

# Mr William Cobbett, Captain Swing, and King William IV

By ROGER WELLS

## Abstract

This article attributes a powerful role to political factors in the Captain Swing Revolt during the autumn of 1830. If that rising took place in a context generated by the prolonged post-war agricultural depression, the continental revolutions over the summer were well-known throughout Kent and Sussex not least owing to William Cobbett's journalism and his October south-eastern lecture tour. The latter further fuelled the spectre unleashed by the revolutions, antipathy to Wellington's failure to address agrarian distress, and his refusal to accept public conviction in the necessity for constitutional change. His stance precipitated the collapse of his ministry in November and its replacement by Grey's Whig-dominated Cabinet pledged to reform the Commons. Faced with rural insurrection at the moment of his accession to power, Home Secretary Melbourne intensified the repression of Swing. A complex series of interlocking events, including the conviction of a Sussex arsonist, his alleged motivation through attending a Cobbett lecture, and Cobbett's commentary on the revolt in his *Political Register*, combined to determine the Cabinet on a prosecution for seditious libel. But others came into that decision-making process, among them Tory politicians anxious to embarrass the Whigs, Tory Sussex magistrates who encouraged the incendiary's claims and through lobbying William IV at Brighton Pavilion, persuaded the king to exert pressure on his ministers to prosecute. Given Grey's need for royal support over reform, the Cabinet was unable to resist. The trial facilitated a superb self-defence, support from Cobbett's ardent admirers in rural Sussex, and a triumphant acquittal.

WILLIAM Cobbett's trial, and triumphant acquittal, for seditious libel published in his widely-circulated *Political Register* on 11 December 1830, just as the Swing rising was beginning to subside is well-known. The charge accused Cobbett of inciting Swing crimes, including machine-breaking, and above all arson. The principal characteristics of that revolt, and its notoriously ruthless suppression by the newly-installed Whig government, have not provoked much recent academic debate. Historical interpretations appear to concur with Hobsbawm's and Rudé's assertion that most rural protesters' 'ideological...resources' were unaffected by the popular democratic movement, and comprised 'the usual luggage of the pre-political poor, the belief in the rights of poor men by custom, natural justice and indeed law which must not be infringed by the rich'.<sup>1</sup> This appears to satisfy

Dr Stevenson in his wide-ranging and now greatly extended synthesis of popular disturbances, and Professor Armstrong's major study of farmworkers from 1770 to 1980.<sup>2</sup> Only the latter gives a token mention of Charlesworth's spatial analysis of the revolt and his emphasis on the role of politicized nuclei in some villages during Swing.<sup>3</sup> The continental revolutions preceding Swing, and Cobbett's south-eastern lecture tour in the autumn of 1830, are customarily relegated to token acknowledgement in studies of Swing. The conjuncture of Swing with the commencement of the prolonged Reform Bill crisis is generally written off as mere coincidence. Only Dr Quinault has recently and incisively revived the discredited thesis that the French Revolution was the fundamental ingredient in the rejuvenation of the parliamentary reform

<sup>2</sup> J Stevenson, *Popular Disturbances in England 1700-1832*, 2nd ed, 1992, esp p 269. A Armstrong, *Farmworkers. A Social and Economic History 1770-1980*, 1988, esp p 75.

<sup>3</sup> A Charlesworth, *Social Protest in a Rural Society: The Spatial Diffusion of the Captain Swing Disturbances of 1830-1831*, Norwich, 1979.

<sup>1</sup> E J Hobsbawm and G Rudé, *Captain Swing*, 1973 ed, p 43.

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movement in the second half of 1830. Yet he still asserts that the Swing riots were 'mainly economic protests by poorly paid agricultural labourers'.<sup>4</sup> And this in spite of the fact that Wellington's Tory government fell over his refusal to entertain parliamentary reform, and its replacement by a Whig ministry led by Earl Grey committed to that measure, which occurred in mid-November while Swing raged in the southern countryside.

The motivation behind Cobbett's prosecution by Grey's government, despite its commitment to parliamentary reform, remains obscure. Cobbett's claim that his indictment derived from a ministerial conspiracy against one of its arch-critics is usually written off as an exotic mixture of customary exaggeration, paranoia, and the rhetorical demands of a self-conducted legal defence in court, or a combination of all three.<sup>5</sup> In the footnotes of Professor Dyke's recent penetrating study of *William Cobbett and Rural Popular Culture*, he attributes reports from the Swing epicentre of Battle in Sussex to a 'government informer'. This personage was not the implied run-of-the-mill Home Office correspondent, but George Maule, none other than the Treasury Solicitor.<sup>6</sup> This ultimately poses the question of what this elevated state functionary was doing in Battle, which also happened to be the venue for one of Cobbett's lectures, just under a month before Maule arrived in the town. Battle was also the home of the capitally-convicted arsonist, Thomas Goodman, reprieved for confessing that he was motivated by hearing Cobbett's lecture in the town on 16 October.

<sup>4</sup> Curiously, Quinault approvingly cites a contemporary pamphleteer's view that the 'husbandry labourers conceived that...they...were to be the chief objects of effecting a revolution', to assert - without a shred of evidence - that the 'labourers were roused to action by the revolutions across the Channel': R. Quinault, 'The French Revolution of 1830 and parliamentary reform', *History*, 79, 1994, esp p 389.

<sup>5</sup> W Baring Pemberton, *William Cobbett*, 1949, pp 155-62.

<sup>6</sup> I Dyke, *William Cobbett and Rural Popular Culture*, 1992, pp 157-9, and notes 20 and 27.

## I

The political temperature across the rural south-east steadily rose from the spring of 1829, when Kent farmers unprecedentedly mobilized to petition for the postponement of the hop tax,<sup>7</sup> and further parliamentary petitioning for relief from agrarian distress recurred over a broader region in 1830.<sup>8</sup> Hostilities spawned by the rejections of these petitions<sup>9</sup> were reflected in the denunciations of the unreformed state by candidates and their agents in the general election of August 1830 after the death of George IV.<sup>10</sup> The simultaneous impact of the continental revolutions was indeed profound. Sectors of the press hailed the 'stupendous and glorious revolution', in stark contrast to the 'buffoneries of...corrupt electioneering' in Britain, and successfully advocated celebratory meetings with collections for the fallen revolutionaries to extend to 'remote country villages'.<sup>11</sup> The 'glorious actions' of the French stimulated political thrusts by popular democrats elsewhere, including Battle where a vociferous artisan and labouring grouping also rallied behind the embattled 'revolutionist' editor of the *Brighton Guardian*, gave 'public testimony to the freedom of the press', and extolled the virtues of people like them-

<sup>7</sup> If the nation 'be not sick' wrote Cobbett privately, 'when...Kent is getting up a general petition for the postponement of the hop-tax, I do not know what will be considered a sign of sickness. Indeed, such a sign of insolvency was never witnessed before': Cobbett to Mr Sapsford, 13 April 1829, Nuffield [College, Cobbett Collection], IV, 38, f 1.

<sup>8</sup> *England in 1830 being a Letter to Earl Grey*, 1831, *passim*; *Kent Herald*, 9 June 1830.

<sup>9</sup> Draft reply by George Courthope to the Poor Law Commission, nd (Dec 1832 or Jan 1833), E[ast] S[ussex] C[ounty] R[ecord] O[ffice], SAS, Co/C/230; *Maidstone Gazette*, 23 Nov 1830.

<sup>10</sup> Although the Kent county election was not contested, with representation split between the anti-Reformer Sir Edward Knatchbull and the Whig Thomas Law Hodges, the latter's sponsor on the Penenden Heath hustings on 9 August urged electors to examine the 'critical state of the country' which was 'Overwhelmed by debt, contracted...by the convenience of those who called themselves the representatives of the people, but who were in fact nominated by the aristocracy, and paid for by the Ministers...That was the canker which consumed us, and while there was rottenness at the root, the branches could not flourish'. Parliamentary reform was vital if electors 'wished to preserve themselves and their families from pauperism, and their country from ruin': *Kent Herald*, 12 Aug 1830.

<sup>11</sup> *Ibid*, 5, 12 and 26 Aug, and 13 Sept 1830.

selves, 'spirits that dwell in humble tenements'.<sup>12</sup> Moreover, these pro-French meetings endured, and Cobbett's lecture tour opportunistically exploited them through his distributions of petitions to be signed in favour of parliamentary reform.<sup>13</sup> A meeting at Maidstone which despatched cash and a euphoric address to Paris on 10 October<sup>14</sup> was quickly followed by Cobbett on 14 October, and two days later he lectured at Battle. By this juncture Swing's mobilizations in Kent, commencing with the expulsion of Irish harvesters in July and August, had extended to the destruction of threshing machines at the end of August and into September, before bursting into widespread incendiarism. In the October correspondence between Kent's Lord Lieutenant Camden and Sir Robert Peel at the Home Office, arson constituted the primary concern.<sup>15</sup> Incendiarism was significantly more intense than revealed by the copious logging in Hobsbawm's and Rudé's tables, as exemplified by a Southfleet farmer's diary note that 'fires continue almost over the county'. Neither of the two specified that day figure in the tabulation.<sup>16</sup>

Cobbett's Battle speech was dramatically paraphrased by Earl Ashburnham – who lived locally and had had a public alter-

cation some years previously with Cobbett<sup>17</sup> – for Camden's consumption:

there never was such rank treason utter'd in any country, or at any age...he reprobated the laboring class in Sussex for not shewing the example set them...in Kent, where their fellow sufferers were asserting their rights by destroying the property of those who tyrannized over them.<sup>18</sup>

Camden dutifully relayed this missive to Peel; if Peel cursorily and darkly replied that he had 'taken steps with regard to Cobbett and his Lectures',<sup>19</sup> Peel's principal concern with incendiarism remained unshaken. No suspect had been arrested, though Peel had despatched London police officers to help local magistrates, but only in response to specific requests, together with limited army support. The Home Secretary was prepared to consider an unprecedented extension of government pardons and rewards to accomplices of arsonists who confessed,<sup>20</sup> but feared that the result would be *agent provocateurs* whose contrivances would be exposed in court.

<sup>17</sup> Cobbett had taken Ashburnham to task for publishing an address arguing that labourers who kept guns at home should not be employed: *Political Register*, 8 Jan 1831.

<sup>18</sup> Ashburnham to Camden, nd, PRO, HO 52/8, f 219. According to Cobbett's own brief résumé, his two-hour peroration introduced few new elements to his customary litany of attacks on press restrictions, notably printing press licences and the newspaper taxes, state pensions, sinecures, taxes, and eulogies on the recent overthrow of the tyrannical Bourbon government; he reported that 'the working people in many of the towns and villages in Kent had subscribed their pennies to the widows of Paris'. He reiterated his advocacy of labourers joining farmers to petition for parliamentary reform as the prerequisite for reduced taxes, and repeated his warning to Wellington that like the French revolutionaries, farmworkers would rather be hanged or shot than starved: *Political Register*, 23 Oct 1830. His speeches were not denounced by either the local Whig or Tory press: see *Sussex Advertiser*, 18 and 25 Oct, and *Brighton Gazette*, 21 Oct 1830.

<sup>19</sup> Peel referred to Cobbett's lectures at the Rotunda in London, where popular radicals of all hues convened, and were watched by Home Office spies. Peel also sought the Crown Law Officers' opinions on whether the reported 'proceedings' of Cobbett, Henry Hunt, Richard Carlile and others, 'contained anything of a 'Seditious or illegal nature': R. Wells, 'Rural rebels in southern England in the 1830s', in C. Emsley and J. Walvin, eds, *Artisans, Peasants and Proletarians 1760-1860*, 1985, pp 134-5, and note 50, sources cited there; C. Bouchier, assistant Treasury Solicitor, to the Attorney General, 13 Nov and 18 Dec, and under-secretary Phillipps, Home Office, 15 Nov, Peel to the Law Officers, 10 Nov 1830, PRO, T[reasury] S[solicitor] 2/23, pp 13, 15, 51; HO 49/7, p 406.

<sup>20</sup> Home Office rewards were customarily restricted to maximums of £100 in cases of firing at soldiers on duty, though Peel added 'precedents...[are] immaterial in a case like this': Peel to Camden, 18 Oct 1830, KCRO, U840/C250/3.

<sup>12</sup> They convened at the Eight Bells. *Sussex Advertiser*, 13 and 20 Sept, and 11 Oct 1830; *Hastings and Cinque Ports Iris*, 27 Nov 1830; *Brighton Gazette*, 28 Nov 1833.

<sup>13</sup> Cobbett, in London, immediately commenced canvassing for subscriptions: 'It is the pennies of the working people that I want'. His itinerary took in Dartford, Gravesend, Rochester, Maidstone, Tonbridge, Battle, Lewes, Brighton, Chichester, Portsmouth, Gosport, Isle of Wight, Portsmouth, between 11 and 26 October which 'I may find...impossible; but I will do it if I can'. In the event he terminated the tour at Lewes, though he additionally performed at Eastbourne: *Political Register*, 7 and 25 Aug, 4 and 25 Sept, 2 and 9 Oct 1830, and 16 July 1831.

<sup>14</sup> Postmaster, Maidstone, to Sir F. Freeling, 14 Oct 1830, P[ublic] R.O., H[ome] O[ffice] 52/8, f 333. For Cobbett at Lewes, see C. Brent, *Georgian Lewes 1714-1830*, Lewes, 1993, p 200; R. Wells, 'Social protest, class, conflict and consciousness, in the English countryside, 1700-1880', in M. Reed and R. Wells, eds, *Class, Conflict and Protest in the English Countryside 1700-1880*, 1990, p 184.

<sup>15</sup> Peel to Camden, 16, 18, 22, 25 and 26 Oct 1830, K[ent] CRO, U840/C250/1-7.

<sup>16</sup> F. S. Andrus, 'Extracts from the miscellany and farm accounts of Francis Andrus of Scadbury in the parish of Southfleet', *Archaeologia Cantiana*, C, 1984, p 376.

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Moreover, Peel quite critically feared that 'if' he 'originated interference with the ordinary exertions of the local magistrates', he risked a debilitating political backlash. Conversely, Peel was convinced that the 'severe example' to be made from an incendiary's conviction and execution would be crucial in its own right, and counter the 'unparalleled Lenity' of the light sentences passed by Sir Edward Knatchbull on the first batch of machine-breakers tried in October at the Kent Quarter Sessions. On 26 October, Camden was informed by an increasingly desperate Home Secretary, that he would 'adopt any Measures - will incur any Expence...that can promote the suppression of the Outrages'. He proposed that

some-one well versed in Criminal Business & in the art of detecting crime, will [be] establish[ed]... in some central place - place at his disposal...a certain number of Police Officers, and place him in general Communication with the most active Magistrates

in Kent. The sole proviso was categorical assurance that this initiative 'will not give offence to the local magistracy and induce any relaxation of their activity'. On receipt of this assurance, Peel sought Cabinet approval, and despatched Maule to Maidstone where he arrived on 31 October.<sup>21</sup>

Maule's original mission to Kent was soon briefly extended to East Sussex, and he then had ultimate supervision over prosecutions at the Special Commissions which sat in judgment on Swing activists for Hampshire and other counties to the west. The suppression of Swing almost totally

absorbed Maule's department for the ensuing three months.<sup>22</sup> The Home Office itself was recurrently 'besieged' by communications over the risings. Once he succeeded Peel, Melbourne 'sat up all the first night he was in office' on 23 November, and subsequently rose daily at 6 am 'to get through the business'.<sup>23</sup> Although arson retained its paramountcy for Maule, other Swing crimes including machine-breaking, attacks on professional poor-law administrators and tithe audits, automatically concerned him. He investigated additional issues, among them clandestine riot-incitement by farmers, their refusals to become special constables, and politically-motivated activists with their suspected linkages with metropolitan radicals.<sup>24</sup> No fundamental policy change derived from Grey's ministry's replacement of Wellington's, though the Whigs were much more determined on speedy repression.<sup>25</sup> Maule's existing brief was uncompromised, and indeed widened firstly by Melbourne's 23 November proclamation offering huge rewards for those who both helped arrest certain categories of Swing offenders and gave evidence against them,<sup>26</sup> and secondly by the decision to create Special Commissions. Maule's tasks included the selection of cases to be financed by the Treasury, and those to be left to the normal county agencies. Government would prosecute only in

<sup>22</sup> Other office business was 'delayed by the present disturbed state of the Country wh. occupies the attention of my office exclusively': Bouchier to C Ford, 6 Dec 1830, PRO, TS 2/23, p 40.

<sup>23</sup> Marchioness of Lansdowne to Lady Frampton, 29 Nov 1830: H G Mundy, ed, *The Journal of Mary Frampton 1779-1846*, 1885, pp 363-4; R Pollen, Winchester, to Phillipps, 26 Nov 1830, PRO, HO 52/7, ff 25-7.

<sup>24</sup> Maule to Phillipps, 8 and 15 Nov 1830, PRO, HO 40/27 (2), ff 62-3, 68-9.

<sup>25</sup> Grey to Holland, 23 Nov 1830, B[ritish] L[ibrary] Add Mss, 51555, ff 79-81.

<sup>26</sup> Indeed ministers also decided that all depositions respecting Swing offences received by the Home Office, and the Treasury Solicitor, should be inspected by the Crown's Law Officers: Grey to William IV, 23 Nov 1830, Earl Grey, ed, *The Reform Act 1832. The Correspondence of...Earl Grey with...William IV and...Sir Herbert Taylor*, 2 vols, 1867, I, pp 3-5; C C F Greville, ed, *The Greville Memoirs*, 5 vols, 2nd ed, 1874, II, p 73; Hobsbawm and Rudé, *Capital Swing*, p 218.

<sup>21</sup> These assurances were received at a pre-arranged meeting at the Home Office on 29 October with two justices from Wingham who were 'pressing for the dispatch of Police Officers', to which Camden was now invited, together with Sir Edward Knatchbull, and any other magistrates Camden wished to include: Peel to Camden, 26 Oct 1830, PRO, HO 52/10, ff 372-3. For the dispatch of policemen to the provinces, see Phillipps to stipendiary magistrates at Marlborough Street, Queen's Square and Hatton Garden, 29 Oct 1830, PRO, HO 60/2, p 64. George Maule's subsequent movements can be plotted from his letters to the Home Office, PRO, HO 40/27 (2), and the Treasury Solicitor's out-letter books, PRO, TS 2/22-4, 3/22.

felony cases where the evidence was strong.<sup>27</sup>

By the time of Maule's appearance in Maidstone, further attacks on threshing machines had occurred in Kent, together with mobilizations over wages, and levels of poor-relief, which were spreading into Sussex. The first rising in that county in fact occurred at Battle on 30 October, not the famous Brede incident of legend, and featured as such on Charlesworth's maps.<sup>28</sup> At Maidstone, Maule supervised prosecution processes, perused all available depositions, directed the deployment of plain-clothes policemen, in order 'to give spirit and courage to the magistrates with... advice and by cordial co-operation'.<sup>29</sup> On 1 November Maule attended a meeting of over seventy Kent magistrates, chaired by Camden, to debate Swing's causes and course. It was widely believed that 'over-taxation, want of work [and] insufficiency of wages' underlay the risings. Knatchbull refused to say what considerations underlay his lenient sentencing,<sup>30</sup> and the ultra-Tory Lord Winchelsea explained why he had given cash to a major Swing crowd he encountered days before.<sup>31</sup> Maule's proposed role was warmly endorsed, and Cobbett went unmentioned, despite the fact that while the magistracy convened, a popular meeting for parliamentary reform, orchestrated by the 'pretty numerous' radical and unionized paper-makers, went ahead on nearby Penenden Heath. Maule resisted suggestions that a magisterial posse

should reconnoitre; instead two policemen were despatched, and if their arrival coincided with the audience's dispersal, placards demanding 'Reform in the Commons House of Parlt vote by ballot... or nothing' and enjoining 'respect the Soldiers...they are our friends' remained in place. The magistracy departed once cavalry escorts were available.<sup>32</sup>

After a brief sojourn in London, Maule returned to examine paperwork against Hollingbourne protesters, and the radical Maidstone shoemaker Adams who had led two to three hundred rioting 'agricultural labourers' in the vicinity, demanding cash contributions from various targets, and making political speeches.<sup>33</sup> Maule also received 'disastrous intelligence' of further fires in Kent, more in Sussex, including two at Battle, further details on which came from the local Clerk of the Peace who rushed across specifically to lobby Maule. The clerk insisted on the current escapist line, that incendiaries were 'strangers'.<sup>34</sup> Maule was 'heretical on this point', believing that locals were responsible on the grounds of 'the number of these conflagrations and the intire absence of a trace in any one instance...If strangers do the act', he reasoned, 'some of those...on the spot conceal it'. No suspect had as yet been arrested for arson, and Maule immediately despatched policeman Clements to Battle.<sup>35</sup> Arson also topped others' agendas. One leader of at least three distinct Swing mobilizations, the former naval rating and radical, Richard Price, claimed that the 'burnings were necessary to bring people' – by which he meant establishment 'gentlemen' – 'to their senses'. Customers 'talking about the fires' in the comfort of the Rose in Dover, included Thomas Johnson,

<sup>27</sup> On the decision to appoint Special Commissions, the Home Office informed the Hampshire magistracy that 'It will be a good point to catch an Incendiary, and very little has yet been done in that way in any of the Counties': Phillipps to Richard Pollen JP, 25 Nov, and Maule, 7 Dec 1830, PRO, HO 41/8, pp 128–9, 419.

<sup>28</sup> Battle protesters demanded increased wages for parish employees from the assistant overseer, who subsequently fled, and then regrouped on 1 Nov to intimidate Sir Godfrey Webster from imprisoning their leader: *Sussex Advertiser*, 8 Nov 1830.

<sup>29</sup> Phillipps to Maule, and to F Claridge, Sevenoaks, 1 and 8 Nov; Peel to Camden 26 Oct 1830, PRO, HO 41/8, pp 24–5, 28, 52/8, ff 372–3.

<sup>30</sup> Maule 'understood him to say' that the sentences 'could not have been otherwise under the circumstances which circumstances he was not at liberty to disclose'.

<sup>31</sup> Maule to Phillipps, 1 Nov 1830, PRO, HO 40/27 (2), f 54.

<sup>32</sup> Maule to Phillipps, 1 and 2 Nov 1830, PRO, HO 40/27 (2), ff 54–7; *Maidstone Gazette*, and *Hastings Iris*, 2 and 6 Nov 1830.

<sup>33</sup> Maule to Phillipps, 5 Nov 1830, PRO, HO 40/27 (2), ff 58–9.

<sup>34</sup> Maule to Phillipps, 2 Nov 1830, PRO, HO 40/27 (2), ff 60–1. Cf the argument in the *Sussex Advertiser*, 8 Nov 1830.

<sup>35</sup> Maule to Phillipps, 5 and 7 Nov 1830, PRO, HO 40/27 (2), ff 58–61.

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whose 'exulting...manner' in his prediction 'that there would be a great many more' led to fighting. The police removed Johnson in handcuffs, but not before he 'seized' one protagonist 'by his teeth in his private parts'.<sup>36</sup>

## II

Wellington's notorious 2 November declaration, categorically ruling out parliamentary reform, shortly precipitated his government's demise, and more immediately generated popular mobilizations in London. These culminated in the abortion of the king's customary regal visit to the inaugural dinner of London's new Lord Mayor on 9 November, as neither the monarch's nor the duke's safety could be guaranteed.<sup>37</sup> The cancellation pre-empted one metropolitan policeman's intention to 'throw off his Coat' and 'join the Mob'; instead, this man, Charles Inskipp, who hailed from Battle, simply resigned, denying his inspector's charge that he was motivated by 'fear', as 'he wished to go into the Country', which he did.<sup>38</sup> The Weald was engulfed by Swing crowds when Inskipp arrived in Battle. On 8 November a Petty Sessions meeting had been targetted by a mass lobby drawn from several parishes, though the full-blown riot advocated by the future arsonist Thomas Goodman was forestalled by the cavalry's arrival.<sup>39</sup> News on 10 November, that serious disturbances had not occurred in London, alleviated local authorities' fears that metropolitan violence would have 'acted electrically' to trigger politically-

motivated disorders in the town.<sup>40</sup> Nevertheless, dozens of risings within a fifteen-mile radius, demanding wage and poor-relief increases, tithe and rent reductions, intermingled with attacks on professional social-security administrators and refusals to enrol as special constables, stimulated dark forebodings. The customarily cool and energetic justice Courthope, who chaired the Petty Sessions, had previously focused solely on incendiarism. Once Sussex followed 'the example of Kent' with mass mobilizations, the 'whole fabric of society appears to be shaken', not least owing to

the general prevailing opinion that all governments must now submit to the will of the people & cannot resist redressing all real and imaginary grievances of the labouring population.<sup>41</sup>

Four days later on 11 November Courthope believed the magistracy was liable to collapse, and urgently supplicated the Home Office.

Let me again & again entreat...Peel not to leave us without some good adviser...the whole of the County may be hazarded by an indiscreet tho' well intentioned act of one or two County Magistrates.

Maule arrived in Battle on 12 November, though he clearly saw this as a diversion. Although arson suspects had by now been arrested in Kent, the view 'that the incendiaries are imported from the Metropolis' was so 'prevalent' in Kent, that Maule had asked for an enquiry by intelligence sources to reveal any links between radicals in country and capital. Among those whose letters he advised intercepted were Stephen Caute, the 'spokesman of the Radical Club' at Maidstone, and a principal speaker at the recent Penenden Heath meeting. While Maule sympathized with the multifaceted problems of

<sup>36</sup> Deposition of William Hooper Bailey, butcher, 30 Oct, depositions against Price, Nov 1830, KCRO, Q/SBe/121, 124; *Maidstone Gazette*, 4 Jan 1831.

<sup>37</sup> W Brock, *The Great Reform Act*, 1973, p 127.

<sup>38</sup> Barton to Melbourne, and Philipps to Barton and Bellingham, 26 and 30 Nov 1830, PRO, HO 41/8, pp 250-2, 52/10, ff 431-2.

<sup>39</sup> Bellingham to Melbourne, 4 Dec 1830, PRO, HO 52/10, ff 445-6.

<sup>40</sup> *Brighton Herald*, 13 Nov 1830. According to others 'The staying away of the King from Guildhall has caused a great Sensation - A great Mob is said to be...gathering at Battel to overawe the Military by Numbers': E J Curteis, and H Mascall, to H B Curteis, both 10 Nov 1830, ESCRO, AMS 5995/3/13-4.

<sup>41</sup> Courthope to Lord Lieutenant Egremont, and to Peel, 7 and 11 Nov 1830, PRO, HO 52/10, ff 390-1, 618-9.

Courthope's Bench, notably the need for 'some legal assistance', Maule's stay must be brief; if Peel thought otherwise, then he should send a London stipendiary magistrate to deputize. Cobbett did not figure in either Courthope's perceptions or Maule's calculations.<sup>42</sup>

On 14 November Courthope was 'so fatigued & harrassed that I can scarcely put two connected sentences together'. The arrival of General Balbiac at Battle to direct military deployment on 15 November restored some confidence, though the cavalry were too stretched to intervene everywhere in the High Weald 'infested with assemblies'.<sup>43</sup> Many activists flourished handbills, 'distributed with the activity of an election', detailing the incomes of state sinecurists and senior ecclesiastics, appropriately entitled 'Nice Pickings'. Justice Collingwood tried to neutralize their impact by ending one negotiation with protesters by orchestrating three cheers for the king and exacting promises not to read Cobbett.<sup>44</sup> Battle remained in ferment. The postmaster remained deeply 'impressed that the Peasants are instigated to pursue their present outrages by persons...anxious to overturn the government', an assertion supported by information that 'a person of notoriously revolutionary principles' had 'gone round to the neighbouring Village Beer Shops lecturing the Paupers after Cobbett's fashion'. This proved to be none other than the recently-resigned London policeman, Charles Inskipp. He donned 'a Cap decorated with tri-colored Ribbands', which he stressed 'were worn at the French Revolution...and if they were all of his

Mind there would soon be a revolution here'. Inskipp claimed to 'have left the new Police for the purpose of coming down to instruct the people', arguing that now's the time to make...Government...comply and do away with the Tythe and Taxes and...said that he did not value his life a farthing and he would head them, and would instruct those unenlightened to fight for their rights.

The issue of arrest warrants for Inskipp in late November coincided with another incendiary attack.<sup>45</sup>

By this juncture, Swing's epicentres were moving swiftly westward, and stimulated renewed populist politicking in West Sussex. A 'riotous and revolutionary spirit' in the Horsham region focused on the town itself, and on 18 November a thousand protesters led by three members of the 'Horsham Radical Party' besieged local gentry, farmers, and a lay tithe proprietor in the church, during which alter rails were demolished for weapons. This meeting limited itself to wage increases and tithe reductions, but was followed by a purely political assembly at the town hall which attributed the disturbances to governmental 'mismanagement'. Employers, whether farmers or master tradesmen, were too impoverished to afford improved wages, unless tithes, taxes and rents were reduced, together with the 'total abolition of all sinecures, useless places and unmerited pensions'; parliamentary reform was indispensable. Only four of the sixty-three householders summoned to become special constables turned out, giving the local Sheriff Thomas Sanctuary - no option but to lobby for military aid. Once troops arrived - by forced marches - warrants were issued against politically-motivated instigators of the first protest who had absconded, and the detective services of a

<sup>42</sup> Maule to Phillipps, 8, 11, 12 and 15 Nov 1830, PRO, HO 40/27 (2), ff 62-71.

<sup>43</sup> Balbiac, Battle, to Lord Fitzroy Somerset, 15 Nov, Courthope to Phillipps, 14, 15 and 16 Nov 1830, PRO, HO 52/8, ff 190-4, 52/10, ff 400-8.

<sup>44</sup> BPP, 1834, Poor Law Commission, Appendix B, answer of Giles Miller, Goudhurst, to q 53; Affidavit, T T Hodges, Benenden, and G N Collingwood, to the Home Office, both 11 Nov 1830, PRO, HO 52/8, ff 166-9, 171-3; for copies of two handbills separately produced by London radical printers, Hetherington, and Harrison, PRO, HO 52/8, ff 320, 344.

<sup>45</sup> Prosecution brief against Inskipp, PRO, TS 11/1007/4051; Bellingham and Barton, to Melbourne, 26 Nov, Postmaster, Battle, to Freeling, 27 Nov and 1 Dec, Freeling to Phillipps, 29 Nov 1830, PRO, HO 52/10, ff 431-7.

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London policeman secured to expose the perceived 'conspiracy' to effect 'revolutionary objects, & for the incitement of Riots at Horsham and the adjacent Parishes'.<sup>46</sup> The latter initiative developed into a prolonged farce,<sup>47</sup> played out against continual fears that the county jail in the town would be attacked, with the release of the Swing prisoners, whose numbers were swelling and included arsonists. The army guarded the town until mid-December when the prisoners were carted off to Lewes for the Assizes.<sup>48</sup>

During this period in late November and early December in East Sussex, authority moved temperately gradually to restore order. As many farmers were 'in the greatest poverty & their capital all gone',<sup>49</sup> Courthope refused to compel legally men to serve as special constables. He enrolled those who volunteered, 'made them as friends instead of enemies', and was thus 'able to distinguish our friends from our foes', prior to launching an offensive against the 'perpetrators of these outrages'.<sup>50</sup> County policy to organize parochial night patrols – 'not a very agreeable

office these Cold nights'<sup>51</sup> – was slowly implemented, with Battle among the first.<sup>52</sup> Late on the night of 2 December the Battle patrol passed Thomas Goodman, but made no verbal contact with him; shortly afterwards it was called to a blaze at Henry Atherton's barn, though little could be done to save it.

Subsequently, two patrol members insisted on reconnoitering the spot where Goodman had been seen, and his footprints were traced in one direction to the barn, and the other to his lodgings at Thomas Pankhurst's. Both men were arrested, and Goodman speedily committed. Pankhurst was held some time and released only after agreeing to give evidence of his lodger's movements.<sup>53</sup> At Horsham jail Goodman joined three other alleged incendiaries. These were George Buckwell belatedly committed in mid-November for arson at Hartfield one month earlier,<sup>54</sup> a retarded fourteen year-old for incendiarism at Bodiam,<sup>55</sup> and Edward Bushby for firing farmer Olliver's barn at East Preston on 28 November.<sup>56</sup>

Simultaneously, Maule experienced mixed fortunes in orchestrating Swing's repression in Kent. Three arson suspects from Northfleet were eventually released for lack of evidence, while Maule's attempts to indict Wrotham farmers for inciting labourers to force tithe reductions

<sup>46</sup> *Political Register*, 11 Dec 1830; Sir C M and W Burrell, to Melbourne, 25 Nov, W Burrell to Melbourne, 19, 21 and 28 Nov, C W Burrell to Phillipps, 5 Dec, T Sanctuary to Peel, 18 and 19 Nov, T Broadwood to Peel 21 Nov 1830, undated extract from letter to daughter of W Davies, PRO, HO 52/10, ff 534-7, 542-5, 548-9, 552-8, 565-6; deposition of J Mitchell, 3 Feb 1831, PRO, Assi[ze]s 36/2; *Brighton Gazette*, and *Sussex Advertiser*, 25 and 29 Nov 1830; *Hastings Iris*, 19 Feb 1831.

<sup>47</sup> The policeman, Johns, identified an informant, labourer Stedman allegedly 'sworn to secrecy' who refused to reveal names unless given a fresh identity well away from Horsham. The Home Office refused both John's request to bring Stedman to London for interrogation, and to reward him; the investigation was subsequently abruptly terminated by Melbourne: Phillipps to C M Burrell, 29 Nov, 9, 11 and 13 Dec, C M Burrell to Melbourne, 3 Dec 1830, PRO, HO 41/8, pp 198-9, 448-9, 473-4, 41/9, p 17, 52/10, ff 561-2.

<sup>48</sup> *Sussex Advertiser*, 29 Nov 1830; Phillipps to C M Burrell, 29 Nov 1830, PRO, HO 41/8, pp 198-9; letters to Sanctuary from, Peel, Phillipps, and W Burrell, 19, 20 and 25 Nov; Sanctuary to Captain Trotter, and under-sheriff Medwin, 24 and 25 Nov 1830, Bodleian Library, Ms Top Sussex, C2, ff 10, 14, 18, 20, 22.

<sup>49</sup> The Battle correspondent for *The Times*, 13 Nov 1830, reported that farmers were 'nearly as bad off' as their labourers, and viewed arson with 'comparative indifference...even...on their own farms; the corn and hay destroyed may be nominally theirs, but they are really the landlords to whom they are pledged for arrears of rent'.

<sup>50</sup> Courthope to Phillipps, and to Peel, 4 and 16 Nov 1830, PRO, HO 52/10, ff 401-8.

<sup>51</sup> Mrs E Beard, Keymer, to her sister at Maidstone, 19 Dec 1830, ESCRO, AMS 5774/4/4.

<sup>52</sup> Resolutions of East Sussex magistrates' meeting, Lewes, 1 Dec 1830, PRO, HO 52/10, ff 595-6; *Sussex Advertiser*, 29 Nov and 6 Dec 1830.

<sup>53</sup> The posse's investigation of Goodman was instigated by two members, the architect John Vidler and draper John Sargent, not the professional policemen Clements: Bellingham to Melbourne, 3 and 4 Dec 1830, petition for reward, Vidler and others, 11 Jan, Maule to Messrs Slater and Sargent, 18 March 1831, PRO, HO 52/10, ff 444-6, TS 3/23 p 387, 5/18, pp 233-6; *The Times*, 24 Dec 1830.

<sup>54</sup> Prosecution brief, and indictment, PRO, TS 11/1007/4051, Assi 35/270/5.

<sup>55</sup> Richard Pennells was found guilty, recommended to mercy by the jury, and the death sentence was commuted to one month's imprisonment: *The Times*, 24 Dec 1830; indictment, PRO, Assi 35/270/5.

<sup>56</sup> Mayor of Arundel, and Olliver, to the Home Office, 30 Nov and 4 Dec 1830, PRO, HO 52/10, ff 295-6, 299-300; *The Times*, 22 Dec 1830.

foundered on the incumbent's refusal to prosecute and thereby generate 'an irreconcilable break between himself & parishioners'. Intelligence sources failed to establish links between radicals in Kent and London. On the other hand a batch of machine-breakers had been transported at the East Kent Sessions, and maximizing press coverage was calculated to have reversed the effect of Knatchbull's early leniency. Radical activists were under arrest. Maule aimed to prosecute them not for political but for typical Swing offences, including at least one for levying contributions, robbery in legal terms, and liable to capital punishment.<sup>57</sup> Moreover, six suspected arsonists were in custody.<sup>58</sup> If the evidence against two was merely circumstantial, one of the three youths accused of incendiarism at Blean had turned King's Evidence. The case of the army deserter John Dyke who had been 'wandering about the Country for some time' raised strong hopes for a conviction at the Kent Assize scheduled for mid-December. Dyke and the two Blean youths were found guilty, and executed on Penenden Heath on Christmas Eve.<sup>59</sup> Once the Kent Assize finished, Maule briefly returned to London, before proceeding to Lewes for the Sussex Assize commencing on 20 December. At this point Maule's correspondence with the Home Office briefly lapsed, restarting with his arrival in Reading on 28 December to oversee prosecutions at the Special Commission for Berkshire.<sup>60</sup>

Maule was in London on 17 December,

<sup>57</sup> Maule to Phillipps, 17, 25, 26 and 30 Nov, and 6 Dec, Phillipps to Maule, 30 Nov 1830, PRO, HO 40/27 (2), ff 73-4, 83-6, 89-90, 93-4, 41/8, pp 256-7.

<sup>58</sup> A seventh, a lass in domestic service accused of firing her employer's house, can hardly be counted as a Swing protester.

<sup>59</sup> Maule to Phillipps, 28 and 29 Nov, 10 and 16 Dec, Phillipps to Maule, 16, 17 and 18 Nov, Peel to Postmaster-General, 16 Nov 1830, PRO, HO 40/27 (2), ff 89-94, 101-4, 41/8, pp 48-9, 55, 59-60; *The Times*, 17 and 25 Dec; B Reay, *The Last Rising of the Agricultural Labourers*, 1990, pp 75-7.

<sup>60</sup> Phillipps to Maule, 30 Nov, Maule, London, to the landlord of the Crown Inn, Reading, and to Freeling, 22 and 24 Dec, Maule, Reading, to Phillipps, 28 Dec, C Bouchier to P Gibbon, 13 Dec 1830, PRO, HO 41/8, pp 256-7, 40/27 (2), ff 105-6, TS 2/23, pp 47, 62, 64.

the day after Arthur Trevor in the Commons advocated Cobbett's prosecution by the government. Maule's return from the Sussex Assize coincided with Trevor's repeated demand on 23 December. The ministry decided to 'fight...Trevor's Motion' by insisting that it infringed executive prerogative, an argument which suggested that government was not going to be bounced into prosecution and only implied that action would be considered.<sup>61</sup>

Cobbett's commentary, principally in print, exploited the Swing crisis throughout the autumn to maximize political capital. His imagery of a 'rural war' and concept of a 'just war' were dramatic, but hardly unsubstantiated by the facts, though his claim that he had 'for many years past' warned 'the middle class, and particularly the farmers, against the...time when millions would take vengeance on the thousands' was an exaggeration. Certainly, Swing legitimated reiteration of all elements of Cobbett's central critique of the agricultural depression, underemployment, inadequate wages, parish-work, benefit-cutting professional overseers, and the game laws; its aggravation by taxes, tithes, national debt, sinecures and pensions facilitated advocacy of unity between farm labourers and their employers to demand parliamentary reform as the panacea for the redress of grievances, and the restoration of rural economic equilibrium. Cobbett emphasized elements of emergent inter-class solidarity, including refusals to serve as special constables, and extolled examples of Swing mobilizations being followed by parliamentary petitioning as at Horsham. He was however cautious, controlling his enthusiasm notably when attempts were made - again in the Battle district - to stop forcibly tax

<sup>61</sup> Ministers entertained 'no fear of being beat' by the Tories, and calculated that they would not 'embark on prosecutions' without Peel's leadership. Peel had already left London for the Christmas break. Lord John Russell to Holland, 22 Dec, John Cam Hobhouse diary, 17 and 23 Dec 1830, BL, Add Mss 51677, ff 102-3, 56555, ff 75-7; *The Times*, 17, 18 and 24 Dec 1830.

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collections.<sup>62</sup> He would not have been surprised that the Home Office closely monitored the pages of the *Political Register*, and annotations thereon reveal that Cobbett's observations on incendiarism were carefully scrutinized. According to Cobbett, arson was principally resorted to where labourers were too weak to force redress through overt means. He insisted that incendiaries were not strangers, but locals, and that arson in contrast to riot, was 'most easy to perpetrate, the least liable to detection'; 'no power on earth' could forcibly contain this brand of terrorism. Moreover, in the *Register* for 11 December, Cobbett attributed widespread reductions of tithes to 'the terror of...the fires, and not to the bodily force' represented by riotous mobilizations. That part of his article was heavily scored in the Home Office's copy. Key components of his argument, notably the difficulty of detection, and that arsonists were locals, coincided with the Treasury Solicitor's perception.<sup>63</sup> Ironically, it was Cobbett's populist political rival, Richard Carlile, who was to be convicted in 1831 for riot incitement, who asserted that Cobbett had 'the power to rouse the country to resistance by one week's Register. A serious word from him to the people would decide that point'.<sup>64</sup>

Cobbett asserted that arson and fears of incendiarism produced tithe reductions, and constituted 'unquestionable' evidence that these 'acts' of 'working people...produced good, and great good too'. These became the grounds for the charges of incitement to 'violence and disorder and to the burning and destruction of Corn, Grain, Machines and other property', which eventually appeared in the indict-

ment. The decision to prosecute was taken in January 1831, but presenting it to the Old Bailey Grand Jury was delayed by the Attorney-General's absence at the Special Commissions until 16 February. Then a True Bill was found, though the trial did not come on until July.<sup>65</sup>

Events at the Sussex Assize between 20 and 23 December were nevertheless crucial. Here, Maule discussed legal details with prosecuting counsel. Non-felony cases, including former policeman Inskipp for seditious speech at Battle, were left to customary county funding. So too was the charge against Goodman for arson at the same place, as in Maule's estimation it 'might possibly fail'. Maule left Lewes on 22 December, after Bushby's conviction for arson, but in the middle of Goodman's eight-hour trial. Unusually, Goodman's conviction hinged on the footprint and supportive circumstantial evidence, and as the judge emphasized, did not include customary proof of animosity between arsonist and victim.<sup>66</sup>

This lack of traditional motivation was critical. It negated a reprieve in response to an orthodox case for clemency based on the concurrence of the victim and good character references, hardly feasible in the fervid atmosphere. Clemency, however unlikely,

<sup>62</sup> It derived from the passage in the *Political Register*, 11 Dec 1830 on which Trevor's motion hinged. The Attorney-General also considered passages in Cobbett's monthly unstamped *Twopenny Trash*, issues V to VII (Nov 1830 to Jan 1831), but decided against enlarging the indictment to embrace - among other potential inclusions - the incisive observation, 'what defence is there against the torch? If there was but one man in every parish bent on the destruction of consumable property, the property would be a fourth part destroyed'. Cobbett resumed his Rotunda addresses on his return to London, and a report was passed to the Attorney-General: Maule to prosecuting counsel Wightman, and Attorney-General, 7 and 14 Feb 1831, indictment, and annotated copies of *Twopenny Trash*, Melbourne to the Attorney-General, 15 Dec 1830, PRO, TS 2/23, pp 217, 233, 11/73/237, HO 47/9, p 45; Grey to Taylor, 21 Feb 1831, Grey, *Reform Act*, I, pp 137-8.

<sup>63</sup> Bushby, Goodman's fellow capital convict for incendiarism, had targeted his employer Olliver, with whom he had failed to re-negotiate changes to a threshing contract. Bushby reacted by refusing to work, complained of farmers 'driving' their workers, and threatening to appeal to the Bench: *The Times*, 24 Dec 1830; Maule to the Attorney-General, and to Kell & Co, Battle, 26 and 27 Dec 1830, second petition from Vidler and others of Battle for reward, 20 March 1831, PRO, TS 2/23, pp 71-2, 5/18, pp 353-6.

<sup>62</sup> Privately, Cobbett's excitement rose to fever pitch over this development at Crowhurst, adjacent to Battle: 'the labourers, and farmers too, in fact, have forbidden the collector of the assessed taxes to take any money out of the parish. That is it! That's coming to the point': Cobbett to Stopford, 26 Nov 1830, Nuffield IV/54, f 1.

<sup>63</sup> *Political Register*, Oct to Dec 1830, esp issues of 27 Nov, 4 and 11 Dec 1830, and 22 Jan 1831. For Home Office annotations, see PRO, HO 52/10, ff 290-7, 333-43.

<sup>64</sup> *The Prompter*, 18 Dec 1830.

demanded extraordinary grounds, which eventually derived from the three separate, but incremental allegations against Cobbett. The first, a single sentence version, was published in *The Times* on 24 December, the same day as the Thunderer reported the bulk of the Lewes trials, and was verified by the Revd Rush. Much has been made of Rush's supposedly inexplicable presence at Lewes, not least by Cobbett himself, but Rush had given evidence against two men convicted of conspiring to force the tax-collector at Crowhurst to return the cash to the payers.<sup>67</sup> Cobbett accurately claimed that Swing prisoners in Hampshire and Wiltshire jails were 'canvassed' for links with himself, and if he made no mention of Sussex antecedents, it is not impossible that such occurred. If Goodman was approached after his conviction, and volunteered that his incendiarism was stimulated by Cobbett's Battle speech, it was the only conceivable chance, however remote, to save Goodman's life. Irrespective of Rush canvassing, verification of Goodman's statement by a clergyman was logical. Cobbett immediately denounced Goodman's allegations, including *The Times*' embellishment that Goodman's first target, a stack belonging to Charles Emery of the George in Battle on 3 November, which Goodman admitted after his conviction on another charge, was fired in retaliation for Emery's refusal to accommodate Cobbett with a venue for his 16 October lecture at Battle.<sup>68</sup>

William IV not only read the newspapers and worried over the impact of the 'lower orders...of a licentious and unrestricted press', but on occasion brought his ministers' attention to possible seditious paragraphs. Among them was at least one issue of the

*Political Register*.<sup>69</sup> The king took a close interest in Swing, and was particularly relieved that the trials at Lewes 'proceed[ed] without interruption'. Doubtless his personal proximity to Lewes underlay this relief, for William spent Christmas 1830 at Brighton Pavilion, where he 'always' kept 'open house', a 'strange life' for a monarch.<sup>70</sup> On Christmas Day, as Bushby and Goodman were transferred back to Horsham for execution on New Year's Day, the king's private secretary informed the Duke of Wellington – who had relayed the latest information of Swing trials at the Hampshire Special Commission – that

Proceedings at Lewes have been of the same Character and one of the Incendiaries has confessed that he had been incited to the mischief by Cobbett's Publications and Lectures.<sup>71</sup>

On 30 December Francis Burrell and two visiting magistrates at Horsham jail, activated they said by Cobbett's denial, interviewed Goodman 'without the slightest hope being held out to him of any remission of his Sentence'. They interrogated Goodman as to 'whether he had any emnity against' his arson victim, and were reassured that Goodman 'bore no malice'. Then 'without any dictation or suggestion', Goodman penned a more substantial account of Cobbett's lecturing, including advocacy of every man having a gun in 'readdyness' to follow the speaker into action when called upon. The High Sheriff of Sussex, Thomas Sanctuary, showed the second confession to

<sup>67</sup> See for example G Spater, *William Cobbett. The Poor Man's Friend*, 2 vols, 1982, II, pp 475–6; indictment of James and William King, Sussex Winter Assize, 1830, PRO, Assi 35/270/5. Although only one Crowhurst resident signed Cobbett's petition, he had other supporters there: Nuffield XI/8, ff 1–3; *Twopenny Trash*, 1 Dec 1831; *Political Register*, 19 Feb 1831.

<sup>68</sup> *The Times*, 24 Dec 1830; Spater, *Cobbett*, II, pp 457–8.

<sup>69</sup> Taylor to Grey, 20 Dec 1830, and 4 Feb, Grey to Taylor, 21 Feb, William IV to Grey, 3 May 1831; Grey, *Reform Act*, I, pp 26–8, 60–3, 239–46, 250–1; Philipps to the Attorney-General, 15 Nov, enclosing a copy of the *Liverpool Courier*, 10 Nov 1830, with marked passages, sent by Taylor, PRO, HO 49/7, p 409; William IV to Althorp, 13 Feb 1831, BL, Althorp Mss, H7.

<sup>70</sup> Taylor to Grey, 15 Jan 1831; Grey, *Reform Act*, I, pp 60–3; Greville, *Memoirs*, II, p 106.

<sup>71</sup> Taylor to Wellington, 25 Dec 1830, Southampton University Library, Wellington papers, 1/1157/10. The parallel characteristics no doubt included the participation of politicized artisans, and examples of non-local agitators, including the capitally convicted (and executed) James Thomas Cooper who claimed he had attended proceedings at the Rotunda and did nothing to counteract rumours that he was the celebrated radical Henry Hunt. Cobbett supporters were also identified as leading Swing activists, notably in the Sutton Scotney district north of Winchester. See Wells, 'Rural rebels', p 135, and Dyke, *Cobbett*, esp pp 171–5.

the king at the Pavilion on New Year's Eve, and was introduced by him to Home Secretary Melbourne 'on the subject of Cobbett and the Swing Fires'. William was convinced that 'Cobbett begins to be frightened'.<sup>72</sup>

Melbourne performed a remarkable volte-face between 30 and 31 December. On 30 December he had specifically and personally rejected a petition presented by the Whig MP for Lewes, Thomas Kemp, for a respite for both Goodman and Bushby, to make time for representations for reprieves. On the following day Melbourne formally and hurriedly transmitted the king's commands granting Goodman a fourteen-day stay of execution; within days it was commuted to transportation for life.<sup>73</sup> Ironically, William had also learned

that Goodman is not acquainted with Cobbett's Person and...he may have mistaken a Disciple of C's who lectured after he left Battle...Cobbett...is supposed to be very wary to have so committed

himself to the language alleged by Goodman. Now the king asked Sanctuary to get 'Corroboration' of Goodman's statement to the visiting magistrates.<sup>73</sup> Bushby was hanged on 1 January as scheduled. Under-sheriff Medwin who presided, reported directly to the king, including the possibility that another party was also involved with Bushby at East Preston. William 'desired' Medwin to preserve the paper to which he committed Bushby's few dying words.<sup>74</sup> The king still hoped that

'Cobbett may be laid hold of' on 2 January, as Sanctuary launched a local investigation into Goodman's character and sought further details of Cobbett's lecture. This elicited a robust response from Sir Godfrey Webster, the somewhat idiosyncratic politician and local landowner, who sat on the Battle Bench, and who had played a determined role in countering Swing. Webster's anger that Maule had refused to 'take up' and finance 'the case of Inskipp for Sedition' was turned to fury by 'one...of the most destructive fires we have yet had' at Battle which greeted the news of Goodman's respite. Locally, Cobbett's 'admirers' had increased, while the 'licentious pasquinador' was now 'looked upon as a guardian angel', an impossible scenario in which to gather incriminating evidence respecting Cobbett's lecture. Moreover, the disparity between Goodman and Bushby's fate induced the local magistracy to believe the latter's execution constituted 'Judicial Murder', and the former's reprieve 'a great mistake'. Later that month, King William told the Duke of Wellington that

Ministers had carried too far their pardons to the rioters. He took great blame for himself for having been led to propose the pardoning of Goodman. Some Sussex gentlemen had got round him & there was a hope he would have given some evidence against Cobbett.<sup>75</sup>

Further irony derives from the fact that Goodman had witnessed one of Charles Inskipp's beershop harangues. Inskipp's arrest and prosecution itself owed much to very peculiar circumstances. The bar-room orator was denounced by one of the cav-

<sup>72</sup> *The Times*, 1 Jan 1831; Sanctuary to Taylor, 3 Jan 1831, Bodleian Library, Ms Top Sussex C2, f 43; Burrell to Melbourne, enclosing Goodman's second confession, 2 Jan 1831, PRO, HO 52/10, ff 614-6, published in *The Times*, 3 Jan 1831. Another and even longer version was published in the *Brighton Gazette*, 6 Jan 1831 and promptly copied by *The Times* on 7 Jan, acknowledging the *Gazette*; Sanctuary to Melbourne, 31 Oct 1832, PRO, HO 52/20, ff 1-5.

<sup>73</sup> Melbourne to Kemp, 30 Dec, and to Sanctuary, 31 Dec 1830, 8 and 29 Jan 1831, PRO, HO 13/57, pp 60, 74, 148; Taylor, and Medwin, to Sanctuary, both 31 Dec 1830, Sanctuary to Taylor, 3 Jan 1831, Bodleian Library, Ms Top Sussex, C2, ff 37, 41-3; *The Times*, 1 and 4 Jan 1831.

<sup>74</sup> According to this paper nothing said by Bushby in his very short scaffold address could be construed as an admission of guilt: 'Bushby's execution the 1st of January 1831', Bodleian Library, Ms Top Sussex, C2, ff 39-40. A combination of Bushby's 'conviction by circumstantial evidence alone' and widespread

rumours that he had denied guilt were vigorously, if belatedly, countered by the claim that he had acknowledged responsibility to the chaplain a week before his execution: *Sussex Advertiser*, 21 Feb 1831.

<sup>75</sup> Wellington saw the king towards the end of the month: Taylor to Wellington, 2 Jan 1831, Southampton University Library, Wellington Papers, 4/1/3/4/1; Sanctuary to Webster, and reply, 3 and 4 Jan 1831, Bodleian Library, Ms Top Sussex C2, ff 48-9; Ellenborough diary entry, 26 Jan 1831, A Aspinall, ed, *Three Early Nineteenth Century Diaries*, 1952, p 42; Wellington to Buckingham, 1 and 26 Jan 1831, Duke of Buckingham and Chandos, ed, *Memoirs of the Courts and Cabinets of William IV and Victoria*, 2 vols, 1861, I, pp 187, 200.

alrymen policing Battle. This character, William Money Penny, was however no run-of-the mill squaddie, but the scion of an affluent Irish family, cut off from his inheritance for making an improvident marriage. Money Penny's motives can only be guessed.<sup>76</sup> Significantly, none of the other soldiers who were billeted on the beershop gave evidence, and Money Penny's initiative may have constituted an attempt to rehabilitate himself. More sinister are the facts that as Inskipp was a Battle man, and about the same age as Goodman, the arsonist was unlikely not to know him. Moreover, the two were fellow prisoners while awaiting trial. In view of these details, Goodman deliberately juxtaposed Inskipp and Cobbett in a cynical attempt to incriminate the latter, encouraged by a number of Sussex magistrates who were probably initially not aware of Goodman's apparent duplicity. This series of developments briefly led the king to believe that conclusive evidence against Cobbett was obtainable.<sup>77</sup>

These led directly to Goodman's pardon, but his testimony was useless against Cobbett, though the charge according to Cobbett's solicitor would have been clinched by any proven incendiary's claim that he had been motivated by Cobbett's speeches or journalism.<sup>78</sup> The commutation to transportation was hurriedly imple-

mented presumably to get Goodman out of the way. Ministers were anxious to stop Tory attacks for not prosecuting Cobbett, and indicting him – and the much more vulnerable Richard Carlile<sup>79</sup> – also had the virtue of holding notorious demagogues partially responsible for Swing. This ruse countered some pamphleteers' claims that the rising was driven by revolutionary protesters in conscious imitation of the French.<sup>80</sup> After the continental revolutions William IV was paranoid about sansculottes. If he came to believe that Swing somehow represented an English form of similar portents, his support for Whig parliamentary reform may have evaporated.<sup>81</sup> Cobbett publicly and grandiosely attributed his prosecution to a combination of Whig fears and malignancy, and a determination to silence his criticism of government early in 1831.<sup>82</sup> However, this claim loses some of its credibility in the context of Cobbett's solicitor lobbying the assistant secretary of state at the Home Office, who in response made it categorically clear that Cobbett's current support of the first Reform Bill would not head off the prosecution; ministers would rather 'add a million to the national debt' than abandon the case.<sup>83</sup> Cobbett's acquittal, at the hands of a hung jury, principally derived from the weakness of the case that he had advocated arson, and Cobbett's production of witnesses who had been in his Battle audience, backed by a petition from many others, denying that he had incited

<sup>76</sup> On Inskipp's conviction, the foreman of the Sussex Assize Grand Jury successfully supplicated a government reward for Money Penny: Sir John Shelley, Lewes, to Melbourne, 24 Dec 1830, Bouchier to Bellingham, 5 May 1831, PRO, HO 52/10, ff 607–8, TS 2/24, p 146.

<sup>77</sup> Inskipp prosecutor's brief, PRO, TS 11/1007/4051; Melbourne to Sanctuary, 6 Jan 1831, L C Saunders, ed, *Lord Melbourne's Papers*, 1889, pp 126–7.

<sup>78</sup> 'Some proof...of some fire having been set or some property destroyed must be given or it is contended this Indictment cannot be supported': defence notes on indictment by solicitor Faithfull, Nuffield XXI, 9/1, ff 1–2. The prosecution contended that the 'tendency' of Cobbett's passages 'In the first place to excite a suffering people, but at all events a people whose minds were inflamed, to a repetition of crime', a somewhat awkward line of attack, as it implicitly acknowledged that intense incendiarism predated Cobbett's publication on 11 December 1830, and therefore could allege only that they encouraged repetition. Ironically, the fire for which Goodman was convicted, occurred on 2 December: *Trial of William Cobbett*, Strange, 1831, p 6.

<sup>79</sup> Carlile claimed that his *Prompter* 'has not circulated in the agricultural districts', yet while asserting -- before any trials for arson -- that there was no evidence implicating labourers, he insisted that if that proved to be the case, husbandry workers 'have more just and moral cause for it than any king or faction, that ever made war, had for making war'; Carlile also argued that in the event of Grey's taking 'severe' repressive steps, the labourers should 'use their congregated strength to put down the Earl': *The Prompter*, 18 and 25 Dec 1830. Not surprisingly, the Treasury Solicitor thought Carlile would be easily convicted, and brushed aside Carlile's private entreaties: Bouchier to T Stafford, 30 Dec 1830, and to Carlile, and 3 Jan 1831, PRO, TS 2/23, pp 76, 79.

<sup>80</sup> D le Marchant, *Memoir of John Charles, Viscount Althorp*, 1876, p 328. See also pamphleteer Edward Gibbon Wakefield cited in note 4 above.

<sup>81</sup> J L and B Hammond, *The Village Labourer*, 1966 ed, pp 313–4.

<sup>82</sup> *Tivopenny Trash*, 1 June 1832.

<sup>83</sup> Faithful to Cobbett, 18 April 1831, Nuffield 9/11, ff 1–2.

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them. One signatory was Henry Alderton, Goodman's victim. Cobbett's prosecutors were unable to replace Goodman with any other witness from Battle, though Goodman's inadmissible evidence against Cobbett was nevertheless confounded at the trial. Later, Cobbett dutifully and glowingly praised 'the excellent people of Battle' who had preserved him from the 'conspiracy' of 1830-1.<sup>84</sup>

### III

A number of conclusions may be drawn from events in Swing's initial south-eastern theatre, Cobbett's activities, Goodman's revelations, and the Treasury Solicitor's campaign. Interpretations of Swing as the inevitable violent response to the intolerable and seemingly chronic deprivation of farmworkers encapsulated by the customary perception of the 'last labourers' revolt' requires significant qualification. Farmworkers were not only joined by considerable numbers of rural craftsmen, some of whom were clearly politically-aware populist democrats, but the revolt also embraced their counterparts in adjacent towns. There were too many conjunctions between village and urban protesters to warrant perceptions of an exclusively rural revolt, and too great a participation by non-farmworkers to accept notions of a labourers' uprising. Farmers clearly played a covert role in stimulating labourers to mobilize principally against the clergy and tithe payments, though as Maule discovered at Wrotham prosecuting delinquent farmers was highly problematic. The injections of politics were critical, and Cobbett's crusading on stage and in print was the very visible tip of an iceberg. Cobbett certainly contributed to publicizing French events in the rural south-east, but others including the radical nucleus at Battle were

already active in the same cause. Both clearly contributed to the atmosphere in which people at the bottom of the social hierarchy really did consider that mass mobilizations would remedy grievances, as reported by Justice Courthope among many others. Moreover, the popular democratic politics articulated by Swing activists convinced many previously sceptical electors, and a body of liberal Tories, that modest reform of the Commons was paramount. This was a major reason which eludes some historians, 'why the clamour for constitutional reform...hitherto...contained within safe pockets spread so suddenly and extensively in...1830'.<sup>85</sup>

Maule's orchestration of repression in Kent, especially criminal prosecutions, represented an unparalleled intervention by central government thereby seriously compromising customary local juridical autonomy. But, both in the south-east, and later in those counties for which the Special Commissions sat, Maule and his department were responsible for ensuring that almost all Swing indictments pertained to acts of violence, as opposed to politically-motivated sedition.<sup>86</sup> Inskip was an exception, but his prosecution derived from the unusually situated cavalryman, Moneypenny, and the trial was financed by county not Treasury funds. Cobbett's indictment followed a unique series of events, namely Goodman's desperate post-conviction claims, and the capacity of Tory magistrates to exploit their proximity and access to the monarch to outmanoeuvre the government, which had recently fought Tory MPs' demands for legal action against Cobbett. Ministers could hardly refuse to act against Cobbett after the publicity accorded to Goodman's assertions, though ironically those assertions could never be transmuted into admissible evidence.

<sup>84</sup> Recognizances for copies of *The Times* of 24 Dec 1830, 3 and 7 Jan 1831, to be produced in court, Nuffield 9/16, f 9; *Trial of Cobbett*, pp 13-6, 18-20; Spater, *Cobbett*, II, pp 476-8; *Twopenny Trash*, 1 Dec 1831; *Political Register*, 16 June 1832.

<sup>85</sup> P Mandler, *Aristocratic Government in the Age of Reform. Whigs and Liberals 1830-1852*, 1990, p 33.

<sup>86</sup> For further evidence see Wells, 'Rural rebels', pp 136-7, and 'Social protest', p 163.

Privately, one MP opined that 'The Whigs were egged on by the taunts of Tories' into Cobbett's prosecution, and once it failed 'laughed at the...defeat'.<sup>87</sup> A warped version of William IV's role in all this was eventually publicized by the *Observer* which claimed that Cobbett's prosecution comprised the 'fulfilment made by a very exalted personage to a few Sussex land-owners'. Once acquitted, Cobbett cheekily challenged the government to prosecute the editor for implicating the king.<sup>88</sup> The prosecution of both Cobbett and Carlile on political charges, namely incitement through seditious publications, subscribed to the convenient fiction, that the politics of Swing, along with some of the violence could be ascribed to the demagoguery of a pair of notorious radical publicists.<sup>89</sup> Despite Maule's role in orchestrating Swing's repression, especially the legal counter-offensive, this barrister 'of great ability'<sup>90</sup> played no part in the decision to prosecute Cobbett.

Eventually Cobbett celebrated the Reform Act in another Swing epicentre, Barton Stacey in Hampshire, principally because this locality provided so many – including one of the capital – victims of the Special Commissions. Cobbett insisted that he 'was an utter stranger to the neighbourhood', one reason why the canvas of prisoners in Winchester jail for incriminating evidence failed. He claimed that the second Reform Bill's passage 'owe[d] more to the COUNTRY LABOURERS than to all of the rest of the nation put together', because Swing triggered Wellington's resignation and his replacement by Grey's government committed to reform. If reality was more complex, especially the desertion of Wellington by ultra-Tories who were

convinced that Swing demonstrated that some measure of reform was necessary to recreate confidence in the state, Cobbett was not wide of the mark.<sup>91</sup> More critically, he also reiterated the incisive observation that while riots were relatively easily contained in rural regions, arsonists remained elusive, with incendiarism 'the most easy' mode of protest 'to perpetrate, the least liable to detection'.<sup>92</sup> Ironically, the Home Office agreed, stressing as early as January 1831 that the numerous investigations by London police officers of 'many fires' across Swing's territories, had been of 'little use' but of 'great expense' for central funds. In future, policemen would be made available only where local authorities met the full cost. This represented a reversal of policy initiated by Peel, maintained by Melbourne, and initially directed by Maule in the south-east.<sup>93</sup> Cobbett's further claims, that arson would intensify in the aftermath of Swing's ostensible repression, and that the press was subjected to pressures against full reportage, also proved correct,<sup>94</sup> though it was complicated by farmers trying to evade restrictions introduced by insurance companies. Swing did not invent incendiarism as a peculiarly rural form of protest, but that episode not only witnessed a massive recourse to arson, and perhaps more importantly elevated it to the most enduring mode of countryside protest prior to the Revolt of the Field in the 1870s.<sup>95</sup>

<sup>87</sup> *Political Register*, 16 June 1832; Dyke, *Cobbett*, pp 197–8; I N-wbould, *Whiggery and Reform, 1830–41: The Politics of Government*, 1990, p 53.

<sup>88</sup> *Political Register*, 22 Jan 1831.

<sup>89</sup> Phillipps to R Cracroft, Lincoln, 13 Jan 1831, PRO, HO 41/9, p 337.

<sup>90</sup> In June 1831, Henry Hunt was shouted down in the House of Commons when he contradicted the Chancellor of the Exchequer's claim that incendiarism had ceased: *The Times*, 28 June 1831. A southern commentator observed that it was 'after' 1830 that 'the system of incendiarism...was...carried to such an alarming extent': 'Censor' in the *Sussex Advertiser*, 28 March 1836.

<sup>91</sup> *Political Register*, 12 Feb 1831; Spater, *Cobbett*, II, p 608 and note 86; Wells, 'Social protest', pp 159, 170–3; D J V Jones, 'Thomas Campbell Foster and the rural labourer: incendiarism in East Anglia in the 1840s', *Social History*, I, 1976; J E Archer, 'By a Flash and a Scare'. *Arson, Animal Maiming, and Poaching in East Anglia 1815–1870*, 1990, chaps 4–7; R C Russell, *Three Lincolnshire Labourers' Movements*, Barton on Humber, 1994, chap 1.

<sup>87</sup> Hobhouse diary, 9 July 1831, BL, Add Mss 56555, f 162.

<sup>88</sup> *Political Register*, 16 July 1831.

<sup>89</sup> Ministers were also anxious to compromise the orators who had turned the Rotunda into 'a formidable base of [metropolitan] working-class disaffection': J H Weiner, *Radicalism and Freethought in Nineteenth-Century Britain: The Life of Richard Carlile*, 1983, p 175.

<sup>90</sup> Grey to Althorp, 30 Dec 1830, BL, Althorp Mss, H7.

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