



A Study in Legal Repression

1789 - 1834

By G. D. H. COLE



IN 1797, the year of the Naval Mutinies at the Nore and Spit-head, 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

Crushing
radicalism

This repressive Act of 1797 formed part of a large body of legislation passed during the period which followed the French Revolution. The forty years which preceded the condemnation of the Tolpuddle Martyrs were plentifully bespattered with laws designed to crush and disorganise the growing movements for Radical reform which found their main support in the ranks of the working class. It is noteworthy that, despite the laws which have been passed from time to time for the repeal of obsolete statutes, so much of the exceptional repressive measures directed against the working-class movement more than 100 years ago should have been allowed to stand right up to the present time. There are other and older statutes than the Trade Union Act of 1927 which ought to be repealed if the Labour movement is to enjoy secure freedom of speech and organisation.

These laws fall broadly into two groups. The first of these groups includes the laws enacted between 1794 and 1800 in the years of political excitement which followed the Revolution in France; the second group consists of the new repressive Acts passed during the years of exceptional economic distress and widespread unrest which followed the end of the Napoleonic Wars. Into the first group fall the two Acts of 1797, under one of which the Dorsetshire labourers were condemned, the Unlawful Oaths Act of 1799, the Combination Acts of 1799 and 1800, and a number of other statutes, while the second includes Lord Sidmouth's "Gagging Acts" of 1817, and the "Six Acts" of 1819. It is noteworthy that the Act which sufficed to condemn the Dorsetshire labourers, though it belongs to the earlier group, is still unrepealed to-day.

The circumstances which gave rise to these two bodies of acutely repressive legislation are well known. The Revolution in France in 1789 created a mood of general panic among the governing classes of Europe, and caused every demand for even the most moderate and constitutional reforms to be denounced as revolution and sedition if it came from any section of the people which the ruling class regarded as potentially dangerous or disaffected.

Radicals not
revolutionary

There is no evidence that the leaders of the Radical Societies in Great Britain at any time contemplated revolutionary action, or were engaged in more than a constitutional agitation, save when the repression of open Radical activities had driven the reform movement for a time perforce underground. Even on these occasions only a handful of the Radical movement was ever involved in any sort of revolutionary plot. The tiny revolutionary groups which did exist in Great Britain in the closing years of the eighteenth century seem to have drawn their inspiration largely from Ireland and to have been led to a substantial extent by Irish residents in England. But they had never any considerable following, nor did they emerge at all until after repressive laws and sentences passed on the leaders of the movement had already made constitutional agitation impossible. Even then such open revolutionary action as there was can be largely traced to the activities of *agents provocateurs*, such as Robert Watt who was executed for his part in



ANNO SEXAGESIMO

GEORGII III. REGIS.

C A P I.

An Act to prevent the training of Persons to the Use of Arms, and to the Practice of Military Evolutions and Exercise [11th December 1810]



GEORGII III. REGIS.
ANNO SEXAGESIMO

GEORGII III. REGIS.
ANNO SEXAGESIMO

C A P. IX.

An Act to subject certain Publications to the Duties of Stamp upon Newspapers, and to make other Regulations for restraining, and Abusing Printing from the Publication of blasphemous and seditious Libels. [30th December 1810]

C A P. VI.

An Act for more effectually preventing Seditious Meetings and Assemblies; to continue in force until the End of the Session of Parliament next after Five Years from the passing of the Act [24th December 1810]

GEORGII III. REGIS.
ANNO SEXAGESIMO

GEORGII III. REGIS.
ANNO SEXAGESIMO

C A P. IV.

An Act to prevent Delay in the Administration of Justice in Cases of Madmen; and to amend the Law relating to the Trial of such Persons. [22d December 1810]

C A P. II.

An Act to authorize Judges of the Peace to receive and collect Fees for the Trial of such Persons as are charged with Offences against the Peace, and to amend the Law relating to the Trial of such Persons. [18th December 1810]

C A P VIII.

An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels. [30th December 1810]

GEORGII III. REGIS.

ANNO SEXAGESIMO



THE "SIX ACTS" OF 1810

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.

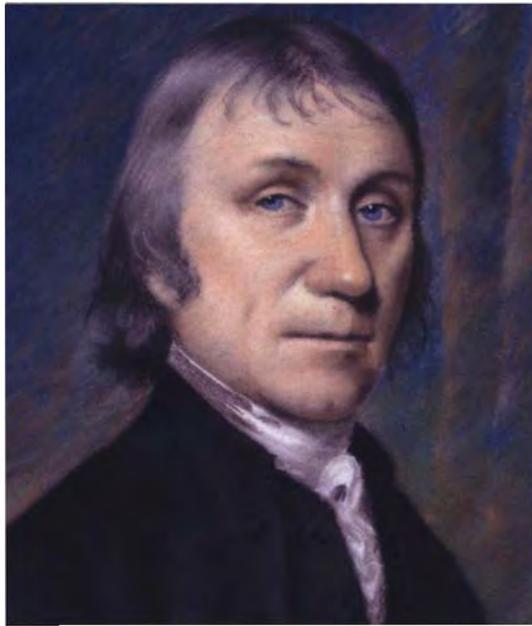
Tom Paine's
"Rights of
Man"

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.

Suspending
Habeas
Corpus

“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



National Portrait Gallery

DR. JOSEPH PRIESTLEY

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.

Reformers
prosecuted

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

Public meetings
restricted

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.

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.

Trade Unions
forbidden

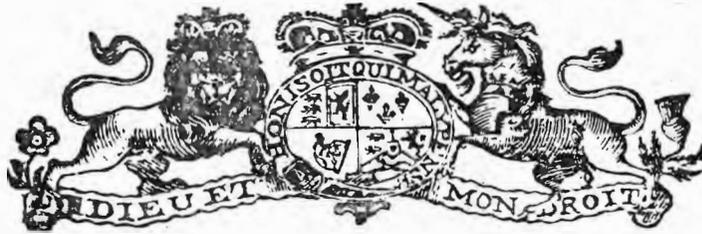
Five Societies—the United Englishmen, the United Scotsmen, the United Britons, the United Irishmen, and Thomas Hardy's London Corresponding Society—were suppressed by name on the ground that "*a traitorous conspiracy has long been carried on in conjunction with persons from time to time exercising the 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.

Triumph of
reaction

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



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, re-
pealed.
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.

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*.

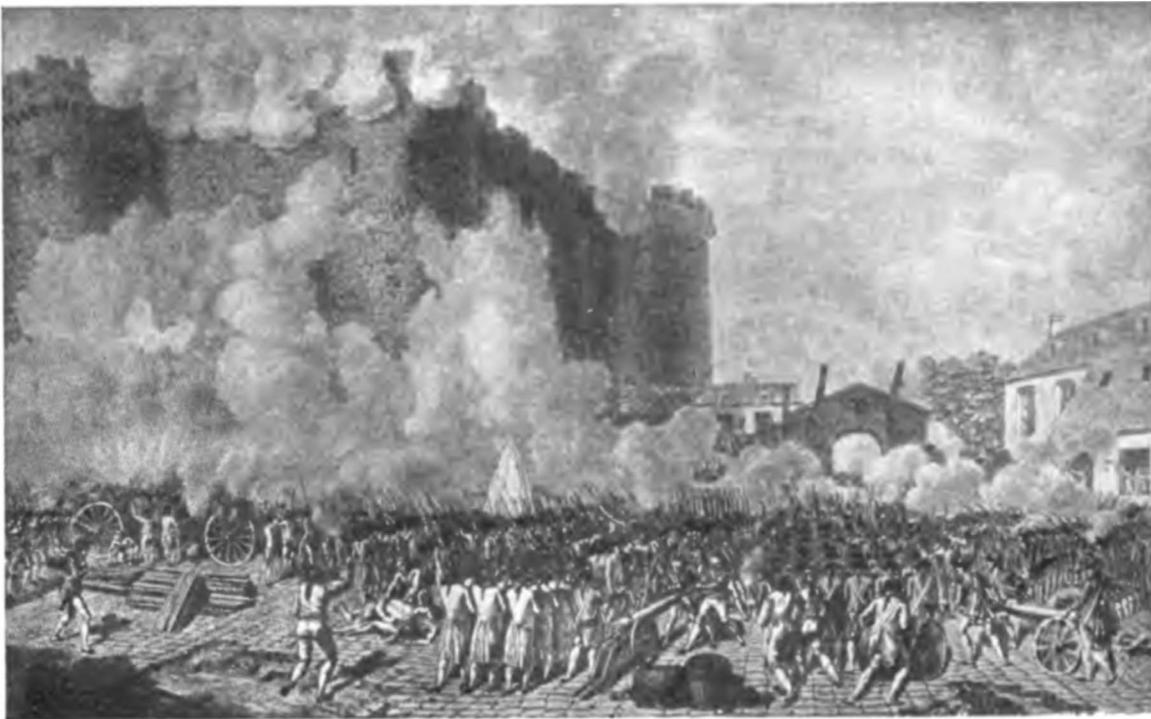
After 1812 no further repressive laws were enacted until the years immediately following the conclusion of the Napoleonic Wars. The return of peace brought with it a period of acute unemployment and distress which extended to practically all industries and to every part of the country. The unrest was 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.

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
feters

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*

Cheap
pamphlets
impossible

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



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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

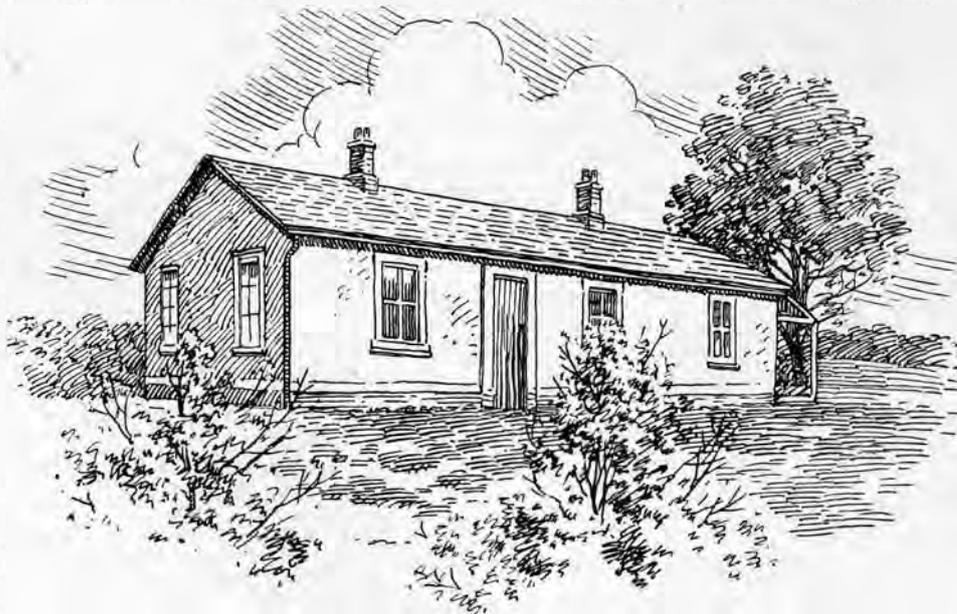
in gaol, where he was duly joined not only by his wife and sister, but by one after another of those who had volunteered to take his place in his shop or to sell the unstamped publications which he continued to edit even while he remained in gaol.

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.

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