U N I V E R S I T Y O F S O U T H A M P T O N

F A C U L T Y O F A R T S

D E P A R T M E N T O F H I S T O R Y

LEADERSHIP, POLITICS AND GOVERNMENT IN THE COUNTY OF HAMPSHIRE DURING THE LORD LIEUTENANCY OF THE FIRST DUKE OF WELLINGTON, 1820 – 1852.

Thesis submitted for the degree of Doctor of Philosophy by Ruscombe Edmund Foster, April 1986.

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U N I V E R S I T Y O F S O U T H A M P T O N

F A C U L T Y O F A R T S

H I S T O R Y

A B S T R A C T

Doctor of Philosophy

LEADERSHIP, POLITICS AND GOVERNMENT IN THE COUNTY OF HAMPSHIRE DURING THE LORD LIEUTENANCY OF THE FIRST DUKE OF WELLINGTON, 1820 - 1852.

by Ruscombe Edmund Foster

The thesis traces Hampshire's political and administrative history during the lord lieutenancy of the Duke of Wellington. Whilst the emphasis is necessarily on the county gentry, consideration of the population as a whole, particularly when the gentry's leadership provoked criticism, is also an important theme.

After an introduction to Hampshire's economy and society, attention is turned to county government. This involves an examination of the magistrates' routine work in quarter sessions and attempts to gauge their efficiency as well as their reaction to, and the truth of the accusation that, because sessions was oligarchic, it was extravagant. Whilst little was done to democratise county government, an analysis of the county bench does however reveal a sustained bid by the Whig government to broaden its political and social composition, thus paralleling the government's better known initiatives on the borough magistracy during the 1830s. Part one then concludes by revising the traditional interpretation of the county governors' response to the Swing riots of 1830, and investigates their more general involvement with the preservation of public order through surveys of the yeomanry cavalry and the new county constabulary introduced in 1840.

Part two of the thesis charts the struggle between Whig and Tory gentry families - and the factors which either intensified or diluted their rivalry - for political ascendancy in Hampshire. This theme is set against the backcloth of an increasingly politically aware electorate. During the 1820s the Whig gentry were able to canalise the economic discontent which fuelled political protest and to place themselves at the head of the Reform Bill agitation. When renewed agricultural depression inevitably rebounded against the Whigs during the 1830s, Tory fortunes revived. Tory ascendancy was in turn threatened however in the years following the Repeal of the Corn Laws as members of the rural middle class became disillusioned with the political lead of both Whig and Tory gentry. Electoral passions only subsided during the 1850s when the economic climate improved.

Clear patterns of continuity and change emerge from the study. An attempt is also made to show how political and administrative developments interrelate, and the thesis concludes by suggesting that although the gentry remained in control of the county's affairs, their leadership was not as unquestioned and therefore more skilful, than is often supposed.

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LIST OF ABBREVIATIONS

B.L. Add.MSS	:	British Library Additional Manuscripts
E.H.R.	:	English Historical Review
Ec.H.R.	:	Economic History Review
F.T.B.	:	Earl of Northbrook (ed.), Journals and Correspondence of Francis Thornhill Baring Lord Northbrook, vol. I
HA	:	Hampshire Advertiser
HC	:	Hampshire Chronicle
HI	:	Hampshire Independent
H.J.	:	Historical Journal
H.O.	:	Public Record Office Home Office Papers
HT	:	Hampshire Telegraph
Parlt. Papers	:	Parliamentary Papers
PR	:	Cobbett's Political Register
P.H.F.C.	:	Proceedings of the Hampshire Field Club
Q.O.	:	Quarter Sessions Order Book
Staunton, Memoirs	:	Sir G. Staunton, Memoirs of the Chief Incidents of the Public Life of Sir George Thomas Staunton, Bart.
T.R.H.S.	:	Transactions of the Royal Historical Society
V.C.H.	:	H.A. Doubleday and William Page (eds.), The Victoria History of the Counties of England. A History of Hampshire and the Isle of Wight.
Wn	:	Wellington (Footnotes only)
W.MSS.	:	Wellington Manuscripts

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CHAPTER ONE

THE COUNTY: ECONOMY AND SOCIETY

The Hampshire economy before 1852 was primarily agricultural in character. According to the census of 1851, no less than 35·2% of its families were engaged in agricultural pursuits. This figure included 385 persons who were styled as landed proprietors, 3,109 owner occupiers and tenant farmers, 344 farm bailiffs, 1,066 indoor farm servants, 311 gamekeepers, 644 woodmen, 2,185 gardeners and 24,707 agricultural labourers.[1]

The reason why Hampshire was only slightly and not a lot more agricultural a county than the national average - 17·4% of Hampshire's adult males were engaged in agriculture compared with a national average of 16·1% - was twofold. First, there was a distinct maritime interest in the county's economy. The 1851 census included 1,094 shipwrights and shipbuilders, 386 seamen, 582 boatmen and 568 fishermen. Second, there were the county's urban centres ranging from the small market town barely distinguishable from a village, to the large industrial centre of Portsmouth. Together these two categories constituted the 32·5% of the county's families who were primarily engaged in trade, manufacture and handicraft. In many cases, of course, they were integral to, and complemented rather than contrasted with, the agricultural community - for example, the 1,971 blacksmiths, 3,672 cobblers, 368 brewers, 3,381 carpenters, 496 wheelwrights, 496 millers and 211 coopers. The remaining 32·3% of the county's families were dominated as one would expect by members of the professions, the church and those in government service.[2]

Regional Variations in Agriculture

Before the advent of the Tudors, authorities are in agreement that only a small fraction of Hampshire's c.1,000,000 acres was being systematically cultivated. It was only during the sixteenth century as forests began to be cleared and downland enclosed that this picture began to alter. By 1600 the county was already remarkable for its abundance of sheep. A century later, turnips had made their first appearance in the north of the county, clover and ryegrass on the downlands. When Charles Vancouver made his famous survey of the

county's agriculture in 1813, his report was able to present a picture of a long established agricultural economy both from the point of view of the wealth and variety of the products.[3] At most, only 90,000 acres of the county by then remained uncultivated: 30,000 in the form of permanent enclosures, the rest encompassing the woods and wastes of the New Forest and the smaller forests of Alice Holt, Woolmer and Bere.

Vancouver was one of several who attempted to divide the agriculture of Hampshire into meaningful regions. He and others distinguished three main areas.[4] In the north was the London Basin or North Eocene of 180 square miles. Contemporaries would have recognised the same as being more or less coterminous with the 'Hampshire woodlands', a terrain dominated by sand, gravel, peat and Bagshot clay. A broadly similar pattern prevailed in the 576 square miles of south Hampshire, known not surprisingly as the South Eocene, and to contemporaries as the Hampshire Basin. Here, light loamy soil was found, mixed with clay and calcerous marl. The remaining central 760 square mile expanse of the county consisted of the elevated and undulating Hampshire chalklands, a region characterised by the prevalence of strong flinty loams and hazel mould with occasional peat. The only qualifications Vancouver made to this picture were to exclude the wastes of Alice Holt and Woolmer forests from the central chalklands, and a small pocket of chalkland around Portsdown from the Hampshire Basin, thereby leaving himself with five regions. Whilst there is a certain utility in J.P. Dodd's recent breakdown of the county into as many as ten regions, most of our present purposes will be served by working from Vancouver's analysis.[5]

The poor soil and woodlands of the North Eocene ill-suited the region to corn growing, or indeed to any form of intensive agricultural enterprise. John Wilkinson in a prize-winning essay of 1861 on Hampshire agriculture estimated that if some of the county's lighter and more fertile soils had increased in their value by 300% since 1700, then the heavy clays of the North Eocene, on the same scale, had done so by only 9%. Even this much had been achieved thanks only to the extraordinary efforts of a handful of landowners, most conspicuously the first Duke of Wellington, who possessed the capital reserves necessary to implement the requisite

schemes of drainage, subsoiling and chalking. Generally the region remained unattractive to all but the woodland farmer. The Earl of Carnarvon described it thus in the mid-1820s: "we are very awkwardly placed, having nothing but small resident proprietors and large sheepdowns...."[6]

Efficient cultivation of the South Eocene was likewise impeded by the poor drainage and insufficient subsoiling of its retentive clay soils. Nevertheless, with the obvious exception of the area covered by the New Forest, its greater variety of soils did make it more conducive to agricultural activity than the North Eocene. This was particularly true of the Bracklesham country, a broad band of land which ran approximately from Portsmouth to Romsey, and which was less densely wooded than the London Basin. To the west of it, farming conditions were yet more favourable, with the Avon and Stour valleys being able to support a mixture of vale and down farming and even some water meadows.[7]

Both North and South Eocene were eclipsed in terms of agricultural productivity by the chalklands. Chalkland farming was encapsulated in the maxim "many sheep and much corn". The maxim nevertheless masks changes in the relative balance between the two which were taking place in the half-century after 1780. Grain acreages had been extended thanks to increased rotation, and specifically an increase in sainfoin. During the last years of the eighteenth century therefore, the number of sheep on the chalk underwent a relative (and net) decline. Sheep numbers only recovered during the early years of the nineteenth century, a recovery catalysed by the emergence of the Southdown as the chief breed of ewe. These changes also had a discernible topographical impact. The general cultivation of downland along the southern edge of the chalk led to a consolidation of existing farm holdings and the creation of completely new farms. The chalklands by 1840 were dominated by enclosed arable farms.[8]

The discussion hitherto has been dependent upon largely ex parte evidence. It can be corroborated by two sets of statistics; land usage returns of 1801 (Table 1.1) and 1853-4 (Table 1.3). The coverage of the former is incomplete but as R.A. Pelham has shown,[9] they suffice to corroborate Vancouver's survey of the following decade. Turnips were popular on the chalk, where they were twice as

TABLE 1.1 Hampshire Crop Acreages 1801

Wheat	Barley	Oats	Potatoes	Peas	Beans	Turnips	Rye	Total
54,582	41,347	30,478	1,338	5,945	1,844	14,271	466	150,271

TABLE 1.2 Comparative Corn Acreages 1801 and 1853-4

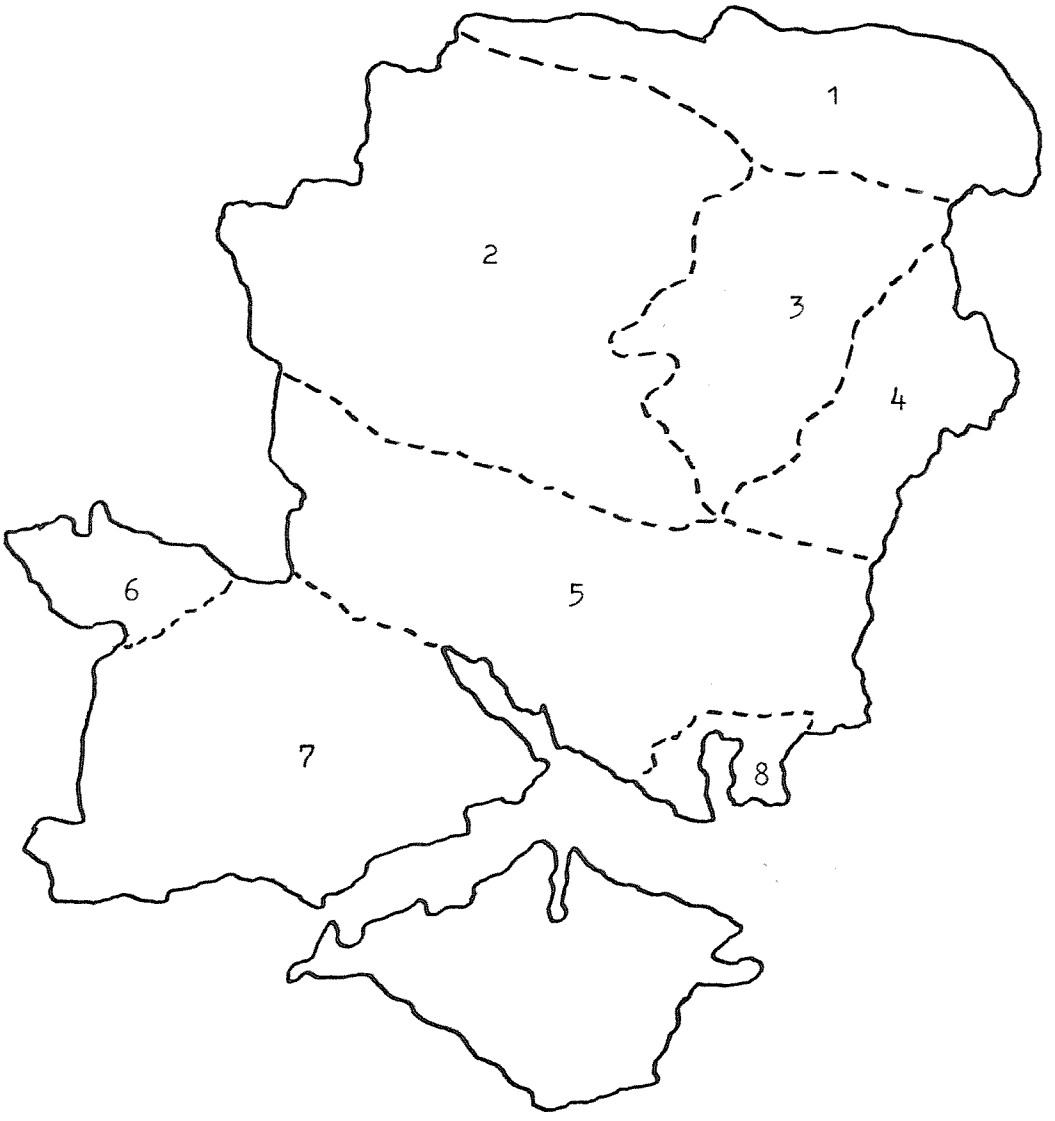
Year	Wheat	Barley	Oats	Total
1801	43%	32%	25%	100%
1853-4	48%	29%	23%	100%

TABLE 1.3 Hampshire Crop Acreages 1853-4 (per 1,000 acres)

Region	Arable	Wheat	Barley	Oats	Leys	Turnips	Sheep	Cows
London Basin	545	120	78	63	89	86	449	36
Central Chalk	720	144	90	95	150	180	626	18
Eastern Chalk	664	138	54	91	116	146	769	34
Western Chalk	536	130	106	52	102	92	686	77
Weald	444	113	56	49	97	94	590	52
Portsdown Chalk	443	159	72	33	46	79	193	77
Bracklesham	486	114	82	49	89	86	487	61
New Forest	313	70	52	29	77	46	226	58
Average	509	119	72	65	85	90	585	46

Map 1

Hampshire: Agricultural Regions



Key

1. London Basin
2. Central Chalk
3. Eastern Chalk
4. Weald
5. Bracklesham
6. Western Chalk
7. New Forest
8. Portsdown Chalk

common as peas. The respective acreages were more even in the Hampshire Basin. The bean acreage, however, was confined almost exclusively to the heavy soils of the London Basin. Grain crops were dominated by massive acreages of wheat, barley and oats. Against them the rye acreage was of relative insignificance and sainfoin only important on the south-west chalklands. As a whole the London Basin can therefore be said to have been chacterised by a mixture of wheat, barley, oats and beans, the place of beans being taken by turnips and peas in the Hampshire Basin and on the chalk.

The much fuller returns of 1853-4 allow a much more precise picture to be painted. Unfortunately, only with the three major grain crops can a direct comparison be made with the figures for 1801. The comparison reveals that the county's wheat acreage had increased to nearly a half of the county's corn acreage at the expense of both barley and oats. Wheat by then exceeded the barley acreage by over two-thirds and more than doubled the oat acreage, mainly on account of oats having always proved less popular in South Hampsmire. For a full analysis of the 1853-4 figures, however, we are indebted to J.P. Dodd.[10] He finds that 652 per 1,000 acres of the county were under cultivation of which 509 per 1,000 were in the form of arable, the remaining 143 per 1,000 in the form of permanent grassland. A further 117 per 1,000 were being utilised as temporary grassland.

As Table 1.3 shows, small-scale mixed cereal farming continued to predominate in the London Basin. The land around Woolmer and Alice Holt forests, effectively the western edge of the Sussex weald, proved difficult to cultivate and yielded only poor results. In stark contrast, the arable acreage of the central chalklands surpassed that for any other region, sure proof that despite the Repeal of the Corn Laws the traditional sheep-corn economy had emerged unscathed. The eastern chalklands also appear buoyant and in their better-irrigated centres, particularly around Alresford, a high density of sheep was being supported. This was also hop country. More than 1,500 acres were being grown, principally in the parishes of Binstead, Crondall, Bentley, Froyle, Alton and Selborne. Meanwhile, on the western chalk the water meadows along the Avon allowed both a high cattle and sheep density.

The water meadows along the Test and Itchen likewise explain the relatively high density of cows in the Bracklesham country. The figure would be even higher, were it not for the fact that the Bracklesham country experienced its own regional variations. Away from the water meadows land tended to be poorly irrigated with a concomitant dearth of stock, whilst around Hursley parish there was still a good deal of woodland. The picture for the rest of South Hampshire may be rapidly summarised. The pocket of chalkland around Portsdown continued, because of its impressive wheat acreage, to merit separation from the rest of the South Eocene. Its wheat acreage was twice that in the remaining region of the county, the New Forest and its environs. Here a combination of small-scale dairying and mixed farming was to be found in what remained understandably the least cultivated part of Hampshire.[11]

What neither the 1801 nor the 1853-4 statistics reveal is an indicator as to the prosperity of the agricultural economy. The unequivocal picture which emerges from Vancouver's survey is one of buoyancy and prosperity. In 1813 such a picture was well justified for farmers were still enjoying high prices which enabled them to meet the wartime level of taxation, increased labour costs and rent increases which were to be something of the order of 100% between 1790 and 1830. But the farmers' capacity to continue to meet such exigencies and the added one of spiralling poor rates did not persist until 1830. According to R.H. Stares of Droxford, who owned 500 acres and rented a further 700, Hampshire farmers continued to enjoy wartime prices only until 1817 or at the latest 1818. Thereafter prices collapsed inaugurating agricultural depression.[12] Depression was to remain the keynote of the Hampshire economy throughout the years of Wellington's lieutenancy, a fact that was to prove of profound social and political significance. The evidence of the depression is overwhelming. Cobbett described the hundreds of acres between Wherwell and Andover in 1822 - downland which had been hastily converted to an arable-sheep economy during the war in an attempt to capitalise upon the prevalent high prices - as being no more than "a district of thistles and other weeds".[13] Admittedly some witnesses did concede that where capital was available and harnessed to personal initiative, some improvement had taken place during the 1830s. But these instances were little more than exceptions to prove the general rule. The most

vocal and numerous complaint was that farmers simply did not possess the capital with which to undertake improvements. This was a point indirectly confirmed by the complaint of mid-century commentators that the county's methods remained backward despite the incentive to greater efficiency which depression ought to have precipitated. Before 1852 the county's agriculturalists had failed to exploit the new railways or the obvious markets at Southampton and Portsmouth, whilst they had frittered away the natural advantages conferred by the water meadows.[14] The response might have been better if the farmers had succeeded in realising their demands for either higher prices or lower costs. But despite peaks and troughs in the depression before 1852, there was no permanent upturn in prices and the economy before the onset of the mid-Victorian boom in 1854. It was consequently the generation after 1852 down to 1875 that was to be characterised, at least in south Hampshire, by the development of dairying and market gardening.[15]

Industries

The regional variations in Hampshire agriculture were in large measure determined by the county's young geological structure. The same factor accounts for the county's near dearth of significant or valuable mineral deposits. Only chalk quarrying, because of the importance of chalking in the improvement of agricultural land, provides any real exception to this generalisation. It would also be true to say that the Industrial Revolution as a whole had made little discernible impact upon the county by 1850. In relative terms Hampshire had actually become more orientated towards purely agricultural pursuits in the century after 1750. The only two industries which can really be said to have thrived in the intervening century were shipbuilding and textiles, based as they were upon the county's two abundant natural resources of timber and wool.[16]

Boosted by the Napoleonic Wars, wooden shipbuilding had continued at many places along the Hampshire coastline, right down until 1815.[17] In 1804 as many as 208 shipwrights were to be found in the county's 11 merchant yards, and as many as 70 men-of-war were launched from the same yards between 1803 and 1814. But to the acute observer these figures were less important than two trends clearly apparent

by 1815: Hampshire's share of the national output in the industry was progressively falling; and although Southampton was increasing in importance as a shipbuilding centre, the numerous but small coastal yards such as Buckler's Hard, Bursledon and Hythe had entered upon an irreversible decline.

With the coming of peace the wooden shipbuilding industry in the county entered its death throes in the second quarter of the nineteenth century.[18] In its stead there remained a few coastal firms whose survival had been effected by reorientating their businesses around providing a service of repairs and maintenance, but only a limited amount of small boat-building. The rise of the steam and iron industries which had helped to supersede them did, however, prove conducive to the further expansion of Southampton. Day, Summers and Co., based at Millbrook, launched their first iron steamship in 1839. The town's iron shipbuilding industry continued to prosper and expand down to 1914.

Wooden shipbuilding was never so integral to the county's economy that its demise occasioned any serious social dislocation. Perhaps the persons who most felt it were the estate owners whose oak plantations had provided them with a lucrative source of income. John Fleming of Stoneham Park estimated that his timber sales at their peak had realised £12,000 per annum. He and the Heathcotes of Hursley therefore undoubtedly experienced a material decline in one source of their income. The chief income from timber sales in mid-nineteenth century Hampshire had shifted to the north of the county where hazel and ash coppices provided the poles necessary for hop farming.[19]

The county's textile industry, by contrast, had peaked far earlier in its importance. After 1750 it proved unable to compete with the midlands and north in terms of the resources necessary to establish a factory-based cloth industry. A prolonged decline ensued. Vancouver identified signs of a lingering woollen, leather and silk industry in 1813, but did not seek to deny the general trend. The ancient clothing centres at Alresford and Winchester had all but disappeared. So too the shalloon centres at Andover and Basingstoke. The 500 noted in 1859 by William White as being employed making woollens and stockings at Ringwood and the further 200 employed in Messrs. Thompson's flax mills at Fordingbridge were wholly exceptional.[20]

All this points to the inescapable conclusion that outside of

Portsmouth and Southampton there was no really important industry, and only a handful of large employers in the Hampshire of 1850. Of the latter the most notable were Portal's paper mills at Laverstoke established in 1712, the largest of a number of firms who exploited the county's supplies of pure, fast-flowing water; and the 500 employed by Robert Cox at Christchurch in the production of watch furze chains which were distributed as far afield as the United States. Besides these two, there were only the steadily increasing number of iron foundries and engineering works with an obvious market in the farming community. These at mid-century were headed by Messrs. Wallis and Haslam of Basingstoke and Tasker's famous Waterloo iron foundry at Upper Clatford near Andover.[21]

Most Hampshire industries were therefore small scale and usually either based upon its topographical advantages or closely allied to the rural economy. Hence the proliferation in contemporary trade directories of corn and paper mills, breweries, tanneries, maltsters, coachmakers and saddlers. Along the coast there were the remnants, particularly around Lymington, of a salt-making industry and more importantly a still thriving fishing industry. Vancouver counted over 20 fishing boats at Hamble alone in 1813. The waters of Chale Bay and Hayling Island were notable for their abundance in mackerel and the latter place was one of several that could boast oyster beds. John Fleming, a Tory Member for South Hampshire, was sufficiently worried about the effect impending legislation of 1836 would have upon the county's many small fishermen that he solicited Wellington's assistance in an effort to oppose it.[22]

It is the fact of Hampshire's having no large industry which masks the existence of the smaller ones itemised, and creates the stereotype of the county as almost exclusively agricultural in complexion. But in one way the stereotype was a reality since no industrial enterprise was strong enough to support the existence of an industrial elite in the county which might have sought to challenge the great agricultural landlords for the hegemony in the county's administrative and political affairs. The obvious candidates to have led such a challenge were the Portals, but the family had very early in their county career sought to become landowners in their own right, rather than to concentrate exclusively on developing their paper making business. It is important to emphasise that they were accepted as

landowners by the rest of county society, and that any position which they managed to attain within that society was as a consequence of their landholdings around Overton, not on account of their factory at Laverstoke. Quite simply there was no important family in the Hampshire of 1852 which did not depend for its income and position upon the agricultural economy.

Population and Urbanisation

The county's population increase between 1801 and 1851 of 81% was only 8% short of the national average. In the period 1821 to 1851 the rate of increase was 43·3%.[23] This surprisingly large increase is to be explained by the fact that although the county's urban centres were few, they were important. They were four in number: Portsmouth, Southampton, Winchester and Gosport. Together they accounted for a full 24% of the county's population in 1821, a figure which had risen to 30% by 1851. Their populations in other words were, as one would anticipate, increasing at a far faster rate than was the case in the rural parishes. In fact no less than 48·1% of the county's total population rise between 1821 and 1851 took place in the above four centres.

TABLE 1.4 Decenniel Population Growth in Hampshire 1801-1851

Year	Population	Decenniel Increase
1801	219,170	-
1811	245,347	11·9%
1821	282,831	15·3%
1831	313,976	11·0%
1841	354,605	12·9%
1851	405,197	14·3%

TABLE 1.5 Decenniel Population Growth in Hampshire Urban Centres 1801-1851

Year	Portsmouth parish	Portsea	Portsmouth total	Southampton	Winchester	Gosport
1801	7,839	25,387	33,226	7,913	6,194	11,295
1811	7,103	34,484	41,587	9,617	6,705	12,212
1821	7,269	39,474	46,743	13,353	7,739	10,972
1831	8,083	42,306	50,389	19,324	8,767	12,637
1841	9,354	43,678	53,032	27,774	10,732	13,510
1851	10,329	61,767	72,096	35,305	13,353	16,908

Easily the largest of the county's urban centres was Portsmouth.[24] The town had been a military base - the key to its growth - since the twelfth century and a naval dockyard since Tudor times. Portsmouth parish was confined to the small enclosed 130 acres at the mouth of the harbour but the town proper included the 4,190 acre sprawling parish of Portsea which housed the dockyard workers. By 1750 the population of Portsea parish already exceeded that of Portsmouth parish. The gap between the two continued to increase throughout the next century, until by 1851 it was almost sixfold. But this increase had not taken place uniformly. The end of the Napoleonic Ward heralded a period of relative stagnation for the town before its demographic fortunes revived dramatically during the 1840s, fuelled by renewed fears of war and the transition to steam power.

In 1847 Portsmouth's dockyards extended over an area of 35 acres. No less than 20% of the town's adult male population were employed in them. Many others worked in the closely related sectors of transport, shipbuilding, retailing and construction. The result of such a heavy concentration of the workforce was, as John Field has demonstrated, the proletarianising of the Portsmouth working class to a degree that was unique in Hampshire and, outside London, in the whole of southern England. The phenomenon was reinforced by the tendency of the town's wealthier inhabitants to migrate to the nearby centres of Fratton, Kingston, Landport and Southsea. Only 200 families in mid-nineteenth century Portsmouth held property of an annual rateable value of more than £50. Only the gas company and the Admiralty could really be designated as large owners. These facts all proved conducive to the total domination of the town's political and administrative representation by the Carter family, who held the major share in the town's only other significant industry, the breweries.[25]

It was Southampton rather than Portsmouth that could boast the biggest percentage increase in its population between 1821 and 1851, a staggering 164·4%. Despite royal patronage the town was at best no more than an attractive spa and third-class port in 1801. Half a century later the 1801 population of less than 8,000 had risen to over 35,000. At the root of this phenomenal growth lay the town's emergence as a dock, railway and, to a lesser extent, shipbuilding centre.[26] Simultaneously it retained and increased its importance as a gateway to the fast developing tourist attractions of the Isle of Wight: and as

an embarkation point for the continent.

In effecting this transformation in Southampton's fortunes, the crucial years were those c.1835-1850. During this fifteen-year period the ambitions held by the London and Southampton Railway and Dock Company since 1830-1 were at last realised. The rail connection was completed in 1840; the docks in 1843. Almost immediately they provided a new centre of gravity for the town. By 1860 Southampton had become the fifth port in the country, a government mail packet and an emigration station. The latter encouraged new engineering enterprises such as the Marine Engine factory, which complemented the earlier establishment of iron shipbuilding at Millbrook foundry in 1838. These enterprises offset the failure of the docks to attract bulky cargo goods away from the ports of the midlands and north. They also, along with the development of rail communications, eclipsed the town's earlier noteworthiness for coachbuilding. At its height this industry had employed over 400 persons who produced over 500 vehicles annually. The industry persisted into the 1850s but on a lesser scale, its leading practitioners being William Jones and the self-made labourer's son, Richard Andrews.

Neither Gosport nor Winchester could compete with Portsmouth or Southampton, but they did stand out as Hampshire's other two important urban centres. Gosport, which was part of the sprawling parish of Alverstoke, had attained the status of urban centre owing to its rapid expansion in the latter part of the eighteenth century. Its modest pretensions as a middling fishing village in 1775 had been transformed into a thriving market town and minor port by 1815.[27] Not surprisingly, its growth bore a certain similarity to that of Portsmouth, indeed it was effectively a satellite of the latter. Thus the pattern of wartime expansion followed by a period of post-war stagnation before renewed growth from the late 1820s onwards, catalysed in 1842 by the opening of a branch railway.

Winchester's growth between 1821 and 1851 of 72·3% exceeded that of Portsmouth and was bettered only by Southampton. This is, on the face of it, inexplicable since the city was insulated from the dockyard developments of its two neighbours. Cobbett's assertion that the Winchester of 1823 was "a mere nothing to what it once was" evidently needs some qualification.[28] In the first place, roughly 15% of the total increase was artificial. A clue to this is provided by

the fact that nearly three-quarters of the city's population increase took place in the parish of St. Thomas. It was here that troops were temporarily stationed in Winchester barracks. They alone added 990 to the census returns of 1841. The city's natural growth was therefore a less spectacular c.55%. This is to be attributed to a mixture of its importance as a communications, market, ecclesiastical and administrative centre, its social focus as the county town and to a lesser extent in the renewed prestige of its ancient College. But industrially the city was moribund with the exception of some minor activity in milling, silk throwing and brewing. Its economy was dominated instead as one might have predicted by a variety of retail tradesmen, and the morass of solicitors and attornies kept busy by the voluminous legal and clerical work immanent in the city's status as the county town.

Besides the four enumerated, there were 21 other market towns in Hampshire in 1851, 18 on the mainland and three in the Isle of Wight.[29] Of these only Christchurch exceeded a population of 6,000 by

TABLE 1.6 Population of Hampshire Market Towns 1821 and 1851

Town	1821 Ranking	1851 Ranking	1821 Population	1851 Population	Increase %
Portsmouth	1	1	46,743	72,096	54•2%
Southampton	2	2	13,353	35,305	164•4%
Gosport	3	3	10,972	16,908	54•1%
Winchester	4	4	7,779	13,353	72•3%
Romsey	5	7	5,128	5,654	10•3%
Christchurch	6	5	4,644	6,256	34•7%
Andover	7	8	4,123	5,187	25•8%
Fareham	8	6	3,677	5,842	58•9%
Titchfield	9	11	3,528	3,956	12•1%
Ringwood	10	12	3,471	3,928	13•2%
Petersfield	11	14	3,198	3,357	5•0%
Basingstoke	12	9	3,165	4,263	34•7%
Lymington	13	10	3,164	4,182	32•2%
Fordingbridge	14	15	2,602	3,178	22•1%
Alton	15	13	2,499	3,538	41•6%
Odiham	16	17	2,423	2,811	16•0%
Kingsclere	17	16	2,296	2,855	25•7%

Map 2

Hampshire: Market Towns



Key

1. Kingsclere
2. Basingstoke
3. Whitchurch
4. Odiham
5. Andover
6. Alton
7. Stockbridge
8. Alresford
9. Winchester
10. Petersfield
11. Romsey
12. Bishop's Waltham
13. Fordingbridge
14. Ringwood
15. Southampton
16. Titchfield
17. Fareham
18. Havant
19. Gosport
20. Portsmouth
21. Lymington
22. Christchurch

TABLE 1.6 (contd.)

Town	1821 Ranking	1851 Ranking	1821 Population	1851 Population	Increase %
Bishops Waltham	18	19	2,126	2,265	6•5%
Havant	19	18	2,099	2,416	15•1%
Whitchurch	20	20	1,434	1,911	33•3%
Alresford	21	21	1,219	1,618	32•7%
Stockbridge	22	22	715	1,066	49•0%

1851 and only three others - Andover, Romsey and Fareham - exceeded 5,000. Taking the factors of population size and the rate that it increased together, the market towns as a whole do not allow us to speak of any spectacular growth. There was, however, a good deal of variety between them. Whilst the Christchurch population exceeded 6,000, that of Stockbridge barely numbered 1,000 - a figure well below that for many parishes. Market towns like Bishops Waltham, Ringwood and Romsey which depended entirely for their survival on acting as a market to the neighbouring agricultural community, saw their population levels remain virtually static during the period.[30] Conversely, the rate of increase at Fareham was actually greater than that for Portsmouth and Gosport. As Table 1.6 also illustrates, it was not necessarily the smallest towns in 1821 who enjoyed the smallest increase in their population down to 1851, although somewhat paradoxically it would also be fair to add that their numerical order altered little between the two dates. Any change depended upon what type of market town each was, rather than its size. Those, as noted above, that changed least, were those that simply provided a market. Those that changed most tended to do so because they became communications centres, for example Basingstoke, Alton and Fareham; or because they had an allied industrial interest, usually fishing, as for example with the three coastal market towns of Fareham, Lymington and Christchurch.

Should the market towns therefore be considered as urban? If they are then 49•8% of the Hampshire population in 1851 can be said to have been living in urban centres. But surely the real point about the size of the market towns is to emphasise the uniqueness of the genuinely urban centres of Portsmouth, Southampton, Winchester and Gosport. The market towns should really be viewed as an integral part of the rural community they served, which of course they were. They did not stand in sharp contrast to the surrounding locality in

the way that Portsmouth or Southampton did. The point is surely corroborated by the fact that the percentage increase of the population in the 21 market towns between 1821 and 1851 of 24·8% was actually exceeded by the figure of 33·3% for the rest of the county.

The usual unit for these smaller centres of population was of course the parish. The Victoria County History lists the population of 306 in detail. In 1821 only 48 of the 306 could boast a population in excess of 1,000. Thirty years later the number had still only risen to 63. Such figures convey the impression of a county of uniformly sparsely populated parishes. Recent studies however have been at pains to take the analysis of parishes further.[31] This is undoubtedly a fruitful approach for parishes varied considerably in acreage, population and in their structure of landownership.

These points can be illustrated by considering the 270 Hampshire parishes that did not constitute part of one of the county's large urban centres. Together they comprised 880,275 acres. The smallest, Lainston, extended over only 110 acres; the largest, Eling, over as many as 18,000 acres. Generally however, Hampshire was a county of large parishes, the average acreage of the 270 being 3,260 acres as compared with a figure of only 1,736 acres for South Lindsey in Lincolnshire.

One would anticipate finding regional variations in both acreage and population sizes and indeed there are. The average acreage of 28 North Eocene parishes was 2,776 acres, slightly less than the 2,918 acres of 163 chalkland parishes, and considerably less than the 4,607 acres of 59 South Eocene parishes. In terms of the relative density of population in the parishes of the county's three major agricultural regions that of the North and South Eocene is, as one might expect, roughly similar: one person per 3·78 acres in the North Eocene as against one person per 3·10 acres in the South Eocene. One cannot emphasise too often that the greater population density overall of south as compared to north Hampshire results exclusively from the heavy densities in its urban centres. It was in the chalkland parishes however with only one person per 5·08 acres that population density was sparsest. This is hardly surprising given its corn-sheep economy. For the same reason the rate of population growth was slowest in the chalkland parishes, but fastest in the South Eocene because of urban overspill into adjoining rural parishes. Millbrook parish grew

by no less than 288% between 1821 and 1851, as Southampton expanded rapidly to the west.

TABLE 1.7 Hampshire Parish Acreages

*	No. of parishes	Average Acreage
North Eocene	28	2,776
Chalk	163	4,607
South Eocene	59	2,918
Total	250*	3,260

*figures omit 20 parishes which straddled two regions

TABLE 1.8 Population of Hampshire Parishes 1821 and 1851

*	1821 pop	1851 pop	Increase	Density per acre (1851)
North Eocene	14,233	17,547	23•4%	1:3•78
Chalk	79,084	43,693	18•5%	1:5•08
South Eocene	65,581	87,692	33•7%	1:3•10

Another useful analysis which can be applied to parishes relates to their patterns of landownership, that is to say the distinction between 'closed' and 'open' parishes.[32] Closed parishes can be defined as those in which one person owned at least half the land. In some cases, for example the Duke of Buckingham at Itchen Abbas, one person might literally own the entire parish. Such owners can reasonably be presumed to have held sway in all aspects of parochial life. In particular they would want to keep the poor rates down. To this end they would keep a careful watch to prevent an influx of persons who might in the future become a financial liability to the parish, even to the extreme extent of demolishing houses to physically prevent new settlement. Conversely, open parishes can be defined as those in which many small landowners were to be found, but none of whom held a large enough stake to be able to impose their will on its affairs. Without the control from above characteristic of closed parishes, the salient traits of an open parish might well include a large and dense population, a significant nonconformist presence and irregular voting habits.

There is, as D.R. Mills has pointed out, a danger of drawing too sharp a distinction between closed (estate model) and open (peasant model) parishes, for undoubtedly there were varying shades of each.[33] The degree of any individual's control within a parish might also be

in part affected by such additional factors as whether the parish had a dispersed or nucleated settlement, whether its landowners were resident and by the importance of its small freeholders and rural tradesmen. These dangers can be partly but not totally surmounted by introducing a third category of the oligarchic parish, that is to say parishes in which a few but no single landowner had control. On this basis, Hampshire can be divided into 104 open (38·5%), 111 closed (41·1%) and 55 oligarchic (20·4%) parishes.[34] Almost by definition it was the smaller parishes that tended to be the closed ones, for it needed only one owner of 251 acres to make a 500 acre parish closed, but an owner of 2,501 acres to make a 5,000 parish closed. Thus, the average acreage of the closed parishes was 2,532 acres, of the oligarchic parishes 3,040 acres, and of the open parishes 4,154 acres. In term of the percentage increase of population and in the density of population, the same hierarchy pertained between the three types. In other words, landowners in closed parishes would appear to have succeeded in keeping them less densely inhabited, and with a slower rate of population growth (Table 1.10).

TABLE 1.9 Types and Average Acreage of Hampshire Parishes

Type	Number	%	Average Acreage
Open Parishes	104	38·5%	4,154
Closed Parishes	111	41·1%	2,532
Oligarchic Parishes	55	20·4%	3,040
Total	270	100·0%	3,260

TABLE 1.10 Types and Population of Hampshire Parishes 1821 and 1851

Type	1821 pop	1851 pop	Increase	Density/Acre (1851)
Open	100,286	133,424	33·0%	1:3·24
Closed	43,397	49,248	13·5%	1:5·71
Oligarchic	27,080	32,485	21·3%	1:5·15

From the above information it is possible to proceed further and to say something about the patterns of landownership in each of the county's three main agricultural regions. Table 1.11 shows that the smaller parishes of the North Eocene compounded with the fact that the area boasted several large landowners, conspicuously Wellington, tended to make it clearly the most closed region of the county. The slightly larger parishes of the South Eocene but more so the absence of so many

large landowners conspired to make it the most open region of the county. The chalklands fell between the two because although it was the region of the county with the largest parishes, this natural propensity to openness was countered by the prevalence of many gentry landowning families. Generally then, it would be fair to say that north Hampshire was more closed and gentry estate orientated than south Hampshire. This is a fact which was to prove of profound significance.

TABLE 1.11 Landownership Patterns in Hampshire Regions

Type	North Eocene	Chalk	South Eocene
Closed	47•4%	40•5%	37•3%
Open	35•7%	38•7%	39•0%
Oligarchic	17•9%	20•8%	23•7%

County Families, County Society and the Country Gentleman

Before proceeding to a consideration of the county's social structure, it is necessary to define just how many county families there were and what characterised them as a genre. The former question is by no means an easy one to answer since contemporaries were themselves divided as to what criteria raised a family above local to county standing. John Bateman listed 66 in his compilation of great landowners of 1879. Nineteen years earlier Edward Walford included 178. Yet according to the 1851 census there were 385 landed proprietors, and according to William White's trade directory of 1859 no fewer than 577 country gentlemen's seats.[35]

Terminology here is clearly vital. On the basis of the above figures one could argue that a country gentleman was not necessarily characterised as being a substantial landed proprietor, that not all substantial landed proprietors belonged to county families, and that county families were not chiefly characterised by being great landowners. Contemporaries did not of course use the above terms with the precision of a Bateman or Walford. More usually they used them interchangeably. One does however need to make clear a distinction between county families and county society, since although the latter included all the former, the two were not synonymous. For present purposes the county family will be defined as one which could reasonably aspire

from an economic standpoint to fill any political, administrative or judical office in the county save that of Lord Lieutenant. The most exalted of these was undoubtedly that of county Member which, as will be seen below, usually necessitated a landed estate of at least 3,000 acres. This figure, moreover, coincides conveniently with the lower limit set by F.M.L. Thompson as the qualification for greater gentry status.[36] On this basis, the number of Hampshire county families was 58. The number who might fairly consider themselves as belonging to county society was certainly larger. They included Walford's 178 families, a number which is fairly close to the 168 Hampshire families who meet Thompson's criterion of definition for the lesser gentry of an estate of at least 1,000 acres.[37] They also included others, not technically gentry by Thompson's definition, but nevertheless country gentlemen who associated with county families in so far as they were likely to be found at many of the same social gatherings and perhaps more formally connected as magistrates in the same commission of the peace. Possibly as many as 500 Hampshire families could legitimately consider themselves members of county society.

The county families and indeed county society as a whole shared common traditions and values. At the heart of its philosophy there was the patriarchical environment of the landed estate. This did not mean as the radical stereotype would have it, a tenantry cowed into social and political subservience by an oppressive landlord. Even those landlords who did insist that they would do what they liked with their own appreciated that the estate was a living organism which conferred upon them not only rights but duties. Cobbett for one was quick to applaud the resident country gentleman who presided benignly over a contented tenantry and did his utmost to foster a harmonious relationship between them.[38] This was deference: a two-way, delicate, complex relationship, which had to be nurtured carefully at tithe and rent audit dinners, or by the liberal distribution of charity. The birth of a landlord's child, an heir's coming of age and marriage and the landlord's death were matters not only of concern to the immediate family but to the whole estate. Caroline Chute recollected how her coming of age had been celebrated by a dinner attended by the entire parish around the Vine estate and at which she described her reception as being like that reserved for a goddess. The tenantry

were engaged in the similar convivialities of a tithe audit dinner when the news reached them of the death of her uncle, William Chute of the Vine. They immediately adjourned, several in tears.[39]

The estate owner was in fact severely circumscribed in what he might or might not do. This was because, above all else, his role was essentially that of custodian for the family property, holding it in trust for his descendants. Wellington, for example, admitted with perfect disingenuity that he effected the much applauded improvements to the Stratfield Saye estate less out of altruism than for the benefit of future dukes of Wellington, who would lack his financial means. The outburst of surprise from Wellington and his contemporaries at the news of the Duke of Buckingham's bankruptcy in 1848 was occasioned less by the fact of the bankruptcy than by the fact that Buckingham with all his financial means had irredeemably betrayed his family's honour.[40] Conversely, Wellington would have viewed the following extract from J.C. Jervoise's diary on the night before he succeeded to the management of the family's Idsworth Park estate as being no more than proper: "...I retire to bed as happy as a little nervousness will let me be and God grant us to do our duty here and enjoy his blessings."[41]

The lifestyle of a country gentleman nevertheless remained attractive, since land continued to be the chief basis of power during the nineteenth century. To purchase a "stake in the hedge" was among the first priorities Sir George Staunton set himself on arriving in Hampshire in 1818 after a distinguished career in China.[42] He much preferred a country estate to the available alternative of a large town house, both because of the independence it conferred and the opportunities it allowed for social advancement. In other words he wished to belong to the circle, an admirable contemporary definition of whose role was provided by Francis Baring in a letter to his son:-[43] "from them are selected the statesmen, the members of Parliament, the magistrates. They are at the head of almost every undertaking, literary or charitable. It is of the nature of our Government to interfere as little as possible, private enterprise therefore does almost everything; and of course men of property and of leisure must take the lead in the generality of such undertakings ...the government, the administration of the laws through the rural districts and the management of most matters are thrown into the hands of that class of

men of property who generally go by the name of country gentlemen."

Social Structure

In 1872-3, 27,471 Hampshire landowners were drawing a rental of £2,469,125 from 884,349 acres. As many as 21,236 of the landowners, however, held less than one acre. Our present concern is not with them but the landed elite. For analysing them the best framework has been provided by F.M.L. Thompson.[44] His work proceeds from the basis that one acre of land realised approximately £1 in annual rental. This being so, he sets the following definitions. Aristocrats were those landowners with estates in excess of 10,000 acres and rent rolls in excess of £10,000. Next in hierarchical order come the gentry, those owners with estates ranging between 1,000 and 9,999 acres. These Thompson divides into the greater and lesser gentry, the dividing line being fixed at 3,000 acres. His pyramid of landowners is completed by the greater yeomen owning between 300 and 999 acres, the lesser yeomen between 100 and 299 acres, and the small proprietors of less than 100 acres. It is these definitions that will be adopted in the following discussion. Only two notes of caution need be sounded. First, Thompson's definitions are strictly economic in character. According to his definition, such an obviously aristocratic figure as the Earl of Malmesbury appears only in the ranks of the greater gentry. Second, his definitions apply to a person's landholding within a particular county. The Earl of Carnarvon therefore appears in Hampshire as a member of the greater gentry, but would clearly be categorised as an economic aristocrat if his Berkshire acres were added to those in Hampshire. Fortunately such anomalies are rare and do not preclude a meaningful analysis of Hampshire, or a comparison of the distribution of its landed estates with the balance in other countries.

The source of information for the size of Hampshire estates is the famous 1874 parliamentary return known as 'Little Domesday', which listed owners, acreages and rentals in remarkable detail.[45] It might be objected that in using it as our basis, we are referring to the land structure of the county as it existed some two decades after the death of Wellington. This is true, but there is little evidence that the balance of estate sizes had significantly altered during the intervening period. Moreover there is no easy means of obtaining an equally detailed picture which can be used for comparative purposes from any

earlier statistics. Both the land tax assessments and tithe apportionments suffer from serious limitations.[46] It is therefore reasonable to work from the 1874 returns.

Hampshire was not a markedly aristocratic county. Estates of over 10,000 acres comprised only 21% of the total landholdings, a figure below the national average of 24%, and one which ranked it 21st in the hierarchy of 39 English counties.[47] The salient characteristic about the county's landholdings was the predominance of gentry sized estates. The 38% of the county's acreage which fell within this category far exceeded the national average of 29·5% and was surpassed by only three other counties. Within the category, it is equally clear that it was the greater rather than the lesser gentry sized estates which account for the preponderance. The greater gentry alone held 24% of the county's land, a figure that ranked fifth nationally and was almost half as much again as the national average of 17%. Consequently the lesser gentry's 14% stake in the county was much closer to the average figure for the group of 12·4%.[48]

The relative strength of the gentry in Hampshire was achieved at least as much at the expense of its lesser owners as its aristocrats. Only 33% of the county was held by these lesser owners, a full 6% short of the 39% national average. The 33% was apportioned in the following manner between its three constituent groups: greater yeomen 16%, lesser yeomen 8% and small proprietors 9%.[49] Of the remaining 8% of the county's acreage so far unaccounted for, the bulk fell to government bodies and other institutions. The most important were Winchester College (7,629 acres), the Crown (6,554 acres), the Dean and Chapter of Winchester cathedral (5,837 acres), the War Department (4,467 acres) and King's College, Cambridge (3,274 acres). None of these bodies proved to be particularly important in the life of the county down to 1852 with the exceptions of the involvement of the Crown interest in county politics and that of the Dean and Chapter in the borough politics of Winchester.

The County Aristocracy

Six families in the land returns of 1874 possessed the requisite acreage which enables us to speak of them as economic aristocrats. In hierarchical order they were the Earl of Portsmouth (16,407 acres), the Duke of Wellington (15,847 acres), Lord Ashburton (15,330 acres),

Sir William Heathcote (14,189 acres), Lord Bolton (13,808 acres) and Melville Portal (10,566 acres). All six held the weight of their acres in either the middle or north of the county, away from the more densely populated south coast. Five had titles. The sixth, the Portals, received a baronetcy in 1902.

The six divide conveniently into three pairs: Ashburton and Wellington, Bolton and Portsmouth, Heathcote and Portal. The first pair stand out because of their newness to the county. The Barings indeed were one of only four new families who joined the exclusive ranks of the English aristocracy between 1790 and 1873. Alexander Baring who was created the first Lord Ashburton in 1835 was the second son of Sir Francis Baring, who had begun the translation of some of the family's vast banking fortune into land purchases. Alexander continued the policy and was responsible for the family's most significant purchase, the Grange, which he obtained for £136,620 in 1816 from the banker Henry Drummond. Over the ensuing generation he lost no opportunity to add to and consolidate these initial purchases, chiefly from the Dukes of Buckingham and Bolton and the Heathcotes.[50] When Alexander Baring died in 1848 he owned part or all of the parishes of Crawley, Swarraton, Popham, Northington, Brown Candover and Chilton Candover.

The rise of the Wellesley family to the highest echelons of Hampshire county society was even more rapid than that effected by the Barings, owing to the unique standing of the first Duke of Wellington. In 1817 a grateful nation presented him with Sir Henry Rivers' Stratfield Saye estate. Twelve years later, the Duke himself ventured significantly into the property market when he acquired Sir Peter Pole's Wolverton estate for £250,000. By 1852 his holdings included virtually the entire parishes of Stratfield Saye, Stratfield Turgis and Wolverton and part of those of Kingsclere, Steventon, Pamber, Tadley, Hannington, Ewhurst and Baughurst.[51] Together Wellington and Ashburton constituted a formidable addition to the county's Tory ranks.

The second pair of county aristocrats, the Earls of Portsmouth (Fellowes) and Lords Bolton (Orde-Powlett) differed from Wellington and Ashburton in two obvious respects. Both had been established in the county since before 1600 and more importantly, neither was to prove active in county affairs during the period of Wellington's lieutenancy. The height of the Powlett's power in the county had been in the eighteenth century when, as the Dukes of Bolton, they had

struggled against the Dukes of Chandos (Brydges) for the political hegemony of Hampshire. But the dukedom lapsed with the death of the sixth Duke in 1794 who lacked a male heir. The family's Hampshire estates consequently passed to Thomas Orde who had married an illegitimate daughter of the fifth Duke, adding the Powlett name to his own and taking the title of the first Lord Bolton in 1797. He died in 1807 having been Lord Lieutenant of the county since 1800.[52] His son who became the second Lord Bolton was content to play a highly anonymous role in the life of the county, and even reduced the size of the estate by sales to Lord Ashburton. The weight of the remainder when he died in 1850 lay around Basingstoke and the parishes of Basing and Eastrop.

The Earls of Portsmouth, like the Powletts, had proved particularly active in eighteenth century county politics. Their demise had nothing to do with the failure of a male heir, but rather the personal tragedy of the third Earl whose marriage was annulled by chancery decree in 1823 on the grounds of his insanity. He nevertheless lingered on in his demented state until 1853. The fourth Earl survived him by less than a year. It was only in the person of the fifth Earl that the family's county fortunes were rehabilitated, particularly with his marriage to the eldest daughter of the third Earl of Carnarvon in 1855.[53] The family estates did nevertheless come through the crisis intact, the most important of which were at Over Wallop, Longparish, Bullington, Tufton, Whitchurch, St. Mary Bourne, Hurstbourne Priors, Cliddesden, Farley Wallop, Ellisfield and Nutley.

The remaining pair of county aristocrats, the Heathcotes and Portals, suffered no such crises but conversely proved to be amongst the most active of Hampshire families in the first half of the nineteenth century. The Heathcotes were related to an old Derbyshire family and had made their fortune as merchants before buying the Hursley Park estate just south of Winchester in 1718. Although by the nineteenth century they had important stakes in the parishes of Stoke Charity, Compton, Broughton and Wherwell, the focus of their interest remained in the huge parish of Hursley 7,500 of whose 10,500 acres was in their possession. Their arrival as a first rank county family had been consummated in 1790, when Sir William Heathcote the third baronet became a Member for the county, a position he retained almost unbroken for the next 30 years. His grandson, Sir William,

who succeeded as the fifth baronet in 1825 at the age of 24, was destined to enjoy an equally illustrious career in the life of the county, and a popularity which even his ultra-toryism and high churchmanship could not eclipse.[54] He was arguably the single most important individual in the life of the county down to 1852.

The Portals can almost be said to have risen to prominence in the county on the coat-tails of the Heathcotes. One of several prominent Hampshire families of the nineteenth century of Huguenot extraction, they had fled to England following the revocation of the Edict of Nantes. Henri Portal, assisted by the William Heathcote of the day, had commenced the rebuilding of the family's fortunes by setting up business as a paper manufacturer at Laverstoke near Whitchurch in 1711. In the 1720s, again with the assistance of the Heathcotes, the Portals secured the contract to supply paper to the Bank of England. By 1815 their large business was working exclusively for the Bank, under the management of Henri Portal's grandson, William. William's brother John meanwhile devoted his attentions to the estates which the family had acquired since 1759 with purchases at Laverstoke and subsequently at Overton, Ashe and parts of Kingsclere.[55] John Portal's son Melville emerged during the 1840s as the natural political and administrative successor to the ageing Sir William Heathcote and thus the intimacy between the two families continued.

The Greater Gentry

There were 52 Hampshire families who in 1874 met Thompson's criteria for the greater gentry. They range from those who barely qualify for the label to those with holdings of 8,000 or 9,000 acres, such as the Earl of Normanton, who by most other definitions would be categorised as aristocrats. Generally their seats were to be found in the middle or north of the county, as were those of the aristocrats, although the phenomenon is less pronounced. Obviously it is impossible to anatomise each greater gentry family individually, but one can allude briefly to the most important. They can most usefully be considered in the two groups of Tory and Whig.

On the Whig side there were four of importance. Of these, by far the most influential and active was Sir Thomas Baring of East Stratton, the first Lord Ashburton's elder brother and father of Francis Baring who became Whig Chancellor of the Exchequer and the

first Lord Northbrook. Sir Thomas with his Dutch nonconformist ancestry, unlike his brother, preferred to divert his boundless energy to the local or extra-parliamentary arena, a fact which is best explained by his evangelical reforming zeal which had been confirmed by a highly impressionable period in India. By 1872-3 this branch of the Baring family's estates exceeded 9,000 acres including virtually every acre of the parishes of East Stratton and Micheldever. When one considers that a third brother, the Rev. Frederick Baring, had purchased Somerly Park near Ringwood and thus boosted the family's total Hampshire landholdings to over 30,000 acres, it was evidently not for nothing that Cobbett could declare that the Barings are "now the great men in Hampshire".[56]

Besides Baring the three great Whig families in 1820 were the Earls of Carnarvon (Herbert) at Highclere, the Mildmays of Dogmersfield Park and the two branches of the Jervoise family, of Herriard Park and Idsworth Park respectively. Certainly in the early 1820s Sir Thomas Baring and the second Earl of Carnarvon provided Hampshire with a formidable brace of anti-Government spokesmen, interrupted by the Earl's death in 1833 and the subsequent enlistment of the family under Tory banners. But the third Earl did not prove nearly so active in county affairs as his father had been and it was only really during the 1850s in the person of the fourth earl and marriage alliance with the Earls of Portsmouth that the family's prestige was re-established. In the interim one might have expected the Mildmays and Jervoises to have filled the void created by the second Earl of Carnarvon's death.[57] They did not. Although allied since 1808 with another longstanding county family, the St. Johns, the Mildmays did not use the weight of their 6,700 acres to be prominent political or administrative figures. They chose instead to confine their attentions to Winchester borough politics in which they had had a firm stake since the later years of the eighteenth century. At the same time neither head of the two branches of the Jervoise family was in his prime after 1830. G.P. Jervoise of Herriard Park effectively retired from an active involvement in county affairs when he resigned as a county Member in 1826. The Rev. Sir Samuel Clarke-Jervoise abandoned Hampshire altogether for a London home in 1834. The family lacked a figure to marshal its combined strength of 14,000 acres until Sir Samuel's son, Jervoise Clarke-Jervoise, became a county Member in 1855.

There were five particularly active Tory greater gentry families. Sir Thomas Baring's counterpart, that is to say the member of the Tory greater gentry who proved conspicuously more active than all the rest, was undoubtedly John Fleming of Stoneham Park. The Flemings had originally been an Isle of Wight family before acquiring property on the mainland from the Wriothesley Earls of Southampton. The direct male line of the Fleming family survived until 1737, at which point the property passed to the Willis family into whom the Flemings had previously married.[58] In the person of John Willis Fleming who succeeded to the property in 1802, the estate was expanded to include the entire parishes of North Stoneham and Chilworth and smaller holdings in South Stoneham and Romsey to an aggregate amount of approximately 8,000 acres. The family never again regained the influence which it acquired under John Fleming. Indeed from the date of his death in 1844 until 1851 it was preoccupied with protracted litigation between his sons.[59]

The other four Tory greater gentry families divide into two pairs. The Viscounts Palmerston (Temple) and Earls of Malmesbury (Harris) with the focus of their Hampshire estates centred around Romsey and Ringwood respectively were at their most influential during the lord lieutenancy of the first Earl of Malmesbury between 1807 and 1820. The Earl had also acted as guardian to the young third Viscount Palmerston who was to prove himself an able subordinate in executing Malmesbury's political and administrative directives for the county. Palmerston himself became responsible for overseeing the Tory political interest in the county during the 1820s.[60] But Wellington's elevation to the lieutenancy in 1820 gradually eclipsed the importance of both. Neither the second or third Earls of Malmesbury displayed much interest in Hampshire, whilst Palmerston as is well known had gone over to the Whigs by 1830 and was preoccupied thereafter with the affairs of State. Tory fortunes in South Hampshire therefore came to depend increasingly upon the Sloane-Stanleys of Paultons near Romsey and the Drummonds at Cadlands near Southampton.[61] Neither family had an ancient landed pedigree. The Sloane-Stanleys had been merchants and the Drummonds bankers before joining the ranks of Hampshire county society during the eighteenth century.

Map 3

Distribution of Estates over 3,000 acres



Key - see overleaf

Key to Map 3

Leading Families mentioned in the Text

1. Earl of Carnarvon (Highclere Castle)
2. Duke of Wellington (Stratfield Saye)
3. C. S. Lefevre (Heckfield Place)
4. Chute (The Vine)
5. St. John Mildmay (Dogmersfield Park)
6. Duke of Bolton (Hackwood Park)
7. Jervoise (Herriard Park)
8. T. A. Smith (Tidworth Park)
9. Pollen (Redenham House)
10. Earl of Portsmouth (Hurstbourne Park)
11. Marquis of Winchester (Amport House)
12. Portal (Laverstoke Park)
13. Knight (Chawton Manor)
14. J. W. Scott (Rotherfield Park)
15. Sir Thomas Baring (Stratton Park)
16. Duke of Buckingham (Avington Park)
17. Tichborne (Tichborne House)
18. Alexander Baring (The Grange)
19. Sir William Heathcote (Hursley Park)
20. Bonham-Carter (Adhurst House)
21. Palmerston (Broadlands)
22. Nightingale (Embley Park)
23. Sloane-Stanley (Paultons)
24. Fleming (Stoneham Park)
25. Clarke-Jervoise (Idsworth Park)
26. Thistlethwayte (Southwick Park)
27. Staunton (Leigh Park)
28. Earl of Normanton (Somerly Park)
29. John Mills (Bisterne Park)
30. Henry Compton (Minstead)
31. Andrew Drummond (Cadlands)
32. Earl of Malmesbury (Heron Court)

The Lesser Gentry

There were 110 lesser gentry families in Hampshire. As a group they lacked any sense of corporate identity and were always too comparatively weak vis a vis the greater gentry to pose as the county's leaders. Yet since a number of the key greater gentry families did not prove to be particularly active during Wellington's lieutenancy, the way was open for a handful of lesser gentry families to play a more prominent part in county life than they might otherwise have done. It must be emphasised, however, that those that did, did so with the concurrence of the greater gentry. The most influential lesser gentry in any case owned close to 3,000 acres in their own right and thus saw themselves as having more in common with their immediate social superiors than those lesser gentry figures of perhaps barely more than 1,000 acres with whom, according to Thompson's definition, their natural affinities lay. This, as he would be the first to agree, is simply one further unfortunate consequence of proceeding from an arbitrary economic definition of greater and lesser gentry.

The best example of a member of Hampshire's lesser gentry who enjoyed virtually in every respect the position of a head of a county family was William Chute of the Vine. Thanks to his popularity amongst the greater gentry families of North Hampshire he sat as a Member for the county for almost 30 years down to 1820 even though the family estate of c.2,900 acres sometimes provoked the observation that it was insufficient to merit such a high honour.[62] During Wellington's lieutenancy there were two equivalent figures, one Tory and one Whig. Henry Compton of Minstead who owned 1,900 Hampshire acres held one of the seats for South Hampshire uninterrupted for 20 years thanks to the support of the Tory greater gentry triumvirate of Fleming, Sloane-Stanley and Drummond.[63] When Compton made his first efforts to capture a county seat in 1820 without such backing, economic necessity had dictated that he retire in fact of the opposition from the full weight of the Jervoise family. Compton's Whig counterpart was Charles Shaw-Lefevre, who filled the vacuum created by the relative inactivity of the Mildmay and Jervoise families. John Shaw, his grandfather, had begun life as a merchant before marrying the heiress to the Lefevre's Heckfield Park estate in North Hampshire in 1797. The grandson was eventually to become colonel of the North Hants yeomanry, quarter sessions chairman, a county Member for 24 years and Speaker of the House

of Commons for 16 years, before being elevated to the peerage as Viscount Eversley in 1855.[64] All this despite the fact that the family's Hampshire estate totalled only 2,400 acres.

Lesser Landowners, Tenant Farmers and Labourers

Whilst it was the numerically few aristocratic and gentry families who together owned most of Hampshire (64%), the great bulk was cultivated by lesser individuals, either tenant farmers on the great estates or small owner occupiers. According to Wilkinson, who gleaned his statistics from the 1851 census, there were 3,109 farmers in Hampshire at mid-century.[65] Unfortunately he did not further distinguish between renters and owner occupiers, but since many occupiers also seem to have rented some or even most of the land that they farmed, such a distinction would in some respects by an artificial one.

Fortunately, it is possible to obtain some indication of farm sizes. There were 3,048 farms in the county in 1851. Of these, two thirds fell into one of the two categories of those either under 50 acres (920) or between 100 and 300 acres (983). A further 472 varied in size between 50 and 100 acres, and 489 between 300 and 600 acres. Farms of over 600 acres were rare. There were only 134 between 600 and 1,000 acres, only 37 between 1,000 and 1,500 acres, and a mere two which exceeded 1,500 acres.[66]

The variation in farm sizes was not accidental but depended a good deal on the county's regional variations in agriculture which were outlined earlier. In the wooded and unattractive farming country of the London Basin, farms rarely exceeded 100 or even 50 acres. On the heavy but better farming lands of the Hampshire Basin, the average farm size tended to be higher, but still rarely exceeded 150 acres. There was however, as Wilkinson observed, a tendency for them to increase in size as one left the Portsdown chalk and advanced across the Bracklesham country towards Romsey. Here most farms comprised 200 or 250 acres. This trend did not of course persist as one reached the New Forest. Contemporaries were struck instead by the remarkable variation of farm sizes in the forest, ranging anywhere from no more than five to over 500 acres. J.P. Dodd is probably right in suggesting that the forest contained a great many small or subsistence farmers. Surely one reason why Henry Compton of Minstead proved so locally

influential was the fact that the 105 tenants on his estate all held farms of 50 acres or under. It was only in the Stour and Avon valleys that farms regularly consisted of 400 or 500 acres and more markedly still in the central chalklands. In the latter the affluence of their owners was confirmed by the superior condition of the accompanying farm buildings. This, declared Wilkinson, referring to the chalklands, "is the country for gentleman farmers".[67] North Hampshire was therefore characterised by small farms but fairly large estates, the chalklands by both large farms and estates, and south Hampshire by fewer large estates but a variety of farm sizes.

Only the smallest of farmers employed no labour. Between them Hampshire's farmers were employing 24,707 agricultural labourers in 1851. Obviously the number of labourers employed depended on the individual farm size and the proportion of its arable to pasture land. One farmer was actually employing as many as 90 labourers. Ten more employed at least 60, nine between 50 and 60, 38 between 30 and 50 and 69 between 10 and 30. The remaining 2,351 employed 8,905 or an average of 3·7 each.

Despite the obvious divergences in economic status between them, the smaller landowners, tenant farmers and agricultural labourers can reasonably be styled the non-elite of the county. As will become evident, a number of those who owned 500 acres or so and could prove their social and political worth might attain the exalted position of a place on the county bench. But overwhelmingly the non-elite were by definition the governed rather than the governing. The utmost that even those with property could aspire to was to serve a parish office, be summoned for jury service, or just possibly (after 1834) to become a poor law guardian. But this does not mean that they were unimportant, nor that they always followed the lead of the county families. Occasionally there would be a perceived clash of interests between the county's elite and non-elite, whether it be a protest at the level of the county rates, or a more spectacular manifestation such as the agricultural labourers' risings of 1830 or the political movements for Reform and the retention and reimposition of agricultural protection. Whilst the present work is not primarily concerned with a detailed analysis of the non-elite on those occasions, some consideration of their importance is inescapable.

The Stability and Cohesion of the County Families and Society

Despite their air of permanence, the personnel of the county's elite inevitably changed over time. This much can be demonstrated by reference to Table 1.12 which records the date of arrival in Hampshire of 55 of its 58 aristocratic and greater families. From this it would

TABLE 1.12 Date of Establishment in Hampshire of the County Families of c. 1850

Date	Number	%
Pre 1600	7	12•7
1601–1700	11	20•0
1701–1750	10	18•2
1751–1800	13	23•6
1801–1850	14	25•5
Total	55	100•0

appear that Hampshire was characterised by the relative youth of its leading families for almost exactly a half of them in 1850 had arrived in the county since 1750. This was equivalent to a new arrival every four or five years in the century before 1850, whilst only five of the 66 families listed as county families by Bateman could point to the fact of their estates having been held unbroken in the male line since the reign of Henry VII.[69] Cobbett in particular was struck by the fluidity of the Hampshire land market: "Much of the land in the county", he wrote "has undergone a transfer of late years from its former owners, and in which have been included some very large and valuable estates".[70]

These facts are somewhat at variance with the recent work of Lawrence Stone and W.D. Rubinstein who have argued that the traditional picture of England's landowning elite being easily and frequently penetrated by *nouveaux riches* has been exaggerated.[71] From his analysis of three counties, Stone has argued that the rate of extinction of established county families was no more than between 6% and 10% every 60 years, whilst Rubinstein has demonstrated that less than 10% of Bateman's great landowners in 1883 were the products of wealth accumulated in business or in the professions since 1750.

It may be, therefore, that Hampshire is untypical. More likely, as F.M.L. Thompson has pointed out, the whole question of landed

stability is largely one of definition.[72] Seven Hampshire county families in 1850 were first generation or roughly one eighth, a figure which Stone would argue confirms his conclusions, for he would expect the typical number of first generation families at any given moment to be no more than one fifth or one sixth.[73] Certainly it is true that the influx of new families into Hampshire was never at such a rate that it swamped those already established. It is true too that Hampshire's newcomers did not represent a significant influx of nouveaux riches. Usually the newcomers were already landowners in other counties. Only 10 of the 41 families who arrived in the county before 1800 can be said with certainty to have come from a non-landed background. These comprised four merchants, three bankers, a brewer, a physician and a paper maker. Of the 14 families who arrived after 1800, eight did so by marriage or through inheritance, and of the six who bought their estates outright only one (the Nightingales who bought Embley Park near Romsey) had been engaged in trade. Neither is there any sign that the existing county families saw themselves being swamped by such newcomers. Yet if Stone is right in drawing attention to the essential cohesiveness and continuity in the personnel of England's landed elite, it is no less true that in cold statistical terms 67% of Hampshire's county families in 1850 did not enjoy that status only 150 years previously.

The relative stability which pertained amongst the county families did not necessarily apply to the same extent to county society as a whole. Indeed the conclusions reached by Stone are somewhat offset in their utility by the fact that he considers only the landed elite, for it is at a lower level that one would expect to find new dynasties being established and consequently more mobility. Stone himself concedes that "the infiltration of non-landed wealth into the parish gentry was considerably greater than it was into the county elite". This process is unlikely to have wrought any spectacular change in a county's overall structure of landownership, but conditions did undoubtedly favour the larger landowner at the expense of the smaller.[74] Cobbett was certain that such a process was taking place in Hampshire. It was the disappearance of lesser men, rather than of old established county families that struck him most as a result of the arrival of the Barings: "The small gentry to about the third rank upwards (considering there to be five ranks from the smallest gentry up to the greatest nobility), are all gone, nearly to a man, and the small farmers along

with them. The Barings alone have, I should think, swallowed up thirty or forty of these small gentry without perceiving it".[75] This is a very difficult phenomenon to quantify, but we can at least produce one statistic to suggest that the downward mobility of smaller landowners remained quite pronounced until the century was well advanced. As many as 82 of the 227 persons listed as acting county magistrates in 1855 - that is to say, predominantly persons who held less than 1,000 acres - do not appear in the 1874 parliamentary return of landowners. In other words, as many as 36·1% of them, for whatever reason, had disappeared in less than two decades. If this figure is representative, it goes a long way to explaining why the greater gentry had become the predominant landowning group in the county.

One ought to make one final point which is salient in the landownership structure of Hampshire. A good many of the smaller newcomers to the county were to be found in south Hampshire. The explanation for this is part topographical and part social. The chalklands lent themselves to large scale agricultural enterprises, and therefore to large farms and estates which were better placed to combat the effects of agricultural depression. Whilst this was not true of the small farms of the London Basin, magnates like the Earl of Carnarvon encountered little difficulty in accumulating large tracts of admittedly largely unattractive farmland.[76] Conversely south Hampshire, specifically its coastal areas, proved peculiarly attractive to a clientele who welcomed a salubrious climate, a relative proximity to London and to the continent. More especially there was a demand for small estates and villas from those who had pursued a professional career, particularly in the forces. In 1851 there were at least 355 army and 689 naval officers living in the county besides an innumerable number of marines, seamen, soldiers and pensioners. These were people less interested in establishing landed dynasties than in finding a congenial spot for their own retirement. The point did not escape Vancouver: "Hampshire has become the depository of the acquisitions of the industrious merchant, the learned advocate, and of the bravery and skill of the naval and military character".[77]

It would of course be erroneous to suppose that the stability of the county families and of county society depended entirely upon the length of time its constituent members had been resident. Other factors could either strengthen or weaken the sense of 'county community'

which long residence might have engendered. Greater cohesion between the members of county society would presumably have resulted from the interminable round of shoots, hunts and balls, whilst the great political and administrative gatherings of the county provided forums from which deep disagreements as well as consensus could emerge. There was no inconsistency in the bitterest of relations existing between the oldest of established county families.

Possibly the two best indicators as to whether county society enjoyed an inner cohesion beyond that which long residence and socialising together had engendered, were the degree to which families held landed interests outside Hampshire and the extent to which they had intermarried. On the former point, Bateman's list of great landowners is instructive. Of the 133 great landowners of Hampshire and the Isle of Wight, as many as 67 held at least half of their property elsewhere. In other words, half the families with property in Hampshire who could be described from a national perspective as being great landowners were probably primarily concerned with affairs outside the county. This is certainly true of 31 of the 67 who held less than 10% of their acres in Hampshire.[78] It was the 66 great landowners who held the majority of their estates in Hampshire, and whom one would consequently expect to be resident in the county who provided the leaders of county society and who most likely possessed a county consciousness. As a corollary one might suggest that this consciousness was greater still amongst members of the lesser gentry and below - Stone's 'parish gentry' - whose lands more frequently lay within the boundaries of a single county.

The same point is surely true of marriages. Great landowners inevitably aspired to matches with social equals, which in practical terms severely limited the number of suitable partners within their own county. Only one of the 15 Hampshire families possessing the title of baronet or above had married inside the county.[79] John Fleming's son meanwhile, had married a daughter of the tenth Earl of Dundonald whilst Lady Gertrude Sloane-Stanley was a sister to the Duke of Rutland. The only large landowners who might deliberately seek a county marriage were newcomers who thereby catalysed or consummated their full acceptance as a county family.[80] The most conspicuous example of such an alliance in Wellington's Hampshire was the marriage of a daughter of Alexander Baring to Humphrey St.John Mildmay. For the Mildmays it

brought new wealth and a share in the Barings' merchant banking business; for the Barings a blood alliance with one of Hampshire's oldest Whig families and a stake in Winchester borough politics. Marriages between the lesser figures of Hampshire county society were hardly much more frequent. Of the 178 county families listed by Edward Walford, only the heads of seven had taken wives from within Hampshire.[81] One might suggest that we need to descend to an analysis of marriage patterns amongst the county's small landowners before one encounters a significant incidence of county and even parochial marriages. Overall one must conclude that the estate distribution and marriage patterns of the leading county families tended if anything to dilute, rather than enhance the cohesion which otherwise existed between them.

There is one very important qualification to this conclusion. Inter-marriage, not necessarily in the generation after 1820, allied to long-residence, had produced an identifiably greater cohesion amongst the county families of north Hampshire than was to be found in the south. The only important familial links which existed in south Hampshire were those between its two prominent nonconformist families, the Bonham-Carters and the Nightingales; and between the Drummonds and Sloane-Stanleys, by virtue of the fact that the head of both had each married a sister of the Duke of Rutland. Such ties were both closer and more numerous in the north. Sir William Heathcote, for example, was nephew to the head of the ancient Wither family and indeed had spent most of his childhood in the Withers' household. As his biographer subsequently recalled, these early associations laid the foundations for co-operation in later life: "The neighbourhood...was in those days well peopled with gentleman's families, with many of whom the Bigg Withers had hereditary intimacies... ..The men who afterwards served together on the Bench and in the Yeomanry had visited one another's homes as boys, playing and riding together, so as to know each other's traditions and characters".[82] This was not simply a fanciful yearning for the past on the part of the biographer. North Hampshire families linked to at least one of the others over the previous generation included, besides the Heathcotes and Withers, the Portals, Chutes, Beachs, St.Johns, Knights, Longs, Ordes, Powletts, Scotts and Jervoises. All belonged at least to (or near to) the ranks of the greater gentry. These ties were certainly weakening

as the century progressed but continued to be of immense significance at least as far down as 1852.

Footnotes to Chapter One

1. These figures are drawn from the census of 1851.
2. Ibid.; William White's 1859 History, Gazetteer, and Directory of Hampshire and the Isle of Wight, pp.19-20.
3. G.E. Fussell, 'Four Centuries of Farming Systems in Hampshire, 1500-1900', P.H.F.C., XVII (1952), pp.264-287; C. Vancouver, General View of the Agriculture of Hampshire including the Isle of Wight.
4. See particularly the Rev. John Wilkinson's 'The Farming of Hampshire', Journal of the Royal Agricultural Society of England, XXII (1861), pp.237-371.
5. Vancouver, op. cit., pp.8-11; J.P. Dodd, 'Hampshire Agriculture in 1853-4', P.H.F.C., XXXV (1978), pp.239-260.
6. Wilkinson, op. cit., pp.257-267; James Caird, English Agriculture in 1850-51, pp.97-8; W.MSS., 1/839, Carnarvon to Wellington, 12 January 1826.
7. Wilkinson, op. cit., pp.267-290.
8. Ibid., pp. 290-307; E.L. Jones, 'Eighteenth-Century Changes in Hampshire Chalkland Farming', Agricultural History Review, VIII (1960), pp.5-19; M.C. Naish, 'The Agricultural Landscape of the Hampshire Chalklands, 1700-1840', University of London M.A. Thesis, passim.
9. R.A. Pelham, 'The Agricultural Revolution in Hampshire, with special reference to the Acreage Returns of 1801', P.H.F.C., XVIII(1954), pp.139-154.
10. Dodd, op. cit., passim.
11. Ibid.
12. Stare's testimony can be found in 'Third Report from the Select Committee on the State of Agriculture', Parlt. Papers, 1836 (465), VIII, part II, pp.115-127. On general developments in the agricultural economy see J.D. Chambers and G.E. Mingay, The Agricultural Revolution 1750-1880, chapter five, and G.E. Fussell and M. Compton, 'Agricultural Adjustments after the Napoleonic Wars', Economic History, IV, No.14 (February 1939), pp.184-204.
13. W. Cobbett, Rural Rides, Vol.I, pp.146-147.
14. Fussell, op. cit., pp.275-286; Caird, op. cit., pp.88-98.
15. Dodd, op. cit., pp.241-242.
16. For general surveys V.C.H., Vol.V, pp.451-491; M.J. Freeman, 'A Study of Road Transport Development during the Industrial Revolution: Southern Hampshire, 1750-1850', University of Southampton Ph.D. Thesis, pp.74-78.
17. A.J. Holland, Ships of British Oak. The Rise and Decline of Wooden Shipbuilding in Hampshire, chapter nine.
18. Ibid., chapter ten.
19. Wilkinson, op. cit., pp.307-313; W.MSS., 4/1/1/61, Fleming to Wn, 26 December 1829.
20. Vancouver, op. cit., pp.401-402, 405, 410-412; V.C.H., Vol.V, pp.475-489; White, op. cit., p.408.
21. Francis Portal, Portals; White, op. cit., p.486; L.T.C. Rolt, Waterloo Ironworks. A History of Taskers of Andover, 1809-1968.
22. Vancouver, op. cit., pp.49-50; V.C.H., Vol.V, pp.466-469; W.MSS., 4/1/7/1/47, Fleming to Wn, 24 June 1836.

23. These, and the following population statistics, are based upon those printed in V.C.H., Vol.V, pp.437-450.
24. J.L. Field, 'Bourgeois Portsmouth: Social Relations in a Victorian Dockyard Town, 1815-75', University of Warwick Ph.D. Thesis, passim.
25. Ibid., especially chapters two and three; R.J. Riley, 'The Industries of Portsmouth in the Nineteenth Century', Portsmouth Papers, No.25(July 1876); Victor Bonham-Carter, In a Liberal Tradition.
26. A.T. Patterson, A History of Southampton, 1700-1914, Vols.one and two; P.H. Morris, 'Southampton in the Early Dock and Railway Age, 1830-1860', University of Southampton M.A. Thesis, passim.
27. White, op. cit., pp.339-352. It ought to be borne in mind that despite and perhaps because of their similarities, a strong rivalry always existed between Portsmouth and Gosport.
28. Cobbett, op. cit., Vol.I, pp.254-255. In the absence of a scholarly history of Winchester, one should turn to B. Carpenter-Turner, A History of Winchester; and more specifically to L.F.C. Pack, 'A Study of the Evolution of the methods of Poor Relief in the Winchester Area 1720-1845', University of Southampton M.A. Thesis, chapter one.
29. Table 1.6 does not include figures for the three market towns of the Isle of Wight, since they are not distinguished by the V.C.H.
30. For local details, White, op. cit., passim.
31. A good example is James Obelkevich, Religion and Rural Society: South Lindsey 1825-1875, especially pp.8-14.
32. B.A. Holderness, '"Open" and "Closed" Parishes in England in the Eighteenth and Nineteenth Centuries', Agricultural History Review, XX(1972), pp.126-139.
33. D.R. Mills, Lord and Peasant in Nineteenth Century Britain, p.24.
34. The land structure of each parish can usually be deduced from White, op. cit., but in ambiguous cases his information has been supplemented by consultation of tithe apportionments.
35. J. Bateman, The Great Landowners of Great Britain and Ireland; Edward Walford, The County Families of the United Kingdom; White, op. cit., pp.9-16. Bateman listed 133 families but only 66 held the larger part of their property in Hampshire.
36. F.M.L. Thompson, English Landed Society in the Nineteenth Century, p.112.
37. Ibid.; for detailed information on landholdings see 'Owners of Land, 1872-73 (England and Wales)', Parlt. Papers, 1874(1097), LXXII, part 2, pp.237-277, hereafter 'Owners of Land'.
38. Cobbett, op. cit., Vol.I, p.46. For fuller discussions of the points (and others) raised here, see especially Thomspon, op. cit.; David Spring, The English Landed Estate in the Nineteenth Century; David Roberts, Paternalism in Early Victorian England.
39. Chute MSS.; 31M57/1070, MS. notework compiled by Caroline Workman.
40. G.R. Gleig, The Life of Arthur, Duke of Wellington, p.379; seventh Duke of Wellington (ed.), Wellington and his Friends, pp.250-251, Wn to A. Burdett-Coutts, 18 September 1847.
41. Clarke-Jervoise MSS., 18M64/box one, MS. diary entry for 6 November 1834.
42. Sir G. Staunton, Memoirs, pp.169-170.
43. F.T.B., pp.191-192.
44. Thompson, op. cit., p.112.
45. 'Owners of Land', pp.237-277.
46. For a discussion of these as sources see W.G. Hoskins, Local History in England, pp.32-34.

47. Thompson, op. cit., p.32.
48. Ibid., pp.114-115.
49. Ibid., p.117.
50. Ibid., chapter two and especially pp.37-39. On the origins of the Barings see J.L. Sanford and M. Townsend, The Great Governing Families of England, Vol.II, chapter one. For details of the family's Hampshire acquisitions, HRO 11M70.
51. E. Longford, Wellington: Pillar of State, pp.44-45; HC, 20 April 1829. The family's estate papers are in Reading University Library.
52. The Hampshire influence of the family during the eighteenth century can be followed in S.G. Lowe, 'Hampshire County Elections and Electioneering, 1734-1830', University of Southampton M.Phil Thesis, passim.
53. Ibid.
54. E.D. Heathcote, An Account of some of the families bearing the name of Heathcote; F. Awdry, A County Gentleman of the Nineteenth Century; Heathcote MSS., 58M71.
55. Portal, op. cit., passim; Portal MSS., 5M52.
56. Cobbett, op. cit., Vol I, pp.129-30, 167, 251; F.T.B., p.1, note. See also Sir Thomas Baring's speech to the meeting of the Hampshire Bible Society in HC, 2 November 1829.
57. H.A. St.John, A Brief Memoir of the Mildmay Family; Mildmay MSS., 10M69; Jervoise MSS., 44M69; Clarke-Jervoise MSS., 18M64.
58. John Duthy, Sketches of Hampshire, pp.380-393; Fleming MSS., 102M71.
59. Fleming MSS., 102M71/E.51.
60. K. Bourne, Palmerston: The Early Years 1784-1841, especially chapter one; Broadlands MSS., 27M60.
61. Sloane-Stanley MSS., 10M57, 46M58; Drummond MSS., 3M60.
62. Chute MSS., 31M57; H.A. Leigh, Recollections of the Early Days of the Vine Hunt.
63. Compton MSS., 12M60.
64. A.I. Dasent, The Speakers of the House of Commons, pp.319-323.
65. Wilkinson, op. cit., p.239.
66. Ibid., p.240.
67. Ibid., pp.258, 268-270, 282-284, 290; E. Course and P. Moore, 'Victorian Farm Buildings in Hampshire', P.H.F.C., XL(1984), pp.107-114.
68. Wilkinson, op. cit., pp.239-240.
69. Bateman, op. cit., passim.
70. Cobbett, op. cit., Vol I, p.391.
71. Lawrence and J.C.F. Stone, An Open Elite? England 1540-1880; W.D. Rubinstein, 'New Men of Wealth and the Purchase of Land in Nineteenth-Century Britain', Past and Present, No.92(August 1981), pp.125-147.
72. See his review in the Times Literary Supplement, 7 September 1984. p.990.
73. Stone, op. cit., especially pp.277-280.
74. Ibid., p.210; compare F.M.L. Thompson, English Landed Society in the Nineteenth Century, especially pp.118-127.
75. Cobbett, op. cit., Vol.I, p.391; PR, 29 October 1831.
76. W.MSS., 1/839, Carnarvon to Wn, 12 January 1826.
77. White, op. cit., p.19; Vancouver, op. cit., pp.51-52. See also the reasons adduced for moving to Hampshire by Sir J.T. Lee, Memoirs of the Life and Services of Sir J. Theophilus Lee, p.204; and Sir George Staunton, Memoirs, p.171.
78. Bateman, op. cit., passim.

79. Walford, op. cit., passim.
80. Thompson, op. cit., pp. 17-20, 100.
81. Walford, op. cit., passim.
82. Awdry, op. cit., pp. 9-10.

PART ONE

COUNTY GOVERNMENT AND ADMINISTRATION

The administrative county of Hampshire can reasonably be defined as the area which was subject to the jurisdiction of the county quarter sessions and which was liable to be assessed to the county rate. This area differed from the geographic limits of Hampshire in four respects. First, it excluded Southampton, one of 16 towns or cities in the country which enjoyed the status of a county in its own right. Hence its designation as "the county of the town of Southampton" to distinguish it from Hampshire's usual contemporary styling as the "county of Southampton".[1] Second, the administrative county of Hampshire excluded the corporate boroughs. Before 1835 these were nine in number: Andover, Basingstoke, Romsey, Portsmouth, Winchester, Lymington, Christchurch, Petersfield and Newport. All were empowered to hold their own court of quarter sessions. After 1835 this privilege was confined to Andover, Portsmouth and Winchester, although Basingstoke, Newport and Romsey still continued to appoint magistrates.[2] Third, the administrative county excluded a number of extra-parochial places - areas lying within Hampshire but exempt from the county rate - and included a number of county outliers, areas lying beyond Hampshire's geographic boundary but subject to its jurisdiction. Neither extra-parochial places nor county outliers were numerically important.[3] Far more important was the fourth and final qualification to the administrative county's being synonymous with the geographic one: the ambiguous position of the Isle of Wight. For most administrative purposes the Island was united with the mainland. But it levied a rate distinct from the county for certain purposes, such as Newport prison and Island bridges, down to 1888. Even without these anomalies the Island's inhabitants would have possessed a distinct Island rather than Hampshire consciousness. Efforts to establish its complete administrative separation from the mainland increased after it achieved political independence in 1832, and eventually peaked but failed in 1849.[4]

Footnotes

1. B. Keith-Lucas, The Unreformed Local Government System, p.38, n.46.
2. V.D. Lipman, Local Government Areas 1834-1945, pp.3-18; 'A Return of

the Number and Names of Places which have holden separate Quarter Sessions...', Parlt. Papers, 1836(546), XLIII, pp.291-298.

3. Lipman, op. cit., pp.15-18, 69-70; 'A Return of the Value of all Extra-Parochial Property...', Parlt. Papers, 1850(526), XLIX, p.17.

4. S. and B. Webb, English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County, p.429, n.1; Q.O.39, 31 March 1839; HC, 14 April 1849.

CHAPTER TWO

THE COUNTY MAGISTRACY

In Lord Willoughby de Broke's celebrated delineation of the county hierarchy, the leading figure was the lord lieutenant.[1] Appointed by the Crown on the recommendation of the Prime Minister, he was undoubtedly the most prestiguous. But as a county administrator, he was usually of marginal importance. The Webbs described the lieutenant's position as one of "little expense and few duties". A recent commentator has referred to the persons who filled the office as being little more than "remote magnificoes".[2] The officer who theoretically rivalled and even surpassed the lord lieutenant, the high sheriff, was of even less consequence as an administrator by the nineteenth century. Most country gentlemen strove hard to avoid being 'pricked' by the Crown and thus escape the burdens of overseeing the twice yearly assizes.[3] County administration was instead the province of the county quarter sessions, in other words the county magistrates. It is the purpose of the present chapter to ask who and how many they were.

Magistrates were appointed by the Crown. Since the duties attached to their office were primarily judicial in character, the officer who acted on behalf of the Crown in their appointment was the Lord Chancellor. The names of those who might act as magistrates for a county - subject to their taking the magistrates' oaths of qualification - were contained in its commission of the peace which was issued under the authority of the great seal. The commission was renewable at the request of the lord lieutenant of the county and automatically following the death of the monarch. Usually new names were added to the existing commission by what was known as a cold seal. A completely new commission was only really required if there were a large number of new names for addition, or if the old commission, whether through deaths or for some other reason, had become hopelessly outdated.[4] During Wellington's lieutenancy, the Hampshire commission was renewed seven times: in 1823, 1825, 1829 and 1847 at the request of the Duke; and in 1821, 1830 and 1838 following the death of the king.

Henry Brougham dwelt at length upon the system of appointing county magistrates as it operated in practice in his great law reform

speech of 1828. The point he wished to make was that the Lord Chancellor's importance in the appointments procedure had been undermined by the lord lieutenant: "The Lord Chancellor looks to the Lord Lieutenant, or rather to the 'Custos Rotulorum'; which the Lord Lieutenant most frequently is ... for the names of proper persons. The Lord Lieutenant, therefore, as Custos Rotulorum, absolutely appoints all the justices of the peace in his county at his sole will and pleasure."[5] Deviations from this procedure, which had gradually evolved over the previous century, were, he rightly added, "hardly even known".

The legal property qualification required for the magistracy had been fixed by Acts of 1732 and 1744 and stipulated possession of a freehold property worth at least £100 per annum or £300 in reversion.[6] By nineteenth century standards this was extremely low, extending well into the ranks of a county's lesser and smaller landowners. Potentially it meant that over 900 persons in Hampshire might have become county magistrates. In fact the size of the commission remained at roughly 350 persons throughout the period. With no shortage of legally qualified persons for the magistracy, the Custos was placed in an important position of responsibility in deciding who and who not he should recommend to the Lord Chancellor for insertion into the commission.

It is very easy to make the mistake of assuming that because an individual had his name in the commission, he was automatically a county magistrate. In fact the two were not synonymous. A gentleman did not technically become a magistrate until he had taken his oath of qualification, which in Hampshire's case meant payments of nearly £9.[7] This may in itself have acted as something of a deterrent to the uncommitted. But it will not suffice to explain why less than half the names in the commissions of the peace in England and Wales in 1852 had failed to qualify.[8] The reluctance to qualify sprung instead from the fact that mere membership of the commission was frequently viewed as an end in itself. Brougham's assertion that the "reputation of activity is very seducing to a magistrate", although it might have been applicable to individual instances, is misleading as a general rule.[9] Less critical contemporaries were nearer the mark when they insisted that the gentleman who qualified as a magistrate, and then took his duties seriously, was very much an altruistic individual.

In Hampshire's case it is possible to quantify the degree of activity by magistrates belonging to the three social groupings of

aristocracy, gentry and clergy (Table 2.1).[10] The findings are generally as one might expect. While all three groups were becoming generally more active throughout the period, the county aristocracy remained consistently the least active. This was because they entered the commission almost unquestioned as a matter of birthright. Whether or not they became active or not was very much a matter of personal choice. The same was true of the wealthier gentry and clergy. With lesser figures, however, Wellington was keen to ensure that they were not inserted into the commission simply as a favour, but that they qualified and undertook the duties of the magistrate's office. In some respects they were perhaps more keen to do this anyway, since it gave them the opportunity to mix on equal terms with their social superiors, and to make a name for themselves in the county as an administrator, which their social weight alone could not have brought them. William Sturges-Bourne is the best example of an individual without a substantial landed stake in the county, who became highly influential in its administrative deliberations through his zealous exertions as a magistrate. In 1817 he was rewarded by election to the sessions chair.

TABLE 2.1 Percentage of persons in the commission of the peace who had qualified as a county magistrate

Year	Aristocracy	Gentry	Clergy	Total	Total JPs	Total in Commission
1821	47•6%	57•0%	52•2%	53•7%	152	283
1835	41•6%	57•2%	52•8%	53•4%	188	351
1852	55•9%	63•8%	83•0%	68•1%	226	357

The stereotype county magistrate as envisaged by the Radical press in particular was of a large landed, Tory-anglican country gentleman. By and large this picture still persists, although there has been very little attempt to verify if in fact it was the reality. To do the latter, one needs to ask a number of questions: who applied to be a magistrate in nineteenth century Hampshire, who was recommended and upon what grounds?

The number of applicants for the commission inevitably exceeded the number of persons who were eventually recommended. A minority of the former were palpably unsuitable. Wellington's applicants included at least one undergraduate, a religious fanatic who renewed his

solicitations over a number of years, and a madman who in 1849 addressed the Duke as Prime Minister and Duke of London. Usually, the unsuitable were simply over-optimistic. They very often betrayed the point by applying to Wellington in person.[11] The only social groups who could reasonably do so were the county's aristocracy and greater gentry. Most successful applicants either submitted testimonials in support of their claim, or better still induced an influential county figure such as a county Member to approach the Duke on their behalf.

The reasons adduced by the applicants for inclusion in the commission varied as much as the applicants themselves. Those begging insertion as a favour cut little ice unless they belonged to a leading county family, in which case the description of "favour" was apt. Jervoise Clarke-Jervoise, heir to the 8,000 acre Idsworth Park, recorded in his diary how his father had written to Wellington, asking that his name be added to the commission, without the slightest hint that any reason was either expected or required.[12] His was one case of where a son was succeeding a father. In others, a place in the commission was almost part and parcel of an estate. John Shelley succeeded to the commission on purchasing the Avington Park estate from the bankrupted Duke of Buckingham. But the latter was by no means an invariable practice as J.R. Best found to his annoyance in 1834.

Applicants with smaller landed estates were forced to be more ingenious. A common device was to stress one's political attachment to the Duke. Congenial though Wellington might have found this, he publicly and privately denounced such protestations as irrelevant in the selection of a suitable magistrate. He was equally unimpressed with those applicants living near the Hampshire border, already perhaps in the commission for a neighbouring county but who insisted that they needed to be in the Hampshire commission as well, if they were to discharge their magistrate duties efficiently.[13] In essence only two reasons really weighed favourably with Wellington. The applicant needed to prove that his locality was genuinely in want of a magistrate, and to assert that he would qualify to make good the shortage if Wellington were to recommend him.

Even if the applicant could convince the Duke that a magistrate were required, however, there remained the question of his social acceptability to the rest of the members of the county bench. This

was of fundamental importance. Since few, if any, parts of Hampshire were short of persons legally qualified to become magistrates, it was social acceptability which usually decided the success or failure of applications for the commission. In industrialising counties for example, it is easy to see how those with an impeccably landed pedigree might protest against being joined on the bench by those whose wealth had been made in industry. The nuances of social discrimination in Hampshire were more subtle. Edmund Arbuthnot, a relation of the Duke's famous confidantes, found his initial application for the commission blocked on the grounds that his half-caste appearance would undermine his authority. J.B. Purvis experienced no problems in finding his way into the commission, but found that he was effectively forced to resign several years later because of an incestuous relationship.[14] Such were the strong feelings engendered amongst his colleagues by his behaviour that Wellington himself was forced to intervene. These, however, were very much exceptional cases. The triumvirate of prejudices which most frequently were alleged to operate, and which therefore demand fuller consideration, were the applicant's religion, politics and social background.

Religious Prejudice and the Clerical Magistrate

Whatever the specific arguments for and against the inclusion of clergymen in the commission, anglicanism per se remained a very obvious recommendation for the aspiring magistrate. Before 1829 of course, catholics were legally debarred from becoming magistrates. After 1829, they and nonconformists throughout the period were the two obvious potential victims of religious prejudice. What is most striking in Hampshire's case, however, is the absence of any evidence of religious bias in magistrate appointments. The main reason for this is a simple one. Neither catholicism nor nonconformity was strong amongst Hampshire's lesser and greater gentry. As a result, the few non-anglican gentry families could be accommodated on the county bench without any feeling that its anglican integrity was being compromised. The general feeling amongst the magistrates was that if a neighbour had a substantial estate and was otherwise unexceptionable, his religious beliefs were a virtually irrelevant consideration. This was perhaps more true of their attitude towards catholics than nonconformists. Only two catholic gentry families, the Tichbornes and the Welds, were active figures during Wellington's

lieutenancy. The former in particular were fully accepted members of county society in every other respect, being the owners of a 7,000 acre estate, and boasting a county pedigree which dated back to the Conquest, together with a long record of county service in the years before 1688. There existed a unanimous feeling from Wellington down to every member of the Alton petty sessional bench that Sir Henry Tichborne should be added to their number as soon as propriety admitted after 1829.[15] The same consensus existed in favour of the county's leading nonconformist, John Bonham-Carter, in 1827. An estate of 6,000 acres together with the knowledge that he would bring a barrister's acumen to the transaction of magistrate business were the only points that were noted in his application for the commission.[16] It was only when the catholic or nonconformist applicant was a lesser figure that his religious stance might count against him, but on such rare occasions it was invariably coupled with other and more important political or social objections. Even allowing for the fact that of the 314 magistrates to qualify between 1821 and 1852, only five were catholics and four nonconformists, one has to conclude that religious prejudices operated in the case of only a handful of applicants.

Ironically, the most detectable religious bias to operate in Hampshire magistrate appointments was that against the anglican clergy. Brougham succinctly summarised the argument against their being made county magistrates when he declared that "a clerical magistrate, in uniting two very excellent and useful characters, pretty commonly spoils both".[17] The clergyman, in other words, should be content to confine his contribution to the community in fulfilling his spiritual role. An administrative involvement with, for example, the operations of the poor law or a judicial involvement with the enforcement of the game laws and the general suppression of rural crime, only compromised the esteem which his professional labours might have brought him. There can be no gainsaying that the clergyman's doubling as a magistrate was one of the most potent ingredients of rural anticlericalism, providing the Radicals with a target in much the same way that the bishops provided them with one through their presence in the House of Lords.[18] Numerically, indeed, there was a stronger case against the former, for clerical magistrates actually constituted a majority of the active magistracy in eight counties in 1831. Hampshire's figure of roughly 10% was well below the national average of 25·8%.

Wellington, for one, was very much against any clergyman's becoming a magistrate. This inevitably prompts the question of why generally, and in Hampshire specifically, clergymen still found their way into the commission of the peace. The basic answer is that, at least before 1850, many people did not share Wellington's view that the two roles were incompatible. The Duke of Buckingham added two further reasons as to why he recommended clergymen for the commission in Buckinghamshire: "I couldn't go on without the Clergy and they make my best Magistrates".[19] There is some truth in both points. Even in counties abundant in country gentlemen, there was never any guarantee that one was to be found in the parish requiring a magistrate who, moreover, was resident and willing to act. This is why a trickle of clergymen continued to find their way into the Hampshire commission. Wellington was willing to waive his veto against recommending clergymen if there was no alternative, and so long as the clergyman possessed the legal property qualification independent of his benefice.[20] Their presence on the county bench could, too, improve the quality of the whole. Clergymen, declared Buckingham, were zealous and reliable, attributes grounded upon their superior education and often a legal training. It is generally recognised that they provided the county benches with a much needed infusion of morality in the later eighteenth century, and that their humanitarian outlook contributed materially to improvements in county government. It was a Hampshire county magistrate and prebendary of Winchester cathedral, the Rev. Edmund Poulter, who most probably devised the well-intentioned Speenhamland system.[21]

One of the strongest planks in the argument for appointing clerical magistrates was that they proved more active than their aristocratic and gentry counterparts. Individual examples do suggest that this was the case. The Rev. Robert Wright's attendance record at the Hampshire quarter sessions was second to none. Between 1820 and his death in 1850 at the age of 78 he was present at no less than 358 full or adjourned meetings of the court. Statistically, however, the picture is a different one. Table 2.1 shows that although a greater percentage of clergymen than aristocrats in the commission had taken the trouble to qualify, neither group could rival the performance of the gentry. It is true that by 1852 the clergy had at last overtaken the gentry with some 83% of their number in the commission then being qualified, as compared with only 63·8% of the gentry. But this is to be explained

simply by their declining presence in the commission as a whole, and by Wellington's continuing insistence that if it were imperative that he should recommend a clergyman, then that clergyman must of necessity take the trouble to qualify. Tables 2.2 to 2.4 corroborate the point that the gentry magistrate was more active than the clerical one. The former's share of the active magistracy and of quarter sessions attendances regularly exceeded their share of the commission, but the clergy, except in 1852, failed to match theirs. The gap between the two groups would be even greater were it not for the ubiquitous presence of the Rev. Robert Wright.[22] The notion that clerical magistrates as a whole were more active than any others, at least as far as Hampshire is concerned, is mythical.

TABLE 2.2 Social Composition of the Commission of the Peace

Year	Aristocracy	Gentry	Clergy	Total	No. in Commission
1821	22•4%	61•2%	16•4%	100%	281
1835	20•5%	69•2%	10•3%	100%	351
1852	19•0%	75•9%	5•1%	100%	357

TABLE 2.3 Social Composition of Qualified Magistrates

Year	Aristocracy	Gentry	Clergy	Total	No. of JPs
1821	19•7%	64•5%	15•8%	100%	152
1835	15•9%	73•9%	10•1%	100%	188
1852	16•8%	76•5%	6•7%	100%	226

TABLE 2.4 Social Composition of Magistrates at Quarter Sessions

Year	Aristocracy	Gentry	Clergy	Total
1821	19•7%	66•2%	14•1%	100%
1835	13•3%	78•1%	8•6%	100%
1852	12•2%	81•0%	6•7%	100%

Surely the root reason why clergymen continued to be added to the county benches in significant numbers was that the landed gentry looked upon them as an ideal first reserve. Roland Quinault is drawing a largely artificial distinction in insisting that the clerical magistrate provides a qualification to the Webbs' model of the county rulers as a monolithic body.[23] Clergymen were added to the Hampshire commission not because they were clergymen per se, but because they

were landowners, politically 'safe' and invariably clients or relatives of other magistrates.[24] The Rev. George Herbert, for example, was a younger brother of the Earl of Carnarvon, whilst both the Rev. Henry Worsley and the Rev. John Barker eventually succeeded to their respective family estates and baronetcies. Certainly the overall trend (and in Hampshire, too, as Table 2.2 shows), was for the number of clerical magistrates to decline as contemporary attitudes on the subject came increasingly to approximate to those of Wellington and Brougham. Nevertheless, even with the Whig Lord Chancellors of the 1830s positively discriminating against the appointment of any clerical magistrates, as many as 13% of all those added to commissions of the peace between 1835 and 1842 were clergymen.[25] The clerical magistrate remained an integral feature of the county government landscape well after 1850.

Social and Occupational Prejudices

There is very little evidence that the appointment of clerical magistrates was objected to on the grounds that they were engaged in a profession. The church after all, was a gentlemanly profession. It was the juxtaposition of spiritual and lay roles which perturbed contemporaries such as Wellington. But there certainly did exist a general prejudice against the selection of magistrates from all but a small circle of professions as the Hayling Island landowner William Padwick was to find to his cost. Padwick personally was highly respectable, and his application to be added to the commission had received the usually decisive backing of the Tory county Member John Fleming. But the magistrates of the Fareham petty sessional division with whom Padwick would have acted, refused en masse to endorse the application on account of "the very inferior station which his father filled as a Tradesman".[26] This was the same sort of social stigma, so prevalent among the landed order, which Dickens captured well in the person of Sir Lester Dedlock. The gout-ridden Sir Lester recalled an interview with the nouveau riche ironmaster George Rouncewell, a son of his own housekeeper:

"'And it is a remarkable example of the confusion into which the present age has fallen; of the obliteration of landmarks, the opening of floodgates, and the uprooting of distinctions', says Sir Lester with stately gloom, 'that I have been informed.....that Mrs. Rouncewell's son has been invited to go into Parliament.

'He is called, I believe - an - Ironmaster.' Sir Lester says it

slowly, and with gravity and doubt, as not being sure but that he is called a lead-mistress; or that the right word may be some other word expressive of some other relationship to some other metal."[27]

It is possibly therefore surprising that as many as 133 of the 314 magistrates to qualify between 1821 and 1852 can be positively identified as having pursued activities other than those of a country gentleman.[28] As can be seen in Table 2.5, the 133 were comprised primarily of servicemen, clergymen, barristers and solicitors together with a small sprinkling of doctors and bankers. But the figures are unsurprising when one considers that these were by and large the range of the gentlemanly professions. This was particularly true

TABLE 2.5 Occupations of the Active Magistracy 1821-1852

Year	Landed	Armed Services	Clergy	Law	Other	Total
1821-30	38	13	5	7	5	68
1831-40	79	23	8	6	10	126
1841-52	64	34	5	8	9	120
Total	181	70	18	21	24	314

of the armed services, easily the most important category of the occupational groupings on the Hampshire bench, and indeed the distinguishing characteristic to contemporaries of the Hampshire bench as a whole. The tone of the Lord Chancellor's circular to lords lieutenant in 1837 suggests that in many places there existed a strong prejudice against recommending anyone from a military or a naval background.[29] It is tempting to explain their comparative abundance in Hampshire therefore to Wellington's personal predilections. This is true, but only in so far as he did not chose to veto them. The real reason was a mixture of local necessity and topography. South Hampshire, as contemporary travellers were quick to point out, was a peculiarly attractive part of the country to retired servicemen.[30] They were an obvious source from which to make good local shortages for the magistracy. Thus, whilst the northern petty sessional divisions of the county rarely contained any ex-servicemen, the divisions of the south could be liberally sprinkled with them. Of the nine magistrates who regularly attended the Havant petty sessions in 1850, four were admirals, two were captains and one a major. For the most part, such people made perfectly good magistrates. If they had a collective fault, it lay

in their exhibiting the serviceman's heightened sense of personal honour - with the concomitant tendency to pugnaciousness - in the magisterial arena.[31] It was not simply coincidence that every magistrate squabble of the period in which Wellington had to intervene personally involved at least one magistrate from a military or naval background.

It must be emphasised, however, that with the exception of most of the clergy and some of the servicemen, none of the magistrates with a professional background were actively engaged in that profession at the time of their being added to the commission. They became magistrates because at the time of their addition they had become landowners and were otherwise respectable from the point of view of their education, religion and politics; not through any conscious desire on Wellington's part to make the commission more socially representative. In most instances, indeed, it took at least the second generation of a family's having attained a landed stake before its members were admitted to the bench, its social origins having been by that time forgotten. The delay could only be circumvented if the arriviste came from another county and was consequently unknown, or if he succeeded to a very large estate. The Nightingales are a good example of the former case, William Nightingale having pursued a career in trade in Derbyshire before buying the Embley Park estate near Romsey in 1825 and entering the commission in 1827.[32] John Bonham-Carter is the best example of the latter, having pursued a career as a barrister before succeeding to his uncle Thomas Bonham's estate at Petersfield in 1827. But such cases were exceptional. Social exclusiveness remained the keynote. Perhaps it also had a certain justification. Magistrates who had brewing connections inevitably had a vested interest in the licensing laws. David Philips' examination of the Black Country magistracy reveals an irrefutable correlation between the number of coal and iron-masters gradually finding their way on to the bench, and the increasing incidence of prosecutions under the Truck and Master and Servant Acts.[33] Of course, the stock Radical retort was that country gentleman had a no less vested interest in the enforcement of the game laws. The fact remains that, throughout Wellington's lieutenancy, there was no better testimonial of an applicant's social qualification for the county bench than that offered in favour of a Captain Purvis in 1828: "He has not been employed for many years, and

I understand is a most worthy gentleman".[34]

Political Prejudice

Allegations of political bias in the selection of magistrates were far more frequent than those of social or religious bias. This does not necessarily mean that there was more truth in them, but it does suggest that the issue was more emotive. Cobbett was just the most vocal of many who complained that "It is notorious that none but the right politics will get a man made a Justice". As will be seen, this theme was of particular importance during the 1830s.[35] There is no doubt that there were some unashamedly politically motivated applicants for the commission. John Spicer was one. He demanded that his name be recommended to the Lord Chancellor by Wellington as the price for his support of the Tory political interest in the Isle of Wight.[36]

Statistically, it does appear that the allegations made by the local organs of the reformer press, of a Tory bias on the Hampshire bench, were well grounded. Of the 314 magistrates to qualify between 1821 and 1852 and whose political allegiance can be stated with certainty, 187 were Tory and only 57 Whig, a Tory preponderance of over three to one. These figures are in part but not totally explained, however, by the knowledge that the balance of Hampshire society itself was Tory. Of the families possessing over 1,000 acres, 66 were Tory and 31 Whig. But this is a preponderance of just over two, not three, to one. These families, moreover, provided only roughly half the active magistracy at any given period. This means that for the overall balance of the active magistracy to have obtained a three to one Tory majority, those magistrates with landholdings of less than 1,000 acres must have been Tory by a majority of approximately four to one. Unfortunately, it is impossible to say if this latter figure reflected the political balance of smaller landowners generally in Hampshire, but it would on the fact of it, seem unlikely.

But what was the relative importance of political bias? It was clearly more common than religious bias, but almost certainly less important than social prejudice. It is not true, for example, that all Tory applicants for the commission were successful whilst all Whigs were rejected. Tories, however zealous, stood no chance of recommendation by Wellington if their social backgrounds were dubious. The Portsmouth banker J.E. Atkins' application was refused by Wellington,

notwithstanding the plea from Portsmouth Conservatives that such an eventuality would be highly damaging to their cause.[37] Conversely, Wellington could hardly refuse the claim of Charles Shaw-Lefevre to be added to the commission. Lefevre owned 2,400 acres and was colonel of the North Hants yeomanry. His political predilections for shorter parliaments and even secret ballot counted little in the scale against an impeccable social background.

Political bias therefore operated in much the same way as religious prejudice. That is to say, an applicant's politics, like his religion, were usually irrelevant if he belonged to a family whose landholdings placed them in the economic category of gentry. At this level, it mattered only that the magistrate's politics be sound and since, by definition, the substantially landed gentleman was automatically a member of the politically sound nation, whether he voted Whig or Tory was of little consequence. Beneath the 1,000 acre level, however, party politics were of far more importance in deciding the success or failure of individual applications, in other words in roughly half the cases where recommendation ensued.[38] Tories such as J.E. Atkins might still encounter failure if they were lacking in social attributes, but the large Tory majority of approximately four to one amongst the magistrates with less than 1,000 acres strongly suggests that the socially acceptable Tory had a better chance of becoming a magistrate than the socially acceptable Whig.

The Typical Magistrate

Within the limits outlined above, certain particular characteristics of the magistrates can be discerned. In providing details about the age of magistrates, Table 2.6 draws upon a random selection of 171 magistrates active at some stage during Wellington's lieutenancy.[39]

TABLE 2.6 Average Age of Active Magistrates

Group	Number	Average Age
Aristocracy	47	37
Gentry	108	45
Clergy	16	41
Total	171	42

The average age of the 171 at the time of their qualifying was 42.

The latter figure remained constant throughout the period, thereby suggesting that there were no local shortages which necessitated the recommendation of younger men. Whilst the youngest person to qualify was only 22 and the eldest 75, nearly half, as one might have expected, fell between the ages of 26 and 45. Equally expected are the differences in average age between the aristocracy, gentry and clergy. The aristocrats who became county magistrates were eight years younger than the gentry. This merely reiterates the point that aristocrats could become magistrates virtually at will, perhaps being added to the commission of the peace as part of the ceremonial connected with the coming of age. Their average age of 37 was therefore only so high as it was because they lacked the incentive and pressure to qualify immediately on being added to the commission; and usually only chose to do so on succeeding to the family estate. The clergy emerge younger than the gentry, because the latter's ranks were swollen by those from the professions, particularly servicemen, who by definition only succeeded to the commission later in life.[40]

Table 2.6 does not allow us to say that the typical Hampshire magistrate of the mid-nineteenth century was in his early forties. One has to allow also for his average length of service. A list of the 227 magistrates acting for the county in 1855 shows that at that particular moment the length of service of individual magistrates varied enormously from only a few months to as much as 44 years.[41] The length of service in individual petty sessions also varied from an average ten years in the Ringwood division to 21 years at Alton. The average for the 227 was 14 years experience which means that the average Hampshire magistrate would most probably have been in his mid-fifties.

A more important question is to ask how much land the average magistrate held, to try and verify or qualify the frequently remarked assertion that the commission of the peace was the badge of county society. An attempt to do this has been made by correlating the list of magistrates in 1855 with the parliamentary return of landowners of 1872-3.[42] Fortunately, 145 of the 227 magistrates are to be found in the latter. Together they owned 275,562 of the county's 884,649 acreage or 31·1% of its cultivated land. This produces an average of almost exactly 1,900 acres each. If one then proceeds to make the reasonable assumption that the remaining 82 magistrates had owned land in the same

proportion, then the active magistracy owned 48•8% of the acreage of Hampshire. This figure, however, excludes important figures in the commission of the peace who had never bothered to qualify. If one reckons the size of the commission as being 350, each of whose members owned 1,900 acres, the commission represented as much as 75•2% of the county's acreage. It can indeed be rightly characterised as being virtually synonymous with county society.

An average magistrate's landholding of 1,900 acres, 19 times above the legal minimum, gives the impresion that the Webbs were correct to see the magistracy as being dominated by the great landed of the county. In fact this is a misleading stereotype. Roland Quinault's analysis of the Warwickshire bench argues for a broadening of the landed base. He finds that 23 of 171 active magistrates owned under 500 acres, although still admittedly concludes that the magistracy remained the "close preserve of the squirearchy".[43] In Hampshire one must go further. As Table 2.7 shows in a breakdown of the distribution of magistrates' estates, nearly three fifths (58•6%) owned less than the 1,000 acres which according to Thompson's criteria would have placed them in the ranks of the gentry. As many as 43•4% actually held less than 500 acres in the county, which placed them firmly in the ranks of the middling if not quite the small landowners. The median-sized estate (as opposed to the average) was only 743 acres. The average was as high

TABLE 2.7 Size of Magistrates' Estates

Size	Number	
500 acres or under	63	
501-1000 acres	22	
1001-2000 acres	20	Total acreage: 275,562
2001-3000 acres	7	Number of magistrates: 145
3001-4000 acres	9	
4001-5000 acres	3	
5001 acres or over	21	

as 1,900 because it was misleadingly inflated by the 21 magistrates who owned over 5,000 acres. By mid-century in other words, the Hampshire bench did represent the squirearchy, but it also contained a far broader spectrum of landowners, perhaps only a fifth of whom could be characterised as county families.

The explanation as to why the Hampshire bench had become dominated by owners of less than 1,000 acres is a straightforward one. It was a matter of simple necessity. In 1800 with the number of active magistrates being no more than 100, it would have been theoretically possible to confine them almost entirely to the ranks of the lesser gentry and above. With a magistracy of over 200 by 1850 this was impossible since only c.150 families in the county actually possessed over 1,000 acres. Moreover, since only approximately a half of these were active at any one time, up to 150 magistrates had of necessity to be found from beneath the ranks of the gentry. Hence the opportunity for social and political biases to creep into their selection.

To the question therefore of what characterised the typical Hampshire magistrate of 1850 one can answer the following. He would have been a substantial but not large landowner, of perhaps 750 acres, almost certainly an anglican, and probably a Tory in his political convictions. He would have been in his mid-fifties, having served on the bench since his early forties. But this is not the same thing as saying that all Hampshire magistrates conformed to this norm. What is more striking, even in a predominantly rural county like Hampshire, is the variation that one might be likely to find within a petty sessional division of twelve magistrates. Four or five would have been unequivocally members of the county gentry. One or two might have held over 5,000 acres, and even belonged to the economic or titled aristocracy. They would quite possibly be sitting alongside up to half a dozen magistrates whose Hampshire holdings comprised under 500 acres. Among their number there might well be one catholic or nonconformist. It was slightly more probable that there would be a clergyman. Three or four others might have pursued a professional career of some kind. The same number would have supported the Whig-Reformer political cause. The county magistracy was in many ways a remarkably heterogenous body.

The Magistrate at Work: Quarter Sessions

Since quarter sessions was the sovereign body of the county magistracy, one could be forgiven for thinking that its meetings would have attracted a good many of their number. Table 2.8 reveals a gradual, though by no means uniform or uninterrupted increase in the level of attendance, but overall attendance records were hardly impressive.[44] Even the general

TABLE 2.8 Average Attendance at Quarter Sessions by Magistrates

Years	Attenders	Average per Sessions
1821-5	672	33•6
1826-30	488	24•4
1831-5	572	28•6
1836-40	821	41•1
1841-5	745	37•2
1846-52	1,073	38•3

trend towards better attendance levels is misleading, since it takes no account of the fact that the number of active magistrates was ever increasing. As a percentage of the active magistracy, the number which bothered to attend sessions remained virtually static throughout the period. A figure of 16•2% for the period 1826-30 had risen to only 17•1% for the period 1846 to 1852.

It should be noted that the figures cited in Table 2.8 refer only to the first day's attendance at quarter sessions, the time at which questions of general interest to the county were raised. After the first day business was given over to the hearing of appeals and the trying of prisoners. Needless to say, few magistrates felt inclined to stay in Winchester for the transaction of these laborious duties, the burden of which fell to those magistrates who chose to remain. At the Epiphany sessions of 1822 for example, as many as 45 magistrates attended on the first day to discuss a possible procedural change. As soon as the debate ended, there was a mass exodus which left only six magistrates to proceed with the rest of the business.[45] A concerted effort to solve this problem, which did at least guarantee a minimum attendance, was made in 1836 when sessions ordered that at least one magistrate from each of the county's 14 petty sessional divisions be present throughout sessions week.[46] Such an expedient is surely proof that magistrates generally looked upon quarter sessions attendance less as a welcome opportunity to indulge in irresponsible financial extravagance, than as a chore to be avoided if possible, but performance of which brought heavy responsibility and little reward beyond ratepayers' criticism.

One is therefore prompted to ask what it was that determined which magistrates attended quarter sessions and when? Table 2.9 shows clearly that the social group who dominated the attendance were the gentry.[47]

Their percentage share of the sessions attendance increased dramatically between 1821 and 1852 whilst that of the aristocracy and clergy was on a progressive decline. The change would be even more striking

TABLE 2.9 Social Composition of the Magistracy at Quarter Sessions

Years	Aristocracy	Gentry	Clergy	Total
1821-5	26•5%	58•5%	15•0%	100%
1826-30	19•7%	66•2%	14•1%	100%
1831-5	13•3%	78•1%	8•6%	100%
1836-40	14•3%	77•3%	8•4%	100%
1841-5	13•3%	78•7%	8•0%	100%
1846-52	12•3%	81•0%	6•7%	100%

if the timescale were extended back to the beginning of the century, since the clergy then enjoyed an impressive share of the attendance. As late as 1814 they constituted well over 25% of those present. But this does not mean that the clergy and aristocracy became less interested, and the gentry more interested, in county government as the century progressed.[48] The changing balance of their respective weights at quarter sessions as can be seen from Tables 2.2, 2.3 and 2.4 was primarily simply a reflection of their changing balance on the commission of the peace and as active magistrates. In strict numerical terms the number of aristocrats and clergy attending quarter sessions did not conspicuously vary. But they were swamped in percentage terms because the bulk of the newly qualifying magistrates from 1820 onwards came from the ranks of the gentry. Since 'gentry' in this instance includes anyone who was neither an aristocrat nor a clergyman, and therefore those magistrates with smaller estates or a professional past, quarter sessions did increasingly reflect a broader social spectrum even if it did not become more democratic in form in the years before 1852.

As has already been seen, the gentry were usually better than the clergy, and the clergy better than the aristocracy, in their sessions attendance. Beyond this, one can also state that it was the Michaelmas and Epiphany sessions that were the best, and the Easter but particularly the Midsummer sessions that were the least well attended (Table 2.10).[49] This seasonal variation is to be explained in terms of the social habits of county magistrates. Some understandably preferred to spend July sailing or travelling to sitting in a

stuffy court room in Winchester wading through voluminous and complex depositions. In October or December conversely, the sporting attractions of shooting and hunting made it a priori more likely that they

TABLE 2.10 Seasonal Attendance at Quarter Sessions

Session	Aristocracy	Gentry	Clergy	Total	Number
Epiphany	18•1%	73•6%	8•3%	100%	35•2
Easter	14•8%	74•8%	10•4%	100%	32•4
Midsummer	15•5%	72•8%	11•7%	100%	30•7
Michaelmas	16•4%	74•5%	9•1%	100%	36•8

would at least be in the county. This interpretation would appear to be supported by the slightly lesser presence of aristocrats and gentry at the Midsummer sessions and the consequently slightly greater presence of the clergy.

The remarks made hitherto have proceeded from the dual assumptions that the vital distinctions are those between social groups, and that the attractions of attending sessions were uniform. These are generally warranted assumptions, but refinements can be made. It is evident from Table 2.8 for example, that there are peaks in the level of attendance, specifically during the early 1820s and the later 1830s. Superficially inexplicable though these are, they become comprehensible when one is aware of the issues that were coming up for discussion. In the early 1820s, at a time of acute agricultural distress, sessions was under severe external and internal scrutiny on account of its burgeoning expenditure concomitant with the reorganisation of the county's prisons: and almost simultaneously engulfed by the revelation of large deficiencies in the treasurer's accounts. Fifteen years later a similar level of interest was created by the protracted debates as to whether or not the county should adopt the Rural Police Act.[50]

Which issues then, were most likely to bring a magistrate to Winchester? There were five occasions during the period when a sessions attendance exceeded 70. In numerical order these were Epiphany 1843 (125), Midsummer 1839 (92), Epiphany 1840 (82), Michaelmas 1823 (73) and Easter 1849 (73). Those of 1823 and 1849 were dominated by the treasurer and police questions alluded to above, in other words, issues that involved potentially large administrative alterations, but more importantly, large sums of county money. The remaining

three occasions were characterised by the election of an important county officer, the chief constable of police in 1840 and 1843, and the prison chaplain in 1849. Large attendances for such votes reflects two complementary points. First, that magistrates responded positively to being canvassed by one of the several candidates for lucrative county offices. Second, and more importantly, that if few magistrates felt inclined to attend at Winchester for the transaction of mundane business, a good many of them took the appointment of the most important county offices at their disposal very seriously.

In the absence of any such attractive issue on the sessions agenda, undoubtedly a more important (indeed the key) factor in determining whether most magistrates attended sessions was where they lived. Fortunately, Winchester's roughly central position in the county did prove conducive to the attendance of a representative geographical cross-section of its magistrates, but against this one has to remember that the county covered a large acreage and did not, as some others did, rotate the sessions venue around the leading provincial centres.[51] Consequently, as the distance of the magistrate's home from Winchester increased, there needed to be a commensurate increase in his enthusiasm for county government if his attendance were to be regular. Table 2.11 underlines the point by providing a geographical breakdown on a petty sessional basis, of those magistrates who attended the four quarter sessions of 1837, a year chosen for its absence of any 'abnormal' issues likely to distort the figures.[52] The table shows that those magistrates

TABLE 2.11 Divisional Attendance of Magistrates at Quarter Sessions 1837

Winchester	:	28	Fareham	:	8
Southampton	:	23	Odiham	:	7
Lymington	:	13	Petersfield	:	5
Alton	:	12	Andover	:	4
Kingsclere	:	9	Romsey	:	3
Basingstoke	:	8	Ringwood	:	1
Droxford	:	8	Isle of Wight	:	1
		101			29

Total : 130

from the Winchester and Southampton divisions alone account for 39·2% of the attenders. Against this, the Rev. R. Walton White's presence at

the Easter sessions was the only representation from the Isle of Wight all year.

This is not to say that magistrates from distant parts of the county did not attend sessions, nor that individuals could not be influential in county administration if they lived far from Winchester. Few in fact attained greater influence during the period than Charles Shaw-Lefevre, who regularly made the journey from his Heckfield estate in north Hampshire, or Richard Pollen, whose family's property was concentrated around Andover, and the weight of whose own acres actually lay in Wiltshire. Both became chairman of sessions. Nevertheless, the undeniable advantage conferred upon those magistrates who lived fairly close to the county's administrative centre does explain why Sir Thomas Baring with his 8,000 acres centred upon East Stratton and Sir William Heathcote with the weight of his 15,000 acres lying in Hursley could, if they chose, come close to dominating the sessions arena. Besides Lefevre and Pollen, they were only rivalled between 1820 until his death in 1845 by William Sturges-Bourne, who allied his barrister's training to his experience as a former sessions chairman and Home Secretary.

The Magistrate at Work: Out of Sessions

Whilst quarter sessions was the magistrate's sovereign body, there were two further levels at which he might operate. The lesser of these was to act alone when his powers were many and varied but his responsibilities little more specifically defined than to ensure the general preservation of the peace. More important were the weekly or fortnightly petty sessional meetings at which two or more magistrates gathered for the discharge of a variety of business.[53] With quarter sessions attendance levels indifferent, it was in petty sessions that many magistrates were to be found the most assiduous in their duties.

Petty sessional divisions had existed in Hampshire at least since the reign of Elizabeth I. Regular petty sessions meetings were being held from at least the 1630s and by 1775 there were seven identifiable divisions within the county.[54] It was at about this latter date that the petty session was experiencing a rapid growth in importance as both central government and quarter sessions turned to them for information on an array of subjects. Quarter sessions also began delegating to them some of its own administrative and judicial responsibilities.[55]

By 1800, two magistrates in petty sessions might license public houses, stop up or turn roads and footpaths, try petty offenders and, from 1838, make bastardy orders. Of these powers it was petty trials that proved the most common and time consuming, particularly cases of minor assault, drunkenness, vagrancy, general breaches of the peace and offences against the game laws. In cases of a more serious character, they decided whether or not the accused should be committed to prison to stand trial at quarter sessions or the assizes. Sir George Rose, whose gout prevented him from more than a sporadic attendance at quarter sessions, was typical in his activity at petty sessional level. Between August 1842 and January 1843 he recorded 86 cases which had come before him. These included 28 assaults, 12 game law offences, eight breaches of highway regulations, six cases of malicious trespass, six instances of drunkenness, four wage claims, three thefts of vegetables, two breaches of alehouse licenses, two larcenies, two cases of vagrancy; and one each of an ejected tenant, a property dispute, a pickpocket and the burning of an effigy on 5 November.[56] Sidney and Beatrice Webb were certainly right when they identified the years 1828 to 1835 as ones in which the magistrate lost his exclusive control over highway, licensing, poor law and game law affairs. They perhaps failed to appreciate that the magistrate's workload in petty sessions remained burdensome and was increasing in the years down to 1852, particularly as a result of increased crime, and mitigations in the criminal code which transferred cases away from quarter to petty sessions.[57]

The latter point is corroborated by the need to restructure the county's petty sessional divisions after 1775. By 1820 the seven had become nine in number: North and South Alton, Andover, Basingstoke, Fawley, Kingsclere, North and East New Forest, Portsdown, and the Isle of Wight. By the end of the 1820s it was clear to contemporaries that with both a rising population and crime rate, nine was too few. Facilitated by an Act of 1829 which empowered the magistrates in quarter sessions to redraw the divisional boundaries of their county, the Hampshire divisions were completely revised in 1829-30 to create 14 new ones. These arrangements remained effectively the same in 1852 except for the reconstituting of the Lymington division as the Lymington and New Forest division in 1845-46.[58]

The basic principle behind the redrawing of the divisional boundaries in 1829-30 was that every parish should be in the division of

natural market centre. Beyond that the petty sessions were conspicuously unequal in their size and population. The New Forest division's acreage was over four times that of Southampton but it had less than twice the number of magistrates. Admittedly the ratio of magistrates per head of population approximated a good deal more closely. But this was not necessarily the case if one compares other divisions. Each Romsey magistrate was responsible for nearly twice the number of persons as his New Forest counterpart (Table 2.12).[59]

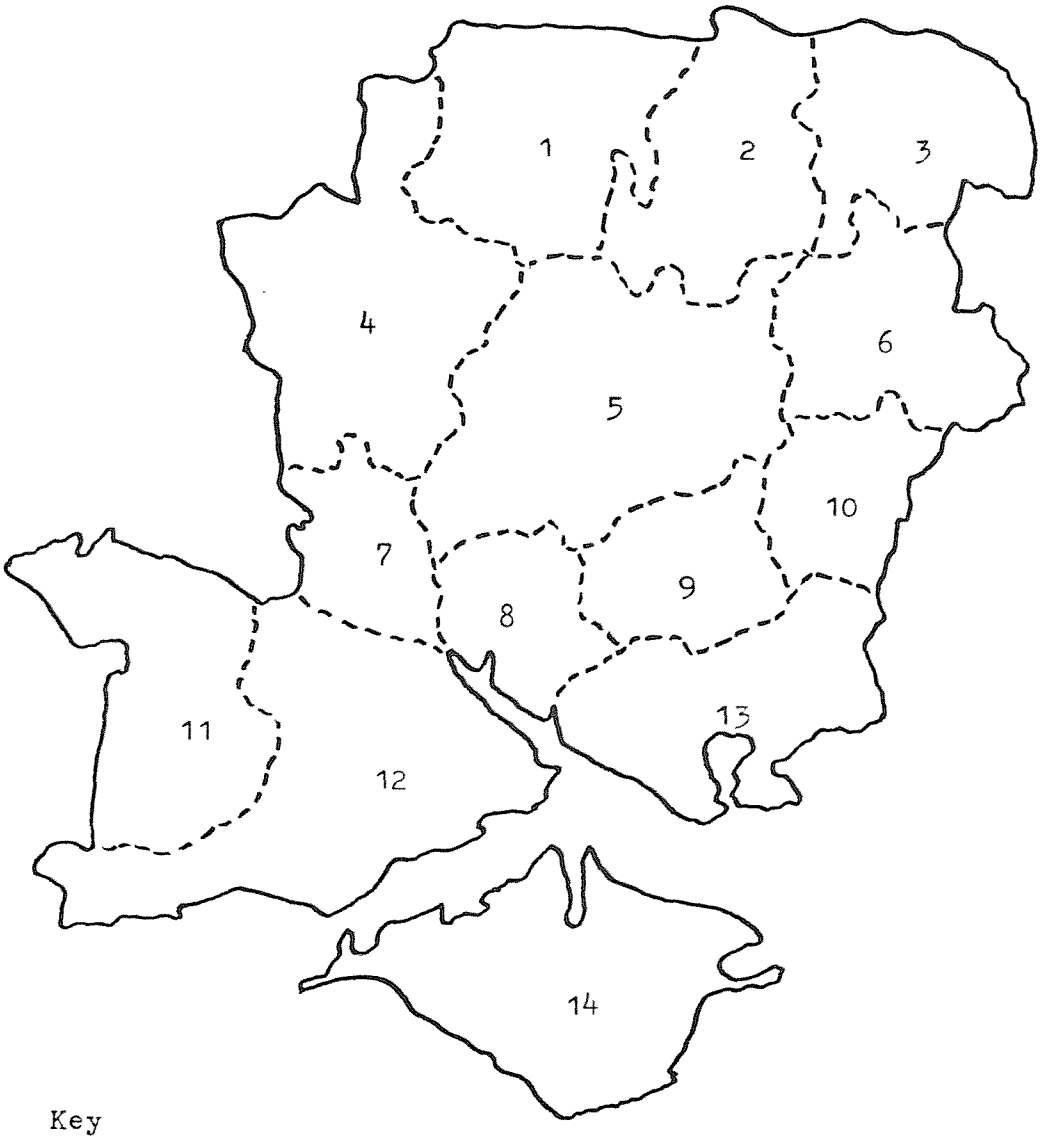
TABLE 2.12 Hampshire Petty Sessional Divisions 1852

Name	Acreage	Population	JPs	JPs per acre	JPs per head of pop.
Alton	62,376	13,916	8	1:7,797	1:1,739
Andover	92,317	15,039	10	1:9,232	1:1,504
Basingstoke	68,611	13,148	13	1:5,278	1:1,011
Droxford	48,263	10,697	10	1:4,826	1:1,070
Fareham	72,717	38,269	20	1:3,636	1:1,913
Kingsclere	72,921	13,855	13	1:5,609	1:1,066
New Forest	125,381	22,567	31	1:4.044	1: 728
Odiham	60,786	15,070	14	1:4,336	1:1,076
Petersfield	57,349	11,437	12	1:4,779	1: 953
Ringwood	90,581	19,619	22	1:4,117	1: 892
Romsey	47,409	12,107	9	1:5,268	1:1,345
Southampton	30,715	14,767	17	1:1,807	1: 869
Winchester	116,995	19,638	18	1,6,500	1:1,091
Isle of Wight	99,666	46,135	29	1:3,437	1:1,591

Petty sessions also remained throughout the period a highly informal affair. Nearly every division held its meetings at a local inn, whilst Cobbett was able to fulminate how, on one occasion, the Duke of Buckingham had summarily conducted the trial of a poacher caught on his lands in the dining room of his Avington Park mansion. Only in 1860 did quarter sessions turn its attention to the provision of purpose built accommodation.[60] This apparent informality, however, could be deceptive. The magistrates of each division guarded its independence from the involvement of other county magistrates in their affairs, with considerable zeal. In 1830 at Havant there was a protracted dispute precipitated by a Fareham magistrate's attending the Havant petty sessions and taking a part in the discharge of its business. Even the usually certain

Map 4

Petty Sessional Divisions



Key

1. Kingsclere
2. Basingstoke
3. Odiham
4. Andover
5. Winchester
6. Alton
7. Romsey
8. Southampton
9. Droxford
10. Petersfield
11. Ringwood
12. New Forest
13. Fareham
14. Isle of Wight

Wellington found himself having to verify that a Hampshire county magistrate was legally empowered to act anywhere within the jurisdiction of the commission of the peace.[61]

The petty sessions were not normally attended by all of the magistrates in the division. Usually the petty sessional bench consisted of no more than three or four magistrates. On this basis, the number of magistrates active at petty sessions would be roughly 50, more than attended quarter sessions but still only approximately a third of those who had taken the oaths of qualification. This figure is misleading. A clue as to the normal course of events is provided in the diary of Jervoise Clarke-Jervoise. He was a regular attender of the petty sessions at Petersfield, but on the occasions when he arrived to find two or three magistrates already present, he was not often in the habit of staying.[62] In other words, it was by no means the same persons who were to be found at petty sessions every week. This assertion is borne out by a parliamentary return of 1856 which lists those magistrates defined as "usually active" at petty sessions.[63] In Hampshire's case the figures reveal that no less than 78·9% of those magistrates who had bothered to qualify were regularly to be found at petty sessions.[64] This moreover is a minimum figure, for the return makes no allowance for magistrates unavoidably absent through illness or infirmity. The conclusion is inescapable. County magistrates preferred as a whole to concentrate on being active and influential within their own locality rather than to make the additional effort of becoming active and influential county administrators. J. Clarke-Jervoise's diary provides an excellent if somewhat extreme example of the point. In 1843 alone, he attended 22 weekly petty sessions meetings and as many as 28 of those of the guardians of his Poor Law union.[65] Against this, he attended only three meetings of quarter sessions between 1835 and 1852.

Conclusions

A broadly familiar pattern is discernible from this and other local studies of the nineteenth century county magistracy. All reveal the remarkable adaptability of the English landed order in assimilating the new interest wrought by a combination of population growth and industrialisation. Since the influence of these factors in each county was not uniform, each of the county benches had its own salient charac-

teristics. In Warwickshire in 1830, for example, there was a remarkably high proportion of clerical magistrates. Only by 1868 had its bench become a fair reflection of the aristocrats and squires in Warwickshire county society.[66] Conversely, Richard Olney's analysis of the Lincolnshire bench has found no real reason to dissent from the Webb's view that the commission of the peace in 1835 already encompassed all the wealth and respectability of the county. The lord lieutenant, Earl Brownlow, both sought and succeeded to confine the ranks of the county magistracy to the obvious pillars of Lincolnshire society. Bankers, industrialists and retired professionals had to wait until the 1860s before they were added to the Lincolnshire commission in any number.[67]

The picture of slow change which emerges from the studies of Warwickshire and Lincolnshire accords well with what was happening in Hampshire. For examples of spectacular, rapid change one must turn elsewhere. David Foster, for instance, has argued the necessity for a qualification of the Webbs' class model of county government from his work on the composition of the Lancashire bench. By 1841, Lancashire's new social leaders who had made their wealth in the cotton industry were already in a majority in the commission.[68] David Philips has likewise demonstrated how a similar position was attained in the Black Country by the representatives of the burgeoning coal and iron industries.[69]

The only attempt at a national overview of the social composition of the county magistracy during the nineteenth century has come from Carl Zangerl.[70] Effectively what he does is to extrapolate and summarise the information available in a series of parliamentary returns upon the subject. His findings suggest that, notwithstanding the changes taking place in Lancashire and the Black Country, aristocrats and gentlemen still constituted 85•5% of all those persons added to the commissions of the peace between 1836 and 1842. Since a further 13•4% of those added were clergymen, only a negligible 1•2% are left to comprise the collective category which he designates simply as "others".[71] On the very eve of the introduction of county councils in 1887, the combined categories of aristocrats and gentlemen still constituted a remarkable 74•3% of the magistracy. Considerably more ground, for reasons outlined above, had been lost by the clergy, who now constituted only 5•3% of the total. What is most striking, however, is the fact that the "middle class" and "others" between them still only accounted

for 20·3% of the whole.[72]

Zangerl has doubltess performed a useful task in providing a statistical yardstick against which generalisations concerning the county magistracy can at last be measured. From his central argument, that landed gentlemen continue to constitute the backbone of the county magistracy down to 1888, it is difficult to dissent. Hampshire's, Lincolnshire's and Warwickshire's commissions of the peace were clearly more representative of the national picture than were those of Lancashire and the Black Country. Conversely, Zangerl's figures for the percentage of aristocrats and gentlemen in the commissions of the peace are almost certainly too high, at the expense of the figures for the middle classes and the professions. This was because each magistrate (or at best the clerk of the peace for each county) was responsible for dictating how he would be styled in the parliamentary returns. Those magistrates with a professional or commercial background who sat on a bench still dominated by those with an impeccable landed pedigree clearly had strong motives for not advertising their own social origins. In the parliamentary return of Hampshire magistrates for 1887, for example, the only ones not described as 'gentlemen' in the column for occupational status are clergymen and servicemen.[73] On the face of it there were no lawyers, barristers, bankers or doctors, even though the reality was that there had been a sprinkling of each since at least the 1820s.

Zangerl in short lacks the detailed information necessary to analyse the large and apparently homogeneous body designated simply in the parliamentary papers as "aristocrats and gentlemen". Surely the most important point to emerge from the present study has been to illustrate just how heterogeneous the "aristocrats and gentlemen" were. The majority indeed were not, according to a technical and economic definition, actually members of the landed gentry. They were rather, to return to the distinction adopted in the previous chapter, members of county society rather than county families. It may be that the Hampshire magistracy was in this respect untypical, but this is a question which only further case studies can resolve.

Footnotes to Chapter Two

1. Cited in H.J. Hanham, Elections and Party Management, pp.3-4.
2. S. and B. Webb, English Local Government from the Revolution to the

Municipal Corporations Act; The Parish and the County, pp.378-382; B. Keith-Lucas, The Unreformed Local Government System, p.45.

3. Ibid., pp.45-47; S. and B. Webb, op. cit., pp.375-377; F.W. Maitland, Justice and Police, pp.70-71.
4. On magistrate appointments, J.M. Lee, 'Parliament and the Appointment of Magistrates', Parliamentary Affairs, XIII(1959-1960), pp.85-94; L.K.J. Glassey, Politics and the Appointment of Justices of the Peace 1675-1720, chapter one. For general surveys of the office of magistrate see Bertram Osborne, Justices of the Peace 1361-1848, and Esther Moir, The Justice of the Peace.
5. Hansard, Parliamentary Debates, 2 ser., XVIII(1828), p.162.
6. 5 Geo.II c.18 and 18 Geo.II c.20.
7. 'A Return from each Clerk of the Peace...of the amount of fees charged to a magistrate....', Parlt. Papers, 1845(665), XXXVI, p.286.
8. 'Returns of the Number of Justices in the Commissions of the Peace for each County in England and Wales...', ibid., 1852-3(558), LXXVIII.
9. Hansard, 2 ser., XVIII(1828), pp.164-170. See also Cobbett's view in P R , 4 September 1824.
10. The figures are based upon information obtained from parliamentary returns, quarter sessions records, contemporary correspondence, and the provincial newspaper press. 'Aristocracy' for the purposes of this and the following tables is not an economic definition but is taken to include all those with the rank of baronet and above.
11. W.MSS., 4/1/18/36, Marquis de Rhodes to Wn, 17 October 1849; ibid., 4/1/20/26, note by Lord Charles Wellesley, May 1852; ibid., 4/1/1/53, Fleming to Wn, 25 October 1829 enclosing a letter from John Crouch.
12. Clarke-Jervoise MSS., 18M64/1, MS. diary entry for 6 April 1835.
13. For examples of the various types of application, W.MSS., 4/1/3/1/7, Fleming to Wn, 4 March 1831; ibid., 4/1/4/1/3, Richard Pollen to Wn, 20 January 1832; ibid., 4/1/6/1/6, Richard Townsend to Wn, 10 July 1834.
14. Ibid., 1/848, Wn to Carnarvon, 9 January 1826; ibid., 4/2/12, J.B. Purvis to Wn, 7 July 1849.
15. Ibid., 4/1/1/27, Sir John Dalrymple to Wn, 23 May 1829; ibid., 4/1/1/28, Sir H. Neale to Wn, 6 June 1829.
16. On the family's background, see Victor Bonham-Carter, In a Liberal Tradition.
17. Hansard, 2 ser., XVIII(1828), p.163.
18. See especially E.J. Evans, 'Some Reasons for the Growth of Rural Anti-Clericalism c.1750-1830', Past and Present, No.66 (February 1975), pp.84-109; Moir, op. cit., pp.106-107.
19. W.MSS., 1/705, two letters from the Duke of Buckingham to Wn, dated 27 and 30 June 1822 respectively.
20. Ibid., 4/1/1/59, Wn to Fleming, 20 December 1829.
21. Moir, op. cit., pp.108-109.
22. That is to say, Wright, who never missed a general quarter sessions, was counted four times each year.
23. R.E. Quinault, 'The Warwickshire County Magistracy and Public Order, c.1830-1870', in R. Quinault and J. Stevenson (eds.), Popular Protest and Public Order, especially pp.186-189. For the class model of county government, S. and B. Webb, op. cit., pp.383-386.
24. No less than 7,268 of 11,342 church livings in 1831 were in the gift of the aristocracy and gentry.
25. G. Kitson-Clark, Churchmen and the Condition of England 1832-1885, pp.51-52. For statistics concerning the number of clergy and for a generally important social analysis see Carl Zangerl, 'The Social

Composition of the County Magistracy in England and Wales, 1831-1887', Journal of British Studies, XI, No.1 (November 1971), pp.113-125, especially tables one and two.

26. W.MSS., 4/1/7/2/53, Fleming to Wn, 20 November 1836.
27. Charles Dickens, Bleak House (New Oxford Illustrated Dickens), pp.392-293.
28. The information has been gleaned from contemporary correspondence and the provincial press. It is not necessarily exhaustive.
29. F.M.L. Thompson, English Landed Society in the Nineteenth Century, p. 72; W.MSS, 4/2/8, Cottenham to Wn, 30 November 1837.
30. C. Vancouver, General View of the Agriculture of Hampshire, including the Isle of Wight, pp.51-52.
31. See for example the Havant dispute which can be followed in W.MSS., 4/2/4.
32. C. Woodham-Smith, Florence Nightingale 1820-1910, chapter one.
33. David Philips, 'The Black Country Magistracy, 1835-60', Midland History, III, No.3 (Spring 1976), pp.161-190, especially pp.175-184.
34. W.MSS., 4/1/1/1, Fleming to Wn, 2 December 1828.
35. P R, 4 September 1824 and below, chapter five.
36. W.MSS., 4/1/8/26, Wn to Lord Stuart de Rothesay, 18 May 1837.
37. Ibid., 4/2/7, Fleming to Wn, 4 October 1837.
38. For a fuller discussion of the question of political bias, see below chapter five.
39. The information has been drawn from family histories, genealogies and press obituaries.
40. On the other hand one ought in fairness to point out that all but three of the clergymen in the present sample were recommended by Wellington's two predecessors as Lord Lieutenant, Lord Bolton (1800-1807) and the Earl of Malmesbury (1807-1820). The average age of the three clergymen recommended by Wellington was 47, but this is too small a statistical sample to allow us to say positively that the Duke looked to older clergymen than his predecessors had done.
41. Lord Lieutenancy papers, L.L./16. The actual oaths of qualification can be found in quarter sessions filing box 27.
42. 'Owners of Land, 1872-73 (England and Wales)', Parlt. Papers, 1874 (1097), LXXII, part II, pp.237-277.
43. Quinault, op. cit., p.189.
44. Table 2.8 is based upon the sessions order books.
45. HC, 21 January 1822.
46. Q.O.38, 5 April 1836.
47. The figures in Table 2.9 are compiled from the names listed as present on the first day of sessions in the sessions order books.
48. On the question of sessions attendance see S. and B. Webb, op.cit., pp.421-424; Philip Styles, 'The Development of County Administration in the late XVIIIth and early XIXth Centuries, illustrated by the Records of the Warwickshire Court of Quarter Sessions, 1773-1831', Dugdale Society Occasional Papers, No.4(1934), p.6.
49. Table 2.10 is also based on the sessions order books.
50. On these two issues, see below, chapter four and below, chapter eight.
51. See R.J. Olney, Rural Society and County Government in Nineteenth Century Lincolnshire, p.10.
52. With the exception that the discussion of a possible alteration of the composition of the Kingsclere division at the Michaelmas sessions provoked an abnormally high attendance of its magistrates.
53. For a brief description of the distinctions and power involved, see Philips, op. cit., p.163; S. and B. Webb, op. cit., pp.387-392.

54. B.J. Richmond, 'The Work of the Justices of the Peace in Hampshire 1603-1640', University of Southampton M.Phil. Thesis, pp.27-37.
55. On the growth of petty sessions see S. and B. Webb, op. cit., pp.392-396, 400-411; Moir, op. cit., pp.89-90.
56. W.MSS., 4/2/9, Sir George Rose to Wn, 25 January 1843.
57. S. and B. Webb, op. cit., book two, chapter six, especially pp.602-605. The increase in the judicial work at petty sessions was confirmed by the 1848 Summary Jurisdiction Act (11 and 12 Vict. c.43).
58. 9 Geo.IV c.43; W.MSS., 4/1/1/30; HC, 18 April 1846. A petty sessions within an existing division was being held at eight further places by 1852: Havant, Ryde, Lyndhurst, Gosport, Hythe, Fordingbridge, Alresford and Christchurch.
59. Table 2.12 is based upon the 1851 census and the list of magistrates for 1856.
60. P R , 3 May 1823; Q.O.44, 7 July 1860.
61. For the Havant dispute, W.MSS., 4/2/3. Even the transfer of a parish from one division to another could engender heated friction between magistrates. See HC, 3 July 1852.
62. Clarke-Jervoise MSS., 18M64/1, MS. diaries for 1835-1852.
63. 'Return of the Number of Justices in the Commission of the Peace for each County in England and Wales....', Parlt. Papers, 1856(110), L, pp.248-260.
64. The figure of 78·9% is not perhaps a fair contrast with the figure of 17·1% which was cited earlier as the level of magistrate attendance at quarter sessions, since the latter figure is for 'actual' rather than 'usual' attendance. Perhaps the best index of those 'usually' at quarter sessions is the number of different magistrates who attended in any given year. The 130 magistrates who attended the four quarter sessions of 1837, for example, consisted of 28 who did so once, 21 who did so twice, 12 who attended on three occasions and six who attended on all four occasions. In other words, 67 different magistrates were present at one or more of the sessions of 1837. This was approximately 40% of the magistrates who had qualified. In other words a magistrate was still twice as likely to attend petty sessions as quarter sessions.
65. Clarke-Jervoise MSS., 18M64/1, MS. diary for 1843.
66. Quinault, op. cit., pp.185-189.
67. Olney, op. cit., pp.98-104.
68. D. Foster, 'Class and County Government in Early-Nineteenth-Century Lancashire', Northern History, IX(1974), pp.48-61.
69. Philips, op. cit., pp.165-175.
70. Zangerl, op. cit., passim.
71. Ibid., p.115, table one.
72. Ibid.
73. 'Return giving the Names and Professions or Descriptions of all Justices of the Peace....', Parlt. Papers, 1888(356), LXXXII, pp.318-323.

CHAPTER THREE

QUARTER SESSIONS: COUNTY GOVERNMENT IN ACTION

The four quarter or general sessions of the peace held annually at Epiphany, Easter, Midsummer and Michaelmas as dictated by statute, were the great administrative gatherings of the county. Adjournments of the same might be held, but they dealt almost invariably with trivial, unfinished business arising out of the main sessions week.[1] In quarter sessions, such county magistrates as chose to be present were presided over by one of themselves as permanent chairman. This was a new position: as late as 1776 the Hampshire sessions had declared itself against the principle of a permanent officer.[2] Clearly local jealousies were more potent than Maitland gave credit for a century later when he described the sessions chairman as simply a "first among equals".[3] Maitland was, nevertheless, theoretically correct. The only distinguishing characteristics of the chairman were the right to exercise a casting vote (on the very rare occasions when the votes of the magistrates present proved equal) in civil business; and in the judicial court to pronounce the sentence which the bench had formulated collectively. Such unexceptionable privileges allied to the fact that the increasing volume and diversity of sessions business made imperative greater uniformity of procedure, made the logic for the introduction of a permanent chairman irrefutable.

The sessions chair was in some respects a position similar to that of county Member: it conferred heavy burdens to be discharged without remuneration, but brought with it much prestige. Richard Pollen gave up his lucrative barrister's career in 1825 to become sessions chairman. His successor in 1838, Sir William Heathcote, actually considered the honour greater than that of being chosen county Member.[4] But one must be wary of overstressing the similarities. The ideal Hampshire sessions chairman had to combine in his person a unique combination of qualities: a keen mind, administrative acumen, patience, tact, industriousness, even-handedness, man-management, personal popularity, social standing, and preferably a legal training too.[5] Needless to say, the number of potential candidates was never large. When there were two, it is noteworthy that the magistrates preferred the one with

greater legal experience to the one of higher social standing.[6] Thus in 1822 Sir John Newbolt who had been chief justice of Madras was selected for the chair ahead of the Rev. George Herbert, a younger brother of the Earl of Carnarvon. Newbolt's two predecessors, Sir James Burrough and William Sturges-Bourne, and his successor but one, Richard Pollen, all had a barrister's training and came from the ranks of the county's lesser gentry as opposed to its county families. Only in the person of Sir William Heathcote in 1838 did the chair devolve to a member of a county family who also possessed the much-valued legal training.[7] When ill-health forced Heathcote's resignation in 1849, the magistrates conceded the usual impossibility of finding somone who could match legal training with county standing by selecting two chairmen, one to preside over civil, the other over judicial, business.[8]

Whilst it was the chairman and magistrates who were responsible for the decision-making at quarter sessions, it would be erroneous to suppose that they sat alone in Winchester Castle.[9] Much of the continuity at sessions resulted from the presence of seven county officers, six of whom were appointed by sessions. Admittedly four of the six performed comparatively unimportant duties. These were the crier of the court who was required to assist in preparing and taxing the claims of prosecutors and witnesses, two bailiffs and a hallkeeper. The latter three were generally responsible for order and decorum in the court.[10] Far more important were the offices of surveyor and treasurer. Hampshire had employed a county surveyor as early as 1777 but the position was declared unnecessary in 1784. By 1820, however, the position was firmly established and its incumbent receiving an annual salary of £25. It is clear that most of his remuneration, however, came from a table of fees which covered such tasks as superintending and directing repairs to the county buildings and bridges.[11] The treasurer, too, was receiving only a nominal salary in 1820, in his case £20. He made his profits from the office by being allowed to invest the temporary balance in his hands once the burdens of the quarter on the county had been discharged. But this proved an unsatisfactory practice largely, as the treasurer George Hollis complained, because the expansion of county business in the early nineteenth century left little or no balance. Consequently a fixed salary of £100 per annum was substituted in 1822.[12] In return the treasurer was responsible for receiving the county rates, discharging the

county bills, and keeping a voluminous series of account books, one for each major category of county finance.[13]

The seventh county officer, the one not appointed by sessions, but arguably the most important of all, was the clerk of the peace. He was appointed by the custos rotulorum. In modern parlance the clerk's job was something akin to that of a cross between a secretary and a legal adviser. As Sir Thomas Baring defined it: "The office... ..was one of great trust and importance - to him the whole proceedings of the county were entrusted, in his keeping the records of the county were deposited, he was the adviser of the county".[14] Hence its being filled by the prominent Winchester attorney Thomas Woodham between 1807 and 1858. Technically Woodham was only the deputy clerk, the clerk proper being a middling landowner, William Dale Farr. But Farr performed no duties and farmed the office out to Woodham for £210 per annum. Woodham, who was remunerated entirely by fees, nevertheless invariably emerged with an annual profit of between £350 and £500.[15]

This picture of sessions, of the county magistrates being assisted by a secretariat, was completed by the presence of numerous others. They were an assortment of high and parish constables, of prisoners, prosecutors and witnesses, of grand and petty jurymen, the county press and generally interested members of the public. Their numbers varied, but a case which had caught the local imagination, be it the discussion of some issue involving a fresh impost on the rates, or the trial of some notorious prisoner, might easily attract up to 500 people to Winchester Castle.[16]

It is the chief purpose of the present chapter, however, to give some indication of the development in the major areas of sessions administration. Much of the business transacted by the magistrates was mundane in character, following a regular pattern, and may be rapidly summarised.[17] The accounts of the previous three months would be presented by the treasurer, examined by the magistrates, and allowed. Depending upon the balance which remained, and upon the estimated expenditure for the ensuing quarter, a county rate would be made and precepts issued for its collection. This would be followed by the various enrolments: quarterly reports from the county's prisons, the rules of friendly societies, the entering of recognisances, and details of roads and footpaths to be turned or stopped up. No less automatic was the appointing of magistrate committees, most usually as visiting justices to

the county prisons or privately licensed madhouses, but also to inquire into specific questions of policy. Any vacancies amongst the county officers could then be filled, and fines issued against non-attending constables and jurymen. The round of trivial business would be concluded by considering any suggestions for minor modifications to the courts or other county buildings, or by deciding upon new supplies of stationery. In 1831 for example, we find sessions making an order for the purchase of a new copy of what was effectively the magistrate's bible, Richard Burn's Justice of the Peace and Parish Officer.[18]

Administrative routine was facilitated by the fact that a good deal of this and other business fell obligatorily to quarter sessions by statute. Legislation, for example, dictated that carriage rates for soldiers' baggage be fixed at every Easter sessions; and also provided for the annual appointment of inspectors for corn and weights and measures. Local Acts dictated that the Hampshire sessions fix carriage rates between the ports of the mainland and the Isle of Wight for products ranging from coffee and candy to mustard and cheese. Perhaps the fact that the transaction of these regular and routine items of business was so well known to the magistrates who attended quarter sessions was one reason why it took so long for sessions to evolve a formal agenda. Only during the 1830s and 1840s was it informally agreed that any important issue likely to come up for discussion should be mentioned by the clerk of the peace in his press advertisement for sessions. Proposals in 1843 for an agenda in place of this were dismissed as impractical.[19] They were only realised during the 1850s.

Rating

The county rate, the financial lifeblood of county government, was first levied in 1739. Technically the county rate was a consolidation of separate rates for specific purposes (often Tudor in origin) such as roads, bridges and prisons. Once the magistrates in quarter sessions had resolved upon the sum to be raised, the task of collection fell to the county's 94 high constables, a task for which they were unpaid.[20] The usual practice was for the high constable to collect the sum due from the parish officers of their hundred, who in turn paid it to him out of the sums they had collected for the poor and parish rates. The high constable then returned the various sums to the county treasurer. It is evident from the order books that the high constables were not

always equal to their task. There are instances of individuals being dismissed for illiteracy; others where they were summoned and imprisoned for the non-return of the sums due. The high constable of Titchfield in 1831 at least managed to escape this fate: he used the rates to secure a passage to America.[21]

The general impression which emerges, however, is that although cumbrous, the system of rate collection functioned adequately. There were actually improvements during the 1840s when sessions introduced a 10% surcharge to those hundreds which were in arrears, whilst the high constable himself was superseded following an Act of 1844 which transferred the onus for collection and payment to the Poor Law unions. High constables only continued to perform the duty in the instances where they had been appointed by a court leet.[22]

The greatest iniquity in the county rating system lay less in the method of collection than the mode of assessment. Statute provided no guide to this in the early nineteenth century beyond laying down that the assessment be confined to immovable property. It was left entirely up to sessions to determine how to apportion the rate burden equitably among the parishes of the county. A bewildering variety of assessments prevailed in the English counties as a result, the origins of some of which were frankly unknown.[23] Hampshire was not one of these, but since its assessment had been fixed as far back as the mid-eighteenth century, it had become by 1820 hopelessly anomalous. Some parishes for example, yielding a rental of £30,000, were paying only £134 in county rates, whilst others with a rental exceeding £100,000 were contributing only £83 towards the county rates. The assessment, as one magistrate put it, "to use the mildest expression...(was) nothing more than a legal robbery."[24]

Sessions, in other words, needed to formulate a new assessment that correlated with the distribution of the county's wealth as it existed in the early nineteenth century. To this end, it was decided in 1819 that each parish would be assessed to the county rate at two thirds of its returns under the income tax schedules of 1815. This was a vast improvement, although the voices of protest such a decision brought from the parishes around Gosport, whose fortunes had so dramatically slumped with the end of the war, shows how quickly out of date any assessment could become.[25] The recommendation from the 1834 select committee on county rates that assessments should be revised every 25

years was erring on the side of generosity. The Hampshire sessions recognised as much by ordering a fresh assessment in 1841 and again in 1853.[26] The time and expense involved in engaging professional surveyors to undertake the work was more than repaid by the result. A rate of one penny in the pound which raised c.£1,000 in 1815 was raising £4,487 by 1852.

Trials

As Sidney and Beatrice Webb pointed out in their monumental survey of local government before 1835, the vast bulk of the work at quarter sessions was transacted in judicial form. This even applied to such categories as bridge maintenance, a function which the modern reader would obviously conceive of as administrative in character.[27] But even if one were to exclude such anomalies, the trial of prisoners *per se* still remained the most time-consuming aspect of sessions work. Trials began, once the civil business had been dispensed with, usually on the second day of sessions week. Depending upon the length of the calendar and upon the degree of difficulty involved in individual cases, they could easily last over three or four days, even though from the late 1820s onwards, sessions was in the habit of operating two courts.[28]

Sessions could try all offences not punishable by death, or all those first offences which did not carry a potential sentence of life transportation. The bench comprised the sessions chairman and such other magistrates as had chosen to stay in Winchester and assist him. Together they were responsible for formulating and pronouncing sentence.[29] They did not, however, decide the primary question of the individual's guilt or innocence. Finding the verdict was the province of the petty jury, a body of persons drawn from the farmer-tradesmen class. They are not to be confused with the grand jury, a body of 23 persons, slightly higher in social status than petty jurymen. The task of the grand jury was not to decide guilt or innocence but the even more elementary question of whether the evidence against the accused was sufficiently strong to warrant any trial at all. Unless a majority of the grand jurymen decided that there was, the prisoner would simply be discharged from custody without facing either petty jury or magistrates. It is true that the grand jury's role declined in importance as the nineteenth century progressed, but as Table 3.1 shows, the fact that roughly 10% of all those in the Hampshire sessions' calendars between

TABLE 3.1 Quarter Sessions Calendars 1821-1852 (number)

Years	Transported	Imprisoned	Acquitted	Grand Jury	Lack of Pros.	Other	Total
1821-5	38	459	136	97	163	3	896
1826-30	74	476	133	114	89	17	903
1831-5	135	555	163	119	37	31	1,040
1836-40	113	837	379	136	30	5	1,500
1841-5	90	890	355	129	41	24	1,529
1846-52	143	1,313	437	148	50	34	2,125

TABLE 3.2 Quarter Sessions Calendars, 1821-52 (percentage)

Years	Transported	Imprisoned	Acquitted	Grand Jury	Lack of Pros.	Other	Total
1821-5	4•3%	51•2%	15•2%	10•8%	18•2%	0•3%	100%
1826-30	8•2%	52•7%	14•7%	12•6%	9•9%	1•9%	100%
1831-5	13•0%	53•3%	15•7%	11•4%	3•6%	3•0%	100%
1836-40	7•5%	55•8%	25•3%	9•1%	2•0%	0•3%	100%
1841-5	5•9%	58•2%	23•2%	8•4%	2•7%	1•6%	100%
1846-52	6•6%	61•8%	20•6%	7•0%	2•4%	1•6%	100%

1821 and 1852 were discharged by a grand jury, suggests strongly that it remained an integral feature of the judicial structure of the country until at least mid-century.[30]

Apart from the initial 'weeding' function performed by the grand jury, the number of prisoners for actual trial was affected by two further factors, the time of year and the timing of the assizes. The county magistrates always assumed, and modern research would suggest, justifiably, that the incidence of crime rose as the winter months drew on.[31] In other words, they expected the calendars for Epiphany and Easter to be higher than those for Midsummer and Michaelmas. As Table 3.3 shows, it is true that the Epiphany sessions tended to produce the highest calendars. On the other hand, the Easter calendars after 1825 always proved to be the lowest. Despite what the figures suggest, there is no inconsistency here. The Easter calendar was lower because the Lent assizes tended to fall one or two weeks before the Easter sessions, and it had become established policy from the early 1820s onwards to deal with a prisoner at the earliest available jail delivery. On more than one occasion the sessions chairman saw cause to complain about the length of the Easter calendar given the short period of time which had elapsed since the assizes.[32]

TABLE 3.3 Average Sessions and Assize Calendars 1821-1852

Years	Ep.Q.S.	Ea.Q.S.	Mids.Q.S.	Mich.Q.S.	Lent Ass.	Mids.Ass.
1821-5	57•2	46•2	37•2	38•6	67•4	41•8
1826-30	63•2	36•0	38•6	42•8	73•2	36•8
1831-5	57•8	29•0	52•2	69•0	86•0	37•0
1836-40	77•6	48•0	89•8	84•6	85•0	27•6
1841-5	76•4	55•0	81•0	93•4	79•6	27•0
1846-52	94•1	42•7	76•3	84•0	102•0	34•1
Average	72•5	42•8	63•4	69•7	81•8	34•0

It must be admitted that whilst relations between the magistrates in sessions and the judges of assize were always polite, they were never particularly harmonious. The judges complained that they were being asked to deal with trifling cases which should not rightly have come before them because of the county's insistence that all prisoners should be dealt with at the earliest jail delivery. The magistrates responded with the complaint that the judges were at least being paid

for their labours, and that in any event the arrangement tended to be at least as beneficial to the judges as to themselves since the summer assizes tended to take place only one or two weeks after the Midsummer sessions.[33] On balance, as Table 3.4 confirms, the magistrates did have greater cause to complain than did the judges for they consistently dealt with the largest proportion of county trials.[34] This proportion, moreover, tended to increase over the period as a whole from roughly three fifths to nearly three quarters.

TABLE 3.4 Percentage of County Trials coming before Sessions and Assizes 1821-1852

Years	Quarter Sessions	Assizes	Total
1821-5	62•1%	37•9%	100%
1826-30*	50•4%	49•6%	100%
1831-5	62•4%	37•6%	100%
1836-40	74•0%	26•0%	100%
1841-5	73•9%	26•1%	100%
1846-52	70•1%	29•9%	100%

*figures distorted by special commission of 1830

Although by definition, sessions was never dealing with really serious crimes, there was clearly a general increase in the number of cases with which it had to deal considering the period between 1821 and 1852 as a whole. This is an increase which can only in part be explained by assizes tending to fall after sessions rather than vice-versa; or by the simple assertion that there was a rising crime rate. The increase, moreover, was most marked in the half decade from 1835. One is therefore tempted to ascribe the increase to specific factors such as the reform of the borough police in 1835 which arguably pushed criminals from old borough haunts into country districts, and to the introduction of the rural constabulary and separate sessions adjournment for the Isle of Wight in 1839-40, both of which innovations were to some extent predicated on improving detection rates. Possibly all three factors had a marginal impact upon the increased size of sessions calendars. The first will be considered elsewhere[35] but the latter two can be dismissed at once since the simple fact of chronology - that is to say their introduction in 1839-40 - precludes their having had any noticeable impact upon the incidence of sessions trials between 1835

and 1840. It appears rather that the most likely single explanation for the increasing length of sessions calendars is to be ascribed to changes in the prosecution system and in the criminal code. Alterations to the former were designed to cheapen the cost of prosecution to the individual and, in what was essentially a system of private prosecution, undoubtedly resulted in producing a greater readiness to prosecute.[36] Before Peel's Criminal Justice Act of 1826 neither prosecutors nor witnesses could obtain any expenses in misdemeanour cases; and, since even in the lightest of felony cases no expenses could be granted before an indictment - with its concomitant costs - had been drawn up, prosecution costs often exceeded the value of the property stolen. Mitigations in the criminal code had an even more dramatic effect on the number of cases coming before sessions.[37] The abolition of the death penalty for all offences against property in 1837 not only encouraged prosecutors to proceed against defendants where previously the potential penalty might have deterred them, but transferred a whole range of cases from the legal jurisdiction of the assizes to sessions. The proof of this statement is surely borne out by the static and even declining average number of assize cases after 1835.

Appeals under the Poor Law

With the exception of the trial of prisoners, the most time-consuming business at sessions was the hearing of appeals. They proved so frequent that when not one had been entered for trial at the Epiphany sessions of 1815, it was "a circumstance which has not occurred in the remembrance of the oldest barrister".[38] Appeals did not involve either petty or grand juries but were decided by the majority verdict of the magistrates alone. The most frequent types of appeal as Tables 3.5 and 3.6 show, were those against assessments to the poor and county rates, summary convictions, the appointment of parish officials, but above all against removal under the Poor Law. Appeals under the latter heading alone accounted for 78•2% of all the appeals that were lodged between 1821 and 1834.

No one felt the weight of appeals against the Poor Law more keenly than sessions chairman Richard Pollen, who frequently bemoaned the laws of settlement as an endless source of litigation and unnecessary expense.[39] The clauses of the Poor Law to which he alluded were Elizabethan in origin, and had become increasingly complex during the

TABLE 3.5 Appeals at Quarter Sessions 1821-1834

Year	Poor Law	Convictions	Rates	Officials	Other	Total
1821	45	0	9	0	0	54
1822	50	0	9	2	0	61
1823	40	0	10	2	0	54
1824	44	2	19	2	0	67
1825	36	2	16	4	0	58
1826	45	2	16	1	0	64
1827	43	4	4	0	0	51
1828	32	6	3	1	2	44
1829	60	6	4	2	3	75
1830	61	4	4	1	0	70
1831	41	0	6	0	0	47
1832	67	0	6	0	1	74
1833	58	0	11	0	0	69
1834	50	0	15	0	6	71

eighteenth century as more stringent efforts were made to define settlement. In essence the laws of settlement ruled that nobody could become a financial burden upon a parish unless he could prove a legal right of settlement in it. In most cases, a person's parish of settlement was the one in which he had been born. But the parish of settlement might be changed in a number of ways, the most common of which were through marriage to a spouse in another parish, serving an apprenticeship in another parish, renting a tenement of annual value £10 in another parish, hiring or service in another parish for one year and paying parish rates or serving as a parish officer in another parish.[40] The officials in a cash conscious parish were therefore always alive to the risk that newcomers could become a future burden. The corollary was that newcomers might be returned to their original parish of settlement subject to the obtaining of a removal warrant from two county magistrates. But the recipient parish might not choose to accept liability for the person or family in question, and in such instances could appeal to quarter sessions. A typical case was that of a pauper from Staines removed by the parish authorities of Wonston in Hampshire to Leatherhead in Surrey, Leatherhead being the pauper's last known parish of settlement. The Leatherhead authorities appealed to the Hampshire sessions on the grounds that the pauper had acquired a legal settlement

in Wonston through his employment as a hostler. Cross-examination of the pauper by the magistrates succeeded in establishing that he had been so employed only nine months and not the requisite twelve, as a result of which the appeal was quashed.[41] The invariable form was to award 40 shillings costs when an appeal was quashed, together with a sum for the individual's interim maintenance in cases where an appeal was confirmed.

It should be evident from the foregoing account that sessions could have no doctrinaire policy on Poor Law appeals, since each case had to be treated on its merits. All it could hope to adopt was a uniform procedure. One cannot argue that it had anything but a marginal impact upon the mobility of labour. In any event, one has to remember that sessions was dealing only with appeals. This was only a fraction of all removals. Sessions primary concern was therefore with the expense which appeals involved. Since appeals, by definition, only took place after a physical removal had been effected, any appeals which were confirmed necessitated the expense of a second removal. It is true that such costs were met by the parish authorities, but any appeal, whether confirmed or quashed, entailed a burden upon the county of approximately £10 in legal costs.[42] In an attempt to curb the excesses of such cases - prompted by a new peak in the number of appeals from 1829 - sessions ordered in 1832 that greater discretion be exercised in the apportioning of costs. Hitherto it had generally been the practice that each side paid its own costs. Sessions hoped that the threat that the total costs might be awarded against one party only would discourage the bringing of experimental test-cases, and even unnecessary appeals, not a few of which were based on insufficient evidence.[43]

It is impossible to say with any certainty whether the sessions ruling of 1832 would have had any long term effect since it was swamped in its consequences by the Poor Law Amendment Act of 1834 which had an unequivocal impact on the pattern of Poor Law appeals. The change was wrought by the simplification of the laws of settlement. The serving of a parish office, some apprenticeships and most importantly, hiring and service, which chairman Richard Pollen had singled out as "that never failing source of litigation", were all abolished as qualifications of settlement.[44] As a result, the number of Poor Law appeals coming before the Hampshire sessions decreased from an average of 29·6 per year between 1821 and 1834 to only 8·6 per year between 1835 and 1852. The corollary

was that Poor Law appeals came to constitute a lesser proportion of appeals as a whole. On the face of it, the change was spectacular. From comprising 78·2% of all appeals down to 1834, Poor Law appeals constituted only 36·7% of all appeals in the years 1835 to 1852. This figure, however, is misleading because of the apparent spectacular and erratic increase in the number of appeals against rates which is evident in Table 3.6. In fact the vast majority of the latter were concerned simply with a principle: the criteria by which the property of the new railway companies should be assessed.[45] Even if one makes allowance for this anomaly, however (by deducting a figure of 200 from the number of rate appeals), one has to conclude that the burden of sessions appeal business declined by over a half in the years after 1834 owing to a decline in the number of Poor Law appeals by approximately two thirds.

TABLE 3.6 Appeals at Quarter Sessions 1835-1852

Year	Poor Law	Rates	Convictions	Officials	Other	Total
1835	25	18	0	0	1	44
1836	9	5	1	0	0	15
1837	17	3	0	2	0	22
1838	16	10	2	0	0	29
1839	19	12	2	0	1	34
1840	12	7	0	0	1	20
1841	21	28	3	2	0	54
1842	14	107	2	1	0	124
1843	11	36	0	0	1	48
1844	19	0	1	0	1	21
1845	17	2	0	0	2	21
1846	7	1	0	0	1	9
1847	10	1	0	0	1	12
1848	16	11	0	1	4	32
1849	6	83	0	0	0	89
1850	3	19	0	3	1	26
1851	0	16	1	0	1	8
1852	4	2	0	0	2	8

Bastardy

It was not only the clauses relating to settlement in the old Poor Law which presented sessions with an administrative chore. Though never so

numerous as Poor Law appeals, it also fell to sessions to make bastardy orders. By 1800 the bastardy clauses of the old Poor Law placed the onus for the maintenance of illegitimate children squarely on the parish of the mother's settlement. The financial burden which thus entailed could only be obviated if the mother were committed to prison as a lewd person, if the putative father could be induced to marry the mother, or if an order of filiation was made upon him by sessions. The latter indemnified the parish for part or all of the cost of the child's maintenance.[46]

Sessions was only involved in making such orders when the identity of the putative father was a matter of dispute. The number of orders of filiation should in no way be taken as any indication of the incidence of illegitimacy in a county. Rather, the magistrates were called upon to decide in disputed cases whether the illegitimate child's features bore any resemblance to those of its alleged father. If they decided in the affirmative, the man would be required to make weekly payments to the mother's parish, depending upon his means, but usually in the region of 1s 6d to two shillings weekly. Such payments were supposedly to continue for seven years, although one Hampshire witness testifying before the Royal Commission on the Poor Laws insisted that because of the negligence of parish overseers, up to half of the sums awarded by sessions were never received.[47] But this was the fault of the individual parishes, not sessions.

Given what has been said concerning the nature of sessions involvement in bastardy cases, one should not be surprised at finding only 97 orders of filiation recorded in the sessions order books between 1821 and 1834. What is remarkable is that there were a further 64 between 1835 and 1839, in other words an increase of an average of only 6·9 per year to 12·8 per year. This increase is to be attributed solely to the bastardy clauses in the Poor Law Amendment Act. The objective which underpinned the clauses had been praiseworthy enough: to reduce the level of illegitimacy. To this end it was decided to place the burden of the illegitimate child more exclusively on the mother's shoulders alone. Thus it was laid down that they could only sue a putative father for maintenance if they could produce corroborative evidence of the fact(!).[48] The disputes which resulted inevitably ended up in more cases coming before sessions at the ratepayers' expense. Even the usually comment free Hampshire Chronicle joined in the chorus of

criticism, once more headed by sessions chairman Richard Pollen, against the clause requiring corroborative evidence.[49] Amendment did eventually follow, but not before the responsibility for making orders of filiation was taken from quarter sessions and transferred to petty sessions in 1839.

Presentments and Indictments: Roads and Bridges

The round of judicial procedure at quarter sessions was completed by presentments and indictments.[50] These could be brought for lesser criminal offences but were most common for two areas of government which the modern observer would consider administrative rather than judicial in character: the maintenance of roads and bridges.

The county's responsibility for highway maintenance was never more than loosely supervisory. As has long been recognised, the immanent shortcoming in the early nineteenth century road network was its parochial basis. True, turnpike trusts provided an exception to this rule, but as late as 1839 only 800 of Hampshire's 3,695 miles of roadways were administered by them.[51] The onus for road repairs lay instead squarely with the parish authorities who were empowered to levy a highway rate, appoint a highway surveyor, and even, before 1835, demand the performance of statute labour from the inhabitants. From 1835, however, the passage of the General Highways Act enabled the parish ratepayers to elect a road management committee which in turn could nominate and salary a permanent surveyor to replace the annually elected and unpaid one. Nevertheless the root of the problem remained untackled since parishes proved notoriously reluctant to avail themselves of the permissive clause allowing them to unite with others to form highway districts. Only in 1862 was quarter sessions invested with the power to unite them compulsorily.[52]

Sessions before 1862 only became involved with highway maintenance when a parish defaulted in its responsibilities and was consequently presented. Even then, sessions role was little more than a formality. The parish would be 'tried', found guilty, and ordered to make the repairs. The presentment would remain in the sessions' records until the road was reported as being in good repair. Once the report had been received, the presentment was discharged subject to the payment of a nominal fine of sixpence. But no mechanism existed by which sessions could ensure that roads were in good repair, or that even where they were not and had been presented, the requisite repairs would be

TABLE 3.7 Presentments and Indictments 1821-1852

Year	Roads	Bridges	Criminal	Other	Total
1821	28	6	8	2	44
1822	15	10	7	4	36
1823	20	1	8	1	30
1824	16	7	6	4	33
1825	0	5	2	0	7
1826	1	0	7	0	8
1827	0	0	6	0	6
1828	3	19	12	0	34
1829	1	6	2	0	9
1830	1	7	2	1	11
1831	1	1	1	0	3
1832	0	7	3	0	10
1833	1	3	3	0	7
1834	1	4	3	1	9
1835	0	5	3	1	9
1836	1	5	1	0	7
1837	0	1	6	0	7
1838	2	1	8	0	11
1839	1	3	9	0	13
1840	1	1	3	0	5
1841	0	2	5	0	7
1842	0	2	2	0	4
1843	1	1	3	0	5
1844	0	0	4	2	6
1845	2	12	4	0	18
1846	0	0	1	0	1
1847	0	0	2	0	2
1848	0	1	11	0	12
1849	0	1	3	0	4
1850	0	5	1	0	6
1851	0	1	1	0	2
1852	0	0	0	0	0

effected efficiently and quickly. Sessions procedure before 1825 for trying presentments actually encouraged delay, because it was ruled that no certificates of repair could be accepted at either the Midsummer or

Michaelmas sessions. The only deterrent to the offending parish lay in the knowledge that the presentment would cost it between £5 and £6 in costs. But this was no incentive to repair roads quickly. One correspondent was able to cite a case in which a parish road had lain presented for over two years.[53]

Sessions, to its credit, was mindful of the wasted expenditure contingent upon presentments for roads. It also suspected that a good many roads were presented by parish constables simply in order to obtain the fees which accrued to them from so doing. For these reasons, sessions reviewed its procedure for road presentments in 1824-5. In future road presentments could not be initiated simply on the grounds of an ex parte statement by a constable. The constable was instead required to inform the authorities of the parish which he intended to present at least six days before the commencement of sessions, in order to give them an opportunity to protest. Doubtful cases would go before the newly established road and bridge committee of magistrates who would decide whether or not there was a justified case for persisting in the presentment.[54] As Table 3.7 shows, these procedural changes had a dramatic impact upon the number of road presentments coming before sessions. From 1825 onwards, they dwindled to no more than a trickle.

The overall impression which emerges, however, is that the magistrates were not particularly concerned with making efficient road maintenance one of their responsibilities. Had they been, then one might have expected them to introduce a genuinely punitive scale of fines. They did not. So too, one anonymous critic complained, they accepted all too readily the oaths of parish constables that roads were in good repair - even if they knew to the contrary that such was not the case.[55] The scope for such abuse was largely removed in 1827 when presentments by constables were abolished by statute. Magistrates did not, however, take up the subsequent suggestion in the press that they fill the vacuum thus created by making the necessary presentments themselves. In any event, all forms of highway presentment were abolished by the Act of 1835. The only highway business that came before quarter sessions thereafter was on the rare occasions when a scrupulous magistrate indicted an incompetent highway surveyor.

Bridge maintenance conversely was very much a direct responsibility which fell to quarter sessions, even though sessions was not legally

enabled before 1852 to build new bridges of its own. A standing order at each Easter sessions confirmed 52 Geo.III c.110 which allowed individual magistrates on their own initiative to order minor bridge repairs providing the sum involved did not exceed £20. When more substantial repairs were required the bridge would be presented or indicted at sessions. If the county's liability for its maintenance was acknowledged, a magistrate or sessions officer would plead guilty to the charge on the county's behalf.[57] The county surveyor, in conjunction with a committee of magistrates, would then be instructed to prepare plans and estimates for the repairs. These would be submitted to the subsequent sessions to obtain the approval of the whole court. Subject to this formality the surveyor would advertise for tenders to undertake the work, the completion of which he would supervise. The presentment or indictment could then be discharged.

The implementation of bridge repairs enjoyed one major advantage over those for roads. Since sessions itself undertook bridge repairs, they were invariably effected as quickly as the judicial process would allow, rather than being allowed to go unrepaired over several sessions. As Sturges-Bourne put it: "If a bridge fell down, it was presented, and the best and most economical way was to repair it immediately".[58] Yet the speed with which the repair of county bridges was effected can hardly be said to have been efficient. The intervals between filing and trying a presentment, and then sanctioning the surveyor's plans meant that up to six months would elapse before repairs commenced. Sessions itself conceded that the judicial mode of procedure occasionally meant that "the season is sometimes lost and increased expense occasioned". A concerted attempt to improve the situation was finally made in 1851. Thenceforth, the road and bridge committee was empowered to order the county surveyor to draw up a report and estimates before the presented bridge was tried. Consequently the county's liability and the sanctioning of the surveyor's report could in future be decided at a single sessions.[59] Two years later in 1853 a further innovation was introduced when police constables were ordered to report any defective bridges which they had observed during their beat to the superintendant of their district who in turn would inform the county surveyor.[60] Together, the innovations of 1851 and 1853 constituted an important advance in the county's administration of bridge maintenance.

From the point of view of the efficient maintenance of bridges,

the employment of the judicial form has quite rightly been dismissed by historians as archaic. They perhaps overlook, however, that it retained some purpose. The trial of a presented or indicted bridge was not intended to decide whether or how it should be repaired, but who was to repair it. It is easy to forget that not all the bridges in Hampshire were liable to be repaired by the county. Bridges might be owned by a parish, a corporation, a turnpike trust or even an individual. The Temples, for example, were anxious to retain a share in the maintenance of Middle Bridge, Romsey in order that its design should aesthetically complement 'Capability' Brown's work on their Broadlands estate.[61] It is true that during the eighteenth century, quarter sessions was coming to assume liability for an increasing number of bridges, a fact recognised by an Act of 1803 (43 Geo.III c.59), which provided that any new bridge could become the liability of the county so long as the county surveyor had verified the method of its construction. But although the county proved generally willing to avail itself of this legislation, the practice was not as invariable as the Webbs suggest. Ever mindful of ratepayer complaints at fresh financial impositions, the magistrates were apt to contest liability in presentments where the bridge was of dubious general benefit, and the county's liability for it was uncertain. In 1835, for example, in a bizarre case, sessions denied liability for Egypt bridge at Sutton Scotney on the grounds that the county surveyor had not been present at its construction. After a protracted argument, it begrudgingly accepted liability when it transpired that the bridge had been constructed from the materials of the previous bridge on the site for which it had been liable. In the following year, fierce debate ensued between sessions and the highway commissioners of the Isle of Wight as to who was liable for the Island's bridges.[62] Though the number of county bridges did increase from 77 in 1843 to 115 by 1868,[63] bridges were not placed under a single governing authority before 1888.

Lunacy

One of the most fascinating aspects of county government during the nineteenth century was the growing awareness of the need to provide institutional care for the mentally insane. Before 1744, even the very notion of insanity had not attained recognition under the law, such was the aura of superstition and taboo which surrounded the subject. In Hampshire, as late as 1816, one of its leading county figures, William Portal, could base his successful opposition to plans for a county lunatic

asylum on the argument of the "probability of a misconstruction of its motives, where persons are forcibly dragged from their relations and connections, in what he contended, could only be considered in the light of a jail, and which would in most cases aggravate, instead of relieve, the malady of its unfortunate patients...(it) would tend he thought to excite disturbances among the lower orders of society".[64]

Fortunately for the insane, Portal's viewpoint no longer represented the mainstream of enlightened, or even perhaps public, opinion. A sevenfold increase in those statistically designated as insane during the first half of the nineteenth century surely reflected a genuine new awareness of a problem, rather than a mushrooming in the actual incidence of insanity. The practical manifestation of this interest was to be reflected in a shift away from the magistrate licensed private madhouses and poorhouses to purpose built county asylums.

The private madhouses with their fee paying patients were regulated by an Act of 1744. This provided that no person was to take charge of more than one lunatic for profit unless he held a licence from sessions.[65] Four such madhouses were to be found in the Hampshire of the mid 1830s: Grove Place at Nursling near Southampton with 79 patients, Lainston House near Winchester with 46 patients, Hilsea Hospital at Portsea with 19 patients, and Carisbrooke on the Isle of Wight with 43 patients. Two magistrates and a physician were nominated by sessions - virtually those magistrates who lived closest - to pay periodic visits and report upon the respective institutions. In the light of the findings of the lunacy commissioners in 1844, it must be doubted whether even this limited inspectory function was performed adequately by sessions. In any event, it ought to be remembered that the bulk of the county's lunatics, some 308 out of 441, were lodged not in madhouses, but in poorhouses, over which sessions had no form of regulatory control.[66]

Hampshire's continued reliance upon this combination of madhouses and poorhouses into the 1840s is at first sight surprising. Surprising because leading Hampshire administrative figures had been conspicuous in their support for the early lunacy reforms of the nineteenth century. The most prominent was George Rose, Pitt's erstwhile Secretary to the Treasury, who once more baffled his critics by manifesting an interest in social reform since he belonged neither to the Benthamite nor evangelical schools which dominated the lunacy reformers' ranks.[67] By contrast, the other Hampshire figure prominent amongst the early

reformers, Charles Shaw-Lefevre, had a foot in both camps: his son was to marry the only daughter of Samuel Whitbread and was a close associate of Chadwick. Both Rose and Lefevre sat on the select committee of 1807 whose endeavours resulted in an Act of 1808 which permitted quarter sessions to erect county asylums and to maintain them from the county rate. Hampshire, however, shared the reluctance to adopt the provisions of the Act common in other counties, and even failed to comply with the select committee's request for statistics.[68]

Rose and Lefevre were also to be found on the next important select committee on the subject in 1815-16. They were joined by Rose's protégé and Hampshire sessions' chairman William Sturges-Bourne. No new legislation resulted but their efforts may account for the timing of the only attempt in Hampshire to adopt the permissive legislation of 1808. This was the occasion when the opposition of William Portal and other country gentlemen succeeded in defeating, albeit by a single vote, the combined local initiative by Rose, Sturges-Bourne, Shaw-Lefevre and the influential evangelical Sir Thomas Baring.[69] However paternalist in outlook the Hampshire gentry, they were hardly in the first rank so far as lunacy reform was concerned.

The decision of 1816 was very much an opportunity lost. Rose died in 1818, Lefevre in 1823. Sturges-Bourne resigned the sessions chair in 1820. Baring, for his part, turned to prison reform as a result of which sessions lacked the financial means even if it had possessed the inclination to erect a county asylum. It was an illuminating comment upon Hampshire administrative priorities. But the relative disinterest in the lunacy question during the 1820s and 1830s extended outside Winchester Castle. There were next to no comments on the subject in the columns of the provincial press. Nationally too, the lunacy reformers found themselves in the doldrums. The only advance during these years was the 1828 Madhouse Act, a consolidating measure.[70] This reiterated the principle that two magistrates and a medical officer should visit each madhouse quarterly. More importantly the Act at last introduced an element of central supervision by providing that a report be sent to the Home Secretary. In all probability this made no more than a marginal difference to the standard of county lunacy administration. Certainly sessions did not default in the appointment of visiting magistrates - it was actually in the habit of appointing ten or a dozen for each madhouse as opposed to the statutory minimum of two - but there is

little evidence of any greater surveillance beyond the very infrequent suspension of payment of a madhouse keeper's bills pending investigation of allegations of cruelty.[71] Sessions never actually went as far as withdrawing or refusing a licence.

The magistrates effectively fell between two stools. However much individual magistrates might have attended to their duties as defined in the 1774 and 1828 Acts, the only adequate means by which sessions could have ensured real control over lunacy affairs would have been to build their own county asylum. Even had a moderate feeling in favour of such a course of action existed during the 1820s and 1830s - and there is no evidence that it did - it would have been more than offset by the knowledge of the expense which it would have involved. This attitude persisted into the early 1840s. Indeed, if anything it was strengthened by the knowledge that with the county committed to the heavy financial burdens of a rural police and new prison by 1845, a third financial impost was a political impossibility. Moreover, a parliamentary return from as late as 1845 listed the number of registered insane persons in Hampshire as being 436, a figure actually five down on that for nearly a decade previously, irrespective of the intervening growth in the county's population.[72] Ironically, therefore, it was Ashley's Act of 1845, the first important lunacy measure of the nineteenth century with which no Hampshire figure had been prominently involved, which at last necessitated that the county make a break with its eighteenth century past.

The Act of 1845 was preceded by a comprehensive report from the metropolitan commissioners in lunacy on the existing state of the country's institutions for the insane. For Hampshire, as elsewhere, it drew a lurid picture.[73] At Hilsea, the designation of 'hospital' was less apt than that of 'social refuse bin', since its patients consisted principally of inmates from nearby workhouses who were sent to Hilsea on becoming unmanageable. They were discharged as soon as they became "tolerably tranquil, without reference to the propriety of their remaining at the Asylum, for the purpose of cure". The commissioners' chief targets, however, were Grove Place and Lainston. Both establishments served as home for their superintendants and their families and not just as asylums. Whilst private patients were confined to specific parts of the house, pauper patients were restricted to the outbuildings and stables. These were found to be damp, dirty, poorly-aired and with

negligible appearance of any classification. Patients were invariably under-clothed. At Lainston, the superintendant even resorted to chaining his pauper patients to their beds at night whilst seven women were "restrained with iron hand-locks and chains, and strait-waistcoats". In short the commissioners' verdict was one of unequivocal condemnation of both the conditions and regimens which it encountered in the private madhouses of Hampshire.

The revelations contained in the commissioners' final report drew something of a mixed reaction from the magistrates in quarter sessions: shock and disbelief but also resentment and an outright contradiction from influential madhouse visitors such as Sir Thomas Baring that the report portrayed a true picture of the reality.[74] But there can be no doubt that it was the former reactions which were the more general; and Baring did not prolong his protests. Equally, there can be no doubt that it was the report rather than the subsequent legislation which at last brought a majority of magistrates to the conclusion that they must act on the lunacy question. This is evident from the events of the Easter sessions of 1844 when the Rev. Robert Wright moved a motion, seconded by Baring, that a select committee of magistrates be appointed to consider the whole question. Their efforts were at first defeated when sessions chairman Sir William Heathcote gave his casting vote against the motion.[75] But this decision was overturned at the ensuing Michaelmas sessions owing to the presence of the ageing but still influential Sturges-Bourne; and no less importantly to the conversion during the interim of Charles Shaw-Lefevre, a conversion which he openly attributed to the weight of evidence contained in Ashley's report. As a result of the vote, a committee was established to inquire into the costs and advantages to Hampshire of erecting a county asylum.[76]

It is idle to speculate as to whether or not quarter sessions would have erected an asylum on the basis of a recommendation to that effect from the select committee of magistrates chaired by the Rev. Wright, since Ashley's Act of 1845 left the county with no option. The Act made imperative at least a start to the erection of a county asylum within three years of its passage. Commissioners in Lunacy answerable to the Lord Chancellor would visit the county asylums twice annually and at least 15 magistrates would visit quarterly. They, too, were responsible for determining the asylum's rules and appointing its officers. These clauses at last dealt effectively with the problem of a lack of

regulatory control. On the other hand, the Act did not actually abolish the private madhouse.[77] Such as chose to remain in existence could still obtain a licence from sessions. Lainston and Hilsea were discontinued from 1847 but Nursling and Carisbrooke continued to be licensed.

The focus of lunacy administration in Hampshire, however, quickly came to centre around the new county asylum. After having taken considerable trouble to secure a suitable site, sessions eventually decided upon the 114 acre Knowle Farm near Fareham. The cost of the farm, land and necessary modifications amounted to £65,000. It first opened its doors as an asylum in 1853, providing accommodation for up to 560 patients.[78] The principle of a county based asylum under direct magistrate control had at last been realised.

Prisons

Before the erection of the lunatic asylum, the buildings of greatest concern to sessions were the county's prisons. In 1820 these were five in number. The most important were the jail and bridewell in Winchester. These had been rebuilt in 1785-6 following the visit of the great prison reformer John Howard, and the jail further enlarged on a quadrangular plan in 1804-5. During sessions and assize weeks the number of their inmates would be swollen by arrivals from the three smaller and comparatively unimportant bridewells at Gosport, Odiham and Newport.[79]

Technically only the bridewells and not Winchester jail came under the full control of the county magistrates. Since the jail was theoretically the king's, its governing officer was his local representative, the sheriff. By the eighteenth century, however, sheriffs very rarely took the responsibility seriously: John Howard's 1773 shrievalty of Bedfordshire was an exception which proved the rule.[80] Consequently, sessions had been gradually able to increase its role in running the county jails. Since 1700 they had been empowered to apportion part of the county rate to necessary jail repairs and also to provide food allowances for poor prisoners. More importantly, magistrates were permitted to visit the county jail in which capacity their role was defined as being generally responsible for the welfare of the inmates. By 1800, the county magistrates were, to all intents and purposes the sovereign body in jail management. Sheriff Walter Long's

deferring the appointment of a new jail governor in 1825 to quarter sessions, was simply a recognition of this well-established fact.[81]

There was no such ambiguity with regard to the county's bridewells. Ever since 1576 these had been the preserve of the magistrates. Conversely the bridewells' function had discernibly changed since the sixteenth century. Initially they had served as a house of deterrence for able-bodies idlers, on something like the principle of less eligibility which was the governing ethos of the workhouses after 1834. By 1700 the bridewell had become a recognised penitentiary for all types of petty offender. An Act of 1720 consummated the fact by allowing magistrates to commit vagrants and petty offenders to either jail or bridewell.[82] A legal distinction nevertheless continued between the two until 1865.

It would be fair to say that for most of the eighteenth century, neither sheriffs nor magistrates exercised much control over the internal organisation and running of prisons. Buildings were therefore rarely constructed with the detention of offenders in mind, let alone with any intention of punishment or reformation. These palpably unsuitable institutions were run, instead, virtually autonomously by the governor in the jail and the keeper in the bridewell. Their philosophy was simple: to make as much money as possible from the inmates, with as least trouble as possible to themselves in doing so. As a result the prison regime was one in which corruption and squalor went hand in hand. Before 1784, for example, the keeper of Winchester bridewell drew his profits almost entirely from a tap kept within its walls. In both bridewell and jail, typhus was commonplace.[83] Moreover, since the keeper and governor's only legal obligation was to prevent the escape of prisoners, irons were frequently used on even the most trivial of offenders.

The momentum for prison reform gradually gathered pace in the last quarter of the eighteenth century. The impetus came chiefly from the Benthamites and evangelicals although the emphasis of their respective objectives differed.[84] Whilst the former looked to introduce the principle of less eligibility into the prison regime, the latter looked rather to the moral reform of the prisoner. This duality of deterrence and reform effectively provided the framework within which the prison debate was to take place for most of the nineteenth century.

Down to 1825 the Benthamites prescription of hard labour appeared to hold the ascendancy against the evangelicals' proposals for periods

of solitary confinement to be broken only by periods of religious instruction. This at least is Dr. Henriques' conclusion from her survey of the intellectual currents at work. At this level she may well be right, but it is dangerous to apply her model of a Benthamite-evangelical dichotomy to local conditions. In fairness, she is the first to admit that when it came to translating ideas into actions, "It was hardly possible to do anything without a degree of determination attainable only by fanaticism".[85] In Hampshire the requisite determination was provided by Sir Thomas Baring, an evangelical on the fringes of the Clapham sect, whose humanitarian zeal was unquestionable, and who admitted the strong influence of T.F. Buxton's ideas upon his thinking. But Baring most certainly did not subscribe to Buxton's idea that imprisonment should serve as a punishment in itself. He agreed rather with the Benthamite school on the necessity for hard labour.[86] Baring in other words synthesised the views current on deterrence and reformation to his own liking.

Baring proved remarkably successful in his efforts for prison reform in Hampshire because his views struck a chord with a majority of the magistrates. This is not to say that they were all evangelicals or Benthamites. They were pragmatic country gentlemen who instinctively advocated discipline and hard work as part of the prison regime in an attempt to counter the post war increase in the crime rate. But they equally saw that the fabric of society might be upheld and the county rate burden lightened by attempting to morally reform prisoners through a programme of religious instruction which, if it worked, must ultimately reduce prosecution and prisoner maintenance costs.[87] No coherent opposition was therefore articulated to Baring's omnipresent voice. The Hampshire prison debate between 1820 and 1852 should be seen in the context of the magistrates searching for the elusive ideal medium between hard labour and moral instruction. They proceeded in their efforts, not according to some predetermined plan, but piecemeal,[88] at times compelled by national legislation, at others restricted by the non-availability of funds and the constrictions imposed by tbe prison buildings erected in 1785-6.

Hampshire prison reform is best dated to 1815, the year in which the iniquitous jailer's fees were abolished, and sessions were required for the first time to make an annual return to the Home Office on the state of its prisons. Baring used the occasion to press for the appointment of a committee "to examine into the present state of the County

Gaol and Bridewell".[89] The subsequent report was a tour de force by Baring. It depicted the Hampshire prisons as being devoid of any system. The bridewell lacked all semblance of classification but was rather a conglomerate of indolence, filth, disorder and "an indiscriminate mixture of crime, with all their concomitant and consequent evils.." The jail and bridewell considered together were "seminaries of vice".[90]

By 1821, following an expenditure of £7,500, the picture had altered dramatically.[91] Hard physical labour was introduced in the shape of corn mills but was tempered by moral and religious instruction for which purposes a new chapel was erected. All literate prisoners were to receive either a bible or a testament and prayer book upon their arrival. As far as classification was concerned, the old regime under which the committed suspect awaiting trial might mix with and be 'contaminated' by, serious offenders, was replaced by the introduction of seven categories of classification to the bridewell and nine to the jail. Irons could be used only in exceptional circumstances, and such use had to be notified at once to the visiting magistrates. The other important changes concerned personnel. Since fees had been abolished, the jail governor was to receive a salary of £400 per annum, the bridewell keeper £200. A chaplain and surgeon who acted for both jail and bridewell received £150 each. Baring's introduction of James Beckett, late taskmaster at Cold Bath Fields, to the bridewell keepership in 1817 - a clear break with the usual pattern of hereditary succession in such offices - provides a final example of the new mood of purposeful efficiency.

The striking point about the Hampshire prison reforms effected between 1817 and 1821 is not that they were boldly innovative, but that the magistrates had taken a concerted initiative in advance of the compulsory legislation of 1823. Peel's consolidating Prison Act in fact made obligatory many of the provisions concerning supervision and classification which sessions had already implemented, such that the Hampshire magistrates were able to comply with it with only minor further refinements.[92] But the mixture of fear and optimism amongst the magistrates which had facilitated Baring's independent drive for reform evaporated in the wake of Peel's Act and the realisation that the premise from which they had proceeded - that the crime level could be reduced by prison reform - did not prove to be the reality.[93] It was not that after 1823 the magistrates ruled out the possibility of further

reform. It was rather that they could not agree what to do next.

These circumstances were hardly unique to Hampshire. Sidney and Beatrice Webb identified the same uncertainties at the national level. Down to 1835 most commentators addressed themselves to a reassessment of the role of hard labour in the prison regime.[94] In the days of optimism of the early 1820s the Hampshire magistrates had seen in the productive labour of the corn mills, a way to make their entire prison system financially self-sufficient. But the agricultural depression which hit a trough at the start of 1823 quickly undermined these expectations by provoking ratepayers' protests that the prisoners - who were allowed to keep 25% of their earnings from productive labour - were actually better off than the law abiding labourers outside.[95] This of course made a mockery of the Benthamites' emphasis upon a regime of less eligibility. Consequently there was a reaction against labour or at least productive labour as part of the prison regime, in favour of purely unproductive labour for which the favourite device was the treadwheel. In 1833 for example, sessions voted £400 to the bridewell for the purchase of machinery for unproductive labour. But in Hampshire at least, if only because the economics of productive labour were so attractive, the reaction was never total. As late as the 1840s the corn mills in the bridewell could still be reported as effecting a £100 quarterly saving to the county.[96]

The wider debate on prison reform, however, had entered a new phase by the mid 1830s.[97] At root this was a reflection of the fact that the evangelical school was gaining ground in its advocacy of moral reform as the primary objective of any prison regime. A precondition of this was the isolation of the prisoner from all potentially 'contaminating' influences. This meant something more than classification according to the type of offender, or even the observation of silence during the performance of hard labour (the silent system). It meant quite logically, the introduction of the separate system, to all intents and purposes one of solitary confinement. In advocating this idea, the evangelicals no longer stood alone. The quaker based Society for the Improvement of Prison Discipline, the Whig publicist Sydney Smith and the 1835 House of Lords select committee on prisons had all arrived at a similar conclusion. The tangible result of the separate system's obtaining such a broad and influential spectrum of support was the opening of Pentonville in 1842, constructed exclusively on the cellular

model. Its regime was one in which the prison chaplain was king, for his exhortations to reform alone broke the prisoner's solitude. Even hard labour could be provided in each cell to obviate the immanent shortcomings in the silent system.[98]

In the localities however from 1835, and specifically Hampshire, one has to be extremely wary of assuming that there existed a similar shift in thinking towards the establishment of a cellular based institution. In the first place, Hampshire's old prison buildings, already much altered during the improvements of 1817-21, did not readily lend themselves to such extensive further modifications as the adoption of the separate system would have necessitated. In the second place such alterations would inevitably prove very expensive. This, moreover, at a time when the ratepayers still vividly remembered the alterations of 1817-21, and were experiencing one of the periodic troughs in the agricultural depression. In any event, there is no evidence but rather some to the contrary, that sessions actually believed in the efficiency of the separate system. Sessions chairman Richard Pollen declared his opinion in that most public of county government arenas, the charge to the grand jury, that solitary confinement would breed insanity. The quarterly prison reports usually drafted by Sir Thomas Baring oozed complacency by their continued comparisons between the county's prison regime of the mid 1830s with that which had existed prior to 1815.[99] Lord John Russell's circular of 1836 advocating the enforcement of complete silence during hard labour was well received by the magistrates, but can hardly be construed as even an approximation to the acceptance of the principle of solitary confinement.[100] In short there is not the slightest shred of evidence that the Hampshire sessions was contemplating any significant review of its prison regime in advance of compulsory legislation in contrast to its initiatives of 1817-21 in advance of the compulsory legislation of 1823. In so far as sessions was contemplating any major departure on the question of law and order, it lay rather in the prevention of crime through a professional police constabulary than in the reformation of the criminal through the separate system.

Why therefore did a sessions select committee of 1845 result in the county's erecting a completely new prison on the single cell model? True, the Prison Act of 1839 which superseded Peel's of 1823 strongly advocated the cellular model, but on the other hand it stopped short of compelling it.[101] Neither had the principles behind the separate system

gained ground in the county. Indeed, following the death of a female prisoner from a burst blood-vessel in 1841, whilst in temporary solitary confinement, there was a discernible reaction against the separate system and even the silent system amongst the magistrates: night-time communication between prisoners and prison officers was deliberately increased.[102] The catalyst to change was far more simple: whatever the system of discipline to be employed, the county's prison population by the mid 1840s rendered the existing prison buildings hopelessly inadequate to cope with it. After 1835 as has been seen, the number of trials had significantly increased, such that by the 1840s the trend could hardly be dismissed as a temporary abnormality. In February 1843, for example, the 90 cells of the bridewell were housing 241 inmates, an overcrowding which made any system of hard labour impractical. Faced with such a dilemma sessions could either enlarge its existing buildings or erect new ones. Hence the select committee of 1845.[103] Of course, in its deliberations the committee could not but be mindful of the national currents running strongly in favour of the separate system, but its report placed at least as much emphasis upon the need for prison discipline as it did upon moral instruction as the means by which the crime rate might be cut. At root, however, its recommendations were based upon simple economics. To alter the jail would cost £10,000. The bridewell's insalubrity, however, dictated that it be rebuilt entirely at a cost of £43,000. Alternatively, a single new building to replace both jail and bridewell, consisting of 400 cells, and which would mitigate the necessity for future piecemeal alterations would cost only £4,000 more at £57,000. It would also permit the abolition of the county's smaller prisons at Gosport and Newport - Odiham had been discontinued as a county lock-up since 1825 - with a concomitant saving in salaries. The committee's recommendations were adopted with only minimal opposition.[104]

The new prison was completed in 1849 under the direction of Charles Pierce, a protege of the great Victorian prison designer Sir Joshua Jebb. Its 410 cells with facilities for a further extension of 282 were arranged in five star-like arms at an angle of 72^{o}. Including heating, ventilation, gas, water, and locks, the average cost of each cell was computed at £156.[105] But even in 1849 with such an elaborate and impressive building at their disposal, sessions remained lukewarm at best towards a rigid implementation of the separate system. A deputation of Hampshire magistrates who had visited Reading jail to observe the separate system

in practice at first hand concluded that its efficacy could only be tested by experience.[106] The new prison's first governor, moreover, was not one of the new genre of governors, a retired military man, but Henry Barber whose family had served the county for several generations. Barber had himself begun his career in the county's service as keeper of Odiham bridewell in 1834. But in their primary objective, that of undertaking the most economic project, and the one which would require the least future alteration, the magistrates could claim total success. Cellular confinement was made compulsory in 1865 and the 1849 building, immortalised in the closing scene of Tess of the D'Urbervilles, is still in use today.

Conclusions

The foregoing survey of the major fields of county administration reveals something of the diversity and onerousness of the responsibilities of the county's governors. Certain functions inevitably involved them with more work than others and therefore aroused a greater or lesser degree of interest. In making provision for the county's lunatics, for example, the county became increasingly involved. Its purely inspectory role of 1820 was transformed by 1852 into a direct responsibility for the administration of a large institution. Conversely, the county's involvement with highway maintenance, never more than tenuous, was virtually ended altogether by 1835. Overall, the impression which emerges is that in the most important areas of its jurisdiction, sessions had improved its administration, whether it be through the streamlining of the procedure by which county bridges were repaired, the equalisation of the assessment for the county rate, or in providing better institutional facilities for convicts and the insane.

What struck the Webbs in their survey of county government was that down to 1828 quarter sessions had progressively arrogated to itself new powers and responsibilities. Between 1828 and 1835 they argued, "the eight iconoclastic years", this overbearing oligarchy was stripped of much of its power.[107] There is some truth in this assessment. The magistrates did experience a weakening of their control in the administration of the Game and Poor Laws, the enforcement of the Licensing Laws and in the turning and stopping up of roads and footpaths.[108] Yet the Webbs surely exaggerated. These were responsibilities which fell to the magistrates in petty, not quarter sessions. There is little evidence either that the magistrates deliberately sought to increase

the range of their jurisdiction before 1828. If they had, one would for example have anticipated them to at least have attempted to impose some sort of hegemony over the standard of highway maintenance. On the contrary, they were more than willing to allow that responsibility to continue to lie with the parishes. They equally willingly welcomed the new Poor Law authorities with the aspiration that they would lead to a mitigation of their own burdens.[109]

The greatest objection to the Webbs' survey however is that it ceases abruptly in 1835, since it is the artificiality of such a terminal date that surely colours their subsequent conclusions. One can understand the relevance of 1835 as a watershed in municipal government and indeed of the 1830s generally. After all, were not the 1830s par excellence the years of the revolution in government? The point is, however, that the 1830s were comparatively insignificant from the perspective of county government. The Hampshire sessions debates of those years were preoccupied with no particular subject except perhaps for the alleged iniquitous effects of the 1830 Beer Act.[110] There was no stripping of the oligarchy, no "eight iconclastic years". By 1850 the administrative burden borne by sessions had clearly increased over what it had been in 1820. There had been a change of emphasis and possibly it was this which to some extent misled the Webbs. The amount of business coming before sessions on account of the Poor Law whether as a result of its settlement or bastardy clauses had certainly decreased. So too did the number of road presentments. Against this, however, the county was becoming liable for an increasing number of bridges, the number of trials spiralled, and its responsibilities for prisons and asylums were progressively increased. Neither should one forget that in 1839 the magistrates chose to become directly responsible for the policing of the county with, as will be seen, a further substantial addition to county expenditure.[111] There can be no doubt that the magistrates' hegemony in county administration and therefore that of quarter sessions, remained intact in 1852. The oligarchy had been strengthened at least as much as it had been stripped. The Webbs were therefore asking the wrong question.[112] It is not an explanation for the demise of the magistrates' work in quarter sessions that one needs, but rather the reasons for its survival.

Footnotes to Chapter Three

1. For a general introduction to the subject see S. and B. Webb, English Local Government from the Revolution to the Municipal

1. Corporations Act: The Parish and the County, book two, chapter four.
2. Ibid., pp.433-437.
3. F.W. Maitland, Justice and Police, p.86.
4. F. Awdry, A Country Gentleman of the Nineteenth Century, p.74.
5. See for example the eulogies heaped upon Sir John Newbolt in HC, 14 April 1823.
6. Ibid., 21 January 1822; W.MSS., 1/807, Fleming to Wn, 31 March 1825.
7. Even this was accidental, since Heathcote had initially intended to pursue a legal career before succeeding his uncle to the Hursley Park estate.
8. HC, 5 January 1850: Q.O.42, 31 December 1849 and 8 April 1850.
9. Also known as the county hall. It was internally divided into the grand jury chamber and nisi prius courts.
10. Quarter sessions filing box 26, Report of the Select Committee on County Expenditure, with a view to its reduction (1851), (hereafter Report from the 1851 Committee), pp.13, 15-16.
11. Ibid., pp.15-16; S. and B. Webb, op. cit., pp.512-521; B. Keith-Lucas, The Unreformed Local Government System, p.63.
12. Ibid., p.63; S. and B. Webb, op. cit., pp.507-512; Julian Cornwall, 'The County Treasurers 1678-1889', Records of Buckinghamshire, XVI (1953-1960), pp.179-192; Report from the 1851 Committee, pp.13-14; HC, 22 April 1822.
13. Namely general accounts, bridges, bridewells and vagrants, jail, county hall and incidents and, from 1839, police.
14. HC, 25 October 1824; S. and B. Webb, op. cit., pp.502-507; Keith-Lucas, op. cit., pp.61-63.
15. Report from the 1851 Committee, pp.16-17.
16. HC, 28 July 1823.
17. This is the procedure apparent from Q.O.32-43, passim.
18. Q.O.36, 26 March 1831.
19. HC, 9 January 1843. For the compilation of an agenda see Henry Compton's efforts in Compton MSS., 12M60/84.
20. On the rating question generally see Edwin Cannan, The History of Local Rates in England, pp.108-111; 'Report from Select Committee on County Rates...', Parlt. Papers, 1834(542), XIV, p.29.
21. Q.O.36, 23 July 1831; HC, 24 October 1831.
22. HC, 19 October 1844.
23. Keith-Lucas, op. cit., p.54.
24. HC, 21 April 1817.
25. Ibid., 21 April, 29 July, 21 October 1817 and 18 January, 6 and 20 April 1819; Q.O.31, 11 October 1818.
26. 'Report from Select Committee on County Rates...', Parlt. Papers, 1834(542), XIV, pp.6-11 and especially pp.82-85 for the testimony of the Hampshire land agent Richard Hinxman; HC, 13 April 1840, 11 January, 25 October 1841; Q.O.43, 3 January 1853; Q.O.40, 5 January 1841.
27. S. and B. Webb, op. cit., pp.445-446.
28. Under 59 Geo.III c.28.
29. On the format of trials see Maitland, op. cit., especially chapters XII and XIV and more recently, David Philips, Crime and Authority in Victorian England, chapter four.
30. Ibid., pp.102-3. See also Richard Pollen's outlining the duties of the grand jury in HC, 7 January 1833. On the grand jury's social composition, HA, 29 October 1842. It might be noted that the grand jury at the assizes consisted of county magistrates.
31. See the comprenensive discussion by V.A.C. Gatrell and T.B. Hadden, 'Criminal Statistics and their Interpretation' in E.A. Wrigley (ed.),

Nineteenth-century society: Essays in the use of quantitative method for the study of social data, pp.336-396.

32. For example, HC, 10 April 1837.
33. See for instance the clash in ibid., 22 July 1822.
34. If one were to allow for borough quarter sessions as well, the county quarter sessions probably undertook the trial of about half the prisoners in Hampshire every year. Tables 3.1 to 3.5 are based upon figures extracted from the sessions order books, supplemented where necessary by the county press.
35. See below chapter eight.
36. For a lucid discussion of this subject see Philips., op.cit., pp.47-8, 110-123. The changes must in large part account for the greater percentage of successful prosecutions as the period progressed as revealed in Table 3.1; and also the declining percentage of cases dismissed for want of prosecution.
37. See Richard Pollen's observations in HC, 22 October 1832 and 7 July 1834.
38. Ibid., 16 January 1815.
39. Ibid., 14 April 1834.
40. See J.S. Taylor, 'The Impact of Pauper Settlement 1691-1834', Past and Present, No.73(November 1976), pp.42-74; M.E. Rose, 'Settlement, Removal and the New Poor Law' in D. Fraser (ed.), The New Poor Law in the Nineteenth Century, pp.25-44.
41. HC, 17 January 1820.
42. These deductions are based upon a reading of the sessions order books. For a similar study see E.M. Hampson, 'Settlement and Removal in Cambridgeshire, 1662-1834', Cambridge Historical Journal, II(1928), pp.272-289.
43. Q.O.37, 3 April 1832.
44. HC, 14 April and 20 October 1834. On the changes of 1834 see Fraser, op. cit., p.28.
45. HC, 24 October 1842. Both Tables 3.5 and 3.6 are based upon the cause books of proceedings.
46. For an introduction to this question see U.R.Q. Henriques, 'Bastardy and the New Poor Law', Past and Present, No.37(July 1967), pp.103-129.
47. 'Report from His Majesty's Commissioners for inquiring into the state of the Poor Laws in England and Wales...', Parlt. Papers, 1834(44), XXVII, pp.300-301.
48. Henriques, op. cit., especially pp.103-114.
49. HC, 13 April and 16 July 1835.
50. Richard Burn's justices' manual defined a presentment as "that which the grand jury find and present to the court, without any indictment delivered to them, which is afterwards reduced into the form of an indictment, and in nothing else differs from an indictment". Cited in Keith-Lucas, op. cit., p.71, n.69.
51. 'Turnpike Trusts. County Reports of the Secretary of State...', Parlt. Papers, 1852(1521), XLIV, p.270.
52. On these developments see S. and B. Webb, English Local Government: The Story of the King's Highway; J. Copeland, Roads and their Traffic, 1750-1850; W. Albert, The Turnpike Road System in England, 1663-1840.
53. HC, for Vintor's Letter of 11 October 1830.
54. Q.O.34, 11 October 1823, 13 January, 24 April and 11 October 1824.
55. HC, 19 December 1825.
56. Ibid., 25 October 1830.
57. For an outline of the county's responsibilities in bridge repairs, S. and B. Webb, The Story of the King's Highway, chapter six.

58. HC, 22 April 1822.
59. Report from the 1851 Committee, pp.14-15.
60. Q.O.43, 3 January 1853.
61. A.W. Mason, 'The History of Middle Bridge, Romsey', P.H.F.C., 32(1975), pp.49-61.
62. HC, 13 April 1835; Q.O.42, 2 January 1849; S. and B. Webb, The Story of the King's Highway, p.108.
63. Q.O.40,3 January 1843; Hampshire Archivists Group, Transport in Hampshire and the Isle of Wight, p.9. The need to compile such a list of bridges was itself proof of the confusion and uncertainty surrounding the liability of individual bridges.
64. HC, 16 January 1816. For a good introduction to the subject see Kathleen Jones, Lunacy, Law and Conscience 1744-1845; and Andrew Scull, The Social Organisation of Insanity in the Nineteenth Century.
65. 14 Geo.III c.9; Jones, op. cit., pp.36-40.
66. 'A Return of the Number of Pauper Lunatics and Idiots in each County in England and Wales...', Parlt. Papers, 1837(508), XLIV, pp.731-744; 'A Return from the Clerks of the Peace...of all Houses... to which Licenses have been granted...for the reception of Insane Persons...', ibid., 1837-8(304), XLIV, p.343.
67. Rose had also been notable for pioneering legislation to safeguard friendly societies.
68. Jones, op. cit., chapter five, especially pp.70-72, 74-77.
69. Ibid., chapter six; HC 16 January 1816.
70. Jones, op. cit., chapter seven, especially pp.133-143. Another Hampshire figure, the second Earl of Malmesbury, had been one of the 1828 Act's (9 Geo.IV c.41) staunchest supporters in the Lords.
71. For example, Q.O.39, 17 October 1837.
72. 'A Return of the Number of Pauper Lunatics and Idiots chargeable to each of the Unions in England and Wales...', Parlt. Papers, 1845(333), XXXVIII, pp.133-162.
73. Jones, op. cit., chapter ten for a discussion of Ashley's work leading to the 1845 Act. The details in the following paragraph are drawn from the 'Report of the Metropolitan Commissioners in Lunacy to the Lord Chancellor', Parlt. Papers (House of Lords), 1844, XXVI, pp.42-43, 57-59, 66-67, 133, 230.
74. HC, 24 October 1842 and 19 October 1844.
75. Ibid., 6 January and 13 April 1844. Wright remembered ruefully how he had opposed the motion to erect a county asylum in 1816.
76. Ibid., 19 October 1844; Q.O.41, 14 October 1844.
77. For full details of 8 and 9 Vict. c.100 and c.126 see Jones, op. cit., especially pp.191-195.
78. HC, 7 July 1849 and 19 October 1850; Q.O. 42, 3 July 1849 and 14 October 1850; Sloane-Stanley MSS., 28M57/21-26.
79. John Howard, The State of the Prisons, pp.353-359; M.H. Tomlinson, 'Victorian Prisons: Administration and Architecture 1835-1877', University of London Ph.D. thesis, pp.497-501.
80. On this distinction see S. and B. Webb, English Prisons under Local Government, chapter one; D.L. Howard, The English Prisons, p.11.
81. HC, 17 January 1825.
82. S. and B. Webb, English Prisons under Local Government, pp.12-17.
83. See the justices' overview in HC, 21 January 1822.
84. See the useful survey by U.R.Q. Henriques, 'The Rise and Decline of the Separate System of Prison Discipline', Past and Present, No.54(February 1972), pp.61-93.

85. Ibid., p.63
86. HC, 20 July 1818 for Baring's acknowledgement of his debt to Buxton. On Buxton, D. Howard, op. cit., pp.30-31.
87. See for example the fears articulated by Sturges-Bourne in his charge to the grand jury in HC, 21 July 1817.
88. It is clear for instance that many of the minor alterations in the prison regime were made in response to suggestions from the governor in his daily journal.
89. S. and B. Webb, English Prisons under Local Government, pp.70-71; HC, 21 October 1816; Q.O.30, 11 October 1816.
90. Report of the Visiting Justices of the Gaol and Bridewell for the county of Southampton (1822).
91. The following paragraph is based upon the rules and regulations as listed in Q.O.33, 16 April 1822.
92. On the 1823 Act (4 Geo.IV c.64) S. and B. Webb, English Prisons under Local Government, pp.73-75. On the fresh alterations necessitated in Hampshire, HC, 20 October 1823.
93. Ibid., 7 May 1821.
94. S. and B. Webb, English Prisons under Local Government, pp.82-89.
95. HC, 28 January 1822.
96. Ibid., 8 July 1833 and 11 April 1842.
97. Henriques, 'The Separate System', pp.67-68; D. Howard, op. cit., pp.59-64.
98. S. and B. Webb, English Prisons under Local Government, pp.114-133.
99. HC, 23 October 1837.
100. Ibid., 24 October 1835 and 24 October 1836.
101. On the 1839 Act (2 and 3 Vict. c.56) S. and B. Webb, English Prisons under Local Government, p.127.
102. HC, 6 January, 6 July 1840, 11 January and 25 October 1841.
103. Q.O.41, 30 December 1844.
104. HC, 12 April 1845.
105. Compton MSS., 12M60/85 for a copy of the Report of the New Prison Building Committee (1851), passim. For a broader view Tomlinson, op. cit., passim; idem, '"Prison Palaces": a Re-appraisal of Early Victorian Prisons, 1835-77', Bulletin of the Institute of Historical Research, LI(1978), pp.60-71.
106. HC, 6 January 1849.
107. S. and B. Webb, The Parish and the County, especially book two, chapter five.
108. Ibid., especially book two, chapter six.
109. HC, 14 April 1834.
110. Ibid., 6 July 1835.
111. See below chapters four and eight.
112. Or at least they dealt only briefly with it. See S. and B. Webb, The Parish and the County, pp.605-507.

CHAPTER FOUR

QUARTER SESSIONS: THE SURVIVAL OF AN OLIGARCHY

The Liberal writers of the nineteenth century were unanimous in their condemnation of the county quarter sessions as the very antithesis of the representative principle in government which they sought to establish. As John Stuart Mill put it in his Considerations on Representative Government of 1861: "The mode of formation of these bodies is most anomalous, they being neither elected nor, in any proper sense of the term, nominated, but holding their important functions, like the feudal lords to whom they succeeded, virtually by right of their acres....The institution is the most aristocratic in principle which now remains in England; far more so than the House of Lords, for it grants public money and disposes of important public interests, not in conjunction with a popular assembly, but alone".[1] The Radicals had been making the same points, albeit in less restrained language, for at least the two previous generations: that quarter sessions was a closed, unrepresentative oligarchy which as a corollary was administratively inefficient and financially irresponsible. Sidney and Beatrice Webb writing in the early twentieth century did not seek to deny these assertions, since their political ideal was the establishment of democratic associations of consumers as the means by which essential services should be provided.[2] The system of county government prevailing in 1800 could hardly be said to even approximate to such an ideal. In 1688 however, perhaps it had done. The counties in 1688 were governed by statutorily authorised quarterly assemblies at which the magistrates met and were assisted by gratuitously serving officers of the parish and county. Equally important was the attendance of popular juries. By 1800 however the magistrates had usurped their position to become the dominant body in all legislative and executive affairs. Instead of popular juries and open judicial proceedings, there were now small committees of magistrates who worked behind closed doors where and when they chose, and assisted by salaried officers whom they appointed. This is what the Webbs means when they referred to the growth of an "extra-legal county oligarchy".[3]

The Webbs' work remains the standard account of county government. There is no doubt that they were right to identify changes in the

procedure and method of county government between 1688 and 1835. Yet their interpretation does beg a number of questions. Were the magistrates in sessions a monolithic oligarchy unmindful of local opinion? Did they deliberately seek to strengthen their hold on county government through recourse to committees and by employing sycophantic officials? Were the magistrates really not circumscribed in what they might or might not do? Were they inefficient and irresponsible? Above all, why, if the case and strength of feeling against the magistrates was so overwhelming, did they retain their hold on county government until 1888? The corresponding borough authorities after all, had been reformed as early as 1835. No doubt these are obvious questions, but they are questions which have never really been answered.

Decision Making at Quarter Sessions

In order to answer the question of whether the magistrates in quarter sessions acted as a united body in their decision making, uninfluenced by any external public pressure, it is imperative to begin with an analysis of how decisions in county government were actually taken. Usually the procedure was extremely straightforward. There would simply be a show of hands in open court with the chairman enjoying the right of a casting vote. The only exception to this rule came in the elections for some of the more important county offices when more than two candidates were involved. In such instances the magistrates might resort to the expedient of the single transferable vote.[4]

More important than the method of voting, however, is to ascertain whether magistrates divided factionally, party politically or otherwise, and thus conferred control of the county to a handful of personalities. Given that the county's leading political figures were to be found at sessions it is not altogether unreasonable to anticipate a party political divide. John Fleming for example, the Tory county Member, wrote privately to Wellington in 1825, voicing his aspirations that the Tory Richard Pollen would be elected to the vacant sessions chair to prevent it again falling into the hands of the opposition party.[5] Cobbett, too, subscribed to the notion of a two party alignment. Thus the furore surrounding the resignation of the treasurer George Hollis in 1823 was to be explained, he insisted, by the fact that Hollis had owed his election in the 1790s to the Tory patronage of Sir George Rose whereas his 1820s disgrace was inevitable owing to the hegemony over

sessions then enjoyed by the Whig Sir Thomas Baring. In this specific instance, Cobbett's scenario of a party political divide was not without some foundation.[6] On the other hand, since the Tories on the county bench always enjoyed as has been seen, a comfortable majority over the Whigs, at least some Tory magistrates must have sided with Baring against Rose and Hollis. The same point similarly undermines Fleming's interpretation of the vote to elect a sessions chairman as being a party political one. Had it been, then the Whig Earl of Carnarvon's brother George Herbert would never have been elected to the chair in 1822. The qualities sought in an ideal sessions chairman were for most magistrates far more complex than whether his political standpoint was congenial to their own.

In short, there is very little evidence that a party political alignment operated in more than a handful of sessions votes. Usually it was non-existent. In 1818 for example, Rose's protégé, Sturges-Bourne, was elected to the sessions chair with the support of Rose's political antagonist Baring, because Baring conceded that Sturges-Bourne was the ablest candidate for the position.[7] William Charles Harris' election to the post of chief constable of police in 1843 came as a general surprise to the county and was attributed to his zealous canvass of the magistracy[8] - a case which surely proves that magistrates were generally prepared to give their vote according to their estimation of a candidate's merits.

If one is looking for a factor which did tend to bind magistrates together in their voting alignments, it was geography. It follows from the fact that a magistrate was more likely to attend sessions the nearer he lived to Winchester, that he and his divisional associates were most likely to turn up if an issue for debate bore directly upon their locality. In the late 1830s for example, the Isle of Wight magistrates at last felt constrained to go to Winchester in number where they voted solidly in favour of a scheme to establish a separate adjournment of sessions for the Island; and also moved an unsuccessful amendment to establish their own rural constabulary.[9] In the same way the magistrates from a particular division could be expected to vote together if it was proposed to alter the boundaries of their division or to support a candidate for a county office who came from their neighbourhood - irrespective of the political divisions between them. A sessions vote censuring the actions of one of its committees would likewise act to unite the members of the committee in defence of its policy. The Rev.

Robert Wright, despite his obsession with retrenchment, confessed himself obliged as one of the committee of jail visitors to defend the slanders cast by some magistrates at what they saw as the needless expense of the prison reforms of 1817-1821. To do otherwise would have been "a deliberate act of suicide upon his own reputation".[10]

But if more common than divisions on a party political basis, sessions divisions on a geographical basis can hardly be described as being frequent. They occurred by definition, only when there was a perceived clash of local interests. The really crucial votes of the period, that is to say those on major questions of policy, were affected neither by party political nor geographical considerations. On the vote to introduce a rural constabulary at the end of 1839 for example, it is striking that virtual unanimity existed amongst the magistrates in stark contrast to the partisan outpourings on the subject to be found in the columns of the provincial press.[11] Such unanimity did not always prevail. On some issues, particularly on the question of whether or not the county should erect a lunatic asylum, strong differences of opinion existed. In such instances the individual magistrate's vote was usually determined by how he weighed the balance between the ratepayers' calls for retrenchment and the intrinsic merits and necessity of the project proposed. The motion to erect a lunatic asylum negatived in 1816 by the narrow margin of 14 votes to 13 is an excellent case in point. The majority consisted essentially of the representatives of the older county families such as the Portals and Withers, allied with a handful of retrenchment conscious clergymen; the minority of the county's 'progressives' on lunacy reform: Rose, the evangelical Baring and Sturges-Bourne. Even the combined influence of the supposedly all-powerful Rose and Baring interests failed to secure a majority in face of opposition led by country gentlemen who were both unconvinced of the efficacy of the project and unwilling to make what they therefore saw as unnecessary impositions on the ratepayers.[12]

In fine, most sessions decisions were arrived at as the result of reasoned debate and argument between the magistrates, in which debates genuine differences of opinion were frequently to be found. It is equally clear that an assessment of the probable ratepayers' reaction to any decision taken was always an important factor in determining the outcome of a debate. A wariness of ratepayer discontent at a time of agricultural distress can quite literally be said to have delayed lunacy

reform in Hampshire for over a generation. But ratepayer protest on any issue, if articulated in the form of a petition to sessions, could always be guaranteed to find some sympathy with the magistrates.[13] True, the ratepayers could not actually dismiss the magistrates if they became dissatisfied with them but one should never forget that as the county's leading administrative and political figures were in many cases one and the same, the administrators did not want to offend ratepayers to whom they also looked for electoral support. Sir Thomas Baring, for example, quite conceivably used the Hollis affair of the early 1820s when deficiencies were found to exist in treasurer Hollis' accounts, in part to strike at his Tory opponents and also to pose as the ratepayers friend, particularly since his espousing the cause of expensive prison reform over the previous years had not been conducive to his political objectives of leading a Whig-country party protest movement.[14]

Committees

It is perhaps not surprising in view of this evidence of a clear sessions awareness of local opinion that the Webbs said very little about sessions' votes. The case for what they saw as county government's becoming increasingly unresponsive depended far more upon what they depicted as the sinister growth in the magistrates' use of committees. The Reformer Hampshire Independent would have agreed with them. On more than one occasion it expressed the belief that sessions was becoming increasingly dominated by a small coterie of individuals who monopolised committee work, and then used the committee as the vehicle to foist their opinions upon the rest of the county.[15] For this reason it is necessary to enquire both into the purpose of these committees and into their power.

During the 1820s there were few committees. Those which existed were usually of a temporary ad hoc character. The permanent ones existed to perform an inspectory role, most obviously the jail, bridewell and private madhouse visiting justices committees. Over their existence, it ought to be emphasised, sessions had no control. Both the minimum numbers on such committees and the definition of their range of authority was determined by parliamentary statute.[16] The actual composition of these statutory committees for specific purposes was determined by geographical considerations. That is to say, the visiting



justices for Winchester jail and bridewell were virtually synonymous with those magistrates listed as acting in the Winchester petty sessional division. Those magistrates appointed to visit Carisbrooke asylum were usually those active in the division of the Isle of Wight. This was an obvious arrangement and universally accepted. Consequently these committees were formally re-appointed by sessions each quarter rather than going through the cumbrous procedure of inviting nominations and holding an election. Possibly it might be objected that this conferred too much influence upon the Winchester magistrates since the committee of visiting justices to Winchester jail and bridewell was easily the most important of the permanent committees. But the visitors in their quarterly report to sessions on the state of the prisons more than once anticipated such an objection by pointing out that any county magistrate was free to join them in their deliberations; and openly encouraged them to do so. It is clear from the entries in the surviving visitors books for the prison that several did.[17]

Sessions' temporary committees which had no recognition in statute usually only enjoyed a life of three to six months. During this time they would meet on at most half a dozen occasions. Such committees were appointed when a debate at sessions had reached a position of stalemate or more likely when a debate or question raised clearly needed some preliminary investigation before an informed vote could be taken on it. Perhaps also, in the case of the Rev. Robert Wright's committee set up in 1844 to consider the merits and de-merits of erecting a county lunatic asylum, they were a means of placating a magistrate particularly zealous on a specific issue and thus to stall its being discussed.[18] No hard and fast rules existed as to the number of magistrates who might be appointed to such committees. The latter point depended upon the perceived importance of the question and the degree of interest which the question aroused. In most cases the magistrate who had raised the question would be appointed chairman and preside over perhaps six or eight other magistrates. The only attempt to introduce any sort of geographical representativeness to an ad hoc committee came with the appointment of the committee in 1839 to consider whether the Rural Police Act should be adopted. On this occasion each of the county's 14 petty sessional divisions was invited to elect a representative.[19] In every other instance however sessions merely requested nominations and never once debarred any individual who wanted to serve from serving. As with the permanent

committees of visiting justices, it was emphasised that any magistrate could attend a committee's deliberations, irrespective of whether or not he was one of its members.

Despite, and more likely because, the ad hoc committees lacked any rules which governed their composition, they did tend to be dominated by such influential administrative figures in the county as Sir Thomas Baring, Sir William Heathcote and Charles Shaw-Lefevre. Yet there is hardly anything sinister or surprising in this. Rather it would have been strange not to have found such figures on sessions committees. Baring, Heathcote and Lefevre were found upon and dominated committees for the simple reason that they were the county's most zealous and experienced administrators. Committee work merely confirmed but could hardly enhance their standing in this respect. What indeed was there to gain from sitting on a committee set up to investigate the complexities of the county rate assessment?[20] Committee work meant additional work, and the magistrate who agreed to sit upon a committee did so altruistically. The problem with committees lay not in the danger that a handful of individuals would use them to impose their views on others, but in actually persuading magistrates to serve on them in the first place.

Temporary ad hoc, fact finding committees remained throughout the period the most common form of sessions committee. The most important development in committee work during the period was the discernible growth in the number of standing committees which were not recognised by statute. Easily the most important of these was the finance committee established in 1824, a full decade before a select committee on county rates advocated their introduction by all counties.[21] Essentially the finance committee existed to act as an intermediary between the county treasurer and sessions. Its establishment came about as a direct result of the lack of communication between sessions and treasurer George Hollis, the consequence of which was that both blamed the other for deficiencies in the rate returns revealed in 1823. To prevent the repeat of such a circumstance the finance committee's task was to meet with the treasurer on the day previous to the commencement of sessions to audit his accounts for the preceding quarter. A report based upon their meeting, recommending what level of rating should be levied for the ensuing quarter was delivered to the full sessions the following day. The finance committee had no powers to authorise expenditure upon its own initiative except

for minor repairs to the county buildings.[22]

There was nothing sinister or clandestine about the magistrates' establishment of a finance committee. Rather it was a practical response to a proven problem and a step along the road to administrative efficiency. Where previously the treasurer's accounts had received only the most cursory of checks in a crowded court room they now received careful scrutiny from up to a dozen magistrates in the suitably silent atmosphere of the grand jury chamber. It was also a committee which within their own definition of the term, the magistrates attempted to make representative. Re-appointed at each Epiphany sessions, it was composed of 28 magistrates, two from each of the county's 14 petty sessional divisions. Almost inevitably the practical reality fell short of the ideal for the numbers who attended its meetings rarely exceeded seven or eight, whilst the Winchester division by 1851 had four of its magistrates on the committee rather than the nominal two.[23] Interestingly however, in an attempt to return to the ideal a well publicised order of 1851 laid down that each divisional bench of magistrates should elect two of their number to serve on the committee.[24] This, argued the magistrates, was at least introducing an element of representative control over county finance. It was of course no more than a gesture, but nevertheless yet another intriguing example which proves that the magistrates were mindful of the charge of proceeding oligarchically.

In some ways the nomenclature of 'finance committee' was a misnomer, since as virtually every issue dealt with by sessions involved it in expenditure there was nothing which did not fall within the committee's jurisdiction. The only important field of administration with which it did not deal was that of bridges. The latter fell instead to the road and bridge committee, also appointed annually at the Epiphany sessions and established in 1824.[25] Its role was to receive the tenders for contracts to repair county bridges. It superseded the previous procedure whereby ad hoc committees of magistrates were appointed for each bridge to perform the same function. But the practical distinction between the finance and the road and bridge committees was non-existent, since they were synonymous in their personnel. It was altogether logical and proper that the two should be increasingly referred to as the general purposes committee. The title became official in 1853.[26]

Doubtless the scope for involvement in all areas of sessions activity by the above two committees in large part explains why there

were so few other permanent committees. But if the Webbs were right in their view that an increasing amount of sessions work was being delegated to committees who carried on their labours behind closed doors, one would expect to find more. Why for example did it take until 1873 before a separate police committee was introduced, despite the introduction of the rural constabulary in 1839? Why also was it only in 1854 that a public works committee was established to be generally responsible for the state of the county buildings, given the ever increasing number of county bridges and the erection of a new prison and asylum during the 1840s?[27] Committee work did increase between 1820 and 1852, but it did so at a surprisingly slow rate. Sessions was indeed visibly reluctant, not willing, to delegate business away from the magistrates as a whole in open court. It is significant that the magistrates took steps to establish new permanent committees only when the need for them was overwhelming (the police and public works committee) or when the revelation of shortcomings in their existing procedures galvanised them into action (the finance committee). Consequently, if one is to level any criticism against the magistrates and their use of committees, then it must be that they did not resort to them so frequently as the dictates of administrative efficiency suggested.

There remains the final and crucial question of how influential the committees were in the actual decision making at sessions. By definition those committees established temporarily for a specific purpose could not but be influential. If a committee appointed to examine the advantages and disadvantages of introducing a rural constabulary recommended strongly in favour of its introduction, its findings would inevitably weigh heavily before the full gathering of magistrates in sessions. The permanent committees, especially the finance committee and visiting justices committee for Winchester jail and bridewell could be equally influential. It is true too that committees could easily overstep the blurred line between making an objective report and a subjective recommendation. The finance committee's quarterly reports for example, frequently contained a catalogue of suggestions for minor structural alterations to the county buildings, which sessions simply endorsed.[28] It would not be overstating the case too much to say that by the 1840s the finance committee was initiating most of the smaller projects undertaken by the county. The committee had become akin to a 'think-tank' on administration. In a similar fashion, Sir Thomas Baring used his position as *de facto* head of the Winchester prisons' visiting

justices committee to articulate his personal opinions on the nature of criminal behaviour through the medium of the visitors' quarterly report. More practically his position allowed him and the committee to nominate candidates to any vacant governorship or keepership.[29]

One could therefore make something of a case for the argument that committees, or at least the important permanent ones, had gone beyond their advisory role to assume an executive one, and that as a corollary sessions was no longer so unequivocally the sovereign body in county government which it had been. The reality was rather different. When sessions endorsed a committee's recommendations it did so for the simple and obvious reason that it agreed with them. It also recognised that the prison visiting justices' views for example, were entitled to special consideration in matters such as the appointment of prison officers if only because the committee could be presumed to be better aware of local needs and circumstances, and would have to work at first hand with the new officer.[30] This is very far from saying that a committee's recommendations were always endorsed, for, as has already been seen, sessions was not an instrument whose voting patterns could easily be predicted let alone manipulated. The Baring-Rose dominated committee which recommended the erection of a lunatic asylum found that its plea was overruled by sessions in 1816. Sessions likewise vetoed a committee's recommendation to increase the chief constable's salary in 1845.[31] Even recommendations from the finance and prison visiting justices were not always treated with silent acquiescence by sessions. On more than one occasion sessions revised the finance committee's proposed level of rating for the ensuing quarter and in 1850 one magistrate actually went so far as to query the legality of its limited financial powers.[32] As for the prison visiting justices, their attempt to name a new bridewell keeper in 1839 was overruled by sessions who allowed the committee to name only an interim appointment and on the express condition that such person be disqualified from being a candidate for permanent appointment.[33] Sessions, it is clear, was acutely aware of the powers committees might arrogate to themselves and was no less determined whether from personal, political or geographical differences and jealousies, to prevent it happening. The committee tail emphatically did not wag the sessions dog; and nobody was more wary of their development than the magistrates themselves.

Officers

The permanent officers whom the Webbs looked upon unfavourably in county government, were seven in number in Hampshire.[34] What characterised them during Wellington's lieutenancy was not a desire by the magistrates to increase their number and importance, but a desire to reform their two most obvious abuses: the tendency for such offices to become hereditary and the fact that they were remunerated largely by fees.

Of the three important county offices, the first to be reformed was that of treasurer. The dubious practice of allowing the treasurer to use the balance of county money in his hands for his own purposes was terminated in favour of a fixed salary of £100 in 1822.[35] A year later the archaic practice of re-electing the treasurer annually at the Easter sessions was abolished and the appointment made permanent. The salary was raised to £160 in 1839 and again in 1841 to £180 following the burden of increased work which followed the establishment of the rural constabulary.[36] George Hollis who was treasurer between 1790 and 1823 was succeeded in the office by John Woodham (1823-4), Bernard Winter (1824-1832) and Charles Bridger (1832-1852), all of whom were prominent Winchester attornies but none of whom belonged to the same firm.

The overhaul of the surveyor's office was equally conprehensive even if it did not take place until 1853. Thenceforth it was ruled that the surveyor should be an officer working exclusively for the county for an annual salary (in place of fees) of £200, and in no way be connected with a building firm. Thus ended the Gover family's hold on the office which had been established in the eighteenth century.[37]

Only in the case of the clerk of the peace did sessions at first fail to replace a table of fees by a fixed salary. Orders to that effect in 1824 and 1826 were both deemed illegal since the custos rotulorum and not sessions appointed the clerk. Agreement was finally reached in 1851. Thomas Woodham's successor, it was ruled, should be salaried and the iniquitous distinction between deputy clerk and clerk of the peace, whereby the latter received money from the former for doing nothing, abolished.[38] It is difficult to see how these changes in the position of the county's officers can be interpreted except as rational moves towards their greater professionalisation and a more efficient discharge of their responsibilities. Granted that the Webbs were right to argue that the use of such officers was a less democratic means of proceeding than by popular jury, it was certainly a more efficient means which,

like the increased use of committees, had nothing clandestine about it.

The Myth of Sessions Extravagance

The questions being asked about county government in Hampshire between 1820 and 1852, at least so far as one can gauge from letters to the press, press editorials and remarks at public gatherings, were not those postulated by the Webbs of why (or indeed whether) an extra-legal oligarchy had developed, but whether, because of its unrepresentative constitution, sessions remained oblivious to the sentiments of the ratepayers, and because it was not accountable to them, acted extravagantly?[39] The magistrates inevitably denied such allegations - proof in itself that they were at least aware of what the ratepayers thought - but since they could not deny that sessions was undemocratic, they came increasingly to justify their existence on the grounds that the existing system was conducive to good and cheap government.[40]

One could produce a mass of ex parte evidence in the form of irate ratepayers' complaints which would seemingly support the underlying allegation that there had been a vast, needless and unchecked increase in the county rate. Yet it would serve no useful purpose. One has to ignore the propaganda of both magistrates and ratepayers and turn instead to an analysis of the financial realities of county government. The first salient point that strikes us in so doing is that the rate in the pound actually fell between 1820 and 1852. This of course is not inconsistent with a large increase in the level of gross county expenditure for the same period: it merely demonstrates how successful the magistrates had been in their successive revisions of the rate assessment in 1819, 1841 and 1853, in both equitably distributing the rate burden and in tapping new sources of wealth.[41] The individual ratepayer who complained that his own contribution to the county rate had spiralled[42] never bothered to ask the question of whether it was fair for his parish to contribute on the basis of an assessment established in the mid-eighteenth century or whether it was not reasonable that he and his parish contribute to the county rates according to an assessment based upon recent property values. In fairness most ratepayers do seem to have appreciated this fact. Presumably this in large part explains why it was during the 1830s and 1840s that ratepayer criticism came to be increasingly directed against the fact that the county rate was based upon an assessment of immovable property only.[43] This was a view with

which a number of magistrates had a good deal of sympathy, but as they rightly added it was a question for which parliament and not sessions was responsible. The fact remains - and is worth repeating, such were the individual outcries to the contrary - that the county rate, whether taken as a measurement in the pound, or the burden per acre or per head of population, either remained static or decreased during the second quarter of the nineteenth century. The sum raised on the county rates in 1826 was actually lower than that levied in 1852. So too was the total net county expenditure.

This is not to say that the ratepayers' protests were a figment of the imagination without statistical foundation. Hampshire's gross county expenditure for ordinary purposes had risen by something of the order of 100% between 1792 and 1832 (a figure which in fairness ought to be juxtaposed with the national rate of increase for the same period of 150%[44]). Hampshire ratepayers might also point to the fact that the gross county expenditure had risen by roughly a further 100% in the period 1826 to 1852. This, they might have added - and they did - was an increase which took no account of the new and further sums being levied by the county from 1839 onwards, for the maintenance of the county constabulary. During the 1840s these charges added roughly a further twopence in the pound annually to the county rate, or approximately £8,000. It is undeniable that the county's police expenditure constituted a major if not the major ratepayers' grievance of the 1840s. For the present, however, police expenditure will be left to one side, for it is important enough to merit separate consideration.[45] Ratepayer protests against increasing expenditure preceded the introduction of the rural constabulary in any case. We are concerned here to investigate the causes for the spectacular rise in gross county expenditure between 1826 and 1852, which superficially at least do appear to substantiate the ratepayers' claims that the magistrates were becoming increasingly extravagant.

These charges can best be answered by reference to Tables 4.1 to 4.3.[46] Table 4.2 reveals that easily the largest single categories of expenditure were those associated with criminal proceedings. The cost of conveying, maintaining and prosecuting those lodged in the county's prisons usually accounted for something like 70% of annual gross expenditure. Admittedly this percentage declined in the late 1840s on account of debt and interest repayments incurred on account of the new

TABLE 4.1 County Finance 1826-1852: Receipts

Year	from Rates	from Govt.	Other	Total	Rate in £
1826	15,169		87	15,257	5½
1827	10,605		105	10,710	3¾
1828	13,864		254	14,119	5
1829	9,746		238	9,985	3½
1830	13,006		212	13,218	4¾
1831	17,564		204	17,769	6½
1832	13,723		3,181	16,905	5
1833	13,664		812	14,476	5
1834	14,170		423	14,593	5
1835	13,963		394	14,358	5
1836	9,846	641	1,014	11,502	3½
1837	13,803	1,996	362	16,162	5
1838	9,473	2,022	471	11,967	3½
1839	11,542	1,977	811	14,331	4
1840	16,208	2,187	733	19,129	6
1841	19,106	1,519	1,554	22,181	7½
1842	12,787	2,746	1,625	17,159	5
1843	15,072	2,181	1,217	18,472	4
1844	16,760	2,148	1,471	20,381	3¾
1845	12,383	909	1,787	15,079	2¾
1846	12,234	2,662	1,764	16,751	3
1847	14,640	2,010	1,342	17,992	3¼
1848	13,481	6,256	1,009	20,747	3
1849	13,462	4,695	1,269	19,427	3
1850	19,081	5,270	652	25,004	4¼
1851	15,724	4,763	12,685	33,173	3½
1852	14,544	6,103	6,507	27,153	3¼

prison and lunatic asylum, but it rarely fell below 50%. Moreover, the percentage given in any case is a conservative one, for it could quite legitimately include some of the fees for coroners, the clerk of the peace and printing costs which arose directly out of trials.

The crucial point, however, is surely that whatever the exact percentage, criminal costs could hardly be much regulated by sessions, for they depended at root upon the level of crime in the county.[47] Magistrates could only ensure that criminal matters were dealt with

TABLE 4.2 County Finance 1826–1852: Expenditure

Year	Prosecutions	Jails	Bridges	Militia	Coroners	Other	Total Gross	Total Net
1826	2,255	6,963	580	80	259	2,812	12,949	12,861
1827	1,924	7,024	275	64	274	1,807	11,362	11,257
1828	3,135	7,510	376	109	258	1,785	13,173	12,919
1829	2,042	6,536	1,410	61	266	1,767	12,082	11,844
1830	2,455	6,232	575	43	255	2,298	11,858	11,646
1831	2,183	6,236	1,384	94	277	8,751	18,925	18,720
1832	2,724	5,344	1,658	91	310	6,841	16,969	13,786
1833	3,991	5,136	1,098	46	339	3,556	14,166	13,354
1834	3,354	6,050	1,380	47	318	3,745	14,894	14,471
1835	2,634	4,832	1,107	109	290	3,968	12,940	12,546
1836	3,434	4,892	1,076	127	357	2,756	12,642	10,986
1837	3,881	5,430	705	36	373	3,498	13,923	11,564
1838	3,986	5,584	303	32	710	2,374	12,989	10,945
1839	4,397	6,190	642		931	2,782	14,942	12,153
1840	4,612	6,251	381		1,123	8,965	21,332	18,411
1841	3,745	5,489	593	3	1,076	7,413	18,319	15,245
1842	3,848	6,113	1,482		1,197	4,929	17,569	13,197
1843	4,251	7,802	786		1,999	2,358	17,196	13,796
1844	3,473	10,333	946		1,365	7,280	23,397	19,777
1845	3,567	5,849	815		1,363	2,194	13,788	11,091
1846	3,787	6,166	2,462		1,349	3,111	16,875	12,448

TABLE 4.2 County Finance 1826-1852: Expenditure (contd.)

Year	Prosecutions	Jails	Bridges	Militia	Coroners	Other	Total Gross	Total Net
1847	3,316	5,102	1,133		1,376	3,913	14,840	11,487
1848	4,254	6,390	1,369		1,108	9,113	22,234	14,968
1849	4,375	7,040	752		1,058	6,552	19,777	13,812
1850	5,171	8,518	425		1,153	9,122	24,389	18,466
1851	5,637	6,299	698		1,102	20,589	34,325	16,876
1852	5,163	5,312	722		1,063	11,999	24,259	11,647

TABLE 4.3 County Gross and Net Expenditure, 1849

Category	Gross Expenditure	Amount borne by county rate
debt repayment	£ 2,052 10s 5d	£ 2,052 10s 5d
coroners	1,058 15s 0d	1,058 15s 0d
bridges	724 6s 5d	724 6s 5d
voter registration	275 5s 2d	264 15s 2d
conveyance/prosecution	4,912 3s 11d	1,278 7s 11d
prisoner maintenance	6,344 14s 6d	4,227 15s 9d
lunacy	339 17s 10d	339 17s 10d
salaries	378 2s 5d	378 2s 5d
county hall	180 8s 8d	180 8s 8d
clerk of peace	496 13s 5d	496 13s 5d
weights and measures	429 6s 3d	390 4s 5d
ordinary repairs	198 4s 3d	198 4s 3d
printing	386 17s 4d	221 1s 5d
Total	£ 17,777 5s 7d	£ 11,812 3s 1d

as efficiently as possible. Thus after 1839 they were quick to employ the rural constabulary for the conveyance of prisoners rather than allow the old parish constables to claim the fees for doing so. Three years later as agricultural prices again began to fall they revised the scale of allowances to prosecutors and witnesses. In the renewed depression at the end of the 1840s they reduced the salaries of the prison staff. At all times they tried to ensure that no more witnesses than were necessary were summoned to appear at trials. Nevertheless, sessions claim that because of their vigilance, the average sessions trial cost only £8 as against £13 6s 4d for the average trial at assizes was not an altogether fair comparison.[48] Assizes tended to deal with the more serious crimes which almost by definition required more witnesses and incurred greater costs. The assize judges, too, sometimes saw occasion to complain that constables, in order to obtain the attendant fees, summoned more witnesses to assize cases than were actually required.[49] The real solution to cutting the expenditure incurred by trials was, as both sessions and assizes realised and advocated, to increase summary jurisdiction.[50] Only this could end the iniquities whereby the theft of a few pence resulted in a trial at a cost to the county of several pounds.

Nearly half the remaining £6,500 of the county's gross expenditure for 1849 - a typical year - was accounted for by debt and coroner payments. Over the former, sessions could do very little. In 1820 the county debt stood at approximately £10,000, largely as a result of the prison reforms undertaken from 1817. This debt in all probability would have been discharged by the early 1830s had not the expense of the special commission of 1830 following the agricultural labourers riots intervened. As a result it took until 1844 to finally discharge the debt. The debt of 1820, however, paled into insignificance beside the costs of erecting the new prison and county lunatic asylum in the late 1840s. Both projects were directly or indirectly necessitated by parliamentary legislation as indeed was the further burden of police stations in the mid 1850s. The county debt peaked in these years at £140,000.[51] All the magistrates could do in face of such a sum was to ensure that they secured the best terms of repayment.

The phenomenal growth in coroner payments too, was dictated by the legislature. Until 1836 (6 and 7 Will.IV c.89), the expense of coroners' inquests was borne by the parishes with the exception of the coroner's travelling expenses which were borne by the county according to a table of fees determined by sessions. After 1836 the entire burden was transferred to the county. Against this statutory change the magistrates protested vigorously, on the grounds that they lacked the machinery to verify whether inquests were being properly held. They likewise protested that coroners continued to be reimbursed by fees, at a time it will be remembered when their own initiatives were towards the permanent salarying of officials. The only system of surveillance they were able to devise over the county coroners before 1852 was to order the rural police to assist in the summoning of coroners' juries.[52]

The remaining nine categories of county expenditure, but which together accounted for only 19% of expenditure in 1849, may rapidly be summarised. Once more it is a pattern of expenditure for which sessions was responsible, but the level of which it could do little to determine, which predominates. This is true for instance of payments to the clerk of the peace, the inspectors of weights and measures, the medical visitors to the private madhouses, and the preparation (after 1832) of voters' registers. The cost of the last named was minimised by advertising for printer's tenders to undertake the work whilst the others were subject to tables of fees fixed by the magistrates. Bridge

expenditure too was the consequence of sessions' legal obligation to maintain county bridges. Since sessions proceeded from the praiseworthy dictum that bridges should be repaired as quickly as possible in order to prevent the increased expenditure which must ultimately result from greater neglect, the sums thus expended fluctuated greatly from year to year.[53] As was the case with the printing of voters' registers the only financial control sessions exercised in the matter was through advertising for tenders to perform the necessary work.

It was in fact only in the four categories of printing, the county hall, ordinary repairs and improvements, and the salarying of county officers that sessions enjoyed a fair degree of direct control over the level of expenditure. It fell to the magistrates to decide which reports merited printing and circulating amongst themselves, whether the county hall should be fitted with gas lamps or the grand jury chamber with rush matting, and whether the treasurer's salary should be £160 or £180. Even then of course their control was not absolute for they could hardly avoid paying their officers some sort of salary or printing calendars of prisoners, whilst the upkeep if not the improvement of the county building was a legal obligation. It is nevertheless in these categories that the magistrates are most justly open to the charge of acting extravagantly. It is palpably clear however that they did not. Very few reports in the period were formally printed and sent to each magistrate. There was no agenda but merely an advertisement of sessions in the press. Even here there was periodic debate as to whether it was not needless expense to insert advertisements in the Telegraph and Advertiser when everybody knew that they always appeared in the Chronicle, the generally recognised county newspaper.[54] Both printing and repair work was farmed out by tender. As for the common belief that the magistrates used ratepayer money to make their court rooms palatial one need only juxtapose the following order of 1840: "Ordered that the Clerk of the Peace do not give out any paper or pens during the sessions or assizes without a written order from the persons requiring same and that it be not supplied but to the officers of the court."[55] This was abstemiousness to the point of parsimony. Equally telling is the fact that when the external facade of the county hall was redecorated in 1843 the cost was defrayed by subscriptions from the magistrates themselves. As for the final category of salaries, it has already been seen how the magistrates consciously sought to replace

remuneration by fees with fixed salaries which, if anything were prone to downward revision in the review of mid-century.[56]

One is left with the final question of why there existed a growing discrepancy between gross and net expenditure as evident in Table 4.2. The answer had nothing to do with any initiative on the part of sessions. It was due rather almost entirely as Table 4.3 shows to the categories of prisoner maintenance, conveyance and prosecution costs. This was because since 1835 the government had agreed to offset half the cost of prosecutions at sessions and assizes and the total costs of transportations.[57] Smaller sums were received by the county from the corporate boroughs with their own court of quarter sessions, principally as payments for the maintenance of prisoners convicted by the borough authorities but lodged in the county prisons.

What the above analysis has unequivocally revealed is that the charges of magistrate extravagance were almost totally unfounded. In their review of county finance in 1860, sessions was not exaggerating when it asserted that 80% of all county expenditure was totally outside its control.[58] This lack of magistrate control over the level of expenditure is a point frequently overlooked by concentrating on ratepayers' complaints that it was they who lacked any form of control over county expenditure. They may of course have been right in insisting that ratepayer-elected county boards would have provided cheaper, more efficient government, and the magistrates wrong in insisting that their system meant cheap, good government. More likely however, there would have been little difference since so much of the expenditure was beyond the power of any local authority to control. Since they were so obviously aware of this point the magistrates, in face of heightened criticism of their government against the backcloth of severe agricultural depression – in the late 1840s, saw their primary objective as being the education of the ratepayers in the fact. Hence their appointment of a select committee in 1851 to produce an overview of county finance over the preceding generation.[59] This revealed that in all areas of major expenditure where economies could be made, they had been made. Paradoxically, expenditure had still risen, in part because of a rising crime rate, more importantly because of the adoption of the Rural Police Act, and in the immediate background to the report, because of the ongoing construction of the new prison and lunatic asylum. Both sides in effect were right: the ratepayers that expenditure was increasing, the magistrates

that sessions had become more efficient in its financial administration. What the magistrates' report could not do however, was to defuse the criticisms of those who argued that, irrespective of how retrenchment conscious sessions had become, sessions was not a democratically constituted body. It is to those criticisms that we must now turn.

The Campaign for County Boards

Of the five major reasons adduced by the Webbs for the increasing unpopularity of the county magistracy - the turning and stopping up of roads and footpaths, their involvement in Poor Law administration, their enforcement of the licensing and game laws, and the general increase in local expenditure - only the last can really be said to have concerned the magistrates in quarter sessions.[60] Spiralling rates were, however, the factor most prone to provoke the loudest and most general complaint from the population at large, even if the county rate constituted only approximately a tenth of the amount of parish rates. Such complaints were especially potent during the early 1820s and late 1840s, both it ought to be remembered, periods of acute agricultural distress within the county.

Despite the similarity of the economic background which prevailed in the early 1820s and late 1840s, it would be wrong to assume that the ratepayers' protests in the two eras were geared towards the same end. During the early 1820s the essence of the protest was that the ratepayer was being saddled with the financial burden of what he considered to be unnecessary prison alterations at a time when he was having to cope with low prices and high rents. The protesters did not call for the establishment of a ratepayer-elected county board as the means of redress. Instead they alleged that the magistrates had only embarked upon a programme of prison reform because of an order of 1819 which transferred the transaction of civil business from the county hall to the more restricted confines of the grand jury chamber.[61] Away from the gaze of the public it was argued, the magistrates felt less qualms in passing resolutions which entailed heavy expenditure. The logic was attractive but ill-founded. Both the public and the press were welcome to attend the magistrates' deliberations in the grand jury chamber, whilst the vote initiating the prison alterations had taken place before the change in procedure of 1819. A motion to resume the transaction of civil business in the county hall was decisively rejected. In any

event, the protests soon subsided, in part with the completion of the alterations in 1821 and then with the upturn in the economy from the spring of 1823. The protests were essentially a manifestation of the old eighteenth century country party type movement for economic reform. All that was demanded was a presence at, not a voice in, the running of county government.

It is the 1830s, the decade par excellence of institutional reform, which have been seen by many historians as the most likely date at which county boards might have been established before 1888. It is often forgotten that both the Royal Commission on the Poor Laws and the 1835 Select Committee on County Rates both recommended at least the junior representation of ratepayers as the elective part of a county board.[62] The Radical Member for Middlesex, Joseph Hume, inspired by the democratiising of municipal government in 1835, actually introduced a County Boards Bill in 1836. This would have provided for a board, totally elected by the ratepayers, to deal with all administrative business. The Bill failed to survive its first reading. A revised version of February 1837, even though its principle was endorsed by the Home Secretary, Lord John Russell, suffered the same fate. It was clearly too much too soon for a House of Commons in which landowners still predominated, to stomach.

Fresh parliamentary initiatives on the subject had to wait until 1849. A more conciliatory Hume now proposed that half the board be drawn ex officio from the magistracy and that the remaining half be nominated by the ratepayer elected boards of Poor Law guardians. But once more rejection ensued. Only when the same scheme was taken up in the following year by the Peelite Milner-Gibson was the measure at last given a first reading. The respite was, however, temporary, for after being referred to a select committee the Bill was firmly rejected on the second reading. Though the question was intermittently revived between 1850 and 1888, few gainsaid Russell's assertion on the defeat of Milner-Gibson's Bill that a widespread demand for county boards simply did not exist.[63]

Russell was doubtless right, but this does not necessarily mean that there were no localised demands for county boards. On the contrary, in Hampshire there certainly were. The problem arises in attempting to disentangle the strands which together constituted the demand, and in assessing how far it was genuinely concerned with the principle of democratic local government. Undoubtedly it was more concerned with the

latter than it ever had been before. This is unsurprising since in the late 1840s the issue was being discussed in Parliament whereas in the 1820s it was not. This nevertheless begs the question of why the issue of county boards did not arouse interest in Hampshire during the mid 1830s.[64] After all, those years coincided with a trough in the agricultural depression no less than in the early 1820s and late 1840s. The most probable explanation would appear to be that the depressions of the early twenties and late forties coincided with the implementation of expensive building programmes by sessions whereas the depression of the mid 1830s did not. Added to this, one would do well to remember the political context. The Tory revival under way in Hampshire by the mid 1830s was predicated on the platform of king, church and constitution and against the sort of radicalism espoused by Hume. But the same harmony between landlord magistrates and ratepayers no longer existed in the late 1840s. The landlords had failed to save the Corn Laws. Thus ratepayers as farmers came increasingly to look for compensation for the Corn Laws in a relief from local burdens as well as in the restoration of a fixed duty. Instead of assisting them in this search, the landlords as magistrates appeared only to exacerbate the ratepayers' plight by endorsing new building projects for a prison and an asylum. What more natural than that the ratepayers should start to think in terms of defending their own interests particularly since the mushrooming of county expenditure during the 1840s contrasted so sharply with the boasts of successful retrenchment from the wealthier, more articulate farmers who had been serving as Poor Law guardians? As will be seen below, this protest culminated in the 1849 North Hampshire by-election, a protest against the perceived failure of the county's traditional political and administrative leaders to defend the interests of the agricultural community.[65]

The call for county boards in the late 1840s therefore complemented the concurrent political protest in Hampshire. County boards were a mainplank rather than the central focus of this protest. One must, given the economic circumstances in which the protest took place, question both the sincerity and strength of the call for county boards. There is no doubt that rural radicals such as the mayor of Southampton, Richard Andrews, inspired by Cobden's Parliamentary and Financial Reform Association, were totally convinced of the necessity for county boards. So too were a corpus of vocal tenant farmers, usually Tory by political inclination

and who are most easily identified as providing the backbone of the Winchester Farmers' Club established in 1850. The Club discussed the expediency of establishing county boards at its monthly meeting of September 1850 and alluded to the propriety of so doing in numerous other debates and at other public gatherings.[66] But these two groups comprised only the leadership of what was essentially an Adullamite movement. One cannot resist the conclusion that the movement became momentarily influential in the county because of a rank and file support that adhered less out of any deep seated conviction in favour of county boards than from an instinctive response to the renewed depression. In other words, leaders of a movement genuinely believing in the expediency of introducing county boards were sustained, as was the protest of the early 1820s, by the older country party alliance whose overriding objective was financial relief at a time of economic hardship. No doubt in the particular circumstances of the late 1840s, county boards appeared as one possible and attractive means by which this might be achieved, but there is no evidence that it ever attained the status of a sina qua non. The truth of this diagnosis is surely confirmed by the fact that the calls for county boards - with the exception of a few lone tenant farmer voices - simply evaporated as corn prices began to rise from 1854.

There is one final point that ought to be made concerning the movement for county boards. The desire to extend democratic control over the county's purse strings was never accompanied by a desire to curtail the magistrates' judicial responsibilities at sessions. Even Hume had never proposed such a measure. Despite therefore the Cobbettite rhetoric against the iniquities of being summarily convicted (and even transported) by a country gentleman, the overwhelming feeling in Hampshire was that the magistrates should continue to be allowed to conduct trials and, in so far as sessions' prosecution costs would be cut, that summary jurisdiction should be extended.[67] The call for stipendiary magistrates was negligible. However much Radicals might sneer at 'mere magistrates' justice', it possessed the inestimable advantage to the unbothered ratepayer of being cheap. Stipendiary, unlike county magistrates, would have to be paid, and would presumably have to be done so from the county rate.

Conclusions

It is undeniable that the structure of county government before 1888 was oligarchical, that is to say that the magistrates who transacted county

business were co-opted rather than elected onto the county bench. It is true too that some developments in nineteenth century county government, notably the growth in the use of the committee as an administrative medium, were not sanctioned by parliamentary statute. In this sense the Webbs wrote with some justice of the growth of an extra-legal oligarchy. What the present chapter has attempted to demonstrate is that the magistrates in sessions in no way deliberately sought to develop county administration extra-legally, whether it be through a readier recourse to committees, or by salarying permanent officials appointed by themselves, with a view to subverting the existing procedure of transacting business exclusively in open court with the assistance of popular juries. They did, however, so far as statute would allow them, attempt to adopt an administrative posture that was both more professional and efficient in its outlook. Towards this objective they undoubtedly made significant advances between 1820 and 1852. Progress was not linear - it was rather more a case of two steps forward and one back - but the period as a whole can rightly be characterised as one of improvement. The relative democracy of which the Webbs bewailed the passing, it will be remembered, was one in which the cumbrous, often archaic procedures of presentment and indictment prevailed.[68]

Perhaps the more important conclusions to emerge from the present survey, however, are the extent to which the Webbs overdrew the contrast between the practice of quarter sessions in the nineteenth century compared with its practice in 1688; and the extent to which the magistrates were not the masters of their own financial destiny. On the first point we might note that juries in 1852 still played an important role at quarter sessions whilst the public were perfectly at liberty to attend its proceedings. The county at large was undoubtedly better informed in 1852 of what was actually happening in county government than it had been in 1688 because of the growth of the provincial press. As the leading authority on local rates has put it "a grumble about rates is for the most part merely a compendious method of complaining of the extravagance and mismanagement of the particular local authority whose operations the grumbler has opportunities for watching closely".[69] On the second point, it has been argued that the magistrates were aware of local ratepayers' feelings, that such knowledge could affect their decisions, and that in so far as they exercised any control over the actual level of county expenditure, they did so with an eye to economy. This was only logical

for they dealt with ratepayers not simply as ratepayers but also as political constituents, tenants and as members of their own county community.

One might therefore speculate as to what might have happened in county government had county boards been successfully established in the mid 1830s. In all probability the Heathcotes, Barings and Lefevres would have continued to be the most influential figures. It was continuity rather than a change of personnel that was the more notable in the first Reformed parliament of 1833 and the same phenomenon was discernible following the first elections to the new county councils in 1888.[70] But what if county boards had come to be dominated in the 1830s and 1840s by the vocal and influential ratepayers, tenant farmers and other members of the rural middle class who appear at this period to have established themselves as Poor Law guardians? Would it not inevitably have established an assembly more directly amenable to ratepayer control, an assembly far more preoccupied with establishing a minimal rate than with institutional and administrative reform? The great boast of the Poor Law guardians after all was that they had effected considerable savings to the poor rate, not that they had implemented a more humane regime for the destitute.[71] Surely too, it follows as a corollary that resistance to government centralisation which involved heavy expenditure would have been greater from ratepayer controlled county boards than it was from the magistrate controlled quarter sessions?

This is all highly conjectural. It also assumes, as have most studies of county government, that the dialogue was a simple one in which the ratepayers accused the magistrates of behaving irresponsibly. The point is valid enough as far as it goes but the magistrate could and did retort that the ratepayer was bahaving selfishly. The magistrate took a more empirical, paternalist view of county government. No one was fonder of expounding what this was than Sir William Heathcote. Quarter sessions, he insisted, was an institution above any narrow sectional interest which looked to the needs of all the county's inhabitants. A good example of what he meant was the debate over the necessity for adopting the Rural Police Act. Vocal ratepayers quickly complained that the new burden of a police rate was an unfair imposition. Heathcote did not necessarily disagree. Ratepayers might well possess the financial resources to employ their own watch both more economically and efficiently. But what, he asked, of the great body of the county's labourers, unable

to afford such protection, but their homes exposed all day to the risk of petty theft? It was the magistrates' duty to legislate in the general interest and in this instance a rural constabulary was palpably the best means of doing so.[72] Any criticism of the survival of the oligarchic principle in county government until 1888, should therefore perhaps be tempered by an allowance for the progress which it facilitated.

Footnotes to Chapter Four

1. J.S. Mill, Considerations on Representative Government (Everyman edition 1910), pp.349-350.
2. S. and B. Webb, English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County, especially the new introduction by Bryan Keith-Lucas.
3. Ibid., especially book two, chapter five.
4. For example for the election of the first chief constable in 1839, Q.O.39, 31 December 1839.
5. W.MSS., 1/807, Fleming to Wn, 31 March 1825.
6. W. Cobbett, Rural Rides, Vol I, pp.249-252.
7. HC, 21 January 1822.
8. HA, 14 January 1843.
9. Q.O.39, 24 June 1839.
10. HC, 21 January 1822.
11. See below, chapter eight, pp.234-235.
12. HC, 16 January 1816.
13. See for example the petition on distress presented to the Epiphany 1822 sessions, HC, 21 January 1822.
14. On Baring's prison reform initiative, see above chapter three, pp. 96-97. On his political role during the 1820s see below chapter nine, passim. I hope to deal in full with the Hollis affair in a forthcoming paper.
15. S. and B. Webb, op. cit., pp.526-533; HI, 19 October 1851.
16. The prison visitors visiting committee was made compulsory under 4 Geo.IV c.24; those for private madhouses under 14 Geo.III c.9.
17. Deputy Governor's Report Book, 1849-1853.
18. HC, 19 October 1844.
19. Ibid., 21 October 1839.
20. See Sloane-Stanley's opinion, Compton MSS., 12M60/85, Sloane-Stanley to Henry Compton, March 1852.
21. Q.O.34, 11 October 1824; 'Report from Select Committee on County Rates', Parlt. Papers, 1834 (542) XIV, pp.19-20.
22. Quarter sessions filing box 26, Report of the Select Committee on County Expenditure, with a view to its reduction (1851), pp.8-12.
23. Ibid., Finance Committee minute books 1846-1859; Q.O.42, 30 December 1850.
24. Q.O.42, 7 April 1851.
25. Q.O.34, 11 October 1824; Report of the Select Committee on County Expenditure..., p.9.
26. Q.O.43, 17 October 1853.
27. Q.O.43, 24 June 1854.
28. Note also the occasion in 1840 when it initiated costly legal proceedings against a fraudulent attorney without first obtaining

the approval of sessions, HC, 26 October 1840.
29. Ibid., 20 October 1817.
30. Ibid., 15 April 1839.
31. Ibid., 16 January 1816 and 4 January 1845.
32. Ibid., 19 October 1850.
33. Q.O.39, 31 March 1839.
34. See above chapter three, pp. 72-73.
35. HC, 22 April 1822.
36. Q.O.34, 11 October 1823; Report of the Select Committee on County Expenditure, pp.13-14.
37. Ibid., pp.15-16; Q.O.43, 3 January 1853.
38. HC, 25 October 1824, 16 January, 10 April and 17 July 1826; Q.O.35, 4 April 1826; Report of the Select Committee on County Expenditure, pp.16-17.
39. See the editorial in HI, 8 October 1836.
40. E. Moir, The Justice of the Peace, p.135.
41. See above chapter three, pp. 75-76.
42. For example those in HC, 11 March 1822 and 23 December 1839.
43. Q.O.37, 31 December 1834.
44. For a national perspective on rating, B. Keith-Lucas, The Unreformed Local Government System, pp.53-58, pp.141-142.
45. See below chapter eight, pp. 246-248.
46. The tables are based upon the abstract of the treasurer's accounts published annually in the press and on figures contained in the Report of the Select Committee on County Expenditure.
47. Ibid., p.13.
48. HC, 26 October 1835, 11 January 1841, 11 January and 11 April 1842.
49. Ibid., 7 March 1836.
50. Ibid., 2 September 1839 for Justitia's letter.
51. Details from the Compton MSS., 12M60/85.
52. Report from the Select Committee on County Expenditure, pp.16-17.
53. Ibid., pp.12-13.
54. Q.O.30, 16 October 1815.
55. Q.O.39, 7 April 1840.
56. HC, 9 January 1843; Report from the Select Committee on County Expenditure, pp.13-16.
57. For the magistrates' favourable response at the receipt of this assistance, see HC, 13 April and 26 October 1835.
58. Quarter sessions filing box 26, Report on County Expenditure (1860), passim.
59. Q.Q.42, 1 July 1850; Report from the Select Committee on County Expenditure, passim.
60. S. and B. Webb, op. cit., book two, chapter six.
61. The protest can be followed in HC, 18 January 1819, 15 January and 25 October 1821, 21 January and 16 April 1822; Q.O.31, 11 January 1819.
62. Narrative accounts of the various proposals for county boards are to be found in J. Redlich and F.W. Hirst, The History of Local Government in England, pp.169-174 and B. Keith-Lucas, The English Local Government Franchise, especially pp.94-101.
63. Ibid., pp.100-115. On the final establishment of county councils see J.P.D. Dunbabin 'The Politics of the Establishment of County Councils', H.J., VI, No.2(1963), pp.226-252; idem, 'Expectations of the New County Councils, and their Realisations', ibid., III, No.3(1965), pp.353-379.
64. A rare exception was the HI, 8 October 1836.

65. The points touched upon in this paragraph are developed at length in part two.
66. HC, 28 September 1850, and below chapter twelve, pp. 352-353.
67. Compare PR, 3 May 1823 with the letter in HC, 2 September 1839 and the debate in ibid., 28 September 1850.
68. See above, chapter three, pp.85-89.
69. Edwin Cannan, The History of Local Rates in England, p.vii.
70. S.F. Woolley, 'The Personnel of the Parliament of 1833', E.H.R., LII(1938), pp.240-262 and J.P.D. Dunbabin 'Expectations of the New County Councils and their Realisations', passim.
71. See for example the boast of the Winchester Farmers Club that poor rates had fallen under representative control whilst simultaneously the gentry levied county rates had spiralled, HC, 28 September 1850.
72. Ibid., 5 July 1851.

CHAPTER FIVE

THE STRUGGLE FOR THE COUNTY BENCH, c.1830-1841

The abortive Bills to establish county boards were the only concrete parliamentary proposals between 1820 and 1852 which would have dramatically altered the constitution of county government. These Bills had failed at root because only a minority of MPs were prepared to surrender the hegemony of their class in county government. But if most MPs felt bound to oppose the various schemes of Hume and Milner-Gibson,[1] this was not to say that they thought the constitution of county government incapable of improvement. One point in particular was to arouse considerable support during the 1830s. This stemmed from Brougham's complaint, outlined in his law reform speech of 1828, that the lord lieutenant of the county, rather than the Lord Chancellor, enjoyed the power of appointing magistrates. The Lord Chancellor merely endorsed recommendations for the commission of the peace received from the lord lieutenant.[2] The practice was objectionable in that it meant that political bias operated in such appointments. Certainly, so far as Hampshire is concerned, it has been demonstrated that a strong Tory majority existed on the county bench.[3] When the Whigs came into office in 1830, they therefore understandably sought to redress such iniquities. For those Reformer MPs opposed to the introduction of county boards, this was an objective which they could endorse with equanimity since it left the oligarchic constitution of quarter sessions unimpaired. For more advanced Reformers, notably Brougham and Russell, such an initiative offered them an acceptable alternative (and perhaps ultimately a prelude) to a more thoroughgoing reform of county government. There is no doubt that the resulting battle to control appointments to the county benches generated a good deal of friction between the government and the localities in a good many counties. But perhaps because the arguments never provided the basis for the debates on an actual Bill which would have statutorily laid down how county magistrates should be appointed, the question has, until recently, excaped the notice of all but a few historians.[4] It is the purpose of the present chapter, through a case study of Hampshire to ask two questions. First, how the Whigs sought to alter the complexion of the county benches; and second, how successful their efforts proved in practice?

The Duke of Wellington in Hampshire, 1820-1830.

As lord lieutenant of Hampshire, Wellington was a relatively anonymous figure in county affairs before 1830. Stratfield Saye after all, had been selected as his country residence less out of any affinity between the Wellesleys and Hampshire - the Duke's personal preference had been for a seat in the family's ancestral home of Somerset - than for its proximity to London and a good pack of foxhounds. Between the months of November and January, the only period of the year during which Wellington was regularly to be found in the county, he lost no opportunity to hunt with William Chute's Vine hounds. But he rarely ventured elsewhere in Hampshire.[5] A dinner in his honour given by the citizens of Winchester in 1821 appears to have been his only attendance at a public gathering during the whole of the 1820s.[6] His Hampshire acquaintances were correspondingly few. With one important exception, John Fleming, William Chute was the only Hampshire gentleman who could consider himself on anything like familiar terms with the Duke. Chute however, died as early as 1824.[7] The other Hampshire figures he knew best - the Duke of Buckingham, the second Earl of Malmesbury, Palmerston and Charles Shaw-Lefevre[8] - owed the acquaintance as much to parliamentary as local contact between them.

As lord lieutenant during the 1820s, Wellington was more punctilious than interested. He saw it as his duty to co-ordinate the county's yeomanry cavalry force, to invite the judges and high sheriff to Stratfield Saye before assize week, and whenever possible to attend lieutenancy meetings at Winchester.[9] But lieutenancy business could usually be left to the deputy clerk of the peace Thomas Woodham, whilst the Duke never once attended a meeting of quarter sessions or manifested any particular interest in the business it was transacting. Even on the most frequent topic of lieutenancy correspondence, the recommendation of county magistrates, he was generally feeling his way during the 1820s. There is no evidence that he sought to impose his personality on the type of persons to be recommended for the magistracy. In any case his views on the subject accorded closely with those of his predecessor the first Earl of Malmesbury.

By contemporary standards, Wellington's views on what qualities entitled a gentleman to be considered for recommendation to the commission of the peace, were unexceptionable. If anything, they erred on the side of liberality: manufacturers and traders he excluded, but he entertained

no objection towards members of the armed forces and like more advanced Reformers such as Brougham thought it impolitic that anglican clergy should be recommended.[10] Beyond this, he denied operating any religious bias, indeed was anxious that deserving catholics should be added to the bench after 1829.[11] He similarly denied being guided by any political prejudice and it is true that he preferred to recommend a Liberal landowner in cases where the alternative was a Tory clergyman. In essence he believed that magistates "must be gentlemen of wealth, worth, consideration and education...and that above all they should be associated with, and be respected by, the gentry of the country."[12] To ensure this was the raison d'etre of the lord lieutenant, he "being responsible for the unity of action of the whole".

There is very little evidence for the 1820s that Wellington was interested in the Hampshire bench per se. This is in large part understandable, for more than most lords lieutenant he had pressing official commitments elsewhere. In the context of the latter the affairs of the Hampshire bench must have appeared to him as an occasional irritating and unwanted intrusion upon his time, particularly since his direct involvement usually consisted in arbitrating between magistrates whose personal feuds had become public.[13] As far as his recommendations for the commission are concerned, moreover, it is even possible to accuse Wellington of a certain degree of lassitude. At least one correspondent complained to the Home Office that Wellington had ignored his warnings of the dangers to be expected if a local shortage of magistrates around Petersfield was not made good.[14] Overall indeed the 68 persons recommended by Wellington who qualified as magistrates during the 1820s did not compensate for those active in 1820 who by 1830 had either died, moved away or become too infirm to discharge their responsibilities efficiently. As will be seen below, faced with a major threat to public order in 1830, the Hampshire bench was by no means so numerous or as efficient as it might have been.[15]

That a correspondent felt constrained to complain of the lord lieutenant's ignorance of local shortages of magistrates points to Wellington's greatest difficulty in making recommendations for the bench, and also to the greatest weakness in the procedure for appointments to the county bench generally. How was the lord lieutenant to know where new magistrates were needed, and who to recommend, particularly in Wellington's case when he was so frequently absent from the county and unacquainted

with all but a few of its families? Clearly he needed to establish a channel of communication which would answer both questions for him and in whose veracity he could implicitly trust. Wellington's predecessor, Malmesbury, appears often to have sought the sagacious advice of sessions chairman William Sturges-Bourne.[16] During Wellington's lieutenancy however, Sturges-Bourne was quickly superseded in this unofficial advisory capacity by the Tory county Member, John Fleming of Stoneham Park. The precise date of the change over is uncertain. The first surviving letter from Fleming is dated February 1821 but there is already detectable a certain familiarity in tone. This is unsurprising. Wellington generally found Fleming's politics - if not perhaps their ultra-tory excesses - congenial; Mrs. Arbuthnot recorded in her journal meeting Fleming at Broadlands in 1825. Wellington actually stayed at Stoneham during the agricultural labourers risings.[17] From 1821 until Fleming's death in 1844 there are at least 200 surviving letters between the two. Fleming, if not an intimate of the Duke, was certainly something more than an acquaintance.

There was nothing intrinsically wrong in Wellington's reliance upon Fleming's advice in making his recommendations for the county bench. Besides being a county Member, Fleming owned approximately 8,000 acres and was a regular attender at sessions. Yet in other ways it was an inexcusably bad choice. Fleming was heavy-handed, unpopular, and tended to see the most unexceptionable matter in partisan terms. The recommendation of magistrates was no exception. External observers could therefore be forgiven for thinking that an unwelcome level of political partisanship now existed in appointments to the Hampshire bench. The important Whig figures in the county of the 1820s and 1830s, Sir Thomas Baring, the Earl of Carnarvon, G.P. Jervoise, Charles Shaw-Lefevre, Sir George Staunton, Palmerston, and even the independent Tory Sir William Heathcote, between them ventured no more than a handful of suggestions to Wellington of persons who might be recommended for the commission of the peace. Even then, moreover, Wellington saw fit to seek a second opinion on the individuals recommended, from Fleming.[18] There can be no gainsaying that from the early 1820s, those names being recommended for the Hampshire bench emanated from a narrow Tory source so that, however unintentionally and contrary to his professions, Wellington's lieutenancy did involve a certain politicisation of the county bench. It was to end such a practice that the Whig Government turned its attention from 1830.

The Battle for Supremacy 1830-1841

Friction over magistrate appointments between the government and the localities, that is to say between the Lord Chancellor and the lords lieutenant, was before 1830 minimal. The lords lieutenant, not least Wellington, assumed that the Lord Chancellor would always comply with their recommendations and would take recommendations from no other source. Lord Chancellor Eldon certainly saw no cause to dissent from this procedure, one he chose to describe as being that of 'dual responsibility'.[19] This longstanding equilibrium was broken, however, when Brougham became Lord Chancellor in 1830 and his innovations were continued after his departure from the Woolsack in 1834, first by Home Secretary Lord John Russell, and subsequently by the eventual Whig successor to the Woolsack in 1836, Cottenham.

Brougham's Lord Chancellorship has long been recognised as in part cataloguing the evolution of the office. In 1830, the Lord Chancellor could still be thought of as the king's representative in the cabinet. The circumstances of the 'May Days of 1832' had made the Lord Chancellor an ordinary member of the cabinet. Whereas George III could successfully implore his Lord Chancellors not to resign on a change of ministry, William IV could not.[20] This change - for which Brougham could legitimately protest that he was not responsible - has however obscured his initiatives to change the Lord Chancellor's role in magisterial appointments. But he outlined them plainly enough in a letter to Grey on the eve of the 1832 general election. Previous Lord Chancellors in his estimation had been less representatives of the king than Tory ministers and Eldon's supposed system of 'dual responsibility' a mockery. The Whigs he opined should be "...making a transition from the present strict and absurd rule which really subjects the Government to its own deputies - the Lieutenants!"[21] In future he proposed that when a lord lieutenant sent him recommendations for the bench with an obvious political purpose in mind he would appoint them but reply by suggesting to the lord lieutenant an equal number of persons of the opposite political persuasion, asking why they too should not be appointed.

There were two obvious practical shortcomings to the implementation of Brougham's suggestion. First, how was he to know that specific recommendations originated from the party political bias of the lord lieutenant? Second, how was he to procure names of persons who he could suggest to the lord lieutenant? To the first question there was ultimately

no answer. The second depended upon the co-operation of Whig supporters in the localities, which might not always be forthcoming. In seeking the names of Hampshire Reformers, for example, Brougham in October 1833 wrote directly to the Whig county Members, Palmerston and Charles Shaw-Lefevre. But the latter supplied only two names, the former none at all.[22] Whether their reluctance to respond more positively arose out of any personal loyalty to Wellington, or from indifference or even aversion to Brougham's sceme, it is impossible to say. What is clear is that by the time Brougham unceremoniously departed from office with the rest of the Melbourne ministry in 1834, he had achieved very little in terms of either establishing a new procedure for the appointment of county magistrates or, by corollary in altering the political complexion of the county benches.

On the other hand, Brougham's initiatives had aroused the anger of some lords lieutenant, including Wellington. As early as November 1830 he had cautioned Brougham in the House of Lords against any innovative involvement with the county benches.[23] Four years later he felt personally insulted when Brougham, on the eve of his departure from the Woolsack in November 1834, added three names to the commission of the peace for Hampshire without any prior consultation, whilst one of the three, Wellington was known to have previously objected to.[24] Possibly, Brougham's gesture was based more upon pique at the government's dismissal than from any predetermined policy of ignoring the lord lieutenant altogether, but Wellington can be forgiven for thinking that it represented a fresh encroachment upon the traditional authority of the lord lieutenant. It merely served to confirm the fears he had articulated in 1830. Thenceforth, he came to take an increasing interest in recommendations to the Hampshire bench in an effort to ensure that what he conceived as his responsibility for the integrity of the magistracy should not be subverted a second time.

Wellington's anger and alarm at Brougham's attempts to wrest control for appointments to the county bench from the lords lieutenant should not be divorced from near contemporaneous developments with regard to the borough magistracy. The Bill to reform municipal corporations, in its original form, had provided for the nomination of borough magistrates by the new borough councils. The Lords, led by Lyndhurst and Wellington, had amended the clause to retain borough magistrate appointment in the hands of its traditional authority the

crown, that is to say the Lord Chancellor.[25] Though this remained the formulation in the final version of the Municipal Corporations Act, the amendment was for practical purposes nullified by Lord John Russell's defiant declaration that so long as the Whigs held office, he would always pursue the policy of simply endorsing the nominations received from the councils.[26] To Wellington and others this was anathema on two grounds. First, Russell had flouted the spirit if not the provision of a parliamentary statute. Second, Russell had arrogated to the Home Office a responsibility traditionally performed by the natural judicial officer, the Lord Chancellor. In short Wellington believed that the borough magistracy would degenerate from being an impartial judicial institution to an irresponsibly controlled party political biased one.[27] Moreover, Russell's declaration of 1835 which explicitly sought to encourage greater popular participation in local government could not but have implications for the county benches.

In Wellington's eyes Russell by 1835 had come to replace Brougham as the figure most likely to disrupt his hegemony of the Hampshire county bench. This was because, in addition to his statement on the borough magistracy, Russell had used the opportunity presented by the fact that the great seal was in commission[28] to begin to interfere with appointments to the county bench. Like Brougham he continued to comply with the recommendations made by lords lieutenant, but equally he wrote to lords lieutenant with suggestions of his own. Unlike Brougham, moreover, Russell did not wait until he received recommendations from a lord lieutenant before making his own suggestions and the suggestions were not always received from such an impeccable source as a Palmerston or a Shaw-Lefevre. In 1836, for example, he suggested to Wellington a name which had been recommended to him in a petition from the inhabitants of Gosport.[29]

This practice could have been calculated upon to raise a storm even if he had been Lord Chancellor. The fact that he was merely Home Secretary incensed the lords lieutenant still further. In May 1836 the Marquis of Salisbury stated the case succinctly when he alleged that Russell had both usurped the role of the lord lieutenant and interfered with appointments to the county benches in unprecedented fashion for a secretary of state. Russell of course denied this.[30] In fairness it must be admitted that there were precedents for the Home Secretary's involvement with the county benches. This was only natural: if the

magistracy as an institution was primarily judicial in character and thus came within the province of the Lord Chancellor, it must also be conceded that as the institution existed to maintain public order, then its affairs cannot have been irrelevant to the Home Secretary. It was the circumstances of the borough magistracy debates and the accidental fact that the great seal was in commission which served to focus the criticism of 1835-36 so exclusively upon Russell. Against this, however, there can be no gainsaying that Russell had broken with the spirit of the precedents for the Home Secretary's interference. Between 1812 and 1834 he was able to cite only 32 instances in which the Home Secretary had actually suggested the names of persons for possible appointment.[31] During his four year tenure of the Home Office there were at least 80 occasions when he addressed letters to lords lieutenant and later to Lord Chancellor Cottenham recommending names for addition to the county benches.

Cottenham's elevation to the Woolsack in January 1836 did, however, serve to divert some of the criticism away from Russell, for he, no less than Brougham or Russell tried to increase the government's hold over appointments to the county benches. Indeed it was from Cottenham that Wellington was to experience what he considered to be the most serious challenge to his responsibility for the unity and integrity of the Hampshire bench. The occasion was Cottenham's several solicitations of the Duke's approval to add the name of J.R. Best, a catholic and Reformer, to the commission. Their exchange was polite but strained until Wellington took extreme umbrage at the wording in Cottenham's final letter of request to insert Best in which he added that "I am anxious upon all these occasions to act <u>if possible</u> with the concurrence of the Lord Lieutenant". Wellington's reply effectively proffered his resignation.[32] It must be admitted that the friction between Cottenham and Wellington arose in part from an ambiguity in the Duke's first letter refusing his approval for the insertion of Best's name into the commission, on discovering which Cottenham agreed to drop his requests to insert him. But the same pattern of a suggestion from Cottenham and refusal to endorse it from Wellington continued intermittently between 1836 and 1838, as indeed did the Duke's thoughts of resignation.[33]

It was however the unexpected death of William IV in 1837, necessitating an automatic renewal of the commissions of the peace, that revived Wellington's fears for the future of the county benches to the

level of 1835. As he put it "The Commn of the Peace is becoming to us a most important affair. We must have a new one. The Lord Chancellor can then place in it the names that he pleases without the chance of Remonstrance from me."[34] Wellington's fears were not wholly groundless. It seems probable that the Whigs deliberately prolonged the life of the old commissions at the end of 1837 in order to give themselves time to ascertain the names of supporters in the counties who could be fairly recommended for the commission.[35] But this process did not result in a wholesale addition of names to the commissions, nor were additions made without a prior consultation of the lords lieutenant. Wellington for example, besides having his own list of 21 new names to be added to the commission accepted by Cottenham without question, was supplied with a further list of 15 names from Cottenham for his comments. When he declined to approve as many as 11 of the 15,[36] Cottenham did not demur.

The simultaneous renewal of the commissions of the peace in every county was nevertheless responsible for bringing the question of the appointment of county magistrates to a new head in Parliament. The occasion was an ostensibly limited debate concerning allegations by Cottenham that politically biased recommendations were made by the Earl of Harewood, the lord lieutenant of the West Riding. The accusations and counter-accusations soon mushroomed into a full scale debate as to the precise role of the lord lieutenant with regard to the appointment of magistrates.[37] To this debate Wellington's contribution was unoriginal for he merely rehearsed what had by 1838 become the stock Tory protest: that the Whig Government openly canvassed for recommendations for the magistracy, and inserted such names as it thereby obtained without any thought of seeking the prior concurrence of the lord lieutenant. This, as the course of events surrounding the renewal of the Hampshire commission in 1837-8 make clear, was unpardonable exaggeration on Wellington's part, for which he was rightly taken to task by Cottenham.[38] The only occasion on which the government had overtly canvassed for names for addition to the Hampshire commission were Brougham's letters to Palmerston and Lefevre five years previously. They were hardly the "persons of a lowest description" whom the Duke depicted, and there is no evidence that the Duke knew of this approach in any case.

Whilst the public debate over the appointment of county magistrates subsided after 1838, the controversy, at least so far as Wellington and

Hampshire were concerned, had in no way been resolved. Rather it entered a new stage - of deadlock. Wellington, ever since the mid 1830s had become increasingly reluctant to recommend any new names for the magistracy except in cases of absolute, proven necessity, since he feared that Cottenham would simply respond by suggesting further names whose appointment he would feel obliged to oppose.[39] For his part Cottenham appears to have become equally anxious to avoid further unpleasant rounds of correspondence with the Duke. From 1839 he therefore appears to have adopted the expedient of simply ignoring fresh recommendations from the Duke. When Wellington forwarded a list of seven names for insertion in February 1839, the letter went unacknowledged. By July 1839 he was refusing all further requests from Fleming to make further recommendations until his earlier correspondence had been attended to.[40] In fact there were to be no fiats of appointment for Hampshire whatever between the sealing of the new commission in March 1838 and September 1841. On this occasion it appears that Wellington was not exaggerating when he wrote privately to Lyndhurst that Cottenham had been persistently ignoring his correspondence. The impasse was only broken when the Conservatives returned to office in 1841, thereby allowing Wellington to clear the backlog of recommendations which had been building up over the previous three years.[41] No less than 22 new names were added to the Hampshire commission by Lyndhurst in September 1841.

The year 1841 marked the end of the 'battle of the Hampshire magistracy' so far as Wellington was concerned. Thereafter he became progressively uninterested in magisterial appointments. For this there are a number of reasons: old age, the more pressing duties which resulted from his return to the cabinet and the Horse Guards, and the knowledge that he could rely on his second son, Lord Charles Wellesley, who had succeeded John Fleming as one of the county Members for South Hampshire in 1842, to validate the credentials of new applicants for the commission. Above all, however, Wellington's relative inattention to the Hampshire magistracy during the 1840s sprang from the fact that it was now the condition and not the constitution of England question which loomed largest in political life. The Whigs' return to office in 1846 and with it Cottenham's to the Woolsack failed to rejuvenate the issue of appointments to the county benches. As a result appointments to the Hampshire bench during the 1840s resumed their even keel of the 1820s.

The Roots of the Conflict

No single reason can explain the degree of friction which existed between members of the Whig government and many lords lieutenant during the 1830s, for the protagonists in the debate disagreed as to what was at stake. Wellington alone enumerated a number of factors to explain his stance: a belief that he was entitled to the Lord Chancellor's support rather than his opposition, so long as he performed his duties as lord lieutenant fairly; a dislike of Russell's interference with the magistracy when only Home Secretary; a belief that the Whigs sought to embarrass him; and a strong desire that the peace of the county of Hampshire be maintained.[42] But a more fundamental reason precipitated his "considerable asperity" in defence of the county magistracy,[43] namely his pessimistic political philosophy after 1832. He wrote in October 1836: "we would have Reform, we have got it, and a House of Commons now existing the majority of which are for destroying the monarchy, beginning by all the ancient Institutions whether Civil, Religious, Military, Naval or Political by which it is supported. The Ministers are at the head of the conspiracy to attain this object!"[44] The battle with the Lord Chancellor over magistrate appointments is not therefore to be seen in personal or even purely Hampshire terms. For Wellington the county magistracy was one of the 'ancient Institutions' to which he referred. It comprised along with the aristocracy, anglican clergy, great merchants and bankers, one of the constituent elements of the famous parti conservateur which he defined to Mrs. Arbuthnot in 1827.[45] The county magistracy was the very lynch pin of public order and by extension the key to strong and effective government. But Wellington grew increasingly convinced that the alliance of "Destructives" of which the Whigs were at the head sought to sever the tie between the landed order and local government.[46] The 1834 select committee on county rates, Hume's county board schemes, reductions in the militia and yeomanry cavalry forces, the cessation in the creation of deputy lieutenants all pointed to this end. The penultimate piece in the jigsaw would be the Rural Police Act which Wellington was equally convinced would follow the recommendations of the Royal Commission into the subject and create an institution under centralised control: "The Govt will not make use of the magistrates and the existing Civil Authority of the country to regulate and direct the newly formed Police Force.... The Justices of the Peace and all their machinery connected with the

land will be thrown aside altogether. They will at first be rendered useless and contemptible and then the institution will be abolished altogether".[47] Upon the magistracy, in short, depended the survival of the constitution which he venerated.

Conversely, Benthamite Radicals sought avowedly to democratise government. Joseph Parkes wrote with enthusiasm on hearing of the passage of the Municipal Corporations Act that "The unincorporated towns will lust after and soon accomplish the destruction of their Self-Elect, and the County Magisterial and Fiscal Self-Elect will be next and be early mowed down by the scythe of Reform".[48] Some Whig ministers had a qualified sympathy for Parkes' view. Brougham and Russell were the most forward. Brougham's law reform speech of 1828 left nobody in any doubt as to the contempt in which he held an oligarchically based county magistracy. His predilections for more centralised government were equally well known.[49] Russell, if less outspoken, did not think highly of country gentlemen in the role of county magistrate. He was certainly forward in advocating at least a broadening of the social composition of the county benches. In 1836 he had gone further by declaring his support for Hume's scheme of at least a partially ratepayer elected county board.[50] Both Russell and Brougham therefore had some sort of ideological motivation for interfering with the county magistracy. Neither could they have overlooked that such initiatives could be calculated upon to bolster their flagging support from the Radicals.

But those for whom philosophical considerations were paramount in determining their stance on the county magistracy during the 1830s were in a minority. There was widespread agreement that country gentlemen made the best magistrates, as the ignominious and unmoaned fate of Hume's Bills for county boards surely demonstrates. More people were concerned with the simple issue as identified by a pragmatical Reformer such as Melbourne: "It is not a very good feature in the present period", he wrote in 1835, "that there is so much anxiety to get into the Commission of the Peace, not for the purpose of administering justice but in order to acquire personal dignity and political influence".[51]

Stimulated by the sharpened political rivalries of the 1830s in other words, particularly after 1834, the county benches became one of the many arenas in which both national and local party rivalries were fought out. Pessimists like Wellington and pragmatists like Melbourne

were repelled by it. They could agree that the county bench was an apolitical institution from which it was unfair and even dangerous to exclude on political grounds, those who otherwise had a perfect claim to be a member of it. They could likewise agree that government and lord lieutenant between them should ensure that the bench should not become a channel of political patronage and that those without sufficient social standing should be excluded from it. Where they disagreed was in how this could be achieved. Wellington believed that a lord lieutenant could be relied upon to ensure that the bench was not politically or socially perverted, whilst Melbourne believed that the lord lieutenant was apt to abuse his role and that the abuse must be corrected by central government.

But if most Tories and Whigs could agree on the continued social exclusiveness of the county benches during the 1830s, they did not share Wellington and Melbourne's high-mindedness when it came to keeping the bench an apolitical institution. Local party rivalries manifested their presence in the highest quarters. Brougham and Russell were certainly alive, to a point, to electoral considerations. Why, otherwise, if their motivation had been purely ideological, did they confine their interference in appointments to the county bench, to counties where the lord lieutenant was a Tory? Palmerston too, felt no qualms in advancing blatantly party politically inspired recommendations. In 1836 he forwarded to Russell the name of G.A. Shaw which he had received from Hampshire Reformers adding that "I can vouch for the want of magistrates in South Hants not inlisted under Tory banners".[52] Later the same year he forwarded another petition, this time from the inhabitants of Gosport, which asked that two local Reformers be added to the county bench who "from their politics are not likely to be recommended by the Magistrates of the neighbourhood" and which added explicitly that "By so doing you will efectually serve the Liberal Interests here". On both occasions Russell wrote to Cottenham who in turn wrote to Wellington asking him whether he had any objection to those named being made magistrates.[53] Wellington, after writing to Fleming, professed that there were objections on social grounds. It is clear from the tone of Fleming and Wellington's private correspondence, however, that the objection was at root on party political grounds.[54] For all that they professed to the contrary, Wellington and Melbourne connived at, even if they did not encourage, the politicisation of the county bench during the 1830s. So too, for all the talk about principle and constitutional precedents, there was ultimately very

little difference between the mainstream Tory and Whig views on how county magistrates should be appointed. It was the Whigs who complained and the Tories who were silent when Lord Chancellor Lyndhurst and Home Secretary Sir James Graham began interfering with appointments to the county and borough benches respectively in 1841.[55] The fact that when Russell and the Whigs returned to office in 1846 - by which time the fierce party rivalry of the 1830s had mellowed - there was no recurrence of the debate over the method of appointment to the county bench, surely confirms that its single most important ingredient had been party political.

Such behaviour was neither surprising nor historically unprecedented. During Elizabeth I's reign there had been seven occasions when commissions of the peace had undergone substantial alterations. There were four years of further sweeping changes during the Interregnum, and twelve more during the period 1675 to 1720.[56] Of course the great difference between these periods and the 1830s was that government by party had effectively superseded government by patronage. Support for the Reform Bill had in large part been based upon a desire to eradicate jobbery from the nation's political life, a fact that no political leader could afford to ignore. In any case, both Melbourne and Peel shared a distaste for dividing the spoils of office, and they were not alone in their dislike of the use of patronage as a party weapon. Yet, although patronage might rebound against its authors, there can be no gainsaying that it might also be used efficaciously to secure the allegiance of waverers. As such, it remained an important ingredient in party political solidarity well into the nineteenth century, albeit one that has attracted scant attention from most historians.[57] The Whig's failure to translate the potential offered by patronage - of which appointments to the county bench were one obvious example - into political support is an underestimated factor in the decline of their political fortunes. Hampshire's Reformer press organ the Independent was writing in disgust as early as 1835 that "If the Whigs are once more going to play their stupid and drivelling game of toadying their enemies and neglecting their friends...the sooner they are bundled out of office the better".[58]

Since the argument over appointments to the county bench primarily concerned the distribution of political patronage, it follows that the related debate over the role of the lord lieutenant vis à vis the Lord Chancellor was essentially one over emphasis. Cottenham's most

vitriolic critics never once disputed his ultimate power of appointment under the great seal. They simply contested the manner in which he exercised that power: if the Lord Chancellor were to communicate with individuals other than the lord lieutenant, he was likely not only to be misinformed, but to take information from only Whig sources. Cottenham could reply with equal reason that lords lieutenant were no less prone to acting from political motives; and indeed more so, since they were by definition a leading political force within their county. As he saw it, Eldon's idea of dual responsibility which Tories professed to hold so dear, in reality reduced the Lord Chancellor's role to no more than that of a rubber stamp.[59]

The informally evolved procedure whereby the lord lieutenant had become almost exclusively responsible for the selection of magistrates, could not therefore function properly at a time when partisan feelings ran high; and specifically when the government was of one party and the lieutenants predominantly of another. By the same token there was an obvious solution - for the government to dismiss the lieutenants. Such a practice had been common during the eighteenth century and Liberal organs such as the Morning Chronicle advocated that it should be revived. It could cite one fairly recent precedent. Earl Fitzwilliam had been dismissed from the West Riding in 1819 for having sanctioned a county meeting to condemn the Peterloo Massacre. But the real lesson of that incident had been the political furore which had been created.[60] Widespread dismissal of lords lieutenant during the 1830s for no greater reason than that they were biased in their recommendations for the magistracy was a political impossibility. Russell and Cottenham had no alternative but to adopt a gradualist approach in their attempt to alter the complexion of the county benches.

The Outcome of the Struggle

Wellington's fears during the 1830s that the Whigs would ignore his recommendations for the county bench and override his objections, proved unfounded. As Table 5.1 demonstrates, though there was a change in the political composition of the Hampshire bench during the 1830s, it was not the one which the Whigs had intended. A Tory preponderance of two to one over the Whigs amongst those persons who qualified as magistrates during the 1820s increased to over three to one during the 1830s. Wellington it would appear had prevented the Whig partisanship which manifested itself in a desire to be added to the county bench

TABLE 5.1 Political Affiliations of Hampshire Magistrates 1821-1852

Years	Tory	Whig	Unknown	Total
1821-1830	41	20	7	68
1831-1840	86	24	16	126
1841-1852	60	13	47	120
Total	187	57	70	314

from becoming a reality. At the same time he successfully promoted the aspirations of increased Tory partisanship. At most only ten of the 126 magistrates who qualified between 1830 and 1841 (so far as one can gauge from his private correspondence) would not have been recommended by Wellington in the absence of Whig pressure. Cottenham's recognition that Wellington had won the battle for control of appointments to the Hampshire bench, was surely signified in his recourse to the new tactic of simply ignoring Wellington's recommendations after 1838.[61]

Despite conspicuous isolated examples such as the Black Country where the 1830s did witness a significant alteration in the social and political composition of the county bench,[62] it is the continuity which is striking in Hampshire and almost certainly more typical of the country as a whole. Nevertheless the Whigs were responsible either directly or indirectly for two changes to the Hampshire bench during the 1830s. First, there was a spectacular increase in the number of persons qualifying as magistrates. Compared with the 68 new magistrates who qualified between 1821 and 1830 as many as 126 qualified between 1831 and 1840. Whether this fact constitutes an improvement however is unclear. Possibly areas which had complained of magistrate shortages during the 1820s at last had their grievance remedied. But if so, it was hardly intentional but stemmed rather, as Melbourne noted, from the desire to get into the commission. Melbourne's remark is corroborated moreover by the fact that although the number of magistrates increased, the numbers who attended quarter sessions rose from an average of 29 in the 1820s to only 34 in the 1830s.[63] Most new magistrates in other words, viewed becoming a magistrate as an end in itself and not as the means to the end of becoming an active figure in county government.

The second change was more unequivocally an improvement. The 1830s witnessed a sharp rise in the percentage of persons added to the commission of the peace who proceeded to qualify. During the 1820s, approximately 50% of those persons in the commission had qualified.

According to John Fleming's calculations of 1837, the figure had risen to 71%.[64] This improvement is readily explicable in the context of the 1830s. To minimise the risk of conflict with the Lord Chancellor, Wellington wished to make as few recommendations as possible. It followed that it was clearly ridiculous to risk controversy with the Lord Chancellor over an individual who did not subsequently proceed to qualify. Wellington's circumspection had evolved by 1838 into a prophylactic. If, he explained to Fleming, they could seek out those persons in the commission who had not bothered to qualify "and make some endeavours to prevail upon these last to act...we shall be better enabled to meet the desire of the Lord Chancellor to put in the Commn the names of improper persons".[65]

Yet Wellington's circumspection in the matter of appointments was not solely due to his conflict with the Lord Chancellor. As has been seen, he sincerely believed that being a magistrate conferred burdens as well as an honour.[66] However much political motives determined who he recommended, he expected those he recommended to shoulder the burdens as well as to enjoy the patronage. It is not therefore surprising to find that in 1851 after a decade in which he had no need for his circumspection of the 1830s, the percentage of qualified magistrates in the Hampshire commission was still 70%. The average figure for England and Wales was 39·5%.[67] The reason why the percentage of qualified magistrates in the Hampshire Commission during the 1820s was nearer 50% was that most had been added by his predecessor Malmesbury. Whig pressure at most only strengthened Wellington's resolve to recommend only such persons as had given him their word that they would qualify. It did not change his policy.[68] The achievement was his alone.

Footnotes to Chapter Five

1. See above chapter four, p.128.
2. Hansard, Parliamentary Debates, 2 ser., XVIII(1828), p.162.
3. See above chapter two, pp.53-54.
4. For example, R.J. Olney, Rural Society and County Government in Nineteenth Century Lincolnshire, pp.98-104; R.E. Quinault, 'The Warwickshire County Magistracy and Public Order, c.1830-1870' in R.E. Quinault and J. Stevenson (eds.)., Popular Protest and Public Order, pp.181-214; D. Foster, 'Class and County Government in Early-Nineteenth-Century Lancashire', Northern History, IX(1974), pp.48-61; D.J. Philips, 'The Black Country Magistracy 1835-60', Midland History, III, No.3 (Spring 1976), pp.161-190.
5. H.A. Leigh, Recollections of the Early Days of the Vine Hunt;

R.E. Foster, 'The Duke of Wellington at Home', The Historian, No.7 (Summer 1985), pp.8-9.

6. HC, 12 March 1821.
7. Chute MSS., 31M57/1070, MS. notebook of Caroline Workman.
8. Charles Shaw-Lefevre was also known to the Duke as a neighbour and as colonel of the North Hampshire yeomanry.
9. HC, 11 March 1822.
10. W.MSS., 4/2/8, Wn to Cottenham, 3 December 1837; ibid., 4/1/1/59, Wn to Fleming, 20 December 1829.
11. Ibid., 4/1/1/43, Wn to Fleming, 13 September 1829; ibid., Sir Henry Tichborne to Wn, 19 September 1829. See also G.I.T. Machin, 'The Duke of Wellington and Catholic Emancipation', Journal of Ecclesiastical History, XIV (1963), pp.190-208.
12. Hansard, 3 ser., XLIII (1838), pp.1278-1281.
13. Note for example his irritable remark "I ought to have a pair of Eyes on purpose to read all that I receive about the disputes at Havant...." at the height of the most protracted of these disputes; W.MSS., 4/1/2/1/31, Wn to Fleming, 22 October 1830.
14. H.O. 52/3, Hylton Jolliffe to Peel, 22 September 1822. It is perhaps not entirely coincidence that Wellington did not commence a separate filing of his Hampshire correspondence until 1829.
15. See below, chapter six, passim.
16. W.MSS., 1/650, William Sturges-Bourne to Wn, 16 December 1820.
17. Francis Bamford and the seventh Duke of Wellington (eds.), The Journal of Mrs. Arbuthnot 1820-1832, vol I, p.419; W.MSS., 4/1/2/2/5, Fleming to Wn, 21 November 1830.
18. Ibid., 4/1/3/1/14, Lefevre to Wn, 28 July 1831 for Lefevre's uncertainty as to the usual channel of communications for magistrate recommendations.
19. Hansard, 3 ser., V, (1831), pp.11-12.
20. A. Aspinall, 'The Cabinet Council, 1783-1835', Proceedings of the British Academy (1952), pp.145-252, especially pp.231-235.
21. The Life and Times of Henry Brougham written by himself, vol.III, pp.258-259, Brougham to Grey, 30 December 1832.
22. Brougham MSS., f.45,328, Wn to Brougham, 21 October 1833; ibid., f.60,243, Lefevre to Brougham, 21 October 1833.
23. Hansard, 3 ser., I(1830), pp.682-683.
24. W.MSS., 4/1/6/1/32, Wn to Fleming, 29 December 1834.
25. For an introduction to this question see G.B.A.M. Finlayson, 'The Politics of Municipal Reform, 1835', E.H.R., LXXXI (1966), pp.673-692.
26. Hansard, 3 ser., XXX(1835), pp.1221-1227, 1405-1408.
27. See for example Wellington's speech in ibid., 3 ser, XXXI (1836), pp.747-749 and W.MSS., 4/1/7/1/2, Wn to Fleming, 2 January 1836. It might be objected that Wellington was adopting a double standard here in that the council's power to recommend magistrates was already one being enjoyed by lords lieutenant. But Wellington did not see it as such. He insisted that whereas a lord lieutenant was very obviously personally responsible for any recommendation the council was only collectively responsible.
28. The Woolsack was vacant between April 1835 and January 1836, chiefly because of uncertainties concerning the political future of Brougham. One of the three judges placed in temporary control of the judicial affairs of the Lord Chancellor's office, Charles Pepys, first Earl of Cottenham, eventually became Lord Chancellor in January1836.

29. H.O.52/29, petition dated 18 October 1836. Russell's full involvement can be traced in H.O.43/46-57, passim.
30. Hansard, 3 ser., XXXI (1836), pp.177-183.
31. H.O.43/53, Russell to Viscount Valletort (a Cornish magnate), 18 October 1837. Besides Sidmouth's 19 times, Peel and Sturges-Bourne had interfered once, Lansdowne six times, Melbourne nine times and Duncannon six times.
32. W.MSS., 4/1/7/2/25, Cottenham to Wn, 1 October 1836; ibid., 4/1/7/2/34, Wn to Cottenham, 10 October 1836.
33. For example, ibid., 4/1/7/2/71, Wn to Cottenham, 20 December 1836; ibid., 4/1/8/2, Wn to Fleming, 4 January 1837.
34. Ibid., 4/1/8/54, Wn to Fleming, 5 September 1837.
35. See Lyndhurst's accusations in Hansard, 3 ser., XLIV (1838), p.1125.
36. W.MSS., 4/1/9/15 for the relevant correspondence.
37. Hansard, 3 ser., XLIII (1838), pp.1268-1282 and ibid., 3 ser., XLIV (1838), pp.253-276.
38. For Wellington's speeches and the exchange with Cottenham, ibid., 3 ser., XLIII (1838), pp.1278-1282. One might note in passing that Wellington's celebrated outburst in 1839 following the Bull Ring riots in Birmingham, a speech whose exaggeration and violence surprised contemporaries, sprang essentially from the same source. It is clear from a reading of this speech that Wellington's chief complaint was against the Birmingham borough magistracy which had been appointed by the Home Secretary rather than the Lord Chancellor.
39. W.MSS., 4/1/7/2/39, Wn to Fleming, 22 October 1836.
40. Ibid., 4/1/10/4, Wn to Cottenham, 28 February 1839; ibid., 4/1/10/26, Wn to Fleming, 8 July 1839.
41. Ibid., 4/1/12/30, Wn to Lyndhurst, 22 September 1841.
42. Ibid., 4/1/7/2/39, Wn to Fleming, 22 October 1836; ibid., 4/1/7/2/46, the same to the same, 27 October 1836.
43. C.C.F. Greville, A Journal of the Reign of Queen Victoria from 1837 to 1852, vol.I, p.127.
44. W.MSS., 4/1/7/2/46, Wn to Fleming, 27 October 1846.
45. Seventh Duke of Wellington (ed.), Wellington and His Friends, p.74, Wn to Mrs. Arbuthnot, 20 April 1827.
46. W.MSS., 4/1/8/62, Wn to Fleming, 9 September 1837.
47. Ibid., 4/2/8, Wn to William Sturges-Bourne, 16 November 1837.
48. Cited by Finlayson, op. cit., pp.690-691.
49. For Brougham's speech, Hansard, 2 ser., XVIII(1828), pp.127-256, especially pp.161-170.
50. Broadlands MSS. (Historical Manuscripts Commission), Mel/Ru/61, Russell to Melbourne, 30 September 1835. See also their exchange in R. Russell (ed.), The Early Correspondence of Lord John Russell, 1805-1840, vol.II, pp.137-140, 142-144, 146-147.
51. Ibid., vol.II, pp.137-140, Melbourne to Russell, 6 October 1835.
52. H.O.52/29, Palmerston to Russell, 25 February 1836.
53. Ibid., for the petition addressed to Palmerston of 18 October 1836.
54. W.MSS., 4/1/7/2/47, Fleming to Wn, 30 October 1836. See also ibid., 4/1/7/1/10, the same to the same, 3 February 1836 for the case of Mr. Hughes.
55. Wellington (ed.), op. cit., pp.175-176, Wn to Lady Wilton, 19 January 1842; W.MSS., 4/1/12/61, Sir James Graham to Wn, 27 November 1841.
56. The key books are J.H. Gleason, The Justices of the Peace in England 1558-1640; David Underdown, Pride's Purge; L.K.J. Glassey, Politics and the Appointment of Justices of the Peace 1675-1720.
57. But see Norman Gash, Politics in the Age of Peel, chapter thirteen; and for the changing context of the question J.C.D. Clark, 'A General

Theory of Party, Opposition and Government, 1688-1832', H.J., XXIII (1980), pp.295-325.

58. HI, 20 June 1835.
59. Hansard, 3 ser., LXIV(1838), pp.253-276.
60. E. Halévy, The Triumph of Reform 1830-1841, p.217, note one.*
61. See above pp.144-145.
62. Philips, op. cit., passim and compare Carl Zangerl, 'The Social Composition of the County Magistracy in England and Wales, 1831-1887', Journal of British Studies, XI, No.1 (November 1971), pp.113-125.
63. See above chapter three, table 2.8.
64. W.MSS., 4/2/7, Fleming to Wn, 2 October 1837 and compare above chapter two, table 2.1.
65. W.MSS., 4/1/8/54, Wn to Fleming, 5 September 1837.
66. See above chapter two, passim and compare W.MSS., 4/1/7/1/16, Wn to Cottenham, 16 March 1836.
67. 'Returns of the Number of Justices...', Parlt. Papers, 1851 (662), XLVII, pp.417-420.
68. See W.MSS., 1/662, Wn to the Rev. James Haviland, 2 February 1821.

*Fitzwilliam's real offence had been to persist in supporting the Yorkshire meeting, an improper action for the local representative of the monarch, given that Sidmouth had expressed the thanks of the Prince Regent to the Manchester magistrates and yeomanry for their action.

CHAPTER SIX

CAPTAIN SWING : THE CHALLENGE TO AUTHORITY

"They who are at the summit of society appear to be on the top of a volcano composed of the physical strength of a pauper population & plentifully surcharged with the sulphur of discontent & of underhand, traiterous excitement".[1] Thus wrote one correspondent at the very height of the Swing riots in Hampshire. His comment was illustrative of the tendency to dramatise the events which he described, a tendency which has found its way into the historiography of the disturbances, notably the work of J.L. and Barbara Hammond.[2] The ransacking of Tasker's Waterloo iron foundry near Andover, the firing of Baker's saw mills at Southampton and the destruction of the workhouses at Selborne and Headley, spectacular incidents though they were, were not typical of the events of the risings as a whole. Swing was characterised chiefly by the near simultaneous presence in the county of large, roaming bodies of labourers, articulating the limited and local demand for a decent standard of living. The demand was generally made through the usual channels of parish officer, farmer and magistrate. Swing was less rebellion than protest, a point not lost upon the Andover magistrates who wrote that "some evil disposed persons have availed themselves of the prevailing spirit of discontent and excitement to destroy some corn and Hay stacks".[3]

Swing has been presented in terms of class war, as an uprising of the oppressed labourer against an oppressive, insensitive landed elite.[4] This elite it is said both provoked the insurrection by their cruelty and then crushed it with characteristic brutality. It will be argued here that the Hampshire gentry inherited an economic system which they did not know how to control, and that their response to the disturbances was to mount a public order operation, albeit on an unusually large scale. The county magistrate Dr. Daniel Quarrier displayed more equanimity than the earlier cited correspondent in recognising what was required: "The influence of the magistracy in this county has been always high, and if they will do their duty with firmness and attention; and in strict accordance with English law the dangerous spirit which in other counties has gained so frightful an aspect can never be evinced here".[5]

The County Leaders and the Roots of Rural Protest

A broad consensus now exists as to the combination of factors which pauperised and proletarianised the agricultural labourer in the generations before Swing. It will suffice for present purposes simply to list them: enclosure, underemployment and a consequent reliance upon a spiralling poor rate, a switch from pasture to grain crops, a steadily rising population, and resentment of tithes, seasonal Irish labour and the use of labour saving devices such as the threshing machine.[6] These of course were economic forces which it was beyond the power of any individual to regulate, given the reality of a competitive agrarian society. So too, the Hampshire gentleman was powerless to prevent the immediate circumstances of Swing, the exceptionally poor harvest of 1829, and the political excitement engendered by revolution on the continent and the growth of Reform sentiment at home.

One does however need to ask, how far the country gentlemen were aware of the labourers' plight, and if so what they had done to mitigate the impact of the forces just itemised. On the first point, it is indisputable that the county gentry did realise that the lower orders were struggling. Even Wellington, the focus for the critics of gentry insensitivity did not deny "that there is much distress". He did not however believe it to be as general as some critics of his administration made out, and he was also unusual in being convinced that the roots of the distress lay in the maladministration of the Poor Laws.[7] A more typical view was taken by the Tory Member for the county John Fleming. The Poor Laws he admitted had been a source of abuse in the past but not by the late 1820s since "of late, the difficulties of the landowners have forced their attention on the subject, & I believe in almost every district, parochial relief is now administered as sparingly as the necessities of the people will admit". The problem was rather, insisted Fleming, in a diagnosis which had a distinctly ultra-Tory flavour to it, that since the end of the war the farming community had found itself increasingly short of capital, as a result of which its former prosperity had disappeared. Its instinctive response was to pass these burdens on to the labourers by both employing fewer labourers, and by reducing the wages of those it retained.[8] Another correspondent bluntly put the same point: "The farmers having experienced 2 or 3 bad seasons, instead of seeking compensation from the landlords & clergy have absolutely ground it out of the wages of the poor which has driven the latter

to desperation".[9]

One could point to the difference in views as to what had caused distress, and argue that this very lack of agreement hamstrung an effective gentry response, since equally there could be no agreement on a solution. One could also argue that the ultra-Tory tendency to blame the government's deflationary monetary policies for distress predisposed ultras to inactivity if only to strengthen their argument for currency reform. Such hypotheses do not fit the available evidence. Rather there appeared to be something of a consensus amongst the gentry that the farmer, and not just the labourer, was suffering severely and that to help the former was the best way to help the latter.

As to the means of helping the farmer, there was also agreement on the broad principle if not the details, to be adopted: to cut the farmer's costs and thus enable him to maintain the same workforce at the same wage. The landowners' attention to Poor Law abuses noted by Fleming for example was doubtless as much directed at cutting the farmers' poor rates as improving the labourers' morals. The point is corroborated by the fact that poor law spending had dropped by 33% from 18 to 12 shillings per head between 1813 and 1825.[10] A yet more popular device adopted by landlords was to grant rent rebates at their annual rent audit dinners. Rebates of 25% and even 30% were not uncommon.[11] This was not only the easiest and arguably the most effective way of benefitting the local community, it also allowed the landlord, by increasing the tenant's dependence on his munificence, to increase his control over him. Landlords whose rents continued to be at the high war time levels could afford such acts of generosity.

Other schemes were more esoteric, sometimes the efforts simply of individuals, designed to help either tenants or labourers or both. The Withers of Manydown for example were leading exponents of a labourers' allotment scheme.[12] Wellington's personal supervision over the installation of patented heating stoves in the cottages of his labourers on the Stratfield Saye estate was a yet more elaborate initiative.[13] Hampshire's most enterprising landlord however was Sir Thomas Baring. He took great pains and incurred substantial expense in establishing a shop on his Stratton Park estate to deliberately undercut what he saw as the exorbitant prices being charged by local tradesmen. He also remonstrated with farmers neither to reduce the numbers nor the wages of their workforce by arguing that if they did so, they would merely have to support

those they had laid off indirectly by means of the poor rate.[14] John Fleming institutionalised a similar arrangement in North Stoneham by presiding at a vestry meeting in 1818 which introduced the roundsmen system. Twelve years later he was able to boast that this "has conciliated the good feelings & attachment of the people".[15] The only surprise is not that these intitiatives were taking place but that they did not include the landlords setting an example to their tenants by increasing the wages of those labourers directly employed by them on their home farms. The point is not however inconsistent with the above evidence that they were taking a lead in trying to mitigate the farmers' financial burdens. That is to say, landlords saw that to raise their own labourers' wages would only be divisive, since although they could afford to do so, they saw that the farmers could not.[16] The landlord could do little more than ensure that he was employing his own fair share of labourers.

Whilst they were less common, there are also signs that the Hampshire gentry were taking corporate initiatives to improve the condition of their social inferiors. One such was the Hampshire Agricultural Society established in 1812, whose gentry movers sought to stimulate improved agricultural methods amongst the county's farmers and offered financial premiums to industrious and meritorious labourers. But the society never sustained more than a fitful existence and nearly disappeared altogether in the early 1820s in face of the severe agricultural depression. Its success in fact always appears to have been directly proportional to the level of agricultural prosperity in the county. Consequently it was least able to offer financial assistance to labourers at the times when they needed it most.[17]

The most important attempt made by the country gentlemen collectively to assist their inferiors was the establishment of the county friendly society in 1824, chiefly on the initiative of John Fleming and Sir Thomas Baring. In return for a weekly subscription of one penny the member was entitled to 12 shillings a week in the event of sickness, six shillings a week whilst convalescing, free medical attendance and a pension of seven shillings a week from the age of 65.[18] The solvency of the society was guaranteed by the annual subscriptions received from the gentry, a number of whom also comprised a management committee. The society did not however prove a conspicuous success. On the very eve of Swing 500 of its 1200 members alone came from the Romsey and

Southampton area, significantly the two areas where Fleming's landed influence was strongest.[19] The society clearly lacked any general appeal, in part because it did not encourage monthly 'club' nights which were the chief attraction of the many parochial based societies; and no doubt too because the notion of belonging to a society overseen by gentlemen was alien to the central principle of self-regulation to be found in other societies.[20] Above all, the society was virtually irrelevant to the vast majority of Hampshire labourers since they simply could not afford to pay the weekly premiums. A tacit concession of the fact was made by the society's gentry governors in 1830 when they introduced a new category of insurance, designed it was hoped, "to enable labourers, whose wages are generally low in comparison with mechanics to participate in the benefit of the fund".[21] But by then it was already too little too late.

Both the individual and corporate initiatives outlined above can be described by the umbrella term of paternalist. This is a concept, the meaning of which has attracted a good deal of attention from historians and sociologists in recent years. David Roberts has perhaps offered the most useful definition in seeing paternalism as "a symbiotic relationship and one not free of the cash nexus, of rent rises and wage cuts and political partisanship...a distinctly deferential and hierarchic society and one that both helped and failed to help the poor".[22] Paternalism in other words did predispose the landlord to be more benevolent than his tenants in his attitude towards the labouring classes and the poor. Sir Thomas Baring's intervening to persuade the farmers in his parish not to lower their labourers' wages is a useful example of this. One cannot however go so far as Andrew Charlesworth has done and postulate a direct affinity between landlords and labourers against the tenant farmers.[23] The link between a landlord and his tenant was always stronger than that between landlord and labourer, if only because it was more direct. Its reality is amply confirmed by the electoral habits of tenants. Landlords could therefore be just as harsh as their tenants in their attitudes towards the poorer members of society. It was specifically the landowners whom Fleming had singled out as being responsible for the retrenchments in Poor Law expenditure, an initiative both to the benefit of themselves and of their tenants, as ratepayers. Despite exceptions such as Sir Thomas Baring and the Duke of Wellington whose initiatives were directly predicated on benefitting the poorer sections

of the community, paternalism for most of the Hampshire gentry consisted in trying to relieve the burden on the farmers who were their tenants. The principles behind the agricultural and friendly societies, the roundsmen and allotment schemes were as much those of stimulating industrious habits and improving morals, as lending support to the poor altruistically.[24]

Is one therefore to censure the Hampshire gentry for not having done enough directly for the poor? To do so is surely to pass a late twentieth century judgement upon an early nineteenth century problem. In the first place, the very logic of paternalism militated against the gentry's greater involvement on behalf of the poor, a point which historians of the subject have missed. Since the essence of paternalism was the notion of a hierarchical society, the gentry did not conceive it to be their duty to involve themselves directly in looking to the labourers' interests. They saw their paternalist duties as being discharged in making rent rebates to the farmers. It was the farmers' role in the paternalist hierarchy to tend to the interests of the labourer. Thus when sessions was petitioned during the agricultural depression of the early 1820s the chairman of the court, William Sturges-Bourne, evidently thought his duty discharged by urging the farmer grand jurors in his presence to "use their utmost exertions to devise means for the employment of the poor of their respective neighbourhoods, at this distressing period".[25] This is why correspondents to Wellington could complain that the farmers were shifting their economic burdens on to the labourers without it apparently occurring to more than a few of them that they might intervene to ensure that the labourer obtained a living wage.[26] Labourers too, appear to have appreciated that their plight could be alleviated not by a direct appeal to the gentry for assistance but by the farmers obtaining assistance from the gentry which would enable wage levels to be increased. Hence the labourers' spokesman at Boughton Monchelsea in Kent: "we blame not the farmers they are oppressed with enormous taxes, and cannot pay the labourer...we ask of you, Gentlemen... do that which as Men, as Englishmen, as Magistrates, and as Christians, ye are bound to do - to protect the liberties and promote the interest of the poor industrious labourer".[27] If the gentry are to be censured therefore it must be for failing to grant more rent rebates to their tenants and then for failing to ensure that these rebates were not passed on to the labourer in the form of sustained wage levels.

There are two further points to make. Even if the great landowners had been universally and generously paternalistic, they would not have been able to assist every labourer in the county for the simple reason that the county's social structure did not permit it. True, paternalism flourished in parishes where the land was in the hands of a single or at most a few landowners. As has been seen however, only 111 of 270 Hampshire parishes can genuinely be described as 'closed'. Almost as many (104) were 'open' and consequently bereft of the gentry figures who could have exercised paternal control over them.[28] Paternalism was an estate, not a county policy. Unscrupulous landlords who pulled down houses to control the population and rate levels in their own closed parishes were directly responsible for increasing the evils immanent in open parishes or rural slums however much they might reprobate their existence.

The second point that one should note is that paternalism was not the only landowners' philosophy. They might equally be as influenced - and therefore circumscribed in their response to their inferiors - by the principles of laissez-faire and the work of Malthus. That is to say, the gentry were perfectly willing to sponsor schemes such as agricultural and friendly societies whose objective was to encourage self-help amongst the poorer sections of the community, but they stopped short of endorsing relief schemes - the reaction against the Speenhamland system is an obvious example - which they believed only encouraged idleness and dissipation and led to overpopulation.[29] The fact that by the 1820s this philosophy was being applied to an environment where the labourer was already operating in an overstocked labour market and therefore lacked the means to self-help, was largely irrelevant. In short, it is clear that the Hampshire gentry had, by 1830, not done all that might have been done for the county's labourers, and that the censure is the greater since they undoubtedly possessed the financial resources to have done more. But against this, they were aware of the gravity of the situation facing them, and as a result had done all that the guiding philosophies of the time said that they might do with propriety. As the events of 1830 were to show it was not enough.

The Course of the Rising

The first recorded incident of the Swing riots took place in east Kent on 28 August 1830. It was the first half of November before the riots

appeared to achieve a certain momentum and crossed the Kent border into Sussex. Thereafter they spread yet more rapidly into Surrey, Hampshire, Berkshire, Wiltshire and Oxfordshire, eventually touching over 20 counties and leaving behind recorded evidence of over 1400 incidents. Isolated activity continued into December but the riots reached their fiercest pitch in the last week of November.[30]

Any account of the riots in Hampshire must of necessity be rendered imperfect, in part through oversimplification and in part by being based on conflicting or incomplete reports. Existing accounts have however offered an unnecessarily distorted perspective by setting the events within a chronological framework which in the broadest sense conveys the impression that the events were connected. The magistrates on the spot who were called upon to counter the disturbances did not see them in this light. They were usually only aware and then only imperfectly, of what was happening within their locality. To the magistrates there appeared not one but a number of centres of disturbance, in many cases taking place simultaneously. Before one can hope to analyse their response therefore, one must reconstruct an outline of the main series of events in each centre of disturbance to try and obtain a county magistrate's view of what was going on.

Six major centres of disturbance can be identified. The events in each were all more or less concentrated in the week from 18 to 25 November 1830. The six can usefully be denominated Havant, Petersfield, Romsey, Swathling, Ringwood and Winchester. Though the first five involved substantial numbers of labourers, and wrought extensive damage, they tended to be shortlived and peripheral compared with the sixth centre of Winchester, which undoubtedly constituted the heart of the disturbances and the most serious challenge to the established order in the county.

The first manifestation of Swing in Hampshire took place at Havant on 18 November. A mob destroyed nine threshing machines in broad daylight at Havant and Warblington. They then proceeded towards Westbourne two miles away where they were dispersed. The whole episode had lasted barely 24 hours. It was the least serious as well as the first of the disturbances in Hampshire and as such the Chronicle preferred to depict it as a minor affray which had taken place on the Sussex border.[31]

The Chronicle could not deny that the disturbances around Petersfield, Romsey and Swathyling were serious, nor that they had taken place well

within the county. Undoubtedly the most spectacular events were those that took place around Petersfield, specifically those on 22 and 23 November when a mob led by the wheelwright Robert Holdaway destroyed the workhouses at Selborne and Headley causing damage estimated at £800.[32] Unfortunately there is no surviving eyewitness account of the event by a county magistrate. But, significantly, accounts from those responsible for tracking down Holdaway and his leading associates, were in no way overawed by what had happened.[33] Neither did they or correspondents from other parts of the county perceive of the episode as one that constituted any serious threat to its overall tranquillity.

The same point can be made about the disturbances around Romsey and Swaythling, which although they were less dramatic are better documented. No mob actually entered Romsey but there were strong fears that one would do so on Monday 22 November, since one had been reported the previous day in the neighbouring parishes of Kimbridge, Mitchelmersh and Mottisfont. Instead it appears to have proceeded on to East Dean and East Tytherley where, on the evening of the 23 November it destroyed the toll-gates of the parishes. Only then was it checked.[34] Virtually simultaneously to the south east at Fair Oak, six miles from Southampton, that is to say on Tuesday 23 November, a further body of an estimated 500 had congregated. This body destroyed any threshing machines it could find in the parish and then proceeded on a round of extortion and levying from householders at Moor Green and West End. A spirited attempt to disperse them was made by Dr. E. Godden Jones who intercepted them at Portswood and they were eventually dispersed before they could head for North or South Stoneham.[35]

More serious than any of the disturbances detailed so far were those that took place on 23 and 24 November in the vicinity of Fordingbridge and Ringwood. These have rightly been described by Rudé and Hobsbawm as "the last riots of any substance".[36] Essentially what happened was that a mob of approximately 300 which had already destroyed every threshing machine within six to eight miles of Fordingbridge, marched into the town on the 23rd. Here, led by the ostler James Cooper mounted on a white horse they initially followed the by now familiar pattern of extorting money or demanding beer from householders. But new targets presented themselves in the shape of Thompson's flax mills and Messrs. Shepherd's factory which produced agricultural implements. Both establishments were destroyed. Stragglers from the main body were simulta-

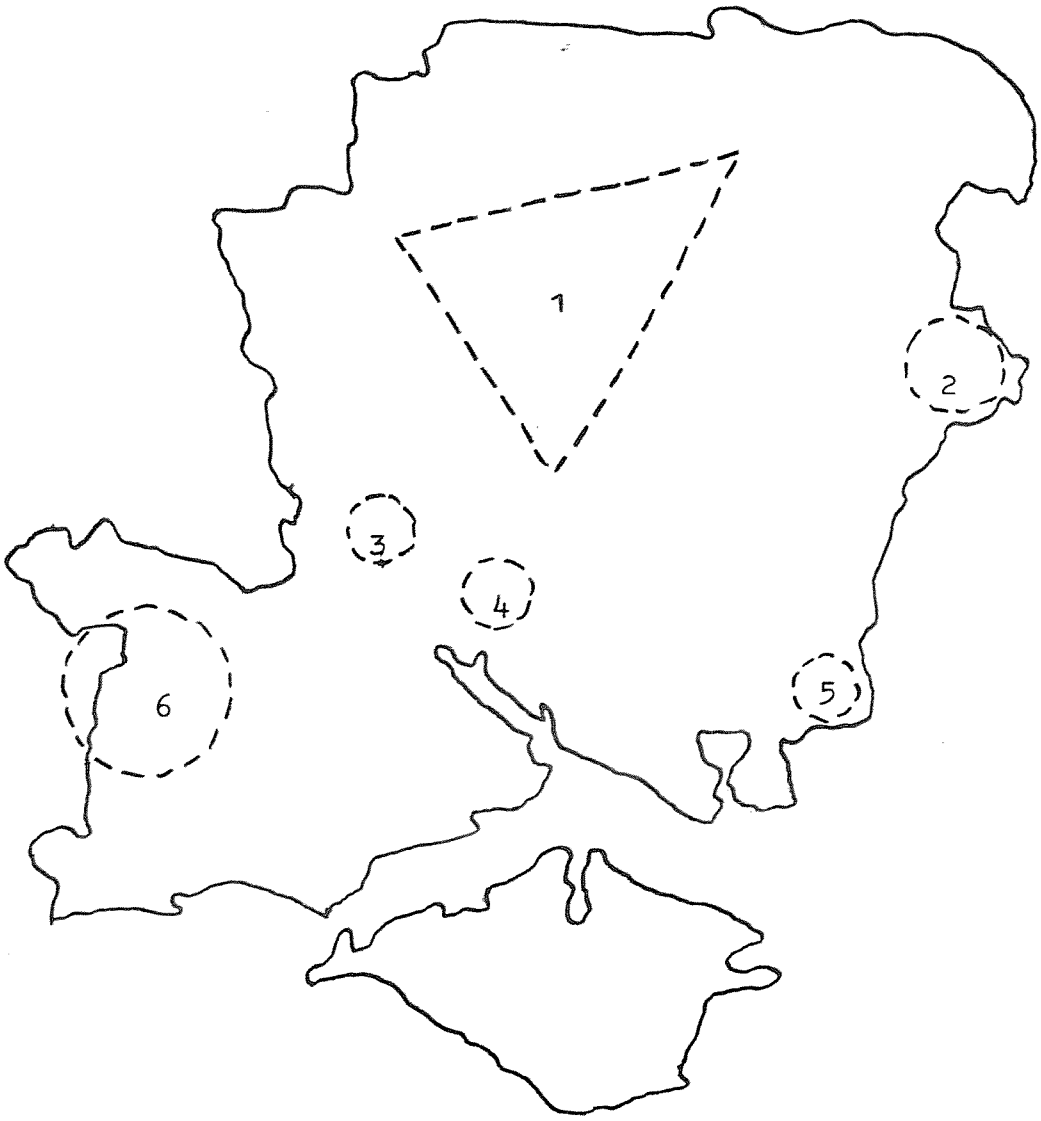
neously attacking West Park at Westbourne, the seat of the son and namesake of the well known admiral, Eyre Coote. Both stragglers and the main body were dispersed however before rumours that Cooper (alias Lord Hunt) would lead them in a new descent upon Ringwood.[37]

It is worth reiterating however, despite the alarm generated by Cooper's activies, that the authorities saw the chief threat to the county as coming from the sixth and final centre of disturbance. Geographically the incidents here took place roughly within a triangle, the three points of which were Andover, Basingstoke and Winchester, between 19 and 23 November. Three main bodies of labourers were to be found active within this triangle at some point between those dates. Since they at one point posed a threat to the county town itself, they had of necessity to be dispersed before the authorities could reasonably claim to have effected a general pacification of the county.

The first of the three mobs assembled on 19 November.[38] It comprised men from the parishes of Wonston, Hunton, East Stratton, Micheldever, Barton Stacey, Chilbolton and Longparish. They were at first encountered by Bingham Baring at Northington who attempted to dissuade them from visiting either his father's (Alexander) or his uncle's (Sir Thomas) estates. For his pains, a member of the mob, the 19 year old labourer Henry Cook, struck Baring with a hammer. The mob, ignoring Baring's solicitations, then visited both the Grange and Stratton Park. Thereafter they proceeded to the home of farmer James Wickham where they encountered the county magistrate W.H. Newbolt. Newbolt reported that his efforts to dissuade them from descending upon Winchester resulted in his nearly being lynched. The mob did however depart from its intended target of Winchester prison and instead proceeded to the Duke of Buckingham's estate of Avington Park where it was finally dispersed on the 22nd. A second body meanwhile had also assembled on the 19th and descended upon Andover at noon. Having temporarily left the town to destroy threshing machines in nearby parishes, they returned in the late afternoon where a clash with the authorities in High Street appeared to have brought its activities to an end. Instead the mob reassembled on the morning of Saturday the 20th and exacted revenge by the destruction of Tasker's iron foundry at Abbotts Ann, two miles from Andover. The third and least important of the three mobs confined its activities to visiting the parishes around Basingstoke before being located at the Sherbornes and Pamber where it was dispersed.

Map 5

Major Centres of Swing Disturbances



Key

1. Winchester-Andover-Basingstoke
2. Petersfield-Selborne-Headley
3. Romsey
4. Southampton-Stoneham
5. Havant
6. Ringwood-Fordingbridge

Perceptions of the Challenge to Authority

The labour historiography of Swing has quite rightly called attention to the tendency of the governing classes to see such events as those thus detailed as being part of a grand and co-ordinated conspiracy. This is a phenomenon to be explained says Rudé, by the landowners' lack of understanding of the labourers' plight.[39] This is an exaggeration in the light of the evidence adduced earlier, which suggests that even the largest Hampshire landowners were fully alive to the reality of distress. But it is clearly important to have an understanding of what those who eventually responded to the challenge of Swing thought they were combating before proceeding to a consideration of what they actually did.

There can be no gainsaying that some Hampshire magnates wrote of the riots as if they had been wholly political in inspiration. The Earl of Malmesbury told Wellington that there was little prospect of any long term tranquillity for the country until the channels of communication between Radicals and France had been cut.[40] Wellington, although he discounted speculation that foreign agent provocateurs had been physically involved in the riots, did believe that there existed a clear conspiracy against property led by educated, unemployed Englishmen and financed by "revolutionary bankers in France".[41] It is highly significant however that the above letters were dated the 6th and 7th of December 1830 respectively. By then a fortnight had already elapsed since the height of the riots in Hampshire. If still a contemporary judgement both Malmesbury's and Wellington's statements were offered as considered verdicts. What it is vital to appreciate is that their verdicts contrasted with the immediate response of those magnates actually involved in quelling the disturbances. Amongst them the consensus was rather that they were dealing with riots occasioned by the prevailing distress. One Romsey magistrate wrote to another for example that "our oeconomy & Retrenchment has operated too much on our social defences".[42] Malmesbury too, days before his fixation with the French connection was talking of his "sympathy to allay distress".[43] In other words, the initial diagnosis by the authorities as to why the riots had taken place was that they were economic, not political, in origin.

Why did this rapid change in interpretation come about? There would appear to be two, albeit interrelated explanations. The first is that the magistrates were deeply impressed with the number of persons

arrested who it subsequently transpired were not poverty stricken labourers but artisans in receipt of reasonable wages. This point was most apparent during the special commission of 1830 and it prompted Melbourne to order the governor of Hampshire's county jail to prepare a full dossier on the status, occupation and wages of all those tried.[44] Second, the excitement of Swing was being rapidly engulfed by the even greater excitement contingent upon the growth of the movement for Parliamentary Reform. This, to be fair, pre-dated Swing. The 1830 Hampshire election, although it had been uncontested, had been a heated affair and as early as March 1830 an important county meeting had adopted resolutions linking the prevailing distress to the necessity for Reform. The link however had been dismissed by influential Hampshire magnates such as Sir William Heathcote as being transitory or at most as the preserve of a handful of convinced middle class Radicals. Swing at last convinced him, as others, that it might after all be a reality: "it is extraordinary how many were carpenters, blacksmiths & others mechanics at wages from 14s up to 30s and even upwards per week!! - of the agricultural labourers too, many were earning 12s and 15s per week; & within my knowledge at least, not one case was stated of actual distress -

"This is in one view very consoling. It is gratifying to believe the condition of the people better than one had apprehended....But on the other hand I fear it must be taken as an evidence that a revolutionary spirit has been infused into the people in some parts at least, with more success than some are apt to believe."[45]

Rudé and Hobsbawm do therefore underestimate the importance of the revival of political activity during 1830 as a factor which helped determine the precise timing of the Swing riots. But were contemporaries any more right in their considered judgement that the riots involved some sort of political conspiracy than in their immediate reaction that they had been economic in origin? According to the recent work of an historical geographer, Andrew Charlesworth, they were. Charlesworth analyses what he terms the "spatial diffusion" of the riots and concludes that there is a clear correlation between the distribution of riot-affected villages and the main road routes to London.[46] This he attributes to the role of village militants and radicals, whom he assumes were more prominent in parishes contiguous to the London highways.

The maps produced by Charlesworth do suggest that he has a point in identifying a link between the main highway routes and Swing affected

areas. Rudé and Hobsbawm therefore exaggerate the importance of Swing's spreading simply by word of mouth between parishes at random.[47] Yet does it follow that the agents for the spread of the riots were militants and radicals? There were certainly some who believed that itinerant agitators and radical propaganda had had an impact. A Fareham magistrate reported being accosted by a stranger "in a handsome chaise and a good Horse" who gave his address as Sevenoaks in Kent. One of the Earl of Malmesbury's tenants reported being approached by a well dressed Londoner. James Cooper alias Lord Hunt told the level-headed Ringwood magistrate John Mills "that he was a friend of Mr Hunt's and that he had constantly attended the Rotunda".[48] Certainly Hunt's presence in Hampshire at the time of the riots aroused considerable suspicions.[49] But none of the above scraps of evidence prove anything conclusive. Charlesworth's case rests entirely on his assumption that the undeniable involvement of Cobbettite radicals in the mob which attacked Bingham Baring was typical of other mobs, but simply went undetected.[50] Such an assumption is extremely dangerous. Magistrates were only too ready in the wake of Swing to prove a case against Radicals.[51] For this reason alone it is extremely unlikely that evidence of Cobbettite radicalism would have gone undetected. It is more likely that it is Charlesworth's example which is untypical. The parishes round the Baring's estates had a strong radical tradition. Cobbett had long been attacking the Barings in his Political Register, and thought it worth his while to sustain his efforts in the locality down to the Reform Act and beyond.[52] Some form of agricultural trade union existed in the area, at least until 1833, and sixteen years later in 1849 it was the labourers of Micheldever who once more came close to rising at a time of acute distress. The Independent used that occasion to voice its opinion that "disaffection amongst the agricultural labourers ripens there sooner than elsewhere, from the entire absence of a middle class of farmers".[53] This may well be true. In the 9,700 acre parish there were but 15 tenant farmers and only three owner occupiers, none of whom held more than 75 acres. But perhaps most significantly of all, Sir Thomas Baring, who was well placed to know, did not believe that the risings round his estate were typical of those in the county as a whole.[54] One must conclude therefore, that with this one exception the magistrates on the spot in November 1830 were right in their belief that the public order problem with which they had to deal was almost entirely economic in origin.

The Authorities' Response

It fell to the lot of the magistrates Sir Henry Leeke and Sir J.T.Lee, to quell Hampshire's first centre of unrest around Havant. This was unfortunate, for the two had not been on speaking terms for several months past, a fact that even the apparent gravity of the situation confronting them could not overcome. Whilst therefore, they could agree as to "the absolute necessity of some decisive act" to disperse a body of labourers, the nucleus of which they knew to be only 30 or 40 strong, there is no evidence that they attempted to co-ordinate their efforts in doing so.[55] Leeke, finding that only nine tradesmen could be prevailed upon to come forward as specials, sent a message to Sir Colin Campbell at the Portsmouth garrison asking that a contingent of troops be despatched to his assistance. He did not however temporise and wait for the troops to arrive, but instead sought the assistance of two Fareham magistrates, who together with the specials he had mustered came upon the rioters at Westbourne two miles from Havant, where "after a good deal of stout resistance", eight ringleaders were taken at a public house. Lee did not deny the efficacy of the prompt response by his antagonist, but all that he was left to do was to relay the news to Peel that the "combination" "may now be considered as broken up entirely".[56]

Havant was the county's least serious centre of disturbance. Prompt action against a relatively few number of rioters was the obvious course of action and paid dividends, although it is to their credit that it was the course that Lee and Leeke chose to take. Promptitude also characterised the response of the magistrates who apprehended the leaders of the mob which had destroyed the workhouses at Selborne and Headley. Such a combative reaction may not be unconnected with the fact that several of the magistrates involved were, like Lee and Leeke at Havant, ex-servicemen. This is not true however of the magistrate who co-ordinated the operation at Selborne and Headley, John Bonham-Carter, the Whig Member for Portsmouth and a landowner of 5,600 acres at Petersfield.[57] Though Petersfield itself remained quiet, news and rumours quickly reached him of what had happened in the nearby parishes. Whether wisely or not, he and the other available magistrates for the division, discounted rumours that the body which had destroyed the workhouses consisted of over 2,000 persons and requested troops from Portsmouth. Bonham-Carter then assigned each magistrate to the head of a party of constables and dragoons to what seemed the most likely troublespots on the morning of 25 November. By the end of the day, 13 of the known ringleaders had

been taken, including the wheelwright Robert Holdaway. Within 48 hours of the workhouses being destroyed, the Petersfield magistrates had brought the disturbances to an end in a well planned and co-ordinated operation, particularly since the information they had to hand was so unreliable. Bonham-Carter had remained master of the situation throughout. On the evening of 25 November he was able to despatch 40 infantrymen back to Portsmouth, by which time his most pressing concern was a shortage of clean shirts and duck worsted stockings.[58]

Perhaps the most striking point about the reaction to the disturbances around Petersfield, and one which recurs, was that the response by the authorities and the organisation of such of the local population as could be induced to come forward, was co-ordinated by the largest landowner-magistrate of the locality. This was trwe for example of the third centre of disturbance, Romsey, where Bonham-Carter's equivalent was William Sloane-Stanley of Paultons, owner of 5,100 acres. Sloane-Stanley however, only arrived in Romsey from London on the 23rd, the day on which its inhabitants feared invasion by the mob operating in the surrounding parishes. In face of this threat Romsey's borough authorities decided upon a conciliatory and concessionary rather than a combative stance. In the name of the mayor, a proclamation was issued ordering labourers' wages to be raised to 12 shillings weekly. The mayor also wrote privately to Sloane-Stanley imploring him to agree with the policy of releasing all those imprisoned in the town's lock-up in order to save the borough from destruction. Baring recorded Sloane-Stanley's reaction: "S.S. was furious. he sd they might but it must be by force & over his body".[59] Like Bonham-Carter at Petersfield, Sloane-Stanley instead set about organising a more combative response to the rioters. Unlike Bonham-Carter however, he appears to have been the only county magistrate available for the task. He could therefore only offer a token resistance at first, by organising such special constables as he could muster under his command, and then riding out and seizing a handful of the rioters' ringleaders. It took the arrival of a detachment of the 42nd foot in the town on 24 November, together with further county magistrates before order was finally re-established.[60]

A similar one man stand as was taken by Sloane-Stanley at Romsey was taken by Dr. Godden Jones against the body of labourers which was roaming the parishes near Southampton.[61] Jones however was a lesser known county magistrate and his attempt to persuade the labourers to

disperse was rewarded only by a brick being thrown at him which removed several of his teeth and provoked the unfortunate doctor to discharge the pistol which he was brandishing. Jones was timely rescued and the mob finally dispersed by the arrival upon the scene of the Tory county Member John Fleming. Fleming had collected together a number of his tenantry and, attired in a yachting outfit had ridden out from Stoneham towards Portswood where he encountered and charged the mob. Forty-five of the estimated 500 were secured. Fleming's was therefore a third instance of where the decisive dispersal of a mob had been co-ordinated by the chief landowner in the district.

A fourth was John Mills, the owner of the 4,100 acre Bisterne estate near Ringwood, although here the details were a little more complex, since as has already been noted, a party of stragglers had separated themselves from the main body of labourers which had attacked Fordingbridge and was reputedly going to descend on Ringwood. What is clear however, is that the Chronicle's insistence on the decisive factor in their being checked as being the "indefatigable exertions" of the inhabitants as special constables, is misleading.[62] The body of 400 labourers had gone totally unchecked from the time when they appeared in the county on 23 November until mid afternoon on 24 November. Initial resistance was then offered to the 20 or 30 stragglers by Eyre Coote, his servants and guests at West Park who, arming themselves, inflicted wounds on one of their besiegers which proved fatal.[63] Next day it was two of Coote's keepers who arrested the mysterious captain Hunt at a local tavern. This however was a sideshow compared to the situation Mills found on arriving in Ringwood on 23 November. Its inhabitants he found to be in the "greatest confusion" on hearing of the destruction which had taken place at Fordingbridge.[64] With no prospect of immediate military assistance Mills therefore took it upon himself to galvanise the local population into activity. Within four hours of his arrival he had succeeded in assembling 300 men and 20 horses together with as many arms as could be mustered: "Having explained to them my intention of acting offensively and attacking the rioters instead of waiting for them, I found that a spirit was excited amongst them and they professed themselves ready to go anywhere". Next morning Mills was able to ride out at the head of his private army, charge the approaching labourers and secure 15 of their ringleaders. Two days later he was able to boast that his ad hoc force was so arranged that he could guarantee the tranquillity of a district 30 miles in radius without the assistance of

a single soldier.

The documentation relating to how the major centre of disturbance between Andover, Basingstoke and Winchester was tranquillised is uneven. Basingstoke itself, it would appear, was never under any great threat of being visited by a mob. Perhaps this accounts for the fact that its borough authorities experienced few difficulties in swearing a number of special constables. A body of 200 labourers however had visited nearby Brimpton on 22 November and also extorted money at the Vine, the seat of the Chute family. Next day they resumed their activities at Pamber and the Sherbornes before stopping at the 'Furze Bush' tavern in Ewhurst to divide their spoils. Here they were surprised by the county magistrate Sir Claudius Hunter who had been monitoring their activities since 19 November. Assisted by a party of 9th Lancers he took as many as 80 prisoners.[65]

At Andover the performance of the authorities was less impressive. The impending threat did not, it appear, submerge the rivalries which existed between the borough and county magistrates. One of the latter could actually write to Melbourne in the wake of what happened in the town voicing the sentiment: "let the mayor and corporation who have raised the storm, quell it".[66] But the county magistrates were no less to blame. Two years later a correspondent wrote of their "culpable imbecility (which)...was proverbial all over the west of England".[67] This consisted in allowing the rioters to invade a meeting of the county petty sessions in Andover on 20 November, at which its leaders treated the magistrates with contempt before departing for Tasker's iron foundry. The county magistrates' attitude throughout, even though there were at least five or six present, was one of hopeless inertia. Their only co-ordinated action was to send a desperate plea to the Home Office for troops on both 20 and 21 November.[68] There is every reason to believe that disturbances would have continued in the locality on 22 November had not troops arrived.

This leaves us to consider the potentially more serious mob of all, that which threatened Winchester. The county magistrate Dr. W.H. Newbolt had acted on behalf of himself and the borough authorities of Winchester in remonstrating with the rioters north of Winchester on 19 November not to descend upon the city. In a public meeting convened by the mayor the following day to organise a special constabulary force a resolution was passed and inserted in the press stating explicitly that it was to be merely a defensive force and in no way intended for use

as an offensive force against the labourers.[69] This was the juncture at which the 25 year old ultra Tory Member for the county, Sir William Heathcote, arrived in the city. He immediately identified his task as organising the civil population, which he privately described as being "of the most lawless kind", for a combative purpose, and in removing the 600 stands of militia arms lodged in a ramshackle store to the safety of the county jail.[70] Whether he could have effected such a plan alone in a fashion similar to John Mills at Ringwood must remain conjecture. In the event his task was eased immeasurably by the arrival of troops on the late afternoon of 20 November and the following morning by the unexpected arrival of Sloane-Stenley on his way down to Romsey, together with Sir Richard Hussey Vivian. Both, along with Heathcote, headed detachments of troops to Kingsomborne and Sparsholt north west of Winchester, dispersing mobs which had been reported there and securing 14 ringleaders. After a brief sortie to his own parish of Hursley to prevent the rumoured formation of a mob there, Heathcote was back in Winchester early on the morning of 22 November. He was now joined by John Fleming, his fellow county Member, on his way down to Stoneham, the catholic Sir Henry Tichborne, Francis Baring "and such other County Magistrates as could with propriety quit their own neighbourhoods". This fresh accession of strength convinced Heathcote that he could meet any further threat "without difficulty".[71]

It is important that these events were either in progress or unknown to the Duke of Buckingham when he arrived at his Avington Park estate at Itchen Abbas accompanied by two London policemen on Sunday 21 November. He had heard that the main mob in the Winchester area had decided against descending upon Winchester prison and were instead making for his mansion. Buckingham's mood on the morning of 22 November was one of impending doom. But neither was he overawed: "I may say", he wrote, "that this part of the County is wholly in the hands of the Rebels... there are very few magistrates and what there are completely <u>cowed</u>. In short something decisive must instantly be done".[72] His "something decisive" consisted in furiously swearing in members of his tenantry to act as special constables and in preparing the Avington Park mansion to withstand a siege. One eye witness described how "He had two cannons at his principal doors, a swivel at each window and 100 men of his village armed with cutlasses". Such elaborate preparations proved unnecessary, for the county magistrate and indefatigable rector of the parish,

Robert Wright, placed himself at the head of Buckingham's tenantry and led a charge against the approaching rioters. Bingham Baring recorded how "The fellows flew like sparrows. Wright was seen dragging them in 2 at a time, and at last children pulled them back, and brought them to the troopers."[73] Baring, who arrived on the scene from Winchester at the head of a detachment of troops just too late to be of assistance, escorted the 31 of the 50 persons taken back to Winchester prison. Buckingham's second letter of the day to Wellington was consequently couched in much more optimistic terms than the first.[74]

The Authorities' Reaction. Analysis

The military sage Sir Henry Bunbury was deeply critical of the ability of magistrates to cope with a major threat to public order: "If fires & riots grow alarming, the Justices of the Peace wait for the Lord Lieutenant...but till the Lord Lieutenant comes forward the Justices do nothing collectively: while in their respective neighbourhoods some will be found timid, foolish or lazy, while others may be doing more harm than good by rashness & want of temper".[75] Angela Sturges-Bourne by contrast, admittedly no military expert, was better placed to comment upon the performance of the Hampshire magistrates during Swing. She enthused: "I am very proud of my county, for the insurgents have here received their first check...There has been the greatest activity & courage on the part of the magistrates".[76]

Before proceeding to a detailed consideration of the magistrates' performance during Swing, one ought to note that on the very eve of the riots in Hampshire, there is a good deal of *prima facie* evidence to suggest that they would not prove able to cope and that Bunbury's diagnosis would prove the correct one. In the first place, the county's militia and yeomanry forces which five years previously the magistrates would have been able to call upon for assistance, no longer existed. Second, it was well known to be notoriously difficult to persuade householders to come forward to be sworn as special constables once large scale disturbances were under way. Third, there were no troops stationed in Winchester barracks at the time that the disturbances began. The magistrates in short, had to rely at least initially entirely upon their own resources and efforts.[77]

As for the magistracy itself, it was by no means in as desirable a state as it might have been. Only 63 new magistrates had qualified between

1820 and 1829, probably just about enough to retain the overall strength of the county bench at approximately 150. But clearly not all could be expected to be in the county at any one time and even if they were, not all 150 were in a physical condition to be able to act. Of the five magistrates who acted in and around the Romsey district for example, one was an M.P. and therefore rarely resident, another infirm and a third at least 80.[78] Complaints were also made to Wellington in 1828 and 1829 that the Gosport, Fareham, Fordingbridge, Alresford and Winchester areas of the county were all short of active and resident magistrates. Wellington responded by ordering the issue of a new commission of the peace in 1829 which added 15 new names to the bench. Useful though this was, the 15 can hardly be said to have been experienced magistrates by the time that Swing took place.

The efficiency of the Hampshire bench was also potentially impaired by an uncertainty as to who actually was in the commission of the peace in the crucial month of November 1830. This was because the automatic renewal of the commission which should have followed the death of George IV in June was unavoidably delayed in Hampshire until the ensuing December. Had it been issued in September as was initially intended, it is possible that up to an additional 15 magistrates would have been available to help combat the disturbances. Instead the magistrate who chose to do nothing or be conveniently out of the county during Swing was presented with the convenient excuse for his inactivity that it was not altogether certain that his name would be included in the new commission.[80]

The delay in the renewal of Hampshire's commission of the peace was occasioned by the dispute between Sir J.T. Lee and Sir Henry Leeke, both added to the commission in 1829, and responsible for transacting petty sessions business at Havant. Both were pugnacious ex-servicemen, the former a Tory, the latter a Whig-Reformer. These facts conspired to produce continual quarrels between them. By September 1830 impasse had been reached and the two were actually holding separate courts in Havant.[81] Each was convinced that the one had insulted the other and neither was prepared to give way. Such behaviour observed one third party afforded "an example of contention to the Poorer classes, which must have a most harmful and demoralising effect at this moment, when the levelling spirit is in full operation, and the people excited by the events which are daily taking place on the continent".[82]

The Havant dispute is a classic example of the sort of self-defeating internecine magistrate squabble, which Bunbury doubtless had in mind, It may not simply be coincidence, in the light of the above quotation, that the first vestiges of Swing in Hampshire took place at Havant. Even more unbelievably, Leeke and Lee's non-co-operation persisted during the riots. Leeke would appear to have deliberately gone out of his way to secure the assistance of two Sussex magistrates to help him disperse the rioters at Westbourne, rather than to plan a co-ordinated response with Lee. The latter was left only to transmit details of what had taken place in the locality to Peel.[83]

The above is certainly the worst recorded case of a lack of magistrate co-operation during swing, but it was by no means the only blemish on the performance of the Hampshire authorities. At least two magistrates allowed their homes to be visited by a Swing mob and to have their threshing machines destroyed without offering more than token resistance.[84] Two more were arguably at least as much concerned with the safety of their homes and wives as they were with their public duty of combating the immediate threat facing them.[85] The ageing magistrate, the Rev. James Willis meanwhile, received a yet more serious censure from the combative John Mills for having tried "to persuade me not to resist the marauders as it was useless to contend against them".[86] Willis also, it appears, had promised unsolicited wage rises which he knew full well local farmers would not be able to afford. He was therefore a prime example of the "completely cowed" magistrate to whom the Duke of Buckingham referred. The half dozen magistrates at Andover merited Buckingham's description collectively.

Nevertheless, whilst there is clear evidence of individual magistrate shortcomings, it is exceptional rather than endemic. The personal and political differences between Lee and Leeke, and the rivalry and jealousy which existed between the borough and county authorities at Andover are less remarkable than the resolve displayed by the magistrates in combating the problem before them, right across the political spectrum from the ultra Tory Sir William Heathcote to the advanced Reformer John Bonham-Carter.

Certain stock criticisms too, take insufficient account of local circumstances. Melbourne for example, invariably answered correspondents seeking advice and assistance by instructing them to plan co-ordinated responses and on no account to temporise with those who fomented disorder.[87]

On the first point one might note that the totally unified response which he had in mind was neither practical nor perhaps desireable in Hampshire at the height of the Swing riots. Had for instance Wellington, as lord lieutenant, been apprised of every disturbance in the county as it took place, what could he have done? Disturbances between 19 and 23 November were taking place virtually simultaneously over a wide geographical area, and with alarming rapidity. Had a force of troops, specials and magistrates been based and organised centrally in Winchester, the time lapsing between news of a disturbance reaching it and the further lapse concomitant in sending assistance to the parish in question, could easily have resulted in the disturbance having ended, having run its natural course. This sequence of events indeed proved the reality when Heathcote attempted to pacify the parishes of the surrounding area over approximately a ten mile radius. As has been seen, the detachments sent towards Swaythling and Itchen Abbas arrived too late to be of more than marginal assistance.[88] The Hampshire authorities quite rightly perceived that the most efficient and effective way to deal with a Swing mob was for the magistrate on the spot to organise a local force which could deliver it an immediate blow. A parochial as opposed to county based force of magistrates and specials existed throughout the winter of 1830-31, once the riots were over, in an attempt to mitigate the chances of their recurrence.[89]

On Melbourne's second point that the authorities should not temporise, it is important to make the distinction which he did not, that the temporising magistrate was not necessarily acting ill-advisedly or through cowardice. An excellent example of a temporising but nevertheless extremely brave magistrate was the Rev. W.H. Newbolt. Newbolt was the only county magistrate in Winchester on 19 November and had the agonising task of deciding what to do in view of the fact that he had no troops at his disposal, a local population whose disposition was untrustworthy, but with a large mob roaming the surrounding parishes giving rise to rumours of an imminent descent on the city and specifically the county jail. The course he decided upon was to drive in his carriage to Sutton Scotney where the labourers dragged him out, putting him in fear of his life. He nevertheless dissuaded them from descending upon Winchester, and instead to disperse after he had signed an order that their demand for a 12 shilling weekly wage be met.[90] Had he not, then there is every reason to suppose that the mob would have proceeded to Winchester, attacked the county jail

and secured the arms of the militia without meeting much resistance. In face of such considerations was Newbolt left with any alternative? Above all, he had bought time, vital time during which Heathcote and troops arrived.

The more pugilistic magistrates however would have insisted that Newbolt's course of action was the wrong one. Newbolt had been conciliatory from a position of fear. The mob he had remonstrated with had been temporarily appeased but it had not been destroyed. Instead it reformed next morning, the threat to the jail remained, and the confidence of the civil population in the civil authorities was arguably further undermined. As one landowner put it "the People having once felt their strength, may soon be disposed or incited to try it again".[91] The mob in other words would have gathered momentum which would make it all the more difficult to check, and local relations would be soured when it transpired that agreements on wage rates extracted through fear could not be kept.

This line of argument nevertheless begs the question of whether or not a combative policy was the best one to adopt, or whether it might not come under the head of what Bunbury designated rash stupidity and therefore did more harm than good. Was it a good idea, for example, for the Rev. Robert Wright not only to organise and order the charge by the Duke of Buckingham's tenantry against the body of approaching labourers who clearly outnumbered them, but to actually lead the charge himself? He clearly reckoned on the mob's dissolving and fleeing as indeed it did, but he could hardly be certain that it would. Had a general melée ensued, Wright was hardly in the best place to direct his forces. Resistance, admittedly limited, had after all been shown by the mobs at Andover and Havant, and at least three county magistrates, W.H. Newbolt, Bingham Baring and Dr. Godden Jones, had been physically assaulted by labourers who they attempted to disperse. If Wright's actions were brave, they were arguably not entirely politic.

There was therefore at least a case in certain instances for temporising. But most Hampshire magistrates during Swing had greater room for manoeuvre than Newbolt. Wright was fairly typical in deciding upon a firm reaction. Given this, to take the initiative and charge a mob before it had had the opportunity to make any demands was surely logical rather than rash stupidity. Had Wright not led the charge moreover, who would have? The magistrate was at least more familiar with

peace keeping duties than the special constables at his disposal. Above all, when the recurrent theme of correspondents was that the civil population was cowed and reluctant to assist the magistracy, it was of necessity the magistrate who had to show himself to be in the lead. Once this had been done, the population could reasonably be expected to follow. As Buckingham wrote judiciously, "It is of importance to have shown that all the people not only are not with them, but are ready to attack and disperse them". John Mills clearly experienced the same phenomenon at Ringwood when he wrote in similar vein that his initiatives have given "confidence to our people and convinced them that it requires only determination to put an end of these disturbances".[92] It is striking indeed how often the word 'example', of the need to set a good example, and of the necessity to combat what John Mills described as "the contagion of bad example",[93] occurs in magistrate correspondence during Swing.

One could equally argue that the course of charging a mob was not rash or ill considered. Certainly it was rash to try and apprehend the ringleader of a mob alone as did Dr. Godden Jones, and he paid for his act of folly by the loss of his teeth. Charges however, though they were made by inferior numbers were by definition hardly the acts of individuals. Wright after all had 100 specials at his disposal. Sloane-Stanley at Romsey, Fleming at Stoneham and Mills at Ringwood also had a fair number of mounted men at their disposal to use against a disorganised body on foot. Neither should one forget, as has been demonstrated, that the magistrates at this stage did not believe the mobs facing them to be genuinely revolutionary. On the premise that those facing them were making a limited economic protest, a charge could reasonably be presumed sufficient for the purposes of dispersal. Magistrates conceived of a Swing mob as being somewhat analogous to a snowball: it would increase in size if allowed to roll unchecked, but the appearance of solidity would immediately evaporate if it was presented with anything like firm resistance. Resistance by the magistrates themselves moreover obviated the necessity of reading the Riot Act and of ordering troops to disperse the rioters, a policy which may well have resulted in considerable bloodshed. For this very reason the Rev. Wright's action was singled out for praise by the judges at the subsequent special commission.[94] He may have acted harshly but in so doing he had prevented bloodshed and dissuaded other labourers from joining with the rioters who might have felt the full severity of the law. Overall therefore, whilst there are vestiges

of all Bunbury's criticisms, it is on balance Angela Sturges-Bourne's verdict with its stress on the courage and activity of the magistrates, or at least most of them, which is more striking in an analysis of their reaction.

The Role of Troops

It was a common complaint from those in government during the early nineteenth century that alarmist magistrates all too readily inundated the Home Office with requests for military assistance. During Swing the Hampshire magistrates' reaction does not lend itself to being described collectively as alarmist. Swing however was no ordinary public order disturbance and even those magistrates who displayed the greatest equanimity tended to take the precaution of at least asking for some detachments of troops, even though they accompanied such requests by an insistence that they would only be used as a last resort.[95] The verdict of a Mr. James Rickman, who confessed himself to be deeply hostile to the employment of troops in any circumstances would appear therefore to be a judicious one. Since the magistrates had acted "with equal promptness and self possession...I conclude that their calling in, as they did, the regular troops to their aid, was absolutely necessary".[96]

Determining the precise number and distribution of troops in the county is a virtually impossible task. Only the main movements can be determined. On 20 November a detachment of the 47th from Portsmouth arrived at the empty barracks in Winchester. They were joined by two detachments of 3rd Dragoons from Southampton on 21 November and two more from Chichester on 22 November. The following day, Sir Colin Campbell, governor of the Portsmouth garrison, arrived in the city. The policy which he and the magistrates appear to have adopted was to send small bodies of troops from Winchester to parishes which had just been visited by mobs or who were imminently expecting to be. Eyre Coote for example had 20 troops at his West Park mansion in the days after the fracas which had led to the death of one of the attacking labourers, for fear of a reprisal. A whole detachment of 9th Lancers arrived in Andover on 22 November. But with the rapid subsidence of the riots in Hampshire and the deluge of applications for troops from magistrates in other riot affected counties, no troop presence was prolonged. From 25 November there was a concerted policy of withdrawal. On 26 November the 3rd Dragoons left Winchester and marched into Dorset, whilst the 9th Lancers left Andover and marched on into Wiltshire.[97] At most therefore, there

were only four or five days of unusually high troop concentrations in the county.

There is a tendency, in part emanating from the shortage of their time in the county and in part from accepting uncritically the boasts of magistrates, to minimise the importance of the troops' presence. It is admittedly undeniable that the Duke of Buckingham and John Fleming were able to disperse the mobs in their localities without military assistance and that John Mills was able to make good his guarantee of maintaining peace in the Ringwood district without the help of a single soldier. But it would be stretching the point somewhat to endorse the statement made by quarter sessions chairman Richard Pollen that "The military in no instance in this County have been called upon to act except as an escourt".[98] Pollen was clearly generalising from examples such as that of Bonham-Carter and the troops under his direction at Petersfield who had indeed utilised the two detachments who arrived from Portsmouth to assist them, solely to convey the prisoners taken to Winchester. Such examples were not completely typical. In large part, only the accident of their late arrival from Winchester under the direction of a county magistrate, prevented troop involvement in the dispersal of the labourers at Itchen Abbas and at Swaythling. Elsewhere their presence had been more direct. At Romsey the arrival of troops was deemed essential by one magistrate, failing which "anarchy will triumph". The arrival of troops was even more instrumental in restoring order at Andover, in dispersing a mob at Fawley on 25 November,[99] and arguably also in assisting Sir William Heathcote to rapidly gain control of the situation at Winchester.

Pollen's point nevertheless retains a certain force, for troops were not called upon to disperse a mob in Hampshire independent of any close supervision by the magistracy. Neither had they actually had to open fire. It is worth speculating as to why the Hampshire magistrates had used the troops at their disposal with such restraint, chiefly as Pollen says for the purposes of escourt only, and even then, in some instances with reluctance.[100] A number of reasons present themselves. There was the knowledge that the widespread nature of the disturbances meant that the availability of troops could not be relied upon. Sessions chairman Richard Pollen had issued a general directive to the magistrates that troops should be used as sparingly as possible.[101] The magistrates in any event, believing the riots to be economically rather than politi-

cally inspired, were more confident in their own abilities to be able to disperse the labourers than they might otherwise have been. One of the great virtues of troops in any case, was that their mere presence served as a great deterrent to the ill disposed and as a boost to the law abiding, without their having actually to become physically involved. Pollen for one was convinced by the 24th that "the country people are so cowed at the sight of the military, that we can now by the aid of the Gentlemen & special constables soon allow you to move some of the troops from hence".[102] Pollen was doubtless equally aware that this deterrent value was apt to be lost, and replaced by an unlooked for provocation of the populace if they were employed unwisely. But perhaps above all, the factor which weighed heaviest with the magistrates in their reluctance to use troops and in their readiness to be rid of them was the anxiety that the prolonged presence of troops would undermine their own authority in the eyes of the population.[103] In other words, unless the magistrates could be seen taking the lead in quelling disorder, their task of maintaining it once troops had been withdrawn would become doubly difficult. This was surely nowhere more apparent than at Andover. A correspondent in the wake of events there dwelt less upon the speedy restoration of order effected by the 9th Lancers than upon the fact that "a successful example has been shown of insurrection". The point was confirmed by the magistrates two days later (by which time the troops had left) when they declared that "there is at present barely a semblance of civil Government within our jurisdiction".[104] Magistrate reluctance to use troops, if superficially surprising, was certainly not devoid of a raison d'etre.

The Role of the Duke

Wellington's role as lord lieutenant of the county during Swing has been subject to conflicting interpretations. Hobsbawm and Rudé assert that Wellington "boasted of having hunted down Hampshire rioters like game or cattle". Here was the Iron Duke in action: "I induced the magistrates", he wrote, "to put themselves on horseback, each at the head of his own servants and retainers, grooms, huntsmen, game-keepers, armed with horsewhips, pistols, fowling pieces and what they could get, and to attack in concert, if necessary, or singly, these mobs, disperse them, and take and put in confinement those who could not escape".[105] Certainly Wellington's description was not dissimilar from the reality

of what had happened at Ringwood, Swaythling and Itchen Abbas. Elizabeth Longford has however cogently argued that if Wellington was boasting, then it was the dual boast that the county had been quickly pacified, and pacified specifically by its magistracy rather than by troops.[106] Neither she nor Rudé and Hobsbawm however seek to deny the Duchess of Wellington's assertion that "his appearance in the country was of the most essential use".

But is it true to depict Wellington, as Sir Henry Bunbury would have done as the active lord lieutenant who alone was responsible for galvanising the magistracy into action? Certainly this was the Duke's intention. He had confided to the Duke of Buckingham following the fall of his administration on 15 November that "I am going into Hants, to serve the King in another capacity, as soon as I shall be relieved from the Govt".[107] Nevertheless, a simple matter of chronology shows Wellington's direct contribution to the suppression of the Swing riots in Hampshire to be minimal. The change of administration from Tory to Whig meant that he was not able to arrive in Hampshire until 23 November. By then the disturbances at Havant, Andover, Romsey, Swaythling and above all, around Winchester, were already more or less at an end. On those around Ringwood, Fordingbridge and Petersfield over the ensuing 48 hours he was little informed and certainly in no way responsible for co-ordinating the local authorities' response to them. In short there was little left for Wellington to do beyond requesting and detailing the movement of troops in the county; to forward reports he received to the Home Office and ensuring that the locks and bayonets belonging to the militia in Winchester were conveyed safely to Portsmouth.[108] By 24 November, as sessions chairman Richard Pollen reported to Melbourne, "the principal leaders in all the riotous assemblies had already been taken".[109] Wellington's presiding in Winchester on 25 November at a meeting of the deputy lieutenants and magistrates is less proof of his desire to co-ordinate the county's response to the riots than proof that the gravest emergency was already past. Seventy four magistrates felt their own neighbourhoods already sufficiently quiet to enable them to attend. Wellington himself reported the mood of those present as being "that considerable progress has been made in restoring order and confidence".[110] In any event, despite Wellington's presiding at the meeting, it was Richard Pollen and not he who had taken the initiative to convene it.

In fairness to Elizabeth Longford, it must be admitted that a large

part of her argument for Wellington's contribution to the quelling of the disturbances rests upon an initiative he had taken in London. This was outlined in a letter to Peel written on 21 November relating how, on the previous evening, he had ordered the Hampshire gentry who were in London down to the county. Such an initiative might plausibly explain why one correspondent wrote to Wellington offering the verdict that "The arrival of the gentry in the country, at the critical moment was... ..very important".[111] Yet it is undermined, once more, by a simple matter of chronology. However important the presence of certain individuals in the county - and from what has been detailed concerning the dispersal of mobs in various parts of the county, the point would appear to be of fundamental importance - there is little evidence that pressure from Wellington was the important factor in determining their arrival. Rather, they went down to Hampshire of their own accord. John Fleming is a possible but by no means certain exception, but Sir William Heathcote, John Bonham-Carter and William Sloane-Stanley were in the county before Wellington issued his directive. The various members of the Baring family were brought down by the news of the attack on Bingham Baring on 19 November,[112] the Duke of Buckingham by the news that his estate was in imminent danger of attack. Possibly an harangue from the Duke on 20 November induced John Mills of Ringwood and Sir John Pollen of Andover (brother to the sessions chairman) to return to their Hampshire property, but if so its effect was not immediate for neither arrived in the county until 24 November, the former just in time to co-ordinate resistance to the mob threatening Ringwood, but the latter too late to prevent the ignominy which befell the magistrates of his division and the destruction of Tasker's iron foundry.

One must therefore conclude contrary to existing accounts that there is little evidence to support the case for Wellington's playing an important part in the actual quelling of the disturbances. One might choose to give him credit from a broader chronological perspective for having adopted criteria in the recommendation of names for the county bench which ensured that its members - with exceptions - co-operated amicably in the task confronting them in 1830. But one would have to temper such praise with the criticism that there is evidence that certain parts of the county were deficient in the number of active magistrates required to cope with such an emergency.[113] Admittedly he relied upon being made aware of such shortages from other sources, and Swing did

place an abnormal strain upon the magistracy, but it is a charge that must ultimately be laid at Wellington's door.

Apart from being responsible for the number and quality of the magistrates however, one would not honestly expect to find a national figure such as Wellington being directly involved in an essentially local public order disturbance like Swing. This does nevertheless raise a second and more serious charge. Given that it was always likely that Wellington would be out of the county in the event of a disturbance, should he not have nominated a vice-lieutenant, a course of action urged upon him by Melbourne?[114] What would have happened for example, had Sir William Heathcote not made his timely appearance in Winchester on 20 November, where for a critical 24 hours he was acting "almost alone"?[115] His initiative alone ensured the removal of the militia's arms into the safety of the county prison on his authority as a deputy lieutenant and began the co-ordination of resistance by the civil authorities. Had Heathcote not proceeded to Winchester - there was no particular reason why he should have done - and the mob had descended upon its intended target of Winchester prison, what might have followed? Heathcote moreover, as head of an established county family, a county Member and owner of 15,000 acres was the obvious choice for a vice-lieutenant. Instead Wellington's prejudice against what he saw as the paradox in the expression 'second in command', prevailed over good sense. Without those such as Heathcote, Swing might have left Wellington exposed to criticism no less than the Andover magistrates.

The Special Commission

The foregoing account of the Swing riots in Hampshire has stressed the prompt but essentially level headed response of most county magistrates in combating them. This interpretation sits uneasily alongside contemporary Radical outcries and the labour historiography which has drawn attention to the special commission at Winchester of December 1830 as apparently conclusive proof of the brutality of the Hampshire gentry. The greater severity of the punishments meted out at Winchester, insist the Hammonds, is to be explained simply by the fact that those responsible for the trials were persons such as Wellington and the Barings.[116]

These are emotive charges but can they be substantiated? The outcome of the special commission was undoubtedly severe. Of 298 cases heard, 101 defendants were capitally convicted, 117 sentenced to transportation

to either New South Wales or Van Diemens Land, 68 jailed and two fined, although in fairness it should be added that only three persons were actually executed and as many as 108 acquitted.[117] There were too, some Hampshire magistrates who were in favour of at least this amount of, if not more, severity. But to say that the Hampshire magistrates as a whole were responsible for the outcome of the special commission is to distort the reality of what actually happened.

In the first place, to borrow Rudé and Hobsbawm's metaphor, the Hampshire gentry did not savagely hunt down all offending rioters. From a mob of several hundred usually only 30 to 50 at most could actually be apprehended by the authorities. The magistrates responsible for dispersing the mob in each major centre of disturbance were at pains to stress that these 30 to 50 had not been apprehended haphazardly. Rather they were the persons perceived to be the ringleaders.[118] It did not necessarily follow however even then, that all those detained would be committed to jail for trial. Following the hearing of depositions a good many were forced to enter into recognisances or simply discharged. Of the 50 rioters taken at Itchen Abbas for example, only 31 were conveyed to Winchester prison and of these only 19 were charged with riot at the special commission.[119] This was not the action of a brutal county elite. One reason why the special commission provoked such a local outcry in Hampshire was that only a small fraction of the persons who took part in the disturbances, certainly no more than 10%,were ever actually committed for trial. The persons tried were understandably perceived of, by a good many people therefore, as being no less innocent or guilty than themselves.[120]

In the trial of the prisoners moreover, it is clear that the magistrates played little part. Their desire, communicated by Sir William Heathcote, that all those against whom there was strong evidence should be tried, and that those tried should be drawn from throughout the county, was overruled by Melbourne. He insisted that only serious cases should come before the special commission, since to prosecute every trivial offender "may be looked upon as a species of oppression or as an advantage taken by the magistracy & by the Government against the accused".[121] At the actual special commission itself, the role of the county's leading figures was thus merely to constitute the grand jury in the same manner as they did at the assizes. They did not conduct the trials neither find the verdict nor pronounce the sentence. Their role

was simply to decide whether the weight of evidence against the accused was sufficient that there was a case to answer. Thereafter their involvement ceased. Conducting the trials, formulating and pronouncing a sentence, was the province of the three judges appointed by the government, whilst the actual verdicts were delivered by the petty juries drawn from the ranks not of the gentry but of the rural middle class. The gentry's presence as grand jurors was largely symbolic or as judge Vaughan put it, "to shew that the County is ready to unite with the government in putting down the disturbances".[122]

One must seek an alternative explanation as to why the special commissions which followed that at Winchester appeared more lenient in their justice other than the simplistic one that the Hampshire gentry were more revengeful.[123] Clearly the answer must lie with either the judges or the juries. The latter however were in some cases suspected by the judges in Hampshire of being predisposed to act leniently. Some were discharged on these very grounds.[124] It nevertheless remains striking just how many of those tried at the special commission were acquitted, 35% as compared with 25% for the average quarter sessions in the county. There can be no doubt therefore that the severity or otherwise of the special commission was entirely the result of the policy of the judges who conducted it. They had two objectives: to outline the potential severity of the law and to provide some examples of that severity at a time after all, when it was by no means clear that Swing had blown its course in the country as a whole. The special commission at Winchester in short was intended for a national and not merely a local audience, to serve as a warning to the potentially ill-disposed of the penalties which could befall them. Wellington saw this very perspective when he wrote that "the Conviction and Punishment of a few will I think secure the tranquillity of this County, and will not be useless to our neighbours".[125]

The present survey has attempted to expose a number of myths. Whilst the Hampshire leaders' response to ameliorate the lot of the labourer in the years preceding Swing was hardly sufficient, it would be untrue to say that their lack of sympathy for the labourer meant that the events of swing took them completely by surprise. Generally the magistrates did initially see the riots as being grounded upon economic discontent. This in turn dictated the nature of their response.

Whilst troops were often present to assist them, they were rarely used; and whilst some magistrates did exhibit the traditional shortcomings of their ilk, the dispersal of the riots was usually undertaken by the magistrates themselves. Their initiative moreover was taken independently of any prompting from the lord lieutenant and also before the issue of Melbourne's circulars from the Home Office on 25 November commanding them to act more energetically.[126] As a result of the magistrates' activity, a good many of the ringleaders in the various centres of disturbance were committed for trial. But magistrates no less than the labouring population subsequently saw fit to petition against the severity of the verdicts at some of the resulting trials.

Not all the county's magistrates of course were involved in the dispersal of the riots. The bulk of the work fell to between 60 and 80 of the 150 who might technically have lent assistance. The activity of the 60 to 80 in turn varied in degree from those who led the charge against a body of several hundred to those who exerted themselves by simply appending their signature to a committal warrant. The present survey has necessarily confined itself to a consideration of the most active. The latter are not particularly distinguishable by either age, their length of service as magistrates or by their political affiliations. What is striking however about Sir William Heathcote, John Fleming, John Bonham-Carter, John Mills and William Sloane-Stanley is that they were all substantial landowners, the natural leaders of their local community. They acted and certainly led the county's response to Swing at least as much because they were the county's social leaders as because they were magistrates or deputy lieutenants. They, in recognising their duty as the county's socially prestigious to lead its population against the threat of disorder, filled the void created by Wellington's absence. Without them, the ordinary magistrate would surely have found the task of restoring order immensely more difficult. Lesser magistrates like Dr. Godden Jones or the Rev. Dr. W.H. Newbolt might be assaulted by a mob, but the reaction of a labourer-rioter in face of the local magnate was one of deference. Sloane-Stanley commented upon the deference shown him by rioters who recognised him. Heathcote's mere presence in his Hursley parish prevented a mob from forming there.[127] The arrival of the Barings in the county was similarly enough to turn erstwhile poachers into gamekeepers as Francis Baring recorded in arriving at Stratton Park to find "my father (Sir Thomas) at the head of tag, rag, and bobtail

looking all very gallant with laurel leaves in their hats - many of them the very fellows who had broken his machinery".[128] Wellington therefore, as ever, seized upon the essentials of what had happened in Hampshire during Swing when he wrote that "it is astonishing how soon the country was tranquillised, and that in the best way, by the activity and spirit of the gentlemen".[129]

Footnotes to Chapter Six

1. H.O.52/7, James Rickman to Melbourne, 23 November 1830.
2. J.L. and Barbara Hammond, The Village Labourer 1760-1832. Besides the former, the two most important accounts of events are E.J. Hobsbawm and George Rudé, Captain Swing, and Alice Colson, 'The Revolt of the Hampshire Agricultural Labourers and its Causes, 1812-1831', Univ. of London M.A. Thesis.
3. H.O.52/7, memorandum to Melbourne of 20 November 1830.
4. This is particularly true of J.L. and Barbara Hammond, op. cit., passim.
5. W.MSS., 4/2/4, Quarrier to John Fleming, 23 October 1830.
6. Hobsbawm and Rude, op. cit., chapters one to four; Colson, op. cit., chapters two to five; R.A.E. Wells, 'The Development of the English Rural Proletariat and Social Protest, 1700-1850', Journal of Peasant Studies, VI(1979), pp.115-139.
7. W.MSS., 4/1/1/60, Wn to Fleming, 20 December 1829.
8. Ibid., 4/1/1/61, Fleming to Wn, 26 December 1829. For ultra-Tory views on the currency see Boyd Hilton, Corn, Cash, Commerce. The Economic Policies of the Tory Governments 1815-1830, pp.131-132. For modern support for Fleming's view on the course of Poor Law expenditure see Mark Blaug, 'The Poor Law Report Reexamined', Journal of Economic History, XXIV (1964), pp.229-245.
9. W.MSS., 4/2/3, Robert Pate to Wn, 4 December 1830.
10. HC, 16 May 1825.
11. For example, ibid., 6 January 1823 and 23 April 1827.
12. R.F. Bigg-Wither, Materials for a History of the Wither Family, p.62.
13. Baring MSS., deposit 189, Wn to Ashburton, 9 April 1841.
14. 'Report from the Select Committee on Criminal Commitments and Convictions...', Parlt. Papers, 1826-7 (534) VI, pp.56-58.
15. Fleming MSS., 102M71/E.51; W.MSS., 4/1/2/2/5., Fleming to Wn, 21 November 1830.
16. Ibid., 4/1/2/2/43, Wn to John Mills, 3 December 1830.
17. HC, 28 July and 4 August 1823.
18. Ibid., 12 June 1826. On the formation of the society, ibid., 6 and 13 December 1824. See also W.MSS., 1/791, letters from Fleming to Wn of 19 and 25 August and 25 September 1824.
19. HC, 25 October 1830.
20. On these and other matters P.H.J.H. Gosden, The Friendly Societies in England 1815-1875, passim, but especially pp.52-55.
21. HC, 25 October 1830.
22. David Roberts, Paternalism in Early Victorian England, p.124.
23. Andrew Charlesworth, 'The Development of the English Rural Proletariat and Social Protest 1700-1850: A Comment', Journal of Peasant Studies, VIII (1980), pp.101-111. But see also the rejoinder by R.A.E. Wells, ibid., pp.514-430.

24. For an entirely cynical view of paternalism which proceeds from these points see E.P. Thompson, 'Patrician Society, Plebian Culture', Journal of Social History, VII (1974), pp.382-405.
25. HC, 20 January 1817 and 19 May 1821.
26. See Robert Pate's letter above, note 9.
27. Cited in Andrew Charlesworth, Social Protest in a Rural Society: The Spatial Diffusion of the Captain Swing Disturbances of 1830-1831, p.32.
28. See above, chapter one, pp. 16-17.
29. Wellington himself is an excellent example of someone who held such beliefs, W.MSS., 1/799, Wn to Fleming, 23 August 1824.
30. Hobsbawm and Rudé, op. cit., chapters five to nine.
31. Ibid., p.117. The best press accounts on which the following paragraphs are based are HC, 22 and 29 November 1830; HA 20 and 27 November 1830.
32. Hobsbawm and Rudé, op. cit., pp.119-120. Significantly the details of what took place at Selborne and Headley were not recorded in the press - surely a matter of deliberate press censorship.
33. See for example Bonham-Carter MSS., 94M72/F.15, J.J. Hugonin to Bonham-Carter, 24 November 1830.
34. HA, 27 November 1830; HC, 29 November 1830.
35. HA, 27 November 1830; A.T. Patterson, A History of Southampton, 1700-1914, vol I, pp.154-155.
36. Hobsbawm and Rudé, op. cit., p.121.
37. HA, 27 November 1830; HC, 29 November 1830. On Coote see Andrew Winser, 'Lieut. General Sir Eyre Coote: 1726-1783', The Hatcher Review, II, No.15(Spring 1983), pp.218-227.
38. The following paragraph is based upon Hobsbawm and Rude, op. cit., pp.118-119; HA, 27 November 1830; HC, 29 November 1830.
39. George Rudé, 'English Rural and Urban Disturbances on the Eve of the First Reform Bill, 1830-1831', Past and Present, No. 37 (1967), p.100.
40. W.MSS., 4/1/2/2/50, Malmesbury to Wn, 7 December 1830.
41. Ibid., 1/1158, Wn to Malmesbury, 6 December 1830.
42. H.O.52/7, J.I. Lockhart to Melbourne, 26 November 1830.
43. Ibid., Malmesbury to Melbourne, 28 November 1830. Wellington too was at first uncertain of what had caused the riots. See W.MSS, 4/2/6, Wn to Melbourne, 27 November 1830.
44. Ibid., 4/1/2/2/58, Wn to Sir Herbert Taylor, 30 December 1830. Hobsbawm and Rudé, op. cit., p.245 note that of 133 Hampshire prisoners with known professions, 30 were craftsmen.
45. See below chapter ten, pp.287-291. H.O.40/27/5, Heathcote to W.E. Tallents, 31 December 1830. For a good example of how Swing and the Reform Bill agitation became synonymous in the memory see F. Awdry, A Country Gentleman of the Nineteenth Century, p.41 where the author relates the events of Swing to "The spirit that brought about the first Reform Bill..."
46. Andrew Charlesworth, The Spatial Diffusion of the Captain Swing Disturbances, passim.
47. Hobsbawm and Rudé, op. cit., chapter ten, especially pp.205-211.
48. H.O.52/7, Quarrier to Melbourne, 26 November 1830; W.MSS, 4/1/2/2/49, Malmesbury to Wn, 5 December 1830; H.O.52/7, John Mills to Melbourne, 26 November 1830.
49. W.MSS., 4/1/2/2/34, T.A. Smith to Wn, 28 November 1830.
50. Charlesworth, The Spatial Diffusion..., especially pp.32-37.
51. W.MSS., 4/1/2/2/34, T.A. Smith to Wn, 28 November 1830.
52. PR, 16 June 1832.

53. W.MSS., 4/1/4/3/32-4; HI, 3 and 10 November 1849.
54. F.T.B., pp.78-79. See also the tithe apportionment for Micheldever in Hampshire Record Office.
55. H.O.52/7, Lee to Peel, 18 November 1830.
56. Ibid., Lee to Peel, 19 November 1830; ibid., Leeke to Peel, 21 November 1830.
57. This paragraph is based largely on Bonham-Carter MSS., 94M72/F.15. A number of these letters are reproduced in Victor Bonham-Carter, In a Liberal Tradition, pp.59-62.
58. See his report of affairs to the Home Office, H.O.52/7, Bonham-Carter to Melbourne, 26 November 1830.
59. Ashburton MSS., 100M70, Bingham Baring to his wife, 25 November 1830.
60. H.O.52/7, Sloane-Stanley to Melbourne, 23 November 1830; ibid., J.I. Lockhart to Melbourne, 26 November 1830.
61. The following paragraph is based upon HA, 27 November 1830; W.MSS., 4/1/2/2/5, Fleming to Wn, 21 November 1830; Ashburton MSS., 100M70, Bingham Baring to his wife, 25 November 1830.
62. HC, 29 November 1830.
63. H.O.52/7, Sir C. Hulse to Melbourne, 28 November 1830; ibid., Coote to Melbourne, 26 November 1830; W.MSS., 4/2/6, John Mills to Wn, 28 November 1830. Hitherto it has generally been believed that the only fatality during Swing was in Wiltshire; Hobsbawm and Rudé, op. cit., pp.125-126.
64. See the splendidly dramatic account in H.O.52/7, John Mills to Melbourne, 26 November 1830.
65. HA, 27 November 1830; HC, 29 November 1830; W.MSS., 4/1/2/2/14, Hunter to Wn, 23 November 1830; ibid., 4/1/2/2/15, Wn to Melbourne, 23 November 1830.
66. H.O.52/7, Sir H.W. Wilson to Melbourne, 26 November 1830.
67. H.O.52/17, William Arthur to Melbourne, 11 February 1833.
68. H.O.52/7, Memorandum to Melbourne of 20 November 1830. See also Sir Lucius Curtis to Melbourne, 21 November 1830 and E.W. Blunt and William Iremonger to Melbourne, 21 November 1830.
69. HC, 22 November 1830; H.O.52/7, Newbolt to Melbourne, 10 December 1830.
70. W.MSS., 4/1/2/2/2, Heathcote to Wn, 20 November 1830.
71. Ibid., 4/1/2/2/4, the same to the same, 21 November 1830; H.O.52/7, Sloane-Stanley to Melbourne, 22 November 1830; HC 29 November 1830.
72. W.MSS., 4/1/2/2/9, Buckingham to Wn, 22 November 1830.
73. Ashburton MSS., 100M70, Bingham Baring to his wife, undated (? 22 November).
74. W.MSS., 4/1/2/2/10, Buckingham to Wn, 22 November 1830.
75. Cited in F.C. Mather (ed.), Chartism and Society, pp.146-149.
76. Sturges-Bourne MSS., 9M55/F.8, Angela Sturges-Bourne to Marianne Dyson, 13 December 1830.
77. For a fuller discussion of the main instruments of public order, see above chapter two, below chapters seven and eight; and appendix D.
78. H.O.52/7, J.I. Lockhart to Melbourne, 12 December 1830.
79. W.MSS., 4/1/1/1, Fleming to Wn, 2 December 1828; ibid., 4/1/2/1/19, Sir H.B.Neale to Wn, 30 August 1830; ibid., 4/1/1/23, Richard Pollen to Wn, 9 May 1829; ibid., 4/1/1/3, Wn to Lyndhurst, 8 January 1829.
80. Ibid., 4/2/3, Wn to C.F. Williams, 11 December 1830.
81. The dispute can be followed in ibid., 4/2/3, passim.
82. Ibid., 4/1/2/1/24, Daniel Quarrier to Wn, 27 September 1830.
83. H.O.52/7, Leeke to Peel, 21 November 1830; ibid., Lee to Peel, 19 November 1821.

84. Ibid., George Lovell to Melbourne, 21 November 1830. The other was R.B. Cox.
85. Namely Bonham-Carter and Bingham Baring although in fairness there is no evidence that such concern impeded the discharge of their magistrate duties.
86. W.MSS., 4/1/2/2/42, Mills to Wn, 3 December 1830.
87. H.O.41/8, S.M. Phillips to W.H. Newbolt, 11 December 1830.
88. Ashubrton MSS., 100M70, two letters from Bingham Baring to his wife, 25 November 1830 and one undated.
89. H.O.40/27/5, Mair to Melbourne, 16 December 1830.
90. H.O.52/7, Newbolt to Melbourne, 10 December 1830.
91. W.MSS., 4/1/2/2/1, William Portal to Wn, 20 November 1830. See also H.O.52/7, Mills to Melbourne, 1 December 1830 for a similar complaint.
92. W.MSS., 4/1/2/2/10, Buckingham to Wn, 22 November 1830; H.O.52/7, Mills to Melbourne, 26 November 1830. Note also the disastrous effects of the magistracy's failing to provide such a lead at Andover.
93. W.MSS., 4/2/6, Mills to Wn, 28 November 1830.
94. A Report of the Proceedings at the Special Commission..., pp.83-84.
95. For example, H.O.52/7, Bonham-Carter to Melbourne, 25 November 1830.
96. Ibid., James Rickman to Melbourne, 23 November 1830.
97. This paragraph is based primarily upon the various reports to be found in HC, 22 and 29 November, HA, 27 November 1830.
98. H.O.52/7, Richard Pollen to Melbourne, 26 November 1830.
99. Ibid., J.I. Lockhart to Melbourne, 26 November 1830; HC, 29 November 1830.
100. Bonham-Carter MSS., 94M72/F.15, Bonham-Carter to his wife, 24 (?) November 1830.
101. H.O.52/7, Richard Pollen to Melbourne, undated (24 November 1830?).
102. Ibid.
103. H.O.40/27/5, Mair to Melbourne, 16 December 1830 for the view of a military expert on the dangers of stationing troops in a locality for longer than was necessary.
104. H.O.52/7, E.W. Foster to Melbourne, 26 November 1830 and a memorandum of 24 November 1830 from the Andover magistrates.
105. Hobsbawm and Rudé, op. cit., p.255.
106. E. Longford, Wellington. Pillar of State, pp.259-260.
107. W.MSS., 1/1100, Wn to Buckingham, 20 November 1830.
108. For example, ibid., 4/1/2/2/11, Wn to Melbourne, 22 November 1830, and ibid., bundle 4/1/2/2, passim.
109. H.O.52/7, Pollen to Melbourne, undated (24 November 1830).
110. W.MSS., 4/1/2/2/21, Wn to Melbourne, 25 November 1830; HC, 29 November 1830.
111. Longford, op. cit., p.260; W.MSS., 4/1/2/2/29, Sir Henry Fane to Wn, 26 November 1830.
112. F.T.B., p.74.
113. Above, pp. 174-175.
114. W.MSS., 4/1/2/2/17, Melbourne to Wn, 25 November 1830.
115. Ibid., 4/1/2/2/4, Heathcote to Wn, 21 November 1830; F.T.B., p.74.
116. J.L. and Barbara Hammond, op. cit., pp.254 ff. especially p.278.
117. Figures from Hobsbawm and Rudé, op. cit., p.308.
118. H.O.52/7, Richard Pollen to Melbourne, 26 November 1830.
119. W.MSS., 4/1/2/2/10, Buckingham to Wn, 22 November 1830.
120. HC, 3 and 10 January 1831 for petitions for clemency in the county.
121. H.O.40/27/6, Sir Thomas Baring and Sir William Heathcote to

Melbourne, 8 December 1830; H.O.41/8, S.M. Phillips to W.E. Tallents, 11 December 1830.

122. See Vaughan's charge to the grand jurors in A Report of the Proceedings..., pp.6-16. To say that the Hampshire magistrates were responsible for the severe sentences is equally inconsistent with the fact that they too subsequently petitioned for leniency in individual cases, HC, 11 April 1830.

123. For the special commissions, Hobsbawm and Rudé, op. cit., pp.258-261.

124. H.O.52/13, Quarrier to Melbourne, 24 March 1831.

125. W.MSS., 4/1/2/2/26, Wn to Carnarvon, 26 November 1830. One would not however seek to deny that the judges miscalculated given the popular revulsion which followed their work.

126. Hobsbawm and Rudé, op. cit., p.256.

127. H.O.52/7, Sloane-Stanley to Melbourne, 21 November 1830; HC, 29 November 1830.

128. F.T.B., p.75.

129. Hobsbawm and Rudé, op. cit., p.255.

CHAPTER SEVEN

THE YEOMANRY CAVALRY

Volunteer corps originated as an auxiliary to the regular army during the Napoleonic Wars. Raised by the lord lieutenant from 1794 onwards, they consisted of both infantry and cavalry troops. By making the volunteers responsible for the preservation of public order in their county, the government was enabled to release troops for more pressing purposes abroad.[1] But the system suffered from inherent weaknesses. The troops, sustained by a praiseworthy mixture of patriotism and local subscriptions, were an essentially amateurish force. So too, by definition, a force that was predicated on the principles of voluntaryism and localism - even to the extent that each troop determined its own rules and regulations - stood little chance of becoming a national organisation instilled with proper military discipline.

During the War, Parliament not surprisingly attempted to iron out some of the most glaring defects in the volunteer system, most conspicuously in Pitt's Volunteer Consolidation Act of 1804.[2] This provided for the formation of the individual troops into brigades and regiments, stipulated that rules and regulations be sanctioned by the crown, conferred greater disciplinary powers upon the commanding officers, and required that each troop perform an annual period of permanent duty and exercise. Glaring defects nevertheless remained. Fortescue's survey of the years down to 1815 concluded that "the tone of the entire force was parochial or at best provincial, never national".[3]

Legislation might have achieved more had it not been for the fact that an important stimulus to reform was removed following the crushing naval victory of Trafalgar in October 1805 which banished all fears of a French invasion. Trafalgar catalysed the moves begun in 1804 with the arrival of Windham at the War Office intent on a policy of retrenchment, towards reducing the number of volunteers.[4] Windham's first priority was, quite rightly, less to prepare a force which could assist in repelling an invasion, than in devising a militia system which would ensure a regular flow of recruits to the British army in Europe. A gradual reduction of the volunteer bodies was followed in 1813 by a wholesale revision. The volunteer infantry were in most instances disbanded, leaving only the volunteer yeomanry cavalry.

The legislative basis of the yeomanry corps which survived in the post war era remained Pitt's Volunteer Consolidation Act of 1804. This laid down that a troop should consist of at least 40 privates together with their N.C.O.s and officers. To retain their efficiency and to qualify them for government grants which had been introduced in 1803 the troop had to assemble each year either for six days permanent duty or 14 days for a less rigorous regimen of training and exercise. Melbourne, when Home Secretary in 1834, issued a circular reducing the latter to eight days.[5] These annual manoeuvres involved a good deal of bureaucracy. Permission for a corps to assemble had to be sought by each troop's commander from the Home Office via the lord lieutenant. A similar round of correspondence was necessitated upon the completion of the permanent duty or exercise, and also when the government decided that regular army officers would conduct an inspection (usually annual) of the corps. Wellington once declared to the House of Lords that this paperwork, together with additional correspondence to the Ordnance on matters respecting the equipping of the troops and to the Home Office and clerk to the lieutenancy in respect of new or vacant commissions in the troops, comprised more work than was necessitated by a professional regiment of 300 to 400 men.[6]

The yeomanry usually assembled either in the spring or after the harvest in August and September. On these occasions they would be attired in uniforms supplied by the Ordnance. The Ordnance also supplied them with pistols, a limited number of carbines (12 per troop), sabres, sabre belts, trumpets and bugles. At the successful completion of their training or duty, the troop was entitled to two shillings per day per man and a further one shilling and sixpence per day for each horse. Besides this there was an annual grant of three pounds per man to cover clothing, appointments and other contingencies.[7]

Surprisingly little work has been done upon the yeomanry. For the years prior to 1815, a certain amount of information can be extracted from Sir John Fortescue's voluminous history of the British army.[8] Beyond this, there are only two articles of any consequence but these are essentially narrative rather than analytical in approach.[9] The present intention is to say something about the place of the yeomanry in society after 1815, when, whatever its original purpose, its raison d'etre was as an instrument of public order available to, and run by, the county authorities.

If there is a single image of the yeomanry cavalry after Waterloo,

it undoubtedly springs from the August day of 1819 when the Manchester yeomanry are alleged to have killed 11 people and injured over 500 others.[10] There can be no doubt that the memory of Peterloo helped fuel the seemingly damning Radical case against the institution over the succeeding generation. To the charge of brutality Henry Berkeley in 1850 added incompetence, heavy-handedness and somewhat inconsistently, timidity. As a constabulary force, he concluded, the yeomanry was altogether useless. For the dubious benefits to be gleaned from keeping this body of quasi-militarised farmers in being, "this pet toy of the landocracy and aristocracy - this mimicry of war", the tax-paying nation was called upon to find £81,000 annually, irrespective of a further invisible £20,000 lost on account of the yeoman's being exempt from horse duty.[11] Neither Berkeley's speech, nor the occasion of it, were novel. Joseph Hume had used the same occasion of the debate on the military estimates to raise the question of its efficacy intermittently for the previous two decades.[12] Sir Charles Napier was a third Radical, albeit one possessed of undeniable military acumen, who was critical in his assessment of the institution.[13] The present survey of the Hampshire yeomanry cannot attempt to substantiate or refute all these criticisms: the Hampshire yeomanry may have been disposed to act brutally, but since they were never called out to disperse a mob one cannot finally say. Neither would one at the other extreme seek to concur in Major Teichman's conclusion that the yeomanry alone stood between order and anarchy in Britain for a period of 70 years.[14] What one can hope to show is that the Radical picture in places inclined to be a stereotype, and that the yeomanry played a far more important part in the history of nineteenth century policing, than has hitherto been realised.

The Hampshire Yeomanry Before 1830

The level of support for the volunteer movement in Hampshire during the first decade of the nineteenth century was impressive. Between 1803 and 1813, troops of volunteer infantry or yeomanry were established in at least 34 towns and villages. At full strength they could have mustered over 2,500 men.[15] As a result of the reductions of 1813, however, only a shadow of the volunteer yeomanry cavalry remained by the time that Wellington succeeded to the lieutenancy in 1820. As Table 7.1 shows, the surviving force betrayed a discrepancy between its actual and its establishment strength, the North Hants regiment being closest to its

full complement, the Dogmersfield troop conversely being almost non-existent.[16]

TABLE 7.1 The Hampshire Yeomanry, 1821

Corps	Strength	Establishment
Dogmersfield	2	64
Fordingbridge	33	44
North Hants (or Basingstoke)	121	151
South Hants (or Christchurch)	365	424
South East Hants (or Pokesdown)	96	156
Isle of Wight	113	142
	630	981

Despite its complement of 630 men, the general impression one gets of the Hampshire yeomanry during the 1820s is one of a force which, because of an end to the war, had lost its raison d'etre. At no time between 1820 and 1828 did Wellington or the county magistrates call upon the services of the yeomanry to assist the civil power.[17] The only proof most Hampshiremen would have had of its existence were the annual trainings and exercise, or when the death of an erstwhile member of the yeomanry occasioned a funeral procession by his colleagues which was quasi-military in style. The anniversary dinner held by the first Christchurch troop of the South Hants during the 1820s was decidedly untypical of the sentiment which could still be aroused by belonging to the yeomanry in the county as a whole.[18] Charles Shaw-Lefevre, the colonel of the North Hants, was more typical in confiding to Wellington in 1823 that it would be an achievement to retain the regiment at its existing strength, let alone to increase it: "many of our non commissioned officers & privates are rendered almost ineffective by age and infirmity - and the present facility of procuring a substitute for the militia and the reduction & composition of the assessed Taxes have so far diminished the privileges of a yeoman as to make it difficult to find recruits and to secure their punctual attendance in the field".[19] There was consequently little opposition in the county to the news that the Government was making a fresh reduction in the numbers of the yeomanry at the end of 1827.[20] Wellington encouraged Lefevre to make a last effort at rejuvenating the North Hants in the spring of 1828, but the latter had to report that the task was impossible. Only 94 men could be prevailed upon to remain in the regiment "nor can we ensure a force numerous or effective enough to be of any

decided use in case we are called out on active service".[21] The North Hants consequently shared the fate of the rest of the Hampshire yeomanry and was disbanded. In the country as a whole by 1828 all that remained of the 170 troops in existence in 1827 were 20 troops concentrated primarily in the manufacturing districts.[22]

It is on the face of it remarkable that within three years of the unmourned passing of the yeomanry, the country gentlemen of Hampshire should be loud and unanimous in their cry for it to be re-established. The explanation for the metamorphosis is simple enough - the cataclysmic shock administered to them by the labourers' risings of November 1830. The meeting of magistrates and deputy lieutenants in Winchester on 25 November 1830 in the momentous week of the riots, agreed as one of its resolutions, the necessity of raising the force anew.[23] In face of a similar call from other riot affected counties, the Whig government acquiesced, the Home Secretary Melbourne being as anxious as Wellington that this show of gentlemanly enthusiasm should be harnessed before it evaporated.[24] The new distribution and strength of the yeomanry in Hampshire was as follows:

TABLE 7.2 Hampshire Yeomanry, 1830-1831

Name	Establishment	Commanding Officer
Andover (2 troops)	92	T.A. Smith (1831-1853)
New Forest East troop (Cadland)	69	A.R. Drummond (1831-1838)
New Forest West troop	85	H.C. Compton (1831-1838)
Fordingbridge troop	68	E. Coote (1830-1834); Earl of Normanton (1834-1838)
North Hants regiments (6 troops)	457	C.S. Lefevre (1831-1858)
Romsey troop	56	W.S. Stanley (1831-1838)
North Avon troop	69	J. Mills (1831-1838)
South Avon troop	69	Viscount Fitzharris (1831-1838)
Lymington troop	78	P. Taylor (1830-1831); F.R. West (1832-1833); W.A. Mackinnon (1834-1853)
	1043	

The Hampshire Yeomanry after 1830

Despite Melbourne's eagerness to canalise the enthusiasm of gentlemen to assist in the preservation of law and order in 1830, he was not certain that the yeomanry would prove the best medium through which to attain

his objective. There was a danger, he remarked, of "being hurried by the gentlemen of the moment into the adoption of any expensive & comparatively inefficient system, which it may not be easy to get rid of".[25] The observations were prophetic, for during the following decade the Hampshire yeomanry was to be subject to the same sort of problems, and exposed to the same sort of criticisms, which the yeomanry generally had experienced since the 1790s. These were chiefly threefold. First, there was the difficulty of maintaining its numerical strength; second, the various troops continued to be prone to jealousies with neighbouring troops; and third, troops were still allowed to determine their own rules with, it was alleged, a serious impairing of their efficiency. It is worthwhile to consider each of these points in turn.

There is little doubt that Melbourne was right in his estimation that the enthusiasm manifested in 1830 to join the yeomanry was transient rather than permanent. As early as January 1831 Lefevre was complaining that "so many persons who promised to join in the hour of danger have proved faithless".[26] A more exact definition of the faithless was provided by William Sloane-Stanley, captain of the newly raised Romsey troop: "I am sorry to say that the smaller class of farmers have not shown that eagerness to enroll their Names, that I should have expected from the attacks made lately on their Property".[27] Sloane-Stanley had perhaps inadvertently hinted at one reason for the reluctance. Now that the yeomanry had been established to combat an internal, even a local threat, as opposed to that of foreign invasion, small farmers might perhaps have been wary of joining a force, belonging to which might make them unpopular and mark them out as targets for future incendiaries.

The potential recruit had, in other words, to balance the advantages against the disadvantages of enrolling. On the whole the disadvantages weighed heavier in the scale than they had done during the war. As Lefevre had pointed out, the incentive of joining the yeomanry to evade militia service no longer operated. The militia was all but discontinued after 1829. The incentives to join the yeomanry were really only four in number: the fear of public disorder during the early 1830s, the attractions of a free uniform and arms, a sentiment of patriotism, and the exemptions from horse and hairpowder duty, and from tolls incurred on the way to training and exercise.[28] These factors had to be offset against running the risk of unpopularity, the possibility of falling foul of the troop's rules and therefore being subjected to fines; and by the knowledge that

the autumn assembly of the troop could easily coincide with the harvest. T.A. Smith, captain of the Andover troop, was in no doubts as to where the balance of the argument lay: "It really is quite impossible for small farmers to leave their business & homes - and they have already the great Hardship of being obliged to attend or fines - & there is now no inducement whatever to remain in their corps, excepting thro' any respect they may have for their commanding officers". On more than one occasion he re-scheduled the dates of assembly for his two troops, so as to avoid their coinciding with Appleshaw and Weyhill fair, convinced that if he did not, the force at his command would simply disintegrate.[29] The balance of factors outlined suggests that there was a good deal of truth in Smith's disingenuous analysis, and that the key determinant for most yeomanry recruits was their degree of emotional attachment for their local troop and its commander.

In fairness it must be admitted that, catalysed by the atmosphere of emergency in which they were raised, most of the Hampshire troops experienced few protracted difficulties in obtaining their initial complement of men. The sense of emergency could not however overcome the jealousies between (and sometimes within) troops which would have facilitated their formation into regiments. This phenomenon was particularly noticeable in south Hampshire, where the seven troops finally raised in 1830-1831 effectively consisted of the constituent troops of the old South Hants regiment, which it had initially been anticipated would have been reformed. But Wellington and the erstwhile colonel of the regiment Sir George Rose, quickly conceded that this objective, however desireable it might have been from the point of view of organisational efficiency, would have to be sacrificed to the primary objective of obtaining recruits.[30] Volunteers were enrolled on the distinct understanding that they would not be called upon to form part of a regiment. This was, as the Earl of Malmesbury explained, in part because a regimental formation could involve the privates travelling long distances for training and exercise, but primarily because "they might not like the person they <u>might</u> be put under".[31] The only advance towards a larger formation was the alliance of the North and South Avon troops into a single valley of the Avon squadron.

A good specific instance of the frictions which could arise between neighbouring troops occurred in 1837. At root it was a dispute arising from the South Avon and Fordingbridge troops competing for recruits in

the same district, a district which was simply not large enough to supply both. Tension therefore developed which inevitably led to the mutual allegations that each was poaching men from the other's natural catchment area. Relations were not improved by the fact that the Earl of Normanton had served as a cornet in the South Avon before becoming captain of the Fordingbridge troop in 1834, whereupon he had insisted that members of his tenantry enrolled in the South Avon resign and re-enlist with the Fordingbridge. The ensuing correspondence between Normanton and the captain of the South Avon, John Mills, was described as adding to "a feeling of rivalry very inconsistent with the harmony of the neighbourhood", and which for a while threatened the continued existence of both troops. It took the intervention of Wellington himself and his insistence upon mutual concession before the matter was resolved. The episode was nevertheless illuminating in revealing the existence of informally agreed limits to a yeomanry troop's territory, which were as jealously guarded as the unwritten conventions which dictated the limits of hunting countries. The parallel was not lost upon Mills, one of whose complaints against Normanton was that "As an old foxhunter he ought to see that he is drawing the courts not belonging to his country".[32] For Mills the convention was so strong that in his opinion even the tie between Normanton and his tenants should not be allowed to breach it.

One cannot fail to observe that the general jealousies which prevented the formation of a South Hants regiment in 1830 and the particular one which provoked the quarrel between the Fordingbridge and the South Avon troops, were not to be found in north Hampshire. The five troops of the North Hants regiment were designated simply as A, B, C, D and E, a clear demonstration that the centre of loyalty was emphatically the regiment, as opposed to anything more localised. Not one voice was raised against the decision to reconstitute the old North Hants regiment in 1830. But why was this? It is clear that each troop had its own catchment area as in the south,[33] whilst some members of the regiment undoubtedly had as far to travel to a training at Winchester as members of a South Hants regiment would have had in travelling to one at Southampton. The reasons for the difference would appear to be twofold. First, the old South Hants regiment, it was generally agreed, had suffered from the defect of having had too many troops. The inevitable competition for manpower which resulted embittered relationships between the troops and heightened their sense of a separate identity.[34] Second, and more impor-

tantly, the existence of a North Hants regiment surely reflected the greater social and political cohesion to be found amongst the leading families in that part of the county. The Earl of Malmesbury, it will be remembered, had advanced as an argument against the establishment of a South Hants regiment in 1830, that recruits would be wary and jealous of who might command it. This is understandable when one appreciates that the person being most widely tipped for the colonelcy was the unpopular Tory county Member John Fleming.[35] There could be no such fears in the north where the obvious colonel was the popular Whig Charles Shaw-Lefevre, since he had been colonel before the regiment was first disbanded, and his father had been responsible for the regiment's creation. Moreover, the regiment's second in command, Major Sir William Heathcote, was a no less popular Tory bastion in north Hampshire. At least one of the two was a county Member between 1825 and 1857 and they actually sat together as the Whig and Tory Member for North Hampshire respectively between 1837 and 1849. It was only natural that the harmony between the two at the hustings on which occasions each invariably complimented the other, should be continued on a more permanent basis in command of the yeomanry.[36]

It is clear from his correspondence that Wellington's chief criticism of the Hampshire yeomanry was not that it proved difficult to find recruits, nor that its various troops were predisposed to squabble amongst themselves, but rather that they were not subject to true military discipline. Above all he disliked the power vested in the troops collectively of fixing their own rules and of influencing the selection of their officers. "It is quite impossible" he once wrote, "that any military Body so organised can render any Efficient Service. They would be formidable only to the peace of the county and to themselves". Any troop captain who wrote to Wellington relating details of disagreements between himself and his men, even on such trivial matters as which local tradesmen should supply the troop, was told by the Duke to insist upon their own decision being followed.[37] This, he assured them was the only means by which discipline might be ensured.

Military historians such as Fortescue have endorsed the Duke's verdict. Undoubtedly during the 1790s, the total lack of any central control over the rules of volunteer corps must have been detrimental to their efficiency.[38] On the other hand there is a danger in dismissing the practice too quickly. The Volunteer Consolidation Act of 1804 did after

all insist that rules must be sanctioned by the government and thus provided a legislative safeguard against excesses. But yet more fundamentally, one has to appreciate the philosophy which lay behind leaving the formulation of rules to the troop as a whole. That philosophy surely sprang from the practical realisation that the yeomanry was more a volunteer than a military body, and that the inducements to join it were few. The very existence of a troop depended upon the whims of its members. Through the mutually agreed rules of the troop, some attempt could be made to accommodate those whims. This might be achieved at the expense of enforcing a strict military discipline, but the alternative to allowing a troop to agree upon its own rules might in some cases have meant that there would simply have been no volunteers. This was a point which T.A. Smith, the captain of the Andover troops in changing the dates of his training so as to avoid a clash with the local markets, fully appreciated.[39]

One could go further and argue that the rules of a troop actually proved conducive both to its cohesion and its discipline. On the first point for example, one might note that Andrew Drummond's Cadlands troop operated a rule that any person wishing to join their number, had first of all to be approved by at least two thirds of the troop. This guaranteed a prima facie case for a harmonious membership and at least ensured that unpopular individuals would be prohibited from joining. This was a fact of some consequence when one considers that it was the lack of unity amongst members of the North Hants troop based around Basingstoke together with the unpopularity of a handful of its members which were given as the reasons for its demise.[40] As for the promotion of discipline by means of the rules of a troop, this was accomplished by the provision of fines for such offences as late or non-attendance, appearing in incorrect uniform or talking whilst on duty. Such fines were a hardship as T.A. Smith rightly pointed out, but they were in a sense self-imposed. There was surely no better way of instilling discipline into a volunteer yeoman than through his pocket.[41]

The Yeomen and their Officers

The discussion hitherto has made no attempt to analyse who comprised the leadership or rank and file of the various yeomanry troops. Fortescue asserted that the bulk of the early volunteers were labourers, but since he was referring primarily to the volunteer infantry, and made no attempt

to verify his assumption it is not one which can be readily accepted.[42] The yeoman after all needed to be possessed of a horse and this by definition suggests that he came from above the ranks of the agricultural labourer. Strictly, as Cobbett pointed out, a yeoman was someone engaged in agriculture who owned his holding as opposed to a farmer who merely rented it.[43] Perhaps the most popular image of the yeomanry private however, certainly amongst the Radicals, was that of the tenant farmer forced into enlisting and officered by, his landlord in what approximated to a nineteenth century version of a feudal retinue.[44] Clearly a more informed answer is required to the question of what sort of persons were to be found in the typical yeomanry troop.

The idea that the yeomanry was a militarised version of the landlord-tenant relationship is not without some foundation. T.A. Smith expressed his determination to enrol his tenantry in the Andover troops. The Earl of Normanton, it will be remembered, had some of his tenantry under his control in the South Avon troop and insisted that they followed him when he assumed the captaincy of the Fordingbridge troop.[45] Yet is is doubtful if more than a few landlords actually put direct pressure upon their tenants to enrol. Tenant farmers enrolled in the yeomanry because they were one of the obvious groups in a locality who could be expected to enrol. If their decision had anything to do with their landlords, then it was out of deference to the landlord's wishes, not through fear of him. The tenant farmers of Stratfield Saye, Wellington was informed, were reluctant to commit themselves to joining the North Hants until they knew the Duke's wishes on the subject.[46] But Wellington was more typical than exceptional as a landlord who declined to lay down a lead for his tenants. The Barings for example, who were keen to recruit 50 men from the combined acres of their Grange and Stratton Park estates conceded that it would be impolitic to pressurise unwilling tenants into joining their troop, since it would undermine the fundamental principle of voluntaryism. They saw only two ways in which landlord pressure might be successfully employed: to make yeomanry service a condition of tenantry, and for all the large landowners in a locality to make a collective effort to persuade their larger tenants to enrol. This would act as sufficient inducement for the smaller tenants to do likewise.[47] But the first course was impractical and the second unlikely to secure the requisite degree of landlord co-operation.

The yeomanry rank and file therefore comprised tenant farmers of

various sized landholdings who had generally come forward of their own free will. Whether or not they constituted all or even a majority of the privates in a troop however, depended upon the geographical location and social structure of the parishes on which its catchment area was based. The Baring dominated 'D' troop of the North Hants for example, must have comprised a high percentage of tenant farmers since the Barings were virtually the sole owners of Micheldever, East Stratton and Alresford parishes from where a good many of the recruits came. Three actually gave as their address 'the Grange' in the muster roll of 1845. Likewise 18 of 36 privates in the 'B' troop commanded by John Fleming junior came from North Stoneham parish, all of which was owned by the Flemings and the parish rector.[48] But in more open parishes the percentage of small owner occupiers in a troop would inevitably have been greater. It is clear too that rural tradesmen and indeed the rural middle class as a whole were to be found represented to a greater or lesser degree in every troop. Heathcote's troop of the North Hants reputedly consisted not of the tenants of Hursley Park but of the tradesmen of Winchester.[49] The only troop for which it is possible to obtain a full documentary analysis, the Lymington troop of the early 1830s, makes the point even more forcibly. Its privates consisted of eight butchers, seven yeomen, four gentlemen, three innkeepers, three surgeons, two esquires, two seedsmen, two half-pay officers, and one doctor, smith, grocer, coal-merchant, baker, linen-draper, currier, harness maker, timber merchant, trumpeter, quarter-master, half-pay lieutenant colonel and half-pay major.[50] Admittedly, Lymington was the most 'urbanised' of the various Hampshire troops but it does show that colonel Reid's was a balanced assessment when he asserted to Parliament in 1850 that the yeomanry consisted of "the most desireable kind of farmers and tradesmen of a superior description".[51]

The personality of the commanding officer of a yeomanry troop was of great importance. Malmesbury's point that the privates might not like the person they be asked to serve under in a possible South Hants regiment and T.A. Smith's that only respect for the commanding officer kept some troops intact, have already been cited.[52] Since, as has been argued, the rank and file was drawn primarily from the rural middle class, it therefore comes as no surprise to find that the officers were drawn overwhelmingly from the upper echelons of county society, thus confirming the idea that the yeomanry was a social as well as a military institution.

There is little doubt that country gentlemen much preferred a commission in the yeomanry to one in the militia. This was the conclusion of Francis Baring in weighing up the respective attractions of the two: "In peace it is true they (the militia) may happen to be called out to disperse a mob, when half a dozen shoemakers are magnified into a rebellion; but in war the utmost of their danger is a review in the Park or a parade....If the parade, bellaque matribus detesta entirely preclude the militia, the same objections cannot apply to the Yeomanry. They are never ordered out of the County, and are in general very respectably officered from the country gentlemen".[53]

Major Sir William Heathcote of the North Hants is the best Hampshire example of the sort of person Baring had in mind; an owner of 15,000 acres, an independent county Member, a chairman of quarter sessions, and with blood ties with several of his landed neighbours. In the words of his biographer, "The men who afterwards served together...in the Yeomanry had visited one another's homes as boys, playing and riding together, so as to know each others traditions and characters".[54] For Heathcote, the yeomanry was a form of leisure, a substitute for foxhunting. But he also conceived of such service as one of the burdens conferred upon him by his standing in county society, in the same way that he saw it as his duty to be present at quarter sessions and to submit to being selected as a county Member. The Earl of Normanton likewise and altruistically agreed to assume command of the Fordingbridge troop in 1834 because it was generally agreed that only he could maintain it in existence. Privately, Normanton described the task as being "more inconvenient than anything in the world".[55] Prestigious social, as opposed to efficient military leadership, could therefore be an essential precondition to a troop's existence in the same way that military discipline had to be sacrificed to an element of popular management. It is noticeable indeed, that the troop which experienced the greatest disciplinary problems during the period was the Lymington troop, which with the proliferation of tradesmen in its rank, and a non-resident borough Member at its head, least resembled a militarised version of rural society.[56] No less a person than Sir Richard Hussey Vivian who had commanded a cavalry brigade at Waterloo scotched rumours that he might become colonel of a South Hants regiment on the grounds that he lacked sufficient property in the county to qualify himself for such a position.[57]

Generally it is true to say that the troop captains tended to be

the largest resident proprietor of the district in which the troop was concentrated. They tended also to be active in county politics and in county government, pillars of Hampshire society such as Lefevre and Heathcote at the head of the North Hants regiment. The captains of the regiment's constituent troops were a no less impressive body including members of the Baring and Portal families, two of the county's aristocrats, and the Longs and Mildmays who belonged to the ranks of the greater gentry. In South Hampshire troop captains Fleming, Mills, Drummond, Fitzharris, Sloane-Stanley, Normanton and Compton all (with the exception of the last named) came from the ranks of the greater gentry. Taken together the 14 troop captains in 1834 could boast estates of 75,000 acres, or an average of 5,300 acres each. They included one earl, an heir to a earldom, an heir to a peerage and two baronets. All were deputy lieutenants. All but one were active magistrates. Two served as sessions chairman. Four at some point sat for the county. A further two had unsuccessfully contested a county seat. As many as seven had sat for a borough.[58] A more powerful collection of the county's leading landed, political and administrative figures would be difficult to imagine.

The Yeomanry Debate

It is possible to identify what might be termed a Conservative and a Radical case for the retention and abolition of the yeomanry respectively. Wellington was a typical and devoted spokesman for the former. The yeomanry he insisted, notwithstanding his qualms about the arming of civilians, was a constitutional and cheap force. Its great utility was that it involved and encouraged the public to rely upon their own efforts in combating civil disorder. It made active on the side of law and order the person who "might in other circumstances think his duty sufficiently performed by remaining at his own House for its defence and that of his family, or by remaining at his Club in his Town or village for its defence".[59] In Wellington's view the yeomanry needed not only to be retained but expanded during the 1830s in case such a major threat to public order such as the agricultural labourers' risings of 1830 were to recur and overwhelm the central authorities. For Wellington, the yeomanry was the ideal medium for rural community policing: "It unites the Nobility and Gentry of the Country with the middling and lower classes in the service of the Govt. in the way the least offensive to the feelings of others, and the least dangerous to the Govt and the Constitution of the

Country, at the same time that it preserves the peace and prevents outrage and riot...and in case of their occurrence affords to Govt the readiest means of suppression".[60] The Radical view disagreed with this interpretation at virtually every point. The yeomanry, it insisted was unconstitutional, expensive, oppressive, inefficient, socially divisive and a political tool of the Tory party. The case was stated succinctly by Hampshire's Reformer press organ, the Independent: "They are, unluckily, not very good as farmers - they are, luckily, not very expert as cut-throats. They are a kind of bastard race. Their parentage they know to be Tory....In every peasant he sees a traitor - in every hedge an ambuscade".[61]

One feels instinctively that both sides overstated their case. Both sides of the argument indeed, have already in part been shown to be fallacious. Wellington was wrong to depict the yeomanry as a paragon of social harmony, efficiency and popularity. He was perhaps right to see it as an institution which involved the civil population more than they would otherwise have been with the preservation of public order. The Radical argument meanwhile, leaves one struggling to resolve its inconsistencies: the yeomanry was useless but overreacted; the yeomanry was amateurish but resembled a standing army. Henry Berkeley for example followed his jest that the yeomanry was a "mimicry of war" with the assertion that as its members were farmers and protectionists, it would be used by its unscrupulous landlord officers to put down free trade.[62] The implication that the yeomanry was a political instrument however is palpably untrue, certainly of the Hampshire troops. Colonel Lefevre of the North Hants was a Whig, and one who at the 1832 county election had declared himself in favour of secret ballot and trienniel parliaments. He was not alone for at least five captains, five lieutenants and six cornets in the Hampshire yeomanry after 1830 were also Whigs or Reformers. This is not to deny that the Tories held a majority of the yeomanry commissions in Hampshire, by a proportion moreover of between two and three to one. It is not unreasonable to suggest that the privates were roughly of the same proportion as the officers in their political allegiances. But this balance hardly made the Hampshire yeomanry a political preserve, still less a political instrument.[63]

The crux of the debate between those who argued for and against the retention of the yeomanry however, was whether or not the institution was efficient and useful as an instrument for the maintenance of public

order. Perhaps the main reason why the arguments on this question persisted was that it was a notoriously difficult question to answer. The Hampshire yeomanry for instance, was not once summoned to the assistance of the civil power between 1820 and 1852. The only evidence that it was active at all is extremely sparse. The Andover troops were assembled in anticipation of a popular outburst at a public hanging in 1831. Five years later their captain T.A. Smith maintained that only the prompt appearance of his men had prevented the destruction of Andover's workhouse.[64] But the incident is not recorded in the press. Easily the most memorable 'action' in which the Hampshire yeomanry was involved, was to act as a guard of honour for Queen Victoria during her visit to Stratfield Saye in 1845.[65]

On the face of if such inactivity would appear to endorse the Radical view that maintaining the yeomanry was a waste of money. On the contrary those such as Wellington replied, the very fact that they had not been needed proved their great value as a deterrent force. The yeomanry stood as a warning to the ill-disposed, and as a moral boost to the law abiding. This scenario is not perhaps entirely fanciful. The fear of the lower orders at the sight of a military uniform is well known, and although the yeomanry were admittedly not regulars, the fact was compensated for by the ability of socially high ranking yeomanry officers to exercise a degree of deferential control over the local population. William Sloane-Stanley for example, who was soon to become captain of the Romsey troop, noted during the 1830 labourers' riots how those rioters who recognised him as he rode around on horseback were careful to show him respect.[66] The events of 1830 indeed, were to provide an important argument to those who insisted upon the yeomanry's value as a deterrent. Had not Swing followed swiftly after the yeomanry reductions of 1827-8? Would not the challenge to civil order, the expense of the special commissions and the expense of re-establishing the yeomanry have been avoided if no such reductions had taken place? One speaker actually went so far as to declare that "the spirit of riot appeared to have passed through the line of counties where the yeomanry had been disbanded, and that it stopped when it arrived at those counties where they were continued".[67] Doubtless this was hardly a very sympathetic or penetrating analysis of the root causes of the events of 1830. In Hampshire however, it is undeniable that some of the major centres of rioting in 1830 - notably Romsey, Fordingbridge and Ringwood - were places where a yeomanry

troop had existed until two to three years previously. Moreover it was the local gentry who later commanded the revived yeomanry troops - Sloane-Stanley, Compton and Mills - who with hastily assembled bodies of horsemen had co-ordinated the eventual dispersal of the rioters.[68] Had the yeomanry not been disbanded in 1827-8 therefore, it is at least conceivable that the progress of Swing might have been checked at an earlier stage than it eventually was.

There are three further points which one can make to establish a prima facie case which suggests that the yeomanry might have proved a reasonably competent force had their services been required. Firstly, most yeomen can be presumed to have been well versed in the skills of horsemanship from their exertions in the hunting field, the training ground, as T.A. Smith's biographer recalled, for the best cavalrymen in the regular army.[69] Secondly, although troops were comprised of the rural middle class and officered by landed magnates, most probably contained members who at some stage had served in the regular forces. At least three troop captains had seen active service and statute dictated that the adjutant of the North Hants be selected solely with a view to his military abilities. As the earlier occupational analysis of the Lymington troop shows, at least six of its 44 members had military connections.[70] The latter troop actually revolted against the captaincy of F.R. West, the borough Member for Lymington in 1833 on the grounds that he was "perfectly unacquainted with military discipline & tactics" and "that unless he leaves them, they will leave him".[71] There were clearly limits to the extent to which a troop would suffer the military incompetence of its officers, particularly in West's case when the captain was not a local magnate. Third, the Hampshire yeomanry appears to have benefitted from a stability in its personnel. This is evident from surviving muster rolls.[72] In the two Andover troops in 1836 for example, all but nine of the 75 privates had been enrolled since at least February 1831. As many as 20 of its 82 privates could boast a connection from 1831 as late as the mid 1840s. This did not mean that a troop became the refuge of old and infirm privates as Lefevre had feared might be the case with the North Hants in the 1820s, for it is clear that there were no qualms about discharging a private however long his service if he became unfit. It means rather than the men who assembled for training or permanent duty each year could develop a fair degree of expertise as a unit over a number of years. The sword exercise performed by Andrew Drummond's Cadland troop in 1833 for instance, was praised by the inspecting

officer "which he said was done better than by any other he had seen & that he had seen many regulars do it worse".[73]

One need not accept the foregoing argument to appreciate that pro-yeomanry M.P.s had a well rehearsed counter argument when the yeomanry debate came to a head with the Whigs' announcement in 1838 that the numbers of yeomanry were again to be reduced.[74] The proposed reductions were not wholesale - the total yeomanry establishment in the country fell from only 18,303 to 13,594 - so why was there so much controversy? To answer this question, one had to remember the political and general context in which the Whigs' announcement was made. First, there were those like Wellington who genuinely believed that, as well as being a false economy and an insult to those who had come forward in 1830, the threat to public order had not receded. Had it not on the contrary increased? The army was preoccupied with affairs in Canada. The new rail network which would have facilitated its movement to troublespots was as yet in its infancy. At home meanwhile, there was the indelible memory of swing, the agitation surrounding the implementation of the Poor Law Amendment Act, the perenniel sore of the game laws, the imaginary or real evils of the 1830 Beer Act and, from 1835, an undeniable statistical rise in the crime rate.[75] Second as in 1827-8, the yeomanry reductions were not made uniformly throughout the country. Hampshire, for example, had the allowance to both its Andover troops and the seven troops in south Hampshire, discontinued. Only the five troops which comprised the North Hants regiment were left intact. As the Earl of Malmesbury complained, this left part of Hampshire, particularly the supposedly disorderly districts around the New Forest, at least 40 miles from the nearest yeomanry or military assistance in the event of serious disorder.[76]

The above two points provided the general context of the opposition (at least from Hampshire figures such as Wellington and Malmesbury), to the yeomanry reductions. But there were two further political factors which gave the debates of 1838 their particular intensity. The least important of the two was the allegation that the choice of troops which were to be axed was dictated by partisan considerations.[77] That is to say that those commanded by a Whig magnate were left intact whilst those under the command of a Tory magnate were reduced. At least so far as Hampshire is concerned, there does appear to have been an element of truth in the allegations. The Whigs insisted that the [illegible] criteria which they adopted in deciding which troops to reduce were to decide which troops

had been the most hastily raised and which were the least efficient. As has been seen, however, in Hampshire the troops were all raised at the same time, admittedly hastily, but nevertheless on roughly the same geographical basis as its old yeomanry forces before 1828. There can be no doubt that it was good sense to establish troops in such places as Andover, Ringwood, Romsey and Fordingbridge, all seriously riot affected areas in 1830.[78] As for the Whigs' ostensible second criterion, that the reductions of 1838 were made in the least efficient troops, this is made a mockery of, by reference to Table 7.3. Easily the least efficient Hampshire corps in 1838 was the North Hants regiment, which could muster barely a third of its full complement, whilst every other troop in the county except one could muster at least two thirds of its complement. The figure for the North Hants would be even less impressive were it not for the fact that only six months before the announcement of the reductions, it had been subject to a comprehensive restructuring which reduced its original six troops to five.[79] Was it simply coincidence that the only Hampshire yeomanry corps to be retained in 1838, the North Hants, was the only one commanded by a Whig? Was there more truth in Lord John Russell's declaration that the principle behind the 1838 reductions was to effect "every possible reduction in the Public Expenditure which may be found consistent with the tranquillity of the Country", or Lord Ashburton's private opinion that "Lefevre's corps, ill-fitted...are kept up as I think for clearly party purposes"?[80]

TABLE 7.3 Hampshire Yeomanry Muster, 1838

Troop	Establishment	Strength	% complete
Andover	78	75	96•2%
Cadland	56	51	91•1%
South Avon	71	64	90•0%
Fordingbridge	70	58	82•9%
New Forest	80	61	76•3%
North Avon	71	48	67•6%
Lymington	83	56	67•5%
Romsey	56	30	53•4%
North Hants	487	166	34•1%
Total	1,052	609	57•9%

The second and more important political ingredient to be found in the yeomanry reduction debates of 1838 was the fear that the reductions were but a prelude to the total superseding of the institution by a centrally controlled rural constabulary. To somebody like Wellington therefore, the yeomanry reductions signalled yet a further advance by the unholy alliance of Reformers and Radicals in their attack upon the land based constitution which he venerated. Specifically, he believed that reducing the yeomanry weakened the landed order as the agents of public order in county government.[81] In the event he was wrong. The 1838 reductions did not prove the prelude to the yeomanry's abolition. The rural constabulary which appeared in 1839 were not placed under central control, nor even made compulsory. The conspiracy against the constitution was largely a figment of Wellington's imagination. Nevertheless he was not blessed with hindsight. One would do well to remember that the Royal Commission looking into the question of rural crime, but which in 1838 was yet to produce its report, was well known to favour some form of centrally controlled institution. This was bound to have implications for the yeomanry for the circumstances of its re-establishment in 1830 left nobody in any doubt, as Malmesbury put it succinctly, that "we must consider them rather in the light of a constabulary police for the district in which they are raised - than as an efficient corps of cavalry".[82] Lord John Russell, the figure at the centre of the 1838 debates, certainly agreed. But unlike Malmesbury, Russell had no love for the yeomanry. He made no attempt to disguise the fact that he preferred to call upon the services of the military or metropolitan police in cases of serious public disorder on the grounds that they were "more effective, very temperate, and less unpopular with the mass of the discontented". There is evidence to suggest that from at least 1836 he was thinking in terms of a wide ranging piece of legislation which would at one fell stroke sweep away the yeomanry and militia regiments and establish in their place "a more available and efficient force for the country, and at the same time a more constitutional body".[83] Despite his designating this new body "a good militia force" his listeners could be in little doubt that what he had in mind was a professional police constabulary.

In the event the 1840s were to prove something of an Indian summer for the yeomanry after the threat to their very existence at the end of

the 1830s. Following the 'plug plot' disturbances in the manufacturing districts in 1842, the Conservative government and particularly the triumvirate of Peel, Wellington and Home Secretary Sir James Graham, were thinking seriously in terms of augmenting the country's yeomanry force. It was Peel himself, the supposed father of professional policing, who wrote that "The conduct of the yeomanry Cavalry in every district has been admirable, and we must consider of an extension of this force".[84] This new found favour for the institution had tangible consequences in Hampshire. The Andover and Lymington troops, which despite the cessation of their government allowances in 1838 had, thanks to Wellington's pressurising Russell, and the financial liberality of their captains remained in existence, regained their allowances.[85] In 1853 the two analgamated with the Hants regiment, and as such the Hampshire yeomanry survived into the twentieth century.[86]

Footnotes to Chapter Seven

1. This paragraph is based upon J.W. Fortescue, The County Lieutenancies and the Army 1803-1814, passim.
2. 44 Geo. III c.54.
3. Fortescue, op. cit., especially pp.139-141, 198-199.
4. This paragraph is based upon ibid., especially pp.211 ff., 258 and 269-270.
5. 44 Geo. III c.54; Lord Lieutenancy Papers, L.L.2, circular dated 10 February 1834.
6. Hansard, Parliamentary Debates, 3 ser., XLI (1838), p.801. For the Duke's methodology in yeomanry affairs see W.MSS., 4/1/7/2/48, Wn to Lefevre, 30 October 1836.
7. Lord Lieutenancy Papers, L.L.1, passim.
8. J.W. Fortescue, A History of the British Army, vols. IV-XII. References to Fortescue in this chapter are to his hybrid volume named above which summarises the relevant information. The best and most easily accessible original source on the workings of the yeomanry is the 'Report of the Committee Appointed to inquire into the Present Organisation and Establishment of the Yeomanry Force', Parlt. Papers, 1861(2817), XXXVI, pp.545-565.
9. G.R. Codrington, 'Yeomanry Cavalry', Journal of the Society for Army Historical Research, IX (1930), pp.134-142; O. Teichman, 'The Yeomanry as an Aid to Civil Power, 1795-1867', ibid., XIX (1940), pp. 75-91, 127-143.

   Three recent books which deal with the question more incidentally are Hugh Cunningham, The Volunteer Force; Edward Spiers, The Army and Society 1815-1914, pp.79-80; and Hew Strachan, Wellington's Legacy. The Reform of the British Army 1830-54, pp.203-204.
10. For an exhaustive modern account see Robert Walmsley, Peterloo: The Case Reopened.
11. Hansard, 3 ser., CXIII (1850), pp.371-379.
12. Ibid., 3 ser., LVII (1841), p.34.

13. F.C. Mather, Public Order in the Age of the Chartists, pp.144, 147 and generally pp.141-150.
14. Teichman, op. cit., p.142.
15. This information is derived from a MS. document in Hampshire Record Office entitled 'Hants Volunteer Force 1805'.
16. The figures in Table 7.1 are those reproduced in 'A Return of the Number of Troops or Corps of Effective Yeomanry...', Parlt. Papers, 1821 (189), XV, pp.134-135. For practical purposes the Dogmersfield troop was attached to the North Hants regiment. A separate North East Hants regiment had existed until 1819.
17. 'A Return of the Dates, during the last Ten Years, at which any Volunteer or Yeomanry Corps was called out for Actual Service...', ibid., 1828 (273), XVII, pp.283-288.
18. HC, 1 October 1827.
19. W.MSS., 1/764, Lefevre to Wn, 13 September 1823.
20. HC, 31 December 1827.
21. W.MSS., 1/927, Lefevre to Wn, 31 May 1828.
22. HC, 7 January 1828. The criterion adopted by the government was that every troop which had not been called out in the previous 10 years should be disbanded.
23. Ibid., 29 November 1830.
24. W.MSS., 4/1/2/22, Melbourne to Wn, 26 November 1830; P. Ziegler, Melbourne, pp.132-133. The details forming the basis of the information in Table 7.2 are contained in 'Returns of the Various Corps of Yeomanry Cavalry...', Parlt. Papers, 1831-32 (80), XXVII, p.452.
25. W.MSS., 4/1/2/2/22, Melbourne to Wn, 26 November 1830.
26. Ibid., 4/1/3/2/1, Lefevre to Wn, 3 January 1831.
27. Ibid., 4/1/3/2/9, Sloane-Stanley to Wn, 16 January 1831.
28. Ibid., 1/764, Lefevre to Wn, 13 September 1823. For the various exemptions see 44 Geo. III, c.54, especially sections 11,13 and 17.
29. W.MSS., 4/1/7/2/22, T.A. Smith to Wn, 29 September 1836.
30. Ibid., 4/2/6, letters from Rose to Wn of 1 and 3 December 1830.
31. Ibid., 4/2/6, Malmesbury to Wn, 1 December 1830. See also ibid., 4/2/6, Sir Henry Fane to Wn, 1 December 1830. The point confirms T.A. Smith's belief that only loyalty to a well respected commandant kept some troops intact.
32. The key letters on which this paragraph is based are ibid., 4/1/8/32, J. Mills to Wn, 17 July 1837; ibid., 4/1/8/33, the same to the same, 19 July 1837 and ibid., 4/1/8/35, the same to the same, 3 August 1837.
33. Ibid., 4/1/2/2/34, T.A. Smith to Wn, 28 November 1830.
34. Ibid., 4/2/6, Rose to Wn, 1 December 1830. The old South Hants regiment had included two Christchurch troops, the second of which weakened the first, and an Eling troop which had weakened those at Southampton and Lyndhurst.
35. Ibid., 4/2/6, Rose to Wn, 30 November 1830.
36. On the social cohesion of the north Hampshire gentry, see above pp. 35-36.
37. W.MSS., 4/1/6/2/57, Wn to Sloane-Stanley (1834); ibid., 4/2/7, Wn to Viscount Fitzharris, 30 May 1834.
38. Fortescue, op. cit., p.119.
39. W.MSS., 4/1/7/2/22, T.A. Smith to Wn, 29 September 1836.
40. Drummond MSS., 3M60/28, Andrew Drummond MS. notebook on the Cadlands troop.
41. Ibid.
42. Fortescue, op. cit., p.95.
43. W. Cobbett, Rural Rides, Vol.I, p.17.
44. See for example the editorial in the HI, 19 September 1835.
45. W.MSS., 4/1/2/2/34, T.A. Smith to Wn, 28 November 1830; ibid.,

4/1/6/2/42, Normanton to Wn, 16 July 1834.

46. Ibid., 4/1/5/2/62, W. Hawley to Wn, 13 October 1833.

47. Ibid., 4/1/9/27, Lord Ashburton to Bingham Baring, 13 April 1838; F.T.B., p.77. It is an interesting comment upon the social relationships in a deferential society that a great landed magnate like Ashburton set such store by the importance of persuading the large and locally influential tenant farmers to join the yeomanry.

48. Lord Lieutenancy Papers, L.L.100, muster roll of the North Hants yeomanry, 1845. The Wiltshire yeomanry were described by the Marquis of Ailesbury as being "almost exclusively recruited from the Yeoman farmers", Mark Baker, 'A 19th Century Landowner and his Wife', The Hatcher Review, Vol. II, No.18 (Autumn 1984), p.374.

49. W.MSS., 4/1/9/27, Lord Ashburton to Bingham Baring, 13 April 1838.

50. Ibid., 4/2/6, G. Lamb to Wn, 29 November 1830.

51. Hansard, 3 ser., CXIII (1850), p.382.

52. W.MSS., 4/2/6, Malmesbury to Wn, 1 December 1830; ibid., 4/1/7/2/22, T.A. Smith to Wn, 29 September 1836.

53. F.T.B., p.21.

54. F. Awdry, A Country Gentleman of the Nineteenth Century, pp.10,29, 129.

55. W.MSS., 4/1/6/2/42, Normanton to Wn, 16 July 1834.

56. Ibid., 4/1/5/2/48, F.R. West to Wn, 3 August 1833.

57. Ibid., 4/2/6, Rose to Wn, 6 December 1830.

58. Arguably the two unlikeliest yeomanry captains during the period were T.A. Smith of the Andover and W.A. Mackinnon of the Lymington troops, since neither was an active figure in county politics and administration. The former's yeomanry interest followed naturally from his being an avid and well-known huntsman, whilst the latter's position probably depended upon the influence of the Burrard family in Lymington borough.

59. Ibid., 4/2/8, Wn to Russell, 10 March 1838. See also ibid., 4/1/2/2/38, Wn to Fleming, 30 November 1830.

60. Ibid., 4/2/6, Wn to Melbourne, 27 November 1830. Compare Peel's remark that "he thought that it was one of the Saxon principles of the constitution that the vicinage should on all occasions be called in to secure property and maintain tranquillity" in Hansard, 3 ser., XLII (1838), p.661.

61. HI, 19 September 1835.

62. Hansard, 3 ser. CXIII (1850), pp.371-379. See also ibid., 3 ser., XLII (1838), pp.638-640, 660-664.

63. Tory magnates such as the third Earl of Malmesbury did not deny that the majority of the men in the yeomanry were Tory. See his Memoirs of an Ex-Minister, Vol. I, p.40.

64. W.MSS., 4/1/3/2/7, 4/1/3/3/3, 4/1/3/3/6, 4/1/9/6, letters from T.A. Smith to Wn of 14 January, 7 and 10 April 1831 and 6 February 1838.

65. Ibid., 4/2/11, Lefevre to Wn, 2 December 1844; HC, 25 January 1845.

66. H.O.52/7, Sloane-Stanley to Melbourne, 21 November 1830.

67. Hansard, 3 ser., XLII (1838), pp.348-349.

68. See above, chapter six.

69. J. Eardley-Wilmot, Reminiscences of the late Thomas Assheton Smith, Esq., p.78.

70. Above, p. 205.

71. W.MSS., 4/1/5/2/61, Lieutenant Temple to Wn, 9 October 1833.

72. The following comments are based upon Lord Lieutenancy Papers, L.L.100, yeomanry muster rolls 1834-1845. One might reasonably

surmise that a number of the persons who joined the yeomanry in 1830 had earlier belonged to it in the 1820s before it was disbanded. Unfortunately the point is impossible to prove since no muster rolls for the earlier period survive.

73. Drummond MSS., 3M60/28, MS. notebook entry for 23 July 1833.

74. The most important exchanges on the proposed reductions can be followed in Hansard, 3 ser., XLI (1838), pp.797-802 and ibid., 3 ser., XLII (1838), pp.345-351, 636-666 and 944-951.

75. See Wellington's warning to the Whigs in ibid., 3 ser., XLII (1838), pp.349-351.

76. Ibid., 3 ser., XLII (1838), pp.348-349. See also W.A. Mackinnon's insistence to Wellington that his Lymington troop should be retained "from the knowledge I have of the lawless characters of the pauper population in my vicinity in the forest which might endanger persons and property should any pressure arise from want of employment, scarcity of subsistence, or the operation of the Poor Law Act", W.MSS., 4/1/9/12, Mackinnon to Wn, 6 March 1838.

77. For example, ibid., 4/1/9/6, T.A. Smith to Wn, 6 February 1838.

78. Ibid., 4/2/6, passim.

79. Ibid., 4/1/8/52, Lefevre to Wn, 4 September 1837.

80. Ibid., 4/1/9/27, Lord Ashburton to Bingham Baring, 13 April 1838; ibid., 4/1/9/10 for a copy of Russell's circular. Table 7.3 is based upon information extracted from the muster rolls, Lord Lieutenancy Papers, L.L.100-101.

81. W.MSS., 4/1/9/6, Wn to T.A. Smith, 7 March 1838 and above chapter five, pp. 146-147 for a fuller discussion of the broader context in which Wellington saw the yeomanry reductions.

82. Ibid., 4/2/6, Malmesbury to Wn, 1 December 1830.

83. Ibid., 4/1/9/16, Russell to Wn, 13 March 1838; Hansard, 3 ser., XLII (1838), pp.819-820. For the view that Russell had been for some time determined upon a rural constabulary see Chadwick MSS., Howick to Lefevre, 25 November 1836.

84. Peel Papers, B.L. Add.Mss., 40459, ff.294-295, Peel to Wn, 24 August 1842.

85. W.MSS., 4/1/9/31, Wn to Russell, 27 April 1838; 'A Return of the Names of the different Corps of Yeomanry Cavalry which have been or are to be re-established on permanent Pay and Allowances...', Parlt. Papers, 1843 (535) XXXI, p.177.

86. Lord Lieutenancy Papers, L.L.5, passim. The North Hants regiment dropped the prefix of 'North' in 1845 in an attempt to attract recruits from south Hampshire.

CHAPTER EIGHT

THE RURAL POLICE

Until fairly recently there existed a broad consensus in police historiography. The researches of Reith, Critchley, Hart and Radzinowicz were in general agreement in depicting the emergence of a salaried and professional police constabulary rising like a phoenix from the ashes of older institutions, unable by the early nineteenth century to cope with the pressures exerted upon them.[1] Within a generation of their having been established the new police forces had substituted efficiency for inefficiency and laid the foundations for the preservation of public order in later Victorian Britain. A rather different thesis was propounded in 1975 by Robert Storch.[2] The new police forces he argues, were introduced primarily in response to the rise of industrial, middle-class capitalists who demanded the creation of an institution which would safeguard their new found prominence in the nation's social structure. Through the police the alien culture of the working classes could be kept under close surveillance, and particularly distasteful elements of a popular plebian culture eradicated. The police in other words would be used as an instrument of social control and as 'domestic missionaries' to impart middle class values and standards. The inevitable friction thus engendered asserts Storch, produced a deep-rooted and longstanding antipathy between the police and the urban poor.

Research since 1975 has somewhat predictably tended to modify both pictures, chiefly but not entirely through the medium of some welcome case studies of individual forces. Arguably the single most important point to emerge from the new synthesis is the realisation that the discontinuity between the old and new forces has been overdrawn. Reith's emphasis on the legislative watershed of the Metropolitan Police Act of 1829 has been called into question by J.J. Tobias who has demonstrated that London police reform can be dated back to the eighteenth century and changes in the organisation of the Bow Street runners.[3] Equally convincing has been the work of those historians who have sought to demonstrate that the report of the Royal Commissioners on policing in 1839 was mistaken in its assumptions with regard to the inefficiency of the old police institutions. David Philips, for example, has shown that the old parish constabulary was not an anachronism. It remained an

integral part of the rural landscape after 1839.[4] The office of high constable was not abolished until 1869 and the obligation to appoint parish constables persisted until 1872. Both high and parish constables existed side by side with the new police, the latter of whom, it is now generally agreed, were neither as efficient as older police histories have claimed nor as unpopular as Storch has suggested.

A need for further case studies to test both the older and newer generalisations by police historians clearly exists. With the exception of those for Bedfordshire and East Anglia, the only ones available have tended to deal as Clive Emsley notes, with the police in the larger cities or in the rapidly industrialising counties.[5] Possibly this bias has proceeded from the assumption that a rural community, which by definition was relatively unaffected by industrial change, lacked the incentive to introduce a new force. Hampshire was a rural county, yet only Essex preceded it in adopting the permissive legislation of 1839.[6] This fact in itself makes Hampshire worthy of study. Had its old police institutions been found wanting? What were the circumstances which led to the implementation of the 1839 Act? If these points can be established, we can turn to the equally pertinent questions of how successful the new force proved and as a corollary to the reaction which its introduction produced.

The Old Police

There were several agents of public order in early nineteenth century Hampshire. In times of emergency magistrates had three options open to them, the yeomanry, the militia[7] and special constables. The most readily resorted to were the latter. Special constables were not only sworn in by the magistrates during outbreaks of disorder such as the 1837 election riots in the Isle of Wight, however. They could also be sworn in to combat the anticipated proliferation of petty thefts and assaults concomitant with any large public gathering such as Winchester races and St. Giles and Magdalen Hill fair.[8] The only common denominator required of those to be sworn was public spiritedness. Those sworn for the duration of Weyhill fair in 1835 for example, included five labourers, two sawyers, a cobbler, tailor, jailer and schoolmaster.[9] The major problem with specials was that public spiritedness was often subordinated to fear in outbreaks of serious disorder. It was a frequent complaint during the Swing riots that persons willing to act as specials simply could not be induced to come forward.[10] In an attempt to combat this

and in recognition of the fact that specials could perform a useful function a Special Constables Act was passed in 1831. This empowered two magistrates to swear in ordinary citizens to act as specials if they had good reason to fear disorder, and if they believed the ordinary constabulary to be inadequate.[11]

Special constables were not the only ad hoc policing body to be found in the early nineteenth century. It is clear that some landlords employed their gamekeepers for minor detective purposes.[12] In more excited times, the notion of employing a private policeman might be taken further. In the wake of the Swing riots the Rev. Robert Wright, rector of Itchen Abbas, persuaded trustworthy householders to keep him informed of any signs of disaffection. He boasted that this enabled him to obtain a weekly account of any house in the village.[13]

In the absence of an initiative from an individual such as Wright, a further and more permanent option was for a body of individuals to combine and establish an association for the prosecution of felons.[14] These voluntary associations held the greatest appeal to the middle class. Members contributed to a common fund which was used either to reward persons who provided information leading to an arrest and conviction, or more usually to assist in the costs of prosecution brought by one of their members. Generally the distribution of these associations reflected a local awareness of where the inadequacies in the alternative forms of policing were greatest, a point confirmed by their demise from the 1850s onwards as the effects of police reform at last began to make themselves felt. The 1836 royal commission on county rates listed as many as 500 of these associations throughout the country. In Hampshire there were at least 8 of these bodies in the mid 1830s, the most important of which were at Winchester, Ringwood, Christchurch and Alton.[15]

The above named alternatives however were essentially supplements to the central pillars of the unreformed police system, the high and petty constables. Unfortunately, evidence for Hampshire as to the efficacy of the old constabulary, other than the ex parte statements of interested parties, is extremely sparse. This itself is a point of some significance, for it betokens the lack of any bureaucratic organisation and supervision of its personnel by the chief peace officers in Hampshire, the county magistrates. It also reflects the fact which it is crucial to appreciate, that one of the greatest defects of the old constabulary system was that it was based not upon the county, but upon the smaller

units of the hundred, liberty, parish and court leet.

Hampshire by the mid 1830s had 94 high constables.[16] These were appointed annually. Their responsibilities, for the performance of which they were remunerated by fees, were various. They included enforcing the statutes relating to weights and measures, preparing returns demanded by the magistrates in sessions; and most importantly, collecting and returning the county rate to the treasurer. Historically, the high constable of the hundred was the officer of the manor. As such he was appointed by the court leet. This procedure had not entirely disappeared by the nineteenth century, but as the number of court leets who retained the right of appointment declined, it was becoming increasingly rare.[17] Most Hampshire high constables were appointed instead by quarter sessions according to a procedure laid down at the 1819 Michaelmas sessions. This required the incumbent high constable to nominate six persons liable to fill the office to the magistrates of his petty sessional division. They in turn would forward three of the names to quarter sessions who would select one of the three to fill the office for the ensuing year. This procedure suggests, but does not prove, that the magistrates discouraged the practice of the same person filling the office for years on end.[18] It therefore militated against any person obtaining any significant degree of experience in the post which service over a period of years - by no means unusual in other counties - can be presumed to have brought. On the other hand, the Hampshire procedure does suggest that the magistrates sought to select competent fillers of the office. The suggestion is corroborated by their insistence that once appointed, no high constable was to be allowed to appoint a deputy "unless in cases of real necessity"; and only then when accompanied by financial sureties. On several occasions down to 1852 they reiterated their determination to enforce this order. Their wariness was well justified, for almost invariably the cases which sessions had to deal with of a corrupt or incompetent high constable involved deputies.[19] Generally however, the high constables can be presumed to have been literate members of the lower rural middle class, perhaps lesser farmers, persons who if they applied themselves, were perfectly able to discharge the responsibilities of the office. Over 200 inhabitants of Petersfield in 1839 signed a petition recommending their high constable James Meeres for the position of chief constable in the new rural police.[20] Significantly not one Hampshire magistrate attacked the shortcomings of the county's high constables as a reason for adopting

the Rural Police Act.

The high constable was responsible for the petty constables in his hundred and was answerable to the county magistrates for their conduct. Like the high constable, the petty constable or tithingman was also historically appointed by the court leet. How many continued to be so appointed in the nineteenth century it is impossible to say. The annual appointment of most had probably come to devolve upon the parish vestry whose selection would have to be confirmed by two magistrates.[21] The constable's duties were at least as varied as those of the high constable. They included the arrest of felons, deterring vagrants, searching for wanted men under bastardy orders, conveying committed persons to prison, and escorting paupers without a settlement out of the parish. For performing these tasks he was remunerated by fees. If one assumes that every parish in the county had at least one constable assigned to it, then there were at least 250 in Hampshire.[22]

It was the petty constable who provided the chief target for Chadwick in the Royal Commissioners' report of 1839. The constable it was argued, being a householder of the parish himself, lacked any sort of incentive to activity which might make him unpopular amongst his neighbours. Moreover, the time he spent as a constable was time lost from his usual employment. Hence a strong desire existed to avoid filling the office. The report cited approvingly a comment received from the Droxford Poor Law union: "For the last 20 years and upwards, the only persons who would undertake the office of constable have been men of idle habits and no character".[23] The typical constable thus portrayed was drunken, dissolute, illiterate, inexperienced and generally unsuitable to discharge the responsibilities of the office.

But was the reality really so bad? Clearly some constables were unequal to the tasks asked of them. Quarter sessions chairman Richard Pollen almost delighted in recounting the occasion when he had summoned the assistance of a constable to help break up a pub brawl only to learn subsequently that the constable had been discovered several hours later hiding beneath the arch of a bridge.[24] Sir William Heathcote had a similarly low opinion of the constable, even for more mundane police work: "It often happened to me, before the establishment of the police, to take measures for tracking the offenders, when any of my poor neighbours were robbed; but I do not recollect that it ever occurred to me to think of the parish constable as a person likely to throw light on the subject;

my own keepers could do what was required much better".[25] Yet Heathcote's criticisms were essentially ones of the system, not of individual constables. In addition to the constable's understandable dislike of policing his neighbours, compounded by his inexperience resulting from the fact that he filled the office for only one year, one should also remember that he went unremunerated unless his investigations resulted in an arrest. Two unfortunate consequences followed from this. First, the constabulary system worked unfairly against the poorer members of the community, since the constable was unlikely to track a suspect on their behalf if it appeared that the plaintiff would be unable to remunerate him. Second, and conversely, the prospect of obtaining fees might actually encourage a constable to bring false prosecutions and summon more witnesses for trials than were strictly necessary, simply in order to obtain the fees involved. It has already been seen how the change in sessions' procedure on the presentment of highways (another task for which the constable received fees) to prevent such an abuse had an immediate and dramatic effect upon the number of highways being presented.[26]

Heathcote however, one would do well to remember, was testifying before the 1852 select committee on police. It is clear even from the report of 1839, if one ignores the mass of ex parte evidence which it cites and concentrates instead upon the summary of the answers received to its enquiries, that far from all of the comments on the old constabulary were unfavourable. Whilst 123 Poor Law unions declared themselves favourable to some unspecified form of improved police system, a further 122 declared themselves against any change in the system at all.[27] The latter perhaps would have endorsed David Philips' recent defence of the petty constables of the Black Country. Philips finds that its constables were usually drawn from the ranks of literate farmers and tradesmen who frequently filled the office for several years at a time. This he believes, provided them with enough experience to make them reasonably competent when dealing with cases of minor disorder, thefts and assaults, in short the overwhelming majority of cases which were likely to come before them, where the perpetrator of the offence was likely to live locally and whose identity could in many instances be easily ascertained.[28]

Whether such a favourable picture can be painted of the old constabulary in Hampshire however is debatable. In terms of social status, the Hampshire constable would appear to have been drawn from above the

ranks of labourer. The Independent for example believed that a good many were cobblers and blacksmiths.[29] The magistrates too would also appear to have assumed that most constables were literate since in 1836 one of their number suggested that sessions make an order requiring all constables to keep a written record of the business which they had undertaken and of the expenses which they had incurred.[30] But neither middling social status nor literacy, even if they were the norm, guaranteed the efficient discharge of the office of constable. On balance one gets the impression that the parish constabulary in Hampshire was less efficient than its counterpart in the Black Country. Where the evidence allows one to make a comparison for example, the Hampshire constables do appear to have filled the office strictly on the annual basis which militated against their obtaining much experience or any liking for the role.[31] Complaints against their shortcomings moreover, are to be found from parties who had no particular reason to be predisposed in favour of a new rural constabulary. The inhabitants of Selborne and Headley complained that they had of necessity to swear in a special constable on account of "the inefficiency of the petty constables as appointed by the present system". This at least was better than the situation at Sheet tithing whose inhabitants complained in 1837 that no constable had even been appointed for it for several years past.[32] At quarter sessions too, so far as one can judge from the order books, the county magistrates were quite often having to reprimand constables for failing to convey committed persons to prison, for being drunk in charge of prisoners and even for being drunk in court.[33]

Recorded complaints however, concerned only a handful of the possibly 250 constables appointed in the county each year. The work of the overwhelming majority of the constables simply provokes no comment. In the absence of more definite evidence therefore, one has to conclude that in the eyes of the bulk of the population they did discharge their duties adequately. One should not forget that in terms of manpower, the county's high and petty constables comprised over 300 persons. The initial size of the rural constabulary was only 106 persons or fewer than one man to every two parishes. Such statistics alone presented a strong argument for the retention of the old constabulary particularly if it could be improved. This was very much the philosophy which prompted the Parish Constables Act of 1842 which at last abolished the power of court leets to appoint constables and vested it instead in the hands of the

magistrates in petty sessions. There is no doubt that the magistrates welcomed this opportunity to control an auxiliary to their own professional force. Why therefore, had they been so ready to resort to the latter in 1839?

The County Leaders and the Necessity for a New Rural Police

The Royal Commission set up in 1836 to investigate the possibilities of an improved rural constabulary, concluded in its report of 1839 that a centrally controlled institution should be compulsorily established. In face of fierce parliamentary opposition and against the background of chartist disturbances in the summer of 1839, the Rural Police Act sponsored by the Whigs left the introduction of the new force to the discretion of the county magistrates. More importantly, the Act left the control of the new forces almost entirely in the magistrates' hands. Whilst the chartist threat which undoubtedly contributed to the shape of the 1839 Act does not appear to have been an important factor in the Hampshire magistrates' decision to adopt the Act, the fact that the new force would be under their control almost certainly was. The rural police which only months previously looked set to be an institution which would rival their authority in local government could, as it turned out, be used by a predominantly Tory bench to strengthen their hold. But doubtless this point is true of many other counties who were much slower than Hampshire to adopt the Act. For this reason it is necessary to probe more fully, specifically into the attitude of the county's leading personalities in 1839 towards the police; and also to identify the reasons which weighed most heavily with the magistrates as a whole, in deciding to adopt the Act at once.

The first person to publicly canvass the idea of a rural police in Hampshire was Richard Pollen, sessions chairman between 1825 and 1838. A Peelite Conservative and a barrister by profession, Pollen had come to the conclusion by 1834 at the latest that the existing constabulary system was contemptible. He did not shrink from articulating this opinion in the most public of administrative places, the sessions chairman's charge to the grand jury.[34] But his premature death in 1838 removed him from the chair before the decisive debates of 1839. His successor, the ultra-Tory Sir William Heathcote who was also one of the Members for North Hampshire, was understandably less enamoured than Pollen with the legislative trend of the times. He disliked what he saw as the centralisation

for its own sake "of all those functions which can be discharged perfectly well by local arrangement. I allude to their views about police etc., (which by the way shows I am no partisan of Peel's, for centralisation is a favourite hobby of his, and a paid French police), instead of trying to improve on the old Saxon plans...."[35] But this was Heathcote's view in 1836. During the debates of 1839 he remained conspicuously silent on the question. Probably he was at that stage genuinely uncertain on the question. His resistance to centralisation certainly remained but Heathcote was never one to push his opposition in face of a popular majority. In any case the Act had not realised his worst fears of a centralised police and as sessions chairman he had been impressed at the sheer length of the calendars of prisoners over which he had had to preside. As he subsequently conceded, a force which helped protect the poorer members of the community from the perpetrators of petty thefts appealed strongly to his paternalist frame of mind.[36] What mattered most in 1839 however was that the most influentially placed person in the county who might in some quarters have been expected to lead an opposition to the adoption of the Act, remained silent.

It may also be that Heathcote was influenced in his decision to remain silent by his fellow Member for North Hampshire, Charles Shaw-Lefevre. Lefevre it can be, and has been, easily forgotten, actually chaired the Royal Commission on police appointed in 1836. His selection was un unsurprising one, for the select committee on county rates which presented its report in 1836 and had also been chaired by Lefevre, had come out strongly against the old petty constabulary.[37] Unlike Chadwick however, Lefevre was a much respected person by Whigs and Tories alike, at Westminster as well as in Hampshire. It is probable that this factor weighed with Russell in inviting him to chair the Royal Commission[38] and it is certain that Lefevre as a Hampshire landowner, county Member, magistrate and colonel of the North Hants yeomanry did much to calm the fears of his fellow Hampshire magistrates as to the designs and intention of the rural police. He evidently lost no opportunity between 1836 and 1839 to canvass the case for a rural police informally to his friends and neighbours at home and at sessions.[39] Such contact also made him better placed than his fellow commissioners Chadwick and Rowan to gauge the probable sources of opposition to the rural police from the localities. Though one would not seek to deny that Chadwick was the principal author of the report of 1839, it is clear that Lefevre dissuaded him from including

the questions of new local courts and stipendiary judges within his terms of reference. He also insisted on scrutinising the draft of Chadwick's questionnaire to the rural districts in order to ensure that their efforts popularised the notion of a rural police without adding unnecessarily to its opponents. To this end he deleted those questions he thought would most offend the Tory squires.[40] Charles Shaw-Lefevre deserves more credit for his part in the events which led to the Rural Police Act than he has hitherto been allowed.

The final personality whose views towards the Rural Police Act one needs to consider are those of Wellington, for in Sussex it was alleged the opposition of the lord lieutenant alone sufficed to postpone the adoption of the Act before 1852.[41] The Duke's modern biographer has portrayed him as a genuine police reformer. Lefevre's decision to send him an early copy of the 1839 report together with Wellington's subsequent wish to see the magistrates adopt the 1839 Act might well be construed as further proof of the point.[42] In fact the evidence does not point to such a conclusion. Wellington's statements on police reform before 1830 were either vague or unoriginal. On the provisions to improve borough policing contained in the Municipal Corporations Act he said nothing. On the question of improved policing for Birmingham, Bolton and Manchester which came to a head in August 1839 his personal preference, albeit one modified in the light of political necessity, was to retain the old force of constables rather than to replace it with one placed under the direction of a government appointed commissioner.[43] Wellington was no longstanding supporter of police reform.

One must remember too that the Duke's views specifically on rural police reform cannot be divorced from his overall political philosophy in the wake of the Reform Bill. As has earlier been demonstrated, he believed that the government sought to sever the connection between the landed order and local government. In 1837 he was writing that the reductions in the militia staff and in the yeomanry would be followed by the establishment of a centrally controlled police as the final prelude to the abolition of the county magistracy.[44] A Rural Police Bill in line with the recommendations of the 1839 report he would have fiercely opposed. But the permissive nature of the Act and even more so the provision placing the new police under the control of the county magistracy commended itself to him. He had no romantic attachment to the old petty constable and did not deny in his private correspondence that

some rural police reform was necessary. Indeed, with the reduction of the county's militia and yeomanry forces at a time when chartism seemed to present a new challenge to the established social order the necessity became urgent. As he told the Tory county Member John Fleming: "Proprietors should be too happy to have an opportunity of raising a police to enable them to protect themselves! They are now without Protection of any kind".[45]

The influential figures in Hampshire were therefore favourable, or at least in Heathcote's case, not opposed to, police reform. This in itself, as the county's lunacy reformers of 1816 had discovered, did not guarantee that reform would follow. Reform depended upon convincing a majority of the county magistrates of the propriety of the scheme. Obviously one cannot undertake a Namierite analysis of the views of each magistrate individually. What one can do is to suggest the five main causes which led to the county's early adoption of the 1839 Act.

The first of the five causes to note is the impact of the agricultural labourers' risings upon the minds of the Hampshire magistrates, for these gave rise to a discussion of the possibility that a professional police might be introduced.[46] Privately if not publicly the events of the rising brought magistrates to the realisation that the forces for the preservation of public order at their disposal in face of a major disturbance were inadequate. Special constables had proved difficult to find, let alone to organise efficiently. Even the readiness to come forward which had been evinced could not be relied upon in the event of renewed disturbances.[47] For magistrates too, swing had not proved a pleasurable experience as Francis Baring recalled: "to take a man from his home amid the cries of his wife and family is something which only regular police education can fit one for".[48] The immediate call was that the yeomanry should be re-established to deal with such eventualities, but the more reflective looked to a more innovative solution. Dr. Godden Jones of Swaythling put such a suggestion to Melbourne in advocating that "a preventive or conservative force, ought to be permanently organised, and brought under such a degree of discipline and obedience, as always to be prepared to act immediately, and simultaneously...under the orders of the proper authorities, on any sudden emergency....The nature of this force...would be that of an organised constabulary body, resembling in many respects the new police of London".[49] One should not exaggerate the importance of Swing, for it was of marginal significance in the crucial sessions debates of 1839, but it did at least stimulate some early Hampshire

interest in the police.

Probably of more significance than the memory of Swing was the direct experience which several Hampshire magistrates had during the 1830s of seeing improved policing at first hand. In 1830 for example Lieutenant-Colonel Mair, the military officer sent down to Winchester by the government, had collaborated with the magistrates to establish what was in effect an ad hoc constabulary force for the county. Districts of between three and five parishes were each assigned a body of special constables. Once the fears surrounding its quasi-military character had been shown to be groundless, the body had been viewed with some enthusiasm.[50] Mair's however, was a temporary expedient. The Hampshire magistrates obtained their most regular experience of what might be achieved by a professional constabulary from their frequent requests to the Home Office that a constable from the metropolitan force be dispatched to the county to assist in the detection of unsolved crimes. The first instance of a metropolitan police constable's presence in Hampshire was in November 1830 when the Duke of Buckingham arrived at his Avington Park estate accompanied by two of their number. Thereafter the usual occasions for their being requested by the magistrates were in cases of wilful damage or incendiarism. In 1837 for example, a constable was sent down to William Sloane-Stanley's Paultons estate to investigate the destruction of a fir tree plantation. Moreover, at least two former constables of the metropolitan police were sworn in by the Hampshire magistrates to act as special constables in parishes whose inhabitants had complained about their general state of lawlessness.[51]

The fears of a conspiracy which Swing aroused, and the experience of efficient metropolitan constables also served to turn minds to the possibilities of preventive as well as detective policing. This was nowhere more true than with regard to beershops which had sprung into existence in 1830 and with which the origins of the labourers' riots were popularly associated. It would be fair to say that no single issue preoccupied sessions more during the 1830s than a desire to suppress the supposed vices and iniquities of beershops. Petitions from the magistrates to parliament praying that the 1830 Beer Act be amended were presented in 1831, 1836 and 1839. As late as the Epiphany sessions of 1839 the magistrates professed to see a direct link between beershops and the incidence of crime.[52] It followed logically that if the legislature failed to respond to their pleas, then the magistrates would avail themselves of the

opportunity to introduce their own remedy in the shape of the rural police. Sturges-Bourne actually declared that beershops "had of themselves rendered a new police necessary".[53] In this sense at least, the Hampshire magistrates did intend to use the police as 'domestic missionaries'.

The evils of beershops provided a simple and attractive explanation to magistrates seeking the reasons for increased lawlessness. This was yet more true of the fourth factor which led to Hampshire's adopting the Rural Police Act, the theory of migratory crime. This undoubtedly obtained wide credence amongst the county magistrates if only because it offered a reassuring alternative to the belief that one's own neighbours were the perpetrators of crime. The essentials of the theory were straightforward. The efficiency of the new London police from 1829 onwards drove the criminal class of the Metropolis out into the country districts. More important, since more areas were affected, the provisions for improved borough policing contained in the Municipal Corporations Act, drove the borough criminal to seek easier pickings in the less well policed countryside. Amongst influential Hampshire magistrates who subscribed to this theory can be enumerated Lefevre, Sturges-Bourne, an erstwhile Home Secretary who was particularly impressed with the impact on Hampshire county crime of improvements in the borough police of Southampton; and the Tory county Member John Fleming. "I scarcely think" wrote the latter, "that there are any districts in the County where such a force (a rural police) would not be productive of beneficial results, altho', in the forest districts & the vicinities of Municipal Towns, from whence the dread of a local Police, have expelled the native Rogues & Thieves to carry on their depredations in the surrounding neighbourhood, it must be much more necessary & desireable".[54] The corollary to the theory moreover, made the adoption of the Rural Police Act all the more pressing, for if Hampshire did not move swiftly it ran the risk of being overrun by the influx of criminals from neighbouring counties which had.

But, as Mrs Hart has demonstrated, despite its superficial plausibility, the theory of migratory crime is devoid of any statistical foundation. Hampshire is not exempt from this generalisation. However much the Municipal Corporations Act improved the borough police forces of Hampshire, the ensuing years did not witness a decline in the borough crime rate and an increase in that of the country districts. The increase of 30% in the number of trials coming before quarter sessions between 1835 and 1839 was almost exactly matched by the 29.1% increase in the

number of trials coming before the borough sessions and assizes. This is no more than one would expect for only Southampton, Winchester and Portsmouth had more than a rudimentary police force, and one must remain sceptical that such forces were significantly improved by the Municipal Corporations Act.[55] Nevertheless, it cannot be gainsaid, that whatever the true facts, there were important Hampshire figures such as Fleming who did subscribe to the notion of migratory crime. It was what such people believed that determined how they acted.

The above factors however are all secondary, or rather a manifestation of the underlying reason as to why it was that the Hampshire magistrates were so willing to adopt the Rural Police Act. Quite simply, there was a consensus amongst them that the crime rate was increasing, and that they were becoming powerless to check it through the means available to them. Even before the end of 1836 Lefevre was writing to Chadwick that the Hampshire gentry were already virtually unanimous in their desire for a new force. He was no less convinced two years later "that the village dogberries are gradually declining in the Estimation even of the great unpaid - Crime is making very rapid strides in the rural districts - & gentlemen begin to feel their pockets & possessions exceedingly insecure".[56] Individual magistrates offered their own explanation and evidence in confirmation. Sir Thomas Lethbridge of Basing Park blamed what he saw as the perceptible increase in social crime, particularly poaching: in 1836 he painted a lurid picture to Lord John Russell of how both labourers and farmers were becoming involved with large poaching gangs, and believed that the consequence of such activity was universal demoralisation.[57] Conversely, William Sturges-Bourne identified the source of the increase in rural crime as being rooted in the mitigations of the criminal code made by the Whigs. In his estimation, changes in the statutes relating to the punishment of sheep and horse stealing were directly responsible for the proliferation of such offences.[58] Magistrates, in other words, whilst they might disagree as to what had caused an increase in crime, were at least agreed that there was an increase which had become so serious that they needed to do something to check it. For the first time, they contemplated something more than prison reform.

Whether the crime rate in Hampshire had genuinely increased during the 1830s is therefore a largely academic point. The evidence does nevertheless suggest that it had. The alterations to the criminal code

and the changes in the prosecution system to which Sturges-Bourne contemptuously referred, will not alone explain why the number of trials which came before quarter sessions between 1836 and 1839 increased by a staggering 29•7% compared with the preceding four year period 1832 to 1835.[59] There was magistrate consensus too, that all sorts of petty offences, which it did not always fall for quarter sessions to try, were on an upward spiral. Sir William Heathcote as sessions chairman from 1838, remarked specifically upon the number of petty offences to be found in the sessions calendars, over the trial of which he presided. His assertion was not devoid of statistical foundation for the number of persons tried by sessions in 1838 amounted to 338, the first time that it had ever exceeded 300.[60] Equally alarming, as Sturges-Bourne pointed out, was the knowledge that even this figure did not represent the true level of crime in the county. He for one had never known the number of felonies to be so high but at the same time committed so few suspects. His belief in an increase in the amount of unsolved crime is lent credence by the fact that from 1837 onwards the magistrates were having recourse to the unprecedented practice of swearing special constables for ordinary peace keeping purposes as opposed to the usual circumstances in which they were sworn of fairs, markets and sporting occasions.[61] The impression one gets of Hampshire in the late 1830s is one of an increase in crime which overwhelmed the old constabulary. The much praised high constable of Petersfield James Meeres made this very point. It was not that the old constabulary were necessarily inefficient. It was rather than they alone simply could not combat the existing level of criminal activity.[62] The magistrates could endorse this argument and its corollary in Chadwick's report, that the criminal's career was becoming increasingly profitable, without having to endorse Chadwick's supposition that the intrinsic hopelessness of the old constabulary was to blame. They also saw that to combat crime would cut the cost of prosecution, and therefore the level of the county rates. With ad hoc responses such as the appointment of special constables failing to bring about the desired check in the crime rate, the reduction of the yeomanry cavalry in 1838, and no forseeable prospect of a reform of the old constabulary, the magistrates turned readily to the new option which became available to them in the summer of 1839.

The Adoption of the Rural Police Act 1839-1840

The first general discussion at sessions as to the propriety of establishing an improved rural constabulary took place at the Easter sessions of 1838. This was prompted by the receipt of Lord John Russell's circular asking for its response to resolutions made by the Shropshire magistrates in favour of a new rural constabulary to be controlled by the magistrates themselves. The Hampshire magistrates appear to have been genuinely surprised by the receipt of Russell's circular, and replied that since most of them had either individually or collectively in petty sessions only recently answered questions on rural policing in returning Chadwick's questionnaire, no further comments could be expected. They agreed in a debate characterised by the caution of its principal speakers that no collective answer could or should be given.[63]

There are three reasons which would explain the Hampshire magistrates' caution. The first of these, that they did not think that the county was in need of an improved police, one can discount, as it has been demonstrated above that they did. It seems more likely that they did not publicly want to commit themselves to what would inevitably be an expensive project and thereby give the ratepayers time to organise an opposition; and yet more importantly that they did not want to commit themselves to a project the details of which they were as yet unaware. In the spring of 1838 it still seemed to most that any Rural Police Act would be Benthamite in its form and create a force independent of magistrate control. Their argument that they would not answer Russell's government circular on the grounds that they had already provided the Royal Commissioners with information on the topic of the rural police illustrates how they thought the intentions of Russell and Chadwick were synonymous.

The strikingly different mood of the magistrates at the Michaelmas sessions of 1839, the first at which they could consider the concrete details of the final Rural Police Act and in particular its provisions to place the new constabularies under magistrate control, confirms the hypothesis that it was uncertainty as to the government's intentions which dictated their caution in 1838. Now, instead of caution, the magistrates of the petty sessional divisions of Southampton, Lymington, Petersfield and the Isle of Wight all presented petitions to sessions praying that the Act be immediately adopted for their divisions.[64] This was followed by several magistrates rehearsing the arguments in favour of adopting the

Act contained in the Royal Commissioners' report, reinforced by voluminous citations from the Commissioners' evidence. But significantly, no attempt was made to prove that the high and petty constables of Hampshire conformed to the picture thus painted. Neither it transpired had any Hampshire magistrate taken the trouble to calculate the cost of implementing the Rural Police Act so as either to confirm or contradict the assertion of the report that a rural constabulary would inevitably cut county expenditure. The arguments simply went by default. In the absence of any opposition, it was agreed to appoint a select committee of magistrates who would examine the whole question of whether or not to adopt the Act, and who would report their findings to the ensuing Epiphany sessions in January 1840.[65]

There is evidence to suggest that the appointment of this committee was a strategem on the part of the magistrates. Fleming reported privately to Wellington immediately after the Michaelmas sessions that the magistrates were already all but unanimous in favour of adopting the Act.[66] Why therefore did they need a committee to consider the propriety of adopting the Act, a committee moreover the motion for whose establishment was moved by Sturges-Bourne who had been convinced of the necessity for a new rural police since at least 1837? The explanation would appear to lie in the magistrates' desire to give the impression to the county at large that a careful and considered approach was being taken to the question; and simultaneously to conceal their intentions for as long as possible in order to avoid provoking any opposition from the ratepayers. This interpretation cannot be either confirmed or denied by documentary evidence. Subsequent events do however suggest that such an interpretation is not fanciful. Instead of reporting their findings to the Epiphany 1840 sessions as had originally been intended, the committee, after only one meeting which took place in secret without the attendance of the press, hastily convened an adjournment of the full quarter sessions on 21 December.[67] A motion calling for the immediate implementation of the Rural Police Act was moved and passed. The sponsors of the motion were Sturges-Bourne and Sir Thomas Baring, who, barely two months previously had been foremost amongst those who advocated that sessions proceed carefully by means of an investigative committee. All that there was left to do at the Epiphany sessions was to elect the chief constable. There is surely no other explanation for the magistrates' sudden and unexpected convening of sessions to pass a resolution for the adoption of the Rural Police Act other than the

fear that had they waited until January, ratepayer opposition might have had time to organise itself. Instead, ratepayers who for most of 1839 could be forgiven for thinking that the magistrates were undecided on the police question were suddenly confronted with a fait accompli.

The vote on the resolution of December 1839 in fact confirms Fleming's assertion following the Michaelmas sessions that the magistrates were strongly in favour of adopting the Rural Police Act. Of the 51 listed as present at the adjourned sessions of 21 December, as many as 39 appended their signature to the resolutions.[68] Of the remaining 12, it is impossible to say whether they opposed the resolution or abstained. The Advertiser which strongly opposed the introduction of a Rural Police and therefore had no reason to underestimate the level of opposition put the number of dissenting magistrates at only four. This is probably near the truth since at least six of the magistrates who failed to sign the resolutions came from the Isle of Wight. With one exception these were clearly abstentions. The Island's magistrates were not opposed to the Rural Police Act per se, indeed they had been amongst the petitioners for its immediate implementation at the Michaelmas sessions of 1839.[69] But in line with their simultaneous moves to establish a court of quarter sessions separate from the mainland, they looked also to control their own police force. Hence their abstaining from the resolution to introduce a force for the whole county. The only vociferous protesters to the idea of a rural police per se were the Rev. Robert Wright, who as ever was roused on a question which he thought involved unnecessary expenditure; and W.H. Hughes, an Isle of Wight magistrate, who rightly protested that no case had been proven by the magistrates against the county's existing constabulary force.[70]

The Organisation of the Rural Police 1839-1852

The initial strength of the rural constabulary in Hampshire was 106 men. It comprised one chief constable, 14 superintendants, one for each of the county's 14 petty sessional divisions, and 91 constables. The chief constable received a salary of £300 per annum, the superintendants for Winchester and the Isle of Wight £120 per annum, the remaining 12 superintendants who were deemed to have less responsibilities £75 per annum. The 91 constables were divided into three classes. Fourteen first class constables received 21 shillings weekly; 28 second class constables received 19 shillings weekly; and the remaining 49 third class constables received 18 shillings weekly. This allowed an overall distribution of

approximately one man to every 2,000 inhabitants or one man per 8,044 acres. This was well short of what by contemporary standards was deemed desireable. Hampshire's second chief constable insisted that the optimum numbers for an efficient constabulary were one man to every 1,200 inhabitants, or 4,000 acres.[71] It was a clear case of the magistrates sacrificing efficiency in the interests of economy.

A manpower shortage was consequently one of the most serious problems to beset the force in its early years. It went without saying that with the constabulary so thin on the ground there was no possibility of creating a much desired reserve force at Winchester which could be despatched to any serious scene of disorder in the county as necessity arose. It is hardly surprising therefore that requests that the size of the force be increased were being made by the chief constable as early as the Midsummer sessions of 1840. But in the fact of initial popular hostility to the police, sessions did not respond positively to such requests until 1846 when the original force of 106 was increased to 165 men.[72] This comprised one chief constable, one inspector, 15 superintendants (divided into three groups of five with salaries of £95, £85 and £74 respectively), 14 sergeants with salaries of 23 shillings weekly, and four classes of constable each consisting of 34 men and salaried at two shilling gradations between 15 shillings and one guinea weekly respectively. From this force one inspector and eight constables were assigned specifically to the Gosport district whose rapid urbanisation dictated a greater concentration of police manpower; and the much needed reserve was created, to be based at the force's Winchester headquarters, consisting of six constables and a sergeant. Overall the additions to the force increased its strength on the ground to one constable per 1,593 inhabitants or 6,301 acres. No further increase was made until the addition of five sergeants and 65 constables in 1855.[73]

It was not just the quantity but the quality of the personnel in the early rural constabularies, which proved problematical. Unfortunately, the evidence on the latter point for Hampshire is disappointingly scant. One cannot for example reach firm conclusions on the social background and professional standard of the first constables. What one can say is that given that the average agricultural labourer's wage during the 1840s was generally no more than eight shillings weekly, the type of person attracted to the force ought to have been of a reasonable competence. It was certainly the magistrates' intention, that even allowing for the

unsocial hours and dangers of police work, the wage level was such that it would "tempt the intelligent & respectable class of Persons best qualified for the duties of a Constable".[74] It is clear that the reality fell short of the ideal. The constables proved to be as elsewhere an assortment of artisans, labourers, ex-servicemen and a number of persons who had served as high and petty constables, thus providing an element of continuity between the old and new constabularies. Equally typical of the national picture was the rapid turnover of men in the early years of the Hampshire force. Nine had been dismissed as early as July 1840. A further seven had resigned. In 1841 two constables were discharged for alleged rape. A superintendant was dismissed in 1842 for having contracted debts with a local tradesman.[75] Generally however, the offences were less grievous, the most common being drunkenness, laziness or falling asleep on duty. It was candidly admitted that although the rate of turnover slowed down, it was still as high as one in eight as late as 1851. Against this, the chief constable estimated that it took three years training and experience to make a constable really efficient. Hence Mr. Watt's seemingly judicious conclusion from his survey of the early Hampshire constabulary of "the authorities struggling desperately to make an efficient force out of not altogether satisfactory material".[76]

Yet if the vices of the new constabulary tended to be those of the old, one should not overlook the essential difference between the two, and the reason for the high rate of turnover in the new force, namely the exacting professional standards and discipline which were imposed upon its members. As time progressed, there must have been an increasingly large corpus of well trained and experienced men. There are certainly examples of men who by the mid 1850s had completed ten to fifteen years service, and of others who had gradually won promotion from the lowest class of constable to sergeant.[77] Equally, there are examples of undoubted personal bravery and initiative to set alongside those of dissolution and drunkenness. Constable Edwin Alding for example, who had the misfortune to be knocked senseless by two prisoners he was escorting, recovered his faculties quickly enough to be able to give chase for half a mile and recapture one of them before collapsing through exhaustion.[78] It is difficult to imagine even the most zealous of petty constables emulating such feats. Chief constable Harris was probably not much exaggerating when he described the main body of his men in 1852 as

being "young energetic and active, and patrolling for seven hours every night of their lives, are in splendid condition for marching".[79]

Whilst technically the magistrates controlled the rural constabulary, for example by fixing its rules subject only to confirmation by the Home Office, by increasing or decreasing its manpower, and by levying the rate which was its lifeblood, it is clear that the key figure in the organisation of the police was the chief constable. This is a point the importance of which most police historians have missed, for although it is true that the chief constable was removable at the magistrates' pleasure, a provision which constituted an ultimate safeguard against the chief constable's wresting the control of the force away from the magistrates, it was a course of action very rarely resorted to. Usually, the chief constable alone dictated how the men would be trained and distributed. When therefore the Whitchurch magistrates complained to sessions in 1850 that the chief constable, because of a local disagreement with them, had withdrawn the constable who patrolled Whitchurch parish, sessions had no option but to side against its own members since it recognised that it could not interfere with the chief constable's prerogative to distribute his men as he saw it. The reformer press organ the Independent caught the balance between the chief constable's theoretical and actual position exactly when it declared that "he is yet vested with absolute power over the constabulary without any check whatever, save the remote one - the risk of losing his appointment....He is at once the servant and master of the county".[80]

The Independent was referring specifically to captain William Charles Harris, Hampshire's second chief constable who succeeded the first, colonel George Robbins in 1843. Robbins belonged to a family in county society who owned land in the New Forest and one of whose primary qualifications on being elected chief constable was to "possess the nice feelings of a gentleman". He had generally proved unassertive and appears to have always intended to resign as soon as the force was established. He subsequently became a county magistrate.[81] Harris however, despite like Robbins having had military experience, was of different mettle. He was surely one of the most remarkable figures in early rural police history before resigning his position in 1856 to become an assistant commissioner in the Metropolitan police. Apparently unconnected with any family in Hampshire county society, he was strongly opinionated, forceful, a disciplinarian and took a keen interest in all forms of criminal behaviour,

and in how the new institution of the rural police could be best utilised. Neither did he shirk from running the gauntlet with the magistrates in quarter sessions. Harris had indelibly stamped his personality on the Hampshire force before he testified before the Royal Commission on Police of 1852, and it was doubtless in part due to the exacting regime which he laid down and which he explained to the Commission which accounts for the high level of turnover in the Hampshire force.[82]

The salient characteristics of his police regime in Hampshire may be rapidly summarised.[83] He was loath to recruit any ex-serviceman (believing them to be predisposed to drunkenness), or indeed any man over the age of 30. Official regulations by contrast included no prohibition against servicemen and allowed recruitment up to the age of 50. Harris also attached great importance to the internal organisation of the constables. It was he who was responsible for introducing the four tier gradation of constables and the three tier gradation of superintendants in 1846. This innovation was predicated on the basis that it would stimulate a healthy internal competition amongst the men. No less importantly, it also allowed a measure of policing of the force itself. By setting higher to watch over lower class constables, sergeants over higher class constables and superintendants over sergeants, Harris hoped to eradicate the evils of those who defaulted in the discharge of their duty. To a similar end, he frequently re-deployed the constables around the county in order that they did not become too "locally connected". This clearly was a break between the philosophy of the new and old constabulary systems since the strength and weakness of the latter was its local knowledge. Harris nevertheless denied that the advantages to be obtained from the constables' being free from the dangers of local association and possible corruption were outweighed by the disadvantage of the constables' being unfamiliar with the district which they patrolled, since only one or two men were withdrawn from a division at any one time and very rarely the superintendant. The latter was evidently the key person in Harris' system of organisation: "such officers would be required not only to overlook the sub constables, but would be especially important in obtaining information of the character & conduct of the inhabitants of the district, in which they are stationed". Qualitatively if not quantitatively, one gets the impression that by the early 1850s Harris had succeeded in establishing a force that was better organised than its predecessor for the policing of rural society.

Reactions to the Rural Police

The assertion by Sir William Heathcote and Captain Harris in 1852 that the Hampshire police had nearly always proved "very" popular with the population at large cannot stand alongside Dr. Storch's researches or at least his conclusion that the popular reaction to the institution was one of deep seated hostility and antagonism from the lower orders.[84] Storch it is true concerns himself primarily with the popular response to the police in the urban and industrial north after 1850. Neither did Hampshire experience the surveillance of trade union activity and agitation against the Poor Law Amendment Act which Storch identifies as two ingredients of popular hostility against the police. Nevertheless the county was not exempt from the possibility of hostility being engendered by the remaining three ingredients which Storch identifies: the expense of the new police, its alleged unconstitutionality, and its intrusiveness into everyday working class life and culture.

It is in fact evident, despite what Heathcote and Harris might profess to the contrary, that there were signs of antipathy towards the police. Correspondents' letters to the Advertiser, Chronicle and Independent, respectively the press organs of the Tory, Whig and Reformer causes in the county, were united in complaining that the new institution was alien and parisitic, consisting of "blue coated gentry".[85] There is clear evidence too of resentment at the intrusiveness of the new institution. The most serious example of this occurred in the Isle of Wight in July 1840 when an estimated crowd of 200 gathered to watch whilst two men beat and kicked a constable who attempted to arrest them on the suspicion of having broken some windows.[86] More common however were the vocal rather than physical complaints against constables for having arrested persons for minor trespass or for minor breaches of highway regulations. James Hayles for example was brought before the magistrates on a charge of driving a horse and waggon incorrectly harnessed: "Defendent declared he had reins to the shaft horse; that he did not know it was required to the fore horse, and put himself in a passion, declaring that the inspector's tale was false; and that it was nothing less than downright highway robbery to fine him upon the affirmation of a body of informers".[87]

Certain points can be made about the nature of this protest. Whilst the complaints that the police were unconstitutional and that they resembled the French gendarmerie or the Irish constabulary, came from a random geographical area, the complaints that they were unduly oppressive were

confined virtually exclusively to the Isle of Wight editorials in the Independent. This of course may not reflect the true level of popular hostility towards the police in Hampshire but in the absence of any proof to the contrary one has to assume that it does. Three points moreover, confirm that hostility towards the police was greater in the Isle of Wight than on the mainland. Firstly, the Island's magistrates remained resentful that quarter sessions had not allowed them to establish their own independent force in 1839. Resentment in turn led to non-cooperation with the new institution, so much so that the chief constable felt constrained to complain publicly that his men were not receiving the magistrate support necessary for the efficient discharge of their duty.[88] Secondly the police evoked greater public resentment in the Isle of Wight than on the mainland because it appears to have been the case that the Island was less well policed than the mainland before 1839. The magistrates freely admitted that lesser offenders frequently went unpunished before 1839 simply in order to save the ratepayer the expense of committing and trying them at the county quarter sessions in Winchester.[89] This impediment to law enforcement was removed in 1839 when the Island was granted its own adjournment of quarter sessions. With the simultaneous appearance of the rural police, the petty offender could be forgiven for thinking that the authorities had suddenly become unduly oppressive. Thirdly and finally, middle and working class radicalism appears to have been more prevalent in the Island, particularly in and around Newport, than on the mainland. That is to say the popular hostility the police engendered, and which was epitomised by the editorials in the Independent, was far more politically than class inspired. The police could all too easily be protrayed as the instrument of a Tory magistracy in the eyes of a predominantly Reformer population.[90]

Yet, even in the Island, popular hostility towards the police was never universal. As early as July 1840 the press could record instances of public co-operation. Constable George Day related how he had given chase to a suspect emerging from an ironmongers: "I found upon him a frying pan and sifter: I could not get an answer as how he came by them and I took him into custody; he begged me to let him go, and on his way to the station, made several attempts to escape; he then attempted to wrest my staff away, when I sprang my rattle, and Mr. Tucker at the Dragon Hotel, came to my assistance, and we lodged him safely in the station-house".[91]

More importantly, the phenomenon of popular hostility proved transient.

Virtually all the press recorded examples occurred in 1840 and 1841. Thereafter hostility rapidly evaporated. The same pattern is true too of editorials and letters contained in the provincial press which attacked the constitutionality of the police. A useful index which serves to confirm the point is to consider the number of assaults on rural police constables. Between the introduction of the force and the end of 1850 there were 148 such assaults as compared with only three on the old petty constables.[92] But it is the year by year frequency of these assaults rather than the overall number which one needs to probe. There were 25 assaults in 1840, 24 in 1841, 16 in 1842, 12 in 1843 but, with the exception of 1847 when there were as many as 34, in no year after 1843 did the number of assaults reach double figures. Moreover, the evidence available as to the perpetrators of such assaults in the later 1840s suggest that they often involved persons outside the rural community, for example construction workers on the railways and gipsies.[93] It members of the rural community did become involved in assaults upon police constables, it was usually as a collective reaction to the attempted suppression by the police of something like a 5 November celebration, or as an overspill from the excitement of an election. Most of the 34 assaults of 1847 for example, came about as a result of an election riot in Andover when the excesses of the mob inevitably fastened upon the rural police as a target, the latter who it ought to be emphasised had only taken over the policing of Andover from the old borough policing authorities in 1846.[94] The rural police were therefore still new to Andover. In short, the overall trend was for initial hostility towards the police to give way to acceptance and acquiescence.

But if outright physical hostility towards the police quickly evaporated in Hampshire, as also the hostility grounded upon constitutional scruple, it does not necessarily follow that there was no other form of resistance to the introduction of the force. On the contrary, it is obvious that the most vocal and most protracted opposition to the police came from a body of the ratepayers in voluminous letters to the press together with a handful of magistrates. Both the ratepayers and magistrates in question objected to the expense which adopting the Rural Police Act had occasioned to the county. At the same time they doubted whether the new police would successfully check the crime rate. As the Tory Advertiser put it succinctly: "we rest our opposition on the grounds of its utter inefficiency and its enormous expense".[95]

This particular thread of opposition however, was flawed by an ambiguity and inconsistency. The ambiguity lay in the fact that although the complainants attacked the cost of the rural police, they did not oppose the principle of an improved rural constabulary per se. One anonymous correspondent conceded that the magistrates' moral case for improving the county's policing was irrefutable. The same was true of the most vocal magistrate critic of the force, the Rev. Robert Wright, who as early as 1833 had declared it to be his opinion that the old constabulary system was no longer sufficient in itself to guarantee rural tranquillity.[96] Such statements however, hinted at the inconsistency in the argument. The rural police was expensive but needed to be efficient. The complainants insisted that it was inefficient because it was spread so thinly on the ground. But this deficiency could only be overcome by increased manpower which in turn would occasion even more expense. Short of renouncing the very notion of a rural police - which they did not - the complainants could not resolve the inconsistency of their argument. As quarter sessions quickly pointed out, it fatally weakened the strength of the case.[97]

Once again however, one is presented with the difficulty of deciding just how widespread such opposition was. It would not take more than a handful of anonymous and irate ratepayers to create the impression by writing endless letters to the press, that their viewpoint was representative of the ratepayers at large. Surely a more reliable guide is to consider the number of ratepayers' petitions which were presented to sessions. There were surprisingly few. They reached a height at the Easter sessions of 1841 when some sort of co-ordinated protest appears to have been attempted. Even so, only 28 parishes of 253 in the county presented petitions. By contrast in 1822 at the time of a trough in the agricultural depression, a numerously signed petition with support from throughout the county had been presented. The general ratepayer reaction as one critical correspondent complained in frustration was one of "silent acquiescence".[98]

As was the case with the popular hostility towards the police, the vocal ratepayer opposition appears to have gradually if not quickly evaporated after 1841. This may have happened of its own accord, but four factors catalysed the process. First, the ratepayer response was in large part a reaction to a sudden increase of 50% in the county rates, which coincided moreover with the period at which the new rural police

were least popular and efficient. By the early 1840s the police were being accepted as part of the rural landscape and the ratepayers had become used to, even if they continued to dislike, the increased rating levels.[99] Second, sessions had to some extent, by anticipating the reaction to increased rates, attempted to mitigate the burden. That is to say they both ordered a new assessment of the county rate to eradicate undeniable iniquities, and refused the chief constable's almost immediate requests for his manpower to be increased.[100] Third, although expensive, it had become evident by 1841-2 that the police was costing only approximately a half of the £15,000 per annum which some of its opponents had predicted that it would.[101] Fourth, the ratepayers' case failed to attract many magistrate supporters. There were some, as Sir William Heathcote admitted, but never the five who according to statute could have tabled a motion to disband the force. The only two magistrates who continued to be vocal in opposing the rural police were the two who had offered resistance to the introduction of the force in 1839, namely W.H. Hughes and the Rev. Robert Wright. Hughes however used the occasion of the presentation of the 28 parochial petitions at the 1841 Easter sessions to announce his acceptance of the police as an irreversible fait accompli, whilst the pugnacious septuagenarian Wright became increasingly diverted from 1843 by the possibilities of lunacy reform.[102] Quarter sessions felt sufficiently confident that it had weathered the ratepayers' storm by 1845 to increase the chief constable's salary from £300 to £400 per annum; and in 1846 to augment the strength of the force as earlier detailed. They gauged correctly for the announcement of the increases provoked very little public comment. Sessions' order books serve to corroborate Sir William Heathcote's and Captain Harris' assertion to the 1852 select committee on police that petitions after the early 1840s overwhelmingly confined themselves to pointing out local shortages of police and in calling for more men.[103]

Resistance to the introduction of the police in Hampshire was most in evidence amongst the middle class ratepayers, although even amongst them it was neither pronounced nor prolonged. There is certainly some evidence of popular resistance as well, but this was not the preserve of any working class mentality but sprang rather from political radicalism. But even the Independent's reporter in the Isle of Wight was calling by 1843 for a police of both greater manpower and increased efficiency.[104] Generally the calls of 1840 and 1841 for lower rates and less policing

had given way by 1846 to calls for increased policing notwithstanding the expense which this would necessitate. Criticism of the police after 1841 had very little to do with policing. It was directed at root at the general level of county expenditure, a more or less ever present target for critics ever since the beginning of Wellington's lieutenancy. Such complaints inevitably focused upon the rural police in the early 1840s because they had clearly been the cause of the most recent rise in county expenditure. But as the decade progressed the police receded increasingly into the background, as the county came to shoulder the fresh financial burdens of a new prison in 1844 and a lunatic asylum in 1845.[105] Indeed the very success of the police in detecting criminals shifted the focus of criticism away from them by directing critics instead to the clear rise in prosecution and prisoner maintenance costs borne by the county rate, and of the consequent need for legislative changes which would enable more offences to be tried summarily.

In the context of the broader political debates taking place in the county during the 1840s, the police question played a similarly subsidiary role. Before 1846 the rural middle class was more likely to be aroused by the cry for the retention of the Corn Laws than by a call that the cure for agricultural ills lay in being exempted from the police rate. Only after the triumph of free trade in 1846 did there emerge the serious possibility that the attentions of the rural middle class might be turned instead to the relief of local burdens - including the police rate - as compensation for the Corn Laws. Yet by 1846 the police were already too well established to be considered as an obvious target for compensation. Admittedly some speakers did point to the police as a branch of expenditure in Hampshire which might be reduced, but it is important to add that they always spoke in terms of a reduction of salaries, not of manpower. The barometer of rural middle class revolt, the Winchester Farmers' Club, never once in its deliberations spoke adversely about the rural police. It is equally significant that whereas the new prison and asylum were raised as issues at the heated 1849 North Hampshire by-election, the police was not. Even the general debate over county expenditure, of which the police was part, had become by the late 1840s part of a still larger debate for national retrenchment. This in turn in the eyes of the rural middle class was no more important than their simultaneous campaigns for tenant right and representative county government.[106] By 1852 what is most striking is not that there had been

so much anti-police feeling, but that there had been so little. The Independent had astutely predicted this very phenomenon in one of its more objective editorials: "Of course, in the infancy of such a system, every empty-headed brawler will be denouncing it as tyrannical and unconstitutional, but in England, happily, clamour does not reign long, the reign of common sense which runs through the country righting every thing in due time and season".[107]

Cost and Effectiveness

Since much of the opposition aroused by the police was directed towards the expense of maintaining it, and by its alleged ineffectiveness, it is logical to conclude by investigating both criticisms to see if either was justified. A professional salaried force maintained throughout the county inevitably appeared expensive compared with the amateurish, fee-remunerated and parochially based constabulary which it was designed to supersede. As Table 8.1 demonstrates however, the force was not costing the £15,000 annually which its opponents had predicted that it would, until 1855.[108] Indeed the burden falling upon the ratepayers did not even reach £10,000 until the size of the force was increased in 1846. A similarly large jump in police expenditure was occasioned by the further additions of manpower in 1855. The bulk of this expenditure - approximately 70% - was taken up in salaries, the rest being accounted for by clothing and equipment, the purchase of horses and incidentals.[109]

TABLE 8.1 Gross and Net Cost of the County Constabulary 1840-1856

Year	Gross Cost	Net Cost	Difference
1840	6,798	6,794	•06%
1841	7,754	6,724	13•3%
1842	7,876	6,961	11•6%
1843	7,853	6,959	11•4%
1844	8,210	7,154	12•9%
1845	8,213	7,041	14•3%
1846	11,504	9,958	13•4%
1847	13,503	11,561	14•4%
1848	14,312	11,995	16•2%
1849	12,766	10,337	19•0%
1850	12,699	10,224	19•5%
1851	14,272	11,770	17•5%
1852	13,439	10,902	18•9%

/contd.

(contd.) Table 8.1 Gross and Net Cost of the County Constabulary 1840-1856

Year	Gross Cost	Net Cost	Difference
1853	14,033	10,545	24·9%
1854	14,201	10,754	24·3%
1855	15,809	12,379	21·7%
1856	22,522	15,263	32·2%

Table 8.1 also exhibits a discernible and increasing difference between the gross and net cost of maintaining the police. By 1856 almost a third of the cost of maintaining the police did not fall directly upon the county ratepayers. This was partly due to the County and Borough Police Act of 1856 which inaugurated the granting of government allowances to constabulary forces provided that they obtained a certificate of efficiency from a government inspector.[110] The 1856 Act does not explain however, why roughly a fifth of the annual gross expenditure of the police was not falling upon the ratepayers by the early 1850s. Two explanations provide the answer. First the county was reimbursed by the borough authorities within it who chose to introduce the rural police into their jurisdiction, under the provisions of the 1839 Act. Andover for example did so in 1846. Lymington followed suit in 1852.[111] Second, the police themselves were employed to save money to the county. This is an aspect of the work of the new constabulary forces overlooked by most historians preoccupied with the question of whether the new forces had any decided impact in combating crime. It is nevertheless evident in Chadwick's report of 1839 that the rural police were envisaged for purposes other than combating crime.[112] The petty constables after all had had an administrative as well as a judicial function. To employ the rural police likewise was an obvious way to establish continuity between the old and the new.

Few people can have been more eager to involve the rural police in administrative work than chief constable Harris. Such work would clearly enhance the importance of the men under his direction and allow them to integrate more easily into the local community, quite apart from the fact that it would save money to the ratepayers. To these ends police superintendants were directed from 1843 to act as inspectors of weights and measures. Hitherto the task had been performed by persons appointed annually by sessions and remunerated from the county rate. Transferring the task to the superintendants effected an annual saving to the county

of £71 and rendered the inspections "efficient" where previously they had been "nugatory".[113] Even more impressive savings were made by using the rural constables to convey prisoners, tasks for which petty constables had been entitled to claim fees. The same was true with regard to the summoning of coroners' juries. Together, the performance of both tasks by the rural police saved on average approximately £1,800 per annum.[114] Further administrative duties assumed by the Hampshire constabulary included issuing summonses, reporting bridges observed to be in disrepair, assisting in militia recruitment, issuing hawkers licenses, acting as assistant relieving officers, keeping the courts at quarter sessions and replacing the ancient javelin men by performing the same function at the assizes. The only proposal made by Harris but not endorsed by sessions was his suggestion of 1844 that his men be responsible for manning a county fire brigade.[115]

Besides the savings made against the county's gross police expenditure from payments received from borough authorities, and by employing the constabulary in an administrative capacity, there were, insisted the magistrates, indirect savings which accrued to the ratepayers because of the rural police. True, the county rates might have increased but ratepayers were no longer so burdened by the parish rates from which the old petty constables drew some of their fees. An informed estimate of the amount saved to the ratepayers of the county in parish rates was £1,500 per annum. This of course excluded sums which the petty constables themselves lost through being employed on police work rather than following their usual profession. Beyond this there was the unquantifiable sum saved to inhabitants of the county through the rural constabulary's deterring crime and in their recovery of stolen property. Captain Harris on one occasion boldly estimated that these 'invisible' savings equalled the total sum borne by the police rate.[116] Doubtless he was exaggerating. What is clear however, from the above survey is that the new police were not nearly so expensive as their critics, with an eye solely to the gross police expenditure, professed to believe.

Perhaps the most crucial question to be asked with regard to the new rural constabularies however, was just how effective they were? In Dr. David Foster's recent opinion the absence of any statistical material makes "it impossible to produce any clear verdict on the success or failure of any one constabulary force".[117] The verdicts which have been offered from existing case studies have therefore had to be based

on nothing more than informed conjecture. Generally such verdicts have been cautious in their tone. Eric Midwinter suggests that the crime rate in Lancashire was affected only marginally by the appearance of the new Lancashire constabulary. David Philips is slightly more optimistic, suggesting that the Staffordshire force had made little impact before 1848 but that thereafter its efficiency improved.[118] John Tobias and David Jones in their general surveys of nineteenth century policing are therefore advocating a consensus viewpoint when they suggest that the new police improved in their efficiency only gradually and that improved policing was only one, as opposed to the key factor, for a falling crime rate in later Victorian England.[119]

The Hampshire evidence does not suggest that this picture needs to be modified. A shortage of manpower and a rapid turnover of personnel in the Hampshire force hardly, as has been argued above, points to the existence of a totally efficient institution. Two further defects are apparent. First the corporate boroughs of Hampshire were entitled to retain their own policing authorities, and to exclude the county constabulary from their jurisdiction. Captain Harris was adamant that the ramshackle forces, particularly at Andover, Lymington and Romsey, were so ineffectual as to be positive havens for criminals, and that they undermined his efforts to eradicate crime: "The boroughs are generally the central points from which criminals issue into the surrounding districts to commit offences, and to which they return with their plunder".[120] In Hampshire too, an unhealthy rivalry appears to have existed between the county and the more efficient borough forces - such as that at Southampton - which could hardly have proved conducive to good policing. One one occasion an off duty superintendant from the county force recognised and seized an escaped convict at Southampton railway station, but was refused the loan of a pair of handcuffs from the borough force with which to secure him.[121] Only in 1856 with the passage of the County and Borough Police Act were most of the smaller borough forces compulsorily united with that of the surrounding county.

The second defect apparent in the early years of the rural police in Hampshire was the force's less than satisfactory relationship with the county magistracy. Sometimes for example, valuable time could be lost whilst a constable searched for a magistrate from whom to obtain a warrant.[122] More seriously, there could be outright friction between magistrates and police, an important corrective to Storch's contention

that the police were an instrument for social control in the hands of the magistracy. Certainly in Hampshire as has been demonstrated, Captain Harris and his men enjoyed a large degree of independence, and part of this independence consisted in Harris' attempted enforcement of a stricter police regime than the magistrates were prepared to sanction. Constable Whiting for example, who brought a nude vagrant before the petty sessions at Fareham, was rewarded for his pains by being ordered to buy the vagrant a jacket. Such instances caused Harris to complain to a select committee that his men did not always enjoy the backing from the magistracy which he expected.[123] Probably the differences between the two resulted from the magistrates' greater realism. It was all very well for a constable to move for the disqualification of a victualler's licence on the grounds that the latter was harbouring prostitutes, but the magistrates knew that to convict would simply result in the victualler's setting up business elsewhere in a beershop. The magistrates wanted to improve moral standards no less than the police but they did not want to do so suddenly or to cause unnecessary aggravation. Harris perhaps conceded the point when he issued new codes of instructions to his men in 1850 with respect to the maintenance of order in public houses, by placing greater onus on the licensee as against the constable.[124] The declining number of licensing and highway offences in Hampshire during the 1840s as also the falling number of assaults upon constables, may be due as much as anything else to Harris' realisation that the degree of intrusiveness into local life which he might like to have sustained was neither practical nor sensible.

This thesis is arguably borne out by an attempt to consider the effectiveness of the Hampshire police from a statistical standpoint. The number of cases tried at quarter sessions reached the unprecedented number of 356 in 1840 and rose still further to 377 in 1841 before levelling off to an average of 294 cases between 1842 and 1852. This pattern of an initial increase in committals followed by a steady decline was to be found wherever the Rural Police Act was implemented. This, it is generally agreed, reflected the new institution's effectiveness at clamping down upon petty offences such as drunkeness and brawling, rather than an increase in crime.[125]

But committals to quarter sessions give an incomplete picture of police work. Thanks to Captain Harris' exertions in collating statistical information, one is able to present a more rounded picture of police work

in Hampshire, than is possible for any other force.[126] The first point which emerges in attempting to do so from Table 8.2 is just how few arrests made by the county constabulary resulted in trials at either quarter sessions or the assizes, a mere 17% between 1840 and 1850, whilst

TABLE 8.2 Arrests by the Rural Police 1840-1850

Year	Arrests	Discharged	Committed	Summarily Tried
1840	1,577	401	242	934
1841	1,941	491	307	1,143
1842	2,057	473	378	1,206
1843	1,873	423	333	1,117
1844	1,824	428	304	1,092
1845	1,788	474	336	978
1846	2,274	561	306	1,407
1847	2,445	655	466	1,324
1848	2,684	745	477	1,462
1849	2,583	679	421	1,483
1850	2,372	608	430	1,334

83% of the arrests were dealt with summarily by the county magistrates in petty sessions. When one considers that the number of persons discharged at a summary trial (25·4% of the total number of arrests) was half as many again as those committed for trial at sessions and assizes (17% of the total number of arrests), one can appreciate just how dangerous it is to make generalisations as to the efficiency of the policy from quarter sessions evidence alone. Moreover, persons arrested by the rural police and subsequently tried at sessions and assizes constituted only 53·8% of the total number of persons tried before those two institutions between 1840 and 1850.

The persons who constituted the 46·2% of those tried at sessions and assizes between 1840 and 1850 but not arrested by the police were presumably committed by borough police authorities, possibly in a few instances by the magistrates themselves, but above all by the old petty constables. Ever short of manpower, it can easily be overlooked that the rural police welcomed support from the institution which it ostensibly had superseded and that the old petty constabulary remained an integral feature of the policing landscape. It was to facilitate this that the Conservative government passed a Parish Constables Act in 1842.[127] This finally abolished the right of courts leet to appoint constables, vesting

the power instead with the county magistrates who held special sessions for the purpose. The magistrates appointed as many constables as they deemed necessary for a parish from lists of names supplied by the parish overseers. These constables were still prevented from being an efficiemt organ of policing by not being bound to act outside their own parish and they continued to be remunerated by fees. Nevertheless, since they were selected by the magistrates they can be presumed to have been reasonably competent, a supposition strengthened by the fact that they were subject to the authority of the chief constable. The magistrates certainly welcomed the Act of 1842 not least because it provided them with a temporary alternative to increasing the strength of the professional constabulary at a time when popular hostility towards the latter institution still persisted.[128] Certainly both county magistrates and chief constable appear to have been happy to leave the mundane tasks of issuing summonses to the petty constables. In 1850, of 2,192 persons to be served with summonses, only 389 were issued by a constable from the rural police.[129]

Most of the work effected by the rural police then, consisted in making arrests for minor offences which were dealt with summarily in petty sessions. This point can be taken further for as Table 8.3 shows, virtually two thirds of all arrests every year between 1840 and 1850 alone fell into the six categories of common assault, simple larceny, wilful damage, drunkenness and disorderliness, and poaching and vagrancy. The most

TABLE 8.3 Major Categories of Arrest by the Rural Police 1840-1850

Year	Common Assault	Simple Larceny	Wilful Damage	Drunk/ Disorderly	Poaching	Vagrancy	% of Arrests
1840	173	246	247	132	80	194	68•0%
1841	202	319	290	246	141	134	68•6%
1842	164	378	338	184	181	156	68•1%
1843	94	333	238	224	145	171	64•3%
1844	126	380	222	157	186	142	66•5%
1845	129	398	175	187	137	168	66•8%
1846	171	429	183	304	107	324	66•8%
1847	137	494	239	227	114	259	60•1%
1848	116	497	270	240	122	327	58•6%
1849	177	517	277	179	194	298	63•4%
1850	130	460	226	176	173	309	62•1%

TABLE 8.4 Selected Minor Categories of Arrest by the Rural Police 1840-1850

	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850
Murder	0	1	0	2	1	0	0	2	6	3	2
Shooting	1	0	2	2	0	4	4	11	4	1	4
Wounding	3	4	6	3	3	3	3	3	5	2	9
Manslaughter	0	0	5	11	0	4	0	0	3	4	4
Rape	1	4	2	0	2	1	6	2	4	4	3
Highway Robbery	0	0	7	2	2	12	2	6	8	2	2
Obstructing Constables	5	2	25	67	31	19	18	21	62	59	59
Sheepstealing	19	12	10	12	6	7	9	6	11	18	6
Assaulting Constables	25	24	16	12	4	6	9	34	7	9	2
Burglary	2	6	0	3	10	6	9	14	7	12	12
Breaking & Stealing	20	29	18	17	14	18	13	10	34	26	19
Highway Offences	75	80	87	53	61	36	86	11	9	25	10
Disorderly Unions	23	60	65	94	118	88	133	182	210	184	88
Drunkenness	24	11	6	16	4	0	11	46	144	67	77
Frauds	7	14	22	29	20	20	17	32	32	14	27
Arson	0	3	3	7	19	6	7	9	13	17	11
Breaches of Peace	12	31	29	31	24	22	30	43	42	40	67

important categories in the remaining one third of arrests are set out in Table 8.4.

On the basis of the information contained in Table 8.4 one would have to question the veracity of Harris' assertion of 1852 and endorsed by the magistrates that the police had brought about a decline in "all offences of a serious character". Harris particularly had in mind serious offences against the person such as murder, shooting, wounding and rape, and the criminal offences of highway robbery and sheepstealing.[130] Neither category however ever accounted for a large number of arrests and whilst Harris may have been right that the number of such offences had declined in the early 1850s, the time-scale was too short to make such a generalisation meaningful.

Harris may have had more of a point when he insisted that the rural police were making an impact in combating minor offences. As he put it "petty depredations are prevented, vagrancy checked, and beer-houses controlled".[131] This is difficult to quantify and in any event the argument depends in part upon the deterrent effect of the new police. One might however in possible confirmation of Harris' assertion note the discernible increase in the number of arrests for simple larceny and vagrancy from the mid 1840s onwards as recorded in Table 8.3. A wealth of ex parte statements point to the same conclusion. Mr. Baily of Worthy for example swore to the fact that a wooden fence which he had had to replace every year prior to the introduction of the rural police, had subsequently never been touched. If one accepts Sir William Heathcote's contention that the chief victims of simple larceny were those just above the level of shopkeepers and labourers who could not always afford to employ a petty constable on their behalf there is a prima facie case too, for an increased detection of the perpetrators of larcenies.[132] The same argument applies with regard to the checking of vagrancy since the petty constable had lacked any incentive to apprehend the latter. By contrast, and particularly after 1846 from which date Hampshire police superintendants were sometimes employed as assistant relieving officers, the rural police made a concerted effort to combat vagrancy. Harris outlined the procedure his superintendants followed to the 1852 select committee on police: "The vagrant, instead of applying to the relieving officer of the district, applies to the superintendant of police, or whoever is appointed assistant relieving officer, for a ticket of admission to the Union, and the officer exercises his discretion whether he thinks

the applicant is a fit subject for relief". Gypsies found the rural police no less harassing: "we impound their cattle, and moved them on upon all occasions". Hence Harris' boast that "I think that any person going from Hampshire into Dorsetshire might know when they are without the county, by the swarms of gipsies they see encamped".[133]

The above, it must be emphasised, remain in part impressionistic conclusions as to the areas in which the rural police proved most successful. But Harris' exertions do allow us to make some observations based upon statistical data as to the areas in which the police were most effective. Table 8.5 records for the years 1850 the number of reported felony cases under various headings, together with the number of each which went undetected. On the basis of this table one can say that the police were best, as one might have anticipated, at detecting offences committed by lodgers and servants, simple larcenies and the theft of exposed sale goods. In all four instances the perpetrators were most likely to be known locally since the offences were only minor. But when it came to the more premeditated or organised crimes of burglary, house and shop breaking and above all the theft of poultry and sheep, the police found themselves much less successful in detecting the offenders.

TABLE 8.5 Select Felony Categories, 1850

Description	number	number undetected	% undetected
Theft by servants	37	2	5•4%
Exposed sale goods	34	5	23•8%
Theft by lodgers	24	6	25•0%
Simple larceny	207	75	36•2%
Open door theft	34	14	41•2%
Housebreaking	23	13	56•5%
Shopbreaking	22	13	59•1%
Burglary	25	16	64•0%
Poultry theft	73	58	79•5%
Sheep theft	50	48	96•0%

Captain Harris also usefully recorded the percentage of undetected felonies each year, although unfortunately this series of figures only commences in 1847 in which year the perpetrators of 54% of all felonies reported went undetected. It is surely reasonable to assume however that the rate of undetected felonies for the earlier part of the decade was

higher chiefly because the rural police were thinner on the ground and lacked experience. The percentage of undetected felonies in 1840 might have been, even at a conservative estimate 60%. This figure invariably decreased each year down to 1856 and in fact the percentage of undetected felonies fell by roughly a half in only ten to 15 years. This was an undeniably impressive improvement.

TABLE 8.6 Felony Detection Rate 1847-1856

Year	% of undetected felonies
1847	54%
1848	47%
1849	51%
1850	47%
1851	48%
1852	43%
1853	39%
1854	37%
1855	33%
1856	27%

There are too many variables involved to enable us to be able to say definitively whether or not the crime rate fell, and by how much, in mid-nineteenth century Hampshire. What is surely more important is the fact that whereas the county's leaders frequently articulated their fears in the first 20 years of Wellington's lieutenancy that crime was beyond their control and increasing, the introduction of the rural police changed the mood of pessimism into one of optimism. The police could not eradicate crime, but by 1852 their efforts had convinced the magistrates that its level did not imminently threaten the structure of the society over which they presided. One could of course object that the mood of optimism was one manufactured for public consumption as a justification for the increase in county expenditure which the introduction of the rural constabulary had brought about. Doubtless there is some truth in such an objection. Yet one does not find in even private correspondence of the 1840s the forebodings about unchecked crime which are so prevalent in the 1830s. Of course, the rural police were not the only factor in bringing about this change. There is probably some truth in the recent comment that "To a degree...the mob tamed itself, at least as much as it was tamed by government or its agents".[134] The findings of

the present chapter however, whilst they do not conflict with the current consensus as to the gradual as compared to the cataclysmic impact of the new police, do caution us against a possible tendency to belittle their impact altogether. The Hampshire police after an uncertain beginning, was making quite a considerable impact on the policing of rural society by the mid 1850s. Perhaps the decisive date was 1846 when its much needed increase in manpower was immediately reflected in an increased number of arrests, and a significant improvement in the rate at which it detected felonies. Despite the continuities with the old style of policing and in the use of constables for administrative as well as judicial work, it is the changes inaugurated by the new force which are the more apparent. There can be no gainsaying that the rural police marked the clearest break during Wellington's lieutenancy away from the ways and traditions of the eighteenth century; nor that it provided the clearest signpost towards the bureaucracy and professionalisation of the twentieth.

Footnotes to Chapter Eight

1. C. Reith, A New Study of Police History; T.A. Critchley, A History of Police in England and Wales 900-1966; J.M. Hart, The British Police; L. Radzinowicz, A History of English Criminal Law and its Administration from 1750.
2. R.D. Storch, 'The Plague of the Blue Locusts. Police Reform and Popular Resistance in Northern England, 1840-57', International Review of Social History, XX (1975), pp. 61-90, and idem, 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880', Journal of Social History, IX (1976), pp.481-509.
3. J.J. Tobias in G.L. Mosse (ed.), Police Forces in History.
4. David Philips, Crime and Authority in Victorian England, p.59.
5. Clive Emsley, 'The Bedfordshire Police 1840-1856: A Case Study in the Working of the Rural Constabulary Act', Midland History, VII (1982), pp.73-92; David Jones, Crime, Protest, Community and Police in Nineteenth Century Britain. In addition to the last named work by Jones, the best and most useful recent syntheses on the subject are idem, 'The New Police, Crime and People in England and Wales, 1829-1888, T.R.H.S., 5th ser., XXXIII (1983), pp.151-168; V. Bailey, Crime and Punishment in Nineteenth Century Britain; David Foster, The Rural Constabulary Act 1839.
6. 'Return to House of Commons of Counties...which have adopted the County Constabulary Acts...', Parlt. Papers, 1841 (121), XX, pp.297-301.
7. On the former see above chapter seven; on the latter below Appendix D. A third possible auxiliary whose potentialities were never really exploited were the army pensioners. On these see F.C. Mather, 'Army Pensioners and the Maintenance of Civil Order in early nineteenth century England', Journal of the Society for Army Historical Research, XXXVI (1958), pp.110-124.

8. Q.O.32, 18 October 1820.
9. Lord Lieutenancy Papers, L.L.2, appointment dated 10 October 1835.
10. H.O.52/7, Sir J.T. Lee to Melbourne, 6 December 1830.
11. 1 and 2 Will. IV c.41; 5 and 6 Will.IV c.43.
12. 'First Report from the Select Committee on Police...', Parlt. Papers, 1852-3 (603), XXXVI, p.23.
13. 'Report from the Select Committee on the Sale of Beer', ibid., 1833 (416), XV, p.7
14. On these see Adrian Schubert, 'Private Initiative in Law Enforcement: Associations for the Prosecution of Felons, 1744-1856' in Bailey, op. cit., pp.25-41.
15. 'Report of the Commissioners for Inquiring into County Rates', Parlt. Papers,1836, XXVII, Appendix C.
16. 'Report from Select Committee on the Receipt and Expenditure of County Rates...', ibid., 1834 (542), XIV, p.219. On the office of high constable see B. Keith-Lucas, The Unreformed Local Government System, pp.47-48; S. and B. Webb, English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County, pp.489-502.
17. Ibid., p.489. It is impossible to say how many high constables continued to be appointed by court leet in Hampshire, but what is certain is that the practice was far from extinct. See the report of the Petersfield court leet in HC, 23 June 1834.
18. Q.O. 32, 18 October 1819. For an example see the Coventry MSS., 8M59/284 which confirms that the office alternated each year.
19. HC, 25 October 1819.
20. Ibid., 25 November 1839.
21. Keith-Lucas, op. cit., pp.83-87; S. and B. Webb, op. cit., pp.27-28, 39-40.
22. Ibid., pp.26,28,40,114; Keith-Lucas, op. cit., especially p.84.
23. 'First Report of the Commissioners appointed to inquire as to the best means of establishing an efficient Constabulary Force...', Parlt. Papers 1839 (169), XVI, p.109 and passim. For other evidence from Hampshire in the report see pp.10,67,69.
24. HC, 9 January 1837.
25. 'First Report from the Select Committee on Police...', p.23
26. See above chapter three, p. 87. A useful summary of the indictment against the old constabulary is provided by Philips, op. cit., p.60.
27. 'First Report of the Commissioners...', p.180.
28. Philips, op. cit., pp.59-63.
29. HI, 10 December 1836.
30. HC, 11 April 1836.
31. See for example the list of constables in the Coventry MSS., 8M59/254.
32. Lord Lieutenancy papers, L.L.3, appointment of 9 December 1839; ibid., L.L.2, appointment of 13 November 1837.
33. For example, HC, 9 January 1832; Q.O.36, 21 December 1839.
34. HC, 20 January 1834 and 9 January 1837.
35. F. Awdry, A Country Gentleman of the Nineteenth Century, pp.67-70.
36. HC, 9 April 1838 and 5 July 1851.
37. 'Report of the Commissioners for Inquiring into County Rates', Parlt. Papers,1836, XXVII.
38. Russell papers, bundle 2c, letters from Lefevre to Russell of 11 and 22 September 1836.
39. Chadwick MSS., bundle 1798, especially Lefevre's letters to Chadwick of September 1836.

40. Ibid., bundle 1798, especially Lefevre's letters to Chadwick of 20 October, 4 and 11 December 1836 and 27 March 1839.
41. 'First Report from the Select Committee on Police...', pp.30-31.
42. E. Longford, Wellington. Pillar of State, pp.67, 196-197; W.MSS., 4/1/10/9, Lefevre to Wellington, 30 March 1839.
43. See Wellington's famous memorandum of June 1820 to Lord Liverpool in W.MSS., 1/648, his speech in support of the Metropolitan Police Act in Hansard, Parliamentary Debates, 2 ser., XXI (1829), pp.1750-1752; and compare them with his sentiments in W.MSS., 2/61, letters to Lord Francis Egerton and Lord Wilton of 19 and 20 August 1839 respectively.
44. Ibid., 4/2/8, Wn to Sturges-Bourne, 16 November 1837 and see above chapter five, pp. 146-147.
45. Ibid., 4/1/10/39, Wn to Fleming, 18 October 1839; ibid., 4/1/10/43, the same to the same, 24 October 1839.
46. This is in striking contrast to Bedfordshire where apparently the police question was not discussed at all before May 1839, Emsley, op. cit., p.74.
47. W.MSS., 4/1/2/2/37, Fleming to Wn, 30 November 1830.
48. F.T.B., p.76.
49. H.O.52/13, Dr. E.G. Jones to Melbourne, 3 November 1831.
50. H.O.40/27/5, Mair to Melbourne, 19 December 1830.
51. For applications for the assistance of a London policeman see H.O.41/8, Peel to J.W. Scott, 27 November 1830; H.O.43/49, S.M. Phillips to Sir G. Staunton and Palmerston, 22 April 1837; H.O.52/34, S.G. Pechell and J. Lyon to Russell, 7 October 1837.
52. E.J. Hobsbawm and George Rude, Captain Swing, p.88 note; HC, 11 April 1831, 4 July 1836 and 7 January 1839.
53. Ibid., 10 January 1842.
54. Ibid., 23 December 1839; W.MSS., 4/2/8, Sturges-Bourne to Wn, 14 November 1837; ibid., 4/1/10/42, Fleming to Wn, 23 October 1839.
55. J. Hart, 'Reform of the Borough Police 1835-56', E.H.R., LXX (1955), pp.411-427 and compare J.J. Tobias, Crime and Industrial Society, pp.232-236.
56. Chadwick MSS., bundle 1798, Lefevre to Chadwick n.d. (but clearly mid-September 1836).
57. Russell papers, bundle 2D, Lethbridge to Russell, 3 December 1836.
58. W.MSS., 4/2/8, Sturges-Bourne to Wn, 14 November 1837.
59. See above chapter three, pp. 76-80.
60. HC, 9 April 1838.
61. W.MSS., 4/2/8, Sturges-Bourne to Wn, 14 November 1837; Lord Lieutenancy papers, L.L.1-2, passim.
62. HA, 2 November 1839.
63. HC, 15 April 1839.
64. This paragraph is based upon the account in ibid., 21 October 1839.
65. Q.O.39, 11 October 1839.
66. W.MSS., 4/1/10/42, Fleming to Wn, 23 October 1839.
67. What follows is based upon accounts in HC, 9 and 16 December 1839.
68. Q.O.39, 21 December 1839.
69. HA, 21 December 1839; W.MSS., 4/1/10/71, Fleming to Wn, 26 December 1839.
70. HC, 23 December 1839.
71. Q.O.39, 21 December 1839; 'First Report from the Select Committee on Police...', p.15.
72. HC, 6 July 1840; Q.O.41, 13 April 1846.

73. Q.O.43, 2 April 1855.
74. W.MSS., 4/1/10/55, Fleming to Wn, 18 December 1839. Unfortunately, I was not allowed access to the force order books from which firmer assertions could have been made. A certain amount of material is available in Ian Watt, A History of the Hampshire and Isle of Wight Constabulary 1839-1966.
75. Ibid., pp.10-11; HC, 6 January, 6 July 1840, 10 January 1842; HI, 30 January 1841.
76. HC, 5 July 1851; Watt, op. cit., p.10.
77. Ibid., p.21.
78. HC, 13 December 1851.
79. 'First Report from the Select Committee on Police', p.21.
80. HC, 13 April 1850; HI, 19 October 1850.
81. Watt, op. cit., pp.9-10, 12; W.MSS., 4/1/15/72, Robbins to Wn, 26 May 1846.
82. Watt, op. cit., pp.12-13. A military background was of course typical for many of the early chief constables.
83. This paragraph is based upon Harris' remarks to the 'First Report from the Select Committee on Police...', pp.5-22.
84. Ibid.,pp.21, 25 and compare Storch, 'The Plague of Blue Locusts', passim.
85. HI, 30 October 1841; HC, 30 December 1839; HA, 7 December 1839.
86. HI, 25 July 1840.
87. Ibid., 3 October 1840. This sort of offence of course was the type from which petty constables had nothing to gain by attempting to check.
88. See the petition to the Whig government dated 27 July 1839 in H.O.52/43.
89. HC, 7 January 1839.
90. HI, 6 June, 30 October and 12 December 1840.
91. Ibid., 18 July 1840.
92. The figures are drawn from the copy of Captain Harris' analysis of crime in Hampshire between 1840 and 1850 found in the Compton MSS., 12M60/85. Many of these assaults must have come about as a result of attempts to resist arrest.
93. HC, 6 July 1840, 15 March 1841, 25 March and 15 July 1848.
94. Ibid., 23 November 1840 and 31 July 1847.
95. HA, 7 December 1839.
96. HC, 23 December 1839; 'Report from the Select Committee on the Sale of Beer...', Parlt. Papers, 1833 (416), XV,p.17. For isolated examples of correspondents who suggested an alternative to the Rural Police Act, see HC, 28 October and 30 December 1839.
97. See Heathcote's speech in ibid., 6 January 1840.
98. Q.O.40, 6 April 1841; HC, 19 April 1841 and compare ibid., 21 January 1822.
99. See above, chapter four, pp.121-122.
100. HC, 13 April and 6 July 1840.
101. See below, pp. 246-248.
102. HC, 19 April 1841 and 5 January 1844.
103. For example, ibid., 13 April 1849 and 10 January 1851.
104. HI, 18 March 1843.
105. See above chapters three and four.
106. On these developments see below chapter twelve.
107. HI, 15 June 1839.
108. HC, 23 December 1839. Admittedly, had the initial manpower been fixed at the optimum level desired subsequently by Captain Harris,

the figure of £15,000 may well have been attained.

109. These points and Table 8.1 are based on Harris' figures found in the Compton MSS., 12M60/85.

110. See J. Hart, 'The County and Borough Police Act, 1856', Public Administration, XXXIV (1956), pp.405-417 and Henry Parris, 'The Home Office and the Provincial Police in England and Wales 1856-1870', Public Law (1961), pp.230-255.

111. Watt, op. cit., p.14. Romsey however continued to guard its independence until 1856. Winchester, Southampton and Portsmouth continued to maintain their own forces.

112. 'First Report of the Commissioners...', pp.155-165.

113. HC, 6 July 1840, 23 October 1843, 6 January and 19 October 1844.

114. Quarter sessions filing box 26, Report of the Select Committee on County Expenditure, with a view to its reduction' (1851), pp.17-21.

115. HC, 10 April 1843, 13 April 1844, 24 October 1846, 9 January 1847, 16 June 1849, 12 April 1851, 23 October 1852; W.MSS., 4/2/10, Harris to Wn, 9 May 1844.

116. Report of the Select Committee on County Expenditure... , p.18; HC, 5 July 1851.

117. Foster, op. cit., p.37.

118. E.C. Midwinter, Law and Order in Early Victorian Lancashire, pp.33-39; Philips, op. cit., pp.78-87.

119. Tobias, op. cit., p.238; Jones, op. cit., p.21.

120. 'First Report from the Select Committee on Police', p.8.

121. Ibid., p.8

122. W.MSS., 4/1/14/10, Ashburton to Wn, 21 July 1845.

123. 'Report from the Select Committee of the House of Lords on Operation of the Acts for the Sale of Beer...', Parlt. Papers, 1850 (398), XVIII, pp.547-548.

124. HC, 13 April 1850.

125. Jones, op. cit., p.21.

126. Compton MSS., 12M60/85.

127. 5 and 6 Vict. c.109; Radzinowicz, op. cit., Vol.IV, pp.271-274.

128. HC, 24 October 1842.

129. Compton MSS., 12M60/85.

130. 'First Report from the Select Committee on Police...', p.6.

131. Ibid., p.6.

132. Ibid., pp.20,23.

133. Ibid., pp.12,19-20.

134. Jones, op. cit., p.21. For an example of the new optimism, Chadwick MSS., bundle 1798, Lefevre to Chadwick, n.d. (probably January 1845).

PART TWO

COUNTY POLITICS 1820 - 1852

CHAPTER NINE

THE POLITICS OF WHIG REVIVAL, 1820-1826

The county constituency of Hampshire was not coterminous with the county boundaries. It included the Isle of Wight but excluded twelve boroughs who each returned two members in their own right. The twelve were Andover, Christchurch, Lymington, Petersfield, Portsmouth, Southampton, Stockbridge, Whitchurch, Winchester and, in the Isle of Wight, Newport, Newtown and Yarmouth. Together with the two knights of the shire returned for the county of Hampshire and the Isle of Wight, this was a total representation of 26.[1]

At 1,628 square miles, Hampshire in 1820 was the eighth largest constituency in England. Its sheer size alone conspired to save it from the worse excesses of electoral malpractice, in striking contrast to some of the parliamentary boroughs - notably Stockbridge - within it. The commentator T.H.B. Oldfield noted with some irony in 1816 that although Hampshire had returned two knights of the shire ever since 1295 "we do not find a single petition complaining of an UNDUE ELECTION....!!!"[2] As a corollary, the electorate under the ancient forty shilling freeholder franchise was both large and open, at least in theory. John Cannon suggests that on the eve of the Reform Bill, it numbered as many as 4,300.[3] This figure is almost certainly too low. A letter detailing the results of a canvass for the eventually uncontested election of 1820 recorded 7,117 votes between three candidates and added that the sentiments of a further 900 electors were unknown. Even on the conservative assumption that each elector had promised both of his votes therefore, one is left with an electorate approaching 4,500.[4] But since there is evidence to suggest that two of the three candidates were at times canvassing for plumpers the potential size of the electorate could easily have been several hundred higher, perhaps as many as 5,000.

S.G. Lowe has recently examined the course of Hampshire politics between 1734 and 1830.[5] His is an essentially Namierite tale of how before 1790 the leading gentry families tended to ally themselves with either the Powletts (Dukes of Bolton) or Brydges (Marquesses of Chandos) in a protracted struggle for the county's political hegemony. This era effectively came to an end at the general election of 1790 when the combined strength of the county's independent gentry families, drawn

predominantly from north Hampshire, succeeded in returning two of their own number William Chute and Sir William Heathcote against the Whig sponsored candidates Lord John Russell and Jervoise Clarke-Jervoise. Thereafter asserts Lowe, apart from a brief interruption in 1806-7, the political heat evaporated from Hampshire election contests. Chute and Heathcote sat unopposed until they retired in 1820. Even then political tranquillity persisted until 1831 for the Hampshire Whigs had all but disappeared as an identifiable political grouping, a point Lowe believes proven by their failure to stage a county meeting to condemn the Peterloo massacre. In fact, Lowe insists, there was no large or important political meeting during the 1820s for the simple reason that there was no issue deemed important enough for public discussion. The political stage in Hampshire during the 1820s was left instead to conservative minded gentlemen whose differences were slight. The fact that John Fleming, the most reactionary of the three persons to sit for the county during the 1820s, could waive his opposition to Roman Catholic emancipation in 1829, is adduced by Lowe as the final proof of what he calls "the decline of political interest".

Whilst there is no obvious reason why Hampshire politics should have approximated to a national pattern, one cannot but be struck by the contrast which exists between Lowe's picture and that painted by historians such as Mitchell and O'Gorman of a general upsurge in political activity in the years after 1815.[6] Moreover, the undeniable fact that there were no polled election contests in Hampshire from 1807 until 1831 need not imply that there was no political activity. There were after all changes in the county representation in both 1820 and 1826. So too, one needs to explain why, if the county's Whigs had become virtually extinct in the early nineteenth century, two Whig Reformers were returned without a poll in 1831. Lowe's thesis simply does not fit the facts. For this reason the Hampshire politics of the post Waterloo years must be re-examined.

The Revival of Political Activity

A clue to a reinterpretation of the period is provided by Lowe's own allusion to the Whigs' failure to obtain a county meeting to condemn the Peterloo massacre.[7] It is not so much the specific issue of Peterloo as the county meeting's being used as a political vehicle which is important and a point which has received not nearly enough attention

from historians.[8] County meetings were essentially an extension of the ancient county court. As such they were convened at the discretion of the high sheriff upon the receipt of a requisition from freeholders specifying the issue which it was intended to discuss. The sheriff would preside at the meeting, attendance at which was ostensibly limited to county freeholders, and sign on behalf of those assembled, the resolutions which had been agreed. Such resolutions were not simply a petition but recognised by all as being the 'official voice' of the county, and as such immensely prestigious.

Before 1775 county meetings had excited little controversy. They tended to be gentry dominated affairs for the expression of conservative sentiments. They continued to be used for such purposes after 1775 as for example with the Hampshire county meeting of March 1817 to congratulate the Prince Regent on his escape from an assassination attempt.[9] Christopher Wyvil however, appreciated that the prestige of the county meeting might be enlisted in more radical causes. To organise a series of county meetings nationwide to petition simultaneously against a specific grievance could not but be an influential expression of public opinion. Thus 28 counties followed the example of his Yorkshire Association in 1779 and petitioned for Reform.[10] The same device was employed yet more effectively a generation later by Henry Brougham who organised a petitioning movement spearheaded by the petitions from county meetings as the basis of his successful campaigns to revoke the Orders in Council (1812) and to abolish the property tax.[11] Cobbett and Hunt likewise recognised the propaganda value of embodying their own radical programmes in the resolutions of a county meeting, and generally succeeded in establishing the fact that inhabitants and not just freeholders were entitled to participate at such gatherings.[12] In short by 1815 both Whigs and Radicals looked to the county meeting as a means by which to inflict embarassing reverses upon their Tory opponents.

It is against this background of increasing popular political activity and specifically in the battle to control county meetings that we must set Hampshire politics after 1815, for contrary to what Lowe asserts, there were questions deemed worthy of public discussion. Cobbett actually went so far as to date a political reawakening in Hampshire to an inhabitants' meeting of 1816 which resolved decisively against "the extraordinary impost, called the 'Property Tax'". For Cobbett the event was of double significance: "The opposition itself is something new;

but the description of persons (namely, the country gentry) who have now appeared on the stage is also new, and this is a matter of much greater importance".[13] The event was followed in March 1817 by his own famous meeting on Portsdown hill - admittedly a meeting characterised by the presence of the labouring population and by the absence of any influential gentry - which passed resolutions in favour of annual parliaments and a ratepayer franchise.[14] Clearly there was more political activity in the county than a unanimous resolution from the gentry at the March 1817 county meeting to congratulate the Prince Regent on his escape from assassination would suggest.

On the other hand, such activity as there was in 1816 and 1817 cannot be said to have been party political in character, nor did it signify any real split on a point of principle amongst the gentry. The 1816 meeting was an essentially shortlived protest against the specific grievance of the property tax in which no more than a handful of independent gentry families appear to have participated.[15] For this reason, it is perhaps best to push forward the date of renewed party political activity in Hampshire to the series of events which took place between 1819 and 1823.

The first of these events was the Peterloo massacre, the great merit of which, or rather the government's subsequent decision to praise the actions of the Manchester yeomanry, was to reunite the parliamentary Whig party.[16] The national revulsion against the massacre and the 'Six Acts' of the same year, at a time when fears of public disorder were arguably beginning to recede, allowed the Whigs to seize the political initiative, and to portray themselves as the natural leaders and protectors of the people. It was not originally the Whigs' intention to mount a national campaign of county meetings to condemn the government's course of action, but when the Whig lord lieutenant of the West Riding, Earl Fitzwilliam, was dismissed for sanctioning such a county meeting, this was their response. By the same token, government supporters were determined to thwart such initiatives.

The moves to call a county meeting in Hampshire originated in a visit from George Tierney, the Whig leader in the House of Commons, to the Earl of Carnarvon at his 9,000 acre Highclere estate in north Hampshire.[17] Carnarvon was at first opposed to the idea, but gave way to persuasion and by September 1819 he had initiated a requisition for a county meeting in conjunction with the lesser county landowner and Member for Southampton,

Sir William de Crespigny. Their requisition condemned the massacre as unnecessary and censured the government for passing an opinion on the yeomanry's behaviour before an independent inquiry had been held.[18] This galvanised the Tory gentry into a response, which took the form as the Duke of Buckingham had suggested in an open letter to Carnarvon, of a counter requisition to the high sheriff requesting him not to convene the meeting. The high sheriff, Henry Compton of Minstead, was duly prepared to do just this, but in the event the Whig requisition was never presented.[19]

Compton's intention of refusing the requisition should not be seen, as Lowe suggests it should, as the action of one individual who alone was able to resist the dying throes of Hampshire Whiggery. It was rather the action of a man obeying the instructions of social superiors who were making a co-ordinated effort to ensure that this manifestation of revived Whiggery should not be allowed to gather momentum. It is evident from his private correspondence that Compton was invited to Heron Court, the Hampshire seat of the lord lieutenant the Earl of Malmesbury, immediately after Carnarvon had made known his intention to submit a requisition and firmly instructed as to how to proceed: "it is desireable" wrote Malmesbury "that if you have received the Requisition that you say you need take a little time to consider of it & inform them when you have so done. It is important to gain as much time as we can".[20] Time in other words for Malmesbury's son Viscount Fitzharris and his former ward Viscount Palmerston to write to the county's leading Tory gentry soliciting their assistance in gathering names for a counter requisition. For a few days in October 1819 the county was convulsed by as much political activity as it might have witnessed during an election as both requisitionists and counter requisitionists frantically sought the names to prove that their view represented the weight of opinion in the county.[21]

Whilst the Peterloo episode did, from a national perspective, provide the Whigs with a much needed boost in their attempt to portray themselves as a popular party, one should be careful not to exaggerate the divide which the incident created in Hampshire society. Carnarvon's failure to press ahead and submit his requisition on the grounds that Parliament was to re-assemble to consider the events at Manchester was probably only an excuse. More importantly he realistically, albeit privately conceded, that the requisitionists' cause had failed to arouse any discernible level of popular support amongst the freeholders; and secondly that not

all the county's Whig gentry had lent him their support. Whilst the total number of requisitionists is unknown one can say with certainty that its gentry adherents were few. They divided roughly into two groups: old Whigs like Carnarvon, Crespigny, Sir Charles Mill, Thomas Thistlewayte (who had temporarily sat for the county as a Whig in 1806) and the Petersfield landowner Thomas Bonham; and younger Whigs headed by Sir Thomas Baring and Bonham's nephew, the Portsmouth Member John Carter. Against them the counter requisitionists mustered a staggering 419 names. These included two dukes, at least nine other peers, 12 baronets and at least 83 county magistrates headed by Malmesbury, Palmerston, Wellington, Buckingham and the Earls of Northesk and Cavan.[22]

One might presume that such figures lend credence to Lowe's thesis of non-existent Whiggery. In fact they prove rather that not all the Hampshire gentry saw Peterloo in strictly party political terms. Carnarvon it will be remembered, had himself been initially opposed to popular agitation on the issue. Others remained so, including such influential persons as Paulet St.John Mildmay, owner of 7,000 acres, and G.P. Jervoise, owner of 8,000 who within a year was to be elected a Whig Member for the county. The point was not lost upon Malmesbury's son Fitzharris who observed that several gentlemen "tho' in general opposed to Government on this occasion do not coincide with the Requisitionists. But deprecate their line of proceeding".[23] Such people clearly saw the opportunity for censuring the government as subordinate to the dangers of fomenting agitation on a public order question when as magistrates they were responsible for maintaining public order. As the Earl of Portsmouth, the county's largest Whig landowner put it, such a meeting "might be made a Handle of by the Disturbers of ye general weal".[24]

The second issue which facilitated the Whigs' emergence nationally as the popular party was the Queen Caroline affair. In Hampshire this took the form of a county meeting to petition that her name be restored to the liturgy and to deprecate the judicial proceedings against her.[25] The meeting took place on 12 January 1821, an event of undoubted political importance in the county but one to which Lowe makes no reference. As in 1819 the Tory forces in the county had presented a counter requisition (signed by 136 persons as opposed to 419 in 1819) but this time it proved unsuccessful.[26] Several reasons explain this. First Malmesbury's death and his replacement as lord lieutenant by Wellington. The latter manifested no inclination to pressurise the high sheriff as Malmesbury had pressurised Compton in 1819 and indeed went out of his way to insist

that as lord lieutenant he must act impartially and would therefore sign neither requisition nor counter-requisition.[27] Second, the high sheriff, J.W. Scott was himself a Whig. He therefore had not the slightest hesitation in acceeding to the requisitionists' call for a county meeting. Third, the popular support for the Queen's cause was far greater than had been the feeling to condemn the Peterloo massacre.[28] This was true both amongst the freeholders - witness the publican who changed the name of his establishment from the 'Duke of Wellington' to the 'Queen Caroline' - and amongst the Whig gentry who had fewer qualms in exploiting the government's support for a king whose personal character was little better than that of his queen, than they did in censuring an organ of public order. This latter point was best underlined by the presence at the 1821 meeting of Alexander Baring, one of the county's great aristocrats, the Hon. Newton Fellowes, a son of the Earl of Portsmouth, and the heads of the greater gentry families of Mill, Carter, Jervoise, Herbert, Mills and Tichborne.[29]

The 1821 county meeting therefore represented the biggest public and party political split in the ranks of the Hampshire gentry since at least the general election of 1807 if still falling somewhat short of a complete political polarity. The meeting however, which was attended by an estimated 5,000 and which agreed unanimously on resolutions in defence of the Queen was less important in itself than the fact that it popularised the notion that it was the Whigs who were the true friends of the people.[29] The latter came about as a result of the Tory gentry's decision, following the failure of their counter-requisition to boycott the county meeting itself. In all probability this was to save the loss of face which would have resulted from their attending the meeting and having their counter-resolutions rejected by the assembled freeholders. But rather than accept the verdict of the county meeting, they concentrated their efforts instead upon obtaining signatures for a loyal address and eventually secured - not always voluntarily - 6,500.[30] This, the address insisted, and not the county meeting, represented the true voice of the county. Such a claim produced a furore in the county, particularly when Wellington made his famous indiscretion in the House of Lords that the weight and respectability of the address rendered it unnecessary to go through "the farce of a county meeting".[31] The context of his remarks was immediately distorted by the Whigs who insisted that Wellington believed all county meetings, an ancient right of the people, to be a

farce, rather than that he thought the necessity for a county meeting in 1821 farcical. But in the immediate circumstances of 1821 too, Wellington and the Tory gentry were on dangerous ground. It was certainly true, if they defined the voice of the county as being restricted to the county families, that they were in a substantial majority of perhaps four to one, but if the voice of the county is defined as the county's freeholders or its inhabitants their claim was extremely tenuous.[32] If indeed they were so confident that theirs was the voice of the county, why had they not attended the county meeting and put the point to the test? In short the Tory gentry's failure to prevent the county meeting taking place and their dubious tactic of not attending it, was compounded by the undoubted error of forwarding an address purporting to represent the whole county. The county's Whigs emerged not only with the coup of having carried their resolutions but with the substance to sustain the rhetoric that it was they who defended the right of free speech whilst their opponents sought to deny it.

The General Elections of 1820 and 1826

The agitations precipitated by the Peterloo massacre and the Queen Caroline affair fell either side of the general election of 1820. According to Lowe the election in Hampshire was significant only in that it saw the retirement of two long serving Members, Sir William Heathcote and William Chute, and their replacement unopposed by two conservatively minded gentlemen in John Fleming and G.P. Jervoise. This interpretation of events does not sit easily alongside the evidence that political interest was at that time reviving both amongst the gentry and freeholders. In fact Lowe has erred on two counts. Though they were undoubtedly conservative, Fleming and Jervoise can reasonably be described as being a Tory and a Whig respectively. This point is reinforced by Lowe's second and more important error, namely that their election had been a contest, albeit one that did not finally go to a poll.

Fleming's return in 1820 was generally regarded as being inevitable. He had immediately announced his intention to stand on hearing of the resignation of the sitting Members and could back his pretensions with the impeccable qualifications of an 8,000 acre estate centred on North Stoneham and an ancient lineage in the county. It is clear also that his candidature received the endorsement of the lord lieutenant Malmesbury.[33] Fleming could thus rely on the government interest in the Portsmouth

dockyards to be enlisted in his favour. So confident had he become during the course of his canvass that his initial address which vaguely alluded to his independent attachment to the constitution, was superseded by a second one which openly declared his support for the Liverpool administration.[34]

An equally decisive initiative from a second government sponsored candidate might have brought the election to a swift conclusion. Palmerston, who was working on the aged Malmesbury's behalf clearly saw this as his objective. Securing a second candidate however proved extremely difficult. Nearly three weeks elapsed before he induced Henry Compton of Minstead, the owner of 2,000 acres in the New Forest and who had been sheriff in 1819, to announce his candidature alongside Fleming's. This was on 29 February.[35] As long ago as nine days previous to this, Fleming had written to Palmerston expressing his belief that the delay in bringing forward a second candidate was already bound to result in there being an opposition. The fear was well justified, for before Compton had announced his candidature a requisition had been presented to G.P. Jervoise to come forward.[36] Jervoise of the 6,000 acre Herriard Park estate and whose ancestors had been prominent in the representation of the county during the eighteenth century, acceded to it.

Fleming was convinced that Jervoise's candidature was strictly party political in inspiration: "The Whigs & Dissenters" he wrote, "are straining every nerve to stir up an opposition".[37] There was undoubtedly some truth in what he said. Jervoise's opposition to two government backed candidates could inevitably be interpreted as an anti-government move, an interpretation lent further credence by the fact that the leading signatories of the requisition to Jervoise - the Barings, Scotts, Portals, St.John Mildmays and Withers - were all of Whiggish inclinations. This view is nevertheless an oversimplification. The opposition after all, technically came from the government backed Compton since he was the last of the three candidates to enter the field. Jervoise's agent actually wrote to Palmerston before Compton's candidature was announced, expressing his hope that the representation might be shared between Jervoise and Fleming.[38] More importantly the notion of a straight Whig-Tory contest ignores the immediate past history of Hampshire electioneering. Heathcote and Chute had been returned before 1820 by an alliance of ostensibly independent and predominantly north Hampshire gentry families whose *raison d'etre* was to prevent the county's representation being dictated

by the government interest. This alliance was both a manifestation and a reinforcement of the greater social cohesion to be found amongst the county families of north Hampshire compared with those of the south.[39] For them to allow the return of both Fleming and Compton, whom it could hardly be overlooked both came from south Hampshire in addition to being sponsored by the government, would have been totally uncharacteristic of their behaviour over the preceding generation. It is true that since 1790 the alliance of independents had by 1820 in the persons of Heathcote and Chute assumed an increasingly Tory hue, since both had tended to support the Liverpool administration. It is true too that Tory gentry families in north Hampshire were quite happy to see one of the seats going to either Fleming or Compton and by extension that it was the Whigs of north Hampshire who were most anxious to oppose them. But even the independent north Hampshire Tories were not prepared to stomach the joint return of Compton together with that of the avowed Liverpool supporter Fleming. Hence the requisition to Jervoise included the names of Tory gentry - Heathcote, Chute and Knight - as well as those of Whigs. Hence Jervoise's stand, not as a Whig but as a member of an old county family with an independent fortune.[40]

There can be no gainsaying that because of the above manoeuvrings what followed was a genuine three cornered contest. All three candidates conducted a vigorous canvass, the results of which were conflicting, Fleming believing that the government interest, together with a measure of support from the independent Tory gentry would secure the return of himself and Compton, whilst Compton was given to believe that Jervoise's return was assured and that the contest would be between himself and Fleming for the second seat.[41] It is idle to speculate which was the truer analysis. The mere fact that the outcome was uncertain was enough to convince Compton that with only a 2,000 acre estate against the 6,000 and 8,000 acre ones of Jervoise and Fleming, it was he who would have to withdraw. He simply could not run the risk of the expense of a polled contest. He therefore resigned on 8 March, five days before the nomination.[42]

The momentum engendered by the political activity of the previous weeks nevertheless survived until the hustings, even though by then the outcome was certain.[43] As many as 15,000 attended at Winchester castle to witness the ceremonial girding on of spurs as knights of the shire and to hear the new Members return thanks. The Chronicle was quite right in its estimation that the scene conveyed "more the appearance of a

contested, than of an uncontested election". It is evident too that the scene was not one of harmony between either the candidates or amongst the assembled freeholders. Fleming for example reiterated his support for the government, specifically the Six Acts, and added that in his view the constitution was in a state of perfection, on all of which points he was booed. Conversely, Jervoise was warmly received in his speech which oozed with the platitudinous Whig rhetoric of a friendliness towards civil and religious liberty and the correction of abuses. Plans for a joint dinner between the two victorious candidates were consequently dropped. If something more than a straightforward triumph of Whiggery, Jervoise's return in 1820 added to the mythology rather in the fashion that the county meeting of 1821 was to, that the Whigs were the true defenders of the peoples' liberty against a government interest which sought to stifle popular opinion.

The contrast of the 1826 election with that of 1820 is striking, a point which did not escape Mrs. Arbuthnot who recorded that "the elections are going on hitherto with a tranquillity very different from the excitement of the last General Election...there is not half the violence of feeling there was". In broad terms this was because of the decline of popular issues which the Whigs could exploit and their replacement by an anti-catholic sentiment, which inevitably worked to the government's advantage.[44] At any event this was certainly true in Hampshire where both successful candidates identified opposition to any measure of catholic emancipation as the key issue of the campaign. The successful candidates were not however Fleming and Jervoise, for Jervoise announced his intention to retire at the next election as early as October 1825.[45] Instead they were Fleming and Sir William Heathcote, grandson of the Sir William who had sat until 1820 and who had only in February 1825 succeeded his uncle Sir Thomas Heathcote to the baronetcy and family estate of Hursley Park. Heathcote's succession to Jervoise underscored the reality of Jervoise's power base for like Jervoise, Heathcote's support was drawn from the influential gentry families of north Hampshire on an apolitical basis.[46] Heathcote of course was also more acceptable than Jervoise to the Tory government interest in south Hampshire. Wellington, who following Malmesbury's death was now <u>de facto</u> head of that interest, was therefore disinclined to avail himself of the suggestion that a more avowed supporter of the government be brought forward as a candidate. Instead, the sitting Tory Member Fleming, endorsed the candidature of Heathcote at an informal

meeting of magistrates during the Michaelmas quarter sessions of 1825.[47] The unopposed return of them both at the ensuing election of June 1826 was thereafter never in doubt. "There never was known", declared the Chronicle, "a more quiet election for the County than the one just past".[48]

The County Meeting of 1823 and the Basis of Whig Revival

Is one to interpret the Hampshire election of 1826, as Lowe would, as evidence that Hampshire Whiggery was dead? Is it not more accurate to say that it was dormant, content as was the rest of the Hampshire gentry be they of a Tory or an independent Tory hue, with the political consensus which had been arrived at by the return of Fleming and Heathcote in 1826? Whichever interpretation one adopts however, one still has to explain why the very clear signs of political activity by both Whig gentry and freeholders in 1820 had died away by 1826. One might point to the growth of the provincial press and to the specific issues of Peterloo and Queen Caroline as the long and short term factors which created the political agitations of 1819 and 1821. This being so, however, one needs to explain why the press failed to sustain agitation, and also to prove that Peterloo and Queen Caroline did strike an ideological chord in the freeholders.

There is no doubt that the press was of increasing importance, nor that the Queen's cause, if not perhaps Peterloo, did arouse a fair degree of popular sympathy. But the fact that so large a number of freeholders attended the county meeting of 1821 and even more so the hustings of 1820 where Fleming was hostily received suggests that discontent with the government, specifically its failure to do anything to mitigate the prevailing agricultural distress, was at the root of Hampshire's renewed political activity. This too has been the thesis of a much needed book on the English farming community in the first half of the nineteenth century by T.L. Crosby.[49] The early 1820s he argued, saw an entente between the farmers and the forces of Whiggery and radicalism.

A more detailed scrutiny of the precise chronology of events in Hampshire does much to bear this thesis out. Wheat prices had peaked in August 1812 at 152s 3d a quarter.[50] Thereafter they slumped. In October 1813 they fell below 100 shillings a quarter for the first time that century. In January 1816 they reached a nadir of 52s 10d, that is to say within a month of the county meeting to petition against the con-

tinuation of the property tax. It was surely not coincidence that the meeting also passed resolutions calling for an end to the war time level of the malt tax and for a general programme of retrenchments by the government. As one speaker put it succinctly, the government had two options: either to cut taxes or to raise agricultural prices in order that the farmer could meet the existing level of taxation. Hampshire, which as late as 1814 had declared itself against the necessity for protection had by 1816 emerged in the vanguard of protectionist counties.[51]

The signs that a protest movement was emerging by 1816 however were not immediately confirmed, for the simple reason that wheat prices recovered by the end of the year to 100 shillings a quarter and continued to fluctuate around the 80 shillings mark throughout 1817 and 1818. From 1819 onwards however, they entered on a renewed downward spiral, reaching 54s 6d by the end of 1820 and even 49 shillings by the end of 1821. There can be no doubt as the best modern authority on the economics of the period has shown, that arable farmers suffered severely in the four years between 1819 and 1823.[52] The Liverpool government however, justifying its stance on the Ricardian doctrines of overproduction as a result of the transition to post war conditions, did nothing. This diagnosis, agriculturalists generally refused to accept. They inclined rather to a Malthusian emphasis on underconsumption to explain their difficulties. These, the government had seemingly increased in 1819 by passing Peel's Act, which, agriculturalists believed, in resuming cash payments would only curtail circulation, promote deflation and therefore stifle demand yet further. The belief was lent further credence by the Act's coinciding with the renewed drop in prices. It was a sure recipe for rural discontent. Hence the hostile reception for Fleming at the 1820 election when he explicitly endorsed the government's policies.[53] Hence also the support for the Queen in 1821 in an attempt to strike a blow against a government which was supporting the king.

But agriculturalists also needed to address themselves to the problem of campaigning for the redress of their own economic ills. The natural leaders for such a country party protest movement ought to have been the Ultra Tory Members elected in 1826, John Fleming and Sir William Heathcote. But the first was too loyal to Wellington and the second too averse to any form of popular agitation to assume the role. This left a void which the county's more advanced Whigs were only too happy to fill. The advanced Whigs in Hampshire who sought to exploit the

agricultural distress to their own political advantage were, par excellence the Barings. Alexander Baring after all had been a leading parliamentary spokesman against an early resumption of cash payments, but since he had also been an opponent of the 1815 Corn Law he saw the solution to agricultural distress as lying less in protection - George Webb Hall's protectionist movement was virtually non-existent in Hampshire - than in currency reform and the favourite Whig policy of economic reform.[54] It was however his elder brother Sir Thomas who was the most important exponent of these views in Hampshire. Sir Thomas, perhaps because of the relative newness of his family to the county had less respect than the older established Whig families for Hampshire's brand of consensus politics. He also perhaps recognised that with the Whig gentry being in a minority in the county and with the government still secure in office at the end of the stormy 1821 session, that fostering a rural alliance offered the best prospect of mounting a new opposition to it. The same motive may also have caused Baring to look to parliamentary Reform as the best hope for a future Whig government.[55] At any event, Sir Thomas now emerged to supersede the ageing Earl of Carnarvon as the popular Whig leader in the county.

Baring's objective of setting himself up as the popular champion in Hampshire did not go unchallenged for there were a coterie of rural middle class radicals who aspired to fill the same role, and who could always be relied upon to be present at any large public gathering in the county. Crosby, at least so far as Hampshire is concerned, has exaggerated the importance of the latter. He also equates them as being virtually synonymous with Cobbett and his scheme for equitable adjustments.[56] This is misleading, for although Cobbett rarely missed a gathering in his native county, his presence usually tended to be divisive. In particular of course he entertained unbridled contempt for the parvenu Barings.[57] But easily the most influential radical in Hampshire was Henry Marsh, who owned a certain amount of property at Hatherden near Andover. His entertaining and elegant oratory and an obsession with what he saw as the evils of Peel's Act conspired to make him highly popular amongst the freeholders. He was not unsympathetic to Cobbett's objectives, but they eyed each other with mutual distrust, at root because Marsh was less extreme and generally willing to enlist his talents alongside those of Baring and the Whigs. As early as the county meeting of 1816 for example, he had deferred the presentation of his own resolutions on the income

tax, and agreed to accept those proposed by the Earl of Carnarvon.[58]

The fact that wheat prices in no month during 1822 exceeded 48s 6d and in November 1822 plumetted to a new low of 38s 10d made the requisition for a county meeting to consider the whole question of agricultural distress an obvious tactic. The leading Cobbettite radicals in the county, the banker C.J. Hector of Petersfield, the land agent Richard Hinxman of Chilling and a tenant farmer from Hambledon, John Goldsmith, duly had one in progress by October. It obtained the impressive number of 497 signatures, allegedly representing 200,000 acres of land, and urged "the propriety of petitioning Parliament on the subject of a remedy for the evils which they endure, and for the greater evils which, if not prevented appear to be inevitable".[59] The requisition was presented to the Tory high sheriff Robert Shedden in the following February. Shedden however, experienced genuine anxiety about how to respond, particularly since he could only find the names of ten gentlemen and four county magistrates amongst the requisitionists. Having sought what advice he could, he eventually refused to convene the meeting.[60]

This was too good an opportunity for Sir Thomas Baring to miss for not only did Shedden's action appear to confirm the accusation that the Tories were indifferent to distress, but also to perpetuate the Whig claim established by the events between 1819 and 1821 that the Tories sought to deny the people's ancient right of assembly at a county meeting. Baring consequently inserted an open letter in the press calling upon four other county magistrates who together could legally convene a county meeting in place of the high sheriff.[61] Seven came forward. When the county meeting took place on 1 March it was Sir Thomas Baring, not Robert Shedden, who presided.

Baring however clearly did not intend to remain content with the propaganda coup of being able to present himself as the defender of the freeholders' liberties.[62] Had he adopted the conventional role of the high sheriff at a county meeting and merely presided, there is every reason to suppose that the meeting's proceedings would have been dominated by the Cobbettite radicals who had initiated the requisition. The political hegemony of the freeholders might, in other words, have been wrested from him. He therefore began the meeting by launching a fierce personal attack upon what he depicted as Shedden's unconstitutional behaviour in refusing to comply with the requisition, followed this with a review of the distress which he attributed to currency alterations, and finished

by insisting upon the necessity for a Reformed House of Commons purged of corruption, which alone could ensure redress for economic grievances. His speech was followed immediately by the moving of a petition by Henry Marsh which was almost certainly pre-arranged between the two. This virtually regurgitated Cobbett's favourite scheme of equitable adjustments: distress had been wrought by a combination of currency alteration, tithes, taxes, rates and a corrupt House of Commons and could only be remedied by general retrenchment and Parliamentary Reform.[63] This was surely deliberate. It is doubtful whether Marsh let alone Baring believed in such provisos as using some church and crown land revenues to reduce the national debt, but including them left the Cobbettites with no reason to propose a counter-petition, particularly when they were already indebted to Baring for having called the meeting.[64] The only significant opposition to Marsh's resolutions came instead from the Tory county Member John Fleming and a tenant farmer of 200 acres, William Webb. Fleming maintained that equitable adjustments were tantamount to deylight robbery and that relief should be sought in increased protection. His sentiments were received with the by now customary hostility. Webb however was a different proposition. He had never caught the public eye before and was never to do so again. He therefore articulated the sentiments of the average Hampshire farmer when he voiced his opinions in favour of a scheme of lower rents and tithes to be levied on all forms of property. Even the official report of the meeting recorded that these sentiments "were hailed with great applause...and would have been carried". Baring however, acted swiftly if somewhat unfairly to the threat of the initiative being seized from him by considering Webb's and the unpopular Fleming's amendment as one. Not surprisingly, the amendment was decisively rejected.[65]

The 1823 county meeting was of profound significance. It was the last time a high sheriff refused a requisition. By the same token it facilitated the emergence of the Whigs as the popular party in Hampshire and consummated the position of Sir Thomas Baring as its de facto leader. The course of events also showed how an ostensibly independent gathering of discontented freeholders might be manipulated by only a few individuals - in this case Sir Thomas Baring and Henry Marsh - to their own ends. These were lessons for the present. There were also portents for the future. Like the county meeting of 1821, that of 1823 demonstrated that however numerically strong the position of the Tory gentry in the county, they

might be reduced to a minority position if even only a few Whigs could set themselves at the head of a body of freeholders. The Whigs had of course to be wary that they themselves were not deposed at the head of such a movement by the more extreme radicals and Cobbettites, but this was less a danger than it might appear since there was a good deal of common ground between advanced Whigs such as Baring and moderate radicals such as Henry Marsh, whilst even Cobbettites could enter an uneasy alliance in condemnation of the government.

This latter point, the potentialities of a Whig-radical alliance in Hampshire, was of immense significance, not least because the resolutions adopted in 1823 witnessed the first public endorsement of the necessity for a Reformed House of Commons. There was not as yet however unanimous Whig gentry agreement on this point. Sir Thomas Baring was the only Whig magnate to commit himself publicly to Reform at the 1823 county meeting. The other Whigs present remained conspicuously silent. Some indeed were not present. It is important to emphasise that there were more of the county's influential Whig figures present at the county meeting of 1821 than there were at that of 1823, possibly because they did not want to be associated with the progressive stance and radical overtones of the latter. Besides Sir Thomas Baring, the only important Whig who spoke at the meeting was the county Member, G.P. Jervoise. He spoke only in general terms of the necessity for retrenchment and reform.[66] The freeholders too, it would appear, would have been content with William Webb's amendment which made no mention of Reform. Their hostility was as yet directed against the government, not the electoral system.

The 1823 county meeting is also surely the final proof that the undoubted political activity of the years 1819 to 1823 of which Lowe denies the existence, was predicated upon economic discontent rather than Whiggery per se. Agitation and Reform sentiment had fizzled out - as correspondents feared and predicted that it would[67] - well before the election of 1826 simply because the fall in corn prices was arrested. Ironically the recovery actually began in March 1823 as the county meeting on distress was taking place. By the end of the year, wheat prices were back above 50 shillings a quarter and thereafter stabilised at around 60 shillings for most of the rest of the decade. Hence the call for an annual meeting to "perpetuate the sentiments and principles" expounded in 1823 failed to materialise.[68] A Cobbettite inspired county

meeting of 1824 to petition against the assessed taxes went off at half cock.[69] Hampshire politics after 1823 indeed assumed the tranquillity which Lowe depicts, but as liberal-Tories such as Peel and Canning realised, this nationwide phenomenon was in large part illusory.[70] If agitation revived who could foretell the consequences?

Footnotes to Chapter Nine

1. J.H. Philbin, Parliamentary Representation, 1832. England and Wales, pp.80-90.
2. T.H.B. Oldfield, The Representative History of Great Britain and Ireland, pp.494, 492-557. See also Sir Lewis Namier and John Brooke, The House of Commons 1754-1790, pp.292-303. On Stockbridge Rosalind Hill, 'The Stockbridge Elections', P.H.F.C., XXIII (1964-6), pp.120-127.
3. John Cannon, Parliamentary Reform, 1640-1832, pp.291, 294.
4. Broadlands MSS., 27M60/BR 195, Fleming to Palmerston, 20 February 1820. That is to say the recording of 7,117 votes must account for at least 3,558 votes which together with 900 uncanvassed electors would give an electorate of 4,458 even if none of the canvassed voters had decided to plump.
5. The following paragraph is based upon S.G. Lowe, 'Hampshire County Elections and Electioneering, 1734-1830', Univ. of Southampton M.Phil thesis, passim. See also Namier and Brooke, op. cit., p.293.
6. A. Mitchell, The Whigs in Opposition 1815-1830; Frank O'Gorman, The Emergence of the British Two-Party System 1760-1832.
7. Lowe, op. cit., pp.188-189.
8. The notable exception is Bryan Keith-Lucas, 'County Meetings', Law Quarterly Review, LXX (1954), pp.109-114.
9. HC, 17 March 1817.
10. Keith-Lucas, op. cit., p.112.
11. C. New, The Life of Henry Brougham to 1830, chapters four and six.
12. On this point see Keith-Lucas, op. cit., pp.112-113.
13. HC, 26 February 1816; PR, 21 February 1816.
14. Ibid., 15 February 1817; HC, 17 February 1817.
15. See the account in ibid., 26 February 1816.
16. This paragraph is based upon Mitchell, op. cit., chapter six, especially pp.125-129.
17. Ibid., p.129.
18. HC, 11 October 1819.
19. Ibid., 11, 18 and 25 October 1819; Mitchell, op. cit., p.130.
20. Compton MSS., 12M60/79, Malmesbury to Compton, 6 October 1819.
21. Palmerston's efforts can be followed in ibid., 12M60/79 and in Broadlands MSS., 27M60/BR23.
22. The names of requisitionists and counter requisitionists can be found in HC, 18 and 25 October 1819.
23. Compton MSS., 12M60/79, Fitzharris to Compton, 5 October 1819.
24. Ibid., 12M60/79, John Hanson to Palmerston, 20 October 1819. Hanson was Portsmouth's steward.
25. Mitchell, op. cit., chapter seven; J.E. Cookson, Lord Liverpool's Administration, chapter five; Norman Gash, Lord Liverpool, chapter eight.
26. HC, 8 and 15 January 1821.

27. Hansard, Parliamentary Debates, 2 ser., IV (1821), p.108.
28. HC, 16 October, 6, 13 and 20 November 1820 for evidence of earlier borough petitions in favour of the Queen.
29. Ibid., 15 January 1821 for the most detailed account of the meeting.
30. The course of the loyal address can be followed in ibid., 11, 18 and 25 December 1820. See also ibid., 15 January 1821 for the attack on the county treasurer George Hollis whom it would appear organised the loyal address.
31. See his exchange with the Whigs in Hansard, 2 ser., IV (1821), pp.107-115.
32. For the political affiliations of the gentry families, see above chapter two, p. 53.
33. HC, 14 February 1820; Broadlands MSS., 27M60/BR195, Fleming to Palmerston, 10 February 1820. It is clear that the key figure in the election on the government side was Palmerston, acting with the concurrence of Malmesbury.
34. HC, 28 February 1820.
35. Ibid., 6 March 1820. Compton had been approached as early as 22 February.
36. Ibid., 28 February 1820; Broadlands MSS., 27M60/BR 195, Fleming to Palmerston, 20 February 1820.
37. Ibid.
38. Ibid., 27M60/BR195, Mr. Holmes to Palmerston, 25 February 1820.
39. See above, chapter one, pp.35-36.
40. HC, 28 February and 6 March 1820.
41. Broadlands MSS., 27M60/BR195, Fleming to Palmerston, 16 March 1820, and A.R. Drummond to Palmerston, 7 March 1820.
42. Ibid., 27M60/BR195, Compton to Palmerston, 6 March 1820 and MS. draft of resignation letter; HC, 13 March 1820.
43. The following paragraph is based upon the account in ibid., 20 March 1820.
44. Francis Bamford and 7th Duke of Wellington (eds.), The Journal of Mrs. Arbuthnot 1820-1832, Vol.II, p.30; Mitchell, op. cit., pp.185-186; G.I.T. Machin, The Catholic Question in English Politics 1820-1830, pp.85-57.
45. HC, 3 October 1825.
46. See Heathcote's address in ibid., 10 October 1825.
47. W.MSS., 1/829, David Compigné to Wn, 4 October 1825; HC, 24 October 1825.
48. Ibid., 19 June 1826.
49. This and the preceding paragraph is based upon T.L. Crosby, English Farmers and the Politics of Protection 1815-1852, especially pp.9-74 for the years 1815-1823. Mitchell, op. cit., p.180 agrees that distress underpinned the calls for economy and reform.
50. These, and subsequent price citations are drawn from W. Tooke and W. Newmarch (eds.), A History of Prices and of the State of the Circulation from 1792 to 1856, Vol. II, p.390.
51. HC, 26 February 1816; Boyd Hilton, Corn, Cash, Commerce. The Economic Policies of the Tory Governments 1815-1830, pp.8, 30.
52. Ibid., p.98 and passim. For a specifically Hampshire example see R.H. Stares' testimony in the 'Third Report from the Select Committee on the State of Agriculture...', Parlt. Papers, 1836 (465), VIII, part II, pp.115-127.
53. HC, 20 March 1820.
54. Hilton, op. cit., pp.98-101; Mitchell, op. cit., pp.85, 93.

55. Mitchell, op. cit., pp.166-168. Sir Thomas Baring had apparently publicly declared himself in favour of Reform in March 1822.
56. Crosby, op. cit., especially pp.57-60.
57. For example, PR, 9 May 1829.
58. HC, 26 February 1816. He would appear to have been equally active in Berkshire. See N. Gash, Politics in the Age of Peel, pp.309, 313-314.
59. HC, 21 October and 18 November 1822. An extended report of the meeting and its background is provided by the Report of Proceedings of a meeting of the County of Hants held at Winchester, March 1, 1823.
60. W.MSS., 1/747, Shedden to Wn, 13 February 1823 and Wn's draft reply of 25 February; HC, 27 January 1823.
61. Ibid., 3 February 1823.
62. The following account is based on Report of Proceedings.... and the report in the HC, 3 March 1830.
63. Crosby, op. cit., p.68 lists Cobbett's programme of equitable adjustments as encompassing the abolition of sinecures, the reduction of the standing army, the equitable adjustment of private debts and the application of church property and crown lands to the liquidation of the national debt.
64. Cobbett nevertheless unsuccessfully moved counter-resolutions which he admitted did not actually oppose Marsh's sentiments!
65. Report of Proceedings.... , p.48.
66. Ibid., pp.57-58.
67. HC, 6 March 1820.
68. Report of Proceedings.... , p.58.
69. HC, 26 April 1824.
70. Michael Brock, The Great Reform Act, pp.15-16.

CHAPTER TEN

THE POLITICS OF REFORM, 1829-1832

The fervour for Reform which swept the country from the autumn of 1830 onwards had a profound impact in Hampshire, a fact not surprising in face of the county's political rejuvenation after Waterloo. In the considerable literature to which the Reform Act has given rise however, the study of the Reform movement in the English counties has been a relatively neglected topic. Undoubtedly the most notable contribution has come from D.C. Moore. He saw the Reform movement in the counties as being anti-liberal in character, led by disgruntled Tory squires (or Ultras) in protest at the economic liberalism of the 1820s Tory governments' corn and cash policies. The Ultras' allegiance to the government was broken, and their adherence to Reform consummated however by the passage of Roman Catholic Emancipation in 1829.[1] But Moore's thesis has not gone unchallenged. Richard Davis, from his case study of Buckinghamshire, has rightly pointed to the danger of labelling the Ultras collectively as Reformers. Moreover, in Buckinghamshire he finds little evidence that the corn and currency questions proved particularly emotive. The lead in the Reform movement he insists, was taken by grocers, farmers, corn merchants and brewers, united chiefly by their resentment of landed influence in Buckinghamshire.[2] It is hoped that the present study of the Reform years in Hampshire will add to the debate.

The Catholic Question

A discussion of two of the famous 'three Cs', corn and currency, figured in the previous chapter. This concluded that the currency question, specifically an opposition to Peel's Act, was the most important element in the Hampshire freeholders' protest movement of the early 1820s, perhaps because currency rather than corn provided more common ground between the Whig gentry, middle class Reformers and Radicals who emerged at the head of the movement.[3] For this reason one might usefully begin by considering the third of the three Cs, the catholic question, the central importance of which both Moore and Davis agree upon. In Hampshire however, what is most striking is the lack of discernible impact which the question made upon the county's elite. Notwithstanding the verdict of the Times[4] that the county was famous for its long pronounced

Ultra-Toryism, the gentry were simply impervious to the xenophobia against popery which characterised the attitude of many freeholders in England on the question. Although there were undeniably a good many gentry opposed to Emancipation, their opposition was based squarely upon the more intellectual argument that it would destroy the balance of the constitution.[5] As such they were not necessarily disposed to lead a 'no popery' crusade. On the contrary, even prominent members of the Tory gentry were keen to use the measure to restore otherwise full members of county society like the catholic Tichbornes to those offices in the county which their social standing entitled them to. Sir Henry Tichborne qualified as a county magistrate in 1829 and served as high sheriff in 1832. Emancipation it is too easily forgotten, did not only apply to Ireland.[6]

Emancipation too, it has long been realised did not divide people along party political lines.[7] In Hampshire this was particularly true. Palmerston and Sturges-Bourne were both Canningite Tories and pro-catholic, the Tory Duke of Buckingham appears to have inherited the Grenville family's long established championing of the catholic cause, whilst Wellington of course was the most conspicuous Tory catholic convert of all. The fact that either he or Palmerston oversaw the Tory government's political interest in the county during the 1820s alone helps to explain why anti-catholic Hampshire Tories never roused popular passions on the issue to the extent that they might have done. This restraint was doubtless reinforced by the fact that the county's political representation was shared during the 1820s between one representative of the government interest and one from the cross-party alliance of independent north Hampshire gentry families. The latter included not only Whigs and Tories but both pro and anti-catholic examples of each. Rather like the Liverpool government, this alliance appears to have adopted the unwritten rule that the catholic question must be one for the individual member's conscience. Unlike the government, its unity was not destroyed by the final success of Emancipation for at the 1830 election pro-catholic Whigs willingly endorsed the return of the most conspicuous anti-catholic in the county, Sir William Heathcote.[8]

If the gentry can be said to have left Emancipation an open question, one that did not arouse intense passions or provoke sharp political divisions on its own merits, the same cannot be said of the freeholder electorate. Amongst them, there was undoubtedly a good deal of xenophobic

anti-catholicism and anti-Irishness. David Compigné for example, an attorney and election agent with his ear close to the ground, informed Sir William Heathcote in 1826 that he would only canvass for him on an anti-catholic platform since "a great majority" of the freeholders were thus disposed.[9] There were admittedly a few pro-catholic petitions circulating in the county in the mid 1820s, and again in 1829 as the final crisis drew to a head, but these all originated from the county's larger boroughs and were more than offset by the number of anti-catholic petitions, in the latter case emanating from both boroughs and country parishes. At Portsmouth for example in 1829 a pro-catholic petition was allegedly signed by only 86 persons, the corresponding anti-catholic one by over 6,000.[10] A similar number at Gosport were reported in October 1829 to have signed an address in favour of the Marquis of Chandos' national scheme for Brunswick clubs to counterbalance the supposed effect of the Catholic Association in Ireland. The county Members John Fleming and Sir William Heathcote were to be invited to become its vice-presidents.[11]

Strong anti-catholic sentiments among the freeholders were therefore a reality. Southampton and Gosport did actually establish Brunswick clubs and the county's Tory press organ the Advertiser applauded what it openly described as these anti-governmental initiatives, as well as itself calling for trienniel parliaments as the only sure means to prevent a future thwarting of the popular will.[12] This does prompt the question of why therefore there is little evidence that the catholic question provoked a fissure between freeholders and anti-catholic Tory gentry, who after all, had failed to respond to calls in the press for a county meeting on the subject? In fact the intensity engendered by Emancipation seems simply to have evaporated once it became a fait accompli; the Advertiser quickly and conveniently forgot its attacks on the Wellington administration; and by the time of the 1830 election references to the question were conspicuous by their absence. Why? As will be seen, the explanation probably lies in the fact that Emancipation was very quickly eclipsed by the rise of new issues. But there are two further factors to be noted. In the first place, there is some evidence that landlords actively discouraged the organisation of anti-catholic sentiment. The Duke of Buckingham for example, issued an open letter to his Hampshire tenantry of Avington, Easton and Itchen Abbas in March 1829 reprobating their manifestations of no popery and emphasising his reliance upon their loyalty to the Grenville family's pro-catholic stance.[13] In the second

place and more likely, the potentiality for a clash between freeholders and anti-catholic gentry from the latter's failure to place themselves at the head of the former was more apparent than real. Anti-catholic gentry obviously did not object to anti-catholicism per se. What they objected to was the hint of unconstitutionality which opposition in the form of Brunswick clubs assumed, and the fact that organised popular agitation would threaten the political status quo established in the county since 1820. Within these limits there simply existed no reason for conflict, for both Fleming and Heathcote, the two Members returned in 1826, both pledged themselves to oppose Emancipation.[14]

There could indeed be no cause for freeholder complaint against the conduct of Heathcote on the catholic question at the election of 1830, for he had discharged his pledge to oppose it to the last as befitted a tutee of Keble and a friend of the Cornish eccentric Sir Richard Vyvyan. Fleming's conduct however did prove unpopular, for adamant opponent of Emancipation though he undoubtedly was, he found himself with an acute dilemma because of his personal loyalty to Wellington. He resolved it to his own satisfaction - or at least deceived himself that he had - by voting against the second reading and returning forthwith to Stoneham, explaining privately to Wellington his show of opposition on the grounds that "I am so strongly pledged & committed to my constituents upon the point of securities, I could never expect a continuance of their confidence" had he acted otherwise.[15] His action of course fooled nobody and inevitably revived the charge made against him in the early 1820s when he had defended the government's economic policies at a time of agricultural depression that he was far less interested in his constituents' welfare than in blind subservience to the government.[16]

A reiteration of Fleming's unpopularity was the only direct political consequence of Emancipation. The remedy for this of course was for the freeholders to remove Fleming at the next election, not to reform the electoral system. Only if they failed in removing him would there be a case for the latter. Emancipation in short did not provide the foundation for an anti-liberal Reform movement. More importantly, even if the freeholders were roused by the issue, there was nobody to lead them. The Whigs and middle class Reformers who had exploited the freeholder discontent of the early 1820s were overwhelmingly pro-catholic. This left only the Ultra-Tory gentry and its two obvious representatives Fleming and Heathcote. But the former's political guiding star was Wellington,

whilst the latter must have known that to lead an anti-catholic agitation would have destroyed his own political power base. In any case, Heathcote was temperamentally unsuited to lead an extra-parliamentary agitation and no less importantly did not see the lesson of Emancipation as being the necessity for Reform. On the contrary he saw the passage of Emancipation as a symptom of a new and alarming parliamentary indifference to the church. Was this not, his mentor Keble asked rhetorically "a strong reason against transferring elective franchises from close boroughs to such places as Birmingham? Which will only give more influence to these vulgar half-bred liberalists?"[17]

The Revival of Agitation and the General Election of 1830

To understand the true origins and nature of the Reform Bill agitation in Hampshire one must clearly look further than Emancipation, in short to the renewed agricultural depression at the end of the 1820s which facilitated the re-emergence of a county party protest movement like that which had culminated in the great county meeting of 1823.[18] In terms of wheat prices the renewed depression was not apparently so severe as the immediate post war one. At no time after 1823 did they dip below 50 shillings a quarter and between 1828 and 1831 they actually enjoyed a four year peak at around 66 shillings. The late 1820s depression was therefore of a different nature than that which had preceded it. The complaint was directed less against falling prices than rising prices in the wake of exceptionally poor harvests and its concomitant evils of under and unemployment. Faced with this, the rural community as a whole, not just the farmers, prayed for relief from such impositions as poor and county rates and taxes, particularly that on malt. Professor Rostow's chart of social tension reveals a severe crisis between 1827 and 1832 which peaked in 1829.[19] Hampshiremen needed no recourse to charts. Trade at Weyhill's annual hop fair in 1829 was reported to be stagnant and the grand jury at the Epiphany sessions of 1830 went to the unusual step of presenting the malt tax. A spate of petitions from rural parishes and the spectre of Captain Swing were further proof that distress was not imaginary.[20]

In such circumstances the articulation of protest from a county platform was inevitable. It was presaged by a meeting at Winchester in September 1829 of the "friends of Retrenchment and Reform" presided over by Henry Marsh and C.J. Hector, two of the rural middle class Radicals

who had been so vocal in the early 1820s.[21] In all probability it was they who initiated near simultaneous calls for a county meeting to be held with the objective of petitioning the king to reassemble Parliament to consider the distress question. According to Cobbett's account the resulting requisition was impressively signed by over 300 farmers representing some 55,000 acres in the county.[22]

In the event the county meeting on distress attended by an estimated 4,000 freeholders did not take place until 10 March 1830. By then it will be remembered Parliament had already reassembled and the king's speech had described the distress as being only partial rather than general in nature. Thus the formulation of the requisition that both houses of Parliament be called upon to reconsider the question and specifically to repeal the various taxes on malt, hops, beer and windows.[23]

There are several important points which emerge from the various accounts of the meeting.[24] In the first place it underscored yet further the differences between Fleming and Heathcote. Both were reasonably agreed from what one can glean from their public and private utterances (in true Ultra fashion) that the distress was to be ascribed to the currency alterations of 1819 and the tendency to freer trade. Fleming actually lamented at the county meeting that "language more forcible" had not been used in the king's speech. But unlike Heathcote he had not translated this into parliamentary protest by supporting the Ultra Sir Edward Knatchbull's amendment to the address, an omission for which Fleming was publicly (and uncharacteristically) censured by Heathcote.[25] The meeting articulated its displeasure with Fleming's conduct by confining their petition for presentation to Heathcote only, an unprecedented snub for a county Member.

The second point, which follows from the first is that Heathcote still remained remarkably popular among the freeholders. There was little of what Davis has detected in Buckinghamshire as an anti-landed feeling amongst the freeholders beyond an allusion by one of the speakers at the meeting to the fact that with the exception of the county Members there were very few county gentry present. Against this however, Henry Marsh had gone out of his way to stress that class antagonism was emphatically not a motive for the calling of the meeting.[26] This point, and specifically Heathcote's continued popularity, is the more striking because paradoxically the most salient feature of the meeting was the revival of Reform agitation, a full six months it ought to be noted,

before the question gathered momentum nationally.[27]

Arguably the feeling of March 1830 in Hampshire was not genuine but had been manufactured by Marsh and his ilk. Certainly none of the local distress petitions before the county meeting had included Reform amongst their suggested remedies. Neither can one rule out the possibility that those at the county meeting were unrepresentative of the county as a whole. Yet on balance the most plausible explanation is that the king's speech with its allusion to distress as being only "partial" made the freeholders amenable to Marsh's amendment that the "prime source and origin of the wrongs, oppressions, and calamities complained of, are the unconstitutional and illegal means by which Members are returned or nominated to the House of Commons...the petitioners have but little hope of redress of grievances from that House as at present constituted".[28] Reform, as in 1823 had been linked directly to economic grievances, and had been done so consciously. The popular Heathcote's plea that the two issues be considered separately was simply overridden.

The political situation in Hampshire in the spring of 1830 was a highly fluid one. A vocal freeholders' country party was again in existence and its origins were anti-liberal, at least in so far as it was directed against economic liberalism. But although it had not yet rejected Heathcote, the natural leader for such a crusade, its leader of March 1830, Henry Marsh, was clearly Heathcote's antithesis in that he was an advanced Reformer, his bond with the freeholders being his opposition to Tory economic policies. In opting for a remedy for distress which involved Reform therefore, the freeholders had rendered Heathcote's continued popularity impossible, for the distress-Reform duality was one that he would never accept. Since the Hampshire Reform agitation was not anti-landed in character, this left the way open for the Whig gentry to assume its leadership.

The Whig presence at the county meeting had been conspicuously thin. The ageing Earl of Carnarvon had sent a letter agreeing with its stated objective of petitioning against distress but the only important Whig figure to be present and actually speak at the meeting was the Winchester Member Paulet St.John Mildmay. His sentiments had hardly boded well for a Whig-country party alliance, for though a moderate Reformer he had endorsed Heathcote's suggestion that the distress and Reform questions should be considered separately. This however was perhaps less important

than the fact that in declining to ask Fleming to present its petition, the meeting substituted the name of the popular Whig champion of 1823, Sir Thomas Baring.[29]

Baring and the Hampshire Whigs nevertheless declined to pick up the Reform gauntlet before the election of 1830. Their reticence is understandable from both a national and local standpoint. The Whig party in Parliament, no less than the country was yet to endorse Reform wholeheartedly.[30] More to the point, to have endorsed the distress-Reform duality would have destroyed the Hampshire Whigs' unwritten agreement with the independent Tories of North Hampshire to return one of the county's representatives, whilst the government interest returned the other. Reform, unlike Emancipation, was not an issue on which the members of the north Hampshire alliance could agree to differ, particularly since their representative was a staunch anti-Reformer like Heathcote. This explains the course of the 1830 election for both Heathcote and Baring could agree in making it an anti-government crusade against the government's representative John Fleming.

One should not therefore be deceived by the fact that the 1830 election saw the unopposed return of Heathcote and Fleming into thinking that it was the quiet and good humoured affair of 1826. Henry Holmes, one of Fleming's canvassers could vouch for the new and hostile atmosphere against his employer, for on climbing down from the hustings a mob "attacked him violently, tore his coat to shrivers, beat his hat double, and would have served him worse, had he not taken Refuge in a House which they surrounded for a long Time, waiting for him, vowing vengeance".[31] Baring and the Whigs were not prepared to bring forward their own candidate and thus destroy the electoral stability established in 1820. But he and other speakers were prepared to incite the assembled freeholders against Fleming by attacking Fleming's lack of parliamentary independence.[32] Cobbett's estimate that 95% of the county's freeholders were opposed to Fleming may have been an exaggeration but the tenor of his remark is certainly in accord with Sir Denis le Marchant's comment on the county elections in 1830 as a whole that "the small gentlemen and the independent farmers separate themselves from the aristocracy, and usually oppose the Government candidates".[33] Holmes' experience and an impromptu show of hands overwhelmingly in favour of Heathcote and Viscount Portchester against Fleming, suggests that had an official third candidate been put forward, Fleming would indeed have been ousted. The lesson usually drawn

from the 1830 election is that it witnessed a reaction against landed influence of all sorts whether Whig or Tory. In Hampshire this was not the case. The hostility was directed against the Government only. Ultras like Heathcote, although he had kept a low profile during the election, remained popular. More importantly, the Whig Sir Thomas Baring was able to realign himself with the country party. His son succinctly recorded the true significance of what had taken place: "My father...gave Fleming a touch - The latter made a most injudicious speech & was admirably answered... F is exceedingly unpopular & cannot stand long if we manage well".[34]

The Triumph of the Reformers, 1831-1832

It must be admitted that the 1830 election saw a good deal of talk against Fleming's lack of independence in failing to oppose the government's stance on distress and not very much on Reform. It witnessed a Whig destabilising of the political entente with the county's government interest, rather than a rupture with their north Hampshire independent Tory allies such as Heathcote. The latter cannot be said to have finally taken place until the general election of May 1831, and was dictated by the rapid national political developments in the interim. These are well known. Reform sentiment grew in the autumn of 1830 - in October the Chronicle was declaring that essays on the question would exclude every other topic if all were printed[35] - and was immeasurably focused and advanced by Wellington's famous anti-Reform speech of 2 November 1830. Two weeks later his government fell to be replaced by Grey and the Whigs who pledged themselves to introduce a measure of Reform. For the first time in the political life of many of Hampshire's Whig gentry there was at last a government for them to defend rather than attack, one moreover that included Sir Thomas Baring's son, Francis. It was therefore only natural that the county's Whigs should retain a low profile until the government's Reform proposals were known, and equally natural that they should convene a county meeting to consider them when they were. Hence the county meeting of March 1831.

The county meeting was not only well attended, at least 5,000 according to most accounts and in Francis Baring's opinion more "than at any former I remember", but also witnessed an unusually (predictably) high attendance of gentry.[36] These might usefully be distinguished into three groups: the old Whigs of the early 1820s and before, such as Sir

Thomas Baring, G.P. Jervoise and Paulet St.John Mildmay; the younger generation of Whigs headed by Sir James MacDonald,[37] Charles Shaw-Lefevre (colonel of the recently disbanded north Hampshire regiment of yeomanry), and the newly arrived unitarian brother in law of the Portsmouth M.P. John Bonham-Carter, William Nightingale; and thirdly, disgruntled supporters of the previous government. The latter however were numerically few. Only two can be positively identified, Sir Raymond Jarvis a relatively unimportant county magistrate but more importantly Edward Knight, heir to the 5,000 acre Chawton Park estate and son in law of the Kent Ultra Sir Edward Knatchbull.[38] Knight in fact seconded the resolutions adopted by the meeting but there is no sign that either he or Jarvis sought to seize its hegemony from the Whigs.

The county meeting displayed remarkable unanimity, the Chronicle going so far as to declare that "so unanimous an expression of public feeling...has not been witnessed in this county for many years".[39] If there had been nuances of an anti-landed sentiment at the county meeting of March 1830, they had by now totally evaporated, dispelled both by the broadness of the Whig government's proposals, and by the alacrity with which the Hampshire Whig gentry came forward to espouse them. As Marsh put it warmly the fact that some of those present would lose out materially by the Act from the disfranchisement of their pocket boroughs proved that "more magnanimity and disinterestedness had never been displayed than was displayed by that lauded aristocracy on this occasion". The Bill, stressed the Whig speakers was a counter-revolutionary measure, designed to reharmonise the political nation. Even the Cobbettite land agent Richard Hinxman, though he had expounded in the press a plan for trienniel parliaments and a ratepayer franchise, showed no sign of wishing to demur from the "cordial pleasure" with which the petition described the Whig proposals. Reform, within precisely 12 months had moved from being a means to an end to an end in itself. The change in emphasis was reflected in the fact that whereas the petition from the county meeting of 1830 had been confined for presentation to Heathcote and not Fleming, that of 1831 was confined to neither but to Sir Thomas Baring alone.[40]

Hampshire was the only English county except Westmoreland where both Members opposed the crucial second reading of the Whig Bill in March 1831. Concerted opposition to both Fleming and Heathcote was therefore inevitable at the ensuing general election of May. Reviewing the election, Wellington was prompted to declare that they "were decided

by terror".[41] In Hampshire it is true, the contest had been unusually severe. Fleming commented wryly that following a canvass at Portsea "as stones & mud were flying about very freely, we thought it better to shorten our visits".[42] There is likewise evidence of another common phenomenon of the election to be found in Hampshire, an improper use of the king's name by the Reformers. William IV had made no public statement on Reform but the Reformers felt no qualms in interpreting his assenting to the Whigs' request for a dissolution as proof that he approved of their objectives. The Tory T.A. Smith complained that because of this, his newly raised yeomanry troops at Andover would refuse to turn out in the event of a Reform riot. At Romsey too, "The King's appeal to his people has operated like a talisman in this town". This combination of royalism and intimidation together perhaps with an element of realism amongst the lukewarm or pragmatic anti-Reformers that the Bill would soon pass and therefore occasion a further election, did much to further the Reformer cause in 1831.[43]

The Reformers however did not see the election in this light. For them it was a crusade against the forces of reaction and influence in which the keynote was altruism. One should therefore pay less attention to Fleming's complaint that his opponents had flouted the electoral convention that nothing had been done to limit expenditure than to the fact that both agents and canvassers were offering their services to the Reformers gratuitously and that many freeholders evinced a determination to come to a poll at Winchester free of charge.[44] To canalise this spirit the Reformers brought forward as their candidates two hitherto relatively politically inactive members of the Whig gentry, Sir James MacDonald and Charles Shaw-Lefevre. Their reception confirmed the point that for the Whigs the election was less a campaign than a triumphal progress. As Tory agents privately conceded "the Madness of the People for Reform is beyond Belief" and that as a result "usual feelings no longer produce any influence".[45]

Despite individual Tory complaints therefore about intimidation, the weight of evidence points squarely to the simple fact that the Reform Bill was immensely popular amongst the electorate.[46] Faced with this reality both Heathcote and Fleming acted characteristically. The former, for all that he considered the Bill revolutionary simply retired, seeing that the broad electoral consensus favourable to his return in 1826 and 1830 no longer existed, and that in such circumstances it was

"neither in my power nor inclination" to continue as a county Member.[47] Conversely the more partisan Fleming privately declared that he would stay in the field so long as the "slightest chance" remained. His public declaration however in favour of an equitable Reform "to extend and not to destroy existing franchises" was treated as the specious nonsense that it was. It is clear that his real tactic was to stay in the field "hoping it might have the effect of alarming the Exchequer of our opponents & inducing one of them to give way". This, in light of the above evidence for the deep-seated enthusiasm for Reform was a miscalculation. In the event he accepted the inevitable and announced his withdrawal on 7 May, three days before the nomination. The nomination consequently became for the Reformers a consummation of the triumphs of the previous weeks.[48]

There was a danger perhaps that the Hampshire Whigs were becoming too successful at the head of the county's Reformer alliance. The unanimity in favour of their resolutions at the county meeting of March 1831 is certainly in part to be explained by the great uncertainty which at that time prevailed over the fate of any sort of Reform measure. By May 1831 all opposition had apparently been obliterated. In such circumstances the essential heterogeneity of the movement was much more likely to come to the surface. In particular, the ideas being articulated by advanced radical Reformers ran the risk of alienating moderate Reformers attracted to the Bill by the emphasis on its essentially conservative character. Whilst one cannot prove it, it may well be that part of the calculation in Fleming's decision to resign when he did, lay in the hope of exposing such differences.[49] The Whigs' task from May 1831 therefore became one not of rousing support for the Bill but in walking the political tightrope which would sustain it.

This point is clear enough even at the great hour of triumph, the nomination of May 1831. The Radical Henry Marsh for example wished to use the platform to denounce Fleming. His gentry ally Sir Thomas Baring by contrast, was infinitely more restrained in his sentiments than he had been on the hustings in 1830. He was joined by the Whig Member of 1820-1826, G.P. Jervoise, in stressing the inherent moderate and conservative nature of the Bill which would strengthen the agricultural interest. Both explicitly disassociated themselves from the more advanced Reform schemes associated with people such as Joseph Hume.[50] It would be absurd however to suggest that there was a fissure opening between Marsh and

Baring in May 1831, for the two had always cooperated closely. Much more dangerous was the situation in October 1831, following the rejection of the Bill by the House of Lords, an event which occasioned a fresh county meeting to consider what course of action should be taken. Here there were clear signs that the Whig hegemony over the Reform movement and the harmony which characterised it since the general election of 1830 would be destroyed.

The dissension at the meeting which was attended by an estimated 6,000 people, came not from Marsh but from Cobbett.[51] He was no longer content as he put it, to suffer the Whig bridle between his teeth, for Radicals like him to "consent to be talked over by all the others, particularly by the Barings" and would oppose any "scheme for making this great county the mouth-piece of confidence in ministers; of passive obedience and non-resistance". This of course was typically Cobbett. But in October 1831 one would do well to remember that this sort of talk had an added personal bite to it: the Whigs had just been unsuccessful in their prosecution of Cobbett for his alleged role in fomenting the Swing riot disturbances of the previous autumn. No one attracted his antipathy more than Sir Thomas Baring, whose nephew Bingham Baring was almost simultaneously being all but cleared for manhandling the unfortunate Mrs. Deacle during the riots. In Cobbett's mind the Bill would replace the political dictatorship of Fleming in Hampshire with that of Baring.[52] He therefore moved a petition, to the obvious consternation of the Whig gentry present, that the king be asked to issue a writ for a new House of Commons in accordance with the provisions of the Reform Bill. This, it would appear was very nearly adopted by the meeting, many of the persons present being from nearby Sutton Scotney and the surrounding parishes, where since swing Cobbett's hold had been particularly strong. In the event a Whig petition was eventually adopted thanking the king and government for what had already been done, and insisting that only the Bill in the form in which it had been rejected by the Lords would restore the country to tranquillity.[53]

The crisis was therefore overcome. In fact the county meeting of October 1831 proved to be the last great public gathering in Hampshire before the successful passage of the Bill. The events of the 'May Days' passed off too quickly for a further county meeting to be held and in any case in light of what had happened in October 1831 there is little sign that Baring and the Whigs were particularly anxious to risk a

further challenge to their hegemony over the freeholders. The only major political activity after October 1831 was unexpected for Sir James MacDonald was appointed Commissioner to the Ionian Islands and consequently resigned his seat, thus necessitating a by-election at the end of June 1832. But with a fresh general election now imminent there was little point in the Tories risking a new contest. The vacancy was therefore filled unopposed by Sir Thomas Baring.[54] It was a fitting climax to a movement which he had done so much to initiate over a decade before.

From Toryism to Conservatism: Anti-Reformers 1831-1832

If the October 1831 county meeting marked both a crisis and a climax to the Reformer movement, it marked also a landmark in the regrouping and realignment of the county's anti-Reformer and Tory forces. The disruptive stance adopted by Cobbett lent credence to their argument advanced throughout the Reform crisis that the Bill was tantamount to revolution, an argument it might be noted that was held with complete sincerity by those such as John Fleming.[55] Sir Thomas Baring for one was acutely aware of the political dangers which Fleming and his ilk still presented. The battle he noted at his return for the county in 1832, far from being over, was just beginning. The Bill would remain a dead letter if the spirit of independence manifested at the election of 1831 was allowed to evaporate. In particular Baring insisted, Reformers should be wary of a new political animal, self-styled "conservators of the constitution" who were but "Tories tricked out in a new guise".[56] His anxiety at such a moment is revealing. What had happened since May 1831 that so alarmed him?

A Tory rearguard action, given that the political stakes were so high, was inevitable. The fact that it failed has too easily blinded historians to the fact that it existed and therefore to any serious consideration of it. But if the Reform Bill provided a focus for Reformers it provided no less a one for anti-Reformers. In the same way that the example of the French revolution of 1830 stimulated Reform sentiment, the memory of the French revolution of 1789 strengthened the resolve of the Reformers' adversaries. The latter did not necessarily deny anomalies in the existing system of political representation. They did however insist that Reform would destroy the delicate balance of interests which the unreformed system encompassed. The scope of the measure introduced by the Whigs in

March 1831 transformed this belief into an unshakeable axiom. Even some hitherto Reformer Whigs, most conspicuously in Hampshire the ageing Earl of Carnarvon, were brought to the same conclusion upon scrutinising the provisions of the Bill. For this reason alone the anti-Reformers cannot be designated simply as Tories. Such a designation was anyway impolitic. Hence their arrogating to themselves increasingly from March 1831 the name of 'conservators of the constitution', an ideal indicator in their eyes of their essential distinction with the Reformers. A declaration in Hampshire, more than likely initiated by John Fleming, to the effect that the Bill would destroy a constitution which it had taken centuries to evolve and which might re-create the conditions which had prevailed in France in 1789, was in circulation before the 1831 election. By mid April it had obtained over 200 signatures including those of four peers, eight baronets and at least 60 members of the commission of the peace.[57] True, these figures reflect the fact that the appeal of these sentiments was to the higher echelons of county society rather than to the freeholders at large, but no less important was the fact that they united independent Ultras like Heathcote, partisan Tories like Fleming, and previously moderate Reformers such as Alexander Baring.

The above in simplified form, outlines the ideological origins of Conservatism in Hampshire. For the purposes of practical politics however the anti-Reformers' stance was predicated on the assumption that the call for Reform was illusory.[58] Opposition to Reform persisted because it was believed that this illusion might be dispelled. Specifically the illusion which it was hoped to dispell was the connection established by Henry Marsh in March 1830 between distress and Reform. The case was succinctly put by Sir William Heathcote in March 1831 in opposing the petition from the county meeting of that month presented by Sir Thomas Baring which called for a full, fair and free representation of the people. Heathcote opposed because he "conscientiously believed that the feeling in favour of Reform among the people was founded, to a great extent, upon distress, and upon the Refusal of the House in the last Session to inquire into the causes of that distress".[59] The theme is even more conspicuous in Wellington's correspondence, namely that the Bill might be defeated if the Whigs could be obstructed for long enough, because the mood of the country was transitory. "It is impossible", he wrote in the wake of the 1831 election, "that there should not be a reaction".[60] Correspondence which he received right up until the eve of the Lords' crucial

vote on the Bill in October 1831 convinced him that this might still be so.[61] Only in the wake of the spontaneous popular outbursts which followed that vote would he appear to have come reluctantly to the conclusion that this reaction would not take place before the Bill became law. The essential and grave miscalculation in the anti-Reformer case all along lay in assuming that Reform Bill sentiment was not genuine, and that therefore the Bill's passage was a precondition of a reaction. But was not the anti-Reformers' basic instinct correct? The political complexion of the English counties had become strongly Conservative by 1837.[62]

Following the election of May 1831 therefore, Hampshire's anti-Reformer forces could only manoeuvre defensively. As Wellington put it "The worse of it is that there is no remedy except our standing together...we must prevent follies & indiscretions; and leave them to our opponents, and endeavour by temper, firmness, perseverance, and principle to weather the storm".[63] Always more eager than politic John Fleming disagreed. He wished to circulate a second anti-Reform petition in May 1831, a tactic which as Wellington rebuked him would only serve to unite their opponents so soon after their unequivocal triumph on the hustings. Wellington's veto of Fleming's scheme was of immeasurable service to Hampshire's anti-Reform forces. It left Sir James MacDonald with only the House of Lords to attack when he spoke at the county meeting of 1831.[64]

Wellington was however willing to endorse an initiative, if occasion presented itself, which emphasised the common ground between the anti-Reformer gentry, and the middle class Reformers, particularly the yeomanry. The opportunity duly presented itself in the wake of the Lords' rejection of the Reform Bill in October 1831, an event which catalysed the emergence in various parts of the country of political unions. What better, suggested Wellington, than a petition which explicitly excluded any reference to Reform, but instead focused upon the supposed threat to property which the unions presented together with "a declaration in favour of the freedom of deliberation in Parliament and of their determination to stand by and support their deliberative functions?".[65] Fleming responded enthusiastically, not only to Wellington's reasoning, but also because such a manoeuvre would "at the same time afford the conservative party in this county a plausible opportunity of showing their strength and respectability, without the appearance of hostility to the question

of Reform".[66] By the end of December 1831 a petition to this end had attracted the signatures of over 1,400 persons including at least 12 peers and 50 magistrates, compared with the 200 persons who had appended their signatures to the anti-Reform declaration of April 1831.[67] The December petition also included the names of at least two prominent gentry figures, J.W. Scott and William Portal, who only two months previously had endorsed the sentiments of the county meeting which had met to consider the Lords' rejection of the Bill. Admittedly the December petition was not an anti-Reform document, but it was well known to have initiated from Fleming, and thus generally assumed to be virtually synonymous with one.[68] Its success was therefore encouraging, revealing that even at the moment of apparent defeat, the forces of Hampshire Toryism were far from dead. Sir Thomas Baring's fears at the hustings in May 1832 were well-grounded.

The Nature of Reformer Support

The Canningite William Sturges-Bourne, who had been in political retirement since the death of his mentor was frankly baffled by the passions which he saw roused around him by the Reform Bill struggle. Antipathies were engendered between erstwhile friends and even families. Sturges-Bourne as he recognised, was highly unusual in failing to experience such emotions.[69] But what were the divides and changing alignments in Hampshire to which he referred?

Generally speaking the most apparent division to be found was less that within county society than between county society and the population as a whole. Wellington was near the mark when he asserted that the county as a whole was overwhelmingly in favour of the Bill but that "the Property and intelligence of the County" was not. He actually went further. Reformers he insisted, comprised the king, government, a majority of the House of Commons, Dissenters, Radicals, the middle class in the boroughs, the yeomanry in the counties and the mob, whilst anti-Reformers consisted of the propertied, the intelligent and the Church.[70] For the opposition, Sir James MacDonald did not seek to contradict Wellington's broad outline.[71] Their difference was that MacDonald and the Whigs insisted, unlike Wellington, that the urban and rural middle class too deserved the denomination of respectable and intelligent. Other sources confirm that this - that is to say, in terms of political alignments in Hampshire, the divide between the gentry and the yeomanry -

was the salient division. Le Marchant spoke of the divide between landlords and freeholders at the 1830 election, and it was the independent spirit of the freeholders almost unanimously marshalled in favour of the Reformers which impressed both gentry and canvassers of both sides alike during the election of 1831. Against this there was the impressive array of the social weight of the county to be found in the anti-Reform declaration of April 1831, and upon which fact much of the anti-Reform case was predicated.[72]

Although Hampshire may have been untypical it is important not to confuse the sentiments of freeholder independence with a positive animosity for the county's landed. Francis Baring seized upon the essential point when he wrote that "The feeling of the country was wholesome, very loyal and very aristocratical, though for that one time they threw aside the Tory members" adding prophetically that "My personal impression is that the first, or perhaps the second, reformed House will be very country-gentlemen".[73] There would appear to have been three reasons which explain why Hampshire's Reform movement was popular and constitutional, not revolutionary in character. First the speaker who declared in October 1831 that "he saw an overpowering aristocracy oppressing the people", Sir James MacDonald, was himself one of the number of Whig Hampshire gentry who placed themselves at the head of the Reform movement and thus belied the very point against which he complained. It has already been noted how at the county meeting of March 1831 such apparent altruism earned the admiration of even the most pronounced Radicals present.[74] Second, if somewhat accidentally, the Reformers' cause had come to be portrayed by May 1831 as that of the crown and constitution. There is a sense in which Hampshire's pro-Reform feeling can better be described as royalist as opposed to pro-Whig or anti-Tory in character, almost as a derivative of the ancient concept that the monarch would protect his peoples' liberties if only the 'evil' councillors who surrounded him could be removed.[75] It was precisely towards recapturing this vital royalist middle ground in county politics that the new Conservatives' efforts were directed. But third and most important, there is simply no evidence of any deep-seated ideological commitment amongst the freeholders for the Reform Bill for its own sake. Rather, as Cobbett put it at the county meeting of October 1831, "the word Reform was in itself worth nothing; the people expect something good to be produced by it".[76] Specifically, the "something good" as Tory opponents of the

Bill like Heathcote insisted, was an end to agricultural distress. The Whigs of course sought to deny and obscure the point, but they could not obliterate it. On the hustings to witness the final triumph of Reform in Hampshire, Sir Thomas Baring's unopposed return at the May 1832 by-election, Henry Marsh explicitly referred once more to the distress-Reform connection whilst the Cobbettite land agent from Bishop's Waltham, Richard Hinxman, warned that his future support for the Reformers would be conditional upon their repealing the malt and hop taxes.[77] There is a great danger in short, of exaggerating the uniqueness of the Reform Bill agitation. It had an obvious precedent in the agitation which had culminated in the county meeting of 1823. The course of Hampshire county politics in the 1830s, moreover, suggests strongly that the views of Marsh and Hinxman were the truly representative ones.[78]

Finally, what of the divisions in county society? Though less pronounced than those between gentry and yeomanry they nevertheless existed. But were they the same divides which had existed during the 1820s and did gentry alignments indeed, actually remain static during the Reform crisis? Certainly, it is wrong to think in terms of the county families taking up a stance for or against the Bill which they retained unaltered throughout the crisis, as soon as its details became known on 1 March 1831. The reality is more subtle for there were in Hampshire six occasions between the spring of 1830 and the end of 1831 when each family had at least to reconsider its position: the county meeting and election of 1830, the two county meetings, the election and the Conservative petition of 1831. Examples of individuals changing their alignment can be produced for different dates. Sir George Staunton, a retired supercargo who had settled at the 2,000 acre Leigh Park estate near Havant in 1819 was to be found on the Tory Fleming's election committee in 1831, but had himself supported the crucial second reading of the Bill in Parliament in March 1831. This was because although he endorsed the general principle of Reform and feared the consequences of rejecting the Bill, he could not concur in its specific details which he thought destroyed the representation of commercial and colonial interests. Thus he was not a 'whole Bill' man. Hence his appearance on Fleming's committee. This however left him in a false position since he was essentially a Reformer. He had firmly re-enlisted in their ranks by October 1831 and was a Reformer candidate for the county in December 1832.[79] Conversely,

the Earl of Carnarvon was a conspicuous example of someone who moved in the opposite direction. Before the emergence of Sir Thomas Baring he had been Hampshire's leading Whig figure. He endorsed the purpose of the county meeting in 1830 but declared against the details of the Whig Bill in March 1831, in part because like Staunton he feared that it would destroy vital interests and in part because he had been alarmed at the spread of Cobbettism in the vicinity of his Highclere estate following the Swing riots.[80] The change was reflected by the fact that his son Viscount Portchester was rumoured both as the opponent to the Tory Fleming at the election of 1830 and to the Whig Sir Thomas Baring at the by-election of 1832.[81]

To produce further examples would be a pointless exercise. Suffice it to say that there were changing allegiances and that the two most important moments in determining them were as one might expect, March 1831 when the details of the Bill became known - the names of Alexander Baring and his nephew Charles Baring Wall can be added to Carnarvon's - and October 1831 when to the question of the principle of Reform was added that of public order. The requisitionists for the October 1831 county meeting included the names of at least 18 persons of county magistrate standing of whom there is no evidence that they had previously publicly declared themselves in favour of Reform. Yet overall, the above impression of fluidity in the political alignments of county society is a misleading one. Of 56 members of the county's aristocracy and greater gentry only five actually changed their allegiances between 1830 and 1832, the situation being in 1832 that 13 of their number can be described as being supporters of the Bill, and 43 its opponents. Such figures suggest continuity rather than change as the keynote in gentry alignments, and that such political acrimony as there undoubtedly was between the county families was largely conducted along the lines of a Whig-Tory divide which had long been established. The point merely serves to reinforce the earlier conclusion that the important divide during the Reform Bill struggle in Hampshire was rather that between Tory gentry and freeholders.

The Reform Bill struggle in Hampshire was characterised by the same alliance, albeit in more pronounced form, which had first emerged in protest against the distress of the early 1820s. That is to say it was headed by a body of the county's Whig gentry who held sway over a

handful of rural middle class radicals and who manipulated the discontent of a large body of the county's freeholders for their own political purposes. The latter however were less ideologically convinced Reformers than a nineteenth century manifestation of a phenomenon more typically associated with the eighteenth, the country party, people who as Cobbett succinctly put it "as soon as they felt themselves pinched... felt and behaved like men in making known their determination to have their grievances redressed".[82] What is therefore superficially most surprising about Hampshire's Reform movement was that this protest was not headed by its natural leaders, the Ultra-Tory gentry. It was not that Ultra-Tory sentiment was lacking. The two county Members returned in 1826 and again in 1830, John Fleming and Sir William Heathcote, both adhered to the typical Ultra stance on the three questions of corn, currency and catholics which distinguished them from mainstream or liberal Toryism. In Heathcote's case this culminated in his helping to bring down the Wellington government in November 1830. But neither he nor Fleming were prepared to advance a Blandford style Reform antidote to what they saw as Tory government propagated poisons. In Heathcote's case such reluctance was partly temperamental,[83] in Fleming's it can be traced to his political loyalty for Wellington, but for both it was essentially because they were staunch anti-Reformers. They, their lesser ilk in the county and the Ultra-Tory press were solidly behind the county's anti-Reform declaration headed by Wellington in April 1831. Hence the Whigs had no challengers from amongst the gentry when re-emerging in 1830 at the head of the county's protest movement.

This is a picture which correlates closely neither with Moore's nor Davis' interpretation of the Reform movement in the counties. It is much closer to the alternative 'face of Reform' recently outlined for Cornwall by Dr. Jaggard.[84] Here too there was an alliance of Whig Reformers with middle class radicals, who convinced the freeholders, as they had in the early 1820s that the best remedy for their economic grievances lay in Reform. Nevertheless, there remain differences. The public reforging of the alliance of the early 1820s took place in March 1830 in Cornwall, but in Hampshire at the 1830 general election. Cornwall too contained a formidable body of Ultras incensed by Emancipation in a way that Hampshiremen were not, and headed by the eccentric Sir Richard Vyvyan. Cornish Ultras genuinely competed with Cornish Whigs for the control of the Reform movement. Perhaps the only firm conclusion that can be

drawn from the present study and those of Jaggard and Davis therefore is that there are probably as many faces of Reform as there were counties.

Footnotes to Chapter Ten

1. D.C. Moore, 'The other face of Reform', Victorian Studies, V, No.1 (September 1961), pp.7-34.
2. R.W. Davis, Political Change and Continuity 1760-1885: A Buckinghamshire Study, chapter four.
3. See above chapter nine, especially pp. 274-276.
4. The Times, 28 October 1831.
5. G.F.A. Best, 'The Protestant Constitution and its Supporters, 1800-1829', T.R.H.S., 5th ser., VIII (1958), pp.105-127.
6. W.MSS., 4/1/1/46, Fleming to Wn, 5 September 1829. See also ibid., 1/1183, Wn to Buckingham, 5 April 1831.
7. On this, and for the best modern treatment of the issue as a whole, see G.I.T. Machin, The Catholic Question in English Politics 1820-1830, passim.
8. HC, 9 August 1830.
9. W.MSS., 1/829, Compigné to Wn, 4 October 1825.
10. HC, 2 March 1829. For examples of other petitions, both pro and anti-Catholic, ibid., 9, 16 and 23 February, 9 and 23 March 1829.
11. Ibid., 27 October 1828 and Machin, op. cit., pp.130-148.
12. HA, 15 November 1828 and 18 April 1829.
13. HC, 13 April 1829. See also J.J. Sack, 'The Decline of the Grenvillite Faction under the first Duke of Buckingham and Chandos, 1817-1829', Journal of British Studies, XV, No.1 (November 1975), pp.112-134.
14. HC, 19 June 1826.
15. W.MSS., 1/1002, Fleming to Wn, 6 March 1829.
16. HC, 9 August 1830.
17. Keble MSS., bundle 52, Keble to Heathcote, 27 June 1827.
18. Compare Fleming's remark that Wellington was wrong "in ascribing any portion of this feeling to the Catholic Question, it rises alone from pecuniary difficulties, it is the same which manifested itself to me & every declared friend of the Government at the late Election", W.MSS., 4/2/3, Fleming to Wn, 4 December 1830.
19. W.W. Rostow, British Economy of the Nineteenth Century, p.125. For wheat prices, see appendix E.
20. HC, 19 October 1829, 1, 8, 15 February and 8 March 1830.
21. Ibid., 7 September 1829.
22. Ibid., 14 September 1829; PR, 20 March 1830.
23. The progress of the final requisition can be followed in HC, 15, 22 February and 1 March 1830.
24. The fullest account, upon which the following paragraphs are based, can be found in ibid., 15 March 1830.
25. Ibid.
26. Ibid.
27. The gradual re-emergence of the issue is traced in Michael Brock, The Great Reform Act, chapter three. This is not to say however that the activity in Hampshire was unique. Far from it, for there were 22 county meetings on either distress or taxation in the first three months of 1830. Austin Mitchell, The Whigs in Opposition 1815-1830, pp.222-223.

28. HC, 15 March 1830.
29. Ibid.
30. Mitchell, op. cit., p.223 does however note that the Whig parliamentary party was united on the broad principle of Reform.
31. Broadlands MSS., BR27M60/195, Holmes to Palmerston, 8 August 1830.
32. See the account in HC, 9 August 1830.
33. PR, 16 June 1832; F.T.B., p.66.
34. Entries of 8 and 9 August 1830 in the MS. diary of Francis Baring. The above is a necessarily simplified account of the election.
35. HC, 11 October 1830. The general outline of events can be followed in Brock, op. cit., chapters three and four.
36. F.T.B., p.85; HC, 21 March 1831.
37. Sir James MacDonald (1784-1832) was perhaps not so much young, not a great landowner in the county, but owed this new prominence in the county to his proven record with the Whigs. He had acted as their de facto chief whip in the Commons until 1816, but had subsequently followed his mentor Landsowne in entering the Canning cabinet of 1827 as president of the Board of Control.
38. Knight (1794-1879) was equally alarmed at the gentry's failure to respond to distress more positively in 1823, HC 3 March 1823.
39. Ibid., 21 March 1831 and for the following account.
40. Ibid.
41. W.MSS., 1/1186, Wn to Fitzgerald, 21 May 1831.
42. Ibid., 4/1/3/4/18, Fleming to C.B. Wall, 28 April 1831; Brock, op. cit., pp.197-198.
43. Ibid., pp.197-201; W.MSS., 4/1/3/2/57, T.A. Smith to Wn, 13 March 1831; HC, 9 May 1831.
44. W.MSS., 4/1/3/4/19, Fleming to Wn, 1 May 1831; HC, 2 and 9 May 1831; Bonham-Carter MSS., 94M72/F.10, Bonham-Carter to his wife, 27 and 29 April 1831.
45. W.MSS., 4/1/3/4/18, Hollis to Fleming, 28 April 1831; ibid., 4/1/3/4/19, Fleming to Wn, 1 May 1831.
46. Brock, op. cit., pp.195, 199-200.
47. HC, 2 May 1831 for Heathcote's letter of 27 April.
48. Ibid., 2 and 9 May 1831; W.MSS., 4/1/3/4/19, Fleming to Wn, 1 May 1831.
49. Compare Wellington's remark "we must prevent follies & indiscretions; & leave them to our opponents", ibid., 4/1/3/4/23, Wn to Fleming, 10 May 1831.
50. HC, 9 May 1831.
51. The best accounts are to be found in ibid., 31 October 1831; PR, 29 October 1831.
52. Ibid. For Cobbett's prosecution George Spater, William Cobbett. The Poor Man's Friend, vol. II, pp.474-481.
53. PR, 29 October 1831; HC, 31 October 1831; The Times, 28 October 1831.
54. HC, 4, 18 and 25 June 1832.
55. W.MSS., 4/1/3/1/7, Fleming to Wn, 4 March 1831.
56. HC, 25 June 1832.
57. Ibid., 18 April 1831. For a succinct summary of the anti-Reformers' arguments, Brock, op. cit., pp.205-206.
58. It is striking in this respect just how frequently the words 'madness', 'insanity' and 'delusion' are to be found in anti-Reformer correspondence. For example, W.MSS., 4/1/3/4/18, Hollis to Fleming, 28 April 1831.
59. See his exchange with W.H. Hughes in Hansard, Parliamentary Debates, 3 ser., III (1831), pp.1151-1153.

60. W.MSS., 1/1186, Wn to Fitzgerald, 21 May 1831. It is less clear how much Wellington laid the delusion at the door of distress, or how much his leitmotif was the realisation that the majority of the county's landed interest was anti-Reformer. I hope to address these points in a forthcoming paper.
61. Ibid., 1/1195, B. Escott to Wn, 9 September 1831 for an example.
62. Brock, op. cit., p.198; Robert Blake, The Conservative Party from Peel to Churchill, p.46 shows that 99 of 144 English county seats were Tory following the 1837 election. It is a moot point whether an economic upturn in 1831 would have affected the course of political events.
63. W.MSS., 4/1/3/4/23, Wn to Fleming, 10 May 1831.
64. Ibid., 4/1/3/4/25, Fleming to Wn, 23 May 1831; ibid., 4/1/3/4/26, Wn to Fleming, 27 May 1831; HC, 31 October 1831.
65. W.MSS., 1/1191, Wn to Fleming, 30 July 1831.
66. Ibid., 4/1/3/4/46 and 47, Fleming to Wn, 24 and 25 November 1831. This was Fleming's first use of 'Conservative' in his correspondence. It is clear that Wellington had sent him a petition.
67. HC, 19 December 1831.
68. It was an objection to Scott's standing as a Reformer at the 1832 election that he had signed this petition.
69. Sturges-Bourne MSS., 9M55/F.9, Angela Sturges-Bourne to M. Dyson, 16 May 1831.
70. Ibid., and W.MSS., 4/1/3/4/26, Wn to Fleming, 27 May 1831.
71. HC, 31 October 1831. Neither Wellington nor MacDonald would or could of course deny that some aristocrats were Reformers!
72. F.T.B., p.66; W.MSS., 4/1/3/4/18, Hollis to Fleming, 28 April 1831; Bonham-Carter MSS., 94M72/F.10, Bonham-Carter to his wife, 27 April 1831.
73. F.T.B., p.87.
74. HC, 21 March and 31 October 1831.
75. See above, p. 293. ; HA, 2 June 1832.
76. The Times, 28 October 1831, and note 59 above for Heathcote.
77. HC, 25 June 1832.
78. See above chapter nine and below chapter eleven, passim.
79. G. Staunton, Memoirs, especially pp.110-117; HC, 18 April 1831; Mark O'Neill and Ged Martin, 'A Backbencher on Parliamentary Reform, 1831-1832', H.J., XXIII (1980), pp.539-563.
80. HC, 15 March 1830 and 21 March 1831; H.O. 52/13, Carnarvon to Melbourne, 5 February 1831.
81. HC, 2 May 1831; W.MSS., 4/1/4/3/5, Carnarvon to Wn, 3 May 1832.
82. The Times, 28 October 1831.
83. It must however be admitted that Heathcote had struck up a close friendship with the Cornish eccentric and Ultra Sir Richard Vyvyan, from 1826 onwards. Vyvyan of course was the figure most closely associated with the moves to form a Tory government purged of Wellington and Peel. Though Heathcote did not subscribe to this, he remained suspicious of the Conservative leaders. F. Awdry, A Country Gentleman of the Nineteenth Century, p.41; B.T. Bradfield, 'Sir Richard Vyvyan and the Country Gentlemen, 1830-1834', E.H.R., LXXXIII (1968), pp.729-743.
84. Edwin Jaggard, 'Cornwall Politics 1826-1832: Another Face of Reform?', Journal of British Studies, XXII, No. 2 (Spring 1983), pp.80-97.

CHAPTER ELEVEN

THE POLITICS OF CONSERVATIVE REVIVAL, 1832-1841

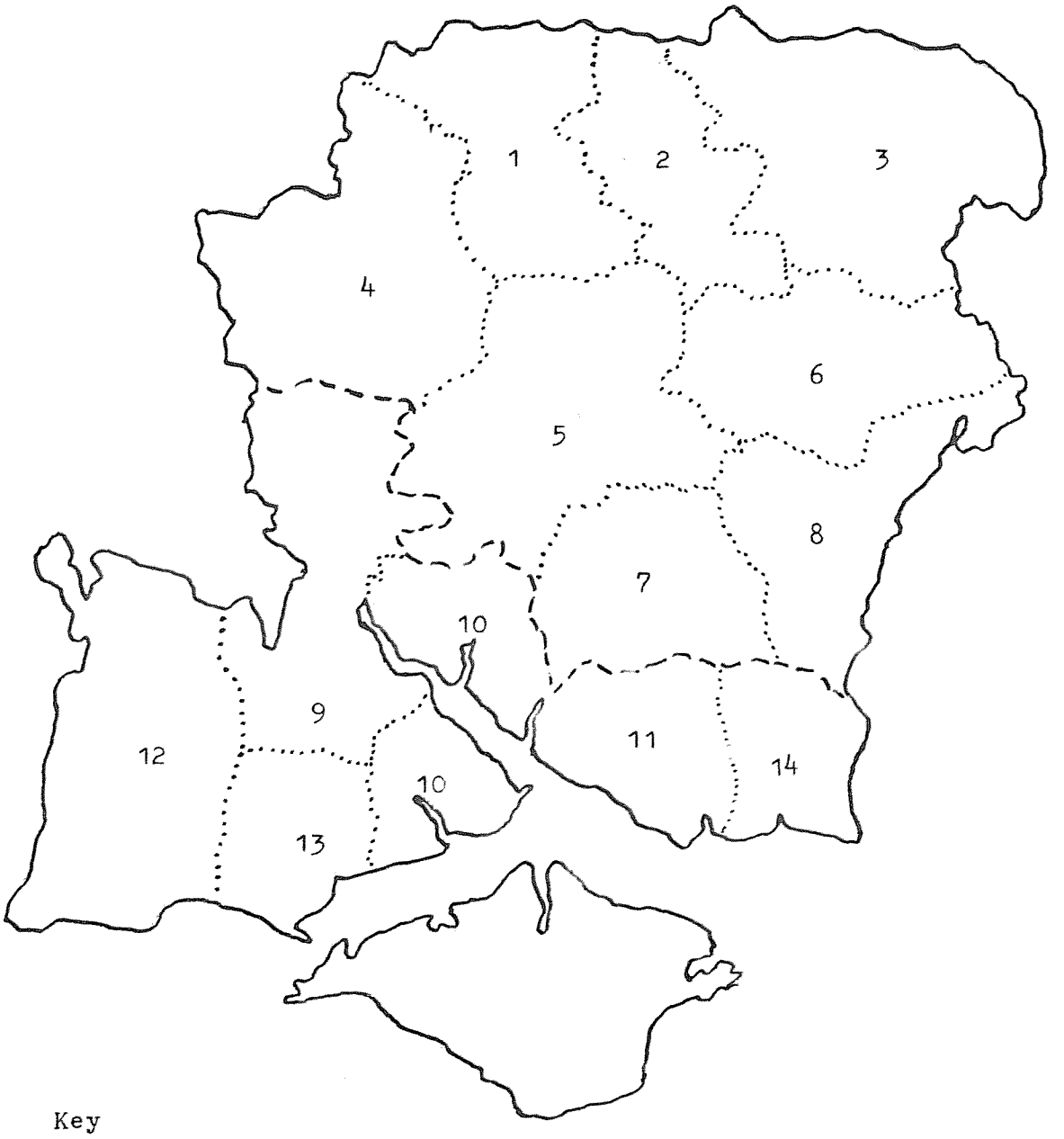
Hampshire underwent considerable constituency alterations as a result of the Reform Act.[1] Of its borough seats, Newtown and Yarmouth in the Isle of Wight and Stockbridge and Whitchurch on the mainland were totally disfranchised. In addition Petersfield and Christchurch each lost one of their two seats. Since no Hampshire borough gained a seat the county's borough representation was cut from 24 to 14. The county constituency however gained three seats as a result of being divided into three new constituencies. North and South Hampshire each obtained two seats, and after a good deal of bickering the Isle of Wight gained the county representative of its own for which it had long been clamouring. Overall therefore the Reform Bill reduced the number of Hampshire M.P.s from 26 to 19.

In deciding where the division between the two mainland county constituencies should come the boundary commissioners inevitably sought to take account of both local factors and their desire to make them roughly the same size.[2] The first dictated that the divide would be made along a north-south rather than an east-west axis for this accorded with both historical and topographical realities. That is to say contemporaries had always thought in terms of a north-south political divide during the 1820s, and indeed had probably done so since the Powlett-Wriothesley family rivalries in the sixteenth century; whilst it also appeared more logical to divide the north eocene and central chalklands from the south eocene rather than to bisect the three. This did of course mean that the northern constituency covered a far greater area (600,000 acres) than the southern one (350,000 acres), but it did produce a roughly even balance of population, 96,623 inhabitants in the north as compared with 82,462 in the south. This simultaneously and no less logically separated the more purely agricultural region of north Hampshire with its concentration of large landed and closely knit gentry families, from the more urbanised, government influenced and less socially cohesive south.

Whilst the above were the general considerations which pointed to a north-south divide, the precise line of the boundary was determined by the magistrates' redrawing of the county's petty sessional divisions

Map 6

Hampshire: Political Divisions



Key

---constituency boundary

.....divisional boundary

1. Kingsclere
2. Basingstoke
3. Odiham
4. Andover
5. Winchester
6. Alton
7. Bishop's Waltham
8. Petersfield
9. Romsey
10. Southampton
11. Fareham
12. Ringwood
13. Lymington
14. Portsmouth

in 1829-30. This combined parishes and hundreds "in such a manner that the market Town usually frequented by the Inhabitants of each Division should be the sessional Town for that Division".[3] What more convenient, reasoned the boundary commissioners, than that these administrative units should be virtually synonymous to the polling divisions which they had to create? North Hampshire therefore initially comprised the eight districts of Alton, Andover, Basingstoke, Droxford, Kingsclere, Odiham, Petersfield and Winchester; South Hampshire the five remaining mainland petty sessional divisions of Fareham, Lymington, Portsmouth, Romsey and Southampton. Winchester and Southampton were fixed as the respective centres of the two constituencies.

The general course of political events wrought by these changes may be rapidly summarised. The size of the electorate, thanks to the mixture of new franchises and the greater ease with which registration and polling could be effected, almost doubled to nearly 9,000.[4] Reformer candidates made a clean sweep of the seats in 1832 but thereafter failed to win either of the two South Hampshire seats until 1855. In the North meanwhile, whilst they retained both seats in 1835 they had to be content from 1837 to share the representation with the Tories down until 1855. In short Hampshire's county election results point to a strong Conservative revival during the 1830s. This of course is well in accord with the historiographical orthodoxy established by Professor Gash of the 'age of Peel'. What was happening in Hampshire was not therefore unusual. Nevertheless, with all the forebodings of the political revolution which the Reform Act would precipitate, it was not the outcome which many contemporaries would have ventured to predict. Why therefore had it happened?

North Hampshire 1832-1841. The Triumph of Sir William Heathcote

The Reform crisis split the old alliance of independent north Hampshire gentry along a constitutional fault line, the political manifestation of which had been the removal of Heathcote from the representation in May 1831. The crucial question was therefore whether this new alignment would become the norm. If it did not, then the more level headed of the division's Tory gentry had cause for some optimism. Admittedly as Charles Dod observed, the landed influence in the constituency was split between a number of both Whig (principally the Jervoises, Barings, Mildmays, Scotts and Lefevres) and Tory (principally Wellington, the Heathcotes, Portals and Knights) families,[5] but the Tories could console

themselves with the fact that if anybody had obtained an increase in their potential landed influence because of the Reform struggle, they had. The desertion of Alexander Baring and the Earl of Carnarvon to the anti-Reformer cause changed the political allegiance of over 20,000 acres. For the gentry as a whole the fact that the more partisan south with its government influence need no longer concern them must have been no less welcome. If the old alliance could be re-established the logic of the situation pointed to its being electorally unassailable.

Nevertheless, in 1832 it did not appear that such an entente could be re-established in the foreseeable future, for Reform was still the overwhelming issue amongst both the gentry and the electorate. When therefore Sir Thomas Baring announced that he would be retiring from Parliament at the ensuing election, J.W. Scott immediately announced his intention to stand alongside Lefevre on the Reformer ticket.[6] The Tories were consequently left with the choice of either acquiescing in a Reformer walkover or opposing it. In opting for the latter course, they invited a continuation rather than an end to the division with their Whig neighbours.

The Tories were encouraged, perhaps decided in their opposition by the news of Sir Thomas Baring's resignation, for it left Alexander Baring, who it was generally presumed would have backed his elder brother notwithstanding their ideological differences over Reform, free to support the opposition candidates.[7] There is no doubt however that they were unduly optimistic - John Fleming thought that two Tories might be returned easily - and that in deciding to run two candidates they miscalculated the degree to which the electorate still regarded Reform as the political touchstone. This much is evident in the Tories' belief that Scott, who had signed the Conservative address against political unions in December 1831 and whose address was vaguely worded, rather than Lefevre whose address had expounded a future programme which included a revision of the Corn Law and trienniel parliaments, would be the main opponent.[8] The miscalculation was moreover compounded by poor organisation and the difficulties attendant upon securing two suitable candidates.[9] In the event, the brunt of the responsibility fell to Wellington, who it ought to be noted had had no previous personal involvement with Hampshire electioneering. He reluctantly agreed to let his eldest son the Marquis of Douro come forward, in tandem with a lesser known figure from the greater gentry Walter Long.[10] But the Duke's efforts were to no avail for

at the close of the poll, Lefevre and Scott emerged comfortably at the top.

In fairness to the north Hampshire Tories one should admit that it was on the extent rather than the reality of their renewed support that they had miscalculated. A glance at the four candidates' strength in the constituency's divisions amply confirms the point (Table 11.1). Only in the Alton and Odiham districts did they poll badly against their opponents and in the Kingsclere, Andover and Bishop's Waltham districts they actually emerged with a majority.[11] These points certainly suggest

TABLE 11.1 The 1832 North Hampshire Election

Division	Lefevre	Scott	Douro	Long
Alton	201	213	34	48
Andover	129	128	159	153
Basingstoke	148	126	104	73
Bishop's Waltham	58	80	87	85
Kingsclere	100	95	141	130
Odiham	203	174	55	37
Petersfield	71	75	31	30
Winchester	178	177	142	140
Total	1,088	1,068	753	696

that Tory gentry influence was beginning to re-assert itself - the Kingsclere district for example was where Wellington's vast acres were largely concentrated - in confirmation of Fleming's assertion that "the delusion which has so long & fatally pervaded the Country, is at last subsiding...the conservative party are daily increasing in numbers".[12]

The fact that the Reformers still confidently believed themselves to be in a majority convinced them that they should attempt to retain both North Hampshire seats at the general election of 1835. The circumstances in which the election took place had indeed given new life to the issue of reform. Peel went to the country because of his minority position in the House of Commons following William IV's dismissal of the Whig-Reform ministry in November 1834. Reformers everywhere therefore portrayed the contest less as a vote of confidence in Peel than whether the Crown would be allowed to interrupt the Whigs and their programme of reform. Once more the key question in Hampshire was whether or how the Tories would oppose them. To this problem the Tory gentry addressed themselves with more equanimity than they had shown in 1832. Given the

Reformers' strength it would be impolitic to run two candidates and therefore harden the political divide.[13] But even finding one candidate to oppose Lefevre and Scott proved difficult. Wellington and Alexander Baring eventually prevailed upon Edward Knight jr. to come forward. He at least had the advantage over Douro and Long that his background was that of a long established independent greater gentry family; and indeed his brand of Ultra-Toryism had momentarily inclined him to support the Reform Bill in 1831.[14]

Knight however was probably not as willing a candidate as his promoters envisaged. It was not that he remained unreconciled to mainstream Toryism. Rather he lacked any particular inclination to be an M.P. and this mood was confirmed in part by the slim prospects which he held out for success, and in part because in coming forward he would be opposing a personal friend in J.W. Scott. It was in all probability with relief that he learnt that the county's leading Tory gentry were not prepared to guarantee him the unlimited financial backing with which to proceed to a poll. His consequent resignation allowed Lefevre and Scott to retain the representation, this time unopposed.[15]

One point above all others emerged from the elections of 1832 and 1835. The Tories needed to secure Heathcote as their candidate. "All accounts" as Carnarvon put in in the wake of the 1835 debacle, "represent his zealous co-operation as most essential to the successful issue of any struggle".[16] The Tories had of course long since realised the point. Wellington's first instinct in 1832 for all that Heathcote had opposed his administration, was to turn to him as the ideal candidate. Heathcote however was unable to stand in 1832 because he was at that time high sheriff and moreover his life was being despaired of following a throw from his horse when out on yeomanry exercise. In any event he would not have stood. In 1835 too he refused to come forward as a candidate although in an encouraging move for Alexander Baring and Wellington he did agree to become chairman of Edward Knight's committee.[17] What he objected to was becoming a candidate. Far more and for longer than Wellington he believed that the Reform Act had effected a revolution in the House of Commons. But whilst Wellington's instinct was to fight such forces, Heathcote's melancholia inclined him to disassociate himself from them.[18]

Heathcote's greatest similarity with Wellington however lay in his acute sense of public duty, notwithstanding the personal discomforts

which discharging that duty might entail. The election of 1835 convinced him however reluctantly that he could no longer refuse the solicitations to offer himself as a candidate. Accordingly in the autumn of 1836 he organised a grand Conservative dinner for the constituency, whose primary purpose would be the announcement of his candidature. This duly took place in January 1837.[19]

There is no evidence that Heathcote or anybody else anticipated a further election as early as July 1837. The 1837 dinner was a tactical device geared to local political circumstances. In 1832 and 1835 the North Hampshire Tories had found themselves on the defensive, in a minority amongst the electorate and facing a general election unprepared. This they were determined should not happen again. By 1837 they were sufficiently confident that Reform was a dead or dying issue, and that this coupled to the Whigs' apparent lack of a new direction and their flirtation with the Radicals and the Irish in the House of Commons had added materially to their own electoral support. They did not however seek to test this by putting forward two candidates, but by nominating Heathcote alone whose broad acres and personal popularity were long known and consummated by his majority in the North Hampshire yeomanry. Even in 1831 the Whig gentry had been careful to stress that their reluctant opposition to Heathcote - whose return they had endorsed in 1826 and 1830 - was upon principle rather than personal grounds.[20] The Whigs were in effect, though they were the incumbent county Members, being asked whether they would continue to oppose him now that the issue of principle between them had been settled. In short the North Hampshire Tories were suggesting to their Whig counterparts that their apolitical alliance in the unreformed constituency to return one Member jointly against the government interest in South Hampshire be revived in the new guise of sharing the representation in the North Hampshire constituency.

The answer was given by J.W. Scott's announcement that he would be resigning his seat.[21] He gave as the reason the fact that the issues for which he had been elected had been settled. Added to which he no longer felt himself disposed to support a government dependent for support upon Radical and Irish allies and when the issues of the day appeared to him to be secret ballot, a wider franchise and reform of the House of Lords. There is no reason to doubt the veracity of Scott's assertion. Indeed he is a conspicuous example of someone who was drifting towards

conservatism if not Conservatism. Nevertheless there is no evidence that the issues which he itemised were to the forefront of Hampshire politics nor that his reservations were necessarily shared by other Hampshire Reformers. In other words, one might have fairly expected that the Whig gentry would have brought forward a second Reformer candidate as indeed the Whig and Reformer press was urging them to. There is absolutely no sign that they seriously contemplated doing so.

The 1837 North Hampshire election was therefore an important turning point in the constituency's history. It was also a paradoxical affair. Lefevre's address stressed his commitment to carrying on the Reform government whilst Heathcote's emphasised his attachment to, and his desire to uphold the crown and constitution and to "arrest the progress of revolution". But this clear mutual antithesis between the two addresses was the last thing that was evident on the hustings. True, this was to some extent dictated by Lefevre's enforced absence, but it will not account for the stress which Heathcote's proposer and seconder put on their distinction between Lefevre as an honourable M.P. to whom they held no objection, and the Radical and Irish wings of the Reform alliance which he was pledged to support which they genuinely believed to be revolutionary. The ambiguity however went unchallenged, and a thinly attended nomination was enlivened only by some freeholder heckling of Heathcote, apparently directed against his presiding over the allegedly draconian regime of the Hursley Poor Law Union.[22]

The Whig gentry had therefore accepted the Tories 'offer' of a compromise election. They had done so for three reasons. First the Whig gentry found it congenial. Reform was no longer a live issue. Thus the reason for their initial opposition to the Tories in 1831 had been removed. Added to which, an indefinable number (for example Scott) were less certain than they had been five years earlier that the Reform band-waggon which they had mounted was still travelling in an acceptable direction. Scott had infinitely more in common with his Tory neighbours - not least blood ties - than he had with Joseph Hume or Daniel O'Connell. This does not of course mean that Scott counted himself any less a Whig, whilst more partisan Whigs such as Sir Thomas Baring in all probability still inclined to a contest in 1837. The important point is that a number of Whigs did see a compromise as being more congenial than a contest. This feeling was strengthened and in large part resulted from the second and third points, namely that Heathcote was a highly acceptable Tory

candidate to compromise with, whilst his personal popularity in the constituency in tandem with the Whigs' increasing electoral unpopularity made it a doubtful issue whether two Whigs could be returned in the event of a contest. However important the gentry's decision to reach a compromise in 1837, one should not forget that the electorate allowed them to do so, in the same way that it had dictated a contest in 1832.

The Whigs' gauging of electoral sentiment in 1837 was probably correct. Their position was waning, the constituency was evenly balanced. The Whig government's failure to resurrect its fortunes between 1837 and 1841 and more particularly its final efforts to rejuvenate them by proposing an alteration of the Corn Law from its existing sliding scale to a fixed duty at the election of 1841, probably tipped the North Hampshire electoral balance in favour of the Tories. The point is confirmed by the fact that whereas the Tory press in 1841 called openly for both seats to be taken, the Whig-Reformer press showed little inclination to disturb the compromise arrangement of 1837.[23] In the event, for all the national significance of the 1841 election, North Hampshire did witness the second quiet and unopposed return of Lefevre and Heathcote, for the Tory gentry too were disposed to continue the compromise. Their position was similar to that of the Whigs in 1837. Should they disturb the peace of the county in attempting to dislodge a popular and personally acceptable opponent, the outcome of which opposition was possible though by no means certain success? When they considered that Lefevre's address pledged him to oppose a Corn Law alteration "which may have the effect of discouraging the cultivation of the soil, or of hazarding or depreciating the capital invested in agriculture" they decided that it was not worth the effort.[24] Lefevre in any case had been Speaker since 1839 and so besides the dishonour of opposing him, the Tories could fairly argue that by allowing Lefevre to retain his seat they were denying the Reformers a party political representative in the Commons. For the forseeable future at least the reforged north Hampshire gentry alliance appeared unshakeable.

South Hampshire 1832-1841. The failure of Lord Palmerston

In South unlike North Hampshire there was no informal gentry alliance to be reforged during the 1830s. South Hampshire had always been more politically partisan. It was in the South that the government dockyard interest was to be found and also the county's more politically active

families of Fleming, Palmerston and Bonham-Carter. As a corollary there were few close familial ties or even a more general social cohesion amongst the constituency's gentry. Arguably the closest friendship, that which existed between the Romsey neighbours Palmerston and Sloane-Stanley of Paultons had been undermined by the Reform Bill. These factors all conspired to make the political future of South Hampshire in 1832 at least as unpredictable as that in the North.

The crucial question in South Hampshire was whether or not the gentry associated with the Tory government interest of the 1820s and before, could re-establish their political hegemony. Whereas in North Hampshire the political balance between Tory and Whig families was more or less even, in the South the balance lay very much with the Tories. Admittedly this balance altered slightly because of the Reform Bill and with the desertion of the greater gentry families of Staunton and Palmerston to the Whigs. The phalanx of Tory gentry nevertheless remained impressive, being headed by Fleming, Compton, Sloane-Stanley and Drummond, not to mention the Earls of Malmesbury and Normanton. Against them the Whigs could muster only the Morants, Mills, Barker-Mills and newly arrived Nightingales. The Tory Angela Sturges-Bourne could write derisorily but with some justice in the wake of the 1835 election that "we had...at Broadlands all the Whigs that could be found to return civilities - viz 4".[25]

The political uncertainties in the new constituency were increased by the fact that the last Members for the unreformed county both came from north Hampshire. Ironically the only obvious candidate for the 1832 election was that most zealous of anti-Reformers John Fleming who quickly announced his intention to stand on the record of the Tory government's achievements of the 1820s.[26] The task of finding an opposition to him fell to the Portsmouth M.P. and Petersfield landowner John Bonham-Carter together with his unitarian brother in law William Nightingale of Embley Park near Romsey. One candidate was quickly forthcoming in the liberal-Tory turned Reformer, Sir George Staunton.[27] Securing a second proved more problematical, although there quickly emerged a Whig gentry consensus - and freeholder requisition - in favour of its being Palmerston. Not only of course was Palmerston a member of the Reform ministry, but the invitation presented him with the opportunity to prove publicly the sincerity of his new allegiances by opposing his friends and allies of the 1820s. In fairness to Palmerston, it must be stated that his first instinct was to accept the requisition. His first priority however was

for a painless return and South Hampshire was one of only three constituencies inviting him to become their candidate. Though Palmerston received the requisition on 5 October he therefore ordered that a full preliminary canvass of the constituency be made first before he would answer it.[28] As late as 4 November Bonham-Carter could write with genuine alarm that as a result of the indecision "the old story has been revived that he is a friend of Fleming and keeps us in a state of uncertainty in order to keep the ground free for any person and thereby to enable Fleming on his declining to come in without an antagonist".[29] Palmerston it is true had received overtures from his friend the Tory committee chairman, William Sloane-Stanley to such a proposition and had not been entirely unmoved by it, but when the canvass which he had demanded had been completed, and showed his return to be certain, he at last acceded to the Reformer requisition on 7 November. The Tories who had placed undue reliance upon Palmerston's compromising with them, were thereupon thrown off balance, leaving little doubt that Staunton rather than Fleming would secure the junior representation. In the end at least it had proved a contest of principle, for Reform and the popular candidates. Sir James Graham had put it exactly when he wrote to Palmerston that "the Gentry want you and Fleming: the Reformers you and Staunton".[30] Fleming it is true, and as one might have anticipated, secured a majority in his own district stronghold of Southampton but elsewhere even the best efforts of Tory gentry influence proved to be of no avail (Table 11.2).[31]

TABLE 11.2 The 1832 South Hampshire Election

Division	Palmerston	Staunton	Fleming
Fareham	400	443	226
Lymington	75	58	90
Portsmouth	446	414	233
Ringwood	193	172	206
Romsey	269	203	208
Southampton	245	242	326
Total	1,628	1,532	1,279

The fact of Palmerston's having deserted his former allies and having become a Reformer Member in 1832 could not but ensure a continued polarity between the Whig and Tory gentry at the election of 1835. As in the North this election was given added intensity by the circumstances

in which it took place with the very future of the Reform cause seemingly in jeopardy, but unlike the situation in the North there could be no question of a Reformer walkover. The Tory gentry were bent upon revenge on Palmerston and from November 1834 it was clear that a four way contest was inevitable when a public gathering of Tory gentry in Southampton resolved to bring forward besides Fleming, Henry Compton of Minstead, the unsuccessful candidate in 1820.[32] Such a combination, the Tories were confident would at least succeed in displacing Staunton. Compton's candidature ensured that the Tory vote would not split, and gave the Tory cause what Fleming never could, a figure genuinely popular among the freeholders.[33] Compton in effect was a South Hampshire version, albeit on a lesser scale, of his proposer Sir William Heathcote. Allied to which with the change of ministry the much talked about government interest was once more at the Tories' disposal.

For once it was the Reformers who miscalculated. The loss of the government dockyard interest was deemed unimportant and although the perspicuous Palmerston observed that Compton would be a formidable opponent, he remained confident that both he and Staunton would be returned.[34] But Palmerston had understandably been heavily engaged at the Foreign Office since his return in 1832, whilst Staunton seems always to have retained a certain naivete with regard to the finer details of electioneering and the over-worked Bonham-Carter had the affairs of his own Portsmouth constituency to attend to. In short the Tories seem to have paid more attention to the electoral necessities of organisation and registration. Equally they exploited local anti-Poor Law feeling, renewed agricultural distress and the perceived local scandal of the Whigs insisting on the Tory Sir Harry Burrard-Neale's resigning his Lymington borough seat if he were to assume the Portsmouth command.[35] All three issues went some way towards undermining the reality of the Whigs' stand as the friends of the people. Tory committee chairman Sloane-Stanley simply could not understand Palmerston's continuing optimism in face of such factors. His incredulity was borne out - but only just - for after a fiercely contested poll in which illegitimate as well as legitimate influence was brought to bear, Fleming emerged at the top whilst Compton beat Palmerston for the junior representation by 180 votes.[36]

In such a close and fiercely fought contest both sides were quick to proffer explanations for victory and defeat. But it is probably wrong to isolate a single factor to explain the Tory triumph. It was

rather the fusion of the several mentioned above: superior Tory organization, Compton's candidature, and the damaging effect of local issues and the agricultural depression upon the Reformers.[37] In all six electoral districts these factors contributed to a Tory gain of between 20 and 150 votes (Table 11.3). The biggest shift in votes, that of Portsmouth, suggests too, that the dockyard influence had been of more

TABLE 11.3 The 1835 South Hampshire Election

Division	Fleming	Compton	Palmerston	Staunton
Fareham	312	291	406	441
Lymington	115	114	68	63
Portsmouth	396	366	363	383
Ringwood	247	261	165	147
Romsey	274	249	252	203
Southampton	420	405	250	232
Total	1,764	1,689	1,509	1,469

importance than Palmerston would care to admit. Whilst one would have to conclude that Fleming's success was not unexpected, Palmerston's failure was certainly avoidable and not therefore necessarily irreversible.

Palmerston however, from the point of view of his career, could hardly afford to remain out of Parliament until the ensuing election, and quickly found a safe seat at Tiverton. This was a fresh blow to the South Hampshire Reformer cause for however much the Tory gentry were determined to oust him in 1835 Palmerston was generally recognised as the Reformer candidate most likely to split the Tory vote. This recognition perhaps reinforced Staunton's private conclusion that "when I see such a decided & powerful combination of the Tory aristocracy on the one side of the Division (i.e. the western side)...I must confess I think the utmost we can reasonably expect of the next Election is to carry one reform member".[38] Staunton himself however was exceedingly unwilling to submit himself as a candidate in 1837, at least as a Reformer, for he could not bring himself to support the Whig government's policy of Irish Church appropriation. For this he was publicly pilloried by the Reformer press. The latter however had to make an ignominious retraction when it became apparent that only Staunton of the Whig-Reformer gentry could be persuaded to stand at all.[39] Such internal division did not augur well. Yet against this it has to be remembered that the Reformers had had two years to make good their organisational shortcomings against

Fleming and Compton, that the economic climate had improved since 1835, that there was no obviously local issue that might rebound against them; and finally that the government interest - never decisively beaten in a Hampshire election - was once more on their side.

Arguably therefore, the Reformers' fatal mistake was to run a second candidate alongside Staunton. Tactically this was disastrous. Clearly Staunton's best chance of success - when even the most optimistic of Reformers doubted that both seats could be carried - lay in exploiting the fact of his known moderation to pick up the second votes of Tories, as well as those of his natural supporters. Instead Sir J.A. Ommaney was brought forward as a second candidate - a county magistrate but a figure of non-gentry standing and with not the slightest hope of victory - explicitly to stop the Staunton vote from splitting. In this he may have succeeded but in making the election a four way straight party contest, and particularly by his speeches in favour of secret ballot, Ommaney guaranteed that Staunton would not pick up the second votes of Tory voters which were the precondition to his success.[40] Against them, Fleming and Compton stood, as they had done in 1835 on the integrity of the constitution, in face of the threat to it from Radicals and Irish, and despite their opponents using every ruse both fair and otherwise - Staunton alluded to "the increased bitterness of party rancour" - comfortably won the poll (Table 11.4).[41] Whilst the victory had not been unexpected, the Tory committee chairman, William Sloane-Stanley was prompted

TABLE 11.4 The 1837 South Hampshire Election

Division	Fleming	Compton	Staunton	Ommaney
Fareham	143	142	184	187
Gosport	193	186	114	102
Havant	69	62	185	169
Lymington	192	200	125	116
Portsmouth	542	519	645	622
Ringwood	328	336	239	239
Romsey	411	418	272	228
Southampton	501	498	314	297
Total	2,379	2,361	2,078	1,960

to relay its significance ecstatically to Peel: "This is the first time the County has ever returned Members opposed to the Government - to be

sure the opposing Candidates are men of very little consequence in South Hants - yet you must bear in mind all the large Towns, except Winchester, are in the Southern Division, and two of them viz - Portsmouth & Southampton have sent 3 members to the House of Coms".[42]

To secure a majority of 300 votes against the government interest in 1837 both consolidated and in retrospect confirmed that the Tory victory of 1835 had been decisive. Reformers realised that to mount a further opposition in 1841 in favour of a revision of the Corn Laws would be hopeless, particularly since their best candidate, Staunton, had in 1838 succeeded the deceased Bonham-Carter in the representation of Portsmouth borough. In all probability the loss of Bonham-Carter was more damaging than that of Staunton for the former's organisational acumen was second to none. Bonham-Carter had also better than any comparable figure of similar social standing, bridged the gap between gentry and rural middle class Reformers. Finding any candidate in 1841 who could have simultaneously satisfied the conservative instincts of those such as Staunton and those who subscribed to the Independent's editorial of 1839 that any candidate must be pledged to a wider suffrage and shorter parliaments was a formidable task indeed.[43] Fleming and Compton consequently came in unopposed at a quiet nomination. As Palmerston was informed by the Reformer committee "even with two of the best Whigs the county could supply, we have not a chance".[44]

The Roots of Tory Success 1832-1841

From being in a minority position in both Hampshire constituencies in 1832, the Tory interest by 1841 was the majority one. Yet as the above narrative account underlines the general trend cannot obscure differences between the two. In the South the decisive contest took place in 1835; in the North in 1837. The Conservative recovery was both more rapid and complete and partisanship more pronounced in the South than in the North, where, even in 1841 the Tories refrained from attempting to control both seats. These differences alone should warn us to be wary of any explanation for the Tory success of 1841 in terms of national developments alone.

Until very recently however the Conservative revival of the 1830s has been predicated very largely on the basis that the central figure was Peel. In the arena of Westminster perhaps he was. Sir George Staunton certainly thought so.[45] But was the philosophy which he was expounding

really felt in the constituencies? Did Tory gentry and the electorate see that the only means by which they could again become the majority party in the state was to abandon their anti-Reforming Toryism and to embrace the sentiments of the Tamworth Manifesto which accepted the Reform issue as settled and irreversible, and which looked forward to "cautious and well-digested" reform in every institution which required it?

An obvious answer to these questions is to examine what the Conservative candidates in the constituencies were saying during the 1830s, in the present instance John Fleming, Henry Compton and Sir William Heathcote. Of the three, it was undoubtedly Compton whose sentiments contain the clearest strains of Peelism. Though he did not stand at the South Hampshire election of 1832 he had made contingency plans in the event of being called forward, including the drafting of an address, which is revealing.[46] He would not he insisted come forward as a Tory but as an independent free from any party ties. The Reform Act he both accepted and acknowledged as a necessity, as also he accepted the need for further ameliorative reforms, for example some form of tithe commutation, a gradual abolition of slavery and even if occasion dictated, a fresh extension of the franchise. Though this did not make him a Whig he was prepared to lend them his support on questions crucial to the stability of the empire such as Ireland. Just over two years later, when he was an official Tory candidate, it comes as no surprise to learn that he endorsed the Tamworth Manifesto.[47]

Though Compton's name appeared on the same address as John Fleming's in 1835, it must not be supposed that their political outlook was identical. It is instructive that Fleming, a staunch Tory during the 1820s should have taken his stance in 1832 on the liberal-Tory achievements of the 1820s and not like Compton have indicated his support for progressive reforms in the future. He believed that the Reform Bill constituted a revolution and did not shirk from saying so. Neither would he disown his Tory party allegiances of the 1820s and like Compton in 1832 state that his future political conduct would be guided by a studious avoidance of strict party ties.[48] In 1835 although he pledged his support for Peel, he was careful to add that he did so only so long as Peel adhered to his promises made in the Tamworth Manifesto. It is clear that Fleming's own political philosophy was less broad minded for he was as the Reformer Independent dubbed him a church and altar man. His

assertion at the 1837 election that he came forward "in support of our Queen, our Church and the British Constitution" was entirely typical. At a Southampton Conservatives dinner in 1840 when the party's national triumph was all but complete, he took obvious pride in his boast that he had opposed all the 'revolutionary' measures of the previous decade including the Reform Bill.[49] Fleming was, and remained uncompromising.

Superficially, Heathcote's stress on his independence of party political ties leads one to suppose that his philosophy was more akin to that of Compton than Fleming. Certainly he found the latter's brand of partisanship uncongenial and unbecoming in a county Member whereas he was prepared to speak on Compton's behalf at South Hampshire nominations. But the real key to his philosophy was his rabid anti-Whiggery and his belief that the Reform Act was an unacceptable revolution. His writing to a friend on the news of Melbourne's dismissal in November 1834 that "Every right thinking man must agree in your satisfaction at the dismissal of so unprincipled & incompetent a set as the king's late ministers" was characteristic.[50] Such sentiments however make him seem closer in political outlook to Fleming than Compton. Yet Heathcote's dilemma and the point which most distinguished him from either Compton or Fleming was his reluctance to make the obvious connection between his anti-Whiggery and a public allegiance to the Conservatives. "I have not a particle of personal partiality" he confided to his cousin as late as 1836 "towards those who are commonly called the leaders of the latter, such as Peel, the Duke, etc..."[51] In short, his underlying Ultra-Toryism remained undiluted by the new Conservatism of the 1830s. With the Conservatives in opposition enough common ground remained for Heathcote to become their candidate in 1837 but he did so on his own terms and his professions of independence remained real. Within two months of his selection as a candidate he refused to chair a meeting of Petersfield Conservatives.[52] He studiously avoided any endorsement of the Tamworth Manifesto. Only in 1841 does he appear to have first publicly described himself as being a Conservative. But it is clear even then that he used the term in a literal as opposed to a party political sense. As Heathcote defined it, Conservatism meant support for any measure that would augment peace, prosperity and social comfort; and opposition to any measure which threatened to alter and in Heathcote's mind therefore impair the constitution.[53] Such an umbrella definition of Conservatism could accommodate even the most unrepentant Ultra-Tories.

This brief survey of Hampshire's triumphant Conservatives of 1841 suggests that only in Compton's case was there anything like a true affinity with the mood and detail of the Tamworth Manifesto. He too it ought to be noted, once his seat was secure after 1835 abandoned such moderate Conservative sentiments as were contained in his unpublished address of 1832 and opted instead for a Fleming type stress on the Church and constitution.[54] This must therefore pose the question of whether Tamworth was of any relevance at all in the Hampshire of the 1830s. Whilst the Tory candidates may have viewed it as of limited significance, one must remember that it may well have had an impact upon other members of the gentry and upon the electorate. This cannot be proven but there is a good a priori case that it was so. Bingham Baring returned to the Conservatives' fold after 1835 on the grounds that the Reform question, the reason for his desertion to the Whigs in 1831, was now settled; whilst William Sturges-Bourne resumed an active political life in Hampshire from 1835 onwards, at least in part because he was impressed with Peel's moderation.[55] So too at least two important Hampshire landowners wrote to Peel in the months preceding the 1835 election voicing the aspiration that Peel would make a statement along the lines which Tamworth eventually took since there existed in their localities "a general and most extensive desire...among nearly all classes for an Entire Reform of abuses in Church and State".[56] A confirmation of the reality of such a feeling is surely provided by the attention which the Reformers - far more so than the Tories - paid to Tamworth at the 1835 election. Sir George Staunton actually went so far as to prepare a long and detailed rebuttal of it.[57] The assumption on both sides therefore was that the electorate would look beyond what the respective candidates were saying to the leaders of the parties to which they professed general if not unconditional attachment. Tamworth's great merit was not that it said anything novel - an undue concentration on its significance obscures the fact that near identical assertions could be found in most Whig candidates' addresses - but that it struck a chord now given sanction to by the officially recognised Conservative leader. Whatever Heathcote or Fleming might say, Whigs and Tories were no longer divided over the question of Reform, even if in 1835 the circumstances of the election and the fact that it was initially unclear whether Peel or Wellington would head the Conservative minority, in the short term obscured the point. Heathcote may not have agreed with Peel's acceptance

of Reform but would Heathcote's unopposed return in 1837 have been possible had Peel not done so? By 1837 the Whigs' two party scenario of Reformers and anti-Reformers was less credible than the Tories' rival scenario of Conservatives and Destructives.[58] Yet at the same time Tamworth was so vaguely worded that it masked the differences between Peel and some of his supporters.

One may therefore fairly conclude that Peelite Conservatism was not without an impact in Hampshire, yet by the same token it will only partly explain the Conservatives' 1830s Hampshire success. The same can be said of a related and equally exaggerated theme of the 1830s, the innovations in Conservative party organisation.[59] Such a Whiggish approach to the political decade before 1841 with its tendency to concentrate unduly on explaining the triumph of Peel has diverted attention away from the surely no less important and arguably more pertinent question of explaining the demise of Whiggery.[60]

The work which has been attempted on the latter question has largely confined itself to the narrow channel of Westminster. Its salient conclusions have been to depict a party increasingly in need of a new direction and simultaneously exposed to the demands of its Radical and Irish allies.[61] It would appear to be the case that these factors had a greater impact upon the Reformers in Hampshire than the Tamworth Manifesto had upon their Tory opponents. This at least was particularly true in South Hampshire where the dearth of Whig gentry but a continuing high level of political partisanship allowed a handful of middle class radicals to play an influential role at the Reformers' public gatherings. Whilst the zeal of the latter was impeccable and their electioneering acumen indispensable, their public utterances could be divisive. C.J. Hector for example, the Petersfield radical and banker used the occasion of the 1836 meeting of the Reformer Association - part of whose original raison d'être was an annual reiteration of Reformer unity - to launch a fierce attack upon what he considered to be the undue moderation in the views of the party's leading candidate Sir George Staunton. Such evidence of division could not but be electorally damaging, especially in the former instance given that only nine months later in the absence of an alternative, the Reformers had once more to turn to Staunton as their candidate.[62] Possibly it was to placate their more advanced wing that the Reformers put forward the advocate of secret ballot , Sir J.A. Ommaney, alongside Staunton in 1837. Yet if this sufficed to mask the

differences between the leaders of the South Hampshire Reformers, it was achieved as had already been seen at the price of a fatal tactical miscalculation. Whilst it is true that similar differences between advanced and moderate, and gentry and middle class Reformers, were not publicly apparent in North Hampshire, it cannot be gainsaid that in individual instances - for example J.W. Scott - a fear of the new direction in which the Irish and Radicals might push the Melbourne ministry, did catalyse their predisposition to resume their former entente with their Tory counterparts and share the representation. As the ex-Canningite Sturges-Bourne observed in 1837, the Conservatives need do nothing more than enjoy the luxury of opposition which enabled them to remain politically vague, whilst at the same time exploit the indiscretions and acrimonies of their opponents in searching for a policy.[63]

Nevertheless, placed in its true perspective, Reformer divisions were more a symptom than a cause of their decline. After all, the major Whig difficulties at national level did not take place until after the 1837 general election by which time their hold on Hampshire had already been broken. Moreover, for all the talk of Tory reunion and Whig division, what is the most surprising is the stability of the county gentry's political affiliations during the 1830s. The only important gentry figure to actually change his political colours between the passage of the Reform Act and 1841 was Bingham Baring, and he perhaps as much because of his father's prompting than from any ideological change of heart. The important shifts of gentry allegiance which were to affect Hampshire politics during the 1830s - most conspicuously those by Alexander Baring, the Earl of Carnarvon, Viscount Palmerston and Sir George Staunton - had all taken place before the final passage of the Reform Bill.[64] Possibly this is in part why by 1835 or 1837 at the latest, the new constituency alignments had already taken on the air of permanency. Amongst Hampshire's elite at least, there was no sign of what Professor Gash has identified as an 1830s drift to Conservatism.[65]

Yet to obtain a true understanding of what was happening in 1830s Hampshire one has to escape from two myopic tendencies: first, from assuming that an explanation for the Tory revival can be gleaned simply from an analysis of the county's gentry alignments; and second from assuming that the political machinations of the 1830s can be studied without reference to the political developments which had taken place in the years before 1832.

To take the first point. If one subscribes to what might be termed the deferential theory of nineteenth century politics, the Hampshire constituencies' alignment could be determined by a simple head count of the county's leading landowners and their acreages. In crude terms this would suggest a rough balance in the North and a strong Tory preponderance in the South. The deferential theory is arguably not therefore without foundation, for this was exactly the reality from 1835-1837 onwards. But it was not the reality before 1835-1837. Given, as has been argued that the years 1832-1837 witnessed no significant realignments by the gentry, then the Tory revival can only really be explained in terms of a realignment by the electorate, in other words either by a genuine ideological shift in its political outlook, or if one prefers a more sociologically orientated transformation, from non-deferential to deferential behaviour. As well as being the logical corollary to the foregoing argument, the conclusion of an 1830s shift amongst the freeholders rather than the gentry is also one supported by an overwhelming wealth of contemporary ex parte statements by the gentry themselves, both Tory and Whig. To take but just two examples, on the Tory side John Fleming could write (if somewhat prematurely in 1832) that "the delusion which has so long & fatally pervaded the Country, is at last subsiding...in this County the conservative party are daily increasing in numbers..."; whilst one of his beaten opponents of 1835, Sir George Staunton, could reflect glumly that "it is true that the Tories have obtained a great triumph, but as Mr Canning once said of the Continent, if the people 'hang their chains', what can we do?"[66]

Fleming and Staunton's agreement that an electoral shift had taken place, was matched by their concurrence on the equally important point that it was not the Tory revival, but the electoral atmosphere which had preceded it that was unusual. For Fleming, delusion had been replaced by sanity and for Staunton a praiseworthy show of freeholder independence had been superseded by the reassertion of landlord influence. They were not alone in this belief. As was seen in the previous chapter, an integral part of the Tory opposition to the Reform Bill lay in the belief that the demand for the Bill was both irrational and transitory whilst the reverse of this was the Whig gentry's unbridled praise for an electorate which was manifesting an unprecedented desire to act independently of any form of landed influence and to return Members free of expense.[67] Even so, the more perspicuous Whigs were sceptical even then

that the phenomenon would prove durable. As Francis Baring wrote prophetically, "My personal impression is that the first, or perhaps the second, reformed House will be very country-gentlemen".[68]

This perspective, particularly since there was so much agreement upon the point in Hampshire, is vital to appreciate. What to contemporaries appeared unusual, considering Hampshire politics in the years between 1820 and 1841 as a whole, were the years from roughly 1819 to 1823, and then, more importantly because of their greater electoral consequences, between 1830 and 1832. In both periods the normal gentry hegemony over politics which in north Hampshire inclined Tories and Whigs to co-operate and in south Hampshire led to Tory gentry domination, was interrupted. Electoral discontent was on both occasions canalised by the Whigs, in the first instance by Sir Thomas Baring and culminating in the great county meeting of 1823; in the second by a broader grouping of the Whig gentry and culminating in their complete electoral triumph of 1831-2. This enables one to see that the Hampshire elections of 1835 and 1837 like that of 1826, are chiefly distinguishable for their restoration of electoral normality, in re-establishing the deferential lead of the (Tory) gentry. Peel, and a new brand of Conservatism may have been important new ingredients to the national political scene but what characterised Hampshire politics before 1841 was the degree of continuity, not change.

This point can be highlighted by a consideration of the final important question which poses itself. Upon what grounds had the electorate sided with the Whigs in 1831-2 but then largely abandoned them for the Tories by 1837? There is no single answer, for, as Donald Southgate has rightly pointed out, the Whig nemesis in the English counties was cumulative.[69] Three issues however, may be identified: a declining interest in Reform, a continuing and even increasing emphasis upon the integrity of the constitution, and an overwhelming desire to safeguard the economic well-being of the agricultural community.

There can be no doubt that the Whig gentry's hopes of electoral success in Hampshire were inextricably bound up with the plausibility of their claim that Reform was the central political issue of the day. The close proximity of the 1832 election to the final passage of the Reform Bill consequently guaranteed their success at that election despite the best efforts of their Tory opponents to raise the cry of the 'Corn Laws in danger' against them. A little over two years later at the

general election of January 1835 the Whig success was more ambiguous. There is no doubt that the circumstances of the Melbourne government's dismissal did reinvigorate the Reform cry, although not sufficiently in face of other factors to retain their hold on South Hampshire. But the rejuvenation was only temporary, and given the prevailing agricultural depression, the fact of which the Tories made considerable play, Reform could no longer masquerade as it had in 1831, as the panacea for economic ills. Added to which the Tamworth Manifesto broke the Whig preserve on Reform by both accepting the Reform Act as irreversible and by pledging the Conservative party to reforms of its own. Consequently, when the 1837 election took place without the background of constitutional acrimony which had prevailed in 1835, Reform had become a dead issue. Though publicly Whigs insisted the contrary, privately they did not seek to deny the reality. As Francis Baring put it, "The novelty of the thing is quite gone".[70] Surely the Tories had been right after all in insisting in their opposition to the Reform Bill that the electorate's support for the measure was transitory.? Electoral success for the Whigs in proving to the electorate that Reform could not serve as an economic panacea, had ultimately proved fatal.

The Tory counterblast to the Reform cry, that of the threat to the constitution, can be conveniently reduced to two constituent elements, the church and the crown. Undoubtedly a major reason for the Tory demise which culminated in 1832 lay in the fact that the potency of this propaganda had been progressively eroded. During the Reform crisis not only was the church in no apparent danger but the resolute opposition to the Bill from the bishops in the House of Lords in October 1831, suggested rather, as Reformers did not fail to point out, that it was the church which was endangering the Bill.[71] Meanwhile, as has been earlier pointed out, the Reformers interpreted William IV's acquiescence in their wish to dissolve parliament in April 1831 as proof that he was no less zealous in his desire for Reform than they were themselves, as a result of which the Tories' claim to be the party of the crown was shattered.[72]

Since Reformers had never pretended to be the party of the Church of England, the Tories had not so much as to recover that ground as to give it new relevance. This is first and most obviously apparent at the South Hampshire election of 1835, a contest characterised thus by

John Fleming: "This is not a contest for two representatives, but whether we shall preserve the church, and the monarchy, or be exposed to the horrors of anarchy and revolution".[73] Fleming was here referring to the new Whig policy of appropriating surpluses from Irish church revenues to lay purposes, a policy which had led indirectly to the dismissal of the Melbourne ministry in November 1834. There is no doubt that he had struck a chord, for it is surely more than coincidence that of the four large public gatherings in Hampshire between 1833 and 1841, three - in 1834 to petition for the continued integrity of the Church of England against nonconformists' claims, in 1837 to establish a Church Building Society, and in 1841 to establish a diocesan board of education - directly concerned the church.[74] The danger which Conservatives professed to see to the church however, was presented by catholics not nonconformists. The political potency of the latter's grievances slackened after 1835. In any event one ought to note that nothing suggests that the Hampshire Reformers ever saw their cry of civil and religious liberty as a vote loser, nor the fact that the gradual accession of the Stanleyites into the Conservatives' ranks after 1834 in theory at least predisposed them too, to some form of church reform. The point of division, as the desertion of the Stanleyites from the Whigs made clear, was over church policy in Ireland. The fact that from 1835 the Whigs became increasingly dependent upon the support of the Irish at Westminster merely seemed to lend credence to the Tory claim that however personally respectable the Hampshire Whigs, their parliamentary leaders had entered into an unholy alliance with such as O'Connell. As Henry Compton put it in 1837 when the church question appears to have been at its most emotive in Hampshire (in a far cry from his Tamworth like stance of 1832), "There is no man of common sense who is ignorant that the Church and the Constitution are openly menaced, and I deeply regret that the government give their aid and their purse to them, who would overthrow the Church and State".[75] As the astute Whig Francis Baring noted of the same contest "squires and clergy are dead against us, and the county voters are under the sway of the 'church in danger' cry".[76] Hampshire Tories exploited the issues of national party politics mercilessly.

To reassert their claim to be the true party of the crown was a more difficult proposition for the Hampshire Tories, for this was not a point that the Whigs would willingly concede, if only because as one Reformer voter explained to Palmerston in 1832 it brought their cause

credibility: "The Tories said that when the Reform Bill was carried we should elect Riff Raff to represent us...we are neither Radicals...nor Republicans, but good & loyal subjects of the king, attached to the Constitution and devoted to the Person of our sovereign".[77] Nevertheless the new Whig affinity with the Crown was very rudely broken in November 1834 when William IV dismissed his Whig ministers, thereby presenting the Tories with the seemingly unanswerable contention that the king no longer placed confidence in a Reformer philosophy that imperilled both him and his people. In fact William's action did less immediate electoral damage to the Whig cause then might have been supposed, in part because it was so obviously precipitate, in part because Reform sentiment was still strong with or without royal endorsement. Indeed as matters transpired the decisive party political battle for the crown took place in 1837 when as Greville noted there was the remarkable phenomenon that both parties sought fervently to enlist the new and young Queen's name in their cause.[78] In Hampshire at least however it was the Tories who would appear to have done so more plausibly, possibly because the crown was by then more intimately associated in the popular imagination with the survival of the church and the constitution than it was with the by then dying rallying cry of Reform. Either way, the Hampshire Whigs abandoned their claims to be the crown party following their South Hampshire defeat in 1837 in an election which for Angela Sturges-Bourne was chiefly characterised by a victory for Queen and county Members.[79] One should not of course exaggerate the importance of the crown which had undoubtedly lost much of its direct political weight since the death of George III, but its electoral significance to both political parties during the 1830s in Hampshire is undeniable.

Whilst Reform, the crown and the church provided Hampshire politics with its rallying cries during the 1830s, its staple diet was undoubtedly the economic well-being of the agricultural community. This fact favoured the Tories in two important respects. First, since the period from 1815 to 1852 was one of intermittent agricultural depression it was bound to work to the advantage of the political opposition of the day, as the Whigs had found to their advantage during the early 1820s and again from 1829 to 1832. Second, but more uniquely to the 1830s, the Tories were able to portray one element generally presumed to be integral to agricultural prosperity, namely protection, as being under no less a threat from the unholy alliance of Whigs, Radicals and Irish in the House of Commons

than the constitution itself. This of course was hardly difficult, since in most agriculturalists' minds, the Corn Laws were part of the constitution.

The Corn Laws were to figure prominently in two Hampshire county elections, those of 1832 and 1841 respectively. Hampshire was normal not unique in this, for Mrs Arbuthnot had recorded in 1831 how erstwhile staunch Reformers in the counties suddenly became alarmed for the future of protection.[80] In Hampshire the point was given added urgency because of the indiscretion in Lefevre's address for North Hampshire in 1832 expressing his willingness to commute the existing Corn Laws to a small fixed duty. Largely on the strength of this, Douro acceded to the requisition to come forward and oppose Lefevre. Judging from Lefevre's subsequent poor showing in the Bishops Waltham district of the division, the district most easily distinguishable for its high incidence of substantial independent freeholders, his remarks had spread alarm amongst a segment of the electorate apparently unbounded in its enthusiasm for the Reformers less than twelve months previously.[81] From the point of view of perspective one must of course remember that Lefevre topped the poll in 1832 and that the Corn Laws came a very poor second to Reform as an electoral issue. The Whigs were nevertheless sufficiently alarmed during the campaign to call a public meeting to counter what they considered to be Tory misrepresentations of Lefevre's stance on protection.[82] Nine years later however when the Corn Law was again an electoral issue, this time the leading one, the Hampshire Whigs lacked the room for such a manoeuvre. For perfectly logical electoral reasons the Whigs' national leaders, deciding that the English counties were already a lost cause, went to the country on the platform of a small fixed duty looking to offset further county losses by gains in the boroughs.[83] Unfortunately this was cold comfort to Hampshire Whigs seeking to reverse their defeat of 1837, and who insisted vainly that it was they, not the Tories who were the true friends of agriculture.

One must nevertheless be wary of exaggerating the particular importance of the Corn Laws. Even in 1841 Tory propaganda was out to make the point that it was the agricultural interest as a whole which they claimed to protect, an interest of which the Corn Laws were but a part. Indeed if one had to identify the most vociferously articulated Hampshire agriculturalists' grievance of the 1820s and 1830s, then it would be the malt tax, not the Corn Laws. The former for example, proved

particularly embarassing to Lefevre at the North Hampshire election of 1835. Having previously pledged himself to uphold the agricultural interest and specifically supported Inglby's successful motion of February 1834 to half the malt tax, he abstained a few days later when Chancellor of the Exchequer Althorp made rescinding Inglby's motion an issue of confidence for the government.[84] It was the Whigs' failure to remove the malt tax, so important an issue to Hampshire's radical reformers of the 1820s, far more than the Corn Law, which really administered the dent to their credibility as the farmers' friend, and from which they were never really to recover. When wheat prices in November 1833 again fell below fifty shillings a quarter, reaching their nineteenth century nadir of 35s 4d in December 1835 and not again rising above fifty shillings until November 1836,[85] a government which denied the possibility of agricultural relief through legislation could hardly hope to be popular.

What is particularly striking from the foregoing survey is just how little positive response was needed from the Tories to restore their electoral hegemony in Hampshire during the 1830s. It was the Whigs who failed to sustain the momentum of Reform, the Whigs who by allying with the Irish raised the cry of the church in danger, the Whigs who by failing to provide agricultural relief and then proposing to amend the Corn Law, allowed the Tories to pose as the farmers' friends. But even on the last point the Hampshire Tories did surprisingly little to exacerbate the difficulties of their opponents. Chandos' campaign for a repeal of the malt tax, notwithstanding that he was something of a county landowner, was conspicuous by its absence in Hampshire.[86]

Tory revival in other words was as much a profound sentiment of anti-Whiggery as anything else. Its foundations were negative. Conservatism during the 1830s at least in Hampshire, was remarkably devoid of anything constructive or innovative, but then as Peel himself once said, the very notion of a Conservative opposition in the sense of a party with an alternative programme implied a contradiction.[87] But equally, such a statement was an admission of his own 1830s failure, recently identified by Dr Newbould, to wean the party away from its old war cries to the principles of Tamworth Conservatism. Newbould's comment on what Peel's government represented in the eyes of its supporters on the threshold of power in 1841 is certainly true, so far as regards Hampshire's two county constituencies: "for the bulk of the party...Conservatism

represented a defence of the corn laws, of agriculture, and of the Church".[88] If however this was Peel's failure, it is only fair to add, as Newbould does not, that it was inevitable. No man, acting within the confines of Westminster could alter the electoral prejudices of generations standing in less than a decade. It is rather to Peel's and his disciples' credit, that even in the euphoria of victory they recognised that they had not succeeded. As Professor Gash has put it, given the fluidity of party political ties, Peel had little option but to accept the support of those professing to acknowledge him as their political leader.[89] Peel's achievement, hardly a difficult one in opposition was to provide a rallying point for such dissimilar individuals as Fleming, Compton and Heathcote, and, more constructively to give his party a progressive edge which may have won it valuable seats in the boroughs, and a bridge over which those such as the Stanleyites could run.

Irrespective of the changing Westminster alignments in the 1830s however, the course of Hampshire politics might best be described as witnessing a restoration of political normality, the years 1830 to 1832 rather than those from 1832 to 1841, being the ones which really call for explanation. In this respect the present study of Hampshire suggests conclusions remarkably similar to those of Professor Gash from his study of neighbouring Berkshire thirty years ago.[90] The triumphs of the 1820s and 1830s were not so much those of the Whig and Tory parties as those of an electorate expressing its economic aspirations in a political guise. Usually these were Tory in form as befitted the remnants of an eighteenth century country party with an emotional attachment to the crown and the church. But when the liberal-Toryism of the 1820s appeared to be pursuing a course ignorant of, and even exacerbating the agriculturalists' plight, the way lay open for the Hampshire Whigs to seize the political initiative. Reform, though it was not explained how, would, insisted the Whigs, mean an end to hard times. As such it temporarily eclipsed the traditional country party priorities. But as Tory opponents rightly but vainly tried to point out, there was negligible evidence of any genuine ideological commitment to Reform or the principles of Whiggery amongst the electorate. Once therefore Reform had become a reality and agricultural prosperity did not follow, the electorate returned to their natural political affiliations without much persuasion. In the 1830s it appeared once again that country party objectives could best be secured through allegiance

to the Tory party.

Footnotes to Chapter Eleven

1. The following facts are most easily accessible in J.H. Philbin, Parliamentary Representation, 1832, England and Wales, pp.80-90.
2. 'Reports from Commissioners on Proposed Division of Counties, and Boundaries of Boroughs...', Parlt. Papers, 1831-32 (141), XXXVIII, pp.340-344. Population figures exclude those persons in parliamentary boroughs.
3. Ibid.
4. For more detail on the electorate, see below chapter thirteen, pp. 364-368.
5. H.J. Hanham (ed.), Charles R. Dod, Electoral Facts from 1832 to 1853 Impartially Stated, pp.136-137.
6. HC, 10 September 1832; HA, 6 and 27 October 1832.
7. W.MSS., 4/1/4/1/15, Wn to Fleming, 7 September 1832; ibid., 4/1/4/3/10, A. Baring to Wn, 7 September 1832.
8. Ibid., 4/1/4/3/27, G. Hollis to Wn, 14 October 1832.
9. Ibid., 4/1/4/3/24, G. Hollis to Wn, 9 October 1832.
10. For Wellington's priorities, ibid., 4/1/4/3/5, Wn to Carnarvon, 31 May 1832.
11. These figures are based on HC, 15 December 1832.
12. W.MSS., 4/1/4/2/50, Fleming to Wn, 3 September 1832.
13. Ibid., 4/1/6/1/30, Wn to Heathcote, 24 December 1834.
14. Ibid., 4/1/6/1/27, A. Baring to Wn, 23 December 1834; ibid., 4/1/6/1/28, Wn to A. Baring, 23 December 1834.
15. The train of events is best explained in ibid., 4/1/6/3/23, Heathcote to Wn, 25 December 1834.
16. Ibid., 4/1/6/3/21, Carnarvon to Wn, (n.d.), December 1834.
17. Ibid., 4/1/4/3/20, Wn to Hollis, 7 October 1832; ibid., 4/1/6/3/21, Carnarvon to Wn, (n.d.), December 1834.
18. F. Awdry, A Country Gentleman of the Nineteenth Century, pp.49-51, especially Heathcote's letter to Awdry of 11 April 1833.
19. W.MSS., 4/1/8/8, A. Baring to Wn, 17 January 1837; HC, 16, 23 and 30 January 1837 for details of the meeting.
20. W.MSS., 4/1/4/3/20, Hollis to Wn, 3 October 1832.
21. His letter is reproduced in HC, 26 June 1837.
22. The election can be followed in ibid., 7 August 1837; HI, 5 August 1837; HA, 5 August 1837.
23. Ibid., 19 June 1841.
24. HC, 5 and 12 July 1841; W.MSS., 4/1/12/15, Wn to Fleming, 3 July 1841.
25. Sturges-Bourne MSS., 9M55/F.13, Angela Sturges-Bourne to M. Dyson, n.d. (February 1835).
26. HC, 17 September 1832.
27. This had been expected, W.MSS., 4/1/3/4/28, Staunton to Wn, 25 June 1831.
28. Broadlands MSS., 27M60/BR195, especially Bonham-Carter to Palmerston, 28 September 1832 and Palmerston to Nightingale, 5 October 1832. A good summary of the election from Palmerston's point of view is provided by K. Bourne, Palmerston: The Early Years 1784-1841, pp.536-539.
29. Bonham-Carter MSS., 94M72/F.12, Bonham-Carter to F.T. Baring, 4 November 1832.

30. The course of events can be followed in the voluminous correspondence in Broadlands MSS., 27M60/BR195. Sir James Graham's letter is dated 1 October 1832.
31. These figures are drawn from HC, 15 December 1832.
32. Ibid., 1 December 1834.
33. See Palmerston's verdict in K. Bourne (ed.) 'The Letters of the Third Viscount Palmerston to Laurence and Elizabeth Sulivan' (hereafter Sulivan Letters), Camden Society, 4th series, XXIII (1979), pp.259-260, Palmerston to Mrs. Sulivan, 28 December 1834.
34. Once more the relevant MSS. material is well summarised by K. Bourne, Palmerston, pp.539-541.
35. HC, 19 January 1835; HA, 24 January 1835 for accounts of the campaign. See also Staunton MSS., Palmerston to Staunton, 22 January 1835.
36. Sturges-Bourne MSS., 9M55/F.13, Angela Sturges-Bourne to M. Dyson, n.d. (January 1835?). The figures for the poll are those in HC, 19 January 1835.
37. See particularly R. Russell (ed.) Early Correspondence of Lord John Russell, Vol. II, pp.71-74, Palmerston to Russell, 22 January 1835.
38. Staunton MSS., Staunton to Spain, 18 January 1835.
39. G. Staunton, Memoirs, pp.135-138; HI, 20 March, 10 April and 7 July 1837.
40. HC, 10 and 24 July 1837; HA, 8 July 1837.
41. Ibid., 12 August 1837; HI, 12 August 1837; HC, 7 and 14 August 1837 for the campaign and poll.
42. Peel Papers, B.L.Add. MSS., 40424 fs.21-22, Sloane Stanley to Peel, 6 August 1837.
43. HI, 6 April 1839.
44. Broadlands MSS., 27M60/BR195, J.W. Drew to Palmerston, 8 June 1841. For the 1841 nomination HC, 12 July 1841.
45. A point which comes out very forcibly in Mark O'Neill and Ged Martin, 'A Backbencher on Parliamentary Reform, 1831-1832', H.J., XXIII (1980), pp.539-563.
46. Compton MSS., 12M60/89, undated draft address (December 1832).
47. HC, 19 January 1835.
48. Ibid., 17 September and 17 December 1832.
49. HA, 17 January and 5 August 1837; HC, 19 October 1840.
50. B.L.Add.MSS., 34571 f.404, Heathcote to the Rev. P. Bliss, 17 December 1834.
51. Awdry, op. cit., pp.67-70, Heathcote to Awdry, 11 March 1836.
52. HI, 24 March 1837.
53. HC, 12 July 1841.
54. See for example his speech at the 1837 hustings in ibid., 7 August 1837.
55. Ibid., 16 February and 18 May 1835; Sturges-Bourne MSS., 9M55/F.12, A. Sturges-Bourne to M. Dyson, 2 January 1835.
56. Quoted in Robert Stewart, The Foundation of the Conservative Party 1830-1867, p.95.
57. Staunton MSS., unnumbered.
58. See Compton's speech at Lymington in HC, 29 December 1834.
59. On party and organisation see below chapter thirteen, pp.382-390.
60. See the pertinent remarks by Derek Beales, 'Peel, Russell and Reform', H.J., XVII (1974), pp.873-882.
61. I.D.C. Newbould, 'The Politics of the Cabinets of Grey and Melbourne, and Ministerial Relations with the House of Commons, 1830-1841',

University of Manchester Ph.D. thesis, passim; idem, 'Whiggery and the Dilemma of Reform: Liberals, Radicals and the Melbourne Administration, 1835-9', Bulletin of the Institute of Historical Research, LIII (1980), pp.229-241.

62. HC, 3 October 1836.
63. Sturges-Bourne MSS., 9M55/F.14, A. Sturges-Bourne to M. Dyson, 23 November 1837.
64. See above chapter ten, pp. 301-302.
65. Norman Gash, 'Peel and the Party System 1830-50', T.R.H.S., 5th series, I, (1951), pp.51-52.
66. W.MSS., 4/1/4/2/50, Fleming to Wn, 3 September 1832; Staunton MSS., Staunton to William Spain, 18 January 1835.
67. Ibid., and above chapter ten, pp. 293, 297-298.
68. F.T.B., p.87.
69. D. Southgate, The Passing of the Whigs 1832-1886, p.88.
70. F.T.B., p.100.
71. See particularly Cobbett's speech in HC, 31 October 1831.
72. See above chapter ten, p.293.
73. HC, 29 December 1834.
74. Ibid., 16 and 23 June 1834, 3 April 1837 and 26 April 1841. For a succinct summary of the question of appropriation, R. Blake, The Conservative Party from Peel to Churchill, pp.32-34.
75. HA, 5 August 1837.
76. F.T.B., p.128.
77. Broadlands MSS., 27M60/BR195, Palmerston to Sir Herbert Taylor, 23 December 1832.
78. C.C.F. Greville, The Greville Memoirs. A Journal of the Reign of Queen Victoria 1837-1852, Vol.I, p.9.
79. Sturges-Bourne MSS., 9M55/F.14, A. Sturges-Bourne to M. Dyson, 23 November 1837.
80. F. Bamford and the Duke of Wellington (eds.), The Journal of Mrs Arbuthnot 1820-1832, Vol.II, p.443.
81. HC, 29 October 1832. For the Bishop's Waltham figures see Table 11.1 above.
82. HC, 29 October 1832.
83. Ibid., 12 July 1841. For Whig party calculations in 1841 John Prest, Lord John Russell, pp.172-178.
84. HC, 19 January 1835. On the malt question, Stewart, op. cit., pp.101-102.
85. W. Tooke and W. Newmarch, A History of Prices and of the State of the Circulation from 1792-1856, Vol.II, p.390.
86. Stewart, op. cit., p.107.
87. Quoted in Gash, op. cit., p.55.
88. Ian Newbould, 'Sir Robert Peel and the Conservative Party, 1832-1841: A Study in failure?', E.H.R., XCVIII (1983), pp.529-557 and p.556 for the quotation.
89. Gash, op. cit., pp.60-63.
90. Norman Gash, Politics in the Age of Peel, chapter eleven, passim.

CHAPTER TWELVE

THE POLITICS OF PROTECTION, 1841-1852

The political drama of the 1840s is too well known to need rehearsing here in any detail.[1] In 1846 Peel repealed the Corn Laws, and in so doing split the great party which he had led to electoral victory only five years previously. This action betokened a triumph for the propaganda and campaign of the Anti-Corn Law League, however marginal its direct contribution to the final crisis of Repeal in 1845-6. The agricultural constituencies which had fought to retain the Corn Law were in general disarray and felt understandably betrayed by their natural leader. It was to be another generation before the Conservatives once again took office with an electoral majority.

An undue concentration upon the Corn Law question can nevertheless be misleading. However momentous the events of 1846 in terms of national party politics it must not be forgotten that in the constituencies the 1840s were on the face of it remarkably quiet.[2] To this generalisation Hampshire is no exception. After the heated county contests of the 1830s neither county constituency experienced a contest at the general elections of 1841 and 1847, whilst the attempt to raise an opposition in South Hampshire in 1852 was half-hearted. In the South the Conservatives' stranglehold remained unbroken. All that changed was Henry Compton's partner, for in 1852 he was joined by Lord Henry Cholmondeley who was replacing Wellington's second son Lord Charles Wellesley, who in turn had replaced the ageing John Fleming after a by-election in 1842. Meanwhile in the North, the Whig Charles Shaw-Lefevre's untroubled tenure of one of the seats continued, the only change being that Sir William Heathcote's ill-health forced him to retire in favour of his political alter ego, Melville Portal, in 1849. Such a pattern of political events is unsurprising. After all, the battlelines on free trade and protection were already well defined by 1841. In other words the lack of activity at the general elections of 1847 and 1852 - in many places the quietest of the century - do not show that political interest was at a low ebb, but rather that feelings were running so high, and so unanimously in one direction, that no opposing interest could hope to prevail against them.

Yet this sketch of what happened in 1840s Hampshire sits incongrously with the 'traditional' national overview of the inexorable triumph and final victory of free trade in 1846. Clearly free trade did not triumph in Hampshire. This poses two questions. First, what happened in the county between 1841 and 1846? Second, and more important, because only free traders interpreted the events of 1846 as a triumph - what happened between 1846 and 1852, particularly to the relationship between the Tory gentry and the constituents who had switched their allegiance to the former during the 1830s, on the supposition that they would successfully defend the agricultural interest?

The Defence of the Corn Laws, 1841-1846

It is essential to remember that the Corn Laws had never assumed a particularly high profile in Hampshire politics before 1841. This does not mean that they were regarded as unimportant, for they clearly constituted one of the ingredients of what commentators vaguely referred to as the agricultural interest. Further, no one seriously entertained the view that the agricultural interest could survive if the Corn Laws were to be removed. Yet since before the 1841 election this question was one for speculative debate rather than mainstream politics, references to the Corn Laws are conspicuous by their absence. True, the alterations of 1828 precipated a brief petitioning movement from the county's market towns,[3] whilst both Sir William Heathcote and John Fleming alluded to freer trade as one of the reasons for the agricultural distress of 1830,[4] but only the indiscretion in Lefevre's election address for North Hampshire in 1832 really prompted more than passing attention to be paid to the issue before 1841.[5] But both the 1832 and 1841 Hampshire elections provided the same lesson to the discerning observer: whilst the Corn Laws were not usually an issue of the first importance in the county, rumours of Repeal soon laid bare a nerve of latent protectionism.

It is equally important to appreciate that when the Corn Laws' defenders did become vocal, they hardly conformed to the League stereotype of backward, inefficient farmers whose resistance to free trade was based on emotion rather than reason. This was a point which struck Palmerston very forcibly amid the general electoral hysteria of 1832. Whilst electors with whom he talked declared themselves solidly against free trade, "They appeared struck with my remarks that the Corn Question is rather a landlords than a Tenants Question, that Rents must Rise &

fall with the Price of Corn,.. & that the Manufacturers have as good a Right to ask for cheap corn, as the farmer has to wish for dear corn".[6] This is not perhaps the attitude that one might have expected, for Hampshire was unquestionably an important corn growing county. It is perhaps best explained by the fact that the political debate in the county between 1815 and 1841 had been conducted primarily in terms of the necessity for some form of financial relief - not the inviolability of the Corn Laws - as the best means to help the agricultural interest, usually by calls for an end to the malt tax and by the repeal of Peel's Act. Cobbettite propaganda along these lines, but even more so, that of a middle class Reformer such as Henry Marsh was not without an impact as the events of 1830-1832 proved. Marsh would hardly have attained his position of popularity and influence in the county had he espoused free trade. But his talk of financial relief fell upon receptive ears, irrelevant of how far Peel's Act and the malt tax had contributed to the agricultural depression. This theme remained important in county politics at least until 1852. Indeed if anything its importance increased albeit with a declining emphasis on Peel's Act and a greater emphasis on the necessity for some relief from the mushrooming county rate burden.[7] In Hampshire therefore, it simply is not true that the farming community was backward in its agricultural methods and that it stuck dogmatically to retaining an unaltered Corn Law. Those who were to be the most vocal in their protest at the changes of 1846 were also conspicuous by being the county's foremost high farmers as their coming together in district based agricultural and farming clubs amply testifies. They did in fact actually agree with the League as to the necessity for high farming. The point with which they disagreed was the League's insistence that high farming by itself could be a substitute for the Corn Law. Hampshire farmers believed rather that protection was a necessary adjunct to high farming.[8] What they meant by protection however was never really defined. Certainly it was not synonymous with an unaltered Corn Law. One might venture to suggest on the basis of their public utterances that most would have accepted a revised Corn Law, providing that some form of protective tariff was retained, and changes to the existing Corn Law compensated for by a mitigation of other agricultural burdens such as the county rate and the malt tax. But by no means all would have agreed. It was not dogmatism in defence of a lost cause, but the Hampshire farmers' continued ambivalence as to what form of Corn Law was central to their

economic prosperity that proved to be a major political weakness to them both before and after 1846.[9]

Nevertheless, the unqualified demand for free trade from the League from 1839 onwards inevitably united farmers and gentry in opposition to its efforts to establish a foothold in the county. A tour by the League's second rate lecturer James Acland in 1839, had a negligible impact.[10] It was sufficiently established in Southampton by 1842, it is true, for John Fleming of nearby Stoneham to orchestrate the disruption of one of its meetings, but even Fleming does not appear to have seen the League as a real threat in the county, and indeed believed that his 'offensive' of 1842 would bring an abrupt end to League activity in Southampton altogether.[11] On the latter point he was mistaken for Southampton was about to produce an important and successful popular leader in the person of the self-made coachmaker from Bishops Sutton, Richard Andrews.[12] But Fleming's hopes for the county proved largely justified. The League's rural campaign of 1843, consisting in Hampshire of two public gatherings in Southampton and Winchester, and attended by Cobden himself who promised the farmers a programme of relief from local burdens in return for abandoning the Corn Law, was a failure.[13] As Sir Thomas Baring put it, the free traders had "contrary to their intention and expectation tended more closely to unite more strongly the already existing mutual attachment between landlord and tenant".[14] Never a serious force in Hampshire, the League was to all intents and purposes dead by the summer of 1843.

Hampshire nevertheless established a branch of the Central Agricultural Protection Association (or Anti-League) within a month of the Dukes of Richmond and Buckingham founding the parent body in February 1844.[15] Doubtless this in part reflected the antipathy held towards the League's ideas irrespective of how strong or weak it was in the county. More importantly however, one must appreciate that the name of 'Anti-League' masks the body's true target - Peel.

There is no doubt that Peel's actions in office, particularly his decision to revise the sliding scale created considerable unease amongst a constituency which only 12 months previously had entrusted him with the defence of the agricultural interest.[16] Farmers who attended Basingstoke market signed a petition expressing "great regret" at Peel's 1842 measures, "the whole detail...being subversive of agricultural interest, and in direct opposition to the promises rendered to the agricultural

constituents of the county members by them on their recent election". At the very top of the county's social ladder the Earl of Malmesbury noted likewise that Peel's initiatives were fulfilling his late father's prophecy that Peel would betray the agricultural interest.[17] The only difference between the respective reactions was that whilst the first was made public, the second remained for the moment confined to a diary. The latter point is significant for it implied a tension between Hampshire's gentry and farmers which remained down to and beyond Repeal. That is to say, as a general rule whilst both gentry and farmers condemned Peel's drift towards free trade, the former were far less ready to condemn it publicly.[18] The explanation for this is plain enough. Farmers thought first and foremost as they always had done in terms of the agricultural interest. The gentry weighed this consideration against the knowledge that to oppose Peel could result in a Whig-Reformer government.

This tension is fully evident in the establishment of Hampshire's branch of the Anti-League. Not one but two meetings were held, at Fareham on 1 February and at Winchester on 8 February 1844 respectively. At the first the lead was taken by 13 tenant farmers who passed resolutions expressing their belief that the level of protection was already too low, and that on no account should it be reduced further. There was not a single member of the county's greater gentry present and only three county magistrates.[19] By comparison, at Winchester seven days later, there were at least nine members of the county's greater gentry, 16 county magistrates, the county Members Compton and Heathcote, and the owners or occupiers of an estimated 500,000 acres. The meeting endorsed the call of the Fareham meeting to establish protectionist committees, whilst individual speakers asserted the necessity for some form of protective tariff and condemned the political and socially divisive objectives of the League. But significantly the meeting did not feel the need to pass specific resolutions, for between the Fareham and Winchester meetings, the Queen's speech had been read declaring that the Corn Law would remain unaltered during the ensuing parliamentary session.[20] Hampshire's tenant farmers, unlike its gentry, were willing to state their position in advance of its details being known.

In fairness one should add that the gentry may have had a more positive motive in allowing the county's farming community to hold a meeting in advance of their own. In the first place they did not disapprove of a meeting which would issue a warning to the Peel government, but which

left their own hands free, and which mitigated the prospects of a gentry-farmer clash at Winchester. But certainly to some gentry the tactic of holding two meetings proffered the opportunity to counter an important tenet in the League's propaganda, namely that the Corn Law was solely a landlords' question. As Sir William Heathcote put it, in a letter supporting the purpose of the Fareham meeting, "The movement of self-defence which appears to be raging among the agriculturalists will, I think, derive much of its value from being, as it is, spontaneous on the part of the actual occupiers of the land, and not stimulated by any persons to whom, as landlords, interested motives, or as politicians, party purposes can be attributed".[21] From this standpoint, the Fareham meeting was a complete success.

The Hampshire Society for the Protection of British Agriculture, whose establishment followed the February 1844 meetings, appears to have conformed to its counterparts in other counties as "little more than a pacifier to stop the tenant farmers from crying", for all trace of its existence disappears from the press until the end of 1845.[22] This is hardly surprising for the society was an avowedly defensive one, and, being as argued more preoccupied with initiatives from Peel rather than the League had simply lost its raison d'etre. Peel was the toast of the Botley and South Hants farmers' club at its annual dinner in March 1845; and despite rumblings of discontent in the wake of his 1845 'free trade' budget, there is little evidence before the autumn of 1845 that the Corn Laws were perceived of in Hampshire as being in any imminent danger.[23]

The Society and indeed the Anti-League generally only revived when the ministerial crisis at the end of 1845 made the continuation of an unaltered Corn Law improbable. The Hampshire society as was common elsewhere, responded by convening a meeting which immediately rescinded its rules which prohibited the discussion of political topics and interference in elections. This meeting, which convened in Winchester on 19 January 1846 and which included at least 30 county magistrates and 14 members of the greater gentry in an estimated crowd of 5,000 was the strongest display of political sentiment since the Reform Bill.[24] Its purpose was undisguisedly to oppose a Peelite plan that would reduce or remove protection, and in the interests of unanimity each resolution was proposed and seconded by a member of the gentry and a farmer together. The objective was to confront Peel, or at least his parliamentary supporters,

with such a show of agricultural opinion, impressive in both its weight and depth, that it could not be ignored.

Nevertheless the 1846 meeting, beneath the unanimity of its resolutions, does still betray evidence of a tension. Its faultline had however changed. Instead of a more or less straight farmer-gentry divide, the split was now between farmers and ordinary gentry on one side, and those gentry with parliamentary connections on the other. Significantly the county Members Compton and Heathcote spoke only briefly and vaguely whilst Lord Charles Wellesley does not appear to have been present at all. The sentiments of the Earl of Carnarvon who chaired the meeting were typical of the 'government' side: "Let us make a firm stand, and express our opinions with moderation; nor should we pass a vote of condemnation against one whose projects are not yet revealed". But for farmers such as Robert Pile of Tufton, the time for procrastination had long since passed: "There was no excuse for the ministers attempting to alter the present laws...He had no confidence in Sir Robert Peel". This was unquestionably the majority viewpoint and one in which Pile was now joined for the first time by such an influential figure as William Sloane-Stanley, chairman of the South Hampshire Conservatives, who advocated opposition to "not only the Repeal of the Corn Laws but any compromise on the subject of them".[25]

It has been argued, for example by Miss Lawson-Tancred, that similar displays of protectionist feeling in other agricultural constituencies at the beginning of 1846, were the decisive factor in the genesis of a protectionist party in Parliament, in other words that M.P.s simply could not ignore the weight of constituency pressure in their vote on Repeal.[26] In general she may well be right, but in Hampshire at least the truth is a little more complex. At the end of 1845 few in the county had any inkling of the vast scheme which Peel had in mind. The perennially optimistic and free trade Independent doubted that Repeal was in the offing whilst the Tory Advertiser promised its readers that any revision of the Corn Laws would be fairly compensated for.[27] Compton and Heathcote's non-committal stance at the January 1846 meeting was therefore sensible and indeed more comprehensible than that of their politically unattached gentry neighbours. They evidently expected proposals that they could find acceptable. At the Winchester meeting Compton appears to have been preparing his ground for such an eventuality by stating that the country's protective system might one day need restructuring.[28]

Meanwhile, Heathcote's lifelong antipathy to Whiggery was itself sufficient for the moment to overcome his longstanding suspicion of Peel.[29] That their stance created a tension between them and their constituents is unsurprising. It was entirely normal, immanent in their position as both delegate and representative of the county.

This tension was resolved doubtless in part through the force of constituency pressure, but primarily through the news of Peel's detailed proposals. If Peel had genuinely hoped to retain the allegiance of the Heathcotes and Comptons by means of his compensatory package of 1846, he was sadly mistaken. Heathcote spoke for the entire Hampshire agricultural interest when he described Peel's scheme as not only insufficient but "visionary and illusory".[30] Whilst neither he nor Compton had behaved particularly rebelliously in their votes between 1841 and 1846,[31] neither now hesitated in opposing the vital second reading on Repeal. It was a vote dictated, more than any other factor, by their individual consciences. Both Compton and (particularly) Heathcote had always taken great pride in describing themselves as independent country gentlemen, and equally genuinely found the rigours of parliamentary life distasteful. Heathcote one can be certain and Compton almost so, would have far preferred to have resigned than become the unthinking delegate of their constituents.[32] If anybody, it was Lord Charles Wellesley whose vote was swayed by external pressure in 1846 - not that of his constituents but that of his father compounded by the fact that he was a minor office holder in the government. He supported Repeal. Despite this, there is perhaps more truth in Disraeli's version of the events of 1846, that the protectionist party originated amongst a body of spirited and independent country gentlemen, than most historians would allow.[33]

The Challenge to Gentry Hegemony 1846-1849

No group in Hampshire with the exception of its borough radicals, could regard the events of 1846 as a victory. Instead the year inaugurated a half decade of considerable political uncertainty in the county. Essentially the rural electorate was confronted with three options. In the first place, it might forgive the Tories for their betrayal of the agricultural interest. This was of course always likely for although the Tory gentry had proved less willing to condemn Peel than the farmers they had nevertheless eventually done so, with the notable exception of

the Wellesleys. Moreover the Wellesleys manifested no inclination to head a hybrid Peelite party in Hampshire, as a consequence of which Hampshire Toryism did not experience the split which debilitated the parliamentary party.

The second possibility was that the freeholders would rebel against the Tory gentry and their failure to preserve the Corn Laws, by once more joining forces with the county's Whigs and middle class reformers. This was less likely to happen than it had done in the past, in part because the Whigs were painfully short of figures who could take the lead - Bonham-Carter, Staunton, G.P. Jervoise, Paulet St.John Mildmay and Palmerston were all either dead or had retired from the county political stage by 1846 whilst the ageing Sir Thomas Baring had deserted to the protectionists in 1844 - and more obviously because middle class reformers like Henry Marsh were avowed free traders. The corollary was the third and novel possibility: that the freeholders would have to produce their own leaders. All three options were to enjoy a period of ascendancy before the general election of 1852.

In common with most of the rest of the country however, the 1847 election was remarkably quiet in Hampshire, a phenomenon to be attributed more than anything else, to the fact that wheat prices in 1847 rose to 69s 9d, the highest they had been since 1839, thus apparently confounding those who had predicted that Repeal would mean immediate disaster. As a result neither constituency witnessed any opposition. Heathcote and Lefevre voiced their usual platitudes in the North, as did Compton in the South. Even Lord Charles Wellesley experienced no criticism until after his return, when he was censured by a tenant farmer in the press for having failed to elaborate any scheme of farmers' compensation.[34]

In April 1849 however, the Daily News could speak thus of the North Hampshire by-election occasioned by Heathcote's resignation through ill-health: "The tenant farmers of North Hants are in full revolt...we are much out in our reckoning if the election...do not prove an epoch in our Parliamentary history".[35] The general explanation for this cataclysmic change was undoubtedly the sudden and rapid deterioration in the agricultural economy. After the encouraging price of wheat in 1847, prices had plummeted to 50s 6d in 1848 and in 1849 to 44s 3d, the first time they had fallen below 50 shillings since 1836. The electorate hardly needed much persuasion that here were the long foretold consequences of free trade.

This in itself need not have had electoral repercussions in 1849. The point is that the agricultural depression was accompanied by a growing disillusionment with the Tory protectionist gentry. Why, it was now asked, were the gentry not coming forward to head a county meeting on distress? Why were they seemingly disinterested in assisting agriculturalists to obtain full and sufficient compensation for the Corn Laws? Why, on the contrary had they allowed Lord Charles Wellesley to retain his seat, and simultaneously as county magistrates saddled the community with the costs of a rural constabulary, new county prison and lunatic asylum? It was symptomatic of this new sense of frustration that on the very eve of the by-election the usually moderate and apolitical tone of the Botley and South Hants farmers club's meetings was lost amid allusions to the lack of gentry at their meeting, and by calls for retrenchment in county government.[36]

Criticism was translated into direct political action by the gentry's failure to perceive the true depth of feeling against them. Neither they nor the press anticipated anything other than the rapid and unopposed return of Heathcote's friend and godson, Melville Portal. To this end, Compton had moved the writ for the by-election on the day that the news of Heathcote's resignation was made public, and the election was fixed to take place within a week. Meanwhile it was rumoured that Heathcote, Compton and Portal together had drawn up Portal's unexceptionable address at Heathcote's Hursley Park. Such a sequence of events completely encapsulated and epitomised the rumblings of the preceding months of an insensitive and indifferent gentry, and for good measure added the new charge that they were attempting to dictate the county's representation.[37]

The upshot of the foregoing machinations, although time was so short, was a truly remarkable contest, for the county's farmers - specifically it would appear those who had formed the nucleus of the Basingstoke district branch of the Anti-League - brought forward their own candidate in the person of William Shaw.[38] Shaw was best known as a proprietor of the London based protectionist paper, the Mark Lane Express; and as the president of the London Farmers Club. The fact that he presumably therefore lacked the property qualification to stand for the county appears to have gone generally unnoticed as the constituency was plunged into an intensity of electoral activity, the like of which it had not experienced for 14 years. This was the more remarkable since the political beliefs of the candidates were so similar, a point made by Portal, although his opponents countered

by pointing out that whereas Portal's address spoke only vaguely of his friendliness towards the agricultural interest, Shaw's offered a full compensatory programme of a small fixed duty on corn, a repeal of the malt and hop taxes, tithe adjustments and tenant right. Recriminations continued down to the nomination. Shaw as might have been expected, won the show of hands. More surprisingly, although Portal triumphed in the poll, it was by the far from overwhelming margin of 1199 votes to 868.

Despite the absence of a pollbook, certain points can be made concerning the nature of the contest.[39] First, the gentry took genuine alarm at the strength of the opposition. This is turn dictated a substantial turnout and led to the gentry's resorting to both the legitimate and illegitimate side of the politics of deference. At least 40 of the Earl of Carnarvon's tenants were reputed to have been driven to the poll by one of his agents and made to vote for Portal contrary to their known wishes.

As well as providing details of similar such instances, the press was united in interpreting the contest as one in which tenant farmers had revolted against their landlords. This was undoubtedly an oversimplification. It is certainly true that both Tory and Whig gentry ranged themselves behind Portal - as one might have expected given their traditional cohesiveness, compounded as it now was by a threat from below - but it is not nearly so clear that their tenantry opposed them en bloc. On the contrary, as will be seen, it was in the districts of the constituency where gentry landed influence was strong that Portal found his most solid support.

Shaw in fact, seems to have derived his support from a number of sources as indeed he would need to have done for even if all those registered as tenants at will and leaseholders had supported him, they would probably have numbered no more than 600 votes. There was therefore undoubtedly some truth in the Advertiser's assertion that a good many of Shaw's supporters derived from the constituency's 300 or so urban freeholders together with other Liberals,[40] people who voted for Shaw on the recommendation of the free trade Independent, as the lesser of two evils and in an attempt to further the embarrassment of the Tory gentry.[41] One must however be extremely wary of accepting as analysis the comments of press editorials, for the Tory Advertiser clearly wanted to play down the degree of electoral revolt by stressing the importance

of the Liberal-urban interests' support for Shaw whilst the Independent wished to exaggerate it by stressing Shaw's support amongst the tenant farmers. Most probably, Shaw's substantial showing is to be explained by his attracting a general cross section of the electorate consisting of tenant farmers, urban freeholders, rural tradesmen, professionals and above all (since they constituted the bulk of the electorate) ordinary freeholders. The most striking general trend discernible from a consideration of the district strength of the two candidates, as already suggested, is that its alignment was determined by the strength of the local landed gentry influence. Where this influence was particularly strong around Basingstoke, Kingsclere and Odiham, Portal emerged with convincing majorities.[42] Shaw's best showing meanwhile was in the Bishop's Waltham district, an area long characterised by the absence of a single large landowner, but instead by the proliferation of numerous small freeholders.[43] He also polled well in the Winchester district, largely it would appear because both branches of the Baring family had allowed their tenantry a free vote. With the exception of three, they had voted solidly for Shaw.[44] Shaw's support was therefore unequivocally strongest in the areas the most free from landlord influence. Far from there being a widespread tenants' revolt, it seems more probable that landlord influenced tenants played an integral part in Portal's victory.

TABLE 12.1 The 1849 North Hampshire By-Election

District	Portal	Shaw	Portal majority
Alton	147	72	75
Andover	133	186	-53
Basingstoke	244	66	178
Bishop's Waltham	39	166	-127
Kingsclere	242	57	187
Odiham	172	37	135
Petersfield	33	76	-43
Winchester	189	208	-19
Total	1,199	868	331

Years of Uncertainty 1849-1851

It needed no perspicacity to see that the ferocity of the 1849 by-election would aggravate rather than heal the rift which had opened between the

country gentry and the electorate. Moreover the fall in corn prices in 1849 inaugurated the worst agricultural depression since the end of the war, a depression which was to last until the end of 1852. The freeholders' demand for relief thus only increased in its intensity. In these circumstances it is not surprising that Hampshire experienced both of the undercurrents identified by Dr. Stewart as present in national politics during these years: a sustained agitation by Lord Derby and the Protectionists for the reimposition of a fixed duty, which in turn stimulated the rise of a new radical movement pledged to uphold the integrity of free trade but to offer agriculturalists compensation in other areas.[45]

It was the latter - given that the gentry's standing was at such a low ebb coupled with the fact that calls for compensatory relief rather than a blind attachment to the Corn Law had long been prevalent in Hampshire - which appeared to enjoy the best prospects for success in the wake of the 1849 by-election. The great attraction of the Cobden backed Parliamentary and Financial Reform Association was that short of protection it offered agriculturalists reforms which gentry Protectionists could or would not countenance: abolition of the malt and hop taxes, a repeal of the game laws, tenant right and retrenchment in national and local government, the latter to be guaranteed by replacing the oligarchic quarter sessions with ratepayer elected county boards.[46] The Association's protean programme was seized on with alacrity by the Independent which now tried to propagate what might be termed the 'League myth' in Hampshire. If only the rural community had followed the League and not the landlords in the early 1840s it argued, a scheme of equitable compensation, the like of which was now promised, would already have been obtained.[47]

The alliance between the agricultural community and borough radicals which the above programme implied came nearest to consummation in Hampshire in May 1849, at a county meeting held on the question of agricultural distress. This, the first county meeting since the heady days of October 1831, was attended by an estimated 3,500 people but by only a handful of the county's gentry, who with one exception, remained conspicuously silent.[48] The lead was taken instead by the leading borough reformers of the moment, the Southampton coachmaker Richard Andrews, and the Winchester grocer John Parmiter, together with those farmers who had proved most vocal at the recent by-election, such as Robert Pile of Tufton. The

resolutions agreed by the meeting seemingly reflected the new symbiosis: that the depression could be relieved only by representative county government, tithe adjustments, repeal of the malt and hop taxes, the abolition of the game laws and parliamentary recognition of tenant right.

The apparent unanimity of the county meeting however is misleading. However strongly Hampshire's farmers believed in the necessity of the reforms for which they resolved, there is no sign that they agreed with the Radicals such as Andrews that the precondition to obtaining them was Reform. Indeed the mention of Reform amongst the resolutions of the county meeting was conspicuous by its absence. The contested by-election of 1849, as has been argued, had very little to do with radicalism. More damaging still, and much to the embarrassment of the Independent, the farmers successfully insisted on inserting in the preamble to the resolutions the assertion that the existing depression was to be attributed to the effects of free trade. The same underlying antithesis between town and country was evident even in who should be asked to present the petition to Parliament; Andrews failing in his motion to nominate Sir Francis Burdett; the agriculturalists failing in theirs to nominate the Duke of Richmond. Whilst therefore there was common ground between farmers and reformers there were also insuperable differences. The Independent confirmed as much for by June 1849 its editorials had shifted their focus to Cobden's new brainchild, the freehold land movement, whose avowed purpose was to swamp the rural constituencies.[49]

The gentry must have been secretly pleased at the rapid demise of an abortive alliance directed against themselves. So too they can have taken comfort from the olive branch proffered by Shaw at a farmers' dinner in his honour in the wake of his by-election defeat: "There ought to be a reciprocity of feeling between them. (cheers). They ought to associate more with each other, and then landlords would get their practical knowledge from their tenants....".[50] Though Shaw was guilty of propagating the myth that the by-election had been characterised by a rebellion of tenant farmers against their landlords he was making an important and, judging from the response of his audience, widely supported point. The agricultural community still looked to the gentry as its natural political leaders. They protested in 1849 not because they wished to wrest the lead from them, but because the gentry were not offering a sufficiently vigorous leadership. The lesson was clear: either the

gentry represent the true aspirations of the rural community, or the community would find its own leaders. The farmers' decision to establish, at the conclusion of the dinner, the Hampshire Industrial and Electoral Protection Society with the objectives of perusing and augmenting the electoral registers so as to secure M.P.s who would be favourable to a fixed duty, a repeal of the malt and hop taxes, and county boards, was ample enough proof of the point.[51]

The onus had been placed very obviously on the gentry to take the initiative, but two of the farmers' most vocal demands of this period, county boards and tenant right, prevented them from doing so wholeheartedly. On the first point enough has already been said.[52] The gentry as county magistrates were acutely aware of the charge of extravagance in county government but rejected calls for county boards in part because it would be a tacit admission of their accusers' case, and more obviously because they could not but view democratisation as the antithesis of the paternalism upon which their position in society was based. Instead they tried to disprove the charge of extravagance, a tactic which culminated in their investigative select committee of 1851, under the chairmanship - surely not coincidental - of the figure at the centre of so much of the controversy of these years, Melville Portal.

Calls for tenant right however, were something new. They had figured prominently in Cobden's eclectic Parliamentary and Financial Reform Association, the movement itself having originated with Isaac Butt in Ireland.[53] Tenant right's widespread attraction in Hampshire is probably to be explained by the fact that the average length of a lease in the county was traditionally short - eight years - and by the observation of mid-century commentators that the practice of leasing was anyway declining in favour of tenancies at will.[54] In these circumstances, tenant right, which compensated the farmer for improvements at the expiration of his lease or the cessation of his tenancy made good economic sense, for it removed the tenant's fear that his lease or tenancy might not be renewed and thus leave him out of pocket. For landlords too, tenant right suggested advantages in that the tenant, previously mindful that his lease might not be renewed, no longer had cause to let the holding run down in the last year or so of the lease.

Why then, with the exception of Melville Portal and John Fleming jr, did the county's leading families set themselves firmly against tenant right? In part it was because they did not like the implied aspersion

upon their character. A gentleman's word they insisted, was as good as any written agreement. But this point is insignificant compared with the fact that landlords saw tenant right less as a question of agricultural economics than as one like county boards, with implications for their very position within society. As the circumstances of tenant right's coming to the fore at the 1849 by-election made clear, economic safeguards against eviction were inextricably bound up with the question of electoral independence. Neither were the gentry so blinkered that they could not see that tenant right was but the first plank in the Cobdenites platform of land reform whose ultimate objective was to erode the entire social, economic and political pre-eminence of the landed order. The Chronicle spoke for all Hampshire's landowners when it declared that "The first stage to a general dislocation of society... has ever been a false notion of independence among individuals, instead of the ties which have hitherto existed and formed the solid foundation and safety of the British Constitution".[55]

Whilst the gentry as a whole did not therefore prove responsive to the agriculturalists call for a more vigorous and sympathetic lead, there were one or two exceptions, conspicuously Melville Portal. Besides attending and speaking at the county meeting, chairing the magistrates' select committee on expenditure and voluntarily introducing tenant right to his Laverstoke estate, he was unflagging in his attendance at all sorts of agriculturalists' gatherings in the months which followed his election; at which he invariably voiced his support for a fixed duty. His efforts unquestionably reaped a handsome reward. When he spoke in favour of tenant right at a meeting of the North East Hants Agricultural Society in June 1849 his sentiments were warmly endorsed by farmer Robert Pile of Tufton, the county's leading exponent of the cause and one of Portal's fiercest critics and opponents little more than two months perviously.[56] By the autumn Portal could take pleasure in the fact that he was the toast of Overton lamb fair and that tenant farmer Mr. Smith of Bighton had called for his unopposed return at the next election.[57] Portal had apparently at last succeeded in winning the confidence of his constituency.

More significant than Portal's public relations campaign however - indeed something which Portal's new found popularity could not prevent - was the establishment in January 1850 of the Winchester Farmers' Club. Hitherto the establishment of such bodies had received the blessing of

the gentry. Where they proved more than shortlived they followed a common pattern of farmers (and gentry) gathering to discuss such politically innocuous topics as turnips and sheep feeding, and to distribute prizes for stock, produce and to meritorious labourers. The Winchester club was different. It deliberately refused to solicit gentry support. Its membership, a healthy 96 at the end of 18 months, comprised something more than farmers from Winchester. Nearly a quarter of the membership consisted of rural tradesmen or professionals such as millers, brewers and land agents, whilst geographically the membership was drawn from as far afield as Stockbridge, Whitchurch, Andover, Southampton and Stoneham.[58] Of the 68 farmers amongst the membership as many as 44 came from parishes where no single landowner predominated. These facts point to one conclusion. The club represented the same cross section of the community which had backed Shaw against the gentry in 1849. Indeed the link was direct. As many as 16 members of the club's original committee had also been on the committee which had organised Shaw's post election dinner.

But it was the club's objectives which gave the gentry the greatest cause for alarm. The usual farmers' clubs' rule of excluding political topics from their discussions was ignored. As the Winchester club's prospectus put it, "The farmer is not naturally a politician, but the present is a time when legislative enactments have so crippled his resources, and injured his prospects, that he is forced into the political arena, and is driven to seek some society where he may open his mind, state his grievances and suggest their remedy". If the gentry had any lingering doubts as to what this entailed, they were dispelled by the club's president, William Spearing of Chilbolton: "let the farmers then unite and point out to the landlords of this county that their tenants will find a refuge in this Club, and amongst their brother farmers, if they attempt to drive them to the poll as heretofore".[59] For all Portal's efforts the gentry could not rule out a renewed challenge to their political hegemony.

The 1852 Election and the Restoration of Gentry Hegemony

Lord Derby went to the country in 1852 as prime minister of a minority Protectionist government without a specific programme but favourable to the reimposition of a small fixed duty on corn. This was of considerable advantage to the Tory gentry who could rightly point to the necessity of

a united front in Hampshire if Derby's palpably slender chances of retaining office were not to be jeopardised. The Winchester Farmers' Club recognised as much at its May 1852 meeting by agreeing to a resolution expressing its confidence in Derby and pledging to support candidates who were proven friends of agriculture and religion.[60] On the face of it the most pressing question in North Hampshire was therefore whether or not the Whig Speaker Lefevre would once more be allowed to keep his seat. In the event his continued return went largely unnoticed as for the second election running attention focused upon Melville Portal. Portal had conspired to undo all his good work in the wake of the 1849 election when, in his maiden speech in 1851 he had opposed Lord John Russell's Ecclesiastical Titles Bill. This immediately resurrected the charge, current when Portal unsuccessfully contested Winchester borough in 1847, that he was a Tractarian, a charge not without foundation.[61] This immediately brought forth protests, particularly from the Independent that Portal could not possibly be retained as a county Member, an understandable response when one considers that the county as a whole had reacted to the supposed 'papal aggression' with a flood of parochially based petitions, a meeting of its clergy and an address to the crown from the gentry.[62]

Portal, having previously had to convince the electorate that he was 'safe' on the agricultural question, thus had to use the months before the 1852 election to convince it that he was sound on the religious one. He succeeded, in part because the lapse of 15 months between his speech and the election allowed passions to cool, in part by rightly pointing to the fact that his opposition to the Ecclesiastical Titles Bill was grounded not on popish leanings but his belief that the Bill did not go far enough; but primarily because the rural community still saw protection rather than protestantism as the overriding issue. Significantly, John Twynam, a land agent and farmer from Stockbridge, the most vocal critic of what he saw as the Tory gentry's political reticence in the 1840s and of Portal in particular in 1849, leapt to Portal's defence in the press, by arguing that the 'church in danger' cry was no more than a ruse by their real opponents the free traders, to sow dissension amongst them.[63] The unopposed return of Portal and Lefevre in 1852 was therefore anti-climactic after all that had happened during the previous three years. Portal pledged himself to support Lord Derby in his campaign for a fixed duty, whilst Lefevre stressed his independence from formal

party ties, and elaborated his personal view of a compensatory package for agriculturalists: a small fixed duty, a halved malt tax and greater central financial aid in local government.[64] The eulogy passed upon both Members by tenant farmer George Harriott, the leader of the vocal protectionists around Basingstoke who had initiated Shaw's candidature, was arguably the decisive moment which at last signified the constituency's renewed acquiescence in the consensus politics of the North Hampshire gentry.

It can fairly be said that the focus of Hampshire politics in 1852 shifted to the Southern constituency after the unusually high profile given to events in the North since 1849. Of course there were undercurrents of change in the South before 1852, most notably a hardening consensus in the wake of the depression and developments in North Hampshire that Lord Charles Wellesley could not be allowed to retain his seat.[65] Just how much the Tory gentry arrived at this conclusion independently and how far they were forced to it through fear of an electoral rebellion is unclear. At any event two people, John Fleming, son of the late Member, and Sir Edward Butler, newly arrived in the county after a naval career, spent 1851 overtly cultivating the constituency with the intention of replacing Wellesley. Neither however appears to have been markedly popular. Fleming's efforts for example, which were largely channelled into establishing a Hampshire branch of the National Association for the Protection of British Industry and Capital (a body whose objective was to petition the Queen to dissolve Parliament on the expectation that a protectionist majority would subsequently be returned) went badly wrong when it resolved that the two best candidates to replace Lefevre and Wellesley were not Fleming and his brother but the tenant farmers Robert Pile and John Kearsey.[66] As in North Hampshire, gentry control was far from certain and as late as April 1852 no decision had been reached as to who if anybody, was to replace Wellesley.

It was against this background that the Whigs contested South Hampshire for the first time since 1837. There were several reasons for this. Doubtless they calculated upon exploiting any division between the farmers and the Tory gentry, and also dissensions amongst the Tory gentry, as to the choice of a candidate. But there was a more positive side to their initiative. In the first place the balance of the landed interest had shifted in their favour with the decline of the great Fleming interest (Fleming's estates were the subject of dispute following his

death in 1844) and the new adherence to Whiggery of the Clarke-Jervoise family. More important still was the continued and rapid growth of the urban freeholder element in the constituency, surely nearing 50% by 1852 as the result of natural growth and the stimulus provided by the establishment of freehold land societies.[67] These could be reckoned upon providing a substantial accretion of strength to the Liberal vote, particularly since Southampton, thanks to the work of Richard Andrews and the weakening hold of Stoneham Park, had fallen to the Liberals in 1847. On top of all this, there was finally the new political climate for whereas in the early 1840s some of the Whig gentry had been alarmed at where the arguments of the Anti-Corn Law League might lead them - indeed because of this they had acquiesced in Wellesley's unopposed return in 1842 [68] by 1852 they saw that the inviolability of free trade presented them with a rallying call, the like of which they had not possessed for many years.

Unfortunately for them, the Whigs' challenge floundered on two important points. First they lacked a suitable candidate, their perennial South Hampshire problem. Their solution, to once more bring forward Sir George Staunton who was now 70 and had recently resigned his Portsmouth borough seat on the grounds of ill-health, was totally unsatisfactory.[69] But irrespective of this, the mere fact that they had promoted an opposition provided the Tory protectionist cause with the unifying force which it had hitherto lacked. The question became as John Fleming jr put it, the simple one of whether the constituency wanted Lord Derby with a fixed duty or Lord John Russell without one. In face of this the constituency's Tory gentry bulwarks hastily convened a meeting at Southampton which unanimously agreed to requisition the unexceptionable Lord Henry Cholmondeley to stand alongside Compton. Wellesley thereupon graciously announced his intention to resign, in the interests as he put it, of constituency unity, and although the Whigs tried to protract their opposition by bringing forward the virtually unknown lesser county magistrate Charles Brett to stand alongside Staunton, their cause was now hopeless.[70] As Palmerston put it privately, "the Liberal party, though strong in the Southern division of the county, is nevertheless still a minority".[71] After a preliminary canvass confirmed the point, Staunton and Brett retired, leaving Compton and Cholmondeley to come in unopposed on a platform of "warm and cordial"support for Lord Derby.[72] As in the North, the past months of uncertainty were resolved

by a return to gentry hegemony.

J.P.Dodd's survey of Hampshire agriculture for 1853-1854 finds little evidence that the Repeal of the Corn Laws resulted in either a decline in corn acreages or that it led to the more widespread adoption of high farming techniques. On the contrary, from 1851 the county started producing greater corn acreages, in common with the national trend.[73] The 1852 election was a remarkably tranquil affair, and at no point during the 1840s did the Corn Law question really attract the crowds or arouse the passions which the Reform Bill had. All this suggests that there is a genuine danger of exaggerating the significance of the developments in Hampshire politics between 1841 and 1852. Nevertheless, feelings in certain areas and amongst certain sections of the community did run extremely high during the 1840s. The six Poor Law unions for example which straddled the great corn producing areas and encompassed the substantial farmers of the Hampshire chalklands, refused to co-operate in providing statistics for the survey of 1853-1854.[74] Moreover it was what the community believed to be the cause of its ills rather than the actual one, which determined how it acted. On this Hampshire farmers spoke with one voice, believing that by 1851 free trade had reduced the level of their prosperity by at least a half.[75] Lord Derby was only too aware of such sentiments to know that however much the platform of a fixed duty compromised his chances of heading a majority party, to renounce it before 1852 would be political suicide to a party that claimed to be the true defender of the agricultural interest. The signs that a powerful hybrid movement, disillusioned with the timidity of his lead might develop, were not unique to Hampshire.[76]

That Derby and Disraeli were able to ditch the fixed duty plank in their programme after 1852 owed everything to the economic recovery and boom which followed the election. Wheat prices had recovered to 53s 3d by 1853 and soared to 72s 5d in 1854. In the wake of this, farmer discontent in Hampshire simply evaporated. The link between economic and political discontent, as it had been in the early 1820s and again during the Reform Bill crisis, is unmistakable. The electorate was possessed of an agricultural or country party interest, admittedly more Tory than Whig in character, but which periodically refused to conform to the norms of national two party politics. But when this longstanding phenomenon recurred in the late 1840s, it did so in novel form. For the first time the country party produced its own leaders. This was of permanent significance for thereafter the gentry always had to take account of that fact in their political calculations.

Footnotes to Chapter Twelve

1. The literature on this subject is enormous. Amongst the more useful and important contributions are N. McCord, The Anti-Corn Law League; Robert Stewart, The Politics of Protection; T.L. Crosby, English Farmers and the Politics of Protection 1815-1852; J.A. Thomas, 'The Repeal of the Corn Laws, 1846', Economica, No.25 (1929), pp.53-60; G. Kitson-Clark, 'The Electorate and the Repeal of the Corn Laws', T.R.H.S., 5th Series, I (1951), pp.109-126; idem, 'The Repeal of the Corn Laws and the Politics of the Forties', Ec.H.R., 2nd series, IV (1951-2), pp.1-13; Betty Kemp, 'Reflections on the Repeal of the Corn Laws', Victorian Studies, V, No.3 (March 1962), pp.189-204; D.C. Moore, 'The Corn Laws and High Farming', Ec.H.R., 2nd Series, XVIII (1965), pp.544-561; Susan Fairlie, 'The Nineteenth-Century Corn Law Reconsidered', ibid., pp.562-575; W.O. Aydelotte, 'The Country Gentlemen and the Repeal of the Corn Laws', E.H.R., LXXXII (1967), pp.47-60; W.H. Chaloner, 'The Agitation against the Corn Laws', in J.T. Ward (ed.), Popular Movements c.1830-1850, pp.135-151.
2. Norman Gash, Politics in the Age of Peel, p.239.
3. HC, 11 February 1828.
4. Ibid., 15 March 1830.
5. Ibid., 29 October 1832.
6. Broadlands MSS., BR27M60/195, Palmerston to Sir Herbert Taylor, 23 December 1832.
7. See for example the letters and reports of farmers' meetings in HI, 3 March 1844; HC, 26 October and 14 December 1844.
8. See in particular the reports of the Botley and South Hants Farmers Club in the Cope collection in Southampton University Library.
9. The Times, 11 February 1846 noted a strange gentry and farmer lukewarmness towards the Corn Laws. Compare also R.J. Olney, Lincolnshire Politics, 1832-1885, pp.118-120.
10. HC, 29 July, 12 August and 2 September 1839; HI, 28 March 1840.
11. Ibid., 5 February 1842; HA, 5 February 1842; W.MSS., 4/2/2/84, Fleming to Wn, 8 February 1842.
12. On Andrews, HC, 8 November 1851, quoting the Illustrated London News.
13. McCord, op. cit., pp.133-136; HI, 15 and 22 July, 26 August and 2 September 1843.
14. Ibid., 10 February 1844 for Baring's letter of 5 February.
15. The best accounts of this are G.L. Mosse, 'The Anti-League: 1844-1846', Ec.H.R., 1st series, XVII (1947), pp.134-142, and Mary Lawson-Tancred, 'The Anti-League and the Corn Law Crisis of 1846', H.J., III (1960), pp.162-183.
16. A full discussion of Peel's proposals of 1842 can be found in Norman Gash, Sir Robert Peel, chapter nine, passim.
17. HC, 4 April 1842; 3rd Earl of Malmesbury (ed.), Memoirs of an Ex-Minister, Vol.I, p.139.
18. Here I am more in accordance with Lawson-Tancred, op. cit., than Mosse, op. cit., although Mr. Mosse is undoubtedly right when he says that gentry were more reluctant than farmers to resort to extra-parliamentary tactics.
19. HC, 3 February 1844; HA, 3 February 1844; HI, 3 February 1844.
20. Ibid., 10 February 1844; HA, 10 February 1844; HC, 10 February 1844.
21. Ibid., 10 February 1844.
22. Stewart, op. cit., pp.56-57. For the meeting which organised the establishment of Hampshire's Anti-League, HC, 11 May 1844.
23. Ibid., 22 March and 10 May 1845; HA, 29 March 1845.

24. Ibid., 24 January 1846; HC, 24 January 1846; HI, 24 January 1846. On national developments, Gash, op. cit., chapters 15-16.
25. HA, 24 January 1846; HC, 24 January 1846.
26. Lawson-Tancred, op. cit. passim.
27. HI, 27 December 1845; HA, 27 December 1845.
28. HC, 24 January 1846.
29. Gladstone Papers, B.L.Add.MSS. 44208, Heathcote to Gladstone, 24 December 1845.
30. See Heathcote's speech in Hansard, Parliamentary Debates, 3 ser., LXXXIII (1846), pp.559-563. Peel had of course fully intended that his scheme of compensation should satisfy the agriculturalists, Gash, op. cit., especially pp.564-566.
31. Neither Heathcote nor Compton opposed the government's economic package of 1842. In the two famous rebellions of 1844 Compton was not present on either occasion whilst Heathcote was absent from the divisions on the Factory Bill, but supported Peel on the Sugar Duties Bill. Only Compton of the two, voted against the Maynooth grant in 1845.
32. Heathcote had of course chosen to resign his seat without a fight in 1831.
33. B. Disraeli, Lord George Bentinck, chapter five, passim.
34. HC, 24, 31 July and 7 August 1847; HA, 24, 31 July and 7 August 1847; HI, 24, 31 July and 7 August 1847.
35. Quoted in HI, 7 April 1849. The significance of the by-election is entirely missed by Stewart, op. cit., p.143 and Crosby, op.cit., p.156, who describe it simply and erroneously as a Protectionist gain.
36. HC, 17 March 1849.
37. Ibid., 24 March 1849; W.MSS., 2/161, Heathcote to Wn, 16 March 1849.
38. The contest can be followed in HC, 24, 31 March and 7 April 1849; HA, 24, 31 March and 7 April 1849; HI, 24, 31 March and 7 April 1849.
39. These are based on the above newspaper accounts.
40. HA, 7 April 1849.
41. HI, 31 March 1849. It may also be that Liberals simple abstained.
42. Around Basingstoke the influence was shared by the Bolton, Portsmouth, Wither, Portal and Chute families; around Kingsclere by Wellington, Carnarvon and the Portals; and at Odiham by the Whig Mildmay and Lefevre families. The electoral breakdown is that reproduced in HC, 7 April 1849.
43. W.White, History, Gazetteer, and Directory of Hampshire and the Isle of Wight, pp.581-583.
44. HI, 7 April 1849.
45. Stewart, op. cit., p.139.
46. Donald Read, Cobden and Bright. A Victorian Political Partnership, pp.151-152.
47. HI, 3 March 1849.
48. The following account is based on ibid., 26 May 1849; HC, 26 May 1849: HA, 26 May 1849.
49. HI, 9 June 1849.
50. Ibid., 12 May 1849; HC, 12 May 1849; HA, 12 May 1849.
51. Details of the society can be obtained from the newspaper accounts cited above.
52. See above, chapter four, pp. 118-127.
53. Stewart, op. cit., p.139; C.S. Orwin, 'The History of Tenant Right', Agricultural Progress, XV (1938), pp.147-151; J.A. Perkins, 'Tenure, Tenant Right, and Agricultural Progress in Lindsey, 1780-1850',

Agricultural History Review, XXIII (1975), pp.1-22.

54. First Annual Report of the Winchester Farmers' Club, pp.14-21.

55. HC, 7 April 1849. On the broader question see David Martin, 'Land Reform' in P. Hollis (ed.), Pressure from Without in early Victorian England, pp.131-158; F.M.L. Thompson, 'Land and Politics in England in the Nineteenth Century', T.R.H.S., 5th series, XV (1965), pp.23-44.

56. HC, 2 June 1849.

57. Ibid., 10 November 1849.

58. HC, 2 March 1850. The club was at first given little coverage in the press. The fullest information on its early activities is to be obtained in its own published reports for 1850-1851, copies of which are to be found in the Cope collection of Southampton University Library.

59. First Annual Report of the Winchester Farmers' Club, pp.v-vi; HI, 19 January 1850.

60. Stewart, op. cit., pp.195-196; HC, 15 May 1852.

61. Hansard, 3 ser., CXV (1851), pp.523-526. Heathcote realised the damage that might be done. See F. Awdry, A Country Gentleman of the Nineteenth Century, pp.97-99. See also Robert Portal's reference to "My Puseyite Brother" in Sir Francis Portal, Portals, p.75.

62. HI, 23 November 1850; HC, 7, 14 and 21 December 1850.

63. See Portal's letter of explanation to the Basingstoke farmer George Harriott in ibid., 24 May 1851. See also, ibid., 5 April 1851.

64. Ibid., 17 and 24 July 1852.

65. See in particular the hostility expressed towards Wellesley at Romsey cattle market's dinner in HA, 30 March 1850.

66. HC, 30 March 1850, 15 February and 12 April 1851. On this movement in a national context, Stewart, op. cit., p.148.

67. For evidence of the freehold land movement in the county, HI, 19 January, 23 February, 20 April and 7 December 1850. On the subject generally, McCord, op. cit., pp.148-160; J. Prest, Politics in the Age of Cobden, pp.106-118, 129,133.

68. Peel Papers, B.M.Add.MSS. 50513, fs.361-362, Sloane-Stanley to Peel, 14 August 1842.

69. HC, 17 April 1852.

70. These events can be followed in ibid., 24 April, 1 May, 26 June and 3 July 1852.

71. Staunton, Memoirs, pp.225-226 for Palmerston's letter to Staunton of 25 June 1852.

72. HC, 26 June, 3 and 17 July 1852; HI, 17 July 1852; HA, 17 July 1852.

73. J.P. Dodd, 'Hampshire Agriculture in 1853-4', P.H.F.C., XXXV (1978), pp.239-260, especially pp.255-258.

74. Ibid., p.266.

75. HC, 25 January 1851 for a report of the Botley and South Hants farmers' club.

76. Stewart, op. cit., p.152. For events similar to those which were taking place in late 1840s Hampshire see J.R. Fisher, 'Issues and Influence: Two By-Elections in South Nottinghamshire in the mid-Nineteenth Century', H.J., XXIV (1981), pp.155-165 and idem., 'The Limits of Deference: Agricultural Communities in a mid-Nineteenth Century Election Campaign', Journal of British Studies, XXI (1981), pp.90-105.

CHAPTER THIRTEEN

THE STRUCTURE OF HAMPSHIRE POLITICS, 1820-1852

Older studies of county politics, in focusing upon the electoral machinations of the county magnates and gentry, are prone to leave one with the impression that one only need examine the county elite to understand the nineteenth century political system. In the words of the most famous historian of this genre, a man's political standing in his county "was measured by his rental".[1] According to this picture, political allegiances were not determined by the individual tenant or smallholder on the basis of specific issues or rival party programmes but by the landed and personal influence of local notables. This thesis has recently received its fullest elaboration as the 'politics of deference' in the work of D.C. Moore. Moore's basic assumptions however, are hardly new: they are simply a refinement of a favourite Whig-Radical notion of the nineteenth century, perhaps most famously expressed by the Benthamite Radical Joseph Parkes when he declared that "the poll-book is almost a topography of the estates".[2]

Some of the most stimulating recent work on nineteenth century electioneering however has pointed to the necessity for some important qualifications to this picture. What Professor Brewer and Drs. Phillips, Olney and Nossiter point to, is the existence of powerful electoral forces other than that of the county elite.[3] The electorate can be shown to possess an awareness of national issues and thus manifesting something akin to public opinion, the importance of which, if not the existence, some historians have been unwilling to admit. The previous chapters too, it is hoped, in tracing the freeholder agitation of the early 1820s, the tremendous enthusiasm for Reform, the subsequent disillusionment with Reform, and the late 1840s frustration with the county gentry's perceived failure to safeguard the interests of the community, all point to the existence of electoral forces sometimes beyond gentry control. It is the purpose here to say something about the nature and the relationship between these various forces.

The County Member

One way in which on the surface at least county politics changed very little during the nineteenth century was in the type of person selected

to be a knight of the shire. Overwhelmingly, county Members were drawn from the ranks of the gentry, for next to the lord lieutenancy to serve as a county M.P. was, according to Palmerston "one of the highest honours to which any one engaged in public life can aspire, to be selected by the spontaneous choice of the electors of the County in which (they)...reside to represent them in Parliament".[4] Doubtless this was meant sincerely, although one should note that Palmerston was far from unique in refusing to quit a safe borough seat to risk attaining the honour. Being a county Member was prestigious but to discharge the duties it conferred was arduous, time consuming and expensive.

The choice of candidates was hardly as Palmerston implied it was, the result of spontaneous popular outbursts of support for an individual by a body of electors. Neither, at the other extreme could an individual take it upon himself to simply announce his candidature. Those unwise enough to do so, such as Edward Knight in 1820 or Sir Edward Butler in 1852, found their overtures ignored by both gentry and electors alike. For the county representation, it was generally held, was not something to be solicited.[5] Virtually all the candidatures of the period resulted from an informal consultation between the recognised gentry bulwarks of each party, who then approached their intended candidate with the offer to come forward. This might but not necessarily be accompanied by a requisition, gentry initiated but rarely spontaneous in its origin. It was then up to the individual in question to decide whether or not to accept the invitation. Some refused outright but on balance most acceded to a request to stand, even if sometimes - for example it took several dinners and assurances about expenditure to induce Henry Compton in 1820[6] - the process of persuasion took several days. Once secured the candidature might then be more formally endorsed at a public meeting, or in Heathcote's case in 1837 by a dinner attended by over 700.[7] This practice was not without a purpose. It allowed a body of people beyond a handful of the most prominent gentry, to feel that they had somehow sanctioned the choice. Part of the reason for the opposition to Melville Portal in 1849 it will be remembered, lay in the suddenness with which his candidature had been pushed forward by only a handful of north Hampshire landowners.[8]

There was agreement amongst Hampshiremen as to the criteria requisite in a suitable candidate. As Palmerston put it, "it must be the wish of every friend to his Country, that ...counties should be represented by men of good family and good property, of sound political principles and

of an independence of character which must exempt them from the suspicion of being swayed in their public conduct by any other motive than a sense of public duty".[9] On the latter point Palmerston himself was a highly untypical county Member in that he held high office in government, and thus could hardly be presumed upon to act solely in his constituency's interest. It must be remembered however that Palmerston sat at a time when the Reform issue for a brief period relegated most usual political considerations to a secondary importance. It is therefore perhaps more instructive that Palmerston's Reform colleague Sir George Staunton, was by 1835 believing his continued political association with Palmerston and thus in the electorate's eyes with the government, to be politically damaging.[10]

There were only two occasions during the 1820 to 1852 period when the eighteenth century ideals of what a county Member should be were seriously albeit temporarily, questioned. These were during the Reform crisis and the late 1840s. On the first occasion there were calls from middle class Reformers for future candidates to be drawn from their own ranks and to abandon the county Member's insistence that he should vote according to his conscience rather than give pledges to his constituents. As one correspondent put it "The professions of independence, attachment to the Constitution, and veneration for the Church, are merely commonplace electioneering phrases, such as we in the lower walks of life do not clearly understand".[11] Only Lefevre however in his North Hampshire address for 1832 abandoned the usual candidate's platitudes in favour of a commitment to a precise programme. The embarrassment which his explicit statement on the Corn Laws caused him however convinced him that it was far more convenient to make do with generalisations thereafter.[12] It was 1849 in the shape and programme of the farmers' candidate William Shaw before both innovations re-appeared, but as has been argued at root the North Hampshire by-election of that year was a protest at the gentry's apparent betrayal of the agricultural community, not an attempt to permanently establish new electioneering modes.[13]

One might conclude this survey of the county Member with some specific details concerning the 13 persons, six Tory and seven Whig, to sit for the county during the period. With the exception of Compton and Lefevre (who were on its fringes) all belonged at least to the ranks of the greater gentry. In only two cases did the Member have a substantial landed stake outside Hampshire. Members of the Heathcote and Jervoise

families had served as knights of the shire regularly since the eighteenth century. Above all however the 13 are distinguishable for being amongst the most active persons in other walks of county life. Two became quarter sessions chairman, four held commissions in the yeomanry, six served the office of high sheriff, all were deputy lieutenants and in the commission of the peace, and all but two had taken the oath of a county magistrate. It is therefore no surprise to find that the average age of the 13, almost 43, should be virtually the same as the average age at which most country gentlemen became magistrates for the first time (42). Heathcote at 25 in 1826 was the youngest, Melville Portal too raised eyebrows because he was only 30 in 1849. Easily the eldest at 60 was Sir Thomas Baring, but he had always made it clear that he was only a stopgap. Generally however it is evident that the county Member had to have proven himself an active member of his community and that he was thus worthy to become its representative in Parliament. As the Tory Sir Charles Hulse explained to the Whig Sir Thomas Baring in offering him his support in 1820, "I shall be happy to contribute to pay that debt of gratitude which I think the County owe to your personal services in preference to the support of a second candidate whose political sentiments might perhaps be in general more in unison with my own".[14] The same notion that county service could cut across party political differences in the eyes of the gentry and electorate goes a long way to explaining the popularity of Lefevre and Heathcote in the 1830s and 1840s.

The Electorate

The electorate to which the county Member was responsible, consisted of roughly 5,000 persons in 1820, and rose to nearly 6,500 in the wake of the Reform Bill before stabilising from the mid 1830s onwards at between 9,000 and 9,500 (see Table 13.1).[15] Thus the percentage of adult males

TABLE 13.1 The Hampshire Electorate 1820-1852

Year	North	South	Total
1820	-	-	c.5,000
1832	2,424	3,143	5,567
1834	2,694	3,785	6,479
1835-6	3,508	5,475	8,983
1839-40	3,668	5,794	9,462
1848	3,303	5,809	9,112
1849	3,580	5,748	9,328
1851	3,596	5,694	9,290

who could vote went from roughly one in 20 before the Reform Act to one in 13 by 1851. Such figures are hardly unusual. The corresponding figures for the country as a whole were one in 30 and one in five.[16] The figures of course, it must be remembered, reflect the registered and not necessarily the potential maximum strength of the electorate. This fact explains why it was in the wake of the 1835 election and not in 1832 that the most noticeable increase in the size of the electorate took place, for it was only in 1835 that the parties seriously devoted themselves to the task of registration for the first time. As much as a half of the increase in the size of the county electorates between 1832 and 1864 took place in the single year 1835, and in the opinion of the leading authority on the subject this brought the county electorates at least near to their potential maximum for the first time.[17] Table 13.1 is nevertheless perhaps best used as a barometer of political excitement. Thus, in confirmation of earlier assumptions it can be seen that the 1830s was a period of high political excitement in both constituencies, and particularly in South Hampshire where the 1835 registration increased the electorate by a staggering 74•2% as compared with 44•7% in North Hampshire. Thereafter, down to 1841, the size of the electorate increased more steadily. During the 1840s however its size stabilised and even decreased - the more so in real terms of course when one remembers that Hampshire's population was continually on the increase - suggesting that the political mould in both constituencies was now so well set that however contentious issues such as protection and free trade, they were not translated into any discernible struggle over registration. The only notable interruption to this trend occurs in the North Hampshire figures for the late 1840s where it is clear that the circumstances of the 1849 by-election did result in fresh attention being paid either by hitherto complacent gentry, roused tenant farmers, or both, to registration.

County electorates are all too readily assumed to consist of homogeneous bodies of small freeholders possessed of the requisite property of at least forty shillings value. There is more truth in this assertion for the period before 1832 than after it for the Reform Act broadened the county franchise. To the ancient forty shilling freeholder qualification was added the £10 copyholder, £50 leaseholders on leases of at least 20 years, £10 leaseholders on leases of at least 60 years; and most controversially the £50 tenant at will.[18] Fortunately, information available in parliamentary papers makes it possible to specify the number of each

TABLE 13.2 Electoral Qualifications in Hampshire 1835-1851

NORTH HAMPSHIRE

Year	Freeholders	Copyholders	Leaseholders	Tens. at will	Other	Total
1835-6	57•1%	15•9%	8•2%	18•1%	0•7%	3,508
1839-40	58•8%	14•7%	3•6%	22•2%	0•7%	3,668
1846	64•0%	12•5%	2•6%	18•9%	2•0%	3,411
1851	60•9%	14•6%	2•1%	22•4%	-	3,596

SOUTH HAMPSHIRE

Year	Freeholders	Copyholders	Leaseholders	Tens. at will	Other	Total
1835-6	79•6%	6•2%	4•3%	9•5%	0•4%	5,475
1839-40	79•7%	6•0%	4•6%	9•4%	0•3%	5,794
1846	82•7%	5•6%	3•5%	7•4%	0•8%	5,812
1851	80•4%	5•5%	3•9%	10•2%	-	5,694

in both Hampshire constituencies (Table 13.2).[19] Leaseholders it is clear were always of the least significance in both, followed in ascending order by copyholders, tenants at will and freeholders. There were differences, however. Copyholders and particularly tenants at will were more numerous in North Hampshire - at the obvious expense of the number of freeholders - than they were in South Hampshire. This suggests an interesting hypothesis, namely that because of the greater number of tenants at will, North Hampshire was more susceptible to landlord influence than was South Hampshire. The greater concentration of large landed families in the north of the county, families moreover with blood ties (both points reflected in North Hampshire's greater propensity than the South's to consensus politics) further suggest that the hypothesis is not entirely fanciful.

Nevertheless there is a danger of being misled by contemporary Radical rhetoric here. The notion that tenants at will were politically, because economically, at the mercy of Tory landlords can be exaggerated.[20] A tenant at will holding several hundred acres from a landowner of lesser gentry status is unlikely to have thought of his relationship with the landlord in quite the way that Radicals insisted. Moreover the tenant may have owned land separate from that which he rented, even if he qualified for the vote on the basis of the latter. Tenants at will, as the 1849 North Hampshire by-election makes clear, did not feel uniformly cowed. As for the notion that it was Tory landowners who exploited them, that can be dispelled by observing the allegiances of tenants at will at the South Hampshire election of 1835. Whilst it is true that a majority did side for Fleming and Compton (186 and 176 respectively), a substantial number did side for their opponents Palmerston and Stauntom (108 and 105 respectively).[21] These figures hardly amount to a Tory monopoly, and whilst it remains true that tenants at will were theoretically the most vulnerable part of the electorate to landlord influence, one has to admit that proof that they were so in practice is lacking.

It was the freeholders however who continued throughout the period to comprise the lion's share of the Hampshire electorate. What Table 13.2 does not unfortunately show is the obvious variety in the size of freeholds and also the percentage of urban freeholders. The latter point is especially easy to overlook in view of the fact that candidates' addresses always spoke of the agricultural interest in Hampshire as if no other existed. With respect to North Hampshire they were undoubtedly

correct for the fortunes of its urban centres, Winchester, Andover and Basingstoke were no less dependent upon the surrounding agricultural community than were most of the rural parishes. The 13% of its electorate in 1865 who qualified as urban freeholders - essentially those persons living within the boundaries of a parliamentary borough possessed of a forty-shilling freehold but who lacked the requisite qualification to enable them to vote in the borough - can therefore rightly be disregarded as being insignificant. In South Hampshire however thanks chiefly to the heavy concentrations of population at Southampton and Portsmouth, urban freeholders comprised a staggering 50% of the electorate in 1865, a figure well above the national average of 20% and exceeded only by North Durham's 53%.[22] True this figure appears to have been closer to 35% during the mid 1830s (the rise during the intervening period may in itself, assuming that urban freeholders inclined to Liberalism, explain the gradual Liberal revival in South Hampshire from the early 1850s onwards), but it was nevertheless formidable and should surely have warranted more attention from South Hampshire candidates than was apparently shown. One can only speculate why they did not. Possibly the Tory landed interest in the constituency was so strongly established before 1852 that neither side thought it worth the effort to cultivate the urban freeholders. Possibly Southampton at least was still perceived of as being dependent upon its agricultural hinterland and in any event Tory interest was strong there into the 1840s thanks to the indefatigable efforts of John Fleming. Meanwhile Portsmouth was probably thought of primarily in terms of a government and Whig Bonham-Carter interest, the latter of which remained intact into the 1860s. In short there was no identifiable urban freeholder interest as such. None the less, urban freeholders were an important part of the South Hampshire electorate and provided its biggest difference with the North. In this there lay a final irony. One of the strongest arguments in favour of enfranchising tenants at will in 1832 was that they would provide the landed interest with some degree of compensation for the enfranchisement of urban freeholders.[23] But tenants at will were few in South Hampshire where such compensation might be thought most needed and numerous in North Hampshire where there was no significant urban freeholder element to counterbalance. The landed interest was consequently strengthened in Hampshire in the very area where it was most secure.

Influence

Much has already been said about 'influence' but like the word 'electorate' it is an umbrella term which obscures as much as it conveys. Overwhelmingly in a county constituency the type of influence which one has to consider is that wielded by the landowner, but there was another unique to Hampshire, that of the government.

"The dockyard is what we have to dread" wrote Lord Carnarvon in 1760, and though, according to Sir Lewis Namier its direct hold did not extend to more than 10% of the electorate in the late eighteenth century, the notion of a virtually unassailable government interest in Hampshire elections persisted more or less unbroken down to 1852.[24] The notion was not unfounded. Besides controlling votes in the Portsmouth dockyard, Portsea gunwharf and Gosport victualling yard, the government could also command the allegiance of electors in the Isle of Wight forts at Sandown, Yarmouth, Cowes and Carisbrooke, the customs houses at Southampton, Portsmouth, Lymington, Newport and Christchurch, and crown tenants in the New Forest. Sloane-Stanley wrote in genuine jubilation to Peel in 1837 of how the Tory triumph in South Hampshire signified the first known reverse for the government in the county.[25]

There can be no doubt that the government interest was a very real one in 1820 for even if Namier is right that its direct hold extended to only 500 votes then one should not forget that its indirect hold was certainly greater. Cobbett wrote of the sprawling population around Gosport that "The people are almost wholly dependent, directly or indirectly, on the hospital, the forts, the victualling and other offices under the Government".[26] John Fleming, who was not generally noted for agreeing with Cobbett, confirmed the point from his campaign of 1820. There were, he estimated, 700 freeholders in the dockyard and a further 1300 local inhabitants "inclined to worship the strong side".[27] If these figures are accurate - and they are the only ones available for the early nineteenth century - then government influence extended to something like a third of the electorate, more than sufficient as one commentator put it to "turn the balance between the Whig and Tory constituencies of the county".[28]

Wellington was therefore understandably despairing when the Reform Act apparently strengthened the government interest by confining its impact to the new South Hampshire constituency where the total electorate at first numbered barely 3,000.[29] The reality however was somewhat

different. In the first place the number of dockyard employees was roughly halved between 1815 and 1830 and when Sir James Graham arrived at the Admiralty in 1830 he embarked upon a further programme of retrenchments. More importantly still, the vast parish of Portsea was added to the parliamentary borough of Portsmouth by the boundary commissioners in 1832, such that Palmerston could write with regard to the South Hampshire election of 1835 that only 125 dockyard employees still retained a vote for the county.[30] This was little more than 2% of the post 1835 South Hampshire electorate. True, Palmerston omitted to mention 30 crown tenants in the New Forest and that a number of urban freeholders at Portsmouth and Portsea may have been indirectly dependent upon the dockyard interest, but it is surely significant that in adducing reasons for his 1835 defeat, he did not consider the fact that the dockyard interest had been used against him to have been of any great importance. In fact he may have been wrong for the narrowness of Compton's victory over him for the junior representation, could be ascribed to an undoubted shift of approximately 125 votes in the Portsmouth district between 1832 and 1835, but his instincts were correct.[31] Both Tories and Whigs exploited the government interest in the South Hampshire elections of the 1830s but unless their constituency strengths were evenly balanced - as they were in 1835 - the interest had lost most of its force. The government interest's chief significance after 1835 was emotive in providing a handle for its opponents to claim that the constituency's independence was being thwarted.

For most contemporaries however, electoral influence was synonymous with that wielded by the landowners. As fas as John Fleming was concerned, victory for the Tories in the North Hampshire election of 1832 was assured, not because of any electoral swing but because "with the exception of three or four, all the great Proprietors are fortunately in that interest". After all, was not the debacle of the previous year to be ascribed to the fact that "usual feelings of influence no longer produce any effect"?[32]

The problem is not so much to identify as to define influence. For the critical Reformer Independent this was apparently easy. Tory success in 1841 owed everything to the fact that "There were squadrons of yeomanry who, at the beck of their landlords, would hoist the colours attached to their button holes were it black or white...and there were many who...would...cheer as loudly for...Reform as they now hallowed for the retainment of corn laws and conservatism provided the squire gave the

word".[33] There was clearly something in this. Henry Compton received the following succinct letter during his unsuccessful candidature of 1820: "Sir, understanding that you intend to offer yourself as a candidate for the county of Hants, & relying on your support of Church & State to the exclusion of papists, I take the liberty of offering you, my own vote with those of eight or ten others in my parish should our assistance be required...."[34]

Influence too was embodied in electoral convention. Candidates asked for a landlord's interest, not just his vote. It was common decency to seek a landlord's permission before a candidate's agents canvassed his tenantry. Sir Samuel Clarke-Jervoise took it upon himself personally to introduce the Marquis of Douro to his assembled Idsworth Park tenantry in 1832.[35] Whole parishes voted for their landlord as with the 29 North Stoneham electors who sided for John Fleming and his fellow Conservative Henry Compton in 1835.[36] When a landlord changed his political allegiance moreover, his tenantry followed him without question, as they did in Palmerston's case in 1832. Indeed the rough balance between Tory and Whig families in North Hampshire but the strong preponderance of the former in South Hampshire surely reflected something more than a coincidental resemblance to the county's political complexion. The Reform Act brought cold comfort to Reformers in this respect. Removing 'alien' borough voters from the counties by creating new borough constituencies and the enfranchising of tenants at will only seemed to further entrench the landed interest. One landowner from the Basingstoke district could actually write in the wake of the 1849 North Hampshire by-election that "it is notorious that multitudes of farmers...enjoyed the luxury of voting against the wishes of their landlords".[37] This was deemed locally an impolitic rather than a remarkable statement. For an example of the latter contemporaries looked instead to the declaration by the Barings in 1849 that their tenantry would be allowed to vote according to their consciences.[38]

The picture however which this evidence conjures up of landlords demanding and obtaining the political allegiance of an unwilling tenantry is unsatisfactory, for it poses a number of questions. Did electors vote according to their wishes, were they conscious of making a political decision, and were there limits to the landlords' control? Above all however, one has to question as historians largely have not, whether or not the political topography of the English counties really was one of

large landlord dominated parishes, for this is the assumption on which so much of the Radical abuse of landed influence was based.

It is important here to make the distinction, clear to contemporaries, of the difference between legitimate and illegitimate influence. It was only really the latter which critics had in mind when they censured influence, that is to say votes given in response to landlords' instructions. In fact there is no great evidence that this was a widespread practice. One notable exception was John Fleming at the South Hampshire election of 1835. Palmerston's canvassers insisted that they had come across many electors who told them "My heart is with you but I dare not vote for you. I must attend a little to my interests and I cannot risk the loss of my livelihood by voting for you". Fleming, it appears, had been unscrupulously exploiting the fact that he was the owner of the great tithes of Romsey parish by offering rebates only to those who gave him their political support.[39] This being so, it was a form of coercion whose effectiveness depended upon the state of the economy and the reason why Fleming used it so effectively in 1835 was, as Palmerston observed, with prices so low tenants were more than usually dependent upon landowners' goodwill. But such action as Fleming's in 1835 - as the storm which it raised confirms - was highly unusual. Indeed it does not even seem to have been common for a landlord to issue specific instructions at election time, nor to attempt to influence more than one of an elector's two votes. As for evicting politically recalcitrant tenants, not even Fleming appears to have resorted to this. Good tenants after all were not necessarily easy to find. In talking about county politics one is perhaps too prone to forget that the landed estate was primarily an agricultural and not a political unit.

In fairness one ought to point out that it has been argued that illegitimate influence was more subtle in its application. According to this idea the tenant's political obedience was guaranteed without the landlord's having to do or say anything, by what Professor Hanham calls psychological coercion.[40] The tenant in other words knew that he could expect retribution if he failed to follow his landlord's lead. Certain points suggest that this is not an idea devoid of some truth. It does seem to have been the generally accepted case for example, that a landlord's silence signified his expectation that his tenants would follow his political lead. It needed a direct statement to the contrary - such as that issued by the Barings in 1849 - that tenants could vote as

they wished. So too the Hampshire landowners' fear of tenant right in the late 1840s contained an element of apprehension that they could be losing political as well as economic control over their social inferiors.[41]

Yet one must appreciate that illegitimate influence, however exercised, was not influence at all but coercion. True influence by its very definition was something other than this. It involved a genuine relationship in which the landlord had to earn the voter's respect, in return and as a result of which, the elector cast his vote for the landlord's chosen candidate willingly. As Dr. Olney has put it "A vote given simply in deference to a landlord's wishes can hardly be said to represent a political act, although it might have political consequences. But a vote given for a local interest was, in the nineteenth century, a decidedly political act, even though we might now regard the voter's conception of politics as a limited one".[42]

To appreciate what the "local interest" meant is therefore crucial, particularly the point that it was more or less synonymous with the munificence of the leading local landowners. It was the latter who were the linch pin of local charities, they who as magistrates represented law and order, they who as yeomanry officers could command a loyalty over those who served under them, they who would lobby the county Member in defence of some local interest, besides of course as landlords look to their tenants' well-being. It was a gentleman's patronage that provided his local community with work - the Advertiser always alluded to the scores of local tradesmen who profited from Fleming's annual fancy dress ball at Stoneham Park - and often with its recreation.[43] To some, William Chute's being able to become a county Member on the basis of a less than 3,000 acre estate was incomprehensible until one realised that the key to his popularity was that "in his own neighbourhood he supported the character of an old English country gentleman, and afforded it amusement by keeping a pack of foxhounds". Such acts forged genuine community bonds and affection between benefactor and beneficiaries. The news of Chute's death in 1824 caused many of his tenants to break down in tears.[44]

Landlords were fully aware that legitimate influence was not due to them automatically but had to be cultivated. The most popular people in Hampshire - Sir William Heathcote is the obvious example - worked extremely hard to do so, doubtless because they realised that such work

was far more rewarding than asserting their social supremacy through coercion. In this environment from the elector's point of view, to oppose the good landowner's political lead was not to show political independence but to behave factiously. In voting for him you were voting for your local community and therefore ultimately for yourself. Only if the landowner had betrayed the local interest would the electors feel entitled to desert him. The usually popular Henry Compton for example reputedly lost 100 votes in his New Forest stronghold at the 1852 election for having opposed a railway scheme the inhabitants of the locality favoured.[45] Translated to county level the same idea - as for example as Heathcote and Fleming found out in 1831 when the electorate was convinced that its interest were inextricably bound up with the success of the Reform Bill - meant the difference between electoral victory and defeat.

One is nevertheless left with the question of proving why the above idea of legitimate influence corresponds more to the political reality of nineteenth century Hampshire than the superficially equally plausible idea of psychological coercion? To answer this one has to confront the further question of just what percentage of the electors were actually under the sway of large landowners and thus presumably susceptible to illegitimate influence? There would appear to have been surprisingly few. If one takes as one possible definition those electors who lived in 'closed' parishes in which a single or a few individuals owned at least half the land, then the electors in only 111 of Hampshire's 270 parishes would be included, or roughly 40%. This figure it is obvious is too high for as has been seen, one characteristic of closed parishes was that they were less densely populated than open ones. The Stonehams provide an excellent example. North Stoneham, owned virtually entirely by the Fleming family, could boast 36 registered electors in 1835 for its 5,000 acres or one elector per 139 acres. Neighbouring South Stoneham, a large open parish of 9,000 acres in which no large landowner was to be found, boasted as many as 112 voters or one per 80 acres. Closed parishes in other words produced less voters per acre than open ones.

But even in the closed parishes does it follow that the predominant landowning interest could coerce all its voters? This point can be answered by specific reference to Fawley, 4,000 of whose 6,362 acres were owned by Andrew Drummond and distributed between himself and 90

tenants. Fawley however, contained a further 136 small owners besides himself and 193 occupiers besides his 90 tenants. The number of registered electors for the parish in 1835 however was only 54, of whom 13 (an unusually high percentage) qualified as tenants at will. Presumably it was these 13 at most who can be described as being liable to Drummond's direct control. Of Drummond's ten tenants holding at least 50 acres from him however, six held at least 250 acres, and one, Joseph Munday as much as 485 acres.[46] Such people were substantial enough persons in their own right to be something less than cowed by their landlord. Munday indeed was to become a leading figure in the Winchester Farmers' Club, part of whose avowed objective was to defy attempts at landlord coercion. Drummond's local influence was nevertheless real enough. In 1835, 52 of 60 electors in the Fawley district endorsed the Fleming-Compton ticket. But what is abundantly clear is that Drummond did not exert his influence through coercive means.

Landed influence in short, was usually the single most important force in county politics. This influence was more powerful in North than South Hampshire because of the greater density of greater gentry families. The Northern constituency moreover had more electors who qualified as tenants at will and fewer urban freeholders to constitute a countervailing interest. In both constituencies however, except in times of exceptional political excitement, the gentry were able to determine the representation. It is nevertheless paradoxical that the exercise of such influence aroused more resentment in the South than it did in the North.[47] A number of reasons explain the paradox. In the first place the Southern constituency did include an increasingly large and vocal contingent of urban freeholders who naturally resented the political hegemony of landed influence. The urban freeholders moreover, one may generally presume were Liberal, whilst the landed influence was solidly and partisanly Tory in character, certainly when compared with the less partisan and more even political balance of gentry families in the North. Finally, influence in South Hampshire might have been more evident and irresistible than in the North, not only because of the dockyard but because farms in South Hampshire's Bracklesham country were both smaller and poorer than in the chalklands of North Hampshire, and their occupants correspondingly less willing to disobey political directives.[48] Overwhelmingly however, landed influence in Hampshire county politics was of the legitimate variety. Probably no more than a quarter of the Hampshire electorate - and quite

possibly far less - were exposed to the risk of outright coercion. The Radical stereotype of landlords bludgeoning an electorate consisting of their timid tenantry into political submissiveness quite simply has to be rejected, for there is little evidence that it accorded with reality.

Counting the Cost

One of the practical reasons why the county electorate deferred to being led and represented by their social superiors was that the gentry- or more accurately the greater gentry - alone in financial terms could contemplate being county M.P.s. A large income was indispensable if some of the most important criteria in a county Member were to be met: the means to live in London in order to be able to attend to the constituency's interests; the fortune to be able to refuse the enticement of the financial rewards of office which would compromise one's independence; and generally to support the dignity of the position. On the latter point for John Fleming in 1828, this entailed subscribing £100 for a new wing of the county hospital, patronising a grand ball at Winchester to the amount of £500, and offering either plate, premiums or subscriptions to the county agricultural society, the Southampton and Cowes regattas and the races at Winchester, Southampton, Basingstoke and Stockbridge.[49]

Fleming was unusual only in that, more than most he knew the costs of being a county Member and was prepared to meet and even exceed them. In all seriousness in 1831 he thought that he should stay in the field against the Reformers, not because the canvass returns offered any prospect of success, but because "we might still beat them by a certain expenditure of cash" which "might have the effect of alarming the Exchequer of our opponents & inducing one of them to give way".[50] In the event he proved wrong, but undoubtedly the threat of a contest was a vital factor, irrespective of blood ties, which inclined the Hampshire gentry to a compromise election whenever possible. The fear of a poll indeed, more than any other reason, despite the public protestations of ill-health or unworthiness, was the real cause for so many gentry declining to accede to requisitions to become candidates. They even included one so politically committed as Sir Thomas Baring in the uniquely favourable circumstances of 1831.[51] But Baring and others could point to the example of Thomas Thistlethwayte who had contested the county in 1806. Thistlethwayte was returned, but the contest reputedly cost him £30,000 as a result of

which he was forced to sell his Norman Court estate.[52] He held his seat for only one year.

Quite possibly because of the memory of Thistlethwayte's unfortunate example, the cost of Hampshire electioneering in the 1820 to 1852 period was remarkably low, less it would appear than Dr. Gwyn's assertion that no candidate could contest a county for less than £3000.[53] All candidates in any case, with the exception of Fleming and Heathcote demanded that their election expenses be guaranteed as a precondition of becoming a candidate, or like Palmerston in 1832 set a ceiling upon their personal contribution, in his case £1,000.[54] This in itself must have acted as a restraint upon the candidate's zealous agent and gentry supporters. Certainly it made Compton's committee willing to acquiesce in his suggestion of a withdrawal in 1820 in face of the alternative that it would cost them £5,000 a day to pursue a contest, "as it was necessary to hire houses, horses & carriages which my opponents had done".[55] In fact, the only contest of the period before 1832 for which there are details, that of 1831, cost the Reformers only £425.[56]

One reason, apart from the natural tendency to avoid a contest, why Hampshire electioneering costs were low, was that the framers of the Reform Bill deliberately sought to reduce them. Hence the provisions that no elector should be more than 15 miles from a polling place, and that the duration of a contest should be cut from a maximum of 15 to two days. Whilst the Hampshire gentry remained rightly cynical of Lord John Russell's prediction that costs in a county constituency would fall by 80%, there did exist a consensus that the changes would prove beneficial.[57] Generally, the evidence available suggests that this view was well grounded. The official costs, for both Whigs and Tories together in 1832, comprising such items as the undersheriff's fee, the erection of poll booths and the remuneration of poll clerks, came to £522 in the North and £418 in the South.[58] Of course it was the unofficial side of electioneering - canvassing, committee work and what might generally be described as 'entertaining' - which caused costs to spiral, but even here the amounts were not excessive. The South Hampshire Reformers even in the intense excitement of the early 1830s appear to have spent only £1,900 in 1832 and £3,080 in 1835. Unfortunately the only figure available for the Tories relates to the South Hampshire election of 1841 when Fleming and Compton's unopposed return cost £730 13s 4d, a sum comprised mostly of £254 in agents' fees and a bill

of £365 from Southampton publicans.[59] These figures do perhaps suggest that in South Hampshire the Tories were forced to spend more than the Whigs, but certainly not the 60% or 70% more that the Whigs claimed; and it is only fair to add that the Tories' greater expenditure may simply reflect their superior willingness and ability to bear it.

Nevertheless, though low, the cost of county politics remained a vital consideration in electioneering throughout the period. The bulk of the cost still tended to fall on the candidate, and even £1,000 it must be remembered constituted one third of the total annual income of even the wealthiest member of the lesser gentry. Even when costs were shared, the burden was not usually spread beyond a handful of the most influential greater gentry. Indeed the reluctance of self confessed devoted party adherents to contribute to party funds was a subject for frequent comment. Those who criticised the fact that a small circle of families determined who should represent the county invariably chose to overlook the fact that the same small circle paid for the privilege.

The Role of Public Opinion

To say that landed influence was the most important factor in Hampshire county politics does not imply a denial of either the existence or the importance of electoral opinion. As has been argued, the county's changing political complexion during the 1830s is to be explained not by influential members of county society changing their political allegiance but by genuine shifts of opinion amongst the electorate. So too it has been shown that the gentry did not possess a direct hold upon many of the electors - urban freeholders, small owner occupiers in open parishes and the like - but had to openly cultivate their support. Why otherwise did candidates' addresses invariably specifically refer to "the independent freeholders of the county", and the candidates themselves feel compelled to hire an army of agents, foot the bill of entertaining, both defend their own conduct and assail that of their opponents in handbills, and as Palmerston put it in 1835 "take the field and commence itinerant spouter at inn meetings of freeholders, and to ride about the county canvassing" and "working like a horse, up everyday by candlelight, & toiling till late at night, driving, riding, walking, talking, shouting"?[60]

Palmerston was also amongst those most forcibly struck by the the intelligence of electoral opinion. He seemed genuinely surprised to encounter electors prepared to debate with him the merits of free trade,

colonial slavery and even foreign policy. As he remarked to Sir Herbert Taylor in the wake of his 1832 South Hampshire triumph: "The men who brought me in, are wealthy farmers, men engaged in business, chiefly above the class of shopkeepers...and when I thanked them for voting for me, the reply was don't thank us, the obligation this time was the other way, it was we who ought to Thank you, for coming to save us from having Mr Fleming as our Representative. We have been too long under Tory Domination, we are tired of it, & will submit to it no longer".[61] Doubtless the excitement engendered by the Reform Bill caused opinion to play an unusually important part in the general election of 1832, but opinion itself was hardly new. Neither did it evaporate with the Reform Act. In their private correspondence members of the Hampshire gentry wrote of genuine local reactions on such issues as the Church, the Corn Laws, the Poor Law Amendment Act, even to changes in, and the composition of, governments. However much in public the Whigs tried to explain their 1830s demise in terms of the electorate falling victim to Tory landlord coercion, they privately conceded that the electorate had simply lost interest in Reform.[62]

At the risk of being whiggish it does seem to have been the case that public opinion in some sense developed during the 1820 to 1852 period. In the early 1820s if anybody dared speak publicly against the gentry, they were proven orators like Hunt, Cobbett and Henry Marsh, or simply disgruntled gentry such as the Earl of Carnarvon and Sir Thomas Baring. When two tenant farmers spoke at the county meeting of 1823, everybody was taken by surprise, not least perhaps the other assembled tenant farmers.[63] But by 1852 the appearance of farmers on a public platform was not the exception but the norm.

The agents of this change were three in number.[64] The most important until the early 1820s was the county meeting. It provided the vehicle for the expression of the county's discontent over agricultural distress, and the platform from which members of the Whig gentry together with a handful of middle class Radicals launched the county's movement for Parliamentary Reform. But the county meeting did not sustain its importance, for apart from that on distress in May 1849 none took place between 1831 and 1852, compared with the seven which had been held between 1820 and 1831. This post 1832 decline of the county meeting is strange, particularly at a time when the tactic of public petitioning generally was on the increase.[65] A number of reasons will explain it: the 1830s growth

of party politics - the county meeting was more peculiarly the province of the country party - the fact that after 1832 there was no single political county but two, or even the change in parliamentary procedure which left less time for hearing petitions. The chief reason so far as Hampshire was concerned however, appears to have been the national ascendancy of the Whigs during the 1830s. What chiefly characterised the county meetings before 1830 was the use made of them by the Whigs to attack the Tory government. After 1830 this was no longer necessary. The Tory gentry however (as had some Whigs during the 1820s), including Wellington, always appear to have regarded county meetings with suspicion on account of their unpredictable nature and democratic tendencies.[66] They much preferred to voice their criticism of the Whigs through the medium of public dinners at which their lead could be more or less ensured.

County meetings also undoubtedly declined because their role as a vehicle for the airing of opinion was superseded, in particular by the rapid growth during this period of the county press. This after all was weekly, whilst even at their peak period a county meeting was only likely to take place once every 18 months. As Cobbett was quick to realise, the press not only brought reports of county meetings and election hustings to those who were not present, but kept issues alive during the all important interval between such gatherings.[67]

Cobbett's efforts of course were devoted to his Political Register, which had at least nine distributors in Hampshire in 1831 and was sufficiently numerous in its circulation as to cause anxiety amongst the gentry, particularly in the wake of the agricultural labourers' rising of 1830.[68] The oldest Hampshire newspaper however was the Chronicle, established in 1772 and published from Winchester. It took particular pride in its aspiration to be the 'county newspaper', which no doubt explains why it retained a remarkably apolitical stance, despite the increasing partisanship of the period. But this was achieved at a price for it was the least popular of the main papers available and experienced a sharp decline in its circulation down to 1852. There may well be something in the sneer of one of its rivals that the Chronicle was "a rocking horse for these namby-pamby 'country' men".[69]

If the county demanded more partisan press organs, they were gradually forthcoming. The county's consistently most popular paper, the Telegraph with its brand of Whiggery and based at Portsmouth was

TABLE 13.3 Weekly Circulation of Leading Hampshire Newspapers

Year	Chronicle	Advertiser	Telegraph	Independent	Total
1837-9	1341	2122	2779	1516	7758
1840-2	1297	1956	3381	1277	7911
1843-5	1276	2275	3417	1278	8246
1846-8	1340	2583	3174	1412	8509
1849-52	1024	2575	2969	1389	7957

established as early as 1779. In 1827 it was at last joined by an equally staunch Tory organ in the shape of the Advertiser published from Southampton, which had evolved from a shortlived Southampton Luminary and Southampton Herald.[70] To counter its impact, and in the wake of their South Hampshire election defeat, the Reformers in 1835 launched their own Southampton based paper in the form of the Whig-Radical Independent. After an uncertain beginning it became firmly established under the editorship of the erstwhile Anti-Corn Law League lecturer, Timothy Falvey.[71] It is true that these papers were based in the south of the county - and that they may therefore have further contributed to the higher level of partisanship to be found in South Hampshire than in the North - true also that they were concerned more with borough than county politics, and that their editorials usually tended to follow the gentry's political lead. But by 1852 most Hampshiremen would presumably have had access to at least one of the county newspapers, and on this basis the importance of the press as an agent of politicisation is indubitable.

The most important agent of a new public opinion in Hampshire during the 1820 to 1852 period however was the evolution of the agricultural society and farmers' club, themselves probably a hybrid of the more informal lamb fair or cattle market dinner. The first important development was the establishment in 1815 of the Hampshire Agricultural Society under the chairmanship of Sir Thomas Baring. Its objectives were to encourage improved agricultural methods and to reward deserving labourers. Farmers attended its meetings but it was the gentry who dominated proceedings.[72] Never well supported, the society was superseded in the 1830s by the rise of district based agricultural societies of which the most successful were the North East Hants based at Basingstoke and the South East Hants which met at Fareham. Their main function was still paternalist, that is to say the local gentry provided subscriptions

for crops, stock and to meritorious labourers, but the farmer was better able to attend a district than a county based society, and generally appears to have taken a prominent part in their organisation.[73]

From the district based agricultural society it was only one remove to establish the farmers' club. The first of these was the Stockbridge Agricultural Conservative Association founded in 1836, followed by the more simply demonimated farmers' clubs, notably the Alton, the Botley and South Hants and in 1850 the Winchester and the Andover.[74] They generally received some financial assistance from the local gentry (except of course in the case of the Winchester club), but gentry were rarely present at the meetings. Instead they were run and dominated by farmers, who usually it is true discussed agricultural technique and vetoed the introduction of political topics. But it was a moot point whether the Corn Laws were an agricultural or political question, and in the difficult conditions of the 1840s farmers' clubs became the focus for farmers' frsutrations and the forum in which to criticise their gentry superiors.[75]

The generation of farmers and others integral to the rural community who emerged in Hampshire down to 1852 were both more politically informed, vocal and independent than their predecessors had been. Given the developments outlined above, this is not surprising. Of course farmers had always had plenty of scope to meet informally and to discuss matters with each other whether at a fair, market or most commonly in the public house. It was the increased opportunities for an exchange with the gentry which were novel not only at agricultural society and farmers' club meetings and in the press, but on boards of Poor Law guardians and even before parliamentary select committees. William Simonds for example, a tenant farmer from Winchester, had at various times served the offices of overseer and Poor Law guardian, acted as an agent for the Tory cause in North Hampshire, and was a prominent member of the Winchester Farmers' Club.[76] Such experiences could not help but breed self-confidence.

The Place of Party

Few aspects of nineteenth century politics are so ambiguous as the role of party, doubtless in large part because it meant different things to different people at different times.[77] Undoubtedly it was less important in Hampshire than landed influence. For example, when Palmerston

joined the Whig government in 1830, his tenantry changed political sides with him. Clearly they had not done so on ideological grounds. Such examples are commonplace and can lead one to the conclusion that the importance of party considerations, at least for the electorate, were minimal. Certainly if one defines party as a body of people who think and act together, then the only party in Romsey in 1832 was the Palmerston party. Yet this still leaves us asking what, if anything, party meant to the gentry, those members of the gentry who became county M.P.s and to the more independent elements in the electorate?

In the eighteenth century, as Mr Lowe has shown, the politics of the Hampshire gentry assumed a very obvious local colouring as most families adhered to either the Duke of Bolton or the Marquis of Chandos who each sought to establish their political supremacy.[78] Only in the 1770s, argues Lowe was this personal rivalry superseded by genuine political principle as the key determinant in Hampshire county politics, a shift consummated by the moderately minded gentry of north Hampshire coming together to form the Hampshire County Club which successfully returned two of their own number Sir William Heathcote and William Chute in 1790 against the Whig sponsored candidates. By 1820 the Club no longer existed, but as has been seen its spirit certainly did, for the historic tradition of north Hampshire gentry independence allied to their blood ties and long residence in the county always made North Hampshire less partisan than the more Tory and government influenced South.

Even in north Hampshire in the 1820s however, there is little or no difficulty in assigning the label Tory or Whig to each of the gentry families, although their more usual custom in both public and private was to speak of themselves as either friends or opponents of the government.[79] The point is that despite these clear distinctions they could nevertheless still combine in endorsing the Whig G.P. Jervoise in 1820 and the Tory Sir William Heathcote in 1826 and 1830 to sit alongside the south Hampshire Tory gentry and government sponsored candidate John Fleming. In other words the north Hampshire gentry's tradition of co-operation on an apolitical basis to preserve the county from having its representation dictated by the government of the day, remained until 1830, more important to them, than their national party political allegiances.[80]

Whilst the difference between north and south Hampshire's gentry in their level of political partisanship was a very real one, it should

not be overstressed. After all, even a member of the Tory government, Palmerston, could seriously contemplate the Whiggish Alexander Baring's being an acceptable Member in 1820, and added that a candidate's party affiliations and all other considerations were secondary to the county's being "well represented".[81] What really affected attitudes towards party, albeit temporarily, was the Reform Bill. This was not perhaps immediately apparent for in the North in 1832 Wellington was very reluctant that his Whig neighbour Lefevre should be opposed, whilst in the South the instinct of the Tory gentry was to form an entente with their erstwhile ally Palmerston and agree to return him alongside their own man Fleming.[82] In the event Lefevre was opposed, and by Wellington's own son, whilst Palmerston refused the Tory gentry's overtures and was returned along with his fellow Reformer Staunton, as a result of which Fleming apparently refused to shake Palmerston's hand at the close of the poll. Party labels during the Reform Bill crisis (with some misgivings but very few exceptions) superseded the gentry's local traditions and connections for the first time. The Reform Bill was an issue which demanded that the individual gentleman take a stance, and an issue which left no room for compromise. Hence the genesis and general adoption in Hampshire from 1831-1832 onwards, of the new party labels of Conservative and Reformer.

It follows that the gentry generally welcomed the decline of the Reform question as the 1830s progressed, for it allowed them to return to the norms of the 1820s, even if party had acquired a new legitimacy and the change in party labels was permanent. In the South the demise of Reform inevitably led to the re-established hegemony of the Tory gentry whilst in the North the old eighteenth century entente manifested itself from 1837 onwards in a series of compromise elections. The Corn Law question did little to disrupt this pattern except that it caused the Whig gentry, especially in the early 1840s to maintain a lower political profile than they might otherwise have done.

Overall then, the gentry's party affiliations were at their sharpest and most important in the early 1830s. But these affiliations were always evident. It was simply that usually the full implications of party allegiance - to strive to win both seats at every election - were diluted by opposing considerations: the knowledge that electioneering was expensive, by blood ties, by a general sense of community with their gentry neighbours, and by the concept of the peace of the county.[83] The latter is an often overlooked phenomenon but it was no less real than

party. Though the gentry were the county's political leaders, they were emphatically not politicians. Rather they were estate owners, friends, relations, neighbours, magistrates and community leaders, and as such the sort of society which they strove for was above all a harmonious one. Politics were an inescapable fact of life in this society, but in so much as they were divisive they were generally unwelcome. After all, if the gentry in their political guise created electoral turmoil or even riots, it was the same gentry as magistrates who had to quell them. For this reason above all others the gentry attempted to adapt party politics to local circumstances. This notion did not of course prevail at times of high political excitement in which genuine deep-seated political differences existed, nor did it preclude contested elections if genuine uncertainty existed as to the political balance in a constituency. What it did discourage was frivolous or unnecessarily prolonged opposition. A candidate could receive no greater censure from his neighbours than that he had disturbed the peace of the county.[84]

The desire to avoid prolonging political controversy also goes a long way to explaining why it was that party allegiances were never translated by the gentry into constituency party organisations. The 1852 election was fought with exactly the same form of organisation as had that of 1820, that is to say with each side forming an ad hoc committee consisting of its most socially prestigious supporters who would then in turn engage the necessary agents to undertake the canvass and generally oversee affairs down to the nomination and if necessary to the poll.[85] Before 1832 and excepting the defunct Hampshire County Club, the only signs of a more organised political body was a Hampshire branch of the Pitt Club established in 1789. But its activities were confined to a poorly attended annual dinner, perhaps not altogether surprising in view of its platitudinous and unexceptionable toasts to the constitution, and all trace of its existence disappears after 1827.[86]

It was once more the excitement surrounding the Reform Bill which threatened temporarily to alter the nature of things, compounded with the general recognition by 1835 that the annual registration and revision of voters' lists could not be ignored. Thanks chiefly it would appear to the efforts of John Fleming, the South Hampshire Conservative Society was established in April 1835, but despite great stress being laid upon its defensive and constitutional purpose and that its work would be

confined to registration, it attracted little support from the gentry as a whole. The Society was never extended to cover North Hampshire, and with most potential electors by 1835 already registered, its raison d'etre was lost. The Society does not appear to have met after 1836.[87] Its Whig counterpart, the Hampshire Reform Association, founded in May 1835, proved more successful for at least it covered the whole county. Even so, by the late 1830s it seems to have confined its activities to Southampton borough - reflecting the fact that Southampton Reformers and not country gentry dominated it - and providing the somewhat dubious political benefit of a forum in which gentry and middle class Reformers could air their differences with each other.[88] In general it is plain that neither society achieved anything positive, and that most gentry remained at best wary of bodies that whatever their proponents might say, smacked of democratisation and political unionisation. This, as the history of the two societies makes clear and as one would expect, was more true of Tory and North Hampshire gentry than it was of Whig and South Hampshire gentry. The gentry could simply see no advantage in supporting such bodies, as their shortlived existence makes abundantly clear. As Dr. Stewart has written "where the local gentry conceived it to be their interest to 'keep the peace' of a county, organisation was impotent".[89]

Those gentry most exposed to the pull of party were of course the county Members, who could not really avoid identifying themselves generally for or against the government. This presented them with a dilemma for as has been shown, one of the most desireable criteria in a county Member was that he be politically independent. Generalisation here is dangerous, for it was ultimately up to the individual Member's conscience to decide what independence meant. Before 1832 however the ideal was perhaps best expressed in an obituary to William Chute: "he always voted as his constituents wished he should, on questions that respected agriculture, commerce, or taxation, and might truly be described as an independent Member, having no bias but his own honest opinions".[90] Such sentiments are often interpreted as supposing a Member's complete independence of political groupings within Parliament. This ignores reality for a two party system of sorts is identifiable in the unreformed House of Commons.[91] Independence in other words was consonant with a Member's lending his general support to government or opposition, so long as it was not unquestioning and so long as on votes of direct interest

to the agricultural constituency, he sided with that interest irrespective of which party had brought the issue forward. Whilst no candidate's address before 1831 therefore expressed anything other than independence of party, there is no doubt that one can meaningfully describe Jervoise as a Whig and Heathcote and Fleming as Tories. Jervoise and Heathcote (the latter in particular for it involved his voting against and helping to bring down the Tory government in 1830) nevertheless - if present - usually supported motions for the repeal of the malt, window and assessed taxes and for inquiries into agricultural distress. The exception was Fleming who apart from his opposition to a revision of the Corn Laws in 1828 was a uniform supporter of the government, a course of action which made him highly vulnerable to the charge of truckling to party and undoubtedly contributed much to his electoral unpopularity. Even Wellington, as Prime Minister, deemed such support as unusual and wrong in a county Member.[92]

As was the pattern with the gentry generally it took the Reform Bill to remove much of the stigma hitherto associated with an avowed party allegiance by a county Member. For the first time in 1831 an assertion of party allegiance in a county candidate's address was actually politic, even necessary, as opposed to pejorative. The 1831 election also for the first time in Hampshire witnessed the issuing of a joint address by two candidates supporting the same programme, something previously unthinkable because of its obvious incongruity with complete independence.[93] Both innovations became a commonplace in the subsequent elections of the 1830s, although candidates were still careful to insist upon their independence and that their support for a ministry was general as opposed to unqualified.[94] So too the electorate, particularly in the context of the acute depression prevalent at the time of the 1835 election, took an unfavourable view of those Whig Members who had opposed a repeal of the malt tax.[95] But this was an exception to prove the rule. It appears to have been tacitly accepted in Hampshire that parliamentary party ties had solidified during the 1830s, with the consequent elimination of the independent Member who could enjoy the luxury of opposing his party on a constituency 'interest' question. The Whig J.W. Scott's support for Ingilby's motion to repeal the malt tax in 1834, appears to have been the only notable revolt by a Hampshire Member between 1832 and 1841. As Sir George Staunton was forced reluctantly to concede, true indepen-

dence was no longer a stance open to a candidate for "standing alone could mean nothing else than going over to the other side!"[96] The events of 1846 did create a new disillusionment with party, whilst the 1840s generally did witness a weakening of party ties, but they could not obliterate the changes which had taken place. Admittedly the uncertainty prevalent at the 1847 election caused Heathcote in particular to confine his address to platitudes about independence,[97] but it is the more remarkable that he and Compton should have taken so long to rebel against a government so evidently unresponsive (certainly if the electorate's seething discontent is anything to judge by) to the agricultural interest. By 1852 the Tory candidates felt no qualms in declaring in their address their support for Lord Derby whilst the Whigs saw similarly little harm in publicly declaring for Lord John Russell and free trade.[98]

Whilst one can be reasonably precise about the importance of party to the individual county Member, it is extremely difficult to gauge the relevance of party to a body so anonymous and so heterogeneous as the electorate. Amongst those tenants and electors in closed parishes one must presume - as the earlier example of the impact upon voting alignments in Romsey of Palmerston's change of party surely confirms - that party was relatively insignificant. Amongst substantial freeholders and those electors living in open parishes however, there is a good *a priori* case for supposing that party affinities were possibly even stronger than those amongst the gentry, for these people did not need to concern themselves with such conflicting factors as expense and the peace of the county.

There remains the important question of determining whether or not the party affinities amongst the independent element of the electorate correspond to the national Tory-Whig polarity. Unfortunately the only statistical evidence which can be adduced on this point is a canvasser's register from the 1835 South Hampshire election.[99] The degree of party voting is striking. As many as 91·4% of the votes cast were on a straight party ticket. With another 2·7% of the electorate giving plumpers, only 5·9% of the electorate (196 voters) split their vote between Tory and Whig candidates. As one might expect the level of party voting was extremely high in some closed parishes, for example 100% in Fleming's North Stoneham, but it was also above the average figure of 91·4% amongst the urban freeholders - presumably comparatively free from landed

influence - at Portsmouth (96•6%), Lymington (94•3%) and Southampton (93•9%). One might object that this merely provides evidence of party's being more fully developed in the urban than the rural parts of the constituency, but even in the large open 15,400 acres of Titchfield parish, only two of its 103 voters did not give a party vote. The highest incidence of cross-voting was easily Romsey borough's 21•5%, a figure to be explained by the competing influences of Palmerston as the major landowner and Fleming as the owner of the tithe.[100]

Certainly in the mid 1830s party allegiances were of a very obvious relevance to the electorate. They were also probably at their peak in importance. In this sense the 1835 South Hampshire election may be misleading as an indicator of the strength of party feeling in Hampshire for the period as a whole. It was a rare and fierce four cornered contest in which the polarising issue of Reform was plain. More usually however there appears to have been a consensus amongst the gentry that though important, party ties were not absolute and that the personality of candidates could play an important role. Why otherwise did election correspondence talk so often of the probability that one candidate but not the other would be returned, even though both were standing on the same party label? Why in three cornered contests did the candidate of one party opposing two of the other, reckon upon picking up second votes from both his opponents, and similarly fear that his own supporters would not be content to plump for him, if it were not for a certain fluidity of party? The point is surely confirmed by the tactic sometimes resorted to, of running a second candidate specifically in order to minimise a split in the party vote.[101] Yet these points have to be seen in perspective. The latter tactic was only resorted to twice in the elections between 1820 and 1852. It was an inevitable fact of political life that all candidates would attract some plumper and cross party support. The important point is surely that neither category ever appears to have been or more than marginal importance relative to the straight party vote.

The above evidence also suggests that the electorate's party divide was along the national faultlines of Whig and Tory. This is doubtless true for the 1830s but it leaves one having to explain why it was that the Whigs appear to have enjoyed a large measure of support in the early 1820s, an overwhelming support in 1830-1832, and why it was that

the farmers ran their own candidate in 1849? The most probable explanation as has been frequently suggested already is that the Hampshire electorate is best seen not as a body periodically changing in its ideological convictions, but one which remained throughout the period of a majority country party viewpoint in its persuasion. That is to say, the majority of the electorate voted Whig or Tory depending upon which of the two they perceived to be the friends of the agricultural interest.[102] This was usually the Tories for church and crown propaganda was common to both the Tory and country party, whilst with the Whigs the country party had no obvious natural affinity. But the economic liberalism of the Tory governments of the 1820s together with the Wellington government's apparent indifference to distress, convinced the electorate that the Whigs and the Reform Bill offered them the best prospects for a redress of their ills. By the mid 1830s such judgements were seen to have been misplaced and Hampshire once more fell largely under Tory domination, the old Toryism of the country party, not the new Conservatism of Peel's. This underlying dichotomy proved the faultline for subsequent dispute, for Peel, the supposed guardian of the agricultural interest, apparently betrayed it in 1846. But the electorate could not on this occasion, as in 1830-1832 turn to Whig leadership for the Whigs were no less bent on free trade than the Conservatives. Faced with this dilemma the electorate had to start taking steps to find its own representatives, a course from which it had nevertheless drawn back from fully implementing by 1852, for it seemed that the Tory party minus the Peelites, could after all be trusted to defend the agriculturalists.[103] Surely the proof that this interpretation of the role of party in Hampshire is the right one, is the fact that however much the gentry took the lead in county politics, it was farmer or country party issues - Peel's Act, the malt tax, the Corn Laws and on a more ideological plane the constitution - that provided the substance.[104]

The present necessarily impressionistic survey of the mechanics of county politics suggests that whilst influence was usually the single most important force neither party nor opinion were unimportant. Generally party and particularly opinion grew increasingly important as the period progressed with presumably as a corollary a slight decline in the importance of influence. But to try and isolate the separate ingredients and to advance as an hypothesis, for example, that opinion was of

greatest importance at elections when political excitement was running high, is misleading. Would it not be more accurate to say that opinion was always important and had to be considered no less than influence and party? In other words when an election turned out to be unopposed it was not as the result of gentry influence prevailing against opinion, but because electoral opinion approved of, and therefore acquiesced in, what the gentry were doing. The electorate was perfectly prepared to let the gentry settle the political affairs of the county, so long as it could feel that the gentry were genuinely attempting to represent their interests. Only when the gentry were perceived to be defaulting in this, their natural role, did opinion cease to be passive and become active.[105] The gentry who were usually in control of Hampshire politics ignored the protest of such opinion at their peril. It was a testimony to their responsiveness however, that only in 1831-2 and 1849 did protest translate itself into outright political opposition.

Footnotes to Chapter Thirteen

1. Sir Lewis Namier, The Structure of Politics at the Accession of George III, p.69.
2. D.C. Moore, The Politics of Deference. Parkes' remark is cited in Norman Gash, Politics in the Age of Peel, p.178.
3. John Brewer, Party Ideology and Popular Politics at the Accession of George III; J.A. Phillips, Electoral Behaviour in Unreformed England; R.J. Olney, Lincolnshire Politics 1832-1885; T.J. Nossiter, Influence, Opinion and Political Idioms in Reformed England.
4. Broadlands MSS., 27M60/BR 195, Palmerston to W.E. Nightingale, 5 October 1832.
5. HC, 6 March 1820, 21 December 1850.
6. Broadlands MSS., 27M60/BR195, Cavan to Palmerston, 6 March 1820.
7. HA, 28 January 1837.
8. See above chapter twelve, p. 346.
9. Broadlands MSS., 27M60/BR195, Palmerston to Sir John Pollen, 19 February 1820.
10. Staunton MSS., Staunton to ?, 17 February 1835.
11. HC, 12 July 1830.
12. Ibid., 29 October 1830.
13. See above chapter twelve, pp. 344-348.
14. Baring MSS., deposit 189, Sir C. Hulse to Sir T. Baring, 20 February 1820.
15. Table 13.1 is based upon the numerous returns of voters amongst the parliamentary papers.
16. D.G. Wright, Democracy and Reform 1815-1885, p.140.
17. John Prest, Politics in the Age of Cobden, chapter three, passim.
18. Michael Brock, The Great Reform Act, especially pp.138-139, 223-229.
19. The relevant sources are conveniently located in Prest, op. cit., pp.126-127.
20. Ibid., pp.28-31 and Brock, op. cit., pp.227-229 for discussions of

tenants at will. Nationally, they comprised roughly 20% of the county electorate.

21. These figures are drawn from a canvasser's register in the Compton MSS., 12M60/90.
22. Prest, op. cit., pp.31-32 and Nossiter, op. cit., appendix C for details concerning urban freeholders.
23. For a discussion of this subject see John Cannon, Parliamentary Reform 1640-1832, pp.246-250.
24. Namier, op. cit., pp.66-67; idem and John Brooke, The House of Commons 1754-1790, p.293.
25. Peel Papers, B.L.Add.MSS., 40424 fs. 21-22, Sloane-Stanley to Peel, 6 August 1837.
26. PR , 28 July 1832.
27. Broadlands MSS., 27M60/BR195, Fleming to Palmerston, 20 February 1820.
28. H.A. Leigh, Recollections of the Early Days of the Vine Hunt, p.71.
29. W.MSS., 4/1/4/3/5, Wn to Carnarvon, 31 May 1832.
30. J.H. Philbin, Parliamentary Representation, 1832, England and Wales, p.86; K. Bourne, Palmerston: The Early Years 1784-1841, p.540.
31. Compare the electoral breakdown in HA, 22 December 1832 with that in HC, 19 January 1835.
32. W.MSS., 4/1/4/2/50, Fleming to Wn, 3 September 1832; ibid., 4/1/3/4/19, Fleming to Wn, 1 May 1831.
33. HI, 10 July 1841.
34. Compton MSS., 12M60/88, Mr. Place to Compton, 30 January 1820.
35. Bonham-Carter MSS., 94M72/F.12, Bonham-Carter to Francis Baring, 28 December 1832.
36. Compton MSS., 12M60/90, 1835 canvasser's register.
37. HI, 15 February 1851.
38. HC, 7 April 1849.
39. K. Bourne (ed.) 'The Letters of the Third Viscount Palmerston to Laurence and Elizabeth Sulivan', Camden Society, 4th series, XXIII (1979), pp.259-260, Palmerston to Mrs. Sulivan, 28 December 1834.
40. H.J. Hanham, Elections and Party Management, p.11.
41. See above chapter twelve, pp.351-352.
42. Olney, op. cit., p.44 and chapter four, passim. On the question of influence and the landlord-tenant relationship, see also Gash, op. cit., pp.177-184.
43. HA, 17 January 1829.
44. HC, 17 January 1825; Chute MSS., 31M57/1070, MS. diary of Caroline Workman.
45. HC, 17 July 1852; HI, 24 April 1852.
46. This information is derived from the 1835 canvasser's register in the Compton MSS. and the tithe apportionment for Fawley.
47. For example, HI, 27 August 1842.
48. See above, chapter one, pp.29-30.
49. HC, 16 August 1830.
50. W.MSS., 4/1/3/4/19, Fleming to Wn, 1 May 1831.
51. Baring MSS., supplementary MS. diary of Francis Baring, mid-March 1831.
52. See Thistlethwayte's obituary in HC, 2 November 1850.
53. W.B. Gwyn, Democracy and the Cost of Politics in Britain, p.36. Admittedly the sums spent by Fleming are unknown.
54. Broadlands MSS., 27M60/BR195, Bonham-Carter to Palmerston, 6 November 1832.
55. Ibid., Compton to Palmerston, undated (March 1820).

56. Bonham-Carter MSS., 94M72/F.12, Bonham-Carter to Francis Baring, 31 May 1831.
57. Gwyn, op. cit., pp.42-46 and compare W.MSS., 4/1/4/3/17, Portchester to Sir John Pollen, May 1832.
58. 'Number of Electors enrolled in each County...', Parlt. Papers, 1833 (189), XXVII, pp.58-61.
59. Bourne (ed.), 'Letters of the Third Viscount Palmerston...', p.260, n.1; Compton MSS., 12M60/91. On the subject of costs generally, Gwyn, op. cit., passim, and Gash, op. cit., chapter five.
60. Cited in Bourne, Palmerston, p.539.
61. Broadlands MSS., 27M60/BR195, Palmerston to Sir Herbert Taylor, 23 December 1832.
62. F.T.B., pp.100, 127-128.
63. HC, 3 March 1823.
64. Compare T.L. Crosby, English Farmers and the Politics of Protection 1815-1852, pp.9-13.
65. See above chapters nine and ten, passim. See also Colin Leys, 'Petitioning in the Nineteenth and Twentieth Centuries', Political Studies, III (1955), pp.45-64; Olney, op. cit., p.72.
66. W.MSS., 4/1/11/29, Wn to Fleming, 16 June 1840.
67. PR, 10 February 1821.
68. Ibid., 2 April 1831; H.O.52/13, Carnarvon to Melbourne, 5 February 1831.
69. HI, 17 December 1836. Table 13.3 is based primarily on 'A Return of the Number of Newspaper Stamps...', Parlt. Papers, 1852 (42) XXVIII, pp.520-521.
70. A.T. Patterson, A History of Southampton 1700-1914, vol.I, p.149.
71. Ibid., p.175 and vol.II, pp.35, 79. On the role of the press see A. Aspinall, Politics and the Press c.1780-1850, passim.
72. See for example the report of the meetings in HC, 12 November 1821 and 11 November 1822. On the social function of agricultural societies, see David Roberts, Paternalism in Early Victorian England, pp.106-109.
73. For examples of their meetings, HC, 21 September and 12 October 1844.
74. HA, 24 December 1836; HC, 8, 22 March, 12 April and 24 May 1851. See also the bound copies of reports of meetings of the Botley and South Hants Farmers' Club and the Winchester Farmers' Club in the Cope collection of Southampton University library.
75. For example, First Annual Report of the Winchester Farmers' Club, pp.12-13.
76. W.MSS., 4/1/6/1/18, Carnarvon to Wn, 1 November 1834 for Carnarvon's high opinion of Simonds.
77. Besides the work of Olney, Gash, Nossiter and Phillips already cited, there are important contributions on this subject from A. Mitchell, The Whigs in Opposition 1815-1830; Frank O'Gorman, The Emergence of the British Two-Party System; Peter Fraser, 'Party Voting in the House of Commons, 1812-1827', E.H.R., XCVIII (1983), pp.763-784.
78. S.G. Lowe, 'Hampshire County Elections and Electioneering, 1734-1830', University of Southampton M.Phil. thesis, passim.
79. For example, Broadlands MSS., 27M60/BR195, Palmerston to Sir John Pollen, 19 February 1820.
80. See above chapter ten, passim.
81. Broadlands MSS., 27M60/BR195, Palmerston to Compton, 22 February 1820.
82. Ibid., Sloane-Stanley to Palmerston, 29 September 1832; W.MSS.,

4/1/4/1/15, Wn to Fleming, 7 September 1832.

83. Compare Gash's remark, op. cit., p.190, "The relics of a genuine county sentiment still remained to cut across and occasionally stultify the conventional lines of party".

84. See Palmerston's letter of 25 June 1852 to Staunton in Sir G. Staunton, Memoirs, p.223.

85. HC, 24 September 1832 for a typical committee.

86. Ibid., 30 October 1826 for an account of one of the last meetings. For a list of 46 members of c.1820 consisting more of county magistrates than greater gentry, see Broadlands MSS., 27M60/BR26.

87. W.MSS., 4/1/6/3/15, Fleming to Wn, 23 July 1834; HC, 25 April 1835; HA, 25 April 1835.

88. HI, 13 June 1835, 5 September 1836 and 12 August 1837.

89. Robert Stewart, The Foundation of the Conservative Party 1830-1867, p.144 and pp.130-136 for a useful discussion of the brief flourishing nationally of constituency organisations at this time.

90. HC, 17 January 1825.

91. Mitchell, op. cit., passim.

92. W.MSS., 1/1007, Wn to Fleming, 7 March 1829.

93. HC, 2 May 1831.

94. Ibid., 7 August 1837, in particular for Staunton's speech at the nomination.

95. HC, 19 January 1835.

96. Staunton, Memoirs, p.133. On the growth of party in the 1830s see David Close, 'The Formation of a Two-Party Alignment in the House of Commons between 1832 and 1841', E.H.R., LXXXIV (1969), pp.257-277.

97. HC, 24 July 1847.

98. See above chapter twelve, passim and note 31.

99. Compton MSS., 12M60/90.

100. Bourne (ed.),'Letters of the Third Viscount Palmerston...', pp.260-261, Palmerston to Mrs Sullivan, 18 January 1835.

101. Ibid., pp.252-253, Palmerston to Mrs Sulivan, 20 November 1832 does nevertheless suggest a 91% straight party vote despite all the talk of a cross party alliance between Fleming and Palmerston in 1832.

102. In this view I am more in accord with Professor Gash, op. cit., chapter eleven, than with any other of the works on the subject cited. I do not of course deny the existence of a genuine Whig-Reformer sentiment amongst the electorate, particularly amongst Portsmouth's urban freeholders.

103. See above, chapters nine to twelve, passim.

104. Compare Olney, op. cit., pp.243-244.

105. A similar argument has been advanced by J.R. Fisher, 'The Limits of Deference: Agricultural Communities in a mid-Nineteenth Century Election Campaign', Journal of British Studies, XXI, No.1 (1981), pp.90-105.

C O N C L U S I O N S

Hampshiremen interpreted Wellington's death as somehow marking the end of an era. The unity given by the Duke's lord lieutenancy to the years between 1820 and 1852 in Hampshire however, was largely artificial. Although he had been a long serving and, by contemporary standards active lord lieutenant, there was a sense in which Wellington had always remained an outsider, neither assimilated into county society nor on familiar terms with more than a handful of the county families. It was significant that the magistrates in quarter sessions, in deciding whether to erect a local memorial to the Duke or subscribe to a national one, should opt for the latter.[1]

The real unity in Hampshire county life - and indeed continuity, for the point remains true for the years both before 1820 and after 1852 - was provided by those whom Wellington frequently referred and deferred to as "the gentlemen of the county". By this, the Duke meant the greater and lesser gentry figures active in the county's politics and administration. Collectively, these figures comprised the county community, a concept which has attracted considerable attention from scholars of the seventeenth century, but one which is also valid for the Hampshire of the first half of the nineteenth century. The gentry, particularly of north Hampshire, through their long residence, blood ties and tradition of political association could not but be conscious of belonging to a community "with its own distinct ethos and loyalty".[2] The clearest manifestation of this phenomenon during Wellington's lord lieutenancy came during the agricultural labourers' disturbances of 1830 when it was not Wellington but the most active figures amongst the county's aristocracy and gentry who took the initiative in combating them. More mundanely, members of the county community associated as officers in the county's militia and yeomanry forces and in a single county orientated administrative and political (at least before 1832) unit. A Hampshire County Club at which those gentlemen in London met regularly together at the Thatched House tavern in the Strand, prospered into the 1820s.[3]

Yet despite its air of permanency, the county community was not unchanging. Apart from the inevitable disappearance of old families and the arrival of new ones, its cohesion was beginning to weaken during Wellington's lieutenancy, a trend of which the disappearance of

the Hampshire County Club after 1826 is only one example. More importantly the old familial ties in north Hampshire were not renewed or strengthened as the century progressed. By the turn of the century the close-knit gentry community was a memory rather than a reality. Well before then however, contemporaries were bemoaning the passing of an age.[4]

There were obvious catalysts to the decline of the county community. The constituency alterations which followed the Reform Act together with a series of quiet elections after 1835 and the demise of the county meeting did much to undermine the county as a political focus. Administratively, quarter sessions attendances remained low. In an age of greater public surveillance over county expenditure, any previous sentimentality which existed for the county as an administrative unit was apt to be lost. John Morant, a magistrate and member of the greater gentry, complained in 1836 of the needless expense arising from his having to commit a suspect to Winchester for trial, some 30 miles from his Ringwood home, when Salisbury lay only eight miles distant. He for one, preferred a system "without regard to the narrow views of county boundaries".[5] As a corollary he presumably welcomed the proliferation of smaller units such as revised petty sessional divisions, polling districts and Poor Law unions, all changes which were more conducive to a locality than a county consciousness.

The biggest catalyst of all however, was surely the growth of the railways. In 1838 the London and Southampton was opened. Portsmouth obtained a link four years later with the opening of a branch line between Bishopstoke and Gosport; and a second in 1847 with the opening of the Brighton and Chichester line. Piecemeal additions followed westwards to Salisbury and Dorchester (1847), and northwards through Basingstoke and Andover to Reading (1848 and 1853).[6] These developments allowed the county's gentry to seek a cultural and social focus in London with a consequent decline in importance in this role of their own county town, Winchester.[7] Members of the county community who had reached maturity in the eighteenth century were few and far between by 1852. The death of erstwhile county Members William Chute and G.P. Jervoise were recognised at the time as severing links with a nearly by-gone era.[8] As the representative of the other branch of the Jervoise family in Hampshire, Jervoise Clarke-Jervoise observed of his dwindling generation in 1850, an estate orientated and county based life would not suffice

for his children as it had for him, and that "were all the advantages that Belvoir Castle may contain...to be had at Idsworth they would not supersede the necessity of a house in London".[9]

One should not however exaggerate either the degree or the pace of change within the county community. The Hampshire gentry in 1852 still remained very much in charge of county politics and administration. This is unsurprising for it is generally recognised that the foundations of the gentry's power in the country as a whole were not really undermined until the 1870s and 1880s; economically by the great depression, politically by the 1883 Corrupt Practices Act, the 1884 Reform Act and the 1885 Redistribution of Seats Act, and administratively by the establishment of county councils in 1888.[10] One is nevertheless still struck by the remarkable authority exercised by the Hampshire gentry, as exemplified in politics by the ease with which they could settle the political affairs of the county by adapting national party political developments to local circumstances; and even more so in local government by the ease with which they proceeded free from central government interference. For all the talk of the 1830s as a decade of revolution in government, the most tangible contact between Westminster and Hampshire remained, as it had for centuries, the twice yearly visit of the assize judges. Correspondence between centre and locality too, was minimal. The vast bulk of Wellington's lord lieutenancy correspondence dealt with the necessary formalities involved with the appointment of magistrates and the annual periods of training and exercise for the yeomanry. As for the gentry in their capacity as magistrates, they sent more letters to the Home Office during the week of the swing riots than they did during the rest of the entire 32 year period of Wellington's lord lieutenancy. Even the biggest administrative change of the period, the introduction of the rural police, inaugurated no change to this pattern. Between 1839 and 1855 just 30 letters passed between the Home Office and either the quarter sessions chairman or the chief constable of police.[11] What little increase there was in central government control over county government before 1852, the gentry welcomed, for as was the case with the introduction of the police and arguably Poor Law Unions too, their own control was strengthened rather than undermined by it. Thus the call from quarter sessions in the 1830s and 1840s was actually for greater involvement by central government, in the form of financial assistance, to help it discharge its new responsibilities.[12]

One cannot conclude however that the hegemony of the gentry went completely unchallenged in the decades down to 1852, nor that their authority was as unquestioned in 1852 as it had been in 1820. Surely one of the most striking points to emerge from the present study is just how ready the inhabitants of Hampshire were, whether as ratepayers or electors, to voice their criticism of the gentry's leadership, when they perceived it to be something less than adequate. The strength of this criticism moreover, undoubtedly increased during the period. Politically, criticism which in the 1820s might take the form of freeholders flocking to a county meeting to vote for resolutions moved by opposition and radical speakers, had developed by 1852 to such an extent that vocal electors were themselves prepared to take the lead at political gatherings and even to bring forward their own candidate. Administratively, criticism which in the early 1820s confined itself to anonymous letters in the press or a petition to quarter sessions, was by 1852 quite likely to be articulated at a public gathering together with calls for the establishment of county boards. It is clear too, that however much the gentry welcomed the 1834 Poor Law Amendment Act as a solution to the problem of spiralling poor rates, and that however much they determined the shape of the unions and initial policy and composition of the boards of guardians, the boards came to be increasingly dominated by the rural middle class.[13] In other words they provided the articulate, influential ratepayers with administrative experience of their own. Whilst there is no evidence from before 1852 that the Hampshire gentry looked upon the Poor Law unions as a challenge to their administrative authority, they undoubtedly provided an additional springboard for criticism. Why, asked members of the Winchester Farmers' Club, were they, as elected administrators effecting savings in Poor Law expenditure when simultaneously the oligarchic quarter sessions had allowed county rates to spiral?[14] Although at the end of 1852, the gentry had survived the severest challenge yet to their political and administrative leadership, none of them can have supposed for a moment that criticism would not recur.

Despite the criticisms, it remains fair to say that the vast majority of Hampshiremen in 1852 remained content to defer to the lead of the gentry. This, as Bagehot observed and Marx bemoaned, was typical of all Englishmen. Even those at the bottom of the social scale manifested little desire to change what was unashamedly a paternalist

and hierarchical society. This was because at root, the gentry, for all their apparent invulnerability, were acutely aware that they could not dictate either the course of county government or county politics in a way that appeared despotic. This point is without doubt the most salient one to have emerged from the present work. The Hampshire gentry never lost sight of the fact that their position gave them responsibilities to discharge and aspirations to fulfil, if need be altruistically, as well as privileges to enjoy. Acceptance of their leadership by the rest of the population therefore depended upon the gentry's ability to redress political and governmental grievances. This is why criticism of the county's leaders before 1852 was couched not in the terms of a population wanting to overthrow the hierarchical society, but of a population who periodically thought that the gentry were defaulting in their responsibilities by ignoring the general interest. But as is well known, the price of the landed order's convincing the rest of the population that the general interest would be best served by their continued hegemony and by a society based upon mutual interdependence, was a series of compromises and concessions of which the Reform Act and the Repeal of the Corn Laws are but the most famous examples. Concession did of course prove ultimately fatal to the gentry's hegemony in both national and local affairs, for it was a finite policy, but it did at least ensure that the wresting of the hegemony from them was slow and piecemeal, not sudden and cataclysmic.

Footnotes to Conclusions

1. HC, 8 January and 16 April 1853.
2. Alan Everitt, 'Social Mobility in Early Modern England', Past and Present, No.33 (1966), p.59. But see also Clive Holmes, 'The County Community in Stuart Historiography', Journal of British Studies, XIX, No.2 (Spring 1980), pp.54-73.
3. HC, 22 April and 20 May 1822. For the rules and a list of members of the club in 1819, Broadlands MSS., BR27M60/26.
4. F. Awdry, A Country Gentleman of the Nineteenth Century, pp.9-10.
5. 'Report of the Commissioners for inquiring into County Rates...', Parlt. Papers, 1836 (58), XXVII, p.264.
6. O.S. Nock, The London and South Western Railway, passim.
7. Alan Everitt, 'Country, County and Town: Patterns of Regional Evolution in England', T.R.H.S., 5th series, XXIX (1979), pp.79-108.
8. HC, 17 January 1825 and 18 December 1847.
9. Clarke-Jervoise MSS., 18M64/1, MS. diary entry for 22 March 1850.
10. L. and J.C.F. Stone, An Open Elite? England 1540-1880, pp.30-32.
11. H.O.65/4. For the growth of central government in local affairs see Esther Moir, Justice of the Peace, especially pp.134-148.

12. HC, 17 July 1852.
13. This is a controversial subject which cannot be fully considered here. From my random selection of guardians' minute books, it does however appear that by the late 1830s the farmers rather than the gentry were the dominant persons on the boards of guardians. The debate on this subject can be followed in Anthony Brundage, The Making of the New Poor Law; Peter Dunkley, 'The Landed Interest and the New Poor Law: A critical note', E.H.R., LXXXVIII (1973), pp.836-841; Anne Digby, 'The Poor Law in Nineteenth-Century England and Wales', Historical Association pamphlet G.104 (1982).
14. First Annual Report of the Winchester Farmers' Club, p.42.

APPENDIX A

OFFICERS OF THE COUNTY 1820 – 1852

Lord Lieutenant

The Duke of Wellington 1820-1852

High Sheriff

J.W. Scott	1820
T.D. Shute	1821
R. Shedden	1822
E. Knight	1823
W. Long	1824
H.P. Delmé	1825
Sir C.H. Rich	1826
G.C. Poore	1827
W.S. Stanley	1828
W.E. Nightingale	1829
G.P. Jervoise	1830
Sir H.J. Tichborne	1831
Sir W. Heathcote	1832
T. Chamberlayne	1833
H.W. Powell	1834
Sir S.R. Jarvis	1835
Sir C. Hulse	1836
Hon. W.A'Court Holmes	1837
A.R. Drummond	1838
J. Mills	1839
J.M. Elwes	1840
H.F.K. Holloway	1841
G.H. Ward	1842
W.H. Hughes	1843
J.T. Waddington	1844
Sir R.G. Simon	1845
J. Beardmore	1846
L.A. Burton	1847
J. Wood	1848
W. Garnier	1849

J. Martineau	1850
W. Kingsmill	1851
F.J.E. Jervoise	1852

Knights of the Shire

G.P. Jervoise	1820–1826
John Fleming	1820–1831, 1835–1842
Sir William Heathcote	1826–1831, 1837–1849
Sir James MacDonald	1831–1832
Charles Shaw-Lefevre	1831–1857
Sir Thomas Baring	1832
J.W. Scott	1832–1837
Viscount Palmerston	1832–1835
Sir George Staunton	1832–1835
Henry Compton	1835–1857
Lord Charles Wellesley	1842–1852
Melville Portal	1849–1857
Lord Henry Cholmondeley	1852–1857

Colonels of Militia

North Hants

Lord Rodney	1811–1842
14th Marquis of Winchester	1843–1852

South Hants

Peter Serle	1808–1826
Sir J.W. Pollen	1826–1852

Colonel of the North Hants Yeomanry

Charles Shaw-Lefevre	1820–1828, 1831–1852

Quarter Sessions Chairman

William Sturges-Bourne	1817–1822
Sir J.H. Newbolt	1822–1823
Hon.Rev. G.A. Herbert	1823–1825
Richard Pollen	1825–1838
Sir William Heathcote	1838–1850
Charles Shaw-Lefevre	1850–1852

A P P E N D I X B

HAMPSHIRE ELECTION RESULTS 1820 - 1852

Hampshire 1820

John Fleming (Tory)
G.P. Jervoise (Whig)

Hampshire 1826

John Fleming (Tory)
Sir William Heathcote (Tory)

Hampshire 1830

John Fleming (Tory)
Sir William Heathcote (Tory)

Hampshire 1831

Charles Shaw-Lefevre (Whig)
Sir James MacDonald (Whig)

Hampshire 1832 by-election

Sir Thomas Baring (Whig)

North Hampshire 1832

Charles Shaw-Lefevre (Lib)	1,111
J.W. Scott (Lib)	1,082
Marquis of Douro (Cons)	723
Walter Long (Cons)	701

South Hampshire 1832

Viscount Palmerston (Lib)	1,627
Sir George Staunton (Lib)	1,542
John Fleming (Cons)	1,266

North Hampshire 1835

Charles Shaw-Lefevre (Lib)
J.W. Scott (Lib)

South Hampshire 1835

John Fleming (Cons)	1,746
Henry Compton (Cons)	1,689
Viscount Palmerston (Lib)	1,504
Sir George Staunton (Lib)	1,450

North Hampshire 1837

Charles Shaw-Lefevre (Lib)
Sir William Heathcote (Cons)

South Hampshire 1837

John Fleming (Cons)	2,388
Henry Compton (Cons)	2,371
Sir George Staunton (Lib)	2,080
Sir J.A. Ommaney (Lib)	1,962

North Hampshire 1841

Charles Shaw-Lefevre (Lib)
Sir William Heathcote (Cons)

South Hampshire 1841

John Fleming (Cons)
Henry Compton (Cons)

South Hampshire 1842 by-election

Lord Charles Wellesley (Cons)

North Hampshire 1847

Charles Shaw-Lefevre (Lib)
Sir William Heathcote (Prot)

South Hampshire 1847

Henry Compton (Cons)
Lord Charles Wellesley (Cons)

North Hampshire 1849 by-election

Melville Portal (Prot)	1,199
William Shaw (Prot)	868

North Hampshire 1852

Charles Shaw-Lefevre (Lib)
Melville Portal (Cons)

South Hampshire 1852

Henry Compton (Cons)
Lord W.H.H. Cholmondeley (Cons)

APPENDIX C

THE HIGH SHERIFF

F.W. Maitland was theoretically correct when, in his famous survey of the English legal system he wrote of the high sheriff that "still he is the greatest man in the county, and may look down upon the lord-lieutenant himself as upon a creature of yesterday".[1] In practice however, by the nineteenth century the sheriff retained very few of his original powers, his military ones having largely devolved to the lord lieutenant, his judicial ones to the magistracy. Serving the crown appointed office was for most country gentlemen both personally and financially inconvenient. As such they did their best to avoid it, either taking steps to avoid being nominated to the Privy Council, or if this failed and they happened to be 'pricked', by presenting excuses often more ingenious than plausible.[2]

The country gentleman's fears of financial ruin were largely unfounded in Hampshire. Despite some claims that the office could cost the incumbent several thousand pounds the more usual sum in the county was between £200 and £300, besides which the sheriff was guaranteed by bonds with the undersheriff and governor of the county jail respectively against losses through being sued in the county court and through prisoners escaping from the jail.[3] In any case, the sheriff whose role in their administration had long been anachronistic, was rightly omitted from the restructured county courts in 1846, and though he technically remained custodian of the king's jail beyond 1852 no one seriously doubted that real authority in this quarter lay with the visiting justices.[4]

Undoubtedly the sheriff's most important function during Wellington's lieutenancy was his presiding over county elections and county meetings in his capacity as president of the county court, which position vested him with the important discretion of who and who not should speak. Wellington for one complained that the Whigs had taken particular care in their selection of the high sheriffs for 1836 with an eye to a possible general election.[5] But neither elections nor county meetings were particularly frequent. More mundanely the bulk of the sheriff's time - and certainly his money - was consumed by his having to attend twice yearly upon the judges during assize week. On these occasions it fell to his lot to equip the medieval pageant of javelin men, trumpeters and pages

as well as meeting such incidentals as the judge's theatre allowance![6]

Who then became high sheriff? As usual Wellington was near the mark when he spoke of the office in general terms as one "which every Gentleman having property in a County was called upon to fill once in his life".[7] Though peers, M.P.s and holders of militia commissions were prohibited from serving, as many as 17 of the 32 high sheriffs between 1820 and 1852 belonged at least to the ranks of the greater gentry. They also included one heir to a peerage, five baronets and a knight. Hampshire's high sheriffs are also conspicuous for their activity in other offices in the county. At least 20 of the 32 were or became deupty lieutenants, all but two had qualified as county magistrates and nine became county Members or serious candidates. Though the office might occasionally and perhaps deliberately be foisted upon a young man (five high sheriffs were under 30), or more rarely still, be taken by an elder man such as the ageing L.A. Burton at 58 in 1847 as proof of his assimilation into county society after having started life as a plumber, the above evidence points to the shrievalty falling usually to both the most prestigious and active persons in the county. However burdensome therefore, most gentleman recognised that the office of high sheriff could not be declined without loss of face in county society.

Footnotes to Appendix C

1. F.W. Maitland, Justice and Police, p.70. For general introductions to the office see B. Keith-Lucas, The Unreformed Local Government System, pp.45-47; S. and B. Webb, English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County, pp.375-377. The best contemporary insight is provided by the 'Report from the Select Committee on the Office of High Sheriff', Parlt. Papers, 1830 (520) X, pp.235-299.
2. For example W.MSS., 1/650, J.B. Purvis to Wn, 11 December 1820; ibid., 1/650, Malmesbury to Wn, 20 December 1820.
3. Drummond MSS., 3M60/31 for Andrew Drummond's accounts of 1838.
4. Maitland, op. cit., pp.22-30.
5. W.MSS., 4/1/7/1/5, Wn to Fitzharris, 27 January 1836.
6. Heathcote MSS., 58M71/M/14/S.3-4.
7. W.MSS., 4/1/6/1/2, Wn to S.R. Jarvis, 15 April 1834. A full list of high sheriffs is provided in Appendix A.

APPENDIX D

THE LIEUTENANCY

To command and to co-ordinate the county's militia forces was the historic raison d'etre of the lord lieutenant. Few lords lieutenant can have taken their routine duties in the role so seriously as Wellington. The Duke presided at general meetings of the lieutenancy in person whenever possible and barely a month before his death was to be seen in Winchester High Street busily consulting with his deputies as to the most efficient means of implementing the provisions of Palmerston's Militia Act of 1851.[1]

The deputy lieutenants who assisted Wellington in his duties were appointed by the crown. New names for appointment were recommended by him via the Home Office, and invariably accepted subject to their meeting the qualification for the office, a freehold property worth at least £200 per annum. The similarity of this procedure to that for appointment to the county bench is obvious. Indeed Hampshire's lieutenancy sub-divisions and the magistrates' petty sessional divisions were synonymous in area until 1830, and country gentlemen frequently requested the favour of being made a deputy lieutenant in the same letter in which they solicited recommendation for the commission of the peace.[2] Wellington however, true to his rule that what gentlemen considered favours he deemed burdens, was loath to make recommendations to the lieutenancy, on the grounds that since 1815 the militia had fallen largely into abeyance, no new deputy lieutenants were required. Privately he expressed the belief that most applications for the office were activated solely by a desire to wear the deputy's luxurious orange uniform.[3] Consequently, whilst 314 magistrates qualified during Wellington's lieutenancy, only 95 gentlemen took the oath of deputy lieutenant, and most of these in response to the war scare of the mid 1840s and the Militia Act of 1851. The number of magistrates in Hampshire in 1852 was 241, the number of deputy lieutenants only 70.[4]

Until superseded by the Act of 1851, the work of Wellington and his deputies was regulated by the Militia Act of 1802.[5] This stipulated that a general meeting of the lieutenancy be held annually in October to ensure that the War Office's militia quota for the county was met. Ideally, the lieutenancy meeting would be able to meet any deficiencies by calling

for volunteers. Failing this, it would have to organise a ballot of all able bodied males between the ages of 18 and 45. Those chosen, like the volunteers, would enroll in the militia for a period of five years. This at least was the theory. In practice the annual meetings were suspended by an order in council of 1829. Apart from a final and hastily convened period of assembly and training in the wake of the agricultural labourers' riots of 1830, there was no further large scale lieutenancy and militia activity for nearly a generation.[6]

The lieutenancy was responsible for two regiments, the North and South Hants, based respectively at Winchester and Southampton and established within a month of each other in 1759.[7] They eventually amalgamated in 1853 as a result of the mid-century militia reforms, to form a Hampshire Militia and Hampshire Artillery Militia Corps with a combined quota of 1,736 men.

The old regiments' rank and file, one must generally presume, were an inefficient military body: Lieutenant-Colonel Hawker of the North Hants condescendingly dismissed his privates in 1820 as consisting "almost wholly of lads from the plough"; and condemned outright their propensity to revelry and dissipation.[8] It is the command structure however which is more germane to the present study, for Dr Olney has suggested that for Lincolnshire, its personnel were a mirror of county society.[9] This is less true for Hampshire, for the para-military institution which attracted its gentry was undoubtedly the yeomanry. Nevertheless it is the case that the commissions of militia colonel, lieutenant-colonel and major were much sought after. Wellington, in whose gift the commissions lay, was also keen that the "Field Officers of the Militia and Captains should be men of influence and property in the county" - even if it meant promoting people with inferior military pedigree.[10] The three colonels of the period, Lord Rodney, Sir John Pollen and the Marquis of Winchester all came from the ranks of the county's greater gentry, and no lieutenant colonel or major was drawn from beneath the ranks of the lesser gentry.

Footnotes to Appendix D

1. HC, 14 August 1852. On the militia see J.R. Western, The English Militia in the Eighteenth Century; Sir J.W. Fortescue, The County Lieutenancies and the Army 1803-1814; and most recently and for the post 1830 period, Hew Strachan, Wellington's Legacy. The Reform of the British Army 1830-1854, pp.205-211.

2. W.MSS., 4/1/2/1/15, W. Hughes to Wn, 21 August 1830.
3. Ibid., 4/1/5/3/13, Wn to Fleming, 19 April 1833.
4. For the deputy lieutenants' oaths see Quarter Sessions filing box 11. For lists of deputy lieutenants, Lord Lieutenancy Papers, L.L.3 and W.MSS., 4/1/15/104.
5. 42 Geo.III c.90.
6. HC, 24 January 1831.
7. The best source for the Hampshire militia is Col. Lloyd-Verney and J.M.F. Hunt, Records of the Infantry and Artillery Militia Regiments of the County of Southampton.
8. Ibid., pp.129, 133.
9. R.J. Olney, Rural Society and County Government in Nineteenth-Century Lincolnshire, pp.96-98.
10. Lloyd-Verney and Hunt, op. cit., p.131.

A P P E N D I X E

CORN PRICES 1820 - 1852 (national average per quarter)

Year	Wheat	Barley	Oats
1820	67/10	33/10	24/2
1821	56/1	26/0	19/6
1822	44/7	21/10	18/1
1823	53/4	31/6	22/11
1824	63/11	36/4	24/10
1825	68/6	40/0	25/8
1826	58/8	34/4	26/8
1827	58/6	37/7	28/2
1828	60/5	32/10	22/6
1829	66/3	32/6	22/9
1830	64/3	32/7	24/5
1831	66/4	38/0	25/4
1832	58/8	33/1	20/5
1833	52/11	27/6	18/5
1834	46/2	29/0	20/11
1835	39/4	29/11	22/0
1836	48/9	33/2	23/1
1837	55/10	30/4	23/1
1838	64/4	31/5	22/5
1839	70/6	39/1	26/6
1840	66/4	35/2	24/8
1841	64/4	32/10	22/5
1842	57/3	27/6	19/3
1843	50/1	29/6	18/4
1844	51/3	33/8	20/7
1845	50/10	31/8	22/6
1846	54/8	32/8	23/8
1847	69/9	44/2	28/8
1848	50/6	31/6	20/6
1849	44/3	27/9	17/6
1850	40/3	23/5	16/5
1851	38/6	24/9	18/7
1852	40/9	28/6	19/1

B I B L I O G R A P H Y

A. MANUSCRIPTS

British Library

Gladstone MSS.
Peel MSS.

Bodleian Library Oxford

Clarendon MSS.
Disraeli MSS.

Duke University (U.S.A.)

Staunton MSS.

Durham University

Grey MSS.

Hampshire Record Office

Ashburton MSS.
Bonham-Carter MSS.
Broadlands MSS.
Burrard MSS.
Chute MSS.
Clarke-Jervoise MSS.
Compton MSS.
Coventry MSS.
Drummond MSS.
Fleming MSS.
Heathcote MSS.
Malmesbury MSS.
Mildmay MSS.
Portal MSS.
Rose MSS.
Sturges-Bourne MSS.

Lord Lieutenancy Papers, L.L. 1-136

Quarter Sessions Records (Hampshire Record Office)

Quarter Sessions Order Books, Q.O.30-45
Quarter Sessions Draft Order Books, Q.O.D.1-3
Quarter Sessions Minute Books, Q.M.12-13
Quarter Sessions Cause Books of Proceedings, Q.C.1-9
Quarter Sessions Rolls
General Account Books, Q.T.2-4
County Hall and Incidents, Q.T.11-12
Bridge and Militia Account Books, Q.T.17-18
County Jail Account Books, Q.T.22-24
Bridewell and Vagrants Account Books, Q.T.27-30
Prosecution and Conveyance of Prisoners Account Books, Q.T.32-33
Constabulary General Account Books, Q.T. 37
Constabulary Force Accounts, Q.T.39-41

Finance Committee Minute Books
Road and Bridge Committee Minute Book
Jail and Bridewell Committee Minute Books
County Jail Governor's Journals
Jail and Bridewell Chaplain's Journals
Jail and Bridewell Surgeon's Journals
Jail and Bridewell Committal Register
Bridewell Keeper's Journals
Public Works Committee Minute Books
Police Committee Minute Books
County Lunatic Asylum Enrolments 1849-1851
Quarter Sessions Filing Boxes, 1-26

Historical Manuscripts Commission

Broadlands MSS.

Isle of Wight Record Office

Lieutenancy Papers
Political Boxes, 1-2
Highway Commissioners Minute Books, 1-4

Keble College Oxford

Keble MSS.

Public Record Office

Russell MSS.

C/193 Crown Office Miscellaneous Books
C/231 Crown Office Docket Books
C/234 Magistrates' Fiats of Appointment

H.O.40 Disturbances (in-letters)
H.O.41 Disturbances Entry Books (out-letters)
H.O.43 Domestic (out-letters)
H.O.44 Miscellaneous
H.O.45 Disturbances (in-letters, old series)
H.O.48 Treasury Solicitors Law Reports
H.O.52 Counties Correspondence
H.O.63 Police Returns
H.O.65 Police
H.O.94/1 Magistrates' Appointment Book (c.1820)
H.O.130/1 Report on the Special Commission 1830

Southampton University

Wellington MSS.

University College London

Brougham MSS.
Chadwick MSS.

Manuscripts in Private Hands

Baring MSS. (Baring Brothers)
Drummond MSS. (Mrs. E. Drummond)
Heathcote MSS. (Sir Michael Heathcote)

B. NEWSPAPERS AND PERIODICALS

Annual Register
Edinburgh Review
Hampshire Advertiser
Hampshire Chronicle
Hampshire Independent
Hampshire Telegraph
Morning Chronicle
Political Register
Quarterly Review
Salisbury and Winchester Guardian
The Times

C. CONTEMPORARY PAMPHLETS (chronological order)

G. Hollis, Nomina Villarum of the County of Southampton, 1791
A. and W. Driver, General View of the Agriculture of the County of Hants, 1794.
Anon., Report of the Committee Appointed to Examine into the State of the Hampshire County Gaol and Bridewell, 1817.
Anon., A Brief Enquiry into the causes of the Increase of Pauperism in the County of Hampshire, 1817.
G.W. Hall, Agricultural Associations, 1820.
J.L. McAdam, Remarks on the present system of Road Making, 1821.
Anon., Report of the Visiting Justices of the Gaol and Bridewell for the County of Southampton, 1822.
Anon., Report of Proceedings of a meeting of the County of Hants held at Winchester, March 1, 1823, 1823.
J. Albin, A Companion to the Isle of Wight, 1823.
Anon., A New Guide to Lymington, 1827.
H. Slight, Chronicles of Portsmouth, 1828.
P. Bastard, Affectionate address, upon the present disturbed state of the country, 1830.
I. Molesworth, Rickburners; a tale for the present times, 1830.
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