

[FRAME WORK BILL. (Feb. 06-Mar. 09, 1812).Full record of Parliamentary proceedings re. crushing the Luddites. Hansard, Parliament (UK). Reproduced for educational purposes only. Fair Use relied upon. Source: <https://api.parliament.uk/historic-hansard/lords/1812/feb/27/frame-work-bill> | <https://api.parliament.uk/historic-hansard/sittings/1812/feb/index.html>]

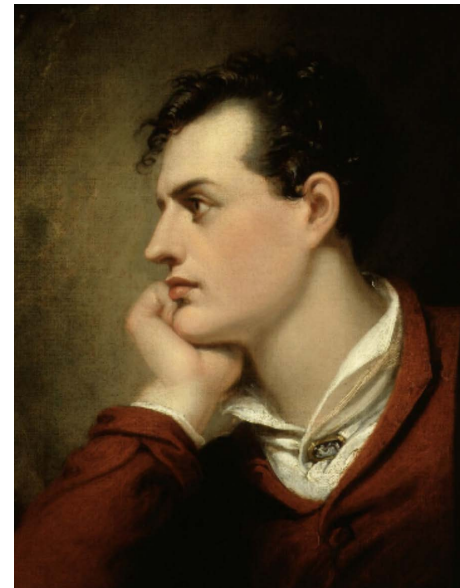
Following attached House of Lords records:

What follows is a full UK House of Lords record of the FRAME WORK BILL intended to crush the “Luddite” rebellion in Nottinghamshire, including introduction of the **death penalty**. It includes:

Click the item to go directly to the record for that date

- 6 February 1812 RIOTS AT NOTTINGHAM. (Hansard, 6 February 1812).
- 14 February 1812 FRAME BREAKING AND NOTTINGHAM PEACE BILLS. (Hansard, 14 February
- 17 February 1812 FRAME WORK BILL. (Hansard, 17 February 1812).
- 18 February 1812 FRAME WORK BILL. (Hansard, 18 February 1812).
- 20 February 1812 FRAME WORK BILL. (Hansard, 20 February 1812).
- 25 February 1812 NOTTINGHAM PEACE BILL. (Hansard, 25 February 1812).
- 27 February 1812 FRAME WORK BILL (Hansard, (27 February 1812).
Lord Byron’s defense of the Luddites as they came to be called. Lord Byron’s first speech in the House of Lords.**
- 2 March 1812 FRAME WORK BILL. (Hansard, 2 March 1812).
- 5 March 1812 FRAME WORK BILL. (Hansard, 5 March 1812).
- 5 March 1812 EARL OF WELLINGTON'S ANNUITY. (Hansard, 5 March 1812).
- 9 March 1812 FRAME WORK BILL. (Hansard, 9 March 1812).

Editor. (Nov. 30, 1998). Of Luddites' and 'Eli-ites'. ETC Group.



Lord Byron's portrait done within months of his defense of the Luddites (Frame breakers). National Portrait Gallery (UK). Source: <https://www.npg.org.uk/collections/search/portrait/mw00989/Lord-Byron>

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RIOTS AT NOTTINGHAM.



HC Deb 06 February 1812 vol 21 cc671-2

Mr. Whit-bread wished to ask the right hon. the Secretary of State, whether it was the intention of the government to lay any information before the House with respect to the disturbances which had for three months scandalized the country, and still continued to do so, or whether any inquiry was to be set on foot with respect to them?

Mr. Secretary Ryder agreed that the proceedings alluded to by the hon. gent, were such as scandalized the country; he had reason to believe, however, that they had, within these few days, much subsided. Whether this was or was not the case, the House would soon possess the opportunity of inquiring into the subject, when a Bill, which was now in preparation, should be introduced.

Mr. Whitbread observed, that after what had fallen from the right hon. Secretary, he should not himself now give any notice on the subject; but he must ask, was not the existence of the late disgraceful riots at Nottingham, a primâ facie charge against the home administration.

Mr. Lambe said, that the riots at Nottingham had not only not subsided, but were increasing, and loudly called for enquiry.

Mr. J. Smith stated, that he had received letters that morning which expressed that a greater degree of tranquillity prevailed in the country than had been for some months past.

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FRAME BREAKING AND NOTTINGHAM PEACE BILLS.



HC Deb 14 February 1812 vol 21 cc807-24

Mr. Secretary Ryder rose and said, that he felt great pain in the discharge of the important duty which imposed upon him the necessity of adverting to those transactions which had taken place in some of the counties of England, and which, in their nature, were so disgraceful to the country, and so injurious to the best interests of those places where such enormities had been perpetrated. But while he deeply lamented the occurrence of these acts of lawless violence, he had the satisfaction to state to the House that the disturbances had been gradually diminishing; and, for more than a week, had altogether subsided. But though this favourable change had taken place, it was under circumstances which left reason to apprehend that that disposition might again manifest itself in fresh acts of violence. He had, therefore, felt it his duty to consult with those gentlemen, whose local knowledge gave them the best means of ascertaining the real nature and extent of the evil, and it was in consequence of those communications, that he now came forward to propose a remedy. The enormities which had been committed in Nottingham and the adjacent counties, were so well known to the House and to every man in the country, that it would be unnecessary for him to trouble them with the disgusting recital: it was notorious that houses had been broken open, and machinery of different kinds destroyed, and that a system of riot had existed for the last 3 months, a system bordering almost on insurrection, which called for the active interference of government. The first intelligence received by government of those transactions was on the 14th of November, and it was stated that they were of a nature and extent to justify the high sheriff of the county in calling out the military to his assistance; and an application was made to that effect. On that day a squadron of dragoons, from a great distance, was ordered to march to Nottingham, and information was afterwards received which gave hopes of the restoration of tranquillity, as the military had done their duty, and the militia had conducted themselves well.— About the beginning of December, the riots assumed a more alarming appearance; and by the information received from the lord lieutenant of Nottingham, it was feared by government that they were likely to extend to the counties of Leicester and Derby. Between the 14th of November and the 9th of December, no less than 900 cavalry and 1,000 infantry were sent into Nottingham, which was a larger force than had ever been found necessary in any period of our history to be employed in the quelling of any local disturbance. Towards the latter end of December, the heat of the riots seemed to be a little abated, but unfortunately, on the 8th of January, those promising appearances terminated; two additional regiments were sent to that district; nor was any application for military aid refused; on the contrary, it was granted on the very same day. But the attention of government was not confined to this single mode of assistance; for they had received depositions from several active and meritorious individuals, who requested that the opinion of the law officers of the crown might be taken relative to appointing a Special Commission. In consequence of this, the Attorney and Solicitor-General were both consulted as to the probable advantage of such a step, as soon as a sufficient number of individuals should be apprehended. In the mean time, the necessity of exerting all the means of local knowledge and experience was impressed on the magistrates and gentlemen. Mr. Conant, and another intelligent magistrate, were also dispatched to Nottingham, to ascertain the best way of proceeding, and to procure all the information in their power. On the 18th December, another measure was resorted to—that of the Proclamation of a reward for the discovery of the offenders; a measure certainly of doubtful policy; so much so, that it had never been resorted to since 1776; but he was confident that the House would feel that it was warranted by the urgency of the case. This was the statement of what had taken place since the commencement of these unfortunate transactions, which he had not gone into with a view to refute any charge against the government of the country for the line of conduct adopted by them, but from motives of respect to the House, when he was calling for a new legislative measure. It was necessary that it should be shewn that all ordinary measures had been insufficient, and that every means had been resorted to, before an application to parliament was made. These were the only reasons for the detail with which he had troubled the House; but, having done so, he would confidently appeal to those persons who knew

all the circumstances, to confirm, by their testimony, that no application had been neglected, which was made to government, from the commencement of those disturbances. The House would feel a satisfaction in knowing that they were not connected with any circumstances beyond the disputes of the masters and journeymen. They were not perhaps, aware, that the machinery, which had been destroyed, did not belong to the houses in which they were, but were either hired by the masters to the operative manufacturers, or were the property of a middle class, who vested their capitals in the purchase of frames which they hired. The consequence had been, that those persons to whom the frames belonged, had been most active accomplices in their destruction, and they had a direct interest in preventing the discovery of the delinquents, which accounted for the difficulty that had existed in apprehending any of the rioters, notwithstanding the active and vigilant measures which had been taken. The depredations had been carried on with a greater degree of secrecy and management than had ever been known in any similar proceedings; so much so, that the magistrates could not take upon themselves to apprehend the persons whom they suspected of having committed the outrages. It was peculiarly easy for parties, who were ill-disposed, to perpetrate those illegal acts; for, in many instances, the machinery was used in isolated houses, which were far from any neighbourhood, and persons having secreted themselves about the premises, felt no difficulty in destroying the frames, which could be performed with very little noise. In one instance, the mischief had been done actually in sight of the military; and, in another; they were not more than one hundred yards from the premises. The rioters had also occasionally gone to the villages, in bodies of about fifty men, and having stationed centinels at the different avenues, the remainder employed themselves in destroying all the frames; and this was executed with so much secrecy, that not a trace of the parties was left in the course of a few minutes. Various causes had been assigned for these outrages.—With respect to the disputes between the masters and journeymen, he should at present say nothing, as it could answer no good purpose. As far as his information went, the evil originated in the great increase of trade, which took place in the county of Nottingham, four years ago, in consequence of the southern parts of South America being opened to British commerce. At that time all the hands and machinery which could be procured were employed, and a number of independent frames were set on foot, by persons who had no direct interest in the manufacture, who was sure of letting them out, as he had before stated. About two years afterwards, this market began to fail; and of course the manufacturers discharged a number of the persons employed by them, which created discontent and distress; and this had been since aggravated by the unfavourable situation of trade.—Still these circumstances, however deplorable, could not justify the measures pursued by the rioters; which could only tend to draw down ruin themselves and families; and, if permitted to be persisted in, must prevent them from procuring that employment, the want of which was held out as their greatest grievance.—The question then was, whether it was not proper that some legislative enactment should be resorted to, to endeavour to check those disturbances? The House most know, that by the 28th of the King, c. 55, the breaking of frames was made a minor felony, punishable with transportation for 14 years. That enactment had proved completely insufficient to deter from the commission of the offence which it was meant to guard against; and it was his intention to propose, that the offence should now be made capital.—In submitting this proposition to the House, he felt it his duty to say, that he was by no means a friend to the increase of capital punishments. However he might differ on other points from an hon. and learned friend (sir S. Romilly) whom he did not then see in his place, he certainly deprecated with him an unnecessary extension of capital punishments. Before he would resort to such a severe measure, he must see a strong and well authenticated case made out; but when he contemplated the immense body of property involved in destruction—when he considered the great expense incurred in procuring machinery, and the risk it ran from these disputes—when also he looked at the extraordinary temptation bad men had to indulge the basest of motives, those of malice and revenge, by the easy destruction of frames; he thought, if any case could call for a capital punishment, it was such a one as he had described. He did not rest the necessity of the measure on the frequency of the offence, or on the difficulty of detection—that would carry the House too far. But the ground on which he proposed the Bill, was this, that if the offence were permitted to be perpetrated as it had been, it would threaten serious danger to the state. The present situation of the scene of those illegal proceedings, was exactly such as came within the definition of the best ancient lawyers, when speaking of a state of things which called for severe punishment. And here he begged leave to read the opinion of sir Matthew Hale on this subject, and the House would be enabled to judge whether it applied to the present circumstances.—That great lawyer observed, "where offences grow enormous, frequent, and

dangerous to a state, where they threaten to become destructive of society, and are likely to produce ruin among the inhabitants of a place, severe punishments, and even death itself, is sometimes necessary, for the safety of the country." Now, the disputes which existed in Nottingham, where near 1,000 frames had been broken, and an immense quantity of property had been destroyed, were actually subversive of the public peace, and constituted that state of things which called for legislative interference. He knew it might be alleged against the proposition, that the difficulty of detection would remain, or perhaps be increased by increasing the severity of the punishment; but, in his opinion, when a party reflected whether it was worth his while to run the risk of losing his life in gratifying his feelings of hatred or resentment, he would find it a consideration paramount to every other—and would be deterred, by the fear of death, from pursuing such illegal courses, when the dread of transportation would not prevail. He conceived he had stated enough, to support the first measure, and he would therefore proceed to the second. His object, in that Bill, was to enable the lord lieutenant of the county, the sheriff, or five justices, when disturbances existed, to call a meeting, and to give immediate notice, in the newspapers and on the church doors, in the usual manner, that a special meeting would be held, for the purpose of obtaining lists of all the male inhabitants of the county, above the age of 21, in order to select from them such number of constables as they shall think necessary, and by that means to establish a watch and ward throughout the county, or such districts as might be considered in a turbulent state, and that the magistrates should be empowered to defray the expence. He might be told, that part of this plan was law already: he knew it was; but it was law which had fallen into disuse; and a portion of the provisions of the present Bill was introduced for the purpose of accommodating the old law to the present times. When he stated that he was sanguine in his expectations of the most advantageous results from this measure, he must add, that he had received his information from those whose local knowledge and experience were much greater than his, and on whom he placed the utmost confidence. He had only this much more to say, that if the Bill should have the effect of introducing the system of watch and ward, it would be most beneficial in a county situated as Nottingham had been; and, if it had been resorted to much sooner, would, he felt convinced, have prevented the disturbances from arriving at the height they unfortunately had done. The right hon. Secretary concluded by moving, "That leave be given to bring in a Bill for the more exemplary punishment of persons destroying or injuring any Stocking or Lace Frames, or other machines or engines used in the Frame-work knitted manufactory, or any articles or goods in such frames or machines."

Colonel Eyre, (member for Nottingham shire) rose to second the motion. However unwilling, on other occasions, to increase the criminal code of the country, he must certainly agree in the necessity of the present measure. Many enlightened persons, who were intimately acquainted with the state of the county of Nottingham, considered a Bill of this description as the most efficacious means of quieting the disturbances. When those deluded men, the frame breakers, were employed in destroying the machinery, they little thought that they were depriving themselves of the means of earning a livelihood. He was no less favourable to the second measure, which he conceived to be the best method of preserving the peace of the county, and, being carried into effect, would operate beneficially for the country in general. He would not, after the statement of the right hon. gentleman, enter into a detailed view of the subject; but he must express his concurrence in the statement of the right hon. gentleman, that during the whole period of the riots, the magistrates had displayed a praise-worthy activity, which was met with equal zeal on the part of government, who had given every assistance that was demanded. No blame whatever could be attached to them; they had afforded all the military aid which was called for, or could be required, as well as the advice of the most experienced police officers. But the rioters had carried on their proceedings with so much caution and secrecy, that no discovery could be made; and, if they were detected at all, it must be absolutely in the fact; no other means of prevention could be adopted. Those who could give information, were deterred from coming forward as witnesses, by threatening letters. In such a state of things, government would have been almost justified in resorting to martial law, if such a remedy would not have been worse than the disease. They would not adopt such a proceeding; and he thought the people ought to support government in a Bill which would enable them to preserve their property.

Mr. J. Smith, (member for Nottingham,) observed that the statement of the riotous situation of the county of Nottingham was unfortunately too true; and it was no less true, that the spirit of insubordination had threatened the

safety of the neighbouring counties. The right hon. gentleman had said, that the disputes between the manufacturers and their employers was the cause of those riots. Now, in his opinion, the real and primary cause was the great decay of trade, which affected a branch of manufacture highly important to the country—the workmen employed in which received very moderate wages. The state of trade was such, that, in Nottingham, this manufacture was exceedingly impaired; and, probably that might be owing, in no small degree, to those mischievous speculations to which the right hon. gentleman had alluded, and which he could not sufficiently condemn. But, there was another cause that tended to those disturbances, namely, the custom pursued by some manufacturers of paying their workmen in goods, instead of cash. It was true, they could be punished for this; but the penalty, probably, was not commensurate with the advantage. He had heard of workmen being paid in linen-drapery, in shoes, in provisions. These things were always charged beyond their real value; and thus, instead of receiving twenty shilling" per week, the workmen in consequence had probable five shillings less. Altogether, he was sorry to declare to the House, that he never witnessed so much misery as when he was last in Nottingham. Another source of dispute was to be found in the mode which many masters adopted in measuring the work. The operative individual was frequently oppressed by some masters in this respect.—It was a question, therefore, not undeserving of inquiry, whether this misconduct of the masters was not, in a great measure, the cause of the discontents of the workmen. But while he made these charges against some of the masters, he was aware that there were many of them who never condescended to any such practices. He agreed with the right hon. Secretary, in thinking that the mischief was really dreadful; but yet he was extremely unwilling that the punishment of death should be resorted to, because he was afraid that such a punishment would, instead of promoting, contribute very much to retard conviction. Something, however, he was willing to allow must be done; and if terror would put down the mischief, he was ready to support it.—There was another point he wished to advert to. There was no law existing against the destruction of lace frames, a branch of manufacture of as much consequence, he believed, as the manufacture of stockings. On this subject he might be mistaken, but he believed there was no such law existing.—He thought the right hon. Secretary had shewn, throughout the whole of this business, a degree of zeal, perseverance, and talent, which could not be sufficiently admired.—With respect to the other measure, he would not say much, as it was not necessary in Nottingham. The magistrates of Nottingham had from the beginning conducted themselves with a vigour, which he could wish to see every where imitated. They had divided the respectable inhabitants into detachments of fifties, who were ready at all times, day and night, when requisite; and such had been the good effects of these efforts, that in a town of 40,000 inhabitants, containing more misery than he had ever before seen, the magistrates had hitherto been able to preserve the public peace, with a very few exceptions, which no mortal vigilance could have prevented. The town of Nottingham had therefore gone beyond the measure of the right hon. Secretary.

Mr. C. W. Wynn thought the House ought to have some ground before them to justify their interference, something that should appear on their books. A local bill might be brought in, preceded by a petition from the magistrates, or a committee might be appointed to inquire into the circumstances of the case, which, he conceived, would be rather a better method of proceeding. Great advantages were likely to result from the inquiries of a committee up stairs: it would shew those misguided men that the eye of the legislature was upon them, and it would show posterity the grounds on which the House had acted. What had the right hon. Secretary brought forward to justify the infliction of death? Did he state that this act of the 28th of the King, had been put in force, and found unavailing? Had any convictions taken place under that act? However averse he was to punish with death, if transportation were found insufficient, it would be necessary to have recourse to the severer punishment. If any body of men chose to array themselves against the public peace, they must by all means be put down; but it was indispenisible to see first, whether the existing laws were or were not sufficient. It was well known, that in general, capital punishments were not much calculated to promote convictions. Juries were always averse to convict capitally, and witnesses averse to give evidence. He thought, therefore, that the right hon. Secretary ought to come forward with some cases of convictions under the act of the 28th of the King.

Mr. Frankland, in rising, adverted to an expression which had fallen from an hon. and learned gentleman (sir S. Romilly) on a former evening, when moving for the repeal of the act of the 39th of Elizabeth, by which soldiers and sailors, found begging, were subjected to death. The hon. and learned gentleman had said, that the legislature was disgraced by this act. In consequence of this assertion, he had had the curiosity to examine who were on the committee that prepared the Bill, and there among other great names, he found those of sir Walter Raleigh and sir Francis Bacon: he found, too, that the act was called for by the necessity of the times. The soldiers and sailors who were disbanded committing great depredations, two committees were formed, one to see what could be done to relieve them, the other to produce the Bill complained of, which, in fact, was no more than a proclamation, desiring them to disperse within a given time—and certainly he saw no disgrace in the measure. It was a hard necessity on parliament to be compelled to legislate in such cases, and to enact severe punishments; but whatever might be the tenderness of feeling that every member must necessarily have on such a subject, he was at the same time bound to discharge his duty with firmness. When enormous crimes were committed, and the physical strength of the populace opposed to the magistracy, all the laws of the land were set at defiance. The present evil did not consist in breaking a piece of machinery; and the law proposed, was not merely to protect individual property, but proceeded on a broader principle. When the disturbances took place in the woollen, the silk, and the cotton trades, laws were made enacting the offences felony, without benefit of clergy, and there was no reason why a similar security should not be afforded to the subject in the present instance.

Mr. Leigh Keck took upon himself to assert, that in some instances the military employed to deter the rioters had been attacked by persons provided with arms, and that it often happened that the depredators effected their purpose of destroying frames by the use of offensive weapons. If any thing could supersede the necessity of inquiry, and show the danger of delay, it would be such a statement. The origin of the late outrages certainly was the decay of trade, and as the distress not only affected the district round Nottingham, but was extended into Leicestershire, he was of opinion that the Bill should have a more general operation. He was firmly convinced, not only of the necessity, but of the immediate necessity of some strong measure to produce and secure the public tranquillity.

Mr. Sheridan observed, that he should be extremely sorry if the inhabitants of the district in question, should be, as it were, taken out of the King's protection by this Bill, without serious antecedent examination of the necessity of making the offence capital. According to his apprehension, the arguments of his hon. friend (Mr. Frankland) tended to a very different conclusion from that to which he had arrived. When his hon. friend had quoted the high authority of sir Walter Raleigh and sir Francis Bacon upon this subject, he took it for granted at first, that his hon. friend meant the House to follow the example in which they took a part: for his hon. friend had stated, that the Bill then passed was introduced after the report of a Committee of Enquiry. Parliament, it therefore appeared, did not then think it right to extend the penal code without an enquiry into the necessity of doing so: and surely parliament ought to be as cautious now; particularly when a proposition was made to apply capital punishment to a particular district. According to his hon. friend's arguments, the House should follow the precedent in Elizabeth; and though they could not expect such distinguished names and high authority on their committee, there was little doubt that they could find many respectable well-informed gentlemen to sit in it. Another hon. member had said, "Is not the necessity sufficiently known?" Perhaps it might: but assertions of necessity made in parliamentary speeches went for nothing. When parliament made a strong law, the report of a Committee of Enquiry into the subject of it, would shew its justification, which never could be done by any member rising in that House, and saying "I know this, and I know that." But the hon. gent. had said, that the time pressed; if so, he desired to know why such delay had occurred? Why had not the magistrates applied sooner? Why had the Secretary of State for the Home Department been asleep all this while? Time enough had elapsed to propose the measure long before now: the House might have been put into possession of all the facts, and have proceeded in the application of a suitable remedy. He could not avoid viewing the way in which this measure was supported by gentlemen in a serious light. One proposed it for Nottingham and its immediate vicinity; another said it should be more comprehensive in its operation and extend to Leicestershire; a third proposed to make its operation general, which would be, in fact, a material alteration in the whole police of the country, without enquiry

into its necessity. He could not apprehend any alarming dangers from the more satisfactory mode of proceeding by the appointment in the first instance, of a committee to report to the House on the facts and circumstances of the case. All the delay that was likely to occur, need not amount to more than three or four days at most; for he must suppose that there was no want of persons in the metropolis at the present moment, capable of giving to the committee sufficient information. The report of such a committee would be the best and the recorded justification of the Bill when enacted; and would shew to all the country the reasons and grounds on which parliament had proceeded in increasing the severities of the penal laws. If the mischief was so immediately pressing as it had been stated to be, and the passing of the Bill, without enquiry, indispensable, that brought him back to his former assertion, that great blame must certainly attach somewhere, or they would not be thus forced to the adoption of a severe remedy, in a manner suited neither to the honour nor to the character of parliament.

Mr. Henry Martin perfectly agreed with the right hon. gentleman who spoke last. He had a knowledge of Nottingham in his capacity of a magistrate, and would say, that if the same activity had been shewn by the county magistrates, as had been evinced by those of the county of the town of Nottingham, there would have been no necessity for this Bill. During the last month not a single outrage had been committed within that district known as the town and county of the town of Nottingham. He hoped in future to see a fuller attendance of members in the House on discussions upon this subject; that the stigma thrown upon the House by the late Mr. Burke, that there was no better mode of ensuring a thin attendance of members than a proposition to enact new capital punishments, might be wiped away. The riots originated in extreme distress. He did not say this as a justification of them, very far from it; but as a reason why they ought to consider what other mode of punishment than that proposed might coerce the disturbers. The right hon. Secretary must have been apprised of the situation of the persons who had mistakenly supposed that their wages were about to be curtailed. Many frames had been broken of considerable value, which it was out of the power of the magistrates to prevent; but there was no general disposition in the inhabitants to assist the rioters. He was sure that vigilance might have prevented the continuance of the mischief. Thinking so, he saw nothing to require this new punishment, and strongly recommended the previous appointment of a committee to enquire into its necessity.

Colonel Eyre, in explanation, observed that the outrages were committed sometimes at a distance of thirty miles from the town of Nottingham.

Mr. Babington, living in the district complained of, and representing a borough carrying on a manufacture similar to that of Nottingham, felt it necessary to say a few words. He impressed upon the House the importance of a committee, that posterity might know with what due deliberation the House had proceeded, before it determined on taking away the lives of any of the subjects of the crown. He recommended that the first Bill proposed should be only temporary; (hear, hear!) and that the second which went to introduce the excellent system of watch and ward, so great a favourite with their forefathers, should be made to apply generally to the united kingdom. It might be wanted at Leicester as well as at Nottingham; indeed, during the disturbances, information was received that emissaries had been sent from the latter to the former town.

The Chancellor of the Exchequer replied to most of the objections urged against the present measure. As for the extension of the provisions in the Bills to other districts, that might, if necessary, be made an instruction when the House came into a committee; which time would also be more convenient, from their having the Bills printed. With regard to what seemed to have created the greatest difference of opinion, namely, that a previous committee ought to have been appointed on the Report, from which they should found the necessary measures, he could not see that such a step was at all called for by the circumstances of the case. If the House had heard that any doubt was entertained as to the existence of the evils respecting which they were proceeding to legislate, if their nature, quality, and effect were at all misunderstood, then indeed they might be desirous to have previous investigation. But as the reverse was agreed on all hands, he could not see any good which could be derived from the report of a committee. It had been told them by the hon. gentleman who had last spoken, that they ought to resort to this step, as they were legislating for posterity: but he concurred in the opinion, that the measures now adopted ought to be only temporary, and that therefore their

main duty was, in the first instance, to take care of themselves. A right hon. gentleman, (Mr. Sheridan), seemed to congratulate himself that he had got ministers in a dilemma, for he said—"If expedition is now so necessary, how can ministers defend themselves for not having introduced these measures sooner?" It was because they had adopted other measures, approved by the best-informed on the subject, which they had hoped would be effectual in beating down the evil, and during the trial of which it would have been absurd to bring other views of the subject before parliament. Without meaning any disrespect to the honourable names of sir Walter Raleigh and sir F. Bacon, with so much meritorious industry brought forward by his hon. friend (Mr. Frankland), as an example to be followed in the formation of a committee, before enacting any new capital punishment, he could not agree that the same course was called for in the present day, when the House enjoyed so many more sources of information and communication with the country, than it had in the time of queen Elizabeth. But this had not been the uniform practice of the House, as appeared from what they did on the occasion of the capital enactments respecting the woollen manufactures, in the reign of Charles 2, and silk machinery, in the 6th year of George 3. The Bill was objected to on the ground that the offence, being made capital, would throw difficulties in the way of ascertaining and discovering offenders. He was of a contrary opinion: and though this principle of argument might apply to cases where individual property alone was concerned, he did not think it could apply to a case like that for which they were devising a remedy, where there appeared on the part of the offenders to be a manifest disposition to oppose the law. On the other hand, he conceived great benefit would arise from making the offence capital. The notoriety of the fact, that parliament had taken up the subject with so much solemnity, would operate on the minds and senses of persons who were acting so improperly under the delusions of more designing individuals. This would be the greatest operation of this part of the Bill. But even the terror of the increased punishment would have its effect in deterring from crime, and there could be no apprehension of its diminishing the facility of obtaining evidence, as the lighter mode had been tried, and found inefficacious. The mode of prevention operated in a mixed ratio of the means of detection and the severity of punishment. The hon. member for Nottingham (Mr. Smith), had expressed his doubts upon the second Bill, which he said was unnecessary in Nottingham, from the excellent dispositions made, and vigilance maintained by the magistrates there; but did not this fact shew exactly the reverse of what he was contending for, namely, the necessity for this Bill, that the same admirable order might be preserved in a more extended district, where from deficient population the same efficient course could not be pursued without the aid of the legislature? One hon. gentleman was of opinion, that the partial payment of these men by their employers in goods, was improper. It might be so, but he thought that the master and his workmen, in making their agreement, were the best judges of their own interests, and that it would be highly impolitic in the House to interfere, since the effect of fixing the mode of payment, would frequently be the rendering it impossible for many of the employers to pay their men at all. This mode of dealing had existed not only at Nottingham but in other places beyond the memory of the most experienced, and any interference might be attended with the most dangerous consequences. He was glad to observe that the general sense of the House was not in opposition to the Bill, the second reading of which would present a better opportunity of discussing its provisions. In the present stage of the measure he had thought it sufficient to make these cursory observations. No advantage, he repeated, could be derived from a committee investigating the causes of the disturbances. Suppose they arose from a decay of trade,—and there was too much reason for that supposition,—what then?—Could a committee open the continent and send the goods as formerly to the foreign European markets? If a committee could do that, there would be, indeed, some reason for its appointment. But from whatever cause the riots arose, would any body deny the necessity of putting them down? On the whole, he could see no advantage likely to result from an enquiry.

Mr. Whitbread wished that there was a standing order of the House that no enactment which involved capital punishment, should be made without previous inquiries by a committee as to the necessity of such enactment. With regard to the infliction of the punishment of death, so far from its operating as a check upon crimes, he maintained that it had rather increased than diminished them. It had been observed by the hon. member for Nottingham, that the disturbers went about armed; but it was to be remembered, that the penalty of death now proposed to be inflicted, was for breaking frames, and not for using arms. He regretted that distress should have driven them to such acts, but the question for the House to consider was, whether the punishment provided by the present Bill would prevent the

repetition of such excesses. Would the facilities of conviction be increased by it? Certainly not. Was there any occasion for haste in passing the Bill? Certainly not. He repeated his wish, therefore, that a committee should be appointed, in order that no penal enactment should pass without such solemnity and such inquiry, as might leave recorded evidence of the grounds upon which Parliament had acted. Might it not otherwise be thought, "as it was generally thought by all who had written upon the criminal code of this country, that we inflicted the penalty of death too slightly? If a committee were to be proposed, he should certainly vote for its appointment. The right hon. the Chancellor of the Exchequer had laid great stress on this being only meant as a temporary act, but the House ought to proceed with caution. The statute of the 39th of Elizabeth, relative to soldiers and sailors begging in the streets, which had so lately been brought under the notice of the House, was at first only a temporary law; but it was from time to time continued, and at length became perpetual, to the disgrace of the statute book. He could not divest himself of the opinion that a committee ought to precede the enactment of death. He was not inclined to oppose the first reading of the Bill, but would caution the House to use due deliberation. He believed he was the first person who had called the attention of the House to these riots, and on that occasion he expressed something like a doubt whether the Secretary of State for the Home Department had done his duty: he was happy however now to add, that from inquiries which he had made, he was convinced that the right hon. gentleman had done his duty in a most exemplary manner: and this was the opinion of all who had opportunities of knowing the fact. The magistrates of the town of Nottingham had also done their duty, in a manner no less exemplary: and what was the consequence? The evil had been cured. No frames had been broken in that town for the last month; and there was every reason to believe, that if no legal enactment were to take place, no more frames would be destroyed. With regard to the country, however, there might be reasons for the adoption of a different system. He by no means disapproved of the system of watch and ward, but the House should recollect that they were now about to legislate for a temporary evil, and that every act of legislation done in a hurry generally left a lasting disgrace on those who passed it. He begged, therefore, for delay, and hoped that after the first reading a committee would be appointed.

Mr. Herbert, before he could consent to add to the number of capital punishments, must be convinced that the existing laws were insufficient. Of this there was as yet no proof, as there had been no trial on the subject. An hon. member had stated, in the course of the evening, that the riots which had extended themselves to Leicestershire, had been suppressed by the activity of the magistrates. He wished the House to know why the magistrates of Nottinghamshire had failed in doing that which the magistrates of Leicestershire had so successfully accomplished. It was therefore his intention, unless some other hon. member would undertake the task, to move for the appointment of a Committee to investigate this subject.

The House then divided.

For the Motion 49

Against it 11

Majority —38

List of the Minority.

Bennet, Hon. R. H. Burdett, Sir F.

Busk, W. Frankland, W.

Herbert, Hon. W. Moore, P.

Hamilton, Lord A. Sheridan, Rt. Hon. R.

Hume, W. H. Whitbread, S.

Hutchinson, C. H. Wynn, C. W.

Martin, H.

Mr. Secretary Ryder then moved, "That leave be given to bring in a Bill for the more effectual preservation of the peace within the county of Nottingham, and the town and county of the town of Nottingham."

Mr. Wynn wished more particularly to know why the county of Nottingham had been selected from the rest of the kingdom, for the exclusive operation of the proposed measure? If the Bill had been to provide for the better watch and ward of the whole island, it would have met with his hearty concurrence.

Colonel Eyre repeated the statements which he made in an earlier part of the evening, and added, that if the hon. gentleman had had personal observation of the state of Nottingham and its neighbourhood, he would have felt the necessity of the intended measure.—Leave was accordingly granted, and the Bills brought in and read a first time.

Mr. Herbert, impressed with the necessity of putting the House in possession of all the circumstances of this important subject, proceeded to move, "That a committee be appointed to inquire into the late Riots in the county of Nottingham, and the neighbouring counties, and what further legal provisions, if any, are necessary for the suppression thereof, and also the steps which have been taken for the discovery of the offenders."

Mr. Secretary Ryder argued against the appointment of the committee, as wholly unnecessary. He was persuaded that the House would think that the general notoriety of the riots was a sufficient ground for parliamentary procedure, and he deprecated any delay in providing a remedy for the existing evil.

A division ensued:

For the committee	15
Against it	40
Majority	—25

List of the Minority.

Babington, T.	Kemp, T.
Bennet, H.	Martin, H.
Busk, W.	Moore, P.
Burdett, Sir F.	Sinclair, G.
Frankland, W.	Sheridan, R. B.
Hamilton, Lord A.	Turton, Sir T.
Herbert, W.	Whitbread, S.
Hume, W. H.	Wynn, C. W.
Hutchinson, C. H.	

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FRAME WORK BILL.



HC Deb 17 February 1812 vol 21 cc826-41

Mr. Secretary Ryder having moved the second reading of the Bill for the more exemplary punishment of persons destroying or injuring any Stocking or Lace Frames, or other machines or engines used in the Framework knitted manufactory, or any articles or goods in such Frames or Machines.

Mr. Abercromby declared, that in the present alarming situation of the county of Nottingham, he could have wished, instead of opposing, to have supported the measures of administration; but, after the most mature consideration, he felt it altogether impossible to concur in voting for this Bill. Every body felt the danger of a numerous body of men leagued together in active opposition to the laws of the country, and who had hitherto defeated both the civil and the military power. This danger was the more alarming from the connection between the county of Nottingham and other manufacturing districts of the country. But however strongly he, in common with others, felt this danger, he could not concur in the present Bill, without violating a most important principle in penal legislature—a principle which he had already had the good fortune more than once to join with a majority of the House in sanctioning. The mildest character of the present Bill was, that it would be ineffectual. They had been told that the riots had continued many months; that the local police had been aided by the efforts of the London police; that rewards had been offered for conviction; but that all the efforts of the civil power, joined to the allurements of profit, and the assistance of a military force, had been found completely ineffectual; and that with all this powerful array, not a single conviction had taken place under the existing law, which sentenced all framebreakers to transportation for 14 years. Now, if the House had been told that any individuals had been convicted, and punished with transportation, but that from the slightness of the punishment, the motives of the unfortunate persons had been found stronger than the dread of conviction, then he could conceive it might be proper to call upon the House for measures of greater severity. No such information, however, had been communicated to the House, and it was merely the state of impunity which they were called on to redress. The right hon. Secretary of State proposed for this purpose to make the offence capital. But how could this operate on persons in the situation of the unfortunate persons in question, among whom there had already been found to prevail such an uncommon degree of union, concert, and good faith, if he might be allowed the expression, to one another, that not one of them had even yet been detected. If impunity was an evil, the effect of this severe penalty would only be to afford a greater security against any chance of punishment, because it would afford the rioters an additional motive for adhering closely together.—The hon. and learned gentleman then went into some illustrations respecting the different probabilities of conviction under pain of death and transportation, and concluded, that the former merely decreased the chance of it. The members for the county had not expressed any warm approbation of the measure of the right hon. Secretary; but they wished, they said, to agree to any measure which might have a chance of restoring tranquillity. But he would ask those gentlemen, how they could support a measure which would have the direct contrary effect to what they wished? After the body of information possessed by ministers on this subject, he thought the present Bill displayed a great poverty of invention. The distressed state of the country ought to make a deep impression on the House, and induce them to reconsider those measures which had plunged us into this dreadful situation. There were some effects arising from the decay of trade, which it was yet in the power of parliament to controul; and they might be assured, that while the cause of the evil remained in full force, all the remedies which they might apply would be found as unavailing as the prescriptions of a physician, directed merely to remove the outward symptoms of a disease, instead of communicating health and vigour to the whole system.

Mr. Orde had no hesitation in declaring it to be his opinion, that the combination which existed among these misled people was so strong, that to break it effectually required measures of the utmost severity. He must support the Bill, on the ground that the terror of the punishment of death was indispensable on the present occasion.

Mr. W. Herbert regretted that the House had been denied all previous enquiry on a measure which would go to affect the lives of so many of our fellow creatures. From all the partial information he had been able to collect, these disturbances owed their origin to two causes,—the decrease of employment, and disputes between the workmen and their employers. There had been no proof, however, that the punishment of transportation was inadequate to prevent the offence; and in fact the only desideratum which the House had to attain, was the best means of discovering the persons engaged in these mischievous practices. To this the attention of parliament ought to be turned, and not to the addition of new capital punishments to the already too numerous list in our statute books. Adverting to the statement made by the right hon. Secretary on Friday last, that many of these frames were let out to workmen at so much per week, and that these workmen, in many instances, either connived at or co-operated with the framebreakers, he proposed that some measure should be adopted for making the tenant responsible in law for the value of the frame, which would necessarily give him an interest in its preservation. Why was not some method of this sort resorted to, which would destroy the joint interest which the tenant too often had at present with the frame-breakers? He should have thought, also, that a Bill amercing the county of Nottingham in the value of the pecuniary damages sustained by individuals, would have had a good effect in repressing disorders, by producing a more general interest in their prevention. Upon the whole, he should oppose this Bill, as thinking that our long list of capital offences was already sufficiently disgraceful, and that many of the late atrocious crimes by which the country had been disgraced and alarmed, had originated in the frequency of such horrid spectacles.

Mr. John Smith wished to observe, that though the destruction of stocking frames was punishable with transportation, yet there was no such law at present to protect the lace-frames employed in one of the most elegant manufactures of this country. That defect, therefore, ought to be immediately supplied. It was his firm opinion that some measure ought forthwith to be resorted to: the state of the county, to his certain knowledge imperiously required it; and he must support the present Bill till he heard of some preferable measure. He believed that the great cause of all the excesses was the decay of trade; and he hoped, that in due time, that subject would be enquired into. But this was not the precise moment for such enquiry: the disturbance which at present existed must first be completely put down.

Mr. Lockhart was convinced that the anxiety not to increase the number of capital punishments, was not confined to the hon. gentleman opposite, but that it was generally prevalent in the House. This was a case, however, in which he thought that the enactment of capital punishment would have a beneficial effect, and would particularly operate to deter offenders, through the medium of the impression which the fear of it would make on the minds of their wives and families. The offences in question were, indeed, of the most serious nature, and approached most nearly to constructive levying of war, that was, to high treason. Lord Hale mentioned a case of breaking looms in London, which five out of the twelve judges declared to be actually constructive levying of war, or high treason. All lawyers must be acquainted with the case of Damaree and Purchase, in the reign of Anne, executed for entering into an association to destroy all Presbyterian meeting houses; the judges holding that the offence was constructive levying of war, or high treason. He should support the Bill; but he conceived that the offender ought to have some guards similar to those possessed by any one accused of high treason; and, therefore, when in the committee, he should propose the introduction of a clause giving the prisoner the benefit of one counsel.

Mr. Herbert (of Kerry) supported the motion. The situation of Nottingham he conceived to be somewhat like that of some counties in Ireland, when those counties were agitated by the White Boys. At that time capital penalties were enacted against those offenders; and the effect was such as might be anticipated from the operation of the present Bill. The law would not be like the laws of the Medes and Persians, irrevocable, but might be, and ought to be, repealed whenever the emergency should cease.

Mr. Wrottesley was of opinion, that the proposed measure would not have the effect expected from it. The greater the terror inspired by the act, the less he conceived would be the likelihood of detection. The preamble of the present Bill stated, that the 28th of the King had been ineffectual in putting a stop to the outrages complained of; but he would ask, where was the proof of the inefficacy of that act? Not one prosecution had taken place under it. He had the authority

of Black-stone for saying that no capital punishment should be resorted to until one of a more lenient kind had been tried and had failed.

Sir S. Romilly said, that there were two points on which the whole House had agreed:—one, that the punishment of death should never be recurred to, except in cases where all other species of punishment had been found ineffectual; the other, that an evil now existed to which a remedy ought to be applied as soon as possible. For his part, he was convinced that the remedy proposed was no remedy whatsoever; the evil would still continue to exist in spite of it. He confessed from whatever cause these disturbances proceeded,—whether from a spirit of malice against the master-manufacturers, or from the idea that the frames diminished human labour, and encroached on human industry,—that the existence of them was a monstrous evil. It was an evil, more over, which had existed in the face of a law; and he could attribute its continuance only to two causes,—either to conspiracy to suppress evidence against offenders, or to supineness in the magistracy. It was folly to talk of the terror which would arise from converting the punishment of transportation for fourteen years, into the punishment of death. The terror of the one would always have an almost equal influence with the other on the human mind; and he would answer for it, that this terror would not tend to diminish the evil. It was evident, if the existence of the evil were to be attributed to a conspiracy to suppress evidence, that the terror of a greater punishment would tend the more to keep witnesses from coming forward. If, on the other hand, the magistrates had not made sufficient exertions under the existing statute, it was plain that the change of punishment would not make them more active. The great evil to be complained of was, that the law had been converted into a mere dead letter, that it had been made only a lifeless scarecrow, from which custom had removed even the terror that might originally have been felt on beholding it. If, indeed, the statute of the 28th of Geo. 3, had been duly enforced, and these iniquitous proceedings had been persevered in, in defiance of it, then there might be some plausible ground for the measure before the House. As the Bill had only been delivered since the meeting of the House, the gentlemen who had spoken on the contrary side, might not have had time to read it, or they would have seen that it was in no way calculated to remedy that which the whole nation so loudly exclaimed against. One hon. and learned gentleman (Mr. Lockhart) had said, that the Nottingham rioters were guilty of a crime little short of constructive treason. It was undoubtedly true, that a general combination to break all the frames might be so construed, and perhaps the late outrageous proceedings deserved a title little less severe; but on examining the Bill itself, it would be found that it was not at all calculated to operate against such conspirators. The four species of crime contemplated by the Bill were, first, entering houses by force, and destroying machines; second, entering houses by force, with intent to destroy them; third, wilfully and maliciously cutting in pieces machines; and the fourth, destroying any utensil, instrument, &c. belonging to the machinery. Would the House believe it, and yet it was true, that not one of those crimes partook of the dreadful nature of the evil complained of; and which evil was, as it was likened to high-treason, a conspiracy to destroy all frames? According to the present Bill, an idle apprentice, who, from a quarrel with his master, or any other cause, should break or destroy the machinery of his master, or the slightest utensil connected with it, might be capitally convicted under it. In fact, the Bill was totally directed against individual depredation, and not against the conspiracy which had given birth to the late disturbances. It required little skill, indeed, to construct an act far better for its purposes than that proposed by the right hon. gentleman. It did not even leave any thing to the humanity of a prosecutor; but in all cases compelled a prosecution.—Gentlemen on the other side no doubt thought that they were supporting a measure to secure the future tranquillity of Nottingham and the surrounding counties from these illegal combinations; but on looking at the wording of the Bill they would find themselves grievously disappointed, for the net, instead of being spread wide enough to secure all, could catch only a very few of the offenders. He, perhaps, would have recommended that offenders should not have been prosecuted, until it were clear that a combination existed, by several frames having been previously broken, or unless three or four men in concert committed the act.—In every respect this measure was totally inadequate: it did little credit to the legislative skill of ministers, and if passed would be a disgrace to the proceedings of the House. It appeared that the right hon. Secretary had brought the Bill ready made in his pocket, before he obtained leave to bring it in; and he (sir S. R.) was confident that in after times it would astonish an English House of Commons to find, upon the inspection of the Journals, that in a case of life and death their predecessors had upon only a few minutes consideration adopted a

measure of such extent and importance.—He recommended, before such a hasty step were taken, that some examination of the ground should be made, and that a committee should be appointed to make inquiry into a subject on which the House actually knew little or nothing. What hon. member, let his connections be what they might, could say that he knew the cause of these riots; whether they originated in malice on the part of the workmen against their masters for ill-treatment, or from a determination to destroy machinery, which lessened the proportion of manual labour? Whether any, and what combinations had been entered into, and what subscriptions had been raised to resist the efforts of the legislature? These were questions of great importance, and to proceed without information upon them would be highly unbecoming the dignity and wisdom of the House.

Mr. Bathurst thought, that after the long continuance of the outrages which had so much disgraced the country,—after they had so long braved the law, and had even been alluded to as a matter of exultation by the common enemy,—it was right that the government should adopt more efficient measures than had been hitherto resorted to. He regretted the mode of opposition which had been pursued against the Bill; and was particularly sorry for what had fallen from the hon. and learned gentleman who spoke last. As to any "reproach on the executive for not being sufficiently active, he had merely to appeal to the testimony borne to their exertions by the hon. gentleman, the member for Nottingham. The real question was, not whether the existing law was adequate or not to the putting down of the disturbances, but whether the terror inspired by a heavier punishment would not more effectually answer that purpose. The measure proposed was founded on that principle of all criminal law, *pæna ad paucos, metus ad omnes perveniat.*' The threat or terror would have the effect of deterring the many, and the punishment would fall only on, the few. It was a measure brought forward with a view not to punish, but to prevent the crime to which it referred; it had not for its object, as was supposed, the shedding of human blood, but to render the commission of this sort of offences less frequent. With respect to the preamble of the Bill, it certainly did not comprize the whole of the grounds for the adoption of the measure, nor did the Bill itself, as the hon. and learned gentleman imagined, provide merely for the punishment of idle or mischievous apprentices; it was intended to put a stop to the outrages. But if there were any objectionable passages in it, those passages might be obviated in the committee. The peace of the country would be cheaply purchased by the forfeiture of a few lives, in order to deter future outrages on the property of individuals, and the tranquillity of the state.

Mr. C. W. Wynn said, that the right hon. gentleman who spoke last had set out with a total misconception; for the question was not, as he had stated, whether the existing law was a sufficient remedy for the evil, but, whether the proposed new law was likely to be efficient? This he contended was not the case; for it signified little what punishment was enacted, if persons could not be found to give information against the offenders. The use of a committee would have been, that an inquiry might have been made into the alleged insufficiency of the existing law—into the fact of any conviction having taken place under it—into the necessity for a severer law—or into the causes why evidence had been held back. Measures might have been devised for the suppression or prevention of those outrages, rewards might have been offered, or severer enactments proposed against persons who deterred witnesses from coming forward; instead of which, the authors of this measure came forward, for fear it should be doubted that the executive had done something, without any assurance that they had reached the root of the evil—which was the only means of preventing or remedying it. On the night when this Bill was introduced, the right hon. the Chancellor of the Exchequer had asserted, that it had not been brought forward earlier, in the hope that the former statute of the 28th of the King, would be found effectual, without any new enactment, and that finding themselves disappointed, government had suggested, unwillingly, this measure. In this statement the right hon. gentleman was contradicted by the fact, since tranquillity had been restored, according to his own confession, several days before this Bill had been brought into the House.

Sir Arthur Piggott said, that if the Bill, from its provisions or its object, appeared to him simply to extend the act of the 28th of the King to lace frames as well as stocking frames, he should have thought it desirable; but he knew no way in which the purpose of the measure was to be collected except from the right hon. mover himself, or from the

words of the Bill, by which he understood, that it was to be made capital in both instances to destroy frames. Now, if ever a legislature took a wrong step, it was when there existed a degree of indignation against persons who had committed violent aggressions against private property and public peace. On that part of the subject he was far from being convinced by the right hon. gentleman who supported the Bill. Here were offences against which a law existed enforced by no light punishment. Had the punishment been tried, or the law enforced? Before any one asked him to extend the punishment and to make it capital, he ought to prove that the law had been enforced, and had been found ineffectual, and then he might have a right to call for the enactment of capital punishment, but not till then. But that was not the case here, for he did not find that there had been any prosecution upon the 28th of the King, and perhaps there had been no occasion for it; so there was no authority to say that the law was not fully adequate to its purpose, except the necessity of extending it to the breaking of lace frames. But why was not the law enforced? Because the difficulty of detection prevented it. Would capital punishment increase the means of detection? If the difficulty of convicting offenders consisted in the reluctance of witnesses, was there any thing in the nature of capital punishment which would lessen that reluctance? He apprehended not. The only remaining principle on which the right hon. gentleman recommended the measure to the House was, that it would operate to excite terror; but how many instances were there of proofs to the contrary? And had not the House been lately engaged with the reverse of the proposition? He then commented on the precipitation with which the Bill had been hurried through the House; and hoped they would pause before they proceeded further. No one could deny the necessity of some protection being afforded to the property of the persons injured; but he conceived always, that the question for the second reading of a Bill was the proper period to protest against its principle; for, if that was defective, the committee would be useless. Objecting as he did to the principle of the measure, he should oppose it in its present stage.

Mr. Secretary Ryder said, that having already spoken fully on the subject of this Bill, it would be unnecessary for him to do more now, than to make a few observations on what had fallen from hon. members in the course of the debate. The hon. and learned gentleman, who had just sat down, had objected to the punishment of death being enacted by this Bill; and for the reason, that no trial had been made of the efficacy of the penalty of transportation, because not one prosecution had taken place. The hon. and learned gentleman thought, therefore, that making the destruction of lace frames liable to the same punishment as that of stocking frames, namely, transportation, would answer the purpose. How, then, would the matter stand, according to the argument of the hon. and learned gentleman? The preamble of the Bill must run thus, "Where as the punishment of transportation exists against the breaking of stocking frames, and has been found ineffectual; therefore it is thought necessary, that the same punishment should be extended to the breaking of lace frames." It was, in his opinion, idle and nugatory to enact such a law, as it would be impossible that any good purpose could be answered by it. With regard to the objection of extending the punishment of death, he begged the House to recollect, that this was only intended as a temporary measure, to meet a pressing temporary evil; and that the hope was, that the terror of death might put a speedy end to the present unlawful and alarming proceedings in Nottingham, and the neighbouring counties. If the state of the town and county of Nottingham were considered, no gentleman would contend that the disturbances ought to be allowed to exist. He did assure those gentlemen who had done him the opportunity of viewing his conduct in a favourable light, that he highly prized their good opinion. In what he had done towards restoring order, however, there was no merit attached to him or his colleagues. In the execution of their duty, (a melancholy one it was) they had been guided by a wish to preserve the public tranquillity. He would much rather, however, have had the mischief attributed in some degree to his own supineness, than that its ravages should have occasioned unmerited censure upon the local exertions of the authorities with in the immediate scene of action. The conduct of the magistrates was exemplary throughout the county. With respect to the exertions of the town magistrates, these were limited to the district, but were not less laudable. In considering the Bill, the House would recollect that the mischief must be put down in some way or other. The efforts of the magistrates, though meritorious, were still found to be ineffectual. The question was not an insulated one; it was not a question which affected the manufacturing interests of that particular district, but the whole of the manufacturers throughout the kingdom. The outrages endangered the public tranquillity in a very great degree, and if by this Bill men should for the future be deterred from the commission of similar crimes, the House in passing the Bill had done

their duty. He did not mean to affirm that the Bill could give facility of detection. That of making the offence capital, would have the effect of deterring men from crimes. When men knew publicly that parliament regarded their offences in a heinous light, and that it was the determination of the executive to send judges specially down, and not wait for the ordinary assizes, to try offenders, it was fair to conclude that the object would be accomplished. At all events, it was unanimously admitted that the evil existed, but no gentleman on the other side of the House had, though he objected to the present measure, come forward with a remedy for that evil. Therefore, under these circumstances the House would, he trusted, adopt the Bill now in progress, as the rejection of it might produce effects which no one could anticipate.

Mr. Bastard said, that after the outrages which had been committed, he would vote for the Bill going to a committee; but when it had passed, he should be glad to know what security there would be for its being enforced: Why was the law already in existence suffered to slumber, without making any trial of its efficacy? Why had ministers suffered those riots to go on for two or three months? No one could persuade him that the right hon. gentleman deserved any praise. He should not have waited for any information, or expected to derive any assistance from the country magistrates. Was not the right hon. gentleman the chief magistrate, and ought he not to have directed the rest? He hoped the House would institute some enquiry into the proceedings of the Secretary of State's office, and take some measures to invigorate them.

Mr. Whitbread acquitted the right hon. the Secretary of State for the Home Department of any want of vigour; as it had been allowed on all hands, that he had done every thing that could be done by an early interposition both of the civil and of the military power. He must, however, object to the Bill, because it was a clumsy expedient, and because it extended the long list of our capital punishments. In his opinion, the great defect of the legislature of this country for the last century had been, that when they found the people prone to the commission of crimes, they, in order to put a stop to them, enacted the penalty of death; by which offenders had escaped punishment almost as much as if no law had been enacted at all. He was particularly averse from proceeding with the present Bill without enquiry, because the present was a period of tranquillity in Nottingham; and there was, in consequence, no cause for haste. The statute book teemed with sentences inflicting the penalty of death; and he thought it was a subject the revision of which would well become, the policy as well as the humanity of the House. So long back as 40 years, the penalty of death for offences was considered so lightly of, that the House came to a resolution, That no Bill imposing that penalty should be introduced without a previous committee. For that resolution the public were indebted to sir William Meredith, who, in 1772, being on an enclosure committee, accidentally heard some of the interested parties complain that several of the peasants were refractory and troublesome, and that the only way to get rid of them would be by hanging a few. The hon. baronet was so struck by the injustice and wickedness of the observation, that he moved, and the House adopted the resolution. Following up the resolution, he (Mr. W.) intended to propose that it should be made a standing order of the House, that no Bill should be introduced having for its object the infliction of penalty of death without a previous committee. If a committee had been granted, as had been proposed by his hon. and learned friend (Mr. Abercromby) they might have traced the origin of the evils, and found out other remedies perhaps; but as the present Bill did not seem calculated to reach those evils, and as its very principle was objectionable, he should certainly vote against its being read a second time.

Mr. Frankland contended, that when the law was openly violated, it was the duty of the legislature to enact severer laws. If the parent were not obeyed, while mild and indulgent, who would maintain that he ought not to change his countenance, and express his indignation? The law proposed was a law not merely to prevent the breaking of frames, but to protect whatever was most dear to us in life. When gentlemen talked of sporting with the lives of others, he would ask, who sported with the lives of the people? Who neglected the general safety? and on whom must fall the awful responsibility, if a remedy were not promptly applied to those alarming evils which were under their consideration? If the law were openly defied, and force continued to be opposed to force, while they were speaking there, thousands of lives might be swept away, and thousands might fall the victims of a too refined sensibility, and

mistaken and puling feeling of humanity. He denied that there were more crimes visited with capital punishment in our code of laws than in any other; and advertng to what had fallen from an hon. gentleman, who had contended that capital punishment should only be inflicted where it was authorised by the Scripture, which it was said only justified it in one instance, where it is written—"Whosoever sheddeth man's blood, by man shall his blood be shed," he was surprised how any man could read Leviticus and Deuteronomy, and be of such an opinion. It would be found, in looking into those books, that they contained more capital punishments than any modern code of laws, and Europe had been convinced that it would be improper to adopt a code so sanguinary. In the Scrip- ture it would be found, that by the law of the Israelites, he who "disobeyed his father and would not hearken to his voice," was sentenced to be led out and stoned till he died.—He then proceeded to show, by analogy, that exemplary punishment ought to be inflicted on those who opposed the parental mandates of the legislature: and concluded by giving it as his opinion, that it was incumbent on the legislature to express its disapprobation of such outrageous proceedings in the strongest manner, by enacting that they should be visited with capital punishment, and those who suffered in consequence of the passing of such a law, were to be regarded as the victims of their own illusions and misconduct.

The House divided.

For the second reading 94

Against it	17
Majority	—77

List of the Minority

Bankes, H.	Hume, W. H.
Busk, W.	Kemp, T. R.
Bennet, Hon. H. G.	Piggott, Sir A.
Baring, Sir T.	Moore, P.
Baring, A.	Romilly, Sir S.
Folkestone, Lord	Whitbread, S.
Guisse, Sir W.	Wrottesley, H.
Green hill, R.	TELLERS.
Hutchinson, Hon. C. H.	Wynn, C. W. W.
Horner, F.	Herbert, Hon. W.

The Bill was then read a second time. On the motion of Mr. Secretary Ryder that the Bill be committed to-morrow,

Sir Samuel Romilly moved as an amendment, That it should be committed on Wednesday; and observed, that he took this opportunity of rectifying some misrepresentations of his former statements. Remarks had been made, as if he had considered the subject as one of light importance; on the contrary, he thought and had stated the evil to be of enormous magnitude, and one which required a strong remedy. He had merely objected to the proposed method of furnishing a remedy. He observed, that the time allowed before the reference to a committee was so short, that he should not be able, if inclined, to frame a clause for insertion in the Bill; and asked what excuse the right hon. Secretary could give to the House and the public for not supplying some previous notice of the contents of his Bill? The present, he must also observe, was not a subject into which paradoxes and subtlety of reasoning ought to be introduced; nor could there be a time when such observations as an hon. and learned friend of his (Mr. Frankland) had made about "puling humanity" were more entirely misplaced. He agreed—the whole House agreed—that some powerful remedy was demanded under the present circumstances—that blood should be shed to prevent a greater effusion of blood; but he thought the Bill essentially deficient, as it suffered too much to depend upon the humanity of

the prosecutor in some instances, and too much on the interpretation of the judge in others. The statute would be a dead letter with respect to the particular case it was framed to meet, while its effects would be deplored where it was not intended to operate.

Mr. Bathurst disclaimed all idea of imputing to the hon. and learned gentleman any wish to under-rate the importance of the transactions alluded to; but complained that he had manifested some inconsistency in stating, at the same time, that the Bill would be a dead letter, and would also cause too great a sacrifice of lives.

Sir S. Romilly in explanation said, that the right hon. member who spoke last had misrepresented—he would not say had misstated—his positions. His observation had been, that as far as regarded the case of conspiracy, the act would be a dead letter, though this was the case where it was intended to apply; while it would operate severely against individuals, a case not within the meaning of the Bill.

Mr. Frankland said, that he should wish the time to be enlarged, except the subject was one which frequently had come before the legislative body. Statutes already existed on the woollen, the silk, and cotton manufactures, and none on this branch of craft. It was also important that it should not go out to the public, that the House was not clear and decisive in its intentions on this subject.

The House divided,

For the Amendment 15

Against it 80

Majority —65

The original motion for going into the committee to-morrow was then put and agreed to.

List of the Minority

Busk, W.	Kemp, T. R.
Babington, T.	Piggott, Sir A.
Baring, Sir T.	Moore, P.
Baring, Alex.	Romilly, Sir S.
Hutchinson, Hon. C. H.	Wrottesley, H.
Horner, F.	TELLERS.
Hume, W. H.	Rennet, R. H. A.
Knight, R.	Folkestone, Lord

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FRAME WORK BILL.



HC Deb 18 February 1812 vol 21 cc847-53

The order of the day being read for going into a committee on this Bill,

Mr. Lamb rose, and said, he was anxious to state the grounds on which he should give the Bill his support. Those who opposed the measure insisted chiefly on the necessity which they conceived existed for going into a previous enquiry. If that enquiry should tend to ascertain the causes of the violation of the laws, it would certainly be beneficial; but he was against it because it would produce delay. The great cause of the disturbances he considered to be the decay of trade. The measures of the emperor of France were evidently their main causes; and it was nothing less than wilfully deluding the country, to hold out a hope that greater commercial embarrassments, greater severity of distress, than the country had hitherto felt, were not yet to be endured. As to the disputes between the masters and the workmen, he did not think it right to enquire into them, as causes of the riots;—such enquiry only tended to inflame the minds of the working-men, who generally concluded that they had rights which were infringed upon by the masters: and that they were justifiable in retaliating violence on thorn for the infringement of those supposed rights. The terror of death, he conceived, though it would have little effect on men habituated to guilt, would operate powerfully on the general mind. The atrocity of the offence against which the present Bill was intended, was as deep as any offence against property could be; and such, in his opinion, as called for the severest punishment. Another reason for having recourse to the punishment of death was, the difficulty of detection. When crimes became difficult of detection, the necessary and only resource was severity of punishment. As to the objections against the Bill, that it would involve persons who were within the letter, and not the spirit of it, there was little danger, he imagined, to be apprehended from any unfortunate result of that kind arising from it.

Sir T. Turton contended, that the Bill was not directed against the real danger, which was combination; it only looked to individual offenders. He did not think that ministers had used either the ordinary civil means, or the extraordinary military means which they possessed, to active and proper advantage. The poor deluded people who were the objects of this Bill were greatly to be pitied. They were in want of bread; and any measure of the legislature would not, he was afraid, be able to put down the risings of hunger. The great evil, and the spring of every minor evil, was the continuance of the war.

General Tarleton said the debates on this subject had disclosed two important facts; in the first place it appeared that the late disturbances were caused by the decay of our trade: in the next, that a large number of the inhabitants of one part of the county had been almost in a state of insurrection. Far from thinking that there was any merit in the conduct of his Majesty's ministers, to him it appeared that great demerit was there to be seen. He thought the subject was not treated by the honourable House as so grave a subject ought to be treated. It ought to be most carefully looked into, as ministers had brought the country into a situation, to extricate it from which all the wisdom of parliament was required. He was averse to increasing the number of capital punishments. Were the laws of Draco the best the world had ever seen, because they were written in blood? Experience had proved the reverse to be the fact.

Mr. Ellison defended ministers against the aspersions of the two last speakers. He was afraid that there was something of the spirit of party in the opposition made to the Bill. He did not profess to be the defender of ministers, except as far as truth and justice bound him; but if a charge should be brought against them on the head of supineness, in not using the means which they possessed to put down the disturbances, he was ready on that score to meet any hon. gentleman opposite. As to the crying, piling maxims so much insisted upon, and the noise made about humanity, and he knew not what, he asked, were not the sufferers by these outrages sufficient objects for that humanity? He wished not to be

considered as agreeing by any means to the new doctrines on criminal law, which tended to cast reproach on the wisdom or humanity of our ancestors. The law proposed, appeared to him to be dictated by humanity; it was not like the laws of Draco to be written in blood. The dread of capital punishment might prevent the repetition of the offence, and if (as had been said would be the case,) no convictions should take place on it, no blood would be shed in consequence of it. The conduct of ministers he thought had been perfectly correct, as they had done all in their power to put a stop to the evil by the means of the common law of the country.

Mr. Curwen, notwithstanding what had fallen from the last speaker, was still of opinion, that ministers had means which were not used promptly or beneficially in quelling the riots. As to the argument deduced from the terror expected to be produced by the punishment of death, he had one curious fact to state to the House, by which they might judge what effect it would have. In the county of Cumberland, it was made a capital offence to steal lead, and what was the consequence? Why, that no conviction ever took place under that law, because witnesses were shocked at the disproportion between the crime and the punishment, and would not come forward. He was sorry to hear hon. gentlemen say, that no hope ought to be held out to the country of escape from the pressure under which it at present laboured. He believed that there existed other causes of these disturbances, besides the measures of the emperor of France; and those were the measures of his Majesty's ministers. He saw in their mistaken policy grounds enough for the decay of trade; and he was of opinion, that there were measures of moderation and wisdom, by the adoption of which the country might escape from its present embarrassments. Measures of moderation and wisdom were not, however, to be expected from his Majesty's present ministers. He attributed the decay of trade, and the consequent ruin of the country, to the mistaken policy of ministers. The sufferings of the people were great. They were great in many parts of the county with which he was personally acquainted; but their forbearance was also great. He should vote against the bill, because he did not think it would effect what it pretended to.

Mr. Courtenay begged leave to adopt the sentiments of the hon. gentleman who spoke first (Mr. Lamb.) He particularly selected that hon. gentleman's speech, not only for its eloquence, but because all the other speakers for the Bill were opposers of the measures of an hon. and learned gentleman (sir S. Romilly) relative to the Criminal Laws, which measures Mr. C. was inclined to favour. But he thought the present an atrocious crime, worthy of the very highest punishment, and should therefore vote for the Bill.

The question that the Speaker do leave the chair was then put and carried; and the House went into a Committee, on the clause enacting capital punishment for maliciously breaking the frames, machinery, &c. used in making lace.

Mr. C. W. Wynn observed, that as the clause stood, it would appear, that a person tossing an old woman's lace cushion into the fire would constitute a capital offence. He asked whether it was to be so understood?

The Attorney General did not think that such an act as that instanced by his hon. and learned friend could be prosecuted to conviction, because the bench and the jury would both be of opinion that the malicious intent to destroy that trade would not have been sufficiently made out.

Sir S. Romilly said, that if the case supposed by his hon. and learned friend did not come within the meaning of the act, he conceived that it might still operate in a manner in which it was not intended to act. If an individual in a passion should damage or injure one of his master's tools used in that trade, as the clause at present stood, such conduct would come within the meaning of the act. It might be that in such a case the law would not be executed, but was it for parliament to make laws so cruel in their operations, that persons convicted on them were suffered to escape on that account? He would submit it to the right hon. gentleman, whether it might not be better to alter it, by inserting the words "any three or more combining maliciously to break, &c."

The Chancellor of the Exchequer thought, if the proposition of his hon. and learned friend were adopted, the mischief would not be put a stop to by this act, as the rioters at Nottingham had acted throughout with so much system and contrivance, that he had no doubt but if that amendment were made, they would evade the law, by sending into the

different cottages one man only to destroy the frames. However they might regret that to which the letter of the law might by possibility lead, he thought they ought to proceed on the established principle of comprehending to a certainty, that which the law was intended to meet, at the risk of including what it was not designed to include.

Mr. Abercromby supported the amendment.

Mr. J. Smith objected to the generality of the word "damaged," which he thought might be given up, as the Bill would be completely efficient without it.

Mr. Simeon supported the clause as it stood, and was of opinion that the amendment would destroy the effect of the Bill.

Mr. Bathurst thought that if the object of the Bill was merely to increase the punishment, the former act ought to be fallowed up to the letter in every thing else.

Mr. Leigh Keck supported the clause.

The Attorney-General apprehended that the object of the rioters was to prevent the work from going forward, and therefore maintained it was of the utmost consequence to check them. No inconvenience could follow from leaving a discretion to the judges.

Sir S. Romilly declined pressing the amendment.

Mr. Lockhart proposed a clause for the purpose of allowing the prisoners who should be tried under this act, the benefit of counsel. It was agreed upon all hands that the crime was great; by some it was represented as approaching to high treason, a circumstance which must expose those who were accused of it to the indignation of the community; but it occurred to him, that for that very reason the person to be tried should be afforded the privilege intended by his clause. All he asked was, that they should be placed on the same footing with those charged with misdemeanors. He never could find upon what principle persons tried for their lives were refused this benefit. It was stated by some, that the judge was counsel for the prisoner; but the judge was bound to state what made against him as well as what made for him; and therefore in that sense could not be said to be his counsel. In the case of Patch, it was stated by Mr. Serjeant Best, that the principle upon which counsel was refused was, that the case should be so clear against the prisoner as not to render counsel necessary. A third principle stated, was, that it would occasion the delay of causes. But neither of them appeared to him to establish the necessity of such refusal in all cases: he therefore should propose the clause as he had already stated.

Mr. C. W. Wynn seconded the motion.

Mr. Secretary Ryder said his hon. and learned friend had not stated any thing to shew that this case differed from ordinary cases of felony. With respect to high treason, it was an offence sui generis, and the reason why counsel were allowed was, because it might be made an engine of political oppression. He quoted the 6th of George the 3rd, to shew that for the protection of the woollen and velvet manufactories, enactments had been made similar to that which he had proposed in the present instance, and that no exception was made of the nature of that submitted by his hon. and learned friend.

The clause was rejected.

Mr. Secretary Ryder proposed an amendment, for the purpose of altering the preamble of the bill, so as to shew that it was framed to meet a particular occasion; which, after some desultory conversation, was agreed to. The report was then brought up, and ordered to be taken into further consideration tomorrow.

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FRAME WORK BILL.



HC Deb 20 February 1812 vol 21 cc859-66

Mr. Secretary Ryder moved the order of the day for the third reading of the Bill for the more exemplary punishment of persons destroying or injuring any Stocking or Lace Frames, or other machifes or engines used in the Frame-work knitted manufactory, or any articles or goods in such Frames or Machines.

Mr. Hutchinson said, that he would be the last man in that House to defend or justify the outrages against which this Bill had been provided; but it was a material point to ascertain, before it passed into a law, whether it could have the desired effect of putting a stop to these outrages. He did not think it could; and he was fortified in that opinion by the frank declaration of the right hon. Secretary, who had, in introducing the Bill, protested against pledging himself to the ultimate success of his own measure. After so strange, but so explicit an avowal on the part of the originator of the Bill, he thought it became the House to be cautious of adding to the pile of their penal laws, one of which they only could be certain, that it might take away mens' lives without at all restraining their offences. The law which had been the professed model of the present Bill, made the offence of Frame-Breaking a transportable felony—the penalty, however, was departed from, and the offence made a capital felony. The reason for this change did not appear. It had been said that under the former act no persons could be brought to discover. If it had been so difficult to get witnesses to prosecute to conviction, when the offence was only transportable, would it be less so under the present act, when the conviction affected life? He thought rather that this very alteration would enhance the difficulty it was intended to obviate. But they had not merely the authority of the right hon. Secretary against his own measure—they had that of the minister himself, who had expressed his apprehensions that this offence had not yet reached its height—that it might yet proceed to an alarming extent, and reach perhaps throughout a great part of the manufacturing system of the country. If the evil now to be provided against was so to encrease, even under the operation of this statute, why enact it at all? They were not pledged to this particular act. Why not look anxiously for some better remedy? For surely gentlemen would not contend, that that which could do nothing was the best possible remedy the case admitted of. What had been the immediate cause of these outrages? Distress perhaps unparalleled. Did not this involve a consideration that bound them to reflect upon the measures that had created that distress? Why not then first inquire into the causes of that distress? If they had been pursuing a system which, in its consequences, threatened the people with beggary and want, it was their bounden duty to stop, and change, that system, before they sent out an act to hang op the people for outrages into which their own mal-ad-ministration had driven them. They had no right to be so very keen and prompt in punishing the madness which they themselves might have occasioned. They had been called upon to be firm—let them be firm in resisting the outrages of the lawless; but pertinacious obstinacy in resisting the complaints of a distressed people, was no part of that firmness. But according to their own shewing, where was the firmness in making an ineffectual shew of power—in doing that which could do nothing? Would this act do away the unparalleled distress that had provoked, and must continue to provoke, these outrages? And if it did not, why not try to trace that distress to its true cause, and remedy it at once? But mark the inconsistency of ministers, who admitted and denied the existence and extent of that distress, according as such admission or denial was meant to square with the topic then to be disposed of. If the efficacy of the Orders in Council was impeached, instantly this distress became comparative commercial prosperity. The trade, of the enemy was annihilated, and ours was progressively prosperous; but when the House was to be called upon for another penal statute, and when the unprecedented distresses of the people were attempted to be traced to their natural source—the unprecedented errors of the government—then, indeed, the extent of the calamity was admitted, and ascribed to the wide and heavy operation of those Decrees which they had been told, the Orders in Council had rendered altogether nugatory and futile. Could the people think them sincere in their professions to relieve their pressures, when they found them thus sporting with their distresses? An

allusion had been made to that part of the Jewish law which condemned children who rebelled against their parents, to be taken without the gates of the city and there stoned to death—but were there no obligations on the part of the parent? If the parents profligately and desperately consumed the substance of their children, deprived them of their birth-right, and all means of living, were children so abused bound by all those strong ties of tenderness and piety which connect those sacred relationships in ordinary life? He, for his part, was shocked to see such total indifference on the part of ministers to the sufferings of this class of their miserable fellow subjects. In the name of those sufferings he called for inquiry into the causes of them. They were bound to know what those people suffered before they could ascertain the amount of that criminality which their miseries had extorted, and which they were now going to punish with death. Was it the war? or the mode of carrying on the war? or were they to look at home for the fatal cause—was it to be traced to a total abandonment of ail economy at home? If it was one of those, apply the remedy to the source, and do not begin by unnecessarily cutting off the extremities. After vaunting so much about the prosperity of the country, was this the comment put by ministers upon it? They sent out this act to tell the people of their commercial prosperity—this first act of what may yet be followed by a bloody code—an act that professedly can neither remedy nor prevent, but hang the criminal without putting a stop to the crime. It was rather an inauspicious act for this new administration to commence with. They begin their new government of a new æra by adding to the capital crimes of the country, an offence arising out of the desperation of unexampled distresses—this, he must say, was rather an unfortunate beginning at so prosperous an æra for so unfortunate a set of ministers! He asked if they had yet given the people one practical pledge of their sincerity in the cause of economical reform? They had been lately making enormous additions to their civil establishments, and since that they had again thrown back the Reversion Bill upon the discontents of the country. An hon. gentleman (Mr. Herbert) had talked of the White Boy system, in Ireland, and said, that if the Irish Parliament had not resorted to those vigorous measures which were proposed in the present instance, that system might not have been put down. He (Mr. H.) could not help thinking this a most unfortunate allusion. The White Boys broke out in 1760—at that period, owing to a great dearth of cattle in consequence of a general murrain in the north of Europe, cattle in Ireland brought so high a price, that it became an object with many landholders to turn their arable into pasture—a system that, by taking in all the commonage, operated in the most hard way upon the poor peasantry. This produced the insurrection denominated White Boys.

Mr. Cripps .—Mr. Speaker, I beg leave to ask whether the hon. gentleman is in order.

The Speaker . I hardly know how to answer that question. If the hon. gentleman is in order, I am at a loss to discover how he is so (hear, hear!)

Mr. Hutchinson .—The riots of the White Boys were adduced as analogous to those of the Frame Breakers. We were told that the same vigour which had checked the one would now be necessary to put down the other. I answer, first, that admit the analogy, because both species of outrages originated in iniquitous grievances and hardships; and, secondly, that as the White Boys were put down by redress of their grievances, and not by the rigour of law, that according to the same analogy, you are bound to inquire into the grievances of the Frame Breakers, and to remedy them without delay, as the most effectual way of putting a stop to these outrages. I know not, Sir, whether you can now perceive the applicability of my argument; or whether you are still at a loss to discover whether, in urging it, I am within the limits of order. I repeat, then, that the vigour of the law failed in putting down the White Boys—that it will fail in putting down the Frame Breakers. But is it meant that the one should be the pure model of the other? Would you introduce the pitch cap, and the other memorable insignia of torture, so well known in Ireland, though not understood here? Would you introduce them into England? The White Boy code was fit only for the meridian of Barbary, as it had, indeed, been well described by a most intelligent writer on the state of Ireland. But look at this subject as you will, you are forced to the consideration of the cause—are any portion of the people of England given to wanton riots? was this the national character? was it the character of the manufacturing part of the country? were they not proverbially a grave, plodding, quiet, discreet, sedate, business-involved class of men? What but intolerable distress could drive such a class to lawless outrage; and if the distress was too great to be borne, the legislature was

bound to interpose some remedy, and not hang men because they could not suffer beyond human nature. I have now stated my objections to this measure, and condole with the new minister that such should be the first act of this new æra of the flourishing state of the empire. The proofs of such national prosperity were unfortunately but too equivocal, if they were to be found only in such a measure as that which they are now about to pass, or in a rupture with America; or in the midst of such general peril, in the alarming discontents and alienation of the Irish people. The man who can repose confidence in those ministers who have brought the empire to such a state, is not only, in my opinion, incapable of forming a sane judgment, but would deserve, while he ranted about our national prosperity, to be hung up in a cage to the gaze of the starving multitudes in this country, and himself be made the sport of those, upon whose miseries he could pass so cruel a mockery. If the Bill does pass without inquiry, I trust that the people of England will proceed to hold constitutional meetings, and resort to every constitutional mode of redress. I hope that they will at length make that voice be heard within these walls which has had for so long a time such little influence upon our counsels.

Mr. Sinclair said:—I rise, Sir, to give my decided support to this measure, the necessity of which I both acknowledge and lament. Though for the most part disposed to concur, on the subject of capital punishments, with an hon. and learn" ed gentleman opposite (sir S. Romilly,) whose humane and enlightened exertions for mitigating the rigour of the Penal Code, entitle him to the gratitude of his country, yet on the other hand, I contend, that cases may occur (of which I conceive the present to be an instance) in which lenity to the aggressors, is cruelty to the injured. The first clause of this Bill, by which the perpetration of these outrages is rendered a capital offence, may not, it is true, facilitate the detection of the past, but will (I trust) be conducive to the prevention of similar enormities in future—whilst the second clause, which enforces the necessity of giving early information when an outrage has been committed, will powerfully second the exertions of the magistrates to bring the offenders to justice. When the punishment of death has long subsisted against a particular crime, it may perhaps be viewed with less terror by offenders, as the nature of the crime and that of the penalty attached to it are equally familiar to their minds; but when it is for the first time enacted against an offence, to which a slighter punishment was attached before, it cannot, I think, fail to deter many persons from engaging at all in the crime, and recall many others to a sense of what they owe to themselves and to their families. We need not be afraid of the judgment of posterity on the subject of this law. Whilst they deprecate its rigour, they will acknowledge its necessity; and only consider it as a temporary remedy for a temporary evil, arising, I trust, from temporary causes.—Sir, I should have thought that the candid and perspicuous statement of the right hon. Secretary on a former occasion, corroborated as it was by the members for the town and county of Nottingham, would have prevented any insinuations from being thrown out, that the government had acted with supineness or inactivity. To such insinuations an honourable contrast is afforded by the manly and impartial declaration of the member for Bedford (Mr. Whitbread,) that in his opinion nothing had been left untried.—Sir, the protracted continuance of these disturbances does not prove any remissness on the part of the government, but aggravates the criminality of the offenders. From the secrecy with which their attacks were planned, the celerity with which they were executed, and the suddenness with which they were renewed in quarters where they least were expected, I cannot help inferring that their misconduct was not owing to the momentary impulse of distress or irritation, but to a premeditated plan of systematic aggression, which certainly rendered vigilance and energy on the part of the government doubly necessary, but must also in many instances have rendered them ineffectual.—Sir, I sincerely hope that the complete restoration of tranquillity may render it unnecessary to have recourse to the provisions of this act; but, on the other hand, I trust, that if a continuance of these disturbances should render it expedient, they will be enforced with vigour, and attended with success. With regard, Sir, to what fell from the hon. gentleman who spoke last, if I had entered the House in the middle of his speech, I should have supposed that we were discussing the state of the nation—a topic to which his arguments had a much more immediate reference than to the question now under consideration. I shall not pretend to comment upon such extraneous observations.—When the motion of which an hon. baronet has given notice for an inquiry into the State of the Nation, is brought forward, I have no doubt that most of these arguments will be repeated, and many of them. I trust, satisfactorily refuted.

Mr. Herbert said, that he did not recommend the mode of punishment adopted in Ireland against insurgents here, but gene-rally the necessity of having recourse to a capital enactment.

Sir A. Piggott could not refrain, in this last stage of the Bill, from repeating his objections to it, being satisfied that it was a measure calculated to mislead the public, and at the same time to operate as no check upon the outrages sought to be corrected. He could not forbear expressing his astonishment that such acts as had lately been carried on for a series of months with impunity had not called out the inquisitorial power of that House, but that, instead of such an inquiry, an act should be introduced, which was calculated for nothing but to mislead the public. If such acts as those sought to be provided against, could be carried on without detection, what did the present Bill do to deter from the commission of them? Increasing the degree of punishment only tended to add to the motives which now prevailed in favour of concealment, and to increase the reluctance to give testimony. Did they not, however, by the present Bill, furnish motives even for the commission of another crime of a still deeper dye? Did they not furnish persons already so well disciplined in the arts of concealment with a fresh motive, if detection could not otherwise be secured, to cut off the evidence against them? If in any one instance such an occurrence as this were to take place, must the House not feel that they had aggravated, instead of curing the evil?

Mr. Secretary Ryder did not conceive it necessary to repeat over and over again, the reasons which urged him to the adoption of this measure. If he had, however, done so, he should only be following the example of his hon. and learned friend who had just sat down. He recommended this Bill to the legislature, not in the certainty, but in the hope of putting down the disturbances in Nottinghamshire, and to shew the country that every legislative means were used, before recourse should be taken to measures of greater severity. He was quite confident that the suffrage of the people would be with this Bill.

The Bill was then read a third time and passed.

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NOTTINGHAM PEACE BILL.



HC Deb 25 February 1812 vol 21 c962

The report of this Bill was brought up. On the motion for recommitting it,

Mr. J. Smith took the opportunity of correcting a statement that had gone abroad respecting the mode of payment to the Nottingham manufacturers by their employers. It had been stated that he had said one of the causes of the disturbances arose from the masters paying their men not in money, but in goods. That practice was adopted not by the great body of the masters, but by the lower classes. In the statement going forth as it had done, unexplained, reflections were thrown upon the opulent part of the manufacturers, which he never intended.

The House then went into the Committee.

Mr. Secretary Ryder said, that since the Bill had been last before the House he had received several communications, which had made it advisable to extend the provisions of the Bill to the whole kingdom. The Bill had been, in consequence, new modelled in many parts, and in that state was submitted for discussion to the committee.

The several clauses went through the committee, and the House resumed.

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FRAME WORK BILL.

[Lord Byron (George Gordon Byron, 6th Baron Byron). (Feb. 27, 1812). FRAME WORK BILL (first Lords speech), Vol. 21, cc964-79. Hansard, Parliament (UK). Reproduced for educational purposes only. Fair Use relied upon. Source: <https://api.parliament.uk/historic-hansard/lords/1812/feb/27/frame-work-bill>]

HL Deb 27 February 1812 vol 21 cc964-79

["[Weaving] Frame Breakers" were called "Luddites"]

The order of the day for the second reading of this Bill being read,

The Earl of Liverpool observed, that as the present Bill contained some enactments of a novel nature, it was necessary he should state to the House some of those grounds upon which he thought that it ought to pass into a law. The transactions which had taken place, and were still going on in the county of Nottingham, were pretty well known to most of their lordships, and he rose to state that no exertions were wanting on the part of government to remedy the evil and ensure the return of tranquillity and order under the existing laws'; and this he believed was the conviction of those most conversant on the subject, and who had opportunities of local information. It had at length, however, become necessary to recur to, and express the determination of parliament on the subject. The Bill in question was divided into two parts; which most undoubtedly in some respects proceeded on, different grounds. The second part was introduced with a view to the detection of the offenders, which was the principal object. It went to compel individuals in whose houses frames should be broken, to give information thereof to the magistrates, and the provisions of this part of the Bill were calculated as much as possible to insure detection; and it was deemed necessary to render the offences provided against by the Bill capital. He was aware there existed more difference of opinion on this than on any other point: he knew it would be urged, that such an enactment would only tend to render detection more difficult, and the chance of conviction more uncertain. To this, however, he thought it could be rationally objected, that the terror of the law would in many cases operate, where the apprehension of lesser punishments would be found ineffectual. He, for his own part, could see no well-founded objection to try the effects of the measure which was proposed. The chief difficulty in the present case, he repeated, was the difficulty of detection under the existing applicable law; and he believed at the same time, that the operating dread of the severer punishment would, in the present case, be attended with beneficial effects. In addition to this, he observed, that the act was proposed but as a temporary one, and therefore the legislature would have a future opportunity of revising it, on a consideration of its effects. If it should prove ineffectual, they would have an opportunity of considering how far it would be wise or expedient to continue it. But considering all the circumstances of the case, he was firmly of opinion, that the measures proposed in the Bill were the most proper for the adoption of the legislature; and that the other House of Parliament were well grounded in sending it up for the concurrence of their lordships. He would therefore move, that this Bill be now read a second time.

Lord Byron rose, and (for the first time) addressed their lordships as follows:

My Lords; the subject now submitted to your lordships for the first time, though new to the House, is by no means new to the country. I believe it had occupied the serious thoughts of all descriptions of persons, long before its introduction to the notice of that legislature, whose interference alone could be of real service. As a person in some degree connected with the suffering county, though a stranger not only to this House in general, but to almost every individual whose attention I presume to solicit, I must claim some portion of your lordships' indulgence, whilst I offer a few observations on a question in which I confess myself deeply interested.

To enter into any detail of the Riots would be superfluous: the House is already aware that every outrage short of actual bloodshed, has been perpetrated, and that the proprietors of the Frames obnoxious to the rioters, and all persons supposed to be connected with them, have been liable to insult and violence. During the short time I recently passed in Nottinghamshire, not twelve hours elapsed without some fresh act of violence; and on the day I left the

county I was informed that forty frames had been broken the preceding evening, as usual, without resistance and without detection.

Such was then the state of that county, and such I have reason to believe it to be at this moment. But whilst these outrages must be admitted to exist to an alarming extent, it cannot be denied that they have arisen from circumstances of the most unparalleled distress: The perseverance of these miserable men in their proceedings, tends to prove that nothing but absolute want could have driven a large, and once honest and industrious, body of the people, into the commission of excesses so hazardous to themselves, their families and the community. At the time, to which I allude, the town and county were burthened with large detachments of the military; the police was in motion, the magistrates assembled, yet all the movements civil and military had led to—nothing. Not a single instance had occurred of the apprehension of any real delinquent actually taken in the fact, against whom there existed legal evidence sufficient for conviction. But the police, however useless, were by no means idle: several notorious delinquents had been detected; men, liable to conviction, on the clearest evidence, of the capital crime of Poverty; men, who had been nefariously guilty of lawfully begetting several children, whom, thanks to the times! they were unable to maintain. Considerable injury has been done to the proprietors of the improved Frames. These machines were to them an advantage, inasmuch as they superseded the necessity of employing a number of workmen, who were left in consequence to starve. By the adoption of one species of Frame in particular, one man performed the work of many, and the superfluous labourers were thrown out of employment. Yet it is to be observed, that the work thus executed was inferior in quality; not marketable at home, and merely hurried over with a view to exportation. It was called in the cant of the trade, by the name of 'Spider work.' The rejected workmen in the blindness of their ignorance, instead of rejoicing at these improvements in arts so beneficial to mankind, conceived themselves to be sacrificed to improvements in mechanism. In the foolishness of their hearts they imagined, that the maintenance and well doing of the industrious poor, were objects of greater consequence than the enrichment of a few individuals by any improvement, in the implements of trade, which threw the workmen out of employment, and rendered the labourer unworthy of his hire. And it must be confessed that although the adoption of the enlarged machinery in that state of our commerce which the country once boasted, might have been beneficial to the master without being detrimental to the servant; yet, in the present situation of our manufactures, rotting in warehouses, without a prospect of exportation, with the demand for work and workmen equally diminished; Frames of this description, tend materially to aggravate the distress and discontent of the disappointed sufferers. But the real cause of these distresses and consequent disturbances lies deeper. When we are told that these men are leagued together not only for the destruction of their own comfort, but of their very means of subsistence, can we forget that it is the bitter policy, the destructive warfare of the last 18 years, which has destroyed their comfort, your comfort, all mens' comfort? That policy, which, originating with "great statesmen now no more," has survived the dead to become a curse on the living, unto the third and fourth generation! These men never destroyed their looms till they were become useless, worse than useless; till they were become actual impediments to their exertions in obtaining their daily bread. Can you, then, wonder that in times like these, when bankruptcy, convicted fraud, and imputed felony are found in a station not far beneath that of your lordships, the lowest, though once most useful portion of the people should forget their duty in their distresses, and become only less guilty than one of their representatives? But while the exalted offender can find means to baffle the law, new capital punishments must be devised, new snares of death must be spread for the wretched mechanic who is famished into guilt. These men were willing to dig, but the spade was in other hands: they were not ashamed to beg, but there was none to relieve them: their own means of subsistence were cut off, all other employments pre-occupied, and their excesses, however to be deplored and condemned, can hardly be subject of surprize.

It has been stated that the persons in the temporary possession of Frames connive at their destruction; if this be proved upon enquiry, it were necessary that such material accessories to the crime, should be principals in the punishment. But I did hope, that any measure proposed by his Majesty's government, for your lordships' decision, would have had conciliation for its basis; or, if that were hopeless, that some previous enquiry, some deliberation would have been deemed requisite; not that we should have been called at once without examination, and without

cause, to pass sentences by wholesale, and sign death-warrants blindfold. But, admitting that these men had no cause of complaint; that the grievances of them and their employers were alike groundless; that they deserved the worst; what inefficiency, what imbecility has been evinced in the method chosen to reduce them! Why were the military called out to be made a mockery of, if they were to be called out at all? As far as the difference of seasons would permit, they have merely parodied the summer campaign of major Sturgeon; and, indeed, the whole proceedings, civil and military, seemed on the model of those of the Mayor and Corporation of Garratt.—Such marchings and counter marchings! from Nottingham to Bullwell, from Bullwell to Banford, from Banford to Mansfield! and when at length the detachments arrived at their destination, in all "the pride, pomp, and circumstance of glorious war," they came just in time to witness the mischief which had been done, and ascertain the escape of the perpetrators, to collect the "spolia opima" in the fragments of broken frames, and return to their quarters amidst the derision of old women, and the hootings of children. Now, though in a free country, it were to be wished, that our military should never be too formidable, at least to ourselves, I cannot see the policy of placing them in situations where they can only be made ridiculous. As the sword is the worst argument that can be used, so should it be the last. In this instance it has been the first; but providentially as yet only in the scabbard. The present measure will, indeed, pluck it from the sheath; yet had proper meetings been held in the earlier stages of these riots, had the grievances of these men and their masters (for they also had their grievances) been fairly weighed and justly examined, I do think that means might have been devised to restore these workmen to their avocations, and tranquillity to the county. At present the county suffers from the double infliction of an idle military and a starving population. In what state of apathy have we been plunged so long, that now for the first time the House has been officially apprized of these disturbances? All this has been transacting within 130 miles of London, and yet we, "good easy men, have deemed full sure our greatness was a ripening," and have sat down to enjoy our foreign triumphs in the midst of domestic calamity. But all the cities you have taken, all the armies which have retreated before your leaders are but paltry subjects of self congratulation, if your land divides against itself, and your dragoons and your executioners must be let loose against your fellow citizens.—You call these men a mob, desperate, dangerous, and ignorant; and seem to think that the only way to quiet the "Bellua multorum capitum" is to lop off a few of its superfluous heads,—But even a mob may be better reduced to reason by a mixture of conciliation and firmness, than by additional irritation and redoubled penalties. Are we aware of our obligations to a mob? It is the mob that labour in your fields and serve in your houses, that man your navy, and recruit your army, that have enabled you to defy all the world, and can also defy you when neglect and calamity have driven them to despair. You may call the people a mob, but do not forget, that a mob too often speaks the sentiments of the people. And here I must remark with what alacrity you are accustomed to fly to the succour of your distressed allies, leaving the distressed of your own country to the care of Providence or—the Parish. When the Portuguese suffered under the retreat of the French every arm was stretched out, every band was opened, from the rich man's largess, to the widow's mite, all was bestowed to enable them to rebuild their villages and replenish their granaries. And at this moment, when thousands of misguided but most unfortunate fellow-countrymen are struggling with the extremes of hardships and hunger, as your charity began abroad it should end at home. A much less sum, a tithe of the bounty bestowed on Portugal, even if those men (which I cannot admit without enquiry) could not have been restored to their employments, would have rendered unnecessary the tender mercies of the bayonet and the gibbet. But doubtless our friends have too many foreign claims to admit a prospect of domestic relief; though never did such objects demand it. I have traversed the seat of war in the peninsula, I have been in some of the most oppressed provinces of Turkey, but never under the most despotic of infidel governments did I behold such squalid wretchedness as I have seen since my return in the very heart of a Christian country. And what are your remedies? After months of inaction, and months of action worse than inactivity, at length comes forth the grand specific, the never failing nostrum of all state physicians, from the days of Draco to the present time. After feeling the pulse and shaking the head over the patient, prescribing the usual course of warm water and bleeding, the warm water of your maukish police, and the lancets of your military, these convulsions must terminate in death, the sure consummation of the prescriptions of all political Sangrados. Setting aside the palpable injustice and the certain inefficiency of the Bill, are there not capital punishments sufficient in your statutes? Is there not blood enough upon your penal code that more must be poured forth to ascend to Heaven and testify against you? How will you carry the Bill into effect? Can you commit a whole

county to their own prisons? Will you erect a gibbet in every field and hang up men like scarecrows? or will you proceed (as you must to bring this measure into effect) by decimation? place the county under martial law? depopulate and lay waste all around you? and restore Sherwood forest as an acceptable gift to the crown, in its former condition of a royal chase and an asylum for outlaws? Are these the remedies for a starving and desperate populace? Will the famished wretch who has braved your bayonets, be appalled by your gibbets? When death is a relief, and the only relief it appears that you will afford him; will he be dragooned into tranquillity? Will that which could not be effected by your grenadiers, be accomplished by your executioners? If you proceed by the forms of law where is your evidence? Those who have refused to impeach their accomplices, when transportation only was the punishment, will hardly be tempted to witness against them when death is the penalty. With all due deference to the noble lords opposite, I think a little investigation, some previous enquiry would induce even them to change their purpose. That most favourite state measure, so marvellously efficacious in many and recent instances, temporizing, would not be without its advantages in this. When a proposal is made to emancipate or relieve, you hesitate, you deliberate for years, you temporise and tamper with the minds of men; but a death-bill must be passed offhand, without a thought of the consequences. Sure I am from what I have heard, and from what I have seen, that to pass the Bill under all the existing circumstances, without enquiry, without deliberation, would only be to add injustice to irritation, and barbarity to neglect. The framers of such a Bill must be content to inherit the honours of that Athenian lawgiver whose edicts were said to be written not in ink but in blood. But suppose it past; suppose one of these men, as I have seen them,—meagre with famine, sullen with despair, careless of a life which your lordships are perhaps about to value at something less than the price of a stocking-frame—suppose this man surrounded by the children for whom he is unable to procure bread at the hazard of his existence, about to be torn for ever from a family which he lately supported in peaceful industry, and which it is not his fault that he can no longer so support, suppose this man, and there are ten thousand such from whom you may select your Victims, dragged into court, to be tried for this new offence, by this new law; still, there are two things wanting to convict and condemn him; and these are, in my opinion, —Twelve Butchers for a Jury, and a Jefferies for a Judged!

Lord Holland complimented his noble friend who spoke last on the ability which he had displayed in this his first speech in that House, and expressed his astonishment that ministers had not thought proper to reply to it. The rejection of a Bill brought forward under such circumstances, he admitted to be an evil; but then, the present one was so extremely objectionable, that he felt it his duty to oppose it. He was not much surprised at this measure, for he never was surprised at seeing any thing foolish coming from the present ministers; but the fact was, that the apprehension of such a law had already rendered the chances of detection less probable. This he had from the best authority. But he supposed, when he adverted to the general principle that the severity of the punishment increased the difficulty of detection and conviction, he should be told, that this was speculation and theory. They were for proceeding from day to day, without rudder or compass, as the winds and Waves carried them. But what was the real state of this case? Here was a fact, that the apprehension of such a law had rendered detection more difficult; and yet, in the face of this fact, they proposed to pass the law, as if there had been no other mode of getting at the opinion of parliament. Indeed, such a law was but a very bad way of sending out a strong expression of the opinion of the legislature against this Offence. Our penal code was too thick set with these penalties of death, to render that a very explicit declaration of the sense of parliament as to the enormity of the crime. The people would recollect, that the legislature had declared, that stealing to the value of 40s. from a canal, deserved death; and with this in their minds, they could not easily be persuaded that parliament was deeply impressed with the magnitude of the offence merely because it punished it with death. He was far, however, from thinking lightly of this crime; for few crimes, could he more ruinous to the power, wealth, and prosperity of any country; but it did not follow, that the conclusion drawn by the noble Secretary of State was correct, The noble Secretary admitted that the general principle, that the severity of the punishment increased the difficulty of detection might in some cases be applicable, but here he thought the terror of death necessary to prevent the commission of the crime. Yet of all cases this was one in which this terror could have the least effect; since the offence was carried on by a combination of persons bound together by a mistaken principle of honour. But leaving the general principle, he came to the Bill itself; and observed, that the only difficulty was in the detection. If the offenders

could be detected, the law was already severe enough. If the ground on, which the Bill rested was stripped of the legal jargon in which acts of parliament were necessarily involved, and reduced to a plain logical proposition, the absurdity would be too glaring to be for a moment entertained. The amount of it was this: "Whereas it has been found difficult to detect these offenders, we will render that detection still more difficult." This law might irritate and exasperate; but it would do nothing more. So much as to the first part of the Bill; but even the second part, intended to facilitate detection, was not founded on wise principles. He should have thought a civil process much more desirable, by which the person having a frame belonging to another broken in his house, should be liable for damages to the owner, unless he proved that he had used every reasonable exertion to protect it. He agreed with his noble friend in disapproving the manner in which the military had been employed, and urged the propriety of an inquiry to open the eyes of the deluded multitude. Something might be done to break the combination, by offering rewards to persons making discoveries without dragging them to a court of justice to give evidence. If the punishment of death was improper for such an offence it was no excuse to say that the law was only temporary. Hanging our fellow-subjects was not a proper way of making experiments. It might appear, on enquiry, that the cause of this evil was the fluctuation of the market—the tampering with our trade, which was regulated only by the caprice of ministers. A change of policy would then be found to be the proper remedy. The present course was fraught with danger, and he must discharge his duty by opposing the second reading of the Bill without a previous enquiry. He concluded by moving, that the second reading be postponed till that day three weeks.

The Lord Chancellor observed, that the two parts of the Bill ought to be taken together, and the object of both united was the prevention of the offence. The outrages at Nottingham originated in a mistaken notion of those concerned in them, that their interests were injured by the introduction of certain improvements in machinery, when the fact was, that all these improvements contributed to their advantage, and that by the conduct they were now persisting in, they were deeply injuring their own interests, and destroying their own comforts. From, however, the plan and system adopted by them, the difficulty of detection had become very great, and the object of the second part of the Bill was to increase the means of detection, whilst the first part of it, by enacting the penalty of death, there was every reason to believe would operate, by the terror of that punishment, to prevent the offence. The prevention of offences was the legitimate object of enacting the punishment of death; and there was every reason to suppose that this object would be attained in the present instance, by combining the terror of this punishment with the increased facility of detection.

The Earl of Lauderdale agreed with the noble and learned lord, that the outrages at Nottingham originated in a mistaken notion of those concerned in them of their own interests, for nothing could be more certain than that every improvement of machinery contributed to improve the condition of persons employed in the manufactures in which such improvements were made, there being in a very short time after such improvements were introduced, a greater demand for labour than there was before. Much, however, of the present distressed state of the manufacturers arose from the system of policy pursued by ministers; and he was satisfied, that before being called upon to pass a measure like the present, an enquiry ought to be instituted, and that that enquiry ought to embrace the effect of the Orders in Council, the state of the commerce of the country, and also of its circulation. The noble earl, after ridiculing the vigour of the ministers in sending down two justices and two Bow street runners to Nottingham, adverted to the fact, that it had been found necessary, by the advice of the judges, and upon the reports of the revenue boards, to do away the capital punishments in cases' of smuggling, because it was impossible to find juries to convict: and yet in a case depending on the same principle, they enacted the punishment of death, when it was notorious that the great evil was the difficulty of detection. The measure evinced an utter ignorance of the principles of law, and of the real state of the country.

The Earl of Harrowby contended, that enquiry could answer no useful purpose. If enquiry were to embrace the Orders in Council, the state of the commerce and circulation of the country, the investigation must be indefinite, the outrages at Nottingham must in the mean time go on, and all attempt to suppress them must be postponed ad Græcas Calendas. An inquiry more limited with respect to the outrages themselves, could have no good effect; the offence was, as was

admitted by every one, most injurious to the interests of the community, and every means ought to be adopted to prevent its repetition. The object of the Bill was to increase the means of detection, whilst it inflicted the punishment of death; and surely it was to be expected that the terror of the punishment of death, when the means of detection were increased, would operate to prevent the commission of the offence.

Earl Grosvenor was hostile to extending the penal code by the infliction of the punishment of death for this offence, and contended that information ought first to be laid before the House, to prove that all other means had been ineffectual. Much of these outrages were, he thought, to be attributed to the system of policy pursued by ministers, and he lamented that the Prince Regent should have been advised not to make a change in his councils, convinced as the noble earl was, that the result of a change would have been an improved system of finance, an economical expenditure, and a general amelioration of the situation of the country.

Lord Grenville found it impossible to allow this question to pass, without expressing in the strongest terms which his powers of language could supply, his indignant detestation of the principles on which the Bill was founded, as well as of the arguments by which it was supported. There was now no time for inquiry, they said; but he hoped their lordships were familiar with the wise maxim of a great authority 'de vitâ hominis nulla est cunctatio longa.' When the question was about the life of man, he should have expected that ministers, and especially the noble and learned lord on the woolsack, would have willingly acceded to the delay, if there was the smallest doubt in the mind of any noble lord, whether it was necessary to add to the horrible and sanguinary catalogue of our capital punishments. It had been said, indeed, that no one doubted the fitness of the punishment to the crime. If that was true, he knew not to what purpose his noble friends about him had been speaking. These laws were, unfortunately, not the result of enlarged views, of general principles, but they sprung up one by one upon some momentary necessity; and a noble secretary had astonished him by stating, that there was no general principle to rest upon. But unless all that he had ever thought, all that he had ever heard, all that he had ever read upon the subject, was utterly erroneous, there was no case in which general principles were more necessary to be attended to, and more capable of application than in enacting penal laws, especially when capital punishments came under consideration. To these he trusted their lordships would attend, and not suffer themselves to be drawn aside by these temporary outrages. But if a delay of three weeks could not be allowed in a case where 10,000 of their fellow subjects might be rendered liable to the pains of death, why had there been a delay of two months? The enquiry might by this time have been complete. For six months during which these proceedings had been carried on, no one effectual step had been taken; and yet ministers had the confidence to come now and say, 'Do not ask for delay—trust to us—shut your own eyes and ears, and sign the bloody warrant here presented to you? No, he would not trust ministers before he signed that warrant: he must be satisfied that the offence was commensurate with the pains to be applied. He had no hesitation in saying, that such a punishment ought never to be applied to such an offence; and if their lordships had read one page of that excellent writer Judge Blackstone, they must be aware that he had distinctly said, that the mere frequency of an offence and difficulty of detection was not a ground for a capital punishment. His noble friend had stated, that there were laws in our statute book enacting death in similar cases. He knew it, and deeply regretted it, and wished they could be at once erased from the statute book, if it were for nothing else than to prevent their being resorted to as examples, when the indolence, the ignorance, or the weakness of government led them to enact such laws as this. Here, again, the enlightened Blackstone lent his great authority, for he said that these laws originated in the ignorance of the legislature and the weakness of government. He should have thought inquiry necessary as to this point. It had been assumed that the existing law was ineffectual; but before ministers assumed that fact, they ought to prove that every thing had been done to carry it into execution. On that head there was no information whatever, except the boasted exploit of having sent down two Westminster justices and two Bow-street runners; who, though very conversant in the business of detecting thieves and footpads, were not therefore the roost proper to deal with the Nottingham manufacturers. That was their vigour! But something else had been done worse even than that foolish expedient. There never was a maxim of greater wisdom than that uttered by the noble lord (Byron), who had so ably addressed their lordships that night for the first time, that the military ought never to be employed except in extreme cases, and then they should be effectual, if

possible, rather by the terror of their appearance, than their power of execution. But here they had been employed in a way the most ruinous to their own discipline, and the least efficient for the purpose of checking these outrages. They had been dispersed in small bodies, and made to perform the duties of civil officers. He might be mistaken as to the force of the law as it stood, but why then not inquire? The truth was, that it had been 20 years on the statute book, and never put in execution in one instance. How could ministers say that a law was inefficient which had never been tried? and yet they were not ashamed to come down, and propose to resort to this last dreadful extremity. No; the fault was not in the weakness of the punishment of the present law, but in the want of execution. Let their lordships compare the punishment of transportation for 14 years with the crime of breaking a stocking-frame. Was not the punishment commensurate to the crime? Aye, more than commensurate. His lordship then read some passages from the Bill, from which it appeared, that the intent to commit the crime of breaking a lace-thread, or damaging a web, rendered the offender liable to the pains of death. To this there could be only one answer,—that the punishment would never be inflicted. But as long as he lived, in a country governed by law he never would consent to put it in the power of the crown to put a fellow subject to death for damaging a piece of cotton or lace.

The Lord Chancellor was about to put the question, when

Earl Grey observed, that it was of importance to know what the object of noble lords on the other side was in proposing this Bill. Was it to inflict the penalty of death for the offence stated by his noble friend, as it appeared by the words of the Bill?

The Earl of Liverpool stated, that the wording of the Bill was a matter for discussion in the committee, but the Bill was framed from other bills of a similar nature with reference to machinery.

Lord Holland observed, that it was of importance to know the intent of ministers in proposing a clause in the Bill, inflicting the penalty of death upon the intent to commit the offence described by his noble friend.

The Earl of Lauderdale thought that the House ought not to go on in the consideration of the Bill, until they had some information of what the precise object of ministers was in proposing this Bill; and with that view he moved that the debate be adjourned till Monday.

The Earl of Liverpool stated, that the principle of the Bill was to punish a certain offence with death; the mode of carrying that principle into effect, was matter for discussion in the committee.

Earl Grey observed, that allowing the principle of the Bill to be to punish a certain offence with death, the nature of that offence was a part of the principle of the Bill, and before they could vote for the second reading they ought to be informed what offence it was intended to punish.

The Earl of Liverpool stated, that un-doubtedly it was the intention of government to inflict the punishment of death instead of transportation, and the clauses describing the offence were copied from the Bill, which rendered it a transportable offence.

Lord Grenville said, that what had been stated by the noble lord, was indeed a still stronger reason for adjourning the debate till Monday. Here was a minister, who came down to parliament to inflict the punishment of death upon his fellow-citizens, but for what offence that minister knew not. It was in truth for the credit of ministers themselves that this debate should be adjourned, in order that they might be enabled to explain what offence they intended to punish with death. But whatever they might think, he could not give his vote that the House should be involved in the infamy of going to the second reading of a Bill for inflicting the punishment of death upon their fellow-citizens, without knowing what the nature of the offence was that it was intended to punish.

The House divided on the question that the debate be adjourned till Monday. Contents 17: Not-Contents 32. Majority 15. The-Bill was then read a second time, and committed for Monday. On the motion of the earl of Lauderdale, their lordships were ordered to be summoned for Monday. The noble earl also moved, that the Judges be ordered to attend on Monday, which was negatived.

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FRAME WORK BILL.



HL Deb 02 March 1812 vol 21 cc1077-84

On the order of the day for the committal of this Bill,

Earl Grosvenor rose to move, that the order be discharged. After what had already passed; after the eyes of the noble Secretary of State had been a little opened, he had expected him to have himself moved the discharge of the order. The Bill proposed to punish with death those who entered a house, whether with force or not, and damaged a piece of lace, or stocking frame. The measure, however, was said to be necessary; but their lordships might depend upon it that this law would only make the artful more artful, the cunning more cunning, the mysterious more mysterious. The proper way to conciliate the people, and to prevent these outrages, was to reform abuses; and on this account he regretted the introduction into the Prince Regent's cabinet of a noble lord, who, whatever might be his merits in other respects, was no friend to such a reformation. He would have been in despair, had it not been for the decision of the House of Commons in the case of an office granted by ministers after having been condemned by a committee of that House. No decision had ever given him so much pleasure. The noble earl particularly censured the severity of the measure, which went to inflict the sanguinary penalty of death, upon what might be only an entry into a house. He trusted their lordships would not suffer themselves to be persuaded by ministers into a concurrence in an act, which would be a disgrace to the statute-book, to the character of the country, and which, instead of removing the evil, would increase it, by more widely diffusing the mischief, and driving the unhappy depredators to acts of desperation. He concluded by moving, That the order be discharged.

The Marquis of Douglas stated the question to be, whether the punishment of death was really necessary in this case? and when it was admitted that the milder punishment had never been tried, the argument appeared to be decisive against the severer penalty. The evil here to be remedied did not consist in the defect of the punishment, but in the security of the criminal. Had the former act been put into execution? If it had not, how could they state that the punishment was ineffectual? Nothing could be more unwise than enacting the extremity of punishment in cases of minor offences. When there was no variety in punishment, people would be led to think that there was no gradation in crime. The evil was not to be remedied by laws like this; it extended much farther than Nottingham: a whole population was driven to these pernicious courses by the distresses arising from the unwise policy of government. They asked for existence: give it them (said his lordship) by abandoning that policy, and do not visit them with extermination as a cure for their miseries. In Yorkshire and Lancashire there had been considerable meetings of people suffering under the same distresses as the manufacturers of Nottingham; In his own country, too, (Scotland) there had been meetings of the same description. In Glasgow an application for relief had been made to the magistrates by 30,000 people; but any serious disturbance had been prevented by the wisdom and activity of the magistrates, and especially the provost. The evil likewise extended through Ayrshire. They must go to the root of the evil, and alter their policy. This was the only efficient method. They must return to the old system under which this country had so long flourished, and not destroy the gifts of nature by their unwise measures. The present Bill was the last resort of a rash, feeble, and wretched government,—fearful of their own enactments, because doubtful of their own ability.

The Earl of Harrowby had imagined, that after the discussion which had already taken place, there would have been no farther opposition to the Bill. Nothing new had been advanced. Even if he should concede all that had been advanced as to the unwise policy of government, still there was a necessity for this law. An altered policy must take some time to operate: and, in the mean time, an immediate remedy must be applied to the existing evil. The crime was of the most heinous nature and most dangerous tendency, and must be repressed. As to the assertion that this was the last resort of a weak and wretched government, it ought to be recollected that similar laws in similar cases had been

passed under the most powerful and humane governments; and he referred as evidence of this to the several Jaws passed since the 12th of Geo. I, relative to the woollen and silk manufactures. They need not be ashamed to be as weak and bloody as Sir Robert Walpole, lord Hardwicke, and the marquis of Rockingham. It ought not to be said that they were harsh or violent in following the system that had all along been pursued and found effectual. Without entering on general principles, he referred to the authority of Mr. Justice Blackstone; and contended that nothing could be found in the book of that eminent judge, adverse to a capital punishment in a case of this nature. The punishment of death had often been enacted against offences where it would be really inflicted only in particular and highly aggravated cases. Our law was mildly administered. The complaint generally was, that the guilty escaped, not that too much severity had been used. In the execution of the present law, the same principle of mildness would, no doubt, be attended to: but there might be cases in which the offence would deserve death; and the capital punishment was necessary in order to strike terror into the offenders.

The Earl of Carlisle said, that the proposition to enact a law subjecting a fellow creature to the punishment of death, was one from which humanity shrunk, and on which reason ought to pause. Nothing but necessity clearly proved could justify its adoption: but where was the proof here? What papers—what documents had been laid before them? None; they had merely the assertion of the ministers that there was a necessity for this measure, and that assertion only; unless the accounts in the newspapers of disturbances were to be considered as proper grounds for that House to proceed upon. Allowing these to be true,—how did they know that the magistrates of Nottingham (the meant no disrespect to them) had done their duty? How did they know that the proper means of detection had been used? This Bill was, besides, perfectly inefficient for its own object, and, indeed, in some measure subversive of it. How could they expect that those who were averse to subject these men to the punishment of transportation, would be willing to subject them to the penalty of death? There was a great deal of feeling and humanity in the generality of the people of this country on these occasions." If the law," said they, "sub- jects a man only to such a punishment as his offence deserves, we will inform; but if his life is to be affected, you will get no information from us." On every ground the noble earl said he thought the measure highly objectionable.

The Earl of Westmoreland supported the Bill, and vindicated the conduct of government in acting with every practicable vigilance and exertion to restore tranquillity and order, ere they recurred to parliament for the present measure. His lordship followed the line of argument adopted by his noble friend who spoke last but one, as to the general principle upon which the measure proceeded; and he was convinced the law under the Bill would be administered with a discriminating lenity, and fully acted upon only when the necessity of the case required it. The measure, therefore, had his cordial assent.

Lord Grenville thought the evil of a deeper nature than noble lords were inclined to admit. The great cause was the bad policy which had plunged our manufacturers into distress. The distress and the cause were spreading together. It was now that the effect of the paper issue was making itself felt through the community; and it was impossible in any case to conceive, why the same evils which had extended on an excessive issue of paper, should not be attended with the same evils here as in all other countries. This was a more prominent cause than even the Orders in Council. His noble friend (the earl of Lauderdale) had imputed the distress to the sudden rise and fall of wages by the sudden demands for manufactures; but even where the wages did not fall, the excessive issue of paper lowered their real value. The same money could not purchase the same quantity of provisions; and unless there was a maximum on the price of the necessaries of life, the working people must be more and more impoverished, even in the nominal receipt of undiminished wages. The great manufacturers worked for foreign markets; the rise of the prices abroad did not keep pace with the rise of the nominal value of the currency at home; and in consequence, they were obliged to tell their workmen that they could not make the prime cost on their materials. The workmen said, and with not less truth, that they could not live by their work; and thus distress; came rapidly upon the most useful and industrious classes of the community. The present system had the direct tendency of exhausting the resources of the industrious part of the public; this was no new thing to their lordships; it had been pointed out from the beginning: every step of its progress

had been regularly detailed, and it was now making its way with accelerated evil. Was this a thing within penal laws to correct? Were men to be cured of this by the gibbet and the gallows? The Bill might irritate and punish, and inflict miseries dreadful to feeling and humanity; but it would not stop an evil which resulted from the wretchedness into which a dangerous and headlong system had driven the working people. His noble friend, (the earl of Harrowby) in quoting a passage from judge Blackstone, seemed to doubt whether that great judge looked on the punishment of death as a means of prevention, or as the penalty for enormous crime. But, putting the first point out of question, was the guilt of this crime of that enormous nature which required death? The noble earl obviously combined the individual act with the crime of conspiracy: but the Bill omitted all the intention of conspiracy, and alluded only to the act of the individual. It would be answered, that the intention of the Bill was chiefly against the conspiracy: but where was the object of a Bill to be found but in its leading clauses, or preamble? He was sorry to hear an attempt to justify the introduction of penal statutes by great names. If there was any case in which we should not look to precedents, or give up any thing to great names, it was a case like the present. To justify the infliction of death, there must be no authority but strong necessity. The statute book was stained with sanguinary laws; it was a stigma on the character of the country; foreigners looked upon it as such, and appealed to its existence as the standard of our national character. His noble friend spoke of the mildness with which those laws were administered. A philosopher once said, that among the Athenians, to praise the Athenians was extremely easy: but where were we to find the great evidence of a mild and legislative spirit,—the prevention? If the question was of the purity of the administration of justice, he most agree that here we were unrivalled,—that there was no country in the world,—that there never was a country, where the innocent man was so secure of acquittal as here. But as to punishment, he knew of no country in Europe,—perhaps he ought to speak of it as before the late dreadful revolution—where so many suffered by sanguinary punishments. Were we about to write in blood the new code for the new situation to which we were gradually advancing? In this instance, we could not punish without frequently committing the most shocking offences against humanity. Crimes of the most different nature were mingled under one punishment; and death was to be equally inflicted for conspiracy and for acts for which a school-boy's whipping would be too severe. Men were to be hanged for 'damaging' frames. What a word! and how capable of perversion. What was 'damaging' a frame? The slightest injury to the slightest part of a complicated machinery was to bring a man in peril of his life. This was enough to throw the body of the manufacturing people into despair. Tell them, that if from folly or malice a man break any part of a machine, he forfeits his life, as much as if he had conspired to destroy the whole machinery of the establishment,—as much as if he had murdered the man at the machine, and the consequence must be horrid. The wisdom of legislators was employed in pointing out the gradations of crime, and making the return always more easy than the progress; but here," Returning were as tedious as go o'er," and the moment the workman had touched upon his crime, he had incurred the punishment of its consummation.

The Earl of Liverpool said he had not heard any noble lord on his side of the House deny that there was distress among the manufacturers, but they had distinctly denied that the distress arose from the Orders in Council; and it was evident that those Orders were blameless, as it had actually happened that the trade had never been more flourishing than since their operation. It had happened that at a late period there had been a sudden excitement of trade; that it had been followed by a glut of the market; and that glut, by distress among the workmen. Nothing was more in the course of things: the same events had been continually occurring, sometimes in war, sometimes in peace. So long as the spirit of speculation existed among traders, and so long as, in this free country, no restraint was put upon any man's use of his money, so long those circumstances must occur from time to time. But the present interposition of parliament was called for, not by the distresses of the workmen, but from a conspiracy against the machinery, which had regularly exhibited itself at all times when machinery had been employed to the disuse of manual labour. They had found penal statutes necessary for the protection of every successive kind of machinery. His lordship read a passage from archdeacon Paley, implying that the intensity of punishment was to be adapted, not to the enormity of the crime, but to the difficulty of preventing it in society. It was on this principle that a man was hung for stealing a sheep or a horse; though, in the bare enunciation of the thing, it would seem horrible to hang a man for stealing a sheep. There were but two ways of determining punishments,—either by leaving them under a general description to the discretion of the judge, or by stating the shades of crime, and affixing the separate punishment. The latter would be scarcely found

possible. But where was the evil of the former? It was the working principle of the English law; and there was at least the evidence, that however sanguinary its language might be, its discretionary practice was mild. The mode of detection was attended to in a clause of the Bill. But even if the detection had been hitherto difficult, was it to be said that this Bill would produce no effect? Did it not argue an ignorance of human nature to say that while detection was never absolutely impossible, men would not be more afraid of being detected when the punishment was to be more exemplary, and that thus the terror which the Bill held before them would not be a restraint. Even the smallness of the means of detection made it more important to use those restraints which we had in our power, and those were to be found in terror.

The Earl of Rosslyn argued, that it was not because some discretion must necessarily be left to a judge, that therefore they were to legislate, leaving all to his discretion. It ought still to be a question as to how much discretion was to be left to the judge.

The question was put for discharging the Order, and negatived. The House then resolved itself into a committee.

The Earl of Liverpool stated his intention of proposing amendments, to leave out the word 'damage, and to insert in different parts of the Bill respecting cutting and destroying frames, utensils, work, &c.' with intent to destroy or render useless,' in order more clearly to define the offence.

Lord Grenville moved to insert words, for the purpose of confining the punishment to offences done in conspiracy and combination.

The Lord Chancellor contended, that in order to reach combinations, they must aim at the acts of individuals, and argued that in legislating for the punishment of crimes, much must, of necessity, be left to the discretion of the judge, and that this was proved by constant experience.

Lord Grenville replied, that the language he had employed flowed from the feeling by which his mind was impressed. If that feeling was strong, it was excited by the indiscreet measure now brought forward, and the noble lords on the other side were the only persons to be blamed for exciting it, or for its consequences.

Lord Holland supported the amendment on the ground that a discretion would be left in the hands of the judge, painful to him, and perhaps injurious to the prisoner in the exercise.

The question having been put, it was negatived.

Earl Grosvenor moved an amendment, making the attempt to destroy frames only a misdemeanor instead of a felony without benefit of clergy, which was agreed to.

Lord Grenville suggested, that it should not be imperative upon the person injured to proceed immediately before a magistrate to prosecute, provided he could shew reasonable cause for his delay.

The amendment was acceded to. The other clauses of the Bill were then gone through without observation.

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FRAME WORK BILL.



HL Deb 05 March 1812 vol 21 cc1166-8

On the motion for the third reading of this Bill,

The Earl of Carlisle, without again entering into his objections to the Bill, could not but observe, that there was another Bill before the House (the Nottingham Watch and Ward Bill), which ought to have preceded the Frame Bill. They ought first to have tried the operation of the other Bill; and, possibly, its effect might have been such, as to preclude the necessity of passing the Frame Bill at all. He should, therefore, still recommend, that the third reading of this Bill should be postponed for some time, till they found what would be the effect of the other. He did not mean to accuse the ministers of cruelty and inhumanity, in hurrying forward a measure of this kind: possibly they might be in possession of information which justified them in proposing it; but then, why not communicate that information to the House, in order to justify their lordships in passing this law? He would ask whether it was decent,—whether it was dignified, to pass so serious a penal law on such grounds as they had at present to stand upon? The usual attention and humanity of the noble and learned lord on the woolsack must have been forgotten on this occasion; and he was surprised that it should have been attempted to carry through so serious a law without furnishing their lordships With better information.

The Earl of Liverpool, after the countenance which their lordships had already given to the Bill, did not think it necessary to say any thing now on the subject, except in answer to what had been stated with respect to another Bill before the House. The principle of that Bill was old, and required no great time to settle its application in this instance; but a good deal of difficulty had been experienced in arranging the details, and much time consumed in the necessary communications with the magistrates. This was the reason that the Bill had not preceded the Frame Bill. The present Bill was more simple in its details, whether right or wrong; and with respect to that he would only remark, that it did nothing more than give the same protection to this manufacture which was already enjoyed by other manufactures of a similar kind, carried on by machinery: and it ought also to be remembered that the measure was only temporary.

The Earl of Moira expressed his conviction, that one of the greatest mischiefs attending the present proceeding, was its tendency to mislead the House into an idea that they had corrected the evils in question, when in reality the case would be found widely different; that it would only augment and exasperate the disorder; it was like applying a piece of hot plaister to a cancer, and expecting from such a remedy, the extirpation of the corroding and fatal disorder. In order to eradicate the great and increasing evil, the whole system of the government of the country must be completely and radically altered. It undoubtedly became the justice of the House, to endeavour to extirpate such a dangerous species of offence, but it no less became their justice to endeavour to prevent those distresses which gave rise to them; and to try to ameliorate the situation of the starving manufacturers. They should think and seriously consider what the effect of such a measure must be on the desperation of an individual, divested of the means of supporting his family, because all application of his manual industry was denied to him. That miserable system of corruption which for some years past had usurped and abused the name of government, must be corrected, if they meant to bring home the minds of men and Britons to that loyalty and affection for their constitution and government, upon which alone rested the stability of its institutions and the safety of the country; if they meant to unite every British heart, as they ought to be united, in support and in defence of the empire; in order to effectuate this work they must torn their minds to many different objects. There could be no safety to the state, no permanent or general system of prosperity or amelioration expected, but from a total change in the system upon which the government of the country was administered.

The Bill was then read a third time and passed.

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EARL OF WELLINGTON'S ANNUITY.

HL Deb 05 March 1812 vol 21 cc1168-9

Earl Grosvenor took an opportunity to address a few observations, relative to this noble and distinguished personage, to the House. He was aware he could not regularly propose any thing on the subject, as there was no Bill referring to it before their lordships. He was induced, however, again, with reference to what he had before said on the subject, to submit to the consideration of the noble Secretary of State, and to his colleagues, whether it would not be fit, when the Bill should be brought forward, to adopt what he should take the liberty again to recommend, namely, that instead of an annuity, an inheritable landed property should be granted to the noble and gallant earl. He thought it most preferable, that a grant should be made to lord Wellington, to the extent of 40 or 50,000*l.* and invested in trustees for the purpose of purchasing freehold property, that it might regularly descend to his heirs. It was to be regretted that high and noble rewards were sometimes conferred, without an accompaniment of wherewithal to support their dignities. He should therefore wish, that instead of the annuity, such a grant as he suggested, should be made. There were cases on record, where the provision so conferred, had expired, and the inheritors of the honours left without the adequate means of supporting their dignities; their annuities or pensions were then renewed, but what was the effect? They were so far dependent on the bounty of the crown, when they ought to have been placed in a state of independence upon it. Noble and wealthy alliances might be formed by such persons. How far the Wellesley family might have attractions he could not say; but it was infinitely preferable to render the families of persons so ennobled independent at once. There was another consideration to which he felt it incumbent upon him to direct the attention of the House. It had become the practice of certain public prints to endeavour to undervalue and vilify the aristocracy of the country. He could scarcely take up a paper in which an imperious and overbearing aristocracy was not mentioned. They were denominated a proud, arrogant, and presumptuous aristocracy. He could not think that any noble lords would encourage slanders of this description; but it became their lordships to support their own dignity, or, he believed, they would find no others inclined to do it. He had thought proper to throw out these observations to the consideration of noble lords, leaving it to them to act upon it as they might think proper.

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FRAME WORK BILL.



HC Deb 09 March 1812 vol 21 cc1215-7

The Lords' amendments to this Bill were taken into consideration. On the amendment to the clause, as passed in the Commons, enacting the punishment of fine 'and' imprisonment,

The Speaker observed, that the amendment of the Lords was, that the offence should be punished by fine 'or' imprisonment. In fact, they had declared, that in some cases, at the discretion of the judges, there should be no fine; whereas the Commons had decided, that, in every case, there should be a fine. He stated, that the constant practice of the House was the rejection of any amendment from the Lords which interfered with any branch of public revenue.

The amendment was then rejected, and a committee ordered to be appointed, to communicate to the Lords the grounds on which the Commons had rejected their amendment.

Mr. Wynn took that opportunity of stating, that he was sorry the Bill had once more come before the House. It had already produced had effects, and the communications he had received from Nottingham magistrates stated, that since the introduction of it, every source of information was completely shut up.

Mr. Secretary Ryder said, that the Bill had been introduced as the only measure likely to put an end to these disgraceful disturbances. At the same time he did not know what sources of information the terror of that Bill could have shut up, as the characteristic of that insurrection was, from the beginning, that no information whatever could be procured.

Mr. Wynn explained, that he meant private information.

Mr. J. Smith confirmed *Mr. Wynn's* statements, and added, that a material change of sentiment, in respect to that Bill, had taken place in Nottingham since its first introduction.

Mr. Secretary Ryder stated again, that no information of any kind, public or private, had ever reached government on the subject of those riots.

Sir J. Newport said, that if information was not attainable as the law originally stood, it was folly to expect it when more severe punishments were enacted—it was not in human nature. He was confident that sanguinary punishments, enacted on the spur of the occasion, never answered any good purpose in this, or in any other country.

The Chancellor of the Exchequer said, that the gentlemen on the other side were arguing as if the Bill had been intended to procure information which could not be obtained by any other means, whereas it was only intended to deter people from persevering in their lawless pursuits.

The committee on the Lords' amendment was then appointed, and ordered to meet in the Speaker's chamber forthwith.



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November 30, 1998

Of Luddites' and 'Eli-ites'

Why is there a word for those seen to be opposing technological change but not for those forcing untested technologies upon us? In the midst of the great biotechnology debate, an understanding of our different perspectives could help ...

In 1811, beleaguered textile workers defending their jobs took on the Industrial Revolution by axing mills and machinery in the English Midlands. Lord Byron's maiden speech in the House of Lords was an impassioned plea for their cause. Although the plight of the workers caught in the technological transition won some sympathy, by 1815 the rebellion led by Ned Ludd ended at the gallows **for many of its leaders.** Today, Ludd's rebellion is almost universally interpreted as a tragic example of society's failure to comprehend the march of scientific progress. Anyone opposing new technologies is dismissed as a Luddite".

But if the Industrial Revolution - as exemplified in new textile machinery - devastated working families in the Midlands, it brought mass starvation in India where cotton-growers and cloth-weavers lost everything. Cotton production shifted to the southern US. Finished cotton cloth - spun with the new machinery symbolized by Eli Whitney's cotton gin - usurped the work of Indian hand-looms. By 1834, the Governor of the British East India Company wrote, "The misery hardly finds a parallel in the history of commerce. The bones of the cotton-weavers are bleaching the plains of India."

Yet, not all the devastation was due to the inexorable pressure of 'a good idea whose time had come.' To the dismay of British mill-owners and the chagrin of US slave-owners, India remained competitive. Indian cloth was of finer quality and its price threatened the purse and premise of the new industrialists. To safeguard the march of

progress, British agents set impossible production quotas and then seized the goods of defaulting Indian weavers. At times, in desperate protest, cloth winders cut off their own thumbs. By 1814, as the Luddite rebellion ended with its leaders hung, the British imposed harsh restrictions on the export of India's finished cloth. Soldiers actually smashed the fingers of rebellious weavers with their muskets.

Eli Whitney's patented cotton gin (1793) was not the only concern of British and Indian Luddites. In 1798, Whitney also patented the first musket with interchangeable parts - the very muskets used by British soldiers smashing the hands of Indian weavers and winders. The ideological heirs to Eli Whitney's musket and machinery must, two hundred years later, be considered the 'Eli-ites' of technology today.

Whatever their methods, were the 'Eli-ites' correct? In Britain, the Industrial Revolution led to unprecedented wealth and increased life expectancy. Within the textile industry, cloth and clothing prices fell to levels even the poor could afford. Not so in India. Even in England, as *The Economist* recently conceded, by the mid- 19th century "the initial enriching impact of the industrial revolution had given way to the Dickensian miseries of urban life." One well-documented indicator, the stature of British and U.S. soldiers, shows that the steady rise in the height of new recruits witnessed from the mid- 18th century to the beginning of the 19th century (the time of the Luddites) turned downwards until the 1850's or later and did not return to the levels of 1800 until after 1900. Luddites would argue that social well-being could have been better-served.

RAFI's Laws of Technology Introduction: For every Luddite trying to impose social controls over the introduction of untested technologies, there is an Eli-ite using social controls to speed the acceptance of new technologies. Any new technology introduced into a society which is not, by its nature, a "just" society will exacerbate the gap between rich and poor. The issue is not science but who will control technology. In the case of a tool as powerful as biotechnology, the answer is vital to all our lives.

Seven Sins/Saints of Commission/Omission

1. Conception (Good/Bad Old Days)

As "Eli-ites" See It: Look how much better things are now. Give us credit for making major - if uneven - improvements.

The "Luddite's" Response: The issue is usually not that there has been no improvement - but that there could have been greater improvement, with fewer

complications - if the science had been conducted in a more socially-beneficial context.

2. Connection (Tandem Technologies)

As "Eli-ites" See It: We are the experts in our science and we say it will move slower/faster than Luddites think and, therefore, will not have the implications they suggest.

The "Luddite's" Response: Scientists in one field are often unaware of tandem technological developments elsewhere (the impact of micro-electronics on microbiology; of oil drilling on the auto industry; of rocketry on materials, etc.) that can affect the pace of change.

3. Context (Optimist/Pessimist)

As "Eli-ites" See It: This technology could do wonders. Lud-dites don't see its labour-saving / energy-saving/ food-securing /health-benefiting /pollution-abating /wealth-creating merits.

The "Luddite's" Response: It takes at least a generation to comprehend the implications of any new technology (internal combustion engine; synthetic chemicals; nuclear power; electricity or new biotechnologies). This is not an indictment of science but an argument for humility - and caution.

4. Control (Ownership and Osmosis)

As "Eli-ites" See It: Government and Industry know their voters/customers and will protect their interests. After all, there are anti-trust and consumer protection laws.

The "Luddite's" Response: Commercial technologies are quickly appropriated & contribute to new concentrations of economic power (railways, petroleum, media, biotechnology). There is an osmosis effect as the irresistible force of profit pressures the highly-movable object of government legislation/regulation to bend to its needs (ie. Commons Enclosures; seed certification; life patents).

5. Consequence (Safe or Suicidal?)

As "Eli-ites" See It: Luddites are alarmists. The world will not come to an end. We know how to control this technology.

The "Luddite's" Response: Tell it to the railway workers of the 1800's, the miners, and chemical workers in the first half of this century, or the nuclear workers today. It takes a generation to understand the consequences (positive & negative).

6. Contribution (Taking Up and Trickling Down)

As "Eli-ites" See It: If not directly beneficial to all of society, at least there will be a trickle-down effect from the creation of new wealth that will benefit the poor eventually.

The "Luddite's" Response: Any new technology introduced into a society which is not,

itself, a "just" society will exacerbate the gap between the rich and poor. Whether it ultimately benefits the poor depends upon many social factors. (Agricultural Revolution on Enclosures; Industrial Revolution on health; Green Revolution on rural poor, etc.).

7. Conflict (Pugilists and Polemicists)

As "Eli-ites" See It: Luddites paint everything in intractable black and white making sweeping simplifications, trumpeting doom to the media, and refusing to compromise. Why can't they be more realistic and reasonable?

The "Luddite's" Response: Eli-ites are in charge. Luddites get "one kick at the can" when new technologies first appear. Those in opposition fight an uphill battle with an uncritical, mesmerized media. The political forum is such that every compromise is just an interim step toward total control. The message has to be clear and compromise is to be distrusted. "

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BYRON'S THREE PARLIAMENTARY SPEECHES¹

In 1812, the English House of Lords was one of the most corrupt and obscurantist bastions of entrenched privilege yet devised by man. It was not an arena in which reasoned argument could expect a sympathetic hearing. For the Tory majority in the Lords, whatever was, was right, and their Lordships were both. If the impatient Whig Byron had a political ambition, the Lords was not the place where it would flourish – and it did not. Three speeches are all he's recorded as having given. His friend Hobhouse – elected to the Commons in 1820 – had the doggedness and perseverance which he lacked.

His seemingly casual attitude to his political career, and to these speeches, is seen in two extracts. First, from Moore's Life:

On the 2d of June, in presenting a petition to the House of Lords, he made his third and last appearance as an orator, in that assembly. In his way home from the House that day, he called, I remember, at my lodgings, and found me dressing in a very great hurry for dinner. He was, I recollect, in a state of most humorous exaltation after his display, and, while I hastily went on with my task in the dressing-room, continued to walk up and down the adjoining chamber, spouting forth for me, in a sort of mock heroic voice, detached sentences of the speech he had just been delivering. "I told them," he said, "that it was a most flagrant violation of the Constitution—that, if such things were permitted, there was an end of English freedom, and that ——"—"But what was this dreadful grievance?" I asked, interrupting him in his eloquence.—"The grievance?" he repeated, pausing as if to consider—"Oh, *that* I forget." It is impossible, of course, to convey an idea of the dramatic humour with which he gave effect to these words; but his look and manner on such occasions were irresistibly comic; and it was, indeed, rather in such turns of fun and oddity, than in any more elaborate exhibition of wit, that the pleasantry of his conversation consisted.

Though it is evident that, after the brilliant success of Childe Harold, he had ceased to think of Parliament as an arena of ambition, yet, as a field for observation, we may take for granted it was not unstudied by him. To a mind of such quick and various views, every place and pursuit presented some aspect of interest; and whether in the ball-room, the boxing-school, or the senate, all must have been, by genius like his, turned to profit.²

Second, from Thomas Medwin's *Conversations of Lord Byron*:

"I only addressed the House twice [*in fact three times*], and made little impression. They told me that my manner of speaking was not dignified enough for the Lords, but was more calculated for the Commons. I believe it was a Don Juan kind of speech. The two occasions were, the Catholic Question, and" (I believe he said) "some Manufacturing affair".³

The casual tone of one who has been disappointed and is trying to make light of it *may* be audible here – individuals must judge.

1: I am grateful to Emily Cochran for help in preparing these texts.

2: Thomas Moore, *Letters and Journals of Lord Byron, with notices of his Life* 2 vols 1830, I pp.402-3.

3: Thomas Medwin, *Conversations of Lord Byron*, ed. Lovell (Princeton 1966), p.229.

Debate on the Frame-Work Bill, February 27th 1812:

[This is one of Byron's most famous public statements. The stocking frame-workers of his county, Nottinghamshire, had been breaking up the new, more efficient machinery which was pushing most of them into destitution; the militia had been called out – led by Jack Musters, Byron's successful rival for the hand of Mary Chaworth – and much damage done to the manufacturers' property. The Act before the House proposed increasing the penalty for frame-breaking from fourteen years' transportation, which is what it had been, to hanging.]

The order of the day for the second reading of this Bill being read, Lord Byron rose, and (for the first time) addressed their Lordships as follows: –

My Lords; the subject now submitted to your Lordships for the first time, though new to the House, is by no means new to the Country. I believe it had occupied the serious thoughts of all descriptions of persons, long before its introduction to the notice of that legislature, whose interference alone could be of real service. As a person in some degree connected with the suffering county, though a stranger not only to this House in general, but to almost every individual whose attention I presume to solicit, I must claim some portion of your Lordships' indulgence, whilst I offer a few observations on a question in which I confess myself deeply interested.

To enter into any detail of the riots would be superfluous: the House is already aware that every outrage short of actual bloodshed, has been perpetrated, and the proprietors of the Frames obnoxious to the rioters, and all persons supposed to be connected with them, have been liable to insult and violence. During the short time I recently passed in Nottinghamshire, not twelve hours elapsed without some fresh act of violence; and on the day I left the county I was informed that forty Frames had been broken the proceeding Evening, as usual, without resistance and without detection.

Such was then the state of that county, and such I have reason to believe it to be at this moment. But whilst these outrages must be admitted to exist to an alarming extent, it cannot be denied that they have arisen from circumstances of the most unparalleled distress: The perseverance of these miserable men in their proceedings, tends to prove that nothing but absolute want could have driven a large, and once honest and industrious, body of people, into the commission so hazardous to themselves, their families, and the community. At the time to which I allude, the town and county were burthened with large detachments of the military; the police was in motion, the magistrates assembled, yet all movements, civil and military, had led to – Nothing. Not a single instance had occurred of the apprehension of any real delinquents had been detected; men, liable to conviction, on the clearest evidence, of the capital crime of Poverty; men, who had been nefariously guilty of lawfully begetting several children, whom, thanks to the times! They were unable to maintain. Considerable injury has been done to the proprietors of the improved Frames. These machines were to them an advantage, inasmuch as they superseded the necessity of employing a number of workmen, who were left in consequence to starve. By the adoption of one species of Frame in particular, one man performed the work of many, and the superfluous labourers were thrown out of employment. Yet it is to be observed, that the work thus executed was inferior in quality; not marketable at home, and merely hurried over with a view to exportation. It was called in the cant of the trade, by the name of “Spider work.” The rejected workmen, in the blindness of their ignorance, instead of rejoicing at these improvements in arts so beneficial to mankind, conceived themselves to be sacrificed to improvements in Mechanism. In the foolishness of their hearts they imagined, that the maintenance and well doing of the industrious poor, were objects of grater consequence than the enrichment of a few individuals by any improvement, in the implements of trade, which threw the workmen out of

employment, and rendered the labourer unworthy of his hire. And it must be confessed that although the adoption of the enlarged machinery in that state of our commerce which the County once boasted, might have been beneficial to the Master without being detrimental to the servant; yet, in the present situation of our manufactures, rotting in warehouses, without a prospect of exportation, with the demand for work and workmen equally diminished; Frames of this description tend materially to aggravate the distress and discontent of the disappointed sufferers. But the real cause of these distresses and consequent disturbances lies deeper. When we are told that these men are leagued together not only for the destruction of their own comfort, but of their very means of subsistence, can we forget that it is the bitter policy, the destructive warfare of the last eighteen years, which has destroyed their comfort, your comfort, all men's comfort? That policy, which, originated with "great statesmen now no more," has survived the dead to become a curse on the living, unto the third and fourth generation! These men never destroyed their looms till they were become useless, worse than useless; till they were become the actual implements to their exertions in obtaining their daily bread. Can you, then, wonder in times like these, when bankruptcy, convicted fraud, and imputed felony are found in a station not far beneath that of your Lordships, the lowest, though once most useful portion of the people, should forget their duty in their distresses, and become only less guilty than one of their representatives? But while the exalted offender can find means to baffle the law, new capital punishments must be devised, new snares of death must be spread for the wretched mechanic, who is famished into guilt. These men were willing to dig, but the spade was in other hands; they were not ashamed to beg, but there was none to relieve them: their own means of subsistence were cut off, all other employments pre-occupied, and their excesses, however to be deplored and condemned, can hardly be subject of surprise.

It has been stated that the persons in the temporary possession of Frames connive at their destruction; if this be proved upon enquiry, it were necessary that such material accessories to the crime, should be principals in the punishment. But I did hope, that any measure proposed by his Majesty's government, for your Lordships' decision, would have had conciliation for its basis; of, if that were hopeless, that some previous enquiry, some deliberation would have been deemed requisite; not what we should have been called at once without examination, and without cause, **to pass sentences by wholesale, and sign death-warrants blindfold.** But, admitting that these men had no cause of complaint; that the grievances of them and their employers were alike groundless; that they deserved the worst; **what inefficiency, what imbecility had been evinced in the method chosen to reduce them!** **Why were the military called out** to be made a mockery of, if they were to be called out at all? As far as the difference of seasons would permit, they have merely parodied the Summer campaign of Major Sturgeon; and, indeed, the whole proceedings, civil and military, seemed on the model of those of the Mayor and Corporation of Garratt.⁴ – Such marchings and counter-marchings! From Bulwell to Basford, from Basford to Mansfield! And when at length the detachments arrived at their destination, in all "the pride, pomp, and circumstance of glorious war,"⁵ they came just in time to witness the mischief which *had* been done, and ascertain the escape of the perpetrators, to collect the "spoila opima"⁶ in the fragments of broken frames, and return to their quarters **amidst the derision of old women, and the hootings of children.** Now, though in a free country, it were to be wished, that our military should never be too formidable, at least to ourselves, I cannot see the policy of placing them in situations where they can only be made ridiculous. As the Sword is the worst argument that can be used, so should not be the last. In this instance it has been the first; but providentially as yet only in the Scabbard. The present measure will, indeed, pluck it from the Sheath; yet **had proper meetings been held in the earlier stages of these riots, had the grievances of these men and their masters**

4: B. refers to Samuel Foote's 1764 play *The Mayor of Garratt*.

5: *Othello*, III iii 358.

6: "The spoils of war."

(for they also had their grievances) been fairly weighed and justly examined, I do think that means might have been devised to restore these workmen to their avocations, and tranquillity to the County. At present the county suffers from the double infliction of an idle military and a starving population. In that state of apathy have we been plunged so long, that now for the first time the House has been officially apprized of these disturbances? All this has been transacting within 130 miles of London, and yet we, “good easy men, have deemed full sure our greatness was a ripening,”⁷ and have sat down to enjoy our foreign triumphs in the midst of domestic calamity. But all cities you have taken, all the armies which have retreated before your leaders, are but paltry subjects of self congratulation, if your land divides itself, and your dragoons and your executioners must be let loose against your fellow citizens. – You must call these men a mob, desperate, dangerous, and ignorant; and seem to think that the only way to quiet the “Bellua multorum capitum”⁸ is to lop off a few superfluous heads. But even a mob may be better reduced to reason by a mixture of conciliation and firmness, than by additional irritation and redoubled penalties. Are we aware of our obligations to a *Mob*? It is the *Mob* that labour in your fields and serve in your houses, – that man your navy, and recruit your army, – that have enabled you to defy all the world, and can also defy you when Neglect and Calamity have driven them to despair. You may call the people a *Mob*; but do not forget, that a *Mob* often speaks the sentiments of the People. And here I must remark, with what alacrity you are accustomed to fly to the succour of your distressed allies, leaving the distressed of your own country to the care of Providence or – the Parish. When the Portuguese suffered under the retreat of the French, every arm was stretched out, every hand was opened, from the rich man’s largess to the widow’s mite, all was bestowed to enable them to rebuild their villages and replenish their granaries. And at this moment, when thousands of misguided but most unfortunate fellow-countrymen are struggling with the extremes of hardships and hunger, as your Charity began abroad it should end at home. A much less sum, a tithe of the bounty bestowed on Portugal, even if those men (which I cannot admit without enquiry) could not have been restored unnecessary the tender mercies of the bayonet and the gibbet. But doubtless our friends have too many foreign claims to admit a prospect of domestic relief; though never did such objects demand it. I have traversed the seat of war in the Peninsula, I have been in some of the most oppressed provinces of Turkey, but never under the most despotic of infidel governments did I behold such squalid wretchedness as I have seen since my return in the very heart of Christian country. And what are your remedies? After months of inaction, and months of action worse than inactivity, at length comes forth the grand specific, the never-failing nostrum of all state physicians, from the days of Draco⁹ to the present time. After felling the pulse and shaking the head over the patient, prescribing the usual course of warm water and bleeding, the warm water of your mawkish police, and the lancets of your military, these convulsions must terminate in death, the sure consummation of the prescriptions of all political Sangrados.¹⁰ Setting aside the palpable injustice and the certain inefficiency of the Bill, are there not capital punishments sufficient in your statutes? Is there not blood enough upon your penal code, that more must be poured forth to ascend to Heaven and testify against you? How will you carry the Bill into effect? Can you commit a whole county to their own prisons? Will you erect a gibbet in every field and hang up men like scarecrows? Or will you proceed (as you must to bring this measure into effect) by decimation? Place the county under martial law? Depopulate and lay waste all around you? And restore Sherwood Forest as an acceptable gift to the crown, in its former condition of a royal chase and an asylum for Outlaws? Are these the remedies for a starving and desperate populace? Will the famished wretch who has braved your

7: *Henry VIII* III ii, 357-8.

8: “The many-headed monster.”

9: Draco was the Athenian law-giver (late seventh century B.C.) who suggested the death penalty for almost every offence.

10: Sangrado is the quack doctor in Alain René le Sage’s popular novel *Gil Blas* (1735).

bayonets, be appalled by your gibbets? **When death is a relief, and the only relief it appears you will afford him, will he be dragooned into tranquillity?** Will that which could not be effected by your grenadiers, be accomplished by your “Jack Ketches”?¹¹ If you proceed by the forms of law where is your evidence? Those who have refused to impeach their accomplices, when transportation only was the punishment, will hardly be tempted to witness against them when death is the penalty. With all due deference to the noble Lords opposite, I think a little investigation, some previous enquiry would induce even them to change their purpose. That most favourite state measure, so marvellously efficacious in many and recent instances, *temporizing*, would not be without its advantages in this. When a proposal is made to emancipate or relieve, you hesitate, deliberate for years, you temporize and tamper in the minds of men; but a death-bill must be passed off hand, without a thought of the consequences. Sure I am from what I have heard, and from what has been seen, that to pass the Bill under the existing circumstances, without enquiry, without deliberation, would only be to add injustice to irritation, and barbarity to neglect. The framers of such a Bill must be content to inherit the honours of that Athenian lawgiver whose edicts were said to be written not in ink but in blood. But suppose it past; suppose one of these men, as I have seen them, – meagre with famine, sullen with despair, careless of a life which you Lordships are perhaps about to value at something less than the price of a stocking-frame – suppose this man, and there are ten thousand such from whom you may select your victims, dragged into court, to be tried for this new offence, by this new law; still, there are two things wanting to convict and condemn him; and these are, in my opinion, – Twelve Butchers for a Jury, and a Jefferies for a Judge!¹²

[The Act was passed, and remained in effect until March 1814. No one was hanged as a result of it.]

11: Common nickname for the public executioner, after John Ketch, who killed many of Judge Jefferies’ victims. Later, B. affected to confuse the words “Keats” and “Ketch.”

12: Judge Jeffreys (1648-89) legendary for the savage punishments he gave the followers of the Monmouth Rebellion in 1685.