

6. THE SPECIAL COMMISSIONS¹

The Government acted ruthlessly to punish the rioters. Local magistrates were considered to have been too lenient in the early stage of the troubles. As an example, on 24th October seven prisoners were tried at the East Kent Quarter Sessions, for machine breaking. They pleaded guilty, and were let off with a lenient sentence of three days' imprisonment and a lecture from Sir Edward Knatchbull, the magistrate.

The movement was crushed, and the time for retribution had come. The government appointed a Special Commission of three judges to try the prisoners in the five worst effected counties: Berkshire, Buckinghamshire, Dorset, Hampshire and Wiltshire.

LEGISLATION²

Legislation had been set up under which no labourer could take a single step for the improvement of his lot without putting his life and liberty in jeopardy. Most of the prosecutions before the Special Commissions were prosecutions under three Acts of 1827 and 1828, consolidating the law of offences against property and against the person.

There were at least three ways in which labourers meeting together to demonstrate for higher wages ran a risk of losing their lives, if any of their fellows got out of hand from temper, or from drink, or from hunger and despair.

- any persons riotously or tumultuously assembled together who destroyed any house, stable, coach-house, outhouse, barn, granary, or any building or erection or machinery used in carrying on any trade or manufacture were to suffer death as felons.
- any person who robbed any other person of any chattel, money, or valuable security was to suffer death as a felon. If a mob presented itself before a householder with a demand money, and the householder in fear gave even a few coppers, any person who was in that mob, whether he had anything to do with this particular transaction or not, whether he was aware or ignorant of it, was guilty of robbery, and liable to the capital penalty
- It was a capital offence to attempt to shoot at a person, or to stab, cut, or wound him, with intent to murder, rob, or maim. Under the Act, as it was interpreted, if an altercation arose and any violence was offered by a single individual in the mob, the lives of the whole band were forfeit.

This was put very clearly by Baron Vaughan one of the Special Commissioners:

'There seems to be some impression that unless the attack on an individual is made with some deadly weapons, those concerned are not liable to capital punishment; but it should be made known to all persons that if the same injury were inflicted by a blow of a stone, all and every person forming part of a riotous assembly is equally guilty as he whose hand may have thrown it, and all alike are liable to death.'

The penalty for destroying a threshing machine was set by law as transportation for seven years. At the Salisbury Special Commission, Justice Alderson for one saw this as a restriction. He commented to two offenders charged with breaking a machine *"that had the Legislature foreseen such crimes as theirs, it would have enabled the court to give them a severe sentence."*

These were the terrors hanging over the village labourers of whom several hundreds were now awaiting their trial in Wiltshire.

¹ The Village Labourer JL and Barbara Hammond

² The Village Labourer JL and Barbara Hammond Chapter 11

WILTSHIRE SPECIAL COMMISSION³

The Special Commission for Wiltshire opened at Salisbury on 1 January 1831. The judges were the same as those at Winchester; that is, Justice Parke, Justice Alderson and Baron Vaughan. The other commissioners were Lord Radnor, Mr. T.G.B. Estcourt. Lord Lansdowne, the Lord-Lieutenant for the county, sat on the bench.



Judge's Bench Crown Court



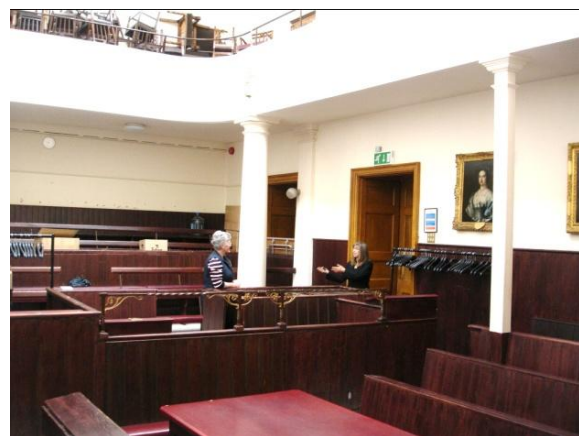
Guild Hall Salisbury

The foreman of the Grand Jury was Mr. John Benett, who has already been mentioned as a Member of Parliament and owner of The Pyt House, whose threshing machines were destroyed and he was now to sit in judgment of his own case and as well participate as a witness. He was also the magistrate who committed the rioters. There were three hundred and thirty nine cases to be heard. There were 208 charges of which the major were: Arson 18, Riots and Assaults 20, Breaking threshing machines 97 and Robbery 62.

The latter was in fact demanding money with menaces which was a capital offence. There were 52 duly sentenced to death, but only one was executed.



Jury Benches Crown Court



Prisoners' Dock from the Judges Bench

³ The Village Labourer JL and Barbara Hammond Chapter Eleven