

CHAPTER ELEVEN

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 It is true that the savage laws which had been passed against combination in 1799 and 1800 had been repealed in 1824, and that even under the less liberal Act of the following year, which rescinded the Act of 1824, it was no longer a penal offence to form a Trades Union.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 and 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.

The temper of the judges was revealed in their charges to the Grand Juries. In opening the Maidstone Assizes on 14th December, Mr. Justice Bosanquet(2*) 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.(3*) Mr. Justice Taunton(4*) 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.'(5*) In opening the Special Commission at Winchester Baron Vaughan(6*) 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.'(7*) The opinions of the Bench on the sections of the Act (7 and 8 George IV. c. 30) under which men could be hung for assembling riotously and breaking machinery were clearly expressed by Mr. Justice Parke(8*) (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.'(9*) By another section of that Act seven years was fixed as the maximum penalty for breaking a threshing machine. Mr. Justice Alderson(10*) 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.(11*)

Mr. Justice Park(12*) 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 requite 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.'(13*)

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.'(14*) 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.(15*) 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,(16*) 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.(17*) 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 that he did 'was to ask the prosecutor civilly for the money, which the mob took from him, and the prosecutor gave it to him, and that he thanked him very kindly for it,'(18*) 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've got nothing to say to 'em, I doant knaow any on 'em.'(19*) 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.(20*) 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.'(21*)

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.'(22*) These transactions, were not often dragged into the daylight, but some negotiations of this character were made public in the 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.(23*)

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 Wild, 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 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 conduct of Lady Cavan. She 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.(24*)

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.'(25*)

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 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.(26*) 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 neighboring 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.(27*) 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.

'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 of going with a mob which 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 has 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.

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 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. 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 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 proceeding 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.'(28*)

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 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.'(29*)

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 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 or 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 ground 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 Benett 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 the 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. (30*) '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, 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, sisters 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. The rising had been less serious in opened on 11th January 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.'(31*) 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 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 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 had 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 impannelled.

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. 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 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 papermaking 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 overseer's 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 punishments 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,(32*) 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.(33*) 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 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 rising 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.(34*) 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 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. (35*) 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 forty-four years in public life, and forty-three in opposition, took office at the moment that the rising passed into Sampshire 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 war, intolerance, and repression, he found himself in the toils and snares of the consequences of a policy in which war, intolerance, and repression had been constant and 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 to many minds in the wild fancies and terrors of a 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 an alarmed 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 Bennett 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 a single 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 Cobbett 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 the 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 bishopricks, 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 renewed 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 un pitying 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 manoeuvre 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 marital 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, 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 has 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 clock, 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 that the change in temperature recorded in Suffield's *Diary* after the middle of December mark 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.'(36*)

NOTES:

1. Russell, *On Crimes and Misdemeanours*, p. 371.
2. Sir J.B. Bosanquet (1773-1847).
3. *Times*, December 15, 1830.
4. Sir W.E. Taunton (1773-1835).
5. The *Times* on December 25 quoted part of this charge is a leading article with some sharp strictures.
6. Sir John Vaughan (1769-1839).
7. *Times*, December 21, 1830.
8. Sir James Parke (1782-1868).
9. *Times*, January 3, 1831.
10. Sir E.H. Alderson (1787-1857).
11. *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.'
12. Sir J.A. Park (1763-1838)
13. *Times*, January 15, 1831.
14. *Ibid*, January 12, 1831.
15. *Ibid*.
16. February 8, 1831.
17. 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.
18. *Times*, December 24, 1830.
19. *Ibid*, January 8, 1831.
20. *Times*, January 7, 1831.
21. *Ibid*, December 24, 1830. Henry Bunce was transported for life to New South Wales.
22. *Ibid*, January 14.

23. Cobbett, *Political Register*, vol. lxxiii, p. 535, and local papers.
24. Fusell's sentence was commuted to imprisonment. Boys was sent to Van Diemen's Land.
25. H.O. Papers, Municipal and Provincial. Hants. 1831, March 24.
26. 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.
27. 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.
28. February 8, 1831.
29. *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.
30. The scene is still vividly remembered by an old woman over ninety years of age with whom Mr. Hudson spoke.
31. H.O. Papers, *Disturbance Entry-Book*, Letter of January 3, 1831.
32. 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 countries: --

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

33. See Hudson, *Ibid*.

34. See *Annual Register* and local Papers.

35. 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.

36. Correspondence on Secondary Punishment, March, 1834, p. 25.