#### SOME POLITICAL ISSUES IN

#### NINETEENTH-CENTURY BRITAIN

PART ONE: THE GOVERNMENT AND WORKERS' ASSOCIATIONS,

THE RURAL REBELLIONS OF 1830, PARISH GOVERNMENT,

CATHOLIC EMANCIPATION

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Some Political Issues in Nineteenth-Century Britain Part One: The Government and Workers' Associations, The Rural Rebellions of 1830, Parish Government, Catholic Emancipation.

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Michael Pearlman University of Michigan July, 1977

#### Editor's Note

"Some Political Issues in Nineteenth-Century Britain. Part One: The Government and Worker's Associations, The Rural Rebellions of 1830. Parish Government, Catholic Emancipation" is the second in a series of briefing papers for the Great Britain Study. The Great Britain Study is a close examination of "contentious gatherings" in England, Wales, and Scotland from 1828 through 1834. The briefing papers summarize the current historiography, available source materials and bibliography for questions which are important to the understanding of conflict in Great Britain during those pivotal years. We have designed them to inform the editors, coders, and analysts of our data. We hope they will be useful to other scholars as well. In his first briefing paper, Michael Pearlman (a graduate student in modern European history at the University of Michigan) provided a general survey of the period under study. In this paper he takes up four issues which became objects of serious contention during the period 1828-1834: the rights of workers to organize on behalf of their own interests, the agrarian conflicts of 1830 (commonly known as the Swing Rebellion or the Last Labourers' Revolt), parish government (with respect to which the role of self-perpetuating Select Vestries was hotly contested in the late 1820s) and Catholic Emancipation. Future reports will take up such questions as Parliamentary Reform and the law of assembly. We will welcome corrections and additions.

Charles Tilly

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## The Government and Workers' Associations: Friendly Societies and Trade Unions

#### General



Mutual benefit societies, or friendly societies, as they are usually known in England, whave a long but somewhat obscure history. With the breakdown of the guild structure in most trades (by the 17th century), workers found it necessary to organize their own institutions to fulfill certain important functions such as burial, sickness, and old-age insurance. These friendly societies became more widespread through the 18th century, and government sources estimated that nearly one million workers were enrolled in such organizations by 1815. The governing classes were not completely hostile to such societies; the local gentry, priests, judicial officers, and manufacturers hoped that mutual insurance among the working classes would keep down the poor rate, as well as imbue the lower orders with the spirit of hard work and self-help. But concern did exist over other functions that friendly societies fulfilled. The clubs often became the center of social life for workers in various trades, meeting regularly at local taverns and displaying a type of conviviality not appreciated by the upper classes. Moreover, these societies sometimes developed the function of trade unions or served as a cover for union activity, particularly during the pre-1824 period when trade unions themselves were outlawed. Thus the question for the government, as stated in A Treatise on Ignorance (1808) by P. Colquhoun, was

how far may it be practicable to organize these excellent institutions, so on the one hand to render them productive of benefits infinitely more extensive to the parties interested, and on the other to divest them of their tendency to moral and political evil. Rose's Act, c.54

The first general legislation concerning friendly societies was 33 Geo, III, passed by Parliament in 1793. This Act for the Encouragement and Relief of Friendly Societies, often called Rose's Act after its sponsor, gave certain benefits to all societies registered under its provisions. First, and most important of all, the act gave legal recognition to the friendly societies, allowing the society to enter into contracts, to sue its officials for embezzlement and breach of trust, and permitting the courts to enforce payments on behalf of their members. Members of the societies who were not legal residents of the parishes they inhabited could not be removed unless they became chargeable to the local poor rate (seemingly an important privilege under the Old Poor Law), and the society itself was to be free of certain stamp duties relating to its official business. In order to register, the societies were to present their rules and regulations to the local Court of Quarter Sessions, whose magistrates were to examine the documents for their suitability under the law. All amendments to the rules were to be passed by a two-thirds majority of the members, and submitted to the Court for approval. In addition, the courts were given particular summary powers to enforce the regulations of the society in regard to contributions, disbursements, and official malfeasance.

Amendments to Rose's Acts

Nothing in Rose's Act required that friendly societies register with the local magistracy; many societies refused to do so, particularly in Scotland, where the common law gave greater recourse to institutions which had no official legal status. Other acts were passed through the next years to induce them to register. In 1795, friendly societies which existed before the passage of Rose's Act were allowed an extra year to gain official status, while other types of benefit societies for those in distressed circumstances were brought under the aegis of the earlier act

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(35 Geo. III, c.91). In 1809, justices were given greater authority to name the time and mode of payment of summary judgments under the act (49 Geo. III, c.125), and in 1817 the Savings Bank Act included a section allowing friendly societies to deposit their funds with such institutions at the relatively generous interest rate of three per cent per annum (57 Geo. III, c.130).

The major problem facing friendly societies during this period was a tendency toward chronic insolvency. Societies were often founded without the necessary actuarial data, because of a lack of expert knowledge on the local level, as well as a lack of statistical experience with specific groups of workmen. Thus a new Friendly Society Act in 1819 (59 Geo. III, c.128) required that all new societies were to have their actuarial tables reviewed by two qualified individuals under the direction of the local magistrate. Moreover, all new friendly societies were to appoint three trustees, two of whom were to be substantial property owners (i.e., assessed at least £50 for poor relief). All property and funds of the society were to be vested in these trustees.

Report of the Select Committee on Friendly Societies, 1825

> Report of the Select

Committee

Societies,

1827

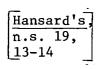
These new requirements were not sufficient for the government's purposes (particularly since only new societies come under its provisions), and a Select Committee on Friendly Societies was appointed by the House of Commons in 1825, under the chairmanship of Thomas Courtenay, to study the question. The committee reaffirmed the earlier legislative support for friendly societies as institutions dedicated to working class self-help and the lowering of the poor rate, and addressed itself to three major problems: financial insolvency, the use of friendly society funds for social purposes, and the support of illegal combinations by some societies. The committee paid most attention to the question of actuarial tables, and on Friendly a new committee was organized in 1827 to specifically examine this topic.

Friendly Society Act of 1819

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Friendly Society Bill of 1828





Act of L829

In February 1828, a bill, based on the deliberations of the committee was introduced into the Commons; it required all registered friendly societies to adopt the provisions of the 1819 act relating to trustees, and established a mechanism for the central review of all society actuarial When the bill was brought before the House in April for a second tables. reading, the Whig leader Henry Brougham presented a petition from friendly societies in Manchester, complaining about the requirement to reregister Cam under the proposed new act. John Cem Hobhouse, another Whig, objected to the bill, claiming that the qualifications for trusteeship were obnoxious to those directly concerned, i.e. the friendly societies themselves. M.P. Thompson from Dorsetshire argued that opposition to the bill was being organized by publicans (presumably since they would lose business if the trustees limited the social activities of the clubs), but the bill was put on the table for the remainder of the session.

In May 1829, an amended bill was introduced into the Commons. This Friendly Society bill (enacted as 10 Geo. IV, c.56) dropped the trusteeship requirement, but demanded that all registered societies should forward their rules, regulations, and actuarial tables to the Barrister at Law appointed to nsard's. certify the Rules of Savings Banks, who would examine them for reasonable-390-1391 ness. Otherwise, the requirements for registration, and the other aspects of earlier gegistration, were to remain essentially unchanged. Courtenay complained in the House that he had received a bad name from his advocacy of the 1828 bill, and that his intentions had been misconstrued. But no opposition to the new bill was recorded, and it became law. This act, as amended in 1834 (4 and 5 Wm. IV, c.40) remained in force until another major revision in 1855.

Trade Unions

Prior to the 19th century, combinations of workmen organized for the purpose of enforcing standards of wages, hours, or working conditions were

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Combination Acts. Musson, 1972, 22-26; George, 1936; Thompson, 1963, 500-516; Webb, 1920, 64-82 considered by the government to be in restraint of trade and therefore subject to repression under the common law of conspiracy. Theoretically, the regulation of industry was a duty of the local magistrates under the Elizabethan Statute of Artificers (5 Eliz., c.4), and workers were only allowed the right to petition the relevant authorities in their own defense. But with the growth of the capitalist free market, the government abdicated its responsibility in this arena, and workers in some industries began to organize trade unions and societies. In response, Parliament adopted new legislation during the 18th century (in 1743, 1758, 1763, 1771, and 1779) to back up the common law with statutory powers against workers' associations in particular trades. Finally, during the anti-Jacobin hysteria, Parliament passed the Combination Acts of 1799 and 1800 (39 Geo. III, c.81, and 39 and 40 Geo. III, c.60) which generalized this trend; all combinations of workers were to be prohibited, with penalties up to three months imprisonment for any trade union activity.

The nature and effectiveness of these Combination Acts have become the focus of a significant historiographic controversy. The classic historians of the British labour movement, the Webbs, claimed that the Combination Acts represented a "new and momentous departure" by Parliament in the direction of repression of the trade unions. But more recent research by M.D. George and Arthur Aspinall has shown rather decisively that the Webbs were overstating their case; the Acts merely added additional power to a series of common and statute law prohibitions. Moreover, the existence of legislation did not necessarily mean repression. The government and the employers were often hesitant to move against the trade unions, particularly in the better-organized artisinal trades. Thus the years 1799-1824, while the Combination Acts were in force, were paradoxically

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a period of tremendous expansion in union activity. E.P. Thompson, in <u>The Making of the English Working Class</u>, has attempted to stake a middle ground in this dispute; agreeing with most of George's arguments, he continues to point to the "general prohibitive influence of the Acts which could be used <u>in terrorem</u> against the unions. Thompson also claims that the Acts, by forcing the unions into an outlaw existence, drove them into an alliance with the political Jacobins. But such a statement is difficult to prove, lacking the necessary documentation.

Repeal of the Combination Acts, Webb, 1920, 96-112 In 1824, the repeal of the Combination Acts was passed by Parliament through the efforts of Francis Place, the London master tailor and radical. Place and his allies hoped that the legalization of trade unions would bring industrial peace, but they were quickly proved wrong. The Act of 1824 had removed not only the statutory legislation against combination, but also had exempted the unions from the common law against restraint of trade; workers took advantage of these new provisions, and the years 1824-1825 saw a tremendous surge in combination and strike activity.

In response, the Parliament (many members of which had not clearly understood the provisions of the 1824 Act) passed a revised Act in 1825 (6 Geo. IV, c.129). The common law remedies against combinations were to be put back in force, except for combinations with the sole purpose of regulating wages and hours. Violence, threats, intimidation, molestation, or obstruction with the purpose of forcing workers to quit work, to belong to any club or association, to pay fines for not belonging or complying with the rules of such an association or contributing to its funds, or to force any employer to alter the mode of carrying out his business or to limit the number of his apprentices or the number or description of his journeymen was to be punished by three months at hard labor. The wording

The Trade Union Act of 1825 of the act was vague, particularly as to the definition of threat, intimidation, molestation, and obstruction, but the intent was clear. Combinations were only legal if constituted for the purpose of regulating wages and hours <u>only</u>. Attempts to enforce a closed shop or in any way regulate working conditions were illegal and punishable under the statute and under common law.

Judicial interpretation of the 1825 Act

. .

Citrine, 1950, 7-9; Erle, 1869; Bryan, 130-146

Further judicial interpretation was necessary to discover exactly what trade union practices were threats, intimidation, molestation, and obstruction, and the precedents themselves were contradictory. The act of striking itself was seemingly legal, but certain justices [e.g. the case of Reg. vs. Duffield (1851)] ruled that even peaceful picketing which attempted to induce other workmen to join the strike was a molesting of the rights of the employer and the obstruction of his manufactory. In 1832, trade unionists were convicted for writing to their employer and threatening to strike unless their demands were met (Rex vs. Byderdike). On the other hand, Justice B. Rolfe, in R. vs. Selsby (1847) ruled that peaceful persuasion was in no way illegal. It was not until the Molestation of Workmen Act of 1859 that peaceful picketing became conclusively legal; in the meanwhile "the practical effect of these decisions was that although combinations to raise wages were lawful, they were hamstrung. While a strike to raise wages might be perfectly lawful, it was unlawful to threaten the employer that such a strike would take place, or to peacefully persuade persons to take part in it"(Citrine, 1950:9). Moreover, other weapons were still available to the government against the unions; the law against illegal oaths (used against the Dorchester labourers in 1834), and the medieval law of master and servant, which made it a criminal offense for workers to break a contract and leave their work undone. Effective trade union activity thus remained illegal under the 1825 Act.

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## Chronology

A. Friendly Society Legislation

1793		Rose's Act gives friendly societies various legal rights
1819		Major revision of Rose's Act requires all new societies to appoint trustees
1825		Select Committee of House of Commons examines state of friendly societies
1827		Select Committee renewed to study actuarial data
1828 (	(April)	Friendly society bill tabled
1828 (	(May)	New Friendly Society Act passed

## B. Trade Union Legislation

1799, 1800	Combination Acts outlaw trade unions
1824	Francis Place masterminds repeal of Combination Acts
1824-5	Trade union upsurge throughout Great Britain
1825	New legislation places restriction on trade union activity

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An appendix A-1 entitled The Rose's Act 33 Geo. III, c.54 is available in the Great Britain Study shelf of materials located in the Perry Building.

#### The Rural Rebellions of 1830

The agricultural workers' uprising of 1830, called the Captain Swing movement after its anonymous and ubiquitous hero, was the greatest rural rebellion of the 19th century in England. The movement, which touched twenty English counties and inspired the fear of a generalized laborers' revolt, received little attention in the standard historical texts until the work of the Hammonds at the turn of the century. Their study remained the classic exposition of the revolt until the publication, by Eric Hobsbawm and George Rudé, of <u>Captain Swing</u>, a comprehensive reworking of the available documents in the light of modern social historical technique. Any account of the movement and its place in the history of collective action must be greatly indebted to this work; this paper is particularly so.

The social background to the Swing movement can be found in the transformation of economic relations in the British contryside after 1750. By this time, the classic triad of English agricultural production had been established. The majority of land was owned by large-scale holders, who leased to farmers and graziers, and who themselves hired agricultural laborers, shepherds, and farm servants. The classic small-holding peasants were a dying minority, predominating only in the thinly populated regions of Wales, the Pennine dales and the Scottish Highlands. The period 1750-1850 saw a tremendous expansion of agricultural production in response to the general population increase and the demand from the growing urban centers. Landlords took advantage of this long-term boom market by turning six million acres, nearly 1/4 of the total cultivated acreage in Britain, from open field, common land, meadow and waste into private fields, mainly through Parliamentary Enclosures. These enclosures, by removing the rights of agricultural laborers to the use of the common fields for grazing and

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threshing, made them totally dependent on the vicissitudes of the labor market for their sustenance; in the Hammonds' phrase, it turned them from cottagers with land into cottagers without land. Moreover, the English countryside became the site of a permanent labor surplus, as the emigration to the cities and towns never kept pace with population increases.

Thus the economic condition of the agricultural workers deteriorated over the years. Farmers, taking advantage of the labor surplus, tended to decrease the number of workers hired by the year or the season, and to begin hiring by the day or the week. Unemployment and underemployment were chronic, while wages were driven down below the subsistence level, particularly in the low wage area south of the line connecting Chester and the Wash. The response to this situation by the rural authorities was the Speenhamland system of poor relief; by supplementing low wages through the poor rate, Speenhamland tended to institutionalize poverty and eradicate the distinction between worker and pauper.

The degeneration of the position of the rural laborers entered a new and actue phase after the end of the Napoleonic Wars in 1815. The war boom gave way to an agricultural depression, as the average wheat prices dropped nearly 50% over the next ten years. The temporary labor shortage disappeared as up to 250,000 men returned to the countryside, and the brunt of the crisis was borne by the agricultural worker. Over the next fifteen years, theft, poaching, and individual acts of arson increased tremendously, but there were only two major outbreaks of mass rebellion, both in East Anglia, in 1816 and 1822. These movements, marked by incendiarism and threshing maching breaking, displayed many of the features seen later in the wider-ranging uprising of 1830.

The 1830 outbreak itself seems to have been caused by a convergence

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of both an economic and a political crisis. The harvest of 1829, following a relatively good year, was one of the worst of the 19th century; poor rates were slashed throughout agricultural England in response, and the workers faced the winter of 1830 in an apprehansive mood after a mediocre Into this equation was thrown the precipitant of political harvest. unrest. General elections held in August had swung against the Tories. while word was arriving of the overthrow of the Bourbons in France. Although the agricultural laborers were generally isolated from the political life of the nation, it is probably no accident that the movement began in Southeast England, nearest to the Continent. Hobsbawn and Rude point to the large number of rural artisans (tailors, shoemakers, and the like) arrested in the repression, as well as to the higher proportion of incidents in villages with a large number of artisans; these elements probably served as a transmission belt, bringing the news of changed political circumstances to the agricultural larorers. Contemporary observers in the cities attempted to blame political agitators like Cobbett and Hunt (both of whom were touring areas nearby the centers of revolt), but the research of Hobsbawm and Rude points to a more circuitous route of influence, through local residents aware of the national and international events.

The first sign of rural unrest in 1830 was a series of fires in northwest Kent, near Orpington and Seven Oaks, during the first week in June. Isolated incidents such as this were a normal weapon of social protest in the English countryside, and little notice was paid until the breaking of the first threshing machine in Lower Hardes, Kent, near Canterbury, on August 28. Although the next two weeks were relatively quiet, by the third week in October over 100 machines had been broken, and the area around Maidstone had become the center of agitation for a fixed

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minimum wage. At the end of October, the movement spread westward, and in the first week of November reached into the Sussex Weald. By the middle of the month, Western Sussex had been infected. It had taken nearly two months for the rebellion to spread through Essex, two more weeks before West Sussex had been affected. But only three days later, on November 18, the first incident occurred in Hampshire, near Portsmouth. The uprising had picked up both speed and intensity.

At this point, it might be useful to outline the events of a "typical" riot. Although in some areas, the events never progressed beyond what might be called the preparatory stage, while in other villages, particular methods or aims were emphasized, the uprisings generally had two goals: the increase of wages and/or poor relief, and the amelioration of winter unemployment through the destruction of threshing machines. The beginning of agitation in a region was usually announced by individual acts of arson and the dispatching of letters from the infamous Captain Swing, warning against the use of the machines. Ultimately, a group of laborers and their supporters would gather at a beerhouse, in a nearby wood, or another meeting place. Once a critical mass was reached (usually 25-200), the crowd would march upon the houses of local farmers, peacefully persuading or physically .. impressing new members en route. These roving bands often took on the trappings of a parade, the self-appointed or elected leader wearing a white hat or mounted on a white horse, others blowing alarums or carrying flags, possibly even a tricolour. The slogans were often violent, but the actions rarely were; upon arrival at the farmhouse, a few appointed individuals would begin dismantling the threshing machine, while the crowd demanded money, food, or drink from the tenant.

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Usually, the laborers met little resistance from the local farmers. The smaller ones, in particular, were themselves dubious about the economic advantages of the threshing machines, which they had adpored because of competition from their larger and richer neighbors. Moreover, the farmers had their own grievances -- high rents, tithes, and taxes. Often, the farmer would concede to the crowd's demands for a minimum wage, under the condition that his own rent, or more likely, his tithe was lowered. The crowd would then march off to the home of the parson, landlord, or titheholder, or possibly invade the parish select vestry or the local market town, on behalf of both themselves and the farmers. These confrontations were often more violent, with the parson being the most frequent victim of attack. Another common scene of violence was the parish workhouse, the hated symbol of poverty and oppression.

It was in Hampshire and Wiltshire that the Swing movement attained its greatest momentum and dispersal, although lasting for only a little over a week (November 18-24 in Hampshire, November 21-26 in Wiltshire). The repertoire of collective action in these counties was similar to that in Kent and Sussex, with certain new emphases; there was less arson and more machine breaking, particularly in Wiltshire. Moreover, for the first time, some industrial machinery was attacked (a sawmill, a sacking manufactory, a threshing machine factory, and a woolen mill). There also seems to have been less cooperation with the farmers in these counties, i.e. fewer attacks on landlords, parsons, and rate-collectors.

Up to this point, the rebellion had spread from its origin in Kent either by foot or by word of mouth, but in direct lines of influence. But from November 15, an independent center developed in South Berkshire, which spread to North Wiltshire, Gloucester (November 26-28), and toward

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Oxford and Buckinghamshire. Huntingdon also found itself the center of a "contagion" during the last week in November, affecting parts of Bedford, Hertford, and Lincoln. Meanwhile, the original wave of risings had begun to play itself out upon reaching Dorset (November 23-29) and Somerset (November 30-December 1), the western edge of the Southern English graingrowing region.

East Anglia, the scene of rebellions in both 1816 and 1822, also rose in late November 1830. Again, fires and Swing letters predated the major events. Wage movements and machine breaking began in the northern coastal region of Norfolk, around Walsham, on November 19, spread to the Norwich area by November 27, and the Ipswich-Colchester region in the first week of December. Particularly in Eastern Sussex, the riots were notable for the close cooperation between the laborers and the tenant farmers, some of whom were accused of intentionally fomenting the movement. North and west of East Anglia, Cambridge and Lincolnshire were also the sites of major confrontations, while further away, Leicester, Warwick, Stafford, Shropshire, Cumberland, and Yorkshire saw isolated incidents, mostly arson.

Although in some cases, the movement was carried from one village to the next by a mobilized band, Swing generally moved by word of mouth and the "contagion" of example. Hobsbawm and Rude posit that the riots followed "the complex system of smaller veins and capillaries which linked each parish to its neighbors" (p. 190), rather than the major arteries of intercourse between larger towns. But a recent thesis by Andrew Charlesworth claims to show that "the major nodes and networks of each region, not the country lanes, formed the spatial framework through which the disturbances were channeled," while the inter-village networks played a

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secondary role. Charlesworth's case here seems generally convincing, although he is forced to explain away quite a few exceptions.

In toto, the Swing movement was responsible for 350-400 cases of arson, 20-25 attacks on industrial machinery, the breaking of 390 threshing machines, and a variety of other disturbances (all listed in Hobsbawm and Rudé (1968), Appendix III). Analyzing the distribution of riotous events, Hobsbawm and Rudé divide the question into its marro- and micro-levels. On the most general plane, the riots centered in the classic low-wage, grain-growing areas of England (that is, the South and East), while diffusing in the pastoral West and the higher-wage North. The areas of hops and wheat cultivation were particularly prone to unrest, while the truck-farming area surrounding London (for about 25 miles) remained relatively immune, except for some incendiarism. Within the rebellious area, Hobsbawm and Rudé point to the propensity of the following types of villages to enter into action:

- 1) larger villages
- 2) villages with a higher proportion of artisans
- 3) villages serving as centers of trade and communication, i.e. villages with fairs, markets, or lawyers
- 4) villages dominated by owner-occupiers rather than tenants
- 5) classic "open" parishes, i.e. rural slums whose excess population labored in neighboring areas
- 6) villages with a tradition of non-conformist Protestantism
- 7) parishes with concentrated employment, i.e. a high ratio between laborers and employers
- parishes with a recent history of enclosure. Hobsbawm and Rude have been criticized for waffling on this point. See Tilly, 1970.

This analysis clearly shows that the occurrence of Swing was not directly related to the level of poverty in any particular community, but

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was rather mediated through the factors listed above. But Hobsbawm and Rudé have been taken to task for their tendency to isolate the strictly agricultural basis of revolt. Tilly, in particular, has pointed to the relation between riotous areas and regions of declining rural industry (which Hobsbawm and Rudé deny in the second edition of their book). Also, E.P. Thompson (1969) has called for a further look at the connection between the rebellion and political radicalism. Both of these points require study and clarification.

Governmental authorities responded to the Swing movement with a combination of concession and repression, neither of which was totally effective. The Wellington ministry reacted slowly to the developments in Kent, and it was not until the riots spread to the Sussex Weald that troops were dispatched. These forces, according to Hobsbawm and Rudé, served as a deterrent and a warning, being used mainly to guard the towns, and usually arriving too late to affect the outcome of any particular action. Peel, at the Home Office, urged the creation of special local units or the revival of the Yeomanry, but essentially left the local justices to their own devices. Some J.P.'s, particularly those in Norfolk, urged conciliation, while those who attempted to organize resistance found it difficult to enroll local farmers (who often sympathized with the laborers' plight, even when not in open alliance). The most effective repressive forces were organized privately, as a sort of feudal army, by local notables; the Duke of Buckingham created such a force near Winchester, as did the Duke of Richmond in West Sussex. This latter body was often cited as a particularly commendable force, organized in mobile units and dispatched to areas of likely trouble.

The accession to power of the Whigs on November 22, placing Lord Melbourne in office as Home Secretary, was marked by sharpened governmental

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intervention against the laborers. Melbourne issued a proclamation on November 23 offering a £500 reward for the capture of rioters and incendiaries (and, two days later, a circular demanding repressive action and recommending the adoption of Richmond's Sussex plan). Military officers were dispatched to the counties to aid the J.P.'s, but again, on December 8, Melbourne had to issue another circular rebuking certain magistrates for their laxity.

Ultimately the riots ceased, with or without concerted repression, and the government instituted judicial action against the nearly 2,000 prisoners seized in the events. Fearing over-sympathetic justice from local magistrates, the government established a Special Commission to try the rioters in Hampshire, Wiltshire, Berks, Dorset, and Buckingham. Of the 992 cases tried by the court between December 18 and January 10, 378 defendants were dismissed, 35 sentenced to transportation, 252 sent to prison for various terms, 2 were fined, and 227 were convicted of capital crimes (of these, only 11 were ultimately executed). Meanwhile, the other counties proceeded in the normal manner, and with greater leniency. In sum, 1,976 prisoners were tried by 90 courts in 34 counties; of these, 252 were sentenced to death (233 of these sentences were commuted, often to transportation, while the remaining 19 were executed), 505 were ordered transported (481 ultimately sailed for Australia), 644 received prison sentences, 7 were fined, and one convict was whipped.

Echoes of Captain Swing were heard in rural England for the next few years, but the Hammonds were not wrong in declaring the 1830 movement the last laborers' revolt, at least of the old style. Incendiarism remained endemic, but it was not until the 1870's and the birth of agricultural unionsim that the rural workers again expressed their grievances in a mass movement affecting large portions of the countryside. The temporary

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successes of the revolt, the halt in the spread of threshing machines and the wage increases were soon wiped out. But Swing had put the fear of God into the rural elites. And, although the rural and urban movements were never consciously united, the laborers had set a certain tone for the political agitation that was engulfing Britain. Chronology

June Fires in Northwest Kent

August Parliamentary elections; word arrives of July Revolution in France

Mid September Wage movements and machine-breaking begin generalizing in East Kent

Late October Riots spread toward Kent Weald

Early November Movement reaches Sussex

11 November First troops dispatched

15 November West Sussex rises; independent center develops in Berkshire

18 November First incident in Hampshire -- nearly all of Hampshire and Wiltshire affected over next week

- 22 November Whig cabinet takes power
- 23 November Melbourne issues proclamation offering reward for capture of rioters
- 27 November Meetings and machine breaking spread in Norfolk; Gloucester and Huntingdon affected

Last week in November

Movement reaches greatest extension; original wave of revolt in South begins dying out upon reaching Dorset and Somerset

First week in December Revolts center in Suffolk and Essex; isolated incidents elsewhere

8 December Melbourne rebukes Norfolk J.P.'s for conceding to rioters

18 December-10 January Special Commission tries prisoners in Hampshire, Wiltshire, Berkshire, Dorset, and Buckingham

For graphic descriptions of events, see the tables and charts in <u>Captain</u> Swing.

Hobsbawm, E.J. and Rudé, George, <u>Captain Swing</u> (New York: Pantheon, 1968) includes appendices on the distribution of disturbances by county, a table of incidents, and a summary of the repression, as well as a comprehensive bibliography of sources and secondary works published through 1968. For a summary of their argument (in French) see Hobsbawm, E.J., "Les soulevements de la campagne anglaise, 1795-1850," Annales, 32 (1968), pp. 9-30.

For relevant reviews of Captain Swing, see:

Mingay, G.E., English Historical Review (1970), pp. 810-814. Russell, R.C., Agricultural History Review, 18, pp. 173-175. Thompson, E.P., "Rural Riots," New Society, 13 February 1969, pp. 251-252. Tilly, Charles, Journal of Social History, 4 (1970), pp. 163-167.

- A contemporary work not listed in <u>Captain Swing</u>, but used by the authors, is Wakefield, E. Gibbon, <u>Swing Unmasked</u> (London: 1831).
- The other major work on Swing is, of course, Hammond, Barbara and John L., The Village Labourer (London: Longmans, Green, 1920).
- Although Hebsbawm and Rudé have opened the book on an important chapter in British social history, few have yet to take up their call for further research. Those who have include:
  - Charlesworth, Andrew, <u>Captain Swing: A Spatial Viewpoint of an</u> <u>Historical Event</u> (Masters' Thesis, Pennsylvania State University, 1974).
  - Richards, Eric, "Captain Swing in the West Midlands," <u>International</u> Review of Social History, 19 (1974), pp. 86-89.

Other relevant studies of 19th century rural uprisings are:

- Amos, S.W., <u>Social Discontent and Agrarian Disturbances in Essex</u>, 1795-1850 (Unpublished M.A. Thesis, Durham University).
- Peacock, A.J., "Village Radicalism in East Anglia, 1800-1850," in Dunbabin, J.P.D., <u>Rural Discontent in 19th Century Britain</u> (New York: Holmes and Meier, 1974).
- Reaney, Bernard, <u>The Class Struggle in 19th Century Oxfordshire:</u> <u>The Social and Communal Background to the Otmoor Disturbances</u> of 1830-1835 (Oxford: Oxford University Press, 1970).

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  - Royal Exchange Assurance Co., Agents' Books, 1826-33, MSS. 7253/93-8; Head Office, 1828-34, MSS. 7254/64-6.
  - Sun Fire Office, Gen. Meeting, Ctee of Accounts, Management Ctee, County Ctee. Minute Books, Policy Registers, Claims (MSS. 11,931-7, 11.963).

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1818	Vol. XVI, Criminal Returns.
1821	Census.
1821	S.C. on State of Agriculture.
1822	S.C. on State of Agriculture.
1823	S.C. on Game Laws.
1824	S.C. on Labourers' Wages.
1824	S.C. on Poor Rate Returns.
1826	S.C. on Emigration.
1826-7	S.C. on Criminal Commitments.
1826-7	XIX Criminal Returns.
1828	S.C. on Game Laws.
1828	S.C. on Poor Laws.
1829	XVIII Criminal Returns
1830	XXVII Hop Duty Returns.
1830-31	S.C. on Poor Laws.
1830-31	XI Returns of Poor Law expenditure.
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1837	S.C. on Transportation.
1840	Report of Registrar-General.
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1843	Reports on the Employment of Women and Children in Agriculture.
1844	(House of Lords) Ages and Descriptions of Persons committed
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#### Parish Government

An ecclesiastic parish, in medieval England, was the local area where reciprocal duties (such as tithing) existed between a priest and the local inhabitants. By 1689, the parish had acquired various civic functions, such as the maintenance of the peace, the supervision of roads, and the administration of poor relief; it had become the major division of local government, except in those Northern English counties where certain extremely large parishes were subdivided for the purpose of secular administration. There was a tremendous variety in the size and population of the 15,000 parishes in the Great Britain of 1830; many were rural hamlets, little removed from medieval village life, others included 200 square miles of Northern moorland, while still others (in suburban London) numbered over 100,000 inhabitants. The boundaries of the parish were not coincidental with other administrative units such as the hundreds or the borough -- in fact, some parishes were cut in half by county lines. No clear precedent existed for changing parish borders; as new churches were built or old ones destroyed, new civic parishes might be created, or might not. Legal membership in the parish was as indeterminate as its boundaries, as for certain purposes, all owners of land or houses in the areas were considered to be "members" of the parish, while for others, actual residence or rate-paying might be required. Since the administration of the parish of 1830 was so bound up with a variety of local customs, as well as specific parliamentary legislation, it will be necessary to examine the history of the parish as a civic body to understand its contemporary role.

The communal duties of the parish originated in church affairs, and the oldest parish office was that of Churchwarden. Usually two to four Parish Officials (Webb, 1906, 9-41) .

in number, the churchwardens were selected annually, either by election at an open meeting of the parishioners, by nomination of the previous churchwarden, by appointment by the local Incumbent (i.e. the rector or vicar) or any other method of local custom. The responsibilities of the churchwardens were centered around the upkeep of the parish church, although they later became involved in other aspects of parish affairs along with the Overseers of the Poor and the Surveyors of the Highways. Their major duty, however, was the setting and collection of the church rate, an ancient custom legitimated by common law.

With the breakdown of feudal order on the local level, the Tudor monarchs began to utilize the parish structure for the administration of non-ecclesiastic affairs. The most important functions which devolved on the parish were the upkeep of the local roads (including paving, lighting, cleaning, and policing), the support of the poor, and the maintenance of the peace. The latter was the responsibility of the constable, who was the local arm of the magistrates. Originally an official of the manor, the constable became the parish representative of the justices of the peace (J.P.'s) by whom they were usually appointed. Thus they were parish officers in name only, being accountable to the J.P.'s and the High Constable of the Hundred in their duty of apprehending and detaining local law-breakers. In the 16th century, two new sets of officials were added by parliamentary statute to perform duties which were previously the responsibility of the constable. These Surveyors of the Highways and Overseers of the Poor (usually two to four of each per parish) were theoretically subordinate to the J.P.'s; annual reports of their activities were required; their rates had to be approved; moreover, the J.P.'s could rule as to specific uses of the funds. But by the 19th century, the J.P.'s had effectively alienated this power to the vestry,

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and usually ruled on local affairs only during disputes between factions of the parish. The 5,000 J.P.'s in Britain could no longer hope to control the details of local government, and the parishioners began to feel that such control was unnecessary and arbitrary.

Parish Vestries

Open <u>Vestries</u> (Webb, 1906, 104-146) The body which actually controlled the parish during this period was the vestry. As another agency of government without a clear statutory existence in most localities, the constitution of parish vestries differed throughout Britain. In the majority of areas, the vestry was "open" -that is, all ratepayers were members, and the vestry evolved into a sort of local democracy, with all major communal decisions discussed and voted at vestry meetings. (Of course, in most areas, the vestry was dominated by the local landlords and their agents.) These vestries had wide-ranging powers; as the Webbs have stated, "By custom, the right and power of the parish to provide for inhabitants whatever services or regulative ordinances were deemed locally expedient was so vaguely extensive as to be practically without ascertained limits." But the major duty of the vestry was the appointment of parish officials, the overseeing of their duties, and the setting of the local rates.

Close Vestries (Webb, 1906, 173-247) The other major type of vestry organization was the close, or select, vestry. In certain parishes, the powers of the open vestry had been taken over the years by a self-perpetuating group, usually composed of ex-parish officials, members <u>ex-officio</u>, and up to twenty other parish residents. Some of these close vestries, particularly those whose legitimacy was somewhat dubious (i.e. either granted by the local bishop or by historic custom) made major decisions in conjunction with popular meetings, and left the day-to-day functioning of the parish in the hands of the appointed officials. But others, mainly those in the populous

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London suburbs, had usurped all the powers of the parish, and had even won the right to appoint its own members to sit as justices of petty and sessions for parish affairs. It was these vestries which particularly offended the majority of local ratepayers, and were often the focus of agitation over parish governance in the period 1827-1831.

The tremendous economic and demographic changes of the 18th century tended to destabilize the J.P.-vestry-parish officer structure which had developed over the past two centuries. Parliament continued to impose new duties in the parishes, such as the provisioning of fire protection, inspection of slaughterhouses, the licensing of pubs and taverns, and the billeting of soldiers, but did not engage in any thorough reorganization of the parish itself. Those parishes, particularly in the areas of the greatest demographic growth, which found it difficult to administer under the old system often petitioned Parliament, and the result was a series of local Acts which affected a great number of parishes. These local Acts took a tremendous variety of forms, but two were the most usual; the replacement of an open vestry by a select vestry, or the creation of a new local body for the administration of a particular parish function, e.g. a Turnpike Trust or a committee of Incorporated Guardians of the Poor. These latter bodies supplanted the vestry in regard to overseeing their delegated operation and setting the relevant rate. Usually, the Local Act reorganized a single parish, but often, particularly in the case of the poor law, created a board to administer more than one parish, or in the case of the Turnpike Trusts, a section of many parishes. The composition of such bodies varied from locale to locale, but usually included representatives of the parishes ex-officio, and elected members based on a limited franchise.

Local Acts Spencer, 1911, 114-173

Thus, in the early 19th century, English local government was composed of a variety of bodies, whose interrelation was intricate and often obscure. Decision-making power was generally held by an open vestry, a close vestry, or an incorporated body dedicated to a limited area of  $m_{\rm eff}$ administration; the parish officials were responsible to these organs; ... and the justices of the peace were more or less involved in overseeing their operation and adjudicating disputes. But this structure, even with the changes brought about by the 18th century Local Acts, proved unable to cope with the increasing size and complexity of the tasks of local government. The functioning of the poor law on the local level received particular attention because of the tremendous increase in the burden of the poor rates in the late 18th and early 19th century -- many blamed a large part of this increase on local corruption and inefficiency. Thus Parliament, in 1817, appointed a Select Committee on the Poor Laws, chaired by Sturges Bourne, to investigate parish administration. Two pieces of legislation resulted. In 1818, an Act for the Regulation of Parish Vestries, applying to all vestries outside of London and Southwark without relevant local Acts or peculiar customs (58 Geo. III, c.59), codified certain regulations concerning the functioning of the vestries. Rules for vestry meetings were adopted, and a system of plural voting was established (giving those rated at L50 or less one vote, with an extra vote for each additional L25 of assessment, up to six votes). In 1819, an Act to Amend the Laws for the Relief of the Poor (59 Geo. III, c.12) legalized the executive committees which had been established by various parishes to streamline local government. These committees were to consist of the parish Incumbent, the Churchwardens and Overseers, along with five to twenty other parishioners elected annually by the open vestry, and were to be responsible for the operation of the Poor  $\ddot{}$ 

The Sturges <u>Bourne Acts</u> (Webb, 1906, 148-157) Law in the parish. But these Sturges Bourne select vestries, as they were called (not to be confused with the "close," or "select" vestry which we have discussed already) were adopted by only 3,000 of the 15,000 parishes, most of whom had already organized such committees.extra-legally. The 1818 Act affected even fewer parishes, as most came under a local Act or a peculiar custom, and were thus exempted from its provisions. The forms of parish administration therefore remained nearly as varied throughout Britain, even after this attempt to codify their method of operation.

In the late 1820's, the governance of the close vestries became an

The Reform of the Close Vestries (Sheppard, 1958, 275-301; Webb, 247-278)

important political issue in London's populous suburbs. Over one quarter of the 200 metropolitan London parishes were ruled by select vestries, concentrated in the newer western suburbs which had become favorite spots for development by wealthy bourgeois and aristocrats. These interests had successfully petitioned Parliament for the suppression of the local open vestries, and the establishment of close vestries which they dominated. But in 1826, agitation began among the lower middle classes for the restoration of the open vestry in St. Paul's-Covent Garden, and by 1829 had spread to Christ Church-Spitalfields, St. James-Westminster, St. Mary-le-bonne, and St. Pancras. Individually and collectively, these parishes petitioned Parliament; their demands came to be associated with the parliamentary reform agitation, and were adopted by the London radical M.P.'s and sections of the Whigs. In 1830, a committee of Parliament, chaired by John Cam Hobhouse, was appointed to investigate the close vestry issue. Advised by Francis Place, Hobhouse paraded a series of witnesses before the committee to complain of gross abuse, fradulent management, and utter confusion in the select vestry parishes. A bill was introduced in 1830 to allow parishes to abolish the close vestries by majority vote, but was amended in committee and withdrawn. Then, in

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1831, Hobhouse reintroduced his bill at the height of the reform agitation; claiming that the select vestries were causing a discontent second only to the reform issue itself, he demanded its passage. Talk spread of organized resistance to parish ratepaying, and in the midst of the political crisis of August, 1831, both houses of Parliament passed Hobhouse's Act.

The new bill (land 2 Wm. IV, c.60) was not obligatory, and depended on the approval of a two-thirds majority in a parish referendum. Under its provisions, an executive committee was to be established to act as the supreme governmental authority in the parish; all ratepayers were to receive the franchise, but only those rated at least  $\mathcal{Z}40$  were eligible to serve as committee members. Moreover, an elective auditing body was established to oversee the parish's financial affairs. Only twelve parishes adopted this new form of goverance, but among them were the most populous suburbs where the reform movement had its greatest popular appeal. Popular committees were established to organize support for the referendum and to elect their members to parish office. Thus by 1832, the parish government in many London suburbs was under the domination of local radicals. But by the end of the 1830's, the wealthy interests had reestablished their control in most areas. The radical movement in the parishes was for all purposes dead.

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## Catholic Emancipation

History of Anti-Catholic Legislation

The question of Catholic Emancipation was one of the most important, and probably the most divisive, issue in British politics during the first thirty years of the 19th century. The original restrictions on the rights of Catholics in the British Isles were adopted by the Tudors as a weapon against their dynastic opponents. During the 17th century, Catholicism became associated with Stuart royalism, and the Revolutionary Settlement of 1689 (along with the new Penal Code) included harsh controls over all aspects of Catholic life. The small Catholic community in England, dominated by a few aristocratic families, posed no real threat to the Protestant Orange and Brunswick dynasties, and most provisions of the Test Acts of 1673 and 1678 remained unenforced in Great Britain. But in Ireland, anti-Catholic legislation was an important tool for the maintenanace of Protestant minority rule. As Edmund Burke claimed, the laws constituted "a machine of wise and elaborate contrivance, as well fitted for the oppression, impoverishment, and degredation of a people . . . as ever proceded from the perverted ingenuity of man." Strict regulation was made of religious observances, Catholic education was outlawed, economic disabilities were placed on recusants (those who refused to attend Anglican churches) and political rights were abolished. But the repression of the Catholic majority made Ireland a constant source of danger to the British government. Fear of rebellion and of Irish alliance with the hated French led Parliament to abolish the large majority of anti-Catholic laws in 1778 and 1782, and to enfranchise all Irish forty-shilling freeholders in 1793. Thus, by the time of the Act of Union (1800) between Great Britain and Ireland, the major disability placed upon Catholics was political; they were unable to hold public office, including membership in Parliament. Of course, like

all other non-Anglicans, they were also forced to pay the tithe for the established Church of England.

Although the Catholic emancipation issue cut across party lines, the demand for relief was supported by most Whigs and the majority of liberal Tories and Tories. These "pro-Catholics" denigrated the idea that Catholics could Whigs on Emancipation not be faithful citizens because of their allegiance to the Papacy and Feiling, 1938 argued that emancipation was the remedy for the perennial unrest among Hexter, 1936 the Irish peasantry and the Catholic middle class. The more conservative Mitchell. Tories, on the other hand, claimed that the Protestant settlement was inviolable, 1967 and that its alteration would remove a major prop of the established order The latter elements relied upon an appeal to a popular antiin Britain. Catholic sentiment which had been graphically displayed during the Gordan riots in 1780 (which George Rudé called "perhaps the most violent and the most savagely repressed . . . in London's history"<sup>1</sup>). But, as we will see, the Tory appeal to popular anti-Catholicism in the 1820's was ultimately unsuccessful.

The "Open System"

Machin, 1964, 3-5 As the governing Tory party itself was split over the emancipation issue, a <u>modus vivendi</u>, generally known as the "open system" was adopted in 1812 which allowed both pro and anti-Catholics to express their individual opinion on the matter, but committed the government to official neutrality. Thus, although opinion in the House of Commons was moving toward emancipation, the issue was effectively shelved; it was clear that without pressure from the government, both the House of Lords and the King would maintain their staunch defense of the Protestant constitution. Moreover, the pro-Catholics were themselves divided over the question of

<sup>&</sup>lt;sup>1</sup>See Rudé, George, "The Gordon Riots: A Study of the Rioters and Their Victims," <u>Transactions of the Royal Historical Soceity</u>, 5th series, 6 (1956) 93-114.

The "Veto" Machin

Machin, 1964, 13-32

the "veto," i.e. securities which would assure governmental control over the Catholic hierarchy, such as veto power over the appointment of clerics. Moderate, often cisalpine, English Catholics and their mainly upper-class Irish supporters hoped that such measures would reassure the government and swing it in favor of emanicpation; the large majority of Irish, though, considered the veto to be as offensive as the Test Acts themselves. Despite the tactical split, a relief bill passed the Commons by six votes in 1821. Predictably enough, the bill was defeated by the Peers.

The Catholic Association

Reynolds, 1954

The election of 1826

Machin, 1964, 65-82

A turning point in the struggle for emancipation came with the founding of the Catholic Association in 1823. The Association, led by Daniel O'Connell, turned the small, mostly middle-class movement into a popular crusade through the inauguration of the Catholic Rent, a penny a month subscription, supervised by the parish priests and collected on a mass scale. By the end of 1824, the British authorities were beginning to take notice, and in February 1825 the Association was outlawed for two years by vote of Parliament. O'Connell reorganized the Association to conform to the new law, and soon the attention of both pro and anti-Catholics was turned to parliamentary elections. A relief bill had again passed the Commons in 1825, only to be turned down by the Lords. Both sides hoped that a strong showing in the elections of the summer of 1826 would strengthen their position; the pro-Catholics hoped for victories in Ireland based on support for the Catholic Association among the forty-shilling freeholders (i.e. the peasantry), while the anti-Catholics whipped up popular sentiment in England. The results were disappointing for the anti-Catholics, who were unsuccessful in their attempts to unseat a large number of English pro-Catholics. But the 13 seat net gain for the opponents of emancipation allowed them to defeat a motion for Catholic relief in the House of Commons in 1827.

In February 1827, Lord Liverpool, who had been extremely successful in conciliating the opposed wings of the Tory party, fell ill, and the more liberal (and pro-Catholic) Canning became Prime Minister. Canning himself died in August, and his successor Goderich found it impossible to maintain both the support of the Crown and a parliamentary majority. Thus, in January 1828, Wellington became Prime Minister. Although Wellington was himself an anti-Catholic, he hoped to maintain the open system and reconcile the Tories. But circumstances were to prove beyond the Duke's control.

Repeal of Test and Corporation Acts for Dissenters

Machin, 1964, 113-8; Davis, 1966; 1971; 212-48

In February 1828, the Whigs introduced a bill into Parliament to repeal the Test and Corporation Acts insofar as they imposed political disabilities on dissenting (non-Anglican) Protestants. The dissenters had previously, by a yearly Act of Indemnity, been allowed to evade the provisions of the law, and their case was not nearly as controversial as that of the Catholics. During the 1820's, the dissenters imitated the Catholics (although rarely joining with them) by agitating for repeal, and their cause was taken up by the pro-Catholics who hoped to set a precedent for religious toleration. Thus, the government was put on the defensive when the dissenters' repeal bill passed the House of Commons by a large majority, and Wellington found it necessary to yield on the issue. In April 1828, the bill was approved by the Lords and the King. But Wellington, in order to appease the Ultra (i.e. strongly anti-Catholic) wing of his own party, was forced to take a strong stand against the Catholic Emancipation Bill introduced into the Commons in May, on the heels of the previous victory. In addition, he eliminated the Huskissonites (liberal Tories) from the cabinet, over the issue of reform of two rotten boroughs.

Wellington's balancing act was bound to alienate one faction and it was the pro-Catholics who were the first to react. O'Connell, who had

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wavered in his opposition to Wellington after the relief of the dissenters, resolved to actively oppose the ministry. An opportunity arose in June, as a by-election became necessary in County Clare, Ireland; O'Connell decided to run, personally, against Vesey Fitzgerald, a pro-Catholic but a supporter of the Wellington ministry. Obviously O'Connell could not, as a Catholic, sit in Parliament, but he correctly surmised that a victory would put intense pressure on the government. The balloting took on the air of an evangelical campaign; O'Connell raised over £14,000 in a week, and the local clergy were enlisted to lead their flocks to the polls, bivouac. with them, and maintain a sober decorum. On July 5, the results were announced, and O'Connell had gained a resounding victory.

Wellington faced a dilemma. He could continue to oppose emancipation, and refuse to allow O'Connell to sit in Parliament, but would then confront a mounting agitation in Ireland which might ultimately threaten civil war. Nearly 25,000 British troops (out of a standing army of 30,000) were stationed either in Ireland or on the western coast of Britain, but Wellington found such a solution personally repugnant. On the other hand, support for emancipation would involve alienating the Ultras of his own party and might also face the opposition of George IV. He thus decided to wait and hope that the situation would cool down.

mass meetings in Ireland. Moreover; the Ultras began an organized appeal to anti-Catholic sentiment in both Ireland and England. In June, Lords Brunswick, Kenyon, and Eldon had formed the Brunswick Constitutional Club to champion the cause of Protestant Ascendancy. The movement was to be kept under strict aristocratic control; the first 150 members were to be peers and M.P,'s, after which a call would be made for popular membership.

The opposite occurred. The Catholic Association continued to hold

The Ultras and the Brunswick Clubs

Machin, 5 1963; 1964, 131-156

The County Clare Election, June 1828

Reynolds, 1954, 56-160; Machin, 1962, 121-2 Even with this provision, many Ultra peers were opposed to the formation of an extra-parliamentary political club, which they considered unconstitutional. Others were content to rely on Wellington to maintain his opposition to the Catholics. Thus the whole weight of anti-Catholic sentiment was never mobilized behind the Brunswick campaign, or those of the older Pitt and Orange Culbs.

But by September, 1828, the popular appeal had begun. Lord Winchilsea organized a meeting in Maidstone, Kent on September 16, and a county Brunswick Club was opened to "all noblemen and gentlemen." By November 15, the pro-Catholic Spectator reported the existence of 36 Brunswick clubs in Britain. In some areas, pro-Catholics attempted to oppose the formation of the Brunswick Clubs; in Worcester, they seceded from a public meeting on the subject, but failed to prevent: the formation of a local club. The Clubs themselves were limited to the "better elements" of the population, but made appeals to mass sentiment through open monster-meetings. The first and most famous of these was held on Penenden Heath in Kent, on October 24. The size of the meeting was estimated between 25,000 and 60,000; speakers on both sides of the issue were welcomed, and addresses were made by Lord Winchilsea and R.L. Sheil, the Irish agitator, along with other notables such as Cobbett and Orator Hunt (Hunt was pro-Catholic, while Cobbett denounced both sides). A vote was taken, and the anti-Catholics were overwhelmingly victorious.

The Brunswickers hoped to emulate their success at similar meetings throughout the country, but the example was slow to take effect. Meetings were held in Cheshire, Cornwall, Exeter, Devon, and in some Welsh counties through December and January, but the pro-Catholics berated the movement as restricted to the rural backwaters. When meetings were held in cities such as Leeds, Leicester, and Edinburgh, the pro-Catholics were more

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successful, although rarely, if ever, did they constitute a majority. Certain Whigs, such as Lord John Russell, proposed organizing counterassociations, but most pro-Catholics feared provoking a backlash. Thus, popular opinion in Britain seemed generally anti-Catholic, but the Ultras were unwilling and unable to stir up the fervor associated with previous campaigns, such as that of George Gordon in 1780.

Meanwhile, Wellington and Peel, the Tory leader in the Commons, had decided that emancipation would have to be granted as a concession to the Irish. Wellington spent the fall and winter of 1828 preparing George IV, although in the interval he tried to control the Irish situation by

The passage of Catholic Emancipation

Machin, 1964, 156-178; Gash, 1961, 508-598 although in the interval he tried to control the Irish situation by demissioning the increasingly pro-Catholic Lord-Lieutenant of Ireland, Anglesey. Plans for emancipation were finalized in January, 1829; Catholics were to be given full civic equality, but could not hold the posts of Regent, Lord Chancellor of England or Ireland, Lord-Lieutenant of Ireland, or certain ecclesiastic positions. As a security against further agitation, the Catholic Association was to be permanently abolished, and the fortyshilling freeholders were to be disenfranchised in Ireland (leaving the vote only in the hands of those drawing more than £10 annually from property). The government position was announced in the Speech from the Throne on February 5, and was favorably received by the pro-Catholics, except for some grumbling among the Whigs over the franchise revision. The Ultras began a last-ditch petition campaign, but with the Ministry on the side of emancipation, the result was certain.

The last hope of the anti-Catholics was an appeal to George IV, who had no real sympathy for the Catholics. George's brother, the Duke of Cumberland, persuaded the King to withdraw his support from Wellington on March 4, but later that night he recanted, and the bill was introduced as

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scheduled on March 5. On March 30, the third reading passed the Commons. The final vote in the House of Lords was scheduled for April 10, and the Ultras planned a public meeting to present petitions. But the government firmlyywarned the Ultras, and the petitions were quietly presented to the Home Secretary. The same day, the Relief Bill handily passed through the Lords.

An epilogue to the emancipation crisis came in May, when O'Connell attempted to take his seat in Parliament. The government decided that the Relief Bill was not retroactive; O'Connell was forced into a new election, which he easily won. The Parliament that convened in October included nine other Irish Catholics, as well as six English. But the Relief Bill had much more serious effects for the Wellington ministry. Members of the Ultra party, led by the Marquess of Blandford, had become staunch opponents of Wellington and Peel, whom they considered to have betrayed the Protestant cause. In June, Blandford introduced into the Commons a resolution to abolish the rotten boroughs, which he considered the corrupt base of ministerial power. His supporters hoped that an appeal to anti-Catholic sentiment in a reformed parliament would be more successful. Although this group of Ultras were relatively small, they managed to upset the small Tory majority in the Commons, and would play an important role in the near future. On the other hand, the extra-parliamentary supporters of reform were encouraged by the success of the Irish agitation. In January 1830, Thomas Attwood founded the Birmingham Political Union, modeled after the Catholic Association. The Catholic Relief Bill had opened the Pandora's box of reform.

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## Chronology

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1673, 1678		Test Acts imposes wide variety of restrictions on British and Irish Catholics		
1778	Relief Bil	l passed abolishing most restrictions		
1780	Gordon Ric	ots		
1793	Franchise Ireland	Act gives vote to forty-shilling freeholders in		
1800	Act of Uni	Act of Union between Great Britain and Ireland		
1821	Catholic Relief Bill passes Commons by six votes, defeated in Lords by 39			
1823	Catholic Association formed by O'Connell in Ireland to press for relief			
1825		Association outlawed by Parliament, but revived L-legality		
	Relief Bi by 48	ll passed by 21 votes in Commons, defeated in Lords		
1826	General Elections; anti-Catholics make slight gains in Britain, Catholic Association shows strength in Ireland			
1827	Pro-Catho	lic motion defeated by four votes in Commons		
1828				
9 Janua	ry Well:	ington named Prime Minister		
26 Febr	•	ons passed repeal of Test and Corporation Acts for estant dissenters, 237–193		
April	Lord	s and King agree to repeal for Protestants		
12 May	Commo	ons votes to consider Catholic Emancipation by 272-266		
Late Ma		isson and other liberal Tories resign from cabinet defeat of plan for enfranchisement of Manchester		
10 June	e House	e of Lords defeats pro-Catholic resolution by 44 votes		
5 July	0 <sup>†</sup> Co:	nnell named victor of by-election for County Clare		
Mid-Ju]	•	s laid for organization of Brunswick Clubs to oppose olic Emancipation		
2 Augus	st Cath	olic Association reformed after expiration of 1825 Act		

16 September	First provincial Brunswick Club organized in Kent
24 October	Mass meeting held in Penenden Heath, Kent to discuss issue of Emancipation
December and January	County and city open meetings held in imitation of Kent
24 December	Lord Anglesey, pro-Catholic Lord Lieutenant of Ireland, dismissed by Wellington
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# 1829

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5 February	Government announces plans to introduce Emancipation Act
24 February	Catholic Association abolished as wing of Emancipation bill
5 March	Debate on Emancipation opens in Commons
30 March	Third reading of Catholic Relief Bill passes Commons, 320-142
4 April	Lords divide in favor of bill by 105
10 April	Petitions against Emancipation delivered to Home Secretary; third reading of bill passes House of Lords by 104
15 May	O'Connell attempts to take his seat in Commons, but law held not to be <u>ex post facto</u>
October	First new Parliament after Emancipation includes ten Irish and six English Catholics

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