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“UNITED TO SUPPORT BUT NOT COMBINED TO INJURE”

PUBLIC ORDER, TRADE UNIONS AND THE REPEAL OF
THE COMBINATION ACTS OF 1799-1800

The declaration of intent forming the title of this article – united to support but not combined to injure – succinctly illustrates a dilemma that confronted trade unions in Britain in the early nineteenth century, and that has since re-surfaced periodically.¹ Successful trade unionism necessarily requires collective action, whether of an overt form, as during an industrial dispute, or implicitly, as in the enforcement of a closed shop. Not infrequently, though, the claims of solidarity and collective interest run counter to the rights of individuals: of employers, fellow workers and third parties.² The intervention of the law provides an added twist to the potential conflict between the individual and the group. While the individual has traditionally enjoyed generous legal protection so that he can conduct his lawful business unhindered, the recognition of collective rights has been hesitant and qualified. The Conspiracy and Protection of Property Act of 1875 and the Trades Disputes Act of 1906 effectively legalized peaceful picketing, but the relationship of criminal law and trade unions remained uneasy despite the rarity of prosecutions for offences such as conspiracy.³ Nevertheless, during the century and a half since 1825 there has been a progressive tendency – at least until the 1980’s – for the contradiction between collective and individual interest to assume a relatively muted and non-violent form. The emergence of institutionalized industrial conflict was a logical conse-

¹ Home Office Papers (hereafter HO) 40-18, Public Record Office, London. “United to support but not combined to injure” was the slogan adopted by trade unionists at Sunderland who in September 1825 sought to create a federated body – The Philanthropic Hercules – to represent craftsmen of different trades.

² H. Ph. Brown, *The Origins of Trade Union Power* (1983), pp. 27-31; K. Coates and T. Topham, *Trade Unions in Britain* (1980), pp. 264-65.

³ Section 3 of the Conspiracy and Protection of Property Act of 1875 established the principle that persons involved in a trade dispute could not be charged with criminal conspiracy unless they committed an act which was indictable as a crime if committed by an individual. Recently, the 1875 act was used against the “Shrewsbury” building workers in 1972.

quence of British trade unions achieving a position of respectability in the established order.⁴

In marked contrast, the preferred mode of conducting industrial disputes in the 1820's placed little emphasis on restraint. Contrary to the avowed statement of peaceful intent of Sunderland trade unionists mentioned above, there was clear evidence that workers joined together with the express purpose in mind of inflicting injury to limb and property if more peaceful means of persuasion proved fruitless. At the very least, threats to inflict injury upon unco-operative employers and disloyal workmates were commonplace. It is my hope that the present article, by drawing attention to the use of intimidation by strikers, will demonstrate the link between the development of trade unions in the 1820's – and indeed the subsequent growth of trade unionism in Britain – and questions of public order.⁵

By the beginning of the twentieth century, historians of the British labour movement broadly agreed that the repression suffered by the working classes of this country reached its greatest intensity during the first quarter of the nineteenth century. All attempts to influence wage rates or conditions of employment were specifically proscribed by the Combination Acts of 1799 and 1800. Between 1799 and 1824 trade unions were permitted only a very limited role: dispensing welfare benefits and organising petitions to Parliament. The latter activity was unlikely to prompt a favourable response at a time when Parliament demonstrated its partisan support for employers by dismantling the paternalist legal framework that previously (that is, before 1800) had been enshrined in statute law.⁶

The view that legal proscription inevitably produced unparalleled repression, while the Combination Acts of 1799 and 1800 remained in force, has become indelibly etched in the folklore memory of the trade-union move-

⁴ For a discussion of the institutionalization of industrial conflict see R. Hyman, *Marxism and the Sociology of Trade Unions* (1971), p. 36; R. Dahrendorf, *Class and Class Conflict in Industrial Society* (1959), pp. 278-79.

⁵ The tendency of certain historians to portray the working classes in Britain as passive agents has been challenged in recent years. In particular see F. M. L. Thompson, "Social Control in Victorian Britain", in: *Economic History Review*, Second Series, XXXIV (1981), p. 189; *Popular Culture and Custom in Nineteenth-Century Britain*, ed. by R. D. Storch (1982), p. 12.

⁶ B. and J. Hammond and S. and B. Webb, and more recently G. D. H. Cole, were the principal figures responsible for propagating the picture of unmitigated repression. The Hammonds, for example, entitled one chapter in *The Town Labourer* as "The War on Trade Unions". However, perhaps the most uncompromising denunciation of attacks upon workers came from Marx. In his customary jaundiced style Marx declared: "During the anti-Jacobin war, which was in fact a war waged by the British barons against the British working masses, capital celebrated its bacchanalia". K. Marx and F. Engels, *Selected Works* (1968), p. 221.

ment. In academic circles a similar entrenchment of attitudes ensured that decades passed before the pioneering work of Dorothy George, re-assessing the position of trade unionism under the Combination Acts, was again taken up. Recently, though, a growing body of academic opinion has swung behind the view that the Combination Acts were singularly ineffective for curbing the efforts of workers who were determined to organize themselves. Successful prosecutions could be frustrated by a variety of obstacles. Many employers were unwilling to prosecute. Securing the testimony of the necessary two witnesses could also prove difficult. Another problem was posed by the right of appeal enjoyed by all persons convicted of illegal combination. Whether upheld or not, each appeal tended to vitiate one of the principal aims of the 1799 and 1800 acts, namely subjecting the offence of illegally combining to the summary justice of the local magistrate. Given that Parliament had already sanctioned several acts outlawing combinations in specified industries, the laws of 1799 and 1800 have increasingly been regarded as measures for codifying existing legislation. Lastly, the Combination Acts of 1799 and 1800 were markedly less Draconian than the alternative legal avenues open to the employer and the magistrate. Against the background of the acute national danger engendered by the war with France, the maximum penalty of three months imprisonment (or two months with hard labour) imposed for involvement in an illegal union was scarcely ferocious. Conviction for criminal conspiracy carried more severe penalties, as did violation of any one of the numerous statutes which regulated the conduct of workmen and which made the termination of employment without notice a criminal offence.⁷

However, the spectre of virulent class repression in Britain during the opening decades of the nineteenth century has not yet been discarded by all historians. E. P. Thompson argues that, even if prosecutions were rare, the existence of the Combination Acts provided a legal background for repression to take place.⁸ For Thompson, the history of Britain in this period essentially concerns the more or less unrelieved oppression of the masses, a misery punctuated only by periodic "heroic" struggles. Clearly, the Com-

⁷ M. D. George, "The Combination Laws Reconsidered", in: *Economic History* (supplement to *The Economic Journal*), No 2 (1927); id., "The Combination Laws", in: *Economic History Review*, VI (1936). The revised view of the Combination Acts has more recently been advanced by, amongst others, A. E. Musson, *British Trade Unions 1800-1875* (1972); M. I. Thomis, *The Town Labourer and the Industrial Revolution* (1974); and E. H. Hunt, *British Labour History 1815-1914* (1981).

⁸ E. P. Thompson, *The Making of the English Working Class* (Harmondsworth, 1968), pp. 550-54. In "The Moral Economy of the English Crowd in the Eighteenth Century", in: *Past & Present*, No 50 (1971), p. 129, Thompson argued that repression increased in England during the 1790's.

bination Acts have suffered only relative demotion in the demonological hierarchy of the Left. Workers who engaged in industrial disputes under the conditions of illegality prevailing before 1824-25 are seen as passive agents, responding to the initiatives of employers and to the violence inflicted by the State.⁹ It was not to be wondered at if workers, as victims of ruling-class force, resorted to violent forms of struggle. According to this argument, desperation legitimates violence.

Unfortunately, regarding the striking worker as simultaneously victim and hero carries the temptation to romanticize labour history. Our understanding of popular movements in Britain during the early stages of the Industrial Revolution has been immeasurably enhanced since the appearance of Professor Hobsbawm's thesis of "collective bargaining by riot". Similarly, we are indebted to George Rudé for dispelling many of the time-honoured myths associated with disorders in Western Europe. It is no longer tenable to portray rioting and other expressions of discontent solely, or even primarily, as the work of criminal elements. A mixture of rational motivation and ritualism has replaced "mob rule" as the preferred means of explaining popular disturbances.¹⁰ But in disposing of the old, hackneyed view of anarchical mobs on the rampage, there is a strong danger that an opposite, and equally simplistic, perspective will be raised in its place. To regard machine-breaking and the intimidation of strikebreakers as logical extensions of more peaceful means of conducting an industrial dispute is one thing; the thesis of "collective bargaining by riot" is useful precisely because it identifies the application of additional pressure after other means had been deemed insufficient. It is altogether another matter to attempt a justification of the use of violence by overstating the element of restraint and ritualism manifest during popular disturbances, whether in a food riot or an industrial dispute. A suitably sanitized picture can be gained easily enough by playing down the nastier side of working-class struggle, and by stressing its "harmless" and ritualized aspects.¹¹ Whether such an approach

⁹ A variation of Thompson's theme of an onslaught against workers is provided by J. Foster, *Class Struggle and the Industrial Revolution* (1974), pp. 7, 21.

¹⁰ E. J. Hobsbawm, *Labouring Men* (1964); G. Rudé, *The Crowd in History 1730-1848*, revised ed. (1981).

¹¹ Thompson has a fondness for using the euphemism "direct action" to describe violence perpetrated by workers; for example, see *The Making of the English Working Class*, op. cit., pp. 562-63. Another, though much later, episode of crowd violence in Britain provides an equally clear illustration of the dangers that can result from adopting a position at the opposite extreme to "mob rule". Commenting on the riots in London in February 1886, Thompson ridicules the middle classes for over-reacting to a "brief rampage" by "unorganised unemployed demonstrators", "Sir, Writing by Candlelight", in: *New Society*, XVI (1970), p. 1135, reprinted in *Writing by Candlelight* (1980), pp.

does justice to the complexity of industrial conflict – including the fundamental antinomy between individual and collective interest – is open to question.

That the framing and execution of the law between 1799 and 1824 fell far short of even-handedness was self-evident. In early-nineteenth-century Britain men of property naturally expected partisan support from local and central authorities. However, an amorphous class bias did not necessarily produce sustained and naked repression of the labouring masses. Indeed, a number of factors worked against such a course. In the first place, the maintenance of public order in Britain during the early decades of the Industrial Revolution was extremely problematical for the authorities concerned. The civil resources available to the government were patently not equal to the manifold problems encountered in maintaining law and order. Protracted labour disputes almost invariably required the employment of the regular army, but use of the army itself raised fresh difficulties both for the troops involved and for local inhabitants. Secondly, the propertied classes in Britain frequently presented a front that was neither monolithic nor united. Landowners, entrepreneurs and magistrates could, and often did, adopt disparate attitudes toward strikes.¹² Finally, those workers who were most commonly and most prominently engaged in industrial action gave few signs of a supine attitude towards authority. On the contrary, colliers, dockers, engineers, textile workers and other groups of organized labour demonstrated a predilection for intimidation that reflected, it can be argued, an aggressive rather than a defensive mentality.¹³

Prior to the reorganization of the police commenced in the 1830's, public order outside of the capital was entrusted to a collection of diverse and generally inadequate police bodies. The first line of defence against disorder rested with a motley combination of elected constables, special

39-40. Also, G. Pearson, *The Deviant Imagination* (1975), p. 159; G. Stedman Jones, *Outcast London* (1971), p. 272. The theme of restrained popular action by the crowd in Britain also figures prominently in the various conference reports in the *Bulletin of the Society for the Study of Labour History*, No 49 (1984), in which violence is described as essentially "rough justice", and largely ceremonial in nature.

¹² For a discussion of such conflicts of interest during industrial disputes in the eighteenth century see J. Stevenson, *Popular Disturbances in England 1700-1870* (1979), in particular pp. 131-32.

¹³ S. and B. Webb, *History of Trade Unionism* (1902), pp. 70-77. The Webbs made a clear distinction between craftsmen organized in the traditional trade clubs and workers employed in the new industrial trades. It was upon the latter that the weight of the Combination Acts fell. However, in a general sense any group of workers capable of forming a union can be held to have belonged to a "labour aristocracy".

constables and watchmen. Elected or not, civil guardians of the peace faced intense local pressure. In the event of a disturbance caution could not but suggest itself as the most sensible course. In addition, those given the task of administering the decentralized system of policing inevitably faced the same pressures. Long after a disorder had subsided the magistrate and mayor would still have to live with their neighbours, tenants and fellow citizens.¹⁴ The hard-pressed JP, if he was sufficiently conscientious, had a variety of part-time military forces at his disposal if the level of disorder outstripped his immediate resources. The militia, the yeomanry cavalry and troops of Volunteers formed a reserve defence force. Recent studies have highlighted the unreliability of such bodies by 1820 at Stockport and Oldham.¹⁵ Elsewhere, though, in the Counties of the West and East Midlands, the South-West, East Anglia and South Wales, many troops of yeomanry proved their worth during periods of unrest after 1820.¹⁶

Nevertheless, in the 1820's, as in previous periods, public order ultimately depended upon the regular army. Faced with a major domestic crisis, arising for example from concurrent and co-ordinated strikes in different regions and industries, the British army was ill-prepared for containing the civil population. The regular soldier of the early nineteenth century, and in particular the infantryman, was badly equipped for dealing with crowd disturbances. Lacking the training and equipment available to modern troops, his position was made worse by the tendency for both civil and military authorities to adopt defensive tactics when confronted with disturbances. As a result, the soldier was often left exposed to the attention of stone-throwing crowds who, possessing greater mobility, were able to melt away with ease and re-group at will.¹⁷

¹⁴ R. R. Nelson, *The Home Office* (1969), pp. 95-96; R. Quinault, "The Warwickshire County Magistracy and Public Order, c. 1830-1870", in: *Popular Protest and Public Order*, ed. by id. and J. Stevenson (1974); Thomis, *The Town Labourer*, op. cit., pp. 18-26.

¹⁵ R. Glen, *Urban Workers in the Early Industrial Revolution* (1983), p. 57; Foster, *Class Struggle*, op. cit., pp. 65-66.

¹⁶ The Home Office Papers contain numerous instances of the mobilization of yeomanry troops for the purpose of keeping order in Britain during the 1820's. Also, it was not surprising if these bodies were concentrated in the Southern half of Britain, since their formation in 1794 had been prompted by fear of a French invasion of the Channel coastline.

¹⁷ A. J. Hayter, *The Army and the Crowd in Mid-Georgian England* (1978), especially ch. 3, provides a splendid discussion of the limitations of the eighteenth-century British army when dealing with civil disturbances. My own work on the French army at the beginning of the Revolution leads me to endorse Dr Hayter's conclusions concerning the difficulties encountered by the military when fulfilling a domestic role.

Policing labour disputes in the early 1820's did not pose the scale of problems of an insurrection.¹⁸ There is evidence, however, that the allocation of patrols during industrial disputes served to stretch military forces. Billeting troops in public houses or in private accommodation was viewed by the army as detrimental to military discipline. For the same reason army commanders were usually opposed to the fragmentation of military units into small, scattered detachments.¹⁹ With the return of peace in 1815, a drastic reduction in the military establishment resulted in a continuing shortage of troops. The Home Secretary and senior army commanders were fully aware of the limited nature of the military forces at their disposal. In early April 1824 Sir John Byng, commanding the Northern military district, received requests for aid from the local authorities of Macclesfield, Liverpool and Sunderland. A tour of the "manufacturing districts" had convinced Byng that industrial disturbances could also be expected in other towns. To contain this widespread threat Byng commanded only isolated squadrons of mounted troops, and a single regiment of infantry (the seventeenth) that was incomplete and composed largely of new recruits enlisted since the unit's return from India. This single, weakened regiment was required to guard depots throughout Northern England, as far distant as Hull, Tynemouth and Carlisle.²⁰ At the earliest opportunity Byng proposed to withdraw troops from Macclesfield, a decision subsequently endorsed by the Home Office. In answer to the protests of the Mayor of Macclesfield, Under-Secretary Hobhouse stressed that "both Mr. Peel and the Commander-in-Chief are most desirous to make the military force subservient to the greatest possible degree to the preservation of the public peace but in its present reduced state it is impossible for Mr. Peel to hold out any expectation that any given force will be permanently stationed at any one place."²¹

Two years earlier, in 1822, a bitter industrial dispute affecting the iron-works and collieries of Monmouthshire evoked a similar response from the

¹⁸ R. Challinor argues that the army would have been incapable of quelling an open insurrection at the time of the Chartist agitation in 1839, *Bulletin of the Society for the Study of Labour History*, No 45 (1982), pp. 41-42.

¹⁹ In 1819 the Duke of Wellington issued instructions that the troops were to be deployed in groups of at least 200 men. However, the reduction in the United Kingdom military strength from 64,000 officers and men in 1820 to fewer than 45,000 by 1825 could not but have exacerbated existing shortages and caused regiments to be scattered in small detachments. E. M. Spiers, *The Army and Society 1815-1914* (1980), pp. 37, 74, 80-81.

²⁰ Byng to Henry Hobhouse (Under Secretary of State), 9 April 1824, HO 40-18.

²¹ Hobhouse to the Mayor of Macclesfield, 7 May, HO 41-7. The first report of trouble at Macclesfield involving striking silkworkers had come from Major Eckersley, the military commander at Manchester, to Byng, 7-8 April, HO 40-18.

government. The magistracy of Abergavenny was requested to rely upon the local yeomanry for preserving public order, since “under the reduced state of the regular cavalry considerable inconvenience would be felt in acceding to the application of the ironmasters for the assistance of a force of this description”.²² The scale of disorder in South Wales in the early summer of 1822 inevitably dictated that regular troops would be summoned. Nevertheless, the Home Office expressed unease concerning the scattering of detachments and the need to satisfy competing demands for troops from other parts of the country. Only the return of a military unit to Plymouth from the West Indies eased the pressure on military resources in South Wales.²³ Similar troop shortages had been evident before 1820 both in South Wales and in other regions.²⁴ No doubt the government would have concentrated a sizeable number of troops if its authority had been seriously challenged. The absence of extensive precautions, however, perhaps indicated that while an industrial dispute remained localized the government considered intervention as a low priority, unless an immediate threat to public order loomed.

The deployment of military forces did not by itself provide proof that the State was exclusively committed to upholding narrow sectional interest. In making provision for maintaining public order during a period of industrial unrest the Home Secretary frequently counselled employers to stand firm against their workers. At other times employers were criticized for rejecting the “just” claims of their employees. On other occasions central and local authorities displayed great reluctance to intervene at all unless a breach of the peace had occurred. Government policy towards industrial disputes in the early 1820’s was directed towards achieving two broad aims. First, there was concern to avoid or minimize disturbances wherever possible. Second, workers were not to be seen as gaining their desired goal

²² George Dawson (Under Secretary at the Home Office) to the Rev. W. Powell, 1 April 1822, HO 41-6. Dawson indicated that the original decision to refuse troops was reversed after Powell had sent an alarming report of the events in his County. Troops were sent from Gloucestershire.

²³ Hobhouse to Powell, 10 June, HO 41-7. The arrival of military reinforcements at Plymouth enabled the government to keep detachments of the Fifteenth Regiment in Monmouthshire for a longer period than originally planned.

²⁴ On 21 October 1816 J. Addington (Under Secretary to his brother, Lord Sidmouth) informed the High Sheriff of Breconshire, Edward Kendall, that reductions in army strength made it difficult to supply troops for quelling disturbances in Breconshire, Glamorgan and Monmouthshire, HO 41-1. Order was restored by a combination of regular troops, militia and yeomanry, from Cardiff and Swansea, Dowlais letter books 1816-3, Cardiff Record Office.

as a result of their combining together successfully. If violence was used the bad example set by a successful strike was all the more unwelcome.

Lord Sidmouth made his hostility to compromise measures abundantly clear during a wave of strikes in the summer of 1818. Lengthy disputes in the heartland of the cotton industry in Lancashire caused the Home Secretary to exhort employers to resist the wage demands of their workers. Magistrates were instructed to discourage conciliation, for fear that this might be seen as a sign of official weakness. Warm praise was reserved for those manufacturers, such as Thomas Garside of Stockport, who set their face against compromise.²⁵ Employers and JPs at Manchester, and other towns affected by strike action, were expected to demonstrate the same intrepidity. As the strike by cotton spinners at Manchester began to crumble in early September 1818 (striking weavers stayed out for several weeks more), the Home Office maintained its support for intransigence. In government correspondence with magistrates the hope was expressed that no concession had been granted by employers.²⁶

However, at other times the overriding concern of government was firmly centred upon the maintenance of order. Interference in industrial affairs was justified by reference to the possible danger of a breakdown in public order resulting from a strike.²⁷ Unconditional support for employers was not guaranteed. The keelmen of the Tyne, a group of workers responsible for transporting coal from shore to ship, enjoyed a fearsome reputation for robust defence of their interests. Almost invariably Royal Navy ships and marines were dispatched when strikes occurred on the Tyne. Such precautions did not, though, preclude the Home Office counselling local authorities to act with moderation. In April 1820 the government asked the Mayor of Newcastle to use his influence with the coal-owners on behalf of the keelmen. Satisfying the grievances of the latter was viewed in London as a prerequisite for the maintenance of good order in the North-East.²⁸ A

²⁵ Glen, *Urban Workers*, op. cit., pp. 73-74. Hobhouse commended the fortitude of Garside in correspondence with John Lloyd, clerk to the magistrates of Stockport, 21 and 25 July 1818, HO 41-4.

²⁶ Henry Clive (Under Secretary at the Home Office, 1818-22) to James Norris JP, 8 September, HO 41-4: "Lord Sidmouth trusts, however, that there has been and will be no concession or compromise on the part of the masters."

²⁷ Hobhouse to James Norris, 4 August, HO 79-3, extract in A. Aspinall, *The Early English Trade Unions* (1949), p. 264: "You cannot be more fully impressed than Lord Sidmouth is, with the propriety of the magistrate forbearing to interfere in questions between master and servant so long as the peace is unbroken". The same official had written in a similar vein to the constables of Manchester, 11 July, HO 41-4.

²⁸ Hobhouse to the Mayor of Newcastle, 11 April 1820, HO 41-6. The keelmen had a firm ally in the Duke of Northumberland, who, in this period, wrote regularly on their behalf to the government. After returning to work in December 1822, following a long strike,

year later Lord Sidmouth denounced a combination of framework knitters at Nottingham but, nonetheless, he displayed a reluctance to intervene before violent disturbances had taken place.²⁹

Industrial disputes in South Wales in this period prompted a similar diversity of response from local and central authorities. Shortly after Peel became Home Secretary a major dispute developed in South Wales, beginning at Nant-y-glo at the end of March 1822 when the firm of Messrs Bailey attempted to reduce the wages of ironworkers and colliers. Military forces were mobilized, but the prospect of a rise in the demand for iron prompted this employer to concede the demands of the strikers. Magistrates and ministers believed that a dangerous precedent had been set with triumph for coercion.³⁰ The resumption of work at Nant-y-glo in early April was overshadowed by the extension of the strike to other major ironworks, at Tredegar, Blaenavon, Ebbw Vale and other places. By the end of May hardship gradually forced the strikers back to work, though the return was delayed until mid June at the Homfray works at Tredegar. The defeat of the strike, however, was by no means a foregone conclusion. The Reverend William Powell entertained fears that if the dispute had continued through the summer months an upturn in trade would have induced the ironmasters to give way.³¹ During the dispute local magistrates offered full support to the employers, a backing that was only to be expected when many industrialists, such as the Homfrays of Tredegar, John Moggride of Woodfield Lodge, and Edward Frere of Clydach, were also JPs. A meeting of magistrates at Usk on 26 April dismissed the wage increases demanded by the strikers as utterly impracticable. The same meeting also resolved to encourage prosecutions for breaches of contract and for begging (vagrancy) offences.³² Several of the strikeleaders were arrested during the course of the dispute. However, legal action remained a selective weapon rather than a means of general repression, and the collapse of the strike was principally brought about by economic privation.³³ Though desirous to see

the keelmen were praised by the Duke for their moderation, to Peel, 13 December, HO 40-17.

²⁹ 31 March 1821, HO 43-30.

³⁰ The trouble at Nant-y-glo was reported by the Rev. Powell to the Home Office on 30 March 1822, HO 41-6. On 4 April Powell lamented that the strikers had returned to work only because their demands were conceded, HO 40-17, 41-7.

³¹ Powell to the Home Office, 18 May, HO 40-17.

³² Resolution taken by "magistrates, deputy lieutenants and other gentlemen of the county of Monmouth", 26 April at Usk, HO 40-17. The failure to give due notice before withdrawing labour was an offence under the Masters and Servants Act of 1766.

³³ E. W. Evans, *The Miners of South Wales* (1961), pp. 15-17; D. J. V. Jones, "The

the ringleaders punished, the government was equally anxious to restrict state intervention to the minimum. The role of the State was viewed, above all, as defensive: the safeguarding of the property of employers and private individuals, and the protection of workers willing to act as strikebreakers.³⁴

The preoccupation of government with the public-order aspects of industrial relations was amply justified by the high incidence of violence in the early 1820's. Reports reaching the Home Office from the localities confirmed that intimidation was neither chimerical nor uncommon. Violence in industrial disputes has to be judged along a continuum, from assassination and grievous bodily harm at one end, to verbal insults at the other. Nevertheless, we are entitled to question whether, as E. P. Thompson suggests, violence was effectively limited by the "moral culture of the working community".³⁵ When directed against fellow workers, popular violence was scarcely a benign form of communal self-discipline. Unless strikebreakers, foremen and employers are regarded as fair game – the legitimate target for any tumultuous crowd – the picture of symbolic action requires modification in order to give due emphasis to the threatening behaviour accompanying many disputes.

Immediately before the repeal of the Combination Acts in 1824 there was abundant evidence that workers combining together had yet to eschew violence fully, even if Luddism proper disappeared after 1817. The type and degree of violence adopted during a strike tended to follow pronounced regional variations.³⁶ Acid-throwing – supplemented with the use of firearms – was a particular favourite in Scotland, especially amongst the cotton spinners of Glasgow. Attacks of this nature figure prominently in the evidence presented by Scottish manufacturers to the Select Committee meeting in the spring of 1824 to consider the operation of the Combination Laws (among other matters). The evidence of employers was, of course, biased, but the representatives of Scottish spinners, though disclaiming responsibility for outbreaks of violence, conceded that "knobsticks"

Scotch Cattle and their Black Domain", in: *Welsh History Review*. V (1971), p. 233, also in *Before Rebecca* (1973). The Rev. Powell complained that men sentenced to one month imprisonment at Tredegar laughed at their sentence, to Peel, 29 May, HO 40-17.
³⁴ Hobhouse to Powell, 20 May, HO 41-7: "Mr Peel without entering upon the question whether more or less wages ought to be paid (which is a matter of contract between the masters and their workmen) is only solicitous that the peace of the country should not be broken in consequence of disputes arising out of this question."

³⁵ Thompson, *The Making of the English Working Class*, pp. 562-63.

³⁶ For an account of industrial violence at the end of the nineteenth century see R. G. Neville, "The Yorkshire Miners and the 1893 Lockout", in: *International Review of Social History*, XXI (1976).

engaged in strikebreaking in the mills of Paisley and Glasgow were indeed the target for acid attacks and pistol shots.³⁷

Employers and strikebreakers south of the border were probably in less immediate danger of meeting with fatal or serious injury. Life and property were not, however, spared the most dire threats in England and Wales.³⁸ Arson attacks on industrial premises were reported in different towns. At Liverpool a sawmill was destroyed by fire in March 1824 and arson was suspected. In the same period several engineering workshops were set on fire at Sheffield.³⁹ In the West Midlands, ducking was the standard punishment for strikebreakers, as was demonstrated in the Staffordshire coalfield in the spring of 1822. Working miners at the Moat and Tillington mines near Tipton were ‘knocked up’ by gangs of strikers. The Lord Lieutenant, Earl Talbot, arrived at Wolverhampton early in May 1822 with instructions to quell the disturbances. Talbot reported to Peel that the local magistrates had mobilized the yeomanry for the protection of miners who wished to work.⁴⁰

In South Wales the use of intimidation in the early 1820’s was most evident in the North-Western corner of Monmouthshire and the surrounding district. This was the home territory of the notorious Scotch Cattle, the clandestine movement responsible for numerous attacks in the 1820’s and 1830’s on persons who were regarded as having betrayed the interests of the community.⁴¹ Visitations under the cloak of darkness by the Scotch Cattle

³⁷ British Museum, Additional Manuscripts 27,800-01 (Place Papers). The acid attacks took place on different dates in the period 1821 to 1824. In one attack, in November 1822, Neil McCallum – a dresser employed by the Dalmarnock company – lost the sight of both eyes. Another attack, on a man in Anderston, left the victim with extensive burns and blinded in one eye. In response to these and other excesses the Lord Provost of Glasgow requested chemists to take the name of any person buying vitriol in small quantities and wearing the clothes of an “operative” (26 September 1823). Among the copies of anonymous threats handed to the Select Committee was one signed “The Captain of the Vitriol forces – Captain Bloodthirsty”. Anonymous threats were also made to the owners of spinning mills at Dundee in this period. Hobhouse to Anderson, the Provost of Dundee, 6 May 1823, HO 43-31.

³⁸ Vitriol-throwing was not unknown in England. On 9 July 1824 Major Eckersley informed Byng that a constable at Barton-upon-Irwell had suffered an attack involving the use of boiling water and acid, HO 40-18.

³⁹ Industrialists at Liverpool blamed the arson on marine sawyers, who had been on strike for several months, 21 March 1824, HO 43-32. The arson attacks at Sheffield were reported to the Select Committee, British Museum, Add. Mss 27,801.

⁴⁰ Talbot to Peel, 4 May 1822, HO 40-17. Early-morning raids resulted in the arrest of the ringleaders, but violence continued to be used against working miners throughout May. Reports of the violence were published in the Staffordshire Advertiser. British Museum, Add. Mss 27,799.

⁴¹ Jones, “The Scotch Cattle”, loc. cit., provides a sympathetic interpretation of the Scotch Cattle. Evans, *The Miners of South Wales*, op. cit., and E. J. Jones, “Scotch

did not rule out other, more open, forms of violence during industrial disputes. Perhaps the best-documented episode of overt force occurred during the coal strike of 1822. In addition to aggressive picketing at collieries and ironworks, the striking miners of Monmouthshire also engaged in desperate attacks on convoys transporting imported coal from the Monmouthshire canal to Ebbw Vale and Tredegar. In a determined attempt to halt the movement of coal, waggons were burnt and thrown off the road. When this tactic failed to stop the convoys, rocks were hurled down from overhanging cliffs until soldiers arrived to disperse the assembled colliers. Even as the coal strike began to collapse towards the end of May, the necessity for military protection remained, and the progress of convoys continued to be hindered by extensive damage to road surfaces.⁴²

On occasion, the enforcement of solidarity was achieved with slightly less extreme force. At Tredegar, where the striking miners held out longest in 1822, one tactic used for discouraging a premature return to work consisted in destroying the tools of fellow workers by thrusting the wooden handles in smouldering coke heaps.⁴³ Parading in large numbers in public places was a common tactic. At an early stage of an industrial dispute the pressure exerted by weight of numbers could alone suffice to secure the desired end. In any case the escalation of force was but a short step away. Framework knitters in the vicinity of Loughborough were engaged in a dispute over wage rates in March 1821. Not content with simply assembling together, the knitters took to touring through the surrounding villages. Forced entry was made at workshops where the going rate was below the desired minimum. During these raids essential parts of the frames disappeared.⁴⁴ In the following year, in April 1822, the Home Office was told that framework knitters from around Derby and Nottingham pursued a demand for higher

Cattle and Early Trade Unionism in Wales", in: *Economic History*, No 3 (1928), offer a less favourable view of the phenomenon.

⁴² As late as 23 May, John Moggridge informed Peel of further attempts to destroy the road to Tredegar, HO 40-17. The worst violence, though, had taken place on 2 May, when only the timely arrival of a detachment of Scots Greys from Abergavenny saved the day, letters from Moggridge and W. Powell, 3-4 May. The Bristol Mercury carried a detailed report of the turbulent events of 6 May, British Museum, Add. Mss 27,799.

⁴³ Powell to Peel, 15 June, HO 40-17. This clergyman reported that thirty of the "most respectable men" had returned to work at Tredegar, and that others would have followed but for the destruction of their tools. On the same day Hobhouse told Powell that regular troops were to remain in the County for as long as the magistrates wished, HO 41-7.

⁴⁴ Hobhouse to the magistrates of Loughborough, 9 March 1821, HO 41-6. At Knaresborough, in July 1823, a dispute between manufacturers and weavers over wage reductions resulted in the strikers parading through the town and holding meetings every evening. However, no breach of the peace was reported. The Borough Bailiff to Hobhouse, 16 July, HO 40-18.

wages by dispatching “delegates” for the purpose of establishing the identity of all who continued to work. Any person thus discovered *in flagrante delicto* at their frames faced the prospect of crowds, several hundred strong, arriving in the dead of night and hurling missiles at the dwellings of the offending workers. At Beeston a crowd of 1,000 had reportedly turned working knitters out of their workshops.⁴⁵ Also in the Midlands, in the very month of the repeal of the Combination Acts in June 1824, stocking makers at Hinckley resorted to intimidation against those who failed to support the “turn out”. An element of ritualism was apparent, with fifes playing the “dead [sic] march”, and red and black flags flying. Distinctly less peaceful than this demonstration was the accompanying attack on persons and equipment.⁴⁶

In recent years popular disturbances in eighteenth- and early-nineteenth-century Britain have been presented as rational and reasonable manifestations of discontent.⁴⁷ But was popular violence no less threatening just because it was well-organized and co-ordinated? The application of rough tactics in industrial disputes has also been portrayed as simply an extension of other, more peaceful forms of struggle. “Collective bargaining by riot” is seen primarily as a means of applying additional pressure to employers and errant workmates, a course forced upon strikers, more often than not, by the inexorable force of circumstances.

Yet, the adoption of violent tactics itself indicated the existence of choice. Intimidation was just one possible line of action, an alternative to other means rather than a predetermined and inescapable course. The use of violence was a voluntary action, not a compulsory line of conduct to be justified as an automatic and obligatory response. In Britain in the 1820’s, as in other periods, for trade unionists the attraction of violence was derived from the prospect that a dispute would thereby be brought to a successful conclusion more swiftly than otherwise. At the heart of “collective bar-

⁴⁵ L. Rolleston to Peel and the Duke of Grafton, 20 April 1822, HO 40-17.

⁴⁶ George Perry to Peel, 24 April 1824, HO 40-18. Further trouble was later reported in the vicinity of Hinckley in May 1825, but with a diminished level of violence, Dicey JP to Peel, 12 May, HO 52-4.

⁴⁷ Rudé, *The Crowd in History*, op. cit., p. 91; also E. P. Thompson, “English Trade Unionism and other Labour Movements before 1790”, in: *Bulletin of the Society for the Study of Labour History*, No 17 (1968). Thomis, *The Town Labourer*, especially pp. 71-73, has persuasively demonstrated the contradictions inherent in the “collective bargaining by riot” thesis. Above all there is the problem of simultaneously viewing the perpetrators of violence as “primitive rebels” and “sophisticated upholders of working class traditions”. My argument is quite simply that the more popular violence is regarded as a rational form of behaviour, the harder it becomes to justify such action, not least because premeditated action lacks even the questionable justification of momentary impulse that might be accorded to blind, irrational conduct.

gaining by riot” there was evidence of a pervasive opportunism. Practical experience taught many workers that the resources of the State were clearly limited. The improbability of prosecutions not only confirmed the irrelevance of the Combination Laws, but, more importantly, it also provided a strong incentive for carrying out intimidation of persons and the destruction of property.⁴⁸

Whatever the immediate gains, in the long run there was a price to be paid for adopting violent methods. Recourse to intimidation has often had a counter-productive result for trade unions.⁴⁹ For trade unionism to flourish and expand, conditions of legality were required. But, as the more percipient trade-union leaders understood, the continued use of violence raised a major obstacle to the attainment of respectability. John Doherty, Jonathan Hodgins and other leaders of the Lancashire cotton spinners, John Gast of the London engineers, and Tommy Hepburn of the North-Eastern colliers possessed the breadth of vision to realize that violent methods offered only momentary benefit. Repudiation of violence was an essential step if trade unions were to gain the measure of acceptance necessary if they were to reap the advantages offered by the removal of legal prohibition in 1824-25. Given the entrenched suspicion towards trade unions in Britain, the achievement of “respectability” by trade unionists inevitably took decades. Not until the 1870’s did Parliament recognize the corporate existence of trade unions. In the interim, whatever the provocations of a hostile press, a partisan judiciary and unscrupulous employers, it was imperative that trade unionists provided the authorities with no excuse for unnecessary intervention. Rejection of the “rough tactics” of machine-breaking, intimidation of non-strikers and rioting (which by the 1820’s had become distinctly less acceptable to wider society than in the previous century) was a prerequisite for a legal, broad-based trade unionism to evolve in Britain.⁵⁰

⁴⁸ For a splendid example of opportunism at the height of the Luddism scare of 1811-12, when the calico printers of Stockport took advantage of the disturbed circumstances and adopted violence against their employers even though this group of workers had no links with Luddism, see Glen, *Urban Workers*, pp. 189-90.

⁴⁹ Of course the danger of such counter-productivity carries little weight with those for whom trade-union development is a means to an end. Trotsky, for example, used the exigencies of the “class struggle” to justify overt and covert violence: “if the workers had not organised strikes in the beginning of the nineteenth century, the British bourgeoisie would not have legalised them in 1824. If one allows the application of force or violence in the form of strikes, one must accept all the consequences, among others the defence of the strikes from strike-breakers with the assistance of well-directed measures of counter force.” L. Trotsky, *Where is Britain Going?*, revised ed. (1926), pp. 81-82.

⁵⁰ R. G. Kirby and A. E. Musson, *The Voice of the People* (1975), pp. 32-42; Stevenson,

The failure of the Combination Acts to prevent workers combining together was fully demonstrated by the continued occurrence of strikes after 1799. Certainly, on the eve of the repeal of these laws there was no evidence of a decline in the incidence of industrial disputes. It was not impossible that the ineffectiveness of the Combination Acts encouraged the introduction of repealing legislation in 1824-25. Much argument has raged between historians over apportioning credit for effecting the repeal of the Combination Acts. While the Hammonds emphasized the role of Francis Place and Joseph Hume MP, and other moderate reformers, E. P. Thompson considers that the repeal essentially resulted from popular pressure. However, perhaps the repeal is more readily comprehensible if viewed as a tacit recognition by the government that legal intervention was better directed towards regulating the activities of trade unionists rather than outlawing trade-union membership. After 1824 criminal law was primarily directed towards curbing intimidation and other excesses. Ultimately, though the law did not sanction the right to strike, a legal framework was created within which peaceful trade-union activities were possible. After the passing of the Combination of Workmen Act of 1824, statute law defined the legitimate areas of trade-union activity by proscribing the illegitimate means of conducting union affairs.⁵¹

The repeal of the Combination Acts, coinciding with an economic boom, gave rise to a temporary increase in strike activity. By the beginning of 1825, as reports of industrial unrest arrived from all directions, the Home Office became sufficiently disquieted to order enquiries into the effect of the repeal, notably in the Northern industrialized districts.⁵² The Home Secretary was also disturbed to learn of rumours circulating in the Mid-

Popular Disturbances, *op. cit.*, pp. 233-35; R. Colls, *The Collier's Rant* (1977), pp. 97-108. Public opinion in Britain was particularly incensed by the use of violence by strikers, as during the Glasgow cotton spinners' strike of 1837 (when a strikebreaker was killed), and at the time of the Sheffield "outrages" of 1866 (when gunpowder was used). The use of intimidation and oath-taking alienated even relatively sympathetic figures such as Charles Dickens, P. Brantlinber, "The Case against Trade Unions in Early Victorian Fiction", in: *Victorian Studies*, XIII (1969); R. K. Webb, *The British Working Class Reader 1790-1848: Literacy and Social Tension* (1955), ch. VII. The Society for the Diffusion of Useful Knowledge published several tracts against strikes and violence in the 1830's, and Harriet Martineau wrote a number of works against machine-breaking and similar activities, beginning with *The Rioters – or a tale of Bad Times* (1827).

⁵¹ 5 George IV, c. 95. Later acts, from 1825 (6 George IV, c. 29), re-affirmed the emphasis on curbing intimidation and molestation during industrial disputes.

⁵² *Hobhouse to Byng*, 3 February 1825, HO 43-32: "The operation of the Act of last session for repealing the Combination Laws requires to be very attentively watched. Among the shipwrights of the Thames and the same class and the sailors in the Tyne, its effects are such as to raise very thorny complaints from the masters who are almost entirely in the hands of their workmen."

lands that the (repealing) Combination of Workmen Act had reduced the penalty for machine-breaking to a mere two months imprisonment, even though local magistrates reassured Peel that no actual rioting had occurred in the area.⁵³ In the following months, during the spring and summer of 1825, further reports of disturbances flowed in from Lancashire, the North-East and from other regions.⁵⁴ Nevertheless, the government's prime concern remained with the practical questions of maintaining public order. Upholding the cause of individual employers was of secondary importance. Indeed, Peel demonstrated extreme reluctance when it came to involving government authority in industrial disputes, unless public order was directly threatened.⁵⁵ In part, the caution of the government was no doubt influenced by the patent inadequacy of the coercive resources at its disposal. If anything, the paucity of troops became more pronounced during the early 1820's. On the other hand, the fact that the government failed to re-impose the prohibition on trade unions, in the wake of the temporary escalation of strike activity after the summer of 1824, would indicate a positive acceptance of the existence of trade unions.⁵⁶

Before 1824 the aggressive conduct displayed by striking workers during the course of many disputes reflected self-confidence rather than docility. However, if the repeal of the Combination Laws did not mark the end of a period of sustained repression, it did at least entail the removal of the conditions of illegality that had encouraged clandestine activities. It was perhaps for this reason that the repealing acts of 1824-25 represented a milestone in the development of trade unionism in Britain. In addition to the removal of the prohibition on union membership, restrictions on the peaceful aspects of union organization (including the collection of strike funds) were eased. A lengthy strike of woolcombers at Bradford in 1825 demonstrated that the opportunity for orderly and peaceful action existed once conditions of legality had been established. The Woolcombers and Stuffweavers Association of Bradford exhibited a sophisticated level of

⁵³ Hobhouse to H. Enfield (the Town Clerk of Nottingham), 11 December 1824, HO 43-32.

⁵⁴ HO 40-18. Amongst other groups of workers on strike in the summer of 1825 were framework knitters at Leicester and fustian cotton spinners at Manchester.

⁵⁵ Hobhouse to the magistrates of Sunderland, 22 August 1825, and George Dawson to the same, 5 September, HO 41-7, indicating that Peel wished the ship-owners to conduct their own prosecutions against their employees who had undertaken industrial action.

⁵⁶ While the revised bill on combinations was passing through Parliament, Peel received a request from a magistrate from Leicestershire, named Dicey, 12 May 1825, for the provisions on illegal assembling to be strengthened, HO 52-7. However, the Home Secretary rejected this request.

organization, sending delegates as far afield as Liverpool and Newcastle in search of financial and moral support from other workers.⁵⁷ The five-month dispute at Bradford ended in failure in November 1825, resulting in the woolcombers returning to work without an increase in wages. However, the absence of reported violence ensured that the woolcombers' strike was a victory of sorts: an example of a protracted industrial struggle sustained by disciplined conduct and moral force.⁵⁸

In contrast, handloom weavers in Lancashire in the spring of 1826 attempted to halt the spread of powerlooms by means of a frenzy of machine-breaking. Such indisciplined behaviour forced the authorities' hand. Army units were mobilized and the inevitable judicial reckoning eventually occurred.⁵⁹ The hopelessness of the position of handloom weavers, in the face of new technology, should serve to underline rather than obscure the futile and counter-productive nature of machine-breaking and other forms of industrial violence.⁶⁰

Francis Place, that leading architect of legislative reform affecting trade unionism in the 1820's, considered that the repeal of the Combination Acts would, in the long run, obviate the need for trade unions. He believed that workers only required organizations for self-protection while hostile and "unjust" laws remained in force. The removal of such constraints would restore harmony between master and worker.⁶¹ Future events, of course, confuted Place's sanguine prediction concerning future industrial relations in Britain. Nevertheless, his repudiation of violence in industrial disputes appears, with hindsight, altogether less naïve than his belief that harmonious industrial relations merely required the removal of intrusive

⁵⁷ HO 40-18, printed handbills issued for the purpose of securing loans from other groups of workers. One handbill was dated 14 October 1825 and addressed to "operatives" at Liverpool. The committee of the woolcombers' union sent two delegates to Liverpool. At Newcastle a public meeting was called for 27 October under the aegis of the Committee of Trades, and a subscription for strike funds was opened.

⁵⁸ British Museum, Add. Mss 27,803-II. In 1826 John Tester, the secretary and "factotum" of the woolcombers' union published a history of the strike. From this source it appears that £15,826 was received in subscriptions during the strike, of which £14,091 was paid in strike pay to 2,900 men, 213 women and 2,923 children. The committee of the union was based at the Roebuck Inn, Bradford.

⁵⁹ Kirby and Musson, *The Voice of the People*, op. cit., pp. 41-43; G. D. H. Cole, *Attempts at General Union* (1953), pp. 5, 12-13. Doherty and other leaders of the cotton spinners opposed the use of violence in 1826.

⁶⁰ The first recorded attack on powerlooms took place at Manchester in 1792, Stevenson, *Popular Disturbances*, p. 118. For the plight of the handloom weavers see P. Richards "The State and Early Industrial Capitalism: The Case of the Handloom Weavers", in: *Past & Present*, No 83 (1979).

⁶¹ *Essays for the People* (1834), British Museum, Add. Mss 27,834.

legislation. Place blamed such violence on the Combination Acts. With the removal of this arbitrary legislation all need to practise intimidation would naturally disappear.⁶² Of course the use of violence and rough tactics did not come to an end in 1824-25, or even in the immediately ensuing decades. On the other hand, Place's optimism was not entirely misplaced. The future of the trade-union movement depended upon an expansion of membership and a strengthening of the financial and organizational base of unions. For trade unions to provide their members with tangible, routine benefits (including representation at the workplace, legal advice and welfare aid) stable and legal conditions were essential. Any recrudescence of "collective bargaining by riot" created an obstacle to unions gaining general acceptance in society. Throughout much of the nineteenth century the advantages derived from trade-union membership tended to be restricted to a small elite of skilled male workers. Ultimately, though, the respectability achieved by foregoing violence was of universal benefit to workers.⁶³

In 1825 "United to support but not combined to injure" was hardly more than a pious wish, but this statement, although belied by the survival of machine-breaking and other violent tactics in the mid 1820's, was a signpost for the future. The repeal of the Combination Acts assumes a particular importance in the history of British trade unionism precisely because the ending of illegality removed much of the need and justification for the use of intimidation during industrial disputes. After 1825 violence was increasingly regarded as illegitimate and, consequently, unacceptable by the State, the judiciary and middle-class society, and viewed by many "respectable" trade unionists as the Achilles heel of their movement.

⁶² Observations on Mr. Huskisson's Speech on the Laws relating to Combinations of Workmen, British Museum, Add. Mss 27,805-II: "Combinations will occasionally exist, so long as the numbers of workmen are in excess; but they will be divested of their obnoxious character at no distant period, if they are left alone. [. . .] Unequal and consequently unjust laws, such as these against combinations of workmen were the cause of the very evil they were ignorantly supposed to prevent. Men combined against them, from a sense of what was called 'a proper pride', from a persuasion that they were more oppressed than they really were; and men always desire to resist oppression." Joseph Hume MP also condemned the use of violence by trade unionists. In a letter to shipwrights at Dundee, Hume repudiated violence and criticized attempts to interfere with the employment of apprentices. He argued that the repeal of the Combination Acts had occurred in order that both employers and workers could enjoy the maximum freedom in conducting their lawful affairs. Letter to Mr John Allan, shipwright of Dundee, 26 March 1825, reprinted in *Repeal of the Combination Acts* (1972).

⁶³ The need for unions to achieve respectability through rejecting violent tactics has been discussed recently by J. Stevenson, "Early Trade Unionism: Radicalism and Respectability 1750-1870", in: *Trade Unions in British Politics*, ed. by B. Pimlott and Ch. Cook (1982).