

**TO THE BULL RING! POLITICS, PROTEST AND
POLICING IN BIRMINGHAM DURING THE EARLY
CHARTIST PERIOD**

by

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Abstract:

Within current historiography, the Bull Ring riots have been used to define early Chartism in Birmingham, and as a means of interpreting class relationships in the town. This thesis has set out to bring a new perspective to the riots by placing them in a broader contextual framework than has previously been applied, and by introducing a cultural analysis which considers the symbols, actions and language of early Chartist protest. The research presented here has moved away from more typical accounts of class-conflict and adopted a single division society theory. This approach has revealed an alternative account of Birmingham's social and political relationships during the early Victorian period. It has revealed that the community was divided between a perceived 'people' and 'establishment' who were involved in a sometimes violent contestation of the political public sphere. In Birmingham during July, 1839, this contestation can be understood to have revolved around the town's recent incorporation as a borough and subsequent conflict over policing issues. The presence of a body of Metropolitan police proved particularly antagonising, and these issues are also confronted here.

Dedicated to the memory of
Thomas Aston, Jeremiah Howell, John Jones,
Francis Roberts
and
John Binnon

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Frequently used abbreviations

BAH	~	Birmingham Archives and Heritage
BPU	~	Birmingham Political Union
CRL	~	Cadbury Research Library
DNRRS	~	Duddeston-cum-Nechells Radical Reform Society

Timeline of Significant Events

December, 1819: 'The Six Acts' were a collection of legislation introduced following the Peterloo Massacre. It made large gatherings illegal, increased punishments for sedition and imposed a 4d stamp duty on newspapers. This latter became a particularly contested issue in the battle for a free press.

June, 1832: The Great Reform Act extended voting rights to the £10 householder and restructured the distribution of MPs, eradicating so called 'rotten boroughs'. Birmingham returned its first two members, Thomas Attwood and Joshua Scholefield.

July 19th, 1832: The Anatomy Act passed into law; the Bill had originally been presented before the parliamentary reform, but it quickly came to be associated with other post-Reform legislation, particularly the New Poor Law.

May, 1833: 'Monster meeting' on Newhall Hill (Birmingham) in response to the passing of the Irish Coercion Act. Organised by the Birmingham Political Union, this was the first major protest against the reformed parliament.

May, 1834: Transportation of six Dorchester farm labourers who were accused of swearing an oath of secrecy. This was a serious accusation, and one which the Chartist Convention was keen to avoid in their public meetings.

August, 1834: Poor Law Amendment Act passed. Intended to relieve local rate burdens in rapidly growing towns, it met with fierce opposition and became a key factor in growing popular discontent.

September, 1835: The Municipal Corporations Act received royal assent. This Act passed with surprising ease through parliament despite the Tory Peel ministry. However it was strongly contested in the Tory dominated Lords, where it was viewed as a vehicle for the Whigs to take power in the provinces. As a consequence some of the original legislation had to be compromised; most significantly the original proviso that there should be no property qualifications for councillors was overturned. Under the terms of the Act voters had to prove that they were rate payers of three years residency. This ultimately meant that less people were eligible to vote in Borough elections than in parliamentary ones.

March 1st, 1837: meeting held at Birmingham Town Hall '...to make the necessary arrangements for obtaining an incorporation of the borough'.

October, 1837: Arrest of the Glasgow Cotton Spinners union leadership; they were sentenced to seven years transportation on a number of charges, including secrecy.

1838: The People's Charter drawn up by the London Working Men's Association, chiefly under the pen of William Lovett. The Charter contained six points: universal suffrage for all men over the age of 21; secret balloting; payment for MPs; the abolition of property qualifications for MPs; annual parliaments and equal electoral districts.

November 1st, 1838: Birmingham awarded Charter of Incorporation. The first meeting of the newly elected town council was held on December 27th in the same year.

March, 1839: Resignation of the Birmingham delegates to the Chartist Convention, with the exception of John Collins.

April 12th, 1839: Estimates for a the cost of a local police force and judicial administration placed before the council, but no action could be taken as parish overseers refused to pay the requested rate to fund them.

May 8th & 10th, 1839: First official cautions posted in Birmingham, advising people not to take part in Chartist meetings.

May 13th, 1839: Chartist Convention arrived in Birmingham to an enthusiastic reception; borough magistrates enlist more than 2000 'specials', including a thousand Chelsea out-Pensioners. Extra troops arrive by train from the barracks at Weedon.

July 1st, 1839: Chartist Convention, having been on a tour of the industrial towns, returns to Birmingham to consider proposed 'action'. This was to involve calling for a 'sacred month' in which all Chartist sympathisers will stop work and a run on the banks would be made. John Frost and Feargus O'Connor addressed a crowd at Gosta Green.

July 4th, 1839: Town Council elections; sixty Metropolitan police arrive in the Bull Ring and attempt to break up a protest. A major disturbance ensued as the Riot Act was read. Several London police officers were injured, two received serious stab wounds.

July 5th, 1839: First sitting of the Birmingham Assizes; continued rioting; John Collins and William Lovett arrested after admitting publishing and posting a document condemning the actions of the magistrates and London police.

July 12th, 1839: Thomas Attwood presented the first National Petition calling for universal male suffrage and further parliamentary reform. The Petition was almost unanimously rejected.

July 15th, 1839: Following several days of unrest there are reports that the town was starting to regain some order; some of the Metropolitan police officers were returned to London; newspapers reporting the rejection of the Petition began to circulate and a meeting was called at Holloway Head; violent rioting broke out during the course of the evening as rumours began to emerge of police violence; shops in the Bull Ring were looted and razed. John Binnon was seriously assaulted by a mounted soldier and later died of his wounds.

July 16th, 1839: Memorial sent to the Home Office by a number of Birmingham residents, demanding that the local magistrates be relieved of their positions as they were perceived to have failed in their duty to keep the peace.

July 19th, 1839: Enquiry by Lord Dundas into the behaviour of the magistrates opened at the Public Office in Birmingham.

August 9th, 1839: Jeremiah Howell, Francis Roberts and John Jones sentenced to hang for being present in the Bull Ring after the Riot Act had been read. Thomas Aston was convicted of looting and sentenced to ten years transportation. The capital offences were later commuted to transportation for life.

August 26th, 1839: The Birmingham Police Act hurried through parliament by John Russell in a move that was locally contested for several months, presenting a new source of agitation. The Act allowed for the town to take a loan from the government to cover the costs of establishing a police force.



Fig 1., 'The Birmingham Rioters attacking the Firemen' *Newgate Calendar*, date unknown
<http://www.exclassics.com/newgate/ng895.htm> (accessed 11/09/2013)

Introduction:

During the summer months of 1839 the newly incorporated borough of Birmingham was subjected to an outbreak of violent unrest. For several months there had been concern over daily gatherings which congested the market place. Here reports were read out from the Chartist, local and national newspapers, along with reportedly inflammatory speeches. Organised, though noisy, parades were conducted around the streets of the town, often forcing shops to put up their shutters for fear of having windows smashed. Despite the posting of official cautions in the Bull Ring the meetings continued twice daily, and the arrival of the Chartist Convention in May only exacerbated fears of more serious protest. In an attempt to control the crowds a supplementary body of 2,300 special constables was drafted along with reinforcements to the local military. Still the crowds gathered and the continued alarm of local businessmen prompted Mayor William Scholefield to request assistance from the Home Secretary. On July 4th, a market day, sixty Metropolitan police officers arrived in the Bull Ring and attempted to disperse the crowd. A bloody battle ensued which would mark the beginning of ten days of violent skirmishes and wide-scale arrests. Birmingham was barricaded, artillery placed in the streets and the Warwickshire yeomanry put on alert. Despite continuous attempts at suppression the unrest became more violent. On July 15th shops in the Bull Ring were looted and razed, while the Public Office came under attack. The fire brigade were assaulted as they tried to tackle the blaze and one man is known to have died from injuries sustained. Three men and a youth were sentenced to hang for their part in the disturbance, attracting such a public outcry that these were commuted to transportation for life. The 'state of Birmingham' became a national concern for several more

weeks, and the military maintained a nightly patrol of the streets until mid-September, when John Russell rushed through legislation which imposed a regular police force on the town.¹

The alarm generated by the Bull Ring riots captivated the nation and has retained a place in subsequent Chartist and local historiography.² However, they have attracted little analysis and are yet to be considered outside a grand narrative which centres on concepts of class conflict. Within local historiography they have become entangled in a debate about relationships between the working and middle classes in Birmingham. Chartist historians, meanwhile, have tended to overlook the local political context, further reducing the riots to a single event which has been consigned to a phenomenon of ‘mob’ action.³ Neither approach provides a satisfactory explanation for the explosion of feeling that took place during July 1839. This is unfortunate, as close analysis of these events reveals a good deal of evidence in relation to competing political discourse during a period of significant socio-political upheaval. Economic factors cannot be discounted: this was a period of deep economic recession and it would be difficult to argue that the hard reality of unemployment, suppressed wages and increasing grain prices did not contribute to the unrest. When these are set against the backdrop of rapidly changing national landscape in the wake of industrialisation, the complexity of events in Birmingham and other centres of unrest becomes clear. The intention here is to place the Bull Ring riots into context, using contemporary evidence to demonstrate that they represent a culmination of a series of unfolding events, rather than an unfathomable outburst of mass violence. In addition, there will be a conscious effort to move the riots away

¹ Cadbury Research Library, Special Collections, University of Birmingham (CRL) rp DA 690, *Report of the Committee appointed by the Town Council to Investigate the Late Riots* (Birmingham, 1840) includes comprehensive details of events

²Thompson, D. *The Chartists* (Hounslow, 1984); Hovell, M., *The Chartist Movement* (Manchester, 1966); Ward, J.T., *Chartism* (London, 1973); Chase, M. *Chartism – a new history* (Manchester 2007); Trygve, T., ‘The Chartist Crisis in Birmingham’ *International Review of Social History* Vol. 3, Iss. 3 (1958); for local historiography see Barnsby, G. *Birmingham Working People – a history of the Labour Movement in Birmingham, 1650-1914* (Wolverhampton, 1989); Behagg, C., *Politics and Production in the early Nineteenth Century* (London, 1990)

³J.T. Ward states this explicitly, *Chartism*, p. 132 and p. 134

from the ‘crude economic interpretations’ of class relationships, focusing instead on dynamic social interactions which are not dependent on any attempt to prove the existence of class-conflict.⁴ After first presenting the social and political contexts relevant to rising tensions, there will be further consideration of how and why those tensions escalated from May 1838. This will be followed by an analysis of the riots as they were reported to have happened, with particular attention given to the presence of the London police.

To get the best understanding of complex events leading up to the riots, consideration will first be given to an extended history of growing tensions in Birmingham before rioting broke out. In order to set sensible parameters, the starting point taken here will be the 1832 Great Reform Act. The reformed parliament quickly passed a number of legislative measures which proved largely unpopular. Of particular significance here was the Municipal Corporation Act (1835) which will be shown as a key contributor to the escalation of conflict in Birmingham. Although not all of this legislation had an immediate impact on Birmingham, taken together it stands as testimony to the impact that centralizing politics had on increasing provincial tensions. Whilst it would certainly be possible to go back beyond 1832, arguably to the ending of the war with France, the length of this dissertation precludes that. However, the long-term impact of legislation such as the passing of the Six Acts in 1819 should not be underestimated.⁵ Similarly, it has been suggested that earlier events, such as Peterloo retained a place in collective popular memory and contributed to a culture of political protest.⁶

Relevant and significant social changes will also be applied to this primarily political context

⁴ Belchem, J., ‘Radical Language and Ideology in early Nineteenth-Century England: the Challenge of the Platform’, *Albion, a Quarterly Journal concerned with British Studies*, Vol. 20. No. 2 (Summer, 1988), pp. 247-59, p. 251

⁵The legislation known as the Six Acts was passed in response to the events at Peterloo field; each act was an attempt to control radical protest; a heavy stamp duty was imposed on newspapers, laws on sedition were tightened and large meetings were forbidden. Reactions against such repressive measures became part of the history of protest and conflict which remained in the popular memory

⁶Epstein, J., *Radical Expression: Political Language, Ritual and Symbol in England, 1790-1850* (New York and Oxford, 1994), pp. 147 -49, Epstein highlights ‘rituals of solidarity’, using Peterloo as an example of a ‘rich political heritage’ which was a feature of the rhetoric of protest in the 1830s

in an attempt to understand the daily reality of those people who took part in protest. Local, community relationships are integral to the understanding of how the Chartist movement and subsequent riots came to be part of Birmingham's early Victorian history. 'Community' is taken here to imply various social groups, institutions and organisations that may have interacted in a variety of situations on a daily basis. These will include people who lived and worked in Birmingham, including businessmen, as well as local authorities such as the Borough Council, Street Commissioners, local militia and police. Although, on the face of it, this may appear a complex structure to work within, this approach brings greater clarity than the tripartite class structure which has previously been adopted in the analysis of the events under consideration here.

The social composition of Birmingham has been the subject of much debate since Asa Briggs presented the town as an exemplar of Victorian class harmony. His perception was based on a theory that Birmingham was fashioned on a small workshop economy which led to improved social relationships and far superior social mobility than could be found in the large manufactory towns of northern England.⁷ This presentation was challenged in the 1980s by Clive Behagg, who was able to demonstrate that working practices in the town were far from harmonious, bringing to light evidence of unionism as well as general economic and social unrest.⁸ Behagg has also presented an interpretation of the Bull Ring riots to support his argument. However, this debate has swallowed up both the Chartist protests which took place during the spring of 1839 and has also overshadowed political relationships. There is some evidence which suggests that at least some sense of political affiliation, which transcended class, was present in Birmingham. This was not necessarily an easy alliance, but it will be shown that the breakdown of such an alliance contributed significantly to the

⁷Briggs, A., 'Birmingham, the making of a Civic Gospel', in *Victorian Cities* (London, 1963), pp. 188-189

⁸Behagg, C., *Politics and Production in the early Nineteenth Century* (London, 1990); Behagg, C., 'Custom, Class and Change: the Trade Societies of Birmingham', *Social History*, Vol. 4, No. 3 (Oct. 1979), pp. 455-480

disturbances of 1839. Chapter one will present a different perspective of social relationships in Birmingham at this time, in an attempt to shift the debate away from the somewhat drawn out debate which has tended to dominate the historiography of Birmingham during this period. This will focus primarily on the relationships forged and later fractured between the Birmingham Political Union, the people of Birmingham and the Chartist Convention. This will be located within the context of Birmingham's incorporation in 1838. In order to make a break with the grand narrative of class conflict, which has become so closely associated with this event, a 'single class division' approach will be adopted. The class conflict approach is inappropriate and can be seen as being largely unworkable in understanding both the social structure of Birmingham in 1839, and also the Chartist protests more generally. The tripartite approach of Marxist theory suggests a very structured hierarchy which does not fit easily with the actual social structure of Birmingham during this period. David Cannadine has contested the approach, which is primarily associated with E.P Thompson's theories, by claiming that this was not a period of 'class war' but was a time of 'intensification of the traditionalist populist way of looking at the world as being irrevocably divided between "us" and "them"'.⁹ The single division society suggested by Cannadine comprises of 'the people' and 'the establishment'. This is an appropriate theoretical approach to use here; during the research of this thesis a contemporary recognition of such a division became increasingly evident, particularly in the issues surrounding municipalisation. These will be covered in more depth in chapter one, but Cannadine's interpretation of social division will be implicit throughout this thesis.

Once the broader context has been established, chapter two will reveal an escalation of tensions in the immediate run-up to the Bull Ring riots, and in particular to the non-class specific political relationship between the Chartist Convention and Birmingham's newly

⁹Cannadine, D., *Class in Britain* (New Haven; London, 1988)

elected municipal council: Tories and Chartists alike will be shown to have actively contested the authority of the new council. This will be undertaken by adopting a cultural approach, utilising concepts relating to platform rhetoric, contestation of public space and symbolic action. In more recent years there has been a welcome shift in approaches to nineteenth-century popular protest, particularly in respect of the Chartist movement.¹⁰ Once the evidence has been more fully presented for taking the Bull Ring riots out of the class conflict debate, the next objective will be to locate them within this revised theoretical approach, bringing the events into line with current historiography. In the 1980s, Gareth Stedman Jones used Chartist history to introduce his concept of ‘languages of class’;¹¹ this opened up a new line of research which has developed largely around early Victorian popular protest, becoming more sophisticated. At the forefront of this more recent approach, James Epstein has demonstrated how the history of protest can be enriched by falling away from class-conflict narratives and instead taking account of a broad context and cultural indicators. These include not only language, but the way in which it was expressed.¹² John Belchem has focused on platform rhetoric, again presenting this as more than just an abstract presentation of ideas, but rather as a way in which identities could be expressed and established.¹³ Others, including Nancy LoPatin, John Plotz, and John Vernon, have turned their attention to symbolism and rituals, brought together in a ‘street theatre’ of radical, popular protest which transcends the constraints imposed by a rigid class structure and similarly contributes to expressions of identity.¹⁴ This approach is not new, having featured in medieval and early modern

¹⁰ Chase, M., *Chartism: a new History* (Manchester, 2007)

¹¹ Stedman Jones, G., *Languages of Class: studies in Working-Class History, 1832-1932* (Cambridge, 1983)

¹² Epstein, J., *Radical Expression*

¹³ Belchem, J., ‘Radical Language and Ideology’

¹⁴ LoPatin, N., ‘Ritual, Symbolism and Radical Rhetoric: Political Unions and Political Identity in the age of Parliamentary Reform’, *Journal of Victorian Culture*, Vol. 3, Iss. 1 (1998), pp. 1-29; Plotz, J., ‘Crowd Power: Chartism, Carlyle and the Victorian Public Sphere’, *Representations*, No. 70 (University of California Press, Spring 2000) pp. 87-114; Vernon, J., *Politics and the People, a study in English Political Culture, c. 1815-1867* (Cambridge, 1993)

historiography of violence for some time. It is perhaps the case that the plethora of written primary sources available to modern historians has suppressed creativity and, arguably, it is the result of that focus on class conflict. Natalie Davis, for example, was applying such an approach during the 1970s with her interpretation of sixteenth century riot.¹⁵ Within this framework, consideration will be given to the ways in which politics can be seen to be played out in the public sphere, both by the franchised and those who were agitating for further reform. The political drama taking place in Birmingham during 1839 can be witnessed in contemporary reports of parades, flags and, this essay will argue, more intimidating exchanges; Vernon has labelled these variants of protest as ‘the politics of sight’.¹⁶

Politics was not the exclusive privilege of the elite. Along with radical platform rhetoric, the contestation of public space was an integral element of this period as the unenfranchised attempted to create their own political sphere and those in power sought to contain them. This parley will be presented as part of a broader, national political discourse in which privileges of liberty and concepts of moral ‘right’ were played out in a public arena.¹⁷ A central issue in the historiography of the Chartist movement is the ‘moral versus physical force’ debate. Boyd Hilton has suggested that the contemporary significance of the debate has been exaggerated.¹⁸ The importance of this debate contemporarily will not be contested here: Joseph Sturge highlighted it as one of the key causes of the Bull Ring riots, which suggests it had some significance at least amongst Birmingham’s leadership.¹⁹ However, there is enough evidence to suggest that the Chartist movement adopted a tactical approach of intimidation; this idea

¹⁵ Davis, N. ‘The Rites of Violence: religious riot in sixteenth-century France’, *Past and Present* No. 59 (April, 1973), pp. 51-91, Davis considered the political context of crowd violence; Harris, T., ‘The Bawdy House Riots of 1668’, *The Historical Journal*, Vol. 29, No. 3 (Sept. 1986), pp. 537-556 is another example of how Early Modern historians have approached civil unrest using a cultural perspective

¹⁶ Vernon, J., *Politics and the People*, pp. 107-116

¹⁷ Plotz, J., ‘Crowd Power’ pp. 91-4

¹⁸ Hilton, B., *A Mad, Bad and Dangerous People? England, 1783-1846* (Oxford, 2006), p. 615

¹⁹ ‘Report of the Committee’ p.44

was presented by T.M. Kemnitz in the early 1970s, and has been expanded by Epstein in his biography of Feargus O'Connor.²⁰ The way in which this form of protest was received will also be considered in order to demonstrate why the local authorities may have taken apparently strong action against the protesters in July, 1839. To gain the fullest understanding of the riots, the context in which they took place is vital. Simply gathering together a few examples of symbolic action and platform rhetoric is not satisfactory; they must be related to other, sometimes earlier issues in order to demonstrate the way in which the events unfolded. It is hoped that the analysis presented in chapter two will bring greater clarity to the eruption of violence which took place in Birmingham during July, 1839

Having presented the context and given account of the determining factors contributing to increasing tensions, the final chapter will introduce the July riots. Consideration will be given to the actions and reactions of those taking part in the violence and those attempting to control the crowds. E.P. Thompson's 'model' for analysing riot remains the most incisive and valid means of interpretation. In his essay on 'moral economy', Thompson suggested that episodes of crowd violence were spurred by notions of upholding some sort of traditional 'right' and that the actions taken to defend those rights were supported by the whole community.²¹ Whilst Thompson was specifically applying his model to subsistence riots in the eighteenth century, his theory has successfully been applied elsewhere, and is also relevant to an analysis of the Bull Ring riots.²² Although there is little doubt that the Chartist protests of 1839 provoked tensions, it must not be forgotten that the riots of July were not

²⁰Kemnitz, T. M., 'Approaches to the Chartist Movement: Feargus O'Connor and the Chartist Strategy', *Albion, a Quarterly Journal Concerned with British Studies*, Vol. 5, No. 1 (Spring, 1973), pp. 67-73; Epstein, J., *The Lion of Freedom: Feargus O'Connor and the Chartist Movement, 1832-1842* (London, 1982)

²¹Thompson, E.P., 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past and Present*, Vol. 50, Iss. 1 (February, 1971), pp. 76-136, pp.76-8

²²Randall, A. and Charlesworth, A. (eds.) *The Moral Economy and Popular Protest: Crowds, Conflict and Authority* (Basingstoke, 1999); a collection of essays concerning a range of protests using the Thompson model for analysis

part of the Chartist strategy. This was expressed contemporarily. The Bull Ring riots appear frequently in Chartist historiography, generally with little analysis. In some literature their depiction can be seen as particularly damning: J.T. Ward described the Birmingham rioters as a ‘rampaging mob’.²³ This confusion is perhaps the result of misunderstanding as the riots took place during a period when the Convention was in town, and while the National Petition was being presented and subsequently rejected by Parliament. They would therefore appear to stand as useful evidence in the history of the early Chartist movement. Ultimately however, it is difficult to ascribe these as Chartist riots. Chapter three will reveal that the presence of an aggressive detachment of Metropolitan police was a significant factor in violent outbreaks which took place in July.

Contemporary reports, both official and within the press, reveal that the primary cause of the violent rioting was the presence of the London police. There has been some past debate about why the magistrates requested this alien assistance which has focused once more on issues of class conflict. This will be challenged and evidence presented to show that the move was largely a pragmatic one that was soon to be regretted by the new local authority. There are other further questions about community relationships to be addressed here regarding the role of the military and enlisted constables within the community. There are few analyses of the role of Specials, with F.C.Mather’s remaining the most comprehensive account of the execution of authority during this period.²⁴ A more recent work by R. E. Swift, focusing exclusively on the role of the specials has also proved helpful.²⁵ The Bull Ring riots will be assessed as two separate incidents, as these attracted the most contemporary attention and effectively demonstrate the complexity of events. In reality, there were outbursts of violence,

²³ Ward, J.T., *Chartism*, p. 132; p. 134

²⁴ Mather, F.C., *Public Order in the age of the Chartists* (Manchester, 1959)

²⁵ Swift, R. E., ‘Policing Chartism, 1839-1848: the role of the ‘Specials’ Reconsidered’, *English Historical Review*, Vol. 122 (OUP, 2007), pp. 669-699

arrests and readings of the Riot Act on several occasions during the July fortnight. The arrival of the London police on July 4th and their actions in attempting to seize the Chartist flags, exacerbated an already volatile situation, and the subsequent riot will be considered as a crowd response to unwelcome intervention in a public, political gathering. Again, the broad context will be important to understanding this level of response. The second riot under consideration took place on July 15th and will be revealed as broad community response to the aggressive behaviour of the London police and incumbent military. The events of that evening also raise a number of questions about the authority of the municipal council, which appears to have taken a sudden step back from the situation and almost permit events to spiral out of control. This perception, which was voiced contemporarily and led to official investigations into the behaviour of the magistrates, will be approached carefully. Municipalisation was a still a new phenomenon, and it had many critics.

A broad selection of primary evidence has been sought and consulted to build an analytical account of the Bull Ring riots. These include a selection of newspapers, representing the spectrum of contemporary political bias, and have given the greatest insight into the nature of popular rhetoric. In particular articles in the Chartist press by the movement's great orators, Fergus O'Connor and the eloquent Bronterre O'Brien can still stir the modern sensibility, lending understanding to the powerful nature of well-presented rhetoric. The administration of local authority is well represented in the minutes of both the Street Commissioners and the Borough Council in Birmingham.²⁶ This latter is particularly interesting, as they reveal, with some candour, the difficulties that were being thrashed out in the early months of incorporation. National authority has been consulted via, *the Mirror of Parliament* which

²⁶ Birmingham Archives and Heritage (BAH), BCC 1/AA, minute books of Birmingham Borough Council; BAH MS 2818/1/7 minute books of the Birmingham Street Commissioners, January, 1838 - November, 1848

was an early rival to *Hansard*.²⁷ The minutes of the Duddeston-cum-Nechells Radical Reform Society have also given a useful insight into local disputes, including evidence of the politicized division between Corn Law agitation and the Chartist Convention.²⁸ Along with the other minute books consulted, it is revealing in what it omits to mention. The Street Commissioners, Borough Council and the DNRSS all appear to overlook the riots that were taking place in surrounding streets, in some instances even as they were meeting. The contemporary diaries of Eliezer Edwards, local radical George Jacob Holyoake and soldier Alexander Somerville bring a personal perspective, as does a letter from a local constable writing of the Chartist presence in Birmingham.²⁹ Other official papers consulted include the coroner's report relating John Binnon's death, transcripts of the state trials of the convicted rioters and chartist John Collins and transportation documents.³⁰ These include a number of eye-witness accounts which have provided much of the narrative for these events. They also bring a voice to those accused of taking part in the unrest, while the transportation records provide personal, sometimes poignant, personal information. Investigations after the riots were established both nationally and locally. The national investigation was reported in *The Times* in some depth. The committee appointed by Birmingham Council was led by Joseph Sturge. The documentation for this has to be understood in this context: Sturge was an outspoken Radical and was vocal in his opposition to the establishment of a professional

²⁷ Barrow, J. H. (ed.), *The Mirror of Parliament*, Vol. 5 (London, 1839)

²⁸ BAH, MS 3055, 'Minutes of the Duddeston-cum-Nechells Radical Reform Society', (DNRRS)

²⁹ Edwards, E., *Personal Recollections of Birmingham and Birmingham Men* (Birmingham, 1887); Holyoake, G.J., *Sixty Years of an Agitators Life* (London, 1906, 6th ed.); Somerville, A., *Autobiography of a Working Man* (this ed. London, 1958, ed. Carswell, J.); BAH, MS 3087

³⁰ *Reports of State Trials, new series*, Vol. 3, 1831 – 1840 (London, H.M.S.O., 1891); 'Newport past: records of convicts arriving in Van Diemen's Land aboard *The Mandarin*, June 30th, 1840
<http://www.newportpast.com/nfs/strands/frost/mandarin/index.php>

police force. This is evident within the report which presents a damning indictment of the London police.³¹

³¹Report of the Committee'

1.

‘A Tremendous Storm’¹

In 1839, drought during May was followed by a summer of heavy showers and intermittent sunshine. In July, the *Spectator* reported heavy hail across southern England, with stones six inches in diameter smashing thousands of panes of greenhouse glass.² The gathering storm clouds seem to have matched the mood of an increasingly volatile British populace, as alarming reports of localised unrest began to appear with growing regularity in the press. The Chartist movement was attracting a broad and significant following as dissatisfaction with the legislation of the reformed parliament began to take hold across the social strata.

The Bull Ring riots were but one instance of violent unrest which took place in Britain through the course of 1839: in March a Chartist meeting in Devizes was disturbed by a group of ‘drunken farmers, parsons and lawyers’ who attacked the gathering with cries of ‘Corn Laws forever’, Llanidloes erupted May when there was also a riot in Newcastle. Here ‘a party of Chartists’ reportedly pulled up the pavement and ‘launched it forth with uncertain aim’.³ Newcastle would remain restless for much of the year, and there are several reports of mass violence there. Other Chartist riots broke out in Bury, Bolton, and Sunderland and of course

¹*Newcastle Courant*, June 21st, 1839, report on inclement weather conditions

²*Spectator*, July 13th, 1839

³*Northern Liberator*, March 22nd, 1839; *Manchester Times and Gazette*, May 4th, 1839; *Operative*, May 26th, 1839

with tragic consequences in Newport.⁴ Not all of the disturbances reported during the year were related to Chartism, there is a sense of general unrest which may have been linked to the economic depression. There are several reports of rioting between railway workers, seemingly centred on disputes with Irish labourers, but severe enough to warrant the use of military force.⁵ Other riots broke out over ‘fish hawking’ in Ramsgate and the seizure of bootleg whiskey at St. Mullin’s fair in Ireland.⁶ Add to this, the daily reports of murders, thefts and suicides that emerge in a more general reading of newspapers and 1839 appears as an extraordinarily tense year across the nation.

The Bull Ring riots have to date been considered in a Chartist perspective. This chapter, while taking Chartism into account, will also present a somewhat broader context in order to reveal a prevailing national ‘mood’ which can also be seen as a relevant contributor to the unrest. It must be emphasised that the Bull Ring riots did not erupt out of context, and given the national economic, political and social problems, should not have been, and arguably were not, entirely unexpected. The chapter will start with presentation of national and local socio-political issues and will then move on to an issue more specific to Birmingham, that of the impact that municipalisation had on local community relationships. It is additionally hoped that by the end of this chapter there will be a clear understanding that the town was structured along the lines of Cannadine’s ‘single division’ society.

⁴ *The Morning Post*, June 7th, 1839; *ibid.*, August 17th, 1839; *Northern Liberator*, November 16th, 1839; *York Herald and Daily Advertiser*, November 9th, 1839

⁵ *York Herald and General Advertiser*, June 15th, 1839

⁶ *The Standard*, July 10th, 1839; *Freeman’s Journal and Daily Advertiser*, July 31st, 1839

[i]

*We've got Reform gentlemen, but now the thing is to make Reform work. It's a crisis - I pledge
you my word it's a crisis*⁷

When Mr Johnson made this address, to the fury of Felix Holt, the 'crisis' to which he referred was the need to 'get the right men in parliament'.⁸ The Great Reform Act of 1832 swept away 'rotten boroughs' and opened opportunities for an increase in the number of industrial capitalists to take a seat in the house. It seems likely that few men shared Mr Johnson's optimism that every working man would have 'spare change jingling in his pocket' as a result of the reform, but for those that did, their optimism would be short lived. Within five years biting recession had taken hold of Britain. In addition, the newly reformed parliament introduced new legislation in response to the vast social changes which were being wrought by industrial urbanisation: the accommodation and employment of a growing urban population was the cause of some alarm. These additional reforms were unpopular, exacerbating growing national unrest. This was particularly evident in emerging industrial centres, including Birmingham. The intent here is to present a long-term perspective of social unrest and political conflict in which to understand the disturbances of 1839.

The Great Reform Act has been considered variously as an attempt at genuine democratic reform in the face of a changing economy and as a cynical move by the Whigs to restore and consolidate declining parliamentary power.⁹ Many contemporaries felt that reform was a vehicle for the new class of industrial capitalists to entrench their position in a rapidly

⁷ Eliot, G., *Felix Holt the Radical* (Ontario, 2000) p. 168

⁸ Ibid.

⁹ Hilton, B., *A Mad, Bad and Dangerous People?*, pp. 372-378

changing economy. Indeed, this had been an argument of Thomas Attwood, who claimed that the interests of urban businessmen were not well represented in parliament by rural Lords Lieutenants with little knowledge of industrial economics.¹⁰ Richard Oastler, an Anglican Tory who campaigned for the introduction of a ten hour working day, believed that this reform would serve only the interests of the manufacturers, causing increased distress for the working classes in their employ.¹¹ This same perspective emerged again in 1839, as the Bull Ring riots were underway: Benjamin Disraeli suggested to the Commons that the unrest was a direct result of the Reform Act, arguing that the working classes were expressing a collective disavowal of a ‘monarchy of the middle-classes’. In the same sitting, Birmingham MP Thomas Attwood also attempted to explain the popular mood: ‘But what fruit did the people get from the Reform Bill?’ responding to his own question with: ‘the Irish Coercion Bill and the Poor Law Act’.¹² Within this pithy parliamentary debate, these two men of opposing politics expressed a shared understanding of the cause of discontent, which appears to have been rooted in a popular sense of political injustice. Parliamentary reform was proving divisive, as former alliances disintegrated. The rally for an extended franchise had united working men, artisans and industrial capitalists in a shared objective: the resulting reform placed some in a far more powerful position while marginalising many more. It will be shown in due course that this was felt keenly in Birmingham, particularly following municipalisation, but a fuller context is necessary to understand the burgeoning tensions of this period.

The legislative changes cited by Attwood were a small representation of the political restructuring that was taking place in the 1830s. Their impact should not be underestimated,

¹⁰ Moss, D., ‘A Study in Failure: Thomas Attwood, M.P. for Birmingham, 1832-1839’, *Historical Journal*, Vol. 21, Iss. 3 (1978), pp. 545-570, p. 546

¹¹ Finlayson, G., *England in the Eighteen Thirties, Decade of Reform* (London, 1969), pp. 40-41

¹² Barrow, J.H., *The Mirror of Parliament*, p. 3889

and have been recognised as the impetus behind the development of the Chartist movement.¹³

These acts can be pragmatically considered as a governmental response to industrialisation and urban expansion and they were the means by which central government control could be exercised in the provinces. They also contributed to a burgeoning sense of popular fear in a period which was already witnessing great change. Rapid urbanisation brought new sights and sounds to British neighbourhoods, creating a noisy, smoke-filled and overcrowded landscape which encroached on an ever growing number of lives. The railways were coming; life ran at a very different pace for a large number of people.

Birmingham has been contrasted positively to the cotton manufacturing centres of the north, particularly in terms of environmental conditions; it was nevertheless a challenging environment in which to live.¹⁴ During the first half of the century there was an exponential population growth across the country, more than doubling in Birmingham.¹⁵ This led to irregularities in employment, rapid construction of substandard housing and a financial strain on local rate-payers; these problems became more acute at the end of the decade as recession took hold. At that time, unemployment blighted the town: 380,000 'doles were made to the poor' in 1838 and by 1840 'local trade was so bad...as many as 10,000 persons applied at one office alone for free passages to Australia'.¹⁶ In Edwin Chadwick's report on environmental conditions amongst the working classes it was stated that 'lodging houses of the lowest class of persons abound in Birmingham' and that these were 'sources of extreme misery and vice'.¹⁷

Robert Southey wrote of the 'infernal noise' caused by industrial machinery which 'seemed

¹³ Thompson, D., *The Chartists*, pp. 11-36

¹⁴ Engels, F., *The Condition of the Working Class in England*

¹⁵ Skipp, V., *Birmingham, the first Manufacturing Town in the World, 1760-1840* (London, 1989), pp. 118-9 shows population figures in the town stood at 73,670 in 1801 and had risen to 182,922 by 1841

¹⁶ *Showell's Dictionary of Birmingham* (this ed. East Ardsley, Yorkshire, 1969), p. 93

¹⁷ Chadwick, E., *Report on the Sanitary Conditions of the Labouring Population of Great Britain* (this ed., London, 1998), p. 357

never to be at rest'.¹⁸ He described dirt in the town as 'a living principle of mischief', a comment echoed by Friedrich Engels who noted 'the many bad districts, full of stagnant pools and heaps of refuse', and highlighted once more the large number of lodging houses, 'the filth of which cannot be described'.¹⁹ The working environment could be equally dire, although contemporaries made favourable comparison between the workshops and large cotton manufactories, nevertheless they were 'small, damp, badly glazed and poorly ventilated'.²⁰ Filth, over-crowded living conditions and precarious employment prospects were the lived reality for people in Birmingham during the 1830s. These social problems, when coupled with political responses to them, were at the crux of social unrest in Britain at this time. These were unsettled times which presented a host of challenges to a 'leaky' government.²¹ By the end of the decade it seemed that no one was interested in taking leadership of the country and political posturing appears to have taken precedence over any attempt at constructive solutions to deepening economic crisis and social unrest. Following a near defeat over the issue of direct rule in Jamaica, Melbourne resigned his ministry; the young queen reluctantly offered his office to Peel, who insisted that Whig affiliated ladies-in-waiting be replaced by Tory ones. Victoria refused, Peel subsequently declined the premiership and the Whigs were forced to 'stagger on in office'.²² The farce of the so-called 'bedchamber crisis' was not lost on a general public who were doubtless aware of the lack of cohesive governance. At a Chartist meeting in London during the crisis, a joke was made of the situation when it was suggested

¹⁸ Hunt, T., *Building Jerusalem: the Rise and Fall of the Victorian City* (London, 2006), quotes Southey on p. 20 and 24

¹⁹ Engels, F., *The Condition of the Working Class in England*, (this ed. Penguin Classics, 2009), pp. 78-9

²⁰ Skipp, V., *Birmingham, 1760-1840* p. 111

²¹ Hilton, B., *A Mad, Bad and Dangerous People?* Describes the ministry of the mid 1830s as 'one of the leakiest cabinets there has ever been', p. 492

²² *Ibid.*, pp. 500-501; Hilton suggests that Peel cynically created the situation as he had no intention of taking up the premiership at this point, preferring to leave the Whigs to fall apart publically in the run-up to elections

that perhaps ‘a gift of a skipping rope and a birch rod’ be made to the queen.²³ That this was reported in the national press suggests that a popular perception of weakness in the highest authorities of the land.

Sweeping legislation was also a prominent feature of 1830s politics and the two acts highlighted by Attwood in 1839 were particularly unpopular. The Irish Coercion Bill of 1833, presented as an anti-terrorism law, was popularly recognised as a gross infringement of civil liberties and was viewed by many as a precursor to more widespread suppression of political activity.²⁴ This act included provisos which prevented large gatherings, gave local magistrates increased policing responsibilities and the power to suspend *habeas corpus* where deemed necessary.²⁵ The act provoked protest rallies in England, including Birmingham where the Birmingham Political Union held a ‘monster meeting’ on Newhall Hill.²⁶ The fear that this bill might be extended to the mainland was not unfounded; *habeas corpus* had been suspended in 1817 and, more recently, the home secretary, Lord Melbourne, had taken a firm, arguably repressive, stand towards unions.²⁷ During the weeks before the Bull Ring riots London police conducted searches, without warrant, of lodging houses in Birmingham believed to be occupied by suspected Chartists, while private letters were intercepted and confiscated.²⁸

The Poor Law Amendment Act of 1834 stands as the most provocative example of post-Reform legislation. Bringing to the fore the precarious nature of family life in an

²³ *The Spectator* May 18th, 1838, p. 8

²⁴ Thompson, D., *The Chartists* p. 28

²⁵ Connelly, S. J. (ed.) *The Oxford Companion to Irish History* (Oxford, 1998), p. 101

²⁶ *Showell's* states the meeting which took place on May 20th, 1833, ‘censured’ the government for ‘passing a coercion bill for Ireland, for keeping on the window and housing taxes, for not abolishing the Corn Laws, and for not allowing vote by ballot’, Harmon, T., *Showell's Dictionary of Birmingham: a History and Guide arranged Alphabetically* (East Ardsley, Yorkshire, 1969), p. 163

²⁷ Following the ‘Swing Riots’ of 1830, nineteen men were hung and up to five hundred were transported for life; in 1834 six farm labourers from Dorset were transported for holding union meetings

²⁸ *The Times*, May 18th, 1839

industrialised state, this act was batted about in parliamentary debate for several years. Maintenance of the indigent poor had remained the responsibility of the local parish since the reign of Elizabeth I.²⁹ A local rate was levied against property to be distributed amongst the ‘deserving poor’ in times of crisis. As has been highlighted, growing urban populations and erratic employment patterns led to a spiralling financial strain on local budgets, and the Poor Law Amendment Act was introduced to relieve the burden and bring some semblance of order to the way in which the rate was collected and distributed. The subsequent re-organisation of poor relief became the responsibility of a small board of elected local commissioners who were encouraged to ‘eradicate idleness, corruption and parish maladministration, while assuming that much poverty was the result of individual failings’.³⁰ New workhouses were built to house these desperate individuals, often in dire conditions; the workhouses came to be viewed as prisons and were often compared to the Bastille.³¹ Reports of those conditions, along with horrifying tales of abuse and tragedy caught the popular imagination. In 1838, Chartist campaigner Joshua Hobson published the *Book of Murder* under the pseudonym ‘Marcus’. This was a strongly worded diatribe against the Poor Law Amendment Act which claimed that the new workhouse system was part of a government conspiracy to control the working population by ‘murdering infants by wholesale.’³² In 1838, the Manchester Universal Suffrage Association wrote to the *Northern Star*:

Every man ought well to weigh the question, how he would like to become the inmate of a union bastille...branded as a felon, tethered like a beast, worked like a beast and fed worse than a beast...no woman’s tenderness to soothe his desolation, no little ones

²⁹ *The Poor Relief Act, 1601*, (43, Eliz. 1 c. 2)

³⁰ Wright, D.G., *Popular Radicalism, the Working-Class experience, 1780-1880* (Harlow; New York, 1988), pp. 106-7

³¹ *Ibid.*, p. 108

³² Hall, R.G., ‘Hearts and Minds: the Politics of Everyday Life and Chartism, 1832-1840’, *Labour History Review*, Vol. 74, No. 1 (April, 2009), pp. 27-43, p. 34

to gladden his dull soul...and when death ensues you may be handed over to the surgeon for dissection.³³

Robert Hall has highlighted a link made in the popular imagination between the demand for bodies for use in scientific experiment and the incarceration of the poor in workhouses, showing that this was a key concern during the period of Chartist agitation. The Anatomy Act (1832) was amended to allow workhouses to sell the bodies of dead paupers in instances where their families could not afford a burial.³⁴ This was complete anathema to the Victorian sensibility, as there was a fear that a dismembered body could not enter the realms of heaven intact. The 'Victorian's dread of the workhouse probably had as much to do with what would happen to them after death as before it.'³⁵ The new Poor Law was successful: between 1834 and 1839, three hundred and fifty workhouses were constructed across the country, and spending on poor relief consequently fell by thirty five per cent.³⁶ It is perhaps more problematic to quantify the social impact. When Engels wrote his polemic on capitalism, he singled out the Poor Law as being responsible for 'ruining the nation', claiming that it criminalized the unemployed for their superfluity, giving the poor a 'right to exist, but only to exist'.³⁷ Although the anatomy legislation had been passed pre-Reform, it lent a sinister edge to the Poor Law and both the Chartist and Tory press were united in their exploitation of popular fears to provoke anti-government sentiment. There is little doubt that this particular legislation was a key factor in the progression of the Chartist movement and has also been

³³ *Northern Star and Leeds General Advertiser*, November 17th, 1838

³⁴ Hall, R.G., 'Hearts and Minds', pp. 36-7

³⁵ Hilton, B., *A Mad, Bad and Dangerous People?* p. 598

³⁶ *Ibid.*, pp. 595-6

³⁷ Engels, F., *Condition of the Working Classes*, pp. 282-4

ascribed as the reason that so many women signed the National Petitions and took part in public protests.³⁸

Arguably the most overlooked legislation, particularly in regard to popular unrest in Birmingham, is the Municipal Corporations Act of 1835. There is no evident connection between the two events within any of the historiography considered for this dissertation. Initially directed at a reform of 172 boroughs, it also provided an opportunity for newly emerging industrial centres to apply for borough status. This latter was a difficult process, with towns required to demonstrate that more residents were in favour of incorporation than were against it; many who applied were not successful.³⁹ The impact of municipalisation in Birmingham will be considered presently, and will be shown as a further divisive factor contributing to unrest; a brief outline of the legislation is useful. The Act was presented as an extension to the 1832 reform; its primary objective to bring an end to private councils and the perceived corruption associated with them, at the same time extending a local franchise to a larger proportion of the population. In political circles the Act was viewed, arguably with some legitimacy, as a move by Whigs and Radicals to consolidate their support in the provinces; there was a perception among some that patterns of parliamentary voting could be influenced.⁴⁰ The bill passed through parliament with surprising ease, but met with objection in the Lords. Compromises were sought and to some extent attained, perhaps most controversially the property qualification imposed on those wishing to contend for office. In the end, many of the objectives of the Act were not realised because although there were no

³⁸ Thompson, D., *The Chartists*, pp. 34-6

³⁹ Edsall, N., 'Varieties of Radicalism: Attwood, Cobden and the Local Politics of Municipal Incorporation', *Historical Journal*, Vol. 16, No. 1 (March, 1973), pp. 93-107, p. 94

⁴⁰ Salmon, P., 'The Electoral Politics of Municipal Reform', in *Electoral Reform at Work: Local Politics and National Parties, 1832-1941* (London, 2001), pp.210-237; Hunt, T., *Building Jerusalem*, pp. 67-9; Finlayson, G., *England in the Eighteen Thirties*, pp. 26-9 for an overview of the Municipal Corporation Act

property qualifications for voters, they had to show they had been resident rate payers for three years.⁴¹ Philip Salmon has presented figures which demonstrate that fewer people qualified to vote in council elections than in parliamentary ones.⁴² The poor rate was not collected from homes which fell below a locally stipulated annual value, which left many indigent residents, once more, outside a franchise. Denys Leighton has suggested that less than an eighth of Birmingham's residency qualified to vote in town council elections following municipalisation in 1838.⁴³ Whatever the intent behind introducing the Incorporation Act, it became as divisive as the 1832 GRA, and will be shown to have been a significant element of the growing rift in Birmingham's community relationships during the late 1830s.

[ii]

*The working men of the Town are Chartist to a man. Chartists stand by the 5 points. They are not in favour of physical force to attain their ends, but they are not as such against it.*⁴⁴

As this letter from Birmingham during the crisis of 1839 demonstrates, Chartism was a relevant factor in the town's increasing unrest. The movement had strong links to Birmingham for a number of reasons, not least the involvement that the BPU had in its establishment.⁴⁵ The Convention had held its inaugural meeting at Holloway Head in 1838 and decamped to Birmingham from the capital in May, 1839. The quote above is from correspondence written

⁴¹ Finlayson, G., *England in the Eighteen Thirties*, pp. 26-9

⁴² Salmon, P., *Electoral Reform at Work*, p. 220

⁴³ Leighton, D., 'Municipal Progress, Democracy and Radical Identity in Birmingham, 1838-1886', *Midlands History*, Vol. 25 (June, 2000), pp. 115-142, p. 124

⁴⁴ BAH, MS 3087, MSS K1/1 p.61 'private letter from Capt. Munrow' July, 1839. It has not been possible to find out who Captain Munrow was, and whether his title represented a military rank or a constabulary position

⁴⁵ Flick, C., *The Birmingham Political Union, 1830-1839* (Hamden, Connecticut and Folkestone, 1978), Flick suggests that the BPU played a significant role in founding and establishing Chartism as a recognisable movement

by a Captain Munrow, describing the situation in Birmingham, and suggests there may have been strong support for the movement in the town. The key consideration here is the public fracture between the Birmingham Political Union and the early Chartist movement and the subsequent impact this had on community relationships during 1839. This conflict will be presented as one of political ideology rather than of class inspired antagonism. In addition to building a context in which to understand the Bull Ring riots, it is hoped that social relationships in Birmingham will be shown to have been of a different nature to that presented in the Briggs-Behagg debate.

The history of the Chartist movement has been well documented and there is a general consensus that, although adherents stood by the five points, as Munrow highlighted, they were also part of a national campaign for social improvement.⁴⁶ To a large extent, the legislative changes outlined above were progenitors of Chartism and when historians write of Chartist unrest they are generally adopting the term as a catch-all phrase. This was accepted contemporarily too, as Harriet Martineau explained:

And what were those stirrings? What was it all about? The difficulty of understanding and telling a story is from its comprehending so vast a variety of things and persons. Those who have not looked into Chartism think that it means only one thing – a revolution...Those who look deeper...will conclude at last that it is another name for popular discontent – a comprehensive general term under which are included all protests against social suffering.⁴⁷

The Bull Ring riots, amongst others, have been included as further evidence of Chartist unrest as part of this ‘comprehensive general term’. In some ways this is an unfortunate approach, as

⁴⁶ Chase, M. *A New History of Chartism* and Thompson, D., *The Chartists* offer comprehensive accounts of the movement and have been the key Chartist texts for this essay

⁴⁷ Martineau, H., *History of England during the Thirty Years Peace* (London, 1849-1850), pp. 262-3

it tends to detract attention from other aspects of local community politics; however, this is not to deny that issues of municipalisation were intrinsically linked to the development of Chartism. It is not possible to argue with any conviction that municipalisation would have been contested without the presence of the Chartist Convention and the debate of physical versus moral force. Equally, it cannot be certain that Chartism would have become such an issue in Birmingham without the contestation of municipal politics. The two are inseparable and research has revealed that they were an ever present feature in reports of the unrest in 1839, a factor which to date has been overlooked by historians.

The Birmingham Political Union was founded in 1830, the first of its kind in the country. It can be viewed as representing a cross-class political hegemony which was sometimes uneasy, but which was nevertheless a force for unity during times of crisis. This is evident in the monster meetings led by Attwood during agitation for parliamentary reform and following the passing of the Irish Coercion Bill. It is also evident in the million plus signatures attached to the first National Petition which was sent out by the Union: almost half the population of Birmingham signed the petition.⁴⁸ When Melbourne declared that ‘the people of Birmingham are not the people of England’, it was with intent to demonstrate that the radicalised politics of the town were not representative of the country at large.⁴⁹ This suggests that the politics of Attwood and the BPU had come to represent a defining feature of Birmingham society, at least in some quarters. Flick has recognised the leading role which the BPU took in the establishment of the Chartist movement, a factor which may have made

⁴⁸ Thompson, D., *The Chartists*, p.343: A table of Chartist activity in the industrial towns, including statistics taken from the *Northern Star* pertaining to the numbers of signatures on the first National Petition. In Birmingham the figures quoted are 86,180 signatures from a population given as 183,000. The National Petition can be considered as a manifestation of moral force Chartism

⁴⁹ Barrow, J. (ed.), *Mirror of Parliament*, p. 3880: Thomas Attwood during his speech at the presentation of the National Petition and quoting Melbourne

Birmingham a natural centre for activity in the formative years of the movement.⁵⁰ Early members of the Chartist Convention included a number of Unionists. The history of Chartism has established it as the world's first working-class movement, but in 1839 there were also middle-class delegates representing Birmingham: amongst these were R.K. Douglas, editor of the *Birmingham Journal* and Thomas Salt, who was an elected councillor, as well as John Collins, a journeyman pen-maker and others described variously as working or middle class.⁵¹ Of course, this careful selection may have been deliberate, to ensure that the middle-class radicals maintained their alliance with 'the people', perhaps with one eye on the move for incorporation.

There had been a meeting in Birmingham as early as 1837 to discuss making an application for borough status. This was separate to the Union's involvement with Chartism. Nicholas Edsall has suggested that the Union's subsequent involvement with the Chartists may have been a cynical attempt to win popular support. His claim is that the National Petition may have to some extent represented a 'need to maintain a united reform front' during the application process.⁵² This was an essential requirement for attaining the Charter of Incorporation and as Edsall reveals that in Sheffield, 'a city very often treated as being of the same social and political character to Birmingham', failure to attract such mass support led to a collapse of the movement for incorporation.⁵³ The Charter was awarded to Birmingham in 1838, where the first election returned a wholly Radical borough council in December; William Scholefield, a former alderman of the town, was chosen as Mayor. The elected

⁵⁰ Flick, C., *The Birmingham Political Union*, p. 15

⁵¹ Kemnitz, T. M., 'The Chartist Convention of 1839', *Albion, a Quarterly Journal concerned with British Studies*, Vol. 10, No. 2 (Summer, 1978), pp. 152-170, pp. 161-3, includes a useful list of Convention delegates

⁵² Edsall, N., 'Varieties of Radicalism', p. 98

⁵³ *Ibid.*

council did not replace the incumbent authority, which in Birmingham took the form of various self-elected bodies of local elites, including the Street Commissioners and various parish boards⁵⁴. These were entirely represented by Tories, and they wasted little time in contesting the legitimacy of the new council. Whilst the Street Commissioners used their powers to restrict the council access to public buildings, the Parish took an altogether more alarming stance, by refusing to hand over the rates collected, on the pretext that the Act of Incorporation was illegal. This dispute meant that incorporation was not fully enacted in Birmingham for another three years and also that there was no funding for a constabulary. This latter was crucial in the unrest which took hold during July; although the town was policed by hastily enlisted specials, the public political posturing between the town's Tory old guard and the new Borough council revealed a gaping hole in authority which incontestably contributed to the continuance of unrest during the summer months of 1839. This dispute will be further explored in the following chapter.

The difficulties which greeted the new borough council did not end there. Following incorporation, many of the former Unionists began to distance themselves from the Chartist Movement, supposedly as an objection to what was touted as an increasingly violent rhetoric. Cultural elements of unfurling events will be considered shortly, the objective here is to demonstrate that a political rupture took place in Birmingham which would influence forthcoming events. The split was clearly represented in the contemporary debate of moral and physical force tactics, but can also be understood as a conflict of two political ideologies: the People's Charter and the Charter of Incorporation. This was a manifestation of the dual

⁵⁴ A stipulation of Municipalisation was that Birmingham had to be divided into wards, but there were also a number of older parishes that were incorporated into the new borough; there may have been an added resistance from these formerly autonomous councils

society which Cannadine favours over Marxist representations. There was an almost immediate move by the new council to publically ally itself with the Anti-Corn Law League. In January 1839 the councillors entertained a deputation of the League, which was represented by Joshua Scholefield who requested a petition calling for repeal of the Corn Laws.⁵⁵ A week later, a group of local artisans founded the Duddeston-cum-Nechells Radical Reform Society where the first resolution to be passed condemned the Council's support for Corn Law repeal, which it was deemed 'detracted from the momentous constitutional struggle for universal suffrage.'⁵⁶ This was a relatively polite precursor to the public remonstrations which would quickly follow. In March three former BPU members resigned their place on the Chartist Convention following a dispute between Thomas Salt and Feargus O'Connor. The dispute, predictably, centred on O'Connor's resort to violent rhetoric to which all the Birmingham delegates objected. On April 3rd a public meeting was organised once more at Holloway Head, but this had a very different tone to that of the previous year. The only BPU member present was John Collins and the meeting was dominated by O'Connor and his supporters. The meeting was attended by a large crowd who cheered loudly for O'Connor and hissed every mention of the absent Birmingham delegates.⁵⁷

It should be clear from this evidence that the conflicts arising in Birmingham at this time were rooted in political disputes: within the context of municipalisation it is possible to see the local Tories naturally setting themselves against a Liberal authority, whilst local supporters of Chartism objected to the apparently sudden *volte face* of their former political

⁵⁵ BAH, BCC 1/AA, January 8th, 1839

⁵⁶ BAH, DNRRS, Jan 14th, 1839

⁵⁷ *Northern Star*, April 6th, 1839, Iss.73

allies. This sentiment was summed up most concisely by the lawyer representing John Collins during his trial for seditious libel:

Sedition! A prosecution for sedition by men who have lived and moved and had their being by sedition, who for twenty years have been breathing nothing but sedition, have reaped the fruits of it, and now in the supposed language of this libel turn around upon the poor and less fortunate of their own class, their own clan, and attempt by the most unfair, iniquitous and unjust means to crush them to the earth!⁵⁸

The sniping language first exhibited during the Holloway Head meeting in April would snowball over the coming months into a more physical representation of local conflict. At the same time, the newly elected authority would also be forced to contend with a lack of support from those who shared power. This will be further explored in the following chapter, which focus primarily on the way in which various political contestations were battled out in the public sphere, both reflecting and further exacerbating the tensions which have been outlined here.

⁵⁸ 'Reports of State Trials: The Queen against John Collins, Warwick Assizes, August 5th, 1839, p. 1171

2.

A state of high and dangerous excitement¹

Suppose, my friends, that we had two millions of threads; suppose we wound these two millions of threads into a good strong cord; supposing we twisted that cord into a good strong rope; suppose we twisted that rope into a mighty cable, with a hook at the end of it and put it into the nose of the borough-mongers, d'ye think we should not drag the Leviathan to shore?²

It is unfortunate that there are no known images of the Chartist gatherings which took place in Birmingham in 1839; the lithograph in appendix VII offers a good insight into the way in which politics was presented in the public sphere during the 1830s. The image is of the monster meeting held on Newhall Hill in 1832 at the height of Reform agitation. The size of the crowd is open to debate, though the sheer mass of bodies is striking, even more so in its depiction of social cross-representation: men from different social strata as well as women can be seen here. A number of flags rise prominently from the crowd and, whilst the messages they convey are difficult to discern, they would doubtless have held symbolic meaning to the people who were present.³ The presence of a small picnic basket in the foreground suggests that this was a friendly gathering; there is no hint of menace here. LoPatin has highlighted the importance of this to the objectives of political unions, which actively promoted a welcoming atmosphere. This was largely achieved by creating a 'perception of order and security' which

¹ 'Report of the Committee', p. 5, referring to the growing tensions in the town following municipalisation and claiming it to be as a result of violent platform language

² Haydon, B., *The Autobiography and Journals of Benjamin Robert Haydon, (1786-1846)* (London, 1950), quoting Attwood, p. 167

³ Close inspection of the lithograph does suggest the presence of some Union Jacks; Dr Nick Mansfield, an expert in historical flags and banners, has suggested that these were relatively prominent in reform protests. He argues that this supports the move to an interpretive approach of constitutionalist rhetoric. Mansfield, N., 'Radical Rhymes and Union Jacks: a search for evidence of ideologies in nineteenth-century banners', *University of Manchester Working Paper in Economic and Social History*, No. 45 (2000)

would ultimately ‘promote the sense of unity, inclusion, and a legitimate authority of the people.’⁴ The use of public space to promote political ideology was an integral feature of mass protest. The quote above is attributed to Attwood, recorded by the artist Benjamin Haydon during a private sitting in 1833. Attwood was reiterating the importance of this public presentation of cross-class harmony: if the ‘people’ presented a united front against government policy they could not fail to succeed. The representation of popular unity was important to the Chartist movement, as a means of proving legitimacy; however, the shape of these later protests was very different. It will be shown here that Chartist protests were exemplified more by an exclusive approach; this was a further manifestation of the ‘single division’ society in which people and organisations were identified as either ‘in’ or ‘out’ of the Chartist community.⁵ That process of identification was contested in the public sphere, and very often in open-air spaces and in Birmingham was related to the discord following municipalisation. This chapter will explore the ways in which protest was carried out in Birmingham’s public spaces, specifically during the restless period of spring and early summer of 1839. Attention will be given firstly to the contestation of public space, which will be revealed as a dispute on its own merits, before moving on to consider how the Chartists used platform rhetoric to legitimize their claim in the political public sphere. This language was presented in the Chartist press and read to crowds in Birmingham’s gathering places, and will be shown to have exploited the tensions which were peculiar to the town in the immediate aftermath of municipalisation. In more recent years historians of labour history have turned their attention to what Vernon has dubbed ‘the politics of sight’ and Epstein refers to as a

⁴ LoPatin, N., ‘Ritual, Symbolism and Radical Rhetoric’, p. 8

⁵ Belchem, J., ‘Radical Language, Meaning and Identity in the Age of the Chartists’, *Journal of Victorian Culture*, Vol. 10, No. 1 (2005), pp. 1-14, p. 3

‘visual etymology’.⁶ This etymology has included a variety of abstract symbolic presentations including flags and processions, as well as the ‘crowd’ as a protest body. These will be considered here, with the addition of an as yet overlooked phenomenon, that of ‘groaning’, which appears to have been a prevalent expression of disapprobation in Birmingham.

The primary intent of this chapter is to reveal the ways in which the people of Birmingham took part in protests associated with Chartism during 1839, along with reactions from both the general public and authorities. These demonstrations were of a different character to those that took place in July, but should not be considered as entirely unconnected as, along with the riots, were an integral part of a series of unfolding events.

[i]

The meetings commenced by readings in the Bull Ring, and under the following circumstances. We used to meet in this office, and finding the place too small, I stated to Mr Salt that I should go into the Bull Ring and asked him if it would be any harm. He said it would be very good, and if it was found to be wrong that I should desist. He said that he would supply me with newspapers from the Convention to read to the people, and that he should be the vicar and I should be the curate.⁷

The Bull Ring meetings were at the centre of reports of growing unrest in Birmingham during 1839. The short speech presented above was delivered by a man named as ‘Brown’, standing on a chair in the Public Office during a trial of men accused of ‘obstruction’; it stands primarily as an indictment of men who were now in the ‘unpleasant situation’ of poacher

⁶ Vernon, J., *Politics and the People*, pp. 107-116; Epstein, J., *Radical Expression*, p. 77

⁷ *The Birmingham Journal*, June 29th, 1839; the orator is named simply as ‘Brown’, but may have been local convention delegate, and sometime suspected government spy, Edward Brown, who had been arrested by London police on April 25th, along with Joseph Fussell

turned gamekeeper.⁸ Brown's speech is useful evidence for understanding the unrest in Birmingham, as it reveals a deliberated move from a relatively private or hidden indoor space, to a place which could accommodate and attract much larger numbers. Although the issue of size is raised by Brown, it also seems probable that there were ulterior motivations behind a move to the Bull Ring, not least the potential for attracting publicity. In addition, R.J. Morris has suggested that 'the place of meetings signified the claims made on social space as well as physical space'.⁹ This theory highlights the importance of understanding meanings which may have been associated with a specific space. Morris's interpretation can also be stretched to take account of political claims to space, and this will be demonstrated here by questioning why the Bull Ring was selected as a place for protest when, in theory, any of the streets or open spaces of the town could have been appropriated.

The Bull Ring was, and remains, Birmingham's primary market and in 1839 would have been an area which most locals would have passed through on a daily basis. This suggests that speakers would have had a ready-supplied audience, and indeed this was a contemporary perception amongst authorities who claimed that a large portion of the Bull Ring crowd were simply passers-by who 'sympathised but little with the objects of the meeting'.¹⁰ However, the Chartists were able to rally large crowds in other parts of the town during this period, so it seems likely that there may have been other motivating factors which have as yet not been considered.¹¹ It will be argued here that the primary reason for this was that in using the Bull Ring, the un-enfranchised protesters were brought into direct conflict

⁸ Ibid.

⁹ Morris, R.J., *Class, Sect and Party: the Making of the British Middle Class, Leeds, 1820-1850* (Manchester, 1990), pp. 175-6

¹⁰ 'Report of the Committee', p. 10

¹¹ *The Times*, May 18th, 1839 reported crowds in their thousands at Holloway Head and Smithfield

with the local 'shopocracy'. It was an uneasy relationship, for historical reasons, and would be the cause of conflict on several occasions during spring and summer of 1839.

The term 'shopocracy' has sometimes been mistakenly taken to refer to the middle class in general.¹² Hilton has interpreted the term with more insightful precision by considering the ways in which the retail trade evolved during the industrial revolution.¹³ Legislation was passed in the early nineteenth century which allowed for the alteration of market places; the retail trade was becoming increasingly lucrative and smart new shops were taking the place of traditional markets in many urban provinces. In Birmingham, the Bull Ring was widened during the first decade of the century; the illustration in appendix VII gives an impression of how the area may have appeared following redevelopment. Of particular note are the shops on the periphery of the market place: here was Birmingham's 'shopocracy'. Hilton has revealed that this economic community had been part of the grassroots Radical movement in the early 1830s, and by the end of the decade, having won their franchise, were now more generally allied with the Whigs.¹⁴ This is an alliance that would have been recognised locally, and the Birmingham 'shopocracy' regarded as being clearly allied with the municipal 'establishment'. In any case, there appears to have been a good deal of alarm amongst local businessmen who 'expressed strong fears of danger to their persons and property from the violence of the populace'.¹⁵ There is little evidence of actual physical violence taking place within the Bull Ring area outside of the July riots. Fear of assault was therefore perhaps a result of intimidation rather than explicit or direct threat. This is where

¹² Prothero, I., 'William Benbow and the Concept of the General Strike', *Past and Present*, No. 63 (May, 1974), pp. 132-171, p. 144. Before going on to give an in-length description of what William Benbow understood as 'the people', Prothero appears to ally the term 'shopocracy' with 'middle class'

¹³ Hilton, B., *A Mad, Bad and Dangerous People?*, p. 156; p.161

¹⁴ *Ibid.*

¹⁵ 'Report of the Committee', p. 5

Chartist public protest diverged considerably from that of the political unions. Epstein has revealed that Fergus O'Connor favoured and fostered a strategy of intimidation to provoke reaction from the establishment, both local and national. The belief was that when the authorities did take a stand, as they inevitably must if they were to uphold the peace, the Chartists could then claim a position of legitimate political opposition.¹⁶ Although this interpretation presents something of a negative image of the protesters, it is important not to overlook the underlying motivations of an extension of democracy for bringing about wide-scale social improvement. Criminal punishments were still severe in early Victorian Britain and in some respects challenging the law in such an open manner was a brave move.¹⁷ As Vernon has recognised, taking politics into the streets was an integral element of an attempt to 'transform and reconstitute political reality' and one which 'addressed all the inhabitants of the locality, voters and non-voters alike'.¹⁸

The contestation of public space can, therefore, be seen as an integral feature of Chartist protest in Birmingham. It offered a direct challenge to authority and served to make a 'mass of people visible'.¹⁹ Plotz has further suggested that this form of protest was recognised contemporarily as a 'speech act as comprehensible as any written petition'.²⁰ Epstein has argued that in taking control of public space, protesters were 'asserting the right of free expression' and 'testing the repressive resolve of government and local authority'.²¹ Unrest associated with Chartist crowds was taking place across the country, and on May 3rd a

¹⁶ Epstein, J., *The Lion of Freedom: Feergus O'Connor and the Chartist Movement, 1832-1842* (London, 1982)

¹⁷ John Frost was the last man to be sentenced to be hung, drawn and quartered for his part in the Newport Uprising of December, 1839. His punishment was commuted to transportation for life.

¹⁸ Vernon, J., *Politics and the People*, p. 49

¹⁹ Plotz, J., 'Crowd Power', pp. 87-89

²⁰ *Ibid.*

²¹ Epstein, J., *Radical Expression*, p. 74

proclamation was issued, empowering magistrates to outlaw Chartist meetings at will.²² Two cautions were subsequently posted in the Bull Ring, on the eighth and tenth of May, advising that all such meetings should be discontinued, and that those in attendance would ‘incur a serious and heavy responsibility’.²³ The cautions were duly ignored, and meetings continued twice daily in the Bull Ring, and at other locations including Gosta Green, Holloway Head and Smithfield. Vernon has suggested that this type of defiance brought to the fore ‘the way in which radical uses of public space could challenge official definitions of the constitution’.²⁴ It could also be argued that such defiance was the result of a visible lack of cohesion within the established authority; the people were disenchanted with ‘official’ politics and were creating their own concept of what could constitute legitimate authority. The contestation of public space was a significant element of this challenge. In May, *The Times* reported gatherings of between two hundred and two thousand on subsequent nights in the Bull Ring, Smithfield and at Holloway Head. On each occasion reports of ‘mobs’ and the use of seditious language were recorded.²⁵ It seemed that O’Connor’s tactical intimidation was having some effect as mass arrests began to take place. In Birmingham the earliest arrests of Chartist speakers were on charges of obstruction, rather than sedition. This cautious response was perhaps intended to avoid stirring any further tensions; the prosecutors had, after all, some inside knowledge of Chartist tactics. Prosecutions took place during June, and the magistrates were keen to have as open a trial as possible, a decision which they may have regretted. The local paper reported that a large crowd gathered in the Public Office for the trial, and that those present used the opportunity to give speeches and raise questions on the hypocrisy of former BPU members

²² For example at Llanidloes, where on April 30th, 1839, riots broke out when police from London arrived to arrest local Chartists

²³ ‘Report of the Committee’, p. 6

²⁴ Vernon, J., *Politics and the People*, p. 214

²⁵ *The Times*, May 18th, 1839

who had themselves previously stood accused of public order violations.²⁶ Here public space was being used for a showdown over political morality, as the people took the opportunity to put the establishment on trial. The Chartists appear to have gained the upper hand. As the trial drew to a close ‘the crowd gave three cheers for the Convention and three for the Charter...altogether one of the most extraordinary scenes ever witnessed in a court of justice’.²⁷ This theatricality can be seen to represent an attempt at subverting traditional, or at least generally recognised, notions of ‘justice’.

The disapprobation foisted on the borough council and magistrates by the Chartists was perhaps less humiliating than a public lack of support from the Street Commissioners. Several petitions requesting use of the Town Hall for meetings had been turned down by the Commissioners during spring, proving another issue for unrest. The town hall had been built with funds raised through rate levies. A local radical society expressed that sense of public ownership in a memorial to the commissioners:

It is much to be feared that the worst passions of the human mind will soon gain an ascendancy over the masses if they are to be denied...the privilege of holding their meetings in any of the public buildings which have been erected and must be supported from and by the profit of their industry.²⁸

The Town Hall had been used only a few months earlier during a presentation of the Charter and the National Petition, so it does not, on the face of things, appear to have been an unreasonable request. However, the Street Commissioners obstruction was, arguably, less of a snub to the local protesters than it was to their new colleagues in office, the Borough Council.

²⁶ *Birmingham Journal*, June 29th, 1839, report of the trial of a number of men on charges of obstruction

²⁷ *Ibid.*

²⁸ *Ibid.* ‘Birmingham Radical and Constitutional Society: address to Street Commissioners’: appendix {i}

A few days before this application was made, Mayor Scholefield had taken the somewhat bold move of addressing the crowds gathered in the Bull Ring ‘to warn the people of their danger’. The crowd in response claimed that they had no other place to meet because they had been denied access to public buildings. Scholefield, perhaps somewhat naively, assured them that he would contact the commissioners on their behalf. The Street Commissioners agreed to the mayor’s request, with the attached condition of a large and prohibitive deposit.²⁹ In his post-riot report Sturge stated that ‘it is not unlikely that a more angry feeling was created than though the permission itself had been entirely withheld’.³⁰ It is open to speculation whether the commissioners had any intent to allow Chartists use of the Town Hall, but in creating this obstruction they publically challenged the authority of Borough Councillors. This is a further example of politics being played out in the public sphere in Birmingham, and one which had a far-reaching effect. Through this and subsequent legal challenges the old-guard of local authority were able to retain a dominant position in the town for a dozen more years. It also revealed something of a fissure in the legitimate authority of local government that must surely have created some difficulty in maintaining the public peace during such unsettled times.

The twice daily meetings continued, in the Bull Ring and at the other sites ‘despite punishment, menace, warning and entreaty’.³¹ The Chartists had staked their claim for political representation in the public sphere, and would not be easily dissuaded from it. Here was ‘a new form of speech, the demonstration’;³² in spring, 1839 it was one which was becoming a feature of daily life in Birmingham. The presence of a crowd was one symbolic

²⁹ ‘Report of the Committee’, p. 17

³⁰ *Ibid.*

³¹ *ibid*

³² Plotz, J., ‘Crowd Power’, p. 89

element of the Chartist claim on the political public sphere, but to add a sense of legitimacy to this claim other symbolic actions were utilised. These will be considered here, along with the impact that such actions had on the public sensibility; it is hoped that this will reveal something of the nature of Chartist protest in Birmingham, and go some way to understanding subsequent official reactions.

[ii]

*We know that the real power of the people is not when they strike, but when they keep in awe*³³

The creative use of public space to express popular political opinion demonstrates a sense of strong organisation which has often been overshadowed by class-conflict debates. Contestation of space was not merely a by-product of physical protest, but was an integral feature of Chartist rhetoric. The sheer presence of such a large body of people was intimidating and successfully provoked a response from the establishment. It has been shown that the location of these meetings also carried significance. This was a shrewd form of protest for, as long as it remained entirely peaceful, it could be presented as just that – a gathering of people in a public place, sharing ideas. When magistrates responded to the crowds the charges appeared weak and unnecessarily oppressive. This has been accepted wisdom in subsequent historiography: Dorothy Thompson has suggested that the introduction of uniformed authority in Birmingham during the protests was a ‘strange action’ to take against ‘meetings which were neither riotous nor threatening’.³⁴ Although not stated explicitly, this interpretation is rooted in

³³ *Northern Star*, December 22nd, 1838

³⁴ Thompson, D., *The Chartists*, p. 69

the concept of working-class suppression, which is implicit to theories of class-conflict. And yet if the cultural aspects of these protests are subjected to analysis a more engaging image emerges in which it is possible to recognise the political agency which was being expressed by the Chartists, in a well-thought out and intelligent way. By invoking a 'sense of awe', as the Manchester Political Union highlighted in their address to Birmingham, the people could exert 'real power'. This was the motivation behind O'Connor's adoption of intimidation tactics.

A large body of people amassed together in a single space can appear intimidating, but the success of these gatherings really rested in the physical actions which took place during the gatherings. These can be understood as a 'platform performance', which included rhetoric, visual 'props', primarily flags, and, in Birmingham, mass groaning. Taken together this performance can appear confusing and it is perhaps understandable that previous analysis has presented them simply as 'mob behaviour.' In taking an analytical, rather than critical, approach to these actions it is possible to understand how tensions in Birmingham began to take off in the weeks before rioting broke out. In addition, there must be an attempt to understand how these protests were received by the general population. Regardless of Munrow's perception it seems unlikely that the town really was 'Chartist to a man'. Firstly, we will look at how language was utilised by the Chartists and also how this was directed at the people of Birmingham.

Brown's speech at the Public Office makes reference to a supply of newspapers from the Convention to 'read to the people'. The Chartist press was 'one of the foundations on which the movement was built', and features heavily in reports of mass gatherings in the

provinces.³⁵ Geoff Eley has suggested that the public sphere in the first half of the nineteenth century was a 'structured setting' for 'cultural and ideological negotiations' and further that the press in general can be understood to have represented a significant element of that contested space.³⁶ These newspapers were read to the crowds in the Bull Ring and beyond, therefore an inspection of newspapers published around the time of the Birmingham unrest offer a good insight into what was being said both at and about the meetings, as well as revealing the issues that were of most pressing concern. A number of sympathetic newspapers were in circulation, the most prominent of these being Feargus O'Connor's *Northern Star* which in 1839 is estimated to have had a weekly print run of almost 40, 000.³⁷ This is an astonishing figure given that the cost of a stamped newspaper was beyond the means of most working people, but as Brown's speech testifies, the Convention provided a supply to local organisations. In Birmingham these were distributed by local book seller James Guest who claimed to have been in receipt of more than three thousand copies a week during 1839.³⁸ This was clearly an important organ for disseminating the movement's ideas.³⁹ The language does not always make for an easy read; it can appear convoluted and is couched in the strange idiosyncrasies of the 'constitutionalist idiom'. The rhetoric often related a somewhat questionable English history in which men had always possessed the right to defend the liberties of self and country. Vernon has argued that these 'melodramatic tropes' served to empower those who were otherwise politically excluded 'by promising them not only the

³⁵ Ibid., p. 37

³⁶ Eley, G., 'Nations, Publics and Political Cultures: Placing Habermas in the Nineteenth Century' in Calhoun, C., *Habermas and the Public Sphere* (Cambridge, Mass., 1992), pp. 289-339, p. 306

³⁷ Thompson, D., *The Chartists*, p. 51

³⁸ Guest, J., 'A Free Press and How it Became Free' in Hutton, W., *The History of Birmingham* (Birmingham, 6th ed., 1861), p. 506

³⁹ Thompson, D., 'The Chartist Press' in *The Chartists* offers an overview of the politics behind the 'war of the unstamped', pp. 37-56

utopian earth of inclusion, but also an active role in writing their own historical epic'.⁴⁰ The same tropes could also serve to subvert the recognised value system by confronting 'the establishment on its own terms'.⁴¹ In presenting themselves as constitutional defenders at a time when the established government was struggling to present a united front, the Chartists were attempting to portray themselves as legitimate political opposition.

This powerful use of language often included less veiled threats of urban warfare: 'Arms! Arms! (we say), the Queen and Constitution forever!' Epstein has argued that by instilling an idea in the popular imagination of some lost, golden-age, the Chartists were able to legitimate threats of insurgency, and that the widespread arming of the industrial districts – including Birmingham – during 1839 would have been 'facilitated rather than impeded' by inclusion of the constitutional rhetoric. And the people did seem to volley the cry, often at that moment when the Chartist leaders called for calm. On May 21st a large and impromptu meeting gathered at Newhall Hill, addressed by Bronterre O'Brien. When the Mayor and magistrates arrived to warn that he was breaching the peace, O'Brien acquiesced. Immediately a large section of the crowd called for 'arms!' against the authorities; the town remained in a state of unrest throughout the night.⁴² This form of rhetoric, which was intended to provoke a reaction from the authorities, can be seen here to have also been taken in its literal sense by a large number of protesters, leaving the movement's leadership struggling to take control of the protester's reactions; the emotive language, particularly when presented by a charismatic orator, could not have failed to fire up a large crowd. However, the Chartist leadership did not

⁴⁰ Vernon, J., *Politics and the People*, p. 329

⁴¹ Belchem, J., 'Radical Language and Ideology', p. 256

⁴² *Morning Post*, May 21st, 1839

want the people of Birmingham to revolt; it merely wanted the establishment to think that it might.

O'Connor's deliberate provocation of the authorities was successful in that they certainly prompted an official reaction. But this reaction cannot be fully understood as simply a series of repressive measures to contain a rapidly evolving situation. Due consideration must be given to the impact that the protests were having on an increasingly alarmed general public, and that the authorities may quite possibly have been acting in the interests of the majority. These were hard times for many. Impending destitution and Marcus's magnified horrors of the workhouse had already stirred the popular imagination. In 1839 another cheap pamphlet appeared on the streets, this from the pen of Alexander Somerville. Somerville had been a regular soldier who served at Birmingham barracks during the Reform agitation; at that time he had been flogged for writing a letter to the local press expressing support for the Radicals.⁴³ He had less sympathy with the Chartist movement, and produced a penny pamphlet with the declared purpose 'to dissuade the Chartists from the use of physical force'.⁴⁴ Extracts were published in some newspapers, with the *Era* explicitly stating their purpose was 'to excite' readers to buy the pamphlet.⁴⁵ It is not known how well Somerville's work was circulated, but as a published author it seems highly probable that there would have been some interest in his writing, especially given it was available in a cheaply published format. Somerville will have been aware of the fears taking hold amongst the general population. He may also, of course, have contributed to them. The pamphlet presents a fictionalised account of a Chartist siege taking place in Birmingham, 'to depict what insurrection must be while it exists; what

⁴³ Somerville, A., *Autobiography of a Working Man* (this ed., London, 1958)

⁴⁴ Somerville, A., *Dissuasive Warnings to the People on Street Warfare* (London, 1839)

⁴⁵ *The Era*, May 26th, 1839, (London)

uncontrollable crimes it must authorize; what commercial ruin it must spread; and what social wretchedness it must leave as its memorial.’⁴⁶ The account is graphic, presenting an apocalyptic view which still appears shocking: barricades, cannon fire and ‘thickets’ of dead bodies are all depicted. Although there would be no insurgency in Birmingham, Somerville’s fiction can be understood as a reflection of popular public perceptions of Chartist unrest, and the potential for revolution that they carried. There is also significance in the location, and it would seem that Birmingham presented a particular threat to national social order. Viewed within this perspective, later responses by local authorities may not seem to have been such ‘strange actions’.

The Chartist press occasionally published addresses directed specifically at the ‘people’ or ‘men’ of Birmingham, beginning almost immediately following the 1838 election of the town’s municipal men.⁴⁷ This appears a calculated move, written with the intent that they would be disseminated to a wide audience during public readings in market places and streets in Birmingham and beyond. They offered a sense of fraternity to the ‘people of Birmingham’, and emphasised a general awareness that the Birmingham people had been betrayed by their former allies. An example stands out in the address of the Manchester Political Union at the end of 1838: ‘Men of Birmingham...your best interests have been sacrificed to the shrine of ambition’, a clear reference to the volte face of the old town Radicals following municipalisation. The addresses also relate the localised sense of betrayal back to a national sentiment which harks to the struggles for reform earlier in the decade. This was complicit

⁴⁶ Somerville, A., *Dissuasive Warnings*, p.2

⁴⁷ *Northern Star*, December 22nd, 1838: ‘Address of the Manchester Political Union to the Working Classes in Birmingham; March 30th, 1839, ‘To the Working Men and Women of Birmingham’; May 11th, 1839 ‘To the inhabitants of Birmingham and the People of England’; *Northern Liberator*, December 29th, 1838, ‘Address of the Borough of Oldham Political Association to the Working Men of Birmingham’; *Birmingham Journal*, June 1st, 1839 ‘To the Radicals of Birmingham’, a direct address from Feargus O’Connor. This is a small selection, and many of these addresses appeared verbatim in other newspapers

with a further of O'Connor's objectives, which was to keep a strong following in the provinces, more specifically the industrial towns.⁴⁸ By highlighting local issues, and then tying those in with the objectives of the Movement, it was possible to build a large provincial following. It is likely that this was a motivating factor behind the Convention's move to Birmingham in mid-May. It was also likely that such a direct form of address would encourage further participation, particularly in a town with such a strong history of radical politics. It must again be recalled that these were not only published press reports, they were shared on the platform; we cannot hear the voices of those who delivered the message, so can only guess at the 'exhilarating manner' which Belchem suggests gave radical platform rhetoric its 'resonance and purchase'.⁴⁹ Sturge similarly recognised and made mention of this in his report on the riots. Referring to the speeches delivered in the Bull Ring during 1839, he stressed that they were 'enforced by an elocution which, if rude and unpolished, was forcible and earnest, and all the more calculated to make an impression that it came from men who bound to their hearers by the strongest ties'.⁵⁰ The 'forcible and earnest' rhetoric which Sturge described was further entrenched in the popular imagination by the presence of symbolic gesture, and this chapter will now consider two particularly relevant examples of this 'visual etymology'.

Denys Leighton, in resonance with Vernon, has suggested that mass protest participation 'offered an opportunity for 'the people' of Birmingham to 'see themselves as heroic subjects, the chief actors in their own democratic project'. He goes on to suggest that 'mass processions with banners and songs were no less important components of political

⁴⁸ Epstein, J., *Lion of Freedom*, pp. 155-7

⁴⁹ Belchem, J., 'Radical Language, Meaning and Identity', pp. 1-14, p. 2

⁵⁰ 'Report of the Committee', p. 4

‘discourse’ than the platform speeches and other electioneering performances of the Victorian era’.⁵¹ Plotz has similarly identified a ‘highly developed figural language’ which was utilized during this period ‘by which banners, cheers and marching orders conveyed messages about the intent of the men and women on the streets’.⁵² Finally, LoPatin emphasises the importance of procession, and the accompanying symbols which would have held meaning to those taking part and observing the proceedings. These included flags and banners, in particular the mottoes which they presented.⁵³ These theoretical approaches are valid to an extended understanding of early Chartist protests in Birmingham, and will be applied to a significant event of 1839, that is the arrival of the Chartist Convention.

The Convention arrived in Birmingham on May 13th. The event had been advertised on placards around the town. These had been posted a week earlier, and just a day after the magistrates had posted their caution in the Bull Ring.⁵⁴ Placarding was an important and democratic device to ensure the maximum amount of people were informed about upcoming events.⁵⁵ Anyone passing through the town would have seen the posters and known where and when an event was taking place. Such open advertising by the Chartists would also serve as a rebuff against any accusation of secret meetings. There is some evidence to suggest that placarding could act as a form of polemic: the magistrates posted a caution against Chartist gatherings and an almost immediate response called for crowds to gather and meet the Convention. Later in May a placard, reportedly posted by the Council called on the ‘women of Birmingham and of England’ to ‘rally round your Queen’. It was a criticism of Peel, damning

⁵¹ Leighton, D., ‘Municipal Progress’, pp. 116-7; p. 127

⁵² Plotz, J., ‘Crowd Power’, p. 89

⁵³ LoPatin, N., ‘Ritual, Symbolism and Radical Expression’, pp. 8-9

⁵⁴ *Aris’s Gazette*, May 13th, 1839, states that placards had appeared on May 11th

⁵⁵ Harrison, M., ‘Time, Work and Crowds’, pp. 145-6

the Tories for demanding that the young monarch ‘sacrifice every early female friend of her childhood!!!’⁵⁶ Soon after this, within a day or two, a Chartist placard was ‘extensively posted upon the walls of Birmingham’ calling men to come and hear an address to the Queen. The purpose of this was to call for equal laws for her majesty’s ‘good and loyal subjects’.⁵⁷ There is little evidence, beyond newspaper reports, of the placards, and so reports of their presence should be treated with caution; if they were reported accurately in the press, it seems that at least in some cases they employed the same emotive language as any other political rhetoric of the day. Those presented here offer further evidence of the way in which political discourse was carried out in the public sphere at this time.

The placarding appears to have been successful as a large and exuberant crowd reportedly greeted the 35 Convention members at Duddeston railway station on May 13th. Once again, it is difficult to ascertain actual numbers with any certainty: the *Northern Star* estimated a somewhat improbable ‘one hundred and fifty thousand sons of labour and children of liberty’.⁵⁸ However, such was the air of ‘excitement’ that the station-master decided against ringing the bell on the train’s approach.⁵⁹ When the delegates alighted they were greeted with enthusiastic cheering and escorted into town, the parade making its way towards Holloway Head in a ‘drawn out procession around the streets’.⁶⁰ There are a number of reports of this parade, and the Chartist press appear to have been particularly keen to present it as an organised and orderly affair. The *Northern Star* suggested that there were ‘few banners raised’

⁵⁶ *The Operative*, May 26th, 1839

⁵⁷ *The Morning Post*, May 23rd, 1839

⁵⁸ *Northern Star*, May 18th, 1839

⁵⁹ *The Charter*, May 19th, 1839,

⁶⁰ *Aris’s Gazette*, May 20th, 1839

and that ‘no music was heard’.⁶¹ In a similar vein the *Charter* emphasised that ‘the greatest harmony and enthusiasm prevailed’.⁶² LoPatin has identified that the way in which these events were presented in the press was as significant as the events themselves. This was, after all, how the nation at large received information about the Chartists. This presentation of an organised, highly popular and cordial procession resonates somewhat with the visual image of the Newhall Hill monster meeting. The public perception of parades was naturally important to the Chartists; a fact which suggests the parades held a central position in the Movement’s discourse. The presentation of order and organisation was used to underscore the legitimacy of the protests. This was presented in contrast with the reactions of the establishment, described in the same *Star* article as ‘the follies that will lead to insurrection, if anything can’.⁶³

But what of the nature of the parades? The eyewitness accounts are naturally biased and therefore fallible, yet are all that remain so must be considered. It seems highly unlikely that O’Connor’s estimation of the size of the parade on May 13th is accurate; at the lowest estimate, that of the ‘bloody Times’, there were six thousand people accompanying the delegates around the town.⁶⁴ This is still a considerable number, and would certainly have attracted attention, even if without any music. The ‘few banners’ suggested by O’Connor carried messages expressing the objectives of the movement. It is unfortunate that no Chartist flags or banners have survived and therefore information about their images and mottos are entirely dependent on press reports.⁶⁵ The *Charter* reported that on May 13th the Chartist banners in Birmingham carried the messages ‘England can and will be Free’, and ‘Tyranny

⁶¹ *Northern Star*, May 18th, 1839

⁶² *The Charter*, May 19th, 1839

⁶³ *Northern Star*, May 18th, 1839

⁶⁴ *ibid*

⁶⁵ Mansfield, N., ‘Why are there no Chartist Banners? – the Missing Link in 19th Century Banners’, *Journal of the Social History Curators Group*, Vol. 25 (2000), pp. 35-44, p. 35

shrinks before the majestic eye of an (sic.) united people'.⁶⁶ A somewhat more sinister emblem was reported by *The Times* in July, which represented 'a death's head and crossbones'.⁶⁷ Epstein has suggested that such an image 'carried a revolutionary message: under no law or government'.⁶⁸ This interpretation falls away from Epstein's central interpretation of constitutionalism. In relation specifically to *The Times* report, it seems more likely that Tory trickery may have been involved, and that the paper was presenting a deliberately provocative image of the protests.

As the procession moved through the town on May 13th a stop was made outside the offices of the *Birmingham Journal* on New Street; the *Charter* suggests that around '80,000 persons...set up several rounds of hideous groans'.⁶⁹ Dorothy Thompson has identified the *Journal* as a 'moderate alternative' to the *Northern Star*, suggesting that in the early months of the Chartist movement it was considered by many as a Chartist newspaper.⁷⁰ However, by the spring of 1839, the paper had clearly become unpopular amongst local supporters of the movement. There can be little doubt that the groans were intended to represent disapprobation towards the *Journal*, and more precisely its editor, R.K. Douglas, one of the Convention members who resigned following municipalisation. Here then was a very clear symbolic gesture which was used to publically identify a person, or organisation, deemed to be in opposition to the objectives of Chartism. The collective act was simple, but effective. As with other symbolic gestures, it is impossible to know just how the act of groaning was carried out, how it sounded or how it was received. But it is a useful measure for revealing where local

⁶⁶ *The Charter*, May 19th, 1839

⁶⁷ *The Times*, July 6th, 1839,

⁶⁸ Epstein, J., *Radical Expression*, p. 164

⁶⁹ *The Charter*, May 19th, 1839

⁷⁰ Thompson, D., *The Chartists*, p. 46

political conflict lay in Birmingham. Other recipients of groaning, which feature in various reports, include ‘Mr Salt’s Manufactory’, the Public Office, the barracks and the cautions posted in the Bull Ring at the beginning of May. The *Birmingham Journal* reported in June that ‘the bank was not groaned at, but it will be, by and by’.⁷¹ This supposition was perhaps related to an understanding that the Bank of England had made formal complaint about the local Chartist gatherings to the Home Office, and requested action be taken against them.⁷² Thomas Salt was another former Convention delegate, and the man who most outspokenly contested O’Connor’s violent rhetoric; he was therefore perhaps an understandable, if unfortunate, target. But there are other unnamed local people who were made victim of this somewhat alarming form of demonstration. On May 17th, the day on which rioting almost broke out, a large crowd was reported to be gathered outside the Public Office ‘applauding and groaning at various passers-by’, depending upon whether the persons ‘were of popular favour or animosity’.⁷³ Following the arrival of the Convention, processions began to take place every night often carrying on until the early hours of the morning. The protesters were accused of ‘parading in a disorderly way’ and ‘sometimes evinced their animosity to individuals by yelling at their houses as they passed along’.⁷⁴ This previously overlooked evidence reveals a somewhat different atmosphere to the carnival events associated with the Union. It represented a potent expression of precisely which community members were sided with ‘the people’ and which were perceived as part of ‘the establishment’. This was a very personal and vindictive form of protest, and one which must have been quite terrifying for the targeted individuals.

⁷¹ *Birmingham Journal*, June 22nd, 1839; ‘Report of the Committee’, p. 8 and p. 12

⁷² Mather, F., *Public Order in the age of the Chartists*, p. 71

⁷³ ‘Report of the Committee’, p. 12

⁷⁴ *Ibid.* p. 14

Although the Chartist press attempted to present a perception of order in their protests, the reality may have been different, and the actions revealed here seem far removed from Dorothy Thompson's 'peaceable crowd'. Reports of the protests do, of course, have to be balanced. Both the Chartists and the local authorities were attempting to mitigate actions which were increasingly visible to an alarmed general public. There is, however, a strong sense from all parties that tensions in Birmingham were rapidly increasing, and that this became particularly evident following the arrival of the Convention in May. The rhetoric of the platform was designed to stir emotions, but this was reinforced by the atmosphere in which it was delivered. This atmosphere was already highly charged by the political, economic and environmental conditions which were prevalent in the public sphere during the 1830s. In addition, the local authorities, seemingly unsure of who was responsible for containing the unrest, began to respond in a way which would ultimately lead to almost a fortnight of rioting in the town. Sturge, writing retrospectively, claimed 'it seemed as though only a spark were wanting to set this whole mass of combustible materials into a blaze. This spark was not likely to be long wanting'.⁷⁵ The 'spark', to which Sturge knowingly referred, would come in the shape of a detachment of Metropolitan police. The following chapter will consider the reactions of local and national authority in the face of growing Chartist unrest in Birmingham, and the contribution this made to the outbreak of rioting.

⁷⁵ Ibid. p. 17

3.

To the Bull Ring!

Chartist protests continued in Birmingham throughout Spring and into the stormy summer months. On July 4th the Convention reconvened in the town for the purpose of passing resolutions which had been discussed in May. On the same day, O'Connor addressed a crowd at Gosta Green, advising the people of Birmingham that he had come to 'throw the shield of my protection over you...because an armed force is here and where danger presents itself is a fit and proper place for those who take part in this glorious cause'.¹ O'Connor's typically overstated speech was alluding to the seemingly legitimate response of local authorities to the rowdy Bull Ring meetings. This chapter investigates the shape that this response took and considers the way in which it was received by both the protesters and the wider public. This reveals why there was such a strong resistance to the imposition of authority at this time and further strengthens previous criticism of class-conflict theory, demonstrating that the riots were part of a political contestation of the public sphere. This has been undertaken in the context of two riotous outbreaks which took place on July 4th and July 15th; these dates have been selected to contest current historiography, which has collated the two events to create a distorted history of community relationships and early Chartism in Birmingham. Within this historiography there has been a focus upon one class oppressing another through excessive police force. A contrary reality is revealed here, using contemporary evidence which suggests that the local authority presented itself as weak and slow to react as it was caught up in a further contestation of the public sphere. The violent conduct of a

¹ *Northern Star*, July 6th, 1839; *Aris's Gazette*, July 8th, 1839

body of London police fell outside the control of an inexperienced magistracy with few alternatives for policing protest.

There has been a tendency amongst historians who are set upon proving issues of class conflict to overlook the legislative context of policing in their explanations of the riots. Evolving legislation on policing, particularly in relation to Birmingham directly after municipalisation, tends to undermine those myths of class repression, and so will be presented here before moving on to consider the July eruptions.

[i]

Prior to municipalisation, maintenance of the public peace had been the responsibility of the Street Commissioners and local Lamp and Watch Committee; the Watch consisted of two constables who employed less than one hundred and fifty part-time watchmen who received no training.² Following the election of the new council in 1838, moves were made, in accordance with stipulations of the Act of Incorporation, to institute a new, efficient police force. There was a great deal of general resistance to ‘new police’ legislation which was being rolled out during this period; there was a contemporary sense of an attempt to introduce a standing army which ‘represented a constant surveillance’ and was ‘the invention of European tyrants’.³ In Birmingham, this resistance came in the form of a rate strike. At a committee meeting in April, it was decided that an annual rate of £12000 should be ‘sufficient’ to meet the costs of policing and

² Weaver, M., ‘The New Science of Policing: Crime and the Birmingham Police Force, 1839-1842’, *Albion, a Quarterly Journal Concerned with British Studies*, Vol. 26, No. 2 (summer, 1984), pp. 289-308

³ Hay, D., ‘Crime and Justice’ p. 49; p. 58

judicial administration.⁴ The Churchwardens and Overseers of the Poor duly refused to pay the levy, on an understanding that the Act of Incorporation was not legal, and therefore the borough councillors did not represent a legitimate body of authority.⁵ The dispute of authority would drag on for another three years, but the immediate difficulty was a lack of an efficient police force during a period of immense unrest.

Although the new town councillors took responsibility for attempting to raise a police force, they had no judicial authority themselves.⁶ This authority lay with magistrates, as it did in all other boroughs of the country; the selection of magistrates, following municipalisation, controversially fell to the Crown. This was viewed as a wholly political manoeuvre by those in parliamentary opposition, part of a ‘determined Whig campaign to ensure political domination of the new borough magistracy’.⁷ The accusation appears justified when Birmingham’s new magistracy, chosen by Home Secretary John Russell, is considered, as only one sixth were Tory affiliates.⁸ The magistrates were in a difficult position as they were not men who had any real experience of containing unrest, were reliant on a few local amateurs and had no funding to institute a stipendiary police force. The magistrates did have recourse to use the Riot Act and this appears to have been utilized with some regularity during the unrest: following July 4th, placards appeared advising that ‘the Riot Act has been read. All persons remaining, or being in the streets,

⁴ Minutes of Birmingham Borough Council, April 2nd, 1839; *ibid.* April 12th, 1839. Judicial administration covered the offices of the coroner and recorder as well as the cost of quarterly assizes

⁵ *Ibid.* contestation of the Borough Council’s legitimacy continued for a further three years; the issue of the rate strike was solved by central government with the forced introduction of a local police in Sept. 1839

⁶ Vogler, R., *Reading the Riot Act: the Magistracy, the Police and the Army in Civil Disorder* (Buckingham, 1991), p. 28

⁷ *Ibid.* p. 29

⁸ Appendix {ii}

except for their lawful business will be taken into custody'.⁹ This was a serious piece of legislation, with political connotations, in that it confirmed the magistrates as 'servants of the state'. The magistrates and their agents were immune from prosecution for any injury or death sustained during the discharge of their duty. Vogler has argued that this was, in effect, 'a law to abolish all law'.¹⁰ The Act could be read wherever there was a gathering of twelve or more people 'riotously and tumultuously assembled together to the disturbance of the public peace'.¹¹ Given the somewhat rowdy nature that the Chartist protesters presented, the imposition of this Act would appear legitimate; it was not, however, conceded to as the Birmingham protesters remained defiant in continuing their meetings. Those remaining in the streets one hour after a reading of the Act could be hung as traitors; that they remained perhaps demonstrates the sense of justification they felt in their protests.

The town barracks was home to a detachment of dragoons, which could be called upon in an emergency with approval of the magistracy.¹² Mather has suggested that their numbers were relatively small, although in Birmingham reinforcements had been brought from Weedon in May.¹³ Despite an initial reluctance to use the army for policing the Chartists, the magistrates did come to rely heavily on the local military once the London police had presented themselves as a hindrance, and they proved to be the most effective means for breaking up a crowd. The next suitable recourse of action for the magistrates was the enlisting of 'specials'. This authority had been granted to magistrates before municipalisation, but appears to have become a particularly

⁹ *The Charter*, July 7th, 1839

¹⁰ Vogler, R., *Reading the Riot Act*, p. 2

¹¹ The Riot Act, 1., Geo. 1 St. 2 c. 5

¹² Mather, F., *Public Order in the Age of the Chartists* (Manchester, 1959), pp. 155-6

¹³ *Ibid.*, pp. 158-9

prevalent attempt at policing across the country during 1839.¹⁴ Pragmatically it was a cheap solution, but it may also have been a means by which the establishment could demonstrate that not everyone stood in opposition to them. Enlisting was not wholly voluntary however: there was a five pound fine for anyone who refused to be sworn in, so it is important not to draw too much of an inference from the numbers joining.¹⁵ Swift has compiled some useful evidence, which implicates a significant proportion of those enlisted as members of the ‘shopocracy’.¹⁶ This is supported by Sturge’s report, in which he claims that Birmingham’s specials ‘were taken from the upper and middle classes of the community’.¹⁷ If this is taken to be an accurate representation of the composition of enlisted specials, it could suggest that the new municipal men were attempting to present a united front with local businessmen. This could be taken as a symbolic claim to authority by the new borough men as they attempted to entrench their position in the town’s government.

The number of specials may appear substantial, and their numbers were further bolstered with the enrolment of a thousand Chelsea out-Pensioners but there has been some suggestion that there were sufficient numbers of police in Birmingham to control the Chartist unrest.¹⁸ However, the magistrates clearly did not believe this, a fact stated explicitly at the time.¹⁹ With a lack of support from the Street Keepers, the magistrate’s next move was an appeal to central government for assistance. Scholefield and two Tory Birmingham magistrates travelled to London for the

¹⁴ Swift, R.E., ‘Policing Chartism’, p. 675, presents some useful figures showing the extensive enlistment of specials in the urban provinces, particularly those with a strong Chartist presence

¹⁵ Ibid. p. 672

¹⁶ Ibid. pp. 680-4

¹⁷ ‘Report of the Committee’ p. 9; *ibid.* p. 30

¹⁸ Behagg, C., *Politics and Production*, p. 210

¹⁹ *Birmingham Journal*, July 13th, 1839, report of Town Council meeting in which magistrates agreed that ‘current police force inadequate’

purpose of requesting a detachment of Metropolitan police. A body of sixty officers under the command of an inspector George Martin was dispatched to the town on July 4th, with perhaps predictably disastrous results. Current historiographical debate on the Bull Ring riots has tended to centre on the introduction of the London police, and a critical discussion of these will now be presented, along with a brief account of events on July 4th in which it will be shown that protesters became engaged in an active defence of their beliefs, as outlined in E.P. Thompson's riot model. In the following accounts the terms 'police', 'London police' and 'officers' refer to the Metropolitan force.

[ii]

News of the imminent arrival of the Metropolitan police reached the Bull Ring just too late; as the speaker advised the crowd to disperse, London officers, led by magistrates Scholefield and Booth, turned the corner from Moor Street.²⁰ The speaker was able to descend from the make-shift hustings and disappear into the crowd. There is some dispute in reports over subsequent events. *The Times* claims that the officers 'marched four abreast', straight into the crowd and attempted to seize the flags and banners which had been rested against Nelson's statue;²¹ Sturge's report suggests that the crowds began 'to take flight' almost as soon as the police approached, with the police chasing down the flag bearers and 'striking all who came in their way'.²² The people began to rally and a skirmish ensued which lasted between ten and twenty minutes. In the meantime, magistrates Booth and Scholefield returned from the barracks

²⁰ 'Report of the Committee', pp. 19-20

²¹ *The Times*, July 6th, 1839; there is no evidence that seizing the flags was any part of the magistrates plan, but was undertaken by the London police outside of the orders given by Scholefield, appendix {iii}

²² 'Report of the Committee', p. 20

with a body of dragoons. The crowds dispersed immediately the cavalry appeared, but there had been many injuries including serious stab wounds to three of the London officers.²³

There are numerous reports of this outbreak in the contemporary press, and subsequent historiography has placed a particular emphasis behind the magistrate's call for Home Office assistance. Dorothy Thompson's suggestion of a 'strange action' on the part of local magistrates has been addressed and the interpretation of a 'peaceable crowd' was shown in chapter two as being somewhat flawed. A further debate between Clive Behagg and Michael Weaver is interesting in that both seem to come to the same conclusion, but with two different interpretations. Behagg's appraisal also depends upon the flawed notion of 'a predominantly peaceful nature' to the Bull Ring riots, and the London police were requested by the borough men as a 'public demonstration of their recent severance from the popular movement'.²⁴ Weaver has argued against this interpretation, claiming that it 'stops just short of accusing the city authorities of provoking the riots'.²⁵ This accusation is unwarranted, given that Behagg goes on to state explicitly that a 'simple act of provocation...is unlikely to provide the full explanation'.²⁶ However, his further suggestion that the presence of a London police force represented a 'rejection of the entire working-class movement' is difficult to understand, based seemingly only on the premise that there was a 'reasonably sufficient force to deal with any local disturbances'.²⁷ This was not the reality. Although Behagg cites the presence of '150 mounted troops, two rifle companies and...2,500 special constables' and an unspecified number of Warwickshire

²³ *The Standard*, July 6th, 1839, reports one officer stabbed after being surrounded by a crowd of around forty men; two other policemen were 'seriously wounded' outside the liquor vaults of Mr Wainwright

²⁴ Behagg, C., *Politics and Production*, p. 212

²⁵ Weaver, M., 'The Birmingham Bull Ring Riots', p. 144

²⁶ Behagg, C., *Politics and Production*, p. 213

²⁷ *Ibid.* p. 210

Yeomanry, the figures are not representative of the situation faced by the new and inexperienced borough magistrates. During a state trial, the Attorney General remarked that ‘the police of Birmingham had been in a very inefficient state’;²⁸ the supplementary body of specials mentioned by Behagg included a thousand Chelsea out-Pensioners who were presented in the Chartist press as a ‘limping, hopping, hobbling set of old pensioners’.²⁹ Whether this was true or not, it is the perception that is of importance; any sign of weakness amongst the agents of authority could potentially encourage insurgency. Further, a dependence on the military to disperse protests would certainly have appeared oppressive and perhaps played directly into the objectives of O’Connor and the Convention as they attempted to provoke reaction. The argument here leans to Weaver’s more pragmatic suggestion that the magistrates were seeking a way to control meetings ‘quietly but firmly’ to demonstrate their ‘ability to keep the peace’.³⁰ This was not the intense representation of class conflict that Behagg suggests, but further evidence of the contestations of the public sphere in the turbulent 1830s.

Attention must also be given to the way in which the Metropolitan police presence was received in Birmingham. The initial violent reaction appears to have centred on attempts to seize flags and banners. This battle has received little consideration, but stands as an important symbol of political conflict. It has already been shown that the images and mottoes presented on the Chartist flags were contemporarily recognised and used as a means of identification. Seizing those symbols appears a highly provocative act. This was recognised in *The Times* the morning after the Bull Ring skirmishes, suggesting that ‘the people, exasperated at losing what they

²⁸ ‘*Reports of State Trials: The Queen against John Collins*’, August 5th, 1839, p. 1152

²⁹ *Northern Star*, July 6th, 1839

³⁰ Weaver, M., ‘The Birmingham Bull Ring Riots’, p. 144

conceived to be the emblems of their principles...rallied and attacked the police in return'.³¹ This is a strong indication that the crowd, which had initially dispersed, rallied in a fierce defence of the 'emblems of their principles'. There has been a tendency in past analyses of the Bull Ring riots to focus on numbers; Behagg has stated that a body of sixty 'lightly armed' officers was an insufficient force to contain a crowd of several hundred.³² The significance of numbers is contested here; it seems likely that an organised troop of uniformed officers approaching with intent would have had some impact and the initial dispersal of the crowd supports that. The subsequent action of the London police in seizing the flags was the exacerbating factor. The crowd felt justified in their defiance of authority because they believed that they were defending 'ancient liberties' in the symbolic form of their flags.

The anger and defiance felt by protesters rapidly was not easily quelled. Although the Bull Ring was barricaded, the 'same spirit of violence and disorder had manifested itself' elsewhere in the town.³³ The official investigation states that a crowd exceeding two thousand gathered at Holloway Head where inflammatory language and a call for martial law were overheard.³⁴ Smaller disruptive crowds moved through the streets, church railings were wrenched up and both the Rifle Brigade and the Dragoons patrolled through the night to keep order. There appears to have been little resistance to the military presence, and there may even have been some element of initial support. A report in the *Standard* tells of a dramatic apprehension in the Bull Ring, after the crowd had been dispersed: a dragoon, struck by a stone, 'turned his horse, quick as lightening, and galloping up to the delinquent seized him by the collar, threw him across

³¹ *The Times*, July 5th, 1839

³² Behagg, C., *Politics and Production*, p. 211

³³ 'Report of the Committee', p. 21

³⁴ *Ibid.*

the saddle and galloped off to the prison with him...which elicited the general applause of the inhabitant householders'.³⁵ There are few reports like this, and so the story must be treated with caution, but it does hint at some support for the action taken to break up the Chartist protests.

The following morning a placard appeared around the town, condemning the actions of 'bloodthirsty' police. The placard was signed by William Lovett and John Collins, both of whom would spend a year in prison as a result. The primary target of the placard's disapprobation was the ex-Radical borough men who '...when out of office sanctioned and took part in the meetings of the people; and now, when they share in the public plunder, seek to keep the people in social slavery and political degradation'.³⁶ It is possible to see in this language the dynamic nature of contemporary social divisions; the polemic clearly reveals that former alliances had irrevocably altered as former allies had moved to the status of 'establishment'. The events of July 4th can be related to Chartist protest and platform rhetoric; it is evident that some of those partaking in violent action believed that they were protecting the political rights of the community. Natalie Davis, describing 'urban rioters', argued that 'we may see their violence...not as random and limitless, but as aimed at defined targets'.³⁷ In the days following July 4th those targets became increasingly identifiable in Birmingham. Focusing on the actions taken during the riots is a preferable approach to imposing a theoretical class-conflict framework as it will reveal who those targets were, and where actual community divisions rested. The rest of this chapter will consider the behaviour of the London police and how popular reactions to their actions were manifested on July 15th

³⁵ *The Standard*, July 6th

³⁶ *The Morning Post*, July 8th, 1839; appendix {iv}

³⁷ Davis, N., 'Rites of Violence', p. 53

[iii]

There may have been some feeling of ‘rough justice’ following July 4th, as the London police appeared to be almost out of control in their treatment of local civilians.³⁸ Official reports, the press and parliament disseminated information in a catalogue of complaints against the visiting police officers. Some officers, including Inspector Martin, were later reprimanded; some were prosecuted at the Birmingham assizes.³⁹ There appears to have been no class or status discrimination to the behaviour of the police, even a local councillor was beaten by police on his way to a meeting. In pulling various reports together a startling picture of unchecked police brutality appears to have taken place on the streets of Birmingham during the early weeks of July, 1839.⁴⁰ This had an impact on the whole community, not just those taking part in protests. The behaviour was roundly condemned by the local authorities and Chartist leaders alike, but local tensions had escalated considerably and the people would not be contained. Other actions taken by the local authority also caused outrage, in particular the introduction of an 8pm curfew, which was presented in the constitutionalist rhetoric of the Chartist press as the ‘barbarous curfew bell of the Norman invaders’.⁴¹ The behaviour of the London police would show itself to be that ‘spark’ to which Parkes referred in his report.

On the morning of July 15th a ‘bell man’ was reported to have been parading in the town, calling on people to attend a mass meeting at Holloway Head where Thomas Attwood would make an address about the rejection of the National Petition three days earlier. It seems there was

³⁸ Behagg, C., *Politics and Production*, p. 202, suggests rioters were partaking in ‘rough justice’ in their razing of targeted shops; the suggestion made in this thesis is that the London Police may have been guilty of the same

³⁹ ‘Report of the Committee’

⁴⁰ Appendix {v}

⁴¹ *Morning Post*, July 9th, 1839

some element of mischief here, as there is no evidence that Attwood ever intended to visit Birmingham. Nevertheless, the bell man attracted considerable attention, making several more appearances during the day and each time attracting a following. At some point a scrap of blue paper was attached to his hat;⁴² blue had been the symbolic colour of the BPU, and it seems possible that some sense of irony lay behind this action which would have had meaning to those who witnessed it.⁴³ Reports of various events indicate that small groups gathered at Holloway Head during the afternoon and several people claimed to have informed the Mayor's office that they believed trouble could break out.⁴⁴ Rumours circulated that an attack on the bank was expected, and local shopkeepers placed their staff on 'vigilant alert'.⁴⁵ There was an evident sense of concern amongst a good proportion of the local community. This was also the day which the Convention had originally proposed as the start of a 'national holiday'.⁴⁶ This appears to have escaped the attention of the magistrates, as the Mayor ordered a general winding down of patrols which had been in place since July 4th, and ordered that the London police could be returned home.⁴⁷ For the first time in almost a fortnight, the magistrates left office in the early afternoon and left orders that, in the case of any trouble, no action was to be taken without the direct order of a magistrate. This decision came in for some criticism in post-riot enquiries, but given the earlier behaviour of the police, it may be understandable. In defence of the magistrates Parkes claimed that 'Rumours of an alarming nature there might have been, but such...had been the case for many weeks...the general inclinations of men's minds was to treat all reports of this

⁴² *The Times*, September 21st, 1839, witness statement of John Raby during the Dundas enquiry

⁴³ Somerville, A, *Autobiography of a Working Man*, p. 155 reveals the blue ribbon as a BPU symbol

⁴⁴ 'Report of the Committee', pp. 33-4; *The Times*, September 21st, 1839; *Ibid.* September 22nd, 1839

⁴⁵ Edwards, E., *Personal Recollections of Birmingham and Birmingham Men* (Birmingham, 1877), pp. 28-9

⁴⁶ Epstein, J., *Lion of Freedom*, p. 168

⁴⁷ *The Times*, September 21st, 1839, eyewitness account of Inspector May to the Dundas enquiry

kind with contempt.⁴⁸ Still, it appears a naïve decision to take, and one which would have dire consequences.

At around seven o'clock, large groups of people were seen at Holloway Head, which newspapers suggested numbered around two thousand.⁴⁹ The crowd was addressed by a man named as 'Wilkes', who called for a march to the Warwick Road, for the purpose of meeting Collins and Lovett who had just been released on bail. There is a sense of organised democracy in this decision, as the route to be taken was discussed and the procession was formed in an orderly manner with occasional stops as Wilkes gave directions of the route to take.⁵⁰ This arrangement appears in keeping with the objectives of the Chartist movement, who were keen to present an image of legitimacy even while partaking in intimidating behaviour. However, the whole nature of this 'peaceable' protest was disrupted when, at Camp Hill, some two miles outside of the town, a report was received that a man had been assaulted in the Bull Ring by London police. Almost immediately a cry went up: 'To the Bull Ring!' The procession turned and made its way back to the town.⁵¹ Thirty minutes later the procession was seen entering Moor Street; led by a one-legged man flourishing his crutch and shouting 'c'mon my boys', the crowd proceeded to smash all of the windows at the Public Office.⁵² The London police were locked inside and, with no magistrate present, were unable to take action. It was perhaps this lack of response that prompted the crowd to seek a different target, as they quickly moved to the Bull Ring and began to attack the shops. Here, windows were smashed, goods looted and added to

⁴⁸ 'Report of the Committee', p. 34

⁴⁹ *The Times*, July 17th, 1839

⁵⁰ 'Report of the Committee', p. 36

⁵¹ *The Times*, September 21st, 1839, witness statement of James Osborne to Dundas enquiry

⁵² *Reports of State Trials*, 'The Queen against Howell and others', p. 1104 the man described was identified as Jeremiah Howell

what Chase has described as a ‘ceremonial bonfire...at the Chartist’s customary meeting place in front of Nelson’s statue’.⁵³ This riot, however, should not be viewed as a representation of Chartist unrest, but can be better understood as a more generalised reaction against the establishment by a broad section of the local society. Not all of those involved were identified as Chartist protesters. Not everyone attacked can be easily identified as belonging to a political group. Chase has claimed that the shops targeted belonged to men who were known to be anti-Chartist. This was denied in parliament by Birmingham MP Joshua Scholefield. However, Chase’s further suggestion that the rioters were ‘paying off scores against an unsympathetic shopocracy’ has some merit. The argument here though would be that those ‘scores’ pre-dated the Chartist movement, and could be traced back to the impact that the GRA had on artisan alliances. The riots can be viewed as being representative of a general breakdown in community relationships, one in which men were identified as being part of ‘the people’ or part of ‘the establishment’. This breakdown can be seen in a number of assaults, including the attack made on the fire brigade as they attempted to attend the burning shops. But it becomes most clear in an altercation which took place between men of the local military and a local labourer, whose story has been overlooked in Chartist historiography.

John Binnon was, according to his acquaintances, a ‘quiet young man’ who had no involvement with the Chartist protests. On July 15th, for some unknown reason, he crossed the Bull Ring as the rioters were just beginning to disperse. He stayed close to the market hall, perhaps to avoid any accusation of involvement. A foot soldier approached and ordered him to ‘move along’; Binnon replied that he would move along when he was ready. This response

⁵³ Chase, M., *Chartism*, p. 93

infuriated the foot soldier, who called upon a dragoon to move the man along. The dragoon drew his sabre, cutting Binnon badly with several blows to the head and arm, allegedly yelling ‘damn your soul to hell, you will go back’. Binnon died of his wounds several days later, having developed septicaemia following amputation of the injured arm. At his inquest the jury first returned a verdict of ‘legally justified homicide’, which the coroner suggested indicated a ‘disapprobation of the law’ and asked for them to reconsider their verdict. The jury argued that they felt the soldier’s actions had been an overreaction, but must have agreed to drop the word ‘legally’ as the coroner’s scroll shows only the words ‘justified homicide’.⁵⁴ The original request made by the foot soldier seems not unreasonable, given the extraordinary events that were underway. However, Binnon’s response suggests that the military presence was neither welcome nor respected, even by those not involved with the protests. If we consider this account, along with the attacks on the firemen, the Public Office and local businesses, there is a sense of community fracture which transcends concepts of class conflict. This was not simply the abstract mob reaction which presented by Ward. There was a sense of anger and injustice within parts of the community which continued to be expressed after the riots subsided. When specific actions are identified and analysed, it is revealed that those involved had a clear idea of which people and social groups represented ‘other’, even in the midst of erupting emotions. The violence can also be understood within E.P. Thompson’s model: these were, after all, ‘ordinary’ people, caught up in an extraordinary series of events. They may not have partaken if there was no sense of community backing for their actions.

⁵⁴ *The Morning Chronicle*, August 13th, 1839;

The riots of July 15th attracted a huge amount of attention; Chase has suggested that they were contemporarily reported in ‘exaggeratedly lurid terms’.⁵⁵ The reception of the riots should, however, be understood in the context of the times. Somerville’s pamphlet reveals something of the prevailing anxiety which was particularly centred on Birmingham. There was some measure of prescience in his warnings, as the town was barricaded and cannon were placed in strategic spots of the town, including at Holloway Head, in a further symbolic contestation of public space.⁵⁶

There were a significant number of arrests, but relatively few prosecutions given the serious nature of the outbreak.⁵⁷ Five capital cases were brought against Francis Roberts, Jeremiah Howell, John Jones, Thomas Aston, and Henry Wilkes. Despite an eye-witness account that Wilkes had been heard telling the crowd that ‘now was the time to act’, it was decided that he had no case to answer. Fourteen year old Aston was charged with looting and transported for ten years. Roberts, Howell and Jones were sentenced to hang. There were no eyewitness accounts of any of them committing violent acts or partaking in the firing of shops, but were charged under the Riot Act as being guilty by association.⁵⁸ Many people in Birmingham were shocked at the sentencing, and immediately rallied for the commutation of the sentences. The new borough councillors backed this call, and a petition was raised which was signed by tradesmen who had been attacked during rioting.⁵⁹ A number of alibis for the men came forward after the sentence

⁵⁵ Chase, M., *Chartism*, p. 96

⁵⁶ Ordnance was brought into Birmingham from Weedon, but the Royal Artillery Library has suggested that there was no intent of using the ordnance, it was a symbolic threat against any further disturbance

⁵⁷ Appendix {vi}

⁵⁸ 7 & 8 Geo. 4. C. 30

⁵⁹ *Birmingham Journal*, August 17th, 1839

had been passed, including for John Jones who had admitted his presence. Under increasing pressure the Home Office intervened, and the three men were transported for life.⁶⁰

The events discussed here offer some insight into the nature of the Bull Ring riots, and reveal them as the culmination of a series of events related to Chartist protest, but which were not necessarily representative of those protests. The main objective has been to demonstrate that these violent outbursts were also related to contestations of the public sphere, predominantly as a resistance to the changing shape of political representation, rather than to issues of class conflict. It is further hoped that in revealing these riots as an example of wide community protest, they will no longer be used to define early Chartism in Birmingham.

⁶⁰ Ibid.; *Northern Star*, August 31st, 1839; an interesting point here is that the Bull Ring men were transported on the same ship as the Newport insurgents

Conclusion

Within current historiography, the Bull Ring riots have been used to define early Chartism in Birmingham, and as a means of interpreting class relationships in the town. This thesis has set out to bring a new perspective to the riots by placing them in a broader contextual framework than has previously been applied, and by introducing analysis of symbols, actions and language. This approach has revealed an alternative account of Birmingham's social and political relationships during the late 1830s, a period of immense national upheaval. It is hoped that this will open the way for further investigation of the town's early municipal history, and its relationship to the early Chartist movement.

The main objective in approaching this subject was to demonstrate that unrest in Birmingham during 1839 was related to the town's municipalisation as much as it was to the presence of the Chartist convention. In the course of research there appeared to be a direct and antagonistic connection between the two and which often presented itself in public debate. The prevalent approach to this conflict has been located within Marxian class theory.⁶¹ This proved a difficult framework in which to fully understand the community and political relationships which were taking place in Birmingham. The adoption of Cannadine's 'single-division' theory, which shifts the social parameters to 'people' and 'establishment', provided an alternative approach.⁶² In moving away from ideas of one class attempting to oppress another, the dynamic nature of the public sphere began to emerge. Once this context was established there was further scope for understanding the significance that actions and symbolic representations meant to those

⁶¹ Barnsby, G., *Birmingham Working People*; Behagg, C., *Politics and Production*; Weaver, M., 'The Bull Ring Riots'; Thompson, D., *The Chartists* whilst taking a positivist approach based on data rather than theory, still maintains a suggestion of class conflict in her brief allusions to the crisis in Birmingham, p. 255

⁶² Cannadine, D., *Class in Britain*

contesting the public sphere. More recent work by writers such as Epstein, Vernon and LoPatin have introduced new perspectives to many aspects of early Victorian British history.⁶³ In adopting some of those interpretations here, the Bull Ring riots have been brought in line with this new approach. Previously overlooked evidence has been introduced here, such as the battle for the flags on July 4th and the death of John Binnon following injuries sustained on July 15th. Time and word limit have precluded the use of other information: police and Home Office records at the National Archives have yet to be given full consideration, and there are further records of local constables and Street Commissioners available at Birmingham's archives. It is hoped that these will be consulted in the future research.

The riots presented themselves as a complex series of narratives and to try and make better sense of them, it was decided to separate the Spring protests into a separate chapter. This proved to be a useful approach as it revealed an organized Chartist presence in Birmingham at this time, contrary to Brigg's widely accepted assertion that, following the resignation of the town's Convention delegates, 'the unity of Birmingham Chartism had been shattered for all time'.⁶⁴ Organized protest revealed itself in orderly processions, meetings and seemingly innocuous placarding. As this research considered concepts of contestation, rather than oppressive and resistant conflict, it was necessary to understand how the Chartist protests were received by those people in the public sphere not involved in the protests. This involved trying to understand how the public perceived the protests, as well as those in authority. New revelations emerged of weaknesses in authority and of what Cannadine has described as 'febrile social

⁶³ LoPatin, N. 'Ritual, Symbolism and Radical Rhetoric'; Vernon, J., *Politics and the People*

⁶⁴ Briggs, A., *Chartist Studies*, p. 28

imaginings' within the national population.⁶⁵ In using the linguistic theories of Epstein and Vernon to examine the intended impact of the 'constitutionalist idiom', and the 'politics of sight',⁶⁶ the protests which were presented as 'peaceful' by Dorothy Thompson, have been shown to have had a threatening nature.⁶⁷ This was a deliberate Chartist tactic, intended to create confrontational situations.⁶⁸ It was a different approach to that taken by earlier radical political group; in making that comparison it has been shown that there was a distinct change in the way that protest took place. Chartist rhetoric and behaviour was confrontational and personal, and was a significant contributory factor in the creation of emerging social divisions. However, these protests had a wider social impact as 'real' people, not just those in control of politics, were seemingly anxious about the possibility of revolution. It has been shown that these fears were often exploited for sales of cheap pamphlets. In moving away from theories of oppression it is possible to see the actions of those in authority as pragmatic responses to the concerns of a broader population. This has not been part of an attempt to present protagonists as being either 'good' or 'bad', but understanding has been accorded to those people who risked all in their calls for extended reform and legislative change.

The decision to distinguish the Bull Ring riots from earlier Chartist protest in Birmingham was taken primarily as a challenge to the way in which historians have used them to define early Chartism in the town. The intent was to show that firstly they were not wholly related to the movement, and secondly to highlight the presence of organized protest in the town. Treating the riots as a separate phenomenon also proved an opportunity to consider the shape of

⁶⁵ Cannadine, D, *Class in Britain*, p. 84

⁶⁶ Epstein, J., *Radical Expression*, Ch. 1; Vernon, J., *Politics and the People*, pp. 107-116

⁶⁷ Thompson, D., *The Chartists*, p. 69

⁶⁸ Epstein, J., *Lion of Freedom*, p. 132

local community relationships following municipalisation. By analysing actions, including violence, it was possible to identify the way in which local townsfolk perceived community divisions, and these were seemingly not based on any contemporary notion of class conflict. The interpersonal violence which took place between local and the London police cannot be viewed in terms of agents of capitalism repressing legitimate working-class agitation. Birmingham's borough men, MPs and merchants all appear united in their damning accounts of the actions taken by London police. It was the violent actions of the Metropolitan police which directly led to outbursts on July 15th. It was also revealed that this was a reaction against another community group, the 'shopocracy'. Further investigation into this uneasy relationship could provide a fresh perspective on Birmingham's early nineteenth-century political society. These relationships are complex, often rooted in a longer history than is generally presented; they are better understood outside of class-conflict theory, which often does not fit interpretations of social interactions.

The post-Reform decade of the 1830s can be seen as a liminal period in British social and political history. Legislation was introduced as an attempt to maintain social order, and became subject to contestation in the public landscape of urban society. The Incorporations Act of 1835 brought those changes into the provinces, generating further change and creating fissures within formerly allied political communities. These contestations sometimes took place outside of the Chartist movement, and the establishment of the Duddeston-cum-Nechells Radical Reform Society is evidence of this. Unrest in Birmingham during the latter half of the decade has been shown here to have escalated following municipalisation; it is not possible to say whether rioting would have taken place in Birmingham had there not been such a difficult local relationship between the 'people' and the newly formed municipal 'establishment'. The relatively weak state

of local authority has, however, been shown as the reality in Birmingham, in contrast to the more general presentation of organized repression. There are still many questions remaining as to seemingly deliberate lack of authority on July 15th, and it is possible that answers may lie in untapped records at the National Archives. An interesting note here is that the minute books which were consulted during this research made no reference to the riots, even where meetings were taking place in the midst of violent unrest.

This research has attempted to place the Bull Ring riots within more recent historiography by adopting an approach which provides a cultural interpretation. It has been shown that this is an effective approach for understanding Birmingham's early Chartist history as it reveals a dynamic political community in the town which has generally been overlooked. Further investigation could reveal more about relationships, including between local Tories and the artisan population.

APPENDIX

Appendix {i}¹

Birmingham Radical and Constitutional Association address to Street Commissioners:

Gentlemen – For many years past the working classes of Birmingham have been distinguished by their peaceable and orderly conduct at all of their public meetings, even under the most exciting circumstances, and so long as they were treated with manly consideration by being privileged to assemble in any of the public buildings for the discussion of popular opinions, their general conduct was found to merit the approval of all classes of society; therefore we have much regret that the present position of the working men being deprived of any proper place of meeting to express their views and grievances, is, unhappily such as to leave them exposed to many influences of a baneful and demoralising tendency; prejudicial to the character of this important town. That the mental, moral and physical degradation of the working man is more keenly felt and rapidly increasing by the state of things is obvious to every candid observer; and it is much to be feared that the worst passions of the human mind will soon gain a fearful ascendancy over the masses, if that they are to be slighted and excluded from the pale of citizenship. If thus they are to be regarded as outcasts from civilised society, and aliens from the last poor semblance of the commonwealth; or if thus they are to be denied the privilege of holding their meetings in any of the public buildings which have been erected, and must be supported from and by the profit of their industry, though indirectly subscribed through the hands of their employers. With these feelings and with a view to ameliorate the condition of the working classes, this association respectfully request you grant them the use of the Town Hall for one night each week; and we undertake to use every means in our power to render our meetings not only beneficial to the character, habits, morals and general condition of the working classes, but also satisfactory to national improvement and to the principles of political reform, which all classes admit to be requisite, and which we only seek to obtain by constitutional means.

We remain, gentlemen,

Your most respectful and obedient humble servants,

(signed, in behalf of the Association)

Samuel Davies Secretary John Follows Treasurer

Committee Room, Temperance Coffee Rooms

Freeman St. Birmingham

¹ *Birmingham Journal*, June 29th, 1839

Appendix {ii}

Political affiliations of Birmingham magistrates appointed by John Russell, 1839²:

Tory:

W.C. Alston	C. Shaw
J.K. Booth	William Chance
J.F. Ledsam	

Whig:

Samuel Beale	J.B. Davies	R. Webb
Thomas Beilby	J.T. Lawrence	J. Webster
Thomas Bolton	H. Smith	
Thomas Clark	Joseph Walker	

Former BPU members identified as ‘Radicals’

J. Meredith
P.H. Muntz
C.C. Scholefield
W. Scholefield

Oath not taken – affiliation not declared:

Thomas Attwood (known Radical)
J.L. Moillet
W. Phipson
R. Spooner (known Tory)

² *Birmingham Journal*, July 20th, 1839

Appendix {iii}

William Schofield's instructions to the superintendents of the London police on their arrival in Birmingham. Published as part of the investigation into their conduct:³

Birmingham, July 4, 1839

Gentlemen, - The object the magistrates have in view in calling in your aid, is to suppress certain meetings held in the Bull Ring, and certain tumultuous processions, organised and meeting in the public thoroughfares, in defiance of the law, to the great injury of property and terror of the inhabitants. For this purpose you will proceed to the Bull Ring, and in event of there being a large assembly, but no speakers nor persons prominently encouraging others to obstruct the road, you will do all you can, quietly and temperately, but firmly and decidedly to disperse the crowd.

Should the meeting be addressed by any one or more persons, you will endeavour to arrest the speakers or leaders of the assembly. If you fail in this, owing to the obstructions offered by any parties, you should forthwith arrest such parties, and any others whom you find breaking the law, either by impeding the road, or in any other way. The same guiding principle will influence your conduct in any steps you may be compelled to take, in order to disperse the tumultuous procession referred to.

Should any extraordinary circumstances arise, not contemplated in this communication, you will adopt such a course as necessity and the law may justify, and with as little violence as is consistent with the desired end.

I am, gentlemen,

Your most obedient servant

(signed) William Schofield, Mayor

Mr Martin and Mr Partridge, Inspectors

of the London Police

³ *Birmingham Journal*, July 24th, 1839

Appendix {iv}¹

Resolutions of the Chartist Convention, July 5th, 1839, signed by William Lovett

1. That this Convention is of the opinion that a wanton, flagrant and unjust outrage has been made upon the people of Birmingham by a bloodthirsty and unconstitutional force from London, acting under the authority of men who, when out of office, sanctioned and took part in the meetings of the people; and now, when they share in the public plunder, seek to keep the people in social slavery and political degradation.
2. That the people of Birmingham are the best judges of their own right to meet in the Bull Ring or elsewhere, have their own feelings to consult, and are the best judges of their own power and resources to obtain justice.
3. That the summary and despotic arrest of Dr Taylor, our respected colleague, affords another convincing proof of the absence of all justice in England, and clearly shows that there is no security for life, liberty or property, till the people have some control over the laws they are expected to obey.

¹ *The Champion and Weekly Herald*, July 7th, 1839

Appendix {v}

Eyewitness accounts of incidents of violence by the Metropolitan Police¹

William Jones - Journeyman tailor of Aston Rd.

Detained by up to 20 officers; searched and beaten about the head; charged with striking a police officer – case dismissed by Assizes

John Rathbone – Coach-harness maker of Sherlock St.

Knocked down by 3 or 4 officers on Allison St. as he was returning from work; unable to work as a result of his injuries

James Smith – Plater of No. 4 Court, Blucher St.

On July 8th witnessed police knocking down a neighbour who had been ‘quietly smoking his pipe in his shirt sleeves and without his hat’; Smith intervened and was beaten by police so severely he was unable to work for 9 days

Henry Green – Lamp maker of Fordrough St.

Witnessed a police officer knocking down an ‘aged woman’ on New St. and then assaulting a ‘peaceable workman in his trade clothes’. Claims to have seen the same officer confiscate a whet stone from a work man and calling the same workman a ‘damned liar’

Thomas Power – Bricklayer of No. 3 Court, Thorpe St.

Power is described as a 73 year old man ‘exceedingly emaciated’. On July 9th claims that he was knocked down by a body of London police and taken to Moor St and detained overnight, despite no evidence of any misdeed. He was released the following morning without charge

Mr Thomas Redfern – Merchant, Birmingham

Witnessed London police beating people ‘in an unjustifiable manner’ for around 30 minutes on New St on July 8th at 9pm. Two men at the scene ‘wearing respectable clothes’ told Redfern that they had been beaten across the shoulders with staffs

William Blaxland – Councillor, Birmingham

¹ These accounts taken from the following sources: ‘Report of the Committee’, pp. 26-9; *Mirror of Parliament*, July 10th, 1839, pp. 3794-5; *Birmingham Journal*, July 13th, 1839;

Claims to have been struck on the arm with a stave by a London policeman on July 8th

George Jones – occupation and address unstated

Beaten to the ground by 3 police officers as he walked along Sandy Lane on August 18th; a number of witnesses came forward and a London police officer was fined 40 shillings

July 10th, 1839: House of Commons:

T. Duncombe MP., claimed reports were coming from Birmingham of a concerted assault on civilians by London police and local military:²

While crowds were assembled in the Bull Ring, the military blocked off all entrances and exits, after which no one was allowed to pass these lines. After some time the Metropolitan police divided into sections, each section followed by a troop of dragoons. Immense crowds were congregated and the police commenced an indiscriminate attack with their staves. Men, women and children were thrown down and trampled upon, while the police beleaguered them right and left. Broken heads with other severed wounds were the result. One man, who was returning from work had his teeth knocked out. The poor fellow exclaimed ‘am I in England?’ Special constables have expressed horror at what took place.

John Russell responded that Mayor Scholefield had given assurances that all was under control, and stated that he ‘totally and entirely’ disbelieved the reports.

² Thomas Duncombe was MP for Finsbury, a Radical who supported the Ten Hours Bill, spoke out in defence of Chartist protesters and was an early supporter of Corn Law repeal

Appendix {vi}¹

Offenders arrested during the Bull Ring riots, July 1839:

Arrested following July 4th:

William Shears	Riot
William Eades	Riot
Thomas Salter	throwing stones
John Stony	throwing stones
Eleazer Hughes	striking police officer with a cutlass
John Neale	throwing stones
Thomas King	rioting; possession of a bayonet
Thomas Cook	abusing soldiers
John Taylor	addressing crowd after Riot Act had been read

Arrested on July 5th:

John Collins	sedition
William Lovett	sedition

Arrested following July 15th:

William Ryman	not moving when ordered
Daniel Flatley	throwing stones at police
William Skelsey	discharged
John Fairbourn	drunk and in possession of a stone

¹ Information published in the *Birmingham Journal*, July 13th, 1839

William Parker	in possession of a stick
William Carter	throwing stones at a soldier
Hugh Gavin	drunk and pushing amongst soldiers
John Gavin	'little boy' found in possession of silver teapot
Francis Pratt	'an idiot boy' found in the street (discharged)
Samuel Harris	stone throwing
Thomas Ross	in possession of stones
Samuel Haywood	stone throwing; discharged, no evidence
Abraham Ward	disorderly conduct
John Cornforth	groaning and throwing stones
Jeremiah Howell	possession of a stick and long sword blade
Frederick Fletcher	being on the streets after reading of Riot Act
Daniel Herbert	(a watchman) obstructing police
John Keenan	stone throwing
George Woodward	being on streets after reading of Riot Act
Thomas Newy	riot and assisting in burning of Mr Bourne's shop*
William Rouse	being on streets after reading of Riot Act*
William Read	being on streets after reading of Riot Act*
Thomas Kelly	shaking his fist at a constable
Thomas Aston	robbery of house of Mrs Elizabeth Martin
Lawrence O'Donnell	throwing a stone at a police officer
John Jones	damage to property
Francis Roberts	damage to property

*these men were all able to show that they had reason to be on the streets after the Riot Act: Newy was a special who was running an errand; Rouse was a Pensioner; Read was a member of the fire crew

Appendix VII
Images and Maps

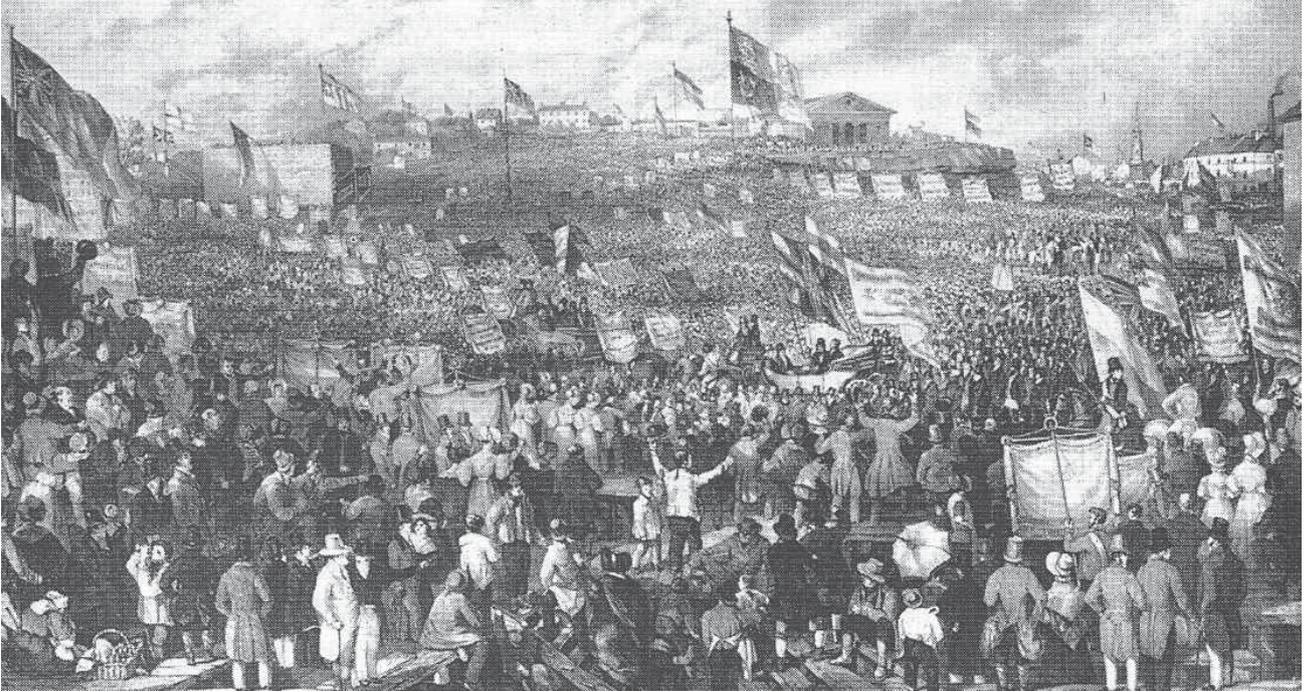


Fig. 2, Henry Harris, *The Gathering of the Unions on Newhall Hill* (lithograph: printer, C. Hullmandel)
c.1832

[Image downloaded: <http://www.jquarter.org.uk/webdisk/more3.htm> (Sept. 3rd, 2013)]



Fig. 3, *Market Day* c. 1850, hand painted panel based on an engraving by W. Radclyffe, after a sketch by David Cox

© *Birmingham Museums Trust*

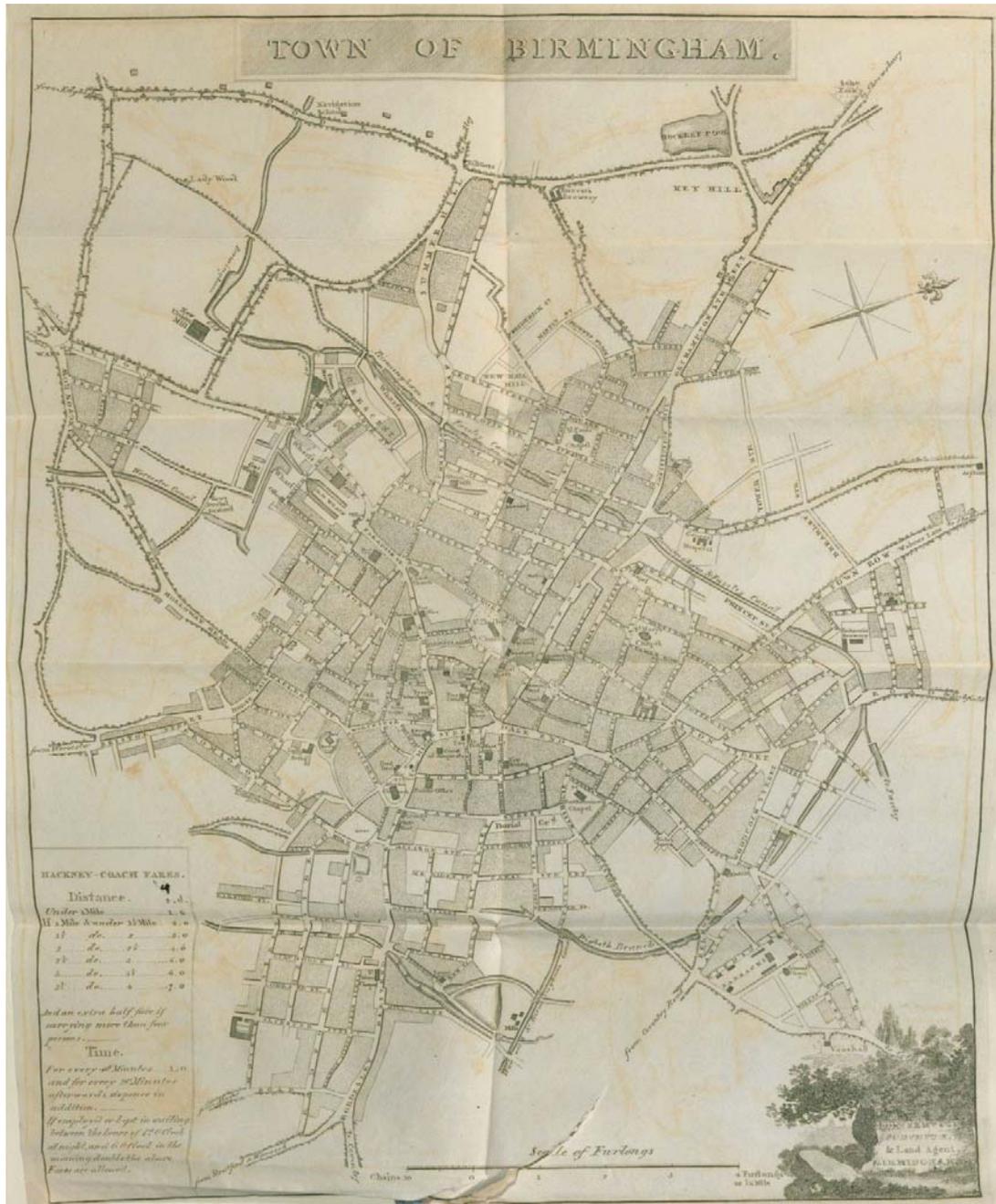


Fig. 4, Map of Birmingham, c. 1825

Pye, Charles, *The Strangers Guide to Modern Birmingham* (Birmingham, 1825)

This map was published prior to the Bull Ring riots, but is a useful point of reference. Centre top, Newhall Hill is clear and the Bull Ring and Public Office are located just right of Holloway Head, which is centre left. The barracks at Duddeston are shown bottom right and the road to Warwick, which the protesters took to greet John Collins on July 15th, is also clear, bottom left. Although Gosta Green is not marked, this area is close to Love Lane, just visible centre right.

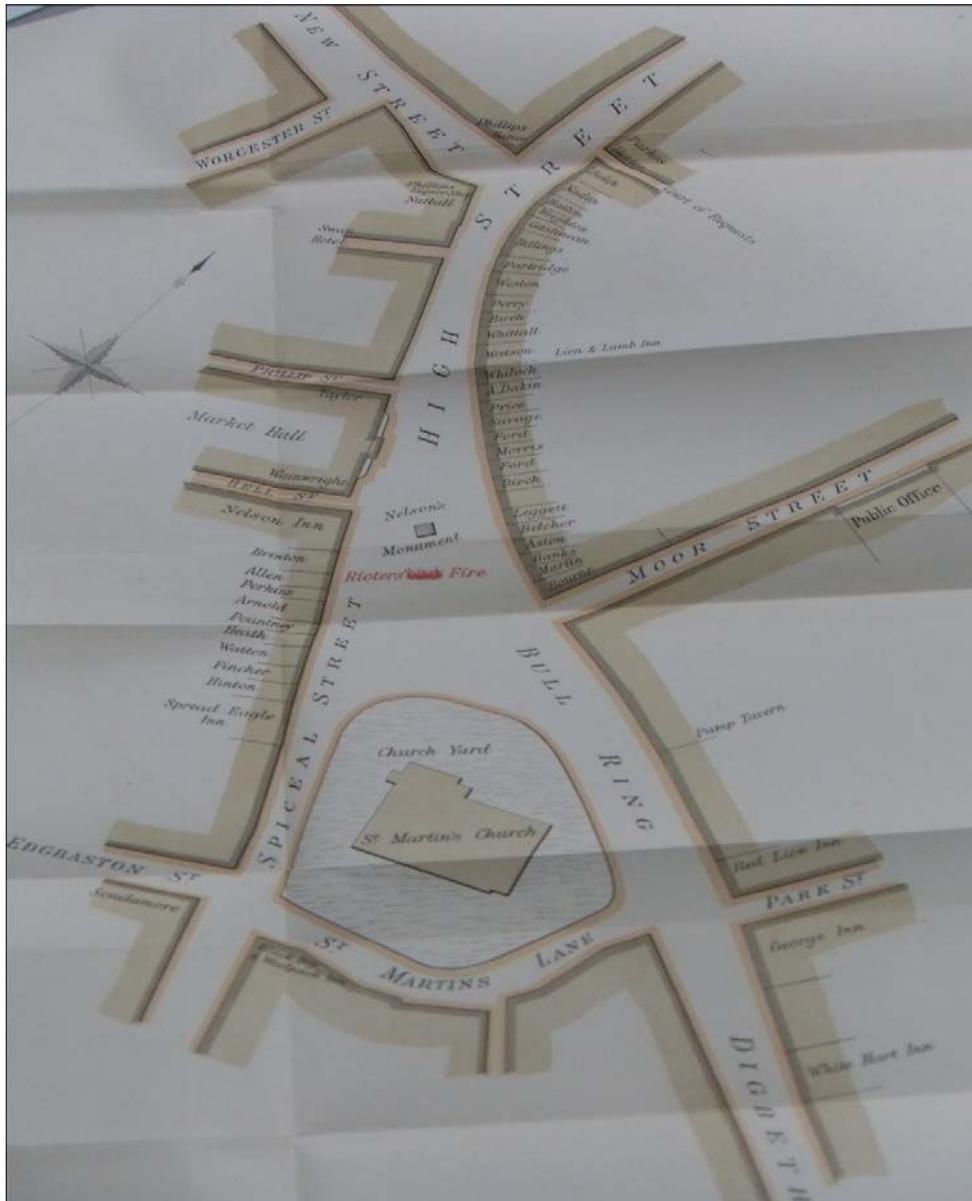


Fig. 5, 'The Bull Ring riots'

'Reports of State Trials, New Series, Vol. III, 1831-1840' (London, 1891)

This map is reproduced from the original which was used as evidence in the state trial of Howell, Jones and Roberts. It is a good representation of the town centre, clearly showing entrances into the Bull Ring and significant buildings. Nelson's monument and the 'rioter's fire' are also marked. The names running along the perimeter of the Bull Ring area are those of the shopkeepers and local traders.

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