

THE ENGLAND OF THE TIME OF THE WAR OF
INDEPENDENCE.

BY JOHN BELLOWS.

"GEORGE III. alone, and not England," remarks a recent writer in the *Times*, "was responsible for that great historic War of Independence." If along with the King we class a few headstrong advisers, the statement will probably be correct; for although the nation when once it was committed to the conflict with the American Colonies sided with the King, it was not because its judgment was convinced that he had acted justly, but because its passions were aroused; for the masses of the people were never consulted in the matter; nor did there exist any real means of consulting them. It is true there was a House of Commons that had on several occasions done service to the cause of right and of liberty; but it must be borne in mind that representative institutions are the result of an evolution extending over a long period of time, and that the stage at which they had arrived in the eighteenth century was an exceedingly imperfect one. The power of voting for candidates to Parliament was restricted to a very small minority, and even that minority was by no means composed of the most intelligent classes of the community. The voters were as a rule the tools of wealthy or powerful men, who used them to secure the return of their own nominees. The grosser forms of this corruption were swept away by the Reform Bill of 1832; not to give place to a perfect system of election, but to one less imperfect than that of the "Rotten boroughs" which had given occasion to Voltaire to say that Englishmen made themselves beasts for fourteen days in order that they might become

slaves for seven years. This referred to the fortnight during which the poll was kept open, and in which scenes occurred such as are depicted by Hogarth. That his paintings convey no exaggeration will be easily believed from the following illustrations which I had from people whose experience went back to the period before the Reform Bill.

A contested election practically meant a struggle for supremacy between two great families, who were respectively Whig and Tory. In a borough such as that with which I am most familiar—Gloucester—the chief voting power lay with the Freemen—a body which probably originated as far back as the time of the Roman occupation; for our oldest records speak of the Freemen as already in existence. The Freeman, wherever he went, retained his vote; and a hundred pounds was sometimes paid to bring such a man from Canada to Gloucester to record it. The Reform Bill only allowed votes to Freemen residing within seven miles of the borough limits. But in the old days it was a serious expense to bring a voter even from London to Gloucester. An agent would be sent to negotiate terms with him, and the negotiations sometimes extended over several weeks. The former resident in our city, who was paid for his loss of time in revisiting it, could not bear to come down among his old friends without being respectably dressed; and a suit of clothes was paid for accordingly. Then he discovered that his wife was unwilling for him to go alone, and a new dress was needful to enable her to accompany him. Some days after this it was found that it would not be safe to leave the children in London while their parents were at Gloucester, and an arrangement was made for the whole family to travel together in a four-horse coach, over a hundred miles each way, to and from that city, in which they were entertained in an hotel for a fortnight at the cost of the candidate for whom the vote was given. So extravagant was the expense that one of

the leading families of Gloucestershire had to sell a large estate to cover the cost of one lost election.

The wildest scenes in Hogarth's election pictures were equalled by the reality. "I recollect," said an old man to me, referring to a Gloucester contest previous to 1832—"I recollect going down Westgate Street after the poll was declared. There was a man in the shop that Fletcher has now, sawing up broomsticks into threes. As fast as he cut off a piece, he flung it over his shoulder into the street for *anybody* to fight with, and there *was awful* work!"

All boroughs were not however like Gloucester. At Old Sarum for example, things went on more respectably. The place had gone down until, it was averred, there was no house left in it; only one chimney remaining, which was kept in repair to prevent the representation from lapsing; and the elected member for Old Sarum took the oath with his hand on the chimney. The ancient law was that the voter must be the holder of a house "that put up a smoke." The same custom prevailed over some parts of the continent; for I remember once asking the *Maire* of a Commune in Belgium as to who had the right to vote, when he replied, "Every one who has a house that puts up a smoke." In some parts of England votes were made by freeholders who boiled a pot; evidently a proof of smoke having been put up. These were known as "pot wallopers," from an old word "wallop," to boil.

An Englishman of the present day of course regards the state of the country a century and a quarter ago just as he regards the Britain of the days of Cæsar. He is no more responsible for the one than for the other. Everywhere in Europe society was in a rougher state than it is now.¹

¹ Not in Europe only, but everywhere. In a history of his own family printed in 1855 by my kinsman, Henry W. Bellows of New York, he gives the names of several of the leading men of Walpole, N. H., of the time of the Revolution, and says that "they and the like converted the village tavern into a sort of literary pandemonium, in which fine scholarship, elegant wit, late card-playing, hearty eating, and hard drinking were mingled in a very fascinating complication." There can be no doubt that the same description would apply to a multitude of other towns on both sides of the Atlantic, at that period.

Bull-baiting, bear-baiting, cock-fighting, and other brutal amusements that had come down from the dark ages were common; and crime was repressed by codes of laws so severe that in the British Islands a multitude of offenses were punishable with death; a severity that made men callous to hanging. A street on the site of the New Street Station in Birmingham had been such a haunt of coiners that there was hardly a house in it one at least of whose occupants had not been hanged for counterfeiting money. A late clerk of the County Prison at Gloucester once told me that an old woman he knew had described to him the roadway that ran through the courtyard of the building in the time of George III. Iron railings only separated the mixed company of prisoners of all kinds from the by-passers. She said that when about twelve years of age she was going along this roadway, when one of the men behind the bars accosted her with, "Little maid, what be you come here for? To see we hanged I s'pose? We be'ant a goin' to be hanged today; 'tis put off till next Saturday!"

Many years ago I took a Philadelphian visitor over Gloucester Prison. He was struck on entering one of the principal wards with its resemblance to similar buildings in the United States. As we were leaving we met the magistrate who presided over the Committee in charge of the Prison, T. Barwick Lloyd Baker, the founder of the Reformatory system. On introducing the American to him, and mentioning what the latter had said about Gloucester Prison being so much like those on the other side of the water, T. B. Lloyd Baker said, "I can tell you the reason of that. Very soon after the United States had gained their independence, they found the need of an effective system of prison discipline, and they sent a commission to this country to enquire into the systems in vogue in Great Britain. It so happened that just before this, this prison at Gloucester required some extension and alteration, and

as John Howard had lately published his book, the magistrates decided to carry out his recommendations, and built this new portion on Howard's plan; that is, ours was the first prison in England to adopt his system. When the United States Commission returned it reported that the Gloucester system was the best; and it accordingly became the model on which American prisons were established. But these alterations in Gloucester were not made without opposition. Thus, the only seat a prisoner had in his cell used to be a stone pillar four inches square at the top; and when we fixed a board on this a foot square, and warmed the cells in winter, there was an outcry that if we made prisons so comfortable as that, everybody would want to go into them, and crimes would increase as a result of the indulgence!" A merry smile lighted the old magistrate's face as he recalled this pessimist prediction; and he then went on to say: "Many years after this the superiority of American prison management to that of most English jails was much talked of, and when Lord John Russell was Home Secretary—I think about 1836 (?)—his government sent a Commission to the United States to enquire into their systems. The result of this was that a circular was sent round to all the prisons in England, ordering them to carry out forty new rules. I was Chairman of the Magistrates here, and it devolved on me to acknowledge the receipt of this circular; which I did somewhat in this fashion:—'My Lord—I have the honor—and so on.—With respect to the forty new rules you order us to adopt, there will be no difficulty with thirty-six of them, inasmuch as they have always been the rules of Gloucester Prison. The 37th and 38th are of no particular importance; but we would respectfully state that we fear the last two are contrary to law, and we would suggest that before requiring us to enforce them you would take the opinion of the law-officers of the Crown with respect to them.'" Again a smile stole over Barwick Baker's face as he

added, "It was found we were right—and the two illegal rules were withdrawn."

Even later than the War of Independence the practise was maintained in English Courts of giving fees in certain cases to jurymen to bias a verdict. This evil custom lingered on till the trial for smuggling, of a grocer, of Irongate, Glasgow, a canny Scot named Robert MacNair, just before the end of the eighteenth century. The case was pretty clear against him, and the counsel for the Crown closed his speech by saying that if the jury found a verdict for the Crown there would be a guinea each for the jurymen. MacNair conducted his own defense. It was brief. He simply stated that he would only make one observation on the eloquent speech for the prosecution. "The learned gentleman who made it told you that if you find a verdict for the Crown there will be a guinea each for the gentlemen of the jury. All I have to say in reply is, that if the verdict is given for the defendant there will be *two* guineas each for you, and your supper at my house." The verdict, as it happened, was for the defendant; but the incident brought such ridicule on the practise of offering fees that this was the last time it was used.

Even so great an abuse as the right of "wager of battle" was only abolished at the close of the reign of George III. It had existed from the Norman Conquest, and was in fact the only "ordeal" left on the Statute book, all the others having been repealed under Henry III. It had long fallen into desuetude, when it was pleaded, in 1817, in the case of Thornton, who had murdered the sister of a man named Ashford, and who was brought to trial for the crime by the latter. Nicholas Tindal, who defended the accused, advised him to claim the right of wager of battle against Ashford, whom he challenged accordingly to mortal combat, instead of letting the case go before the jury. Ashford refused the challenge, and on the case being argued in full court, before Lord Ellenborough, it was given in Thornton's

favor, and he was discharged. The matter at once came before Parliament, and by the Act 59 Geo. III. c. 46, [in 1818] wager of battle in cases of murder and felony was abolished. (See "*Essex Review*, Oct., 1901.")

As I have already said, to the Englishman of the present day the England of the times of George the Third has become as much a matter of "ancient history" as the landing of Julius Cæsar, and he can share the reminiscences of it with intelligent Americans with no more hesitation than he has in speaking of them to his own countrymen. If school books do not always treat of the period in the same spirit, they ought to do so in justice to both countries, and for the simple sake of truth.

If nature heals every scar in the landscape by the silent growth of vegetation, by a similar law she softens off with the lapse of time the memory of all old wrongs, unless we use force to prevent her doing so. There was a time when Saxon and Dane in the north of England, and Saxon and Norman in the south, had grievances against each other. The men who are descended from two of the races, or from all three, have no ground for reviving these grievances, nor have the New Englanders of 1901 any ground for holding the English who are living now, responsible for wrongs that some of their great-grandfathers did—and that many of them for that matter did *not!*

Here is an incident in the battle of Bunker's Hill that has never been published, and that will interest both Americans and Englishmen as an archæological curiosity:—

Two of the regiments that fought in the American War were the 88th Connaught Rangers and the Royal Marines. Lieut.-Col. Holland, a retired officer of the latter force, and for many years a neighbor of mine, lately mentioned to me a curious fact about his Marines. They perpetually stirred up quarrels with the men of the 88th; so that some years ago the Rangers had to be removed from Portsmouth, the headquarters of the Royal Marines, to another

district. The bad feeling that existed between them arose from two causes. In the first place the officers of the Marines until late years were ordered to enlist no recruits whose antecedents they could not satisfy themselves were satisfactory. The printed instructions to the recruiting sergeants were :

“ You are not to receive *any strangers* or persons from a distance from their homes about whom you cannot make enquiries.”

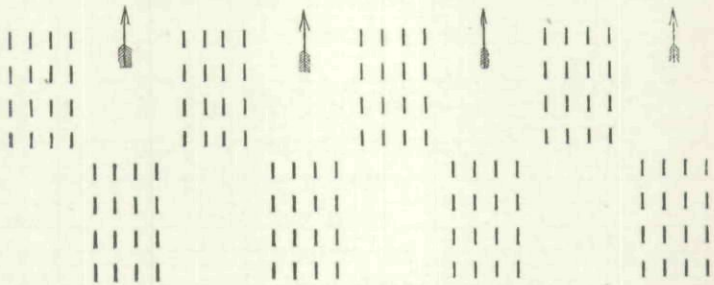
The result of this was that Irishmen seeking to enlist in the Marines were refused; so that the Irish regiments hated them; and the Marines retorted by “chaffing” the Irish soldiers at every opportunity. Whenever one of them found a man of the Connaught Rangers in a public house, or met with him in the street, he would annoy him by calling out—“Lie down, eighty-eighth, and let the Marines pass to the front!” and then would follow a fight.

Neither of these men had the slightest idea, Col. Holland says, of the meaning of the words, which originated in an order given in the battle of Bunker’s Hill. I quote Col. Holland’s words :

“ At Bunker’s Hill during the War of Independence the British forces suffered a very serious reverse. The Americans were intrenched in a very strong position, under excellent cover and were mostly armed with the Kentucky Rifle;¹ a vastly superior weapon, both in accuracy and range to the old ‘Brown Bess’ of the British. Moreover most of the Americans were backwoodsmen, and about the best marksmen in the world. To reach the American lines the British had to march up the open slopes, fully exposed to the sweeping fire of American sharpshooters, who sheltered by their entrenchments were bound to sweep away their exposed assailants. The Old 88th Regiment, or Connaught Rangers, were in the first line of attack with a battalion of the Royal Marines behind them in the second line as their

¹ Col. Holland is mistaken in this. The Kentucky rifle was not in existence at this period. The advantage on the American side was in the position; not in the weapons.

supports. The Rangers suffered terribly. Half the regiment were killed, and their ammunition was run out: it was time to relieve them, and the General rode up and ordered them to lie down, in the usual manner of relieving under fire. The exhausted men would form four deep, and the relieving line would form four deep also and advance and pass between the blank files.



So the word was passed along the shattered line, 'Lie down, eighty-eighth, and let the Marines pass to the front.' This was done. The Marines suffered fearfully, but accomplished the relief and covered the retreat. For this service they were awarded a Laurel-leaf wreath to be worn on their buttons and caps." Col. Holland adds, "I wore it myself for twenty-six years."

And so for a hundred and twenty-six years these soldiers have kept up their unreasoning quarrel! In this interval vast changes have taken place; for a *New* England has grown up on the east of the Atlantic in addition to the Older New England in the west: and the two are increasingly in unison with each other: until one may well say of them nearly in the words of the Frithiof's Saga:—

Who shall part you
Ye who ne'er should parted be?

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