

(II) THE MAGISTRATES



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

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

Trade
Unionists
victimised

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

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

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

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

My dear Sir
 May 3rd June 17
 1844

My dear Sir

I am much obliged by your communication and am glad that you have had to I think a copy of the paper which forwarded to you. That you have a true case for conviction is that will be very important. I find in many papers that the same reported to give the Church Officers have refused to sign is until they are assured "that such signature is not against the Union as they would not be bound not to join them."

Yours truly
 James Owen

Wm. H. Adams

Do you mean to proceed with the next Officers? Possibly has written to me to know this part as he is in that case he is best to attend. It seems to be desirable to expedite the New & to allow it to come from the hands of the people at once - There is a little tract circulating here about apparently doing good printed by the Society of the Friends if you have any of them in your Division they may perhaps be easily circulated amongst the Poor. It is called "A Good Harvest."

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

"Brethren, This will inform you that there is a possibility of getting a just remuneration for your labour without any violation of the law or bringing your persons into any trouble if men are willing to accept of what is offered them. Labouring men may get 2 shillings or half a crown a day as easy as they now get 1 shilling only let men be united and the victory is gained. After men are united and strike for advance of wages they will be supported all the time they are staying at home from a certain fund provided for the purpose nor will there be a danger of others undermining you for you may take the most cowardly man in this kingdom and let him be united and he will stand firm as a Rock. N.B.—Men are adopting this almost through the Kingdom."

Workers
advised to
organise



MR. E. BERKELEY PORTMAN, J.P.

This note was promptly despatched by Frampton to Lord Melbourne.

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

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

Labourers
refuse to sign
against
Union

CAUTION.

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

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

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

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

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

Guilty of Felony, AND BE LIABLE TO BE Transported for Seven Years.

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

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

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

CONVICTED OF FELONY, And Transported for SEVEN YEARS.

COUNTY OF DORSET,
Dorchester Division.

February 23d. 1834.

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

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

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

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

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

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

An obsolete
Statute
invoked

The
Magistrates'
"Caution."



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



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

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

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

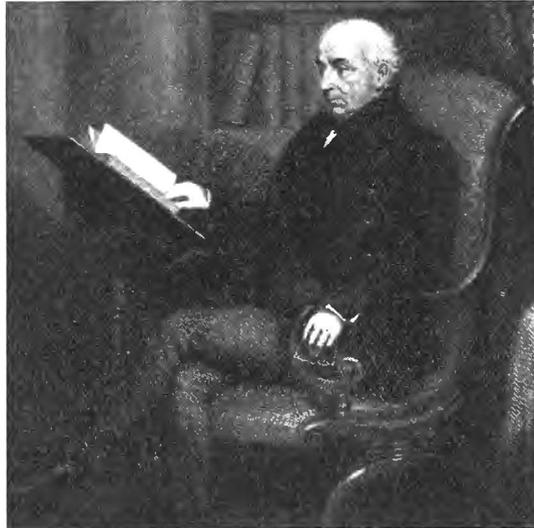
Mr. C. B. Wollaston, of Wollaston House, a Recorder of Dorchester, was not indisposed to assist his relative in suppressing the Union. For the rest, the Dorset Bench was well supplied with clergymen. Four of them had signed the caution. They were the Rev. W. England, D.D., the Rev. Thomas Dade, the Rev.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

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

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

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

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



By courtesy of the Dorchester Museum

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

Clergymen
on the
bench

The six are
hustled into
the dock

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

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

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

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

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

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

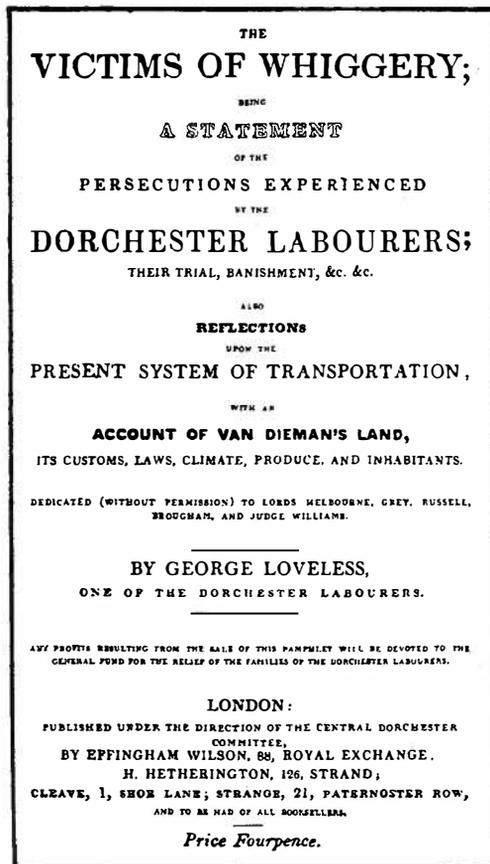
men themselves. He then asked whether Loveless could point out anything which might be done to increase the comfort of the agricultural labourer. Loveless thought he could, and after assuring the Chaplain that their object was not to ruin their employers, he expressed some scepticism as to the alleged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

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

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

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

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



Their
 sufferings in
 gaol

Facsimile
 of pamphlet
 written by
 George
 Loveless