) can make an order compelling them to fence.

To protect the new hedges, it is ordered that no sheep or lambs are to be turned out in any allotment for 7 years, unless the allottee makes special provision to protect his neighbour's young quickset, and no beasts, cattle or horses are to be turned into any roads or lanes where there is a new-growing fence.

EXPENSES.—Part of the Commons and Waste Grounds is to be sold to cover the expences; if the proceeds do not cover the costs the residue is to be paid by the allottees in proportion to their shares, and any surplus is to be divided among them. But Hospitals, Schools, and Public Charities

are exempted from this payment, a portion of their allotments, in fact, having been already deducted in order to pay their share of Expenses. The Commissioners are to keep an account of Expenses, which is to be open to inspection. The owners of Ings are to pay a sum of money in return for the extinction of the right of Eatage (referred to by the Petitioners) on their land from August 12 to April 5; and this money is to be applied for the purposes of the Act.

If allottees find the expenses of the Act and of fencing more than they can meet, they are allowed (with the consent of the Commissioners) to mortgage their allotments up to 40s. an acre. If they dislike this prospect, they are empowered by the Act, at any time before the execution of the Award, to sell their rights to allotment in respect of any common right.

COMPENSATION TO OCCUPIERS.—Occupiers are to pay a higher rent in return for the loss of the use of common rights. The clause runs as follows :—‘ That the several Persons who hold any Lands or other Estates, to which a Right of Common upon the said Commons and Waste Grounds is appurtenant or belonging, or any Part of the said Open Common Fields or Inclosures, by virtue of any Lease, of which a longer Term than One Year is unexpired, shall and are hereby required to pay to their respective Landlords such Increase of Rent towards the Expences such Landlords will be respectively put to in Consequence of this Act, as the said Commissioners shall judge reasonable, and shall by Writing under their Hands direct or appoint, having Regard to the Duration of such respective Leases, and to the probable Benefit which will accrue to such respective Lessees by Reason of the said Inclosure.’

ROADS.—Commissioners to have full power to set out and shut up roads and footpaths (turnpike roads excepted).

POWER OF APPEAL.—To Quarter Sessions only, and not in any cases where the Commissioners’ decisions are final, binding, or conclusive, as they are, *e.g.* on claims (except the Earl of Strafford’s) and on allotments.

AWARD.—Not with Clerks of Peace or of County Council, or in Record Office.

APPENDIX B

(Preface to the Fourth Edition)

IN this book, which was published in 1911, an attempt is made to describe the spirit, method, and consequences of the policy pursued by the rulers of the English people in bringing to an end what was left in the eighteenth century of the mediæval system of common agriculture. Many who have studied this chapter of our history have probably been curious about the experience of other countries. For this system was not peculiar to England; its main features were common to a great part of Western Europe. How, then, by what methods, at what time, and with what consequences was this economy dissolved in France, Germany, and Denmark?

On this subject two important contributions have been made to our knowledge in recent years, in a form accessible to the general reader. In both cases students are indebted for this new light to the leading English authority on economic history. Sir William Ashley took this subject for his address to the Economic History Section of the International Congress of Historical Studies, which assembled in London in April 1913. In 1924, as a member of the Agricultural Tribunal of Investigation appointed by Mr. Bonar Law, he published in the Final Report of that Committee a series of historical memoranda, which should be studied by all who wish to understand why and how our agrarian history diverged from that of our neighbours; why the place of the serf cultivators of the Middle Ages has been taken elsewhere by peasants and here by wage-earning labourers.

The story told by Sir William Ashley, supplemented by Mr. Tawney's book, *The Agrarian Problem in the Sixteenth Century*, may perhaps, be summarised as follows:

English social and political history follows a course of its own, differing in important respects from that of the Continent. In the first place serfdom disappears much earlier. Owing to various causes, including the Black Death and the growth of the Cloth Industry, it becomes convenient to the landlords to commute the villein's services into fines.

the time of Elizabeth the English villein has come to be a man holding so much land and making a fixed money payment. In the second place, the landlord class becomes closely associated with the world of commerce and finance. The general rise of luxury and wealth that follows the development of overseas trade and the growth of the wool industry prompts landlords to look to their estates for commercial profit. They borrow from City magnates and marry into City families. Men who make fortunes in the City or in commerce take to agriculture and found territorial houses. The influence of these changes is seen as early as the sixteenth century, when there is an active conflict between statesmen like Wolsey and the Duke of Somerset, who dread enclosure as likely to cause depopulation, and landlords like Warwick, who desire it as a means of making money. The struggle between the old view of agriculture as a source of men and revenue for the State, and the new view of agriculture as a source of commercial profit for individuals, between reasons of state and reasons of class, is described in Mr. Tawney's book. The new spirit was too strong for the old tradition. The dissolution of the mediæval system thus begins earlier in England than on the continent. In this respect there is a broad distinction between sixteenth and seventeenth-century England and sixteenth and seventeenth-century France.

Another important difference in their history has a great bearing on the question we are discussing. The English landlord class has political power. From the seventeenth century it can carry out its desires. Now in the eighteenth century there was a strong pressure from economists for a new agrarian policy, which would get rid of the complicated system of peasant farming where it still existed, and substitute the system of rent-paying farmers. The pioneers were French, but the English economists soon followed their lead. If in both countries the landlord class had controlled politics, the results would have been similar. But in this respect England was peculiar, for, in most countries, the aristocracy, which would have had a direct interest in putting the new ideas into practice, either had a divided power or no power at all. Thus we get a second fact of importance about the history of this revolution in England. The dissolution of the mediæval system begins in England, as we have seen, earlier than elsewhere. When it is completed, it is completed

in England, and in England alone, by a Government in which the landlord class is supreme.

It is interesting now to turn to the case of France, which is the exact converse. For in France, before the Revolution, the landlords had privileges but not power. The country was governed by *intendants*, and the aristocracy amused itself at Versailles. Consequently, when the Revolution came, the peasant was on the soil, in some respects worse, and in some respects better off, than the small occupier or the cottager in England. For he owed a number of services to his lord, some of them degrading, of a kind from which the English villager had long been released. On the other hand he enjoyed security of tenure. At the French Revolution these tenants were turned into owners by the simple device of removing all their obligations and services. This change was effected in three stages. In August 1789, certain of the lord's rights, including his right to command menial services, were abolished. At the next stage, a law was passed compelling all lords who claimed seigneurial rights to produce their title deeds. At the third stage, in July 1793, when the peasants were still more powerful, a law was passed abolishing all seigneurial rights without compensation, and ordering that all title deeds should be burned. Thus, whereas in England the final dissolution of the old village and its relationships was made when the landlord was supreme, it was made in France when the landlord was powerless.

In the case of Denmark the influence of politics and history is not less easy to trace. England had an omnipotent aristocracy: Denmark an omnipotent monarchy. The kings of Denmark had the same reason for desiring to keep peasants on the soil as any other monarchs who wanted soldiers and revenue. They therefore took measures for this purpose, some of these measures protecting the peasant's rights, others limiting his freedom. Now the actual transformation from the mediæval to the modern system occurred at the same time as the great English enclosures. In the eighteenth century Danish agriculture, like English, was released from the old cumbersome system of strips and the strict routine of the local courts, and landlords and peasants alike consolidated their holdings. But the Danish Monarchy was careful to protect the small peasant and the cottager from the fate that swept them away in England. It was provided that cottagers should be compensated for the loss of th

pasture rights by a plot of land from four to six acres, large enough for a cow and pigs, and peasants were given security of tenure. Thus the Danish Government, by carrying out the plans suggested by Cobbett and Arthur Young in England, kept the peasant, while reforming the old system as thoroughly as it was reformed in England. If we compare the Danish case with the English we are struck by this difference. But if we compare it with the French we find a difference there also. For these changes did not occur at a time when the landlord class had been overwhelmed by a revolution. The Crown, while anxious to keep the peasant, had no desire to rob the landlord. Consequently, the obligations and services which were abolished without compensation in France, were commuted in Denmark. After 1848, when Denmark had a Parliament in which the peasant had influence, these obligations were gradually redeemed with help from the State.

In Germany, again, the fate of the peasant differed in different States, in accordance with the differences of politics. In Prussia the landlord class had influence, though its power was not so great as that of the English landlords. Consequently, when the mediæval tenures were abolished by the legislation of Stein and Hardenburg, the small peasants suffered the same fate as the corresponding class in England, while the large peasants were turned into independent owners, after surrendering from a third to a half of their holdings to compensate their lords for the loss of their labour services. In Bavaria, on the other hand, there were no powerful landlord interests, and when the old economy was dissolved in 1848 the redemption of the seigneurial rights was effected on easy terms.

So far as a general statement can be made, the case may perhaps be put thus. Owing to special conditions of place, politics, and commerce, England escaped from the abuses of mediæval society before her neighbours. Forms of personal oppression, from which England had been free for centuries, survived in France till the French Revolution, and in some continental countries after it. But when this mediæval community was finally extinguished, by revolution, by reform, or by enclosure, the serf cultivator on the Continent became a peasant, whereas the small occupier and the cottager in England became wage-earning labourers.

The main reason for this difference was summed up by

Sir William Ashley, in his address to the International Congress :

‘ All the freshly acquired information as to the course of events in England and abroad, confirms by additional considerations what Toynbee said so long ago as 1881 : “ The present distribution of landed property in England is, in the main, due to the system of political government, which made us a free people ” : in other words, to the establishment of Parliamentary government in the seventeenth century. Parliamentary government in the circumstances of the time could only mean the rule of the landed gentry, and these were led, by the strongest motives of political zeal and personal interest combined, to widen and tighten their hold upon the land.’

Hemel Hempsted,
November, 1926.

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