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'THE WOLVES LET LOOSE AT WOLVERHAMPTON'

A STUDY OF THE SOUTH STAFFORDSHIRE

ELECTION 'RIOTS', MAY 1835

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Abstract

This article is an examination of the circumstances surrounding a series of disturbances which took place in Wolverhampton on 26-29 May 1835 as the result of a hotly contested Parliamentary by-election. It offers a local case study of the ways in which the political and social élite attempted to control and suppress popular unease and discontent amongst the disenfranchised by use of both the Riot Act 1715 and military force. The article relates this disorder to the wider political context of a period of considerable turmoil, most notably the ways in which political election campaigns were conducted and controlled. The role of the county magistracy and its relationship with the military is also discussed, as are the problems of controlling crowds at a time before the advent of a professionally trained provincial police force. The article builds on previous research carried out into the events of the 'riots', and offers a re-evaluation of the disturbances in Wolverhampton in late-May 1835.²

Keywords: riot, Riot Act 1715, public disorder, crowd control, election campaign, magistrates, Wolverhampton

Introduction

The 1830s was a time of political turmoil in Staffordshire. The Reform Act 1832 created a pair of new two-member constituencies: North and South Staffordshire. These new seats were in addition to the two MPs that represented the incorporated

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² The election disturbances of May 1835 have received previous scholarly attention by several historians, most notably Roger Swift, both in his thesis 'Crime, Law and Order in Two English Towns during the early Nineteenth Century: The Experience of Exeter and Wolverhampton, 1815-1856' (unpublished PhD thesis, University of Birmingham, 1981), and *Crime and Society in Wolverhampton 1815-60* (Wolverhampton: Wolverhampton Public Libraries, 1987). Norman Gash also refers to the events in *Politics in the Age of Peel: A study in the techniques of parliamentary representation 1830-50*, 2nd edition (Hassocks, Sussex: Harvester Press, 1977), pp.137-53. They are also referred to in George Barnsby's *The Working Class Movement in the Black Country, 1815-67* (Wolverhampton: Integrated Publishing Services, 1971), and David Philips, *Crime and Authority in Victorian England: the Black Country 1835-67* (London: Croom Helm, 1977). Other studies into electoral disturbances and other forms of popular protest include John Stevenson's *Popular Disturbances in England, 1700-1870* (London, 1979), John Rule and Roger Wells, *Crime, Protest and Popular Politics in Southern England 1740-1850* (London: The Hambledon Press, 1997), and (with specific reference to the Black Country), D. Philips, 'Riots and Public Order in the Black Country 1835-60', in R. Quinault and J. Stevenson, (eds.), *Popular Protest and Public Order: Six Studies in British History 1790-1920* (London: Allen and Unwin, 1974) 141-80.

Borough of Stafford. In 1832 the elections for the Borough of Stafford were found to be widely corrupt; a Parliamentary enquiry heard that of 526 electors questioned, 524 admitted to receiving bribes from one or more of the three candidates or their representatives.³ William Meeson, an election agent for one of the candidates, Mr Blount (who was unsuccessful in gaining a seat), stated to the Select Committee that the cost of a vote rose during the polling: 'There were raisings towards the close of the evening; we commenced with £2 10s., and we gave £3 and £4 and £5 and £6 and £7 and £8 and £9, and in one or two instances, £10'.⁴ One of the two successful candidates for the 1832 Borough election was the well-known Regency dandy and Whig, Captain Rees Gronow, who, in his *Memoirs*, freely admitted that:

I set to work to bribe every man, woman and child in the ancient borough of Stafford. I engaged numerous agents, opened all the public houses that were not already taken by my opponents, gave suppers every night to my supporters, kissed all their wives and children, drank their health in every sort of abominable mixture and secured my return against great local interest.⁵

The Select Committee found that there was 'a case of such open, general and systematic bribery and corruption, that it is expedient that the Borough of Stafford should cease to return Members to Parliament'.⁶ Captain Gronow lost his seat in the General Election of January 1835 to the Conservative candidate, Francis Holyoake Goodricke (who, according to Gronow, had 'a long purse'.⁷

However, Sir Francis (knighted in February 1835) resigned his seat in May 1835 in order to contest the newly vacated seat of South Staffordshire, following the elevation of sitting MP Mr Edward John Littleton to the peerage; a notice to that effect appearing in the *Wolverhampton Chronicle* of 20 May. Due to considerable scandal surrounding both the Stafford and Wolverhampton Borough elections of 1832 (together with further doubts about corruption in both the 1835 county and Wolverhampton Borough election campaigns), the Borough of Stafford was disenfranchised by the House of Commons on 18 May 1835, with a writ allowing

³ Hansard, House of Commons Debate 22 March 1833.

⁴ *Report from the Select Committee on Stafford Borough, with the minutes of evidence, and appendix*, p.46.

⁵ C. Summerville, (ed.), *Regency Recollections: Captain Gronow's Guide to Life in London and Paris* (Welwyn Garden City: Ravenhall Books, 2006), pp.13-14.

⁶ *Report from the Select Committee on Stafford Borough*, p.11.

⁷ Summerville, *Regency Recollections* p.14. Goodricke was undoubtedly a wealthy individual; in addition to his own family property, he was left over £30,000 by his friend Sir Harry Goodricke who died in 1833 (Francis' original name was Francis Lyttelton Holyoake, but he officially changed his name to Francis Lyttelton Holyoake Goodricke in remembrance of Sir Harry). The terms 'Whig' and 'Conservative' could then not be ascribed to individual MPs with the certainty that party political labels can be attached to present-day MPs – the party system in the first decades of the nineteenth century was still in its infancy, but Sir F. H. Goodricke proved himself to be a firm (though not vocal) supporter of Conservative principles.

elections to take place not being reintroduced until 13 February 1837, when the proposal allowing the re-enfranchisement of the Borough was passed by one vote. The South Staffordshire election campaign of May 1835 was to prove even more controversial than that of the Borough elections of 1832. The election was fought between two main candidates: Colonel George Anson, Whig supporter and brother of the Earl of Lichfield, and Sir Francis Lyttelton Holyoake Goodricke, the Conservative candidate. Nominations were announced at Stafford on Saturday 23 May, and the election was set to run over two days: Tuesday 26 May and Wednesday 27 May. Although polling stations were present throughout South Staffordshire at Lichfield, Wolverhampton, Walsall, Penkridge and Kingswinford, both candidates' campaigns were centred on the two most populous towns of Lichfield and Wolverhampton.⁸ The latter town, situated on the north-western fringes of the Black Country, was the centre of a rapidly industrialising urban area, with large population growth and a reputation for both political and religious radicalism.⁹

It was widely expected that Colonel Anson, as a Whig-Radical and an experienced politician (he had served as MP for Great Yarmouth from 1819 until 1835) would triumph in the election, but these expectations were to be thwarted. Around 3,600 men were eligible to vote in the election, and the results of the two days of polling showed a majority in all polling districts (with the exception of Walsall) for Sir Francis (see Table 1 below):

Table 1 Results of South Staffordshire election, May 1835¹⁰

Polling district	Sir F. H. Goodricke	Colonel Anson
Lichfield	224	159
Penkridge	370	325
Walsall	527	575

⁸ See the *Wolverhampton Chronicle*, 20 May 1835, for a list of all the locations of the election voting booths throughout the constituency.

⁹ The 'Black Country' is a polycentric area of settlement on the western fringes of what is now the West Midlands. First referred to as such in the 1830s, it gained its name from the prevalence of heavily polluting activities such as coal-mining and metal-working. It owed its rapid growth to readily available staples of heavy industry, including coal, fireclay and limestone. Wolverhampton had gained its own parliamentary representation as a result of the Reform Act 1832; it was represented by two MPs. The exact boundaries of the Black Country have always been open to interpretation, and there is a case for the westernmost and agrarian parts of Wolverhampton not to be included within its purlieu, but the author (Black Country-born and bred) considers that the prevalence of both metal-working industries and coal-mining in the proximity of Wolverhampton put it firmly within the Black Country.

¹⁰ *Morning Post*, 1 June 1835.

Wolverhampton	377	327
Kingswinford	275	173
Total	1773	1559

The election had garnered a considerable degree of interest in Wolverhampton, as Sir Francis' election committee had set up its headquarters at the Swan Inn, located just off the Market Place in the heart of the town. To add to the excitement and anticipation there had been a flurry of increasingly vituperative letters, accusations and rebuttals published in the local newspaper, the *Wolverhampton Chronicle*, in the period leading up to the election.¹¹ Crowds were reported as gathering outside the Swan from around 2.30pm on Tuesday 26 May, and although the *Morning Post* reported that 'every precaution has been taken by swearing in a number of special constables and quartering a body of the military in the neighbourhood', an eyewitness to the events stated that 'I should say that I considered myself exposed to personal violence in voting; I consider that the groaning and spitting on us was a token of such a poisoned frame of mind that it wanted very little to expose me to personal violence.'¹²

The Tory and Whig supporters of Sir Francis and Colonel Anson respectively could identify themselves by means of party colours and tokens: Sir Francis's supporters favoured orange and oak leaves, whilst Colonel Anson's followers wore blue and laurel leaves. Although Gash stated that 'everyone who did not wear a laurel leaf or some other Whig emblem was jostled and threatened', several witnesses recorded in the *Minutes of Evidence* remarked that few supporters of either side in fact sported such identifying marks.¹³

Despite the Reform Act 1832 extending the franchise in county elections to both copyholders of land worth £10 or more and to long-lease holders of land valued at £10 or more, such measures had little effect on the vast majority of the population of Britain; the franchise was estimated to only increase from c.400,000 men to c.650,000 men, as most could not hope to meet the property qualifications, whilst

¹¹ Many of these 'letters', purporting to be from private individuals, were in fact little more than placed adverts for one or other of the political factions: see for example 'Goodricke, The 'Organ' of the Staffordshire Tories – a polemical rant against the Tories, ostensibly written by 'A. Freeholder', *Wolverhampton Chronicle*, 20 May 1835.

¹² *Morning Post*, 27 May 1835 and, *19th Century House of Commons Sessional Papers*, vol. XLVI.245, Paper 343, *Minutes of Evidence taken at Wolverhampton on Inquiry into Proceedings, May 1835*, p.6 (hereafter *Minutes of Evidence*), evidence of Reverend Charles Girdlestone p.5.

¹³ Gash, *Politics in the Age of Peel*, p.151, and see *Minutes of Evidence*, pp.18 and 20.

women remained completely excluded.¹⁴ There was no secret ballot; the electors first had to register when the election was announced and then proceeded to vote on the day(s) of the election in open booths, with their voting choice being recorded after their right to vote had been established. This system was obviously open to both bribery and intimidation, and the *Brighton Patriot and Lewes Free Press*, 16 June 1835, reported how Sir Francis Goodricke's election committee had apparently taken advantage of this:

The whole county was mapped out into small districts, with a district committee for each. [...] Every voter was numbered, and entered upon a register opened for the purpose, with a description of his qualification, name, and the name of the committee and district to which he belonged; and before he went up to the poll, the man was furnished with a card recapitulating all the particulars, and providing him, at the same time, with an answer to every question that could by possibility be asked. We have one of these cards before us, of which we give a facsimile, as we think it may furnish our own local associations with some useful hints:

Register No. 1583

Name Frederick Smith

Qualification Freehold Land etc.

IF YOU ARE ASKED

Are you the person whose name appears on the Register? Answer – I AM

Have you voted before at the Election? Answer – NO

Do you possess the same Qualification? Answer – I DO

Whom do you vote for? Answer – GOODRICKE!

The report concluded by dryly stating that 'This, as they say in the City, "looks like business"'.¹⁵

¹⁴ John A. Phillips and Charles Wetherell, 'The Great Reform Act of 1832 and the Political Modernization of England', (1995) 100 *The American Historical Review* 411-436, pp.413-4. The male population of England and Wales, as recorded in the 1831 Census, was c.6.8 million; this figure includes male children under the voting age of 21 (<http://homepage.ntlworld.com/hitch/gendocs/pop.html#EW> (February 2011)).

¹⁵ With respect to this 'business', the *Wolverhampton Chronicle*, 3 June 1835, carried an advert on behalf of Sir Francis, stating that 'The committee for conducting the election of Sir Francis Lyttleton Holyoake Goodricke, beg to request that particulars of all Demands in respect of that gentleman's ELECTION may be immediately forwarded to the Central Committee, Swan Hotel, Wolverhampton, when they will be forthwith examined and discharged'. [original capitalization]

There was general disquiet with the result of the election; Sir Francis Holyoake Goodricke had been widely condemned as an ineffectual candidate with little experience of politics and his efforts at public speaking were widely derided in the Whig press. The *Sheffield Independent and Yorkshire and Derbyshire Advertiser*, 23 May 1835, had published a satirical poem, THE SILENT CANDIDATE, concerning his lack of oratory powers:

Sir Candidate Goodricke,
Supposing he could speak,
Attended a meeting at Bromwich:¹⁶
But oh! how absurd,
Since never a word
From his noddle the Tory could rummage.
Says he, "The bold Colonel's
Persuasions can turn all
The voters give him support,
And I'm called Justice Silence
Because I want vi'lence,
And hate to provoke a retort.
The borough I've left
Of a member bereft,
Because so corrupt and so bad, oh,
One bone I've let fall
And in case I lose all
They'll bully the dog and the shadow."
"Frank Mills is my friend¹⁷,
And on him I'll depend,
For to spouting I have an objection;
But still I can pay
Carlton money away¹⁸,
And thus can secure my election".

¹⁶ Bromwich refers to West Bromwich, a South Staffordshire town to the south-east of Wolverhampton.

¹⁷ Frank Mills was presumably one of Goodricke's election agents.

¹⁸ A reference to the Carlton Club, the most prestigious of the newly formed Conservative Clubs founded after the 1832 Reform Act.

Similarly, the *Morning Chronicle*, 21 May 1835, stated that ‘a great theme of laughter here [South Staffordshire] is the miserable failure of Sir H. Goodricke [sic], in his attempts at speaking. The other day he attempted to address a body of electors, but stuck fast in the commencement, and could not get out a word.’ The *Satirist, and the Censor of the Time*, 24 May 1835, stated that:

One would suppose that any thing would do for the House of Commons, looking at the persons who occasionally put up as candidate. South Staffordshire has got a rare specimen in Sir F Goodricke, who seems to have a splendid talent for silence. In a late speech he got as far as “Gentlemen”, and then stuck fast. Either the electors of the district are singular noodles, or Sir F. Goodricke is uncommonly impudent – perhaps both. However, he is in the Conservative interest, and his vote, when he gets in the House, would be very useful, although he lacks the gift of speeches.

While the above reports were obviously deeply partisan it seems that Sir Francis did not enjoy public speaking; *Hansard* contains no record of his speaking in the House of Commons, and it appears that he never made his maiden speech.

Colonel Anson also received brickbats in the Tory press for his voting record in the House of Commons; the *Morning Post*, 26 May 1835, reported that, according to

Gooche’s Synopsis of the Votes of the Members of the House of Commons during the first two sessions of the Reformed Parliament, which gives the results of one hundred and sixteen divisions on the most important subjects which occupied the attention of the House, it appears that the Honourable Colonel voted only *twice* during the first session, and *five times* in the second’ [original italicization].

1 ‘A tumultuous assembly’ – the Events of 26-29 May

Wolverhampton in 1835 had a population in the region of c.25,000 people, and was a rapidly expanding town.¹⁹ Despite this, the policing of the town was woefully inadequate; George Robinson (clerk to the magistrates sitting at Wolverhampton) stated that with reference to the ordinary (i.e. not special constabulary) police, there were ‘two constables appointed at the leet, two tradesmen who are never expected to act, at least not in the daily business of the office, and three deputy constables [...] I know of no other.’²⁰

¹⁹ The return for the 1831 Census gives 24,742 people living within the town of Wolverhampton (<http://www.genuki.org.uk/big/eng/STS/Wolverhampton/index.html#Census> (February 2011)).

²⁰ *Minutes of Evidence*, p.6. Court leets were composed of juries of freeholders who elected borough or parish officials on a yearly basis. The two constables elected at the leet appear to have been designated High Constables; they were Captain Edward Jordan and Mr D. J. Bache. For a detailed investigation into the inadequacies of the Wolverhampton Watch and

There seems to have been little attempt by the magistrates prior to the election to swear in special constables; Mr Edward Jordan, High Constable of Wolverhampton, stated that on Monday 25 May he had met with Colonel Anson's committee to discuss the appointing of deputy constables, but that this had been objected to and was therefore not carried out.²¹ However, the following day (Tuesday) he had sworn in around 'fifteen or sixteen [deputy constables], as near as I can recollect; but I did not keep any account'.²² Following an attack on one of the gentlemen of the town, an application was made to Mr Henry Hill, one of the county magistrates, and a further ten special constables were sworn in. There was clearly a general unwillingness to act as a special constable; despite requests to almost 50 additional people, 'we could not get more than a dozen or fourteen that attended'.²³ The deputy and special constables were not required on Tuesday 26 May, with the crowds dispersing after a window had been broken. Despite the occasional barracking and hooting of the crowds on the first day of polling, the night passed peacefully enough. However, the following days and nights were to prove more problematical for the authorities in Wolverhampton.

On Wednesday 27 May, between 2,000 and 3,000 people had gathered in the area around the Swan Inn and Market Square, following the closing of the polls at 4.p.m. During the day some 40 special constables had been sworn in, but due to the size of the crowd and their subsequent fear of physical violence, these proved completely ineffectual. Consequently, Reverend John Clare and Mr Henry Hill, two of the magistrates, had sent to nearby Dudley, where a troop of the 1st (King's) Dragoon Guards were stationed (see Figure 1 below).²⁴

the history of its various successors, see Roger Swift, 'The Development of Policing in Wolverhampton 1815-56, in 'Crime, Law and Order in Two English Towns', pp.352-419.

²¹ *Minutes of Evidence*, p.9. Wolverhampton was not incorporated in 1835 and consequently did not have a Borough Magistracy; the magistrates who sat at Wolverhampton were therefore all county magistrates for Staffordshire. The town became incorporated in 1848.

²² *Minutes of Evidence*, p.9.

²³ *Ibid.*

²⁴ Roger Swift's 'The English Urban Magistracy and the Administration of Justice during the Early Nineteenth Century: Wolverhampton, 1815-1860', (1992) *Midland History*, XVII contains potted biographies of several of the best-known magistrates including John Clare and Henry Hill.



Figure 1 'The Dragoon', *Bell's Life in London*, 12 April 1835

The *Digest of Services* of the King's Dragoon Guards records that they were stationed in a variety of locations throughout the region in late-May 1835:

22nd May

One Troop 'G' from Birmingham to Dudley. One Troop 'E' from Birmingham to Kidderminster. Two Troops 'F', and 'C' from Coventry to Birmingham. All in consequence of a contested election at South Staffordshire (Candidates Sir Francis Holyoake Goodricke, and Colonel Anson).

27th May

One Troop 'D' Under the command of Lt Hammersley to Great Barr and from there to Walsall at the requisition of Mr Wood and Mr Winile Magistrates. Returned at 11 a.m. 28th. One Troop 'C' under the command of Captain Dames to West Bromwich at the requisition of Mr Leigh and Mr Badger, magistrates. Returned at 12 p.m. 28th leaving Cornet Watson, one Sgt, and ten Rank and File by direction of the same magistrates. One Troop 'G' under the command of Captain Manning from Dudley to Wolverhampton with Lt Brander quartered in the town about 4 p.m., but called out at night in consequence of a tumultuous assembly which it dispersed by force after the Riot Act was read by the Reverend Mr Clare, a magistrate. One Troop 'E' from Kidderminster to Stourbridge under the command of Lt Grant on 25th May and from Stourbridge to Wolverhampton on 27th May.

At around 5 pm a force of 32 Dragoons arrived, led by Captain John Spencer Manning and his subordinate, Lieutenant Thomas C. Brander. The troops were immediately billeted at various locations throughout the town. By 7.30 pm the crowd was estimated to stand at around 4,000, and the High Constable admitted that 'I do not think that you could have got a single special constable to show his face'.²⁵ Missiles including horse dung and stones were being hurled by the crowd at those perceived to be in sympathy with Sir Francis Goodricke's politics, and High Constable Edward Jordan recommended to Reverend Clare that the military be called into action in order to disperse the crowd.

Reverend Clare (a Whig and supporter of Colonel Anson) was hesitant about reading the Riot Act and tried to calm the crowd down by addressing them from the balcony of the Swan Inn. However, after a missile struck him on the shoulder, he read the Riot Act at about 8.10 pm. This Act had been enacted as an attempt to disperse unruly and riotous crowds:

Whereas of late many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of his Majesty's person and government, and the same are yet continued and fomented by persons disaffected to his Majesty [...] be it enacted [...] that if any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, at any time after the last day of July in the year of our Lord one thousand seven hundred and fifteen, and being required or commanded by any one or more justice or justices of the peace, or by the sheriff of the county, or his under-sheriff, or by the mayor, bailiff or bailiffs, or other head-officer, or justice of the peace of any city or town corporate, where such assembly shall be, by proclamation to be made in the King's name, in the form herein after directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve or more (notwithstanding such proclamation made) unlawfully, riotously, and

²⁵ *Minutes of Evidence*, p.11.

tumultuously remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death as in a case of felony without benefit of clergy.

Reverend Clare then read out the necessary proclamation to the assembled crowd:

Our Sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably depart to their habitations, or to their lawful business, upon the pains contained in the Act made in the first year of King George the First for preventing tumults and riotous assemblies. God Save The King!

The reading of the Riot Act was immediately followed by the troops being ordered out from their billets; Captain Manning then deployed his troops to clear the streets, with the Dragoons unsheathing their swords and riding down Dudley Street and surrounding roads in order to disperse the crowds.²⁶ The crowds initially proved stubborn and obstinate to move however, despite being hit by the flats of the Dragoon's sabres. They were eventually dispersed from the streets, but many sought refuge from the cavalrymen in the nearby churchyard of St Peter's. The main entrance to the churchyard was through a narrow set of iron gates known as the Light Gates, which were locked by the protestors at the time of the cavalry charge.²⁷ Members of the crowd started to hurl stones at the Dragoons from the churchyard, and several dozen also managed to climb up to the ornamental church battlements, from where they rained missiles down at the cavalrymen.

The antagonism between the Dragoons and the crowd reached fever pitch whilst the Light Gates were being unlocked by the authorities, with one of the Dragoon's horses being felled by a blow from either a stone or a sharp implement. Edward Jordan stated that 'after the horse fell there was a shout from the persons in the churchyard

²⁶ This was not the first occasion on which Reverend Clare had deployed troops to quell a disturbance; he had done the same in 1815, 1822, and 1831 – see M. Jones, 'Justices of the Peace in Wolverhampton: The Clerical Magistrates', (1978) 11 *West Midland Studies* (Winter), 19-22, p.20. In 1832, as Chaplain of the Staffs Yeomanry, he had also led a detachment of Scots Greys in order to disperse a crowd. On that occasion no-one was seriously injured – see Swift, 'Crime, Law and Order,' pp.325 and 436.

²⁷ It is not clear why these gates were named the Light Gates. Several of the main streets of Wolverhampton were by this time ordinarily lighted by gas lamps, but it appears that several of these were deliberately damaged during the disturbances in order to confuse the Dragoons (see *Wolverhampton Chronicle*, 3 June 1835 for trials of three individuals charged with throwing stones at gas lamps). Alternatively, the Light Gates may simply be a corruption of 'lychgates'.

or on the church, a shout of exultation, and the military were being pelted.²⁸ This seems to have taken place at about 8.30 pm, and the Dragoons responded by firing their carbines at the crowd; there is conflicting evidence as to how many of the carbines contained live ammunition rather than just blank powder cartridges. In the event three young men were shot by the Dragoons: a locksmith named John Pinson was grazed on the arm by a bullet which then ricocheted into the leg of seventeen-year-old James Marryatt (the wound causing considerable damage to his leg and necessitating subsequent amputation); Adam Kaye, aged fifteen, was shot in the heel; and Joseph Barton, aged eleven, was shot above the ankle.²⁹ Another young man, seventeen-year-old Benjamin Armstrong, had his hat shot through but received only minor grazes. Other members of the crowd were injured by the Dragoon's sabres: at least two men received severe cuts to their heads through their hats.

Following the shooting, the churchyard was cleared by the Dragoons, and by 11 pm, despite further sporadic shots being heard, the majority of the crowd had dispersed. The Dragoons were then ordered by Mr Hill to clear out the beershops and public houses, and this seems to have been completed by around 2 am on Thursday morning.

Thursday saw a return of the crowds in the area around Market Square and the Swan Inn from around midday to 2 pm. These people then dispersed but another, larger crowd took their place from about 6 pm. At around 8 pm another of the County magistrates, Mr Samuel Stone Briscoe, appeared at the balcony of the Swan Inn and read the Riot Act.³⁰ The Dragoons were once again employed in clearing the crowd, estimated at around 2,000 people, from the streets and beershops, but this time the crowds dispersed rapidly. By 11 pm the public houses and beershops had been cleared and the streets were quietened. Further crowds assembled yet again on the following evening, and Mr Briscoe read the Riot Act for a second time. After he had read the Act he was reported as saying 'I beg and entreat you will disperse immediately; I will give you five minutes and only five minutes, and if you do not disperse I will order the troops out immediately; I should be very sorry to do it, and

²⁸ *Minutes of Evidence*, p.12.

²⁹ The *Wolverhampton Chronicle*, 17 June 1835 carried a report that a public subscription on behalf of James Marryatt had been commenced.

³⁰ Samuel Stone Briscoe was a committed Tory and in 1835 had been a county magistrate for Staffordshire for several years. He lived a few miles south of Wolverhampton and was appointed Deputy Lieutenant of Staffordshire in April 1831, becoming a founder member of the Staffordshire Conservative Club in April 1835. In January 1836 he was the Vice-Chairman at a Conservative celebratory dinner at the Swan Hotel, Wolverhampton, held in honour of Sir Francis Goodricke (*Morning Post*, 1 February 1836).

you will bring the consequences upon yourselves'. On this occasion it was reported that he led a troop of Dragoons in a mounted ride down the street outside the Swan Inn. This appears to have been the last night of disturbances at Wolverhampton; there were no reports of crowds or unruliness on the Saturday.

2 'A more barefaced piece of tyrannical power was never so much abused as was witnessed in this town yesterday evening' – the Aftermath of the 'riots'

The charge of the Dragoon Guards and the subsequent injury to at least three boys caused a furore in both the local and national press, generating many column inches and a ferociously satirical cartoon (see Figure 2 below).

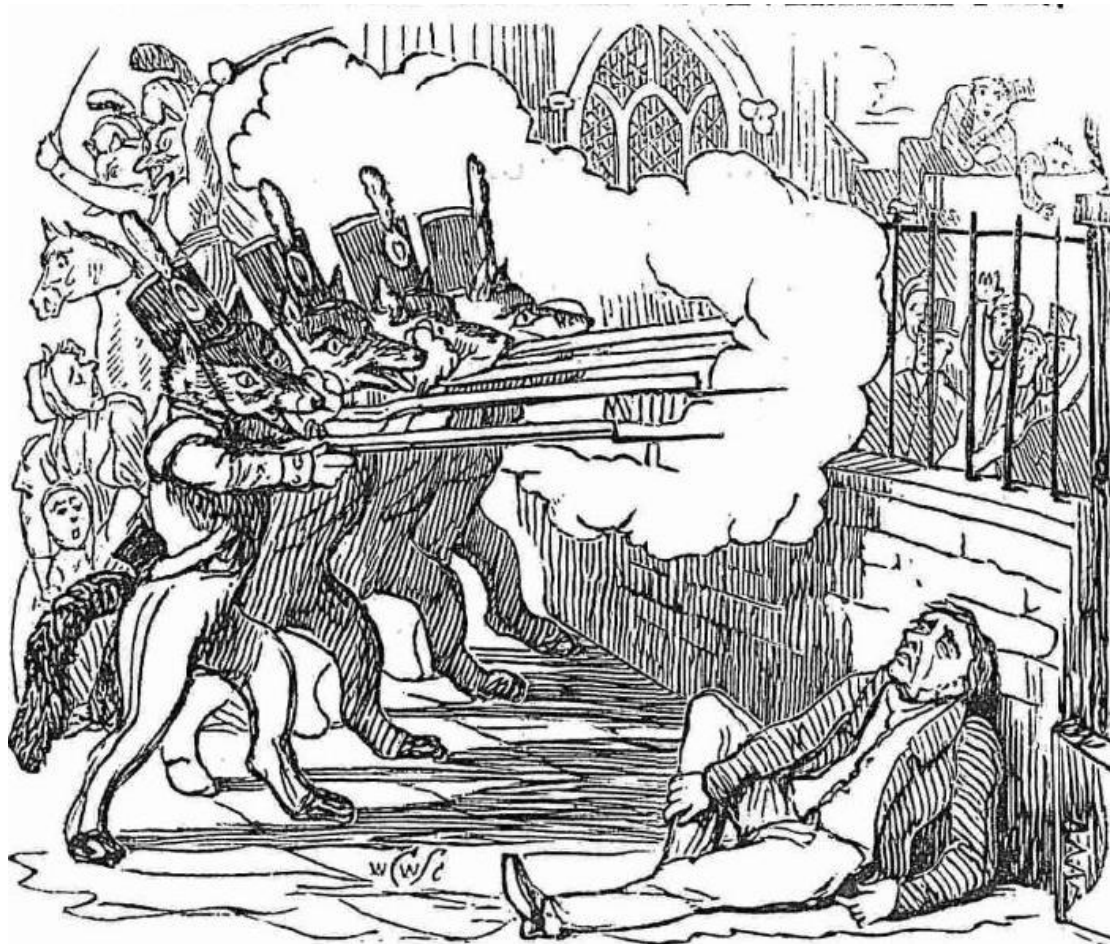


Figure 2 'The Wolves let loose at Wolverhampton', *Figaro in London*, June 6 1835

The following letter appeared in the *Morning Chronicle* on 30 May 1835:

Sir, A more barefaced piece of tyrannical power was never so much abused as was witnessed in this town yesterday evening. The populace was naturally a little irritated at the result of this election, but spitting two squares of glass and abuse was the extent of the injury committed, yet forsooth Mr Briscoe etc. who compose Goodricke's Committee, must bring in the military, namely 1st Dragoon Guards. Their chief employment was in driving the people from one street to another, and who were prevented from going to their homes by three or four gentlemen in armour. If the Secretary at War has no other employment for the army, he may as well second Mr Beauclerk's motion for their reduction.³¹ There are two or three wounded, two of whom are children.
Yours respectfully, J.A., 28 May 1835

On the same day as the above letter to the *Morning Chronicle* was written, Colonel Anson's election committee instigated an enquiry into the events of the previous day. The committee was chaired by John Roaf, a Dissenting minister, who was also the secretary to Wolverhampton's Tradesmen's and Mechanics' Institute. This committee heard from Mr Henry Walker, a hop-merchant living in Wolverhampton that 'I can speak as to the state of the town from twelve to four. During the whole day I saw nothing beyond the common excitement of an election'.³² Mr Thomas Griffin, Deputy Sheriff, who was acting in his official capacity at the Bilston Street election booth, stated that:

I had occasion to go to the Swan (Goodricke's) hotel on business. To my surprise I was informed by a gentleman there that the Riot Act was about to be read, and the military about to be called out. I expressed my surprise, and inquired for the necessity of their being called out. I was then told that some stones had been thrown, and some few panes of glass broken. I then said that was a very insufficient cause for the Riot Act to be read and the military called out, as I considered the people perfectly peaceable and quiet, excepting the usual shouting and hooting common on those occasions. I heard the bugle then sounded, and the military began to muster. I immediately went to Colonel Anson's Committee through part of the crowd. I met with no molestation on my way. I went to inform them of the state of things, and to request some of them to address the people, informing them of what was about to take place. I then went up the street [...] and observed that the military were clearing the streets with drawn sabres.

Not surprisingly, the evidence given by Sir Francis Goodricke's committee, as reported in the same newspaper, was somewhat at odds with that presented by Colonel Anson's:

The people set up a tremendous hooting and hissing, and commenced pelting the soldiers with stones, many of them got into the churchyard, where they formed a sort of barricade, where the horsemen could not

³¹ Major Aubrey William Beauclerk (1801-54) was a Radical MP and campaigner for better conditions and terms of service for the Army.

³² *Bell's Life in London*, 31 May 1835.

come at them, and from behind which they pelted the troops without intermission. It was here that the soldiers in their own defence commenced firing.

Bell's Life in London was clear in its view of events:

Judging from what we have heretofore seen sanctioned in similar contests, we cannot but think the employment of the military against an unarmed multitude, unless under circumstances of a much more aggravated nature than has been described, admits of no qualification.³³

In response to the use of the military on the previous evening, Colonel Anson's committee immediately issued placards with the following narrative:

It is [...] essential that no public disturbances should give the enemy an excuse for misrepresentation or violence; and most earnestly do the Committee beg the friends of the Colonel not to allow any provocation, either from soldiers or others, to incite them to riot. Measures are now in progress for securing a satisfactory inquiry into the painful events of last evening, and if the people will but let the business be where it is justice will certainly be obtained. The Committee, therefore, intreat their friends to avoid the streets this evening – to keep their children and apprentices at home.³⁴

Another enquiry was begun, this time headed by Colonel Thorn, Adjutant Quarter Master of the Army and accompanied by Sir George Teesdale, Commanding Officer of the King's 1st Dragoon Guards, with the remit of investigating the role of the military in the disturbances. This inquiry, held on Saturday 30 May at the Swan Inn, Wolverhampton, heard evidence from the three magistrates involved, and was told that the magistrates had no choice but to call in the military due to the 'tumultuous assemblage'.³⁵ Mr Briscoe was reported as stating that 'during the two days he had found it absolutely necessary to call in the aid of the King's Dragoon Guards, their conduct had been so truly excellent that it was impossible for any language of his to do them full justice'.³⁶

A similar paean of praise was reported to have been given by some of the inhabitants of the town:

We, the undersigned inhabitants of Wolverhampton, and particularly those residing in and near the market place, are desirous of expressing our grateful thanks to the magistrates, constables, and military, for the considerate and courageous manner in which they executed the different duties assigned to them during the disgraceful tumults which have taken place in this town since the conclusion of the late election; and we at the

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Jackson's Oxford Journal*, 6 June 1835.

³⁶ *Blackburn Standard*, 10 June 1835.

same time cannot refrain from adding our testimony to the great coolness and forbearance displayed by the 1st Dragoon Guards on the occasion, and to whose assistance we are greatly indebted for the preservation of our lives and property.³⁷

Unsurprisingly, the Press split down party lines with regard to their views of the events in Wolverhampton: *The Times*, *John Bull*, *Morning Post*, *Birmingham Gazette* and *Derby Mercury* were extremely supportive of the magistrates' use of the military, whilst the *Spectator*, *Morning Chronicle*, *Leeds Mercury*, *Sheffield Independent*, *Brighton Patriot*, *The Poor Man's Guardian* and *Figaro in London* were scathing in their editorials, the latter stating 'Such are the tender mercies of the Tories! Such are the sounds of joy and exultation that attend the march of a Tory triumph! The sharp ring of volleys of musketry, the sabre-flash, and the groans of the wounded!'³⁸ The same publication vented its outrage that the Riot Act had first been read, not by a Tory-supporting magistrate, but by Reverend Clare, a Whig and a Church of England minister:

But who is the author of this outrage? The man who gave the order to fire upon his fellow citizens, who in mere personal vengeful feeling for a slight contempt passed upon him, like Shylock, resolved to have his pound of flesh, because he was spat upon, and read the Riot Act to legalise his brutality? [...] Was he some red-hot Tory magistrate? No; it was a real true, genuine, proud unfeeling Whig! Of what profession, and of what rank? Rathcormac rings in our ears, and the reply is – he was a Clergyman! A Minister of Peace sounded the signal for war.³⁹

There was considerable local opposition to clerics sitting as magistrates; in 1831 the *Wolverhampton Chronicle* bemoaned the presence of clerics on the magisterial

³⁷ Ibid.

³⁸ *Figaro in London*, 6 June 1835.

³⁹ Ibid. Rathcormac is a small town in County Cork, where on 18 December 1834, Archdeacon William Ryder attempted to collect tithes, accompanied by over 70 soldiers. The Riot Act was read by the Archdeacon and at least nine people were killed, with a further nine being seriously injured. The Archdeacon was from then on known as 'Black Billy' for his part in this incident. Marjorie Jones has carried out research into the background of several of Wolverhampton's clerical magistrates, and states that of Staffordshire's 86 magistrates in 1832, 16 were clerics (18.6%) – see M. Jones, 'Justices of the Peace in Wolverhampton: The Clerical Magistrates', p. 20. This seems to have been somewhat above the national average for England and Wales as extrapolated from Carl Zangerl's figures for a slightly later period (1842):

Aristocracy	Gentry	Clergy	Middle Classes	Others
8%	77%	13%	0%	1%

(number of magistrates in 1842 = 3,090)

See Carl H. E. Zangerl, 'The Social Composition of the County Magistracy in England and Wales, 1831-1887', (1971) *Journal of British Studies* XI (November) 113-25. For a further detailed discussion of the social composition of a county magistracy in the early nineteenth century, see Helen Johnston, 'Policing, Punishment and Social Institutions in the nineteenth century: the role of the Shropshire Magistracy', in David J. Cox and Barry Godfrey (eds.), *Cinderellas and Packhorses: A History of the Shropshire Magistracy* (Almeley: Logaston Press, 2007) 43-64.

bench, stating that the 'duties of a Christian pastor were incompatible with those of an active magistrate', while in the following year Richard Fryer MP rather hyperbolically described such men as having 'the cross in one hand and the gibbet in the other'.⁴⁰

The *Leicester Chronicle* 6 June 1835 accused the officers of the army of being largely Tory in nature, stating that:

The subaltern offices, generally obtaining their commissions as Tories, or of Tory connexion, and considering Tory zeal as essential, if not a passport to promotion, are very apt to over-act their parts, and encourage a more savage spirit towards the people than their superiors would approve. [...] The affair at Wolverhampton is indeed only to be looked upon as a warning of worse things which will come of the same spirit, if it be not countered by placing the army under auspices more friendly to the popular cause.

Disquiet and discussion about the 'riots' continued unabated despite the two enquiries; it was reported that an MP, upon entering the House of Commons chamber, found it very difficult to find a seat and when 'he inquired what was the cause of such a full attendance of Members that he could scarcely get a seat, [...] he was told that it was the expected discussion on the Wolverhampton riots'.⁴¹

3 'The most unbounded praise' – Sir Frederick Roe's Enquiry

The Examiner, 31 May 1835, reported that 'an enquiry into the circumstances of the whole affair has been ordered by the government'. The enquiry was led by Sir Frederick Roe, Chief Magistrate of Bow Street, and was bitterly resented by the three magistrates involved, at least one of whom thought it unconstitutional. Samuel Stone Briscoe refused to attend, and wrote the following letter to Sir Frederick on 12 June 1835:

Sir, I should be sorry that you should construe the circumstance of my not attending before you into any mark of disrespect towards yourself, and I beg, therefore, to assure you that I am influenced solely by a sense of public duty. I read the Riot Act in Wolverhampton on the evenings of Thursday and Friday the 28th and 29th of last month, and afterwards accompanied a troop of the Dragoon Guards in patrolling the streets, and I immediately communicated my having taken these measures to his Majesty's Secretary of State for the Home Department. I do not know whether any accusation is made against me for having taken these steps in the exercise of my duty as a Magistrate, but if such is the case I beg to state that I am most ready and anxious to meet it before the legal and

⁴⁰ Quoted respectively in Jones, 'Justices of the Peace', p. 20 and in Swift, 'The English Urban Magistracy', p.81.

⁴¹ *Hansard, House of Commons Debate* 1 June 1835.

constitutional tribunals of my country. In objecting to do so otherwise, I may for a moment let falsehood pass unrefuted and labour myself under misrepresentation; but as a Magistrate I cannot consent to sacrifice in my own person the first principles of justice.⁴²

Sir Frederick originally wanted to hold the enquiry in private, but this caused great disquiet amongst the Press and the House of Commons: it was reported that Mr Warburton MP had stated with regard to the events at Wolverhampton:

It was clearly a case of great excitation on the part of the people. The troops were called out, and there was contradictory evidence; and in order to quiet the public mind, it was very important that the Court should be open during the progress of investigation. Yet the individual deputed to take the examination, if it had been left to his judgment, would have excluded the public, and the noble Lord, the Secretary of State for the Home Department, was willing to confirm the decision of the officer so deputed, unless that House had interfered and induced the noble Lord to throw the Court open.⁴³

Consequently, a public enquiry commenced on Friday 5 June 1835.⁴⁴ It was held over seven days in Wolverhampton, and 156 witnesses were called. Neither Colonel Anson nor Sir Francis Goodricke gave evidence, and Mr Roaf, the Dissenting minister who had campaigned for an enquiry, was not called upon. Several of the Dragoon Guards were present at the enquiry, with Captain Manning also giving evidence before a separate enquiry led by the Adjutant General and the Military Secretary at Horse Guards some weeks later. Coincidentally, one of Sir Frederick Roe's employees, Henry Goddard, a Bow Street 'Runner', was called to give evidence to the enquiry. Goddard had been in the vicinity of the disturbances, engaged on an investigation into a series of arson attacks a mile from Wolverhampton.⁴⁵

The enquiry heard that the High Constable, Captain Jordan had tried without much success to swear in deputy and special constables in order to help control the crowd. In his evidence, Captain Jordan stated that he was in favour of the military being deployed, 'knowing that the civil powers could do no good at all'.⁴⁶ He made it clear in

⁴² *Morning Post*, 15 June 1835.

⁴³ *Hansard, House of Commons Debate* 7 July 1835.

⁴⁴ Referred to throughout this article as *Minutes of Evidence*.

⁴⁵ See the *Wolverhampton Chronicle*, 3 June 1835 for further details of these attacks, in which five incendiary devices placed within a private dwelling house over a period of time caused considerable damage. The victim offered a £50 reward, which was matched by the Home Office for the detection and conviction of the perpetrators. For further details on the provincial activities of Bow Street 'Runners', see David J. Cox, *'A Certain Share of Low Cunning': A History of the Bow Street Runners, 1792-1839* (Willan Publishing, 2010).

⁴⁶ *Minutes of Evidence*, p. 9.

his evidence that it was upon his request to Mr Hill and Reverend Clare that the military were sent for. When questioned why he did not engage the specials that had been sworn in for the purpose of controlling the crowd, he replied that 'I sent messengers to collect the constables together, and we could not collect more than fifteen constables, not one of which durst show their faces'.⁴⁷

Opinion as to the mood and disposition of the crowd varied widely in the witness statements given to Sir Frederick Roe; several witnesses, including those called before Colonel Anson's committee, suggested that the general mood of the crowd was no different to that experienced at previous elections in the town, and that only a limited amount of damage was caused to property, with no serious threat being posed to life and limb. Others, like Mr William Manby, a solicitor practising in Wolverhampton, stated that the conduct of the crowd was 'decidedly much more [violent] than it was at the last election'.⁴⁸ Unsurprisingly, the magistrates were very much of this opinion; Reverend Clare stated in his evidence that:

Having resided in this populous district for so many years as I have, and having been called upon to discharge my duty in the most awful situations, I never saw anything more formidable and more dangerous to the public peace than this which I saw.⁴⁹

In the enquiry, much was made of the conduct of the military after they had been deployed; several witnesses expressed their satisfaction and approbation of the forbearance of the soldiers. Mr William Hay, a jeweller and member of the local yeomanry, remarked in his evidence that he was particularly glad that the Dragoons had been deployed rather than the yeomanry, as 'I am sure we would not have been so lenient'.⁵⁰ Mr Robert Sidney, a draper (and special constable) stated that 'as far as my opinion goes of the military, I must speak with the most unbounded praise'.⁵¹

However, contrary opinion as to the sanguinity of the military was expressed by others called as witnesses. Mr T. Meredith, a builder, stated that:

Five soldiers came down the street, all of a furious gallop; and just beyond me they turned back, and one rode furiously up to the wall; and as he came up to the wall, he made two cuts in a furious kind of way, and the second cut the wall, and the mark is still there now.

⁴⁷ Ibid. Over 40 special and deputy constables had been sworn in.

⁴⁸ Ibid, p.22.

⁴⁹ Ibid. p.42.

⁵⁰ Ibid. p.25.

⁵¹ Ibid. p.29.

When asked if the first stroke had cut the wall, he replied 'No, it cut over the wall; and if I had not reached back, it must have cut me, for the sword was level with me, and no part of my person was above the wall but my head'.⁵²

Mr Thomas Rudge, a filmmaker, gave evidence that a soldier had fired a shot into his house, 'on the right of the window, about the height of my head'.⁵³ During the evidence heard by Frederick Roe, it emerged that at least one of the soldiers was physically removed from further engagement due to the fact that he was drunk; Robert Sydney stated that 'the sergeant took him into the yard of the Swan inn, and pulled him off his horse'.⁵⁴ The same witness stated that several of the soldiers were given beer 'at the end of the gateway of the Swan. I saw one, when he wished for a cup of beer, have it handed to him. I know it was beer; I had an opportunity of seeing it'.⁵⁵

Sir Frederick seems to have been very concerned as to when the first shots were fired by the military; a great number of the witnesses were asked as to whether they heard shots before or after one of the Dragoon's horses had been killed. The general consensus was that the firing took place after this event; Sir Frederick was clearly considering whether or not the soldiers had been provoked by the death of the horse. Several veterinary surgeons were called to give their opinion as to the cause of death to the horse, but no clear view seems to have prevailed; one thought that the horse had been shot, another that the wound was caused by a sharp implement such as a knife, whilst other witnesses spoke to the horse being hit on the head, either by stones, or by the sabre of its rider. Considerably more time was spent in the investigation as to the manner of the death of the horse than that expended in hearing the evidence of those injured by the shots and swords of the Dragoons.

Unsurprisingly, all of those injured by the Dragoons vehemently protested their innocence; Joseph Barton, aged 11, and wounded in the ankle, stated that he was in the town on an errand, whilst Adam Kaye, aged 15, and shot in the heel, said that he had gone in search of his mother, and James Marryatt, 17, was shot in the leg whilst delivering a message for his employer.⁵⁶ Others less seriously injured by sword cuts, protested that they had offered no violence, either physical or verbal to the soldiers;

⁵² *Ibid*, p.136.

⁵³ *Ibid*. p.144.

⁵⁴ *Ibid*,p.29.

⁵⁵ *Ibid*,

⁵⁶ *Ibid*, pp.84-5. A perusal of the 1841 and 1851 censuses for Wolverhampton shows that Marryatt survived the amputation of his leg, becoming a successful grate-maker.

Samuel Timmings, a steel-toymaker, was cut on the head, and stated that he had 'never spoke a word, never opened my mouth' to the soldier who inflicted the wound.⁵⁷

4 'A most commendable forbearance and a most correct judgment' – the Aftermath of the Enquiry

After conducting the enquiry, Sir Frederick Roe reported his findings back to Lord John Russell, Leader of the House, and the minutes of the evidence were presented to the House of Commons on 1 July 1835. Lord Russell stated that 'Sir Frederick Roe proceeded to Wolverhampton, and with that knowledge of evidence, and with that judgment in points such as those which were likely to be brought before him, for which he is so remarkable, he conducted it, I believe, to the satisfaction of the inhabitants of that town.'⁵⁸ He commented further on the enquiry, stating that:

The conduct of the military at Wolverhampton was marked by a most commendable forbearance and a most correct judgment [...]. With regard to the conduct of the troops in general, and with regard to the conduct of the commanding officer, I think that those who read this evidence will be of opinion, that being called on to perform a most painful and difficult duty – a duty which the military would not on any occasion seek, but which they are called on to perform for the support of the civil power and the tranquillity of the country – they did perform that duty in such a manner as at once to obtain the result of preventing the peace of the town from being seriously disturbed, and of preventing the occurrence of injury to property and life, and at the same time to exhibit the utmost forbearance towards those whom they were directed to disperse.⁵⁹

This optimistic view was not shared by all members of the House; Mr Charles Pelham Villiers (one of the two Liberal MPs for Wolverhampton), stated that:

[He] could not help thinking that [...] it would have been more satisfactory to the House if time had been allowed for Members to have read the evidence themselves. He (Mr. Villiers) was not in a situation now, more than upon the last occasion when he addressed the House, to say whether the noble Lord was justified in the opinion that he had expressed respecting the conduct of the soldiers, and therefore he could merely say that, judging from the only evidence that had as yet been before the

⁵⁷ Ibid, p.185. 'Toys' at this time referred to small metal goods in general, rather than children's playthings. The *Annual Register* LXXVII (1835), 'Chronicle', p.87, reported that 'some of the soldiers have been severely injured', but this does not in fact appear to have been the case; no injuries are reported in other consulted sources.

⁵⁸ *Hansard, House of Commons Debate* 1 July 1835.

⁵⁹ Ibid.

public, he did not think the terms "commendable forbearance" did entirely apply to the conduct of the soldiers during the late disturbance.⁶⁰

Similarly, the *Reformer* was scathing (and somewhat prophetic) in its view of the findings of the Report:

We put the results of the Wolverhampton before our readers. We do not expect it to lead to any result. It is very clear that the Riot Act and the ordering of the soldiers to act was entirely unnecessary; another hour's patience would have seen the mob quietly disperse [...] But the Riot Act was read – according to law – it will probably terminate in high eulogies and thanks from authority to the soldiers for their services on that memorable occasion.⁶¹

The *Political Examiner* was equally sarcastic in its comments:

Colonel Thorn [...] seems to have been quite satisfied that the soldiers had slashed and shot most unexceptionally. He appears [...] to have completely approved of the direction of a bullet aimed by a soldier at a respectable tradesman, in the felonious act of looking out of his window to see whether there was any tumult.⁶²

Nothing further on the matter was discussed in the House of Commons until 28 August 1835, when Mr Thomas Thorneley (Liberal MP for Wolverhampton) brought the House's attention to Sir Frederick Roe's enquiry, with a view to move a resolution:

That this House having taken into its consideration the minutes of evidence taken at Wolverhampton, as to the proceedings which occurred at the close of the South Staffordshire election, and the introduction of the military into that borough, on the 27th May last, when several persons were wounded, is of [the] opinion that measures should be immediately adopted to secure the administration of justice and the preservation of the peace in that borough, without resorting to military force.⁶³

However, Mr Thorneley stated that he wished to hear Lord Russell's comments on the events before moving the resolution. Lord Russell replied by stating that:

He was as sensible, however [...] of the great evil of calling in the military unnecessarily to put down rioting; but if forbearance were carried too far, instead of its preserving the public peace it had very often the contrary effect. Much must depend on the measures that were taken beforehand. After an event had occurred, it was exceedingly difficult to determine

⁶⁰ Ibid. Villiers and Henry Hill subsequently engaged in an increasingly vitriolic exchange of letters concerning the action of the magistrates in Wolverhampton, with the letters being published in the *Wolverhampton Chronicle* (8 and 15 July 1835). Charles Pelham Villiers (1802-98) was a Benthamite Radical MP who holds the record for being the longest-serving MP in one constituency; he represented Wolverhampton for over sixty years from 1835 to 1898. For further details of his life, see *Oxford Dictionary of National Biography Online* entry at <http://www.oxforddnb.com/view/article/28286?docPos=11> (February 2011)

⁶¹ Quoted in Barnsby, *The Working Class Movement*, p.60.

⁶² *Political Examiner*, 7 June 1835.

⁶³ *Hansard, House of Commons Debate* 28 August 1835.

what would have been the result of a different course of proceeding. In this case, some might be of opinion that it was wrong to call the military in [...]. He would assure the hon. Gentleman that this question had attracted a great deal of his attention; and he would add, that he thought there was wanting in the country a better system of magistracy in the populous districts, and a better system of police. He had already entered into some correspondence with the Lord-lieutenant of Staffordshire on the subject, and he should endeavour to introduce some improvements with as little delay as possible.⁶⁴

This speech and the implied promise of reform of the magistracy and the police of Wolverhampton seem to have mollified both of the members for Wolverhampton, and Mr Thorneley's motion was dropped.

With regard to criminal prosecutions following the disturbances, the *Wolverhampton Chronicle*, 3 June 1835, reported that ten men were charged with riotous behaviour and disorderly conduct (including the throwing of stones). Of these, only two were committed to Staffordshire Quarter Sessions: one man was fined £1 and costs or 2 months in gaol; whilst the remainder were either released upon providing sureties for their future good behaviour or discharged. Of the two men committed for trial, one was released after no true bill was found due to the principal witness being too ill to attend the Sessions, whilst the other received a seven-day prison sentence and then released on providing sureties.⁶⁵

It was reported in the *Morning Post*, 7 October 1835, that Captain Manning and Lieutenant Brander were given presentation gold and silver mementoes respectively by inhabitants of Wolverhampton:

Notwithstanding the swaggering and blustering bullying of the clique of discontented and ill-bred Radicals, in the town of Wolverhampton, on the defeat of their champion at the late South Staffordshire election; and, notwithstanding the threats held out in the House of Commons by the lickspittle pettifogging Members for the borough against the conduct of the military in suppressing the disgraceful election riots, we have now the satisfaction of stating that the respectable inhabitants of that town have done justice to the Officers employed on that occasion, and credit to themselves, by presenting the former with a piece of plate each, as a token of gratitude for their services. [...] Captain Manning's testimonial is a splendid gold snuff box of very considerable value, having the inscription as follows. That to Lieutenant Brander is a beautiful silver cigar case, and bearing a nearly similar but suitable engraving: -
"Presented to Captain Manning of the 1st or King's Dragoon Guards, in testimony of their approbation and gratitude, by those inhabitants of

⁶⁴ Ibid.

⁶⁵ Stafford Quarter Sessions, held on 1 July 1835, heard a total of over 30 trials for riotous behaviour and four trials of assaulting a peace officer connected with the various election disturbances, but the majority of these did not take place in Wolverhampton.

Wolverhampton who witnessed the 'commendable forbearance and correct judgment* which marked his military conduct in suppressing the riots in that town on the 27th of May 1835". *Lord John Russell's own words.

Sir Francis Goodricke only sat as an MP for some two years; he retired from politics in 1837, not contesting his seat in the General Election called as a result of Queen Victoria's accession. He stated that:

A new reign has begun and another Parliament is shortly to be assembled. Candidates for the honour of representing you are already in the field and it is my duty to announce my intention and partially to assign my reasons. In coming to the resolution of not offering myself as a candidate [...] I am swayed by private motives as well as public considerations. When I last came forward....it was a contest of principle. South Staffordshire was alone vacant. South Staffordshire had been Whig-enthralled and South Staffordshire was set free. By the breach we made in 1835, other knights may enter.⁶⁶

By contrast, Colonel Anson was keen to regain a seat in Parliament and stated that:

I have no wish to disturb unnecessarily the peace of the County by entering into a useless contest; but having every reason to believe that the result of the last election cannot in any way be taken as a test of the opinions of the present registered electors, I shall without hesitation accede to the wishes of those friends who have expressed an anxious desire that I should once more offer my services to the constituency.⁶⁷

He was successful, and remained in his South Staffordshire seat until 1853, when he left to take up a military post in India. By the time of his death in 1857 from cholera, he had become Commander-in-Chief of the British forces in India, and was the officer in charge at the time of the Indian 'Mutiny'.

The *Hull Packet*, 4 September 1835, reported that Lord John Russell had been in contact with both the Lord Lieutenant and the Sheriff of Staffordshire to discuss a plan 'for a more perfect system of magistracy and the organisation of a better civil force so as to prevent the necessity for appealing to the military in cases of disturbances.'

5 Magisterial Response to the Disturbances

The magistrates in Wolverhampton clearly had a limited set of options at their disposal in May 1835; the civil law enforcement authorities were woefully inadequate to deal with the size of the crowds, and the special and deputy constables were largely unable or unwilling to intervene to any major extent. Their legal options were also limited; although the 'Six Acts' had been introduced in 1819 to prevent the

⁶⁶ Quoted on <http://www.timespast.org.uk/id92.html> (February 2011).

⁶⁷ Ibid.

gathering of crowds as a repressive measure following the 'Peterloo Massacre', the Seditious Meetings Act 1819, by which large gatherings of people were expressly forbidden, was repealed in 1824.

Their decision to read the Riot Act on three separate occasions seems to have been a measure by which they hoped to legitimate the deployment of military personnel to disperse the crowds. Strictly speaking, the Riot Act 1715 allowed groups of a dozen or more people up to an hour to disperse, but as we have seen, on the three successive nights that it was utilized at Wolverhampton, no such time was allowed for the crowd to disband; Mr Briscoe in particular made it very clear that the crowd had only five minutes in which to disperse. Rather surprisingly, this apparent misuse of the Riot Act does not seem to have engendered any significant comment at the time, neither was it used to present any legal challenge to the magistrates.

Despite Lord Russell's assurances that the matter was being looked into, there appears to have been little real zeal for reforming the magisterial system in South Staffordshire. Some ten years later, one of the magistrates who read the Riot Act in Wolverhampton, Samuel Stone Briscoe, faced a Parliamentary Enquiry into his handling of a scandal resulting from the arrest and ill-treatment by parish constables of Mrs Eliza Price of Brierley Hill, Staffordshire.⁶⁸ He was heavily criticized for his role in the subsequent enquiry, being particularly censured for issuing blank warrants and also for issuing warrants rather than summonses for minor assaults, but managed to retain his position as a magistrate.

6 Lack of Civil Authority

One of the most striking aspects of the disturbances in Wolverhampton is the almost total lack of civil law enforcement in the town; the enquiry highlighted the failure of the magistrates to provide even a basic level of policing. This was by no means a new situation. In 1814 Wolverhampton (which then had a population of c.13,000) had enhanced its meagre force of two constables with a night watch of some ten men, but it is clear from the evidence put before Sir Frederick that the system had not progressed much in the intervening 20 years.⁶⁹ The evidence of the various

⁶⁸ See David. J. Cox, "'The habitual eccentricities of the Solons of Staffordshire": an investigation of the circumstances surrounding the Parliamentary Enquiry into the chaining of Mrs Eliza Price of Brierley Hill, July 1845', (2010) 3 *Plymouth Law Review*, 109-127 [<http://www.research.plymouth.ac.uk/plr/>]

⁶⁹ David J Cox, *The Dunsley Murder of 1812: A Study in Early Nineteenth-century Crime Detection, Justice and Punishment* (Dulston Press: Kingswinford, 2003), p.25.

watchmen suggests that they were not overenthusiastic to get involved in policing the disturbances, neither were they taken too seriously by the crowds; Joseph Howell, a watchman deposed that, upon seeing a gathering of people, 'I went and ordered them to disperse, and they laughed at me, and told me to get along'.⁷⁰ Very few, if any, arrests appear to have been made by the watchmen – the majority seem to have seen very little evidence of disturbance or riotous behaviour – and even the head of the watch, Joseph Sparrow, the Night Surveyor, stated that he did not take anybody into custody on the Wednesday evening; when asked 'Did you take up anybody?' during the course of his duty, he replied, 'No, I could not find any offenders'.⁷¹

The degree to which the watchmen genuinely did not witness any behaviour worthy of arrest is clearly questionable; they were not professionally trained, and only served on a part-time basis – Joseph Plimer, one of the questioned watchmen, stated that his 'turn' [as watchman] only came about once every eleven weeks.⁷² Perhaps more pertinently, they were members of the selfsame community of which they were being asked to control; they would undoubtedly have been conscious of their vulnerability within their immediate community should they make an unpopular arrest.

Despite Lord Russell's assurances to the House of Commons that he had entered into correspondence with the Sheriff and Lord Lieutenant of Staffordshire with an aim to improving the policing of Wolverhampton, change came slowly. Although both the Municipal Corporations Act 1835 and the Rural Constabulary Act 1839 had encouraged the establishment of county and borough police forces based largely on the lines of the Metropolitan Police (created in 1829), there was no compulsory obligation for either a borough or a county to create a full-time, professional police force until the introduction of the County and Borough Police Act 1856. In 1839, evidence was heard from rural magistrates that:

As far as our experience extends, we are convinced of the incompetency and inefficiency of the old parish constable. He holds his office generally for a year; he enters upon its duties unwillingly; he knows little what is required of him; is scantily paid for some things, has no remuneration in many cases; he has local connections, is actuated by personal apprehension, and dreads making himself obnoxious. His private occupation as a farmer or little tradesman engross his time, and, in most cases, render him loath to exertion as a public officer; and all these drawbacks have induced a general persuasion that, in ordinary cases,

⁷⁰ *Minutes of Evidence*, p 97.

⁷¹ *Ibid*,p.95.

⁷² *Ibid*,p.99.

the parish constable has an interest in keeping out of the way when his services are called for.⁷³

The Wolverhampton Borough Police was not created until 3 August 1837, and even then, its initial complement was only seven men.⁷⁴ The establishment of a professional police force for Staffordshire was even tardier; South Staffordshire was provided with a police force in 1840, but the force was not expanded to the remainder of the county until 6 December 1842.⁷⁵

7 The Use of Military Force

The decision to employ military force during the South Staffordshire election campaign was clearly something previously considered as a possible option by the authorities; the *Service Digest* of the 1st Dragoon Guards shows that they were stationed throughout the county in advance of their being required. The use of military force to disperse civilian crowds was not uncommon; Captain Manning in his evidence to his superiors, stated that he had been engaged in similar activities in Carlow, Ireland, in order to maintain the peace, and *Hue & Cry* (forerunner of *The Police Gazette*) stated on 16 June 1810 that:

Some disposition to riot, under the pretence of the high price of provisions shewed itself among the very lowest of the people of Birmingham and Wolverhampton, and the Colliers in the vicinity of Stourbridge a few days back; but [it] was immediately suppressed by the prompt but humane interference of the Magistrates with other civil assistance, and the appearance of some Military parties.⁷⁶

The main criticism of the deployment of the military seems to have centred on the splitting of a small force of just over 30 men into smaller piquets, each led by a non-commissioned officer. This was thought to have led to problems in controlling the crowd; the detachments were not under the control of an officer, but Captain Manning staunchly defended his methods, stating that 'I ordered the detached party

⁷³ *Crime and Punishment Police vol.VIII (IUP Reprints Series): First Report on the Constabulary Force in England and Wales Parliamentary Papers 1839 (169) vol. XIX*. For concise discussions of the system of English policing from Anglo-Saxon times onward, see Philip Rawlings, *Policing: A short history* (Cullompton: Willan Publishing, 2002) and Clive Emsley, *The English Police: A Political and Social History*, 2nd edition (London: Longman, 1996).

⁷⁴ Martin Stallion and David S. Wall, *The British Police: Police Forces and Chief Officers 1829-2000* (Bramshill: Police History Society, 1999), p.182.

⁷⁵ *Ibid*, p.63.

⁷⁶ For other examples of civil unrest (mainly related to the high price of staple foods) in the west midlands of England during the late eighteenth and early nineteenth century, see David J. Cox, 'Civil Unrest in the Black Country, 1766-1816', in *Family and Local History Yearbook*, 9th edition (Blatchford Publishing Ltd, 2005): 30-33.

in every instance not to fire, if firing could be avoided; but at the same time to defend themselves.⁷⁷

Elsewhere, in his evidence to Sir Frederick, Captain Manning was somewhat critical of Reverend Clare on two counts: firstly, he had to remind him that his troops could not be deployed until the Riot Act had been read, and secondly, for not leading the troop out in person; he supposed that 'it was from age or some infirmity'.⁷⁸ Reverend Clare also told Captain Manning that Mr Hill could not lead the troops out, as 'he has had very urgent family business'.⁷⁹

There seems to have been considerable friction between Reverend Clare and Henry Hill over who should accept responsibility for the drafting in of the Dragoons. Two notes from Reverend Clare to Mr Hill, both written on the evening of 27 May and subsequently published in the *Wolverhampton Chronicle*, 17 June, suggest that the Reverend was becoming increasingly exasperated by his colleague's absence from town:

- 1) To Henry Hill Esq. [at the] Deanery [Mr Hill's home]
Dear Sir, I hope you will return and take your share in the responsibility of the evening, which, I am informed, is very far from being likely to be quiet.
Yours, John Clare
PS You did not mention your going home.
- 2) To Henry Hill Esq. [from] The Swan Hotel, 10.30 pm.
Sir, the Commanding officer *here* requests your assistance *here* immediately to co-operate with him, and to relieve me, who have [sic] been obliged to read the riot act. We are in a dreadful state, and I have sent for fresh troops.
Yours truly, John Clare
PS You must come immediately. [original italicization]

Reverend Clare further said that his son, who was also in the commission of the peace, 'does not act' i.e. although commissioned as a magistrate, he did not take his seat upon the Bench.⁸⁰ Captain Manning made his unease at this situation clear: 'I said, on going down stairs, "I think that is hardly fair, Mr Clare, because it throws the whole responsibility on my shoulders"; and I then mounted the troops.'⁸¹

⁷⁷ *Minutes of Evidence*, p.3. This occasion proved to be the last in the locality in which troops opened fire on a crowd – see R. Swift, 'Crime, Law and Order in Two English Towns', p.441.

⁷⁸ *Minutes of Evidence*, p.189.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

Conclusion

The Wolverhampton 'Riots' of May 1835 were clearly a complete failure to maintain public order by the civil authorities, and it is tempting to draw parallels with other examples of early-nineteenth century disturbances such as the 'Peterloo Massacre' of 1819 – indeed Barnsby has referred to it as a 'mini-Peterloo'.⁸² However, there are important differences between these examples. The scale of the military intervention at St Peter's Field in Manchester on 16 August 1819 was much greater; over 1,100 military or quasi-military personnel were involved, together with over 400 special constables, and the scale of injury to civilians was also larger – nine men, a woman and a child were killed, with over 100 wounded. The size of the crowd was also much larger – estimates vary between 40,000 and 60,000 people. Despite these large numbers the Riot Act appears not to have been read at 'Peterloo'.

The events in Wolverhampton, although on a smaller and less serious scale than those occurring at Manchester in 1819, serve to illustrate the difficulties faced by civil authorities in controlling crowds at a time before the existence of a professionally organized and trained police force, and that little had been learned in the intervening years. It is clear that the voluntary constabulary was hopelessly inadequate in providing crowd control; its newly sworn-in members were heavily outnumbered and both physically and mentally intimidated by the sheer volume of protestors.

Despite the undoubtedly large crowds present in Wolverhampton and the professed scenes of violence as reported by Goodricke's supporters, the subsequent relative lack of convictions (especially the fact that only two of the alleged riotous participators were committed for trial at a higher court) seems to suggest that in the cold light of day even the contemporary judiciary viewed the events as not quite living up to the title of 'riot'. Gash's assertion that 'it is clear that in Wolverhampton, and probably in many other towns, violence was endemic among the lower classes, and election time provided merely the provocation or the opportunity' does not appear to be borne out by the evidence.⁸³

⁸² Barnsby, *The Working Class Movement*, p.60.

⁸³ Gash, *Politics in the Age of Peel*, p.152. Recent research into the lower courts of England and other Anglophone countries for the period 1820-1950 has shown that violence (both minor and major) played a relatively small part in criminal offences – just over 10% of prosecuted offences were related to violence, with the majority of criminal offences being either regulatory breaches (30%), or public order offences such as vagrancy or drunkenness (23%) – see Barry Godfrey, 'Changing prosecution practices and their impact on crime figures, 1857-1940', 48(2) *British Journal of Criminology* 171-190; and Barry Godfrey, and

Problems with the Staffordshire magistracy were undoubtedly highlighted by its response to the disturbances; we have seen that friction between two of the magistrates led to confusion and delay in composing a coherent and functional response to the events in late-May 1835, and whilst the several readings of the Riot Act had numerous precedents both within the town and the region, the deployment of a heavily armed cavalry unit against a largely unarmed (i.e. not furnished with firearms) crowd of civilians seems to have been unduly heavy-handed. With what appeared to be the fairly indiscriminate firing of weapons by a handful of Dragoons (who consistently argued that they had been severely provoked), it is perhaps fortunate that more members of the crowd were not seriously injured, and that no fatalities occurred.

It is somewhat perplexing that there appears to have been no contemporary legal challenge to the deployment of the Dragoons immediately after the reading of the Riot Act on 27th May. This deployment appears to have been in contradiction to the Act, which gave protestors an hour to disperse peacefully; at Wolverhampton the crowd appears to have had no chance so to do, as the troops were released onto the streets within ten minutes of the proclamation. However, despite contemporary criticism of the decision to read the Riot Act, no further legal debate seems to have been engendered.

The sight of mounted troops charging, fully armed, into a crowd of civilians would appal and shock the majority of us in the present day; we are used to large gatherings of protestors being controlled and corralled (admittedly sometimes by controversial means such as 'kettling') by unarmed civil authorities, i.e. the police. However, at a time when there was no professional police force available to the civic authorities, and few if any alternatives, it is perhaps not so surprising that the local magistrates were prepared to utilise military might in order to control what they viewed as a dangerous property- and potentially life-threatening rabble.

Despite hearing the evidence of over 150 witnesses, Sir Frederick Roe's enquiry did not lead to major reforms, either with regard to the Staffordshire magistracy or in the provision of civilian law-enforcement. As a result of this lack of action, the national

David J. Cox, *British Academy Larger Research Grant LRG-45478: Final Report, 'Prosecution and sentencing processes in international perspective, 1880-1940'*.

government not only implicitly condoned the use of such force, but in effect actively encouraged and promulgated it by its failure to create compulsory provincial police forces for over another twenty years, with the passing of the County and Borough Police Act 1856.