

THE MARTYRS
OF TOLPUDDLE

THE BOOK OF

THE MARTYRS of TOLPUDDLE

1834-1934

THE STORY OF THE DORSETSHIRE LABOURERS WHO
WERE CONVICTED AND SENTENCED TO SEVEN YEARS'
TRANSPORTATION FOR FORMING A TRADE UNION

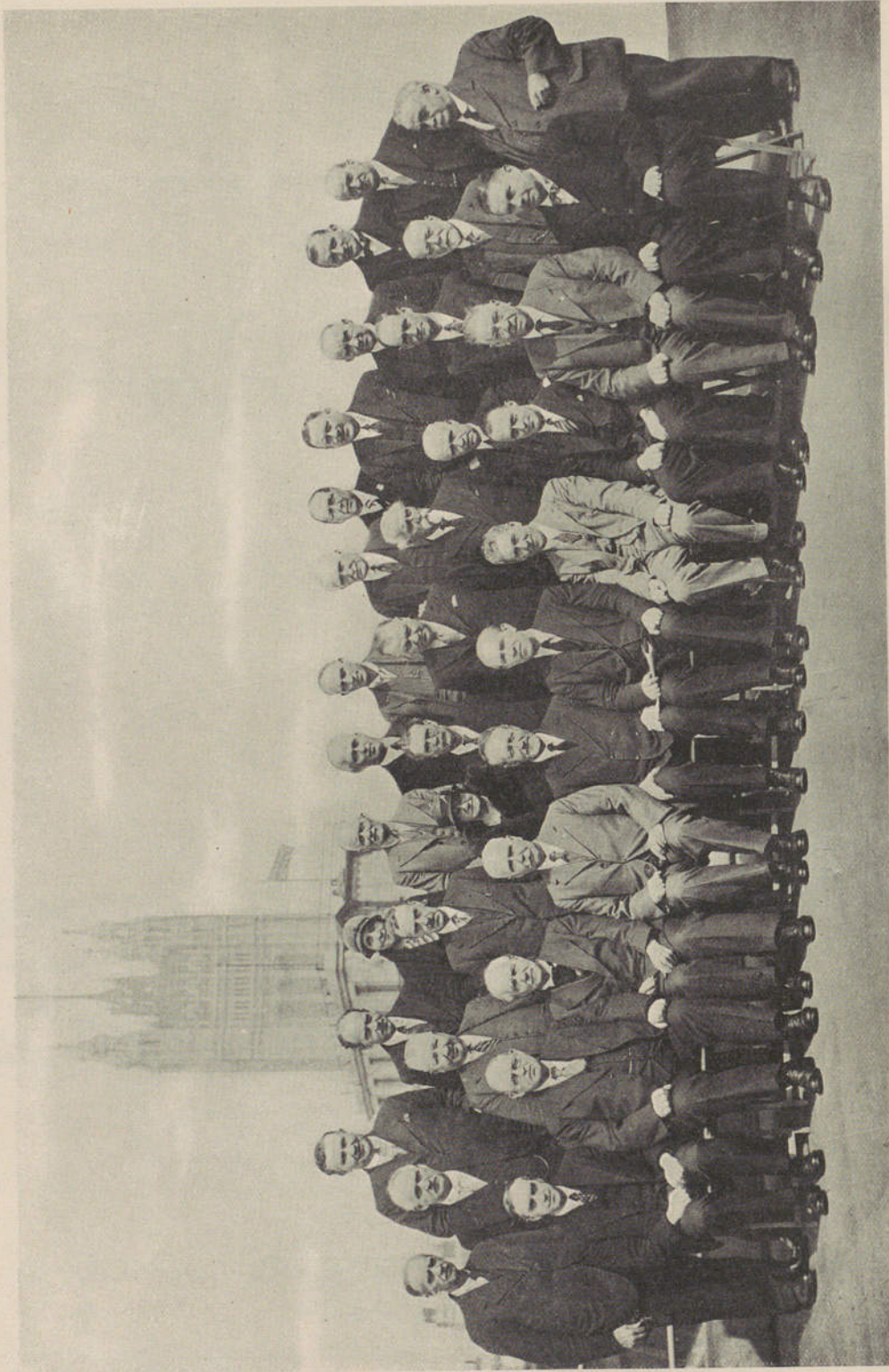


LONDON
THE TRADES UNION CONGRESS GENERAL COUNCIL
1934



HARVESTING AT TOLPUDDLE

To face Title page



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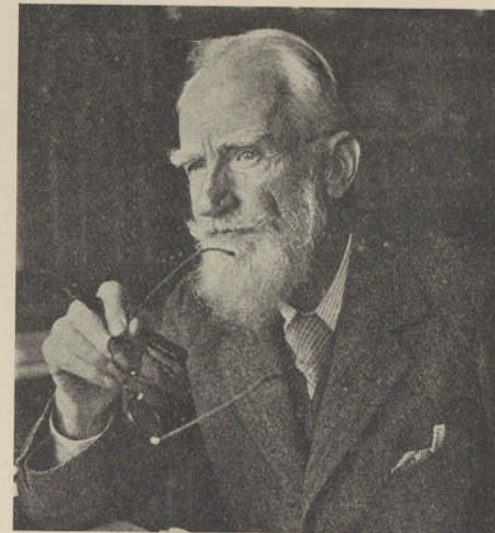
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In Appreciation

Those whose services, willingly rendered, have gone to the making of this book are legion. They are far too numerous to mention by name. Help has come to us from far overseas as readily as at home. Illustrations, prints of the period, and contemporary records have been ungrudgingly loaned to us. Facts and information have been carefully gathered through a host of friends in the Labour Movement, the general public, and the courtesy of officials of Government Departments, museums and libraries. We are deeply grateful to them all.

To the contributors, all of whom have given their services gratuitously, to the illustrator, and not least to the Printers, the Editor records his sincere appreciation.

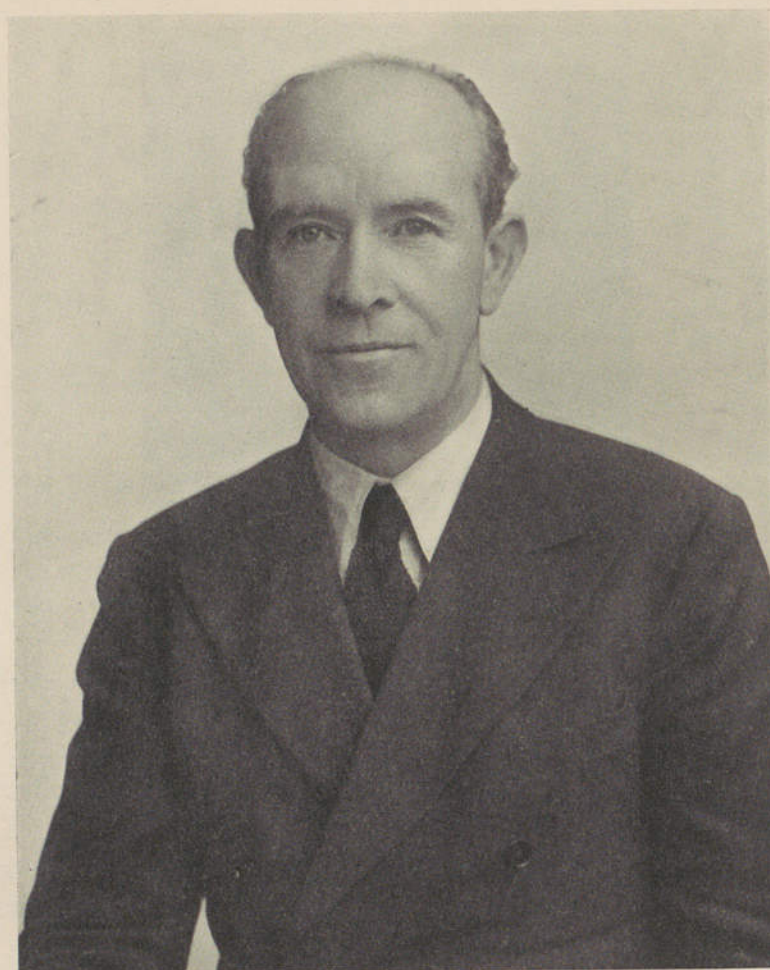


A Shavian Commentary on Martyrs

I am afraid I cannot say anything in praise of the Dorchester martyrs. Martyrs are a nuisance in Labor movements. The business of a Labor man is not to suffer, but to make other people suffer until they make him reasonably comfortable. A Labor agitator who gets into the hands of the police is inexcusable.

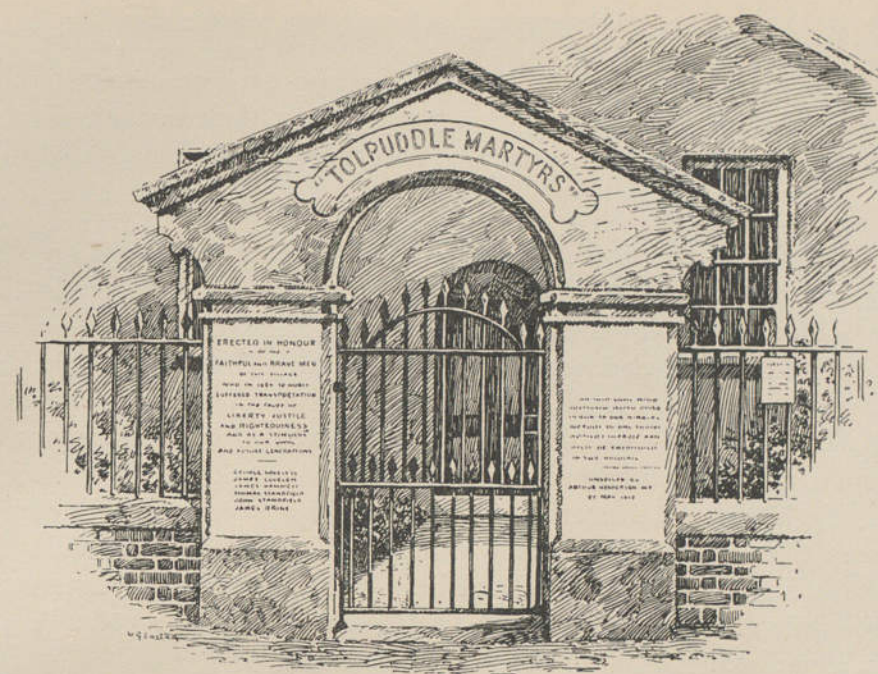
There is this, however, to be said for the Dorchester men. They got transported at the expense of their landlords and employers. As they could hardly, if they were reasonable men, have desired to live in Dorset as slaves—for that is what it came to—they were lucky to be pushed out of it. Let us hope they lived happily ever after in a land where Lord Melbourne would probably have been kept in a museum as a curiosity.

G. BERNARD SHAW



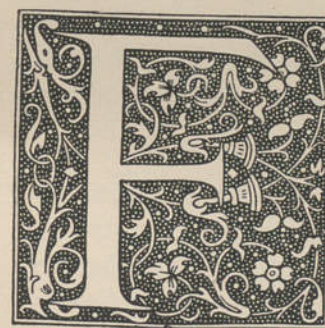
MR. ANDREW CONLEY

MR. A. CONLEY, this year's President of the Trades Union Congress, has been General Secretary of the National Union of Tailors and Garment Workers since its formation. He has been a member of the T.U.C. General Council since 1921. His association with Trade Unionism in the garment-making trades extends over 30 years, when he became attached to the organisation in Leeds after leaving the army, in which he served as a trooper in the South African War. He became organiser of the Union in 1909, and took a leading part in the Organisation of Women Workers in the Garment Trades and in the amalgamations which brought the various garment workers' organisations together, over a period of years, into the present National Union. He has been actively concerned with the Trade Boards in the clothing industry and was a member of the first Tailoring Trade Board in Ireland.



Foreword

By the Chairman of the Trades Union Congress



FOR the present generation of Trade Unionists, this Memorial Volume is much more than the record of an historically significant event. It is, first and foremost, a tribute to the memory of brave men: but it is also an embodiment of the living spirit of our organised movement, and a testimony from the workers of to-day to the ideals and principles which have inspired our movement for more than 100 years.

Organised Labour has grown in influence and power because these ideals and principles have commanded, at every stage of its progress, the fidelity and devotion of men and women who have been capable of displaying the same courage, fortitude and grim resolution that the Six Men of Dorset displayed. These Six Men were tested, as few Trade Unionists have been tested, in the struggle to establish Trade Unionism. Their names stand high on the roll of the men and women who have been victimised, and we honour them because they stood steadfast despite the most savage persecution. They could not be persuaded by the promise of release into a betrayal of their principles, nor coerced by the most vindictive

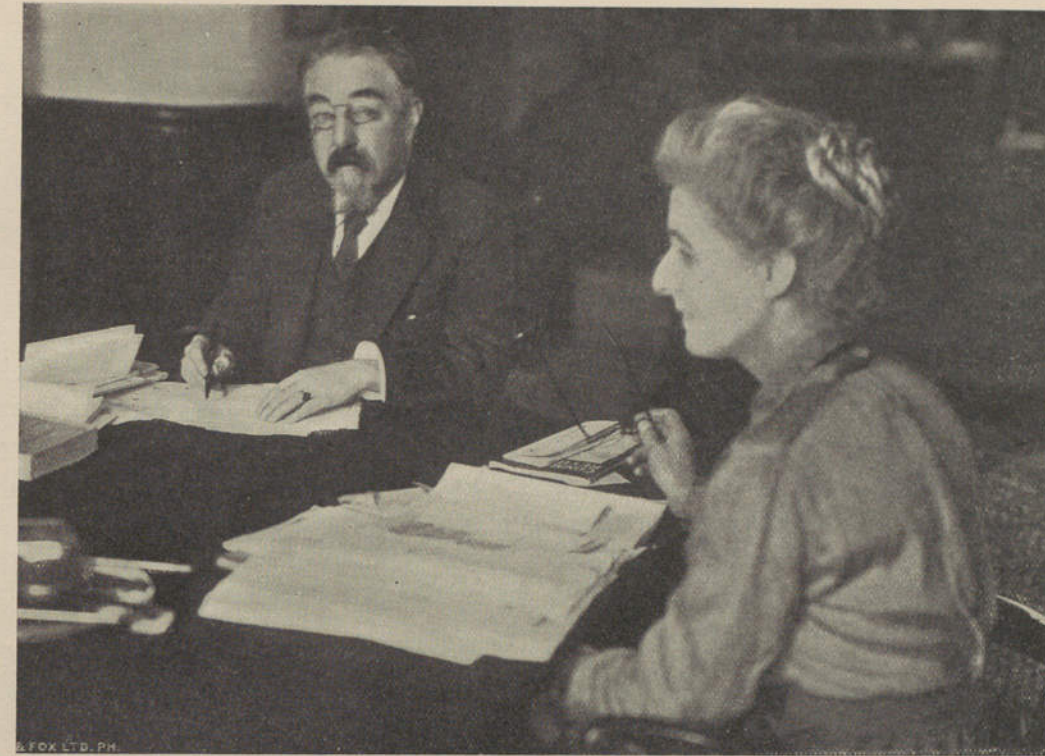
punishment. They were not the first, nor the last, of those whose heroic stand against oppression made working-class organisation possible, but their memory is cherished because they suffered and endured the worst of hardships and the most dreadful torture as pioneers in the struggle.

These Six Men fought to win the beginnings of freedom, sustained only by their passionate conviction that their sacrifices would not be in vain. The Trade Unionists of to-day have inherited not only the heroic tradition, but the responsibility of guarding the achievements of working-class organisation which the pioneers of Trade Unionism initiated. Recent events have proved that neither the tradition nor the responsibility is disregarded by Trade Unionists of the present generation. Organised Labour is called upon, in our own time, to defend the right to combine. In some countries the institutions of free citizenship have been shattered, and dictatorships have been erected upon the ruins. Rights and liberties which were a few years ago deemed to be unassailably founded on reason, justice, and the reign of law, have been ruthlessly abolished by armed force. The people are only strong when they are united and moved by a common purpose, when they are organised.

What is the answer of Trade Unionism to this challenge to the people's rights and the workers' freedom? It is an appeal to the spirit of the Tolpuddle Martyrs which triumphed over legal persecution and the abuse of power as recorded in these pages. This history proves that the spirit of men who are capable of living and dying in sacrificial service to the cause of freedom is invincible. The statesmen and judges, magistrates and clergy who strove to destroy Trade Unionism in its feeble beginnings 100 years ago failed in their object: their attack was broken by the stubborn will and unshakable courage which animated urban workers and agricultural workers alike. This present attack will fail from the same cause, the determination of working men and women to resist enslavement and to defend the freedom we have won.

On behalf of the Trades Union Congress General Council it is my duty and pleasure to thank all the contributors to this Memorial Volume. Its production has involved a tremendous amount of research. It contains valuable historical material never before concentrated in a single volume, illustrating the social, political and economic conditions out of which Trade Unionism arose. The contributors, whose names are listed elsewhere in this volume, are all of them authorities on the aspects of the story on which they have written, and have given their services freely in homage to the men this book commemorates. I hope every Trade Unionist and supporter of the Labour Movement will acquire the book, and read it, and hand it on to their children.

A. CONLEY



MR. AND MRS. SIDNEY WEBB

MR. AND MRS. SIDNEY WEBB are the historians of Trade Unionism and the recognised authorities on many important aspects of social history. They have been associated with the organised working-class movement for 50 years through the Fabian Society—of which Mr. Webb was one of the founders—and public work in connection with the London County Council and numerous Royal Commissions and Governmental Committees. Mrs. Webb wrote a standard work on the Co-operative Movement, and jointly they have written authoritative works on Trade Unionism, Industrial Democracy, Socialism and Local Government. Mr. Webb was President of the Board of Trade in the Labour Government of 1924, and Secretary of State for the Dominions in the second Labour Government, formed in 1929, when he was raised to the Peerage as the first Baron Passfield. He was one of the founders of the London School of Economics and acted as Professor of Public Administration, as well as lecturing on Political Economy at the City of London College and the Working Men's College; and was a member of the Faculty and Board of Studies in Economics at London University, on whose Senate he also served.

Introduction

By SIDNEY AND BEATRICE WEBB



IT is fitting that the British Trade Union Movement should commemorate the judicial martyrdom of the Dorchester Labourers a hundred years ago. Many other Trade Unionists have suffered, both before and after 1834, at the hands of police and magistrates, juries and judges. There are many other incidents in Trade Union history in which the notorious ambiguities of the England and Scottish law have been used by the Government of the day as the instruments of a policy of repression and deterrence. But the case of the Dorsetshire Labourers stands out in the record, alike in the gentle innocence of the victims, and in the ruthlessness of the determination of the governing class to strike down an organisation which threatened to encroach upon the profits of capitalist industry.

It is worth while considering at what period and in what political circumstances this strange miscarriage of justice occurred. It was not a time of political reaction. On the contrary, it was the hour of triumph of the Whig Party—of the spirit of what is now Liberalism. The Tories had just been overwhelmingly defeated in the two successive tumultuous elections of 1831 and 1832. The House of Commons of the moment had recently been elected upon the enlarged franchise and redistributed constituencies of the "Great Reform Bill" of 1832. The Tory candidates had gone down like ninepins before the enlightened Unitarian, Quaker and Wesleyan millowners, mineowners, bankers and manufacturers of the North and Midlands of England, and the new London Parliamentary Boroughs, reinforced by all that was influential in "Political Economy" and Utilitarianism. "Bill Cobbett" had even been elected for Oldham. The Whig Government enjoying the support of a very large majority in the House of Commons and even holding its own in the House of Lords, was passing one "enlightened" measure after another. The game laws were being reformed—characteristically enough only to the extent of replacing the aristocratic monopoly of shooting hares and pheasants by the capitalist monopoly involved in getting the leave of the landowner and paying substantial annual fees for gun and game licences. The Old Poor Law administered by the Overseers was just being superseded by the New Poor Law, administered by the Boards of Guardians elected by the ratepayers, hardly any of them wage-earners, and with plural votes for the property owners. The new boards were forbidden to continue Outdoor Relief to the able-bodied and their families. The negro slaves in the West Indies and at the Cape of Good Hope were "emancipated," which meant their promotion to being the legally indentured labourers of their former owners. A beginning was even made in the protection from overwork of the little

children in the textile factories. The Lord Chancellor, who was keenly interested in all these reforms, was the liberty-loving Lord Brougham. But the essentially Liberal House of Commons, maintaining in office the most "enlightened" Whig Ministry, was not going to allow the labourers in the rural districts of Southern England (where the combination in every village of squire, parson and farmers amounted to an "irresistible" dictatorship of the capitalist) even to combine to defend themselves against a progressive reduction of their scanty wages.

Why were the Whig Ministry, the liberty-loving Lord Chancellor and the essentially Liberal House of Commons so prejudiced against Trade Unionism in the rural districts of South England? Why did they remain unconcerned at so atrocious a sentence as transportation for an offence—the administering of an oath—which would have been ignored if it had been committed by an Orange Lodge or a combination of English farmers at a market dinner? Incredible as it may seem to-day, the governing classes in 1834 were genuinely afraid of a rural insurrection. Only four years earlier there had been a wild outburst of rebellion among the labourers of South-East England, well-described in *The Village Labourer* by Mr. and Mrs. Hammond, when the hated poorhouses had been assailed and a few people seriously assaulted. This was easily suppressed by the troops of cavalry which quickly restored order, and by a special commission of judges who travelled from town to town imposing savage sentences on the rioters. But the outgoing Tory Home Secretary, on handing over office to the incoming Whig Home Secretary, warned him that the growth of Trade Unionism was the most alarming menace with which his government would have to deal. George Loveless and his fellows were the victims of this absurd panic among the propertied classes.

This has a significance for the Trade Unionists and for all the wage-earners of to-day. As yet, the propertied classes are not alarmed at the spread of Socialist opinions in Great Britain. But as trade revives and Trade Unionism increases its membership, and as the Labour Party recovers from the felon stroke dealt to it at the general election of 1931, the fears of the propertied classes will also be aroused. What will be the blow that they will then strike at the growing power of the common people? The law is still an armoury of weapons to which they may have recourse, just as unscrupulously and as ruthlessly as their ancestors did in 1834. What is called criminal conspiracy is still an offence, punishable at the discretion of the judge, by sentences as atrocious as those imposed on the Dorsetshire Labourers. And criminal conspiracy may easily be held to include an agreement of two or more people, even their common membership of an association for such a purpose, to do anything that the judges—not the juries—may hold to be unlawful; and even to do any quite lawful thing by means, or with intentions, which the judges—not the juries—might hold to be unlawful. Nothing but a strong party in the House of Commons, specifically charged with the defence of the wage-earners, will then save them from a repetition of the repression of 1834.



WALTER M. CITRINE

MR. WALTER M. CITRINE has been General Secretary of the Trades Union Congress since 1926, after serving for a year as Acting-Secretary, and for two years previously as Assistant Secretary. He joined the Electrical Trades Union in 1911. Three years later he became the Union's District Secretary on the Mersey. He was also President of the Federation of Engineering and Shipbuilding Trades for the Mersey District as well as the Secretary of that body. In 1920 he was appointed as Assistant General Secretary of the Electrical Trades Union. He became President of the International Federation of Trade Unions in 1928. He is a Governor of the London School of Economics, and a Director of the *Daily Herald*. He is the author of books on the British Trade Union Movement, *The Labour Chairman*, and numerous pamphlets.



The Martyrs of Tolpuddle

by WALTER M. CITRINE

(I) THE ARREST



TRAGEDY came to Tolpuddle, a tiny village in Dorsetshire, at dawn on a cold, grey February morning in 1834. It struck at the lives of six poor farm labourers, pursuing them relentlessly from the doorsteps of their humble cottages to Dorchester Gaol, the convict hulks, and the penal settlements of Australasia.

Tragedy at dawn

The daylight, just struggling through the receding night, disclosed a man, in the middle thirties, gently closing the door of his little cottage so as not to awaken the still-sleeping children. This done, he strode out vigorously to his work down the village street, quite unconscious of the cruel fate which awaited him. It came in the guise of the parish constable, who, on that fateful morning of Monday, February 24, 1834, was required to undertake the distasteful duty of apprehending his friend and neighbour, George Loveless. The constable accosted him, "I have a warrant from the magistrates for your arrest,

Mr. Loveless." "For me?" "Yes, and for others besides you, James Hammett, Thomas Standfield, and his son John, young Brine, and for your brother, James." "What is the warrant for?" asked Loveless. "What have we done?" "You'd best take it and read it for yourself," was the reply. Loveless read the warrant, which charged him and his companions with having participated in the administration of an illegal oath.

The six men
in custody



THE HOME OF C. B. WOLLASTON, J.P.

From an old print

At the request of the constable, Loveless accompanied him to the cottages of the other men. Then the six of them in the custody of the constable, marched towards the dreadful ordeal which awaited them at the end of the seven miles' journey to Dorchester. There they were taken to the house of Mr. C. B. Wollaston, who was accompanied by his half-brother and fellow Magistrate, James Frampton, the squire of the neighbouring village of Moreton. They were questioned in a very summary fashion. After having been identified as the men who had been present at a Trade Union meeting on December 9, 1833, at Tolpuddle, they were committed to prison. Although they had not been found guilty of any crime, their clothes were stripped off, they were searched, their heads were shorn, and they were locked up like desperate criminals in Dorchester Gaol.

Victims of
privilege

What had caused this sudden and drastic proceeding? Why was it that men against whose character there could be not the least reproach, were hustled away from their homes into the cold and cramped prison cells? Were they the victims of some malign destiny, such as Thomas Hardy might have seen to be written in their stars. Or was it

rather that they were the victims of a state of society which caused men who themselves were in the possession of all the privileges that wealth could give, to act with cruel injustice towards the humble labourer?

The Study in Legal Repression which appears in another section of this volume, indicates the overwhelming fear that dominated the ruling authorities of the period. Fear is betrayed in almost every line of that repressive legislation. A haunting dread still lingered that the forces which had been liberated by the French Revolution in 1789, were spreading to Great Britain. Fear that the Corresponding Societies and the Trades Unions were centres of infection. Fear that the justifiable discontent consequent on the dire poverty of the peasantry, which had driven them to revolt only three years previously, heralded the approach of the dreaded revolution.

Reaction
takes fright



By courtesy of "Illustrated London News"

INTERIOR OF A DORCHESTER LABOURER'S COTTAGE

Originating in Kent, three years previously, this revolt had spread with lightning rapidity westward through Sussex, Hampshire and Wiltshire. The placid serenity of the Dorsetshire countryside had been disturbed by rick-burning and the smashing of farm machinery. Incendiary fires had lit the midnight sky in Dorset as in other counties. The name of "Captain Swing," the anonymous leader of the peasant revolt, still filled the landowners with apprehension. The transportation from the Southern Counties of 500 agricultural labourers, and the hanging of many others, in the panic and fury excited by the revolt, had been insufficient to cow the labourers. They had not relapsed into their former apparent docility. The Magistrates of Dorsetshire had discerned a disturbing independence in the bearing and demeanour of the labourers.

All round there seemed to be a new awakening, an unwillingness on the part of the agricultural workers to occupy indefinitely the situation in which "God had placed them." Over the centuries came to them the echo of the rugged rhyme of John Ball:—

When Adam delved and Eve span,
Who was then the Gentleman?

The agitation for the reform of Parliament culminating in the enfranchisement of the middle classes and the advent of a Whig Government under Earl Grey, in 1832, had

The awakening
of the
countryside

disappointed the expectations of the working class. Their support had been sedulously cultivated by the Whig politicians who did not scruple to exploit their grievances to the full; but the achievement of Reform left them where they were. The repeal of the Combination Laws in 1824 had removed the penalties for belonging to a Trade Union, and had greatly increased the organised power of the workers. Unions were in operation in practically every manufacturing centre throughout the land.

The growth of the Unions



By courtesy of "Illustrated London News"

EXTERIOR OF LABOURER'S COTTAGE

The workers on the countryside saw in Trades Unionism a means of alleviating the distress and poverty resulting from their dreadfully low wages. In nearly every county the Poor Law, modified by the Speenhamland system, needed to be used to enable the labourers and their families to live.

The Speenhamland system took its name from the Berkshire village where it was inaugurated in 1795. It permitted agricultural wages to be subsidised from the local rates on a scale which varied in accordance with the current price of bread, and the size of a labourer's family. Wages at the time were so low that the system spread until it became a serious national problem. The allowances acted as a subsidy to the farmer, and reduced some parishes to bankruptcy. The system was eventually abolished by the provisions of the Poor Law of 1834.

Parishes ruined by low wages

Conditions among the farm workers were almost unbelievably wretched. They were housed in hovels not fit to shelter cattle. Typical of the conditions of housing in Dorsetshire is the recorded case of a family of eleven persons who slept in a room 10 feet square, roofed with open thatch, only 7 feet high in the middle, and with a single window 15 inches square. Under the influence of the prevailing economic theories, few new cottages for farm labourers were built, and many existing cottages were pulled down. A Dorsetshire clergyman who gave evidence before a Committee on wages in 1824, said that the labourers lived almost entirely on tea and potatoes. Tea was 6s. a pound, sugar 6d. per pound, soap 5d. per pound, and candles were 6½d. per pound of eight. The average poor family would probably spend 1s. a week on oatmeal which was, of course, cheaper than flour, 8d. per week on tea, 8d. per week on sugar, 6d. per week on soap, and 3d. per week on candles. It is true that rent was small, and in some cases the labourers lived rent free, and had other small advantages. None the less the standard of life was desperately low.

In Hampshire, Berkshire and Wiltshire, before the riots, the wages were 7s. to 9s.

a week. The average wage of agricultural workers throughout the country was about 10s. a week. In 1830-31 there was a general movement for an increase.

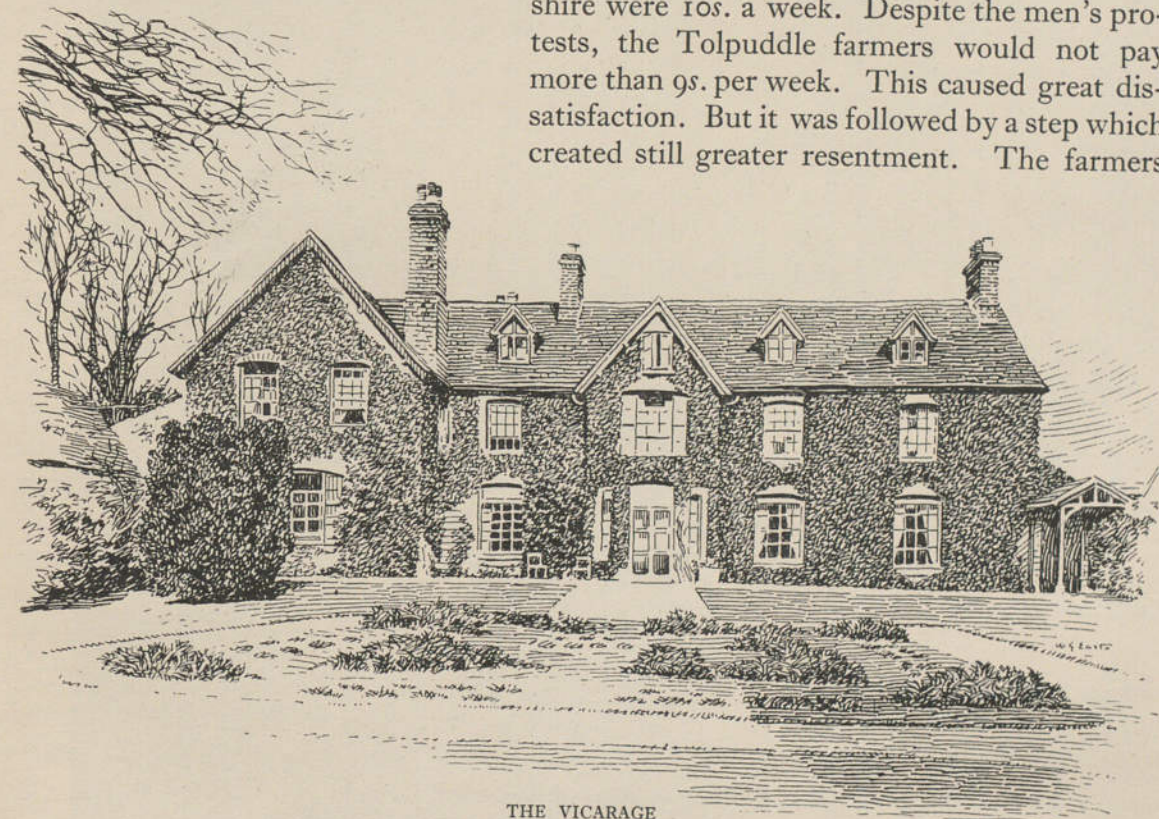
The labourers in Tolpuddle were then unorganised, but under the leadership of George Loveless they met together and determined to approach the farmers to ask them to pay the same wages as were paid in other districts, where wages were higher. The services of the Vicar, Dr. Warren, were requested and a mutual arrangement was come to whereby the farmers promised to pay the Tolpuddle men the wages which the employers elsewhere were then paying. The discussions were very brief. There was no heat engendered or temper shown, and the men behaved with the utmost circum-



A demand for wage increases

spection. This promise was not redeemed. The wages paid in other parts of Dorsetshire were 10s. a week. Despite the men's protests, the Tolpuddle farmers would not pay more than 9s. per week. This caused great dissatisfaction. But it was followed by a step which created still greater resentment. The farmers

Farmers' promise broken



THE VICARAGE



THE MARTYRS' TREE, TOLPUDDLE

not only dishonoured their obligation, but they actually reduced wages from 9s. to 8s. per week. The labourers were under the impression that the magistrates still retained the power, which they had exercised for centuries, of acting as arbitrators between the farmers and the labourers, and fixing the rates of wages which must be paid. Accordingly, headed by George Loveless, they went to a neighbouring magistrate, W. M. Pitt, Esq., of Kingston House. Following upon this, a meeting was convened in the County Hall, Dorchester, at which representatives of the men and the farmers were requested to appear.

The Chairman of the Bench was James Frampton, a wealthy landowner of Moreton. He stated that the magistrates had no power to fix wages and that the labourers must work for whatever wages the employers cared to pay. There was no law which could compel the farmers to pay any fixed sum. Loveless indignantly protested that an agreement had been made between them and that the farmers had broken this agreement. He asserted with confidence that the Vicar, Dr. Warren, would confirm this because he had said of his own accord, "I am a witness between you men and your masters that if you will go quietly to your work, you shall receive for your labour as much as any man in the district, and if your masters should attempt to run from their word, I will undertake to see you righted, so help me God."



Further wage cuts

It was with a shock that the men subsequently learned that Dr. Warren completely denied having made such a promise. The way was now clear for the farmers to do what they wanted. They had been told by the magistrates they could not be compelled to pay more than they wished. Determined to give the men a salutary lesson, they now reduced wages to 7s. with the threat that there would be a further reduction to 6s. very shortly. It was then that the labourers began to combine. In the early hours of the morning and in the evenings, beneath the trees on the village green, they gathered in earnest consultation. George Loveless, foremost in everything concerned with the life of this tiny community, was looked upon as their leader. He was a local preacher in the Wesleyan Methodist Church, and Sunday by Sunday, either at Tolpuddle or in the neighbouring villages, his eloquence and sincerity had commanded the admiration of all.

By stern self-denial he had scraped together enough money to acquire a small collection of books, and had equipped himself with an education that distinguished him among his fellows. Respected by all who knew him, he was a man of great natural ability and strength of character. It was to him that his fellow labourers, driven almost to

George Loveless takes the lead

despair, looked for advice and guidance. He did not fail them. He had read about the Trade Unions in London and in the North of England. He had heard how they had been able to obtain improvements in the conditions of labour for the tailors, the cordwainers, the flax dressers, the woolcombers, the stonemasons and a host of others. He had read of Robert Owen, who, fired with his prophetic vision of the Co-operative Commonwealth, was redoubling his efforts to form one mighty union of all the working class. He knew of the agitation which resulted some months later in the formation of the Grand National Consolidated Trades Union, whose membership rapidly rose to nearly half a million.

"Why should not we form a Trade Union"? he urged. "We know it is vain to seek redress from employers, magistrates or parsons." His proposals were received with acclamation, and, in October, 1833, with the help of two delegates from London, the "Friendly Society of Agricultural Labourers" at Tolpuddle was established. Rules and an initiation ceremony, common to the Trade Unions of the period, were adopted and regular meetings were held, usually in the upper room of Thomas Standfield's cottage. Trades Unionism had come to Tolpuddle.

A Trade
Union formed



STANDFIELD'S COTTAGE AT TOLPUDDLE

(II) THE MAGISTRATES



ON December 9, 1833, a labourer named Edward Legg attended the meeting and asked to be admitted a member of the Society. He was initiated into membership with the solemn ritual that was then observed by the Trade Unions. All the Trade Union lodges used an initiation ceremony just as did the Friendly Societies, the Orangemen and the Freemasons. There was nothing improper about the ceremony. Its essence was a pledge of loyalty. Individual fidelity was then the only guarantee the Union had for the safety of its funds, and the protection of its members against the spy and informer. The whole purpose of the ceremony was to impress upon the mind of the newly admitted member the responsibility which he had undertaken. It was a survival of the days in which the Trade Unions were illegal, when each was bonded to his fellows by a solemn obligation to keep inviolate the business of the Union.

To be a Trade Unionist, 100 years ago, required a high quality of moral courage. The members were exposed to victimisation and persecution of a vindictive kind. Even to-day, Trade Union records show cases of members who are victimised or singled out for discharge by employers because of their activities. How much more exposed was the agricultural worker of a century ago to such coercion, intimidation and persecution? Prying eyes and ears in village communities made it very difficult to conceal the actions of the workers from their employers. Was it any wonder that the Tolpuddle trade unionists had recourse to the same kind of initiation ceremonies that had been found necessary in the comparatively well-organised industrial centres, to safeguard the members against betrayal?

Trade
Unionists
victimised

The landowners and farmers of Tolpuddle were on the watch for any evidence they could obtain to destroy the labourers' attempts at organisation. Edward Legg was evidently a tool of the authorities, sent to the meeting at Standfield's cottage for the purpose of disclosing the business of the Society to them. This is demonstrable from the correspondence that passed between James Frampton, the Dorsetshire Magistrate, and Lord Melbourne, the Home Secretary, which is printed in full in another section of this volume.

Here we have clear evidence that Frampton and his fellow magistrates were determined to prevent the spread of organisation amongst the agricultural workers. In his letter of January 30, 1834, to Lord Melbourne, Frampton explains that he had employed "trustworthy persons" in the neighbourhood to trace the proceedings and identify the parties. This correspondence is a revelation of a detestable conspiracy between the Home Secretary and the magistrates to bring these poor simple labourers within the clutches of the law.

This is confirmed in the correspondence between Mr. E. Berkeley Portman, J.P., and James Frampton. On March 1, 1834, writing from Bryanstone, Portman remarks:

Mr. E. B.
Portman hopes
Union will be
crushed

My dear Sir
1834

I am much obliged to you for the information
and am glad that you have had to
do with the cause of the Tolpuddle which
I should hope to see you have a
large case for conviction in the
to my interest. I find in many
parishes that the labourers expect
to sign the Church Petition but believe
they would not be bound not to join them?
I am
Yours
E. Berkeley Portman

My dear Sir
I am much obliged to you for the information
and am glad that you have had to
do with the cause of the Tolpuddle which
I should hope to see you have a
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to my interest. I find in many
parishes that the labourers expect
to sign the Church Petition but believe
they would not be bound not to join them?
I am
Yours
E. Berkeley Portman

FACSIMILE LETTER FROM E. B. PORTMAN TO JAMES FRAMPTON

"I hope you have a complete case for conviction as that will crush the Union." With this letter he despatched copy of a note which had been given to a carter, named Elsworth, by some unknown person in Bere Regis, about the beginning of February. The paper was as follows:—

"Brethren, This will inform you that there is a possibility of getting a just remuneration for your labour without any violation of the law or bringing your persons

into any trouble if men are willing to accept of what is offered them. Labouring men may get 2 shillings or half a crown a day as easy as they now get 1 shilling only let men be united and the victory is gained. After men are united and strike for advance of wages they will be supported all the time they are staying at home from a certain fund provided for the purpose nor will there be a danger of others undermining you for you may take the most cowardly man in this kingdom and let him be united and he will stand firm as a Rock. N.B.—Men are adopting this almost through the Kingdom."



MR. E. BERKELEY PORTMAN, J.P.

This note was promptly despatched by Frampton to Lord Melbourne.

Frampton, in his reply to Portman on March 3, expressed regret at the news that the Union had extended into the Vale of Blackmore as he had "hoped that part of the County had not as yet been infected, although I have long been aware that great numbers have joined it from this side of the Blandford Division."

In a further letter of March 7, 1834, reproduced on page 10, Portman reiterates the hope that Frampton had a true case for conviction as that would be very important. He complained that the labourers in many parishes were refusing to sign the Church Petitions until they were assured "that such signature was not against the Unions as they would not be bound not to join them." Then follows a very important postscript in

Workers advised to organise

Labourers refuse to sign against Union

CAUTION.

WHEREAS it has been represented to us from several quarters, that mischievous and designing Persons have been for some time past, endeavouring to induce, and have induced, many Labourers in various Parishes in this County, to attend Meetings, and to enter into Illegal Societies or Unions, to which they bind themselves by unlawful oaths, administered secretly by Persons concealed, who artfully deceive the ignorant and unwary,—WE, the undersigned Justices think it our duty to give this PUBLIC NOTICE and CAUTION, that all Persons may know the danger they incur by entering into such Societies.

ANY PERSON who shall become a Member of such a Society, or take any Oath, or assent to any Test or Declaration not authorized by Law—

Any Person who shall administer, or be present at, or consenting to the administering or taking any Unlawful Oath, or who shall cause such Oath to be administered, although not actually present at the time—

Any Person who shall not reveal or discover any Illegal Oath which may have been administered, or any Illegal Act done or to be done—

Any Person who shall induce, or endeavour to persuade any other Person to become a Member of such Societies,
WILL BECOME

Guilty of Felony,

AND BE LIABLE TO BE

Transported for Seven Years.

ANY PERSON who shall be compelled to take such an Oath, unless he shall declare the same within four days, together with the whole of what he shall know touching the same, will be liable to the same Penalty.

Any Person who shall directly or indirectly maintain correspondence or intercourse with such Society, will be deemed Guilty of an Unlawful Combination and Confederacy, and on Conviction before one Justice, on the Oath of one Witness, be liable to a Penalty of TWENTY POUNDS, or to be committed to the Common Gaol or House of Correction, for THREE CALENDAR MONTHS; or if proceeded against by Indictment, may be CONVICTED OF FELONY, and be TRANSPORTED FOR SEVEN YEARS.

Any Person who shall knowingly permit any Meeting of any such Society to be held in any House, Building, or other Place, shall for the first offence be liable to the Penalty of FIVE POUNDS; and for every other offence committed after Conviction, be deemed Guilty of such Unlawful Combination and Confederacy, and on Conviction before one Justice, on the Oath of one Witness, be liable to a Penalty of TWENTY POUNDS, or to Commitment to the Common Gaol or House of Correction, FOR THREE CALENDAR MONTHS; or if proceeded against by Indictment may be

CONVICTED OF FELONY, And Transported for SEVEN YEARS.

COUNTY OF DORSET,
Dorchester Division.

February 22d. 1834.

C. B. WOLLASTON,
JAMES FRAMPTON,
WILLIAM ENGLAND,
THOS. DADE,
JNO. MORTON COLSON,

HENRY FRAMPTON,
RICHD. TUCKER STEWARD,
WILLIAM R. CHURCHILL,
AUGUSTUS FOSTER.

G. CLARK, PRINTER, CORNHILL, DORCHESTER.

By courtesy of Mr. H. Brooks (Poole).

this letter:—"Do you mean to proceed at the next Assizes? Ponsonby has written to me to know this fact as he will in that event do his best to attend—it seems to be desirable to expedite the Blow and to allow it to come from the Judges if possible at once."

The Ponsonby referred to was the Right Hon. W. S. Ponsonby, M.P. for the County of Dorset, who acted as foreman of the Grand Jury.

It is apparent from this, that the Tolpuddle labourers were condemned before they were heard, and that Frampton, Portman and Ponsonby at least were determined by hook or by crook to break up the Union. Nor was Melbourne less culpable. It is a sorry spectacle—the Home Secretary, surrounded by all the luxuries that affluence could command, plotting with the Moreton landowner to deprive the Tolpuddle labourers of their only means of resisting the further lowering of their already starvation wages. What law were the Tolpuddle labourers breaking in forming their Union? For the preceding ten years it had been perfectly lawful to belong to a Trade Union. Hundreds of thousands of workers were members of Trade Unions. The Tolpuddle men were acting within their rights, and it required all the ingenuity of the Home Secretary and the law officers of the Crown, to discover even a technical illegality in their conduct.

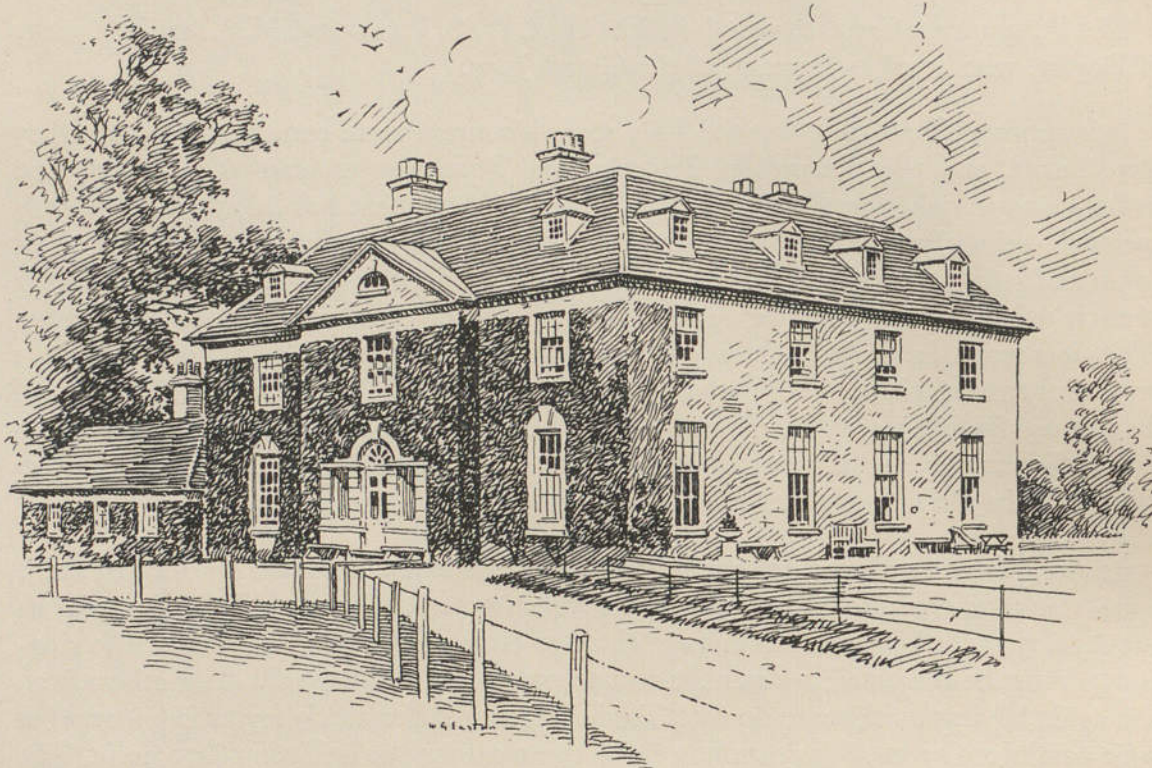
An Act, which most people thought was obsolete, passed to deal with the mutiny at the Nore, was considered to be the best means whereby the Union could be broken and its members punished. It was not enough that the Union should be dissolved. The ring-leaders must be subjected to a punishment so exemplary that it would deter others from ever again having anything to do with Trade Unions. After much cogitation, it was felt to be possible to proceed against them for using an oath in the Initiation Ceremony. The magistrates were quick to seize the opportunity which Lord Melbourne provided for them. Not one word of warning was given to the men until Saturday, February 22, 1834. On that date, a notice was posted by the magistrates to the effect that designing persons had been endeavouring to induce labourers to enter into illegal societies to which they bound themselves by unlawful oaths. All such persons and members of the societies were liable to transportation for seven years for so doing. George Loveless saw the notice, read it and put a copy of it in his pocket. Two days later he and his five companions were arrested. The seven miles which they tramped to Dorchester on that eventful Monday marked the beginning of a period of hardship and vicissitude that was to test every fibre of their beings. It was for them a march into the unknown, into a future full of gloom and sorrow, lighted only by the glowing faith within them. The ring of their footsteps as they marched along the road to Dorchester was to resound through all England. It was to be heard down the centuries.

An obsolete
Statute
invoked

The
Magistrates'
"Caution."



As we have already seen, they were committed to gaol, and treated like proved felons. They remained in gaol from Monday, February, 24, 1834, until the following Saturday, March 1. On that day, they were further examined inside the prison itself. The names



MORETON HOUSE, RESIDENCE OF JAMES FRAMPTON, J.P.

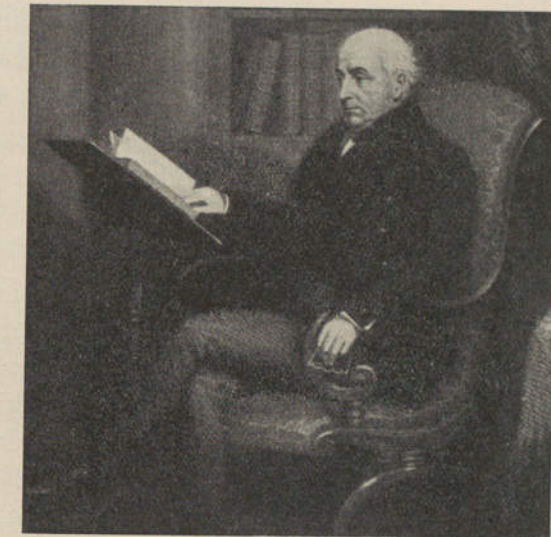
of the Magistrates who served on this occasion are not disclosed, but there is little reason to doubt they were those who had signed the Magistrates' Caution on February 22. James Frampton was there, his name being shown in the prison records as the presiding magistrate. He was a man of very considerable wealth, the sole landowner in the parish of Moreton. He had taken an active part in the suppression of the agricultural riots some few years earlier, and he was Commandant of the Dorsetshire Yeomanry.

His mind was made up upon the case before ever he examined the six men. He had been for weeks past urging upon the Home Secretary the dangerous consequences that would ensue if the Union was allowed to spread. He had shown great alacrity in issuing the warrant for the arrest. His name and that of his half-brother, C. B. Wollaston, are the first to be found on the "caution." Proud of his ancestry dating back to the time of Edward III, and accustomed to subordinating all to his own will, he resolved to crush the nascent organisation among the labourers. Can it be doubted that he had communicated something of his own spirit of resentful intolerance to his fellow magistrates?

Frampton
makes up his
mind

Mr. C. B. Wollaston, of Wollaston House, a Recorder of Dorchester, was not indisposed to assist his relative in suppressing the Union. For the rest, the Dorset Bench was well supplied with clergymen. Four of them had signed the caution. They were the Rev. W. England, D.D., the Rev. Thomas Dade, the Rev. John Morton Colson, and the Rev. W. R. Churchill. Clergymen, indeed, were as arrogant and overbearing to the poor as were the haughtiest of aristocrats. No magistrates were more harsh in administering the law than they were. They did not temper justice with much mercy.

Let us look at some of the sentences these Dorsetshire magistrates passed. In 1834, at Quarter Sessions, they sentenced a lad of seventeen to transportation for life for wounding a sheep. A boy of eleven years of age was sentenced to three months' hard labour and to be publicly whipped for stealing a garment, whilst another, aged eighteen, was transported for seven years for a similar offence. Sentences of death were not uncommon as the Dorset prison records testify. The theft of a loaf of bread was punished with two months' hard labour



By courtesy of the Dorchester Museum

MR. C. B. WOLLASTON, J.P.

and a public whipping, but an assault on a woman, in which she was kicked and two of her ribs were broken, was judged to be adequately punished by a fine.

Henry Frampton, another of the magistrates who signed the caution, was a son of James Frampton and nephew of C. B. Wollaston. None of these gentlemen had any love for agricultural labourers who were so misguided as to join a Trade Union, particularly when they added the additional offence of being dissenters. The antagonism aroused by Nonconformity, coming down from the reigns of the Stuarts, was still virulently active when George Loveless became a local preacher. He and his companions were, with the exception of James Brine, all active members of the Methodist connexion. What more could be needed to demonstrate the perfidy of such men? Added to all this, Lord Melbourne had urged Frampton to hustle the men to trial as soon as possible. He wanted a quick conviction before too much public attention was focussed on the case.

Needless to say, they were committed forthwith for trial at the next Assizes. A few minutes after this decision had been reached, a Mr. Young—an attorney employed to defend the men—interviewed George Loveless. He strongly urged him to give the magistrates information concerning the Union, the names of its members, and to promise that he would have nothing more to do with it. If Loveless would do this, he would be allowed to return to his wife and family.

Clergymen
on the
bench

The six are
hustled into
the dock

"Do you mean I am to betray my companions and promise I will have nothing more to do with them?" Loveless inquired, indignantly.

"Yes, that is just it," replied Mr. Young.

"Well, you may tell the magistrates I will not do it. I would rather undergo any punishment," was the uncompromising reply.

Immediately after this, Loveless and his companions were sent to Dorchester Castle, where they remained until the Assizes. Loveless' experiences in prison are contained in the pamphlet, *The Victims of Whiggery*, which he wrote upon his return from exile.

In graphic language he describes his sufferings. He had not seen the inside of a gaol before, but he now began to realise what imprisonment meant: close confinement, bad bread, hard and cold lodging, a small straw bed on the flagstones. This, as Loveless bitterly remarks, was "our fare for striving to live honest."

The Chaplain of the prison, the Rev. Dacre Clemetson, upbraided them with being discontented and idle and wishing to ruin their masters who were worse off than the

men themselves. He then asked whether Loveless could point out anything which might be done to increase the comfort of the agricultural labourer. Loveless thought he could, and after assuring the Chaplain that their object was not to ruin their employers, he expressed some scepticism as to the alleged poverty of the landowners and farmers. He could not understand how, if they were so poor, they could maintain such a number of horses for hunting the hare and the fox. He thought that money would be saved by dispensing with them and a little more would be left for labour.

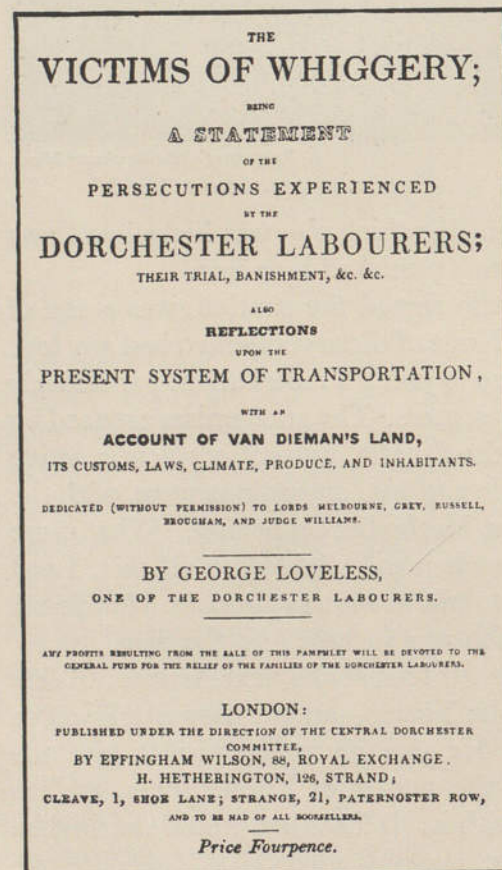
"Besides, I think the gentlemen wearing the clerical livery like yourself might do with a little less salary, and that would also assist with the rest."

"Is that how you mean to do it?" thundered the Chaplain in reply.

"That is one way I have been thinking of, sir."

"I hope the Court will favour you, but I think they will not. I believe they mean to make an example of you," was the threatening retort. And with that the Chaplain left them.

Their sufferings in gaol



Facsimile of pamphlet written by George Loveless

(III) THE TRIAL



CONFINED in the comfortless gaol until the morning of Saturday, March 15, they were removed on that day to the County Hall, where the trial was to take place. They were thrust into a miserable dungeon, opened only twice a year when the Assize Court assembled, with no more than a glimmer of light filtering in through the small barred window. Loveless says, "To make it more disagreeable some wet and green brushwood was served for firing. The smoke of this place, together with its natural dampness, amounted to nearly suffocation, and in this most dreadful situation we passed three whole days."

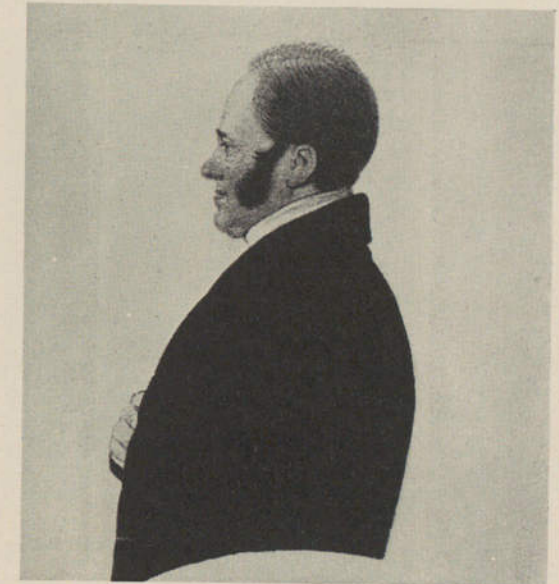
A report of the trial, taken from the fullest accounts, is given on later pages. I shall not traverse its progress in detail. The reports show conclusively that the language attributed to the witnesses was not their own. It is only a summary couched in the language of the reporters. No mention is made of the questions put to the witnesses, either by counsel or by the Judge. George Loveless says, "The greater part of the evidence against us, on our trial, was put into the mouths of the witnesses by the Judge."

Let us look at the methods that were used to secure a conviction. The first thing to consider is the Bill of Indictment. This stated the offence with which the men were charged. It was prepared by one of the supporters of the Government, Sergeant Wilde, M.P., the Whig Member for Newark. As he stated in the House of Commons on June 25, 1835, he was entrusted with the care of conducting the

prosecutions *instituted by the Government* on that circuit. These words in italics show conclusively that it was the Government who were the prosecutors.

The Indictment ran to twelve counts totalling about 1,500 words of legal jargon, perfectly unintelligible to the lay mind. Incidentally, it starts with a mis-statement. The words of the First Count are as follows:—

The Jurors for our Lord the King upon their Oath present that George Loveless late of the Parish of Tolpuddle otherwise Tolpuddle in the County of Dorset Labourer James Loveless late of the same place Labourer James Brine late of the same place Labourer James Hammet



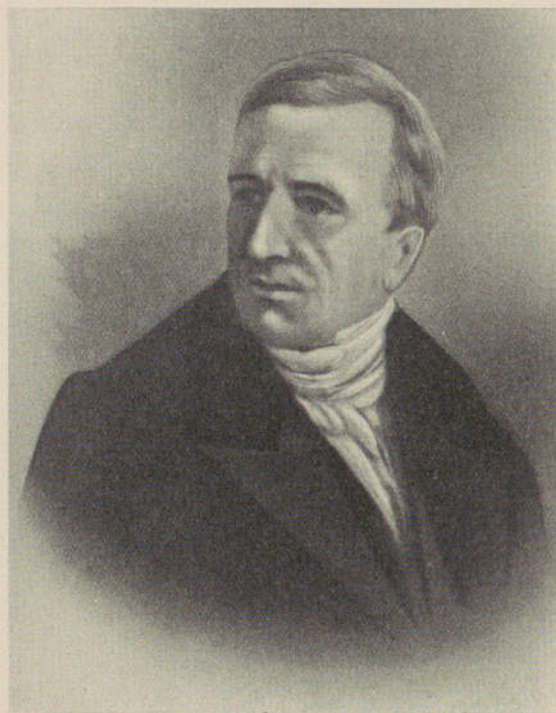
SERGEANT WILDE, M.P.

The judge prompts the witness

A faulty Indictment

The First
Count

late of the same place Labourer Thomas Stanfield late of the same place Labourer and John Stanfield late of the same place Labourer on the twenty-fourth day of February in the fourth year of the reign of our Sovereign Lord William IV at the parish aforesaid in the County aforesaid feloniously and unlawfully did administer and cause to be administered unto one Edward Legg a certain Oath and engagement purporting and then and there intended to bind the said Edward Legg not to inform or give evidence against any associate confederate or other person of and belonging to a certain unlawful combination and confederacy before that time formed and entered into by and between the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield and John Stanfield and divers other evil disposed



National Portrait Gallery
SIR WILLIAM HORNE
(Attorney-General, 1834)

Lord
Melbourne
has doubts

persons and which said Oath and engagement was then and there taken by the said Edward Legg against the peace of our said Lord the King his Crown and dignity and against the form of the Statute in that case made and provided.

It will be noted that the charge is for an offence committed on February 24, in the fourth year of the reign of William IV (in 1834). This was the day on which the men were arrested and manifestly they could not have administered an oath on that day. This clearly is a mistake in the Indictment, as the alleged offence was committed on December 9, 1833. This mistake in the Indictment might have been sufficient to have upset the charge, but strangely enough the Defence seem completely to have missed the point.

The Indictment was framed under the inspiration of the Home Secretary himself. It was he who, in a letter of January 31, 1834, advised James Frampton to use the Act of 57 Geo. III, c.19. This Act, passed in 1817, the 57th year of the reign of George III, was directed against seditious meetings, and as Lord Melbourne said, had "frequently been resorted to with advantage." Subsequently, he had grave doubts as to the applicability of this and other Acts. We can see this from the letter which he caused to be sent to the Secretary to the Law Officers of the Crown. Here is the letter in full:—

Whitehall, March 10, 1834.

SIR,

Various societies, variously denominated (some called the "Regeneration Society," others called "Trades Unions," etc., etc.) are at this time spreading very generally, and in various parts

of the Kingdom, connected together, and corresponding with each other by Secretaries, Delegates, Missionaries, and Agents, professing to have for their object the increase of wages of Labourers in the several branches of Trade and the regulation of the time for working, and of various other matters relating to the several Trades; and establishing one common fund among the workmen for supporting all such workmen as strike for work while unemployed.

At the meetings of these Societies secret oaths not to divulge or make known the proceedings of the meeting are administered.

I am directed by Viscount Melbourne to desire you will submit this statement to the Attorney and Solicitor-General, and after referring them to the Act 6 G. III, C. 129, S. 4 and 5, "An Act for repeal of laws relating to the combination of workmen and to make other provisions in lieu thereof"—also to Statute 57 G. III, C.19, Sec. 25, "An Act for the more effectual preventing Seditious Meetings and Assemblies," and to the Statutes relating to illegal oaths, request they will take the same into their consideration and report their opinion:—

1st.—Whether the Societies above described (independently of the administering of secret oaths) are within the 25th Section of 57 Geo. III, C.19, and whether the members of such Societies are punishable under the provisions of that Act or the Act referred to therein.

2nd.—Whether the Societies above described in which are administered secret and illegal oaths are illegal, and how the Societies or the members thereof may be proceeded against.

I am, etc.,

J. M. PHILLIPPS.

P.S.—Viscount Melbourne is desirous of obtaining the Law Officers' opinion as soon as possible.

In the latter paragraph of that letter he asks Sir William Horne, Attorney-General, and Sir John Campbell, Solicitor-General, whether the Trade Unions, which administered oaths, were illegal, and how such societies or their members could be proceeded against. Yet the six labourers had been lying in gaol for three weeks, whilst Lord Melbourne was still deliberating with his legal advisers as to whether they could be prosecuted!

The reply of the Law Officers is not on record, but it is evident that they did not agree with the Home Secretary. Lord John Russell stated on June 25, 1835, that the Law Officers had advised him to use another Act, viz., the Mutiny Act of 1797. Incidentally, if it required the ingenuity of the most eminent lawyers to show the Home Secretary in what manner even a technical illegality could be proved, how could six humble agricultural workers have been expected to know the law?



National Portrait Gallery
SIR JOHN CAMPBELL
(Solicitor-General, 1834)

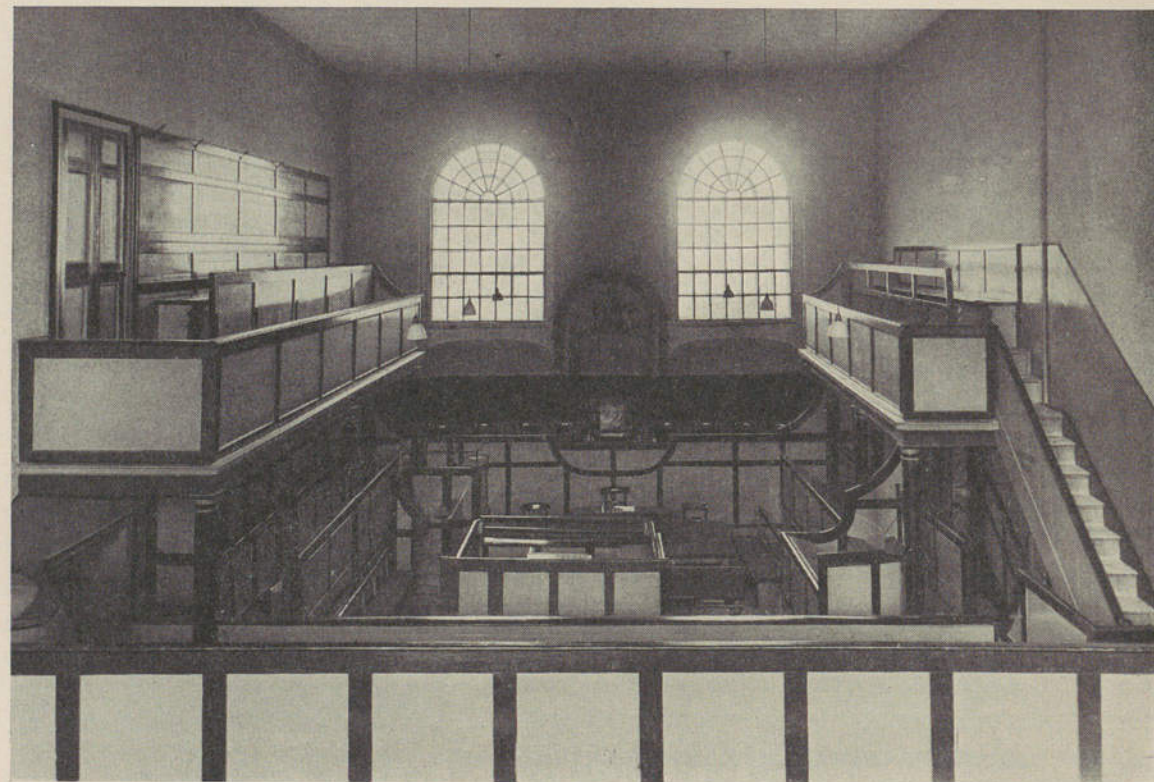
Are the
Unions
illegal?Crown
lawyers
perplexed

The Indictment did not mention the Act or the sections upon which the charge was framed. On June 25, 1835, however, the then Solicitor-General, stated that the Indictment was framed on the Mutiny Act, 37 of George III, cap. 7. The clearly expressed purpose of that Act was to stamp out seditious societies by making it punishable for the members to swear oaths of allegiance to such societies. It was necessary, therefore, for the prosecution to prove two things, (1) that an oath had been administered, and (2) that the Union was seditious. Neither of these points was established by the evidence.

Then as to the personalities who assisted the Government to send their victims to prison. The Government entrusted the charge of the trial to another of their supporters, John Williams, K.C. He had formerly sat in the House of Commons as a Whig member for the City of Lincoln. He was made a judge on February 28, 1834, four days after Loveless and the others had been arrested. He was ambitious and anxious to please. He demonstrated his unfairness not only in his charge to the jury, but in his conduct of the case.

Next take the Grand Jury, the body whose duty it was to decide whether there was any substantial basis for the charge. The foreman of the Grand Jury was W. S. Ponsonby, M.P., Whig member for the County of Dorset and brother-in-law of Lord Melbourne. He was known to be hostile to the demands of the agricultural workers for improved

A newly promoted Judge



Interior of Court House, Dorchester (seen from the Gallery)

Photo: Cummings (Weymouth)

conditions. Why was he chosen? Was it because he, too, could be relied upon to secure a conviction? He had promised his neighbour, E. B. Portman, J.P., to be present, and Portman, as we know, wanted "to expedite the Blow."

It was customary in those days to select the members from the magistrates in the district to serve on the Grand Jury. To make doubly certain that the men would be convicted, James Frampton was included amongst them. He, as we have seen, instigated the prosecution, and committed the men to gaol in the first instance. He, of course, was thoroughly impartial! He was accompanied on the Grand Jury by his son, Henry Frampton, C. B. Wollaston and Augustus Foster, all of whom had signed the Magistrates' Caution. Their opinions also were quite definitely settled against the men.

Frampton on the Grand Jury.

The proceedings before the Grand Jury are shrouded in silence. Beyond the charge delivered by the Judge there is no official record of what took place. George Loveless asserts, however, that the most unjust means were used to establish the indictment. Their characters were investigated from their infancy to find out whether there was anything against them. Their employers were approached to see whether they were idle, dissolute persons who spent their time in public-houses. The employers, in common honesty, declared that they were good, industrious workmen against whom they had no complaint. Needless to say, the Grand Jury did what was required of them, returned a True Bill, and the case was remitted for trial.

Then there is the Petty Jury. It was selected with the greatest care. Who were these twelve good men and true? Every one of them were farmers, drawn from the County. We may be sure that they had no love for the Union. A tradesman of Bere Regis, named Bridle, was disqualified from serving apparently because he had heard George Loveless preach in the Methodist Chapel he attended!

Next as to the witnesses. Who were they? John Lock, the first witness was the son of the gardener at Moreton House, the residence of James Frampton. He was quite evidently one of the "trusty persons" whom Frampton, with the approval of the Home Secretary, employed to spy on the men. He was an informer who, on the instructions of his master, wormed his way into the Union in order to betray its secrets. Edward Legg, the next witness, was in the same category. He, too, was an informer, but whether he was intimidated into giving evidence is not known. It was on his evidence alone that the six men were arrested. He it was who identified James Hammett as being present on December 9, when, in fact, he was not there at all. We have the testimony of George Loveless that Legg asked to be admitted to the Union. From his subsequent conduct it is fairly certain he was acting on instructions in doing this.

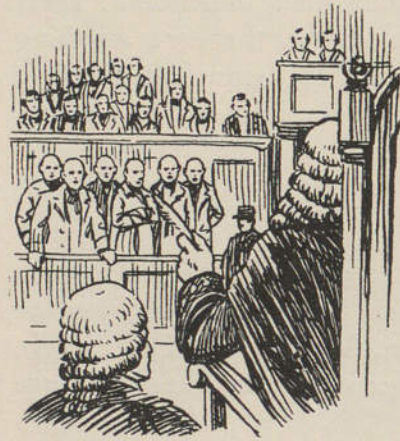
Informers in the witness-box



These then were the personalities in the prosecution. First, a biased Judge, a henchman of the Government. Secondly, a foreman of the Grand Jury hostile to the men and

related to the Home Secretary, who was pressing the charge against them. Thirdly, a Grand Jury of landowners and farmers on which was the prime mover in the prosecution, James Frampton, and other magistrates whose minds were already made up. Fourthly, a Petty Jury composed exclusively of farmers who were themselves affected by the activities of the Union. Lastly, the principal witnesses both of them informers, one of them quite evidently a spy. These were the people who were employed to make certain of a conviction.

The six men
face their
enemies



The case came on for trial on Monday, March 17, 1834. Arrayed in the dock in the tiny court house, with hair close cropped like common criminals, were the six labourers, whose manly bearing commanded the respect even of their most bitter enemies. It is unnecessary to traverse the evidence. It will be sufficient to see what was the substance of the charge and in what way it was sustained by the evidence. We have seen that the purpose of the Mutiny Act upon which the Indictment was framed was to stamp out seditious societies. Therefore, it was necessary to prove not only that an Oath was used, but that also the purpose of the Union was seditious. Here the Prosecution was in a difficulty. Certainly it could not be shown that the object of Loveless and his colleagues in establishing their Trade Union was to carry on a seditious plot against the Government. Such an allegation was too absurd to contemplate. Yet in order to secure a conviction under the Mutiny Act it was necessary that sedition must be proved, as we can see from the Preamble of the Act. The Prosecution got rid of this formidable difficulty by utilising an additional Act passed in 1799 (39 Geo. III c. 79), not mentioned in the Indictment. This made illegal any society which administered an oath not required by law. It also was intended for the prevention of seditious societies. The Judge, however, assisted the Prosecution by stating that whatever might have been the intention of Parliament as expressed in the Preambles to these two Acts, he did not intend to be bound by this.

Evidence of
the
informers

The task of the Prosecution was thus narrowed down to proving first, that there had been an oath administered to which the prisoners were parties, and secondly, that the oath bound the persons taking it not to reveal it, and not to reveal the activities of the Union. The only direct evidence given was that of the two informers, Lock and Legg. To what did they testify? Merely that they had met at Thomas Standfield's cottage in December, 1833; that their eyes were blindfolded, and that a passage was read from something they thought was the Bible; that they knelt down and kissed a book. That when their eyes were unbandaged they saw a picture of a skeleton in the room and that

James Loveless, who was dressed in a white sheet, had said, "Remember your end." Neither of them could recollect any of the words that were read to them. They did not know what the reading was about, and neither did they know whose voice it was. They knew that some rules were read to them and that something was said about striking.

Vague evidence
as to the
meeting

The evidence of the subsequent witnesses did not in any way prove that an oath was taken or administered. This only showed that a painting of a skeleton had been ordered, but not supplied. A letter written to George Loveless by the Secretary of another lodge of the Union was read. Written from Bere Heath, it stated that a meeting had been held and a committee appointed. A book containing the alleged rules of the Union, which had been found in George Loveless' house, was produced. This set out that the entrance fee was 1s., and the contribution 1d. per week. Strikes for advances were forbidden without the consent of the Grand Lodge. No obscenity would be tolerated, and no political or religious subjects must be discussed during lodge hours. If any master tried to reduce wages the members must leave off together but must first finish the work they had in hand. Members were required to cease work in support of any other member discharged solely on account of his Union activities. They must decline to work with anyone divulging the secrets of the Union.

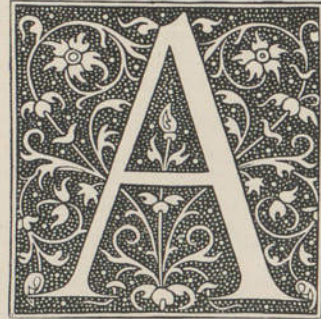


To refute the absurd suggestion that the society was criminal and seditious, it is only necessary to quote Rule 23: "The object of this society can never be promoted by any act or acts of violence, but, on the contrary, all such proceedings must tend to hinder the cause and destroy the society itself. This Order will not countenance any violation of the laws." The remainder of the rules are purely formal, dealing with matters of procedure. Not one scrap of evidence of a conclusive character was given to prove that an oath was administered or that the rules disclosed were, in fact, those read to the witnesses. This was all the evidence.

Speeches were then made for the defence by Mr. Butt and Mr. Derbyshire. They argued that the Act of 1797 was confined to cases of mutiny and sedition; that the Society was perfectly legal and properly constituted, and that no oath within the meaning of the Statute had been administered. The evidence concluded, it now fell to Judge and Jury to play their decisive parts in the drama.

Speeches for
the defence

(IV) THE SENTENCE



At the conclusion of the speeches the Judge inquired if the defendants had anything to say. George Loveless immediately passed to him a paper on which he had written the following words:—

“My Lord, if we have violated any law, it was not done intentionally; we have injured no man’s reputation, character, person, or property: we were uniting together to preserve ourselves, our wives and our children, from utter degradation and starvation. We challenge any man,

or number of men, to prove that we have acted, or intended to act, different from the above statement.”

The verdict and sentence

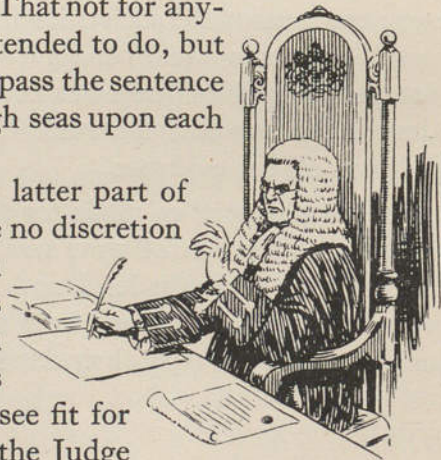
The Judge turned to Loveless and asked him whether he wished this to be read in Court. Upon receiving an affirmative reply, he mumbled it over to some of the Jury in such an inaudible manner that Loveless himself could not understand it. The Jury, after a short absence, found all the men guilty. The Judge deferred sentence for two days. On Wednesday, March 19, the six men were again brought to the bar and were sentenced to seven years’ transportation. The Judge made it clear that he was not punishing the men for their own act, but mainly as an example to others. His real motive was to suppress the growth of Trade Unionism.

In passing sentence, he said: “The object of all legal punishment is not altogether with a view of operating on the offenders themselves, it is also for the sake of offering an example and warning, and accordingly, the offence of which you have been convicted, after evidence that was perfectly satisfactory, the crime, to a conviction of which that evidence has led, is of that description that the security of the country and the maintenance of the laws on the upholding of which the welfare of this country depends, make it necessary for me to pass on you the sentence required by those laws.”

Was it any wonder that George Loveless remarked that when they were placed at the bar to receive sentence, the Judge told them: “That not for anything that we had done, or, as he could prove, we intended to do, but for an example to others, he considered it his duty to pass the sentence of seven years’ transportation across his Majesty’s high seas upon each and every one of us.”

Strange attitude of judge

It is necessary to comment on one point in the latter part of the Judge’s statement. He said: “I feel that I have no discretion in the matter, but that I am bound to pronounce on you the sentence which the Act of Parliament has imposed, and I therefore adjudge that you and each of you be transported to such places beyond the seas that his Majesty’s Council in their discretion shall see fit for the term of seven years.” It will be observed that the Judge



imposed the maximum penalty provided by the Act. He stated that he had no discretion. Yet under the Act he had an absolute discretion and could have sentenced the prisoners to as little as two months in prison!

Judge gives the maximum punishment

Such was the travesty of a trial to which the Tolpuddle labourers were subjected. It is as foul a blot upon the record of the British judiciary as could be found anywhere. Sir Stafford Cripps, in a survey of the trial which is printed in a later section of this volume, alludes to Baron Williams as a “violent advocate for the Prosecution.”

Monday 17th March Court

<i>To be hanged Rep? * Frederick Gould</i>	<i>he is guilty</i>	<i>Prally Wound John French at Dorchester only in Aug: 1833 with intent to kill & murder him - (364)</i>
<i>To be hanged Rep? * Elias Gould</i>	<i>he is guilty</i>	
<i>To be hanged Rep? * James Drewett</i>	<i>he is guilty</i>	
<i>x Trans 7 yrs Eliza Squires</i>	<i>confesses</i>	<i>stays on 15. Jan'y 1834 at Dorchester + takes cloth v 24" & 30 yards silk v 25" of Thomas Barcombe</i>
<i>x Trans 7 yrs Maria Stoud</i>	<i>he is guilty</i>	<i>relously using 9 yards of silk parcel of 100 yds</i>
<i>x Trans 7 years George Loveless</i>	<i>he is guilty</i>	
<i>x Trans 7 years James Loveless</i>	<i>he is guilty</i>	
<i>x Trans 7 years James Brine</i>	<i>he is guilty</i>	<i>for administering an unlawful oath to Edward Legg, on 24. Feb'y 1834 at Tolpuddle.</i>
<i>x Trans 7 years James Hammet</i>	<i>he is guilty</i>	
<i>x Trans 7 years Thomas Stanfield</i>	<i>he is guilty</i>	<i>(12.604)</i>
<i>x Trans 7 years John Stanfield</i>	<i>he is guilty</i>	

Adjourned to Tuesday 18th at 9 A.M. } Tuesday 18th March

FACSIMILE OF ASSIZE REGISTER, DORCHESTER ASSIZES, MARCH, 1834

For those of us who are not lawyers it is, perhaps, difficult to appreciate some of the finer points of legal procedure involved in the Judge’s conduct. To an ordinary layman it appears that Baron Williams disregarded one of the fundamental principles of criminal law. The Judge is supposed to hold the balance fairly between the legislature and the person accused. This attitude of the judiciary has been the proud boast of writers on the English constitution for generations.

The conduct of the Judge

A statute or law is the will of Parliament, and it naturally follows that a fundamental rule of interpretation is that a statute should be expounded according to the plain and obvious intention of those who made it. One of the greatest legal authorities of all time, Lord Chief Justice Coke, laid it down that it was the function of the judge to consider (1) what the law was before the Act was passed, (2) what it was that the law sought to remedy, (3) what remedy Parliament had provided, and (4) the reason for the remedy. It is clear from this that the duty of Judge Williams was to put himself into the position of Parliament and to try to understand what its purpose was in passing the Acts which were used in the trial. What did he actually do?



National Portrait Gallery
DANIEL O'CONNELL, M.P.

In those days, Acts of Parliament were in two parts, (1) the preamble or introduction, which stated why the Act had been passed and what was the intention of Parliament; (2) the enacting part, laying down what the law actually was to be. Judge Williams refused to consider the preamble to the Acts. Had he done so it would have been impossible to have secured a conviction. He brushed on one side the objections of defending counsel and applied himself entirely to the enacting part of the Acts. Even supposing he was technically right, he was morally wrong. He wanted to make sure that the men should not escape.

Nor was this the only evidence of the Judge's unfairness. Here is a letter from Mr. B. Ewett, an attorney who was in court during the trial. It is written to Daniel O'Connell, M.P.:—

21 Essex Street, London.
April 21, 1834.

SIR,

Having been informed that you have given notice of a Motion in the House of Commons on the subject of the sentence passed on the Dorchester agricultural labourers, I take the liberty of mentioning to you some circumstances connected with their case. I was present during the whole trial except the summing up of the judge.

The case was entirely supported by the evidence of accomplices. This evidence was given in a very loose and indistinct manner, and varied very materially from the depositions of the same

witnesses taken before the committing Magistrates. On the principal point, the taking of an oath, these witnesses stated that they could not recollect what was said. The Counsel for the prosecution in vain endeavoured to elicit such answers as would have supported the indictment; and such answers as were at last drawn from them, with great difficulty, were suggested to them in the form of leading questions, by the Judge reading from the depositions. After all this, they did not say that an oath, or anything like an oath, was taken; but that there was a book on the table, which looked something like a Bible or Testament; that something was read which sounded like the Scriptures; that something was said about wages, and keeping secrets; and that they were blindfolded, and told to kiss the book.

A paper was admitted in evidence, and read, which purported to appertain to a friendly agricultural society. This paper had been found in the workbox of the wife of one of the prisoners, which box opened by a key found in the prisoner's pocket. This paper contained a series of rules and regulations, but no oath, nor anything that I am aware of of an illegal character. But it was not proved, that this paper was ever read at the meeting, or ever produced at the meeting. The witnesses expressly swore, that they did not know the meaning of what was read. And for anything that appeared, this paper might have contained the rules of another society. One of the rules of this paper (I think the last), which becomes important when viewed in conjunction with the defence of the prisoners, was, that this society "will not countenance any violation of the laws."

Nothing can be more false than the statements which have appeared in the Government newspapers of the condition in life, and education of the prisoners, to the effect, that they were religious teachers or preachers. They were all of the poorest set of agricultural labourers. Their appearance and demeanour at the trial entirely supported their defence, which was, that they did not know that they were doing anything against the laws, that they united to support themselves and their wives and families, and to maintain them when out of work. I think all, but certainly most of them, received good characters as hardworking industrious men. If anything of importance occur to me before you make the Motion in the House of Commons, either respecting any additional facts, or any incorrectness in those which I have mentioned, I will trouble you with another communication. I will now only add my deliberate opinion; one in which I have reason to believe a vast majority of persons of all ranks and classes will, upon a knowledge of the facts, agree, that, supposing the conviction to be legal, the extreme punishment awarded in this case, was a most indiscreet and cruel application of the law.

The sentence staggered those who heard it, but the fortitude of Loveless and his brave comrades in their adversity endowed them with a dignified composure which must have brought shame to the hearts of their oppressors. One man, at least, was wrongly identified. James Hammett was not present at the meeting on December 9, 1833. George Loveless twice affirms this. James Hammett had been mistaken for his brother John. But James Hammett never quailed. He endured his sentence without faltering.

Some writers have categorically stated that James Hammett was not a member of the Union. This is not correct. He certainly was a member, and in the list of names of the members found in the box at George Loveless' house on February 26, 1834, there is a record of the payment of the entrance fee of one shilling to the Union by James Hammett on November 16, 1833.

Almost as soon as the sentence was passed George Loveless seized pencil and paper and wrote down the following lines:—

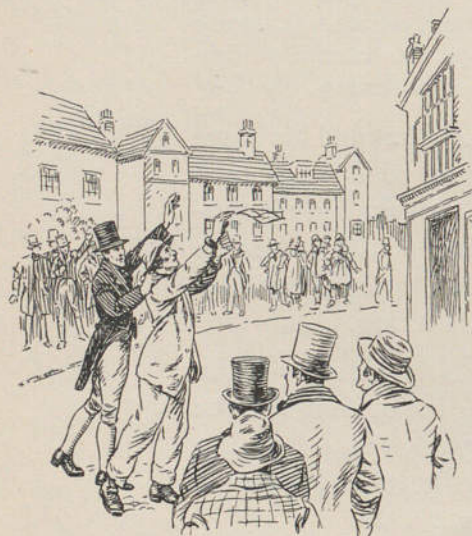
“God is our Guide! From field, from wave,
From plough, from anvil and from loom,
We come, our country’s rights to save,
And speak the tyrant faction’s doom;
We raise the watchword ‘Liberty’
We will, we will, we will be free!”

God is our Guide! No swords we draw,
We kindle not war’s battle fires,
By reason, union, justice, law,
We claim the birthright of our sires;
We raise the watchword ‘Liberty’
We will, we will, we will be free!”

The faith
that endures

It has been assumed that he was the composer of these verses, but he nowhere claims this, and there is evidence that they had been used at gatherings for some years previously, in the Midlands.

Nevertheless, the words were a revelation of the living faith within him. The conviction that right was on their side fortified them all against whatever new hardships awaited them. They were hurried from the court room, with hands locked together, under a strong guard, back to prison. As they passed down the High Street, George Loveless tossed the paper containing the verses he had written to some spectators who stood idly by. It was seized by the guards and carried back to the Judge, but was eventually restored to Loveless.



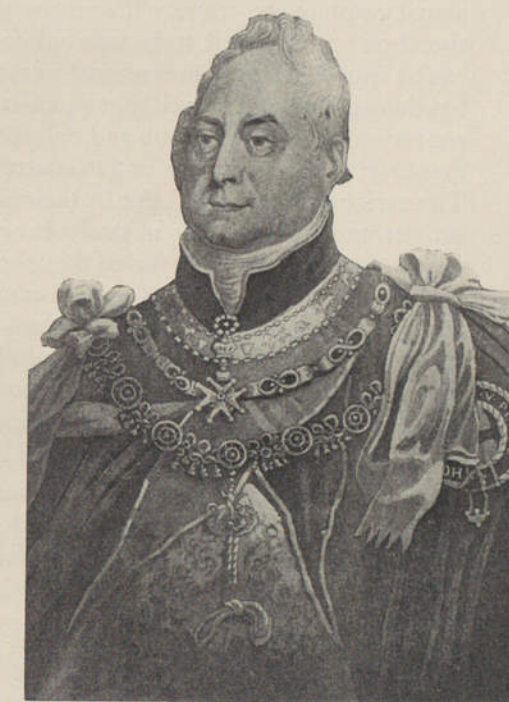
One further trial awaited George Loveless. On Wednesday, April 2, Mr. C. B. Wollaston, the magistrate, called to see him, as he had fallen ill. Wollaston admonished him for having listened to idle fellows who were going about the country and who had deceived the labourers. This was his description of the Trade Union delegates who had given advice as to the formation of the Union. Loveless affirmed that he knew no such persons, but Wollaston replied: “Yes, you do, for you hearkened to them rather than pay attention to the Magistrates’ Caution, for I am certain you saw them, one of them being found on your person when you went to prison.” Loveless retorted that not only had he taken notice of the Caution, but had actually put it in his pocket to read. Loveless asked of what use the Caution was to them, as it *did not appear until February 22,*

and the meeting with regard to which they were convicted took place on December 9, some nine weeks previously. “And yet you say I paid no attention to the Magistrates, but listened to idle fellows going about the country; within three days after the Caution appeared I was in the body of the gaol.” “Ah,” replied Wollaston, “it is of no use talking to you.” “No, sir,” rejoined Loveless, “unless you talk more reasonably.”

A foolish
magistrate

How are we to explain the proceedings of this travesty of a trial? It staggers us to-day, no less by the severity of the sentence, than by the bias shown against the prisoners. We must try to think of conditions as they were at the time.

Firstly, there was the general savagery of the law towards those who were guilty of criminal offences. There were over 160 offences in the criminal code for which the death penalty could be imposed a hundred years ago. These offences, in the words of Lord Birkenhead, varied from murder to stealing a “spoon, a handkerchief, any trifling object.” There was great hostility towards the Trade Unions, coupled with a genuine fear of revolution. Even to-day, Trade Unionists feel that their movement is looked upon with hostility by the Judges. How much stronger was this hostility a hundred years ago! This was a period of bitter class hatred founded upon fear, terrible oppression and arbitrary judgments.



KING WILLIAM IV

Right from the beginning the six labourers had no chance of being justly tried. The Home Secretary was against them. He was out to destroy their Trade Union. The entire Government were against their Union. This is clearly revealed by the statements in the House of Commons, to which I shall refer later. The Magistrates were against them. So were the Judge and the Grand Jury. The King was against them. William IV wrote to Lord Melbourne a fortnight after the men were tried, lamenting the activities of the Unions and urging that the law should be amended and strengthened against them. Here is his letter:—

Antagonism of
the King

Windsor Castle,
March 30, 1834.

The King has received Lord Melbourne’s letter of yesterday and its enclosures, and has given his serious attention to the communications made by Lord Lyttelton upon the state of the

Trade Unions in Birmingham. The subject had always appeared to His Majesty one of the deepest importance to the peace and prosperity of the country and to the interests of society, and he laments the increase of an evil which may possibly terminate in the decay and the natural death of the existing causes, but which in the meantime, and in its mischievous progress, may expose, in the opinion of the Secretary of State for the Home Department, the country to much contest, inconvenience, and loss; to menace, much alarm, and possibly to actual commotion. Surely if such be the anticipations of the Minister best situated, and therefore best qualified, to form an opinion on the subject; and if it be admitted that no remedy can be applied, that the fire cannot be extinguished, but that it must burn until it burns out, and has damaged and destroyed that which it can reach, there must be something in the law of the country which is inadequate and defective, which requires to be amended in order to secure property, to check menace, and to secure the country from the visitation of actual commotion. The various trades may differ in their situations, their objects, views, motives and modes of action; and therefore may not unite in one body for the purpose of any general and simultaneous movement—and God forbid they should!—but still it is admitted that there is sufficient of purpose and union to produce actual commotion and to inflict serious evil upon the commerce and prosperity of the country. The men concerned avow their intention of appealing to brute force; they defy the law, and they intimidate the parties into compliance with their demands because the law does not afford protection to those who are so assailed. A contractor, for instance, may obtain an extension of time, but the delay and interruption of his arrangements must entail serious loss upon him, and unless supported he must end by yielding.

Upon the whole, the King cannot lose sight of the importance of endeavouring to impose some check to the progress of this evil, and to adopt some preventive measures, instead of trusting to its decay after the edifice shall have been injured; and he is anxious that the question should be brought under the consideration of his Government at the approaching meeting of Cabinet.

Melbourne replied deploring that the Trade Union evil was of very ancient origin. He sympathised with his Monarch in the resentment he felt at the inability of the law to crush the Unions. He assured his Majesty that the Government would handle the subject with the "firmness and determination which was required by its dangerous and formidable character." The firmness and determination consisted of dragging six humble labourers from the quietude of their peaceful village, and crushing them under the chariot of the Law as a warning and a deterrent to their fellows.

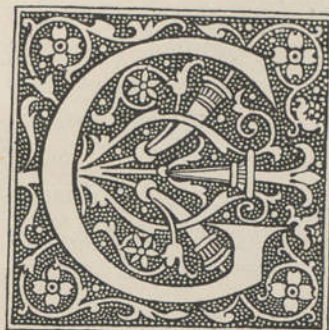




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GEORGE LOVELESS ON THE COACH AT SALISBURY

(V) THE HULKS



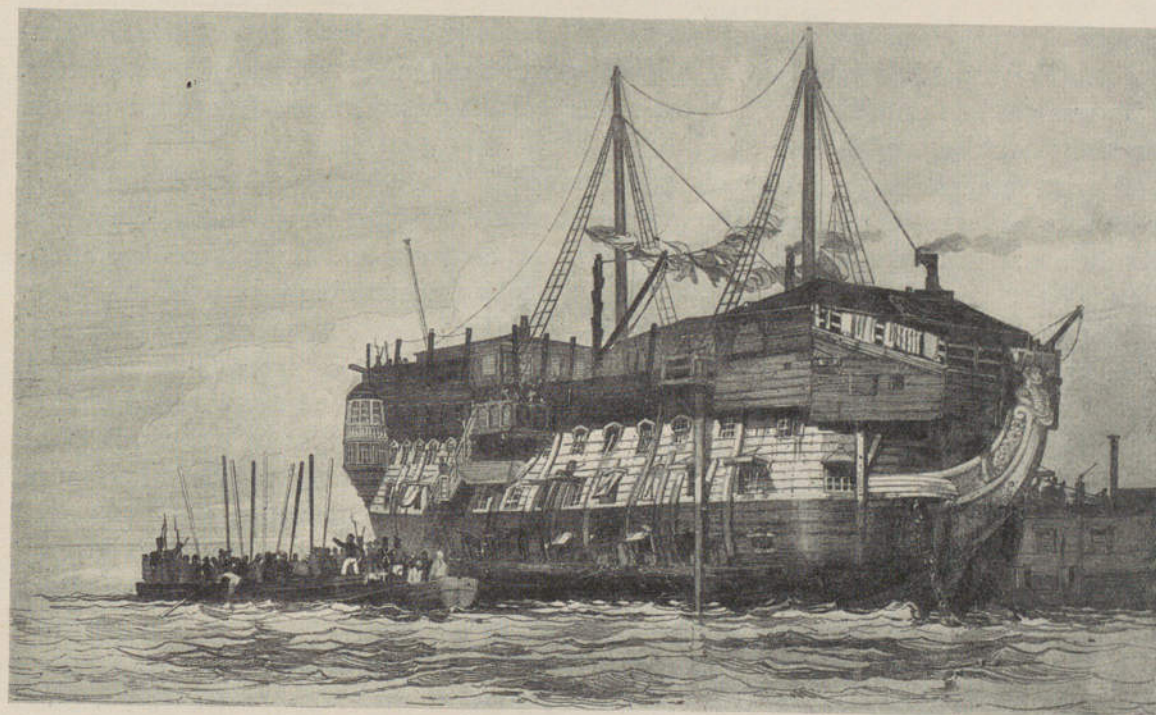
GEORGE LOVELESS was not in a fit condition, owing to illness, to travel with his other comrades when they were so hurriedly removed from Dorchester Castle to be interned in the dreaded prison hulks at Portsmouth. So it was that on March 27, 1834, James Hammett, the two Standfields, James Brine, and James Loveless were taken with hands and legs manacled, chained to each other, to the prison gate to await the coach.

All but George Loveless taken to Portsmouth

In those days travelling under the best of conditions was a toilsome business, but a journey commencing in the early hours of the morning and lasting until 8 o'clock at night, in cold weather, chained on the outside of a jolting and lurching coach, was a severe physical strain. Arrived at Portsmouth, they were rowed under guard to where the hulks were moored. Here the little party was separated. James Loveless was taken to the "Leviathan," whilst the others were confined on the "York." The irons which they had worn on the journey were struck off, fresh ones put on, and cold and dejected they were sent below.

The hulks were old wooden warships which, when their days of fighting were over, were used as floating prisons. They were originally intended for temporary use only. The prisons on shore, however, were full to overflowing and so the hulks remained in

Description of the hulks

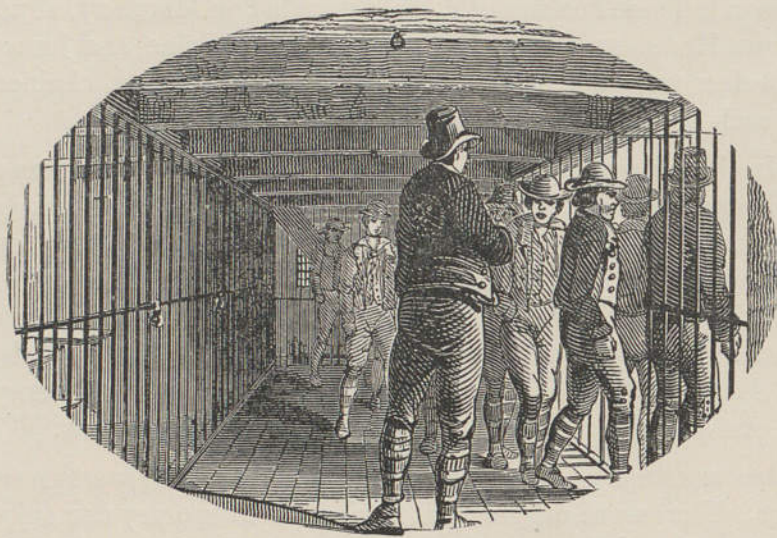


THE YORK HULK

From an old print

Established
for
"atrocious
offenders"

use for over seventy years. They were first established "for daring and atrocious offenders" at Woolwich when the loss of the American colonies in 1777 precluded further transportation to the New World. By the end of the century they



By courtesy of "Illustrated London News"
THE GALLERY

were generally recognised, in the words of a London magistrate, as "seminaries of profligacy and vice." By that time they had been introduced at Portsmouth, where they were moored at Gosport and Langston Harbour. They were soon to be established at Devonport, Plymouth, Chatham, Sheerness, Deptford and other sea ports. It was only with the opening years of the nineteenth century that they and their convict inhabitants came under the direct care of the Govern-

ment. Previously they had been handed over to the tender mercies of a contractor, who was paid so much a head for the upkeep of his prisoners and left to make what profit he could out of them. A grim sidelight on those early days is obtained from the fact that during a quarter of a century, one man died out of every three who were confined on the hulks. Repulsive conditions, poorness and lack of proper food and clothing, and farcical medical attention, gave a terrible impetus to the death rate by encouraging gaol fever and other epidemics. But the worst factor, perhaps, was the depression of spirits which descended alike upon the sick and the healthy. "I have observed," wrote John Howard, the prison reformer, "that convicts from the country often pine away and die without any apparent sign of illness; and that of equal numbers, from the country and from Newgate, three or four of the former die for one of the latter." By the time the Dorsetshire labourers arrived at Portsmouth, however, conditions had improved somewhat under Government supervision.

The "York" was an old 90-gun line-of-battleship, sold to the Convict Establishment in 1820 and destined to serve as a floating prison for the rest of her days. On her three decks she housed an average of about 500 prisoners, in addition, of course, to the officers and guards who occupied the quarter-deck and stern cabins. Newcomers were allotted to the lower deck, where the air was foulest and bilge water occasionally slopped through

The "York"
hulk

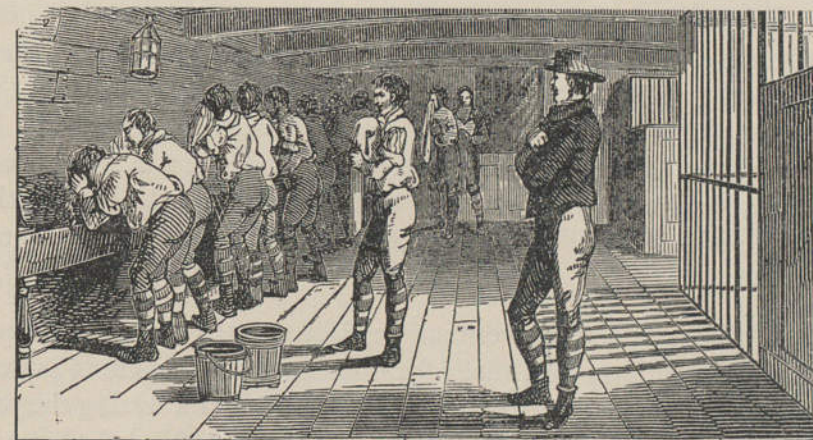
the cracks in the floor boards. Weaklings were congregated on the middle deck, usually the most crowded of the three. Those who had served the greater part of their sentences without actual transportation were accommodated in the upper deck, the most airy and consequently the most healthy and pleasant.

On their respective decks they lived when not at work, and slept at night. Never were they free from the chain between ankle and waist, which was one of the badges of their state and which clanked and rattled with every movement. Their bodies, their clothes, their beds, the very walls of the hulk itself were infested with vermin. Sickness—and especially scrofula, consumption and scurvy—was never absent, and epidemics of cholera, dysentery, smallpox and less frightful diseases swept like irresistible waves over the depot. Punishments were frequent and arbitrary, ranging from a reduction of rations or increase in the weight of the irons to a flogging of unspeakable severity.

In "The Adventures of Ralph Rashleigh," the authenticity of which was accepted by the late Lord Birkenhead after investigation, a graphic account is given of what such punishment meant. Rashleigh, after having escaped from the "Leviathan," was recaptured after a few days. He was ordered to receive ten dozen lashes in view of the whole of the assembled convicts. "Naked, he was securely bound to the gratings which had been lashed to the bulwarks, and a powerful boatswain's mate stood ready with the lash. . . . The first dozen strokes from the knotted raw-hide lash were like jagged wire tearing furrows in his flesh, and the second dozen seemed like the filling of the furrows with molten lead, burning like fire into the raw flesh. These two sensations of intense and intolerable pain alternated until the first four dozen—each of which was laid on by a separate seaman with a fresh lash—had been applied, after which his whole body seemed numbed, and the feeling during the remaining six dozen was curiously as though his lacerated and bloody back was receiving heavy thuds from great clubs. The flogging endured for longer than an hour, and when he was unbound he collapsed insensible on to the deck, whence he was borne to the hospital ship. Resuscitation was effected brutally, and he came to his senses screaming with the pain inflicted by the salt dressing which

Prisoners in
chains

Lashed for an
hour



By courtesy of "Illustrated London News"
WASHING ROOM

had immediately been applied to his unsightly back. The pain caused by this rudimentary treatment was infinitely worse than anything he had felt during the actual flogging, so that he was nigh driven out of his mind by the stabbing, gnawing horrors of the action of the salt upon his wounds. He cursed and roared under the treatment, which was repeated every day as each new dressing was applied, though it was

the rough stripping of the old ones from the festering back that gave Rashleigh a never-fading memory of the torture of being flayed alive."

The "Leviathan" was the other large hulk at Portsmouth. She was an ancient 74-gun battleship, now with nothing standing but the fragments of two masts, and, like the "York," with a large shed built on her upper deck. It was here that James Loveless was confined. She possessed a library of which the better characters were permitted to have free use. Judging from what is known of other hulk libraries, which contained a haphazard selection of almost laughably inappropriate books, it was little used. Better, if you valued your peace of mind or the wholeness of your skin, to sing or fight or gamble with the rest, taking the most uproarious as your leader.



Frequent disturbances on board

With such laxity of discipline everywhere apparent, it is not surprising that disturbances were frequent. It is seldom that we can learn much about them as the authorities naturally strove for the suppression of any such news. In 1847, Portsmouth was the scene of one of the most serious outbreaks in the chequered history of the hulks. On board the "York" especially, the prisoners were in a state of virtually open mutiny. Disorder grew so widespread and the situation looked so threatening that the local authorities demanded permission to mount a permanent military guard on board every vessel.

Public opinion was eventually wakened to the disgrace and evil of the hulks as a whole, and preparations were made for housing the prisoners in prisons ashore. It was in 1850 that the Portsmouth depot was closed down, and during the winter of that year some of the convicts were employed in breaking up the "York." One can well imagine with what gusto they set about the complete destruction of their old and hated dwelling. As the

Public opinion aroused

Governor stated "they frequently worked, at the first dawn of day, in the coldest weather, up to their knees in water. Not one of them had been ordered to work in this manner, but they had done so as volunteers and because they could thus work to better advantage." So ended the detested "York" hulk.

The two Standfields, Hammett and Brine remained on the "York" until March 29, when they were ordered on deck, there to be examined before being despatched overseas. After the examination, another pair of irons were riveted on them. Then, with about 100 other prisoners, they were taken in a lighter to Spithead to join the convict ship "Surrey," which was to convey them to Australia. At Spithead they were joined by James Loveless and another 100 men from the hulk "Leviathan." They sailed round to Plymouth where a further sixty men were taken on board. On Friday, April 11, 1834, the anchor was weighed and the "Surrey" bore away for New South Wales.

George Loveless was meanwhile lying ill in prison. On April 2, he heard that his brother and his four fellow-sufferers had left the prison for the hulks. Although far from being well, he entreated the doctor to allow him to depart in the hope of overtaking them. It was not, however, until Saturday, April 5, that he was declared fit to travel. At that time the "Surrey," with his friends on board, was lying at Plymouth. There was ample time for him to reach there before she sailed on April 11. It is apparent, however, that the authorities intended him to be separated from them. Their destination was to be New South Wales. He was to go to Tasmania or Van Diemen's Land, 700 miles from them. Four weary years were to pass before he looked upon any of them again.

George Loveless was accompanied on his journey from Dorchester to Portsmouth by the Clerk of the Prison. Like his comrades, he was locked on the coach with his legs and arms manacled. At Salisbury, where a halt was called, the Clerk offered to take the irons off his legs. Loveless inquired if he meant to put them on again on leaving Salisbury. The Clerk replied in the affirmative, but suggested that, as they would have to walk through some part of the town, he had better have them



Breaking up the "York"

George Loveless separated from his comrades

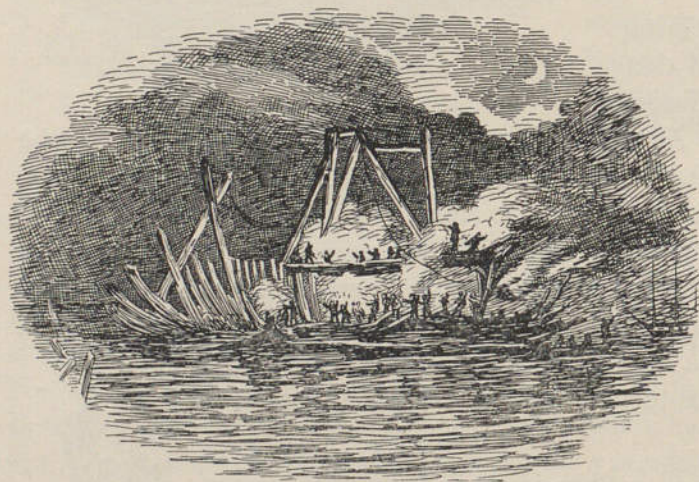


taken off, as the rattling of the chain would cause people to look at them. Loveless told him that he did not wish for any such thing, as he was not ashamed to wear the chain, conscious of his innocence.

Arrival at
Portsmouth

It was not until 9 p.m. that he arrived at Portsmouth where he was given in charge of an officer of the "York" hulk. George Loveless was appalled at the sight which greeted him. Men stripped to the waist, lurching rather than walking, with clanking chains fastened to their legs, the majority a type of crushed and brutalised humanity which the peaceful countryman had never dreamed to exist. Fortunately, he was treated with consideration. Although he was manacled like the rest, he was put into one of the quietest wards on the vessel, in consequence of the good report which the Captain had received about him from the prison. He remained working each day in the gun wharf party.

That this was not pleasant duty may be imagined from the testimony of James Hardie Vaux, who transported for theft, says in his Memoirs, that the convicts were employed in various kinds of labour in gangs of sixteen to twenty men, under the direction of a guard. "These guards are most commonly of the lowest class of human being, wretches, devoid of all feeling, ignorant in the extreme, brutal by nature and rendered tyrannical and cruel by the consciousness of the power they possess. No others but such as I have described would hold the situation, their wages being not more than a day labourer would earn in London. They invariably carry a ponderous stick with



THE END OF THE "YORK"

which without the smallest provocation they will fell an unfortunate convict to the ground, and frequently repeat their blows long after the poor sufferer is insensible." The working parties laboured from 7 a.m. until sunset, and were fed on victuals of the worst kind, both the weight and measure being deficient. Such were the conditions under which George Loveless toiled for the six weeks immediately before his departure for Tasmania.

The
conversation
on the
wharf

One day, whilst on the wharf, weighing old iron he overheard a conversation between two gentlemen who were standing by idly watching the convicts at work. One of them casually remarked to the other: "O'Connor has done all he can for the Trade Unionists, but the Government has determined to transport them." Loveless pricked up his ears at this, and from further conversation he gathered that

many meetings had been held protesting against the sentences. It gave him renewed courage to know that he was not forgotten, and that many thousands were so steadfastly fighting his battle.

Preparing
for
transportation

On May 17, he was told to prepare for transportation. After having stripped off his clothes, he put on a new suit, new irons were riveted on him, and he joined the ship "William Metcalfe" at Spithead. The vessel remained there a week, during which the final preparations for the voyage were made.

In a letter to his wife on the eve of his departure, the splendid courage and unflinching spirit of George Loveless is displayed. He wrote:—

"I thank you, my dear wife, for the kind attention you have ever paid me, and you may safely rely upon it that as long as I live it will be my constant endeavour to return that kindness in every possible way, and hope to send to you as soon as we reach our place of destiny, and that I shall never forget the promise made at the Altar; and though we may part awhile, I shall consider myself under the same obligations as though living in your immediate presence. Be satisfied, my dear Betsy, on my account. Depend upon it it will work together for good and we shall yet rejoice together. I hope you will pay particular attention to the morals and spiritual interest of the children. Don't send me any money to distress yourself. I shall do well, for He who is Lord of the winds and waves will be my support in life and death."

On Sunday, May 25, 1834, the anchor was taken up, the sails were set and with her bows dipping and curtsying to the swell, the ship, with her cargo of human misery, steered for the open sea. Land's End was passed the following evening, and George Loveless gazed at the receding coast of the country which had treated him so unjustly.

George
Loveless sail
in "William
Metcalfe"



LAND'S END

(VI) THE CONVICT SHIPS



OWADAYS we can form little conception of what it meant to be transported beyond the seas for a term of seven years. The accounts of George Loveless and his comrades, separated as they were, he in the "William Metcalfe," the others on board the "Surrey," are studiously moderate. True to the spirit that carried them through these terrible years of suffering and privation, they allowed no exaggeration of language to distort the picture of heroic fortitude. Firm as a rock in the knowledge of their innocence, they wasted no time in fruitless complaint.

Transportation established in Elizabeth's reign

The system of transportation was first established under the Vagrancy Act of Queen Elizabeth, by which power was conferred upon the Justices of the Peace to transport certain criminals overseas. It had become a regular practice by the time of Charles II, the American colonies then being largely used. The revolt of the colonists in 1775, and the war of American Independence, put an end to that. Nowadays, we find it difficult to realise that Australia was founded as a penal settlement and had, for many years, its chief use as a dumping ground for many of the more desperate criminals of Great Britain.

Capt. Cook had visited the continent in 1770 and had reported favourably upon its possibilities as a colony, but in its wild and unexplored condition no one but a few specially hardy pioneers could be induced to live there. A long and monotonous voyage to the other side of the world, to a strange and inhospitable land, peopled with savages, offered few attractions. Some one suggested that the flood of criminals which was overflowing the English gaols might profitably be diverted to the new continent in the Southern ocean. Here, removed from the contagion of their fellow criminals in England, they might start a new life.



The enterprising Prime Minister, William Pitt, seized upon the suggestion, and Botany Bay, in New South Wales, was chosen as the spot for making the great experiment. A naval officer, Captain Arthur Phillip, was chosen as the first Governor and he tried to discharge his onerous duties as humanely as the circumstances permitted.

The Convict Ships

39

The first fleet of convict ships with its tragic freight, reached Botany Bay on January 13, 1788, but Captain Phillip found it "a poor and sandy heath, full of swamps." He did not land there and proceeded a little further to Port Jackson, being greatly impressed by the magnificent natural harbour. Here, the first settlement was built and called Sydney after the Home Secretary of the period, Lord Sydney.

From 1788 until 1867 when the system was finally abandoned, Australasia received over 137,000 convicts from the British Isles. About half of these went to Van Diemen's Land or Tasmania as it is now called after its discoverer, Abel Tasman, a Dutchman. It is startling to recall that nearly 20,000 of the total were women. The convicts transported included all types of offenders from the blackest scoundrels long past any prospect of reclamation, to people who had committed the most trifling of offences, and who could not really be considered as criminals.

It must be remembered that 100 years ago, people could be and were sentenced to transportation for what to-day would be regarded as the most trivial offences. To steal a two-penny pork pie or a linen handkerchief was sufficient to bring about transportation. Then there were the political prisoners, including many Irishmen, who had been banished from their country after the rebellion of 1798. Some of these had never been tried and consequently no record of their sentences was in existence. All were rammed tightly together in a seething mass of festering humanity between the decks of the convict ships.

20,000 women transported

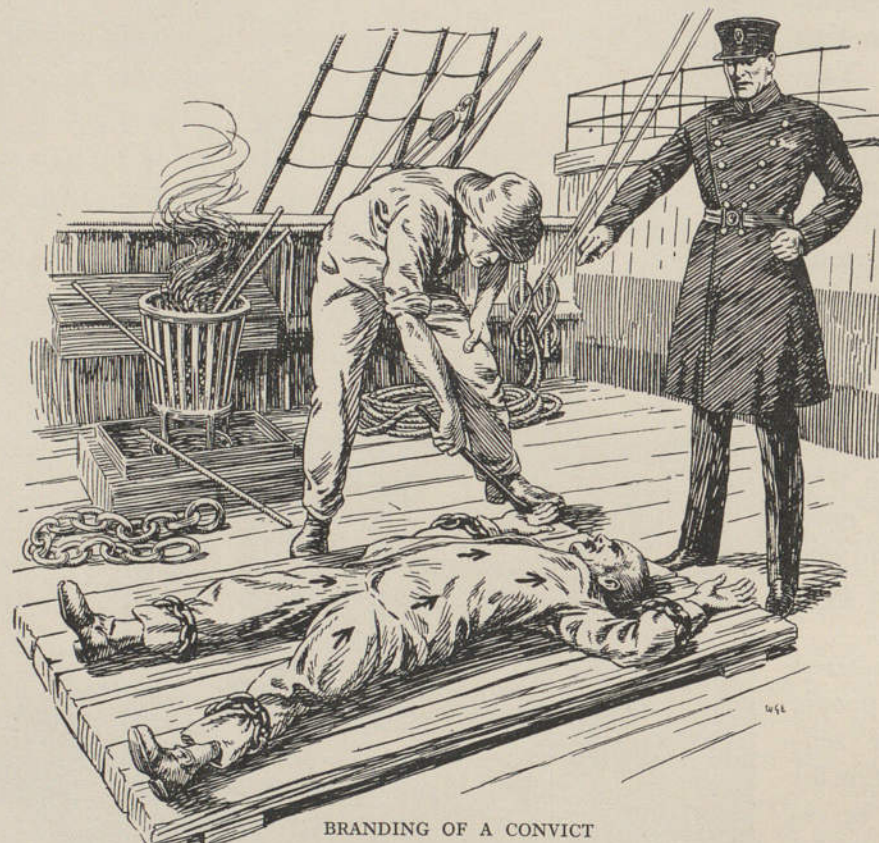


THE CONVICT SHIP "SUCCESS"

Many political prisoners

The floating
hells

The prisoners due for transportation were first conveyed to the hulks, there to await transshipment. Bad as were the hulks, the ships in which they were actually transported were worse and were aptly called "floating hells." The Government originally hired merchant vessels for the purpose and paid from £20 to £30 per convict to the owners. These gentry, with plenty of experience of the slave traffic to guide them, naturally tried to make as much profit out of the deal as they could. The consequence was that the ships were crowded to suffocation with results that can only faintly be imagined.



BRANDING OF A CONVICT

In 1790, the "Neptune" carried 502 convicts, 158 of whom died on the passage. In 1802, a colonial surgeon, Dr. White, reported that of 938 males sent out by the last ships, 251 died on board and fifty had died since landing, and "the number of sick this day is 450, and many who are reckoned as not sick, have barely strength to attend to themselves." In 1802, the system was changed. The ships were especially fitted out and were provided with

naval surgeons as superintendents. A bonus was paid on each convict landed so that it was to the interest of the superintendent to keep them in a sufficiently good condition to get them on shore alive.

The discipline was incredibly severe and the most brutal floggings were common. Many prisoners attempted to commit suicide. The convict ship "Success" exhibits a branding iron, leg irons, weighing from 7 to 56 pounds, body irons with handcuffs attached, the iron strait jacket, the spiked collar, with a short chain to keep the convict stooping, the cat-o'-nine-tails, made of thongs of untanned leather, bound with brass

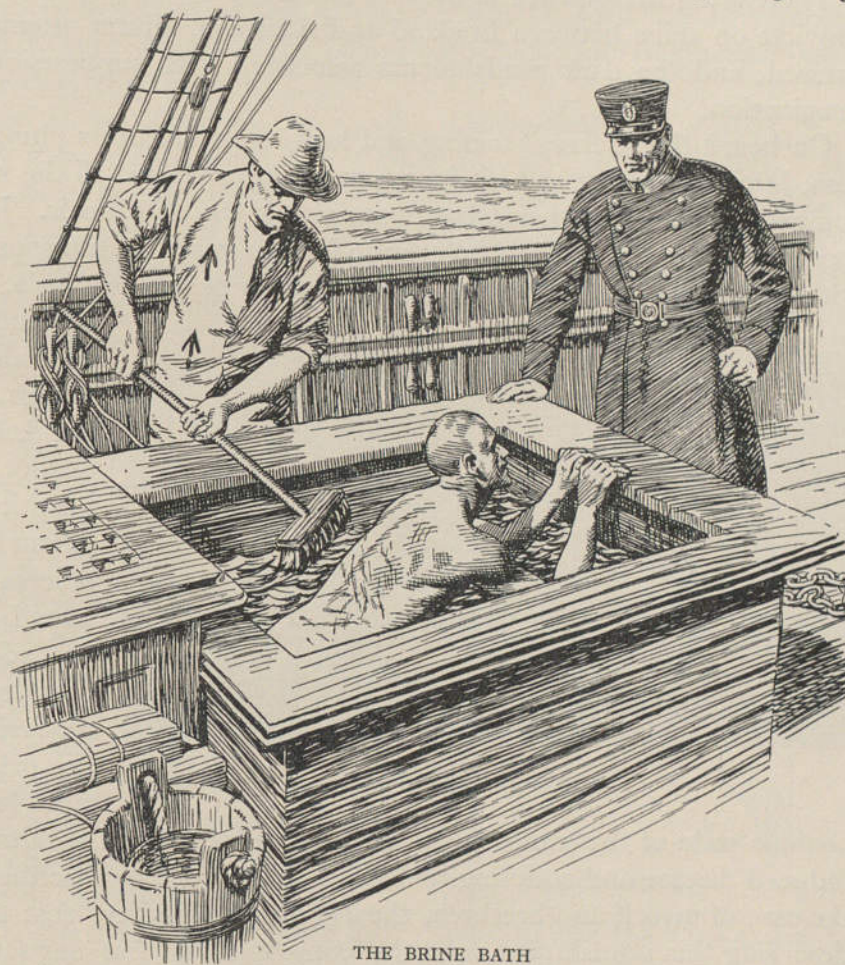
Discipline
incredibly
severe

wire and tipped with pellets of lead, and the brine bath, nicknamed the coffin bath in which the convicts were plunged after they had been flogged.

The convicts were always shackled and Dr. White in his book, *Convict Life in New South Wales*, says that "the leg shackles were not removed when they went to hospital, and not always when they went to their graves."

What happened in the event of shipwreck is attested to by a young fellow with whom George Loveless worked in the Government domain at Hobart. On April 13, 1835, the wreck of the "George III"

the convict ship "George III" struck a rock only a few miles from the coast of Tasmania. When the ship struck, the prisoners were all locked below immediately. "The bottom of the ship was fast filling with water; they called aloud to have the hatches opened, but to no purpose; and when they were up to their middles in water, they rushed forward and burst open the hatches, and endeavoured to ascend the ladder; the soldiers, however, at the top fired on them and killed many; others had their throats



THE BRINE BATH

cut with cutlasses. The man who was going up the ladder by my side, was shot, but I escaped. . . . Only eighty-one of the whole shipload was taken on shore alive, and a great number of them were so emaciated and crippled, that they were obliged to carry them to the hospital."

The result of this appalling system was to break the spirit of the prisoners, turning

The wreck of
the
"George III"

Butchery
of the
convicts

most of those who survived into savage beasts of prey. Criminals were manufactured by the transportation system just as they were by the prison system itself. Huddled behind heavy oaken bulkheads with tiny holes through which the sentry could fire into the crowd on any sign of revolt, shockingly fed, sea-sick, frozen with cold and then stifled with heat, poisoned by the horrible atmosphere, at the mercy of bullying warders, with flogging always a possibility for even the best behaved, it is no wonder that sometimes mutiny seemed to furnish a means of escape through the merciful portals of death.

There is a grim meaning in the fact that there was no case of a successful mutiny by convicts on ships between England and Australia. Every attempted rising was suppressed, and the dark punishments associated with suppression can be left to the imagination.

On board the "Surrey" tossing and heaving as her bows plunged into the foaming seas, James Hammett and his four companions required all the will power they could command to prevent themselves from giving way to despair. John Standfield, little more than a boy, says, "I then began to feel the misery of transportation confined down with a number of the most degraded and wretched criminals, each man having to



BOTANY BAY IN 1834

contend with his fellow or be trodden under foot. The rations, which were served out daily, were of the worst quality, and very deficient in quantity, owing to the peculations indulged in by those officers whose duty it is to attend to that department. In addition to this, the crowded state of the vessel rendering it impossible for the prisoners to lie down at full length to sleep, the noxious state of the atmosphere, and the badness and the saltness of the provisions, induced disease and suffering which it is impossible to describe. Added to all this, in the case of myself and brethren, the agonising reflection that we had done nothing deserving this punishment, and the consciousness that our families, thus suddenly deprived of their protectors, and a stigma affixed to their names, would probably be thrown unpitied and friendless upon the world."

Day succeeded day in a seemingly endless round of monotony until one morning the magic whisper "land in sight" sent a thrill through even the most jaded breast. At exercise that day, the convicts could see a long low-lying patch of cloud on the horizon which slowly resolved itself into a rocky coast line.

On board the
"Surrey"

Land in
sight

On August 17, 1834, after a voyage of 111 days, the "Surrey" swept between the Heads, the two shoulders of rock which mark the entrance to the magnificent Sydney Harbour. After sailing a few miles further, they reached the sandy beach of Sydney cove. A few sorry-looking huts near the beach and further back, straggling streets with single storied wooden dwellings, gave little or no indication of the magnificent city which was later to develop there. Wild and primitive with none of the refinement of the Dorsetshire countryside, it seemed to the five men who gazed upon it for the first time, to be bleak and forbidding.

After the ship's papers had been cleared the vessel was boarded by Government officials who examined the convicts one by one, taking full particulars of their names, ages, occupations and sentences, together with the detailed description of each man, all of which was carefully recorded and preserved. Not even then were the expectant men allowed to land. They remained on board the vessel for nearly three weeks longer, and it was only on September 4 that they were conveyed on shore. They were lined four abreast and marched through the streets by way of the domain and Hyde Park to the large convict barracks. Here they encountered a motley crew of old hands, about 300 in number, some of them eager for news of the old country, and others only concerned with pilfering something from the new chums. John Standfield remarks that these men, "if possible, were worse than others with whom we have been associated." Here in the barracks they remained until they were assigned to their masters and sent to their various destinations up country.

George Loveless, in the meantime, was faring little better on board the "William Metcalfe." She followed the same course as the "Surrey" for the greater part of the journey, forging ahead on the southerly track which took her through the Bay of Biscay. One can easily imagine what the conditions were like for the convicts batoned down below deck when passing through the sleepless Bay. George Loveless writes, "I now began to think I had seen and heard but very little. 240 men, shut down together and locked in a prison, the greater part of them such monsters as I never expected to see, and whose conduct I am not capable of



CELLS BETWEEN DECKS

Arrival at
Sydney,
August 17,
1834

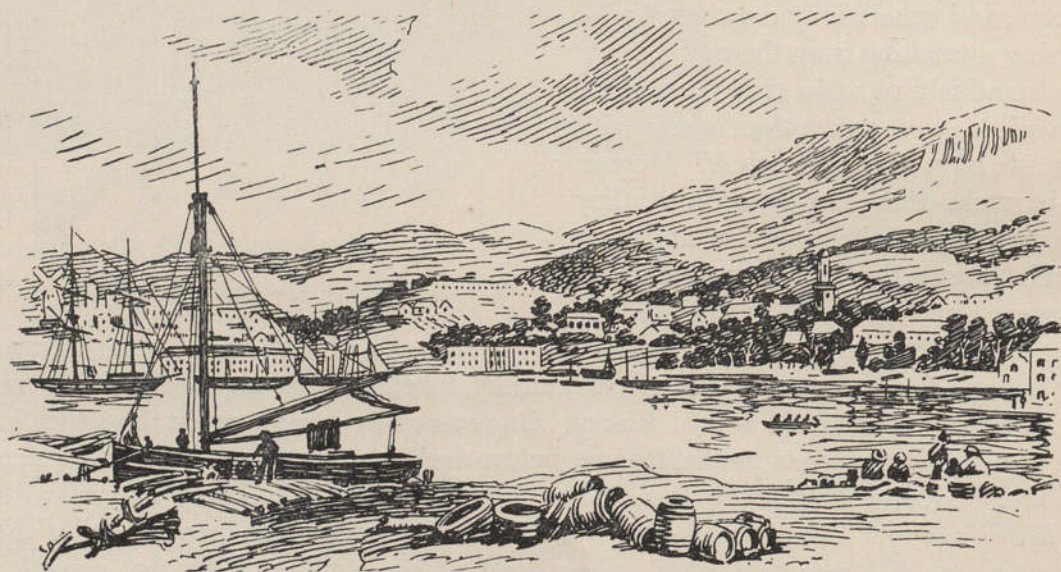
Conditions
on the
"William
Metcalfe"

describing. A small bed, pillow, and blanket was allowed for each man, which would have contributed greatly to our comfort, had there been room sufficient to have lain on them, but we could not. A berth about 5 feet 6 inches square, was all that was allowed for six men to occupy day and night, with the exception of four hours we were allowed daily on deck, two hours in the forenoon and two hours in the afternoon for air. For nearly ten weeks out of fourteen I was not able to lie down at length to take rest."

The agony of those weeks of suffering was but a preparation for the trials which lay ahead. But all things come to an end, and at last the torrid equatorial heat gave way to the more temperate breezes from the South. The Cape of Good Hope was rounded, and the ship entered on the long 5,000 miles stretch to Tasmania.

On September 4, 1834, after a passage of 112 days, the "William Metcalfe" entered Storm Bay. Passing to the southward they caught a glimpse of the distant Tasman Peninsula where was situated the dreaded Penal Settlement of Port Arthur. Sailing up the Derwent river, George Loveless saw before him a range of hills rising in regular succession above each other and covered with trees. He was asked several times whether he didn't think the country was most delightful. Although he was quite ready to admire the beauties which nature had distributed here with such a prodigal hand, he was reflecting on other things when he replied, "I think we are come to the wrong end of the world."

After sailing about thirty miles, the "William Metcalfe" anchored opposite Hobart Town. George Loveless was surprised to see before him a rising town of considerable importance with wide streets and comparatively good roads, picturesquely situated with Mount Wellington rising behind it. The long voyage was at an end. What lay before him?



HOBART, WITH MOUNT WELLINGTON IN THE BACKGROUND

The over-crowded berth

George Loveless reaches Tasmania September 4, 1834

(VII) TRANSPORTATION



It might be supposed that after fourteen weeks on these "floating hells" the wretched convicts would sight land with feelings of relief, even of gladness. No doubt some of them did but many were to be sadly disillusioned. Life as a convict in Australia or Van Diemen's Land was, for a large number of men and women, an even more terrible experience than that endured on the voyage from England. The lot of those who had died on the way out was easier, often enough, than of those who survived.

When the transported convicts reached Australia the Governor had the right to their labour for the entire period of their sentence. In the exercise of his right it was the practice to "assign" to settlers such convicts as he did not need on government work. To all intents and purposes the convict became the slave of his master. If the settler happened to be a decent fellow with some of the milk of human kindness in his composition, life for the convict lost many of its terrors. Unfortunately, many of the masters had become brutalised by their surroundings and were utterly callous of the misery they

Convicts assigned to "Masters"



A SETTLER'S HUT

By courtesy of "Illustrated London News."

inflicted upon the unfortunates who were assigned to them. The law compelled the payment of a small wage to the convict and made some attempt to provide that he should receive proper sustenance. Such was the power of the settlers over the convicts, however, that the latter knew only too well that to complain was to invite a flogging. The magis-

Despotic power of the settlers

trates invariably accepted the master's word and treated all with great severity. The masters demanded far more work from their miserable serfs than they could possibly give. If the allotted task was not satisfactorily accomplished the convict was brought before the nearest magistrate, himself most probably a settler. He would order that the convict be lashed until his back resembled a jelly, on the general principle that he probably deserved it whether guilty or not.

George Loveless describes the experience in Van Diemen's Land of James Pocock, who was a willing, able and good workman. He was assigned to a settler, who promised if Pocock worked well, he would be rewarded. Pocock tried to please him but his best efforts were met with abuse and he was half-starved. The master threatened Pocock that he would have him flogged, and although dreadfully weak, Pocock worked until he could work no longer. "My master, as usual, said I had done nothing, and swore he would get me punished in the morning. I did not know what to do; I walked away from the house; my master took up a loaded gun and followed me, and swore he would shoot me, if I did not come back. I still went on, for I did not at that time care whether he shot me or not. The next day I was reported as absent, and after remaining four days in the bush, and nothing to eat, I was taken by a constable. When before the magistrates, my master said how well he had behaved to me, and what an idle fellow I was; so that the magistrates would not believe a word I had to say, and sentenced me to receive fifty lashes. I was punished and sent back, and my master put me to carry logs of wood on my back, which I could not endure. I ran away again, and gave myself up to a constable, and was again sentenced to fifty lashes, and sent back. My master was more cruel than ever. I then determined I would not stop with him if they hung me. I went away three times more, and got fifty lashes each time. I then told the magistrate that I could not live with my master, and that I hoped he would not send me back again. But Mr. Mason (the magistrate) said he would see who would be master, either I or they, and I was sent back. I instantly started, was taken, and sentenced to fifty lashes more, to go to Bridgewater chain-gang for three months, and then return to my master. When I was tied to the triangles this time, my back was in such a dreadful state the doctor ordered that I was to be flogged over the breech."

Those who were employed on government schemes of construction were engaged in the hardest and roughest labour on roads, harbours, salt mines and forests. These unfortunates were chained together in gangs under the supervision of overseers. The overseers, oftentimes convicts who had been promoted, clothed in a little brief authority, seemed to delight in inflicting on their victims diabolical cruelties. Some of the finest roads in New South Wales owe their origin to these



The story
of James
Pocock

lash-driven derelicts of humanity, who toiled in the sweltering sun chained together like dangerous wild beasts.

Then there were the penal settlements for convicts who had tried to escape, or had assaulted overseers, or who had offended against the laws in some way. Of these the worst were in or near Van Diemen's Land—Norfolk Island, Macquarie Harbour, and Port Arthur. Every convict lived in the shadow of these terrible places. Each man knew that for some perhaps quite trivial offence he might be sent to one of these penal settlements where

life was almost unbearable. Dunbabin, in his authoritative *The Making of Australasia*, gives a few particulars about some of these places. Joseph Holt, the Irish "rebel," who was sent to Norfolk Island in



NORFOLK ISLAND

1804, described it as "the dwelling of devils in human shape, the refuse of Botany Bay, the doubly damned."

Macquarie Harbour was called after the Governor of New South Wales, and was founded in 1821 as a penal settlement. It became the home of the most desperate criminals, who were employed in felling timber and in building ships. Dunbabin says that men here were given 500 or even more lashes on the bare back, for what would not now be regarded as a very serious offence against prison rules. "Others were chained on rocks and left there cold and hungry for days and nights. So terrible was the life that here, as at Norfolk Island and other penal settlements, men committed murder, not from any special ill-will to the victim, but simply to get what they called a 'slant' up to Hobart Town."

Port Arthur was an equally terrible prison-house. Situated at the end of a long peninsula, the only exit was guarded by a line of savage dogs in addition to sentries. The convicts here worked in the coal mines, or felled trees, or cleared the land. Floggings were common, and the discipline was of the most brutal kind.

The behaviour of the Dorsetshire labourers was so exemplary and their bearing so eloquent of their innocence that they were not treated with the brutality experienced by many of the convicts. Nevertheless, they were forced to undergo sufferings, the imprint of which they carried to their graves.

Only the worst of the convicts were supposed to be sent to these settlements, but contemporary accounts show that conditions in the ordinary "chain gangs" in Van

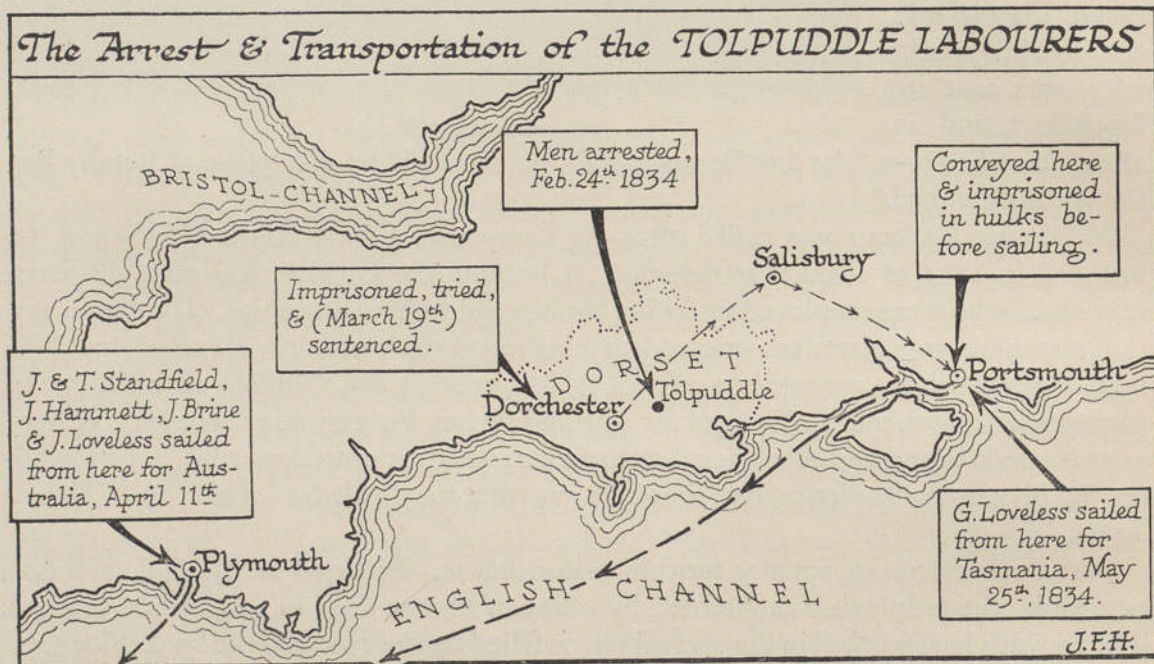
The penal
settlements

Brutal
discipline

Diemen's Land and New South Wales were little better. Some of the descriptions of sheer cruelty in *The Adventures of Ralph Rashleigh* almost pass belief. Working in one of the gangs in the bush, Rashleigh was falsely accused of trying to injure the overseer. He was promptly arrested, and while waiting trial he was chained up without the handcuffs being removed for five days. In order to eat he had to drop on his knees and gnaw his food on the dish like an animal. Rashleigh escaped, but was compelled to travel with a party of convicts who had also escaped and had become bushrangers. An overseer who fell into their hands was tied down alive over an ant heap. Passing the spot some hours later the party found that nothing but the unfortunate overseer's skeleton remained. Later the gang was broken up, and Rashleigh was captured. As he had only been with them under compulsion his sentence of death was commuted to three years' labour at the penal settlement of Newcastle.

Physically unable to do the work demanded, Rashleigh was given 100 lashes and was ordered to be sent to work naked in the lime burners' gang. In this horrible occupation the penal settlement reached its lowest depth. Going straight from a flogging he was

Fate of an overseer



unable to keep pace with the others, upon which the overseer flung a handful of quicklime across his lacerated back, and he then had to wade out into the sea to load boats. Several times Rashleigh saw men drown themselves, and it was not at all uncommon for one convict to murder another for the sake of a little food.

It was to this scene of violence, cruelty and exploitation that the six men of Dorset were banished by their oppressors, who cherished the vain hope that the fortitude with which they had defended their cause might be impaired by the dreadful and appalling ordeals which awaited them.

(VIII) VAN DIEMEN'S LAND



AN DIEMEN'S LAND, the country to which George Loveless was transported, was discovered in 1642 by the great Dutch explorer, Tasman, who named it after his patron, the Governor of the Dutch East Indies. Despite its innocent origin, the name has a somewhat sinister sound to English ears, and there is something curiously fitting in the fact that the name was changed to Tasmania in the same year, 1853, that saw the end of the landing of convicts there.

Van Diemen's Land, when George Loveless arrived, was a wild, undeveloped tract, very beautiful in its natural scenery, with picturesque mountains, densely wooded hills, noble lakes and rivers, and a very varied coast line. At that date few free settlers were attracted to the island, despite the offer of the gift of large areas of land and the free labour of convicts. Communication with the rest of the world was very infrequent, provisions were scarce, and it was only by very hard labour that a settler could maintain himself. Added to these obstacles were frequent clashes with the native population.

A picturesque country

Whilst still on the "William Metcalfe" George Loveless was closely questioned by the examining Magistrate, Mr. T. Mason, concerning his connection with the Unions.

"What is the secret signal by which the Unions knew when to meet all over England at the same time?" demanded peremptorily the magistrate.

George Loveless was perplexed by this strange question. "I do not know what you are talking about," he replied quietly.

"You daring fellow," bawled the Magistrate. "Will you tell me so again? Do you not know that they did meet all over the kingdom at once?"

Loveless did not flinch under the menace of this bully. "I know of no such thing as their having secret signs and signals to know where to meet," he answered firmly. "I never heard of such a thing before."

The Magistrate felt himself baffled. "Where were you when they made such a noise then? Will you be so false as to tell me you know nothing about it? I am certain you know all about it. Be careful what you say," he added.

Loveless recalled the conversation he had overheard on the gun wharf at Portsmouth. He assumed that the Magistrates' question referred to the protest meetings which he had heard while on the hulk, that the Unions were organising.



ABEL TASMAN

Magistrate questions Loveless

He replied accordingly. "I understand the Unions had public meetings at different places, but I was in the York Hulk, Portsmouth, at the time."

Threatened with punishment

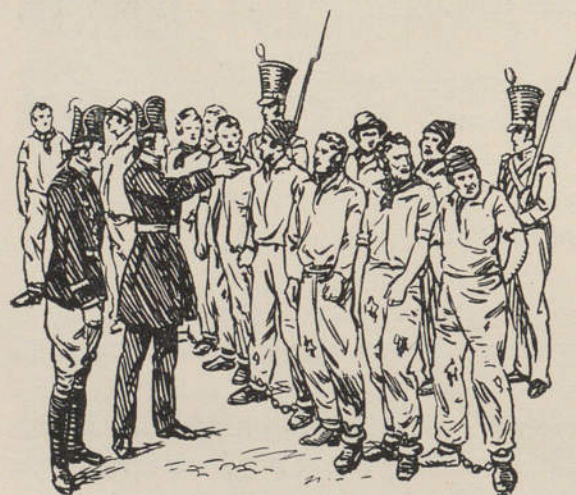
"It is no matter where you were," insisted Mr. Mason. "You are one of them and you know all about it, and if you do not tell me here and now all and everything about them, I shall report you to the Governor. You shall be taken on shore and we will give you a second trial and you shall be severely punished." On Loveless still maintaining his inability to give the information, the Magistrate, after a few more questions, impatiently turned away with the threat, "I will report you to the Governor, and you shall be punished."

On Friday, September 12, the convicts were landed at daybreak from the "William Metcalfe," and conducted to the prison barracks where they were marshalled for inspection by the Governor, Colonel Arthur. He was evidently impressed by the upright and fearless bearing of Loveless, whom he questioned, for later Loveless was ordered to work on the Governor's farm.

On September 13, 1834, Loveless was again examined by Mr. Mason, the Magistrate, concerning the Unions. Loveless replied as on the former occasion. The Magistrate, unable to extract anything further from him, dismissed him with the statement, "Well, I have told you that you were ordered for severer punishment. You were to work in irons on the road, but in consequence of the conversation you had with the Governor yesterday, his mind is disposed in your favour. He won't allow you to go where you were assigned to, but intends to take you to work on his farm."

Life in the chain-gang

Loveless was compelled to work on the road with the chain-gang for more than a week, and slept in the barracks at night with neither bed nor covering, before being sent to the Government farm at New Town.

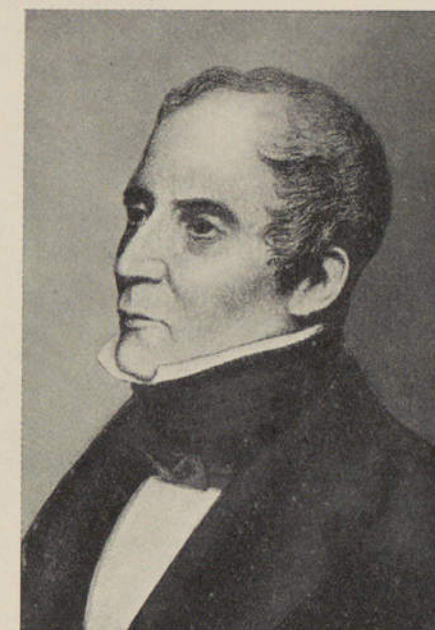


Here there were only five beds between eight men, so he had to do without a bed until some of the older hands went. The hut in which he lived was little more than a hovel. Here are his own words:—"In fine weather we could lie in bed and view the stars, in foul weather feel the wind and rain; and this added more than a little to increase those rheumatic pains which were first brought on by cold irons round the legs and the hard laying; and which, in all probability, will be my companions until I reach the tomb."

Some of the men on the road parties died from under-feeding, and at the Barracks said George Loveless, men were found cooking and eating cats.

He worked without any complaint being made against him until December, 1835, when he was charged with neglect of duty. Upon the Magistrate, Mr. W. Gunn, asking for particulars, the Overseer said that Loveless had to look after all the cattle on the farm. On the previous day, however, nine of the wild cattle had been taken to the public pound and were not missed immediately. Being asked what he had to say in reply, Loveless said: "It is true I have charge of all the cattle, and I am expected to see the wild cattle in the bush once every twenty-four hours. I rise in the morning at sunrise or before, and take the sheep to the bush to feed. I then return to the farm and milk nine cows and suckle as many calves. I am requested to follow the sheep and not lose sight of them for fear of dogs which often get among and worry them. I am ordered to search for the wild cattle to see that none of them are missing. I had just been weaning the lambs, and the ewes being very restless, I was afraid of leaving them, and this, Sir, was the reason the cattle were taken to the pound and I did not miss them."

"Neglect of duty"



GOVERNOR ARTHUR

The Magistrate asked the Overseer whether this story was true, and the Overseer replied that it was. In reply to a further question, the Magistrate was told that during nine months Loveless had never been known to neglect his duty. The Magistrate then said to the Overseer, "But do you not think that the man has more duty than he can perform? I really think it is a great pity you should have brought the man here. I shall return you to your duty," said he to Loveless. "Go to your duty, my man."

Soon after this Loveless was asked by another Magistrate, Mr. Spode, to send for his wife and family to join him in the Colony, but he stoutly declined as long as he was a convict. The Magistrate was much incensed. "Go instantly, or I will give you a damned good flogging," he cried angrily. Further attempts were made to persuade Loveless to bring his family over, the Governor hinting that he would receive his liberty as soon as his wife arrived.

Fearing that continued resistance would bring down upon him the savage punishments he had heard were inflicted upon other convicts, Loveless finally wrote to his wife on January 27, 1836, asking her to join him in Van Diemen's Land, the Government having offered her a free passage. On February 5, 1836, he was given a ticket exempting him from compulsory labour and giving him permission to employ himself to his own advantage.

A letter to his wife

Unfortunately he found it anything but easy to obtain work. He was a stranger without money, without clothes, without friends and without a home. Day after day he tramped the country, walking as much as fifty miles without a bite to eat. Disheartened with the rebuffs he received wherever he asked for a job, he finally returned to Hobart. Here he obtained temporary employment, and then advertised for a job. He obtained a situation during the spring of 1836 with a Major de Gillern, at Glenayr, near Richmond, with whom he remained during the rest of the time that he lived in Van Diemen's Land.



HOBART CHAIN GANG

(IX) BOTANY BAY



BOTANY BAY has long been synonymous, to English people, with a convict settlement of the worst type to which prisoners were transported from this country. Actually, no convict settlement has ever existed at Botany Bay itself, although when the first shipload were transported to Australia it was intended that they should settle in this spot. It was found unsuitable for a settlement, however, so the convicts were landed a few miles away at the spot which is now Sydney. Nevertheless, to English people the Australian settlement used in the days of transportation has always been labelled Botany Bay.

How did James Loveless and his comrades, Thomas Standfield, James Hammett, John Standfield and James Brine, fare in New South Wales? On landing they had marched to the Hyde Park Barracks, but they did not remain there long, as they had all been assigned to their respective masters before reaching the shore. John Standfield was the last to leave the Barracks. He was sent to his master, Mr. Jones, in Sydney, who despatched him to one of his farms at Balwarra, on the Hunters River about three miles from the rising town of Maitland, and 150 miles from Sydney. After he had been there about three weeks he received permission from the Overseer to go and see his father, Thomas Standfield, who was on a farm about three miles away. He found that his father had been sent to look after a large number of sheep in the bush. John managed to find him, and thereafter visited him at intervals for about nine months. His father was later transferred farther up country to a station on the Williams River, where the distance was too great to allow his son John to visit him.

John
Standfield
sent to
Balwarra

When English people speak of the bush they think of small trees a few feet high. The Australian bush is of a different character. It is a mass of dense forest composed of tall trees from 100 to 200 feet high. The bush extends hundreds of miles with here and there a small clearing for sheep or cattle grazing.

Thomas Standfield was faring very badly. The eldest of the six labourers, his strength had been sapped by the confinement on board ship and by the dreadful conditions under which he worked. Sometimes prisoners in charge of large flocks of sheep lost their way in the bush and experienced great danger and misery until they were able to find their way back. To the fear of encountering hostile natives was added the suffering caused by hunger, for they were only given one day's rations when they left the farm and, of course, no food could be obtained in the bush. The Overseer always counted the sheep and if one was missing the shepherd was almost certain to be flogged.

John
Standfield
meets his
father

Thomas Standfield suffered so severely from his privations that he was covered with sores from head to foot and was as weak and helpless as a child. The pitiable state in which he found his father nearly broke the sorely-tried heart of young Standfield, who would gladly have sacri-



ficed himself to have saved his father from hardship. The older man described how his only shelter was a hut called a "watch-box," six feet by eighteen inches, with a small bed and one blanket. There was no protection against storms, and he had to walk four miles every night to get his rations.

John Standfield's life at Balwarra was apparently more bearable. At all events he says little about himself until January, 1836, when he was taken in the custody of a constable to the lock-up at Maitland. On his inquiring about his father, he was told that a constable had gone to bring him in also, and that both of them were to be taken to Maitland by order of the magistrates. He was locked up in the Court House, and whilst there his father was brought in from his station on the Williams River. The magistrates declined to give them any information as to why they had been so suddenly recalled, and they were left wondering whether any complaint had been lodged against them.

During the period of their incarceration father and son were half-starved, being given only bread and water for food and having neither bed nor blanket to lie upon. A few days later they were mustered in the courtyard, and with a number of other prisoners were chained two abreast and



NEWCASTLE, NEW SOUTH WALES

marched to Morpeth, some five miles distant, where they were put on board a steamer for Newcastle. On the journey down stream young Standfield appealed to the constable to release his father from the chains, as he appeared to be utterly exhausted from the rude treatment and lack of proper food. The request was peremptorily refused and they remained locked together until they reached Newcastle. Here they expected to obtain food at least, but were cynically informed that none could be given them because they were not officially due to arrive in Newcastle until the next day.

They were kept in jail for three days, when they were told that they were to be sent to Sydney. One morning they were called to the jailer's office and a constable stepped forward to handcuff them. Young Standfield, driven to the point of desperation at the sight of his father's misery, demanded to know the reason why he and his father were to be

The two Standfields are sent to Newcastle

A sea voyage in handcuffs

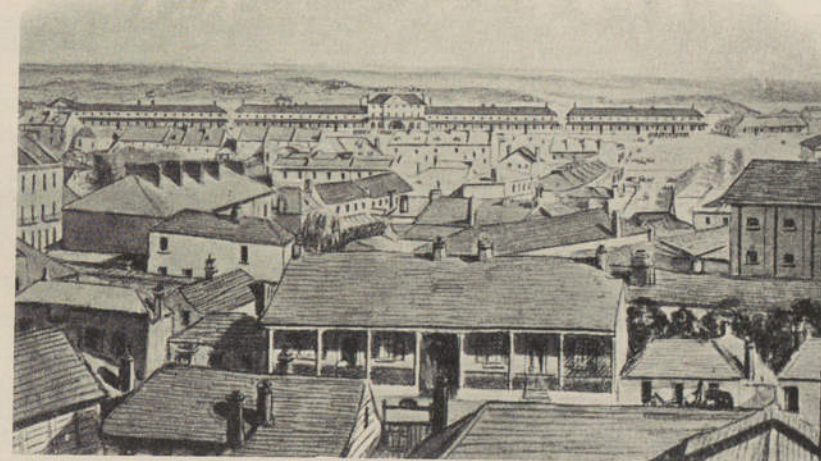
locked in irons. He pointed out that they had never given any trouble to the authorities, and they could be relied upon to conduct themselves properly without being handcuffed. The jailer admitted that he saw no necessity for treating them in this harsh fashion, but said that he must act in accordance with his orders.

They were thereupon put on board the steamer, which set off on its 100 miles' journey round the coast from Newcastle to Sydney. Once again young Standfield implored the constable to remove the handcuffs from his father, as both of them were thoroughly exhausted and dreadfully sea-sick and consequently unable to help themselves. The constable curtly declined and grimly remarked that they might be bushrangers for all he knew.

Weak and dejected they reached Sydney and were lodged in the common jail in George Street, where they remained without either bed or blanket for two nights, sleeping on the cold flagstones. They were put in the court room and some time later a number of constables came in with a long chain. As John Standfield says, "We were all handcuffed to it and marched through the streets of Sydney, like a lot of wild beasts." No charge during the whole of this period was made against them.

On arrival at the convict barracks at Hyde Park they were again locked up, and their request for food was coldly refused with the information that they were not due for food until the following morning. By this time they were thoroughly exhausted and nearly famished. As John Standfield says, "We had thus been ten or eleven days and nights

without having our clothes off and without bed or blanket, dragged from place to place and suffering under every species of indignity, associated with and handcuffed to the most depraved and reckless portion of the wretched convicts, without the slightest charge having been preferred against us or any explanation offered for such extraordinary conduct. The authorities, it is true, informed us that the reason of our being called in from our masters was in pursuance of orders received from the Home Government to the effect that we were to be employed on Government work only. They did not inform



THE BARRACKS IN GEORGE STREET

John Standfield pleads for his father

Maltreated without explanation

us why we had been treated in so severe a manner on our way to Sydney. I have, however, every reason to believe that orders were sent out by the Home Government to treat us with the utmost severity."

After remaining in the barracks a few days longer, they were joined by James Loveless and James Brine, who had likewise been brought to Sydney.

James Loveless had been assigned to a master at Strathallan, about 300 miles from Sydney. He had to walk this distance, finding his way as best he could through the bush, carrying his blanket and rations, which consisted of flour and raw beef. After walking for fourteen days he reached his destination, where he remained for nineteen months. While here he received a letter from his brother, George Loveless, dated September 10, 1834:—

Van. diemens Land Sep^r 10th 1834

We left Portsmouth Sunday May 25th about 4 o'clock in the afternoon and arrived Cape in this Harbour Wednesday Sep^r 3rd a passage of 101 days—

I was examined before the Magistrates yesterday who with threatening me with Punishment urged me to tell them by what sign the "Trades Unions" could assemble in bodies all over the Kingdom at once, I know of no such sign and therefore cannot tell— fear not Brother he that is for me is more than all that is against me—

we expect to go on shore to morrow or the day after— then there will be a prospect thank God of being separated from the company I have been in for the last seventeen weeks.

George Loveless

James Loveless walks three hundred miles

This was the only news he had received from George since they last saw one another in the gaol at Dorchester, but although now nearly 1,000 miles separated them, in spirit they were indissolubly united.

In November, 1835, he was ordered back to Sydney, where, as has been stated, he found the two Standfields and Brine imprisoned in the Hyde Park Barracks. On arriving, he found that no one seemed to know why any of them had been sent for, and they were all confined in the barracks for three months. During this period he was asked whether he would agree to having his wife and family brought out to join him, but he declined whilst he remained a prisoner. He was told that if he would agree he would be granted a pardon, but he wisely said that he would like to have the pardon first. The Superintendent, Mr. Brennan, gave him two days to think things over, but Loveless remained obdurate.

James Brine, the youngest of the party, a boy of twenty, had been sent first of all to a farm at Glindon, Hunters River. Like the others he had to walk to his destination, being given, on starting, a small bed and blanket, and 1s. for expenses, besides a suit of clothes. While he was asleep in the bush one night, bushrangers robbed him of everything except his old clothes. He arrived at the farm thoroughly spent, having had but one meal in three days. His employer, Robert Scott, Esq., a Magistrate, would not believe that the bushrangers had robbed him, and called him a "liar" and threatened him with a "damned good flogging." "You are one of the Dorsetshire machine breakers," said he. "But you are caught at last."

Brine was given nothing to eat until the next day, and although he was so exhausted and weak that he could not do any work, he was forced to dig post-holes with feet cut and bleeding owing to his having walked so far without shoes, on the threat of being sent up for punishment at the first sign of "slacking." For six months he was given no clothes or bedding, and he lay on the bare ground at night. Being sent to wash sheep, he worked for seventeen days up to his breast in water. As a result he caught a severe cold, and became thoroughly ill. His employer, with a callousness which passes understanding, still refused to give him anything to cover him at night. Scott questioned him about the Union, but Brine said that he was unable to give him the required information. "You damned convict," was the retort, "if you persist in this obstinacy and insolence I will severely punish you. Don't you know that not even the hair on your head is your own? Go to your hut or I will kick you." This from a Magistrate!

At the end of 1835, a constable took him to Maitland, where for two days and nights he was locked in the dark cells, with twelve ounces of bread and half a pint of cold water for food and drink in twenty-four hours. On the third night he was chained to fifteen other prisoners, and they were compelled to lie down together in the open yard until morning, when they were put on a steamer for Newcastle about forty miles away. He was not brought before the Magistrates at Newcastle; yet, although he had committed no offence, he was put into prison and kept there a fortnight. Then he was put on a vessel

James Brine robbed by the bushrangers

Brine in the dark cells

bound for Norfolk Island, the most dreaded of the penal settlements. Of this inferno, George Loveless wrote: "All that are sent thither are sentenced for their natural lives; so that every hope is cut off of ever obtaining deliverance, or of enjoying any other society, or seeing any other but their miserable companions in infamy, wretchedness and woe. Thus they are left to drag on their miserable existence until they sink to rise no more. I have seen and conversed with men that have been at all places of punishment except Norfolk Island, but I never saw one returned from thence."

James Brine had heard it described as "the worst and most terrible of all the penal settlements where only those of the convicts who have committed some heinous offence are sent, and where punishments, the most inhuman and cruel, are daily practised by the authorities upon the unfortunate and wretched prisoners." Yet without being charged with any crime, this boy was to be sent to the dreaded Norfolk Island. Who was responsible for this outrage? The authorities knew at the time the order was given that a conditional pardon had been granted to the Standfields, Hammett and Brine, who were to be liberated after they had been two years in the colony. This period had elapsed. What then was the justification for the order for James Brine to be sent to a penal settlement where he would have been associated with the most infamous and desperate characters in the whole colony? Fortunately, the order was not carried out. A gale sprang up and the ship was driven by the heavy seas back to Newcastle. He was sent to Sydney, where to his great joy, he found all his comrades except James Hammett awaiting him.



Why James Hammett was not there remains a mystery. Indeed, less is known concerning his experiences than of any of the others. All his life a silent, thoughtful man, he communicated little in letters and speech of the terrible experience he had passed through. Only on one occasion did he publicly refer to all he had endured. This was on the occasion when in March, 1875, at Briantspuddle, he was presented with an address by Joseph Arch, on behalf of the National Agricultural Labourers' Union. There is no authentic record of that speech, but according to George Howell, who heard the speech, Hammett said that he was "sold like a slave for £1. The convicts'

Brine ordered
to Norfolk
Island

names were written on slips of paper, the agents drew lots, each man at £1 per head." Hammett's name being one of those drawn, the agent told him the name of his master and the place where he lived.

James
Hammett
"sold like a
slave"

Before he left Hammett was kept three weeks in quarantine, and during that time saw something of the treatment that was meted out to the down-trodden creatures around him. One of his fellow-convicts, for some offence or other, was strapped across a barrel and received seventy-five lashes, fifty on his bare back and twenty-five on the calves of his legs. With this picture of the blood-bespattered convict strapped across the barrel, before his eyes, Hammett set out on his 400-mile journey from the coast, finding his way as best he could over the rugged country, through dense forest in the blazing heat of the sun, and sleeping at night under the trees.

We can imagine something of the hardships he had to endure, with rations sufficing only for twenty-two days; looked upon with suspicion by any chance stranger from whom he inquired the way. For those were lawless days, when outlaws were ranging the country and instilling into dwellers in lonely homesteads a fear of every one who came near them.

Footsore and weary, without money, and with scarcely strength to drag himself along, he, at last, arrived at his destination. He did not complain of harsh treatment and, in the absence of more definite details, let us hope that the dour straightforwardness of his character and his known industry touched the heart of his employer, and that his lot during the fateful years he spent in Australia was relieved by something to restore his shaken belief in the humanity of his fellow-creatures.



(X) AGITATION FOR RELEASE

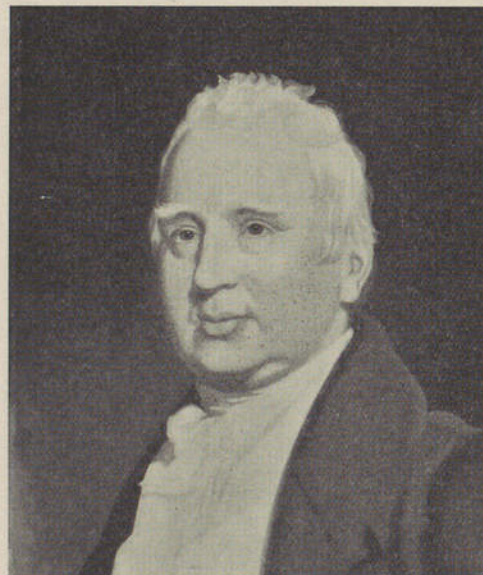


LAGRANT injustice, inadequately describes a sentence which awakened the utmost indignation amongst the workers throughout the country. Nor was the indignation confined to the Unions. People of all shades of opinion joined in the protests. Meetings and demonstrations were held denouncing the conduct of the trial and the severity of the sentence. Trade Unionists felt that the whole procedure was merely a pretext of the Government to strike a blow at the Trade Unions. The comments which appeared in the press, and some of the ministerial speeches in Parliament show how justifiable this feeling was.

Grand National starts its campaign

The Grand National Consolidated Trades Union felt that its own existence was at stake. It concentrated the whole of its force on organising meetings and petitions of protest. It quickly established contact with the principal Unions in the North who collaborated with the Grand National in the agitation. Petitions poured into the House of Commons, presented in many cases by people who expressly disclaimed that they were supporters of the Trade Unions, but who were none the less, revolted at the vindictive character of the sentence.

At the instigation of Robert Owen, the Grand National Consolidated Trades Union called a Grand Meeting of the Working Classes on March 24, 1834. This meeting was presided over by Dr. Arthur S. Wade, D.D., the Vicar of St. Nicholas, Warwick, and a leading figure in London Radicalism. A resolution was passed on the motion of Owen, protesting against the trial and the cruel sentence. A petition was adopted at the meeting urging the House of Commons to ask the King to suspend the sentence until the matter could be properly considered. It requested that a Committee be established to examine the principles and objects of the Unions, which it believed were not only just but most praiseworthy. This meeting was attended by over 10,000 persons and the feeling of resentment expressed was real and profound.



National Portrait Gallery.
WILLIAM COBBETT

William Cobbett presented the petition to Parliament, but it was ordered to lie on the table. Meanwhile, a provisional committee had been formed, in which those responsible for the meeting of March 24 continued to take an active part. This Committee met regularly at the "Red Lion Tavern," York Street, St. James Square, London. Its purpose was to

Agitation for Release

arrange for demonstrations throughout the country, to protest and to memorialise the King to remit the sentence. It appealed to all to assist the Committee in affording relief to the wives and families of the condemned men. Meetings were held in different parts of the country at which financial assistance was contributed and the organisation of petitions was undertaken. The *True Sun*, the *Pioneer*, the *Poor Man's Guardian* and *Cobbett's Weekly Political Register* all contained frequent mention of the development of the campaign of protest.

Meetings of protest

On March 30, 1834, a further public meeting in London was held at the Institute, Charlotte Street, and a deputation was appointed to present a petition to the Home Secretary. About 12,000 people had meant to accompany the deputation, but they were dissuaded from doing so lest they should commit a breach of the peace. The petition was duly laid before the King, but he refused to act upon it. Another meeting took place on April 3 at the same place, with Dr. Wade in the Chair. After several resolutions expressive of the abhorrence of the people at the cruelty of the Government, the verses written down during his trial by George Loveless were sung with great fervour.

The *Pioneer* on April 12, 1834, announced the receipt of subscriptions to relieve the distressed families. The list was soon supplemented by contributions from the Silk Weavers, Silk Hatters, Gardeners, Shipwrights, Joiners, Cordwainers, Journeymen Tailors, Caulkers, Journeymen Paper Stainers, Coach Painters, Trimmers, Wheelers and the Brushmakers. Individual contributions, although small, were coming in freely and further meetings were reported from Newcastle, Belfast, Cheltenham, Hull, Yeovil, Liverpool, Leeds and Marylebone. Within the next fortnight petitions reached the House of Commons from Wolverhampton, Macclesfield, Loughborough, Sheffield, Nottingham, Walsall, Barnsley, Newcastle, Leicester, Bradford, Manchester and Halifax.

Relief for the distressed families

Steadily but surely this agitation reflected itself more and more in a changed attitude on the part of Members who had hitherto been hostile to the demand for release. Mr. Hardy (Bradford) who, on March 26, had called the Trade Unions a curse, by April 14 had so far changed his views that he could see no objection to workmen entering into combinations to better their conditions. This was typical of the changed tone that members were adopting. Daniel O'Connell (Dublin City), despite his former antipathy to the Unions, had declared himself strongly in favour of mitigating the sentence. He wanted



National Portrait Gallery.
JOSEPH HUME

to know why, if Trade Unions were acting illegally by taking an oath, members of the Freemasons, Orange Lodges, the Oddfellows and others, many of whom were in the House of Commons, were allowed to go scot-free.

On April 16, 1834, Mr. Hutt (Kingston-on-Hull) presented a petition signed by over 7,000 members of the Union in his constituency. He roundly asserted that the men were not punished for taking a secret oath, but for having been members of a Trade Union. Feargus O'Connor (Cork County) affirmed that the men who should be on board the hulks in place of the Dorsetshire labourers were the Prime Minister, the Lord Chancellor, and the Secretary for the Colonies.



FEARGUS O'CONNOR

A couple of days later, Major Beauclerk (Leeds) presented a petition hoping that the House of Commons would interpose and not allow one law for the rich and another for the poor. Joseph Hume (Middlesex) brought a virile passion for liberty to bear on the House in an earnest exhortation to redress the cruel and unjust act that had been perpetrated. J. A. Roebuck (Bath) who fought so valiantly on behalf of the men throughout the whole agitation, argued that the law was so obscure that many lawyers were in ignorance of its existence. Half the legal profession thought the sentence was not legal, and all would acknowledge that the law was most severely administered. He accused the Government of hurrying the men off to transportation to prevent the general expression of public sympathy from having any effect in their favour.

The Government appeared to be quite unimpressed, and petition after petition was ordered to lie upon the table. Still the agitation continued outside the House, grew steadily in volume, and attracted more and more people who realised that a shocking perversion of justice had taken place. The *Times* reports a meeting at the "Crown and Anchor" in the Strand, on April 18, 1834. Long before the time of opening of proceedings, the great room of the Tavern was crowded to suffocation, over 3,000 persons being present. There was a very distinguished company on the platform, the Chairman being Colonel Evans, M.P. for Westminster.

Daniel O'Connell, at the meeting, said that as a lawyer he had the gravest doubts about the legality of the conviction. The Government had refused him a copy of the conviction, and he was determined that his object was not to be defeated by such tricks. He pointed out that the Judge, Baron Williams, had contended that he had no alternative but to sentence the men to seven years' transportation once they had been found guilty.

The petitions
continue

The agitation
grows

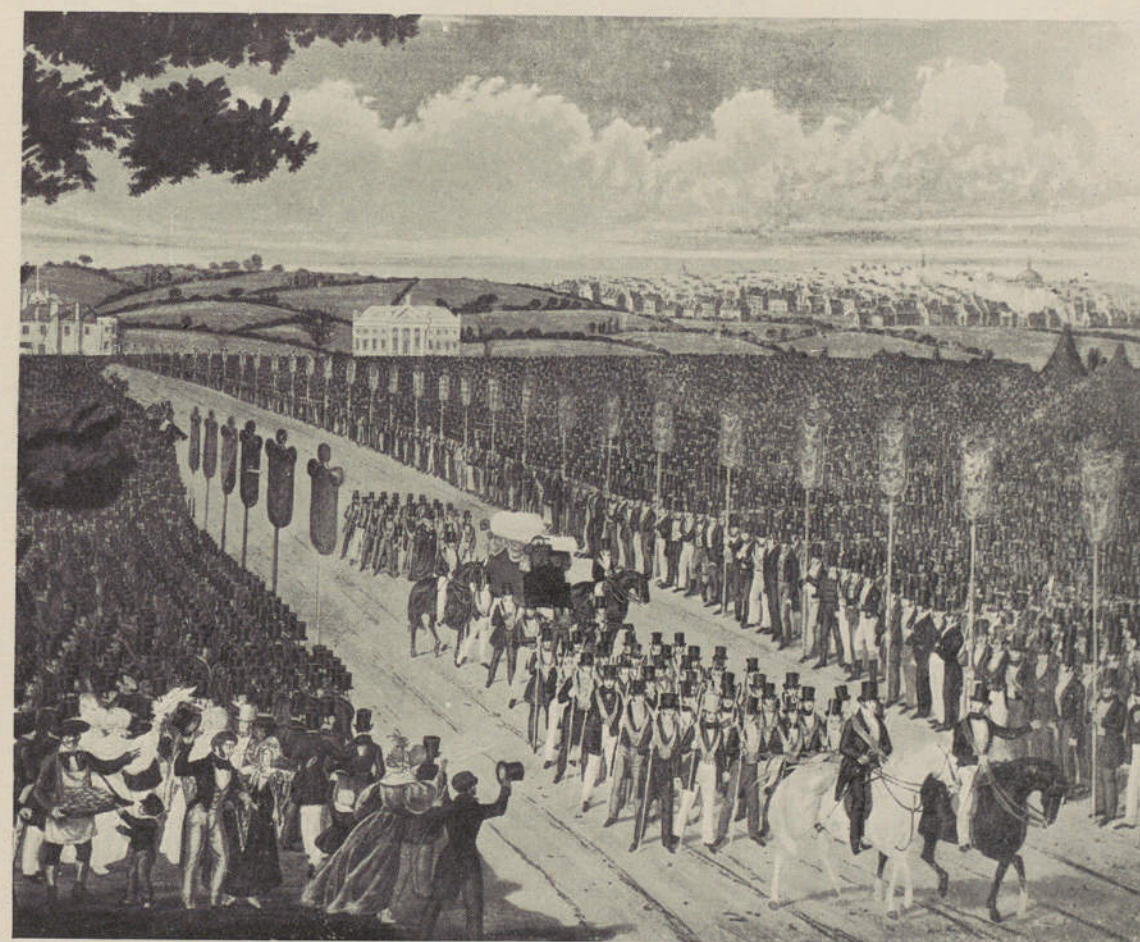
O'Connell
attacks the
conviction

He might, in his discretion, thundered O'Connell, have affixed the sentence at any length from one day to seven years, but he thought fit to inflict the highest penalty.

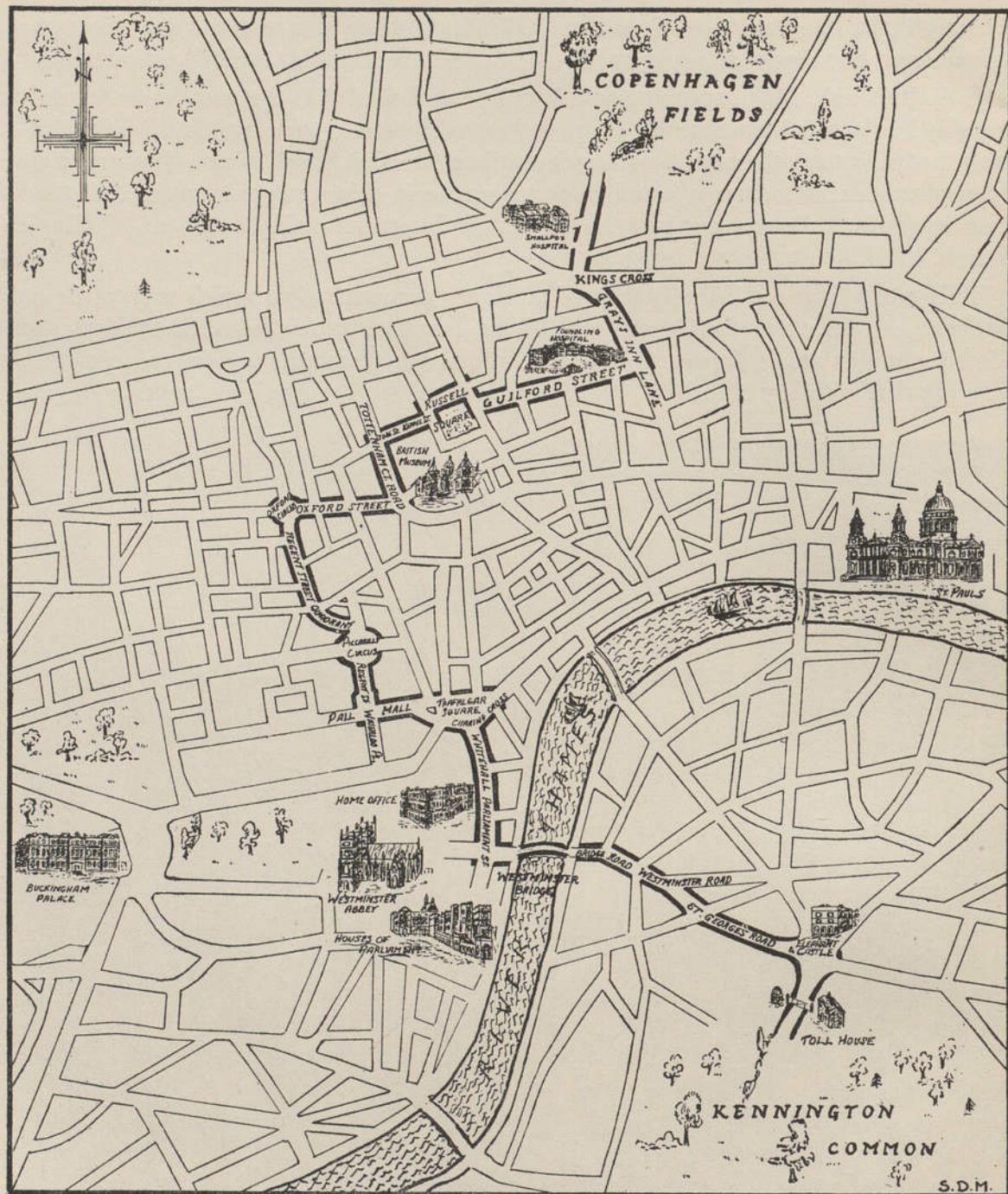
J. A. Roebuck, M.P., speaking as a lawyer, contended that the men were not only morally but legally innocent. He expressed astonishment at the news that the Government had sent away the men in such indecent haste to New South Wales. It would have been more decent to have allowed them to remain in this country in order that their case might have been argued in the House of Commons or in the Court of King's Bench.

This meeting was the forerunner of a mighty demonstration which took place on Monday, April 21, 1834, at Copenhagen Fields, London. It was feared that widespread disorder might result from this demonstration and extraordinary precautions were taken to deal with any outbreaks. In addition to the Life Guards, and the other House-

Roebuck
indicts the
Government



DEMONSTRATION AT COPENHAGEN FIELDS, LONDON



MAP SHOWING THE ROUTE OF PROCESSION FROM COPENHAGEN FIELDS

hold Troops, detachments of the 12th and 17th Lancers, two troops of the 2nd Dragoons, eight battalions of infantry, and twenty-nine pieces of ordnance or cannon were mustered. The City Court of Aldermen were engaged in swearing-in special constables in response to a straight intimation from Lord Melbourne that the Government would look to the Magistrates for assistance in the event of a tumult arising.

More than 5,000 special constables were sworn in at the Guildhall. Altogether, the City was very much like an armed camp, but the authorities had the discretion to keep both police and troops out of sight. Along the whole route of the procession, there was scarcely a policeman and not a single soldier to be seen. It was the intention to take a route from Copenhagen Fields, situated near King's Cross, to Whitehall, to present a huge memorial to the Home Secretary, asking for the remission of the sentence.

Soon after 7 o'clock in the morning, the processionists began to gather and Trade Union banners and emblems of the different lodges were soon flying in the breeze, arranged at convenient distances by members of the Unions who, on horseback, marshalled the procession. A little before 8 o'clock the Committee in charge of the arrangements, headed by Robert Owen and Dr. Wade, arrived. Dr. Wade, a stalwart figure weighing twenty stones, was dressed in the full canonicals of a Doctor of Divinity and

The City an armed camp



THE "ELEPHANT AND CASTLE," 1830

rode throughout in the vanguard. At 8 o'clock the roads were filled with a dense mass of men, and the banners were "supported by a numerous and well-disciplined corps." The scene was most imposing and the utmost decorum prevailed. Notwithstanding the large crowds everything was peaceable, orderly and well arranged.

The procession moved from Copenhagen Fields, King's Cross, Gray's Inn Lane, Guilford Street, Russell Square, Keppell Street, Tottenham Court Road, Oxford Street, Regent Street, the Quadrant, Waterloo Place, Pall Mall, Charing Cross and Whitehall. To quote the *Times* again, "The procession, as it passed along, was not unfrequently greeted by loud cheers from the congregated spectators lining the streets and crowding the house tops, but every such manifestation of feeling was immediately checked by the Unionists themselves, who seemed anxious not only to maintain order themselves, but to set an example of peace, discipline, and decorum to the bystanders."

Arrived at Whitehall the petition which had been borne on the shoulders of twelve Unionists, was taken into the office of the Home Secretary, Lord Melbourne. Melbourne, who had watched the procession from the windows of the Home Office, refused to see the Deputation and would not accept the petition accompanied by a multitude in procession. If it should be presented on another day and in a more becoming manner, he would lay it before the King. This was communicated to the Deputation, not by Melbourne himself, but by his Secretary, Mr. Phillips, who had previously refused to discuss matters while Robert Owen was present. Owen was not one of the Deputation, all of whom were working Trade Unionists. The Deputation thereupon retired taking the petition with them.

Whilst the deputation was at the Home Office, the procession moved down Parliament Street and over Westminster Bridge. From there it went up St. George's Road past the Elephant and Castle, through Kennington Road to Kennington Common, which was entered by a gate close to the Kennington Toll House. Here, after a brief pause, the

procession dispersed, the members having been on their feet from 7 o'clock in the morning until half-past four in the afternoon. The number of people in this procession has been variously estimated. One contemporary put the numbers present at over 120,000, but it is probable that not less than 50,000 people, apart from casual spectators along the route, took part in the march. The dignified demeanour of the members made a very favourable impression on the spectators.



KENNINGTON TOLL HOUSE, 1834

Melbourne refuses the petition

An orderly demonstration

(XI) A FREE PARDON



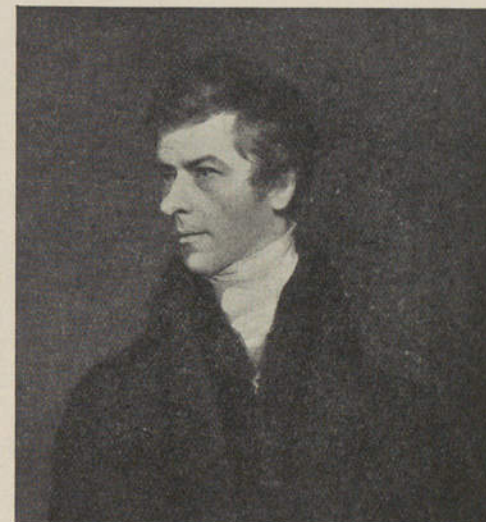
WITH its mind full of the revolutionary bogey, the Government became alarmed. On April 28, 1834, the Duke of Newcastle arose in the House of Lords to protest against the large processions of Trade Unionists who were in the habit of congregating in the metropolis in great numbers "to the great alarm of the respectable and peaceful inhabitants." He was referring not only to the demonstration in the Copenhagen Fields, but to the assembly on the previous Sunday of some 7,000 men marching in procession, as Lord Londonderry said, "to the great terror of the peaceful and well-disposed inhabitants."

Lord Londonderry solemnly warned the Government that their belief that the Trade Unions would die a natural death was mistaken. He understood that on the previous Sunday 15,000 names had been enrolled in the Unions.

Then the Lord Chancellor arose. The Mr. Brougham of the earlier days of the Reform Agitation had now changed into the pompous Lord Brougham. His mind no longer contained any recollection of the huge demonstrations in which he himself had taken part or of the prolonged agitation, of the public meetings, of the strong language in which he and others had indulged in the effort to pass the Reform Bill. He pronounced it was manifestly wrong to form an immense procession for the purpose of doing that which six people could execute just as effectually as 60,000. He implored the members of the Trade Unions to listen to the "wholesome and wise advice of those who had no interest in deceiving them." He hoped that they would no longer "continue to contribute the hard wrung pennies from their dearly-earned wages for the purpose of supporting a set of idle good-for-nothing agitators." He pleaded that "it was because he was a sincere friend of the working classes of the country that he was an enemy of Trade Unions."

Here we see plainly the spirit in which Lord Brougham regarded the Trade Unions. There was no sympathy shown in that quarter: just an implacable determination to punish and repress.

The news that the men were already on their way to Australia may have made many feel that the task of securing their release was hopeless. It was not known what had happened to George Loveless, and it was assumed that he also had sailed on April 11. Yet, despite

National Portrait Gallery
LORD CHANCELLOR BROUGHAM

Government becomes alarmed

Lord Brougham's bitter speech

The agitation continues

the apparent hopelessness of the effort the agitation went on. Public meetings in London and the provinces continued the protests with unabated vigour, but the welfare of the families of the banished men was not lost sight of. Foremost in the dual task of organising the protest and the collection and distribution of succour were the sixteen working men who formed the London Dorchester Committee. The exact date of the formation of this Committee is not certain, but it is probable that it grew out of the early efforts of the Grand Meetings of the working classes, held under the guidance of Robert Owen. Certainly, it must have been in operation very early in the agitation because its Secretary, Robert Hartwell, a compositor, in a document issued on August 15, 1838, stated that the Committee had then been in existence over four years. It held its meetings at the "Turk's Head" Tavern, King's Street, Holborn.

In June, 1834, there was a change in the Ministry, the Cabinet under Lord Grey having fallen in consequence of difficulties which arose from the renewal of coercion in Ireland. A new Cabinet was formed under Lord Melbourne, which held office from June, 1834,



EARL GREY
National Portrait Gallery

to November of that year, when it was suddenly dismissed by William IV, after various difficulties had arisen. There was an interim of a few weeks and a Tory Ministry was formed under Sir Robert Peel. This only lasted till April, 1835, when it was out-voted on a resolution of Lord John Russell to appropriate the surplus revenues of the Irish Church to non-ecclesiastical objects. Lord Melbourne became Prime Minister for the second time, and his Ministry continued in office during the whole period of the agitation for release of the Dorsetshire labourers. It can be understood that in the midst of these political diversions, the atmosphere was not very propitious in the House of Commons for the pushing ahead of the petitions for release. Nevertheless, petitions were presented from time to time, whilst outside the House the agitation went on unceasingly.

We have seen how, at a very early stage, attention was paid to organising relief for the families. It was certainly needed. Imagine the situation in which the women found themselves. Their husbands torn from their side, branded as common criminals and transported overseas. The Parish authorities, dominated by the landowners and farmers, were indisposed to help them.

The magistrates were determined to humble them to the dust. James Frampton, in

The Dorchester Committee is formed

Ministerial changes take place

Relief for the distressed families

a letter to Viscount Howick, Under-Secretary of State, dated May 3, 1834, said:—

"It is perfectly true that I, and the other Justices acting with me, refused to allow any parochial relief for the wives and families of those convicts; and we gave as our reason for so doing that we had ascertained from the gaoler that they had been supplied by their wives with more food than they could consume during the time they were in the gaol, which would have been continued after their conviction had the regulations of the prison allowed it. We also told them that on their husbands entering the Union, the leaders of it engaged to maintain all the families of those who joined the Union for so long a time as they were thrown out of work and deprived of their earnings, in consequence of their belonging to the Union; and that therefore they ought to apply to those leaders and require them to keep their promise. Our object in doing this was to prove to the labourers that the leaders of the Unions had deceived them if they did not support their families; and if they did maintain them to lessen the funds of the Union at the same time that it relieved the Parish."

Frampton later states that the Justices had declined Parish relief to any persons "whose names appeared in the book, which was proved on the trial of the six men to contain a list of those who had taken the illegal oath and had joined the Union."

All this was obviously done for the purpose of deterring people from having anything to do with the Union. The Justices, as has been emphasised, were determined to use the machinery of the State to the utmost in the effort to destroy the Union. In the course of the same letter, Frampton informs Lord Howick:—

"The Justices have particularly recommended to the farmers (who have expressed themselves most willing to follow our advice) that every encouragement should be given to those labourers who did not join the Union by increasing their wages and placing them in all the most profitable work, so that they may feel the advantage of their good conduct by making a marked difference between them and the Unionists; and on no account at present to make any addition to the wages of the latter, lest it should have the slightest appearance of being done thro' fear."

The magistrates were resolved that not only the men folk but the women and children should feel the heavy hand of the law for the heinous crime they had committed in combining in their own defence.

The close blood relationship which existed amongst the families made the blow even harder. Dinniah Loveless, sister of George and James, had married Thomas Standfield. At one fell swoop, as Thomas Wakley pointed out in the House of Commons, she had been



VISCOUNT HOWICK

Frampton's letter to Lord Howick

Justices want to smash Union

An afflicted woman

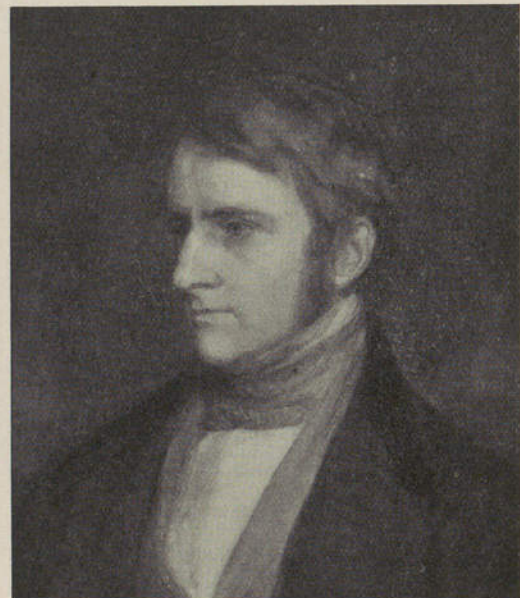
deprived of her husband, her two brothers and her eldest son, John. How was she to battle alone and unaided for herself and her five remaining children? The wife of George Loveless, with her three children, the eldest aged nine years and the youngest aged seven, was in little better plight. I am glad to render testimony to the Trade Unionists of that day for the timely help they afforded the families of the absent men.

The relief begins

We see from the letters of James Frampton, the Magistrate, to Lord Melbourne, that a stranger "well dressed, although not a gentleman," had been down to Tolpuddle and had taken away with him the wife of George Loveless and her son. The stranger was a London cabinet maker, named Newman, who was engaged in distributing money to the distressed families, which had been subscribed by the Trade Unionists. The village parson, the Rev. Thos. Warren, was approached for a similar purpose. He did not speak very favourably of the men, and it was apparent from his attitude that it was no use attempting to enlist his sympathies.

Mr. H. Heatherington of the *Poor Man's Guardian*, a paper which stoutly championed the cause of the labourers, explained how he visited Tolpuddle in October, 1834, to distribute money to the families. He says that Mrs. Dinniah Standfield, wife of Thos. Standfield, in whose house the Union held its meetings, had been denied parochial relief by order of the magistrates. The Parish authorities had told her that her eldest children must support the younger ones, and that she must support herself.

Mr. Heatherington's testimony



National Portrait Gallery
JOHN ARTHUR ROEBUCK

William Loveless, another brother of George, writing from Burton, near Bridport, on November 20, 1834, thanked Heatherington for his kindness to the family. He said that the last words of his brother George to him were, "William, do your best that the tyrants do not starve my dear wife and children. I care not for myself so that my wife and children be taken care of." Worthily were these sentiments carried out by the Trade Unionists and their staunch band of radical supporters.

Regular assistance was afforded throughout the whole of the period of the transportation, not only in money but in wise guidance, helpful counsel and fraternal regard. The women were made to feel that although their breadwinners were away, the great fraternity to which they belonged was not merely a name. They were regularly paid a sum approximate to the wages of their husbands, by the Dorchester Central Com-

mittee in London. The paltriness of the local authorities is shown by the statement of Robt. Hartwell that the Parish Overseer had summoned Mrs. Standfield for poor rates, whilst she was subsisting on the money allowed by the Committee. By her spirited conduct, after having twice been summoned to Dorchester, she escaped payment.

Activity began to revive in the House of Commons. A new protagonist had joined forces with the small band who were working determinedly inside the House for release. This was Thomas Wakley, the Member for Finsbury, recently elected, who threw himself into the agitation with a vigour, determination and an eloquence which must command the highest esteem from Trade Unionists. Petitions from Newcastle, Dundee, Belfast, Chard, Wisbey Moor, together with sixteen presented by Wakley himself, eight of which were from Dorchester, descended upon the House in a seemingly never-ending stream.

Thos. Wakley takes up the case

Joseph Hume announced in the House that over 800,000 people had signed petitions for release. Wakley's speech in support of the petition was probably the most masterly in a long and active public career. J. A. Roebuck, M.P., says: "a more touching and beautiful appeal to our sympathy and our justice it was never my lot to hear." On June 25, 1835, Wakley once more brought forward a motion for an address to the King.

800,000 sign petitions

Lord John Russell, who had now become Home Secretary, asked Wakley to postpone his motion. He said that he was prepared to recommend to the King that pardon be granted to the whole of the men on condition that they remained in the colonies. He was ready further to recommend that James Hammett, John and Thomas Standfield and James Brine should receive a full pardon when they had been overseas two years. With regard to George and James Loveless, he regarded them as the ringleaders. They would not be allowed to return to England.

Conditional pardon granted 25 June, 1835



National Portrait Gallery
EARL RUSSELL

Speaker after speaker arose to protest against the grudging character of this conditional pardon. It was useless for the legal luminaries of the Government to argue that the conviction was technically correct. Everyone knew that the crime for which they had been punished was that of joining the rapidly growing Trade Unionism amongst the agricultural workers.

Wakley's motion for pardon was rejected by 308 votes against 82, but the first move had been made. A conditional pardon at least had been offered to four of the men, and it was the determination of the stalwarts of the agitation that this conditional pardon should give way to a full and free one.

Wakley's motion rejected



A few weeks later, Lord John Russell communicated with the Rev. Thos. Warren, at Tolpuddle, and asked him to see whether the wives and families of the Martyrs were willing to join their husbands in the colonies. The Clergyman's report is on the next page.

The undaunted Wakley continued to agitate on every conceivable occasion for the total remission of the sentences. In presenting a petition from 5,000 inhabitants of Bristol on August 12, 1835, he contrasted the punishment inflicted on these unfortunate men with the perfect immunity which members of Orange Lodges enjoyed. Once again the petition was ordered to lie on the table, but Wakley's persistency was having some effect.

On February 23, 1836, Sir William Molesworth seconded a motion by Joseph Hume for the suppression of Orange Lodges, contending that they were illegal. He insisted that the Dorsetshire labourers had been condemned for a far more innocent act. The difference was that their chief, unlike the Orangemen, was not a Prince of the Blood.



National Portrait Gallery
SIR WILLIAM MOLESWORTH

This was clearly a reference to the Duke of Cumberland. Members were becoming more and more uneasy at the feeling in the country, that there was one law for the rich and another for the poor.

A few days later, on March 3, again in reply to the indomitable Wakley, Lord John Russell stated that four out of the six men would, as had already been stated, be able to return at the end of two years, and that period would expire in October, 1836. Since the late discussions upon the Orange Lodges, he had thought it his duty to recommend to His Majesty, that such part of the sentence upon two of the Dorsetshire labourers that required their continuance in the Australian Colonies for the whole period of their transportation, should be com-

mutated. At the same time, if other favourable circumstances were brought to his knowledge, he knew of nothing to prevent him from recommending to His Majesty a further extension of the royal mercy.

In respect of George and James Loveless, they would be allowed to return at the end of three years in the colonies. Previously, of course, he had stated that they would not be allowed to come back to this country until the full seven years of their sentence had elapsed. Now they would be allowed to return after serving three years exclusive of

The conditional pardon extended

Tolpuddle, August, 3^d
1835.

Sir, I called upon the Wives of the two Loveless according to your desire, & acquainted them with the proposal contained in your note, as directed by Lord John Russell; "whether they & their families were disposed to accept the indulgence of a free passage to join their husbands in New South Wales, & Van Diemens Land."

To day, they have given me their answer: They wish to hear from their respective husbands, whether their going out would be agreeable to them. They are now about to write to them to that effect: if their husbands approve of their going out, they will be thankful to accept of this indulgence. The one, the Wife of George Loveless, is anxious to go: The other, the Wife of James Loveless, does not herself wish to go, but is ready to go, in obedience to her husband, if it is his desire.

As soon as they receive an answer to their respective letters, if their husbands wish to receive them & their families, they will petition government for this indulgence. I am, Sir,

Yr ob^t Servant

Thos Warren.

Your letter owing to the incorrectness of its address, did not reach me so soon, as it otherwise would have done;

Tolpuddle

Blanford, is the usual address.

the time of the voyage. Russell was troubled in conscience, as we can see by the correspondence which passed between him and Lord Melbourne.

In the course of a letter dated October 2, 1835, from Endsleigh, Lord John Russell remarked:—

Lord John
Russell writes
Melbourne

"One of the Dorchester labourers, Loveless, made a confession that he had been seduced by Londoners, and had got the men to take oaths thinking there was nothing in it against law. Upon which I wrote to the Colonial Office that the two Lovelesses should be pardoned after three years in the colony. Now Joseph Hume writes me a letter, which I send you. I am not disposed myself to do more than I have done, for then we should be in their power, instead of their being in ours. What say you? To be sure the Duke of Cumberland and the Duke of Gordon are far more guilty than the labourers, but the law does not reach them, I fear."

Lord Melbourne, however, did not see matters in quite the same light. The enmity with which he had pursued the Martyrs was unabated. In his letter from Panshanger, dated October 6, 1835, he agreed with Russell that the question of the Orange Lodges required serious consideration and then went on to observe:—



DUKE OF CUMBERLAND

"I am certainly quite against doing anything more in the case of the Dorsetshire labourers. I thought the matter had been considered to have been settled. Perhaps if it will tend to prevent the revival of the question, you might facilitate their being joined by their families. You call Loveless's statement that he had been seduced by Londoners a confession—I call it a defence or justification, and probably false. Did he state who those Londoners were?"

Russell, however, was not so easily convinced that the matter had been disposed of. In a subsequent letter he said:—

"The question of the Dorchester labourers is not finally disposed of. The debate ended in the House of Commons by Peel's saying that if any circumstances came to my knowledge in their favour it was quite open to me, on my responsibility, to give them a further remission. Since that

time two circumstances have transpired—one that Loveless gave a very fair, and I believe, true account, that the evidence against him was agreeable to the fact, but that he took what he did from the suggestion of others, and that he did not know it was unlawful. Now as to the unlawfulness, it required putting together two Acts of Parliament to prove that the thing was unlawful; O'Connell says now that it was lawful, and no proclamation warned them that what was notoriously done all over London was illegal. Secondly, it appears that the Duke of Cumberland and Lord Wynford have been doing the same thing only with more cunning, and *deserve* at least a more severe punishment. I have already offered the wives of the Lovelesses

Russell
urges further
clemency

Duke of
Cumberland
more guilty
than the
labourers

Tolpuddle March 18 - 1836

May it please your Lordship
My Lord we whose names are hereunto first
withfallings of our warmest Gratitude and of our most
humble acknowledgements Return to you our grateful
Thanks for your Kindness shown towards us by Procuring
for our Husbands, Mothers and Relatives His Majesty's
most Gracious Pardon. Viz. on the Dorchester unions
But more Especially by Procuring Pardon for the two
Lovelesses to Return with the others at the end of
two years And by Hearing of your unswerving
Benevolence for them and us

We will as in Duty bound ever pray
for your Lordship's health. Happiness and Prosperity

Elizabeth Loveless
Sarah Loveless
C. Baine
Dennish Stanfield
H. Hammett

to go out, but they would not go till their husbands were consulted. Certainly if I stay in office, I shall not keep the sentence in force the whole seven years."

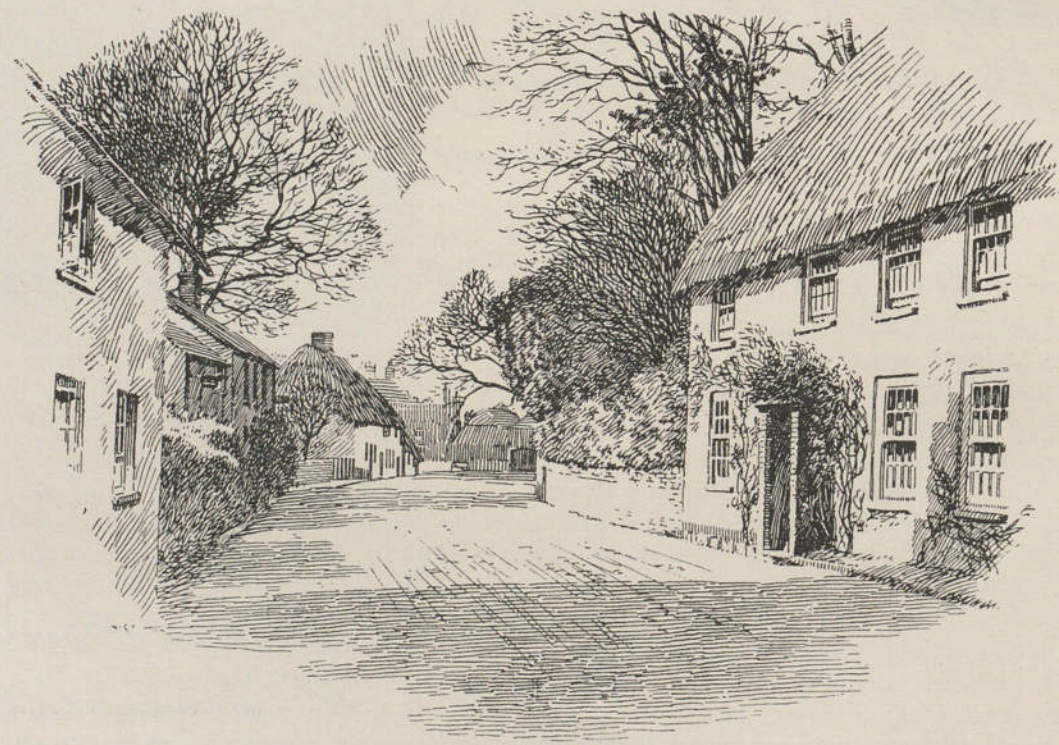
The persistence of the agitation and Lord John Russell's strong feeling that the sentence could not be maintained, were having their effect. Melbourne on October 13, 1835, observed:—

"I do not myself care much what is done respecting the Dorsetshire labourers. But you know the feeling which exists against their being brought back into the Country."

Melbourne must have been singularly ill-informed as to the state of feeling in the country, and the agitation which had already secured a conditional pardon was soon to reach its consummation. The Dorchester Committee and the good friends who had worked so arduously for the relief of the six men were soon to have their reward.

On March 14, 1836, after Wakley had presented several petitions on behalf of George and James Loveless, Lord John Russell stated that His Majesty had been pleased to grant a free pardon to the whole of the men. So, after an agitation lasting almost two years, the full pardon had been secured. The news was immediately communicated by the Dorchester Committee to the wives and families of the six absent ones. They replied in words evidently chosen for them explaining their gratitude for the Home Secretary's kindness. A long time was still to elapse before their loved ones were to return again to Tolpuddle.

A full pardon
14 March,
1836





To face page 77

THE HOMECOMING

(XII) THE HOMECOMING



SECTION VIII described how George Loveless, in the spring of 1836, was employed on the farm of Major de Gillern, at Glenayr, near Richmond, some forty-five miles from Hobart, Van Diemen's Land. He was considerably treated now that he was a "free" man—in so far as one could be free who was utterly destitute of material resources, and who was not permitted to return to England.

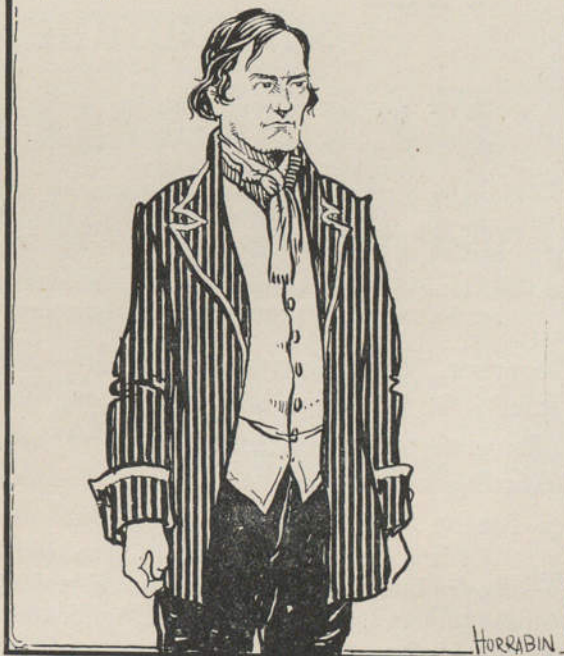
George Loveless now a "free man"

His thoughts were far away across the ocean in the quiet countryside from which he had been torn, where dwelt his loved ones. How were they faring? Had they been left at the mercy of his oppressors, to starve, or to be driven to the poorhouse? He could not believe that his brothers of the Trade Union Movement would be indifferent to their needs. He felt the confidence born of being a member of that great human brotherhood, pulsating with desire to make the lot of him and his like the more worth living.

The country round him was wild and inhospitable to his English eyes. Plains, hills and mountains covered with lofty trees were all around him. Nowhere could be observed the soft and fertile valleys of his earlier memories. It seemed to him as though even in nature itself there was a reflex of the dreariness and drabness which governed the lives of the unhappy convicts. He missed the notes of the English birds, and the brilliant plumage of

Wild and inhospitable country

George Loveless



the feathered world seemed to him little compensation for the absence of cheery song. Birds which did not sing and flowers from which no fragrance seemed to radiate were a strange anomaly to him. The hot north-west wind stifled his breathing, just as the cruel hand of authority had stifled his freedom of action.

Major de Gillern perceiving that Loveless was a man of high intelligence and sympathising with his longing to get news of England, brought him from time to time the newspapers which he himself received from the old country.

Loveless writes that in September, 1836, he read in the *London Dispatch* that Lord John Russell had stated that the Dorsetshire Unionists were not only to be set at liberty but were also to be sent back to England free of expense and with

every necessary comfort. He evidently meant the *Weekly Dispatch* and the debates in the House of Commons, which took place on March 3 and 14, 1836. The statement which Loveless had seen in the newspaper was reproduced in the *Hobart Town Tasmanian* a little later.

At that time there was a considerable agitation taking place in Tasmania against what was considered the severity and the maladministration of the Governor. A number of newspapers regarded Colonel Arthur as little better than a tyrant and were demanding his recall. The *Chronicle*, in particular, was extremely outspoken. The Editor of the *Tasmanian*, Mr. R. L. Murray, was opposed to this campaign, and as evidence of the Governor's kindness he said that "orders had been sent from the Home Government to work the Dorchester Unionists in irons on the roads." This order had not been carried out by the

Governor. He also remarked that no doubt Colonel Arthur had already sent the Dorsetshire labourers back home.

Loveless waited for three weeks and then wrote to the Editor of the *Tasmanian* in the following terms:—

SIR,

Of late, frequent mention has been made in the *Tasmanian* of the men known as the Dorchester Unionists, and of the home government in reference to them. Last week you mentioned the subject again, and observed, "no doubt that Colonel Arthur has sent the whole of the men home before this time." I do not know whether Governor Arthur has received orders from home;

Agitation
to recall
Governor
Arthur

SUPPLEMENT.

GOVERNOR GEO. ARTHUR

Is Ordered HOME!

LORD GLENELG closes his Despatch as follows:—"I have felt it my duty, to advise his Majesty, that you should be IMMEDIATELY RECALLED; and I have to convey to you, his Majesty's commands, that, on receipt of this Despatch, you will, with as little delay as possible, repair to this Office."
("Signed) GLENELG."

TO-MORROW OUGHT TO BE A DAY OF GENERAL

THANKSGIVING!

For the deliverance from the iron-hand of GOVERNOR ARTHUR. We have now a prospect of breathing. The accursed gang of blood-suckers will be destroyed. Boys will be seen no more upon Police Benches, to insult Respectable Men. Perjury will cease to be countenanced, and a gang of Felons will be no longer permitted to violate the LAWS OF CIVILIZED SOCIETY.

COLONISTS,

The dismissal of Arthur from the Governorship of unhappy TASMANIA, is a BLESSING, that will be felt by the worthy, and be duly appreciated. The Impounding Law, which was made to benefit the great Members of Council, will be abolished. The Turkey and Persian Act will meet with the same fate; and the Act of abominable practices by the hirelings, and secret emissaries of the Government, upon the People, will no longer be countenanced.

REJOICE!

FOR THE DAY OF

Retribution HAS ARRIVED.

WILLIAM GIDDWIN, PRINTER, GEORGE STREET. "CORNWALL CHRONICLE"

POSTER EXHIBITED BY "CORNWALL CHRONICLE," TASMANIA

Loveless
writes to the
Tasmanian

I should like to know. If his Excellency has received intelligence to that effect, I hope he will have the goodness to communicate that knowledge to me before he leaves these shores. I hereby offer you my sincere thanks for the sympathy you manifest towards the fate of some half-dozen humble individuals, who, in 1834, were transported to these colonies for unwillingly and ignorantly giving offence. Few can imagine—experience alone teach—what it is to be bereaved of, and torn from, those who are dear to us; and who are still dearer to me than could possibly be all the treasures of the world—wife and children.

"A DORCHESTER UNIONIST."

Shortly after this, Major de Gillern received a letter from the Governor asking that if Loveless was still living with him he should be told that the Governor wished to see him at Hobart Town.

This was evidently in consequence of the despatch which had been sent by Baron Glenelg, as under:—

No. 128.

Downing Street,

24th March, 1836.

SIR,

With reference to my dispatch No. 56 of the 11th November last, with which I transmitted to you a Conditional Pardon for George Loveless, one of the persons convicted at Dorchester of administering unlawful oaths, I have now the honor to enclose to you a copy of a letter which has been received from the Home Department, together with a Free Pardon, which His Majesty has been pleased to grant to George Loveless, and to desire that you will give him the benefit thereof.

I have further to desire, if George Loveless should wish to return to this Country, that you will provide him with a free passage by the first favorable opportunity, the expense of which will be defrayed from the funds applicable to Convict Services.

I am, Sir,

Your most obedient, humble
Servant,

(Sgd.) GLENELG.

L. Governor Arthur.

Allowing four months for this to reach him, the despatch must have been in his possession about six weeks before writing to Major de Gillern.

Unfortunately, in communicating this message to Loveless, his employer did not tell him that the Governor wished to see him, and some delay elapsed before he was aware of this. At last, on October 6, 1836, he was notified by the Governor that he could have a free passage to England by the "Elphinstone," which was sailing shortly. This news, welcome as it was, raised a very awkward problem for Loveless. At the request of the



GOVERNMENT HOUSE, TASMANIA, HOBART, 1834

The
Governor
inquires about
Loveless

Governor he had sent to his wife, nearly nine months previously, asking her to join him in Tasmania. He had not been able to receive a reply to his letter as it took approximately from four to five months for a letter to travel from Tasmania to England, and a similar time for a reply. It would be a terrible position for his wife to be on her way out to him and he to pass her on his journey home.

He, therefore, asked permission to remain in Tasmania until he had heard from his wife. In the event of her not coming he would expect a free passage back to England by another ship. In a curt note which he received from the authorities he was told that unless he accepted the passage in the "Elphinstone" offered to him, the Government would not be able to give him a free passage later. Loveless, with characteristic persistency, then called to see the Colonial Secretary, Mr. Montagu, in Hobart Town. He stated his case respectfully but firmly, and said he was under the impression that the authorities had had a free pardon for him in their office for a considerable time before they let him know.

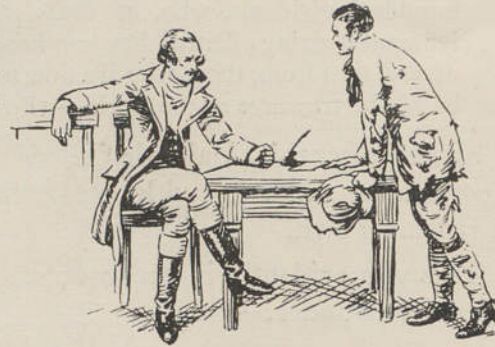
"Yes, my good fellow," remonstrated Mr. Montagu, "but the reason of that was that we did not know where to send to you."

"I beg your pardon, sir," replied Loveless, with quiet insistence, "that could not be the reason, as the place I called my home was registered in the Police Office by order of the Governor."

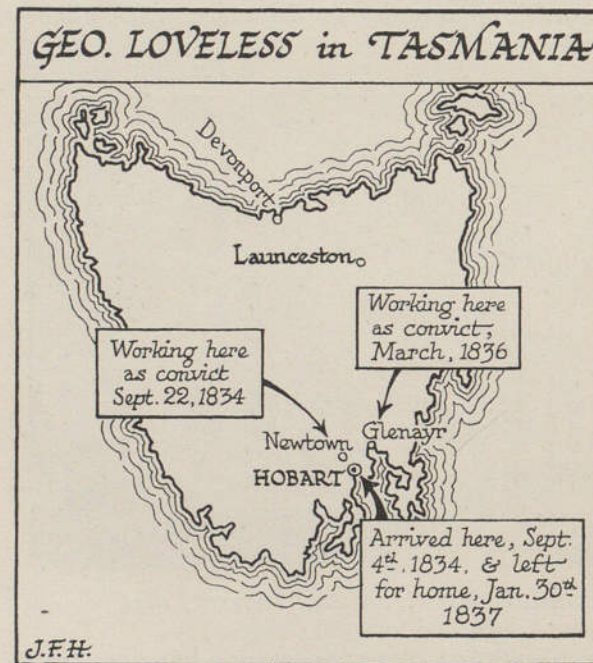
Mr. Montagu began to get impatient. "The order is you are to be sent home immediately," he said shortly.

But Loveless was not to be silenced. "You say, sir, the King's pardon for me is in your office, and yet I am to be sent home as a prisoner. I was sent out a prisoner, contrary to my wishes, and with a free pardon I am to be sent back a prisoner, contrary to my wishes. I hope Mr. Montagu will place himself in my situation a few minutes. I know he is a husband and a father."

This appeal penetrated the official exterior. "Well, Loveless, what do you want?" Mr. Montagu asked in a more kindly tone.



Awaiting a letter from home



"I want a promise from the Governor," replied Loveless, "that I shall be indulged with the privilege of stopping a few months until I shall receive a letter from my wife, and if she is not coming to Van Diemen's Land, to have something to show that I may claim a free passage to England."

"I will draw up a memorandum myself, and see what can be done for you. You shall know the result in a few days," Mr. Montagu assured him.

Mr. Montagu was as good as his word, and on December 23, 1836, Loveless heard from his wife to the effect that she did not intend to come to Tasmania. He, thereupon, claimed the free passage home which had been promised him. This was granted, and he finally left Hobart on January 30, 1837, by the ship "Eveline" travelling as a steerage passenger.

He arrived in London on June 13, 1837, after an absence from England of a little over three years. He appears to have avoided any public demonstration, preferring to await the return of his comrades.

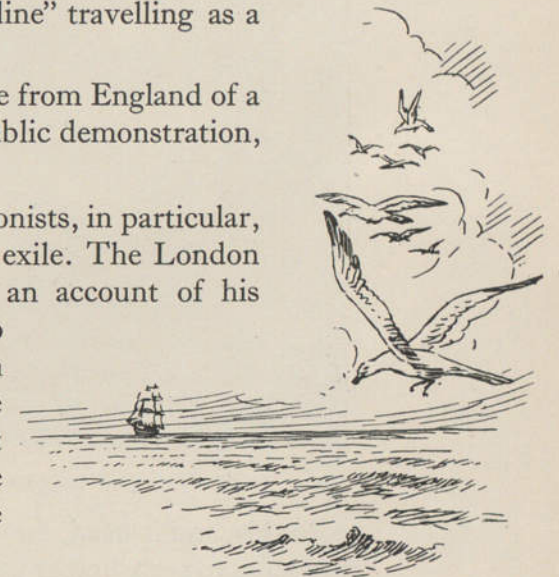
His story naturally excited great interest, and Trade Unionists, in particular, were eager to know of the happenings during his years of exile. The London Dorchester Committee suggested that he should write an account of his experiences which would be issued to the public. Two months later, whilst the indignities and hardships to which he had been exposed were still vividly in his mind, George Loveless wrote from his cottage at Tolpuddle, a pamphlet entitled *The Victims of Whiggery*, sometimes called George Loveless's diary, which was widely distributed by the London Dorchester Committee.

* * * * *

We must now return to New South Wales, to see what was happening to his comrades there. We left the two Standfields, together with James Loveless and James Brine, in the barracks at Sydney at the end of January, 1836. After remaining there a few days they were put to work with one of the gangs. They were kept at the barracks for about a month without any reason being given to them as to why they had been brought there. Then, one morning they were called into the office of the principal superintendent, Mr. Brennan, and were told that a conditional pardon would be granted them after they had been in the Colony three years.

This was only partially correct, as may be seen from the dispatch sent by Lord Glenelg to Sir Richard Bourke, dated June 12, 1835, in which he authorised the Governor "to grant a Pardon to Thomas Standfield, John Standfield, James Hammet and James Brine, on condition of their continuing to reside in the Colony for the term of two

George Loveless returns in the "Eveline," 30th January, 1837



The Standfields, Brine and Jas. Loveless at Sydney

Lord Glenelg sends a Conditional Pardon

years from the date of their arrival, and to grant a Pardon to James Loveless, on condition of his continuing to reside in the Colony during the remainder of his Sentence."

According to this dispatch, all except James Loveless should have been set at liberty at once, although they would not have been allowed to return to England for a further eight months, as their two years' residence in the Colony did not expire until September, 1836.



SIR RICHARD BOURKE

For some reason, however, the authorities were reluctant to liberate them. What was the explanation of this? It may be found in a subsequent dispatch marked "private and separate," dated July 7, 1835, in which Lord Glenelg explained to the Governor that since the Government had decided to grant a conditional pardon, they had found under an existing Act, 2 and 3 Wil. 4, C.62, "that the Prisoners are wholly excluded by the terms of that Act from receiving any indulgence whatever, until after the expiration of four years from the period of their transportation, except by virtue of a Warrant under the Royal Sign Manual."

This meant, of course, that the only means open to the Government, except by violating the Act, was to induce King William IV to grant a free pardon which would enable the men to return at once. The Government, however, did not want to do this, and instead, they asked Sir Richard Bourke to report upon the conduct of the men so as to see whether they were "fit objects of mercy." The Government were in an evident difficulty as is seen by the language of Lord Glenelg, when he wrote:—

"I, therefore, do not conceal from myself, that I impose upon you a duty which may possibly be in some degree at variance with the terms of the Statute to which I have referred. Convinced, however, as His Majesty's Government are, that such a case as that to which this Correspondence refers was not contemplated by the Authors of that Statute, and that the Letter of the Law is, from a most improbable combination of circumstances opposed to the claims of Justice, humanity and sound Policy, I have not scrupled to sanction the measures directed in my Public Dispatch of this Date.

"I trust, however, that it may be in your power to accomplish the immediate release of these Prisoners from Penal Labour without involving yourself and the Government in a responsibility, which, it must be confessed, is not to be lightly undertaken.

I am, etc.,

GLENELG."

Responsibility put on Sir Richard Bourke

To put the matter more plainly, the responsibility was put upon Sir Richard Bourke of finding a way round the Act of Parliament. He got out of this quandary not by

releasing them, but by ordering them to the penal settlement in Port Macquarie, New South Wales, for twelve months, until His Majesty's further pleasure should be known.

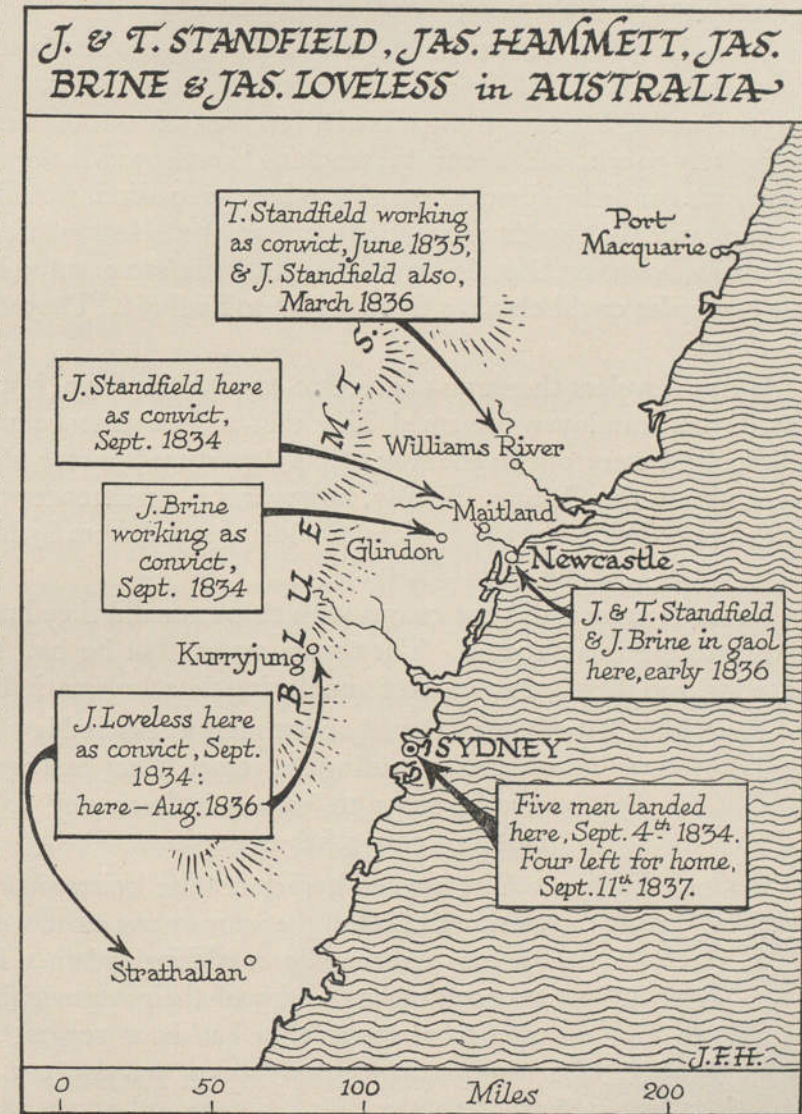
What he intended should happen to them while they were at the penal settlement it is impossible to conjecture.

This settlement must not be confused with Macquarie Harbour, Van Diemen's Land, where conditions were horrible in the extreme. Still, it is not surprising that none of them liked the idea of going there, as Port Macquarie had an evil reputation. Accordingly, they petitioned the authorities for the order to be modified and for the four of them to return to their former employers.

James Loveless and James Brine elected to go on the farm of the Superintendent, Mr. Brennan, at Prospect, about twenty miles from Sydney. This was granted, but John Standfield and his father went to work on a sheep farm about thirty miles from Maitland. They had to watch the flocks day and night, and after getting the sheep in at sunset, John Standfield had to walk six miles for rations. During this time his father had a severe illness, owing to exposure in the bush.

John wrote to George Loveless in Van Diemen's Land in November, 1837, and, in the reply, which they received from him in January, 1837, he told them that a full pardon had been granted and informed them how they could

Ordered to Port Macquarie



John Standfield writes George Loveless

George Loveless tells Standfield of the free pardon

secure a free passage home. No word of this pardon had been received from the authorities, although, of course, they must have known about it. It is singular that the dispatch containing this pardon is missing from the historical records of Australia. It is stated there, however, that the news of the free pardon was communicated to the Governor of Australasia, Sir Richard Bourke, in a dispatch from Lord Glenelg, on March 18, 1836. The authorities must, therefore, have been in full possession of the pardon by August, 1836, at the latest, yet they did not inform the men. John Standfield immediately wrote to James Loveless, informing him of the good news.

James Loveless meanwhile had been moved to another farm at Kurryjung, about fifty miles from Sydney. He learned from a friend in December, 1836, that an account of a full pardon having been granted to him, had appeared in one of the newspapers. He proceeded to Sydney to ascertain the truth, reaching there towards the end of January, 1837. The news was confirmed by the Superintendent, who said it would have been communicated to him earlier but for the mistake of the Secretary. He was informed by his employer, Mr. Brennan, however, that although a pardon had been granted it did not mean that he and his comrades could obtain a free passage to England. They would have to remain in the Colony.

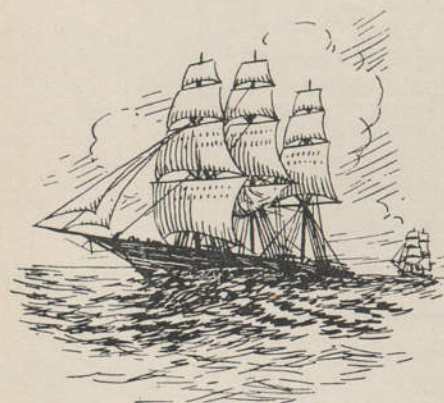
James Loveless thereupon agreed to stay on the farm, but about two months afterwards his employer informed him that a free passage was to be offered to him. Difficulties were put in the way of his departure because of his employer wishing to keep him in the Colony. Finally, however, his persistence was rewarded, and together with James Brine and the two Standfields he sailed from Sydney to England on September 11, 1837, in the "John Barry."

James Hammett did not return with them nor did they know exactly in what part of Australia he was situated. They were aware that he had been sent farther into the interior, and they had no news of him during the whole period of their stay in the Colony.

The "John Barry" was delayed about nine weeks at New Zealand taking in timber, and the four exiles assisted in loading the vessel. They had agreed with the Captain to do this in order to earn a little money to provide themselves with clothing and other necessities.

The voyage home, despite boisterous weather, was much more comfortable than the journey out, as may easily be imagined. As they approached the shores of England they looked forward with eager expectation to the day of their approaching reunion with the loved ones from whom they had been separated so long.

The vessel cast anchor in Plymouth Sound on St. Patrick's Day, Saturday, March 17, 1838, exactly four years from the date of their trial. They came back quietly, without ostentation, but as soon as it was known that they were in the vicinity, the people flocked down to



All except James Hammett return on "John Barry" September 11, 1837

the quay to greet them. The jovial landlord of the "Dolphin Inn," on the Barbican Quay, Mr. Morgan, spared no effort to make them feel really at home.

The following day they moved to the house of Mr. James Keast, a prominent Trade Unionist in the building trade, with whom they remained whilst they were in Plymouth. Tired as they were, and eager to reach home, they could not resist the appeal of the workers that they should appear at a public meeting. The town had been placarded with a notice on behalf of the Committee of Trades, announcing a public welcome on Thursday, March 22, at the Mechanics' Institute, Princes Square, Plymouth.



BARBICAN QUAY, PLYMOUTH, 1832

Mr. Keast took the chair at this meeting and there was a large audience, the new arrivals being welcomed on all sides. The following day they departed by coach from Plymouth proceeding to Exeter, where a further public meeting was held.

From thence they journeyed to Dorchester, where they arrived at the "Antelope Inn" on Monday, March 26. The *Dorsetshire County Chronicle* stated that the men "had on new suits of clothes and travelling caps, and the carriage was loaded with portmanteaux and other luggage." The workers of the neighbourhood had made extensive preparations for their reception, but, unfortunately, these miscarried because of a mistake in the date of their arrival. But the travellers were well content. There were only seven miles now separating them from their native village of Tolpuddle.



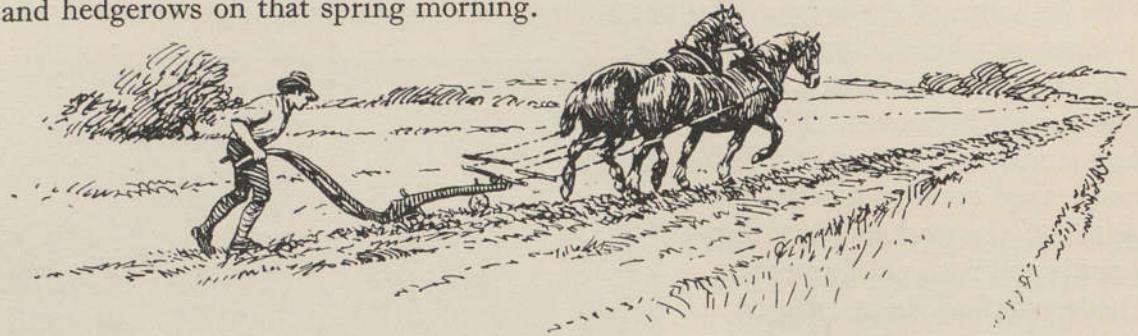
MR. JAMES KEAST

As they gazed about them they thought how peaceful everything seemed. The same placid High Street, gently sloping to where the river Frome murmured its way under the bridge. Everything looked so different from the wild country in which their last years had been spent. Mine host of the "Antelope" bustled about attending to his guests, of whom not the least honoured were the men who, four years before, had been locked on the coach as felons, and conveyed from the grim prison to the convict hulks. There was food to be prepared and horses to be changed, and then on they went jogging over the rough road, along which they had marched in custody of the constable on the day of their arrest.

At the "Dolphin Inn," Plymouth

The arrival in Dorchester

Its every detail was familiar and yet, replete with these sorrowful memories though it was, surely no country in the world could appear so pleasant as the trim Dorset fields and hedgerows on that spring morning.



Up hill and down dale sped the coach, until at last they could see the steeple of the village church. How little changed everything appeared! Yet change there was, shown not only in the fervent welcome amidst tears of gladness with which they were received, but in a challenging independence which seemed to distinguish the village labourers. Assuredly, although the process of change might be a long one, the domination of the squire and farmer was not to endure for ever. The martyrs had brought back to Tolpuddle a gospel of suffering and service which was to inspire a mighty Movement.

The triumphal
welcome in
London



By courtesy of "Illustrated London News"

DORCHESTER FROM THE ROMAN AMPHITHEATRE

They were not long allowed to enjoy the quietude of their firesides. After a few days' rest, they were conducted up to London where the London Dorchester Committee had organised in their honour on Easter Monday, April 16, a procession, concluding with a dinner at White Conduit House, at which some 2,000 people were present. Thomas Wakley, M.P., who presided, toasted George Loveless as "the archbishop of Tolpuddle," and Dr. Wade and the members of the Dorchester Committee vied with each other in lavishing kindness and hospitality upon the five men who had endured so much.

George and James Loveless and Thomas Standfield replied in simple, homely language to the felicitations bestowed upon them. Yet even in that moment of happiness, their thoughts turned to the absent James Hammett. Wakley assured them that Hammett might be expected home in a fortnight or so, as the delay had been occasioned by his being too far in the interior of Australia to be reached in time for him to sail with them. Unfortunately, this optimism was misplaced, and a further year or more was to elapse before he landed in England.

(XIII) ESSEX TO CANADA

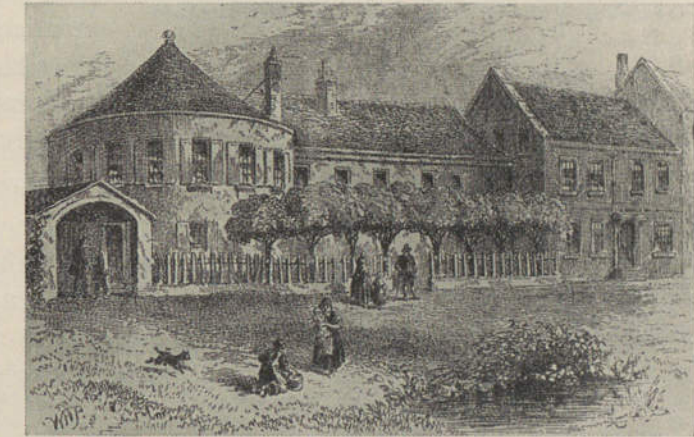


LONG before the Dorsetshire labourers had returned to England, mature consideration had been given by the Central Dorchester Committee in London to ways and means of permanently removing the six men from the power of their former persecutors. It was felt that if they returned to Tolpuddle, sooner or later they would be exposed to the petty tyranny which squire and farmer knew how to impose so dexterously.

When the Committee first started its duties, its sole purpose was that of protecting the wives and families from hardship whilst the breadwinners were absent. The response was such that not only were the Committee enabled to do this adequately, but a considerable surplus remained. Many schemes were examined for utilising this to the best advantage, until finally it was proposed that an effort should be made to place the labourers on farms of their own. This would furnish a living testimonial of the esteem in which they were held by Trade Unionists and the public generally.

The Committee decided to await the return of the labourers before coming to any decision, and it was not until the dinner which was given in April, 1838, in their honour at White Conduit House, that Thomas Wakley publicly announced the project. The proposal was received with acclamation, and Loveless and his colleagues readily embraced the opportunity extended to them. They expressed the sincere wish that they should be settled near one another. The comradeship which had endured through the dark days of adversity, ought to be preserved and strengthened in the bright future which was dawning for them.

In May, 1838, the Dorchester Committee launched the Dorchester Labourers' Farm Tribute, as the fund was called, from which was to be purchased the farms and equipment. Inquiries were instituted and the Committee availed themselves of a most advantageous offer to lease the New House Farm, Greensted Green, near Chipping Ongar, Essex. The farm was pleasantly situated on high ground with a splendid view of undulating country, reminiscent in some respects of the county of their birth.



WHITE CONDUIT HOUSE, ABOUT 1820

The comrades
placed on
farms

Farms leased
near Ongar,
Essex

Accompanied by an agricultural expert, George Loveless went down to see the farm which consisted of about eighty acres of arable and pasture land, with farm house and



GREENSTED CHURCH, ESSEX

homestead attached. They were both favourably impressed, and so, in August, 1838, George and James Loveless, together with James Brine, were comfortably installed on the farm. The lease of this farm had a further seven years to run, and the price paid by the Committee for the farm and equipment was only £640.

The Standfield family were located on another farm at High Laver, near Harlow, and about four miles from Greensted. Their farm, too, was charmingly situated and extended over 43 acres. Unfortunately, James Hammett had not then returned, and

as his wife desired to remain at Tolpuddle, the Committee granted her a sum sufficient to keep her in comfort pending her husband's arrival.

George Loveless devoted his leisure time to engaging the agricultural labourers in the cause for which he had suffered so much. The village parson at Greensted Green, the Rev. Philip Ray, whose tiny flock apparently left him plenty of time to pry into the doings of his neighbours, publicly reprobated them. He complained that the Parish was being disgraced by having a lot of convicts brought into it. Certainly, being dissenters, they did not attend his pretty little church crowded with historic memories, dating back before the Norman Conquest.

When, early in the following year the sixteen members of the Dorchester Central Committee visited Loveless' farm, the Reverend gentleman nearly burst with indignation, and feverishly wrote to the Bench of Magistrates at Chelmsford, and to the Lord Lieutenant of the County, reporting that a mob of Chartists had recently assembled at Greensted.

Meantime, organisation in Dorset was not being neglected. On November 14, 1838, a meeting took place near Blandford in support of the people's Charter. For days before the meeting a notice was displayed signed by George Loveless, calling upon the labourers to join the working men's association. Despite the threats of the farmers, some 200 of whom attended on horseback to intimidate the labourers, nearly 6,000 people listened to the speakers.

James Hammett arrived at the New House Farm in August, 1839. On September 22 of that year he was given a public welcome at the Victoria Theatre, Waterloo Road,

The Standfields at High Laver

The Rector objects to "Chartists"

James Hammett reaches the farm

London, now widely known as the Old Vic., the democratic home of classical opera and drama, where a benefit performance was given in support of the Fund. It had been announced that Hammett would attest his thanks for the help which had been given to his family during his absence. But when he arrived at the theatre and saw the crowded attendance, he, who had never quailed at the prospects of hardship, was unable to command his feelings sufficiently to address them. Even George Loveless, eloquent and practised speaker that he was, was unable to control his emotion when he gazed over the sea of kindly faces, glowing with sympathy. His self-possession vanished. Memories of those bitter years surged up within him, and with tears streaming down his face he could utter only a few broken sentences of gratitude. It was left to John Standfield, now twenty-five years old, to give something of the story which the overstrained emotions of the older men prevented them from telling.

Back on their farms, on the edge of Epping Forest, replete with romance and legend, they never lost an opportunity to proclaim the burning faith within them. They threw themselves with enthusiasm into the Chartist Movement, and, as we learn from the *Morning Post*, soon after their arrival at their new homes, Chartist newspapers were seen in active circulation. Night after night the agricultural labourers from the adjoining parishes, plodded their way over the fields to attend the meetings of the newly-formed Chartist Association at the New House Farm.

It is a platitude that time speeds where happiness resides. James Hammett had long gone back to Tolpuddle, and the time was approaching when consideration would have to be given to other provisions for the future. The farm had not been bought outright, and the lease was due to expire in the summer of 1845.

Around the cosy fire at the New House Farm, the comrades had many and animated discussions as to what should be done.

James Brine was now a married man, having espoused the daughter of his old comrade, Thomas Standfield. Elizabeth Standfield and he were married at the Parish of Greensted, in Essex, on June 20, 1839. His new responsibilities gave him a deeper interest in the conversation of the elder men than might otherwise have been possible.



COBURG THEATRE, LONDON; LATER THE VICTORIA, 1830

They form a Chartist Association at Greensted

James Brine marries Elizabeth Standfield

What should be done? Should they remain in the county of Essex, and try to make arrangements for a new lease? Much as they would have liked to have gone back to Tolpuddle, it was felt that to do this would be to expose themselves to the vindictiveness of their former oppressors. James Hammett had returned, but he had not remained a farm labourer. With natural adaptability, he had turned to building work, a trade in which he remained until he retired from active service.



NEW HOUSE FARM, GREENSTED, ESSEX

In those conversations round the Essex fireside, someone had spoken of Canada, the new country full of hope and prospects beyond anything that appeared possible in England to men of initiative and resource. Why should not they, too, go to Canada? Communications with their friends were soon established, and ultimately, in the spring of the year, they found themselves once more upon the heaving billows, sailing with their faces to the west. With their little capital, they would be able to shape their own destinies in a land free from the conventions and prejudices inseparable from English country life, amongst those to whom those earlier pages of their life, grim and yet glorious, were unknown.

It is not surprising that there are a good many obscurities about the Canadian part of their story. It appears that they made a compact amongst themselves that the story should be kept locked in their own breasts. They were going into a strange country, they would have to form new friendships with people of whose views on life they knew nothing. Perhaps, after all, it might be the best to shroud those days between 1834 and 1838 in silence. Well was that compact kept. Their children learned very little of what had happened, and the grandchildren were almost entirely in the dark until 1912, when the account was transmitted overseas of the unveiling of the Memorial Arch, erected in their honour at Tolpuddle.

H. J. Brine, who was born in Tolpuddle in the same house in which his Uncle James had been arrested, and who went out to Canada in 1855, recalls the news he gave them of the presentation which was made to James Hammett. He described to George Loveless and the Standfields how Hammett had been lionised at a great gathering of Trade Unionists. They were all delighted at the honour which had been bestowed on their old comrade, but they repeated what they had said many times before, "Don't talk about our transportation. Don't tell the children." Their resolve to maintain silence, may be better understood, perhaps, when it is realised that the district in which they settled was regarded at that time as a stronghold of Orange Toryism, full of prejudice and intolerance of radical principles.

The proposal
to emigrate to
Canada

The compact
of silence

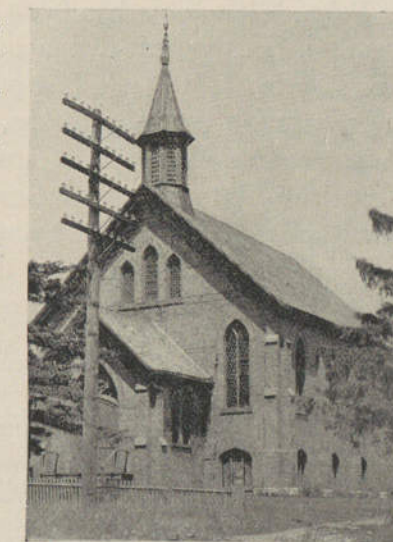
Apparently they reached the American continent in the spring of 1844, although another account gives it as 1846. The voyage in a sailing ship through the freezing seas of the north Atlantic, must have been a terrifying experience to the women and children. A further sorrow was added to the over-burdened hearts of the Loveless family by the loss of a daughter on the passage.

Where they landed cannot be definitely stated. The present descendants of the Standfields assert that the families all came to New York, travelled from thence by train to Buffalo, and then by ship to Port Stanley, from where they trekked by ox-team to London, Ontario. George Loveless settled on a farm about two miles from the site of the first Methodist Church at Siloam, London. This church which he helped to build, was burnt down, being a wooden frame building, and the present church was erected in its place on the same site. Although he moved later to another farm, he always resided at London, and lived happy and contented until he passed into his last sleep on March 6, 1874. To the end he was true to his principles and never disguised his outspoken views. He was equally firm in his adherence to his religious faith, and regularly held bible classes at the house which he had built. He preserved his love for flowers and his garden was a blaze of colour, regarded with good-natured envy by his immediate neighbours.

Little is known about his brother, James, save that he became caretaker of the Methodist Church at Siloam, where he remained until his death. This good, quiet man never regretted the sacrifice which he himself had made, and looked on George with a kindred affection and love to that which David bore to Jonathan. They sleep near one another in the little churchyard at Siloam. Not far from them lies Thomas Standfield, who was at a farm at Bryanstone, London, where his happy disposition and melodious singing, together with his striking appearance rendered him beloved and respected by all who knew him.

His son, John, remained for a time with his father from whom he had inherited a great love of music. He created the choir at Bryanstone, which became famous over a great part of Western Ontario. Later, he left the countryside as a farm worker and became an hotel proprietor in East London. Always active and public spirited, he rose to become the Mayor of the district. He, too, died and was buried in London.

James Brine, as has been stated, married the daughter of Thomas Standfield, and their first child was only a few months old when they crossed the Atlantic. At first he rented a farm at Bridgewater, now called Homesville, near Clinton, Ontario, not far



SILOAM CHURCH, ONTARIO

The
Lovelesses
at London,
Ontario

The graves at
Siloam

James Brine
at St. Mary's,
Ontario

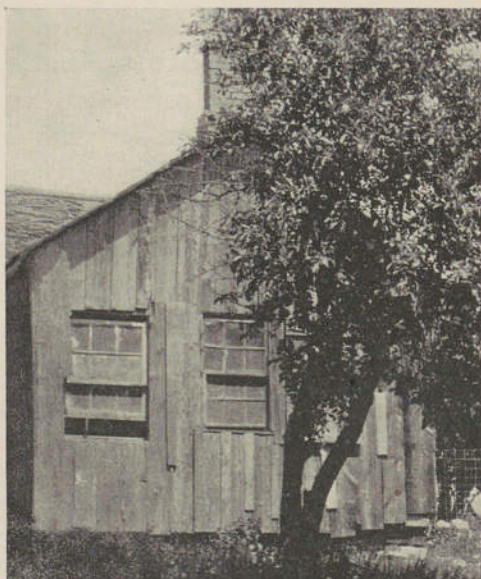
from the shores of Lake Huron. Unfortunately, his crops were destroyed by grasshoppers and he removed to Carters Farm, London. He afterwards purchased a farm at Blanshard, Perth County, about four miles south of St. Marys, Ontario, and about twenty-five miles north of London. His farm at Brine's Corner, was well known, and when he died on August 11, 1902, in his ninetieth year, his loss was mourned far and wide. He was buried in the churchyard at St. Marys.



GEORGE LOVELESS

These quiet, resolute, steadfast products of the English countryside, left behind them numerous descendants in Canada, many of whom have occupied important positions in the commercial, industrial and civic life of the community. The historian of the family was H. J. Brine, the nephew of James Brine, of whom we have already spoken. He wrote the pamphlet, *Christian Songs*, in which he gave for the first time to the public of the American continent some of the more intimate details of the struggles of his heroic relatives.

He asserts that young James Brine was arrested by his own father, the village constable at Tolpuddle. This has been repeated by other writers, but it scarcely seems to be credible. In the first instance, there is a discrepancy in the name of the constable as given by H. J. Brine. His pamphlet refers to the constable as John Brine, whereas in the Court records the name is James—a fact which is confirmed by George Loveless in his pamphlet, *The Victims of Whiggery*. Secondly, none of the martyrs ever mentioned this dramatic arrest of a son by his own father, an omission which, if the story was true, would be almost unaccountable. Thirdly, the mother of James Brine, Catharine, applied as the records show, for parish relief during the time her son was transported. She had at various times, prior to that date, received parochial assistance because of the low wages which her son was then receiving. It is fairly certain that she was a widow at this time, depending upon the earnings of her son. It is scarcely possible that if she had been the wife of the village constable, she would have needed parish relief.



ORIGINAL HOME OF JAMES BRINE IN CANADA

A nephew's
account of the
arrest

As has been stated, James Hammett did not accompany his comrades to Canada, but returned to Tolpuddle, where he went into the building trade. So far as can be ascertained, on only one occasion did he break through the reserve which characterised him. That was when in March, 1875, Joseph Arch presented him with an illuminated address and a silver watch on behalf of the National Agricultural Labourers' Union. It was on that occasion, as has been stated earlier, that Hammett avowed that he had been sold like a slave for £1 whilst in Australia. The address and the watch which he received, still remain in the cherished possession of his niece, Mrs. Mary Hammett, who lives to-day in the village in which James Hammett spent so many years of his life.

In the evening of his days, his eyesight became seriously affected. Rather than be a burden on his family, he insisted much against their inclinations, on going into the Poor Law Institution at Dorchester where his last days were spent. He rests in the quiet village churchyard at Tolpuddle, the only one of the six brave men who reposes in his native soil. His grave, carefully tended by his aged niece over these many years since he was laid to rest on November 21, 1891, will not long remain without tribute from those who honour him. Neither "storid urn nor animated bust back to their mansions can call the fleeting breath," but at least the passer-by will, after the autumn of 1934 has flown, see a recognition of the esteem and affection with which his memory is regarded by Trade Unionists.

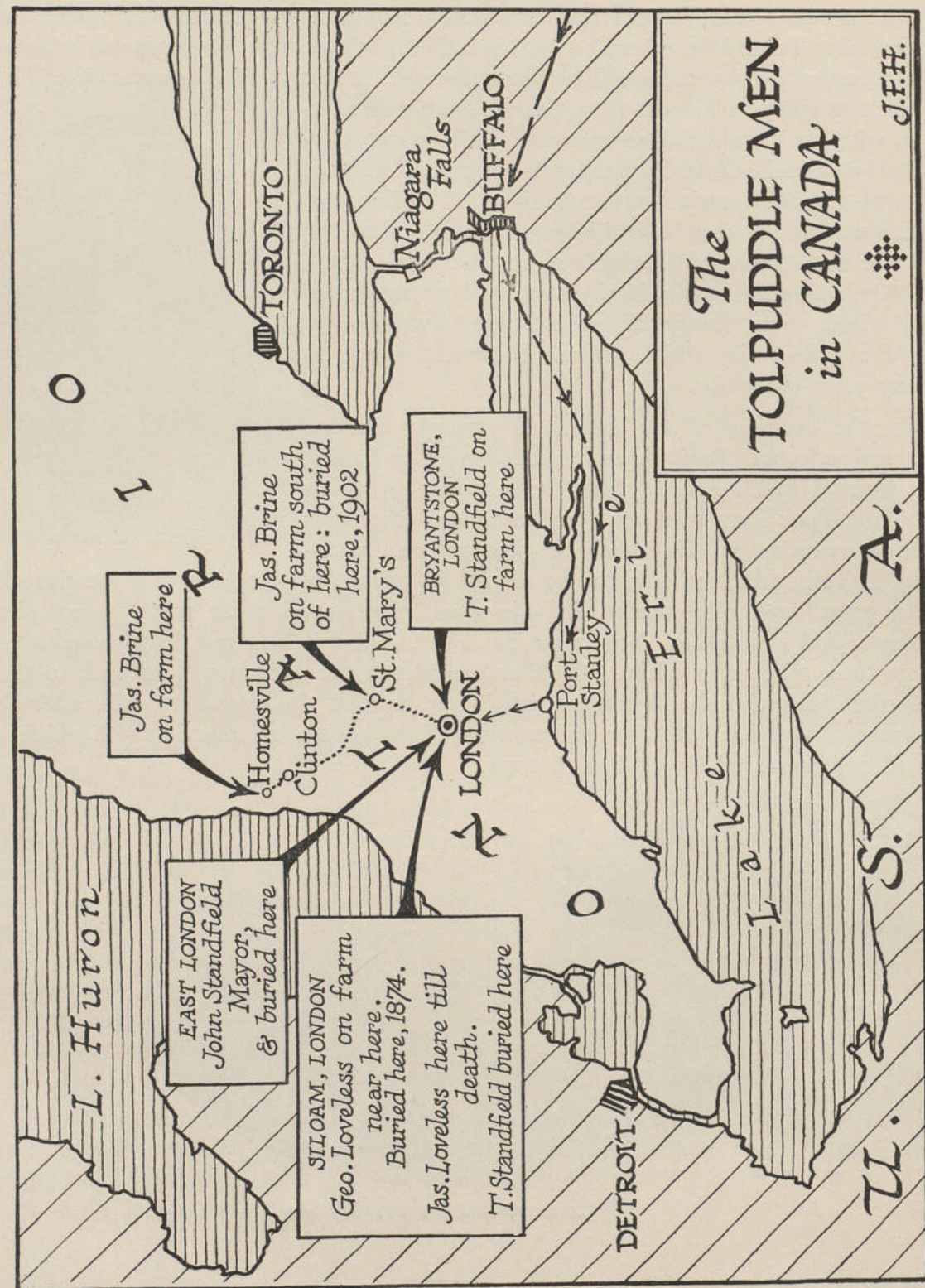


JAMES HAMMETT

James
Hammett a
builder at
Tolpuddle



LONDON, CANADA WEST, 1849



(XIV) IN RETROSPECT



HUMAN experience would be falsified if the dreadful suffering which the six Tolpuddle Martyrs bore with such amazing fortitude had produced no result. Their conduct under trial was a challenge to the conscience of the nation. Their fidelity to principles that were in themselves the expression of elementary rights of citizenship rang like a clarion call to the workers of their own generation. They were certainly not the founders of Trades Unionism, whose origins go back many decades earlier than 1800. Nor were they the first Trades Unionists to be transported, but their example was an inspiration which has lost none of its power in the course of a century.

The martyrdom an inspiration

The period immediately following the return of the Dorsetshire labourers was one full of difficulty for the Unions. The latter had been foremost in the agitation for a Parliamentary inquiry into their status and operation, and in an effort to meet the criticism levelled against them many had removed the oath from their initiation ceremonies. A series of embittered industrial disputes had begun in 1834, notably that of the lockout of the silk workers at Derby, the strike of the gas workers in London and the lockout of the London building operatives. The Grand National Consolidated Trades Union crashed in the strain thrown upon its funds, and for a time it appeared that reaction had gained its way.

Many of the skilled trades, however, maintained their organisation intact and gradually developed from local organisation into national Unions exerting a considerable influence. It was a period demanding the utmost loyalty to the principles of Trade Unionism. But always the tribulations borne so bravely by the Dorsetshire labourers served to inspire and fortify Trade Unionists whilst their organisations were under attack. When one reads the contemporary records of strikes and lockouts in that period, and the stirring manifestos issued during the various disputes that took place, one can realise the potency of this appeal. It formed one of the strongest arguments for working-class solidarity. It explains the deepening sense of unity which brought the Unions together, first in the National Association of United Trades in 1845, and later in the largely personal association of individual leaders, such as Robert Applegarth, William Allan, Daniel Guile, Edwin Coulson and George Odger, who constituted the Junta of the early 'sixties. It explains something, too, of the formation of the Trades Councils, and finally of the Trades Union Congress itself, formed in 1868.

Unifying the movement

Progress towards this goal was slow and hazardous. The greatest immediate advantage following the sacrifice of the Tolpuddle Martyrs was felt not on the industrial field, but in the workers' political movement. The tremendous gathering at Birmingham in 1838, which launched the Chartist Movement sang, with a fresh intensity, the verses written out



TOLPUDDLE 1934
 "WHO WAS THEN THE GENTLEMAN?"

at his trial by George Loveless. It was felt that he and his companions lately returned from exile had been the victims of Whiggery. Loveless's pamphlet under that title was effectively used in the Chartist propaganda, during which references were constantly made to the Tolpuddle Martyrs and aroused militant enthusiasm at meetings all over the country.

The political agitation which produced the later Reform Act, the Ballot Act, the wider democratic franchise and the modern political parties, was but one aspect of the movement towards fuller liberty which broke the power of hereditary privilege to oppress the people.

Historians are prone to speak of the enlargement of political liberties, the attainment of freedom of the press, freedom of opinion, and the right of public assembly, as the most characteristic expression of the liberating spirit of the 19th Century. Not less important, however, was the rise and progress of the great voluntary organisations of the working people, and the removal by successive stages of the legal shackles which hampered them in the first half of the century. The most notable expansion of the principle of freedom of association so clearly and firmly asserted by the Tolpuddle Martyrs at the terrible cost to themselves, was seen in Trade Unionism and the Co-operative Movement.

Freedom of
 association

In the case of the Trade Unions, legislation was promoted in more or less unwilling parliaments, now conscious of the rising political power of the workers, to rid them of the most vexatious disabilities attaching to their position as corporate bodies without a legal identity. The series of Acts of Parliament from 1871 to 1876, the Trades Dispute Act of 1906, the Trade Union Act of 1913, were all directed to the removal of restrictions and anomalies inherent in the legal status of the Unions.

That process went on until the passage of the Trades Disputes and Trade Union Act in 1927, attempted to reverse the process. During the whole of this period, steady progress was being made in the organisation of the workers, on both the industrial and political fields. The formation of the Labour Party by the Trades Union Congress in 1900, was the consummation of a sustained period of political activity. Within the next thirty years, that Party twice formed the Government of the country.

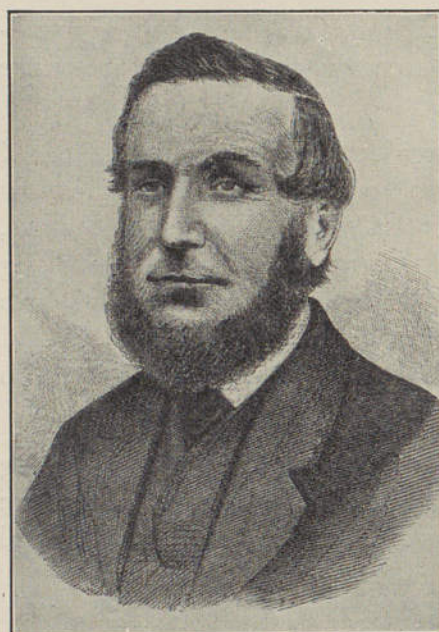
Trade Unionism amongst the agricultural workers, which suffered most as an immediate consequence of the destruction of the Tolpuddle Society, gained much in the long run from the example of the six brave men of Dorset. For more than a score of years after the savage onslaught upon the Tolpuddle workers, village Trade Unionism languished. Tyranny on the countryside was an omnipresent reality in the lives of the labourers. Against the oppression of the landowners and farmers, the village population had none of the remedies available to the industrial workers. They lacked contact with other bodies of workers which fortified the Trade Union spirit in towns. Communication was difficult, and news travelled slowly.

Tyranny on the
 countryside

When the revival of village Trade Unionism came, through the efforts of Joseph Arch nearly a generation later, it was still localised.

Joseph Arch
forms a National
Union

The revival began in the middle 'sixties. Here and there in the southern counties Unions were formed in isolated districts, mainly in the effort to improve wage standards. None of these lasted very long, and it was a movement started by Joseph Arch in



JOSEPH ARCH

February, 1872, which launched a genuinely national organisation of agricultural labourers. Joseph Arch, like George Loveless, was a farm labourer and a Methodist local preacher. He had the energy, sagacity and gifts of leadership required for the task he undertook. Under the flickering light of torches on the village green at Wellsbourne, Warwickshire, over 1,000 labourers gathered to listen to him, and then and there decided that a Trade Union should be formed.

The rapid spread of Arch's organisation aroused again the strongest opposition from the farmers and landowners, many of whom discharged the labourers who had joined the Union. Despite this, the Union flourished, and by the end of 1872, it had attained a membership of nearly 100,000. It suffered a severe setback in 1874, when, by the weapon of the lockout and evictions, the farmers destroyed Branch after Branch. By 1889, the membership had declined to a few thousands. Arch lost contact with the Union, and it gradually withered away.

It was not until the opening years of the present century that a renewed effort was made to form a National Union for Agricultural Labourers. It began in the eastern counties in 1906, and the following year, the Union activities were launched on a wider scale. To-day 30,000 members are enrolled in the National Union of Agricultural Workers alone, and considerable numbers are also enrolled in other Unions, such as the Transport and General Workers' Union.

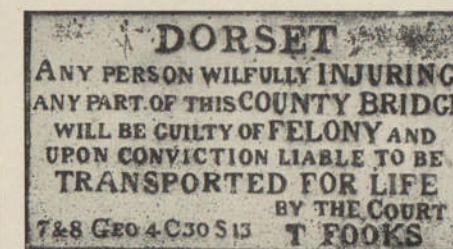
Conditions
to-day in
agriculture

Trade Unionism amongst the farm workers to-day is a strong and vital growth, which the vicissitudes of the agricultural industry have failed to undermine. The work of the Unions in constantly endeavouring to raise the standard of life of the workers in the countryside has met with a very considerable measure of success. Through the mechanism of the Agricultural Wages' Board standards of wages and hours, although still lamentably out of proportion to the essential needs of a full and complete life, are beyond anything which could have been conceived by the Tolpuddle Martyrs. A wages'

standard of 30s. per week now exists in Dorset, where the Union and its members play an important and highly respected part in the communal life of the county.

The characters in the drama which has been unfolded in these pages have passed from the stage. Some of them lie at rest in graves far away from the land of their birth. James Hammett sleeps in the quiet churchyard of his native village. The two chief protagonists, separated so widely in life, are now gathered together in eternity.

An interesting reminder of this bitter period may be seen on several Dorsetshire bridges still threatening all and sundry with transportation for injury to these structures.



The reminder
on the Bridge



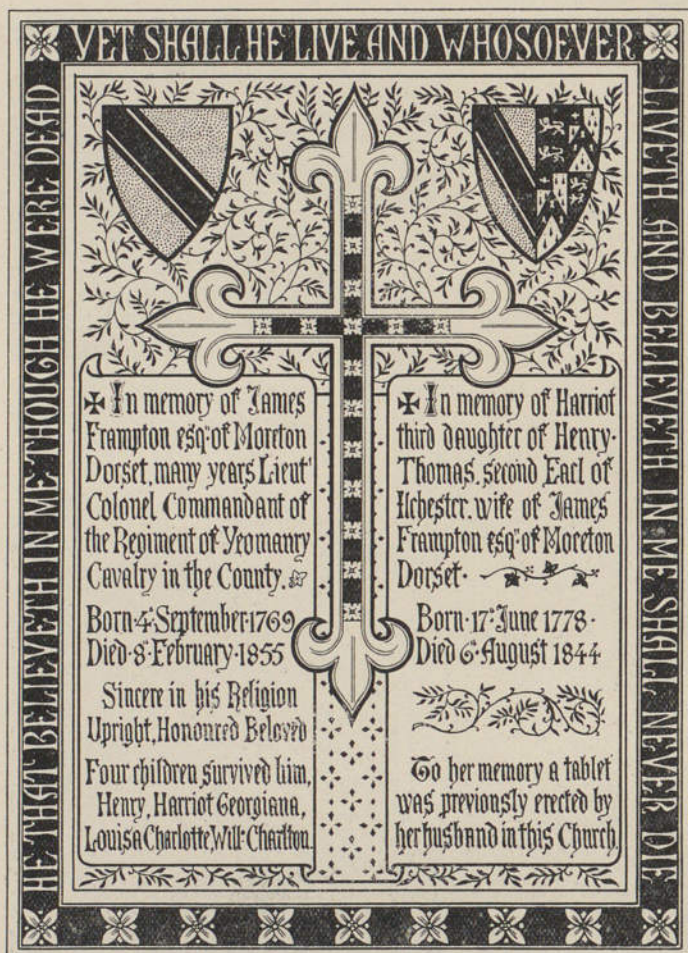
BRIDGE OVER RIVER FROME, NEAR MORETON

The memorial which marks the vault of James Frampton at Moreton and the simple stone covering the grave of George Loveless, 3,000 miles away, tell nothing of the story of suffering and sorrow in which they were engaged. Each, according to his lights, displayed a standard of behaviour and character which showed them both to be men of great

determination and strong personality. James Frampton, arrogant and prejudiced as he was, apparently was oblivious of the grievous harm he did to the six men he so remorselessly persecuted.

That part of the story of the Tolpuddle Martyrs one can be willing to forget. What can never be forgotten is the faith and courage of George Loveless and his companions.

An epic story



THE MEMORIAL IN MORETON CHURCH

when George Loveless and his heroic companions so steadfastly fought for its principles.

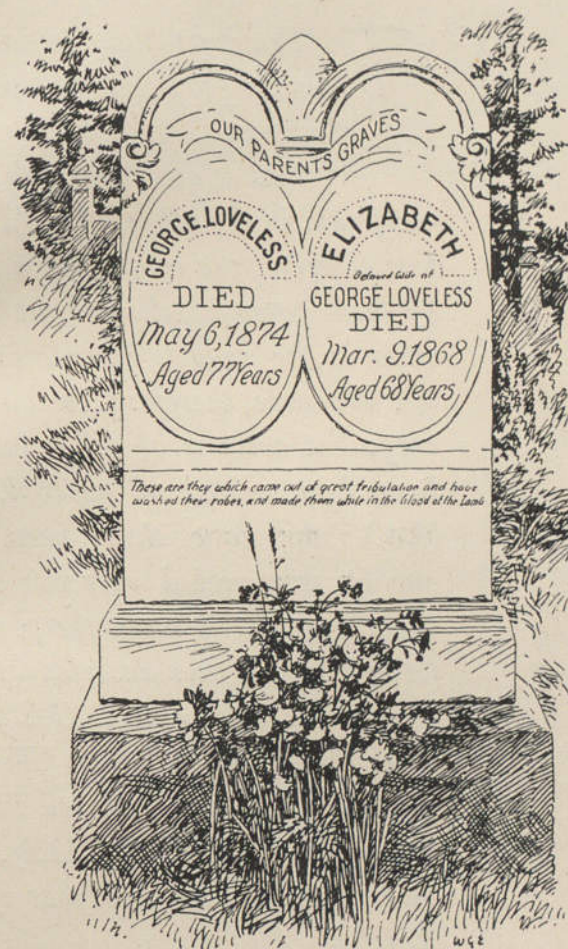
The last few years have witnessed the emergence of movements plainly aimed at the destruction of the workers' organised power, not only on the industrial but also on the economic and political fields. It requires all the sacrifice and devotion which the present generation of Trade Unionists can exercise, to preserve the liberties handed down to them by the pioneers of Trade Unionism. Unhonoured and unsung, countless

To Trade Unionists of the present generation, the story of the Tolpuddle Martyrs comes both as an inspiration and a warning. For generations the Trade Union Movement has steadily accumulated strength, until to-day its membership is numbered in millions. It plays a vast and important part in the constant struggle to maintain and improve the wages, hours and working conditions of those who toil. Its representatives are to be found taking their part in almost every phase of industrial, economic and communal life. Step by step it has established its position as the unchallenged representative of working-class opinion in the counsels of the nations. Over the century from 1834, largely as a result of its efforts, wages increased four times over, and hours diminished almost to half of what they were in the days

thousands have passed into eternity, leaving on the pages of progress tangible advantages enjoyed by all of us to-day.

That is why we are commemorating this sacrificial act of the Dorsetshire Unionists, which gave impetus to the forces of labour. That is why, in Australasia, Canada, New Zealand, South Africa, and in the United States, thousands will demonstrate their unity of purpose, and profound faith in the principles of human brotherhood, for which those brave pioneers fought and suffered. It is not only to remind ourselves of their historic service to the cause of freedom, but to keep alive amongst Trade Unionists of this generation and those still to come, the living spirit they breathed into our Movement.

Over the welter of toil and struggle of 100 years rings the voice of George Loveless, "Let every working man come forward from east to west and from north to south; unite firmly but peaceably as the heart of one man. . . . Then no longer would the interests of the millions be sacrificed for the gain of a few, but the blessings resulting from such a change would be felt by us, and our posterity even to generations yet unborn."



A PROUD RECORD

The Tolpuddle Commemoration

1834 — 1934

Editorial Note

THE report that follows of the trial is partly from the "Times," and partly from the "Dorset County Chronicle." These are the fullest reports available, but each could not be found in the other. The "Dorset County Chronicle" was clearly more interested in the actual proceedings by local persons, whereas the "Times" was more interested in the Judge's observations, and in the proceedings as they went up. We have, therefore, combined the two reports, and given the fullest account of all stages of the trial which have been added or omitted, except where necessary (Ed.), nor have there been any alterations, or one or two verbal corrections of what slips. In order to make the position clear, a letter (T.) has been inserted at the end of the report from the "Dorset County Chronicle." All quotations are, of course, quoted in the official form, e.g., 37 Geo. III cap. 123. This means that the Act passed in the 37th year of the reign of George the Third.

**DORSETSHIRE
LABOURERS'
CENTENARY
COMMEMORATIONS**

**DORCHESTER
AUG. 30—SEPT. 2**

Provisional Programme

Athletes from ten countries are participating.

THURSDAY, AUG. 30

Official Opening.

Sports:

Athletic events.
Tennis Tournament.

Football:

London v. Dorchester.
France v. Belgium.

Presentation of Play.

FRIDAY, AUG. 31

Dedication of Memorial Cottages.
Unveiling Memorial Plaque.
Unveiling J. Hammett Memorial.
Presentation of Play.

Sports:

Athletic events.
Tennis Tournament.

Football:

England v. Belgium.

SATURDAY, SEPT. 1

Finals of all sports events.
4 Brass Band Contests.

Football:

England v. France.

Presentation of Play.
Pageant.

SUNDAY, SEPT. 2 (Afternoon)

T.U.C. Demonstration in Arena.

**Do Not Miss
This Epic Event**

*The Trial*

Friday, March 14, 1834



ON Friday afternoon the Judges, the Hon. Sir John B. Bosanquet, and the Hon. J. Williams, accompanied by Edward Doughty, Esq., the High Sheriff, and a numerous cavalcade of javelin men, arrived at Dorchester from Salisbury, and immediately proceeded to the County Hall, where the Commission was opened and read, after which the Judges attended Divine Service at St. Peter's Church. The Service was read by the Rev. John Le Gros, and an excellent sermon preached by the Rev. J. Morton Colson, M.A., the Rector, from Romans, ch. vi., v. 21.

The Judge arrives at Dorchester

Saturday, March 15, 1834

The business of the Assizes commenced a little before ten o'clock on Saturday morning, when Mr. Baron Williams took his seat on the Bench in the Crown Court, and Mr. Justice Bosanquet in that of Nisi Prius. The usual Proclamations having been read the following gentlemen were sworn of the Grand Jury

The Grand Jury is sworn in

HON. WILLIAM FRANCIS SPENCER PONSONBY, *Foreman*

HENRY BANKES, ESQ.
WILLIAM JOHN BANKES, ESQ.
THOS. BOWYER BOWER, ESQ.
JOHN BRAGGE, ESQ.
SAMUEL COX, ESQ.
JAMES FRAMPTON, ESQ.
HENRY FRAMPTON, ESQ.
JAMES CHAMNESS FYLER, ESQ.
AUGUSTUS FOSTER, ESQ.
JOHN HUSSEY, ESQ.
WILLIAM HANHAM, ESQ.

GEORGE THOMSON JACOBS, ESQ.
BENJ-LESTER LESTER, ESQ.
GEORGE COLBY LOFTUS, ESQ.
JOHN MICHEL, ESQ.
RICHD. AUGUSTUS STEWARD, ESQ.
CHARLTON BYAM WOLLASTON, ESQ.
HUMPHREY WELD, ESQ.
THOS. HORLOCK BASTARD, ESQ.
JAMES HENNING, ESQ.
JOHN HESKETH LETHBRIDGE, ESQ.
THOMAS BANGER, ESQ.

(D.C.C.)

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The business of the Assizes commenced a little before ten o'clock on Saturday morning, when Mr. Baron Williams took his seat on the Bench in the Crown Court, and Mr. Justice Bosanquet in that of Nisi Prius. The usual Proclamations having been read the following gentlemen were sworn of the Grand Jury

The Grand Jury is sworn in

HON. WILLIAM FRANCIS SPENCER PONSONBY, *Foreman*

HENRY BANKES, ESQ.
WILLIAM JOHN BANKES, ESQ.
THOS. BOWYER BOWER, ESQ.
JOHN BRAGGE, ESQ.
SAMUEL COX, ESQ.
JAMES FRAMPTON, ESQ.
HENRY FRAMPTON, ESQ.
JAMES CHAMNESS FYLER, ESQ.
AUGUSTUS FOSTER, ESQ.
JOHN HUSSEY, ESQ.
WILLIAM HANHAM, ESQ.

GEORGE THOMSON JACOBS, ESQ.
BENJ-LESTER LESTER, ESQ.
GEORGE COLBY LOFTUS, ESQ.
JOHN MICHEL, ESQ.
RICHD. AUGUSTUS STEWARD, ESQ.
CHARLTON BYAM WOLLASTON, ESQ.
HUMPHREY WELD, ESQ.
THOS. HORLOCK BASTARD, ESQ.
JAMES HENNING, ESQ.
JOHN HESKETH LETHBRIDGE, ESQ.
THOMAS BANGER, ESQ.

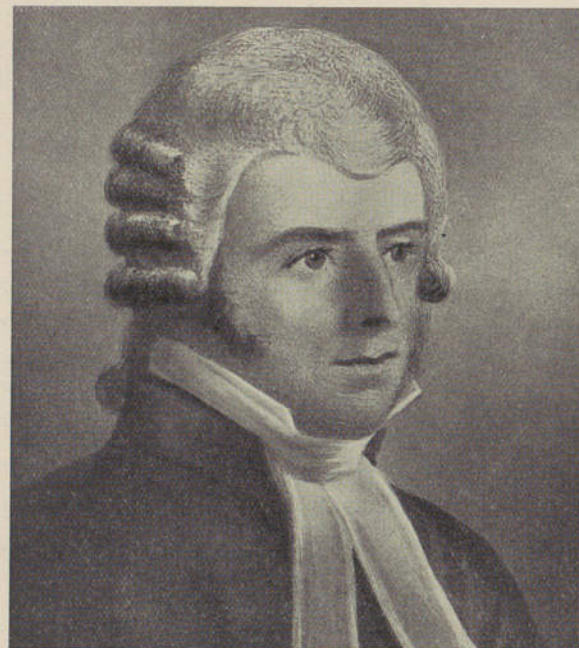
(D.C.C.)

Judge enlarges upon the offence of administering unlawful oaths

Mr. Baron Williams proceeded to charge the Grand Jury, and in doing so, very particularly alluded to a case in the calendar where six persons are charged with combining together, and administering unlawful oaths binding the parties to secrecy.

In doing so, his Lordship observed that there was one case in the calendar in which persons were charged with administering secret, or, as they were more properly called, unlawful oaths, to which they must excuse his calling their attention at some detail.

He dared to say that they were aware that an Act of Parliament of the 37 Geo. III,



National Portrait Gallery

JUDGE BARON WILLIAMS

Cap. 123, on this subject, seemed to allude particularly to seditious societies or confederacies; but though it did so it had been decided that the combination or confederacy, be it which it might, need not be for seditious purposes, but that other unlawful purposes of combination were embraced within the Act of Parliament; and therefore supposing they should have evidence that some person or persons had administered an oath to bind to secrecy for a purpose described in the Act of Parliament, there was no doubt or question but that it would be within the Act, though there might not be any evidence to satisfy them that it was connected with seditious purposes.

Having said thus much, and having had his attention called to it, he could not refrain from observing on the nature and

quality of this offence, and these observations might lie on the surface for it was a question familiar to them all. In the first place, it was no light matter with respect to these obligations, to say the least of it, that they were doubtful and ambiguous, particularly if they should appear to be for an illegal purpose, as it was disparaging, and, to a certain degree, bringing into discredit the administering of oaths altogether, and thereby affecting that which was essential to the purity of the judicial oath, upon the due observance of which the proper administration of justice depended. They knew that it had been observed by moralists as an imputation upon this country, and particularly by Dr. Paley, for it had been said by him that it was a subject of regret that for so many purposes, so many oaths should be applied, on the ground that it was trifling with the sanctity of an oath; but if there was any truth in that observation, how much more was it applicable to the case where the unfortunate party to whom the oath was administered not infrequently took it by compulsion,

Trifling with the sanctity of an oath

when the administration of the oath placed him in such a state of doubtful morality as to make it uncertain of the line of conduct he ought to observe.

No doubt in courts of law they could not hear of his doing anything under that obligation, but how far it became his duty to disclose things against his oath was a question of doubtful morality, and was one of the painful effects which put a party under the administration of an oath in that unhappy situation. Hitherto, it had ever been deemed in this country that openness and publicity with respect to our general conduct, most generally tend to the public good.

The evil results of secrecy

It was also known that if there was a respect in the minds of the people of England for the administration of justice, that greatly depended on the openness and absence of reserve in the conduct of those proceedings, and he could not help believing that much of the impropriety which was now traditional respecting instances of judicial enormity in the last century but one depended much on the privacy said to be observed in the administration of justice, and he feared it would be an evil day for this country if ever that disposition for publicity should fail, and that any set of men should prefer a private irresponsible tribunal to the open courts of the realm. To withdraw responsibility from them who, because of their publicity were accountable for any error, and remove it to such as were self-constituted, irresponsible, without control, was surely in the last degree dangerous, which struck at the foundation of society, and would bring matters into a perilous condition indeed. He presumed that none of them nor any person of virtue, would be induced to pledge himself under the highest sanction to a particular line of conduct for the remainder of his life, which no change of circumstances should alter, provided even that circumstances occurred which rendered it advisable.

The misery of these cases was this—that men subjected themselves, not to a voluntary restraint upon themselves, but to the irresponsible conduct of others, who were unknown and strangers to them in every respect, who had nothing to control them, who had no regard for the individual with respect to whom it might be said in proportion as they were without choice or means of action were the most dangerous persons to be trusted with authority, and that the unhappy people by whom, when these oaths were administered, there was this subjection, were placed in a degree of abasement as to moral agency, and under a degree of tyranny which it was almost impossible for any man to contemplate.

He believed that of all persons affected by it, the unfortunate persons themselves who were brought into any state of this kind, and had an oath of this sort administered to them were affected the most. Sure he was, that within his own experience he had known that they had been compelled by the force of an oath, to make out of their scanty means such a large and ample contribution as would not be endured by any class of men to the constituted authorities of the country, or the maintenance of the Government itself.

A tirade against Trade Unions

That there had been instances of the grossest oppression by demands made on these persons which were unknown in this country, but above all, where men were included in societies of this kind, the common right obligation of every man of labouring as he pleases, and for whom he pleases, was taken away from him, and there was even danger of life and limb attending that person the moment he incurred the displeasure of the party to whom he had subjected himself, of the self-elected persons to whom he pledged his subjection by the oath he had taken. (T.)

[After hearing the Charge from the Judge, the Grand Jury returned a True Bill, and sent the case for trial.—ED.]

Monday, March 17, 1834

James Loveless, George Loveless, Thomas Standfield, John Standfield, James Hammet and James Brine, were indicted for administering and causing to be administered, and aiding and assisting, and being present at, and consenting to administer, a certain unlawful oath and engagement, purporting to bind the person taking the same not to inform or give evidence against any associate or other person charged with any unlawful combination and not to reveal or discover any such unlawful combination or any illegal act done or to be done, and not to discover any illegal oath which might be taken. (T.)

The following were the members of the Jury:—

WILLIAM BULLEN, of East Pulham	<i>Yeoman</i>
EDWARD BENNET, of Cerne Abbas	<i>Yeoman</i>
WILLIAM BOOBY, of GODMANSTONE	<i>Yeoman</i>
JOHN CASE, of Bathenhampton	<i>Yeoman</i>
THOMAS COX, of Corscombe	<i>Farmer</i>
ELIAS DUFFETT, of Stalbridge	<i>Yeoman</i>
MATTHEW GALPINE, of East Pulham	<i>Yeoman</i>
SAMUEL HARRIS, of Stalbridge	<i>Yeoman</i>
JOSHUA LAMBERT, of Hazelbury Bryan	<i>Yeoman</i>
JOHN MORGAN, of Fordington	<i>Yeoman</i>
JOSEPH TUCKER, of Stoke Abbott	<i>Yeoman</i>
GEORGE TULK, of Weston	<i>Yeoman</i>

(ED.)

Mr. Gambier and Mr. Barstow conducted the prosecution, and Mr. Butt appeared for the persons, John Standfield, Hammet and Brine, and Mr. Derbyshire for the persons, James and George Loveless and Thomas Standfield.

Mr. Gambier stated that the charge against the prisoners was, that on a certain day in December, they, altogether, or one of them, administered an unlawful oath to a person of the name of Legg, for the purpose of binding the party to whom it was administered not to disclose any illegal combination which had been formed, and not to inform or give evidence against any person associated with them, and not to reveal any

The trial of the six martyrs begins

The prosecution asserts Act of 1797 was not limited to mutiny and sedition

unlawful oath which might be taken. The first part of the charge was, that the purport of the oath was to bind the party to obey the orders of a body of men not lawfully constituted. The indictment was framed on an Act of 37 Geo. III Cap. 123, and his Lordship would be aware that the preamble of that Act related to seditious meetings, but the enacting part was of a more general nature, including confederacies not formed merely for seditious purposes but for any illegal purpose whatever, and his Lordship would be aware that there was an authority which had decided that the enacting part of the Statute was not restrained by the preamble, but extended to all societies the object of which was unlawful. One clause of the Act related to oaths administered for the purpose of binding a party not to reveal an unlawful combination. He would direct their attention to the Act of 39 Geo. III Cap. 79, Sec. 2, by which all societies the object of which was to take an oath not required or authorised by law (with certain exceptions) were pronounced to be unlawful combinations: therefore, for the purpose of saying whether an unlawful combination was formed they must look to the 39 Geo. III and 57 Geo. III c. 19, which declared such societies to be unlawful combinations, and provided that the members might be prosecuted for a misdemeanour.

The allegation in the indictment was, that the prisoners administered an illegal oath to certain persons, binding them not to disclose an illegal confederacy. It would be for them to see whether the facts bore out the conclusion to which he had come that a combination formed under the circumstances that would be stated, was a combination the law had pronounced to be illegal, and would depend on this—whether any member was required to take any oath of this description, or any oath which the law did not require or authorise. He should therefore show that the combination was illegal—that it was the practice of the association to administer oaths, and that they were administered and that the members were bound to obey the commands of men not legally constituted, and that they were bound to secrecy. With regard to the form of the oath and the mode of administering it, it was proper he should call his Lordship's attention to the 5th Section of the 37 Geo. III Cap. 123, which provided that any engagement in the nature of an oath should be deemed an oath within the meaning of the Act, in whatever form or manner the same should be administered.

The learned Counsel then proceeded to state the facts of the case to the Jury and called the following witnesses:— (T.)



SIR J. GAMBIER

Claims that oaths were administered illegally

Evidence
of
John Lock

JOHN LOCK *examined*.—I live at a place called Affpuddle. I went one or two days before Christmas to Tolpuddle; I know the prisoner, JAMES BRINE; I saw him at Tolpuddle on the day in question; he took me to a house opposite THOMAS STANFIELD'S, and asked me to go in, but I would not; I went away down the street; about a fortnight or three weeks after that I saw BRINE at MR. BRINE'S barn at Affpuddle; I was then at work; he asked me to go with him to Tolpuddle; the prisoner, JAMES HAMMETT, was then with him; it was in the evening when I was about to leave work; I agreed to go with them, and on the way met with four other men, EDWARD LEGG, RICHARD PERCY, HENRY COURTNEY, and ELIAS RIGGS; as we walked along one of the men asked whether there would not be something to pay; he was answered that there would be a shilling to pay on entering, and a penny a week afterwards. On arriving at Tolpuddle we went into a room, into which JOHN STANFIELD came; two of the prisoners at the bar, JAMES LOVELESS and GEORGE LOVELESS, passed through a passage; and one of the prisoners asked if we were ready to have our eyes blindfolded; we said "Yes"; we then (all five of us) bound our handkerchiefs round our eyes; we were then led by a person through a passage into another room, on the same floor; on getting into that room a paper was read to us, but I do not recollect any of the words that were read; after the paper had been read we knelt down on being desired to do so; something else was then read to us; the voice which read appeared to be the same; I don't know what the reading was about; but I think it was from some part of the Bible; we then got up, turned ourselves round and took the bandage from our eyes on being desired to do so; a light was in the room; I saw in a corner of the room something (a picture, I think) which had the appearance of a skeleton; on looking at that picture JAMES LOVELESS said: "Remember your end." We were then desired to blind our eyes again and to kneel down; the same voice read again something which I don't remember; we were afterwards desired to kiss a book; our eyes were then unblinded; I then saw all the prisoners (six) present; some of them were sitting, some standing; JAMES LOVELESS had then a different dress from what he now has on; the rules were then named to us—I think by GEORGE LOVELESS; I did not know the exact meaning of the rules; something was said about paying a shilling on entering the society, and a penny a week afterwards to support the men who were out of work—those who had struck, till their masters should raise their wages; I know the meaning of the word "strike"—it is to stop work; I don't recollect that I heard the word used that night when I was blindfolded; I heard the word note or letter mentioned; we were told that when we intended to strike we need not name it to our masters, because they would have a letter sent to them acquainting them of it; I last was living

at Affpuddle. I did not pay a shilling at the time of my entering the society—I paid it in the course of two or three weeks afterwards; I gave it to GEORGE LOVELESS; I don't know what became of it afterwards.

Cross-examined by MR. BUTT.—I have known JOHN STANFIELD three or four years, HAMMETT and BRINE I also know; don't know but that they always bore a good character; I never belonged to an Oddfellow's Society, or the Society of Freemasons.

By MR. DERBYSHIRE.—EDWARD LEGG was one of the party.

By the JUDGE.—I don't know that LEGG'S was the voice that read to us when we were blindfolded; I don't know whose voice it was; and LOVELESS'S dress was more like a surplice than a smockfrock; when I took off the bandage the second time all the prisoners at the bar were present, and the men I accompanied to Tolpuddle.

EDWARD LEGG *examined*.—I live at Affpuddle; am a labourer; saw BRINE and HAMMETT about Christmas last; I believe before Christmas; in the evening between 6 and 7 o'clock; I was in my house at that time; they knocked at the window and said they wished to see me; I went out and BRINE asked me to go with them; I asked where? They said to Tolpuddle; I asked what they were going there for—whether they wished to swear me to anything. I said I had heard that there was some swearing-in of people at Tolpuddle, but I did not know what it was about. JAMES BRINE upon this observed that they wished to see how many men they could assemble together; I asked the names of the persons they were going to swear; he mentioned the names of three persons—PERCY, COURTNEY and another; we all went to Tolpuddle; on arriving there we went to THOMAS STANFIELD'S house; BRINE and HAMMETT conducted us; we all went upstairs into a room; THOMAS STANFIELD, JOHN STANFIELD, and the two LOVELESSSES (JOHN and JAMES) were present. I don't remember what was said in the first place; but after some time had elapsed we were asked if we were ready; and on our saying "Yes," we blinded our eyes with our handkerchiefs; I believe all of the Affpuddle men were blinded; we went from that room through a passage into another room; when we got into the last-mentioned room something was read to us while we were blinded; I don't know whose voice it was that read to us, nor do I know what it was about. After the reading we were desired to kneel down, and something was said to us, but I don't remember what; it was something concerning wages—something about striking for wages; that we were to strike when others did, or something to that effect; they said that they intended to strike, and we might do the same if we liked; that our masters would have notice of it by means of a letter; we were told that we should have to pay a shilling on entrance and a penny a week afterwards. While we were blinded a book was given to us, which we kissed. I repeated some words after some person (I don't know the person) before I kissed the book; it was something about our souls—something about eternity—something about our souls being plunged into eternity if we did not keep

Legg, an
informer,
describes the
oath

Legg
describes his
initiative

the secret, if we disclosed anything that we heard and that was done there. The other Affpuddle men repeated the same words as myself, on their knees. I think it was JAMES LOVELESS who read to us, but I am not certain. After rising from my knees and on the bandage being removed from my eyes, I observed JAS. LOVELESS, GEORGE LOVELESS, THOS. STANFIELD, JOHN STANFIELD, JAMES HAMMETT and JAMES BRINE, and the Affpuddle men all standing near me. JAMES LOVELESS had on something like a surplice. A book was on the table, which from its size, I think must have been a Bible. I saw a picture in the room which represented Death. The words "Society" and "Brothers" were used after we had been sworn.

Cross-examined by MR. BUTT.—I know all the prisoners; they are all hard-working men, and I never heard a word against any of them.

By the JUDGE—I did not know HAMMETT before the summer previous to the last.

MRS. FRANCES WHETHAM.—I am the wife of MR. JAMES WHETHAM, of Dorchester, painter. The prisoner, JAMES LOVELESS, came to my husband's shop some time last year, and said he wanted something painted—he said he had the design, and he then produced two papers which he left with me, and which I afterwards destroyed. One of the papers represented Death, and the other a Skeleton. LOVELESS said the ground of the paintings must be dark, and their height was to be six feet. Over the head of Death, LOVELESS said he wished to have painted "Remember thine end." He said it was intended for a society; but more than this he would not mention. He came to the shop some time in October; and he said he should want the picture on the Monday following. He left his address—"J. LOVELESS, Tolpuddle." My husband saw the designs—I destroyed them in about two months after LOVELESS left them with me. My husband did not execute any part of the paintings.



The painter
gives
evidence

CHARLES CLEAR.—I am an apprentice to MR. WHETHAM, of Dorchester. JAMES LOVELESS came to my master's house in October last and asked for my master; he wished to know if the paintings were done. I said "No."

JOHN JAMES WHETHAM.—I am a painter in Dorchester. I received in October last from MRS. WHETHAM two designs, such as have been already described. I did not execute them. JAMES LOVELESS came to me some time afterwards when I was at the Antelope and asked me if the paintings were done. I said "No"; I could not make out the meaning of the designs. I then asked him for what the paintings were wanted; he replied for a society—a society of their own; which was a secret of theirs. I said I could not undertake to execute the paintings.

By MR. BUTT.—I never heard of a society in London called the Death's Head Society. I am not a Freemason.

JOHN COX.—I am a turnkey at the jail; I remember GEORGE LOVELESS coming to the jail on the 25th of February. I found in his pocket two printed papers, a letter and a key. (The papers and key here handed to witness were recognised by him to be the same.) When I took the key from the prisoner he asked me to return it to him. I said I could not let him have it again. He then begged me to take particular care of it. On looking at one of the papers the prisoner said that was the cause of his being there. I gave the papers to the governor of the jail, MR. ANDREWS.

Evidence
that papers
were taken
from George
Loveless

ROBERT ANDREWS.—I received the papers and key from the last witness (COX); I can swear to them from certain marks; the letter is also the same; this was not marked.

JOHN COX *re-examined*.—I can swear to the letter, although I placed no mark on it. I know it from its direction, its dirty appearance and its contents.

JOHN TOOMER.—I received the key from MR. FRAMPTON. On the 26th of February I went to the house of GEORGE LOVELESS; I saw his wife; I applied the key to a box in his house which it unlocked; the box contained two books; BRINE was with me when I took the books out of the box; they were marked by JAMES BRINE; after which I carried the books to MR. FRAMPTON. (The books were here handed to witness, who knew them to be the same.) I did not mark the books; but I know them from the handwriting and from certain names which they contain.



JAMES FRAMPTON, ESQ., *examined*.—I received the two books in question and delivered them to MR. COOMBS.

JAMES BRINE.—I am a tithingman of Tolpuddle. I went with MR. TOOMER to GEORGE LOVELESS's house and found two books in a box, which I marked, and they were afterwards given to MR. FRAMPTON. The books produced are the same. MR. BUTT raised an objection to the books being admitted as evidence against the prisoners; but this objection was over-ruled by the Judge.

A letter was here read, addressed to GEORGE LOVELESS. It was signed "GEO. ROMAINE, Secretary," and represented the proceedings of the society.—The following is the substance of the letter:—

Bere Heath, 1st Feb., 1834.

"BROTHER.—We met this evening for the purpose of forming our committee; there were 16 present, of whom 10 were chosen, namely, a President, Vice-President, Secretary, Treasurer, Warden, Conductor, 3 outside Guardians,

A letter
of the Society
is read

and I inside Guardian. All seemed united in heart, and expressed their approval of the meeting. Father and Hallett wished very much to join us, but wish it not to be known. I advised them to come Tuesday evening at six o'clock, and I would send for you to come at that time if possible and enter them, that they may be gone before the company come. I received your note this morning, which gave me great encouragement, and am led to acknowledge the force of union.

(Signed) "GEO. ROMAINE, *Secretary.*"

The caution against illegal societies, published by the Magistrates, was also read.

The General Laws of the society were read to the Jury. They enforced the payments of certain sums at stated periods for the support of the society; and in default of payment a fine was to be imposed. The Lodge to be opened every fortnight. If any master should attempt to reduce either of the members' wages intimation of the same to be made to the lodge. A secret sign to be made by every member on entering the lodge. A box to be kept, in which shall be deposited the cash and regalia of the lodge.

(D.C.C.)

MR. BUTT contended on behalf of the prisoners JOHN STANFIELD, JAMES HAMMET and JAMES BRINE, whom he defended, that the facts adduced on the part of the prosecution were not sufficient to warrant his lordship's sending the case to the Jury. The learned Counsel called the attention of his lordship to the preamble of the 37th Geo. 3,



cap. 123, upon which the indictment was framed. The preamble recited that "Whereas divers wicked and evil disposed persons have of late attempted to seduce persons serving in His Majesty's forces by sea and land, and others of His Majesty's subjects, from their duty and allegiance to His Majesty, and to incite them to acts of mutiny and sedition, and have endeavoured to give effect to their wicked and traitorous proceedings, by imposing upon the persons whom they have attempted to seduce, the pretended obligation of oaths unlawfully administered; be it enacted therefore, &c., that any person or persons who shall, in any manner or form whatsoever, administer or cause to be administered, or be aiding or assisting at, or present at, and consenting to, the administering or taking of any oath or engagement, purporting or intended, to bind the person taking the same to engage in any mutinous or seditious purpose or to disturb the public peace, or to be of any association, society, or confederacy, formed for any such purpose, or to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander, or other person not having authority by law for that purpose, or not to inform or give evidence against any associate, confederate, or other person, or not to reveal or discover any unlawful

ever, administer or cause to be administered, or be aiding or assisting at, or present at, and consenting to, the administering or taking of any oath or engagement, purporting or intended, to bind the person taking the same to engage in any mutinous or seditious purpose or to disturb the public peace, or to be of any association, society, or confederacy, formed for any such purpose, or to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander, or other person not having authority by law for that purpose, or not to inform or give evidence against any associate, confederate, or other person, or not to reveal or discover any unlawful

Act of 1797
is confined to
mutiny or
sedition

combination or confederacy, or not to reveal or discover any illegal act done or to be done, or not to discover any illegal oath or engagement which may have been administered or tendered to or taken by such person or persons, or to or by any other person or persons, or the import of such oath or engagement, shall on conviction, &c., be adjudged guilty of felony, and may be transported for any term of years not exceeding seven years." Another section (5) provided that "any engagement or obligation whatsoever, in the nature of an oath, should be deemed an oath within the intent and meaning of this Act." This Act was very properly framed for the protection of soldiers and seamen against evil disposed persons at a time of great danger, and was no doubt a very proper measure; but it would require a very strong case to bring men like the prisoners for such an offence, if any, as the evidence charged upon them, within the scope of its provisions. The case of the *King v. Marks and others* (3 East, 157), had been cited to show that although the preamble and a part of the enacting clause were limited in their objects to mutiny and sedition, yet the enacting part of the Act went much further than the preamble; and it was held by Lord Ellenborough that a conspiracy to raise wages came properly within the meaning of the Act. The question in the *King v. Marks*, however, came before the court on application to bail the prisoners, and could not be regarded as a formal decision.

He hoped his Lordship would take this into consideration and not allow that case to be a precedent as to the construction of the Act in question. He confidently submitted that as there was no evidence of a mutinous or seditious purpose or even of any illegal object in the society to which it was charged in the indictment the prisoners belonged, and also as there was no evidence of any illegal oath having been administered, the case ought not to be left to the decision of the Jury.

MR. DERBYSHIRE, on behalf of GEORGE and JAMES LOVELESS, and THOMAS STANFIELD, submitted that there was no sufficient evidence to send the case to the Jury. To satisfy the Act of Parliament, it was necessary that two things should be proved before this indictment could be sustained. First it must be proved that the prisoners at the bar had entered into an illegal association, and secondly, that in pursuance of the objects of such an association they had administered, taken, or assisted at, or consented to the administering of an oath binding the party taking it to conceal the unlawful acts of the association. There was no evidence on his lordship's notes to sustain the affirmative of these two propositions or of either of them. First, as to the oath, what had they but the evidence of two stupid witnesses who told them that at a certain meeting where they had chosen voluntarily to blind themselves, some words were uttered by someone whom they did not know, about something they did not under-



Mr. Butt says
Act is not
applicable

Mr. Derbyshire continues
the defence

stand, but in which they recollected the words "eternity" and "soul," for what purpose introduced they could not imagine. This was not such evidence of an oath as would sustain the indictment. The Act required, and the ends of justice equally required that this material part of the case should be explicitly proved. If, however, his Lordship should be of opinion that there was evidence to go to the Jury to substantiate the charge of administering an oath, then came the other question as to the character of the association. What evidence had been adduced to show that the prisoners had formed an unlawful association within the meaning of the Act 37 Geo. III, cap. 123? The preamble and the enacting part of the first section declared the object of the statute to be the suppression of mutiny and sedition, and of the formation of any society for the purpose of disturbing the public peace. What evidence had been offered on the part of the prosecution connecting the prisoners at the bar with any society for such purposes? The rules and regulations of the society taken from the pocket of one of the prisoners had been put in evidence, and these regulations proved that the society for which they were framed was the reverse of an illegal combination or confederacy within the meaning of the Act, or in violation of any known law. The object of the parties as stated in the first resolution, was to form an "Agricultural Friendly Society"; and the subsequent resolutions showed that the purpose of the association was to provide a fund, a kind of Agricultural Savings Bank for mutual succour and maintenance in the hour of need. The prisoners were poor labouring men, having wives and families with helpless children to support. They were liable to be thrown out of work, to sickness and various accidents, and he could not understand how an association to provide against seasons of scarcity and obviate starvation could be deemed an unlawful combination. Yet such upon the evidence for the prosecution was the character of the society to which it was pretended the prisoners belonged. The prisoners acted in a spirit of prudential foresight in forming an association for such purposes in times when so many changes in the laws were in contemplation. Such were occasions for men having a common interest to unite for the protection of that interest. The prisoners were no doubt aware of the strong efforts making to bring about a repeal of the Corn Laws. How could they be ignorant of what was the topic of discussion, and petition to Parliament in every parish, and of grave disquisition in every country newspaper? They were told no doubt that the removal of the protecting duty on corn would bring ruin on the agricultural interest, and that that ruin would fall heaviest and earliest on the agricultural labourers. They knew also, for they could not be ignorant of what so nearly affected them, that another important change was in contemplation, viz., that change with reference to the Poor Laws which was to forbid all further payments to labourers who received inadequate wages. The question here was, as to the animus of the men forming the society which it was pretended the prisoners belonged to; (T.) and under the indulgence of his Lordship he adverted to these topics to show that men in the station of the prisoners might not only lawfully, but most laudably, form societies for mutual succour in the hour of

Indictment
can not be
sustained

Union is not
illegal, and has
laudable
objects

terrible adversity which seemed to be at hand. The poor man had as much right to protect the property he had in his labour, as the rich had to protect his accumulations of wealth, and it would be rather a hard measure of justice and never could have been intended by the Legislature to treat men as felons and condemn them to transportation whose only crime was conspiring to protect each other from the evils of probable starvation. His Lordship was aware that the wisdom and benevolence of the Legislature had caused the whole of the laws against combinations to be repealed. There had long ceased to be any restriction upon masters combining to reduce the rate of wages, or upon workmen to raise them. The prisoners were entitled to this fact in their favour. If, therefore, the Prisoners had entered an association to raise the amount of wages, it would not be illegal, and if not illegal, then the administering of an oath to the members of a legal association would not be a violation of the Act of the 37th Geo. III. cap. 123. The evidence went no further than this as to the objects of this society; and there was no definite evidence of an oath or any engagement or obligation in the nature of an oath having been administered or taken. Upon that point all was vague and mysterious as the nondescript figure which MR. WHETHAM was called upon to paint. but which he could not understand, and therefore very properly declined attempting. The case of *Rex v. Marks* (3d East), had been relied upon by his learned friend, MR. GAMBIEER, but a reference to that case would show that the parties there not only formed an illegal combination to control and coerce others in the same trade as themselves, but forced all persons at their pleasure to take an oath of obedience. This compulsory process constituted a broad line of distinction between the two cases. The *King v. Marks* was a solitary case. It was a forced interpretation of the Act of Parliament, and at a time when, with reference to the Acts upon the Statute Book, such a reading of the intentions of the Legislature might be considered not to be at variance with the general policy of the Laws. If, then, this case ever was authority, he contended that it was no longer so. But if still such authority as his Lordship would permit to govern his mind, then he contended that the circumstances were wholly different from the case of the prisoners at the bar, and that it did not apply. And, upon the whole view of the evidence for the prosecution, he confidently submitted there was no case to go to the Jury.

MR. GAMBIEER submitted to his Lordship that his learned friends had, in their address for the prisoners, indulged in a latitude quite unprecedented.

A letter from the prisoners was here read, in which they stated that if they had done anything in violation of the Act of Parliament, it was quite unintentional. All that they intended in entering the society was mutual protection. (D.C.C.)

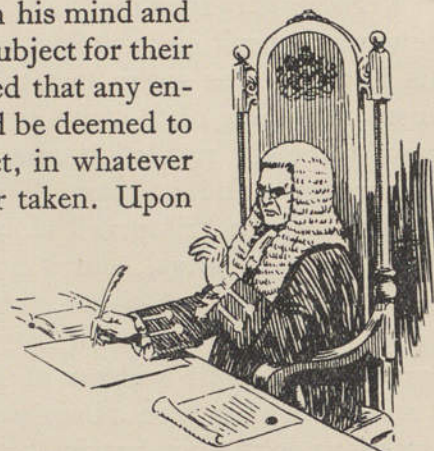
Mr. BARON WILLIAMS then summed up the case to the jury. They must be satisfied of two things—first, that an oath was administered, such as was meant by the Act of Parliament, which did not require it to be a formal oath—not one drawn up with the formality of an affidavit or sworn with the precision with which lawful oaths were

Since 1824
Trade Unions
have been legal

Jury must be
satisfied that
an oath was
administered

Form of the
oath
immaterial

administered in courts of justice, but that which was intended by the party giving and to the party taking to be an engagement upon his mind and conscience in the same manner as if it had been duly and properly administered; therefore, if they were of opinion that it was intended to be an engagement on his mind and conscience, the precise form of it was not a material subject for their inquiry; for by the Act of Parliament it was provided that any engagement or obligation in the nature of an oath should be deemed to be an oath within the intent and meaning of the Act, in whatever form or manner the same should be administered or taken. Upon the present occasion the charge was, that the prisoners did administer an oath to a man of the name of Legg, intended by them and understood by him to be an engagement on his conscience and his mind. Therefore, so understanding it, they must of course be satisfied on the evidence that there was an administration of a something intended to fix



upon him that obligation; and of course, if the evidence failed in that respect, there was an end of the case, because that was the foundation of the whole proceeding. In order to sustain the charge, they must be of opinion that the oath was tendered to him and taken by him, that it was to prohibit him from disclosing what he had done, or what others had done who belonged to that society, be it what it might, and, in his opinion, these two points would bring the case within the Act of Parliament. If, upon the whole of the evidence, which the learned Judge then read to them, they should be of opinion that the prisoners were guilty, then they would inform him whether they were of opinion that the prisoners belonged to a society, the members of which were pledged to secrecy, under an obligation which they intended for, and treated as, an oath.

In about twenty minutes the Jury returned a verdict of *Guilty* and stated that the prisoners at the time of administering the oath in question were themselves members of a society, and had themselves taken an oath not to disclose anything connected with that society at the time they administered the oath. (T.)

The Judge deferred sentence until Wednesday, March 19. (ED.)

Wednesday, March 19, 1834

James Loveless, George Loveless, Thomas Stanfield, John Stanfield, James Hammet, and James Brine, who were convicted on Monday of administering unlawful oaths, were put to the bar this morning to receive the sentence of the court, when

Mr. Baron Williams thus addressed them:—

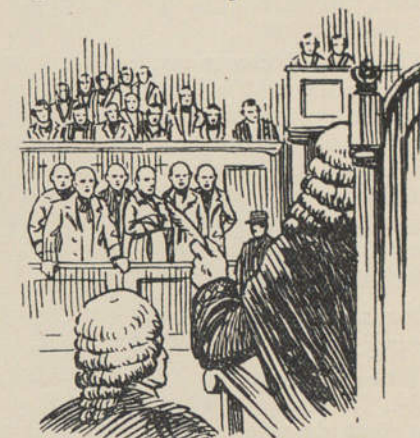
Prisoners at the bar, in consequence of objections that were made by the learned

The Jury find
the six men
guilty

counsel in your behalf to the conviction which took place on a former day, I felt it to be my duty to take time to consider of the validity and weight of those objections. I have taken time for that purpose, and having considered the weight of them all, as well as I am enabled to do, in my opinion they do not amount in point of law, to objections to the conviction which took place on the evidence adduced. I observed upon the trial, and in your defence, or in the defence made by one of you, that there is a statement that you meant no harm against any person, and that your intention was altogether without offence.

Of the intentions of men it is impossible for man to judge—it is known only to each person and no other person can judge but by the conduct of the parties; but, however, be that as it may, there are cases in which, whatever may be the intention of the parties, the necessary effect of the act done upon the public security is of such a nature that the safety of that public does require a penal example to be made; and if there be any case in which that observation applies, it surely is in a case where it is the object of men to withdraw themselves from the authority of the law, to submit themselves to no examination and to have their conduct kept private and secret from the knowledge and observation of the rest of the world, including those persons who are bound by their oaths to maintain and administer the law. Whatever may be the private and secret intention, into which we cannot enter, sure I am, that whatever may have been the origin of such a proceeding, the conduct of men who are adopting a course which is a withdrawal from all public notice, and subject to no correction, is likely to grow worse in consequence of that withdrawal. The use of all punishment is not with a view to the particular offenders or for the sake of revenge—that is not the view of those who administer the law, nor the intention of the law itself; it is for the sake of example: and accordingly the fact of which you have been convicted on evidence satisfactory to the jury, and on which, I presume, no man could entertain a doubt, that evidence has led to a conviction of a crime of that description which the security of the country and the maintenance of the law upon which it depends makes it indispensable to pass the sentence the law has pointed out.

Having deliberated well and seriously upon the objections made for you—having deliberated well and seriously on what it is my duty to pronounce upon you—I feel I have no discretion in a case of this sort, but that I am bound to pronounce a sentence of the law, which the Act of Parliament has provided, and accordingly the sentence is that you and each of you be transported, etc., for seven years. (T.)



Whatever their
motives may
have been, an
example must
be made

Sentence of
7 years'
transportation

What the Newspapers said

"TIMES," APRIL 1, 1834. (Whig-Supporter of the Government.)

"The formal charge against them was that of administering and being bound by secret and, therefore, unlawful oaths; whereas the real gravamen of their guilt was their forming a dangerous Union, to force up, by various means of intimidation and restraint, the rates of labourers wages. . . . The crime which called for punishment was not proved—the crime brought home to the prisoners did not justify the sentence."

"MORNING POST," MARCH 29, 1834. (Whig.)

"The Dorchester conspirators were, we admit, as little dangerous as it is possible for conspirators to be. The Trades' Unions are, we have no doubt, the most dangerous institutions that were ever permitted to take root, under the shelter of the law, in any country."

"STANDARD," MARCH 28, 1834. (Tory.)

"The law has now been promulgated; the executive and the magistracy have now sufficient warning of the duty of making it more generally known; and of at the same time apprising, by proclamation, all combinators that it will be henceforward rigorously enforced, and rigorously enforced let it be. But let those who have sinned in ignorance have the benefit of that ignorance; let the six poor Dorsetshire fellows be restored to their cottages."

"GLOBE," MARCH 31, 1834. (Whig.)

"... the evil which should be prosecuted, if at all, is the act of combination under such rules as the Labourers' Union submitted to."

"PIONEER," MARCH 29, 1834. (Trade Union.)

"Will Britons see their honest labourers torn from home, and banished to a land of felony, the mark of infamy burnt on their brows; and honest husbandmen imprisoned among thieves and pick-pockets, to cure them of their patriotism?"

"SPECTATOR," APRIL 5, 1834. (Radical.)

"The Legislature a few years ago repealed the laws against combinations; but a judge has still the power of inflicting a severe punishment upon combinators, under the pretence of punishing them for an offence of a different kind—that is, for the breach of a law which poor and ignorant men see broken with impunity by hundreds of thousands of their fellow subjects of all ranks, from the King's brother to the chimney-sweep."

"COBBETT'S REGISTER," APRIL 5, 1834. (Radical.)

"The whole nation has been surprised at the sentence; not one man in the whole community appearing to know that there was any law to punish men for taking oaths . . . relative to proceedings merely connected with their own private affairs."

"SUNDAY HERALD," APRIL 6, 1834. (Radical.)

Although opposed to the principles and proceedings of the Trades' Unions this paper is very concerned that the sentence has not been mitigated. "The former character of these unfortunate men, with their deep distress, and the entire absence of knowledge of the criminality of their proceedings, would all appear to have been in vain in the eyes of an Administration who see no mode of governing an enlightened nation by the acts of clemency and conciliation, or by any other methods than those of the Castlereagh school, of the bayonet and the hulks."

"MORNING CHRONICLE," APRIL 2, 1834. (Whig.)

"The *real* crime was the participating in the aggressive tactics of the Trades' Unions. Without intending in the least to justify the proceedings of these combinations, which are not only illegal, but the cause of infinite distress to the labouring classes themselves, we may observe that it is hard to punish men for oaths whose real crime is very different."

"MORNING HERALD," APRIL 2, 1834. (Tory.)

"Trades' Unions are bad things. They are bad in principle, and they lead to consequences in unison with that badness of principle." . . . "If it be the intention of government to take any steps for putting down the domineering power which they once lent their best exertions to foster, it is not by a side-wind that they can hope to accomplish such an object; neither is it by a verdict, which shows rather the treachery than the energy of the law by throwing the noose of an Act of Parliament over the heads of sleeping men."

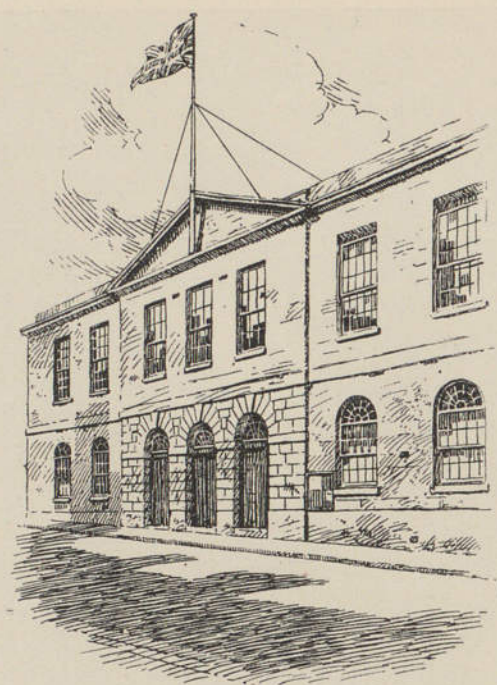
"TRUE SUN," APRIL 7, 1834. (Radical.)

"The Trades' Unions can afford to despise the charges of robbery, spoilation, and tyranny, which their enemies have preferred against them. . . . The Unions seek to secure fair play for the productive classes of society; and that fair play which they may secure for themselves, they will never be found to deny to others."



SIR STAFFORD CRIPPS, K.C., M.P.

SIR STAFFORD CRIPPS, the youngest son of Lord Parmoor, has been a Labour Member of Parliament since 1931, when he won East Bristol. He was educated at Winchester and University College, London, where he held a Fellowship in 1930. He is a Barrister-at-Law, with a large practice, entering the Middle Temple in 1913 and becoming a Bencher in 1930. In the second Labour Government he served as Solicitor-General. He is Hon. Treasurer of the Burge Memorial Trust. His books include the editorship of volumes on legal matters produced by his father. At present M.P. for East Bristol and Chairman of the Socialist League.



A Travesty of Justice

By HON. SIR STAFFORD CRIPPS, K.C.



IN examining the Trial of the Tolpuddle Martyrs there are three aspects of the question that merit our attention. First, the accuracy of the law as laid down by the Judge in letting the case go to the Jury and in his summing up; second, the general conduct of the trial; and, third, the finding of facts by the Jury. But while examining these three several aspects of the case, it is necessary to bear in mind certain very general considerations as to the administration of Justice. When the dominant class in a country are in fear of events which may revolutionise society, as they conceive it to be ordered, they are apt both in their legislature and in their Courts to stress the necessity for the preservation of the social order. In so doing, the Courts, feeling the impact of this necessity, will almost always be ready to strain the interpretation of Statutes and to bias justice in favour of the dominant class and against any whom they believe, rightly or wrongly, to be disposed to changes which may have the effect of upsetting the existing order.

Class bias of the Court

It is, after all, a prime function of the Courts to maintain the stability of the existing Constitution, and it is not therefore to be wondered at that they should go to extreme measures in order to secure that stability. The History of the administration of Justice all over the world points to this conclusion. The Trial of Saccho and Vanzetti or the Scottsboro' negroes in America, of the Russian Sabotage Trials, the Trial of Dreyfus in France or of Socialists in Italy, all demonstrate the truth of this statement. The employers and farmers of England were, in 1834, in great fear of the growth of organisation amongst the workers with its possible repercussions on their economic independence. It was this fear which brought about the Trial of the Dorsetshire labourers, demanded insistently that they should be found guilty of some crime and sentenced so severely as to be an example to stop others from further threatening the stability of society by the formation of Trade Unions. In the administration of Justice fear is an evil counsellor, and we can observe throughout our examination of the different aspects of this trial what a large part fear played.

Function of Courts to maintain constitution

First as to the law. The charge laid in the indictment was that the accused had "administered a certain unlawful oath and engagement purporting to bind the person taking the same not to inform or give evidence against any associate or other person charged with any unlawful combination and not to reveal or discover any such unlawful combination or any illegal act done or to be done and not to discover any illegal oath which might be taken." The charge as to administering an unlawful oath follows the words of the Act of 1797. By the Act of 1799 every society of which the members were required to take an oath which was unlawful under the Act of 1797 was made an unlawful combination.

And the jurors aforesaid upon their oaths feloniously did administer and cause to be administered and give evidence against any associate between the said George Hoole's James Lovell engagement was then and there taken by the said Thomas Hammet Thomas Staunfield and in the form of the Statute in that behalf made And the jurors aforesaid upon their oaths did administer and give evidence against any associate between the said George Hoole's James Lovell engagement was also then and there taken by the said Thomas Hammet Thomas Staunfield and in the form of the Statute in that behalf made

FRAGMENT FROM THE ORIGINAL INDICTMENT

Taking these two Acts together and ignoring their expressed purpose as set out in the preamble to the Act of 1797, the Judge (Mr. Baron Williams), in his summing up to the Jury, stated the law as follows:—

"In order to sustain the charge they must be of opinion that an oath was tendered to the man Legg (the informer) and taken by him, that it was to prohibit him from disclosing what he had done and what others had done who belonged to that

The Acts taken together

society, be it what it might, and in his opinion these two points would bring it within the Act of Parliament.”

This is not a very clear statement of the law, but we find the argument elaborated at length in the contemporary volume of the *Law Magazine*. (Vol. xi, pp. 460-472. (1834) at p. 463.)

“The first question which arises is whether the combination proved was an illegal combination within the Act of 1799? The slightest reference to the words will show that it was so. As a combination to raise wages it is no longer unlawful, since Messrs. Huskisson and Hume wanted to maintain ‘The rights of Labour against the tyranny of employers.’ But as a combination ‘of which the members are required to take an oath not required or authorised by law’ it was clearly an illegal combination.”



National Portrait Gallery
W. HUSKISSON

The argument is elaborated in a further passage (p. 465) in the same article:—

“It is not with administering an oath not required or authorised by law, that the Dorsetshire labourers stood charged, as still seems to be imagined by the Leaders of the Unions, if we may judge by the words of the petition last

Monday, but with administering an oath not to reveal a combination which administers such oaths. The distinction is important, because, if the first proposition were true in the affirmative, the number of persons transportable for seven years under the Act of 1797 would be increased to an enormous amount and might include sundry Government commissioners and other *useful* subjects of His Majesty.” (The italics are the writer’s.)

It is perfectly correct that the acts charged against the accused fell under the words of these two Statutes of 1797 and 1799, leaving out of consideration the effect of the preamble to the former Act, and the passing of the Acts of 1824 and 1825 which removed the ban of illegality upon Trade Unions. The question as to the effect of these later Acts seems hardly to have been argued at the Trial. They not merely made lawful the combination to raise wages, but they repealed with regard to such combinations all previous Acts, including those relating to the taking of oaths, though there was no specific mention made as to oaths of secrecy. They laid down, however, specific punishments for crimes of violence and intimidation, punishments which were of the mildest kind, being limited to two months’ imprisonment.

Why the Union was said to be illegal

Effect of repeal of Combination Acts

By these Acts combinations for the specific purpose of raising wages were segregated from all other forms of combinations and dealt with under a separate and special code of law. That code did not make oaths of secrecy in such combinations illegal, but, instead, laid down penalties for violence and intimidation. The earlier Acts, by an examination of the preamble to the Act of 1797, clearly dealt with an entirely different set of circumstances. They were designed to protect the State from mutiny and sedition, and to punish those who sought to set up mutinous and seditious societies.

There is no absolute rule of interpretation which would necessitate a Court holding that the Acts of 1824 and 1825 had taken such combinations as that of the Dorsetshire labourers wholly outside the scope of the earlier Acts, but such must in my opinion have been the intention of Parliament. *It can never have been intended that a combination legal in itself should have been rendered illegal by the taking of an oath against which there was no prohibition in the Act legalising the combination.* This is, however, a typical case where the actual words of the earlier Statutes were wide enough to give the Court the opportunity, if it so desired, of bringing the acts of the accused within the letter of the law.

It was not the administering of the oath that led to the conviction but the earnest desire of the Judge to stop the growth of Trade Unionism in the country. This was made clear by the Judge’s charge to the Grand Jury.

“The misery of these cases,” said Mr. Baron Williams (according to the *Times* report, March 18, 1834), “was this—that the men subjected themselves not to a voluntary restraint upon themselves but to the irresponsible conduct of others. . . . He believed that of all persons affected by it, the unfortunate persons themselves who were brought into any state of this kind, and had an oath of this sort administered to them, were affected the most. Sure he was within his own experience he had known that they had been compelled by the force of an oath to make out of their scanty means such a large and ample contribution as would not be endured by any class of men to the constituted authorities of the Country, or the maintenance of the Government itself. That there had been instances of the grossest oppression by demands made on these persons which were unknown in this Country, but, above all, where men were included in Societies of this kind, the common right obligation of every man of labouring as he pleases and for whom he pleases was taken away from him, and there was even danger of life and limb attending that person the moment he incurred the displeasure of the party to whom he had subjected himself.”

And in his summing up to the Jury the Judge made his view even more plain: “If these men had been allowed to go on with their wicked plans [which be it noted were perfectly legal] they would have ruined their masters, stagnated trade, and destroyed property.” These arguments might well have applied before the passing of the Act of

1797 Act designed to punish sedition

Judge attacks collective bargaining

1824, but once such combinations had been made legal the arguments in the Judge's charge that the evils he imagined flow from the taking of the oath rather than from the combination are clearly the merest casuistry.

The true view of the legal aspect of the Trial is set out in a contemporary number (July, 1834, page 53) of the *Westminster Review*.

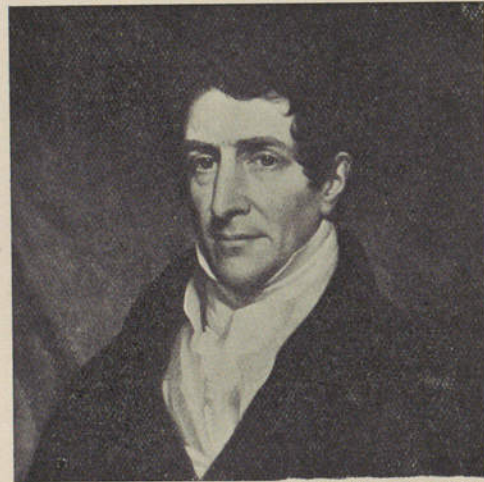
"The real crime was the participating in the aggressive tactics of the Trades' Unions. . . . It has been asked what would be said were any of the Peers or magistrates who have taken the Orange oaths, to be sentenced to transportation. The legal crime is the same as that of Loveless, but then the real crime is not the same. The only thing to be said is that in England a man is never punished for that on which he is convicted."

It is beyond doubt that in such a case as the Orange oath no prosecution was ever launched; had it been there is little doubt that the trial would have ended in an acquittal, for the Orange Societies offered no challenge to the dominant class.

It is interesting to note in this connection the failure to prosecute Lord Carson and others in connection with the Ulster Rebellion.

To sum up, then, on our first point of examination, it was possible for the Judge to lay down the law as he did so as to secure a conviction, but he was led to accept that view not so much by the strict rules of legal interpretation, which should have inclined him strongly in the other direction, but by the bias of his mind, conscious or unconscious, against a form of combination which threatened the economic power of the ruling class.

We now turn to an examination of the conduct of the Trial. It is difficult from the rather meagre accounts to piece together any accurate view of its course. Mr. Baron Williams, the Judge, had been very recently elevated to the Bench; this was his first assize. Sir G. Hurst says, "He was in great favour among the Whigs, and had enjoyed a good practice on the Northern circuit and at Manchester and Chester sessions. Brougham and Denman speak highly of his powers of cross-examination." As may sometimes happen with a brilliant cross-examiner when raised to the Bench, the Judge seems to have indulged his art of cross-examination during the course of the trial.



National Portrait Gallery
LORD DENMAN

The opinion
of the
*Westminster
Review*

The conduct
of the Trial

Quoting again from the same article in the *Law Magazine* of 1834 (pp. 466-7), we find the following description of the Trial:—

"Mr. Baron Williams was suddenly placed in a new and difficult situation; and a case important in its result and unusual in its character was brought before him. We certainly thought we perceived a deficiency in those qualities which none but an experienced judge can exhibit. The witnesses had in their depositions given a much more detailed and circumstantial account of the transactions in which they had partaken, than they chose to adhere to in the Box. The evidence, *which was drawn from them with the utmost reluctance and by severe questioning*, did not at all equal in amount (though it did not contradict) that which they had before *voluntarily* given. *No one who saw their demeanour could doubt that they were under the influence of terror or of some sinister motive.* (The italics are the writer's.)

In a letter from a gentleman at the Bar, who was present at the Trial, read by Mr. O'Connell, M.P., during a debate in the House of Commons on April 28, 1834, the following passage occurs: "The counsel for the prosecution in vain endeavoured to elicit such answers as would have supported the indictment, and such answers as were drawn from them, with great difficulty, were suggested to them in the form of leading questions by the Judge reading from the depositions."

This view of the Judge's conduct is fully borne out by Loveless's own account of the proceedings in the pamphlet he wrote on his return, entitled *The Victims of Whiggery* (page 8).

"The greater part of the evidence against us on our trial was put into the mouths of the witnesses by the Judge; and when he evidently wished them to say any particular thing, and the witness would say 'I cannot remember,' he would say, 'Now, think, I will give you another minute to consider,' and he would then repeat the words and ask 'Cannot you remember?' Sometimes by charging them to be careful what they said, by way of intimidation, they would merely answer 'yes'; the Judge would set it down as the witness's words."

It is clear from these accounts drawn from such diverse sources, that *the Judge's conduct was grossly irregular and that he constituted himself a violent advocate for the prosecution, in his determination to secure a conviction.*

We now come to the third point of our examination, the behaviour of the Jury. The Grand Jury was composed of landowners and others, presided over by the local member of Parliament. Such a body naturally required no persuasion to return a true bill against all the accused. The Petty Jury was composed largely of men who were dependent upon the class represented by the Grand Jury for their custom and for their livelihood. In these circumstances they would naturally be anxious to do what their patrons would consider to be "the right thing." The Judge did not fail to observe this, so that in his summing up he told them, "if they should not find the prisoners guilty,

Judge's
lack of
experience

Witnesses
badgered

he was certain they would forfeit the opinion of the Grand Jury" ("Victims of Whiggery," p. 8). With this very real threat before them they had little hesitation in doing as they were instructed by the Judge. The evidence was of the most scanty kind, for, with all the Judge's power of cross-examination, he had been able to draw little evidence of any definiteness as to the administration of an oath from the frightened informers. It was, however, possible for a Jury to find the facts as they did, but again had they been without fear or bias it is probable that they would have acquitted the prisoners for lack of evidence.

In every aspect of the Trial therefore fear was the dominant feature; fear of revolution drove the Judge to the view of the law which he took, and turned him into an advocate for the prosecution; fear of loss of custom and their livelihood drove the Jury to the view they took of the facts; fear, too, inspired the sentences which were passed. In sentencing the Prisoners the Judge revealed his mind again:

"Of the intentions of men it is impossible for man to judge—it is known only to each person and no other person can judge but by conduct of the parties; but, however, be that as it may, there are cases in which, whatever may be the intention of the parties, the

Jury and
Judge inspired
by fear



JUDGE WILLIAMS (LEFT) AS COUNSEL IN HOUSE OF LORDS 1828
National Portrait Gallery

Judge stresses
evils of secrecy

necessary effect of the act done upon public security is of such a nature that the safety of the public does require a final example to be made; if there be any case in which that observation applies, it surely is in a case where it is the object of men to withdraw themselves from the authority of the law, to submit themselves to no examination and to have their conduct kept private and secret from the knowledge and observation of the rest of the world . . . the evidence has led to a conviction of a crime of that description

County of Dorset.

A CALENDAR OF THE PRISONERS,

FOR

THE LENT ASSIZES,

Holden at DORCHESTER, on FRIDAY, the 14th of MARCH, 1834,

BEFORE

THE RIGHT HONORABLE SIR JOHN BARNARD BOSANQUET, KNIGHT,

One of the Justices of our Lord the King of his Court of Common Pleas,

AND

THE HONORABLE JOHN WILLIAMS, ESQUIRE,

One of the Barons of our Lord the King of his Court of Exchequer.

EDWARD DOUGHTY, ESQUIRE, SHERIFF.

HENRY MOORING ALDRIDGE, GENT. *Under-Sheriff.*—JOSEPH STONE, GENT. *County Clerk.*

PRISONERS UPON ORDERS.

- 50 *Sophia Goddard,* (24) Committed by the Reverend George Pickard, Junior, charged on the oaths of Ann Mitchell, John Buxton, and others, with feloniously, unlawfully, and maliciously, attempting to suffocate her newly-born female bastard child, at the parish of Bloxworth.—Warrant dated 1st March, 1834.—*Acquitted.*
- 51 *James Loveless,* (25) }
52 *George Loveless,* (37) } Committed by James Frampton, Esquire, charged on oath for administering, and causing to be administered, and aiding and assisting, and being present at, and consenting to administer, a certain unlawful oath and engagement, purporting to bind the person taking the same, not to inform or give evidence against any associate or other person charged with any unlawful combination, and not to reveal, or discover any such unlawful combination, or any illegal act done, or to be done, and not to discover any illegal oath, which might be taken.—Warrant dated 1st March, 1834.—*Transportation for seven years.*
- 53 *Thomas Stanfield,* (44) }
54 *John Stanfield,* (21) }
55 *James Hammet,* (22) }
56 *James Brine,* (20) }
- 57 *Jeremiah Garland,* (18) } Committed by Augustus Foster, Esquire, charged with having feloniously stolen from off the premises of Thomas Saunders, in the parish of Poxwell, one sail cloth, his property.—Warrant dated 8th March, 1834.—*Jeremiah Garland and Joseph Bascombe, hard labor one year;*
58 *Joseph Bascombe,* (24) }
59 *John Ingram,* (31) } *John Ingram, acquitted.*

FACSIMILE OF EXTRACTS FROM ASSIZE CALENDAR 1834

which the security of the country and the maintenance of the law upon which it depends make it indispensable to pass the sentence the law has pointed out."

From this statement it is clear that the punishment was aimed not at the taking of an illegal oath, but at the objects of the combination itself, that is the maintenance of the right of the labourers to combine against the tyranny of their employers.

Even the last Act of this drama, the final pardoning of the labourers, was inspired by fear, if one is to believe the Editor of the *Radical* (April 3, 1836), who published the following statement:—

"A correspondent asks why the Government if it did mean to pardon did not do so earlier—*bis dat qui cito dat*. The answer which the Editor of the *Radical* does not lightly make is this—The indictments against his Royal Illustrious Highness the Duke of Cumberland, for being at the head of an illegal Society, were all but prepared and would have been sent in to the next Grand Inquest for Middlesex, had not Ministers, in a quiet way, interfered. Our readers are aware that the offence being only that of misdemeanour, though punishable by transportation, His Royal Highness would have been tried by a petty Jury. Ministers, all-bewigged as they are, were not radical enough to avoid a shudder at the thought of even the possibility of indicting a Prince of the Blood Royal, and as to transporting his Royal Highness, only imagine a Whig so much as thinking of such a thing. As it was, however, an awkward affair, the labourers were pardoned to save the Prince."

The Duke of Cumberland, it may be noted, was Grand Master of the Irish Orangemen.

During the past 100 years, Trade Unionism has become firmly established, and there is now little fear of so violent an attack being made upon individual Trade Unionists. The Trade Union Act of 1927, however, shows that the dominant class are still prepared to use their legislative powers for securing their own safety against threats to their economic power, and the multitude of recent prosecutions against individuals, such as Tom Mann and others, shows that antiquated Statutes can still be called in, and for the same purpose. We can, however, congratulate ourselves upon two improvements in the administration of Justice since 1834. The extension of the franchise has widened the area from which common jurymen are summoned, and with the spread of education and political consciousness they are now more independent and less likely to be driven by fear of their employers or customers to pervert the course of Justice. Judges, too, are no longer the political tools that they were in earlier days, and, presumably since the Labour Government of 1924, political qualifications are no longer considered necessary in a Judge. But were a crucial political issue to be raised now, as crucial as was the issue in the case of the Tolpuddle Martyrs in 1834, the fear of the dominant class would find ways and means of arriving at a result as satisfactory to them as was the result of the Dorchester Trial to the landowners and farmers of England in 1834.

Men punished
for forming
the Union

Vigilance still
needed

Editorial Note

*I*N this section are printed the principal Statutes mentioned in the Trial of the Dorsetshire Labourers, together with the Indictment on which they were charged. The Mutiny Act, 1797, is reproduced in full, but the Seditious Societies Act, 1799, is too long to reproduce. Sections 1, 2 and 8 are given in facsimile, these covering the relevant sections, and the remaining sections are briefly summarised.

We also print an Initiation Ceremony. It has not been possible to establish with certainty what form of ceremony and oath was used. Most of the Trade Unions at that time had an elaborate ritual, the wording being very similar. Mr. and Mrs. Webb, in their "History of Trade Unionism," mention the ceremony of the Builders' Union, and say that this was probably copied from some Union of Woollen Workers, which, in turn, was, no doubt, taken from the ritual of the Oddfellows.

We give the Woolcombers' Initiation Ceremony as printed in 1834 by E. C. Tufnell, one of the Factory Commissioners in the book "Character, Object and Effects of Trades' Unions."

It is quite probable that this was the Ceremony used, with appropriate alteration of names, by the Tolpuddle Labourers.

ANNO REGNI
GEORGII III.
REGIS

Magnæ Britanniae, Franciæ, & Hiberniæ,

TRICESIMO SEPTIMO.

At the Parliament begun and holden at Westminster, the Twelfth Day of July Anno Domini 1796, in the Thirty-sixth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c.

And from thence continued, by several Prorogations, to the Twenty-seventh Day of September 1796; being the First Session of the Eighteenth Parliament of Great Britain.



L O N D O N :

Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1797.

ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

C A P. CXXIII.

An Act for more effectually preventing the administering or taking of unlawful Oaths. [19th July 1797.]



HEREAS divers wicked and evil-disposed Persons have of late attempted to seduce Persons serving in His Majesty's Forces by Sea and Land, and others of His Majesty's Subjects, from their Duty and Allegiance to His Majesty, and to incite them to Acts of Mutiny and Sedition, and have endeavoured to give Effect to their wicked and traitorous Proceedings, by imposing upon the Persons whom they have attempted to seduce the pretended Obligation of Oaths unlawfully administered: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person or Persons who shall, in any Manner or Form whatsoever, administer, or cause to be administered, or be aiding or assisting at, or present at and consenting to, the administering or taking of any Oath or Engagement, purporting or intended to bind the Person taking the same to engage in any mutinous or seditious Purpose; or to disturb the publick Peace; or to be of any Association, Society, or Confederacy, formed for any such Purpose; or to obey the Orders or Commands of any Committee or Body of Men not lawfully constituted; or of any Leader or Commander, or other Person not having Authority by Law for that Purpose; or not to inform or give Evidence against any Associate, Confederate, or other Person; or not to reveal or discover any unlawful Combination or Confederacy; or not to reveal or discover any illegal Act done or to be done; or not to reveal or discover any illegal Oath or Engagement which may have been administered or tendered to or taken by such Person or Persons, or to or by any other Person or Persons, or the Import of any such Oath or Engagement; shall, on Conviction thereof by due Course of Law, be adjudged guilty of Felony, and may be transported for any Term of Years not exceeding Seven Years; and every Person who shall take any such Oath or Engagement, not being compelled thereto, shall, on Conviction thereof by due Course of Law, be adjudged guilty of Felony, and may be transported for any Term of Years not exceeding Seven Years.

Preamble.

Persons administering unlawful Oaths, or taking them voluntarily, to be guilty of Felony.

II Provided always, and be it further enacted, That Compulsion shall not justify or excuse any Person taking such Oath or Engagement, unless he or she shall, within Four Days after the taking thereof, if not prevented by

Persons compelled to take such Oaths, not justified, by

ANNO REGNI TRICESIMO SEPTIMO, etc. Cap 123.

unless they declare the same within Four Days.

by actual Force or Sickness, and then within Four Days after the Hindrance produced by such Force or Sickness shall cease, declare the same, together with the Whole of what he or she shall know touching the same, and the Person or Persons by whom, and in whose Presence, and when and where, such Oath or Engagement was administered or taken, by Information on Oath before One of His Majesty's Justices of the Peace, or One of His Majesty's Principal Secretaries of State, or His Majesty's Privy Council; or, in case the Person taking such Oath or Engagement shall be in actual Service in His Majesty's Forces by Sea or Land, then by such Information on Oath as aforesaid, or by Information to his Commanding Officer.

Persons aiding, &c. at taking such Oaths, or causing them to be administered, though not present, to be deemed Principals.

III. And be it further enacted, That Persons aiding and assisting at, or present at and consenting to, the administering or taking of any such Oath or Engagement as aforesaid, and Persons causing any such Oath or Engagement to be administered or taken, though not present at the administering or taking thereof, shall be deemed principal Offenders, and shall be tried as such, although the Persons or Person who actually administered such Oath or Engagement, if any such there shall be, shall not have been tried or convicted.

In Indictments it shall be sufficient to set forth the Purport of such Oaths.

IV. And be it further enacted, That it shall not be necessary, in any Indictment against any Person or Persons administering, or causing to be administered or taken, or taking any such Oath or Engagement as aforesaid, or aiding or assisting at, or present at and consenting to, the administering or taking thereof, to set forth the Words of such Oath or Engagement; and that it shall be sufficient to set forth the Purport of such Oath or Engagement, or some material Part thereof.

Engagements in the Nature of an Oath, to be deemed One, &c.

V. Provided always, and be it further enacted, That any Engagement or Obligation whatsoever, in the Nature of an Oath, shall be deemed an Oath within the Intent and Meaning of this Act, in whatever Form or Manner the same shall be administered or taken; and whether the same shall be actually administered by any Person or Persons to any other Person or Persons, or taken by any Person or Persons without any Administration thereof by any other Person or Persons.

Where Offences may be prosecuted.

VI. Provided also, and be it further enacted by the Authority aforesaid, That any Offence committed against this Act on the High Seas, or out of this Realm, or within that Part of Great Britain called England, shall and may be prosecuted, tried, and determined, before any Court of Oyer and Terminer or Gaol Delivery, for any County in that Part of Great Britain called England, in such Manner and Form as if such Offence had been therein committed; and if committed in that Part of Great Britain called Scotland, shall and may be prosecuted, tried, and determined, either before the Justiciary Court at Edinburgh, or in any of the Circuit Courts in that Part of the United Kingdom.

Persons tried under this Act, not to be tried again for the same Offence; but if not so tried, may be tried as for High Treason, &c.

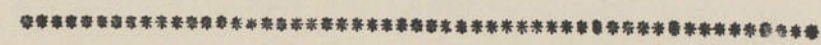
VII. Provided also, and it is hereby declared, That any Person who shall be tried, and acquitted or convicted of any Offence against this Act, shall not be liable to be indicted, prosecuted, or tried again, for the same Offence or Fact, as High Treason, or Misprision of High Treason; and that nothing in this Act contained shall be construed to extend to prevent any Person guilty of any Offence against this Act, and who shall not be tried for the same as an Offence against this Act, from being tried for the same as High Treason, or Misprision of High Treason, in such Manner as if this Act had not been made.

F I N I S.



ANNO TRICESIMO NONO

GEORGI II. REGIS.



C A P. LXXIX.

An Act for the more effectual Suppression of Societies established for Seditious and Treasonable Purposes; and for better preventing Treasonable and Seditious Practices. [12th July 1799.]

WHEREAS a traitorous Conspiracy has long been carried on, in conjunction with the Persons from Time to Time exercising the Powers of Government in France, to overturn the Laws, Constitution, and Government, and every existing Establishment, Civil and Ecclesiastical, both in Great Britain and Ireland, and to dissolve the Connection between the Two Kingdoms, so necessary to the Security and Prosperity of both: And whereas, in pursuance of such Design, and in order to carry the same into Effect, divers Societies have been of late Years instituted in this Kingdom, and in the Kingdom of Ireland, of a new and dangerous Nature, inconsistent with Publick Tranquillity, and with the Existence of regular Government, particularly certain Societies calling themselves Societies of United Englishmen, United Scotsmen, United Britons, United Irishmen, and The London Corresponding Society: And whereas the Members of many of such Societies have taken unlawful Oaths and Engagements of Fidelity and Secrecy, and used secret Signs, and

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and appointed Committees, Secretaries, and other Officers, in a secret Manner; and many of such Societies are composed of different Divisions, Branches, or Parts, which communicate with each other by Secretaries, Delegates, or otherwise, and by means thereof maintain an Influence over large Bodies of Men, and delude many ignorant and unwary Persons into the Commission of Acts highly criminal: And whereas it is expedient and necessary that all such Societies as aforesaid, and all Societies of the like Nature, should be utterly suppressed and prohibited, as unlawful Combinations and Confederacies, highly dangerous to the Peace and Tranquillity of these Kingdoms and to the Constitution of the Government thereof as by Law established: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, all the said Societies of *United Englishmen, United Scotsmen, United Irishmen, and United Britons*, and the said Society commonly called *The London Corresponding Society*, and all other Societies called *Corresponding Societies*, of any other City, Town, or Place, shall be, and the same are hereby utterly suppressed and prohibited, as being unlawful Combinations and Confederacies against the Government of Our Sovereign Lord the King, and against the Peace and Security of His Majesty's liege Subjects.

Certain Societies suppressed.

All Societies, the Members whereof shall be required to take any Oath not authorized by Law, or shall have any Committees not known to the Society at large, etc. to be deemed unlawful,

II. And be it further enacted by the Authority aforesaid, That, from and after the passing of this Act, all and every the said Societies, and also every other Society now established, or hereafter to be established, the Members whereof shall, according to the Rules thereof, or to any Provision or Agreement for that Purpose, be required or admitted to take any Oath or Engagement, which shall be an unlawful Oath or Engagement within the Intent and Meaning of an Act, passed in the Thirty-seventh Year of His Majesty's Reign, intituled, *An Act for more effectually preventing the administering or taking of unlawful Oaths*, or to take any Oath not required or authorized by Law; and every Society, the Members whereof, or any of them, shall take, or in any Manner bind themselves by any such Oath or Engagement, on becoming or in consequence of being Members of such Society; and every Society, the Members whereof shall take, subscribe, or assent, to any Test or Declaration not required by Law, or not authorized in Manner herein-after mentioned; and every Society, of which the Names of the Members, or of any of them, shall be kept secret from the Society at large, or which shall have any Committee or select Body so chosen or appointed, that the Members constituting the same shall not be known by the Society at large to be Members of such Committee or select Body, or which shall have any President, Treasurer, Secretary, Delegate, or other Officer so chosen or appointed, that the Election or Appointment of such Persons to such Offices shall not be known to the Society at large, or of which the Names of all the Members, and of all Committees or select Bodies of Members, and of all Presidents, Treasurers, Secretaries, Delegates, and other Officers, shall not be entered in a Book or Books to be kept for that Purpose, and to be open to the Inspection of all the Members of such Society; and every Society which shall be composed of different Divisions or Branches, or of different Parts, acting in any Manner separately or distinct from each other, or of which any Part shall have any separate or distinct

distinct President, Secretary, Treasurer, Delegate, or other Officer, elected or appointed by or for such Part, or to act as an Officer for such Part; shall be deemed and taken to be unlawful Combinations and Confederacies; and every Person who, from and after the passing of this Act, shall become a Member of any such Society, or who, being a Member of any such Society at the passing of this Act, shall afterwards act as a Member thereof; and every Person who, after the passing of this Act, shall directly or indirectly maintain Correspondence or Intercourse with any such Society, or with any Division, Branch, Committee, or other select Body, President, Treasurer, Secretary, Delegate, or other Officer, or Member thereof as such, or who shall, by Contribution of Money or otherwise, aid, abet, or support such Society, or any Members or Officers thereof as such; shall be deemed guilty of an unlawful Combination and Confederacy.

and Members thereof, and Persons corresponding, &c with them, guilty of an unlawful Combination.

* * *

VIII. And be it further enacted, That every Person who, at any Time after the passing of this Act, shall, in Breach of the Provisions thereof, be guilty of any such unlawful Combination and Confederacy, as in this Act is described, shall and may be proceeded against for such Offence in a summary Way, either before One or more Justice or Justices of the Peace for the County, Stewartry, Riding, Division, City, Town, or Place, where such Person shall happen to be, or by Indictment to be preferred in the County, Riding, Division, City, Town, or Place, in *England*, wherein such Offence shall be committed, or by Indictment in the Court of Judiciary, or in any of the Circuit Courts in *Scotland*, if the Offence shall be committed in *Scotland*; and every Person being convicted of any such Offence, on the Oath of One or more credible Witness or Witnesses, by such Justice or Justices as aforesaid, shall be by him or them committed to the Common Gaol or House of Correction for such County, Stewartry, Riding, Division, City, Town, or Place, there to remain, without Bail or Mainprize, for the Term of Three Calendar Months, or shall be by such Justice or Justices adjudged to forfeit and pay the Sum of Twenty Pounds, as to such Justice or Justices shall seem meet; and in case such Sum of Money shall not be forthwith paid into the Hands of such Justice or Justices, he or they shall, by Warrant under his or their Hand and Seal, or Hands and Seals, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale, and, for Want of sufficient Distress, shall commit such Offender to the Common Gaol or House of Correction of such County, Stewartry, Riding, Division, City, Town, or Place as aforesaid, for any Time not exceeding Three Calendar Months; and every Person convicted of any such Offence upon Indictment by due Course of Law, shall and may be transported for the Term of Seven Years, in the Manner provided by Law for Transportation of Offenders, or imprisoned for any Time not exceeding Two Years, as the Court before whom such Offender shall be tried shall think fit; and every such Offender, who shall be ordered to be transported, shall be subject and liable to all Laws concerning Offenders ordered to be transported.

How Offenders may be proceeded against,

and how punished.

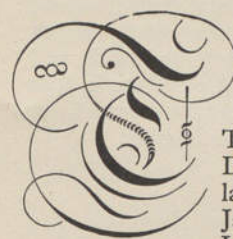
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Summary of Sections not reproduced

Sections

- III Act not to extend to declarations by members of any society if approved by two justices.
- IV No person to be liable to penalty for having been member of such society before Act was passed.
- V-VII Act not to extend to Freemasons' meetings provided two members certify that their society is actually a Freemasons' Lodge. Lodges to be registered. Lodges may be discontinued if injurious to public peace.
- IX Justices to have right to reduce punishment to not less than one third of sentence.
- X-XI No person to be prosecuted twice for the same offence. Offenders may be indicted if not prosecuted under this Act.
- XII Persons in custody at time of passing of Act still liable to prosecution.
- XIII Persons permitting unlawful meetings on their premises to pay £5 for first offence. After first offence to be deemed guilty of unlawful combination and confederacy.
- XIV Houses licensed to sell beer, etc., to lose licence if unlawful meetings held on premises.
- XV-XX Places used for lectures, debates, etc., for which fees are charged, to have licences, otherwise to be deemed disorderly. Penalty for conducting such, £100. Penalty for selling tickets, etc., £20. Person in control liable to prosecution though not real occupier of house. Justices to have right of admittance. Penalty for refusal, £20. Licences may be revoked.
- XXI Ale houses to be deemed licensed for reading books, etc., but licence may be forfeited.
- XXII Act not to extend to the Universities, Inns of Court, etc., and paid schoolmasters.
- XXIII-XXIV Printers to obtain authorisation certificate. Penalty for non-observance, £20. His Majesty's printers and the Universities to be exempt.
- XXV-XXVI Letter founders and printing press makers to obtain authorisation certificate and to keep account of their sales. Penalty for non-observance, £20.
- XXVII-XXVIII Printer to print name and address on every document. Penalty for non-observance, £20. Act not to extend to Parliamentary papers.
- XXIX-XXXII Printers to keep copy of all papers printed with name and address of employers. Penalty for non-observance, £20. Persons selling papers without these particulars to be taken before Justices. Provisions respecting newspapers not to be altered.
- XXXIII Suspected presses and papers to be seized by the justices.
- XXXIV-XXXVIII Details as to procedure and application of Act by justices.
- XXXIX Act may be repealed in current Session.

Indictment



THE Jurors for our Lord the King upon their Oath present that George Loveless late of the Parish of Tolpiddle otherwise Tolpiddle in the County of Dorset Labourer James Loveless late of the same place Labourer James Brine late of the same place Labourer James Hammet late of the same place Labourer Thomas Stanfield late of the same place Labourer and John Stanfield late of the same place Labourer on the twenty-fourth day of February in the fourth year of the reign of our Sovereign Lord William IV at the parish aforesaid in the County aforesaid feloniously and unlawfully did administer and cause to be administered unto one Edward Legg a certain Oath and Engagement purporting and then and there intended to bind the said Edward Legg not to inform or give evidence against any associate confederate or other person of and belonging to a certain unlawful combination and confederacy before that time formed and entered into by and between the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield and John Stanfield and divers other evil disposed persons and which said Oath and Engagement was then and there taken by the said Edward Legg against the peace of our said Lord the King his Crown and Dignity and against the form of the Statute in that case made and provided.

Second Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that the said James Loveless on the day and year aforesaid at the parish aforesaid in the County aforesaid feloniously did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg not to inform or give evidence against any associate confederate or other person of and belonging to a certain unlawful combination and confederacy before that time formed and entered into by and between the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield John Stanfield and divers other evil disposed persons and which said last mentioned Oath and Engagement was then and there taken by the said Edward Legg. And the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Brine James Hammet Thomas Stanfield and John Stanfield were then and there

feloniously aiding and assisting at and were then and there feloniously present at and consenting to the administering of the said last mentioned Oath and Engagement against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Third Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that a person to the Jurors unknown on the day and year aforesaid at the parish aforesaid in the County aforesaid feloniously did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg not to inform or give evidence against any associate confederate or other person of and belonging to a certain unlawful combination and confederacy before that time formed and entered into by and between the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield John Stanfield and divers other evil disposed persons and which said last mentioned Oath and Engagement was then and there taken by the said Edward Legg and the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield and John Stanfield were then and there feloniously aiding and assisting at and were then and there feloniously present at and consenting to the administering of the said last mentioned Oath and Engagement against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Fourth Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield and John Stanfield on the day and year aforesaid at the parish aforesaid in the County aforesaid did feloniously and unlawfully administer and cause to be administered a certain other Oath and Engagement to the said Edward Legg purporting and then and there intended to bind the said Edward Legg not to reveal or discover a certain unlawful combination and confederacy before that time formed and entered into by and between the said George Love-

less James Loveless James Brine James Hammet Thomas Stanfield and John Stanfield and divers other evil disposed persons and which said last mentioned Oath and Engagement was also then and there taken by the said Edward Legg against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Fifth Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that the said James Loveless on the day and year aforesaid in the parish aforesaid in the County aforesaid feloniously did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg not to reveal or discover a certain unlawful combination and confederacy before that time formed and entered into by and between the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield John Stanfield and divers other evil disposed persons and which said last mentioned Oath and engagement was then and there taken by the said Edward Legg and the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Brine James Hammet Thomas Stanfield and John Stanfield were then and there feloniously aiding and assisting at and were then and there feloniously present at and consenting to the administering of the said last mentioned Oath and Engagement against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Sixth Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that a person to the Jurors unknown on the day and year aforesaid in the parish aforesaid in the County aforesaid feloniously did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg not to reveal or discover a certain unlawful combination and confederacy before that time made and entered into by and between the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield John Stanfield and divers other evil disposed persons and which said last mentioned Oath and Engagement was then and there taken by the said Edward Legg and the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Loveless James Brine James Hammet Thomas

Stanfield and John Stanfield were then and there feloniously aiding and assisting at and were then and there feloniously present at and consenting to the administering of the said last mentioned Oath and Engagement against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Seventh Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield and John Stanfield on the day and year aforesaid in the parish aforesaid in the County aforesaid feloniously and unlawfully did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg not to reveal or discover any illegal Oath and Engagement which might have been administered or tendered to or taken by the said Edward Legg or to or by any other person or persons or the import of any such illegal Oath and Engagement and which said Oath and Engagement so administered and caused to be administered to the said Edward Legg as in the beginning of this Count above mentioned was then and there also taken by the said Edward Legg against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Eighth Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that the said James Loveless on the day and year aforesaid in the parish aforesaid in the County aforesaid feloniously did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg not to reveal or discover any illegal Oath and Engagement which might have been administered or tendered to or taken by the said Edward Legg or to or by any other person or persons or the import of any such illegal Oath and Engagement and which said Oath and Engagement so administered and caused to be administered to the said Edward Legg as in the beginning of this Count above mentioned was then and there also taken by the said Edward Legg and the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Brine James Hammet Thomas Stanfield and John Stanfield were then and there feloniously aiding and assisting at and were then and

there feloniously present at and consenting to the administering of the said last mentioned Oath and Engagement against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Ninth Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that a person to the Jurors unknown on the day and year aforesaid in the parish aforesaid in the County aforesaid feloniously did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg not to reveal or discover any illegal Oath and Engagement which might have been administered or tendered to or taken by the said Edward Legg or to or by any other person or persons or the import of any such illegal Oath and Engagement and which said Oath or Engagement so administered and caused to be administered to the said Edward Legg as in the beginning of this Count above mentioned was then and there also taken by the said Edward Legg and the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield and John Stanfield were then and there feloniously aiding and assisting at and were then and there feloniously present at and consenting to the administering of the said last mentioned Oath and Engagement against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Tenth Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield and John Stanfield on the day and year aforesaid in the parish aforesaid in the County aforesaid feloniously did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg to obey the orders and commands of a certain body of men not lawfully constituted and which said last mentioned Oath and Engagement was then and there taken by the said Edward Legg against the form of the

Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Eleventh Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that the said James Loveless on the day and year aforesaid in the parish aforesaid in the County aforesaid feloniously did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg to obey the orders and commands of a certain body of men not lawfully constituted and which said last mentioned Oath and Engagement was then and there taken by the said Edward Legg and the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Brine James Hammet Thomas Stanfield and John Stanfield were then and there feloniously aiding and assisting at and were then and there feloniously present at and consenting to the administering of the said last mentioned Oath and Engagement against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

Twelfth Count

AND the Jurors aforesaid upon their Oath aforesaid do further present that a person to the Jurors unknown on the day and year aforesaid in the parish aforesaid in the County aforesaid feloniously did administer and cause to be administered unto the said Edward Legg a certain other Oath and Engagement purporting and then and there intended to bind the said Edward Legg to obey the orders and commands of a certain body of men not lawfully constituted and which said last mentioned Oath and Engagement was then and there taken by the said Edward Legg. And the Jurors aforesaid upon their Oath aforesaid do further present that the said George Loveless James Loveless James Brine James Hammet Thomas Stanfield and John Stanfield were then and there feloniously aiding and assisting at and were then and there feloniously present at and consenting to the administering of the said last mentioned Oath and Engagement against the form of the Statute in that case made and provided and against the peace of our said Lord the King his Crown and Dignity.

True Bill.

CHAMBRE.



The Initiation Ceremony and Oath

ON one side of the apartment is a skeleton, above which is a drawn sword and a battle-axe, and in front stands a table upon which lies a Bible. The principal officers of the Union are clothed in surplices.

(Members say the following prayer.)

GOD, who art the author of peace and lover of concord, defend us in this our undertaking, that we may not fear the power of our adversaries, through the merits of Jesus Christ our Lord. *Amen.*

(Outside Tiler knocks at the door.)

Inside Tiler

Who comes here to disturb the peace and harmony of this our most worthy and honourable order?

Principal Conductor from without

I am not come here to disturb the peace and harmony of this your most worthy and honourable order. I am a brother with strangers, who wish to be admitted into your most worthy and honourable order.

Inside Tiler

Most worthy President, Vice, Secretary, and brothers all, a brother stands at the door with strangers, who wish to be admitted into this your most worthy and honourable order.

President

In the name of the Lord admit him.

(Enter Principal Conductor, followed by the strangers with their eyes bandaged. Members salute, and then sing a hymn.)

Principal Conductor.

Strangers, within our secret walls we have admitted you,
Hoping you will prove honest, faithful, just and true,
If you cannot keep the secrets we require,
Go hence, you are at liberty to retire.
Are your motives pure?

Strangers.

Yes

The Initiation Ceremony and Oath

141

Principal Conductor.
Do you declare they are?

Strangers.
Yes.

Principal Conductor.
Then, brethren, to initiate these strangers we will now proceed,
And our most worthy master may proceed to read.

(Members sing a hymn.)

Warden.
Stand, ye presumptuous mortals, strangers' steps I hear,
And I must know your trade and business here.
By my great power, there's nothing can from vengeance stay us,
If you come here intending to betray us.

President.
Most worthy guardian of our sacred laws,
They are wool-combers, and wishful to protect the united cause.

Warden
Then all is well.

Vice-President.
Strangers, you are welcome, and if you prove sincere,
You'll not repent your pains and labour here.
We have one common interest, and one common soul,
Which should by virtue guide and actuate the whole.
Our trade requires protection, by experience sad we know;
Our duty is to prevent recurrence of our former woe.
Our commonwealth was like some savage land,
Where the weak are slaves, and strongest bear command,

Where tyrants rule with uncontrolled sway,
And degraded subjects do their will obey.
Such was our domestic lot. Our suffering and our care
Enraged our minds with sadness and despair.
And when we had united and our rights obtained,
We found that only half our point was gained,
Our interests were so many and so various,
The tenure of our rights so frail and so precarious,
That had we not invented Lodges our protection to ensure,
All, all would have come to nought, as it had done before.
Strangers, the design of all our Lodges is love and unity,
With self-protection founded on the laws of equity,
And when you have our mystic rights gone through,
Our secrets all will be disclosed to you.
We deem you worthy our friendship, trust and confidence to share,
See that you make the prosperity of our cause your constant care.
Let your tongue be always faithful, your heart conceal its trust,
Woe, woe and dishonour attend the faithless and unjust.
Guards, give the strangers sight.
(The bandages are removed from the eyes of the strangers, and they are placed opposite the skeleton.)
President, pointing to the skeleton.
Strangers, mark well this shadow, which you see,
It is a faithful emblem of man's destiny.
Behold that head once filled with pregnant wit,
These hollow holes once sparkling eyes did fit;
This empty mouth nor lips nor tongue contains,
Of a once well furnished head, see all that now remains,
Behold this breast, where a generous heart once moved,
Filled with affection, loving and beloved,

Mark well these bones, the flesh hath left its place;
 These arms could once a tender wife embrace.
 Those legs in gay activity could roam,
 But, alas! the spirit's dead, the life is gone.
 O death! O death! thy terrors strike us with dismay,
 Only the spirit just, which hath left its empty clay,
 Can set thee at defiance and in triumph say,
 O death, where is thy sting? O grave, where is thy victory?
 The sting of death is sin—are we not sinners all?
 Then upon us one day the heavy stroke of death must fall.

Vice-President.

Strangers, hear me; and mark well what I say,
 Be faithful to your trust, or you may rue this day.

You are now within our secret walls, and I must know if you keep a secret.

Strangers.

Yes.

Vice-President.

And will you do?

Strangers.

Yes.

Vice-President.

Then amongst us, you will shortly be entitled to the endearing name of brother,
 And what you hear or see here done, you must not disclose to any other;
 We are uniting to cultivate friendship, as well as to protect our trade,
 And due respect must to all our laws be paid.
 Hoping you will prove faithful, and all encroachments on our rights withstand,
 As a token of your alliance—give me your hand.

And now, shouldst thou ever prove deceitful, remember thy end, remember. Guards, put these strangers into darkness, and conduct them to our most worthy master, to be further instructed in this our most worthy and honourable order.

(The eyes of the strangers are again bandaged, and they are then made to walk several times round the room, while the members stamp on the floor with their feet. They are then led to the table, upon which the Bible is placed; the right hand of each is laid upon the sacred volume, the bandages are then removed from their eyes, and they take the following oath)—

I, A. B. Woolcomber, being in the awful presence of Almighty God, do voluntarily declare that I will persevere in endeavouring to support a brotherhood, known by the name of the Friendly Society of Operative Stuff Manufacturers, and other Industrious Operatives, and I solemnly declare and promise that I will never act in opposition to the brotherhood in any of their attempts to support wages, but will, to the utmost of my power, assist them in all lawful and just occasions, to obtain a fair remuneration for our labour. And I call upon God to witness this my most solemn declaration, that neither hopes, fears, rewards, punishments, nor even death itself, shall ever induce me directly or indirectly, to give any information respecting any thing contained in this Lodge, or any similar Lodge connected with the Society; and I will neither write, nor cause to be written, upon paper, wood, sand, stone, or any thing else, whereby it may be known, unless allowed to do so by the proper authorities of the Society. And I will never give my consent to have any money belonging to the Society divided or appropriated to any other purpose than the use of the Society and support of the trade, so help me God, and keep me steadfast in this my most solemn obligation; and if ever I reveal either part or parts of this my most solemn obligation, may all the Society I am

about to belong to, and all that is just, disgrace me so long as I live; and may what is now before me plunge my soul into the everlasting pit of misery. Amen.

Vice-President.

Guards, put these strangers into darkness. Rise and stand *(to the strangers)*

(The strangers having been blindfolded, the members sing a hymn, and then salute. The strangers are then led out. Members then say the following prayer) :—

O God, who art the author of peace, etc. *(same as at the commencement)*.

President.

In the name of King Edward the Third,* I declare this Lodge to be now duly closed, and so it is.

God save our noble King,
 William the Fourth let's sing,
 Brethren, ere we depart, let us join hand and heart

In this our cause;

May our next meeting be blest with sweet harmony,
 Honour, and secrecy in the Mechanic's cause.

[Exeunt.]

* In this king's reign the woollen manufacture was introduced into England.

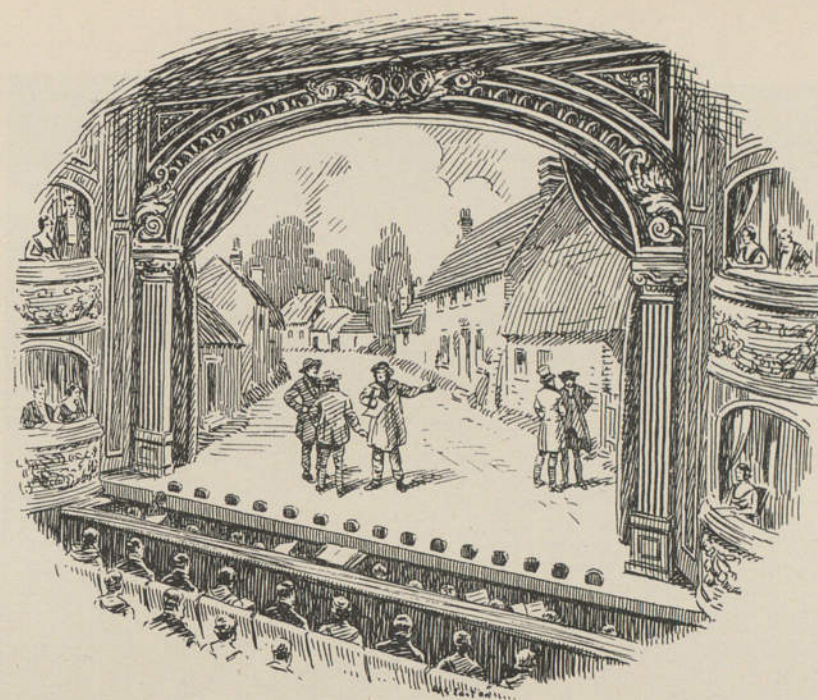


DORCHESTER IN 1834



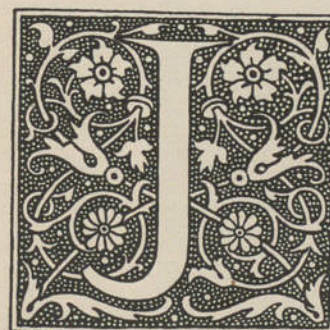
PROFESSOR HAROLD J. LASKI

Mr. HAROLD J. LASKI, professor of Political Science in the University of London since 1926, has written extensively on political, social and industrial questions. Educated at the Manchester Grammar School and New College, Oxford, where he won the Belt Essay Prize and took first-class honours in Modern History, he pursued his academic career for six years in Canada and the United States. He has been connected with the London School of Economics since 1920, and has been lecturer in Political Science at Magdalene College, Cambridge. He is Vice-Chairman of the British Institute of Adult Education and a member of the Council of the Institute of Public Administration. Among his most notable books are *The Problem of Sovereignty*, *Authority in the Modern State* and the *Grammar of Politics*.



Actors in the Drama

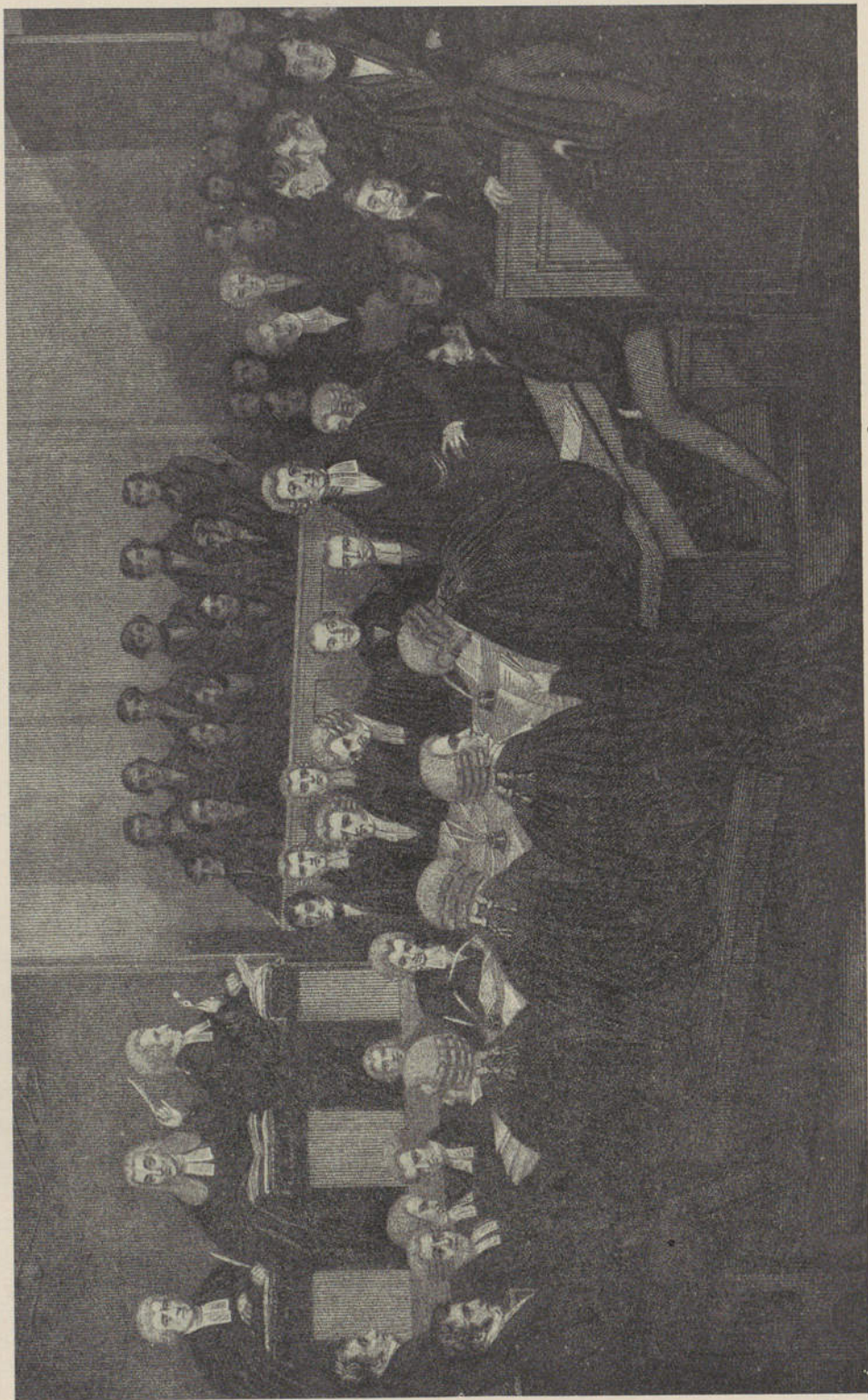
By HAROLD J. LASKI



JOHN WILLIAMS, the judge who presided over the Trial of the Dorchester labourers, was of an old Merioneth family. His father was the Vicar of Bunbury, in Cheshire, where the future judge was born in January, 1777. Educated at the Manchester Grammar School, he gave early signs of those abilities in the ancient classics which formed his chief interest, law apart, for the rest of his life. Elected at eighteen to a classical scholarship at Trinity College, Cambridge, he had a brilliant career there, winning many prizes and taking his degree in 1798. After fierce competition, he was elected to a fellowship at Trinity in the same year.

Williams entered the Middle Temple, and was called to the Bar in 1804. He practised on the Northern Circuit for many years. His progress was slow, but he seems to have built up a considerable reputation for accuracy, ingenuity and boldness; as a result of these, he was selected as junior counsel in 1820 to Brougham and Denman, in the defence of Queen Caroline, the wife of George IV. His part in the case was a notable one, less, perhaps, in court than in the preparation behind the scenes. No doubt as a result of the influences with which this brought him into touch, he entered Parliament in 1823 as

The Judge who
sentenced the
martyrs



(print of the Frost Trial 1830)

Judge Williams on the right of the Bench. Below, left, in wig, Sergeant Wilde and Sir John Campbell (Attorney-General)

member for Lincoln. Here he made a name (and also enemies) by his attacks on delays in Chancery proceedings, and notably upon Lord Eldon as the man chiefly responsible for them. His motions in the House resulted in a Commission of Enquiry which thoroughly established his view, and was undoubtedly influential in helping towards the long overdue reform of Chancery procedure. But no one can read his speeches in the debates without a sense of the undue acrimony he introduced into them and the bitter vigour of his personal feelings against Lord Eldon.

This perhaps explains the fact that he was not appointed a King's Counsel until 1827, when he was already fifty years of age. Three years later he was appointed first Solicitor, and then Attorney-General to Queen Adelaide, the wife of William IV. In February, 1834, his services to the Whigs were recognised by his appointment as Baron of the Exchequer. This place he held only for a term, when he exchanged his Barony for the King's Bench with Mr. Justice (later Baron) Parke. He remained on the Bench for almost thirteen years, dying on September 14, 1846.

During all his life he never deserted the classics. He wrote upon them for the *Edinburgh Review*, and published a collection of his classical translations into verse under the title of "Nugæ Metricæ." As a judge his early years were noted for a somewhat strange ignorance of practice which not seldom resulted in curious scenes in the Court. Later, he overcame this weakness and was generally regarded as a strong judge, popular with his fellow-lawyers both for his kindness and his cordiality. His manner, indeed, always remained eccentric, and he held strong opinions which he always expressed in a decisive way. He was by temperament and choice a Whig of the Brougham school. He owed his promotion to that party, and he never forgot his attachment to it. The vigour he displayed in the House of Commons, he displayed also on the Bench; it was the medium in which he worked rather than his views which changed. He remained a keen party man until his death.

And it is this fact which alone can explain his attitude in the Dorchester case. His portentous charge to the Grand Jury is the work of a man who regards working-class discontent with a hatred so passionate that there are no lengths to which he will not go in the effort to suppress it. He seems to have taken the view, from the indictment alone, that he was dealing with a dangerous conspiracy akin in its nature to treason. The charge shows no sense of perspective, no understanding of the nature of the grievances the men were seeking to remedy. He acted rather as a political agent of the landowners who had secured the prosecution, than as a judge seeking to discover the true bearing of the facts. Something of this, perhaps, may be ascribed to inexperience; he had only just reached the Bench when he tried the case. Something, also, may be ascribed to his passionate temper, and his strong political convictions. The Whig Government was gravely disturbed by economic discontent; the recent Revolution in France had been viewed with grave alarm by the governing classes; and the memory of how near

A law reformer

A keen whig

Anti-working class in his views

Bias shown
at the trial

England had been in 1831-2 to revolution was by no means forgotten. The forcible suppression of discontent was an integral part of Whig policy; the Government had no sympathy at all with working-class grievances. Williams' charge is inexplicable except upon the assumption that he shared these views and was determined to use his judicial position to attack their expression in a vigorous way.

His trial of the case is on all fours with his charge to the Grand Jury. He hardly allowed the prisoners a hearing. He gave none of them any opportunity to explain their point of view. Every effort on their part to put their case seems to have been treated as a new source of offence. His attitude to George Loveless, in particular, whose bearing throughout the trial was characteristically simple and courageous, can only be described as brutal. The offence committed was on any showing a purely nominal one; and the sentence imposed was monstrous. He conducted the trial as though he was dealing with a group of hardened criminals instead of a body of men whose nobility of character and ignorance of any offence was evident in every statement they made. Williams seems to have made up his mind to make an example of them; and he proceeded to do so with a ferocity that is happily rare in the modern administration of justice in England. There had been nothing like these sentences since the Treason Trials of the French Revolutionary period.

From this angle, the case creates a difficult problem upon which it is worth while for a moment to dwell. All the evidence we have about Williams goes to reveal him as a decent and kindly person, learned and scholarly, and popular with the members of his profession. We are given a picture of a man either absorbed in the technique of his cases, or so devoted to the classics that he would declaim Horace and Demosthenes to any listener and forgive, as one writer says, any error in Court except a false quantity. Nor is there any other case in his record as a judge in which his habits provoked a popular disapproval so wide and so profound. What is the explanation?

Something, no doubt, is due to the atmosphere which surrounded the trial. The instigators of the prosecution regarded it as a trial of strength; so did the Grand Jury; so, obviously, did the Government. Williams must have regarded himself as almost invited to make an example of the prisoners from the circumstances in which they appeared in Court. The fact, further, that their action was so widely regarded as a threat to the Government of which he was a warm supporter, to which, also, he owed his elevation to the Bench, no doubt played its half-conscious part; the politically-appointed judge whose promotion is the reward for political services does not always forget his obligations when he performs his function.

But, granted all we know of Williams outside of this case, it is probable that the main explanation of his attitude lies in the persistent inability of English judges to understand the very nature of Trade Unionism. Historically, its activities lie, in the eyes of the common law, so near to the boundaries of criminal conspiracy, that any judge who does

The Judges
have never
understood
Trade Unionism



CURIOSITIES OF HISTORY.

The prejudices
of later Judges

not take the greatest care to guard himself against bias may easily find himself interpreting the issues of a labour case upon assumptions which condemn Trade Unionists before the issue is heard. The Common Law has at its foundations what Mr. Justice Holmes has called an "inarticulate major premiss" about Trade Unions which even statute law can hardly overcome. This was made clear in the Taff Vale and Osborne Cases; and it was painfully evident, during the National Strike of 1926, in the judgment of Mr. Justice Astbury in *Reed v. Seamen and Firemen's Union*.

It is not unreasonable to suppose that this outlook, translated into the harsher atmosphere of a century ago, is the main reason for Baron Williams' attitude. A sturdy individualist, a man who, like most of his fellow-Whigs, hated Trade Unions and regarded them as a violation of inescapable economic law, penetrated with the belief, also common to his party, that any threat to the "rights" of property must be put down at all costs, the trial may well have appeared to him as an occasion to set a deterrent example which would strike a resounding blow at a movement of which he sternly disapproved. There is no evidence that he ever had any regrets for what he did; and the savagery he displayed is only in degree different from the harshness of his colleagues a few years later when they bent their energies to the suppression of the Chartist Movement. Nor must we forget an inheritance stained by the tradition of a race of bitterly partisan judges in the previous age of whom Lord Ellenborough is only the most ignoble example. Trade Union action could hardly be understood by judges unaware of the need for working-class solidarity; and it was inevitable that they should regard as conspiracy a fellowship alien in its character from the purposes they existed to defend.

JAMES FRAMPTON

The local J.P.
who started the
prosecution of
the martyrs

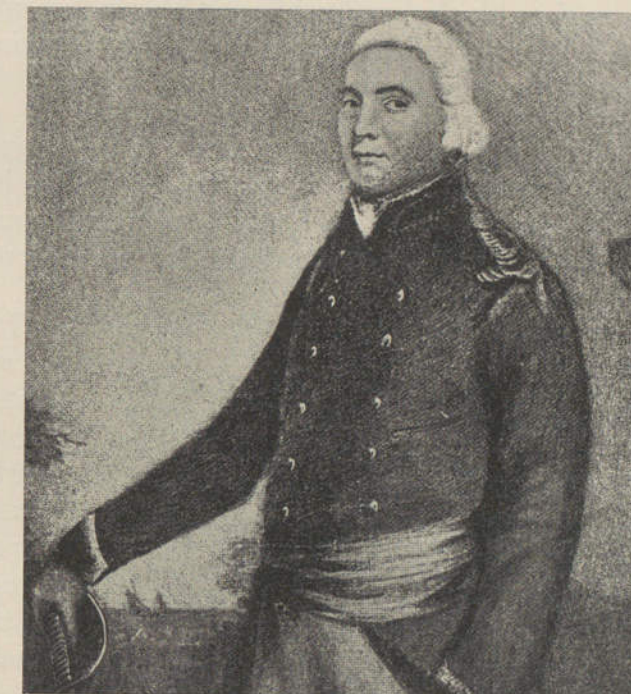


HE prosecution of the Dorchester labourers is due more to James Frampton than to any other figure in the drama. Born in 1769, a member of an old county family, he was educated at Winchester, and then, in the characteristic fashion of the time, went on the grand tour with his half-brother, Charlton Wollaston, who was himself, later, to play a part in bringing the men to trial.

From the journal of his sister, Mary Frampton, we are able to glean something of his political outlook at this period. He was in Paris at the time of the attempted escape from Varennes, and his attitude was one of frenzied devotion to the royal prisoners. "James," wrote Wollaston, "is in love with the Queen, and vows he will go every day to see her pass to mass." Evidently, like Burke, his whole attitude to the Revolution was one of profound hate; and it is not difficult to see that early impressions of this intensity would remain with him in later years.

Contacts with
the Court

In 1799 he married Lady Harriet Strangways, the daughter of the Earl of Ilchester. From the journal it appears that this brought Frampton into episodic contact with the Court, and the depth of his loyalty is apparent from the solemnity with which minor incidents in that contact are recorded and cherished. He was, of course, presented at Court, and was a Lieutenant-Colonel in the Dorsetshire Yeomanry. In that capacity, he seems to have been active in the years when a French invasion was greatly feared in the South.



JAMES FRAMPTON

After 1815, his life is the typical one of a prosperous country gentleman of his time. He had relations with the royal family; we hear of yachting expeditions from Weymouth with the Princess Charlotte, and her minutest observations, even to her preference for cold beef "with plenty of mustard" are recorded with that careful recognition of their significance which Boswell might have devoted to Johnson, or Eckermann to Goethe. But we observe, also, a certain not unattractive independence of mind. He meets Lord Sidmouth at a dinner party and wonders how one "so very ponderous could ever have been Prime Minister." He pays his respects to Charles X in exile at Lulworth Castle; but his royal devotion does not prevent him from "deprecating the folly which led to their residence in England."

Evidently he was a man of energy and independence. He had an opportunity to display his qualities in the riots of 1830 when the Dorset labourers, stimulated by the action of their fellows in Kent and Hampshire, demanded higher wages. One landowner promised compliance with the demand. This seems to have aroused Frampton's indignation; in his view, only concerted action by the landowners could save them from great difficulties. He harangued the labourers at Bere Regis, warning them against the "impropriety" of their conduct, and insisting that no concessions could be made under threat of violence. His sister notes his unpopularity in the neighbourhood, and speaks of menaces against his family. But this is not unintelligible when we hear of his reading the Riot Act to a gathering of labourers and their families who "advanced rather respect-

Energetic in
putting down
agricultural
riots

Obscure later
life

fully, with their hats in their hands," to ask for a wage on which to keep body and soul together. The police charged the crowd, under his leadership, and he and his son themselves arrested three men for riot and conveyed them to Dorchester Gaol. Yet, despite organised forebodings, nothing seems to have happened. The windows of his house were blocked up, and he and his son "sat up alternately for many nights" waiting for an attack which never came. By the beginning of next year he seems to have felt that the danger was passed.

Until the appearance of Loveless and his companions on the scene three years later we hear nothing further of Frampton. But with the attempted formation of the Union, as is narrated in detail elsewhere, he at once became the centre of action against the men once more. After their conviction, he passes from history. He died in 1855.



MORETON CHURCH

His strong
class feeling

It is pretty clear that Frampton was a man of strong class feeling, whose outlook was determined partly by the circumstances of his own position, and partly by the strong impressions he had formed of the French Revolution. The former gave him that strong sense of property which justified the right of its owners to combine, but looked upon similar action by working-men as an inherent threat to the foundations of order. The latter convinced him that any pressure by the disinherited was necessarily a revolutionary act. He was prepared, whatever the nature of the claims made, or their justice, to put them down with the full severity of the law. That men can be driven by starvation to a desperate condition he never seems to have grasped. That men suffering similar wrong will unite to right their wrongs he could not bring himself to admit. Landowners might unite; they were the natural guardians of law and order. But union among labourers probably aroused in his mind all the direful experiences of which he had heard on his Grand Tour. It did not occur to him that the best way to deal with grievance was to remedy it. Once it expressed itself in crowds and threats, he invoked the police and the militia as the natural instruments of authority against grievance. Of a strong and energetic nature, he was not the kind of man to argue with his inferiors. Profoundly deferential to those above him in social station, he never doubted his duty to control those below. When Loveless and his companions encountered a man of Frampton's temperament and opinions, the stage was already set for the tragedy that occurred.

LORD MELBOURNE



LORD MELBOURNE is, in many ways, the most typical whig of the early 19th Century. An eager devotee of religious freedom, a convinced supporter of laissez-faire, an aristocrat with a high sense of the special place of his own order in the State, he never really understood the changes which had come over England as the result of the Industrial Revolution. Shrewd, cynical, without any clear political purpose, in a remote way avid of power, his main concern was to preserve as far as might be the existing institutions of his time.

The Home
Secretary

He had a profound dislike of agitation. He voted for the suspension of the Habeas Corpus Act in 1816; and he supported the infamous Six Acts of Sidmouth three years later. He was responsible for the suppression of the agricultural riots of 1831 by the military; and he did all he could to dissuade men like Burdett from encouraging agitation for reform. Even the Reform Bill of 1832, he regarded as desirable only because it was inevitable; but he thought that its only result would be "a prevalence of the black-guard interest in Parliament." He disliked Trade Unions, which he thought unnatural, the monster political meetings of the time, O'Connell's agitation for the repeal of the Union. On every occasion when the public temper was excited, he was the strong advocate of a coercion which he was prepared to extend to the suppression of public meetings.

National Portrait Gallery
VISCOUNT MELBOURNEHis ignorance
of working
class conditions

Granted this outlook, his attitude to the Dorchester labourers is not difficult to understand. He had no knowledge of the grievances from which they suffered; it may be doubted if he would have sympathised with them had he done so. His letters make it clear that for him they were simply the promoters of a dangerous agitation of whom it was necessary to make an example. Public clamour against his severity moved him not one whit; he took the easy administrative view that it was disgraceful to show weakness by yielding to public opinion. He had no realisation of the nobility of Loveless' character; he even asserted to Lord John Russell his belief that the defence was "probably false." When in office the only interest he displayed in the case was to be willing to agree to the prisoners being joined by their families if that would prevent

any further agitation on their behalf. When Lord John Russell came to realise that the sentence could not be maintained in its full rigour his only comment was to insist that, while he did not care much what was done, he thought feeling existed against their being allowed back in England. For Melbourne, clearly, any understanding of the issues involved in the case was impossible. He thought the men deserved their fate, and he only refrained from interfering with their pardon because that was the path of least resistance.

The essence of Lord Melbourne's outlook was dislike of the need to share political power with the new classes whom economic change was bringing to a position of authority. He thought the objects of Trade Unions "absurd and impracticable," "inconsistent, impossible and contradictory to the laws of Nature." For him, order and stability were the first purposes of government, and he was prepared for deliberate change only when it could not be avoided. He disliked manufacturers only less than he disliked working-men; and he thought that country gentlemen deserved a special regard from the community because of their exceptionally high character. He even believed that a man who engaged in trade was thereby unfitted to become a justice of the peace, though he characteristically added his doubt whether "in the present state of society it is either practicable or useful to maintain the distinction" between trade and the landed interest. He never sought change so long as he could avoid it; "in general," he once wrote to Lord John Russell, "nobody is so much for shuffling over differences of opinion and getting over matters as well as one can, as I am." He hated all opinions which involved action; and he thought all views which differed seriously from his own as violent and offensive.

A strong feeling for the rights of property; a dislike of all change which did not, as it were, come about unseen; a conviction that all agitation was a threat to the foundations of society; a belief that repression was a necessary measure of public safety; these were the views with which Melbourne came to the consideration of the Dorchester case. He can never have doubted that the accused were simply wicked men stirring up trouble, of whom it was necessary to make an example. It never occurred to him to investigate the grievances against which they were protesting; he assumed, without discussion, that these were a protest against those "laws of nature" which gave to him and his class the right to rule. Like all concerned in the case, he was, though he did not so formulate it to himself, using the authority of the State to identify the private interests of the landed aristocracy with the permanent well-being of the society. He confounded the prejudices of his position with the ultimate principles of politics. Of that confusion the Dorchester labourers were the pitiful victims.

Melbourne's outlook is only an extreme instance of the general inability of the whigs to understand the social problems of their time. In himself a kindly and cultivated man, by no means devoid of a sense of public duty, he could not enter into the needs or feelings of a class outside his own. Outside the ecclesiastical sphere, he had no interest in the problems

His reverence
for property
rights and
for the
established
order

of liberty, and he even regretted the emancipation of the Roman Catholics. Social problems moved him not at all; and there is no sign in his papers of any real awareness of the economic issues of his time. To him, the case of the Dorchester labourers was simply one amidst a mass of administrative issues raised by the turbulence of men who refused to accept the position to which the "laws of nature" confined them.

WILLIAM PONSONBY



ONSONBY acted as foreman of the Grand Jury in the trial of the Dorchester labourers. A Whig member of Parliament, where he represented Dorset itself, it is of interest and significance that he was the brother-in-law of Lord Melbourne, the Home Secretary of the time.

Of the motives by which he was impelled we have some evidence from a note in Greville's diary! Ponsonby told Greville that a conviction was essential, because the working-classes attached great importance to the trial, and that no remission of the sentence was possible, as it would have seemed like a surrender to agitation. From Greville it appears that he regarded the punishment of Loveless and his fellow martyrs as a warning to the unrest in Dorset. He thought the economic distress there "not severe," nor was there political disaffection; but he was alarmed by "a restlessness, a moral obtuseness, exceedingly disgusting."



Of Ponsonby himself we do not know much. He was one of the richer members of the Ponsonby family, having married the daughter of Lord Shaftesbury. If Greville's account of his attitude is correct, it is clear that he took the same view of the case as Lord Melbourne himself, that an example must be made which would deter others from agitation. It is clear also, from his view that economic distress was not severe, that he had no conception of the prevalent conditions in the countryside. He was, no doubt, the typical country gentleman of his time, wedded to the privileges of his order, convinced that the "lower classes" must be taught their place, and insistent that any yielding to popular clamour was a highly dangerous adventure. Like most of his fellow-Whigs, he had probably no realisation at all of the degree to which his own attitude was the outcome of a narrow class prejudice. The Whigs always treated popular violence as something which indicated moral degeneration rather than economic suffering, and they dealt with the symptoms rather than the grievance itself. There was nothing exceptional in Ponsonby's outlook.

The Foreman
of the Grand
Jury

THOMAS WAKLEY

An M.P. who supported the martyrs



AMONG those who laboured for the grant of a pardon to the Dorchester labourers, no one deserves a more honoured place than Thomas Wakley. His speech in the House of Commons on June 25, 1835, is a masterpiece of cogent reasoning and human insight. There is no doubt of the great impression it produced, especially upon Lord John Russell, the Home Secretary of the time. Wakley dominated the debate; and it is probable that his speech was the turning-point in the campaign for securing the pardon of the condemned men.

That action is only one among many useful actions in a life devoted to public service. Wakley, who was a medical man, was the founder of the *Lancet*, the first important medical journal produced in this country. It was through his efforts that important medical lectures were, despite the opposition of the profession, first publicly reported.



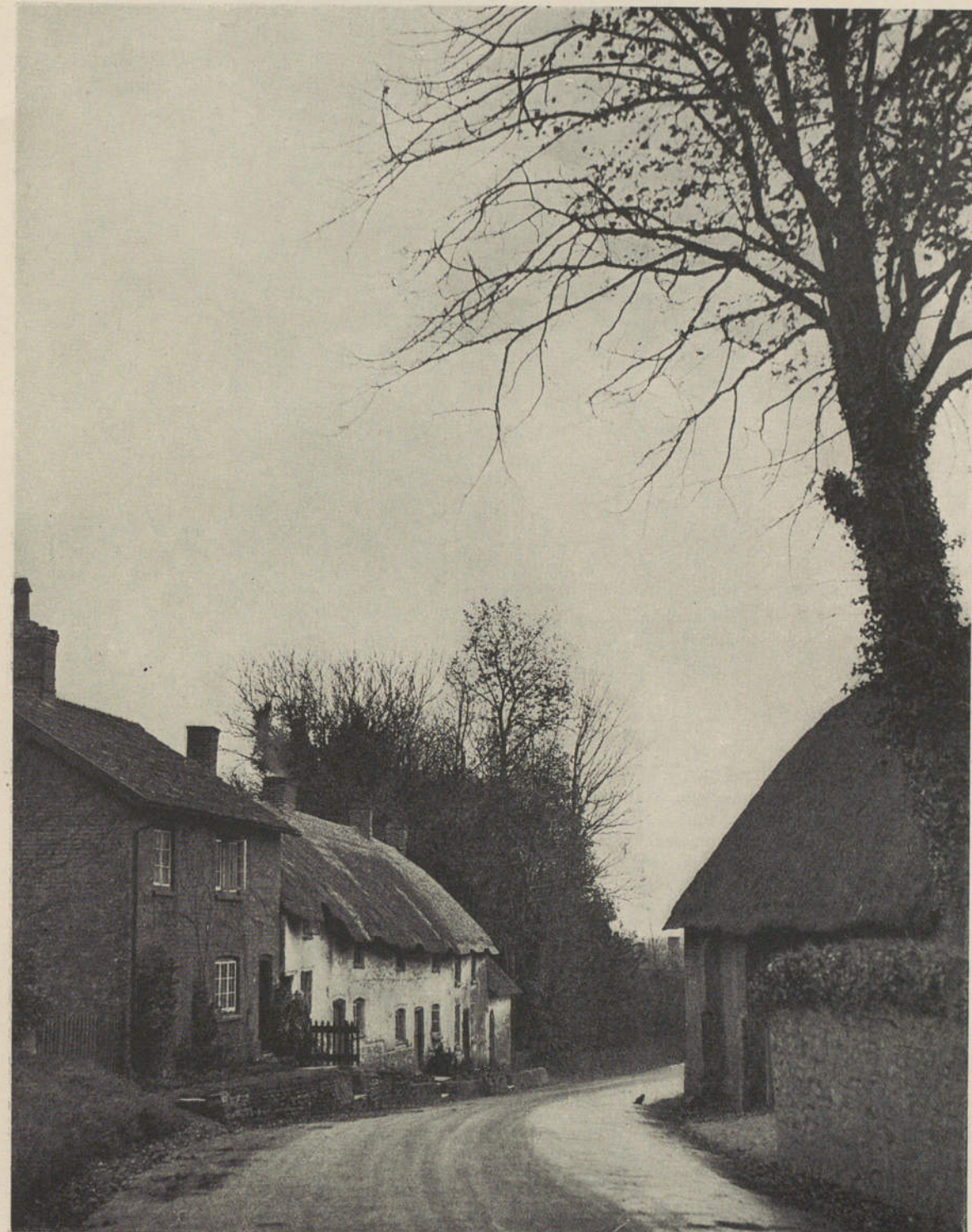
THOMAS WAKLEY, M.P.

His great services to public health

He did not hesitate to expose medical nepotism and inefficiency, and most of the reforms in hospital organisation in his day were due to his efforts.

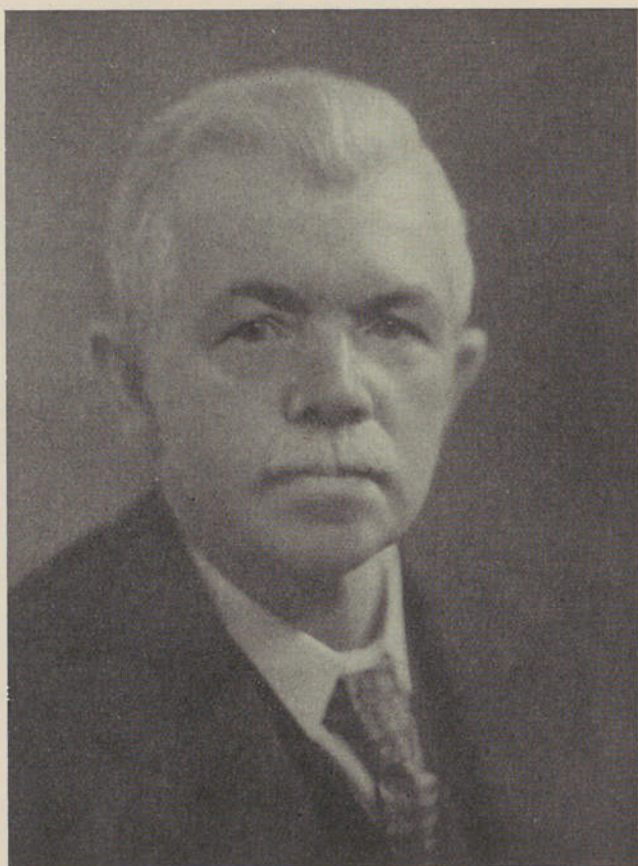
In the House of Commons he rendered many services to public health. He prevented the post of public vaccinator being confined to poor law medical officers. He invented most of our methods of medical registration. No one did better work than he in exposing the evils of adulteration in food; both Scholefield's Act and the Sale of Foods and Drugs Acts of 1875, and 1878, are largely the outcome of his suggestions and inspiration. As coroner for West Middlesex, he reformed the whole procedure and significance of inquests. In the White case (1846), in the teeth of an array of testimony of army

medical officers, he held that White, a private soldier, had died from the effects of flogging, so this form of military punishment fell into disuse. Wakley was also an active supporter of Chartism, and played an important part in the London Branch of the movement. He hated injustice passionately; and he spared no energy to secure its exposure. He fought with supreme vigour, and opposition from either authority or vested interest deterred him not at all. He was incapable of personal malice, though he handled his opponents militantly. His popularity among the people of London was profound; and Dickens has borne ardent testimony to the nobility of his humanitarian sentiments.



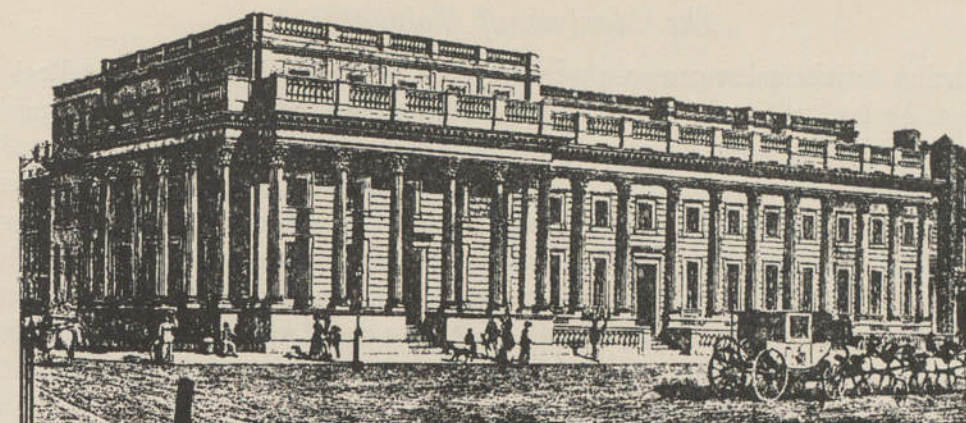
TOLPUDDLE, THE COTTAGE OF MRS. MARY HAMMETT

Photo by Jarché (D.H.)



THE RT. HON. J. R. CLYNES, P.C., D.C.L.

THE RT. HON. J. R. CLYNES, born in Oldham 65 years ago, was a half-timer at ten years of age, full-timer at twelve. He left his school books behind him to matriculate in the workers' hard school of experience. In his early twenties he became an organiser for the Gas Workers' and General Labourers' Union, now the National Union of General and Municipal Workers. For forty-five years he has served his day and generation in various capacities, with conspicuous ability. He was elected as M.P. for a Manchester Division in 1906, and held the seat until 1931. During the War period he was Food Controller. He has been leader of the Parliamentary Labour Party, and in the first Labour Government was Lord Privy Seal and Leader of the House. In the second Labour Government he held the position of Secretary of State for Home Affairs. He is President of the National Union of General and Municipal Workers.



Melbourne Fears the Unions

By Rt. Hon. J. R. CLYNES

(Home Secretary 1929-1931)



HUNDRED years ago six Trade Union pioneers were taken from their homes and their families in the village of Tolpuddle and thrown into Dorchester Prison. They were law-abiding men, men with excellent characters as workers and citizens. They wished no harm to any man, but sought only to improve the condition of themselves and their fellow farm workers. Their fame has endured. They are honoured wherever Trade Unionism is known. The full story of their efforts and their martyrdom is told in all its aspects in the various contributions to this volume. My part of the story will cover some aspects of the rôle played in this memorable drama by Lord Melbourne, the Home Secretary of the day, as shown in letters and papers which I have been able to see. They are so revealing that I must often refer to them.

Viscount Melbourne first attained fame as Statesman and Party Leader in the second quarter of the 19th Century. He was a Cambridge man, was called to the Bar, and by marriage had the distinction of being related to the foreman of the Jury which decided the case of the Tolpuddle labourers. He filled various offices, and having finally become Prime Minister, it is recorded that his favourite saying was: "Why not leave it alone?" The doctrine of his favourite saying was forgotten when he had to deal with the Trade Unions. From the moment of his coming into office he regarded the Trade Unions as dangerous to the State. "When we first came into office in November last," he wrote on September 26, 1831, to Sir Herbert Taylor, "the Union of Trades in the North of England, and in other parts of the country for the purpose of raising wages, etc., and the

Correspondence between the Home Secretary and the magistrate

Melbourne's
opposition to
Trade Unions

General Union for the same purpose were pointed out to me by Sir Robert Peel, in a conversation he had with me upon the state of the country, as the most formidable difficulty with which we had to contend; and it struck me as well as the rest of His Majesty's servants in the same light." He called in to his assistance, Nassau Senior, Professor of Political Economy at Oxford, whose hostility towards the Unions was notorious. Senior prepared a report, the effect of which was that although the Act of 1824, which abolished the Combination Laws could not be repealed, the rights conceded by it should be restricted as far as possible, picketing should be prohibited, employers should have the power to arrest men without warrant; if this proved insufficient, the Union funds should be confiscated. Melbourne felt it was impossible to obtain the consent of Parliament to these drastic proposals, but he lost no opportunity of showing his dislike for the Unions. The doctrine of his favourite saying was forgotten when he had to deal with the Trade Unions. He proved especially active in the persecution of the six poor workmen who were not only God-fearing men, but men who feared also the conditions of starvation which faced them after their low wages were reduced, and which inspired feelings for a crude form of Trade Union organisation.

Mr. James Frampton, a Justice of the Peace for the County of Dorset, evidently became very busy in the pursuit of vigorous steps to suppress the threatened revolt of these enslaved Labourers, and in a letter to Lord Melbourne, of January 30, 1834, Mr. Frampton reported that societies were being formed amongst the Agricultural Labourers in the district, in which the labourers were induced to enter into combinations of a dangerous and alarming kind to which they were bound by oaths administered clandestinely. The information the Justices had so far obtained, he said, seemed to apply to a few Parishes only and more particularly to the Parish of Tolpuddle. Nightly meetings were

held, he went on, but as no specific proof of the time and place of these meetings, or of the individuals forming them, had reached the Justices, so as to authorise them to take measures to interrupt the meetings or to notice the persons engaged in them, all they had been able to do was to communicate with trusty persons in the neighbourhood and by their means endeavour to trace the proceedings and identify the parties.



By courtesy of "Illustrated London News"
DORSET PEASANTRY IN 1842

The local
magistrate's
efforts to find
out who are
the men's
leaders

The reply sent on behalf of Lord Melbourne was immediate, and the attention of the Magistrates was drawn to their powers and to the provisions of the Law which would

enable them to act. Lord Melbourne thought the Magistrates had acted wisely in employing trusty persons to obtain information regarding the combinations which were forming among the labourers. Mr. Frampton had asked his Lordship for advice and co-operation, and his Lordship evidently was ready promptly to give encouragement to the Magistrates to deal vigorously with the pending trouble and to employ such "trusty persons" as might be at call to enforce the Law. His Lordship showed no reluctance to co-operate with the Magistrates, and Magistrates in those days did not confine themselves to hearing evidence in a Court in order that they might impartially reach a decision on the facts before them. They deemed it part of their duty to gather evidence or secure "trusty persons" who could obtain it for them. Having gathered such evidence they might also trust such persons to swear by it, and Magistrates thereupon would find it an easy task to reach a decision which would imprison or transport men who wanted no more than to work and live at peace if they could get the means to live at all.

His Lordship drew the attention of the Magistrates to the particular Acts of Parliament and Sections which in cases of this description had been frequently resorted to with advantage, and as might be expected the oath of a workman taken in secret to advance that workman's interest, even by 1s. a week, was viewed with unqualified abhorrence. Is an oath in secret worse than one proclaimed? Evidence against the men was gathered on oath. It was tendered in the Court on oath. The oath was the sign of legal propriety and the hallmark of utterance to sustain the social order of the day. Workmen were prevented from speaking or acting in the open in defence of the humblest livelihood. They were thereby driven to secret processes, and they had no choice but to take an oath as others did to indicate their resolve and to avow their regard for the truth.

At one stage there was the pretence that agitation to raise wages involved no punishment, and that the Law was not designed to suppress reasonable agitation. What was illegal, however, was that men should bind themselves by oath to do what they wanted. But no effective action could be taken without loyalty to each other, and the sign of loyalty was to declare in the terms of an oath that men would be true to their purpose. Suspicion was inevitable and natural where men were surrounded by so many enemies, and fear is the immediate result of such suspicion. An oath was in those days the accepted medium for allaying their fears. It was but a breath and did no harm to anyone any more than was done when such men swore to be true to their King and Country, or faithful to the religion which inspired them to worship and which made some of them into humble preachers.

In a letter to Lord Melbourne, on March 5, 1834, the local Magistrates reported that of late they had been told that meetings had been removed from the house of George Romaine to the house of a man by the name of Day, who resided in a cottage of his own near to that of Romaine. The persons who attended these meetings, it was said, had

Reminds
Frampton of
Acts which
prohibit secret
oaths

Magistrate
says Trade
Unionists
have come
into the open

Reports that
Union is
spreading

become much more bold of late and, instead of going secretly and quietly, went together in bodies talking loudly, without restraint, and on the night of Tuesday, February 25 (the day on which the six men were committed for further examination) an extraordinary meeting had been called together on Bere Heath by the Sound of a Horn. Mark how these shameless evildoers emerged from their manner of secretly and quietly holding their meetings to "talking loudly without restraint." But every movement was being followed. Though there was no telephone or wireless the signal of a local Squire in those days was sufficient to serve the ends of the powerful. All the same, the Union grew.

On March 3, Mr. Frampton wrote to Lord Melbourne that he much regretted to state that he had reason to suppose the Union had extended into the Vale of Blackmore as he had hoped that part of the County had not as yet been infected, although he had long been aware that great numbers had joined it from his side of the Blandford Division. Few were the places which did not become "infected," and the most diligent watchfulness could not check the spirit to unite. Looking back now upon the courage of these men that courage grows as we appreciate the restraints and fears of the time. Their deeds shine the brighter when compared with the conduct of the Lords and Landowners who had determined to suppress them.

Mr. Frampton, at an early stage in the Drama, wrote in terms of alarm that within the last fortnight he had had private information that nightly meetings had for some time been held by Agricultural Labourers in the Parish of Tolpuddle, where Societies, or, as he believed they were called, "Unions," were formed, where they bound themselves by an oath to certain articles. Many could, no doubt, be relied upon to collect and convey private information. Meetings among labourers, whether held by day or by night, could not be held for long without giving rise to gossip of the highest interest, and all who attended them would soon become objects of great suspicion and be regarded as dangerous men. Private information was, of course, the first step towards public policy of the most repressive kind, and the Home Office was regularly fed with the information privately acquired. Such information would lose nothing in the telling, and in days when it could not be tested or questioned it could soon become information of a very damaging character.

Melbourne
advises caution
in the
dismissal of
Union
members

Mr. J. M. Phillipps wrote from Whitehall for Viscount Melbourne, to the local Magistrates on March 6. He said that Viscount Melbourne desired him to say that it appeared to him that the question of the dismissal of those labourers who joined the Union was one upon which it was difficult to decide at a distance, and without local and personal knowledge and experience. Generally speaking, he continued, measures of spirit and firmness were highly desirable in such circumstances, but the expediency of pursuing them must be subject to the consideration of whether the proposed recom-





CHURCHYARD AT TOLPUDDLE SHOWING JAMES HAMMETT'S GRAVE IN THE FOREGROUND

To face page 163

mentation of such a dismissal was likely to be generally adopted, and resolutely persevered in. Viscount Melbourne therefore saw no reason to doubt that the Magistrates had exercised a sound discretion in determining to await the result of the trials of the individuals committed before they urged the taking of such a measure. The motive herein revealed had no relation to justice. No human impulse aroused consideration for the afflicted families. Expediency and regard for that discretion which is the better part of valour enabled the Home Secretary to approve the patience of the Magistrates in awaiting the result of the Trials. The result, of course, would illustrate how patience is rewarded.

A local squire joins in the hunt

Mr. Berkeley Portman, one of the local gentry, came early on the scene as volunteer informant on what was going on in the village, and to him what was going on was Evil which must be stamped out. To crush the Union was his highest ambition, and with great care and industry he pursued the tortuous task of piecing evidence together. He seemed eager to supply such information as would spur Lord Melbourne and his advisers at the Home Office into unremitting activity. The conditions of servitude which had been accepted as the permanent feature of a workman's life must neither be modified nor upset, and to this end Laws had been framed to prevent revolt and make protest a dangerous thing. All classes less in need of united action than the working classes could unite, and did. The working classes who alone needed unity to ensure bare subsistence must face the severities of the Law if they united for more wages.

On March 1, Mr. Portman wrote that he had extreme difficulty in tracing the matter, so secret had the proceedings been, but he believed a very little *constant* vigilance would now check the progress of the Evil, and he hoped they would have a complete Case for Conviction as that would crush the Union. The spirit of confidence in the ability of Magistrates to crush this growing "Evil" is clear enough, and they were satisfied that all that was necessary could easily be done by using the customary instrument of securing a conviction. This has ever been the purblind policy of persons possessed of nothing but power, and unable to foresee any consequences from their rash or inconsiderate action.

The Magistrates stated that it had been mentioned to them that the Unions were in connection with Manchester, and that the Members would receive pay from them when they refused to work for their present masters. But of this they said they had no proof. Proof would soon be provided. Hunger would see to that and the eyes of the Magistracy would be kept wide open for every sign of unusual activity from men suspected of receiving aid from sympathisers living as far away as Manchester. Men who would refuse to work for their present masters on their masters' terms must be watched, and such a crime must be fittingly punished on proof being provided. The required proof was not long delayed.

The magistrates say men have been promised strike pay

The prospect
of a strike
alarms the
gentry

Mr. Portman wrote that he was informed the men were to strike work whenever ordered by their superiors, and this was to take place at a time when their Labour was most required by the Farmers. He said they could get no information on oath as yet, but picked it up by degrees and from the conversations of the Labourers who now often spoke openly of meetings being held. Now, the danger stage of speaking openly was reached, and action could not long be delayed when men had become unafraid of conversing with each other on the subject of their meetings. What an inspiration the meetings must have been, and what brightened hopes and prospects they would reveal. On the other hand, the alarm would be great in face of the risk of withholding labour at a time when it was most required by the Farmers!

Mr. J. M. Phillipps, on March 3, wrote from Whitehall to the effect that Viscount Melbourne would be obliged if Mr. Frampton would forward a Statement of all the information and Evidence obtained respecting the Societies and their Nightly Meetings. Viscount Melbourne wished to be informed of the manner in which they met, of their Professed objects, of the Oaths they took, of the Conduct of the Delegates, and of their whole proceedings, as far as they had been discovered. Clearly, the mind of the detective agency dominated the advisers and servants of the Home Secretary of the day, and no doubt the Home Secretary had discussed the advisability of knowing all about the



THE MARTYRS' CHAPEL, TOLPUDDLE

The labourers
will not sign
the Church
Petitions

conduct of the Delegates, and anxiously sought to secure a record of their whole proceedings in his eagerness to build up a case against the men.

Mr. James Frampton, on March 8, wrote reporting that labourers were declining to sign the Church Petitions until they were assured it did not bind them not to join the Union. This appeared to him very serious, as it showed the extent of the mischief and the men's readiness to join whenever they had an opportunity. The labourers referred to in the reports of Mr. Frampton were ardent practising Christians, and were the props of the village Chapel. Miserable

as their life often was made in the struggle to exist they did not live for the present. They lived to save their souls, but not even for that would they sign Petitions which might bind them *not* to join the Union. Not for anything in this world or the next would they agree to a frustration of their plans to get more bread to keep body and soul together. This resolve was a proof of how extensive was the "mischief," and one can imagine that the heads of the Church would be disturbed at these revealed evidences of revolt.

There is not in all the letters which I have been able to consult an edifying or human note recognising the hardships and the pitiable conditions of humble folks seeking to raise slightly their low level of living. The best that can be said for the Home Secretary of the day and for the Magistrates acting in co-operation with him is that being a class apart they were unaware of the cruelties and injustice which at their hands the men had to endure. Some of the letters reveal the delight of Magistrates and of the Earl of Digby, to whom letters were sent, at the causes which compelled some of these men to surrender in various places. In a letter from Lord Digby to "My Dear Frampton," on February 3, 1834, we read of Union Societies not being able to send money in support of men who had ceased work, and Lord Digby wrote that he sincerely hoped the Secretary of State would enable the Magistrates to stop the mischief. Last week, some of the men at Yeovil had returned to their work again from necessity and poverty. How consoling and satisfactory was that. In spite of every indication of repression and the certainty that workmen in the various areas would know the risks of being watched, the men's resolve was strengthened by the pressure of their own needs, and by the growing sense of the rights which they were determined to assert.

The biographies of Lord Melbourne do not reveal him as a public figure of unalterable principles in political and Parliamentary service. Though always opposed to any tampering with the Corn Laws, he was disposed to regard as open questions many matters which some of his colleagues viewed with principles firmly fixed. After a Cabinet dinner, at which the Corn Laws' resolution was taken, he is said to have called from the stairs to his departing colleagues: "Stop a bit! Is it to lower the price of bread, or isn't it? It doesn't much matter which, but we must all say the same thing." He was an excellent shot, and something of a field naturalist. But literature was his chief solace, and his commonplace book contains a record of his studies, which embraced the greater part of the classics and many English historians. No record of his theological reading has been preserved. His reflections on society, suggested by his studies, are couched in a very cynical vein.

The Home Secretary, in a letter from Mr. Frampton on March 1, 1834, was informed that the manners of the Labourers had undergone a considerable change. They were, wrote the local Magistrate, becoming very remarkably restless and unsettled since the Unions had been established. This made the Magistrates most anxious, he said, that some

The ruling
class is
ignorant of
the workers'
conditions

Labourers will
no longer
accept the
farmers' terms
without
question

Sherborne Castle
February 3. 1834.

My Dear Frampton

many thanks for your letter
of the 30th of January, & the copy of the letter
sent to Lord Melbourne, which I received on
Saturday morning, I sincerely hope the
Secretary of State may enable you to
stop the mischief last week some of the
men at yeovil returned to their
work ^{again} from necessity & poverty, expectations
of money from the Union Societies were held
out to them by the Delegates, when they
were sworn three weeks ago, but no
money was paid, & they now see they have not
a chance of getting any. Believe me

my Dear Frampton
yours very sincerely
Digby

FACSIMILE OF LETTER FROM LORD DIGBY TO FRAMPTON

measures should be adopted, with as little delay as possible, to restore their minds to their usual state of quietness and order.

Magistrates, I am certain, could not step aside to view a change in their own manners. That change led to the Court House, to the Convict Ship and to all those steps which in those days were covered by the word "Transportation." But when that stage was reached the power of these poor men became formidable indeed, and though silenced by banishment, their cause found tongue at a hundred points, and their case was pleaded at innumerable meetings. The very worst instance gathered as evidence against the men was found in a paper circulated amongst the workmen to inspire them to stand together.

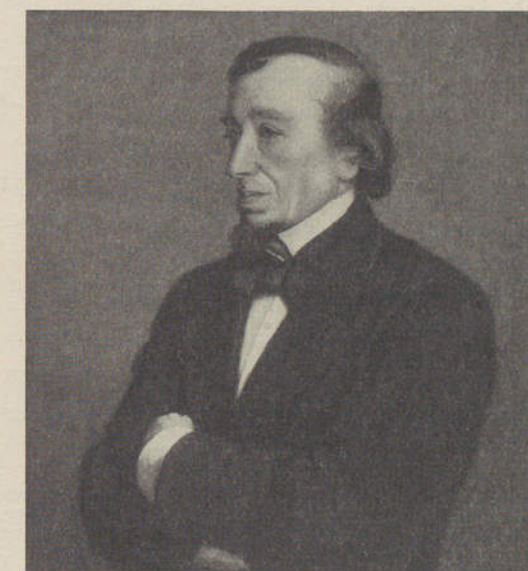
Therefore
they must be
punished

This paper informed the "brethren," that there was a possibility of securing a just remuneration for their labour without any violation of the law and without bringing them into any trouble. Labourers might receive as wages 2/- or half-a-crown a day as easily as they now received 1/-. Only let them be united and the victory was gained. The message assured them that once they were united and struck for an advance of wages they would be supported all the time they were not working from a fund provided for the purpose.

The net, however, was closing round the men who soon were rounded up and duly committed for Trial. Then arose an instance of Official caution. For the question was raised of the dismissal of labourers who had joined the Union. The Home Office wished to move with the greatest caution. It was pretty certain, however, that there was no need to dismiss them. The verdict of the Court would in effect do that, though that verdict would not mean enforced idleness for those convicted. It would mean enforced labour in a convict Settlement.

About twenty years after Lord Melbourne had acted, a later and far greater man, Disraeli, impressed his vision of life, as it was for labourers in English villages, on the pages of an arresting novel extensively read at the time. In Chapter 12 of *Sybil* we have the following picture:—

" 'And what is the rate of wages in your part of the world, Lord Marney?' inquired Mr. St. Lys, who was standing by.



National Portrait Gallery
BENJAMIN DISRAELI

Disraeli's
sidelight in
Sybil

Even the families of the martyrs were punished

The vindictive motives and temper of the prosecution were not allayed by success in the Courts. What was to happen to the women and children? Must they starve or beg? On May 3 there was an enlightening letter from James Frampton on the question of relief to the wives and dependants of the men who were banished. In this letter the men were referred to as the Tolpuddle Convicts. The wives of the convicts had petitioned



for help. The Magistrates boldly declared that they had directed the overseer not to allow any Parochial Relief to any persons whose names appeared in the book which was proved on the Trial of the six men to contain a list of those who had taken the illegal oath and had joined the Union, and they did this not only for the reasons mentioned in the former case, but because they considered that no person could be entitled to receive Parochial Relief who could afford to pay one shilling on entering and a penny a week afterwards to the support of the Unions.

After the decree of the Court and banishment overseas punishment was to fall heavily upon their families. Starvation was to be added to their sentence and the local Magistrates directed the Authorities to withhold Parochial Relief. For who would give Parochial Relief to those who could afford to pay *1d.* a week to the support of the Unions? The mentality of the Means Test at the present day goes back, as we see, beyond a century. But there goes forward always the inspiration which commands good deeds; fights for liberty; makes war against injustice, and through every stage of a troubled time enables men to say as these men said:—

“WE HAVE INJURED NO MAN’S REPUTATION, CHARACTER, PERSON OR PROPERTY, WE WERE UNITING TO PRESERVE OURSELVES, OUR WIVES AND OUR CHILDREN FROM UTTER DEGRADATION AND STARVATION.”

But justice will prevail in the end

The Frampton-Melbourne Correspondence



MORETON HOUSE



THE HOME OFFICE, 1834

ON the following pages is printed the correspondence which took place between James Frampton, the Dorsetshire Magistrate most active in the prosecution of the Tolpuddle Martyrs, and the Home Secretary, Lord Melbourne. This correspondence has never been printed before. It brings out vividly the object of the Government, acting in conjunction with the magistrates, of trying to destroy the local Unions which the agricultural workers were forming.

Below we give facsimile signatures of the correspondents, and on succeeding pages specimens of their hand-writing. The sketches represent Moreton House, the Home Office and the House of Lords of the period, and are inserted merely as an aid in identifying the letters.

We regret that two letters, namely, March 8 and March 22, 1834, are missing from the correspondence and cannot be located. The gist of them, however, can be ascertained from the replies of Lord Melbourne.

*I have the honor to be
Your Lordship's most obedt
servant
James Frampton
Justice of the Peace for the
County of Dorset.*

*Bremen, Sir
With great respect
Your faithful & obedt servant
Melbourne*

The Martyrs of Tolpuddle



Moreton,
Dorchester, Dorset,
January 30, 1834.

MY LORD,

I am requested by some of the Magistrates acting for the Divisions of Dorchester and Wareham in this County, and who are resident in this vicinity, to represent to your Lordship that they have received information from various quarters (of the authenticity of which they cannot entertain a doubt), that Societies are forming amongst the Agricultural Labourers in parts of these Divisions, in which the labourers are induced to enter into combinations of a dangerous and alarming kind to which they are bound by oaths administered clandestinely. The information which the Justices have obtained as yet seems to apply to a few Parishes only, and more particularly to the Parish of Tolpuddle in the Division of Dorchester and Bere Regis in the Division of Wareham; in both of which Parishes nightly meetings have been held. As no specific proof of the time or place of these meetings or of the individuals forming them, have as yet reached the Justices so as to authorise them to take measures to interrupt the meetings or to notice the persons engaged in them; all they have been able to do at present has been to communicate with Trusty persons in the neighbourhood and by their means endeavour to trace the proceedings and identify the parties. But should they succeed in such steps they would still be under a difficulty in determining how to proceed so as to bring these parties concerned under the cognisance of the law: but feeling the very serious nature of the proceedings and the dangerous consequences which may ensue from their being allowed to spread and to gain strength and consistency, they have thought themselves called upon to apprise your Lordship of these circumstances and to request your advice and co-operation in any further measures which it may be thought right to pursue.

I have the honor to be Your Lordship's most Obedient and Humble Servant,

JAMES FRAMPTON

Justice of the Peace for the County of Dorset.

To VISCOUNT MELBOURNE,
Home Office.



Whitehall,
January 31, 1834.

SIR,

I am directed by Viscount Melbourne to acknowledge the receipt of your letter of the 30th instant.

Lord Melbourne thinks the Magistrates have acted wisely in employing trusty persons to endeavour to obtain information regarding the unlawful combinations which they believe to be forming among the labourers.

Lord Melbourne desires me to refer to the 25th section of the 57 Geo. 3d. C. 19 which in cases of this description has been frequently resorted to with advantage. His Lordship thinks it quite unnecessary to refer to the Statutable provisions relative to the administration of Secret Oaths.

I have the Honor to be Sir your Obedient Servant,

J. M. PHILLIPPS.

JAMES FRAMPTON, Esq.

The Home Secretary is told of the rise of Trade Unionism in Dorset

The Home Secretary gives a hint as to how the Unions may be put down

Moreton, Dorchester, Dorset
Jan^y 30. 1834

My Lord
I am requested by some of the Magistrates acting for the Divisions of Dorchester & Wareham in this County, & who are resident in this vicinity, to represent to your Lordship that they have received information from various quarters (of the authenticity of which they cannot entertain a doubt) that Societies are forming amongst the Agricultural Labourers in parts of these Divisions in which the Labourers are induced to enter into combinations of a dangerous & alarming kind to which they are bound by Oaths administered clandestinely. The information which the Justices have obtained as yet seems to apply to a few Parishes only & more particularly to the Parish of Tolpuddle in the Division of Dorchester & Bere Regis



Moreton,
Dorchester,
Dorset.

March 1, 1834.

MY LORD,

I had the honor of addressing your Lordship on the 30th January last on the subject of the unlawful combinations which were entered into by the Agricultural Labourers in several Parishes in this County, more particularly in those of the Divisions of Dorchester and Wareham.

I now think it my duty again to trouble your Lordship to acquaint you that I have at last obtained sufficient information on Oath against some of the persons, who appear to be the leaders of this Society in one of the Parishes, to enable me to commit six of them for trial at the next Assizes for administering unlawful oaths.

I hope this may put some check to the proceedings; but I am sorry to say the nightly meetings are carried on much more openly than they were at first. The numbers have increased of late to a great degree. The Societies are extending rapidly into Parishes which had not hitherto been infected by them—and there is reason to believe that, in some cases, these Unions are organised by Strangers who come down as emissaries for that purpose.

I am therefore requested by several Magistrates with whom I have consulted to represent to your Lordship, that it is their opinion, as well as that of many respectable inhabitants in this neighbourhood, that, notwithstanding our utmost exertions, we shall not be able to suppress these meetings; but that they will continue to increase, to an extent which will be truly alarming unless your Lordship should think proper to recommend the issuing some Proclamation against such Societies, or offer some reward for the discovery of the offenders or take such other steps as your Lordship may think most advisable, in order to convince the people that the endeavours of the Justices to put a stop to such proceedings, will be sanctioned by the support and assistance of His Majesty's Government which at this moment would come with very great effect.

It is with extreme regret that I feel myself obliged to communicate to your Lordship so unfavourable a report of the state of the Agricultural population of this part of Dorsetshire; but our earnest desire for the welfare of these Labourers, whose manners have undergone a considerable change and who are becoming very remarkably restless and unsettled since these Unions have been established, makes us most anxious that some measures should be adopted, with as little delay as possible, which may restore their minds to their usual state of quietness and order.

I have the Honor to be My Lord,

Your most Obedient and Humble Servant,

JAMES FRAMPTON.

To VISCOUNT MELBOURNE.

The Home Secretary is asked to take more drastic steps against the Unions



Whitehall,
March 3, 1834.

SIR,

I am directed by Viscount Melbourne to acknowledge your letter of the 1st instant and to express his Regret at the Account it gives of the extent to which Unions and Combinations prevail amongst the Labourers of Dorsetshire.

Viscount Melbourne requests that you will at your earliest convenience transmit Copies of the Depositions upon which you have found yourself able to commit six Men for Trial at the next Assizes, for administering unlawful Oaths.

Viscount Melbourne would also be obliged if you would forward a Statement of all the Information and Evidence which you have obtained respecting the Societies and their Nightly Meetings. Viscount Melbourne would wish to be informed of the manner in which they meet, of their Professed Objects, of the Oaths which they take, of the Conduct of the Delegates, and of their whole proceedings, as far as you have been able to discover them.

This information, when it is received, will better enable Viscount Melbourne to form his Judgment upon the further Measures which you propose; but I am directed at present to acquaint you, that he entertains considerable doubt of the prudence either of a Public Proclamation or of an Offer of Reward; as such an Act would give Publicity to a State of Things in Dorsetshire, which, as far as we are aware, has not yet spread in any other County.

I am, Sir,

Yours most Obedient and Humble Servant,

J. M. PHILLIPPS.



Moreton,
Dorchester.
March 5, 1834.

MY LORD,

In compliance with your Lordship's directions contained in your letter of the 3rd inst. I have the honor of transmitting to your Lordship copies of the depositions on which I committed the six men for Trial at the Assizes for administering unlawful oaths, in which your Lordship will find included a copy of a letter signed George Romane secretary, which was found in the Pocket of George Loveless when he was committed to gaol, and also a copy of the Rules of the Society and a List of names, etc., and a copy of a printed paper headed Flax and Hemp trade of Great Britain found in George Loveless's box, of which he gave the key to the Turnkey of the Gaol which printed paper has the name of George Loveless written on the back.

As your Lordship desires me to send any other particulars relating to these Societies which I may possess, I beg leave to state that the Justices have long had information that nightly meetings have been held (I believe twice a week) in the house of this George Romane, who I am told is a Methodist Preacher as are also the two

The Home Secretary asks for further information

Full particulars of the case of the six Martyrs are sent

Particulars of
the meetings

Lovelesses, but his house is situated on a very wild heath with only a few cottages near it, and one or two very small Farm Houses at no great distance—and altho' we have had repeated information that from twenty to thirty persons at least pass at a time thro' Bere and also come from other villages into which it has extended rapidly to this house to attend these meetings, the house is so surrounded by persons on the watch that it has been impossible for us to send anybody to procure evidence of what is going on within it. Of late we are told the meetings have been removed from the house of George Romane, to the house of a man by the name of Day, who resides in a cottage of his own near to that of Romane. The Persons who attend these meetings have become much more bold of late and instead of going secretly and quietly, go together in bodies talking loudly without restraint, and I am told that on the night of Tuesday, February 25th (the day on which the six men were committed for further examination), an extraordinary meeting was called together on Bere Heath by the Sound of a Horn.

Within the last fortnight also meetings have been held in some house on a heath in the parish of Winfrith which were numerously attended, and many persons of the adjoining Parish of Wool have entered into the Society, but I am not certain that any meeting has been held there.

I also take the liberty of transmitting to your Lordship a copy of a paper which was delivered by some person unknown to a Carter, who happened to pass thro' Bere on his way to Haselbury (a distant Parish in the Vale of Blackmore) in which he resided, and which the carter was desired to deliver to any working people there but he carried the Paper to his Master who prevented his showing it to anyone.

Much encouragement has been given to these Societies by communications from Strangers who have passed thro' the Villages at different times, and who appear to have districts allotted to them, and one great object of these Strangers and of the leaders of the Society seems to be to instil into the minds of the Labourers that these meetings are not illegal and that the Justices have no authority to put a stop to them; and we cannot help feeling our difficulty in suppressing them considerably increased by the protection afforded by the statute of the 6th Geo. IV. C.129, S. 4 & 5. We have, however, been very desirous of pointing out the distinction between meetings held merely for settling the price of labour and those where oaths are administered, and we have published a Caution in several of the Divisions in hopes of explaining to them what was illegal (a copy of which I now have the honor of enclosing), but the Labourers are taught to consider this paper as a mere invention of the Justices and not to be worthy of attention—an explanation therefore of the Law on this subject from higher authority than ours I cannot but consider as very essential and likely to be attended with great effect.

I have the honour to be,
Your Lordship's Most Obedient and Humble Servant,
JAMES FRAMPTON.



Whitehall,
March 6, 1834.

SIR,

I am directed by Viscount Melbourne to acknowledge, and return you his thanks for, your letter of the 5th instant with the enclosures.

Lord Melbourne cannot entertain any doubt that you have acted properly in committing for Trial these individuals, who are affected by the evidence which you have transmitted; and the depositions from the similarity of the Oaths and ceremonies which they describe, afford sufficient proof, that these proceedings in your County are a part of the general system, which is now attempted to be established in many other parts of the Kingdom; and that they proceed from some general directing authority. These circumstances will of course engage the most serious attention of His Majesty's servants; and the Magistrates of Dorchester will render most material assistance in this respect, by using all their efforts to obtain further information of the meetings which are taking place, and also of the names, description and character of the Strangers who appear to be traversing that County in the capacity of Delegates.

Pending the
result of trial
the Home
Secretary
advises against
the dismissal
of all members
of the Union

Firmness
advised

Viscount Melbourne is well aware that the 6th Geo. 4th C. 129 has made a considerable alteration in the Law, and in the power which Magistrates possess of punishing combinations; but Viscount Melbourne apprehends that the Statutes upon which the caution, so properly issued by the Magistrates of Dorsetshire, is founded, are not in any degree impaired or affected by the provisions of the Statute in question.

Viscount Melbourne desires me to say, that it appears to him that the question of the dismissal of those labourers, who joined the Union, is one upon which it is difficult to decide at a distance, and without local and personal knowledge and experience.

Generally speaking measures of spirit and firmness are highly desirable in such circumstances, but the expediency of pursuing them must be subject to the consideration of, whether the proposed recommendation of such a dismissal is likely to be generally adopted, and resolutely persevered in. Viscount Melbourne therefore sees no reason to doubt that the Magistrates have exercised a sound discretion in determining to await the result of the trials of the individuals committed, before they urged the taking of such a measure. Whether it should hereafter be done at all, and at what time, Viscount Melbourne leaves with confidence to the further decision of the Magistrates, with respect to which he will be happy to receive any Information, and to assist them with any advice in his power. Viscount Melbourne would suggest to the Magistrates—whether it would not be most advisable, that the prosecution should be at the approaching Assizes for the sake of promptitude in bringing the offenders to Justice—for the greater publicity of the proceedings, and for the most authoritative exposition of the law.

I have the Honor to be Sir,
Your Obedient Servant,
J. M. PHILLIPPS.

(Letter of 8th March from Frampton is missing.—ED.)



Whitehall,
March 10, 1834.

SIR,

I am directed by Viscount Melbourne to acknowledge your letter of the 8th instant, and to express his entire approbation of the course which you have pursued both in committing the Individuals accused of administering unlawful Oaths for trial at the ensuing Assizes, and in taking precautionary Measures to ensure the safety and the appearance of the Witnesses.

Lord Melbourne will be glad to receive any further information which you may obtain.

It strikes him that the intended change of the place of Meeting is a sign that those who were engaged in the late proceedings, are alarmed at the measures taken on the part of the Justices of the Peace.

I have the Honor to be Sir,
Your Obedient Servant,
J. M. PHILLIPPS.

JAMES FRAMPTON, Esq.,
Moreton,
Dorchester, Dorset.

(Letter of 22nd March from Frampton is missing.—ED.)

The action of
the local
magistrates is
approved by
the Home
Office



Whitehall,
March 26, 1834.

SIR,

I am directed by Viscount Melbourne to acknowledge the receipt of your letter of the 22nd instant and to acquaint you that immediate measures will be taken for carrying into effect the sentence, lately passed at Dorchester, upon the six individuals convicted of administering Unlawful Oaths.

With respect to the second paragraph of your letter, I am directed by Viscount Melbourne to observe, that with the limited and imperfect knowledge, which he must necessarily possess, it is impossible for his Lordship to venture confidently to advise the Magistrates of the County of Dorset in a matter of so much difficulty, as that which is submitted for his opinion. Upon a general view of the subject, however, it appears to Viscount Melbourne very doubtful whether it would be prudent, on the part of the Justices of the Peace, to recommend the farmers to discharge those of their Labourers, who may have joined any Union, merely upon the ground of their having done so, and without any unreasonable demand having been preferred upon their part or any overt Act of Menace and Intimidation having been resorted to.

I have the Honor to be Sir,

Your Obedient Servant,
HOWICK.



South Street,
March 26, 1834.

Private and Confidential.

SIR,

I have directed your letter of the 22nd instant to be acknowledged regularly from the office, but as the matter of it is at the same time of great importance and great difficulty, I have not ventured to express myself upon it fully in a public letter, which you might be compelled to show generally, and the substance of which might therefore find its way into the newspapers. At the same time I feel it due to the situation in which you are placed and to the manner in which you have discharged your duty to put you in possession of the views, which are entertained by myself and I believe by the whole Government upon this question.

We have now had experience, very long experience amongst the manufacturing population of this evil, with which we are now perhaps destined to contend in the agricultural districts, and the safest course will be to take that experience for our guide. The farmers stand to the labourers in the same relation as the master manufacturers stand to their workmen. The law with respect to both classes is substantially the same. It may be somewhat varied by particular Acts of Parliament, but in general is it the same. By that law whether wise or otherwise Unions and Combinations for the purpose of raising or of lowering wages, provided they do not resort to violence, forced intimidation illegal oaths or acts in themselves illegal, are legal. Is it possible then for the Government to advise the Magistrates or for the Magistrates to advise the farmers

The Home Secretary advises caution with regard to the dismissal of Trade Unionists

The Government admits that Trade Unions are lawful and fears they cannot be suppressed

Private & Confidential

South St

March 26 - 1834

Sir I have directed your letter of the 22nd inst to be acknowledged regularly from the office, but as the matter of it is at the same time of great importance & great difficulty I have not ventured to express myself upon it fully in a public letter, which you might be compelled to show generally, & the substance of which might therefore find its way into the newspapers - At the same time I feel it due to the situation in which you are placed & to the manner in which you have discharged your duty to put you in possession of the views, which are entertained by myself & I believe by the whole Government upon this question.

We have now had experience, very long experience of amongst the manufacturing population of this evil, with which

FACSIMILE OF LETTER FROM LORD MELBOURNE TO JAMES FRAMPTON

Again advises
caution

to discharge their men for doing that, which may be not only legal but just and reasonable? Would not the respective parties so acting take upon themselves a great responsibility, incur much odium and subject themselves to observations which it would be difficult to reply to?

It also seems to me to act very seriously whether such a course if recommended and adopted would be likely to be successful and effective. It has always been found difficult to obtain co-operation amongst the master manufacturers, and the farmers are still more timid, more disunited, more attentive to their particular situation and individual interests, and at the same time less intelligent and apprehensive. My impression is that if the recommendation of the Magistrates became very unpopular or in any way seemed in danger of failure, you would be abandoned by many of those, who would at first embrace the plan and the whole blame would be thrown upon those who had suggested the measure.

In these matters however local and personal knowledge is everything, and you will understand these opinions to be given subject to the better judgment of those, who are acquainted with the country and with the people, amongst whom they have to act.

I cannot speak with perfect certainty, but I believe that the Master Manufacturers have rarely, if ever, taken such a step in the first instance. They have in general waited, until some overt act was committed by the workmen; until some unreasonable demand was preferred either of increase of wages or of diminution of labour.

You will naturally ask me, are we then to wait with our arms folded whilst this combination spreads itself throughout the peasantry and prepares undisturbed the most dangerous results. I am compelled to answer, that in the present state of the law and of the public feeling I see no safe or effectual mode of prevention. Speaking candidly it appears to me highly improbable that an evil which has so long afflicted the Manufacturing districts, should not in the present state of general information and general restlessness creep into and infect the agricultural parts of the Country. We must meet it as well as we can. If it should assume a more dangerous character the immediate peril will probably at once suggest and reconcile the public mind to the necessary measures. In the meantime I can only recommend firmness, resolution, vigilance and above all the not being above measure disturbed by new evils and dangers, to which human society is always liable.

You will understand this letter to advise the most prompt and vigorous animadversion upon all violating of the actual law, that can be detected.

I have the honor to remain, Sir, with great respect,

Your faithful and obedient servant,
MELBOURNE.



Whitehall,
March 27, 1834.

PRIVATE

SIR,

The Home
Secretary asks
for full
information
about the six
Martyrs

As it appears probable that upon the re-assembling of Parliament much observation will be made upon the sentence passed upon the six men lately convicted of administering unlawful oaths at Dorchester, I should be much obliged to you if you would furnish me with a statement of the names, ages, callings, character and habits of the Individuals in question; together with any other circumstances which may appear to you to be of importance and I have the Honor to remain Sir,

JAMES FRAMPTON Esq.,
Moreton,
Dorchester.

Your Faithful and Obedient Servant,
MELBOURNE.



Moreton,
March 29, 1834.

MY LORD,

I feel extremely grateful to your Lordship for your attention in honoring me with your private letter of the 26th instant, and I beg to assure you that I will do everything in my power to adhere to the advice and instructions which it contains. I think it probable, however, that at this time of year, when the Farmers generally make new agreements with their Labourers, they will show a great unwillingness to employ those who are known to have belonged to the Union, without any communications of the Justices on the subject.

I have now, in compliance with your Lordship's wishes, expressed in your private letter of the 27th inst. the honor to acquaint you with the result of my enquiries respecting the Characters, etc. of the Six Men who were convicted at the Dorchester Assizes for administering unlawful oaths,

- JAMES LOVELESS Aged 25, a wife and 2 children. A Methodist Preacher. He works as an Agricultural Labourer, and was very active in the riots in the winter of 1830.
- GEORGE LOVELESS Aged 37, a wife and 3 children. A Methodist Preacher. A Labourer in Husbandry. He was the first person who set the Union on foot in this Neighbourhood. He was also very active in the Riots in 1830. The List of those who joined the Union, which was found with the Book of Rules in his house, is believed to be in his handwriting. The letter signed G. Romaine secretary and the printed paper relating to the Flax and Hemp Trade were found on his person.
- THOMAS STANFIELD Aged 44. He is Brother-in-Law of Loveless and his son John (the next mentioned person) and another son, Thomas, belong to the Union. He has a wife and 3 children. He is the owner of the House in Tolpuddle where the meetings of the Union were held and also of the Methodist Meeting House there, where he preaches occasionally. He is a Labourer, a very discontented man, and if any disturbance is going on he is sure to be in it.
- JOHN STANFIELD Aged 21, son of the above. A Methodist, a single man. Very saucy and ready for any disturbance.
- JAMES HAMMETT Aged 22. A Labourer. Wife and one child. He was convicted of felony in stealing Iron at the Easter Sessions, 1829, and sentenced to Four Months Imprisonment with Hard Labour. Always a very idle man and ready for mischief.
- JAMES BRINE Aged 20, a single man. A Labourer. Was about 17 years of age at the time of the Riots in 1830, when he behaved well and tried to keep out of them: but since that time has become very idle and kept company with James Hammett. He was offered work for the last winter but did not undertake it. He has been wandering about the whole winter under a pretence of seeking work, but there is every reason to believe he has been employed during all that time by the Lovelesses and Stanfields, with James Hammett in enticing persons to join the Union.

Your Lordship will perceive on referring to the List of Names, which I had the honor of transmitting to you, that no less than Seven Persons of the name of Loveless appear on it as belonging to the Union—all of them, I am told, are relations—and I have received information that John Loveless, a brother of George Loveless, a Flax Dresser of Burton Bradstock near Bridport in this County, supplied George Loveless with the Rules and with every information relating to the Society; and that he received them from the Flax Dressers' Trades Union at Leeds. John Loveless is known to have been at Tolpuddle at the time his brother applied to the Painter at Dorchester to paint the Skeleton.

Information
of a biased
and unaccur-
ate kind is
sent

Loveless family
specially
mentioned

I ought also to add that no doubt is entertained in this neighbourhood that the Six men in question were the Ring Leaders of the whole; assisted very much afterwards by Romaine and others at Bere Regis. Romaine is a Methodist Preacher and owner of a Meeting House on Bere Heath.

Farmers must control labourers

I have thus stated according to your Lordship's direction, all that I have been able to collect respecting these men, and I think it my duty also to mention that the event of this trial has been looked forward to with the greatest anxiety by all Classes in this County: the farmers feeling that on it depended whether they should in future have any control over their Labourers; and the Labourers only waiting to join the Union as soon as they were satisfied they could do so with impunity.

The conviction and prompt execution of the sentence of transportation has given the greatest satisfaction to all the Higher classes, and will, I have no doubt, have a very great effect amongst the Labourers; as great pains have been taken to instil into their minds that the men would undergo only a slight punishment; as the Unions were so powerful the Government would not venture to put the Sentence in force.

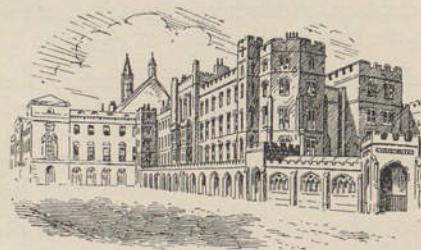
Your Lordship may not perhaps be aware that owing to the illness of George Loveless he was not sent off with the other Five Men; but as soon as the Surgeon reports him to be sufficiently recovered he will be sent away without a moment's delay.

I have the Honour to be, My Lord,

Your Most Obedient and Humble Servant,

To VISCOUNT MELBOURNE, etc.,
Home Office.

JAMES FRAMPTON.



House of Lords,
March 31, 1834.

Private.

James Frampton, Esq.

SIR,

I have received your letter of the 29th instant, and return you many thanks for it. I shall be very glad to learn that the farmers refuse to employ those labourers who have engaged in the Union, and I am of opinion that it will be much better that they should do so of their own accord and from themselves, than upon the recommendation of the magistrates. If they adopt such a course upon their own responsibility they will be more likely to persevere in it; it will have a greater effect upon the labourers themselves, and will be less offensive to them than it would be if it could be attributed as it would be, solely to the influence and interference of the higher classes of society. At the same time the farmers should receive every encouragement and support in such proceedings, always taking it for granted that they have themselves acted justly, and have not generally attempted to reduce the wages of their labourers below the fair and natural level. I say generally, because it is impossible to guard against particular cases of hard dealing and injustice. I omitted, in my former letter, to state that a Union for legal purposes being itself legal, it appeared to me doubtful whether a labourer who was thrown out of employment by being discharged by his master for belonging to a Union could be refused parish relief.

I am much obliged to you for your very particular account of the persons convicted. It proves that the law has in this case been most properly applied. There is nothing that strikes me as being necessary to be added, unless you could inform me of the grounds upon which it is stated that James and George Loveless were active in the riots of 1830?

I had heard from Lord Shaftesbury that one of the convicts had been too ill to be removed. He should be removed as soon as he is sufficiently recovered.

Your faithful and obedient servant,

MELBOURNE.

The Home Secretary is glad to know that Trade Unionists are being dismissed



Moreton,

April 2, 1834.

MY LORD,

In consequence of the desire expressed in your Lordship's private letter of the 31st March that you should be made acquainted with the grounds on which it was stated that James and George Loveless were active in the riots of 1830 I have this morning seen a very respectable farmer of the Parish of Tolpuddle who occupies a farm about a mile from the village; and I have the honor to inform you that he states that, at the time of the riots in November, 1830, on hearing that all the Labourers of the Parish of Tolpuddle had assembled before it was daylight, he went to them; and, on his coming near, enquired whether any of his Labourers were there—on which George Loveless to whose voice he can swear, answered "Some of them are here and we have sent for the rest." My informant together with the other Farmers who were by that time present, told the Labourers that, altho' they would not promise them any particular sum, if they went to their work quietly they should have the same pay as was agreed to be given in other parishes. On which George Loveless said that the first man who started should have his head cracked. It was at this time light enough for the Farmers to see who were there. James Loveless also was very active, appeared much dissatisfied and tried to persuade the men to go and join the Mob which had assembled at Piddletown; a village about two miles off. At last, however, by persuasion and threatening to take down the names of every man who left the Parish, the Labourers did not go to Piddletown but returned to their work.

The Home Secretary is told that certain of the six Martyrs were active in the 1830 riots

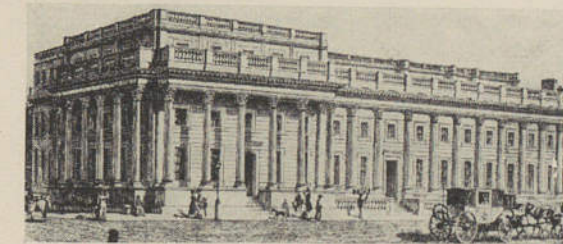
I am sorry to inform your Lordship that the windows of the Parsonage House at Tolpuddle were broken in the night between Monday and Tuesday last the 31st March and 1st April, as were also the windows of the House of a Shepherd in that Parish who had always refused to join the Union.

I have heard from the gaol that George Loveless is better but will not be well enough to be removed before Saturday next.

I have the Honor to be, etc.

To VISCOUNT MELBOURNE.

JAMES FRAMPTON.



Whitehall,

April 7, 1834.

SIR,

I beg leave to return you many thanks for your letter of the 2nd instant.

I suppose there is no doubt that according to the statement of your letter of the 29th ultimo James Hammett was convicted of stealing Iron in the year 1829—I am so minute in my enquiries because, as you are well aware, it is most material to avoid error in a public statement.

I have the honor to remain Sir,

JAMES FRAMPTON, Esq.,

Moreton, Dorchester.

Your faithful and obedient servant,

MELBOURNE.

Enquiries are made about an alleged offence committed by one of the Martyrs at the age of seventeen

The Martyrs of Tolpuddle



Dorchester,
April 8, 1834.

MY LORD,

I have the honor to enclose your Lordship a certificate from the Gaoler at Dorchester relating to the conviction of James Hammett, thinking that would be the most satisfactory answer I could send to your Lordship's letter of the 7th instant. The Gaoler informs me that he gave a similar statement to the Judge at the time of the trial, as is his constant practice when any prisoner's name appears on the Calendar a second time.

I have just heard from the Guard of the Mail Coach that a very well-dressed person tho' not a gentleman, came from London last night and got off the Mail at Milbourne, a village about half-way between Blandford and Dorchester; he said he should not remain there as he was going into the County. He evidently knew about the Unions and the six men who have been transported and he made many enquiries about this neighbourhood—he said he should return to London in a few days, but probably to-morrow (Wednesday) night, and that he should send a letter to London to-night, and expected a parcel from thence. The Guard, who lived with me as a Butler for some years, informs me that if I had not been at Dorchester at the Sessions, he should have come to me at Moreton to tell me such a man was come into the County; as he considered him a very suspicious person. By the man's conversation and knowledge of Clerkenwell he thinks he resides not far from thence, and on looking at the Guard's timepiece he said they all went thro' his hands. The guard would know the man again—it is his turn to go with the mail again to London to-morrow night.

In consequence of your Lordship's direction in a former letter, to give you all the information in my power as to any Delegates who may come into the County, I have thought it my duty to mention the above; and I beg leave to add that you may depend on my using my best endeavours to have this person watched in this County.

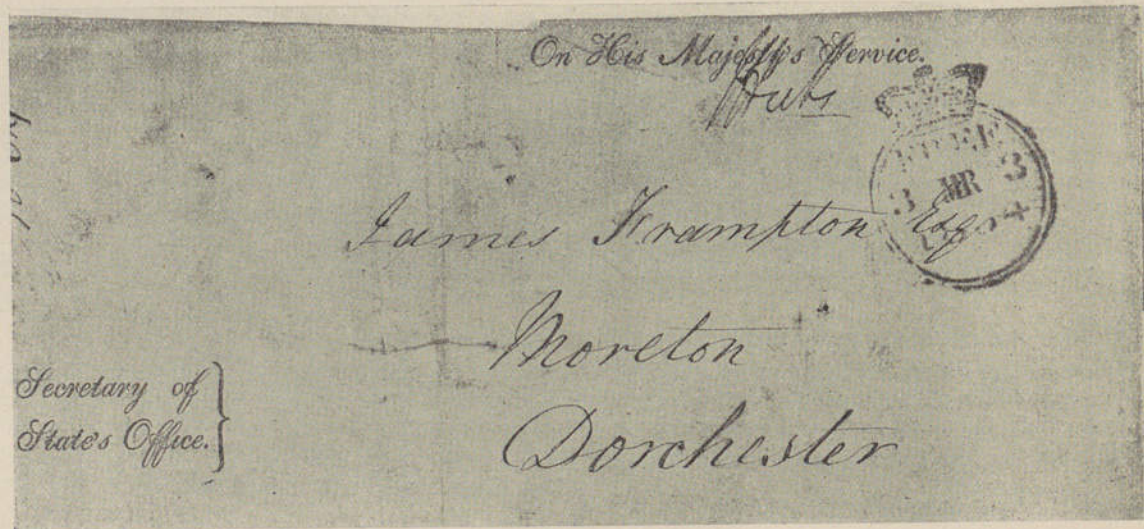
I have the honor to be my Lord

Your most obedient and humble servant,

To VISCOUNT MELBOURNE.

JAMES FRAMPTON.

Arrival of a Trade Union delegate in Dorset is reported



FACSIMILE OF ENVELOPE CONTAINING LETTER FROM LORD MELBOURNE

The Frampton-Melbourne Correspondence



Moreton,
Dorchester.
April 11, 1834.

MY LORD,

I have the honor to inform you that the man I mentioned to your Lordship in my letter of the 8th instant, as having been set down by the Mail Coach that morning at Milbourne, went immediately from thence to Tolpuddle and returned to the Inn at Milbourne at night. He went again to Tolpuddle on Wednesday and returned to Milbourne as before—yesterday (Thursday, April 10th) he went to Bere and called on a man by the name of Bridle a Methodist who keeps a Grocer and Drapers shop there but came back to Milbourne in time to go by the Mail to London accompanied by George Loveless's wife and son: the Mail being full he remained at Milbourne. G. Loveless's wife and son went back to Tolpuddle: and this man left Milbourne about half past 4 o'clock this morning by the Herald Coach for London. He is described to me as being about 5' 4" high—dressed in Black Coat and Trowsers, dark Waistcoat and black Cravat. The features of the upper part of his face short and compressed together and he has a sore on his under lip.

Further information about the Trade Union delegate

I have the Honor to be, my Lord, etc.,

JAMES FRAMPTON.

To VISCOUNT MELBOURNE.



Moreton,
Dorchester.
April 19, 1834.

MY LORD,

As I think it desirable that your Lordship should be made acquainted with the Channel thro' which the Six Convicts from Tolpuddle receive pecuniary assistance from the Unionists, I have the honor to inform you, that the name of the man I mentioned to your Lordship in my letters of the 8th and 11th inst. as having come from London is Newman, a Cabinet maker; he makes the cases for the Timepieces of the guards of the Mail Coaches and resides in Cromer Street, Gray's Inn Lane, and it was known amongst his friends in London that he came into this neighbourhood for the purpose of conveying money to the wives and families of these Convicts—it is understood that besides giving money to the Lovelesses and Stanfields he left a supply in the hands of Bridle, the shopkeeper at Bere for the same purpose. Bridle says he is going to London in the course of this week; when it is believed the regular rate of pay to be allowed to these women and children is to be finally settled.

Reported that this delegate is from London and brings financial help to the Martyrs' families

Previous to Newman coming from London the Revd. Mr. Warren, the Clergyman of Tolpuddle received a letter from a person signing himself Mr. Robert Morrison, 1, York Street, Middlesex Hospital, London, requesting him to convey some money to the wives and families of these convicts; but Mr. Warren heard no more of it; as he supposes he did not speak sufficiently favourably of their characters in his answer, tho' he offered to distribute any charity.

As I see that great stress is laid on these persons being ignorant of the Law I take the liberty of mentioning that it was proved at the trial, that one of the Lovelesses when apprehended had in his pocket one of the Printed Cautions which had been circulated by the Magistrates.

I have the Honor to be my Lord,

Your most Obedient and Humble Servant,

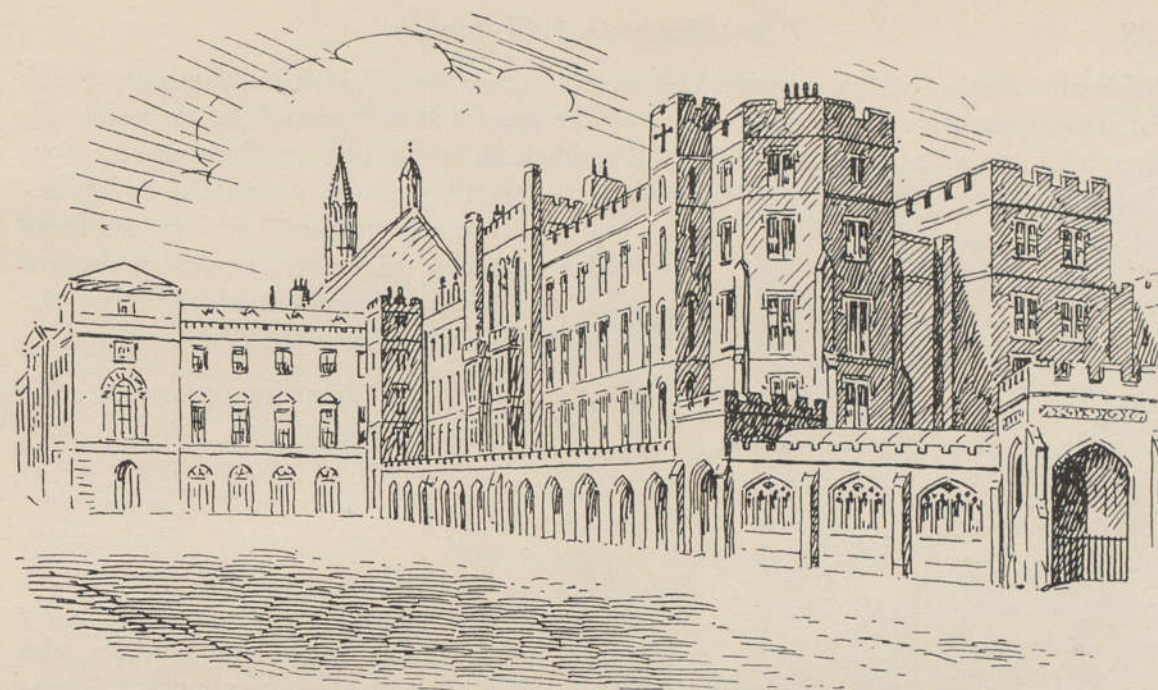
JAMES FRAMPTON.

To VISCOUNT MELBOURNE.



Rt. Hon. ARTHUR HENDERSON, M.P.

Mr. ARTHUR HENDERSON, born in Glasgow in 1863, has been actively connected with the Trade Union and Labour Movement for more than 45 years, and has been secretary of the Labour Party since 1911. He entered the House of Commons for the first time as Labour Member for Darlington 21 years ago. He has been continuously a member and officer of the National Union of Foundry Workers, which he joined, when it was still the Friendly Society of Ironfounders, at the conclusion of his apprenticeship to the trade. During the War he served in the first Coalition Government in 1915 as President of the Board of Education and member of the Cabinet Council. He left the Board of Education in 1916 to act as Paymaster-General and Labour Adviser to the Government. In December, 1916, he became a member of the War Committee without portfolio; he resigned from the Government in August, 1917. In the first Labour Government he was Home Secretary, and Secretary of State for Foreign Affairs in the second Labour Government. He was chosen by the League of Nations as President of the Disarmament Conference which opened at Geneva in February, 1932. He has been a lifelong member of the Wesleyan Methodist Church.



The Parliamentary Scene

By Rt. Hon. ARTHUR HENDERSON, M.P.

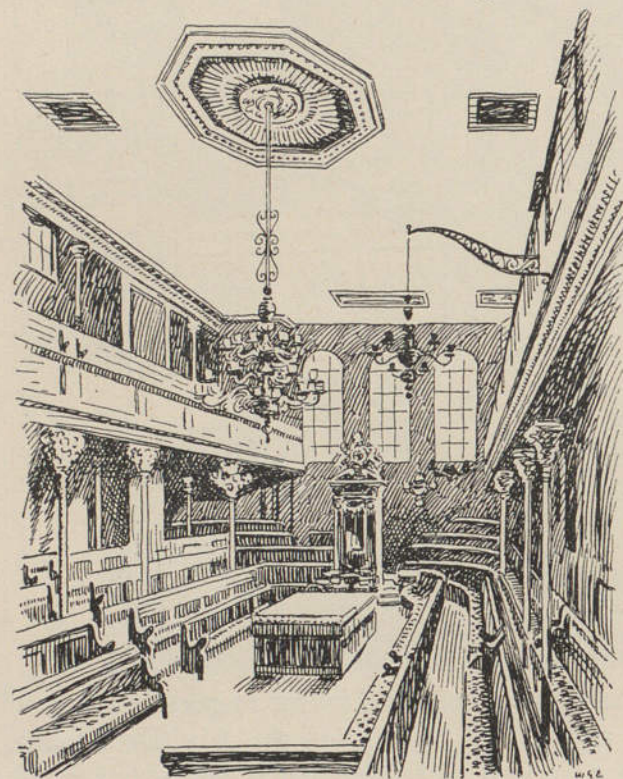


POLITICAL consequences of the highest importance flowed from the trial and transportation of the Six Dorsetshire labourers. It was, indeed, fortunate that there existed at the time, in Parliament and outside, a militant democratic spirit, and the beginnings of a politically organised democracy. The Tolpuddle Martyrs found in the House of Commons a group of sincere and able men who were eager to voice the public protest against the miscarriage of justice. These men fought effectively, under parliamentary and political conditions which were very different from those that exist to-day. Their efforts, supplementing the strong and ably organised agitation that went on outside Parliament, gave an impetus to the movement which led, through Chartism, to the second Reform Act of 1867, the creation of the Trades Union Congress, and the formation of political parties as we know them to-day.

The House of Commons in which the friends of the Tolpuddle Martyrs pleaded and argued with Ministers against the act of injustice which had outraged the nation's conscience was a very different House from the one we know. Even the buildings were

Political
consequences

different. Nothing now remains above ground of the original buildings in which Parliament met for many centuries, except the great hall and part of the cloisters; the remainder was wholly destroyed by the fire which broke out on October 16, 1834. The destruction of the old buildings and the erection of the new Palace of Westminster where Parliament now meets might be taken as symbolical of the changes ushered in by the martyrdom of the Six Labourers.



INTERIOR, HOUSE OF COMMONS, 1834

benches, flushed with wine, cracking nuts and eating oranges, cheering a favourite Minister who was probably himself quite intoxicated, and drowning with boisterous shouts and crude noises the voice of any Radical who tried to speak. There is a description on record of a Prime Minister, William Pitt, standing at the door of the Chamber, which then opened upon the Speaker's Garden, swaying and staggering under the weight of his three customary bottles of port.

The Radical movement which achieved its first triumph, although a limited one, in the Reform Act of 1832, brought about a reformation of manners as well as a transformation of political and Parliamentary institutions. Political morality, too, which sank to indescribable depths of corruption under the old system of "pocket-boroughs" and the systematic bribery practised as a method of Government by Sir Robert Walpole and his successors in the Premiership, began to improve. Before the Reform Act, speculation of the public funds, the purchase of votes, and the bestowal of places of

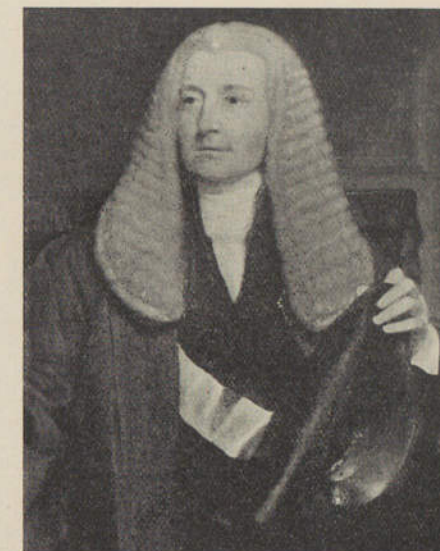
The first reformed Parliament

Scandals of the pre-Reform era

profit in the public services, many of them absolute sinecures, upon pliant members of Parliament and public men, reached the dimensions of a national scandal. When it was possible to make a child of the reigning family, the Duke of York, aged eleven months, a bishop, for bishops and the higher clergy to hold a plurality of livings which they never visited, for Ministers to take well-paid sinecures carrying no duties of any kind, and for the Prime Minister himself, by vote of Parliament, to have his private debts paid from the State Treasury, it is not surprising that lesser men plundered the public services in all directions.

There can be no question that the origins of the great movement towards popular government are to be found in the debased condition of politics in the reigns of George III and George IV. The Reform movement drew to its support men of high character belonging to the ruling families, who were revolted by the bribery and intrigue which went on around them. It was recruited also from the professional classes and the middle stratas of society, supplying men who were not only able and ambitious for a political career but were public-spirited. Behind the leaders of the Reform movement gathered the Radical working men in a spreading network of popular societies. When the case of the Tolpuddle Martyrs occurred, Radicalism was sufficiently well-organised, particularly in the metropolis, to be a formidable factor in the situation. Inside the House of Commons the progressive forces were represented by a group of men whose characters commanded respect even among their political opponents. Their influence was considerable, and it was an influence that the Government which held office at the time could not wholly ignore.

Between Tories and Whigs, the two great parties which alternated in governing the country in pre-reform days, there was not a great deal to choose, as both were immune from popular control, and each was essentially an aristocratic party. Representation in Parliament was based upon decayed boroughs or mere hamlets which were literally the property of the neighbouring magnates. Two-thirds of the members in the last unreformed Parliament were mere nominees of the proprietors of pocket-boroughs; a regular price for a pocket-borough was £5,000; and it is on record that Sir Robert Peel, when he was defeated at Oxford in 1829, hired Westbury for the session at an extravagant price in order to stay in Parliament and complete some legislation on which he had set his heart. Defeat of a Government did not necessarily involve an election, and a change of Government rarely involved any fundamental departure in policy.



National Portrait Gallery
VISCOUNT CANTERBURY
Speaker of House of Commons, 1834

Two parties of reaction

Representative Government, and the modern system making the Government responsible to the House of Commons, elected on a popular franchise, came in with the



BURNING OF THE HOUSES OF PARLIAMENT, OCTOBER, 1834

first Reform Act. In 1835, when Sir Robert Peel's Ministry resigned after failing to secure a majority in the elections, we have the first clear instance of present-day political practice. Up to that time government was consistently by family rather than by party.

Party organisations, based upon a clear-cut and coherent differentiation of political principles, emerged later in parliamentary history. The House of Commons at that time presented mainly the spectacle of combinations of members brought together by family connections and personal intimacy—not always long-lived—rather than associations founded upon fixed principles and identity of views on questions of public policy. Thus, the Tory Party, comprising landowners, commercial magnates, and churchmen, ran through every shade of reactionary opinion, but yet contrived to follow the leadership of two such different men as the Duke of Wellington and Sir Robert Peel. The Whig Party, on the other hand, included with the Greys and Russells the representatives of families long since gone over to Toryism, such as the Lansdownes, whose attachments to Reform were of the slenderest kind, alongside advanced Radicals like O'Connell and his Repealers, the Philosophical Liberals who gathered around Jeremy Bentham and the elder Mill, representatives of the Manchester school of free traders,

and men like Cobbett and Feargus O'Connor who were in alliance with Reformers of a milder type, like Hume and Wakley. Apart from this leaven of Radicalism on the Government side of the House there was not much difference between Whig and Tory.

These party titles, of course, merely perpetuated the memory of political differences which had lost their original significance. They were both of them nicknames. As a party label the name of Tory was first applied, about the year 1679, to those who abetted or believed in the alleged Popish plot. Later it became the title of the "King's Party" and of those who supported the Church against the reforming Puritans. The Whig Party, on the other hand, represented the political elements which were traditionally opposed to Toryism, but were less liberal and progressive than those who were called Radicals and Reformers. It was the latter who gave the Whig Party its modern character as the Liberal Party.

Their influence, aided by the powerful popular movement outside, had sufficed to make the Whig Party the agent of parliamentary reform. But the Whigs, upon an issue such as the one raised by the case of the Tolpuddle Martyrs, were indistinguishable from the Tories. Liberal sentiment was lacking in the Grey Administration, in which Lord Melbourne, as Home Secretary, found it possible to instigate the attack upon the Trade Unions, and Liberal sentiment was no stronger in the Administration formed by Melbourne himself, in July, 1834, when the Tolpuddle Martyrs were on the high seas, en route for the penal settlements.

No less than ten of the sixteen members of Melbourne's Cabinet were in the House of Lords. With the exception of Lord John Russell, the Government's chief spokesman in the House of Commons, the Ministers who sat on the Front Bench in the elected Chamber were men of small account. Nor was the composition of that Chamber, as a whole, vastly different from that of the "unreformed" House which preceded it. The Act of 1832 created a genuine electorate, but it still excluded from the franchise all townsmen who could not pay an annual rental of £10, and all but the wealthier leaseholders and copyholders in rural districts; that is to say, the new voters who were really able to influence the election of members were confined to the middle classes in town and country, and chiefly in the towns. As a consequence, the first reformed Parliament, which met on January 29, 1833, although dominated by the Whigs, faced by a compact body of Tories under Sir Robert Peel, had only a sprinkling of Radicals.



JEREMY BENTHAM

Upon the general body of members in a House thus composed, the case of the Dorsetshire labourers made no serious impression. It left unmoved, for instance, to all appearance, such a champion of liberty as Mr. Gladstone, who was elected as member for Newark, a pocket-borough belonging to the Duke of Newcastle, in December, 1832. When the event occurred, his mind was preoccupied with other matters—the defence of slavery in the West Indies, opposition to Church reform in Ireland, resistance to the admission of Dissenters into the Universities; if he had any sympathy to spare for the persecuted labourers, he did not express it in the House of Commons. Nor, apparently, did the incident attract the attention of Charles Dickens, who was then a reporter in the Press Gallery. Only the Radicals took the matter up in real earnest.



National Portrait Gallery

LYTTON BULWER, M.P.

Champions of
the Martyrs

But the Radicals were a host in themselves. There were not many of them. Not more than a score of members in the House could be accurately described as Radical in the sense that William Cobbett, Feargus O'Connor, Joseph Hume, Thomas Wakley, or John Arthur Roebuck deserved the title. But there were at least a dozen others who were at any rate more Radical than Whig and who had won a sort of reputation for advanced views owing to the support they gave to the movement for parliamentary reform. There was, for instance, Lytton Bulwer, the novelist, who identified himself with the parliamentary protest against the barbarous punishment inflicted upon the Dorsetshire labourers.

This small group included William Cobbett, who entered the House for the first time in 1832 as one of the two members for Oldham. It was he who presented, in March, 1834, the first of the London Trade Union petitions against the sentence. Another of the group was Feargus O'Connor, who spoke vehemently against the sentence in April. One of the warmest defenders of the Tolpuddle men, O'Connor, was not, however, a parliamentary personality comparable with Daniel O'Connell, who exercised a greater influence at the time, inside the House and outside, than any other politician. O'Connell was no friend of the Trade Unions. Later he entered upon a violent campaign against them. But he took up the case of the Tolpuddle men with zeal and energy. He was a King's Counsel, and argued the question whether the men had been justly convicted with all the more vigour, perhaps, because he found the case a good pretext for attacking the Government to which he was opposed on account of its Irish policy and its attitude towards Catholic emancipation.

Parliamentary opposition, in those days, was, of course, not the organised thing it became with the development of the modern party system. The dividing lines between the two great parties of the period were often shifting and confused. The point is illustrated by the fact that within the decade the Free Trade issue became a dominant one in politics; but it was not the Whigs (or Liberals), but the Tories who followed Peel that carried the repeal of the Corn Laws. The case of the Tolpuddle men never became a party question in the ordinary sense of the phrase. The Tory Party, in Opposition, never took it up even as a rod for the Government's back. Sir Robert Peel, the Leader of the Tory Opposition in the House of Commons, was as much dismayed by the growth of Trade Unionism and the disturbed condition of the country as was Melbourne. When he left the Home Office in 1830, Peel was in the midst of handling the situation produced by a successful miners' strike at Oldham, which gave rise to a demand for legislation to put down picketing and for the readier use of military force against the workmen—and Peel, when he ceased to be Home Secretary, left a note commending "the whole of this correspondence *re* the Union to the immediate and serious attention of my successor at the Home Department."

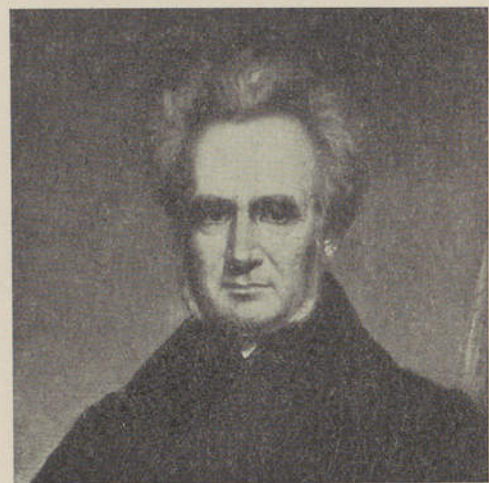


SIR ROBERT PEEL

This state of mind sufficiently explains the attitude of the official Opposition towards the Government's treatment of the Tolpuddle men. Nor was there, outside the small group of Radicals, any individual member of Parliament who was disposed to attack the Government on this question. The personnel of the House, for some years after the Reform Act, remained pretty much what it was in the "unreformed" Parliament. Politicians, as a body, were not held in high esteem by those who took up the case of the Tolpuddle men. Francis Place, for example, who knew them well, held them in the utmost scorn. A few years before he said of the whole body of politicians that they were idle, ignorant and unteachable. "They are" (he wrote) "proud, conceited and overbearing. They represent their own money or their patrons. They look towards the Government as the means of providing for themselves or their relations. They are not accountable to any but their patrons, and are as different from what a set of men elected by the people, and accountable to the people, would be as it is possible to conceive." The first of the elections under the Reform Act did not greatly modify the justice of these strictures.

A non-party
issueState of the
reformed
House

In such company, men like Joseph Hume, Dr. Wakley and a few other members of the House who were identifiable as representatives of the popular movement outside in favour of the Tolpuddle men, had a difficult task to perform in denouncing the mis-



National Portrait Gallery
FRANCIS PLACE

carriage of justice and pleading for redress. They discharged their duty with dignity, courage and great skill. Few parliamentary speeches read so well, after a century's lapse, as those these men delivered on the labourers' behalf. Wakley, in particular, spoke with moving eloquence. He revealed to the House many of the discreditable features of the prosecution, and told a plain tale about the character, circumstances and aims of the persecuted men. He presented the evidence that six better labourers or more honest men did not exist, and touched upon the fact that as Dissenters they were objects of suspicion and dislike in the district where they lived.

Speeches of this kind—and nothing is more impressive in the parliamentary story than the persistence and earnestness with which the friends of the exiled men pleaded for clemency and redress—gradually brought about a change in the feeling of the House. The flood of petitions that poured in and were presented to the House assisted to impress the Government with the gravity of the wrong they had perpetrated. The presentation of petitions and speeches on such occasions as occurred were the only means available for keeping the agitation alive in Parliament; but Wakley, Hume and their associates never lost an opportunity of appealing to the Government to undo the wrong.

In the first Melbourne Administration, with Duncannon at the Home Office, the parliamentary campaign produced no change in the Government's attitude. Within a few months of taking office, however, Melbourne was abruptly dismissed by the King (William IV), and a temporary Government was formed on the Tory side, with the Duke of Wellington holding not only the position of First Lord of the Treasury, but the Secretaryships of State for Home, Colonial and Foreign Affairs, pending the return of Peel who was touring the continent. The resulting elections, following Peel's return, strengthened the position of the Whigs. When the new Parliament met, in the temporary structure which had hastily been reared on the ruins of the old House, the Peel Government was summarily thrown out on a majority vote of 27 in a House of 543. Melbourne then formed his second Administration, in which Lord John Russell became Home Secretary. Hope of redress for the Tolpuddle Martyrs returned with this event.

A change of spirit

Fresh hopes of redress

MINISTRY AT TIME OF PROSECUTION

Prime Minister Lord Grey	Lord Privy Seal Earl of Ripon
Home Secretary Lord Melbourne	President of Board of Trade .. Lord Auckland
Colonial Secretary E. Stanley	Chancellor of the Exchequer .. Lord Althorp
Lord Chancellor Lord Brougham	Secretary at War Rt. Hon. E. Ellice
President of Council .. Marquis of Lansdowne	Paymaster of Forces .. Lord John Russell
Chancellor of Duchy of Lancaster .. Lord Holland	Chief Secretary for Ireland .. E. Littleton
Foreign Secretary Lord Palmerston	Postmaster-General .. Duke of Richmond
Board of Control Charles Grant (afterwards Lord Glenelg)	Attorney-General Sir John Campbell
First Lord of Admiralty .. Sir J. Graham	Solicitor-General C. C. Pepys

CHIEF MINISTERS, 1834-1838

Office	March, 1834- July, 1834	July, 1834- November, 1834	December, 1834- April, 1835	April, 1835
Prime Minister	Lord Grey	Lord Melbourne	Sir Robert Peel	Lord Melbourne
Home Secretary	Lord Melbourne	Lord Duncannon	Henry Goulburn	Lord John Russell
Lord Chancellor	Lord Brougham	Lord Brougham	Lord Lyndhurst	Lord Cottenham
Colonial Secretary	(1) E. Stanley (2) Rt. Hon. T. Spring-Rice	Rt. Hon. T. Spring-Rice	Lord Aberdeen	Lord Glenelg
Foreign Secretary	Lord Palmerston	Lord Palmerston	Duke of Wellington	Lord Palmerston
Chancellor of the Exchequer	Lord Althorp	Lord Althorp	Sir Robert Peel	Rt. Hon. T. Spring-Rice
Attorney-General	Sir John Campbell	Sir John Campbell	Sir Frederick Pollock	Sir John Campbell
Solicitor-General	C. C. Pepys	C. C. Pepys	Sir William Webb Follett	R. M. Rolfe

Thomas Wakley was quick to seize the first moment that offered to raise the question again after the political disturbances died down. Within a month of Lord John Russell's



HOUSE OF COMMONS 1833

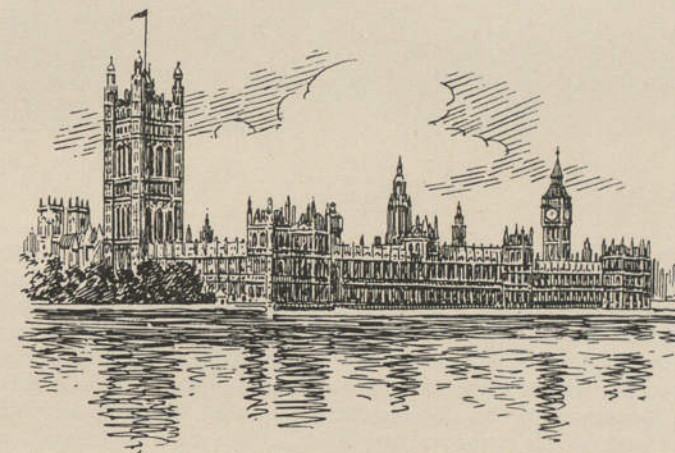
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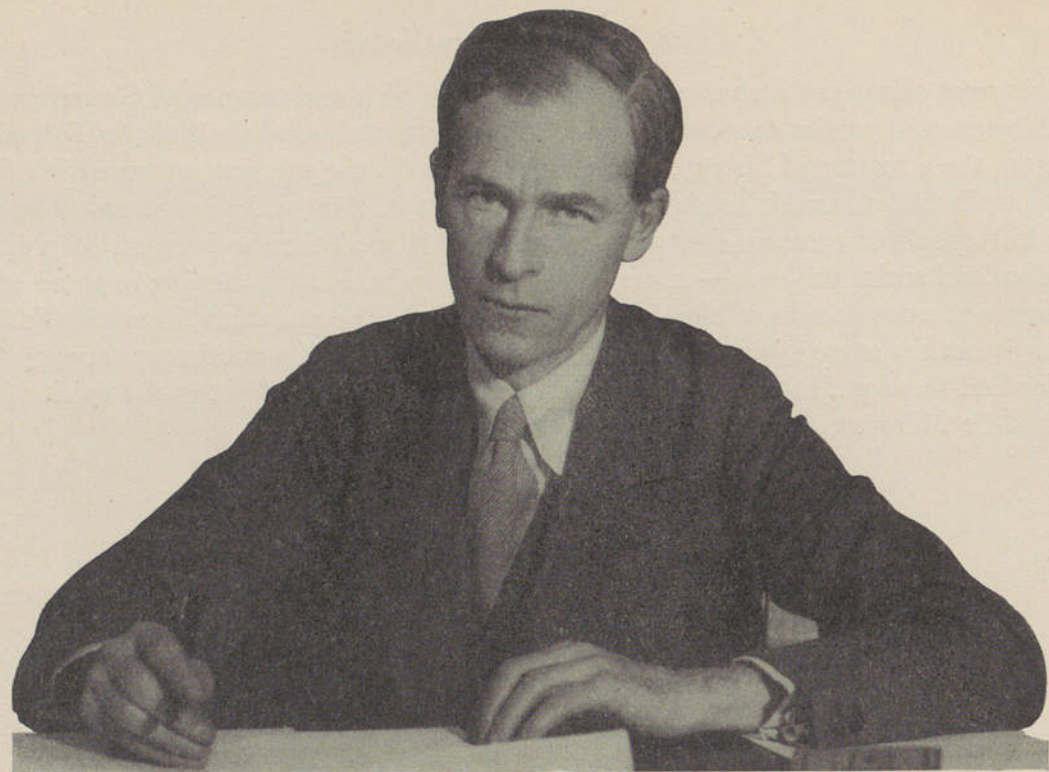
advent to the Home Secretaryship, Wakley brought forward a motion for an address to the King, urging him to pardon the Dorsetshire labourers. Lord John Russell, in reply, showed an altered state of mind on the Government's side. Whilst asking Wakley to postpone his motion, the Home Secretary indicated that he was prepared to recommend a pardon for the whole of the men on condition that they remained in the colonies—a condition that showed how much the Government hated the thought of the persecuted men coming home to tell the tale of their sufferings; he added that he was ready, further, to recommend that four of the men, but not the Loveless brothers, should receive a full pardon after they had been overseas for two years. But George and James Loveless, he said, were ringleaders; they had incited the others to commit the offence; and he could not hold out a promise of clemency for them.

So the parliamentary agitation continued. The friends of the persecuted men would not accept this grudging and incomplete, as well as belated, concession to their demand. Outside the House the campaign for redress went on with increased vigour, and in Parliament with unabated zeal the spokesmen of the national protest used every available method of bringing the Government to its senses. How they succeeded at last in wringing a complete pardon from the Government is told elsewhere in these pages.

A grudging
offer refused

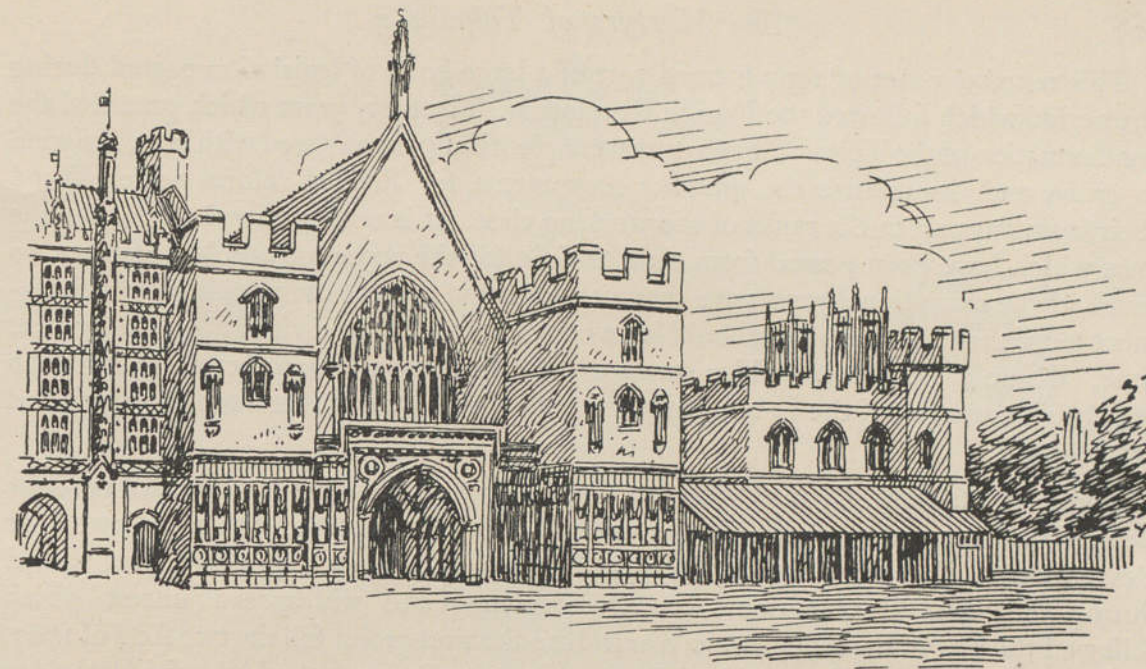
The great changes that have taken place in the spirit and temper of Governments, Parliaments and parties as a consequence of the fight made on behalf of the Tolpuddle Martyrs are a matter of history. This struggle marks the moment of transition from aristocratic to democratic methods of Government in this land; it not only closed a dreadful epoch of tyranny and persecution, but opened the modern era of political freedom and social progress—an era which, unhappily, is again closing in some other countries in a convulsion of bloodshed and violence. The story this Memorial Volume retells is not the story of an ancient wrong, but the record of a continuous struggle for justice and freedom, in which victory will lie with those who fight in the spirit of the Tolpuddle Martyrs.





G. D. H. COLE

Mr. GEORGE DOUGLAS HOWARD COLE, born on September 25, 1889, was educated at St. Paul's School and Balliol College. Formerly Fellow of Magdalen College and now of University College, Oxford. University Reader in Economics at Oxford. Vice-President of the Workers' Educational Association, Hon. Secretary of the New Fabian Research Bureau. Active in the Labour Movement since 1908, one of the leading members of the Guild Socialist Movement. Formerly associated with the Amalgamated Society of Engineers and on the Labour Party Head Office staff as research worker. Author of many books and articles on Labour and Economic questions, including Labour and Trade Union history. His books include *A Short History of the British Working-Class Movement*, *The Intelligent Man's Guide through World Chaos*, *The World of Labour*, *The Life of William Cobbett*, etc. He has written numerous detective stories in collaboration with his wife, and also poetry. Has been closely associated for many years with the *New Statesman*.



A Study in Legal Repression

1789 - 1834

By G. D. H. COLE



IN 1797, the year of the Naval Mutinies at the Nore and Spithead, when trouble was brewing in Ireland, and the ruling classes in England were in mortal fear, Parliament passed an Act against the taking of unlawful oaths (37 George III c. 123). In the preamble to this Act it was laid down that "*whereas divers wicked and evil disposed persons have of late attempted to seduce persons serving in his Majesty's forces by land and sea, and others of his Majesty's subjects from their duty and allegiance to his Majesty, and to incite them to acts of mutiny and sedition, and have endeavoured to give effect to their wicked and traitorous proceedings by imposing upon the persons whom they have attempted to seduce the pretended obligation of oaths unlawfully administered*" it was necessary for Parliament to legislate for the prevention of this abuse, and accordingly the courts were instructed to impose penalties up to transportation for a period of seven years.

The Naval
mutiny and
unlawful oaths

the Scottish conspiracy of 1793, and the notorious Oliver, whom Mr. and Mrs. Hammond have exposed in the final chapter of their book, *The Skilled Labourer*. There was never for a moment, despite the fears of the British ruling class, the smallest prospect of an English Revolution on the French model.

Reform societies
repressed



MAJOR CARTWRIGHT

The Societies at whose leaders the Government launched its thunderbolts in 1793 and 1794 were, in fact, engaged in a strictly pacific agitation for Parliamentary reform and the recognition of the "Rights of Man." One of these bodies, the Society for Constitutional Information, headed by *Major John Cartwright*, was a purely middle- and upper-class body of Radical politicians. The other, *Thomas Hardy's* London Corresponding Society, consisted mainly of skilled artisans, with a sprinkling of small tradesmen and professional men. It was an educational and propagandist Society which aimed at providing for the better educated sections of the working class a body more suited to their pockets and needs than the middle-class Constitutional Society, with which it endeavoured to work in close collaboration. There were similar Societies in the leading provincial towns, sometimes grouping together working-class and middle-class Radicals in a single body, and sometimes, as at Manchester under the leadership of *Thomas Walker*, reproducing the London structure of two distinct but co-operating bodies. Societies of these types existed in the years following the French Revolution in practically every large town, and there is no doubt that they welcomed with enthusiasm the events in France; but it does not in the least follow that they had in mind the waging of an English Revolution. Their minds were set on reform, and they were well aware that the "mob" was for the most part not on their side, but was still a "Church and State" mob, such as had expressed itself a little earlier in the Gordon Riots, and was engaged, after the Revolution, in burning down the houses of Radical Dissenters, such as Dr. Joseph Priestley.

Tom Paine's
"Rights of
Man"

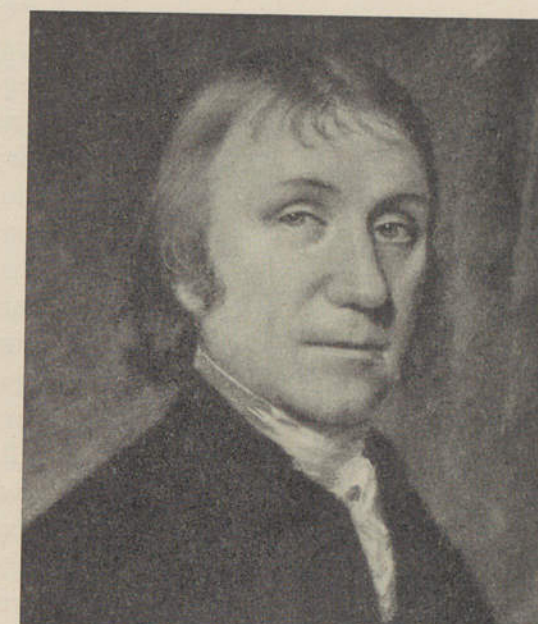
Undoubtedly the book which was above all others the gospel of these pioneering working-class political Societies was Thomas Paine's *Rights of Man*. Paine himself was in France, but his trial in his absence in 1792 was the real opening of the campaign of repression. The attack on the Radicals developed next in Scotland, long used to an even more repressive form of government than England. The leading delegates to the Scottish Reform Convention of 1793 were condemned and transported despite the protests of the English Radicals; and thereafter the Government launched early in 1794 its onslaught on

the London Radical Societies, arresting the leaders of both the Constitutional and the Corresponding Society, and placing them all on trial for high treason. These wholesale arrests were immediately followed by the appointment by the House of Commons of a Committee of Secrecy to investigate and report upon the alleged revolutionary plot, and by the rapid passing of an Act of Parliament suspending the Habeas Corpus Act and enabling the Government to seize and hold suspected persons in prison without trial. This suspension of Habeas Corpus lasted, with only a brief interval between 1795 and 1797, right up to the Peace of Amiens in 1802, and, as we shall see, it was again invoked in the years of unrest after 1815.

"Whereas a traitorous and detestable conspiracy has been formed for subverting the existing laws and constitution, and for introducing the system of anarchy and confusion which has so fatally prevailed in France"—so the preamble of the suspending Act began, and the Act went on to confer upon the Government the power to keep in prison those whom it had already arrested without special powers and to add others to their number even without putting them on trial. Nevertheless, the Government was sufficiently satisfied with the evidence which it believed it had accumulated against the Radicals to place the leaders whom it had arrested on trial for high treason; and it is common knowledge how the London jury in 1794 acquitted the leaders of the Constitutional and Corresponding Societies, and thus administered to the Government a serious rebuff. It is not so well known that London was in this matter quite exceptional: London juries were notoriously independent; but all over the provinces similar arrests had been made, and practically the whole of those arrested outside London were condemned, though Thomas Walker, the Manchester leader, also escaped conviction. Despite the London acquittals, these prosecutions did much to break the strength of the young Radical movement, and the Government, not content with the powers it had already taken, proceeded promptly to the enactment of further repressive laws.

Between 1795 and 1801, in addition to the repeated Acts suspending the Habeas Corpus Act for further periods and to the annual measures dealing with mutiny in general and marine mutiny in particular, there were no less than nine repressive laws designed to compass the destruction of Radical and working-class movements. The series opens with the Treason Act (36 George III c.7) of 1795, which extended the

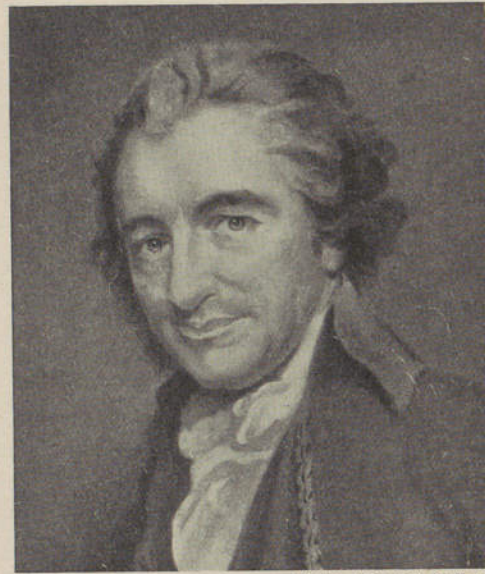
Suspending
Habeas
Corpus



National Portrait Gallery
DR. JOSEPH PRIESTLEY

Reformers
prosecuted

definition of treason to cover writings which had a tendency to incite the population to hatred or contempt of the Crown or Government. This Act was immediately followed by the Seditious Meetings and Assemblies Act of the same year (36 George III c.8), which imposed severe restrictions on the right of public meeting. Under this Act no meeting of more than fifty persons, except election meetings and certain types of meetings held under official auspices—it is interesting to note that there had to be a special clause



National Portrait Gallery
THOMAS PAINE

excepting educational meetings under University auspices—was allowed to be called except on a requisition by seven householders. The magistrates were, moreover, given wide powers to disperse even meetings called in accordance with the law if they attempted to discuss any matter regarded as subversive, and to arrest those speaking at such meetings, while refusal to disperse at the magistrate's orders was made a felony punishable with death. In addition, the Act laid severe regulations on all places at which meetings for political reading and discussion were held. All such places were to require licences from the magistrates, and these licences could be revoked at any time and the licence holders prosecuted if the magistrates considered that improper discussions were taking place. The magistrates were allowed to demand admittance to any

house, licensed or unlicensed, in which they thought a meeting was being held. Under these conditions clearly public meetings were practically out of the question, for the magistrates were by no means disposed to grant licences to known holders of Radical opinions.

In 1797, there came two further repressive laws, one (37 George III c.70) imposing the death penalty on anyone who was convicted of inciting soldiers or sailors to mutiny, and the other, which specially concerns us, directed to the suppression of unlawful oaths (37 George III c.123). To these was added, in 1798, a further measure, the Newspaper Act (38 George III c.78) designed to restrict written as well as spoken propaganda. This Act required all newspapers to be registered with an affidavit by the printer, publisher and proprietors. All copies of newspapers were to contain the names and addresses of their printers and publishers, and were to require stamps, the fees for which were placed at a high level in order to repress cheap publications. Special penalties were imposed, not only for the printing or publication of unauthorised newspapers or for the printing of seditious matter in authorised journals, but also for the mere possession of an unstamped paper. Thus began the great struggle for the freedom of the press, which extended over the next half century.

Public meetings
restricted

Freedom of the
Press attacked

In 1799, two further Acts were passed. One of these (39 George III c.81) was the first of two general Combination Acts, making Trade Unions of every sort and kind criminal conspiracies by statute as well as at common law. The other, generally known as the Unlawful Societies Act (39 George III c.79) was concerned with the complete suppression of a number of the leading Radical Societies, which had either survived the treason trials of 1793-4, or had been created since the collapse of a number of the earlier Societies at that time.

Five Societies—the United Englishmen, the United Scotsmen, the United Britons, the United Irishmen, and Thomas Hardy's London Corresponding Society—were suppressed by name on the ground that "a traitorous conspiracy has long been carried on in conjunction with persons from time to time exercising the powers of Government in France," and that the members of these Societies "have taken unlawful oaths." In addition to the Societies suppressed by name, the Act declared unlawful all Societies whose members took oaths not required by law, or which possessed secret committees. Penalties were imposed on unlawful meetings of the Societies suppressed under the Act, and provision was made for the closing of houses which had been used for unlawful meetings or lectures. A special provision was, however, made whereby all licensed alehouses were allowed to be licensed for political readings; but power was given to revoke the alehouses' licences if seditious or immoral publications were read. The Newspaper Act was further strengthened by requiring that printers should hold a licence from a magistrate and extending the requirement that the name of the printer should appear from newspapers to every type of printed paper or book. Power was also given to the justices to search any printing establishment and to seize papers if they suspected that seditious or blasphemous matter was being put into circulation.

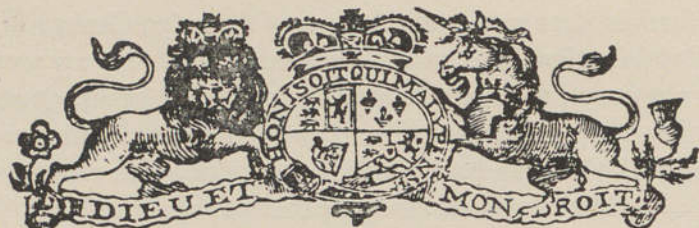
In the following year, came a second Combination Act (39 and 40 George III c. 60) amending and strengthening the provisions against Trade Unions which had been enacted in the previous year. Finally, in 1801, a further Act was passed against seditious meetings (41 George III c.30) renewing and expanding the Act passed in 1795.

Thus from 1799 onwards, all Trade Unions or forms of industrial combination among the workers were suppressed by law, and all Radical political activity severely repressed under the other measures which have been outlined. It falls outside the scope of this article to discuss in detail the effects of the two Combination Acts of 1799 and 1800. It is enough to say that these Acts placed in the hands of the Government and the magistrates an absolute power to suppress any Trade Union that they chose. This, however, did not make so much difference as appears at first sight, because there is no doubt that the judges already regarded Trade Unions as criminal conspiracies at common law, even apart from any special statute declaring them to be so.

The effect of the two Combination Acts was rather to encourage actual prosecutions and to provide a simpler procedure as an alternative to that which was already available at

Trade Unions
forbidden

Triumph of
reaction



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

C A P. CVI.

An Act to repeal an Act, passed in the last Session of Parliament, intituled, *An Act to prevent unlawful Combinations of Workmen*; and to substitute other Provisions in lieu thereof. [29th July 1800.]

WHEREAS it is expedient to explain and amend an Act, passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act to prevent unlawful Combinations of Workmen*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, the said Act shall be repealed; and that all Contracts, Covenants, and Agreements whatsoever, in Writing or not in Writing, at any Time or Times heretofore made or entered into by or between any Journeymen Manufacturers or other Persons within this Kingdom, for obtaining an Advance of Wages of them or any of them, or any other Journeymen Manufacturers or Workmen, or other Persons in any Manufacture, Trade, or Business, or for lessening or altering their or any of their usual Hours or Time of Working, or for decreasing the Quantity of Work, (save and except any Contract made or to be made between any Master and his Journeyman or Manufacturer, for or on Account of the Work or Service of

Preamble.

39 Geo. III, Cap. 81, repealed.

All Contracts heretofore entered into for obtaining an Advance of Wages, altering the usual Time of working, decreasing the Quantity of Work, &c. (except Contracts between Masters and Men) shall be void.

FACSIMILE OF FIRST PAGE OF THE COMBINATION ACT, 1800

common law; and, in fact, the majority of the prosecutions which did take place during the period while the Combination Acts remained in force appear to have been common law trials, though it is difficult to form an accurate judgment in the absence of reports of many of the local cases. Neither the Combination Acts nor the common law did, however, achieve anything like a complete suppression of Trade Unionism, which lived on in spite of legal prohibition throughout the period between 1799 and the repeal of the Combination Laws under *Francis Place's* influence in 1824. What happened was that the local trade clubs of journeymen in the older crafts were left for the most part unmolested, and their leaders were convicted under the law only when they made themselves especially obnoxious to the employers. On the other hand, in the new factory districts the law was being constantly put into motion against every attempt to create effective Trade Unions, and one leader after another paid the penalty of imprisonment for his efforts on behalf of the exploited textile operatives and miners in the northern and midland counties. Nevertheless, even in these areas combinations persisted, and as fast as one Trade Union was suppressed a new one appeared. For there were desperate grievances crying out for remedy, and men were again and again found ready to take the risks of imprisonment and even transportation for violation of the law.

After 1801, there was a pause in the flood of repressive legislation, though most of the Acts which have been described still remained in force, to be invoked against Radicals and Trade Unionists as occasion required. There is, however, no doubt that after *Pitt's* death in 1806, the repression was for a time substantially relaxed, and with one important exception there was no fresh repressive legislation between 1801 and the end of the Napoleonic Wars. This exception is the Act of 1812, directed against the Luddites, who had been active in the previous years in the hosiery districts in the midland counties.

But Trade Unions still lived



NED LUDD DISGUISED AS A WOMAN

A lull in the campaign of repression

This Act (52 George III c. 104) stiffened up drastically the Act of 1797, under which the Dorsetshire labourers were to be condemned at a later stage. "That every person who shall in any manner or form whatsoever administer or cause to be administered, or be aiding or assisting at the administration of any oath or engagement purporting or intending to bind the person taking the same to commit any treason or murder or any felony punishable by law with death, shall be adjudged guilty of felony" ran the new Act. Any such person was to suffer death, and any person who took any oath of the nature covered by the Act was also to be guilty of felony and to be subject on conviction to transportation for life. This savage measure was employed in the suppression of the Luddite disturbances of 1810 and the following years, which arose in the midland textile districts over the introduction of new types of machinery into the framework knitting industry. This movement, and the part played in it by "King Ludd," has been fully described by Mr. and Mrs. Hammond in their book, *The Skilled Labourer*.

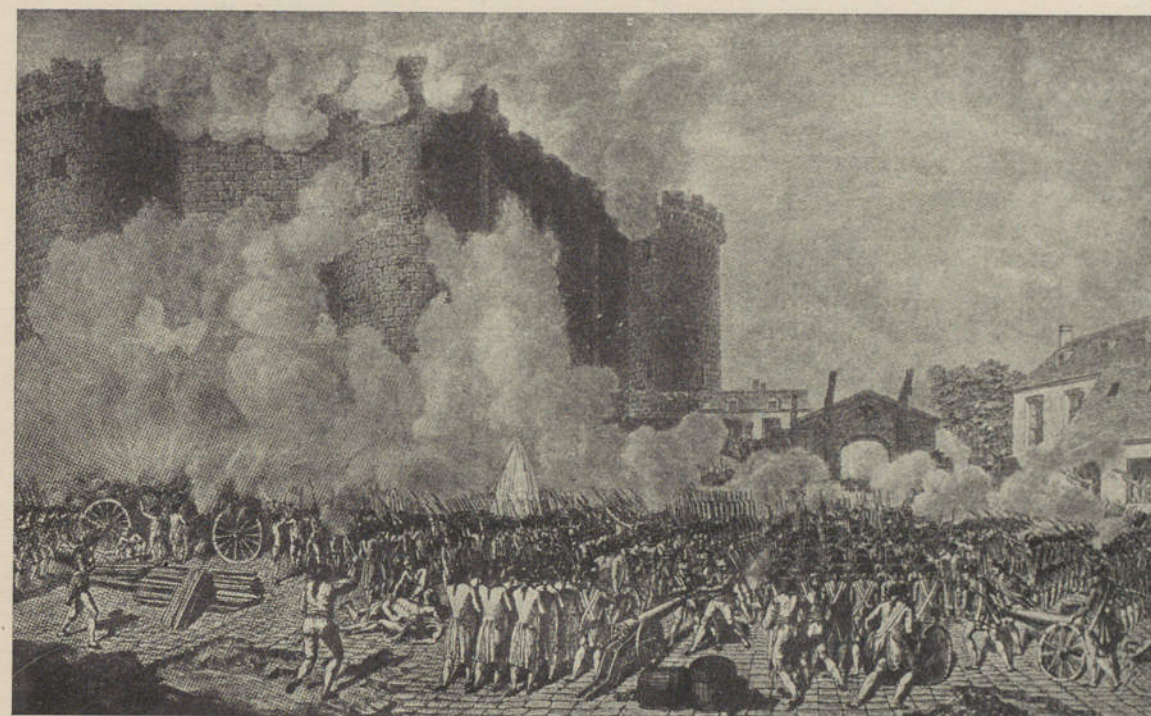
After 1812 no further repressive laws were enacted until the years immediately following the conclusion of the Napoleonic Wars. The return of peace brought with it a period of acute unemployment and distress which extended to practically all industries and to every part of the country. The unrest was most acute in the northern textile and mining areas; but it also spread to London, and it was in connection with the disturbed condition of the Metropolis that the Government seems chiefly to have taken fright. Once more Committees of Secrecy were appointed to investigate the alleged movement to bring about an armed rebellion against the State, and the chief blame for these activities was placed upon the tiny Society of Spencean Philanthropists, consisting of the followers of the Radical land reformer *Thomas Spence*. Spence himself was already dead, but his followers, organised in the Society of Spencean Philanthropists, were carrying on an active agitation for the public ownership of the land, and were regarded as the extreme left wing of the Radical movement. The Spencean Society organised the famous Spa Fields meeting of 1816, which was followed by some rioting in the City of London. Though there is no real indication that the Spenceans had any considerable following or were engaged in laying plans for anything in the nature of an armed insurrection, the occurrences at the Spa Fields meeting gave the Government its excuse for a fresh round of repressive laws, and in 1817 four Acts were passed with the object of suppressing the movement and of arming the Government with exceptional powers.

The first of these Acts (57 George III c. 3) suspended the Habeas Corpus Act, and this suspension was renewed by a further Act later in the year.

"Whereas a traitorous conspiracy has been formed for the purpose of overthrowing by means of a general insurrection the established Government, Laws and Constitution of this Kingdom, and whereas designs and practices of a treasonable and highly dangerous nature are now carrying on in the metropolis and in many other parts of Great Britain"—so runs the preamble of 57 George III c. 3, recalling closely in its phrases the repressive laws of the years immediately following the Revolution in France.

Suppression
of LudditesRenewal of
repressive
laws

The next Act, the Treason Act of 1817 (57 George III c. 6) re-created and made perpetual with minor modifications the Treason Act of 1795. At the same time there was passed, as in 1795, a further Act dealing with seditious meetings and assemblies (57 George III c. 19). This Act for the most part practically repeated the phrases of the Seditious Meetings and Assemblies Act of 1795. Again, we have the prohibition of meetings of more than fifty persons except on a signed requisition of seven householders,

Meetings
forbidden

THE FRENCH REVOLUTION : STORMING THE BASTILLE

From "The French Revolution"

the requirement that all places of meeting must be licensed by the magistrates, and that the magistrates may inspect such places of meeting and revoke the licence if they consider that any unlawful discussion is going on. But the Act of 1817 adds further provisions. It suppresses by name all the Spencean Clubs and Societies, and all other clubs holding the same objects and doctrines. It further suppresses as unlawful combinations all Societies "taking unlawful oaths or requiring declarations not required by law or electing delegates to confer with other clubs," and it lays down that all persons who are members or induce others to become members of Societies of these types are guilty of unlawful combination under the Act of 1799 (39 George III c. 79). There are penalties laid down against householders for allowing unlawful assemblies to take place in their premises, and provisions for forfeiting the licences of public houses where unlawful meetings are held. Moreover, there is the famous Clause 23 which prevents political

Unlawful
combinations
defined

meetings from being held within one mile of Westminster Hall save in connection with parliamentary elections.

"Peterloo"
massacre

These two measures (57 George III c. 6 and c. 19) are commonly called Sidmouth's "Gagging Acts," or sometimes the "Two Acts." Drastic as they were, they were soon to be followed by still more repressive legislation in the famous "Six Acts" of 1819. For, after a brief recovery in 1818, trade and employment again plunged into the abyss in the following year, and there were many disturbances all over the country, accompanied by a growing agitation for parliamentary reform. This was the year of the great reform meeting at St. Peter's Fields at Manchester, which ended in what is commonly known as the "Massacre of Peterloo," in which peaceful demonstrators were killed and trodden underfoot by yeomanry and soldiers sent to arrest "Orator" Hunt, who was the principal speaker at the meeting.

The Peterloo Massacre caused widespread indignation throughout the country, and many protest meetings were held not only by working-class bodies but even under the auspices of respectable Whig leaders. It was for his part in these protests that Earl Fitzwilliam was deprived of the Lord Lieutenancy of the West Riding of Yorkshire. The Government, however, so far from giving way before the Whig and Radical protests, proceeded with the full support of the Prince Regent to intensify its repressive activities and to imprison as many of the Radical leaders as it could bring within the reach of the law.

Of the Six Acts of 1819 the first (60 George III c. 1) prohibited unlawful drilling or exercises of a military character, and laid down penalties against those organising such activities up to seven years' transportation, and for those taking part up to two years' imprisonment. The second Act (60 George III c. 2) laid down penalties against the carrying of arms under suspicious circumstances, and enabled the magistrates to search private houses for arms, and to seize them where they thought fit. The third Act (60 George III c. 4) was aimed at speeding up the administration of justice in cases of misdemeanour, in order to enable the courts to deal more promptly with the Radical agitators. These were all measures of secondary importance. The remaining three Acts went very much further in arming the Government with exceptional powers to restrict the right of free speech and meeting.

The savage
"Six Acts"

The Seditious Meetings Act of 1819 (60 George III c. 6) began by re-enacting broadly the opening sections of the Act of 1817, but in an even more stringent form. Under this Act meetings were to be allowed at all only in separate parishes or townships, and only inhabitants of the area in which the meeting was held were to be allowed to attend, the penalty of imprisonment being laid down against anyone who attended contrary to the law. Justices of the Peace, accompanied by constables, were given the right to attend all meetings with power to arrest speakers; and even a lawful meeting might be rendered

unlawful if anything deemed seditious or blasphemous or in any way contrary to law was said during the discussion. Meetings in private rooms, were, however, exempted from these provisions. Seven years' transportation was laid down as the maximum penalty for refusal of a meeting to disperse on the order of the magistrates, and two years' imprisonment for attending a meeting with arms or with flags or banners. There were also fresh provisions for the licensing and the revocation of licences of places where lectures could be held.

Lectures
restricted



THE PETERLOO MASSACRE

This Act was immediately followed by the Blasphemous and Seditious Libels Act (60 George III c. 8), which made provision for the seizure of copies of printed matter alleged to be blasphemous or seditious, and laid down as a penalty for any second offence under the Act banishment for a term of years at the discretion of the court, with transportation up to fourteen years as the penalty for remaining in the country or returning to it after sentence of banishment had been passed.

The Press in
fettors

Finally, under the last of the Six Acts (60 George III c. 19) the heavy stamp duties already levied upon newspapers in order to prevent the growth of the popular press were extended to other types of publication. "Whereas pamphlets and printed papers

containing observations upon public events and occurrences, tending to excite hatred and contempt of the Government and Constitution of these realms as by law established, and also vilifying our holy religion, have lately been published in great numbers and at very small prices"—so runs the preamble to this Act—all such pamphlets and printed papers are to be made subject to the Newspaper Acts, 38 George III c. 78, 55 George III c. 80, 55 George III c. 185, 56 George III c. 56. This meant that even pamphlets and leaflets became subject to so high a rate of duty as to destroy all chance of popular circulation if



National Portrait Gallery
RICHARD CARLILE

the law were observed. The effect can be seen in that *Cobbett* was compelled to drop the twopenny edition of his *Political Register*, known as "Twopenny Trash," which had reached at one time a circulation of 60,000 copies a week, and to raise the price of his *Register* immediately to sixpence. Moreover, it was provided that nobody was to be allowed to print any newspaper or pamphlet of a political kind without entering into bonds and recognisances with the authorities, and penalties were laid down not only for printing or publishing unlicensed publications, but also for selling them. This was the Act under which, after 1819, hundreds of Radicals went to gaol for the offence of printing, publishing or selling cheap newspapers or pamphlets. *Richard Carlile* took the lead in the movement for defiance of the new law, and passed the years following its enactment mostly

in gaol, where he was duly joined not only by his wife and sister, but by one after another of those who had volunteered to take his place in his shop or to sell the un-stamped publications which he continued to edit even while he remained in gaol.

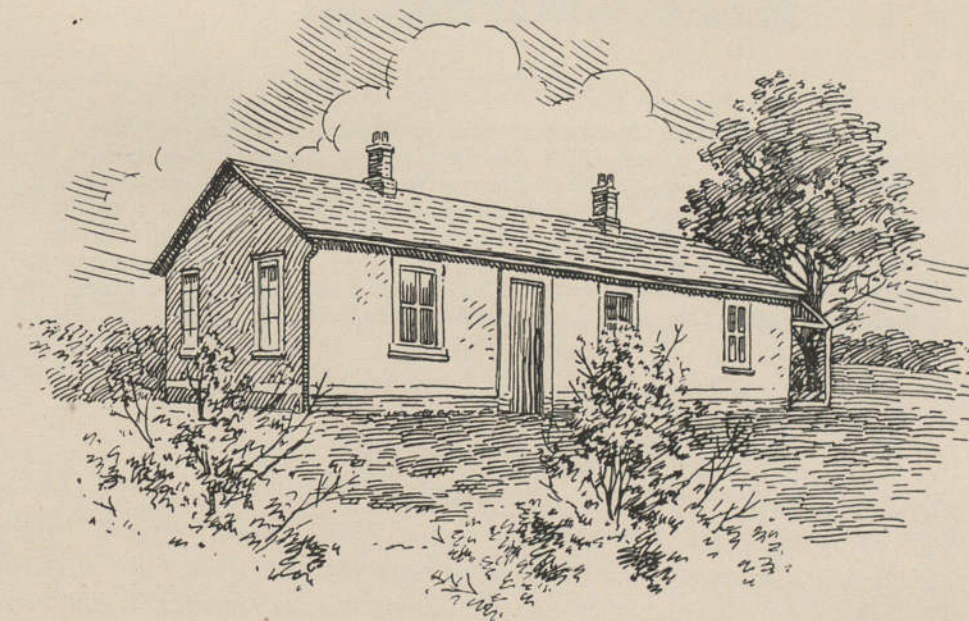
Thereafter the leadership of the movement passed to *Henry Hetherington*, who is best known as the proprietor of the famous *Poor Man's Guardian*. It was in connection with the *Poor Man's Guardian*, over which Hetherington had been repeatedly prosecuted in earlier years, that Lord Lyndhurst delivered in 1834 his famous judgment, declaring that after all this could not be regarded as a newspaper falling under the ban imposed by the Newspaper Acts. Thereafter the stamp duties remained, and the agitation against them was carried on until their repeal by stages in the eighteen forties. But after 1834 the active repression of unlicensed publications for the most part died away. The story of the newspaper duties and of the agitation against them has been fully told in two books—Mr. Wickwar's *The Struggle for a Free Press*, and Mr. C. D. Collet's *History of the Taxes upon Knowledge*. I have no space to tell it further here.

Cheap
pamphlets
impossible

Martyrs for
a free Press

With this measure the long sequence of Acts directed to the repression of working-class and Radical movements comes to an end. Five years after the passing of the Six Acts the Combination Laws were repealed, thanks largely to the untiring activities of Francis Place, and Trade Unionism became lawful, though the Act of 1825 which replaced the more generous measure of 1824, still left open many possibilities of prosecution—as was clearly seen in the period between 1825 and the passing of the Trade Union Act of 1871. This story of the struggle of the Trade Unions with the law falls, however, outside the scope of this article, which is designed only to describe the repressive laws passed in the thirty years which followed the Revolution in France, and invoked successfully in the prosecution of the Dorsetshire labourers in 1834. With the Dorchester case itself other contributors to this volume will be dealing, and there is no need for me to discuss it here. It is only necessary in conclusion, to emphasise once more the fact that many of the repressive powers conferred by these laws remain on the statute book even to-day, and can at any time be invoked against the working-class movement. It would be a fitting tribute to the Tolpuddle Martyrs for the Trade Union movement to take up, 100 years after their martyrdom, the task of sweeping away what is still left of a body of law which was widely denounced as unjust and repressive when it was first enacted and has now become ludicrously inappropriate to the recognised status of the Trade Union and Socialist movement in the world of to-day.

Many of these
repressive
powers still
remain



THE HOUSE AT LONDON, ONTARIO, WHERE GEORGE LOVELESS DIED, 1874



H. V. MORTON

Mr. HENRY VOLLAM MORTON entered journalism on the *Birmingham Gazette and Express*, 1910; editor, *Empire Magazine*, London, 1913; sub-editor, *Daily Mail*, 1913-4; joined *Evening Standard*, 1919; *Daily Express*, 1921; *Daily Herald*, 1931. Publications include: *The Heart of London*, 1925; *The London Year*, 1926; *London*, 1926; *The Spell of London*, 1926; *The Nights of London*, 1926; *In Search of England*, 1927; *The Call of England*, 1928; *In Search of Scotland*, 1929; *In Search of Ireland*, 1930; *In Search of Wales*, 1932; *Blue Days at Sea*, 1932; *These Were Our Queens*, 1932.



Songs of the Period

By H. V. MORTON



CENTURY ago, Queen Adelaide, consort of King William IV, was convinced that fate had selected her as a second Marie Antoinette. She, and those around her, mistook the deep mutterings of the Reform Bill mobs for the sound of the tumbrils. And as we look back upon an England lit up by the glare of burning ricks, and loud with the noise of smashed machinery and the yells of furious crowds, it does, indeed, seem that never in history was this country nearer Revolution.

THE BALLADS OF THE PEOPLE

One wonders, as one reads the history of this time, what men like the six Tolpuddle labourers would have talked about could one have met them in the local inn. We know well, from the writings of men like Cobbett, the sort of things which inflamed them to a sense of the injustice which hedged them on every side. Yet, quite naturally, the illiterate labourers of that time have left no account of the struggle as it appealed to them. At first sight, one might say that we have no first-hand record of the

feelings of the downtrodden classes during the years 1800 to 1850. Yet this is not quite true. Buried away among the topical literature of the first decade of the 19th Century are a number of street ballads, and in these one finds some reflection of the mighty emotions that swayed men a hundred years ago. These broadsides and ballads are extremely rare, and they are, I think, of very great social interest. They were composed white-hot on the heels of some event, and sung in the streets, just as you can hear in the inn parlours of Exmoor to-day the old-fashioned ballad "From Bratton to Porlock Bay," and that other ballad, whose name I do not know, which begins gloriously:—

I was born and bred in Boston
In the city you all know well. . . .

Such rhymes are the true voice of the people, and I propose to give some of those that were sung during the period between the Reform Bill and the Chartist agitations. Here is one which reflects the point of view of Loveless and his companions. It was called:—

PRESENT TIMES, OR EIGHT SHILLINGS A WEEK

Come all you bold Britons, where'er you may be
I pray give attention, and listen to me,
There once was good times, but they're gone by complete,
For a poor man lives now on Eight Shillings a week.

Such times in old England there never was seen,
As the present ones now; but much better have been,
A poor man's condemned, and looked on as a thief,
And compelled to work hard for Eight Shillings a week.

Our venerable fathers remember the year,
When a man earned three shillings a day and his beer,
He then could live well, keep his family neat,
But now he must work for Eight Shillings a week.

The Nobs of "Old England" of shameful renown,
Are striving to crush a poor man to the ground,
They'll beat down their wages and starve them complete,
And make them work hard for Eight Shillings a week.

A poor man to labour (believe me 'tis so)
To maintain his family is willing to go
Either hedging or ditching, to plough or to reap,
But how does he live on Eight Shillings a week?

In the reign of Old George, as you all understand,
Here then was contentment throughout the whole land,
Each poor man could live, and get plenty to eat,
And now he must pine on Eight Shillings a week.

So now to conclude and finish my song,
May the times be much better, before it is long,
May every labourer be able to keep
His children and wife on—Twelve Shillings a week!

There is something infinitely touching, to my mind, about the last verse of this ingenuous production. It could never have been invented by anyone outside the stark poverty of the time.

Here is another ballad, this time the cry of the unemployed mechanic:—

THE MECHANIC'S APPEAL TO THE PUBLIC

Give attention awhile to my rhymes
Good people of every degree,
I assure you these critical times
Have reduced me to great poverty.
I'm a tradesman reduced to distress,
Dame Fortune on me long has frowned,
And that is the cause, I confess,
Which compels me to roam up and down.

Chorus

Then good people attend to my rhymes,
And pity a tradesman reduced;
For appealing to you in these times,
I submissively hope you'll excuse.

I once did in happiness dwell,
With my family around me at home,
And little (the truth I will tell)
Did I think I'd have cause for to roam.
But misfortune, she owed me a grudge,
And entered in my cottage door,
And caused me in sorrow to mourn,
And my misery long to deplore.

Mechanics are now at a stand,
And trade in all quarters is bad,
They're complaining all over the land,
And their children are hungry and sad.
Travel Britain wherever you will,
You may behold everything dead,
The tradesmen are all standing still
And their children are crying for bread.

My family now weep in distress,
With cold and with hunger they cry,
Which grieves me to see, I confess,
No food or employment have I.
The weather is cold and severe,
And I do in sorrow lament;
I have no food for my children dear,
And my goods are all taken for rent.

For a tradesman reduced heave a sigh, Who in sorrow and agony grieve, And, good Christians, as you pass him by, With a little, pray, do him relieve. A little you never will miss, To one who in sorrow complain, And our Heavenly Father above, The same will repay you again.	Oh, you that distress never knew, May your breast such affliction ne'er feel, The sufferings that I do endure, I cannot to you half reveal. For subsistence my clothes I have sold, I wander to look for a friend, So now my sad troubles are told, And my tale I am going to end.
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Here is a kind of Chartist "Marseillaise," a more stirring and violent appeal than the helpless and gloomy ballads I have just quoted. It was called:—

THE SONG OF THE LOWER CLASSES

We plough and sow—we're so very, very low That we delve in the dirty clay, Till we bless the plain with the golden grain, And the vale with the fragrant hay. Our place we know—we're so very low, 'Tis down at the landlord's feet: We're not too low the bread to grow, But too low the bread to eat.	Down, down we go—we're so very low, To the hell of the deep sunk mines; But we gather the proudest gems that glow, When the crown of a despot shines. And whenever he lacks—upon our backs Fresh loads he deigns to lay: We're far too low to vote the tax, But not too low to pay.
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We're low, we're low, we're very, very low,
Yet from our fingers glide
The silken flow—and the robes that glow
Round the limbs of the sons of pride.
And what we get—and what we give—
We know, and we know our share;
We're not too low the cloth to weave,
But too low the cloth to wear.

Reform Bill ballads are strangely rare. There are several not very inspiring marching songs, and one known as "The Operatives' March," which has nothing very remarkable about it. I think the most interesting popular relic of the Reform period is a mock biblical effort entitled "The Chronicles of the Pope," which begins:—

THE CHRONICLES OF THE POPE

Now, it came to pass that the land had rest for seventeen years. For the Britons had subdued their enemies, even the French, and restored peace to all the Continent.

Nevertheless, the people groaned by reason of oppression, and the multitude of taxes which was laid upon them to support the rich and the great with pensions and rewards.

And they cried and petitioned for redress, but their prayers were not heard.

And George IV was gathered to his fathers and William IV reigned in his stead.

Now there was at this time a mighty man of renown called Arthur (The Duke of Wellington).

And he gained the confidence of the King, and abused his ear with falsities respecting the people.

And the people were much displeased with the power of this man of war, for he ruled them as he had done his soldiers.

Arthur, feeling that he could rule no longer, resigned his authority, and the King elected that nobleman, even Grey, whose possessions lieth north of the Tyne, to be ruler under him over the people.

And he stood before the King and said, "O, King, live for ever; thy people have been long afflicted with heavy burdens which they cannot bear, and their cries and lamentations ascend to heaven."

And the King was troubled in his mind at these sayings, and he caused the records of the Realm to be brought before him, and then he found that his subjects were not fairly represented; and he was in much agitation of mind, and trembled exceedingly and cried with a loud voice, "What shall I do?"

And the noble, even Grey, said unto him, "We must endeavour to amend these things; and, O King, if thou wilt give me permission, such a law will be framed that all the land will rejoice."

And the King said, "Do as it pleaseth thee best in this matter."

The chronicle, which reveals the touching faith of the Common People, then goes on to describe the drafting and rejection of the Reform Bill, the opposition of the Tories, led by the Duke of Wellington, the Reform Bill riots and, eventually, the passing of the measure on the urgent instruction of William IV, who is made to say: "Get this Bill passed, else we be all dead men."

The hideous penal code of the time is vividly reflected in two ballads in which poachers, with a strange, simple lack of venom, describe the sentence of transportation for "night walking," as they delicately describe poaching, ending on the moral note so dear to the ballad monger. The first is called:—

BOTANY BAY

Come all you men of learning,
And a warning take by me,
I would have you quit night-walking,
And shun bad company.
I would have you quit night-walking,
Or else you'll rue the day,
You'll rue your transportation, lads,
When you're bound for Botany Bay.

I was brought up in London Town
And a place I know full well,
Brought up by honest parents,
For the truth to you I'll tell.
Brought up by honest parents,
And rear'd most tenderly,
Till I became a roving blade,
Which proved my destiny.

My character soon taken was,
And I was sent to jail,
My friends they tried to clear me
But nothing would prevail.
At the Old Bailey Sessions,
The Judge to me did say,
"The Jury's found you guilty, lad,
So you must go to Botany Bay."

To see my aged father dear,
As he stood near the bar,
Likewise my tender mother,
Her old grey locks to tear;
In tearing of her old grey locks,
These words to me did say:
"O Son, O Son, what have you done,
That you're going to Botany Bay?"

It was on the Twenty-eighth of May
From England we did steer,
And, all things being safe on board,
We sail'd down the river clear.
And every ship that we passed by,
We heard the sailors say:
"There goes a ship of clever hands.
And they're bound for Botany Bay."

There is a girl in Manchester,
A girl I know full well,
And if ever I get my liberty,
Along with her I'll dwell.
O then I mean to marry her,
And no more to go astray:
I'll shun all evil company,
Bid adieu to Botany Bay.

But my favourite is the ballad, "Van Diemen's Land," a first-hand piece of work, like all these rude verses, but one with a feeling for beauty that gets across even in the shambling metre:—

VAN DIEMEN'S LAND

Come all you gallant poachers that ramble free from care,
That walk out on moonlight nights, with your dog, gun and snare,
The jolly hares and pheasants, you have at your command,
Not thinking that your last career is to Van Diemen's Land.

Poor Tom Brown from Nottingham, Jack Williams and Poor Joe,
We are three daring poachers, the country does well know,
At night we are trepanned, by the keepers hid in sand,
Who for fourteen years transported us to Van Diemen's Land.

The first day that we landed upon this fatal shore
The planters they came round us, full twenty score or more,
They rank'd us up like horses, and sold us out of hand,
And yok'd us up to ploughs, my boys, to plough Van Diemen's Land.

Our cottages that we live in are built of brick and clay,
And rotten straw for bedding, and we dare not say nay,
Our cots are fenc'd with fire, we slumber when we can,
To drive away wolves and tigers upon Van Diemen's Land.

It's often when in slumber I have a pleasant dream,
With my sweet girl a-sitting all by a purling stream,
Through England I've been roaming with her at command,
Now I awake, broken hearted, upon Van Diemen's Land.

God bless our wives and families, likewise that happy shore,
That isle of great contentment which we shall see no more,
As for our wretched females, see them we seldom can,
There's twenty to one woman upon Van Diemen's Land.

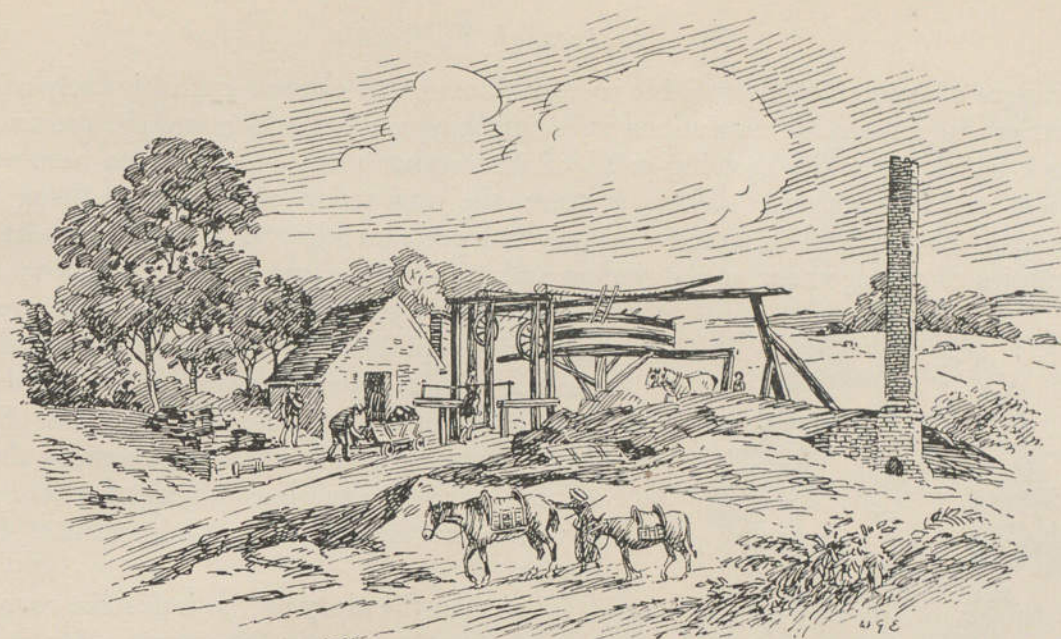
So all you gallant poachers, give ear unto my song,
It is a bit of good advice, although it is not long,
Throw by your dogs and snares, for to you I speak plain,
For if you knew our hardships—you would never poach again.

These old songs, now known only to those who hunt out curiosities, bring vividly before us the unhappy victims of a hundred years ago. And, reading them, perhaps you feel, as I do, that there is something fine, blunt, tender, and very English shining through them, something that tells us that the men who wrote them, who sang them and who enjoyed them, were people exactly like ourselves.



H. L. BEALES

Mr. H. L. BEALES was educated at Kingswood School, Bath, and the University of Manchester. In 1919, he was appointed lecturer in economics in the University of Sheffield. In 1926, he joined the staff of the London School of Economics, and he now holds the post of reader in Economic History in the University of London. He has published books on *The Industrial Revolution* and the *Early English Socialists*; he contributed chapters to *The Outline for Boys and Girls and their Parents*, to *Johnson's England* and to the *Twelve Studies in Soviet Russia*; he is the joint editor with R. S. Lambert of *Memoirs of the Unemployed*. He has been active in the work of the W.E.A. as a tutorial class tutor.



The Condition of England

By H. L. BEALES



It is the purpose of this article both to outline the main characteristics of the industrial revolution and to relate them to the events which this volume commemorates. There are people still who regard Trade Unionism as sheer perversion. They would wipe it out if they could—either by sheer violence (as is the fashion in some countries now) or by some quieter usage of the instruments of power. The economic movements summarised in this chapter and the condition of England, revealed as their consequence, provide the historical explanation of Trade Unionism and at the same time of the attack upon it.

The
"Industrial
Revolution"

In the England of John Wesley and Dr. Johnson, momentous changes were afoot. Roads adequate to a rapidly increasing volume of traffic were being built; river improvements having led to canal construction, a network of canals was stimulating the business areas of the midlands and the north to permanent enlargements of their markets; engineers in Birmingham and Cornwall had begun to provide manufacturers with sources of power independent of the vagaries of climate and the limitations of mere muscular strength; ingenious mechanical devices were becoming available to widen the scope of industry, diversify its operations, cheapen its products and magnify

the ranges of commodities available to consumers of all classes, and ultimately of all countries; new financial institutions were springing up in London and the provincial centres which, after the growing-pains of adolescence were over, were to become a national and international banking system; the production of goods was being increasingly concentrated in factories, slowly but permanently and with the promise of economies of management and direction and, if properly controlled, of gains to the

whole of society; the backward northern areas, advancing rapidly in the technique and scope of their industrial operations, were drawing industries to themselves from London, from East Anglia, from the south-west and subjecting them to new forms of discipline and organisation. In a word, the first phase of industrialism had begun.

Too often the story of the industrial revolution has been written in false terms. Machinery was not new in the reign of George III, nor were banks, insurance companies, factories and most of the rest of the paraphernalia of capitalist industrialism. The industrial revolution was an intensification of economic movements which had been silently taking shape for a long period of time. That intensification took place at a time when population was rapidly increasing and when wars and rumours of wars were more normal than peace and the ways of peace.

Inflationary finance and war demands upon industry and agriculture drew the economic life

of the country at a quicker pace into industrialist channels, and heightened the difficulties of transition. Those who could command financial resources or were in a position to exploit the new industrial processes, or the improved means of communication, or the new methods of farming, or the new opportunities of finance, were in a specially favourable position; those who had nothing to sell but their labour were in a peculiarly unfavourable position. Rising prices helped the former and handicapped the latter; the falling prices of the post-Waterloo years handicapped the former and brought no relief to the latter. The spread of industrialism, bringing with it an increasing concentration of industries in urban areas situated where coal was available, or where facilities for communication were good, necessitated a reconstruction of the agrarian system by means of which the industrial urban markets could be continuously supplied. Hence, though the genesis of industrialism must be traced to remoter periods than the

Rapidity of industrial development in early 19th Century



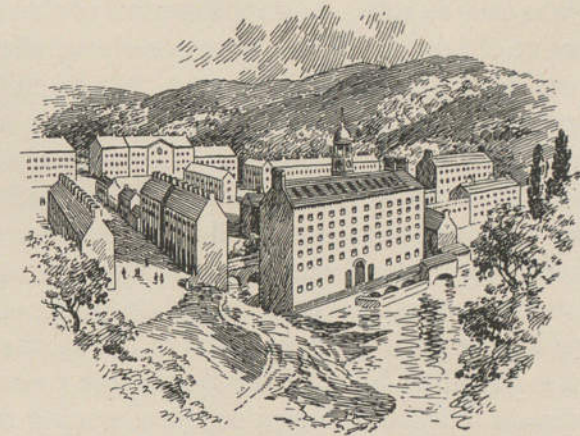
GEORGE III

later decades of the eighteenth century, the forces that had been set going gathered so great a momentum, and gained from the circumstances of that age so great a stimulus, as to involve a vast enlargement of the economic system of the country. The full impact of the new tendencies was not felt till then, and the sum of these tendencies amounts to an industrial revolution whatever the exact date of their respective origins may be.

Certain features of the industrial revolution call for analysis here. First, the industrial system itself. Strictly, more than one type of industrial organisation went to the making of the industrial system as a whole. The coal industry comprised the big units of Durham and the small units of the Forest of Dean; the Duke of Northumberland was a big capitalist, who talked about "my colliers" and regarded them as serfs, and the free miner was a little one. Actual serfdom prevailed in Scotland till the end of the eighteenth century and monthly contracts and conditions of quasi-serfdom in Durham. The metal trades of Birmingham and Sheffield had big units, like the up-to-date and highly-organised firm of Boulton and Watt, of Soho, but most were small, doing a single process, hiring power when that became available in the form of the steam engine, as formerly they had used it in the form of a water-wheel, and leaving it to a middleman to co-ordinate the processes and market the commodity.

The textile industry comprised factories, like the New Lanark mill of Robert Owen and his partners, replete with the latest machinery and systems of discipline and education far ahead of current practice, as well as the independent producers of the West Riding valleys and the "putters-out" of the domestic system in the West of England. The iron industry included everything from the new Carron works in Scotland and the rising South Wales foundries to the village blacksmith. The future lay with the production-system that collected the new machinery, driven by steam engines, into factories. There, large bodies of workpeople could be collected and set to work with a maximum of continuous oversight and an economy of labour and other costs which facilitated the conquest of markets. Under the factory system, labour could be transformed into a factor of production, fined for delinquencies (imaginary as well as real) and sacked when work ran out. In the first phase of industrialisation, factories were placed where water-power was available; their pioneers had to establish new communities, equipped with houses, churches and chapels, shops and public-house. When steam-power was rendered generally available, the workers would fend for themselves. Dumped down in towns, they could acquire what housing was available (cellars or tenements or

Types of industrial structure



ROBERT OWEN MILLS

quickly-rigged-up back-to-back slums) and no one need bother about drainage and water supply, street cleansing or burial grounds, water-closets or schools. Features quite inseparable from the first phase of industrialism, therefore, were the new discipline of the factory system, the slum towns in which that system was located, the increased insecurity of working men's lives, the remorseless employment of women and children, pauper and free. That nauseating story has become a part of the history of industrialism, in some form or other, wherever it has taken shape. It has been a first duty of Trade Unionism to protest against it and to find a way out.

A free hand
for employers

The new industrialism was born of expanding markets. A policy appropriate to such conditions had to be framed. What the masters of the new system required was a free hand. Ancient regulations, whether of law or custom, had to be set aside. They were. It took a long time to break down completely the system of authoritative regulation, but it was easy to sweep aside those parts of that system that had any element in them protective of labour. There were occasional alleviations, as when Spitalfields silk-weavers were granted a minimum wage, but Spitalfields was within sight of the Houses of Parliament and its residents had been active in the Gordon riots. For the rest, there was the common law prohibition of combination—a word which was a synonym of conspiracy—and the specific statutory prohibitions of the French war period. And there was economic as well as legal pressure always available, with the use of the military to check the cruder forms of criticism such as machine-breaking. By the processes of repealing antiquated statutes and dropping obsolete customs (such as wage-regulation), and by the positive exploration of the means to the freeing of industry and trade from the controlling hand of the State, free trade and the freedom of individual contracts were established. New doctrines, issuing from the economists of the day as well as



THE STAGE COACH IN 1834

from the advocates of the reshaping of the legal and political system, urged the necessity of fundamental change in economic relationships. The workers, they urged, must be at the disposal of their employers without any right to combine for their mutual protection. Combination could do them no good; the fund for wages would not be added to by such means, and gains made here would only be at the expense of losses there. Further, advanced wages would only lead to reckless breeding. The best thing to do with Trade Unions, said Nassau Senior, would be to confiscate their funds. The new political economy was militant.

Transformation
of the
countryside

The new industrialism meant increased urbanisation. The residents of the new towns had to be fed. Increasing numbers in the whole population called for an expansion of food supplies. Industrialism meant at one and the same time a differently balanced economic structure and a differently directed agricultural system. Agriculture as well as industry, therefore, went through the processes of transformation.

Formerly the agrarian system had produced the food we required: now it must be reorganised if the country was to escape dependence on foreign sources of food. The means to that end was enclosure. There were many motives that led individual landowners to compass that form of agrarian reorganisation. Political power went with landowning: rising prices were reducing the real value of established customary payments—real incomes from the land were falling—and enclosed land gave greater control as well as higher values from raised rents: greater wealth called for more luxurious houses, embellished by landscape gardeners, and enclosed in stately parks. Besides, new methods of land management were becoming fashionable, and new game laws were putting up the value of hunting properties. So the old village system was engulfed in the fury of enclosing, and the capital spent on enclosed estates called for a revival of direct protection when the wars came to an end in 1815 and prices might be expected to fall. The English peasantry flickered out: the commons were gone, incorporated in the squire's estate and involving a mean compensation to claimants to their use who could back their claim by legal documents: the trinity of capitalist landlord, tenant farmer dependent on him and with no defined tenant right, and landless labourer, was established. Goldsmith's "*Deserted Village*" has often been called a sentimentalist's outpouring: it was, in fact, the melancholy story of an actual enclosure.

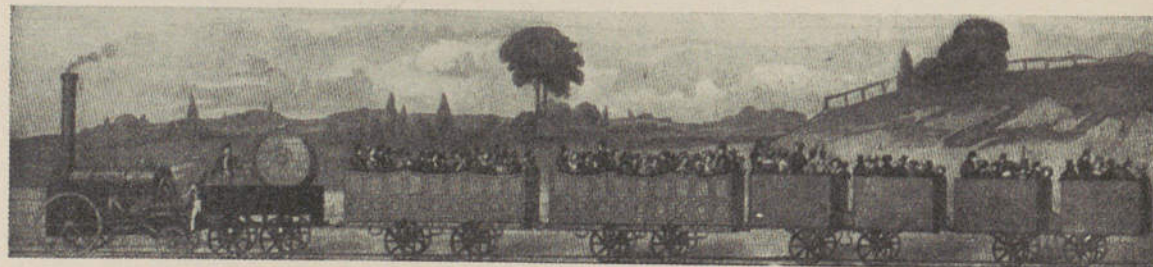
The purists say there was no industrial revolution, that the difficulties of transition were caused by wars and the return to peace, and, anyway, that things were not so black as they were painted. Working people at the time these changes were taking shape suffered from their impact, and their sufferings drove them to attempt to gain both political power through the suffrage and economic power through Trade Unionism. They did so because suffering drove them to. They had to fight every inch of the way. The political system was in the hands of their masters: the new economic order was built over their heads.

The condition
of the people
in the early
19th Century

Men judge any economic system by what it gives them of welfare—of physical and spiritual health and enjoyment. Could they approve the new industrialism that stunted their bodies by spells of over-heavy toil broken by spells of unpaid unemployment, and their minds by denying them the agencies of enjoyment, cultural, athletic and civic? “The artisan,” wrote Dr. Kay in his famous pamphlet on *The Moral and Physical Condition of the Working Classes in Manchester* (1832), “has not time to cherish these feelings (filial and paternal, religious and civic) by the familiar and grateful arts which are their constant food, and without which nourishment they perish. An apathy benumbs his spirit.”

“The poor ought to be taught,” opined Mr. McCulloch, the economist, “that they are in a great measure the architect of their own fortunes; that what others can do for them is trifling indeed, compared with what they can do for themselves.” Precisely, but the poor found they were not allowed to act for themselves when they protested against wage reductions, or factory fines, or all the other incidents of the new industrialism. What the poor asked for was reasonable hours, reasonable working conditions, reasonable wages, reasonable security, a reasonable share in political responsibility; the answer was that they were breaking the law when they put their requests collectively. Equality of bargaining power had to be won, therefore, by sheer pressure, and it never has been helpful to say that the word “reasonable” has no agreed content.

The condition of England in the years between 1789 and 1840 was grim and hard all round. Its worst features included the agony of the dying trades—hand loom weaving, framework knitting—and of the rural labourers; the slavery of pauper apprentices and the brutal employment of free children; the wage curtailments, increased insecurity, and overtime working of the machine employments; the degrading conditions of colliery labour . . . and so on through a familiar and gloomy list. It is true that enlarged employment and better conditions lay in the future, to be won by the Trade Unions, but they were infrequent in the present. And the new industrialisation concentrated power in the employers’ hands so that it seemed a tyrannous system. The picture drawn by Mr. and Mrs. Hammond is not an untrue one. The workers’ efforts to modify this system so that it was less prison-like were not misdirected: they were the necessary preliminaries to improvement.



LIVERPOOL AND MANCHESTER RAILWAY, 1831

Working-class
discontent

There was a brief but illuminating discussion in the House of Commons on February 4, 1840, when Mr. Slaney moved the appointment of a Select Committee to inquire into the causes of discontent amidst great bodies of the working classes in populous districts. Mr. Slaney mentioned the expressions of discontent that had punctuated the history of recent years. The Luddites, the Tyne Strikers of 1815, the

ferment of 1817, Peterloo, the Derbyshire “insurrection” of 1820, the strikers’ riots in Bolton and elsewhere in 1826, the delegate meeting in the Isle of Man of 1827, the united trades’ meetings in 1829—and this list might have been considerably extended. The ingenious compilers of index numbers have not devised an index of these expressions of popular feeling; it would be as illuminating as valid if they did. And Mr. Slaney goes on to explain the causes of dissatisfaction which inspired the working classes to defiance of the forces of law and



MANCHESTER IN 1834

order. This analysis is nothing less than an indictment of the results of industrialism up to that date. He gives a revolting picture of Liverpool, Manchester, Newcastle-on-Tyne and Leeds; he mentions the reduction of wages which had been forced upon the workers; he shows the almost complete absence of provision against emergencies that cause distress; he describes the lack of agencies for religious observance and education. “They should regard,” he told his fellow members, “the signs of the times and should take warning of the events that had recently occupied their attention and educate the people; and when they had exerted themselves and done all in their power in this respect, if the people chose to listen to bad advisers, the legislature would have the satisfaction of knowing that it had done its duty.”

To this Lord John Russell replied that the state of the manufacturing towns was more satisfactory than that of the large manufacturing villages, which “had nothing like local government of any kind,” and Mr. Briscoe that distress was greater in the agricultural districts than the towns. Not a very convincing excuse, one would think. The truth is that neither towns nor urbanised areas nor villages were in a rosy condition.

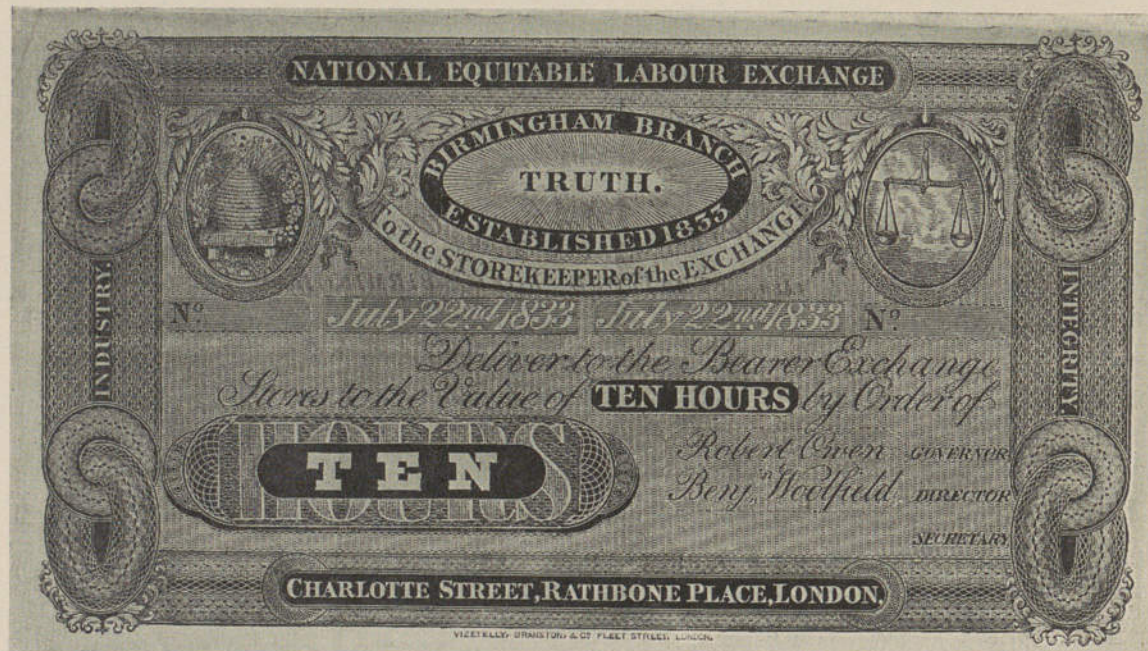
A contemporary summary of conditions which prevailed in rural England presents a melancholy picture. A writer in the *New Monthly Magazine* (March 1, 1832) thus describes the conditions of the countryside as the franchise was about to be reformed and the new Poor Law introduced.

Condition of
the farm
workers

"The symptom of the greatest difficulty and danger in the national disorder, is that absolute (though it has been a gradual) alteration in the conditions and habits of the rural population, by which, in an age of boasted enlightenment, the moral condition of the peasant retrogrades, instead of advancing and which, at the very time that we profess to re-establish and strengthen the social system, is steadily progressing towards its disorganisation.

"We do not exaggerate the condition of that pauperised class who ought to be the labourers in agriculture, when we describe them as reduced to the minimum of subsistence (taking the average), as discontented in mind, broken in spirit, dis severed from the natural ties which ought to bind them to those next above them in their social relations, and appearing to those who visit the sins of the rulers on the offences of the victim, to be at once reckless and grasping—covetous to-day in order to be improvident to-morrow. . . . During the summer and autumn of 1830, in some counties, the whole mass of labourers rose and demanded an increase of wages, with a force and pertinacity which was not to be resisted. They destroyed the machinery by which they imagined their labour was supplanted. Nor, although a temporary advance was conceded, did the evil stop here. The agency of fear has still been resorted to. The incendiary fires, however originated, however, in single instances, the results of individual vengeance, partake, in the general, of this single motive—they are perpetrated with the express design to terrify the wealthy into a more beneficial employment of the poor. There are

The agency
of fear

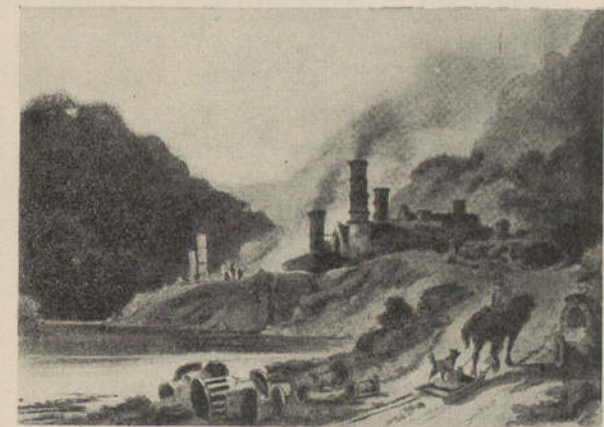


FACSIMILE OF ONE OF ROBERT OWEN'S "LABOUR NOTES"

also additional symptoms in the increasing frequency of vagabond mendicancy, of highway-robberies, and in a common offence, not perhaps so recent in its origin, though of late more general in its occurrence, namely, the slaughter of sheep in the open fields."

The author of this passage was acutely aware of the effects of enclosure upon the labourers. He saw, too, how the restoration of peace conditions threw things out of gear. He saw further how the advance of industrialism broke up the old village system by transferring occupations to the factories, and how the immigration of pauperised Irish intensified competition in the labour market. He was equally aware of the defects of the administration of the Poor Law. "Overseers," he pointed out, "are placed between two fires—between the parish and the poor. Their office is alike painful and troublesome. They are often overbearing in their language, and as they always postpone to the latest moment and by every possible means the relief, however inevitable at last, the pauper is thus made to wait in cold and hunger at the door the leisure of the parish officer, to endure reproachful language, to be browbeaten and charged with idleness, cunning and fraud; in short, with everything that malice, venom, conjecture or a countervailing cunning on the part of the parish and its agent can suggest. Of late, too, employments have been inflicted against which the powerful and able husbandman revolts. The roads, the gravel pit (that lower than the lowest deep) must be the passport to an allowance barely sufficient to keep life and soul together. Thus the men are concentrated—to work? No—to exaggerate their own sufferings, exasperate each other, and

The Poor
Law a
hundred
years ago



IRON WORKS, COLBROOKDALE

plot mischief and revenge. We defy the ingenuity of man to invent a more certain receipt for the conversion of an honest, industrious, careful and capable husbandman into a poacher, a smuggler, a thief, or an incendiary, than to send him into a gravel-pit together with from half a dozen to a dozen of his fellows, in hot or cold weather, at 5s. or 6s. a week, thus degrading him at once to a pauper or a slave, with neither motive nor means to save him from idleness, exasperation and vengeance. To hang him would be a comparative blessing, both as respects society and the individual; for this sort of work is to fit him for the gallows, and nothing else, by a course of suffering and crime."

This observer saw through current politicians' chatter which explained the tumultuous feelings of the poor as primarily due to the nefarious activities of "agitators." Agitators, like widows and orphans, have much ascribed to them of which they are innocent! "We assign to political opinions, properly so called," he writes, "only slight

Conditions,
not agitators,
cause revolt

effect in producing the altered habits of the peasantry. They care little and know less about the questions that vehemently agitate the inhabitants of manufacturing districts. But the vague notions of political and personal rights thus propagated, have had considerable influence in generating and perpetuating a general dissatisfaction, and a more active spirit of insubordination connected with no slight feeling of the power of the masses. During one of the parochial rebellions, a ringleader emphatically whispered to a magistrate who came to the spot with the military—'We have found out the secret—numbers will do it.'"

The same writer reverted to the same subject in the same magazine just nine years later. He recalled the main features of his former statement. "Property depreciated and pledged to dealers in money—the trade of agriculture (so to speak) fluctuating, all but profitless, and in many instances ruinous—morals depraved, habits estranged from the natural places and pursuits of the several classes constituting rural society—the peace of the rural districts disturbed—a compulsory idleness, as it were, superseding industry—the labourer pauperised—the farmer discontented—the landowner distracted between reduced income and established expenses—perpetual disputes calling for the no less perpetual interposition of the magistracy—last, and worst of all, the desperate symptom of incendiarism, and the unshunned consequences of all these evils—universal distrust, division and discontent." And now, in 1841, "to confess the truth at once, it appears to us that little which can correct the evil has yet been attempted, though both branches of the legislature have employed days and nights in the inquiry; though a commission of very able men has been appointed to investigate; though private societies are engaged, and a mighty machinery reared at the instigation of the Government has been set into action to provide a remedy." Why, then, this failure? When Lord Melbourne struck at village Trade Unionism, by the prosecution of the Tolpuddle labourers, he destroyed more than he knew. Social justice cannot come from above. It must be built up by free men in co-operation. He crippled for a generation the agencies of construction and confined the ideal of self-help within the strait-waistcoat of mean Victorian thrift.



From the *Cleave's Penny Gazette of Variety*, 1838
A CONTEMPORARY IMPRESSION OF THE TOLPUDDLE MARTYRS

Lord Melbourne Looks Down

THIS Year of Grace, the late Lord Melbourne
Looks from his place among the well-born,
Where by-gone hordes
Of gents and lords
In heaven huddle—
And turns bewildered to his neighbour,
James Frampton, as the Lads of Labour
With song and play
And spirits gay
March to Tolpuddle.

"Dammit!" Lord Melbourne murmurs, "Dammit
Jemmy! they're honouring James Hammett!
They take the line
That fellow Brine,
Born in the scale low
With the two Standfields, and the Loveless
Brothers (uncoroneted, gloveless,
And badly-shod)
Have earned of God
A First-Class Halo!

"Yet surely I remember, Frampton,
That you and I between us clamped on
The irons which
The Titled Rich
Never degraded?
How *can* these ploughmen, herds and carters,
Whom we called Criminals, be Martyrs,
And now outbid
Our claims, who did
Nothing like they did?"

"We did not seek in those past ages
Contemptible increase of wages,
Or form a mob
To gain three bob!
We never, demme,
Took oaths, or passed a resolution
Which might have hurt the Constitution
(*Georgius*, see,
Cap. 123)—
Now did we, Jemmy?"

"Yet nobody makes *us* a nation's
Occasion for great celebrations.
For us nor Art
Nor Sport takes part,
No Poet hails us;
Our names upon no homes are graven
Where we are blessed by those in haven—
Why? Why? I cry
A third time, Why?
The answer fails us."

So, looking down from heaven, Lord Melbourne
Beholds both humbly-born and well-born
Honour the Six
Whose politics
Thrive in the earthy
Furrows they ploughed about Tolpuddle;
And as Lord Melbourne chews the muddle,
Labour's reply
Fills earth and sky:
THE CAUSE WAS WORTHY.

TOMFOOL.

The Artists

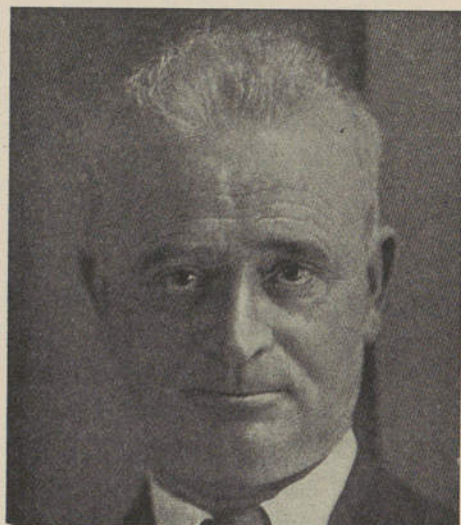


Photo: Rudolph

Mr. WILL DYSON is the Labour Movement's most distinguished cartoonist, and his name is linked indissolubly with the *Daily Herald*. Born in Ballarat, Australia, he started work in London on the *Weekly Dispatch*. He joined the *Daily Herald* in 1911, and his drawings helped to make the paper famous by their boldness, wit and draughtsmanship. He was brought back to the *Daily Herald* in 1929. He has demonstrated literary as well as artistic gifts by the publication of "Artist Among the Bankers," a brilliant criticism of orthodox monetary theory.



Photo: Elliott & Fry

Mr. FRANK HERRABIN, journalist and artist, is well known as a clever cartoonist and prolific writer on Labour topics. He was born in Peterborough fifty years ago, and studied art at Sheffield with the idea of becoming a metal-work designer. He turned to journalism as staff artist. Edited for eight years the organ of the National Council of Labour Colleges, *Plebs*, and has written a number of books. His best-known work includes the illustrations he produced for Mr. H. G. Wells' "Outline of History." He was Labour M.P. for his native city from 1929 to 1931.

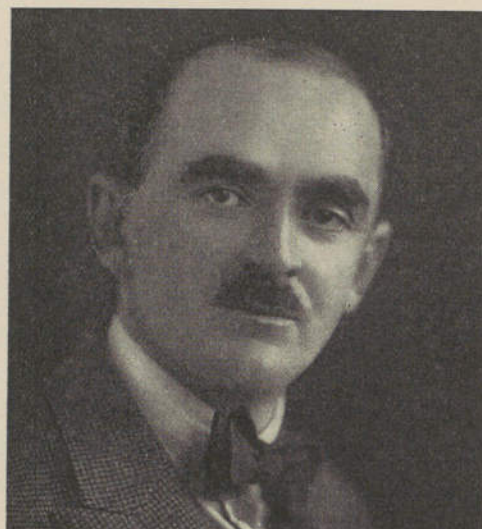
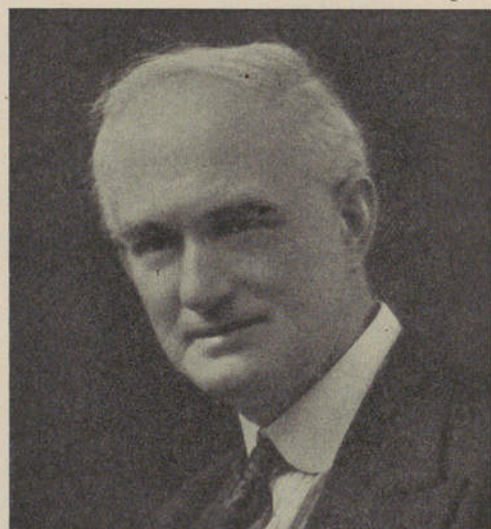


Photo: Vaughan & Freeman

DAVID LOW is one of the world's most famous cartoonists. By birth Mr. Low is a New Zealander, aged 43, and began his career as a political cartoonist on the *Sydney Bulletin*, Australia's best-known weekly. He came to London in 1919 as cartoonist for the *Star*, but some five years later transferred his genius to the London *Evening Standard*. Collections of his cartoons and caricatures have been published from time to time, including his *Russian Sketch Book* and his brilliant series satirising the Lloyd George Coalition Government.



Mr. EASTON was born in Poplar in 1879, he studied Art at the Bolt Court Art School and Kennington Art School, where he obtained prizes for life drawing and memory drawing. Was with the Carlton Studio for 14 years, has been a free lance since 1923 at illustration work and portraiture. Exhibited a number of times at the Royal Academy, has executed various commissions for publishers, including a decorated edition of Omar Khayyam.

Who's Who

ANDREWS, ROBERT.—Governor, Dorchester Gaol.

ARTHUR, GEORGE (Colonel).—Governor of Van Diemen's Land, 1824-36. Established the notorious penal settlement at Port Arthur. Recalled before Loveless's release in 1837.

BEAUCLERK, Mr. (M.P., Leeds).—Presented Petition for release of the Martyrs.

BOURKE, Sir RICHARD.—Governor of New South Wales in 1836.

BRENNAN, Mr.—Superintendent of the Government farm in New South Wales.

BRIDLE, Mr.—A tradesman of Bere Regis, who was disqualified from serving on the Jury.

BRINE, CATHARINE.—Mother of James Brine, who was the youngest of the Martyrs.

BRINE, JAMES.—Constable at Tolpuddle who arrested the six Martyrs.

BRINE, JAMES (1813-1902).—One of the six Dorsetshire Martyrs. Aged 20 at the time of arrest and unmarried. Sent to New South Wales. Left Plymouth in "Surrey" on April 11, 1834, and arrived back at Plymouth on March 17, 1838. Settled in Ontario, Canada.

BUTT, GEORGE MEDD (1797-1860).—Counsel for defence in trial of Martyrs. Born at Sherborne. Q.C. in 1845. Tory M.P. for Weymouth 1852-1857.

CAMPBELL, Sir JOHN (1799-1861).—Solicitor-General at the time of the arrest. Later Attorney-General. Raised to peerage 1841.

CHURCHILL, W. R.—One of the magistrates who signed the Caution.

CLEAR, CHARLES.—An apprentice. A witness at the Trial.

CLEMETSON, Rev. DACRE.—Chaplain of the County Gaol, Dorchester, from 1825-1860.

COBBETT, WILLIAM, M.P.—Founder of the weekly *Political Register*. Very active in presenting petitions for the remission of the sentence.

COLSON, The Rev. J. M.—One of the magistrates who signed the Caution.

COX, JOHN.—Turnkey or Warder at the Gaol.

DADE, Rev. THOMAS.—One of the magistrates who signed the Caution.

DERBYSHIRE, S. (— 1863).—One of the Counsel for the Defence. Called to the bar in 1830. Subsequently went to Canada.

DIGBY, Lord (1773-1856).—Lord-Lieutenant of Dorset. Approached by Frampton to take up the question of crushing the Unions.

ELSWORTH, Mr.—A carter who received a notice from some unknown person in Bere Regis, advocating that men should join the Union.

ENGLAND, Rev. W., D.D.—One of the magistrates who signed the Caution.

EVANS, Col. (M.P., Westminster).—Strongly in favour of remitting the sentence.

EWETT, Mr. B.—An Attorney who was present at the Trial and strongly condemned the procedure.

FOSTER, AUGUSTUS.—One of the magistrates who signed the Caution. Also a member of the Grand Jury.

FRAMPTON, HENRY.—Son of James Frampton, and one of the magistrates who signed the Caution. Was a member of the Grand Jury.

FRAMPTON, JAMES (1769-1855).—Wealthy Dorset squire and magistrate. High Sheriff of Dorset in 1792, and Lieut.-Col. in Dorset Yeomanry. Bears chief responsibility for conviction of the Dorsetshire Labourers.

GAMBIER, Sir EDWARD J. (1794-1879).—Counsel for prosecution at the trial. In 1834 received the Recorder-ship of Prince of Wales Island and a knighthood. In 1842-49 was Chief Justice at Madras.

GILLERN, Major D.—A settler in Van Diemen's Land with whom George Loveless was employed from the spring of 1836 until September, 1837. Treated Loveless with consideration.

GLENELG, BARON (1778-1866).—Colonial Secretary when Dorsetshire Martyrs were convicts in Australasia. President of the Board of Trade 1827. Secretary for War and the Colonies 1835.

GLINISTER, Mr.—Clerk of the Dorsetshire Prison who conveyed George Loveless to the Hulks.

GREY, Earl.—Prime Minister in 1834, at the time of trial and transportation of the Tolpuddle Martyrs.

GUNN, Mr. W.—Magistrate in Van Diemen's Land who dismissed charge against Loveless of neglecting his duties.

HAMMETT, JAMES (1811-1891).—One of the six Dorsetshire Martyrs. Aged 22 at the time of arrest. Married and had one child. Sent to New South Wales. Sailed in "Surrey" from Plymouth on April 11, 1834. Returned in 1839 to his native place where his descendants still reside. Buried in Tolpuddle churchyard.

HAMMETT, Mrs. K.—Wife of James Hammett.

HARDY, Mr. (M.P., Bradford).—Although originally opposed to the Union, supported the remission of the sentence.

HARTWELL, ROBERT.—A compositor. Secretary of the London Central Dorchester Committee.

HEATHERINGTON, HENRY.—Editor of *The Poor Man's Guardian*, who assisted in relieving the families.

HORNE, Sir WILLIAM.—Attorney-General in the Grey Ministry at the time of the arrest.

HUME, JOSEPH (1777-1855).—Son of Scottish shipmaster, whose early death reduced family to poverty. Hume became Assistant Surgeon under East India Co. M.P. for Middlesex from 1830-1837. Secured inquiry leading to repeal of Combination Acts in 1824.

HUTT, Mr. (M.P., Kingston-on-Hull).—Presented petition for remission of sentence.

JONES, Mr.—Settler in New South Wales with whom John Standfield was employed at Balwarra.

KEAST, JAMES.—Prominent Building Trade Unionist, who welcomed the martyrs on their return at Plymouth.

LAW OFFICERS.—On page 19, it is stated that Sir William Horne was Attorney-General, and Sir John Campbell, Solicitor-General, at the time the Melbourne letter of March 10, 1834, was written.

After this page was printed, it was ascertained that C. C. Pepys became Solicitor-General on February 25, 1834, and Sir John Campbell was made Attorney-General on March 1 of that year.

LEGG, EDWARD.—An informer who gave evidence against the men at their trial.

LONDON CENTRAL DORCHESTER COMMITTEE.—The following were members of the above Committee:—J. Day (Ropemaker), G. Tomey (Smith), G. Lake (Carpenter), J. Barkingyoung (Coppersmith), T. Jones (Smith), T. Peak (Ropemaker), D. Worth (Carpenter), W. Wenlock (Shoemaker), R. Loveless (Flaxdresser), J. Gardner (Smith), T. Winn (Shipwright), J. Bush (Carpenter), W. Isaacs (Typefounder), R. Passmore (Carpenter), T. Barnes (Bricklayer), J. Simpson (Cooper), W. D. Saull, Treasurer. R. Hartwell, Hon. Secretary.

LOVELESS, ELISABETH.—Wife of George Loveless.

LOVELESS, GEORGE (1797-1874).—Leader of the six Dorsetshire Martyrs. Brother of James Loveless, brother-in-law of Thomas Standfield. Aged 37 at the time of arrest. Married and had three children. Sent to Van Diemen's Land, in "William Metcalfe" May 25, 1834. Returned in "Eveline" to London on June 13, 1837. Settled in Ontario, Canada.

LOVELESS, JAMES (1808 —).—One of the six Dorsetshire Martyrs. Brother of George Loveless, brother-in-law of Thomas Standfield. Aged 25 at the time of arrest. Married and had two children. Sent to New South Wales. Left England in "Surrey" on April 11, 1834, and returned to Plymouth in "John Barry" on March 17, 1838. Settled in Ontario, Canada.

LOVELESS, JOHN.—Brother of James and George, a flaxdresser of Bridport.

LOVELESS, SARAH.—Wife of James Loveless.

MASON, T.—A bullying magistrate who first examined George Loveless on his arrival in Van Diemen's Land.

MELBOURNE, Viscount (1779-1848).—Home Secretary when Dorsetshire Martyrs were convicted, and active in their prosecution. Formerly William Lamb, he became a Peer in 1830. Married Lady Caroline Ponsonby in 1805, and was, therefore, related to Foreman of Grand Jury in the Dorsetshire Labourers' case. Prime Minister in 1834, and 1835-1841.

MOLESWORTH, Sir WILLIAM (1810-1855).—Radical M.P. for East Cornwall 1832. In 1837 obtained appointment of Committee on Transportation, a system to which he was strongly opposed. M.P. for Leeds 1837, and for Southwark 1845. Colonial Secretary 1855.

MONTAGU, Mr.—An official at Government House, Hobart.

MURRAY, Mr. R. L.—Editor of the newspaper, *Tasmanian*.

NEWMAN, Mr.—A London Cabinetmaker who distributed relief to the families.

O'CONNELL, DANIEL (1775-1847).—Lawyer, prominent as a champion of Irish freedom and leader of his party in 1811. M.P. for Clare in 1830. Supported agitation on behalf of Dorsetshire Labourers, though not friendly to Trade Unionism in general.

O'CONNOR, FEARGUS (1794-1855).—Prominent Chartist leader. M.P. and member of the Irish Bar. An effective orator. Took part in the agitation on behalf of the Dorsetshire Labourers.

OWEN, ROBERT (1771-1858).—Son of small shopkeeper in Wales, was manager and part proprietor of New Lanark Mills at age of 28. Undertook widespread propaganda for doctrine of complete regeneration of humanity through co-operation. Formed the Grand National Consolidated Trades' Union 1834. Took an active part against sentence on Dorsetshire Labourers.

PEPYS, C. C. (1781-1851).—Barrister, Lincoln's Inn, 1804. Whig M.P. 1831. Solicitor-General 1834. Lord Chancellor 1836-41, and re-appointed 1846. Created Earl of Cottenham 1850.

PHILLIPPS, J. M.—Secretary to Lord Melbourne.

PITT, WM. MORDEN, Esq.—At whose residence, "Kingston House," the Tolpuddle Labourers attended to present their grievances.

PLACE, FRANCIS (1771-1854).—Became a tailor in 1799, opening a shop at Charing Cross where, in association with Hume, he organised the repeal of the Combination Acts. Later associated with the Chartist Movement. Had strong radical sympathies, and supported reform movements.

POCOCK, JAMES.—A convict in Van Diemen's Land who related his experiences to George Loveless.

PONSONBY, WILLIAM FRANCIS SPENCER (1787-1855).—Foreman of Grand Jury in the trial. Third son of Earl of Bessborough and brother-in-law of Lord Melbourne. Wealthy landowner. M.P. for Dorset 1832 and 1835, sitting as Whig.

PORTMAN, E. B.—A magistrate who corresponded with James Frampton hoping that the Union would be crushed.

RAY, The Rev. PHILIP.—Rector at Greensted Green, Essex, who objected to the Chartist activities of the returned martyrs.

ROEBUCK, J. A. (M.P. for Bath).—Fought valiantly on behalf of the men.

ROMAINE, GEORGE.—Secretary of the Bere Heath Lodge of the Union.

RUSSELL, Lord JOHN (1792-1878).—Home Secretary when Dorsetshire Labourers released. Third son of 6th Duke of Bedford. M.P. for Tavistock 1813, and subsequently M.P. for other constituencies. Prime Minister from 1846-1852.

SAULL, W. D.—Treasurer of the London Central Dorchester Committee.

SCOTT, ROBERT.—A magistrate with whom James Brine was employed at Glindon, Hunter's River, N.S.W. Treated Brine very cruelly.

SPODE, Mr.—A magistrate of Van Diemen's Land who threatened to flog George Loveless.

STANDFIELD, DINNIAH.—Wife of Thomas Standfield and sister of George and James Loveless.

STANDFIELD, ELIZABETH.—Daughter of Thos. Standfield. Married James Brine on his return, in Essex.

STANDFIELD, JOHN (1813 —).—One of the six Dorsetshire Martyrs. Son of Thomas Standfield and nephew of George and James Loveless. Twenty-one at the time of arrest, and unmarried. Sent to New South Wales. Left England in "Surrey" April 11, 1834, and returned in "John Barry" to Plymouth, March 17, 1838. Went to Canada where he settled in Ontario. The name was occasionally spelled Stanfield. The spelling used here is that employed by the Standfields themselves.

STANDFIELD, THOMAS (1789 —).—One of the six Dorsetshire Martyrs. Father of John Standfield and married to sister of George and James Loveless. Aged 44 at time of arrest. Married, with six children. Sent to New South Wales. Left England in "Surrey" April 11, 1834, and arrived back at Plymouth in "John Barry" March 17, 1838. Went to Canada and settled in Ontario.

STEWARD, R. T.—One of the magistrates who signed the Caution.

TOOMER, JOHN.—Officer who discovered the Union Rules at the house of George Loveless.

WADE, Dr. A. S. (—1846).—Educated at St. John's College, Cambridge. Became Vicar of St. Nicholas, Warwick, and was interested in politics, holding Radical views. Supported reform movements, and took a leading part against transportation of Dorsetshire Labourers.

WAKLEY, THOMAS (1795-1862).—Native of Devonshire. Qualified as surgeon in 1817. Founded the *Lancet* in 1823 to further progress in medical science. M.P. for Finsbury 1835. Made masterly speech in Parliament for remission of sentence on Dorsetshire Labourers.

WARREN, The Rev. Doctor.—Vicar at Tolpuddle who was present at the meeting between the farmers and the Tolpuddle Labourers, before the latter attempted to form a Trade Union.

WHETHAM, Mrs. FRANCES.—A witness at the Trial.

WHETHAM, JOHN JAMES.—A painter from whom James Loveless ordered a painting for the Initiation Ceremony.

WILDE, Sergt. (M.P., Newark).—Prepared the indictment on which the Tolpuddle Martyrs were convicted.

WILLIAMS, Sir JOHN (1777-1846).—Judge who sentenced the Dorsetshire Martyrs. Born in Cheshire, of wealthy family. Educated Manchester Grammar School and Trinity College, Cambridge. M.P. for City of Lincoln in 1823, K.C. in 1827. On accession of William IV made Solicitor-General and Attorney-General to Queen Adelaide. In 1834 advanced to the Bench as a Baron of the Exchequer.

WOLLASTON, C. B. (1765-1840).—Half brother of James Frampton. M.A. of Cambridge University, and member of Inner Temple. Lived at Dorchester where he became Chairman of Quarter Sessions, and Recorder of Dorchester. Member of the Grand Jury.

YOUNG, Mr.—An Attorney employed by the Defence. Tried to induce Loveless to renounce the Union.

Glossary

AGENTS PROVOCATEURS.—Spies who deliberately incite people to lawlessness with a view to securing their conviction, in order to provide the government with an excuse for the introduction of repressive measures.

CHARTISM, 1838–1848.—A political working-class movement in favour of securing the Charter, which contained the following demands: universal suffrage, equal electoral districts, abolition of property qualifications for Parliamentary candidates, annual Parliaments, ballot, payment of M.P.s. Petitions to adopt the Charter were presented to Parliament in 1839, 1842 and finally in 1848. Many Chartists were imprisoned. The movement collapsed in 1848.

COMBINATION ACTS.—Passed in 1799 and 1800, these made all forms of Trade Unionism illegal. Nominally they applied to employers as well as workers, but actually were used solely for the suppression of working-class movements. Repealed in 1824, following the persistent efforts of Place and Hume.

THE CORN LAWS, 1361–1846.—Laws restricting the importation of corn. The increase in the cost of bread due to the Corn Laws was responsible for great distress among the poorer classes. As the result of a powerful Anti-Corn Law agitation, led by the manufacturing classes, the duties were abolished in 1846.

CORRESPONDING SOCIETIES.—The London Corresponding Society, founded by a group of skilled workmen in 1792, was the first definitely working-class political organisation in this country. It sought to create a national movement for Parliamentary reform and adult suffrage by means of pamphlets and correspondence with workmen in other parts of the country. It was finally suppressed by Act of Parliament in 1799, though it had ceased to be active after 1794.

ENCLOSURES.—Under the numerous Enclosure Acts which were passed in the 18th century, the common fields passed into private ownership. Scientific development in agriculture necessitated the concentration of holdings, and the enclosure of the open fields. The enclosure movement destroyed the ancient system of land-holding in the villages.

FRENCH REVOLUTION, 1789.—The French Revolution began in 1789 as a protest against the injustices imposed on the unprivileged classes. Landowners and aristocracy were expropriated. In 1792 the monarchy was abolished and a republic was declared which lasted until the foundation of the First Empire by Napoleon in 1804.

GORDON RIOTS.—The Gordon Riots resulted from the anti-Catholic agitation under the leadership of Lord George Gordon, following the passing of the Catholic Relief Bill in 1778.

GRAND NATIONAL CONSOLIDATED TRADE UNION.—This Trade Union, which was designed to include workers in practically all industries, was founded by Robert Owen in 1834. For a short time it met with great success, and enrolled many thousands of workers all over the country. It did not last very long, however, and, after several industrial disputes, it finally collapsed.

HABEAS CORPUS ACT.—This Act, passed in 1679, and founded on Magna Carta, is intended to prevent imprisonment without trial. It provided that where a person is unlawfully detained anyone may, on his behalf, apply to a Judge of the High Court to issue a writ commanding the person detaining the individual to bring him before the Court. This writ or order must be issued by the Judge on good reason being shown.

INDICTMENT.—A "Bill of Indictment" is a written statement of the offence with which a person is charged in a criminal case. It is made before the Grand Jury of the Court to which the accused has been committed. If the Grand Jury find that there is a *prima facie* case against the accused, the defendant is brought into open Court and there tried.

LUDDITES.—Movement of machine-breakers, named after its supposed leader Ned Ludd, which began in 1811 in the hosiery district of the Midlands and later spread to Lancashire and Yorkshire.

MUTINY AT THE NORE.—In 1797, during the War with France, there was a mutiny of British sailors in the fleet at the Nore, on account of grievances about their food, pay and conditions. As a result the Government was roused to fresh measures of repression.

NAPOLEONIC WARS.—The War with France began in 1793 and continued, with an interval in 1801 and 1802, to 1815, when Napoleon was finally defeated.

NATIONAL ASSOCIATION OF UNITED TRADES.—Formed in 1845, on the initiative of the United Trades of Sheffield, for the purpose of bringing together all the Unions into a single body for common action and mutual defence. It ceased to have any influence after 1851, and was formally wound up in 1867.

NATIONAL UNION OF THE WORKING CLASSES.—A body of working-class Radicals formed in 1830. It was active in the struggle for Parliamentary Reform, and remained in existence until 1834. It helped to promote the agitation against the sentence of the Dorsetshire Labourers.

ODDFELLOWS.—Name of a prominent friendly society. It existed in the 18th Century as a social club, and was reorganised in 1814. Its initiation ceremonies were similar to those used by the Tolpuddle Martyrs.

ORANGE MEN.—A society of Irish Protestants formed in 1688 to support the succession of William, Prince of Orange, to the English throne. The Movement subsided for many years, and was revived in 1795. It used an illegal oath in its initiation ceremony.

ACTS OF PARLIAMENT, REFERENCES TO.—The Acts in each session of Parliament have a consecutive chapter number, e.g., 37 Geo. III c. 123. This means that the Act was passed in the 37th year of the reign of George III, and that it was the 123rd Act passed in that session of Parliament.

PETERLOO MASSACRE.—A demonstration in favour of Parliamentary Reform, held on August 16, 1819, at St. Peter's Field, Manchester. Yeomanry arrested Henry Hunt, the principal speaker, and fired on the crowd, numbering 80,000. Eleven persons, including two women and a child, were killed, and hundreds were injured.

REFORM BILL, 1832.—Disfranchised all boroughs with less than 2,000 inhabitants, and took away one member each from 30 boroughs more, whose population was between 2,000 and 4,000. This gave 143 seats for distribution among the more populous places. It bestowed the franchise upon tenants paying in boroughs a rental of £10 a year, and in counties a rental of £50.

SEDITION.—Legally, a seditious intention is an intention to bring into hatred or contempt, or to incite disaffection against, the King, the Houses of Parliament, or the administration of justice, or to incite his Majesty's subjects, otherwise than by lawful means, to alter the mode of government, or to incite any person to disturb the peace, or to raise discontent, or to promote feelings of ill-will and hostility between different classes of his Majesty's subjects.

TRADES COUNCILS.—Local organisations of Trade Union branches. Existed early in the 19th Century as joint committees of trade societies for special emergencies. Such committees helped to arouse public feeling in the case of the Dorsetshire Labourers. By 1860, permanent Councils were in existence in a few towns. There are now 420 Trades Councils grouped in district federations and represented, with members of the Trades Union Congress General Council, in a National Trades Councils Joint Consultative Committee.

TRADE UNION.—A continuous association of workers having for its prime object the maintenance and improvement of their standards of life and labour.

TRADES UNION CONGRESS.—The Trades Union Congress is the central organisation representing the Trade Union Movement as a whole. Formed in 1868, its purpose is to promote the welfare of the workers as a whole, and the interests of all its affiliated organisations, and generally to improve the economic and social conditions of the workers.

TRANSPORTATION.—The system still practised in some countries, but discontinued, in 1867, in Great Britain. Persons convicted of certain crimes were sent to a penal settlement in some distant colony, where they were segregated from other settlers and compelled to work as convicts. Various parts of Australia and Tasmania were originally used for this purpose.

WHIG.—Name contemptuously used by the Tories, from the time of Charles II to the middle of the 19th Century, to designate their political opponents, the more progressive party, which was subsequently known as the Liberal Party. The Whig Party was in office at the time when the Dorsetshire Labourers were sentenced.

MADE AND PRINTED IN ENGLAND BY
THE PELICAN PRESS
2 CARMELITE STREET, LONDON, E.C.4



A. H. MEADEN

UNDER WHOSE GUIDANCE THIS
BOOK WAS DESIGNED AND PRINTED