

circumstances which tend to paralyze industry and the enterprise of commercial men, and at the same time to suspend all those advantages which the country was before gaining from a prosperous condition of trade and commerce. It would be easy, if necessary, to trace many, if not all, of these causes which have in succession or combination produced that distress we have lately witnessed.

I stated just now that we cannot view without emotions of compassion the situation of the industrious classes, who, not having a competent knowledge to form a judgment of their own as to the principles or the rights of property, or upon the questions in which their own prosperity is involved, imagine that they can by force and violence dictate terms to their masters, and thereby rescue themselves from a degree of privation and discomfort against which no government, however it might be formed, and no law, whatever might be its provisions, could effectually secure them.

Nevertheless you will find many in that situation of life to which I have just alluded, and with that infirmity of judgment which I have just described, whose passions are most easily inflamed when subjects are touched on relating to their own means of subsistence, and their state of discomfort, induced by crafty persons, who excite and mislead them to imagine that they are themselves the fittest persons to govern, and that they ought to have an equal if not a superior share in the conduct of the government and in the making of the laws. I am afraid that the manufacturing classes have been of late the dupes of this sort of persuasion; and you will find in the occurrences which have called you together sundry examples of this delusion.

You will find that there is a society of persons who go by the name of Chartists, and who, if they have not excited or

fomented those outrages which will be brought under your notice, have nevertheless taken advantage of them for their own purposes; have endeavored to prevent the unfortunate people from returning to their work; and sought so to direct them that they might, by the suspension of all labor, be conducive to the attainment of political objects.

And what is the object of the charter which these men are seeking? What are the points of the charter? Annual parliaments, universal suffrage, and vote by ballot.

Yes, gentlemen, you will find by the evidence which will be produced before you that it has been inculcated upon many misguided persons that the sovereign remedy for all abuses, and the only means of putting themselves in possession of such a share of power as would enable them to vindicate their own rights and secure themselves against oppression, is by the enactment of what they call the People's Charter.

In what a strange situation this country would be placed if those who had no property were to possess a preponderating voice in the making of the laws. These unhappy men do not consider that the first objects of civilized society are the establishment and preservation of property and the security of person. What, then, would be the state of any country if multitudes were to make the laws for regulating property or were permitted to employ physical force to restrain individuals from employing their own labor, according to their own judgment, for procuring their subsistence? The foundations of civilized society may be considered to consist in the protection of property and the security of person; and if these two objects were abandoned society must be dissolved. What a strange effect, then, would the establishment of a system of universal suffrage produce; for under it every man, though possessing no property, would have a voice in the choice of the repre-



sentation of the people! The necessary consequences of this system would be that those who have no property would make laws for those who have property, and the destruction of the monarchy and aristocracy must necessarily ensue.

I do not pretend to judge the motives of those individuals who entertain such views as I have been alluding to, but they seem to forget that it is impossible to establish a perfectly democratic representative assembly, in the formation of which every man in the country should have a voice, without eventually destroying the monarchy and the influence of property, and leading to the creation of a form of government which would become in the end an odious tyranny. Such is the history of all attempts to establish a democracy in countries where a government consisting of mixed elements formerly existed.

There is a country which cannot be spoken of without respect and attachment, as emanating from ourselves (I allude to America), from which you may collect what security for property is afforded by a pure republic. In the different States of America there are pure democratic associations elected by universal suffrage and vote by ballot; and some of these States have recently exhibited the regard paid to property by democratic assemblies by having protested against paying the public creditor and disregarded their own obligation to obey their own law made for his security. If such a system of democracy were established in England, the first consequence would be that the security of property would be removed; the public creditor and all commercial accumulations would be destroyed; and finally, if it were not the first object aimed at, would follow the destruction of property in land. There would be a universal agrarian law.

The formation of such a government in a country like this

must work universal ruin and distress, and, after inflicting the most bitter of all tyranny, that of a democratic assembly, would terminate in a despotism. But it appears that persons entertaining a design to establish such a form of government have taken advantage of an occasional depression of the commerce and manufactures of the country, and the privations which the laboring classes are suffering, for the purpose of encouraging them to resist their masters and to abstain from labor, telling them that this was the only means within their reach by which they could obtain the accomplishment of their favorite charter.

I am glad to be informed, gentlemen, that on some portions of the multitudes to which such topics were addressed they failed to have any effect. There was a certain feeling of common sense, and a remaining attachment to the institutions of the country, which forbade many to listen to the voice of these Chartists.

Nevertheless, gentlemen, you will find by the evidence which will be produced before you that great pains were taken to inculcate these doctrines in the minds of the people and to encourage them by the force which belongs to assembled multitudes to carry them into effect. In the cases which will come before you, gentlemen, you may find persons preaching these doctrines.

I am desirous not to be understood as stating that the mere holding of any abstract opinion on political subjects is an offence; but if those persons who entertain such doctrines as I have alluded to endeavor to enforce them by popular tumult, they must be guilty of a grave offence. If you should find, too, cases satisfactorily proved, where persons have used efforts to prevail on the laboring people not to return to work, or have resorted to measures of tumult and disorder in order to



carry into effect their favorite objects, there can be no doubt that such persons are justly liable to punishment; and you, gentlemen, will doubtless feel it due to your country to bring them before this court.

There is another class of offenders who will be brought before you, namely, those who joined in assemblies of the people, the object of which was by force to turn others out of employment or prevent them from continuing at work. This is a species of tyranny quite intolerable. What right has any man to dictate to another at what price he should labor. If the party who labors, or the party employing, is dissatisfied with the terms of the contract, they have nothing to do but to put an end to the contract.

I am afraid, for I believe the law has been altered in this respect, that even the combination of a number of workmen for the purpose of dictating terms to masters has ceased to be an indictable offence in itself. But, though this is not an indictable offence so long as the combination be conducted in a peaceable and quiet manner, yet if they attempt to force others to join them by terror or intimidation they are guilty of one of the most daring and outrageous acts of tyranny.

What would be said if a government differently constituted from our own, and acting by direct force on the people, if the powers of such a government were exercised in a similar manner in order that the workmen might not continue at their labor? Would it not be described as an insupportable tyranny, and as forming a just ground for insurrection? Yet you will find that these unhappy men were not content with exercising the privileges which the law allowed them, of agreeing amongst themselves not to work without a certain rate of remuneration, but they attempted by force to compel others to quit their labor. When a case of this kind comes before

you, gentlemen; when you find attempts made by tumult, riot, and force, to detach the laborer from his occupation, you will consider them offences of an aggravated character, and in such cases I would recommend you to find the bills.

The third class of offences is in its nature not so aggravated, and yet it is not to be passed over, namely, where persons have joined in a tumultuous crowd engaged in some illegal design. You may say, and justly, that though a vast number of persons might assemble together, a few only might be engaged in any criminal design. Still, as the criminal design could only be effected by the terror which a multitude inspires, any man who joins the mob becomes one of the persons countenancing and furthering the illegal end. If, therefore, a crowd tumultuously collect together, creating alarm to the neighborhood in which it assembles, and assuming a character dangerous to the public peace, every person who joins it becomes an implicated party, and is by law guilty of riot, though the party accused may have done nothing more than merely brought to the mob the sanction of his personal presence.

I do not mean to say that a man might not be in a mob innocently; for a person going home might find it necessary to pass by the place where the mob was assembled, or he might go into the mob for the purpose of inducing another not to join it, or to prevent excess. There might be innocent motives which brought a man in the midst of a mob; but as by his presence he increased the multitude, the amount of which occasioned terror, it lies upon him to prove his innocence and to show whether his presence there was voluntary or otherwise. I mention this as a case of simple riot; and if you find persons joining assemblies which had illegal objects in view, or which conducted themselves in a tumultuous and



riotous manner, you must bring them before this court; for if they have any excuse which may operate in their defence, they have no means of producing it before you. The finding of a true bill against them will be justified by the evidence of a *prima facie* case against them; and if that case be proved against them the *onus probandi* as to their innocence will afterward be thrown upon them.

From the information laid before me I believe that I have now described the general character of the cases which will be submitted to your consideration; but there are two other cases which I ought to mention. I have stated that where a crowd assembled and acted illegally, those facts determined the character of the assembly to be unlawful. You will find that in some cases attempts have been made to extort money or provisions, and whenever the parties so acting have succeeded in their design through the aid of terror and force, they have been guilty of the offence of robbery. This will probably form a class of the cases which will come before you.

Gentlemen, you are aware that if any assembly of persons begin to demolish and pull down any building, that act constitutes a felony. Whether any cases amounting to this offence will come before you, I am not sufficiently informed to say, but I have reason to think that some of the cases may take that shape. All the different classes of offences which I have mentioned will probably come under your consideration. If you find any persons fomenting disturbance, or endeavoring to work out their particular views by creating a suspension of labor, ruinous not only to the parties themselves, but also to the country, and by forcibly compelling others to cease labor, they are liable to heavy punishment. If you find others seeking to obtain by intimidation money or provisions, or engaged in pulling down buildings, these offend-

ers would come under a different class, but they would deserve your serious attention. I believe I have now described the character of the different offences, and I am not aware that I could add anything which might direct your inquiries. Still I shall be very happy to give you, if needful, every assistance in my power to facilitate your investigations. Nevertheless, I do not think it probable that gentlemen of your experience and knowledge will require any further information.

I cannot conclude without repeating my expression of compassion for the unhappy people who have acted under the delusion I have referred to. But, gentlemen, the law takes no account of such delusions; and if a man commits guilty acts he must be prepared to submit to the consequences of his conduct. It is true that the poorer classes of the country have been suffering from great privations; and I may allude to this subject as it is matter of notoriety and has formed matter of public discussion; but it is very singular that the time chosen to break out was a period when a more settled commercial policy had been adopted, when every person expected a revival of manufacturing prosperity, and when, I believe, every person felt there was existing a salient point from which commercial prosperity might take its start. It is singular that this should be the moment chosen to foment these disturbances; and the country has suffered in consequence a suspension of that prosperity which might confidently have been anticipated, and of which, I trust, it is not too late to hope for the return.