

## **Erskine May, Vol. II, Chapter X, pp. 353-368**

### **Peterloo, the Six Acts, and after**

Following the example of Birmingham,(1) the reformers of Manchester appointed a meeting for the 9th of August, for the election of a 'legislatorial attorney:' but the magistrates having issued a notice declaring an assemblage for such a purpose illegal, another meeting was advertised for the 16th, to petition for parliamentary reform. Great preparations were made for this occasion; and in various parts of Lancashire large bodies of operatives were drilled, in the night time, and practised in military training. It was the avowed object of this drilling to enable the men to march in an orderly manner to the meeting: but the [354] magistrates were, not unnaturally, alarmed at demonstrations so threatening.

On the 16th, St. Peter's Field, in Manchester, became the scene of a deplorable catastrophe. Forty thousand men(2) and two clubs of female reformers, marched in to the meeting, bearing flags, on which were inscribed the objects of their political faith,—'Universal Suffrage,' 'Equal Representation or Death,' and 'No Corn Laws.' However menacing their numbers, their conduct was orderly and peaceful. Mr. Hunt having taken the chair, had just commenced his address, when he was interrupted by the advance of cavalry upon the people. The Manchester Yeomanry, having been sent by the magistrates to aid the chief constable in arresting Mr. Hunt, and other reform leaders, on the platform, executed their instructions so awkwardly as to find themselves surrounded and hemmed in by the dense crowd,—and utterly powerless. The 15th Hussars, now summoned to their rescue, charged the people sword in hand; and in ten minutes the meeting was dispersed, the leaders were arrested, and the terrified crowd driven like sheep through the streets. Many were cut down by sabres, or trampled upon by the horses; but more were crushed and wounded in their frantic struggles to escape from the military. Between 300 and 400 persons were injured: but happily no more than five or six lives were lost.

### **Public Feeling Aroused**

This grievous event brought to a sudden crisis [355] the antagonism between the government, and the popular right of meeting to discuss grievances. The magistrates complimented the military upon their forbearance: and the government immediately thanked both the magistrates and the military, for their zeal and discretion in maintaining the public peace. But it was indignantly asked,—not by demagogues and men ignorant of the law, but by statesmen and lawyers of eminence,—by whom the public tranquillity had been disturbed? Other meetings had been held without molestation: why then was this meeting singled out for the inopportune vigour of the magistrates? If it threatened danger, why was it not prevented by a timely exercise of authority? If Hunt and his associates had violated the law, why were they not arrested before or after the meeting? Or if arrested on the hustings, why not by the civil power? The people were peaceable and orderly,—they had threatened no one,—they had offered no resistance. Then why had they been charged and routed by the cavalry? It was even doubted if the Riot Act had been duly read. It had certainly not been heard; and the crowd, without notice or warning, found themselves under the flashing swords of the soldiery.(3)

[356] Throughout the country, 'the Manchester Massacre,' as it was termed, aroused feelings of anger and indignation. Influential meetings were held in many of the chief counties and cities, denouncing the conduct of the magistrates and the government, and demanding inquiry. In the manufacturing districts, the working classes assembled, in large numbers, to express

their sympathy with the sufferers, and their bitter spirit of resentment against the authorities. Dangerous discontents were inflamed into sedition. Yet all these excited meetings were held peaceably, except one at Paisley, where the magistrates having caused the colours to be seized, riots and outrages ensued. But ministers were hard and defiant. The Common Council of the city of London addressed the prince regent, praying for an inquiry, and were sternly rebuked in his reply. Earl Fitzwilliam, a nobleman of the highest character, who had zealously assisted the government in the repression of disorders in his own county, joined the Duke of Norfolk and several other noblemen and gentlemen of the first importance, in a requisition to the high sheriff of the county of York, to call a meeting for the same purpose. At this meeting he attended and spoke; and was dismissed from his lord lieutenancy.(4) Hitherto [357] the Whigs had discountenanced the radical reformers: but now the rigours of the government forced them to make common cause with that party, in opposing the measures of the executive.(5)

## Inquiry Refused

In the midst of this perilous excitement, Parliament was assembled, in November; and the Manchester meeting was naturally the first object of discussion. Amendments were moved to the Address, in the Lords, by Earl Grey, and in the Commons by Mr. Tierney, reprobating all dangerous schemes: but urging the duty of giving just attention to the complaints of the people, and the propriety of inquiring into the events at Manchester. It was the object of the opposition to respond to the numerous meetings, petitions, and addresses, which had prayed for inquiry; and to evince a spirit of sympathy and conciliation on the part of Parliament, which had been signally wanting in the government. Earl Grey said, 'there was no attempt at conciliation, no concession to the people; nothing was attended to but a resort to coercion, as the only remedy which could be adopted.' 'The natural consequences of such a system, when once begun, was that it could not be stopped: discontents begot the necessity of force: the employment of force increased discontents: [358] these would demand the exercise of new powers, till by degrees they would depart from all the principles of the constitution.' It was urged, in the language of Burke, that, 'a House of Commons who, in all disputes between the people and administration, presume against the people,—who punish their disorders, but refuse even to inquire into the provocations to them,—this is an unnatural, a monstrous state of things, in such a constitution.'

But conciliation formed no part of the hard policy of ministers. Sedition was to be trampled out. The executive had endeavoured to maintain the peace of the country: but its hands must now be strengthened. In both Houses the amendments were defeated by large majorities; and a similar fate awaited distinct motions for inquiry, proposed, a few days afterwards, by Lord Lansdowne in the Lords, and Lord Althorp in the Commons.

## The Six Acts

Papers were laid before Parliament containing evidence of the state of the country, which were immediately followed by the introduction of further measures of repression,—then designated, and since familiarly known as, the 'Six Acts.' The first deprived defendants in cases of misdemeanour of the right of traversing: to which Lord Holland induced the chancellor to add a clause, obliging the attorney-general to bring defendants to [359] trial within twelve months. By a second it was proposed to enable the court, on the conviction of a publisher of a seditious libel, to order the seizure of all copies of the libel in his possession, and to punish him, on a second conviction, with fine, imprisonment, banishment, or transportation. By a third, the newspaper stamp duty was imposed upon pamphlets and other papers containing news, or observations on public affairs; and recognizances were required from the publishers of newspapers and pamphlets for the payment of any penalty. By a fourth,

no meeting of more than fifty persons was permitted to be held without six days' notice being given by seven householders to a resident justice of the peace; and all but freeholders or inhabitants of the county, parish or township, were prohibited from attending, under penalty of fine and imprisonment. The justice could change the proposed time and place of meeting: but no meeting was permitted to adjourn itself. Every meeting tending to incite the people to hatred and contempt of the king's person, or the government and constitution of the realm, was declared an unlawful assembly; and extraordinary powers were given to justices for the dispersion of such meetings, and the capture of persons addressing them. If any persons should be killed or injured in the dispersion of an unlawful meeting, the justice was indemnified. Attending a meeting with arms, or with flags, banners, or other ensigns or emblems, was an offence punishable with two years' imprisonment. Lecture and debating rooms were to be licensed, and open to inspection. [360] By a fifth, the training of persons in the use of arms was prohibited; and by a sixth, the magistrates, in the disturbed counties, were empowered to search for and seize arms.

All these measures, except that for prohibiting military training, were strenuously opposed in both Houses. They were justified by the government on the ground of the dangers which threatened society. It was argued by Lord Castlereagh, 'that unless we could reconcile the exercise of our liberties with the preservation of the public peace, our liberties would inevitably perish.' It was said that blasphemous and seditious libels were undermining the very foundations of society, while public meetings, under pretence of discussing grievances, were assembled for purposes of intimidation, and the display of physical force. Even the example of the French Revolution was not yet considered out of date: but was still relied on, in justification of these measures. On the other side, it was contended that the libel laws were already sufficiently severe, and always liable to be capriciously administered. Writings, which at one time would be adjudged innocent and laudable, at another, would be punished as subversive of the laws and constitution. Zealous juries would be too ready to confound invectives against ministers with incitements to hatred and contempt of established institutions. The punishments proposed were excessive. Transportation had hitherto been confined to felonious [361] offences; and banishment was unknown to the laws of England. Such punishments would either deter juries from finding persons guilty of libel: or, if inflicted, would be out of all proportion to the offence. The extent of the mischief was also denied. It was an unjust reproach to the religion of the country to suppose that blasphemy would be generally tolerated, and to its loyalty, that sedition would be encouraged.

To the Seditious Meetings Bill it was objected that the constitutional right of assembling to discuss grievances was to be limited to the narrow bounds of a parish, and exercised at the pleasure of a magistrate,—probably a stanch supporter of ministers, jealous of popular rights, and full of prejudice against radicals and mob orators.

These discussions were not without advantage. The monstrous punishment of transportation was withdrawn from the Seditious Libels Bill; and modifications were admitted into the bill for restraining seditious meetings: but these severe measures were eventually passed with little change.(6)

In presence of a novel development of popular meetings in crowded districts, ministers sought to prevent the assemblage of vast numbers from different parts, and to localise political discussion. Nor can it be denied that the unsettled condition and ignorance of the manufacturing [362] population justified apprehensions and precaution. The policy, however, which dictated these measures was not limited to the correction of a special danger, but was marked, as before, by settled distrust of the press and popular privileges. Ten years before it had been finely said by Mr. Brougham, 'Let the public discuss! So much the better. Even uproar is wholesome in England, while a whisper is fatal in France.' But this truth had not yet been accepted by the rulers of that period.(7) They had not yet learned to rely upon the loyalty and good sense of the people, and upon the support of the middle classes, in upholding order

and repressing outrage. On the other hand, we cannot but recognise in the language of the opposition leaders a bold confidence in their countrymen, and a prescient statesmanship,—destined in a few years to be accepted as the policy of the state.

## **The Cato Street Conspiracy**

Disaffection, however, still prevailed; and the evil passions of this distempered period soon afterwards exploded in the atrocious conspiracy of Thistlewood, and his miscreant gang. To the honour of Englishmen, few were guilty of plotting this bloody and insensate crime, the discovery [363] of which filled all classes of men with horror and disgust.(8)

While the country was still excited by this startling event, Hunt and his associates were convicted, with five others, of unlawfully meeting together, with divers other persons unknown, for the purpose of creating discontent and disaffection, and of exciting the king's subjects to hatred of the government and constitution. Hunt was sentenced to two years and six months' imprisonment, and the others to one year's imprisonment. Sir Charles Wolseley and Garrison, a dissenting preacher, were also tried and sentenced to eighteen months' imprisonment for their participation in the Stockport meeting.

## **Liberty of Opinion Triumphant**

Let us now examine the general results of the long contest which had been maintained between the ill-regulated, mischievous, and often criminal struggles of the people for freedom, on the one hand, and the harsh policy of repression maintained by the government, on the other. The last twenty-eight years of the reign of George III. formed a period of perilous transition for liberty of opinion. While the right of free discussion had been discredited by factious license, by wild and dangerous theories, by turbulence and sedition,—the government and [364] legislature, in guarding against these excesses, had discountenanced and repressed legitimate agitation. The advocates of parliamentary reform had been confounded with Jacobins, and fomenters of revolution. Men who boldly impeached the conduct of their rulers, had been punished for sedition. The discussion of grievances,—the highest privilege of freemen,—had been checked and menaced. The assertion of popular rights had been denounced by ministers, and frowned upon by society, until low demagogues were able to supplant the natural leaders of the people, in the confidence of those classes who most needed safe guidance. Authority was placed in constant antagonism to large masses of people, who had no voice in the government of their country. Mutual distrust and alienation grew up between them. The people lost confidence in rulers whom they knew only by oppressive taxes, and harsh laws severely administered. The government, harassed by suspicions of disaffection, detected conspiracy and treason in every murmur of popular discontent.(9)

Hitherto the government had prevailed over every adverse influence. It had defied parliamentary opposition by never-failing majorities: it had trampled upon the press; it had stifled public discussion. In quelling sedition, [365] it had forgotten to respect liberty. But henceforward, we shall find its supremacy gradually declining, and yielding to the advancing power and intelligence of the people. The working classes were making rapid advances in numbers, industrial resources, and knowledge. Commerce and manufactures, bringing them together in large masses, had given them coherence and force. Education had been widely extended; and discontent had quickened political inquiry. The press had contributed to the enlightenment of the people. Even demagogues who had misled them, yet stirred up their minds to covet knowledge, and to love freedom. The numbers, wealth, and influence of the middle classes had been extended, to a degree unknown at any former period. A new society had sprung up, outnumbering the limited class by whom the state was governed; and rapidly gaining upon them, in enlightenment and social influence. Superior to the arts of demagogues,

and with every incitement to loyalty and patriotism,—their extended interests and important position led them to watch, with earnestness and sober judgment, the course of public affairs. Their views were represented by the best public writers of the time, whose cultivated taste and intellectual resources received encouragement from their patronage. Hence was formed a public opinion of greater moral force and authority. The middle classes were with ministers in quelling sedition: but against them when they menaced freedom. During the war they had generally sided with the government: but after the peace, the unconciliatory policy of ministers, [366] a too rigorous repression of the press, and restraints upon public liberty, tended to estrange those who found their own temperate opinions expressed by the leaders of the Parliamentary opposition. Their adhesion to the Whigs was the commencement of a new political era,(10)—fruitful of constitutional growth and renovation. Confidence was established between constitutional statesmen in Parliament, and the most active and inquiring minds of the country. Agitation, no longer left to demagogues and operatives, but uniting the influence of all classes under eminent leaders, became an instrument for influencing the deliberations of Parliament,—as legitimate as it was powerful.

From this time, public opinion became a power which ministers were unable to subdue, and to which statesmen of all parties learned, more and more, to defer. In the worst of times, it had never been without its influence: but from the accession of George IV. it gathered strength until it was able, as we shall see, to dominate over ministers and parliaments.

Meanwhile, the severities of the law failed to suppress libels,(11) or to appease discontents. Complaints of both evils were as rife as ever. A portion of the press still abounded in libels [367] upon public and private character, which the moral tone of its readers did not yet discourage. It was not in default of legal repression that such libels were published: but because they were acceptable to the vitiated taste of the lower classes of that day. If severity could have suppressed them, the unthankful efforts of the attorney-general, the secretary of state, and the magistrates, would have long since been crowned with success. But in 1821, the Constitutional Association officially tendered its intervention, in the execution of the law. The dangers of such a scheme had been exposed nearly thirty years before;(12) and were at once acknowledged in a more enlightened and dispassionate age. This association even ventured to address a circular to every justice of the peace, expounding the law of libel. An irresponsible combination, embracing magistrates and jurymen throughout the country, and almost exclusively of one political party, threatened the liberty of the press, and the impartial administration of justice. The Court of King's Bench, sensible of these dangers, allowed members of the association to be challenged as jurors; and discussions in Parliament, opportunely raised by Mr. Brougham and Mr. Whitbread, completed the discomfiture of those zealous gentlemen, whom the vigilance of Lord Sidmouth, the activity of the attorney-general, and the zeal of country justices had failed to satisfy. Had ministers [368] needed any incitement to vigour, they would have received it from the king himself, who took the deepest personal interest in prosecutions of the press;(13) and from men of rank and influence, who were oversensitive to every political danger.

#### Footnotes.

1. At the Leeds meeting it had been resolved that a similar election should take place, when a suitable candidate had been found: but no representative had been chosen.—Ann. Reg., 1819, p. 105.
2. It was variously estimated at from 20,000 to 60,000. Lord Liverpool said 20,000; Lord Castlereagh, 40,000. In the indictment against Hunt and others it was laid at 60,000.
3. The evidence on this point was very confused. Earl Grey, after reading all the documents, affirmed that the Riot Act had not been read. Lord Liverpool said it had been completely read once, and partly read a second time. Lord Castlereagh said the Riot Act had been read from the window of the house in which the magistrates were

assembled. This not being deemed sufficient, another magistrate went out into the crowd to read it, and was trampled under foot. Another vainly endeavoured to read it at the hustings after the arrest of Mr. Hunt.

4. The resolutions of this meeting, without condemning the magistrates, merely demanded inquiry.
5. Lord Liverpool, writing to Lord Sidmouth, Sept. 30th, 1819, said: 'As far as the Manchester business goes, it will identify even the respectable part of the opposition with Hunt and the radical reformers.'—Pellew's Life of Lord Sidmouth, iii. 270.
6. 60 Geo. III. and 1 Geo. IV. c. 1, 2, 4, 6, 8, 9. All these were permanent, except the Seditious Meetings Act, which, introduced as a permanent measure, was afterwards limited to five years, and the Seizure of Arms Act, which expired on the 26th March, 1822.
7. Stringent as were the measures of the government, they fell short of the views of the old Tory party. Mr. Bankes wrote to Lord Colchester, Dec. 31st, 1819:—'My only doubt is whether we have gone far enough in our endeavour to restrain and correct the licentiousness and abuse of the press.'—Lord Colchester's Diary, iii. 104. Lord Redesdale, another type of the same school, wrote: 'I doubt whether it would not have been fortunate for the country, if half Manchester had been burned, and Glasgow had endured a little singeing.'—To Lord Colchester, Jan. 4th, 1820.—Ibid., iii. 107.
8. Ann. Reg., 1820, p. 34, and Chron. 29; St. Tr., xxxiii. 681; Pellew's Life of Lord Sidmouth, iii. 311-326. Lord Sidmouth himself says (p.320): 'Party feelings appeared to be absorbed in those of indignation, which the lower orders had also evinced very strikingly upon the occasion.'
9. On May 12th, 1817, Earl Grey truly said. 'It is no longer the encroachments of power, of which we are jealous, but the too great extension of freedom. Every symptom of popular uneasiness, every ill-regulated effort of that spirit, without which liberty cannot exist, but which, whilst it exists, will break out into occasional excesses, affords a pretence which we seem emulous to seize, for imposing on it new restraints.'—Hans. Deb., 1st Ser., xxxvi. 446.
10. See supra, p. 186.
11. Mr. Fremantle, writing to the Marquess of Buckingham, Aug. 30th, 1820, says: 'The press is completely open to treason, sedition, blasphemy, and falsehood, with impunity.' 'I don't know whether you see Cobbett's Independent Whig, and many other papers now circulating most extensively, and which are dangerous much beyond anything I can describe. I have an opportunity of seeing them; and can speak, therefore, from knowledge.'—Court and Cabinets of Geo. IV, i. 68; Cockburn's Mem., 308.
12. See supra, p. 291.
13. On January 9th, 1821, His Majesty wrote to Lord Eldon: 'As the courts of law will now be open within a few days, I am desirous to know the decision that has been taken by the attorney-general upon the mode in which all the vendors of treason, and libellers, such as Benbow, etc. etc., are to be prosecuted. This is a measure so vitally indispensable to my feelings, as well as to the country, that I must insist that no further loss of time should be suffered to elapse before proceedings be instituted.'—Court and Cabinets of Geo. IV., i. 107.