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Power, Ideology and ‘country politics’:
Episodes from Derbyshire, c.1660-1760

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Abstract

By engaging with Western Marxism and recent developments in social history, this thesis will explore the popular social and political responses to capitalist development and state formation in early modern England. We will analyse the role that country Tory oppositional politics played in local society, its relationship to national politics and to local economic change. This will be done through a series of case studies and episodes from Derbyshire, 1660-1760. Attention will be paid to the politics of the labouring poor, such as the tenants of Robert Hayward and the Rossell family, the Peak lead miners, opponents of the Derwent navigation and plebeian Tories in Derby. Yet the primary focus of the thesis will be on the 'middling sort of people' like the local gentry families, tradesmen, parish officials, shopkeepers and smallholders. Rather than studying bourgeois, polite society and London coffee house culture, we will prioritise the social relations of the middling sort of people in one county community. Special attention will be paid to their political responses to socio-economic change, and their opposition to the Whig oligarchy after 1722. Opposition to Robert Walpole and wider economic change acted as a catalyst for variegated social alignments to be formed. They were often cross-class in nature and constitutionalist in scope. These alignments will be explored throughout the thesis, using concepts from Antonio Gramsci as well as the class analysis of E. P. Thompson.

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List of Abbreviations

BL	British Library
<i>CJ</i>	<i>Journal of the House of Commons</i>
<i>CSPD</i>	<i>Calendar of the State Papers Domestic</i>
<i>DAJ</i>	<i>Derbyshire Archaeological Journal</i>
DLSA	Derby Local Studies Library
DRO	Derbyshire Record Office
HMC	Historical Manuscripts Commission
<i>LJ</i>	<i>Journal of the House of Lords</i>
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i>
PA	Parliamentary Archives, Westminster, London
SP	State Papers, The National Archives, Kew, London
TNA	The National Archives, Kew, London

Maps and Tables

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Power, Ideology and ‘country politics’: Episodes from Derbyshire, c.1660-1760.

The county of Derbyshire is situated in the English East Midlands, one hundred miles north of London. During the early modern period, the county was divided into hundreds for administrative purposes: High Peak, Scarsdale, Wirksworth, Appletree, Morleston and Litchurch and Repton and Gresley. These hundreds are clearly labelled on the map in Figure 1.¹ Four rivers flowed through the county: the Trent, the Dove, the Derwent and the Soar. The county town was Derby, situated in Morleston and Litchurch hundred in the south of the county. The other market towns in Derbyshire were all in the north of the county. Chesterfield was in Scarsdale hundred, Ashbourne in Appletree hundred and Bakewell in High Peak hundred. High Peak hundred in the north-west of the county was dominated by mountainous terrain with windswept, gritstone moorland, given over to the grazing of sheep. Limestone hills surrounded the settlements of Bakewell, Tideswell and Chapel-in-the-Frith. Scarsdale hundred to the north-east of the county was hilly in parts with wet, peaty moorland to the south of Chesterfield. Chesterfield was an important market town. In the map in Figure 1, we can see the roads radiating out of the town, north into Sheffield and east into Mansfield in Nottinghamshire. Lead, stones, and lime would be shipped out of Scarsdale hundred on these roads by packhorses in the earlier part of our period, with coal, iron and corn being carried back from Nottinghamshire. Nottingham was twenty-five miles from Chesterfield and fifteen miles east from Derby. Wirksworth hundred was on the southern fringes of the Derbyshire lead field. Lead mining as well as smelting were important industries in the area. The pasturing of sheep was important too. Wirksworth hundred was a classical industrial-

¹ The 1758 map of Derbyshire and other historical maps of the county can be found at: http://www.oldmapsonline.org/en/Derby#bbox=-1.5568570000000363,52.861037000000024,-1.3830782009654285,52.968135199999999&q=&date_from=0&date_to=9999&scale_from=&scale_to=. Accessed on 21/3/2018.

pastoral region. Alongside lead and limestone, the county also had numerous seams of coal, particularly around Bolsover in Scarsdale hundred. The Leicestershire and South Derbyshire Coalfield cut across the south of the county at Measham in Repton and Gresley hundred. Coal mining also took place in Shipley, Sawley and West Hallam in Morleston and Litchurch hundred. Derbyshire also had rich deposits of clay and marl, particularly around the parishes of Radbourne, Findern and Church Broughton, all in Appletree hundred. During the sixteenth and seventeenth centuries, much of the county was given over to common land. This was most evident in High Peak hundred and in Repton and Gresley hundred. The incremental process of enclosure would see much of this land divided up by drystone walls in the north of the county and hedges in the south. Much common land in High Peak and Scarsdale was turned over to pasture for sheep. In the south of the county enclosed land was often arable, though there was much low-land pasture between Ashbourne and Derby. The dominance of arable land in Morleston and Litchurch and Repton and Gresley was linked to the proximity of the county town. Derby had a substantial malt trade and land to the east of the town and the Trent valley produced crops such as barley, rye and corn which was traded and transported out of Derby.

As we shall see in the second chapter of the thesis, much conflict was generated over plans to make the Derwent navigable to the Trent, plans that were predicated upon making transportation of goods much easier. The need to develop water transport was due to the inferior quality of the roads in the county. Between November and April, the roads were impassable to wheeled vehicles, with intrepid travellers having to resort to horseback. In 1698, Celia Fiennes noted that it took her six hours to travel nine miles between Bakewell and Buxton, and that she needed a guide.² The north of the county was heavily industrialised,

² Emily Wingfield Griffiths, *Through England on a Side Saddle in the Time of William and Mary, being the Diary of Celia Fiennes* (London, 1888), p. 87.



Map 1. Emmanuel Bowen's 'An accurate map of the county of Derby, divided into its hundreds and drawn from the best authorities', 1758

but transportation still depended upon packhorses loaded with heavy goods like lead and limestone. These packhorses crawled along a vast network of bridleways and lanes. This was necessary as the mountainous terrain made the use of wheeled vehicles all but impossible.³ The quality of the roads was slightly better in the south of the county, and from the eighteenth century there was a substantial growth in the use of land carriages.⁴ In May 1734, Thomas and Henry Partridge had a wagon leaving the White Hart Inn in Derby, going to the White Horse Inn in central London. In April 1735, Thomas Smith and John Needham started a weekly stagecoach service from the George Inn, Derby to the Bell Inn in Holborn. It would take three days to make the journey. To gauge what such a journey would have been like, we can study a journey that Charles Coke made by carriage from Derby to London in May 1691.⁵ Coke had been staying with relatives at Radbourne Hall in Appletree hundred. Coke's journey took four days. On the first day he travelled from Derby to Hinkley in Leicestershire. On the second day he left Hinkley and journeyed to Stratford in Staffordshire. On the third day he reached Weedon, just outside Daventry, Northamptonshire. On the fourth day he travelled to St Albans, arriving in London at lunchtime the next day. Coke informs us that the road was especially rough between Hinkley and Stratford, and dusty thereafter. Carriages were also used for the post. By 1732, there was a daily postal service between Derby and Nottingham. In 1735, this was complimented by a stagecoach service along the same route. The inadequate quality of the roads did not act as a barrier to the intensification of communication in early modern Derbyshire. Alongside a regular postal service, Derby also had a weekly newspaper, the *Derby Mercury*, which was founded by Samuel Drewry in March 1732. This newspaper replaced the *Derby Post Man*, which had begun publication in

³ Jeffrey Radley, 'Peak District Roads prior to the Turnpike Era', *Derbyshire Archaeological Journal*, 83 (1963), pp. 39-50.

⁴ John E. Heath, 'Stage coach routes in 18th and 19th century Derbyshire', *Derbyshire Miscellany*, Vol. 5 (Spring 1970), pp. 172-173.

⁵ Derbyshire Record Office (DRO), D5557/3/4/1-6.

1719, and ended publication in 1731. Drewry handed the *Mercury* over to his nephew, John, in 1769. The *Mercury* ceased publication in 1933.

While the poor roads were not a barrier to trade and travel, they were an impediment. The problem would be addressed through turnpikes.⁶ Turnpike trusts took over existing roads and charged a toll to use them, the money raised being used for the upkeep and maintenance of the highways. Until then the repair of the roads had been the responsibility of the parish. Yet Derbyshire had some very large, sparsely populated parishes, particularly in the Peak; essentially, they had too many lanes and packhorse trails and not enough inhabitants to finance and maintain them. The primary drivers of turnpikes were the gentry. Derbyshire was the home to some of the most substantial aristocrats in the country. The Devonshires resided at Chatsworth House, just outside Bakewell. The Duke of Rutland also had a large estate in High Peak hundred at Haddon Hall, though by the early eighteenth century the family had decamped to Belvoir Castle in Leicestershire. The Newcastle family had interests in the county, as did the Chesterfields. Their kinsmen, the Stanhopes, had an estate at Elvaston, west of Derby. These men as well as members of the gentry had a dual interest in turnpikes. Many of them held mineral rights in the county, so it was in their economic interest to develop the road network to reduce transportation costs. The aristocracy and the gentry would also benefit from improved road access because it would aid their lifestyle. They wanted to be mobile, whether at election time, to go shopping, or to participate in social events, both in the county and in the metropolis. Turnpikes seemed to be an ideal solution.

The turnpiking of roads came late to Derbyshire. Of the twenty-eight turnpike trusts set up in the county, twenty-two of them were formed between 1758 and 1766. However,

⁶ For the following paragraphs on turnpikes, see Joseph Scott, 'Turnpike Roads in Derbyshire', *Derbyshire Miscellany*, Vol. 6 (Autumn 1973), pp. 198-208; Jeffrey Radley and S.R. Penny, 'The Turnpike Roads of the Peak District', *Derbyshire Archaeological Journal*, 92 (1972), pp. 93-50.

three major turnpikes were constructed before then. In 1724, a twenty-four-mile turnpike was created between Manchester and Buxton. In 1738, the Loughborough-Derby-Brassington turnpike was formed, with branches to Ashbourne and Hurdlow. This was fifty-four miles long. In 1739 another turnpike was established, this time between Chesterfield and Worksop in Nottinghamshire. It was thirty-eight miles long. The turnpike crossed the wet moorland of Scarsdale hundred. We can trace it on the map in Figure 1. The road left Chesterfield heading south-east towards Mansfield in Nottinghamshire. As we have seen, it was packhorses that had transported goods along ancient lanes and by-ways. With the improvement of a road in Scarsdale hundred, wagons and carriages would have been able to transport heavy goods in a more efficient manner. In 1749 the Manchester-Buxton turnpike was extended to Hurdlow, which was already connected to Derby. We can see this turnpike on the map in Figure 1. It entered the county at Whaley Bridge in High Peak hundred, went on to Buxton, then cut through the middle of Wirksworth hundred. Here it went to Brassington, before veering right at Hognaston, then into Appletree hundred, approaching Derby from a north-western direction. The 1749 extension used an old Roman road from Pikehall to Hurdlow. It was customary practice to do this, to improve existing roads that may have been in use for centuries rather than to build new ones.⁷ For example, the 1738 turnpike that had a branch to Ashbourne used an old Roman road called Spen lane, avoiding steep gradients. The topography of the county conditioned the way turnpike roads developed. The 1738 turnpike originally stopped at Brassington, which was at the foot of the limestone hills for example. Indeed, limestone was used as a hardy surface for the Manchester-Buxton turnpike that passed over the desolate gritstone flats of High Peak hundred.

⁷ William Smithard, 'Records and Traces of Old Roads near Derby', *Derbyshire Archaeological Journal*, 35 (1913), pp. 111-136; Peter Wroe, 'Roman Roads in the Peak District', *Derbyshire Archaeological Journal*, 102 (1982), pp. 49-73; S. R. Penny, 'Historical evidence for Roman Roads in N. E. Derbyshire', *Derbyshire Archaeological Journal*, 86 (1966), pp. 70-87.



Map 2. Detail of Bowen's 1758 map of the county.

We can continue to follow the turnpike road into Derby. It left the town to the south into 'Reppington' hundred, passing through Melbourne and Ticknall and on to Ashby-de-la-Zouch in Leicestershire. Maintenance of these roads was to be funded by the tolls levied on their usage. The turnpike from Manchester to Buxton was well utilized, as was the Chesterfield-Worksop turnpike which carried very heavily weighted traffic. However, the weight of these wagons caused ruts and potholes to form. Drainage was also a perennial issue on all the turnpikes. The steep gradient of the mountain roads was problematic as were rockfalls. It would only be with the intensification of turnpike development in the 1760s that maintenance became a major priority. New road surfaces were tried, as were new gradients. Brooks and streams were bridged, and drainage measures such as ditches were constructed. The gradual decline in the lead industry, urbanisation and ultimately the development of the railway finally put paid to many of Derbyshire's turnpikes, especially those in the Peak.

The demographics of the county was also shaped by its topography, which in turn shaped industrial development. David G. Edwards has analysed the hearth tax assessments for Derbyshire, 1662-70, and cross-referenced them with Compton's religious census of 1676.⁸ Edwards estimates that the population of the county in 1676 was c. 70, 000. By using these population estimates for each parish, as well as hearth tax assessments for parishes missed by Compton's census, such as Wirksworth, we can estimate the population of each hundred in the county. In 1676, c.17, 000 lived in High Peak hundred, c.12, 000 in Scarsdale hundred, c.15,000 in Wirksworth hundred, c.9,000 in Appletree hundred, c.8,000 in Morleston and Litchurch hundred and c.6,000 in Repton and Gresley hundred. More than two

⁸ David G. Edwards, 'Population in Derbyshire in the reign of King Charles II: The Use of Hearth-Tax Assessments and the Compton Census', *Derbyshire Archaeological Journal*, 102 (1982), pp. 106-117. For the hearth tax records of the county, see David G. Edwards, *Derbyshire Hearth Tax Assessments 1662-70* (Chesterfield, 1982).

thirds of the population resided in the north of the county, the most industrialised part of Derbyshire. Population estimates for important towns in the county and studied in this thesis are included in the table below.⁹

Table 1. Estimated Population of the key towns of Derbyshire, 1563-1801.

	1563	1676	1801
Ashbourne	600	2500	3838
Ashover	-	2000	2628
Bakewell	600	4500	7271
Chesterfield	1000	3500	7330
Derby	2500	3250	14695
Wirksworth	1000	1300	5862

As early as 1563, Derbyshire had several populous market towns like Bakewell and Ashbourne, as well as Derby and Chesterfield. What is most notable is the rapid increase in population that occurred between 1563 and 1676. This dovetailed with wider national trends, particularly between 1580 and 1640. While Derby's population grew, finally taking off during the later eighteenth-century, it was the towns and villages of the north of the county that saw the most remarkable growth during the early modern period. The population of Ashbourne increased by 300 per cent between 1563 and 1676. Bakewell grew by nearly 700 per cent. However, Wirksworth only increased by a modest 30 per cent. Yet Wirksworth parish was on the southern fringes of the lead field, and it was undoubtedly the growth of the lead industry that was the primary driver of population growth in the county. This was the

⁹ Alongside Edwards material of the hearth tax, sources for these estimates are Philip Riden, 'The population of Derbyshire in 1563', *Derbyshire Archaeological Journal*, 98 (1978), pp. 61-71; J. C Cox, 'A religious census of Derbyshire, 1676', *Derbyshire Archaeological Journal*, 7 (1885), pp. 31-36; British Parliamentary Papers (BPP), 'Census of Great Britain, 1851, Population Tables. I. Numbers of the Inhabitants in the years 1801, 1811, 1821, 1831, 1841 and 1851' (London, 1852), pp. 68-76. For a note on methodology see Nigel Goose and Andrew Hinde, 'Estimating Local Population Sizes at Fixed Points in Time: Part II- Specific Sources', *Local Population Studies*, 78, (2007), pp. 74-88.

case in Bakewell, Ashbourne, and Chesterfield, where the population increased by 250 per cent. Ashbourne and Chesterfield were important market towns that saw much trade in lead. As Andy Wood has noted, parts of the Peak that had been thinly settled hamlets in 1563 were heavily industrialised villages by 1676.¹⁰ They were premier examples of ‘industry in the countryside’. Wood has also illustrated how population growth in these areas was predicated upon the price of lead.¹¹ While there had been exponential growth prior to 1660, the population of Bakewell and Wirksworth fell between 1670 and 1700. This decrease correlated with a drop in the price of lead after 1660. This will be explored in relation to the Gell family in the second chapter of the thesis. As the lead industry picked up during the early eighteenth-century, so did the birth rate. This lasted until the 1770s, by which time the lead industry was in terminal decline and economic growth had shifted to the south of the county. By 1801 Derby was the largest town in Derbyshire. In the nineteenth-century, Derby would become a major industrial centre, with the railways acting as the catalyst. Much of this thesis focuses upon Derby, so it is necessary to explore the town at this juncture.

After touring the north of the county, Celia Fiennes visited Derby:

Darby town lies down in a bottom built all of brick or for the most part, in it are five churches built of stone...the river Derwent runs by the town and turns many mills...there is also a fine stone conduit in the market place which is very spacious all

¹⁰ Andy Wood, *The Politics of Social Conflict: The Peak Country, 1520-1770* (Cambridge, 1999), p. 66.

¹¹ *Ibid*, pp. 98-99.

well pitch'd, a good market cross. I did not observe or learn any other trade or manufactures, they had only shops of all sorts of things.¹²

Over two decades later Daniel Defoe made a similar visit to Derby:

This is a fine, beautiful, and pleasant town; it has more families of gentlemen in it than is usual in towns so remote, and therefore here is a great deal of good and some gay company. Perhaps the rather, because the Peak being so inhospitable, so rugged and so wild a place, the gentry choose to reside at Derby, rather than upon their estates, as they do in other places. The town of Derby is situated on the west bank of the Derwent, over which there is a very fine bridge...here is a curiosity in trade worth observing, as being the only one of its kind in England, namely, a throwing or throwsters mill, which performs by a wheel turned by water...Derby is a town of gentry, rather than trade; yet it is populous, well built, has five parishes, a large marketplace, a fine town-house, and very handsome streets...'.¹³

Both Fiennes and Defoe noted the proliferation of shops in the town. The artisan and the shopkeeper formed an important part of the popular Tory constituency in the town. Perhaps because of their class bias our travellers focused upon the gentry and their ilk in their descriptions. Derby was certainly experiencing an 'urban renaissance'. Both writers talk of the grand All Saints church on Iron Gate and noted the large houses that ran along Friar gate,

¹² Christopher Morris (ed.), *The Journeys of Celia Fiennes* (London, 1949) pp. 169-170.

¹³ Daniel Defoe, *A Tour through the Whole Island of Great Britain* (London, 1724-6, 1986 ed.) pp. 457-9.

and on the outskirts of the town. They could have included the County Hall, completed in 1660 or the Assembly Rooms of 1714. All Saints and the Guildhall were rebuilt in 1723-5 and 1731 respectively. While Defoe noted the Silk mill, constructed in 1719 and locally claimed to be the first factory in the world, he did not acknowledge the importance of trade to the town. Alongside the stockings there was an important trade in malting for example. Given its situation next to the Derwent, Derby also saw the passing of innumerable goods through the town, later stored in warehouses on the banks of the river. These goods included malt, lead, marble, millstones, plaster as well as corn and cheese. There were two markets a week, on Wednesdays and Fridays and six fairs a year, which would have seen all manner of entertainers as well as hucksters and people from the countryside with their produce and handicrafts to sell. Provisions for the markets and fairs had been made under the town charter, granted by Charles II in 1681.

Corporate governance will also form an important backdrop to the thesis. William Woolley, a local antiquarian and historian, described in detail the situation in local government in 1712:

So, the Common Hall did then consist of: A Mayor and nine aldermen who wear black cloth gowns faced with fur, the same as the Common Livery gowns in London. Of these four are Justices of the Peace for the town, of which the present and preceding Mayors are always two. The others are the senior aldermen, who choose the Mayor...out of their own body. And the usual method is to choose an Alderman who has not been Mayor; when he is chosen, they proceed to the market cross and there proclaim him, and then he takes his place and is accompanied home by the body of the Corporation and dine with him, everyone sending a dish of meat. The Aldermen are chosen out of the Brethren, who are twelve in number and they are chosen out of the Common Council who are seventeen in number. And they are chosen out of such of

them who have been Chamberlains, who are four, and are chosen every year, and are the receivers and payers of the town's moneys, and have one key to the Corporation seal and records. And they are chosen out of those who have been Constables, which are six in number, who are equally capable of performing that office in any or all parts of the town and walk before the Mayor in any public occasion, with short halberds in their hands. Then there is a Town clerk or steward, an Attorney who is the Mayor's secretary and assistant in keeping petty courts and keeping the Hall orders. They also have a recorder who is usually an eminent counsel...The office of Recorder is to be counsel for the Corporation and keep their courts of trials...All these officers are chosen by the body of the Corporation.¹⁴

Derby had the right to send two burgesses to the House of Commons. There were around 700 burgesses in 1715; the right could be inherited or achieved by completing an apprenticeship. The independence gained by burgess status was very important to the men of Derby, and the rights pertaining to it was something that had to be constantly fought for and maintained, as we shall see in Chapters 3 and 5.

Derbyshire has not received the same historical analysis as places like London, Norwich or Bristol. The fact that the Guildhall went up in flames in 1841, taking many records with it, has not helped. Poor cataloguing, particularly of the still substantial borough records has perhaps been another factor in this lacuna.¹⁵ There is an important local history tradition within the county, best represented by the Derbyshire Record Society and the Derbyshire Archaeological Society. Their origins can be traced back to those historians at the

¹⁴ Catherine Glover, Philip Ridens (eds.), *William Woolley's History of Derbyshire* (Derbyshire Record Society, 1981) pp. 40-42.

¹⁵ The borough records are kept in the Derby Local Studies Library and were only catalogued in 1998.

end of the eighteenth and start of the nineteenth centuries who wrote a ‘total’ history. By this we mean history not focused exclusively on high politics or the cultural pursuits of the gentry, but also of geographical, cartographical and environmental history, geology and flora and fauna.¹⁶ Indeed, Derbyshire’s geographical position in the East Midlands may be a reason for a lack of modern work. It is neither in the north or the south of the country. As we have seen, it is a county of contrasts, with the mountainous Peak District in the north, and arable land with rolling hills to the south and west. Any ecological analysis of social relations like David Underdown’s would not work in so varied a county.¹⁷

We have on the one hand a market town with artisans and craftsmen, yet on the other we have factories, warehouses and mills. In 1734, production of iron began on the Morledge in Derby, diversifying the economy even more. The town was girded by fields and meadows with the burgesses having right of common on them, adding further complexity to the situation. Derby was at one and the same time part of a national and a local society. We have seen the drive to polite society that took place, specifically in the public buildings. Yet this must be set alongside rapid industrial development in the town. The conflict over party politics that rumbled on through our period shook Derby. Yet the burgesses spent just as much if not more time on defending their rights of pasture on common fields within the borough itself, as on high political discourse and debate. Both were political battles, though whilst one was of national scope the other was intensely local.

One of the issues that dominates this thesis is popular Toryism. Derby had its fair share of High Church Anglican clerics and acolytes as well as more moderate country Tory

¹⁶ See James Pilkington, *A View of the Present State of Derbyshire in Two volumes* (Derby, 1789); William Hutton, *History and Antiquities of the Borough of Derby* (Derby, 1791); Robert Simpson, *History of Derby, Three volumes* (Derby, 1826); Stephen Glover, *The History and Directory of the Borough of Derby* (Derby, 1833).

¹⁷ David Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England 1603-1660* (Oxford, 1985).

squires like Thomas Coke. Yet it was one of the very few places to have wage labourers toiling in a factory who also supported the Tory cause at election time. In fact, we have ‘angels in marble’, the working-class Tory one hundred and fifty years before Benjamin Disraeli. This phenomenon cannot be accounted for as part of aristocratic clientage in Westminster for example.¹⁸ There was a different dynamic. What we see in Derby is close to what George Rudé saw in London during the 1740s: a relationship between trade and oppositional politics.¹⁹ The Corporation of Derby was heavily Whig while the electorate were Tories. Christopher Hill once noted, channeling Samuel Johnson, that if universal manhood suffrage had been achieved in time for the 1722 election, then the Tories and Jacobites would have swept the board. Toryism was the ‘popular idiom of the age’, with some Tories even advocating a leveller franchise. While this may seem paradoxical, it was the case that Toryism provided a variety of social groups with an oppositional politics. This opposition challenged the impact that agrarian capitalism, the ‘fiscal-military’ state and the financial revolution had on social relations in early modern society. This thesis sheds much needed light on this matter through a series of sharply focused studies within Derbyshire.

The polite, urban bourgeoisie has dominated much recent research on the early eighteenth century. Peter Borsay and Rosemary Sweet have shown the ‘urban renaissance’ many towns experienced during the era, with the building of elaborate assembly rooms, walks, parks and general municipal buildings.²⁰ The gentrification of towns provided a catalyst for a boom in the public sphere, of societies and clubs and coffeehouses, venues in

¹⁸ Nicholas Rogers, ‘Aristocratic Clientage, Trade and Independency: Popular Politics in Pre-Radical Westminster’, *Past and Present*, No. 61 (Nov. 1973) pp. 70-108.

¹⁹ George Rudé, *Hanoverian London 1714-1808* (London, 1971) pp. 159-61.

²⁰ Peter Borsay, *The English Urban Renaissance: Culture and Society in the Provincial Town 1660-1770* (Oxford, 1991); Rosemary Sweet, *The English Town, 1680-1840: Government, Society and Culture* (Oxford, 1999).

which polite discourse could be conducted on the notable social, political and cultural issues of the day.²¹ One of the drivers in this historiographical development has been a focus on consumption and material culture, beginning with an important work by John Brewer, Neil McKendrick and John Plumb, *The Birth of a Consumer Society: The Commercialization of the Eighteenth Century*.²² They argued that the development of a highly sophisticated international market in consumer goods unleashed a wave of economic growth on the back of a new acquisitiveness on the part of the middling sort. John Brewer has contended that through the act of shopping, the middling sort were pro-actively constructing their identities as culturally superior, distinct from the rest of society.²³ This argument has been taken further by Neil McKendrick, who embraced a neo-liberal economic model, supply curves, and a belief in the efficiency of self-correcting markets.²⁴

The work of John Habakkuk focused on the landed elite and dealt with inheritance and settlement, the land market, mortgages and marriage strategies.²⁵ More recently, Jon Stobart has scrutinized gentry purchasing power.²⁶ Analysing the Leigh family of Warwickshire, specifically their spending patterns, Stobart shows that London, as well as provincial retailers, were a source of high quality luxury goods. Stobart contends that buying these goods was like buying into a lifestyle, and that social status was enhanced by this

²¹ Brian Cowan, 'What was masculine about the public sphere? Gender and the coffeehouse milieu in post-Restoration England', *History Workshop Journal*, 51 (2001), 127-57; Steve Pincus, "'Coffee Politicians Does Create': coffeehouses and Restoration political culture", *Journal of Modern History*, 67 (1995), 807-34; Lawrence E. Klein, 'Politeness and the interpretation of the British Eighteenth century', *The Historical Journal*, 45.4 Dec 2002 869-98.

²² Neil McKendrick, John Brewer and J. H. Plumb (eds.), *The Birth of a Consumer Society: The Commercialization of Eighteenth-Century England* (Bloomington, 1982).

²³ John Brewer, *The Pleasures of the Imagination: English Culture in the Eighteenth Century* (Oxford, 1997)

²⁴ McKendrick et al. *Birth of a Consumer Society*, pp. 9-99.

²⁵ H. J. Habakkuk, 'English landownership 1640-1740', *Economic History Review* 10, 1 (1940), pp. 2-17; 'Marriage settlements in the eighteenth century', *Transactions of the Royal Historical Society* Vol. 32 (1950), pp. 15-30; *Marriage, Debt and the Estates System: English Landownership, 1650-1950* (Oxford, 1994).

²⁶ Jon Stobart, 'Gentlemen and Shopkeepers: Supplying the country house in eighteenth-century England', *Economic History Review*, Vol. 64, No. 3 (Aug. 2011), pp. 885-904; Mark Rothery and Jon Stobart, 'Inheritance events and spending patterns in the English country house: The Leigh family of Stoneleigh Abbey, 1738-1806', *Continuity and Change* 27, (3) 2012, pp. 379-407.

metropolitan lifestyle. This social distinction sat alongside the more traditional status symbols of the gentry, such as land, a country house and a concern for lineage and pedigree on the part of the Leigh family. We will see something similar with the Gell family in the first chapter.

The consumer revolution was not just the preserve of the metropolitan elite. We find that between 1650 and 1750 it plumbed the social depths. Analysis of probate records show that all social classes, from gentry to husbandmen, engaged in the consumer revolution. The probate records analysed by Mark Overton et al show how ordinary people owned beds, clothing made from linen and calicoes, furniture, cutlery and china.²⁷ They would certainly have drunk tea and coffee and eaten chocolate and consumed sugar. Naturally there were regional variations in the acquisition of consumer goods.²⁸ Yet what we find is a relatively prosperous, industrious population of wage earners. Craig Muldrew had accounted for the increase in purchasing power that working gained in the early modern period. He contends that the income of the entire household should be considered, when explaining the increase in purchasing power, rather than focusing on the wages of individuals.²⁹ When thinking about household income, Muldrew includes work conducted in the home by the womenfolk, such as spinning, work by children, agricultural by-employments and the continuity of customary rights like gleanings.

Jan de Vries argues that the industriousness on the part of working people, illustrated to us by Mark Overton and Craig Muldrew, occurred because of a desire for consumer goods, home comforts and pleasure by working people.³⁰ As Jon Stobart argues, social status was a

²⁷ Mark Overton, Jane Whittle, Darron Dean and Andrew Hann, *Production and Consumption in English Households, 1600-1750* (London, 2004).

²⁸ Joseph Harley, 'Consumption and poverty in the homes of the English poor, c. 1670-1834' *Social History*, 43:1 (2017), pp. 81-104.

²⁹ Craig Muldrew, *Food, Energy and the Creation of Industriousness: Work and Material Culture in Agrarian England, 1550-1780* (Cambridge, 2011), pp. 208-259.

³⁰ Jan de Vries, *The Industrious Revolution: Consumer Behaviour and the Household Economy, 1650 to the Present* (Cambridge, 2005); 'Between purchasing power and the world of goods' in John Brewer and Roy Porter (eds.), *Consumption and the World of Goods* (London, 1993), pp. 85-132.

key factor. For de Vries, this yearning for the better things in life inculcated an urge for less leisure time and home life, and more time for labour. The process of proletarianization predicated on loss of access to the land, as argued for by Marx and Tawney, had no bearing on the evolution of the 'industrious revolution'. There are shortcomings to some of the work on consumption however. How much choice did people have on whether they worked for wages, or in kind? While de Vries argues that working people opted into more wage labour to partake of the new consumerism, what sort of conditions did the producers of cotton and sugar on the slave plantations of the West Indies or the tea plantations of the Indian subcontinent live under? Marcus Rediker and Peter Linebaugh have focused on the appalling conditions endured by sailors bringing in goods from the West Indies.³¹ How do we account for the persistence of poverty in England, with the poor rate increasing inexorably during the era, resulting in the workhouse and the Poor Law Amendment Act of 1834?

Craig Muldrew has argued for the persistence of customary rights and the financial contribution they made to household income. Yet we know that throughout the early modern period customary rights were being extinguished, primarily through enclosure. It was undoubtedly the case that income gleaned from custom contributed to the household economies of many working people, increasing their purchasing power. Yet it needs to be remembered that the development of the consumer revolution ran parallel to the diminution of use-rights and popular access to the land. While some benefitted from economic change, others lost out. Too much of this work presents England as a consensus based, conflict-free society. That was far from the case. All this individualism did not take place inside a social vacuum. As Paul Monod wryly notes of the literature: 'This was a society that consumed

³¹ Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700-1750* (Cambridge, 1987); Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic* (Boston, 2000).

mightily, without suffering from much indigestion'.³² Jonathan White, who has set out to provide a neo-Marxist analysis of the commercial revolution notes: 'The commodified culture of modernity does not have to be pushed far before it becomes a fluid, pre-modern analogue to the post-modern world with unstable signifiers and identities'.³³ In essence, not rooted in social reality and the lived experience of working people.

While much of this work may be unaware or disinterested in social conflict, they have been interested in the 'middling sort of people'.³⁴ In fact, work on the middling sort has been one of the most innovative and thought-provoking developments within the social and cultural history of the eighteenth century. The middling sort presented to us in recent studies is diverse. At one instance, they are a leisured class, enjoying the polite refinement of bourgeois society, with all the cultural pursuits it had to offer.³⁵ In another instance the middling sort are industrious and sober, proud of their professional or artisan skill and economic independence, as well as the importance of their household economy.³⁶ That the middling sort were an urban phenomenon dominated much of the early historical work, as has the importance of the formation of a collective bourgeois identity on the part of this social group. This is best represented in the work of Jonathan Barry, who has convincingly argued that an urban bourgeois identity grew up during the eighteenth century, formed by what Barry terms the 'associational life'. It was through their participation in political and social clubs,

³² Paul Kleber Monod, 'Are you getting enough culture? Moving from Social to Cultural History in Eighteenth Century Britain' *History Compass* 6/1 (2008), 91-108, p. 95.

³³ Jonathan White, 'A World of Goods? The 'Consumption Turn' and Eighteenth century British History' *Cultural and Social History* 2006; 3: pp. 93-104, p. 96

³⁴ The catalyst for this important historiographical shift was the publication of Jonathan Barry and Colin Brooks (eds.), *The Middling Sort of People: Culture, Society and Politics in England* (Basingstoke, 1994). For comprehensive reviews of the literature, see Henry French, 'The Search for the "Middle Sort of People" in England, 1600-1800, *Historical Journal*, 43 (2000), pp. 277-93, and Perry Gauci, 'Finding the Middle-Ground: The Middling Sort in the Eighteenth Century', *History Compass*, 4:2 (2006), pp. 228-34.

³⁵ Paul Langford, *A Polite and Commercial People: England, 1727-83* (Oxford, 1990); Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730* (London, 1989).

³⁶ Margaret Hunt, *The Middling Sort: Commerce, Gender and the Family in England, 1680-1780* (Berkeley, 1996).

learned societies, charities and local politics that the middling sort developed a ‘bourgeois collectivism’.³⁷ Other historians have sought to redress the spatial balance in their work by focusing on the rural middling sort. Both Joan Kent and Henry French have argued that the ‘chief inhabitants’ of the local community went through a similar process on identity formation as their urban compatriots.³⁸ By participating in parish politics through the vestry, the administration of poor relief, as well as shared cultural pursuits and pastimes, a powerful political and socio-cultural identity was formed by the middling sort. These insights fit in neatly with recent research on the social history of the state, which argues that in a politically decentralized state in early modern England, it was the middling sort who were responsible for good governance, administration and justice at the parish level.³⁹ This is perhaps why the early modern state and society cohered so successfully.

Yet early modern England was a conflictual society.⁴⁰ Keith Wrightson, deftly avoiding the materialism versus linguistic debates that pervaded social history at the end of the 1980s, has argued for a ‘language of sorts’ during the eighteenth century.⁴¹ While social descriptions in the sixteenth century turned on often crude, sharp binaries, by the eighteenth century a fluid tripartite model had grown into being, that of the ‘better sort’, ‘middling sort’

³⁷ Jonathan Barry, ‘Bourgeois Collectivism? Urban Association and the Middling Sort’ in Barry and Brooks, *Middling Sort*, pp. 84-112.

³⁸ Joan R. Kent, ‘The Rural “Middling Sort” in Early Modern England, circa 1640-1740: Some Economic, Political and Socio-Cultural Characteristics’, *Rural History*, 10 (1999), pp. 19-54; Henry French, ‘Social status, localism and the “Middle Sort of People” in England, 1620-1750’, *Past & Present*, 166 (2000), pp. 66-99; H. R. French, *The Middle Sort of People in Provincial England, 1600-1750* (Oxford, 2007).

³⁹ Keith Wrightson, The politics of the Parish in Griffiths, Fox and Hindle, *The Experience of Authority in Early Modern England* (Houndmills, 1996) pp. 10-46; Michael Braddick, *State Formation in Early Modern England* (Cambridge, 2000); Steve Hindle, *The State and Social Change in Early Modern England 1550-1640* (Houndmills, 2000); Mark Goldie, *The Unacknowledged Republic: Officeholding in Early Modern England*, in Tim Harris (ed.), *The Politics of the Excluded, c.1500-1850* (Houndmills, 2001), pp. 153-194; David Eastwood, *Government and Community in the English Provinces, 1700-1870* (Houndmills, 1997).

⁴⁰ For an interpretation that sees eighteenth century society as conflictual, see Douglas Hay and Nicholas Rogers, *Eighteenth Century English Society: Shuttles and Swords* (Oxford, 1997).

⁴¹ Keith Wrightson, ‘Estates, Degrees and Sorts: Changing perceptions of society in Tudor and Stuart England’ in Penelope S. Corfield (ed.), *Language, History, Class* (Oxford, 1991), pp. 30-52. See also, ‘The Social Order of Early-Modern England: Three Approaches’ in Lloyd Bonfield, Richard M. Smith and Keith Wrightson (eds.), *The World We Have Gained: Histories of Population and Social Structure* (Oxford, 1986); ‘Sorts of People’ in Tudor and Stuart England’ in Barry and Brooks, *Middling Sort*, pp. 28-51.

and ‘poorer sort’. Wrightson argues that ‘The “language of sorts” was a terminology pregnant with actual or potential conflict’.⁴² It is by studying the middling sort in *interaction* with other social groups in early modern England that we can better account for the shaping of their bourgeois identity. Class conflict honed that identity.

The middling sort, in all its variegated forms, play a crucial role in this thesis. Yet we cannot study them in isolations from other social groups or the rhythm of the societies in which they lived. In the first chapter we meet the Gell family. They were ‘chief inhabitants’ *par excellence* and partook of the delights of the consumer revolution of the age. Yet as we shall see, they were bankrupt. To maintain their metropolitan identity, they had to embark upon economic retrenchment, including enclosure, that led to major disputes with their poorer neighbours in Carsington and Wirksworth. In the fourth chapter we will meet Titus Wheatcroft. Wheatcroft was a schoolmaster and parish clerk, with responsibilities for poor relief. He fits into the category of the rural middling sort who staffed the offices of the parish state. However, he was an anxious man. The rapid economic changes that were taking place were fundamentally altering social relations in early modern society. This irked Titus, who believed that these changes eroded an older form of social relations: organic, agrarian, paternal, deferential and benevolent.⁴³ His role as a parish officer made him aware of the local customs of his Ashover community, and how they had been eroded. He also had the responsibility of collecting ancient bequests for the poor, left by men motivated by good lordship and social responsibility, left unpaid by their recalcitrant progeny. While his office may have given him a status in his community, reaffirming his middling identity, it also gave Titus an insight into the social consequences that resulted from the shift from a moral to a

⁴² Wrightson, “Sorts of People”, p. 38.

⁴³ If we remember that Titus Wheatcroft lived in north Derbyshire, an industrial region, his organicist view of social relations fits him neatly in with the anti-industrialism and anti-consumerism seen in the opposition to the industrial revolution in the nineteenth century. The classic representation of the literary milieu remains Raymond Williams, *Culture and Society* (London, 1958).

market economy. In the fifth chapter we will meet some of the burgesses and freemen of Derby. These were the industrious middling sort: the traders, shopkeepers, artisans and craftsmen. They took pride in the status gained by being skilled men, and whose freeman status gained them the right to vote in elections. The franchise was the clearest practical illustration of middling status and identity in a local society. Yet our freemen and burgesses were in constant conflict with innumerable enemies in their defence of their use-rights and customary rights in Derby. The customs that were conferred by freeman status were as important in overtly affirming middling identity as enjoying coffeehouse culture and the London season. That those customary rights were under threat necessitated a stout defence, which the men of Derby engaged in over two centuries, from the 1590s until the 1790s. Rather than studying the middling sort in isolation from other social groups, this thesis will root them within their local communities and the social relations that pertained there. Attention will also be paid to the social alignments that were often formed by fragments of the middling sort, like the shopkeepers and artisans, with the labouring poor and the smaller gentry. It will be advanced that it was country Toryism that provided the ballast for these various social blocs. Derbyshire will provide our template.

To understand popular Toryism in Derbyshire we need to better understand the high politics of the era. Let us start in 1688. Much of the recent historiography has moved on from the interpretations advocated by John Kenyon, J. R. Jones and J. R. Western who saw 1688 as an unrevolutionary, conservative event. Recently, a neo-Whig viewpoint, powerfully enunciated by historians like Gary De Krey, Richard Ashcraft and Tim Harris, sees 1688 as a fundamentally revolutionary event that was a watershed in the political development of the

nation.⁴⁴ This interpretation has been taken to its logical conclusion by Steve Pincus.⁴⁵ Pincus argues that 1688 was the first modern revolution, populist and participatory, on a par with later seismic revolutions in America and France. Pincus has a soft economic interpretation for the causes of 1688, that Britain was split evenly between advocates of a Whig and a Tory political economy, both of which were a drive to modernization.⁴⁶ The Whigs believed that wealth in society was generated by labour, so was infinite. The Tories believed that wealth was predicated upon the land, its ownership, cultivation and exploitation for rental value. Wealth for them logically was finite. James II and his acolytes were embarking upon a drive towards Catholic Gallicanism, influenced by the absolutist court of Louis XIV. James II, in Pincus's view was a Catholic absolutist who wanted to take this country back to Rome and develop insidious control mechanisms to keep the population in check. In the event, he was prevented from doing so by the intervention of William of Orange, who sailed to England on a Protestant wind to sweep England clean of popery and arbitrary government.

There are issues with Pincus's interpretation. Pincus recognises that a revolutionizing process did take place in the nation after 1688. This involved the rapid financialization of the British economy and the development of the fiscal-military state to fight the continental wars William of Orange was embroiled in. The implementation of a Whig political economy provided the structural supports for the seemingly never-ending conflict. Yet Pincus divorces the political economy of the political parties from wider social relations. The other key weakness in the interpretation is in seeing 1688 as a popular revolution. Pincus claims that

⁴⁴ John Kenyon, *Revolution Principles: The Politics of Party 1689-1720* (Oxford, 1977); J. R. Jones, *The Revolution of 1688 in England* (London, 1972); J. R. Western, *Monarchy and Revolution: The English State in the 1680s* (Littlehampton, 1972); Gary De Krey, *A Fractured Society: The Politics of London in the First Age of Party, 1688-1715* (Oxford, 1985); Richard Ashcraft, *Revolutionary Politics and Locke's 'Two Treatises of Government'* (London, 1986); Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London, 2006).

⁴⁵ Steve Pincus, *1688: The First Modern Revolution* (New Haven, 2011).

⁴⁶ *Ibid*, pp. 366-399.

more people died in the making of a revolution in 1688 than died in France in 1789.⁴⁷ This fails to recognise the substantial bloodshed that was caused by the white reaction in the Vendee that was precipitated by the fall of the Bastille and the abolition of the monarchy at the start of 1793. There were few examples of working people or the middling sort pushing the nation to the point of no return, only rioting after James fled London the first time. These riots had more to do with the collapse of the regime than in precipitating it. Pincus does not focus on the provinces very much at all. To be fair to Pincus the shift in the historiography has led many to emphasise the absolutist tendencies of James and the popular support that manifested itself because of this, leading to revolution. That James might have been a sincere tolerationist, as suggested by his speech in Chester in 1687. And while something like a revolution did occur, it was one that occurred without the participation of ordinary people, does not seem to register in the neo-Whig interpretation.

It will be advanced here that it is better to see 1688 as a ‘passive revolution’ in the Gramscian sense of the concept. Indeed, a Gramscian methodology for the development of social relations provides an interesting analysis of those turbulent decades. We should see the crisis of the late 1680s as an organic crisis with roots in the flawed settlement of 1660. This led to a passive revolution and a period of transformism within the power bloc. Antonio Gramsci described an organic crisis thus:

The traditional parties in [a] particular organized form, with the particular men who constitute, represent, and lead them, are no longer recognised by their class (or fraction of a class) as its expression. When such crises occur, the immediate situation becomes delicate and dangerous, because the field is open for violent situations, for the activities

⁴⁷ Ibid, p. 223.

of unknown forces, represented by charismatic men of destiny...the crisis of the ruling class's hegemony, which occurs either because the ruling class has failed in some major political undertaking for which it has requested, or forcibly extracted, the consent of the broad masses (war, for example), or because huge masses (especially of peasants and petty-bourgeois intellectuals) have passed suddenly from a state of political passivity to a certain activity, and put forward demands which taken together, albeit not organically formulated, add up to a revolution. A 'crisis of authority' is spoken of: this is precisely the crisis of hegemony, or crisis of the state as a whole.⁴⁸

This recognises both long-term and short-term causes of the crisis that afflicted the Stuart state by 1688. The long-term causes can be traced back to the failures of the Restoration settlements of the early 1660s. These failures turned on the poor financing of the monarchy, and the whiff of popery and arbitrary government that hung around the Stuarts. The short-term cause would be James II's attempts to circumvent the problematic legacy of the Restoration, particularly its religious settlement. Arguably, the major cause of political instability during the seventeenth century was the relationship between the Monarchy and Parliament. Charles I enacted his personal rule during the 1630s in response to conflict with the House of Commons over the financing of his government and household. His dabbling in extra-legal money raising schemes, coupled with the spectre of popery did as much to push this country into civil war as any other factor. The two civil wars, the execution of the king, the creation of a republic and its destruction by Cromwell's military dictatorship, the fall of Richard Cromwell and the restoration of Charles II in 1660 ultimately did nothing to solve

⁴⁸ Geoffrey Nowell Smith and Quintin Hoare (eds.), *Selections from the Prison Notebooks of Antonio Gramsci* (London, 1971), pp. 210-11.

the tension between executive and legislature. The republican experiments did cast light, through the works of parliamentarians like Henry Parker, George Lawson and Marchmont Nedham, as well as the Levellers, upon the role of parliament and the role of the people and popular sovereignty. Disputes over these contradictions would rumble on until 1688, when the sovereignty of parliament, rather than the people, over the executive, was finally won.

With the restoration of the monarchy came attempts at a full restoration of divine right ideology, best represented by the work of Robert Filmer. This was done to combat the resuscitation of ideas of resistance and natural rights. Charles's monetary grants from Parliament were never enough to cover his expenses and there was an ongoing dialectical dance between repression and conciliation around the relationship between church and state; the retrograde Clarendon code and the Test Act on the one hand, numerous Declarations of Indulgence to Protestant Dissenters and Catholics on the other. Ongoing fears over popery and arbitrary government heightened concerns about the lack of a legitimate Protestant heir. This culminated in attempts to prevent the Catholic James from succeeding the throne during the 'Exclusion crisis' of 1678-81. It would be wrong to follow Jonathan Scott's line that the Exclusion crisis was a 'carbon copy' of the crisis of 1641.⁴⁹ It was the case that the Exclusion crisis was a 'perfect storm' whereby all the inconsistencies, irregularities and disparities of the Restoration settlement, cemented together by fear, hatred and xenophobia very nearly led to the collapse of the Stuart regime. Through great skill and dexterity, the loyalists and proto-Tories were able to hold the line. They utilized their organic links to the people, gossamer threads of paternalism, deference and reciprocity, articulated in local environments, often from the pulpit, in response to the more metropolitan whiggery. It was not without a sense of relief that James could succeed to the throne in 1685.

⁴⁹ Jonathan Scott, 'England's Troubles: Exhuming the Popish Plot', in Tim Harris, Paul Seaward, Mark Goldie, *The Politics of Religion in Restoration in England* (Oxford, 1990), pp.107-31.

Alongside the concept of the 'organic crisis', Gramsci developed the concept of the 'historical bloc'. This was a fusion between the old base and superstructure dichotomy, that of a complex, contradictory and discordant ensemble of the social relations of production. James did not rule with a rod of iron, far from it. To gain support for his policies he, as any participant in an active ruling bloc must do, sought to cement broad alliances within the ruling class, but outside of it too, in civil society. The ballast he used was toleration. For Gramsci, an organic crisis can occur when a section of the ruling embarks upon a new project that ultimately fails. James's Declaration of Indulgence in 1687 failed to succeed due to the mobilization of the rest of the ruling bloc. The Repealer movement that worked with James on religious toleration is a good example of the way consent was sought rather than forced from civil society. After 1688, the battles between executive and legislature were settled in favour of Parliament. The sovereignty of parliament over the people won out. The religious issues were broadly settled too. A Protestant line was implemented, though not without opposition from the Jacobite's, who at times posed a serious threat to the state. The counter-hegemonic bloc of Anglican clergy, parliamentarians and gentlemen that had overthrown James was careful to maintain their position during the fierce debates in the Convention of 1688-9. While they had been against the Declaration of Indulgence, they understood that there was a genuine grievance that had to be addressed. Therefore, they passed the Toleration Act of 1689, granting a weak form of religious toleration. The penal Test Acts of 1673 and 1678, barring non-Anglicans from hold civil and political office through use of oaths, stayed on the statute book until 1828.

Gramsci argued that a revolution is passive when social groups can gain power without rupturing the social fabric. He was influenced in this by the actions of the liberal-constitutionalists in Europe from 1815-1848, the processes that led to the unification of Italy by 1870 and the rise of fascism in Italy. He theorized Mussolini's seizure of power analysed

as a 'restoration-revolution', a revolution from above to stabilize the country after the First World War and to implement economic changes. Gramsci used passive revolution and restoration-revolution interchangeably and the concept of 'restoration-revolution' is quite a fitting one for 1688. Contemporaries certainly saw the role of the Convention as putting back the clock to another time, a better time, indeed linguistically this is what 'revolution' means. For Gramsci, the unification of Italy was certainly a revolution from above, and the Moderates won out because they were successfully able to harness the support of the northern industrialist, while the Action party, which had a very much more radical vision of what a unified Italian state would look like, failed to gain ultimate victory in the battle with the Moderates. They failed to develop a broad coalition of social forces, particularly one that included the southern peasantry, who made up a majority of the population in 1870.⁵⁰ Something not dissimilar occurred in 1688. The popular involvement came in support for James's policy for toleration in which he could galvanize a bloc of various social groups. In opposition to James's policies, another bloc of social forces, most of them already in, or at least linked to the ruling bloc, stopped James and saw his overthrow. The socio-economic revolution came after 1689; they were not its cause. Easy lines of credit were needed to fund William's continental warfare, and this led to the foundation of the Bank of England, creating the national debt. It was a simple formula: the state would borrow money from the Bank, leading to a national debt that would be serviced through taxation. The most important taxes were the land tax and the excise. The land tax fell upon the landed gentry, and at its height was levelled at four shillings: a thirty per cent rate of tax. The excise, a form of value added tax, fell upon the poorest hardest as it was levied on everyday household essentials. 1688 and the financial revolution was a restoration-revolution: a revolution from above, for above.

⁵⁰ *SPN*, pp. 55-85.

Gramsci recognised that after passive revolutions have occurred, a period of 'transformism' takes place when the various social groups in society must accommodate themselves to the new situation. Gramsci defines transformism thus:

Indeed, one might say that the entire state life of Italy from 1848 onwards has been characterised by transformism-in other words by the formation of an ever more extensive ruling class, within the framework established by the Moderates after 1848 and the collapse of the neo-Guelph and federalist utopias. The formation of this class involved the gradual but continuous absorption, achieved by methods which varied in their effectiveness, of the active elements produced by allied groups-and even of those which came from antagonistic groups and seemed irreconcilably hostile. In this sense, political leadership became merely an aspect of the function of domination-in as much as the absorption of the enemies' elites means their decapitation, and annihilation often for a very long time.⁵¹

In the English context, the ruling bloc was extended after 1688 by the inclusion of the Whigs and the implementation of their political economy. The Whigs had provided the opposition to the perceived threat of popery and arbitrary government on the part of the Stuart period. During the Exclusion crisis, it was they who capitalized on the xenophobia and anti-Catholicism of the masses through their pope-burning processions, funded by the whiggish Green Ribbon Club. William III soon found that the Junto Whigs could provide a government to his liking, making it easier for the implementation of the structural and

⁵¹ Ibid, pp. 58-59.

economic policies needed to give life to his aggressive foreign policy. The fact that they were sound Protestants was important too. William had initially governed through ‘mixed ministries’, containing moderate Tories and Whigs as a way of achieving political stability. Gramsci noted that the process of transformism would create situations where coalition governments were more likely.⁵² While the Junto Whigs ruled from 1694 until their ignominious fall in 1699, most of the one-party governments of the post-revolutionary era were weak, like the Whig government of 1708-1710. That changed in October 1710, when the Tories won a substantial victory and looked forward to implementing new policies. However, their leaders, Robert Harley and Lord Bolingbroke did not want to break with the status quo and mooted the idea of coalition with the Whigs. This enraged the backbench Tories who set up clubs such as the October Club and March Club to try to keep their party true blue against the wishes of their leaders.

Apostacy was a constant refrain, reflected in amusing skits like ones about Tom Double, a creation of Charles Davenant. Davenant used Double to illustrate the changing party ideologies at this time. Tom was an ardent Whig in whiggish company, yet a proponent of passive obedience and non-resistance in a ‘High Church’ Tory environment.⁵³ Mark Knights has argued that this ‘misrepresentation’ was a key facet in early modern politics, that while contemporaries might have liked to recline languidly and discuss the issues of the day in refinement, there was nothing rational in the public sphere when politics was discussed.⁵⁴ The implication here is that there was not a sincere change in people’s political and social thoughts at this time, that people did not fundamentally change their political outlook in a

⁵² The stand-out account of high politics in the 1690s remains Henry Horwitz, *Parliament, Policy and Politics in the Reign of William III* (Manchester, 1977).

⁵³ Charles Davenant, *The True Picture of a Modern Whig* (London, 1701); *Tom Double Returned out of the Country* (London, 1701).

⁵⁴ Mark Knights, *Representation and Misrepresentation in Later Stuart Britain* (Oxford, 2005).

genuine way. As we have seen, too much work on the public sphere shuts out ordinary people completely. Gramsci provides us with an alternative to apostasy, that of transformism.

Historians recognise the importance of party politics during this era. The ‘rage of party’ was first advanced by Geoffrey Holmes in response to the arid Namierism that Robert Walcott was trying to import from the later eighteenth-century historiography.⁵⁵ Holmes argued that politics was passionate and ideological, not simply intellectually expedient and kinship based. The works of Bill Speck and John Plumb on the electorate showed that electors in the period voted consistently along party lines, and though there was not universal manhood suffrage, let alone votes for women, the British electoral system was at its most participatory. It would remain so until the end of the nineteenth century thanks to the restrictions of the Walpolean oligarchy after 1722.⁵⁶ There has been more languid discussion of party politics after 1714. It is right to accept Linda Colley’s interpretation of the Tory party, that it stayed a predominantly Tory organisation, always in political contention, against the views of Eveline Cruickshanks and J. C. D. Clark that it became a predominantly Jacobite outfit.⁵⁷ There have also been debates on whether party political discourse was continued along a court versus country axis as advocated by Speck and H. T. Dickinson, or that it continued to be predicated on Whig versus Tory lines as advocated by Colley and Brian Hill. What is certain is that ideological conflict and internecine party wrangling continued well beyond the Hanoverian succession and into the ‘age of stability’.⁵⁸

⁵⁵ Robert Walcott, *English Politics in the early Eighteenth Century* (Cambridge, Massachusetts., 1956); Geoffrey Holmes, *British Politics in the Age of Anne*, (London, 1967).

⁵⁶ Bill Speck, *Tory and Whig: The Struggle in the Constituencies, 1701-15* (Houndmills, 1970); John Plumb, *The Growth of Political Stability in England, 1675-1725* (Cambridge, 1967); ‘The Growth of the Electorate in England from 1600-1715’ *Past and Present*, 45 (1969) 90-116.

⁵⁷ Linda Colley, *In Defiance of Oligarchy: The Tory Party 1714-1760* (Cambridge, 1982); Eveline Cruickshanks, *Political Untouchables: The Tories and the ‘45* (London, 1979); J. C. D. Clark, *English Society 1688-1832: Ideology, Social Structure and Political Practice during the Ancien Regime* (Cambridge, 1985).

⁵⁸ Bill Speck, ‘Whigs and Tories dim their glories: English political parties under the first two Georges’ in, John Cannon, *The Whig ascendancy: colloquies on Hanoverian England* (Manchester, 1981); H. T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth century Britain* (London, 1977); Brian W. Hill, *The Growth of Parliamentary Parties, 1689-1742* (London, 1976).

The Whig and Tory parties did survive past 1714. This was due to the transformism that occurred after 1688-9. The Tory party had become suffused with country ideas, mainly constitutional ideas, that were unceremoniously dropped by the Whigs when they rushed into the ruling bloc after 1689. One of the key tenets of this thesis is that in response to the financial revolution, the rise of the fiscal-military state and the new economic arguments, the Tories became a populist force. That they made populist appeals to the people against the Whig oligarchy, drawing on their own pre-existing ideology of social relations. This was suffused with country ideas that they picked up from the Whigs. The Tory party provided a forum for the landed gentry, small traders, shopkeepers, artisans, cottagers and the labouring poor against the Whig oligarchy and its political economy.

Gary De Krey has accounted for the shift in party ideologies, with the Tories becoming more populist, courting the small traders and artisans of the Common Council of the City of London, while the Whigs appealed to the big bourgeoisie and merchants.⁵⁹ This did not just happen at Westminster, but in local government. This shift occurred through a process of transformism that was a logical consequence of the passive nature of the revolution that the nation went through in 1688. The loyalists had emerged supreme in 1660 when republicanism and moderate parliamentarianism was swept away. The 1660s and 1670s saw a reassertion of classical Tory principles of hereditary right, passive obedience and non-resistance. There was an ardent defence of Anglicanism and the established church in the face of a perceived threat from Dissenters, non-conformists and popery. These attitudes survived the Exclusion crisis and were enhanced and honed, in ideological battle with the Whigs. These principles had been reasserted by the counter-hegemonic bloc against the innovations of James II, the so-called ‘Anglican Revolution’, and lasted as a key component within

⁵⁹ De Krey, *Fractured Society*. *passim*

Toryism well into the reign of Anne. They would only finally wane during the late 1720s and 1730s, when the old rallying cry of the ‘church in danger’ had lost much of its purchase.

There was little radical constitutional thought in Toryism before the 1690s. They were not influenced by resistance theory or natural rights. Their concerns about corruption, as well as rapid economic change were articulated through a country discourse, one that would shape English radicalism until the Chartists. While country rhetoric was populist in scope the Tories had a regressive, indeed authoritarian populism inherent to their social outlook well before the 1690s. In terms of their attitudes to social relations they were essentially social authoritarians. In practice, they still subscribed to the ‘great chain of being’, that everyone had their place in society and a role to perform in that place. Theirs was a sclerotic, hierarchical view of society, one that justified gross inequalities as wholly natural, as was their position at the social apex. They were supreme patriarchs within their local communities, often dispensing justice, employment and poor relief through the parish state. In naturalising their social authoritarianism as the common-sense way to govern any society their views had gained a hegemonic position within the polity. Ironically, their advocacy of hierarchy brought them into close contact with the labouring poor. While the working classes were expected to show due deference and obedience to their social betters, their betters were expected to be fatherly paternalists, dispensing charity and dole. There was a reciprocity in social relations that wedded the landed gentry, the font of wealth in an agrarian society, to working people. And while paternalism and deference could be double sided, benevolent and controlling, it was the social logic of communities during the early modern period

The Tories had an organic link to the people through their hegemonic control of social relations and proximity to the people. This came through employment and governance, through attendance at wakes and fairs and sundry popular recreations that shaped the rhythms of rural life. Popular culture was permeable in a way the elite culture was not. This is not to

take too binary an approach to popular culture, just to recognise that power relations pervade social interaction. The relationship between the landed elites and the labouring poor was a ‘national-popular’ one. In Gramscian terminology, national-popular meant the existence of a unified, shared culture, one that had been missing from a unified Italy.⁶⁰ Remember that when Charles II was restored to the throne he was advised by the Duke of Newcastle to reinstate maypoles and other popular festivities ended by the republicans as a way of making the people feel contented and loyal, to which the ‘merry monarch’ happily assented.⁶¹ The national-popular flies in the face of post-Marxist analysis of Gramsci’s work, specifically work by Ernesto Laclau and Chantal Mouffe.⁶² They wanted to present Gramsci as an essentialist, one who believed that every social relation is predicated on class, and as a reductionist and economic determinist. The pope-burning processions, the richly symbolic political crowd actions in favour of Toryism and Jacobitism, with oak leaves and white roses, set against the Whigs with their oranges and warming pans, were part of rival national-popular traditions. Of course, we need to remember that the Tories won out on this front. Theirs, as Nicholas Rogers reminds us, was the ‘popular idiom of the era’.⁶³

Toryism had an organic link to the people through social relations, and they could exploit this link, through a fusion of country ideals, to resist the rise of Walpolean political and economic oligarchy. It provided a methodology of popular protest for well over a century. It was Toryism in its ‘country’ vein, rather than its Anglicanism that appealed most to the opponents to the Whigs. We need to explore it. The passive revolution of 1688 shattered the rhythm and structure of politics thereafter. We have seen that the Whigs

⁶⁰ David Forgacs and Geoffrey Nowell-Smith (eds.), *Antonio Gramsci: Selections from Cultural Writings* (Cambridge, Massachusetts, 1985), pp. 206-212.

⁶¹ Thomas P. Slaughter, *Ideology and Politics on the Eve of the Restoration: Newcastle's Advice to Charles II* (Amer Philosophical Society, 1984).

⁶² Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (London, 1985). For an alternative view, see Peter Ives, *Language and Hegemony in Gramsci* (London, 2004).

⁶³ Nicholas Rogers, ‘Popular Protest in early Hanoverian London’ *Past and Present* 79 (1978), pp. 70-100.

dropped their oppositional rhetoric and joined the power bloc. A fraction of the Whigs did hold out, keeping the flame of republicanism alive. They had had a radical conception of what 1688 could be and they were disappointed with the Bill of Rights and weak toleration. They had wanted Lockean contractarianism enshrined in law, but what they got was the sovereignty of parliament. They saw a revolution betrayed. Their lineage would last into the eighteenth century, from John Toland, who edited the works of the great heroes of the English Revolution such as James Harrington and John Milton. The tradition continued with Walter Moyle, John Trenchard and Robert Molesworth, who lambasted the venal corruption of the South Sea bubble of 1721 and priestcraft respectively.⁶⁴ Theirs was an aristocratic republicanism, owing much to neo-Harringtonianism and neo-Polybian concepts of mixed-monarchy. They were subtly different to country Toryism, though they were both predicated upon an ancient view of civic virtue. The virtuous citizen was an active one, defending society from courtly corruption. The Tories complemented this with their valorisation of the sturdy freeholder, characterised by his independence and his landed property, which gave him a tangible stake in society. The ownership of land came with social values attached, values that needed to be upheld. These men stood in stark contrast to the *nouveau riches* spawned by the financial revolution. Rootless money men with no stake in society at all. Their mere existence was bankrupting the country, both financially and because they had no concern for *respublica* at all.

It was this residual difference between the country Whigs and country Tories that would make a broad alliance all but impossible after 1722. An all too brief alliance was formed in 1698 against the presence of a standing army in England. This was a perennial

⁶⁴ Caroline Robbins, *Eighteenth-Century Commonwealthman: Studies in the Transmission, Development, and Circumstance of English Liberal Thought from the Restoration of Charles II Until the War with the Thirteen Colonies* (London, 1959).

concern to the country opposition, but it quickly evaporated when the Whig Junto fell a year later. The passive revolution that removed James and his male hereditary successor from the throne created a small legitimist group, the Jacobites, who continued to support divine right monarchy. They refused to take oaths to William of Orange, and attempted a restoration of the true monarchy, in 1715 and 1745. Interestingly it was the Jacobites who first recognised the dangers of arbitrary rule on the part of the Whigs and deployed a form of Lockean contractarianism in response.⁶⁵ This can be seen most notably in newspapers such as *Robins Last Shift* and *The Shift Shifted* and will be explored in Chapter 3.

An embrace of country sentiments by the Tories was the practical political result of transformism after 1688. As David Hayton sums:

What happened during the 1690s was that the Whig party had been transformed from a natural party of opposition- the Whigs had after all been the country party of the late 1670s and 1680s-into a natural party of government, while the Tories and a few former Whigs led by Paul Foley and Robert Harley had combined to form a 'new country' party' which led the opposition to the Whig ministry in the 1699-1700 Parliament and thereafter turned itself into a new Tory party, in many respects a natural party of opposition.⁶⁶

⁶⁵ This is well argued in Paul Kleber Monod, *Jacobitism and the English People, 1688-1788* (Cambridge, 1989) pp. 161-194.

⁶⁶ David Hayton, 'The "country" interest and the party system, c.1689-1720' in Clyve Jones, *Party and Party Management in Parliament 1660-1784* (Leicester, 1984), pp. 37-85, p. 45.

While Hayton is right to see this shift and is right to argue that by 1710 most Tory M.P.s were of a country mind he, along with Dennis Rubini, are mistaken in arguing for a stand-alone country party existing at this time. The Whig versus Tory dichotomy continued to exist, yet Toryism had become suffused with country ideals.⁶⁷ Country ideology was a populist constitutionalist idiom. It was greatly concerned by corruption, be it courtly, parliamentary or economic. It championed a small, parish state in contradistinction to the swollen fiscal-military complex. It was opposed to a standing army and futile continental conflict and the punitive financial instruments it gave birth to. It was especially against the exacting taxes that fell disproportionately on the virtuous independent freeholder and the honest labourer. Latterly it opposed the extra-legal, illiberal policies of the Whig oligarchy: The Riot Act, the Black Act, and the Septennial Act. It provided constitutional solutions to this. These included its traditional advocacy of triennial parliaments, of the removal of placemen and stock-jobbers from the House of Commons for example. It also tapped into the constitutional inconsistencies first thrown up in the 1640s, about the role of parliament and the constituting role of the people in politics. Discussions turned on the role of petitioning and addressing as constitutional instruments, about the role of an M.P. Was he a representative, somebody who went to parliament and voted on his interest, or is he a delegate, somebody who needed to take constant advice from his constituents on how he should be voting in parliament? This will be discussed further in Chapter 2. Unsurprisingly, the founder of modern conservatism and at the time a Whig, Edmund Burke, was in favour of the former, oppositional Tories of the latter. This was particularly so after electoral defeats in 1734, 1741 and 1748, when arguably the sovereign will of the people was on their side. This country ideology was a rich amalgam of populist-constitutionalist ideals. Transformism made this formulation possible in the 1690s when the Tories embraced oppositional politics.

⁶⁷ Dennis Rubini, *Court and Country, 1688-1702* (London, 1968).

Toryism had its own heritage and traditions, its own attitude to social relations, that of social authoritarianism, indeed its own variant of authoritarian populism that the country ideology could fuse with.

Regarding populism, we will borrow from Ernesto Laclau's early work on populism. It will be advanced that when opposition was articulated by the Tories and some dissident Whigs against financiers, the standing army and later Walpole, they were creating an antagonistic division between the power bloc and the people. And that through popular-democratic interpellations, working people were constructed by the opposition as the people against the power bloc. Laclau explains it thus:

When the dominant bloc experiences a profound crisis because a new faction seeks to impose its hegemony but is unable to do so within the existing structure of the power bloc, one solution can be a direct appeal by this faction to the masses to develop their antagonism toward the state.⁶⁸

In this context, the pre-existing dominant force in the power bloc was the Whig party after 1688. We have seen how they had dropped their oppositional ideology and embraced the establishment through the process of transformism. The Tories were still part of the power bloc in English society. However, we have seen how their social authoritarianism had achieved the status of hegemony in social relations. Linda Colley has proven that the Tory party was always in electoral contention, yet the whiggish political economy, with its focus on the primacy on labour as a wealth creator, had won out in the 1690s. The Whigs created

⁶⁸ Ernesto Laclau, *Politics and Ideology in Marxist Theory* (London, 1977), p. 173.

the superstructure for the new economy and the Tories were unable to reverse it. The situation became acute with the sedimentation of the Whig oligarchy after 1722. The key tool the Tories had at their disposal was their organic links to the people. This was suffused with constitutionalist remedies, and they used them to fight the Whig oligarchy, financialization, enclosure, the reformation of manners, heavy taxation and illiberal social legislation. They campaigned in favour of petitioning and addressing, of the delegatory role of an M.P., developing a highly potent critique of representative democracy.

This populist appeal to the people has not been lost on historians in field such as Gary De Krey, Harry Dickinson Nicholas Rogers and Kathleen Wilson.⁶⁹ Yet whilst utilizing words like ‘libertarianism’ and ‘the people’, none of them provide a concrete definition of who the people were.⁷⁰ Ernesto Laclau helpfully juxtaposed the people against an antagonistic power bloc. The ‘people’ were in effect a political construct. When a fragment of the ruling bloc wanted to politically engage with working people, they described them as the ‘people’, differentiating them from the mob, or rabble, or multitude. During the Exclusion crisis, Roger L’Estrange, through his the *Observer*, wrote constantly about the meaning of ‘the people’ as advanced by the Whigs. He saw it as a purely artificial construct. It was of course more than that. Jacques Ranciere argues that social conflict manifests itself because of tension between different groups in the social body. Ranciere does not refer to the ontological subject as ‘the people’ or proletariat, or commons. He argues for ‘part that has no part’. The ‘part that has no part’ can be anybody in society in the sense of it not being a specific class or social group. They are however always set against the ‘police’, or the ruling elite in an

⁶⁹ De Krey, *Fractured Society*; H. T. Dickinson, *The Politics of the People in eighteenth century Britain* (Houndmills, 1994); Nicholas Rogers, *Whigs and Cities: Popular Politics in the Age of Walpole and Pitt* (Oxford, 1989); Kathleen Wilson, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785* (Cambridge, 1998).

⁷⁰ For example, Kathleen Wilson argues that ‘popular’ and ‘the people’ were synonymous yet focuses most of her analysis on the middling sort, Wilson, *Sense*, pp. 27-83.

antagonistic manner. When these excluded groups fight for social justice and equality they challenge the 'police', and can change their social position, hence becoming a 'part'. They are then a constituent group who through political action become a constituting part of society.⁷¹ It is possible that the 'part that has no part' can be co-opted into a counter-hegemonic bloc to fight the power bloc in each society. Laclau and Ranciere are important because they recognise that social conflict is pregnant in all societies and show that 'the people' are more than just a label for a static social group. It will be argued in this thesis that the Tories, as part of the ruling bloc, made populist appeals to working people to fight against the Whig oligarchy and its political economy. The analysis of popular Toryism deployed here stands in stark contrast to much of the sociological work produced from the 1960s.⁷² Their primary concern was to account for the conservatism and reformism on the part of the working class. Several theories were debated including Instrumentalism, False Consciousness, Labour Aristocracy, Embourgeoisement, One Dimensional Man and Affluent Worker. Focus should have been on the politics that working people had, rather than what it was thought they should have. Popular politics in the early Hanoverian period was predominantly Tory. This had nothing to do with clientelism, or the hoodwinking and brainwashing of the poorer sort on the part of the ruling class.⁷³ The Tory gentry, sections of

⁷¹ Jacques Ranciere, *Disagreement* (Minneapolis, 2004).

⁷² See for example John H. Goldthorpe, David Lockwood, Frank Bechhofer, *The Affluent Worker*, 3 Vols. (Cambridge, 1968-69); Robert Roberts, *The Classic Slum: Salford Life in the First Quarter of the Century* (Manchester, 1971); Ross McKibbin, *The Evolution of the Labour Party, 1910-1924*, (London, 1974). Erich Fromm, *The Fear of Freedom* (London, 1942), *The Sane Society* (London, 1956); Max Horkheimer, *Eclipse of Reason* (Oxford, 1947); Horkheimer, *Critique of Instrumental Reason* (London, reissue, 2014); Carl Jung, *The Undiscovered Self* (Oxford, 1958). On the theme of 'interpellation' see Louis Althusser, *Ideology* (London, second edition 2008); on 'reification' see Georg Lukacs, *History and Class Consciousness: Studies in Marxist Dialectics* (1923).

⁷³ The interpretation of popular Toryism in this thesis is close to Stuart Hall's analysis on popular support for Thatcherism in the late 1970s and 1980s, as both use Gramsci and recognise the agency and independence that the working class had in forming and articulating political views often seen as reactionary by leftists. Stuart Hall, "'Popular-Democratic vs "Authoritarian Populism": Two ways of "Taking Democracy Seriously"' and 'The Great Moving Right Show' both in Stuart Hall, *The Hard Road to Renewal: Thatcherism and the Crisis of the Left* (London, 1988), pp. 123-149, 39-56. For Gramsci's methodology for the study of reactionary and conservative forces in each society see, *SPN*, pp.165-167.

the middling sort and the labouring poor all stood to lose from rapid economic change. They had common enemies on the one hand and a shared set of constitutionalist remedies on the other. These social groups had organic links as discussed, and they had political agency.

While problematic in defining ‘the people’, excellent work has been produced on popular politics and popular protest in the later Stuart and early Hanoverian eras. Tim Harris’s research on the politics of the crowd in Restoration London show how working people, through petitioning, addressing, pope-burning processions, and riot, articulated either their support or opposition to the exclusion of James, Duke of York from 1678-81.⁷⁴ Harris also shows how Tories such as Roger L’Estrange and Nathaniel Thompson sought to woo working people to the loyalist cause. Both Gary De Krey and Nicholas Rogers, focusing on popular politics in London during the later Stuart and Hanoverian era respectively, analysed poll books and tax records to show that the Tories drew much of their support from the smaller artisans and tradesmen. Rogers also provides a brilliant analysis of popular Jacobitism, recognising its vibrancy, cultural symbolism, and how working people could draw up on Jacobite politics to give voice to their opposition to the Hanoverian Whig regime.⁷⁵ Along with Kathleen Wilson, these historians have shown how high politics and low politics bled into each other. Working people had as much of a stake in the partisan political debates of the era as their social betters. They were able to formulate an independent opinion on the sundry political issues and agitate for them. Tim Harris is right to describe this approach as a ‘social history of politics’.⁷⁶ This body of literature is critically important to this thesis as we will be concerned with how country Toryism was articulated by working

⁷⁴ Tim Harris, *London Crowds in the Reign of Charles II* (Cambridge, 1987).

⁷⁵ Nicholas Rogers, ‘Popular Protest in early Hanoverian London’ *Past and Present* 79 (1978), pp. 70-100; ‘Seditious words, Subversive laughter: Popular Jacobitism in Hanoverian England’ in Nicholas Rogers, *Crowd, Culture and Politics in Georgian Britain* (Oxford, 1998), pp. 21-57. For Rogers’ analysis of crowd politics during the eighteenth century see, *Whigs and Cities*, pp. 347-389.

⁷⁶ Tim Harris, *Restoration: Charles II and his Kingdoms, 1660-1685* (London, 2005), Introduction.

people in Derbyshire. However, this literature has little to say about enclosure, the erosion of customary right or parish politics. We will find that the men and women of Derbyshire agitated against economic change, advocating country Tory constitutionalist solutions. The people of Derby often linked the Whig oligarchy at the local level to the Whig oligarchy nationally, blaming both for high taxation, war and the rise of the fiscal-military state. We need to adopt a broader definition of politics.

Fortunately, the social history of politics has been an abiding concern in important work that was being conducted in the field of early modern social history from the 1950s onwards. These historians, taking their cue from Peter Laslett's work on social stratification and demography and Christopher Hill's work on the social contours of Puritanism, developed a sophisticated, materialist analysis of early modern society. They paid attention to the social structure and composition of the households of working people.⁷⁷ The most important historian of this tradition was Keith Wrightson. Wrightson fully grasped the importance that social polarisation played in early modern society, engendered by changes wrought by economic development. He got the balance right between economic change and its relationship to cultural change and the rise of the 'middling sort'. Wrightson was particularly concerned with how their social attitudes impinged on the labouring poor, most notably their religious attitudes.⁷⁸ Indeed, we have seen how Wrightson's own work on the language of sorts was by far and away more superior to anything produced by the post-modernists, illustrating the pointlessness of differentiating between a materialist and a linguistic interpretation of social relations.⁷⁹

⁷⁷ Peter Laslett, *The World We Have Lost: England Before the Industrial Age* (New York, 1965). Christopher Hill, *Society and Puritanism in Pre-Revolutionary England* (London, 1964).

⁷⁸ This is best seen in his pathbreaking book *English Society: 1580-1680* (London, 1982).

⁷⁹ "“Sorts of People”", pp. 28-51; 'Estates, Degrees, and Sorts', pp. 30-52.

Wrightson and his students have helped to develop a ‘social history of politics’, one that recognises the importance of conflict within the parish over custom and resources, within the household over gender and authority as well as in the larger conflicts over religion and the process of state formation.⁸⁰ Power is a key concept for these historians. Who wielded it, how it was distributed and how it could be resisted. Politics turned not just on party conflict, but over access to the land, common rights, food, fuel, and local politics, all in a rooted, localist context. Collectively these historians provide a powerful methodology for the study of social relations and popular politics that we should take into the eighteenth century. Indeed, the longevity of E. P. Thompson’s work, particularly on the ‘moral economy’, owes much to its deployment in the historiography of the sixteenth and seventeenth centuries.⁸¹ While the historians of popular politics in the later Stuart and early Hanoverian periods may have given less focus to the social side of ‘the social history of politics’, the reverse is true of Wrightson and his students. They have spent less time on high politics and the popular view of it, for example, on the succession crisis of the 1590s, or the great debates between the Whigs and Marxists versus the revisionists on the origins of the English Revolution. By fusing these two bodies of research together, we will be better able to account for popular support for Toryism at the local level, and how country Toryism was able to provide intellectual tools in popular opposition to enclosure and the diminution of customary rights. This will be explored in Chapters 1, 2, 3 and 5. In Chapter 4, we will see in a concrete way how Titus Wheatcroft, a member of the rural middling sort, used a country Tory analysis to understand social conflict and how the decline in paternalism, benevolence

⁸⁰ Keith Wrightson, ‘The Politics of the Parish in Early Modern England’, in Paul Griffiths, Adam Fox and Steve Hindle (eds.), *The Experience of Authority in Early Modern England* (London, 1996), pp. 10-46. For good examples from the field see Paul Griffiths, *Youth and Authority: Formative Experiences in England 1560-1640* (Oxford, 1996); Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003); Hindle, *The State and Social Change*; Steve Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England c. 1550-1750* (Oxford, 2004).

⁸¹ John Walter and Keith Wrightson, ‘Dearth and the Social Order in Early Modern England’, *Past and Present*, No. 71 (May 1976), pp. 22-42.

and ‘good lordship’ were its cause. His solution was for these traditional social relations to be reinvigorated, and for civic virtue and *res publica* to be the guiding principles of the social elite. These solutions were at the root of the country Tory prescription for the renewal of the nation after the Whig oligarchy.

Much of the recent social history has ignored issues like social control, hegemony, and primitive accumulation, preferring reciprocity, consensus, and negotiation.⁸² The primary concern of this thesis is the popular response to economic change and how it was couched in a country Tory idiom, all at the local level. Methodologically, alongside a broadened ‘new social history’, we will reengage with the work of E. P. Thompson, and recent work being conducted within the Marxist tradition. There is still much scope in Thompson’s analysis of class and his interpretation of social relations during the eighteenth century. Work by David Harvey and Ellen Meiksins Wood provide us with a non-deterministic method for accounting for what they call ‘Accumulation by Dispossession’, and the rise of ‘market dependence’, both opposed by popular Toryism. Using a fresh interpretation of Thompson’s analysis of class alongside the new social history of politics will provide a firm foundation with which to study the politics of the rural commoner, artisan, shopkeeper and wage labourer of the long eighteenth-century.

E. P. Thompson’s work sought to address human agency and its relationship to experience and social consciousness. He argued that agency is situated in the gap between social being and social consciousness, between interest and belief, between actually-existing social relations and our interpretation of them. His methodology for understanding the politics of the radical working classes at the start of the nineteenth century can be fruitfully

⁸² For an excellent collection of essays that deploy these concepts, see Michael J. Braddick and John Walter, *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge, 2001).

applied to a study of popular Toryism in the early modern period.⁸³ Thompson's work provides us with an innovative, non-reductionist class analysis. That Thompson was a Marxist was enough for some to see him as a crude economic determinist. What is often missed in historian's interpretations of Thompson's method is that he also came in for critique on the Left. This criticism turned on a perceived lack of focus on economic relations and the role it had in structuring social relations. At the end of the 1970s, Thompson was thought to be too much of a voluntarist, giving too much primacy to agency and culture in the process of class formation.⁸⁴ However, from very early on Thompson was keen to jettison the turgid 'base and superstructure' metaphor.⁸⁵ In his review of Raymond Williams's *Long Revolution* in 1961, he quoted Alastair MacIntyre: 'What the mode of production does is to produce a kernel of human relationship from which all else grows'. Thompson added that the 'Mode of production and productive relationships determined cultural processes in an epochal sense'.⁸⁶ In *the Peculiarities of the English* in 1965 Thompson argued: 'Even if "base" were not a bad metaphor we would have to add that whatever it is, it is not just economic but human- a characteristic human relationship entered into involuntarily in the productive process...social and cultural phenomena do not tail after the economic at some remote remove; they, at their source, immersed in the same nexus of relationship'.⁸⁷

Thompson clearly spent much time thinking about the implications and perhaps flaws in his famous preface to the *Making of the English Working Class*. By the 1970s his work had taken a structural if not a structuralist turn. In his essay, *Eighteenth-Century English Society: Class*

⁸³ David Mayfield and Susan Thorne, 'Social History and Its Discontents: Gareth Stedman Jones and the Politics of Language', *Social History*, Vol. 17, No. 2 (May 1992), pp. 165-188

⁸⁴ See Perry Anderson, *Arguments within English Marxism* (London, 1980). For a critique of Thompson within the sphere of social history at the end of the 1970s see Richard Johnson, 'Edward Thompson, Eugene Genovese, and Socialist-Humanist History', *History Workshop Journal*, No. 6 (Autumn 1978), pp. 79-100

⁸⁵ The issue was addressed by Thompson before the publication of *the Making of the English Working Class* in 1963 in his essay 'Socialist Humanism' in the first issue of the *New Reasoner*, and latterly in an essay 'Revolution' and 'Revolution again!' in the *New Left Review* in 1960. These early writings have been collected in Cal Winslow ed., *E. P. Thompson and the Making of the New Left: Essays and Polemics* (London, 2014).

⁸⁶ E. P. Thompson, 'Long Revolution' (Part II), *New Left Review* I/10, July-August 1961, pp. 34-39; p.38.

⁸⁷ E. P. Thompson, *The Poverty of Theory and Other Essays* (London, 1978), p. 84.

Struggle without Class? he builds on the concept of class and class consciousness worked through in the *Making* and through the 1960s:

To put it bluntly: classes do not exist as separate entities, look around and, find an enemy class, and then start to struggle. On the contrary, people find themselves in a society structured in determined ways (crucially, but not exclusively, in productive relations), they experience exploitation (on the need to maintain power over those whom they exploit), they identify points of antagonistic interest, they commence to struggle around these issues and in the process of struggling they discover themselves as classes, they come to know this discovery as class-consciousness. Class and class-consciousness are always the last, not the first stage in the historical process'.⁸⁸

He also made the highly original, though slightly Althusserian comment that 'Class eventuates as men and women *live* their productive relations, and as they *experience* their determinate situations, within the *ensemble* of the social relations'.⁸⁹ If we read Thompson's historical and politico-theoretical work from the late 1950s until the late 1970s, we find a highly sophisticated, thoughtful and persuasive refutation of the orthodox Marxist shibboleth of base and superstructure. Thompson does not give primacy to the economic, nor to the cultural, but recognised that the two were fused in the lived experience of working men and women. Class, then, is a relationship.

Indeed, several Marxist thinkers saw fit to junk base and superstructure around this time, making the popularly received wisdom that Marxism is by nature, deterministic and

⁸⁸ E. P. Thompson, 'Eighteenth-Century English Society: Class Struggle Without Class?' *Social History*, Vol. 3, No. 2 (May 1978), pp. 133-165; p. 149.

⁸⁹ *Ibid*, p. 150.

reductionist seem ill-thought-through.⁹⁰ While the concept of ‘experience’ applied by Thompson came in for criticism in the 1980s and 1990s there is still much scope in his non-reductionist theory of class and it will much in evidence in this thesis. However, there are aspects of his work on social relations during the eighteenth century that need to be addressed. His essays from the 1970s were too structural in their scope, and his interpretation of politics in the era is Namierite. Thompson was inclined to see politics as a carve-up between the elites, motivated by avarice and greed, facilitated by familial and kinship ties. We get little of the ideological motivations in politics and even less of the popular, participatory nature of the political process that involved large numbers of people, especially at election time. Perhaps Thompson is less of a Namierite and more influenced by those radicals of the post-1760s such as John Wilkes, Catherine Macaulay and James Cartwright, who inveighed against a venal electoral system and ‘Old Corruption’ generally. Another weakness in those essays was the binary of ‘patrician and plebeian’.⁹¹ The poorer sort of early modern England certainly saw social relations in terms of binaries, so we should not dismiss the concept purely on that basis. Yet it does fail to consider the ‘middling sort’ that has been of such importance in recent work on the period. The fact is that when we look at Derby and the conflicts that occur there, the model fails to take account of the different, often cross-class alliances that were formed in reaction to events. If we take customary rights as an example, it was not just large-scale capitalist landlords against custom, versus the cottager and wage-labourer in favour. The dynamics of local village politics could make it so that landowners could be on the same side as the commoners to maintain use-rights that they both mutually benefitted from. Conversely, the middling sort who had grown in economic and political

⁹⁰ See for example Raymond Williams, ‘Base and Superstructure in Marxist Cultural Theory’ *New Left Review* 1/82, November-December 1973, pp. 3-16; Ellen Meiksins Wood, ‘Rethinking Base and Superstructure’, in *Democracy Against Capitalism: Renewing Historical Materialism* (Cambridge, 1995).

⁹¹ E. P. Thompson, ‘Patrician society, Plebeian Culture’, *Journal of Social History*, VII (1974), pp. 383-405. For a good analysis of the concept see Peter King, ‘Edward Thompson’s Contribution to Eighteenth-Century Studies: The Patrician-Plebeian Model Re-examined’ *Social History*, Vol. 21, No. 2 (May 1996), pp. 215-228.

importance could be the social drivers against common use-rights, setting them against their labouring neighbours, who needed pasture rights and other customs to maintain their household income.

Antonio Gramsci provides us with a sophisticated analysis of social relations, one that recognises the fundamental importance of alliances, set against a backdrop of material inequality and unequal power relations. Thompson used the work of Gramsci in his essay, specifically that of hegemony, though he applied it in a problematic way. Regarding alliances, Gramsci first articulated the idea of blocs of social forces in his writings before his imprisonment. He was influenced by debates taking place in the Soviet Union in the early 1920s about the best road to socialism in an agrarian country. Gramsci picked up on the thinking of Nikolai Bukharin on the need to develop a 'Workers and Peasant's government', that the only way to achieve socialism was for alliances to be formed between urban and rural groups. This manifested itself in Gramsci's work on the Lyon Theses and his analysis of the 'Southern Question' in Italy.⁹² Hegemony is often thought of, or more frequently dismissed, as a monolithic thing, where a dominant class can coerce and hoodwink the masses into its way of thinking.⁹³ Gramsci powerfully argued that no hegemony is total, just as capitalism is not a totalizing system. There are gaps in which opposition can fight, often on the plane of civil society. The ruling bloc is constantly being formed and reformed and is constantly contending with counter-hegemonic blocs. For a ruling elite to stay hegemonic there needs to be an equilibrium in the power bloc, if not the power bloc will fall. This suggests vibrancy and the potential for agency on the part working people and resistance movements generally. There is nothing static about hegemony.

⁹² Quintin Hoare ed, *Antonio Gramsci Selections from Political Writings 1921-1926* (London, 1978) pp. 313-339, 340-375, 412-416, 441-462.

⁹³ Nicholas Abercrombie and Bryan S. Turner, 'The dominant ideology thesis' *British Journal of Sociology*, Vol. 29, No. 2 (June 1978), pp. 149-170.

Thompson argued that the gentry had hegemony in English society up until the 1790s. They could maintain their hegemony by limiting the political horizons of the labouring poor, who maintained their own politics. Yet they had to be constantly dazzled by the pomp and ceremony of the aristocratic elites. A similar argument is put forward by Douglas Hay regarding the dispensation of justice. Hay argues that the local gentry on the bench could use reprieves or lenient sentences as an act of symbolic benevolence which reinforced their hegemony.⁹⁴ Thompson and Hay's argument is flawed. Hegemony was more than simply hoodwinking the lower orders with ritual and fancy dress. It is also difficult to believe that the plebeian populace failed to absorb any attitudes of the ruling class and that their political outlook was pristine. This is perhaps why Thompson struggled to provide an analysis of reactionary, conservative political formations at this time, even though he had the methodological and conceptual tools for the job. By deploying the dichotomy of 'patrician' and 'plebeian', Thompson did not adequately grasp the symbiosis between them. Counter-hegemonic blocs are a useful tool in getting to grips with social relations and class relations in early modern society. Thompson himself did remark upon the alliance between the opposition and the labouring poor during the Whig oligarchy: 'That constitutional defences against this oligarchy survived these decades at all is due largely to the stubborn resistance of the largely Tory, sometimes Jacobite, independent country gentry, supported again and again by the vociferous and turbulent crowd'.⁹⁵

A more sustainable use of hegemony has been promoted by Andy Wood in response to the anthropologist James C Scott.⁹⁶ Scott interpreted hegemony in an old-fashioned way,

⁹⁴ See his essay in Douglas Hay, Peter Linebaugh, John G. Rule, E. P. Thompson and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth century England* (London, 1975).

⁹⁵ Thompson, *Eighteenth-Century English Society*, p.140.

⁹⁶ Andy Wood, 'Subordination, Solidarity and the limits of Popular Agency in a Yorkshire valley c.1596–1615' *Past and Present* No.193 (2006), pp.41-72.

seeing it as a blunt instrument of the dominant class, used to coerce the people already hoodwinked by false consciousness. As an alternative to hegemony, Scott posits the idea of ‘public’ and ‘hidden’ transcripts.⁹⁷ The public transcript is the dominant view of social relations, in a given society. In early modern society working people doffed their caps, tugged their forelocks and generally bowed and scraped in the company of their social betters. Yet in private company, behind closed doors, the hidden transcript came out, and working people freely mocked and attacked their betters. This analysis has been very important in much of the new social history of early modern England yet is problematic. Wood argues that subordination and defiance are intertwined, the one producing the other. It is also a mistake, in Wood’s view, to accept that popular deference was something held insincerely by working people, that it was just a mask they hid under. For Wood, Scott underestimated the damage done by the experience of subordination to the collective political energies of the labouring poor. Despite the substantial amount of agency given to working people in Scott’s account, his analysis provides no explanation for how change occurs in society. In his account, there seems to be an indeterminate see-sawing between public and hidden transcript. We should accept John Walter’s view that working people were able to use popular deference as a stick to beat the ruling elite, often drawing attention to their inability to live up to their own public transcript.⁹⁸ Indeed, Matthew Clark has stated that it might be worth moving away from Scott and accepting that working people may have held deferential views sincerely. Clark argues that working people bought into the social logic of the ruling elite and importantly, could form alliances with their social betters to advocate policies and prevent projects neither group wanted to see. The example he provides is over the

⁹⁷ James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, 1992).

⁹⁸ John Walter, ‘Public transcripts, popular agency and the politics of subsistence in early modern England’ in Michael J. Braddick and John Walter, *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge, 2001), pp.128-148.

commercial development of the River Lea in 1614.⁹⁹ We will explore similar alliances in Derby over the erosion of pasture rights in Chapter 5.

We noted earlier, when thinking about work on popular consumption, the fact that exploitation, immiseration and material inequality went hand in hand with the rise of consumption and the bourgeois public sphere. While the new social history provides a materialist interpretation of social relations that we badly need for the period post-1714, it is weak on issues around capitalist accumulation and class conflict. There has been little recent work that uses primitive accumulation within the historiography of the early modern period.¹⁰⁰ It is necessary to engage with recent work on primitive accumulation, particularly the concept of ‘Accumulation by Dispossession’ advocated by David Harvey. By doing so we can critically study economic change and its impact, with a careful eye to power relations and social control in society.¹⁰¹

Harvey describes ‘Accumulation by Dispossession’ thus:

A closer look at Marx's description of primitive accumulation reveals a wide range of processes. These include the commodification and privatization of land and the forced expulsion of peasant populations; the conversion of various forms of property rights into exclusive private property rights; the suppression of rights in the common; the commodification of labour power and the suppression of alternative forms of production and consumption; colonial, neo-colonial and imperial processes of

⁹⁹ Matthew Clark, ‘Resistance, Collaboration and the Early Modern “Public Transcript”’: The River Lea Disputes and Popular Politics in England, 1571–1603’ *Cultural and Social History* 8:3 (2011), pp. 297-313.

¹⁰⁰ An interesting exception is Steve Hindle, ‘Fiscal Seigneurialism in Late-Seventeenth-Century Warwickshire: Sir Richard Newdigate and the “Great Survey” of Chilvers Coton’, in *William Dugdale, Historian, 1605-86: His Life, His Writings and His County*, ed. Christopher Dyer and Catherine Richardson (Woodbridge, 2009), pp.164-86.

¹⁰¹ David Harvey, *The New Imperialism* (Oxford, 2003).

appropriation of assets (including natural resources); the monetization of exchange and taxation, particularly of land; the slave trade, and usury, the national debt, and ultimately the credit system as radical means of primitive accumulation

so,

The process of proletarianization, for example, entails a mix of coercions and of appropriations of pre-capitalist skills, social relations, knowledges, habits of mind on the part of those being proletarianized...primitive accumulation, in short, entails appropriation and co-option of pre-existing cultural and social achievements as well as confrontation and suppression.¹⁰²

We can see how Harvey has corrected the weaknesses in Marx's original works. Marx had very little to say on the social and cultural impact that accumulation had on the mindset and everyday activities of those who were expropriated. His political writings show a disdain for the longevity of the French peasantry and a complete dismissal of various non-Marxist political strategies and policies for fighting against primitive accumulation. Indeed, in the *Communist Manifesto* of 1848, Marx is savage in his condemnation of what he terms 'reactionary' and 'feudal' socialism advocated by groups such as the Tories.¹⁰³ There should be a clear-sighted recognition of the fact that anti-capitalist movements in British history have mainly been 'reactionary', from the Tories, to 'Young England', 'One Nation' Toryism, to the Distributionists of the 1920s and 1930s.

¹⁰² Ibid, pp. 145,146.

¹⁰³ Karl Marx and Fredrich Engels, *The Communist Manifesto, with an Introduction and notes by Gareth Stedman Jones* (London, 2002 edition), pp. 245-247.

Harvey rightly focuses on cultural consequences of primitive accumulation. As work by E. P. Thompson, Bob Bushaway and Andy Wood have shown, customary rights remained very important for the household economies of many thousands of people. Enclosure did not just expropriate their land, it expropriated the pattern of their lives, their 'structure of feeling'. It was cultural as well as economic.¹⁰⁴ Harvey also gets away from the turgid 'two stages' model of economic development, from feudalism, to capitalism. Harvey instead sees an ongoing circular process of accumulation that occurs in different places at different times and at different speeds, but always succeeds in radically altering pre-existing socio-cultural and economic relations. This provides a way for accounting for the fact that the lead industry of Derbyshire had been wound down by the late eighteenth-century, while Manchester, through its cotton mills was about to make Britain the 'workshop of the world'. The thesis that Harvey propounds successfully leads us out of the conceptual dead end of the two-stage model but is weak on dating the beginning of capitalism. Fortunately, the work of Ellen Meiksins Wood provides a stand-alone account of the origins of capitalism, beginning with the rise of market dependence.¹⁰⁵

In engaging with primitive accumulation, we should recognise that there is much debate within Marxism about the best way to account for both the origins and development of capitalism. The original debate on the transition from feudalism to capitalism was initiated by Maurice Dobb.¹⁰⁶ More recently the debate has been taken forward by Robert Brenner and his followers, critiqued as 'Political Marxists'.¹⁰⁷ For Brenner, capitalist development in

¹⁰⁴ For E P Thompson see 'Custom, Law and Common Right' in *Customs in Common* (London, 1991); Bob Bushaway, *By Rite: Custom, Ceremony and Community in England 1700-1880* (London, 1982); Andy Wood, *The Memory of the People: Custom and Popular Senses of the Past in Early Modern England* (Cambridge, 2013).

¹⁰⁵ Ellen Meiksins Wood, *The Origins of Capitalism: A Longer View* (London, 2002).

¹⁰⁶ Maurice Dobb, *Studies in the Development of Capitalism*, (New York, 1947).

¹⁰⁷ For the 'Brenner Debate' see T.H. Aston and C.H.E. Philpin, (eds.), *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, (Cambridge, 1985). For recent application of the political Marxist interpretation to England see Spencer Dimmock, *The Origins of Capitalism in England*

England arose out changes in agricultural production and land ownership, as opposed to the development of international trade. The social conflict between lords and peasants which was created and developed due to these changes are of prime importance to Brenner and his followers. Brenner argues that after the Norman Conquest England had a powerful, centralized monarchy, relative to the rest of continental Europe. The lords had control over the manors and tenures under monarchical jurisdiction. They did not have the ability to engage in extra-economic extraction of wealth. By this we mean that they could not use the state to exploit their tenants of their surplus value. This was a problem because inflation and demographic changes resulting from the Black Death caused lordly incomes to fall. They could not simply bring back serfdom over their tenants as was the case in parts of Europe, especially after the Peasant's Revolt of 1381. The feudal lords sought to boost their incomes through a greater extraction of feudal dues, as well as improvement of their estates, primarily through enclosure. This naturally created social conflict on numerous fronts with the peasantry, though some of them could benefit from changes to tenure and leases as well as the enclosure of land. New classes were created in the countryside. There were the aristocratic lords who were the drivers of this economic change, because they had control over the means of production, namely the land, to be able to do so. There was a growth in capitalist farmers, a new 'middling sort' who did well out the changes. And there was a substantial growth of the landless poor and the wage labourer. They were all mutually dependent on each other primarily because of the rise of 'market dependence'. By this we mean that social reproduction was dependent upon the market, that there was a fundamental necessity for workers and employers alike, to innovate and adapt to new economic situations, or fail. It was economically essential to engage in improvements to productivity and profit-

1400-1600 (London, 2015); Michael Andrew Zmolek, *Rethinking the Industrial Revolution: Five Centuries of Transition from Feudalism to Capitalism in England*, (London, 2014).

maximising, all regimented by the market. It was in these adaptations that conflict occurred, whether over the erosion of wages and workplace rights to remain competitive, or in the drive to enclose and ‘improve’ the land to make it more productive. This meant the eroding of custom, common law and copyhold tenure. This dovetails with Keith Wrightson’s work because he argues that a process of social polarisation was taking place in towns and villages during the early modern period. Due to economic differentiation, there was a rise of the ‘middling sort’ with different ambitions and often different religious and political outlook to their neighbours. The recent debates with Marxism, particularly the viewpoint put forward by Brenner and Wood, help provide a stronger *historical* materialist interpretation of this process of social polarisation. The middling sort were created by the transition from feudalism to capitalism, rather than the progenitors of it. Only the feudal lords had the economic power through ownership of the means of production, to engage in economic improvement and rack renting, as well as politically by the extraction of feudal dues. A small number of yeoman did not have the ability to develop a national market or the requisite price signals to drive capitalist development. This is especially true when so many of their neighbours could retain their economic independence, at least in part, through access to the land and customary rights. Enclosure would end this access, and could only be driven on, at least initially, by the feudal lords.

Building on this, we will argue that the financialization of the economy during the 1690s, the development of a national debt to fund the swollen fiscal military state, heavy taxation and a new emphasis on labour value, created a socially divided society. It was one in which the Tories and the labouring poor, were on the losing side. The Tory belief was that wealth was predicated on the land, its ownership and rental value. This gave the landed gentry a social status, but also a world view, one of the active citizen being the virtuous one. Because of his social position, the landed gentleman was obliged to act part of the benevolent

paternalist, and the labouring poor would show due deference. This reciprocity was an irrelevance to the new moneyed interest and worse still, bad for business. It suited the Whigs that they could accumulate and dispossess at the same time. They understood that an erosion of customary rights would mean more profit for them, but also a new, pliant workforce of wage labourers. In short, the landed elite and the labouring poor were in the same predicament. But they did attempt to make a fight of it through the formation of what Antonio Gramsci termed 'counter-hegemonic blocs', set against the Whig power bloc. While Marx may have been dismissive of this example of 'reactionary socialism', it was one key example of the way in which working people responded to capitalist development which was as much against the great landed estates as the agrarian small holder and urban shopkeeper.

We will relate these theoretical and methodological insight by consulting a wide source base, including material from national courts, manorial courts and quarter session records, gentry correspondence, commonplace books, church warden accounts and parish records, tax records, poll books and petitions and addresses.¹⁰⁸ Alongside these manuscript sources a plethora of printed ephemera has been engaged with, from the *Craftsman*, the premier organ of oppositional politics in the 1730s, to the pulp press of 1715 that articulated a bastardised Lockean contractarianism in defence of crown and mitre. Whilst case studies have been used there is nothing episodic about the thesis. The thesis deals with large subjects like the development of agrarian and finance capitalism, its impact on social relations, particularly its impact on pre-existing attitudes towards authority and social obligations. Yet to address these issues we need to get at the rhythm of everyday life, at the 'structure of

¹⁰⁸ Records for the national courts are held in the National Archives (TNA). Sources relating specifically to Derby are stored in the Local Studies Library, Derby. County records are held at Derbyshire County Record Office, Matlock.

feeling' that honed and shaped social relations within one early modern community, Derbyshire. While the wide source base owes much to cultural history the thesis seeks a fresh engagement with a reinvigorated social history. A fresh utilizing of Marxist historiography and a vibrant body of social history of early modern England, flowing from the original insights of Keith Wrightson, provide the empirical and theoretical tools to excavate popular politics in this later period. The thesis advocates the view then that the subaltern can speak.¹⁰⁹ There are of course sensible and necessary caveats that need to be acknowledged when dealing with sources, particularly ones generated in environments that can be hostile to working people, such as legal institutions. Every social historian strives for the authentic voice of their subject and even if it is just an echo in the darkness of an oppressive bureaucratic regime, we should still seize it. For if we read through a wide enough range of such documentation the sheer volume will shed a great light on social relations in early modern England.

In Chapter 1, we will focus upon the Gell family of Hopton in Wirksworth, Derbyshire. They were a gentry family who were keen to engage in polite society and the public sphere but had to expropriate their neighbours to fund this lifestyle. The multiple identities that the Gells juggled, from industrialists, to landowners, to local governors, to doyens of polite society, will be addressed. This chapter will provide us with a different take on the current research on the consumer revolution by paying attention to those who were explicitly excluded from it. In Chapter 2, we study the popular responses to the rapid economic changes of this time. We use two case studies, one on the dispute that arose over the payment of the lead tithe in the county in 1701, and on the long campaign, both for and against, making the river Derwent navigable to the river Trent. Petitioning was the primary

¹⁰⁹ This is in contradistinction to the post-structuralist interpretation of Gayatri Chakravorty Spivak, 'Can the Subaltern Speak?' in C. Nelson and L. Grossberg (eds.), *Marxism and the Interpretation of Culture* (Basingstoke, 1988), pp. 271-313.

medium through which opinions on these disputes could be aired. What we find is a dialectical relationship: when one side petitioned M.P.s, the other side responded in kind. The year 1701 was an important one for there was an important national debate on the constitutional significance of petitioning which grafted onto wider debates regarding parliamentary and popular sovereignty. These petitioning battles were not just local. Derby Corporation were pushing heavily for the Derwent to be made navigable and the primary opposition came from numerous towns close to Derby who stood to lose out economically by the navigation. This gives us an interesting insight into popular responses to the development of a national market economy. In Chapter 3, we will delve into the contours of popular Toryism. Toryism, particularly in its country vein, provided a sophisticated set of ideas and principles as well as practical policies with which working people could attempt to oppose the Whig oligarchy of Robert Walpole, as well as the local Whig oligarchy in Derby. We will focus upon the social composition of Toryism in Derby by utilizing poll books running from 1715 until 1748. What we will see is that the elites and the professionals of the town, as well as the corporation, leaned heavily towards the Whigs and the Cavendish interest, while the artisans, shopkeepers and wage labourers with a vote, supported Toryism. Economic independence was a prerequisite for political independence in Tory thought in the eighteenth century and was well represented in Derby. The second part of this chapter will focus upon the intellectual origins of popular Toryism. We trace this back to the Levellers of the 1640s, whose advocacy of popular sovereignty and independence, as well as its artisan base, was carried through popular royalism to the country opposition to the Whig oligarchy until 1760.

Chapter 4. will be a case study of one individual, Titus Wheatcroft, a schoolmaster and parish clerk from Ashover, in the Peak. Through an exploration of his commonplace books, kept assiduously through the 1720s, 1730 and 1740s, we find a localist country Tory mindset. It was not formulated through a reading of the classics of Greece and Rome, or even

through Bolingbroke, but through everyday lived experience in Ashover and through local parish government. By dealing with issues of settlement in the parish, as well as an encyclopedic knowledge of local customs and rights, Wheatcroft developed an intense localism. Through his chasing up of ancient charitable bequests owed to the parish, this localism was nurtured, but so was a deep sense of loss for the old ways, of paternalism, reciprocity and mutualism on the part of the rich. This was something Titus believed was sorely lacking in Ashover. That this was all set in one of the most industrialised parts of the world, rather than in some agrarian idyll, makes it even more interesting and important.

In Chapter 5, we go back to Derby. Perhaps the most important terrain on which social conflict was fought during the early modern period was on access to the land. Despite being an ample town, Derby was surrounded by fields and meadows on which the burgesses had right of common. From the 1590s there was contestation over access to these rights, with the corporation muddying the waters by leasing out much of the land to acquisitive men. This culminated in a series of riots in 1671 and 1674-5 when a local gentleman, Henry Mellor, started enclosing land he was leasing. The local apprentices, who one day would become freemen and gain some common rights to the land, tore down the fences. After a series of court cases on the issue, which we will explore in some depth, the burgesses won out. Yet their victory was just a staging post on the road to the ultimate loss of their birthright. The second part of the chapter will focus upon Henry Cantrell. Cantrell was an Anglican cleric of the most contentious and argumentative disposition we could encounter. He was a fundamentally different Tory to Titus Wheatcroft, so is illustrative in that sense. Yet it was the fact that Cantrell was as motivated in the defence of his clerical customs as the burgesses of Derby were in their right to common and pasture, that makes him worthy of study. We will analyse a dispute over the right of small tithes and Easter dues that Cantrell had been granted in 1713 and lost in 1715. He eventually won them back in 1729 and we will explore the terms

and conditions drawn up in 1732 which illuminate wider social and economic changes that were occurring in Derby. Like Titus Wheatcroft, Cantrell kept a commonplace book which was a repository not just of religious and ecclesiastical commentary, but a highly original and innovative analysis of the 'Norman Yoke', from a clerical rights perspective.

We will conclude by thinking about how by the 1770s we were entering a different world, both economically and religiously in Derbyshire. The local culture was being subsumed within a wider national political culture. Special attention will be paid to the destination of the popular Toryism we have discovered in Derby and it will be advanced that the country Tory tradition bled into the popular radicalism of the 1790s.

CHAPTER 1: Custom or the Consumer Revolution? The Gells of Hopton and their neighbours 1660-1720.

On 24 February 1708 Temperance Gell, sister of Philip Gell, third baronet of Hopton Hall in Derbyshire, wrote to her brother from London about shopping. Temperance had not been able to send someone to the warehouse to buy the oranges Philip had requested. Temperance had however been able to find a dealer to enlarge Philip's signet ring, sent on his black treacle and encountered 'Horn of brimstone', 'A cold remedy much used and approv'd of here'.¹ Correspondence from Temperance on London gossip was a regular occurrence throughout 1708. On 17 July she wrote to inform her brother of a 'Big storm...ye greatest thunder I ever heard in ye south'.² Temperance wrote again on 27 December regarding food for her brother, asking whether he desired oranges or oysters. Yet in remembering it was the festive season, she delayed sending anything 'Because I remember'd at this time of year you may have a supply of both'.³

The Gell family of Hopton in Derbyshire were part of the county squirearchy, and from their correspondence, were active participants in the consumer revolution too. From the late seventeenth century there was a proliferation in new cultural wares, exotic foods, clothes and even cultural mannerisms enjoyed on the part of the English middling sorts.⁴ The era saw a gentrification of urban space, a veritable urban renaissance. As Peter Borsay put it, towns played 'A crucial role in servicing the increasing demand for status' and participation in this new urban world was fundamentally one of status acquisition.⁵ Derby, the nearest substantial town to the Gell family, played a full part in this urban renaissance with the building of

¹ Derbyshire Record Office (hereafter DRO), D258/23/20/31-33.

² DRO, D258/23/20/31-33.

³ DRO, D258/23/20/31-33.

⁴ The recent literature on consumption is discussed in the Introduction, pp. 15-19

⁵ Peter Borsay, *The Urban Renaissance: Culture and Society in the Provincial Town, 1660-1770* (Oxford, 1991).

County Hall in the classical style in 1660, the modernization of All Saints Church in 1726 and the building of the Guildhall in 1730. The exterior of these wonderful new buildings was illuminated by oil lamps, installed by Derby Corporation in 1735. The Gell family, headed after 1689 by Philip Gell, his wife Elizabeth, his brother Francis and his two sisters, Elizabeth and Temperance, played their full part too. All the family participated in the London season, initially renting rooms at the Sun tavern, Charing Cross, which in July 1707 was costing 10s a week plus £10 per annum for a maid.⁶ The family eventually bought property in Hampstead to reside in.⁷ It seems that Temperance spent the better part of the year in the metropolis. Once they were in London they participated in a multitude of activities, like taking coffee and going to Barnet for the bull-baiting, as well as taking the waters at Bath on numerous occasions, the first being in 1703.⁸ The primary occupation of the family whilst in London was spending. On 12 August 1704 Temperance purchased four pairs of gloves for 8s, a gold girdle for 4s 6d, five yards of bone lace for £1 2s 6d, three yards of narrow lace for £5 4s 6d and two yards and 1/8 of satin for 4s.⁹ Both sisters had a regular account with one Caren Raynel, regularly buying silks of various lengths and colours.

While the Gells were baronets and very much part of the gentry, their conduct would be of no surprise to a generation or two of cultural historians working on the cultural pursuits of the urbane middling sort. Yet if we delve fully into the Gell manuscripts their participation is rather surprising when we remunerate on the fact that the family was bankrupt. We cannot study the Gells cultural sojourns in isolation from their material circumstances. One of our aims will be to understand how the Gells could finance their lavish lifestyle. What we shall see is that the family embarked upon what David Harvey has termed ‘Accumulation by

⁶ DRO, D258/38/11/58; D258/38/11/62.

⁷ DRO, D258/38/5.

⁸ DRO, D258/38/11/30; D258/33/2/14.

⁹ DRO, D258/38/12/1-7.

Dispossession'. To raise the necessary capital the family enclosed land and eroded customary rights, leading to social conflict with their neighbours.¹⁰ There was an economic *and* cultural dimension to this accumulation. The family were not doing this simply to raise money to throw away on trinkets, though that was undoubtedly part of it. Rather, they were engaging in a wider process of capitalist development. We will explore how dire the Gells finances were, the contestation they created in attempting to deal with it, and the long term social and cultural impact it had on local social relations. This will be coupled with a focus on the multiple identities the Gells were wrestling with within a rapidly changing local hierarchy.

The end of the Protectorate and the restoration of the monarchy in 1660 saw what would be the definitive end of any alternative church-state, one that deviated from Anglicanism and mixed-monarchy at any rate. The wars had left the Gells in debt to the tune of about £3000. The debt was accrued during the 1640s when the family agitated for Parliament. The impossibility of retrieving the money from the restored monarchy was blindingly obvious to the Gells and marked an inauspicious start to the restored regime for the family. Another blow was dealt a year later when in 1661, the family lost important mineral rights in Wirksworth, rights that they had gained in 1638. John Gell the first baronet was not to die until 1671 yet spent little time in the county after the 1660, leaving its orderly management to his son, John. John Gell knew the estate he was responsible for may have looked verdant in the 1630s but was now financially barren. He reacted by putting the inheritance of his children in trust, and that future rent rolls would be utilized to pay off the debts he had.¹¹ The problem was that this was now an era of falling rents. As Margaret Gay Davis has illustrated, between rent arrears and refunds, reduced rates and vacant tenancies, the yield generated from rental income was in steep decline. C. G. A Clay has noted that all

¹⁰ David Harvey, *The New Imperialism* (Oxford, 2003). This is discussed in the Introduction.

¹¹ DRO, D258/40/2.

landlords lost out in the 1670s and 1680s. The Gells had sitting tenants but they would not be the cash-cow John Gell had hoped they would be when he searched for ways to service the family debt.¹² The days of guaranteed high rental returns were long over, hampering the Gells even more. This was a time of rapid economic change in the countryside, as cattle prices remained stable there was a ten per cent drop in the price of grain. While the population increases of the mid-sixteenth century began to stabilize inflation was still high.¹³ None of this was good for the landed gentry, including the Gells and the family had to fall back on borrowing, even more precarious due to reduced rental yields. They borrowed heavily. In 1664 they borrowed £1500 from Robert Eyre, a distant relation who also resided in Derbyshire. As collateral they had to give up several mines like Lyddon Flats, Balcroft, Dun Rake and importantly, Raventorr Rake, a lead mine that the family had invested much in.¹⁴ It is worth noting at this point that Katherine Gell, wife of the second baronet, owned substantial holdings in these mines and kept a careful eye on her interests. It seems that piety and profit were her twin guides; Max Weber would have been pleased.

In 1692 Philip, who inherited in 1689, borrowed £1000. He believed he actually needed to borrow £8000, though thought better of it, perhaps fearing their depreciated assets would fail to cover interest payments.¹⁵ Philip's brother Francis, a London merchant trader had no such qualms and in 1693 negotiated a £7000 mortgage on the estate at a rather competitive rate of five per cent.¹⁶ Francis's recklessness and poor money-management skills would be a constant source of consternation and worry to his elder brother; he was declared

¹² Margaret Gay Davis, Country Gentry and Falling Rents in the 1660s and 1670s *Midland History* 4 (1977), pp. 86-96. C. G. A. Clay, *Economic Expansion and Social Change, 1500-1800: Volume One, People, Land and Towns* (Cambridge, 1984), p. 62, pp. 158-164.

¹³ Joan Thirsk (ed.), *The Agricultural History of England and Wales: Volume 5 Part Two, 1640-1750* (Cambridge, 1985), pp. 44-45, 239-40.

¹⁴ DRO, D258/28/2/11.

¹⁵ DRO, D258/24/53/13.

¹⁶ DRO, D258/24/50/30.

bankrupt twice, once in 1699 and again in 1706. The publication of this in the *London Gazette* seemed to provide him with bragging rights, as adjudged from the letter he sent to his sisters on the latter occasion.¹⁷ Rather than being chastened by the multiple experiences of financial incontinence, Francis continued in his negligent, ill-advised ways. In 1692 he gave up his right to part of the estate for an undisclosed sum from Philip, losing any rental income and security for further loans. Yet he mortgaged land for £1000 in June 1694. This deal included an annuity of £100. The deal was facilitated by Edward Gerrard of Clement's Inn, London.¹⁸ His brother also availed himself of the same facility the next year, mortgaging two farms in Carsington and one in Wirksworth for £1000. Francis again found himself in trouble, having sold the annuity and missed repayments. He had to be bailed out by Thomas Bagshawe, a local notable, and a thorn in the side of the Gells. He was a seasoned and consistent defender of the lead miners of the county, latterly in their dispute over the lead tithe in 1701.¹⁹ Obviously in desperation for a credit line, and with no concern for face-saving, they took his money.²⁰

The work of Craig Muldrew has ably and convincingly illustrated that early modern English society was held together by connected and interconnected lines of credit that were predicated upon trust, trustworthiness and reputation.²¹ B. A. Holderness has argued for the sophistication of rural credit networks, ones that we have seen the Gells avail of.²² The family also borrowed heavily from London. We know that both Francis and Temperance were permanently based there, so could assist in brokering the many deals. The matter of reputation cannot be discounted as a motivating factor in borrowing money in London. While

¹⁷ DRO, D258/20/56.

¹⁸ DRO, D258/24/50/3.

¹⁹ This incident will be explored in Chapter 2.

²⁰ DRO, D258/13/74.

²¹ Craig Muldrew, *Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (Houndmills, 1998).

²² B. A. Holderness, 'Credit in English Rural Society before the Nineteenth Century, with special reference to the period 1650-1720' *Agricultural History Review* Vol 24, No.2 (1976), pp. 97-109.

Francis Gell may have been happy to crow about his financial plight in private correspondence, the family would not have wanted to make their monetary difficulty public knowledge. The Gells were a county family and local hierarchies counted, as did your place within it. Financial independence was a necessity for the gentry. Though of course, looks could be deceiving, for in early modern England fluid credit networks were essential to keep society ticking over, and every social class utilized these lines of credit. This of course was a society that was rapidly changing with more and more national wealth being created by ‘fictitious capital’. As P. G. M. Dickson pointed out, in 1695 about 5000 mortgages were granted; this had ballooned to 40 000 by 1720.²³ The Gells then were early adopters. The permanence of the national debt, created by the foundation of the Bank of England in 1694 led to the exponential growth in stocks and shares and the untaxed yields they generated. Credit was not a new thing, it was ingrained within early modern social relations, but it was intensifying at this time, developing in new ways and being underwritten by the national wealth. That the Gells were borrowing money is not surprising in and of itself. What is surprising is the prominence of the family and the fact that they were living through a personal economic blizzard yet carried on with egregious expenditure on the fruits of the new consumer revolution. It is within this inconsistency and how it impacted upon social relations between the Gells and their neighbours that will be the primary focus of this chapter.

Philip was debt free by 1708 and was even able to buy back land for £2000, but borrowed heavily on the value of Griffie Grange, the lot and cope rights of which the family had been granted by the Duchy of Lancaster in 1661.²⁴ Philip defaulted in 1710. The agreement was renegotiated in 1712, finally being paid off as late as 1718, one year before

²³ P. G. M. Dickson, *The Financial Revolution in England, 1688-1756* (Houndmills, 1967) pp. 254, 260, 262, 273, 285, 302.

²⁴ DRO, D258/13/74; D258/13/73.

Philip's death.²⁵ Philip was only able to achieve this feat by selling substantial quantities of land. Selling assets to raise capital to fund current expenditure is, in the long term, a foolish thing to do, as both James I and Charles I found to their costs during their own battles with Parliament to raise revenue, Elizabeth I having sold off large amounts of crown land to fund expenditure. May 1712 saw Philip selling land in Wirksworth with a negligible rental value. The sales continued into 1713 and 1714 and Philip was often selling to people of quite meagre means. These included Anthony Cheetle, a butcher, Nicholas Thacker, a labourer, John Wagstaffe, a miner, Robert Cooke, a sadler, Anthony Foard, a baker, John Stanley, a cordwainer, Joseph Cadman, a shoemaker, and John Slack, an ironmonger. The total rental value from the property sold by Philip Gell between 1710-1717 was 8s 5d per annum.²⁶ It seems then that the Gells conformed to type according to John Beckett, whose analysis of land sales during the long eighteenth-century suggests that the land of the smaller gentry was fast reducing, though in the Gell's case, to smaller proprietors rather than the big landed aristocracy as posited by Habbakuk.²⁷ The Gells were a small landed family, a political family, a Presbyterian family. Yet they were also a family of lead mine owners, and as we noted, were not able to draw enough income to pay their debts, indeed to keep out of debt, or fund their new bourgeois pretensions. We need to explore this.

The lead industry had seemed to have reached its peak at the Restoration. As Andy Wood has noted, in 1661 the price of lead was at its peak yet had dropped by the mid-1660s to 28s a load and it continued to drop during the 1670s and 1680s, to as low as 16s a load by 1692.²⁸ The family were intelligent enough to know that action needed to be taken, and they spearheaded the rapid expansion and development of newer, deeper veins. If the price of lead

²⁵ DRO, D258/13/75.

²⁶ These numerous land sales are gleaned from DRO, D258/31/1/1-19.

²⁷ J. V. Beckett, 'English Landownership in the Later Seventeenth and Eighteenth Centuries: The Debate and the Problems' *Economic History Review* New Series, Vol 30, No 4 (Nov 1977), pp. 567-581.

²⁸ Andy Wood, *The Politics of Social Conflict: The Peak Country, 1520-1770* (Cambridge, 1999), pp. 98-100.

was dropping, they could make up the difference by extracting and selling more. The Gells provided much investment in the Raventor mine that had been developed in 1659, yet it had to be mortgaged to Robert Eyre in 1664, making their 1/8 th share less profitable. There were other expansions; the Gells spent £101 on a sough, an underground channel for the draining of water, making it possible to dig much deeper in Balycroft mine in which the family owed a 1/6 share.²⁹ It was commonplace for the family, and other gentry families to own 1/6th and 1/8th shares in numerous mines, particularly in places like the Peak to spread risk. The gentry of the Peak were heavily investing in new soughs and the draining of mines, yet this led to a substantial increase in the amount of lead being extracted. Indeed, one of the most capital-intensive projects that took place at this time within the Peak was work on the Hannage sough that started in 1683. The Gells had a share in it. As productivity and extraction grew, the Gells and others received a hard slap from the invisible hand of the market. The more lead they extracted, the more the price tumbled. The market was saturated, especially with the opening of more lead fields in the northern Pennines and the difference could not be made up. While the market price for lead did pick up later in the eighteenth century it was too little too late for this generation of Gells.

Philip tried to approach the conundrum from an intellectual perspective. Having been a trader in Smyrna as a young man he understood the rhythm of the market and the importance of international trade to England's prosperity. Philip reasoned that if the export duty on lead, charged at 20s a fother since 1641, was abolished, the cost of selling lead overseas would be reduced as the added cost to the producer had been itself reduced. The financial straits of the family and the need for solutions had made him into a mercantilist. Gell believed that the revenue loss resulting from the abolition of the export duty could be

²⁹ J. H. Rieuwerts, 'The earliest lead mine soughs in Derbyshire' *Peak District Mines Historical Society Bulletins* Vol. 7, Issue 5 (1980), pp. 241-314.

more than made up for by introducing an import duty on Irish wool, and a tax on ships carrying Irish cattle into the country. Flogging Ireland to maintain England's economic advantage was ingrained in the English psyche and Philip's proposals would have come of no surprise to his contemporary Jonathan Swift, or indeed to the whole canon of Irish radicals. As it was these proposals were, it seems, little more than an exercise in wishful thinking on Philip's part. He certainly never raised the issue of the duty on lead in his time as a M.P. for the county. Neither, it seems did his father, or grandfather when they were Members.³⁰

What has been illustrated over the preceding pages is a paradox. The Gells were at the cutting edge of the consumer revolution, that they were enthusiastic exponents of the new status derived from active participation in a burgeoning public sphere. They were however, to all intents and purposes, bankrupt. We have seen how they came to be in such a financial predicament, as well as seeing how they spent. Too much cultural history has been entirely interested in the spending and not on the earning. This has been a missed opportunity. If we deal with the paradox, thinking about how the Gells financed their expenses, how they dealt with economic decline, we can learn much about social relations within local communities up and down the country.

The Gells concluded that there needed to be a substantial tightening up of estate management if more income was to be extracted from both agricultural and commercial property. The plethora of manuals and guides on 'improvement' gives lie to this necessity. Philip Gell, for reasons we have just discussed, bought heavily into this new mood; his accounts were well ordered and impeccably, conscientiously kept. Perhaps due to interest payments on the numerous mortgages and loans the family had, Philip was aware of the revenue coming in and considered further revenue raising measures. Despite it being

³⁰ DRO, D258/10/9/34.

commonplace at the time, it seems that it would be incorrect to cast Gell as an absentee landowner.³¹ He did enjoy the delights of the metropolis with his family and he also had parliamentary duties in the capital, yet his paperwork shows a clear grasp of the detail. The records do not show it, but it seems likely that Philip would have had an estate steward, to police tenants and collect rent, deal with poachers and other sundry encroachments.³² One of the tools that Philip used in his quest for a professional approach to general husbandry was the estate map. Cartography was well developed by the beginning of the eighteenth century, with preparation and conduct in war, at home and abroad, acting as a catalyst in its development. For Gell and numerous other gentlemen, it was now being used to regiment the local populace in the quest for accumulation. The Gells had two maps drawn up, in 1684 and in 1710.³³ The maps were drawn up by Samuel Hutchinson, the schoolmaster in Wirksworth with links to the Gells. The Gells were not the exclusive clients of Hutchinson, for he also drew up plans for the Bagshaw estate in 1708 and Okeover estate in 1716.³⁴ These plans are a very important source for historians as they clearly outline boundaries, names of tenants and their holdings, sometimes any customary rights, issues around tithes, or notable landmarks. Naturally they were invaluable to contemporaries. They did however represent a rather one-dimensional view of local environs, for it was the view of the chief inhabitants solely. The view on the ground, the view of the tenants and of the local community was fundamentally different. For them, the land and its resources, the space itself, were a means of production for the local community.³⁵ Yet whom these means of production belonged to was hotly contested. No estate map, indeed no cartography could satisfactorily account for the rich

³¹ Peter Roebuck, 'Absentee Landownership in the Late Seventeenth and Early Eighteenth Centuries: A neglected factor in English agrarian history' *Agricultural History Review* 21 (1973), pp. 1-17.

³² D. R. Hainsworth, *Stewards, Lords and People: The Estate Steward and his world in later seventeenth century England* (Cambridge, 1992).

³³ DRO, D258/41/28/2; D258/7/4/2.

³⁴ DRO, D239/M/E/5468; D231/M/E/592; D231/M/E/593.

³⁵ Henri Lefebvre, *The Production of Space* (Oxford, 1991).

customary culture of working people in early modern England. The use of these customs was part and parcel of the household economy and to eradicate them was to cut working people and those of even more meagre means off from the social means of production. It was a dispossession of people's social bearings, of their way of life. It was not just economic dispossession, but cultural dispossession too. Samuel Hutchinson could not articulate this on parchment. Luckily for social historians, the law courts could, and did in two cases in Carsington in 1684 and 1685, and in Middleton by Wirksworth in 1701. Both parishes were in Wirksworth Wapentake and less than a mile from Hopton Hall, the Gell family seat. While these depositions were written in an environment that could be hostile to working people, it should be acknowledged that working people did give depositions, accounting for custom and community and the social relations within them more effectively than a commonplace book or gentry diary could. Depositions gave voice to working people; it would be foolish to ignore them and dangerous to silence them.

Robert Hayward, a gentleman farmer who resided in Carsington was the main protagonist in the legal contestation of 1684-5. Hayward and his family had a long history in the area, and not an always negative one with the Gells. In 1668 John Gell arbitrated a dispute that Hayward was having with a miner, William Taylor. Unsurprisingly, given their shared social class, Gell found in favour of Hayward and awarded him £4 13s 4d in compensation.³⁶ This was an era when the head of the Gell family tended to act as a local arbiter on a variety of legal issues. As the Gells financial situation worsened, they were more often the litigants rather than a recourse to justice for local inhabitants. In thinking about the relationship between Hayward and the Gells it is also worth mentioning that they shared the same religious beliefs, both proselytized for Presbyterianism. In the early 1680s, Hayward

³⁶ DRO, D258/10/86/38.

and several locals were caught in a barn in Carsington conducting an illegal conventicle, and they were fined for it.³⁷

Social conflict in Carsington was not a new phenomenon, and nor was Robert Hayward's participation in it. There had been, for example, repeated disputes between Hayward and Nathaniel Boothouse, rector of Carsington parish. Boothouse, incidentally, was a friend of both John and Philip Gell. These conflicts were still being fought out long after 1684-5, with much of the dispute revolving around pasture rights in Carsington. This would come to a head in 1694 and be settled in 1696.³⁸ This is significant for what we are about to see happening in 1684-5. In the mid-1690s Hayward had set himself up to be a defender of customary rights and free pasture rights too, just as he had defended public access through land enclosed by John Gell in the 1680s. Yet he was defending those rights as he greatly benefitted from them. While the Gells attempted, and often succeeded in extinguishing customary rights and liquidating the assets for their own economic benefit, it benefitted Hayward to keep them alive and implemented. This was not because he was concerned with the household economy of local inhabitants or even his own tenants, but because they benefitted him. Hayward was not a people's champion. Indeed, in the disputes with Boothouse in 1694 and 1696 he was portrayed as acquisitive and unneighbourly; even his own tenants were reticent in defending him as a landlord. There seemed little chance of anybody praising Hayward for good lordship. The dispute in 1684-5 was not an isolated incident. It was simply not the case that conflict arose periodically. It was ongoing, and each case was not sealed off from others. There was an ongoing rumble of discontent and

³⁷ DRO, Q/SB/2/1211.

³⁸ The National Archives (hereafter TNA), E134/6WandM/Mich10; E134/6and7Wm3/Hil15; E134/7Wm3/East5; E134/8Wm3/East11.

dissatisfaction at the time and social historians need to understand the rhythms of these local communities to grasp the significance of major conflict when it occurred.

The relationship between the Gells and Hayward had soured by the 1680s and sparked into outright conflict over the enclosure of King's Meadow, Carsington by John Gell in 1684 and 1685. The depositions were taken in the house of William Hall of Wirksworth, thought to be an honest broker by all sides. The case revolved around the fencing off by hedges of King's Meadow, which blocked a small road through the meadow that connected Carsington and Wirksworth.³⁹ What needed to be ascertained, was the veracity of there being a road through the meadow primarily, as well as ownership of the meadow and rights of enclosure. On this occasion the tenants of Hayward spoke up for him and his cause. Both William Booth and Edward Hutchinson spoke of the custom of marl, the digging out of clay and lime on the meadow. When asked about cattle and sheep passing along the said road, Thomas Stillington stated that the road 'Was a common way for all' used 'For the driving of cattle and sheepe at all tymes in the yeare and that they were used ye same way unto and from the said towne of Carsington it being yearly used by all that had to go that way as ye best and nearest way to and from ye said towne'. Stillington called the road Ley's Lane, a fact echoed by other deponents. Stillington also added: 'He had not heared of any less hinderance and controversie of concerning the said way untill ye last yeare'. Another deponent confirmed the existence of Ley's Lane and talked about 'Kindred piety', of how he used the road to get to Carsington to join in local church services. Ralph Billings confirmed he had used the road and regularly pastured sheep on the meadow. Indeed, the veracity of depositions on the existence of the road led to the withdrawals of depositions by John Curzon and William Stanhope, notable figures who had agreed to speak for John Gell.⁴⁰ Despite this, the Gells won the case.

³⁹ The case is covered in TNA, C6/279/42.

⁴⁰ DRO, D258/22/20/1-6.

Hayward had claimed that there was an ‘antient’ building on the site, obviously ruined, that none of the deponents could verify. Neither could any deponent account for the financial upkeep of the road as neither Wirksworth or Carsington parish funded its maintenance out of monies set aside for repair of the highways. There were gates on the meadow, the existence of which was confirmed by most, and they seemed to have been there for quite some time. This cast doubt on how free meadow and the lane running through it was for public access.

We need to remember that this was an era of enclosure within the Peak. From the early 1670s the Duchy of Lancaster began to create the administrative machinery possible to enclose land in both the High Peak and Castleton. To limit outright conflict against enclosure from local inhabitants, the Duchy assessors provided freeholders with parts of the common land as compensation for any customary rights lost, which succeeded in quelling any potential conflict. Indeed, in the 1684-5 case one of the first questions to be dealt with was the spatial distribution of freeholders of the parishes of Carsington and Wirksworth. The Duchy then instigated a thorough investigation into customary rights, commoning and general surveys into rights and ownership and how they related to Duchy property. It was through this policing and clamping down on customary rights and the division of common land that we should understand the case of 1684-5.⁴¹ While the Gells may have won one battle, they failed in winning the war over custom versus private property straightaway, for the labouring poor of Carsington did not just acquiesce. Trespassing on the meadow was a common occurrence. Things came to a head in 1709, when Philip Gell wrote a document clearly outlining the rules and regulations of the common land in Carsington. It is worth quoting in full:

⁴¹ This paragraph leans heavily on Wood, *Politics*, pp. 108-109.

Know all men by these presents- whereas ye com[m]on pasture belonging to Carsington in ye county of Derby. It is to say ye pasture hath for some years past been abused by having many supernumerary cattle turn'd upon it, it is now after divers parish meetings and examination of deeds and of antient papers [that] could be found this ninth day of March in the year of our Lord 1709 covenanted and agreed by us whose names are subscrib'd being ye major persons indeed ye most of ye who claim any beast-gates on ye pasture aforesaid that no one shall for ye future part on any more w[hi]ch is here unto specify'd being w[hi]ch is found to being in full to every particular person having any right or title to put any cattle on ye s[ai]d Carsington pasture which shall it be eaten after any other manner than [which] is here agreed upon is 3 d part by sheep and ye rest with beast and horses. It is further agreed that there shall be two bulls provided yearly for ye s[ai]d pasture ye one by s[ai]d Philip Gell's tenants and ye other by one of Heyward's or one of Manley's tenants. If moreover ye who puts on any cattle contrary to this agreement shall have them pounded paying to the signaturies for every such beast or horse so pounded one shilling every day it continues upon the pasture. If so beit prov'd that it was wilfully turn'd on for every such sheep, there shall be a com[m]on brand.⁴²

All fines accrued were to be paid on Lady Day. Stints were pasture rights that were defined by a fixed number of animals. Famers and tenants had several stints, or rights to place a certain number of animals on the land to pasture. Gell had very detailed records of who had stints and how many, so the edict we have just read would have been enforceable, though

⁴² DRO, D258/35/22/12.

there are no records on fines or branding.⁴³ Philip Gell's document exudes order and rationality. Everything is carefully organised, from who can use the common, to how often and for how long. Preferential treatment was to be given to Robert Hayward's son and to Manley and his tenants. This suggests that fences had been mended between the Gells and Haywards. How far the tenantry were involved in the 'divers parish meetings' is a moot point. What is certain is that the chief inhabitants of Wirksworth Wapentake saw the free access to common land as a nuisance and an abuse. Their view of the local landscape was clearly different to working people in the local area. Their solution was a list of rules and regulations, underpinned by financial penalties. Stinting was being used as a form of discipline on their poorer neighbours. Leigh Shaw-Taylor has argued that parliamentary enclosure after 1760 did little to erode customary rights, for they had largely gone by that point, obliterated primarily by stinting.⁴⁴ While E. P. Thompson and the Hammonds may have been too pessimistic, Shaw-Taylor is too optimistic on enclosure. Shaw-Taylor misses the point that definitions of property and common right were contested. Customary rights had been eroded before parliamentary enclosure, but they had existed.

The customs of the labouring poor, customs of the soil, of herbage, of pannage, of piscary, of turbary, of firebote and of vicinage were part of their household economies. They were dependent on them. Yet during our period they were marketised and privatised. The mass of the labouring poor were separated from the social means of production. This was a process of capitalist accumulation, as detrimental to their livelihoods and their social worlds and mentalities as the radical liberal and Marxist historians told us parliamentary enclosure

⁴³ For Philip Gell's voluminous paperwork on stinting and rents in Carsington see DRO, D258/33/22/18; D258/35/22/8; D258/35/22/19; D258/35/22/26.

⁴⁴ Leigh Shaw-Taylor, 'Labourers, Cows, Common Rights and Parliamentary Enclosure: The Evidence of Contemporary Comment, c.1760-1810', *Past and Present*, 171 (2001): 95-127. Leigh Shaw-Taylor, 'Parliamentary Enclosure and the emergence of an English agricultural proletariat', *Journal of Economic History*, 63:1 (2001), pp. 640-642.

was for a later generation of working people. Andy Wood has described the process as one of 'Privatisation of communal land and commodification of collective rights'.⁴⁵ This process could also be described as 'Accumulation by Dispossession'. The Gells were heavily involved in this process, be it stinting regulations on common land in Carsington, or enclosure in Carsington and Middleton by Wirksworth. They borrowed money on their newly expanded, enclosed estate, and spent the money on the delights of the new consumer revolution. From this perspective, and the perspective of the local inhabitants of Wirksworth Wapentake, we can account for the birth of the consumer revolution of this period and how it was partly financed. The consumer revolution cannot be divorced from the development of capitalism.

Capitalism is not just an economic system, but a social relationship between different groups. It did not develop in a stagist manner. It grew at different intensities, in different spaces and at different times. Keith Wrightson has convincingly argued that during the early modern period, a process of social differentiation occurred in towns and villages, that separated, both economically and culturally, a burgeoning middling sort from their poorer neighbours. This social differentiation often led to the formation of alliances between the middling sort and chief inhabitants against the labouring classes. This was a social polarisation caused by rapid economic change that whilst being much more subtle than outright violence, was just as successful in driving capitalism forward.⁴⁶ It was this sort of social alliance that sat down to draw up the stinting agreement in Carsington for example. Counter-hegemonic blocs could be formed in response to this economic change. We saw something of this in Carsington in 1684-5. As far as the Gells were concerned, they were in a paradoxical situation: they were bankrupt yet spent heavily on a multitude of urbane cultural

⁴⁵ Wood, *Politics*, p. 110.

⁴⁶ Keith Wrightson and David Levine, *Poverty and Piety in an English Village: Terling, 1525-1700* (Oxford, 1997).

pursuits. The Gells needed to accumulate on their estates, to make more from less to stave off destitution whilst maintaining an extravagant lifestyle. Capital accumulation was the catalyst for the 1684-5 conflict in Carsington; it was not an episodic event that sprang out of nowhere with no roots or precedence. Indeed, it is only through understanding the past relationship Robert Hayward had with the Gells and the contestation he himself had been involved in. this should be coupled with the social worldview of his tenants on how the closing of Ley's Lane was not just about economic rationalism but was closing a longstanding physical aspect of their lives. This will help us to understand the event of 1684-5 properly. We will seek to validate this argument by exploring another conflict the Gells were involved with in 1701. Philip Gell got into a dispute with Ann Rossell and her family over an enclosure in Middleton by Wirksworth. The disputes between Rossell and her kin and Philip Gell were based upon a contested enclosure on common land in Middleton. This was land, according to Rossell, that was part of Holland manor, also called Richmond manor. Gell believed it was private property belonging to his family. Before we examine the veracity of their cases we need to get to know Ann Rossell and her family, for they were of independent means, not part of the labouring poor, yet were still economically dislocated by the actions of the Gells.

Ann was baptised on 19 October 1667, the eldest daughter of Henry Wigley of Wigfall Hall and his wife Mary Slack. The baptism record has Ann's father listed as a gentleman. She had two sisters, Bridget, who married John Statham of Tideswell, and Mary, who married Michael Burton in Wirksworth on 5 July 1698. Ann married Gervase Rossell and was widowed in 1701. The Wigley family was a moderately wealthy one, a 'village gentry' family. The 1670 hearth tax records show that Wigley Hall had five hearths eligible for the tax; John Gell up at Hopton Hall was by far the wealthiest local inhabitant, having thirteen hearths eligible for the tax.⁴⁷ Wigley's daughters married well. John Statham was a

⁴⁷ David G. Edwards, *Derbyshire Hearth Tax Assessments 1662-70* (Chesterfield, 1982).

gentleman in his own right. In 1712, Statham wrote a letter to William, Lord Berkeley, Chancellor of the Duchy of Lancaster, asking for the renewal of leases for a coal mine in Wirksworth, goods and chattels in Tutbury, plaster pits in Staffordshire, fishing rights on the Wye as well as assorted cottages, illustrating his interests, influence and mercantile wealth.⁴⁸

Henry Wigley himself derived much of his income from feudal dues, specifically those related to the manor of Lea and Dethick in the county. Yet as with the Gells, the Wigleys seemed to have been feeling the pinch financially too, as much of those feudal dues were mortgaged in 1679.⁴⁹ After Wigley's death in January 1684 his family, particularly Michael Burton, took over the management of the family's manorial rights. Orderly management of fiscal decline seems accurate as land in the manor continued to be mortgaged. In March 1710, a 500-year mortgage of £200 and a 1/7 share of the manorial rights was granted to Robert Toplis.⁵⁰ In June 1714 more land was sold in Dethick by Burton, this time to a Humphrey Marshall for £450.⁵¹

Sales continued outside of the manor. In 1701, the year of conflict with the Gells saw the selling of a substantial property, such as the Corner House in Wirksworth to Ralph Gell (of no direct relation Philip Gell). The property would pass through numerous hands over the years, but never through the Wigley-Slack-Rossell-Statham-Burton line.⁵² More land was sold in October 1701 within Middleton itself to Adam Soresby, a yeoman from Chesterfield for £200.⁵³ We can only speculate on the financial position of the Rossell-Wigley family, but it seems fair to claim that they were in difficulties, especially after the death of Henry for that was when most of the major land sales and mortgages took place. Like the Gells and indeed

⁴⁸ DRO, D258/40/8/7.

⁴⁹ DRO, D1088/MT/30-31.

⁵⁰ DRO, D1088/MT/44.

⁵¹ DRO, D1088/MT/46-47; D187/10/2/1-2.

⁵² DRO, D1325/CT/3.

⁵³ DRO, D258/40/8/12.

other gentry, the Wigleys seem to have been plagued by the fall in rents and decrease in grain prices. The Wigleys certainly did not have the assets to borrow heavily on as the Gells did. They do not seem to have borrowed on local or metropolitan credit markets at all. Their financial position may have been one of the reasons why they were so ardent to defend customary rights in Middle by Wirksworth. While Robert Hayward defended customary rights in Carsington for selfish reasons, it appears that the Rossell-Wigley family needed those rights to maintain the standard of living they had. They needed those rights and in 1701, they fought for them.

The dispute turned on the enclosure of common land in Middleton by the Gells and which Ann Rossell claimed was part of the historic Holland manor. Rossell argued that this made enclosure an impossibility: 'She and the other defendants and their tenants clayme right of common in the lands in question as being part of the common belonging to the towne of Middleton aforesaid'.⁵⁴ It appears that the land had been enclosed in the early seventeenth-century, with young John Gell winning a case over it in 1617. Nevertheless, the Rossell-Wigley family and local inhabitants of Middleton continued to use the common to pasture their animals. Rossell herself claimed that her father Henry had consistently opposed the enclosure of the property. This implied that it was already private property and their continued use of it was an act of resistance and defiance, rather than just a simple ignorance of property rights and ownership. Rossell described the manorial customs clearly, that the lord of the manor (by this time Philip Gell himself) was entitled to a payment of 1lb of peppercorns and 1lb of cumin seeds from each freeholder each year. Philip Gell's paperwork on the case shows that he was puzzled by this claim, having never heard of this custom and had not received payment of it. Recent work on social memory has highlighted the

⁵⁴ The 1701 case is covered in TNA, C 6/417/33, C 6/417/39 and C 6/417/40.

importance of remembering and forgetting and its strategic nature.⁵⁵ Rossell was engaging in strategic remembering. She could recall the ancient manorial customs of Middleton which conveniently helped her legal case against Philip Gell. This justified her common rights with reference to a different legal jurisdiction, the manor, one that Gell and the other deponents as well as the court, would be aware of. Yet when other freeholders were asked about their payments of pepper and cumin, none of them had made any. We have seen the Rossell accepted that part of the common was private property; her father had been an opponent of the privatisation. Yet Rossell could still claim that the pre-existing manorial rights of the area had not been simply extinguished by the act of privatisation, even if other freeholders were reticent in backing her. It can be feasibly postulated that Philip Gell was engaged in strategic forgetting. It does seem that as early as 1617, common land in Middleton had been enclosed, so why would the Gells want to draw attention to any customary dues? To insist on payment of a symbolic rent of pepper and cumin would only have reinforced the idea of customary rights and commoning in the minds of the local people. This was acceptable to the local inhabitants and it was only when the Gells started to enclose the rest of Middleton common that conflict ensued.

We have few depositions on customary rights made by women, so Rossell's deposition is highly significant. However, much of it relied on the authority of her father, intentionally bestowing it with credence and veracity. We learn from her that 'Her father dyed many years ago, [1684] not quite twenty but his mind went back beyond the [Gells] clayme of thirty years'. We also learn that Mary, his widow 'Lived some yeers after the death of her father...and he left to his other daughters Bridget and Mary his papers...at law'. Those papers have not survived but the fact that the customary rights that were being defended were

⁵⁵ Andy Wood as assessed recent work on memory in historical research in Wood, *Memory of the People*, pp. 22-29.

codified on paper was important for the case, as was the patriarchal presence of Ann's father in her deposition and the weight his age and authority gave to her case.

Other local people from Middleton gave their depositions and they again show that access to the common was not just of economic significance but was ingrained on their minds by daily conduct and lived experience. James Hobhouse, aged 62, stated, with regards to pasturing of cattle, that 'About seventy tennants always' had pasture rights 'And the cattle on the said land in question as always being Middleton common without any change or disturbance' and that he 'Did not know or believe that the said John Gell did [enclose] about fifty yeares ago'. Hobhouse would have been twelve years of age at the time and was working in the fields. John Stark, 21, went as far as to say that the Gells witnesses were biased and that he 'Ordered his tenants and one of his servants to constantly make clear the right he hath'. The physicality of the landscape meant much to the deponents and was mentioned on multiple occasions. Robert Spencer talked of the grazing land on the hill around the common, and that it contained about two hundred acres 'Lying neere the towne of Middleton aforesaid and adjoining the place there call'd Armeseyes south or southwards and to a place call'd wigley moore'. That he gave quite precise details and pointedly noted the familial link between the Wigley family and the landscape, lent credibility to Rossell and her family and their historical links to the place. Wigley Hall did sit on the edge of a moor close to Middleton, perhaps that explains the link.

When asked about artificial boundaries, Anthony Gadbeigne spoke of the natural ones, about '[The] mearestones and being of Middleton moore the common ground in question being the very outside of the said more and any bounds there are only divisions and bounds safe to prevent disputes with other neighbouring townes'. The natural boundaries were of more significance as they were natural, had been there since time out of mind, and were recognised by the locals of Middleton as such. We know of the importance of parish

boundaries and their ritual re-enforcement through perambulations of the parish in which the 'beating of the bounds' took place. Carsington was one of the neighbouring parishes that Anthony Gadbeigne was keen to protect Middleton by Wirksworth and its unique customs from. Keith Snell is right to call this frame of mind a 'local xenophobia'.⁵⁶ The inhabitants of Carsington had gone through a similar battle over customs with the Gell family, but Gadbeigne's doughty defence of his parish and its customs prevented a larger counter-hegemonic bloc of social forces gathering to fight for wider common use-rights. This is not to claim that the defence of custom was in any way 'pre-political'. Rather, it is to recognise that the hegemony of any ruling class operates to limit the opportunity for opposition to coalesce around popular grievances and initiatives. In the case of the supporters of common rights in Carsington and Middleton by Wirksworth, it was spatial. Due to 'local xenophobia', the inhabitants were as keen to defend their customary rights from other parishes as they were from those who sought to extinguish them. The chief inhabitants of Wirksworth Wapentake did not confect such a situation, but they benefitted from the inherent weakness of their opponents: their inability to unite on a common cause.

The Rossells lost their case, which is not surprising, given that ultimately the Wigley family tacitly agreed that a form of enclosure had taken place, the case being settled by John Gell I as early as 1617. Despite their inability to unite, the Rossells and their tenants and local inhabitants of both Middleton and Carsington understood that there was a cultural dispossession taking place, as well as an economic one, a dispossession that had a fundamental impact on social relations thereafter. As with the Carsington case the conflict in Middleton had a long history, tied in with developments in social relations and property changing hands, often in adverse circumstances. Is it correct to define this conflict as class

⁵⁶ K. D. M Snell, *Parish and Belonging: Community, Identity, and Welfare in England and Wales, 1700-1950* (Cambridge, 2009), pp. 28-80.

conflict? There was a gradual *abandoning* of the key tenets of Marxism from the 1980s onwards, rather than a sophisticated *refutation* of class, structure and agency, ideology and state theory. It is essential to refocus our attention on Marxist historiography to help answer some of the questions that some cultural historians have not addressed. The labouring poor saw early modern society as a conflictual society, and lived through everyday conflicts over access to land and material resources. That the Gells initiated much of the conflict themselves through their accumulation drive clearly illustrated the unequal power relations at play in early modern society and that much of the conflict was over resources threw material inequalities into stark relief. The Gells after all had the political and economic power so to do. Andy Wood had developed an interesting class analysis for early modern England, one that differs from older, masculinist views of class, emphasising the local, rather than the nation-state. Wood powerfully illustrating how communalist, customary mentalities bled into the changing class mentalities brought on by industrialisation: 'Working-class political culture has often been the history of regions and localities. Whether historians are describing the insurrectionists of the Paris Commune, the mining communities of the Rhondda valley or the anarchists of Catalonia, class and local identity have in many contexts been historically inseparable'.⁵⁷ This is not to argue that because we have discussed the 'social means of production' that we are being economically deterministic or trying to resurrect the old base and superstructure line; that would be disastrous. Rather, it is a recognition that there was a conflict over resources in the first place, particularly the marketisation of customary rights, and that it was fought out on wholly unequal terms. We should think of social conflict in terms of class conflict in this local context.

The cultural and the economic then are not mutually exclusive. Yet too much cultural history is predicated upon the importance of discourse and identity formation, most often

⁵⁷ Andy Wood, *Riot, Rebellion, and Popular Politics in Early Modern England* (Basingstoke, 2002).

through language. Jonathan Barry, with reference to the burgeoning bourgeois public sphere, has stated that ‘In every case, association was the crucial factor in the production of identity’.⁵⁸ While identity was undoubtedly valuable, it would be wrong to be as deterministic as Barry is in his work on ‘bourgeois collectivism’ in stating that cultural identity is the primary catalyst in the formation of social consciousness. Social conflict over customary rights, indeed economic inequality was also important in shaping social consciousness too. Identity should not be divorced from economics but should not be subordinate to it either. That the Gells were involved in social conflict with their neighbours has been amply illustrated. To complement these local episodes, we need to think about the relationship between identity, power relations and material inequality, for the Gells were not just capitalists, or rakish fops on the London scene. They were Presbyterians, politicians, parish governors and country squires too. One of important aspects of work on the social history of the early eighteenth century, is the decline of deference and good lordship. In their work on the gentry, Felicity Heal and Clive Holmes have shown how there was a tangible decline in elite benevolence, munificence and hospitality on the part of the elites to their tenants and poorer neighbours.⁵⁹ In his work on the Townshend family of Raynham Hall in Norfolk, James Rosenheim has posited the idea of an ‘elite withdrawal’ from local society, both in terms of local paternalistic benevolence but also from the governing structures of the local county. Rosenheim claims this left local governance to men of more meagre means.⁶⁰ That there was an elite withdrawal, a de-emphasising of paternalism is certain, though more work is needed. The later chapters of this thesis will argue that in defending paternalism, there

⁵⁸ Jonathan Barry, ‘Bourgeois Collectivism? Urban Association and the Middling Sort’ in Jonathan Barry and Christopher Brooks (eds.), *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800* (Palgrave, 1994), pp. 83-112.

⁵⁹ Felicity Heal and Clive Holmes, *The Gentry in England and Wales, 1500-1700* (London, 1994). On the decline of hospitality see Felicity Heal, *Hospitality in Early Modern England* (Oxford, 1990).

⁶⁰ James Rosenheim, *Townshend of Raynham: Nobility in Transition in Restoration and early Hanoverian England* (Middletown, Connecticut, 1989); James Rosenheim, ‘County Governance and Elite Withdrawal in Norfolk, 1660-1720’, in A. L. Beier, David Cannadine and James Rosenheim (eds.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge, 1989), pp. 95-125.

were opportunities for the formation of a bloc of social forces that included the middling and poorer sort as well as the Tory gentry, against the Whig oligarchy. An advocacy of economic paternalism was an act of resistance to capitalism in early modern England, for those on the outside of it, the labouring poor, petty producers, artisans and the small landowning Tory gentry. The shift from a moral to a market economy, from paternalist to capitalist social relations was the dominant dynamic in early modern society. Yet as we have seen from recent work on primitive accumulation, it is foolish to see the development of capitalism in a stagist manner. It is better to see it as a form of social relations, a process. We need to be just as sophisticated in thinking about elite withdrawal, discounting the Weberian argument for a shift from status to class society in one smooth movement, or a transition from a collective community to an atomised society in the work of both Durkheim and Tönnies. Multiple identities, sometimes contradictory identities co-existed with each other, sometimes in one mind. In this last section, we will focus upon the multiple identities of the Gells. It will be argued that rather than a transition from country squires to individualistic capitalists, we shall see that the family needed to maintain the appearance and the power of a landed gentry to erode customary rights and separate the local populace from the social wealth of society. They did not suddenly withdraw from gentry responsibility, but they did change what that behaviour constituted and how it would be applied within the local community.

A word needs to be said of the Gells as a parliamentary family. Both the first two baronets had sat in Parliament. On the death of the second baronet in 1689, right in the middle of debates on the political ramifications of James II's fleeing the country, he was replaced by his son Philip. There is quite an extensive correspondence on how Philip came to be selected to replace his father by the county community. It was commonplace for an actual vote to be avoided where possible, with local elites deciding amongst themselves. This happened in 1689. We learn in April that Robert Wilmot, who lived to the south of Derby,

would be happy to back Gell without a vote. Yet Philip needed the biggest aristocrat, the Duke of Devonshire to back his candidature if he was to sit for the county in Parliament.⁶¹ We learn in February from Gilbert Clark, the other sitting county member that the Duke was backing William Eyre.⁶² Luckily, in March Gell received a letter from Eyre stating that he was indeed the favourite, but he did not want to stand and Devonshire was happy to shift his support to Gell.⁶³ Gilbert Clarke was very happy that Philip would be joining him at Westminster, because 'A son of such a father cannot vote amiss in parliament'.⁶⁴

There was a general election in 1690 and the partnership of Clarke and Gell was to be broken up. The county wanted a solidly Anglican representation in Parliament, which the bloc was unable to provide due to Philip's religious beliefs. The county community wanted to replace Gell with Henry Gilbert, thought to be a man with moderate political and religious views. Gilbert was duly selected to replace Gell. The election result were 503 votes for Clarke, 454 votes for Gilbert and 279 votes for Gell.⁶⁵ Philip's time as an M.P. had been short, though active. He had sat on numerous committees, had some involvement in the Bill of Rights, the inquiry into the relief of Derry, and on the committee into a general oath of allegiance.⁶⁶ Correspondence with Humphrey Nicoll showed his concern for events in Ireland and on the new Bill of Rights.⁶⁷ Yet by 1690 the Gells religion had become a problem for too many voters. The second baronet had been a staunch supporter of Exclusion from 1679-1681, and he had left it very late in the day to show his public support for the passive revolution led by William of Orange. He eventually ordered Philip to accompany Princess Anne from

⁶¹ DRO, D258/24/50/18.

⁶² DRO, D258/24/10/6.

⁶³ DRO, D258/24/50/9; D258/24/50/14.

⁶⁴ DRO, D258/24/50/11.

⁶⁵ Votes gleaned from the 1690 poll book for the county in the Gell's possession, DRO, D258/24/27/1-2

⁶⁶ Philip's parliamentary activity is noted in a brief biography on the History of Parliament Online website, <http://www.historyofparliamentonline.org/volume/1660-1690/member/gell-philip-1651-1719>. Accessed 23/5/2014.

⁶⁷ DRO, D258/38/2/7.

Nottingham to London, also gifting her £100.⁶⁸ This shift in allegiance, from being opposed to James in 1679-81, to only reluctantly supporting William in 1688 can be put down to the constancy of the Gell's religious faith. James II had a sincere plan for toleration of all religious groups, but particularly Catholics. This led to the rise of a grassroots movement, the Repealers, who wanted to repeal all the detrimental religious legislation making up the Clarendon Code. The Repealers were proactive in Derby, and the Gells were linked with them. Yet while they supported relief for harried Protestants they drew the line at Catholic emancipation, splitting the local movement.⁶⁹ This perhaps accounts for their attitude to James and his son in law. By 1690 there was felt to be a need to reaffirm Anglican orthodoxy in the county, something that the Gells would not be willing or able to do. Philip was one of the twenty-seven 'commonwealthsmen' blacklisted in the election propaganda of that year.⁷⁰

So, one of the strands within the identity of the Gells was that they were a parliamentary family. Their Presbyterianism, which had so hobbled them in electoral terms, was another strand. They did not withdraw from national politics through choice, but through force. We need to explore their Presbyterianism further, as it was a constant to the family and an important part of their identity. The Gells were a pious family and their piety shaped their attitudes to their neighbours as well as the poorer sort. William Bagshaw, so committed a champion of reformed Protestantism he was described as the 'Apostle of the Peak', wrote a short tract on the godly of Derbyshire in 1702.⁷¹ Unsurprisingly, the Gells featured heavily:

⁶⁸ David H. Hosford, *Nottingham, Nobles and the North: Aspects of the Revolution of 1688* (Wittenberg, 1976).

⁶⁹ For the Repealer movement and Derby see Scott Sowerby, *Making Toleration: The Repealers and the Glorious Revolution* (London, 2013), pp. 128-30.

⁷⁰ Henry Horwitz, The General Election of 1690 *Journal of British Studies* Vol, 11, No. 1 (Nov 1971), pp. 77-91, p. 91.

⁷¹ William Bagshaw, *De Spiritualibus Peccis* (London, 1702).

As for Sir John...all that well knew him, did as reverence so love him, and if any did not so, it was because they did not well know him. Did not the smile, that appear'd in his face, demonstrate to the servants of God...that his heart was with 'em? Were there not the richest seasons chosen (and kept) wherein household religion might be best kept up; the morning as well as the evening sacrifices, being solemnly offer'd to the Almighty...was not the great house a Bethel, a house of God?⁷²

The piety of the family was beyond reproach. They consistently employed Presbyterian chaplains. From 1671, John Gell II employed John Otefield, Francis Tallents, then Otefield's son Joshua. After John's death in 1689, Philip employed Tim Manlove.⁷³ As we mentioned briefly earlier, the Gell women were staunch believers too. Katherine, wife of John Gell and mother to Philip, was also part of Bagshaw's paen:

The Lord only knew how sweet and satisfying the communion was, which she had with the Lord in secret, where the choicest books were read and meditated on. Might she not say, she was never less alone than when alone?...How were family duties furthered through her presence...in the ordinance of singing psalms, how was her voice raised? Which we doubt not proceeded from the raisedness of her soul.⁷⁴

⁷² Ibid., p. 56.

⁷³ J. T. Cliffe, *The Puritan Gentry Besieged, 1650-1700* (London, 1993), pp. 71-73.

⁷⁴ Bagshaw, *Pecci*, p. 59.

Katherine corresponded widely and with the most noted religious figures of the day, particularly Richard Baxter.⁷⁵ She also wrote to local adherents like Otefield to enquire into the right way to pray, and to Robert Parker on her new prayer book in 1663.⁷⁶ This religious epistolary was carried on by her daughter Elizabeth, born in 1647. Her extensive correspondence shows a very great concern for her faith, and from a very young age. In 1665, she received a letter which included the following: ‘That to despair of the divine mercy of Jesus Christ is ... a most horrible and dangerous sin and is made the proper employment of soules already in hell’.⁷⁷ In 1671 John Moore wrote to her on the importance of ‘Yielding to the will of God’.⁷⁸ In 1684 she received more advise from Parker on the importance of humility.⁷⁹ Heady stuff for one so young, but perhaps to be expected, given she had grown up in such a godly household.

These religious beliefs did have a social dimension of course. Elizabeth herself complained in a letter about the playing of ‘futball’ on the Sabbath.⁸⁰ Presbyterianism was heavily identified with the ‘Reformation of Manners’ movement that desired to socially control people, opposing swearing and cursing, drinking and other perceived lewd behaviour.⁸¹ The movement had its origins in the early seventeenth century, and as Keith Wrightson has shown, helped to create a social polarisation in local societies, with the morally upright Protestant middling sort often siding with the chief inhabitants of the parish to police the poor.⁸² Presbyterianism can be linked to popular culture, as both sought to

⁷⁵ For a flavour of these letters see Keith Condie, ‘Some further correspondence between Richard Baxter and Katherine Gell’ *Historical Journal* Vol. 53, Issue 01 (March 2010), pp. 165-176.

⁷⁶ DRO, D258/38/11/2; D258/38/11/5.

⁷⁷ DRO, D258/38/11/6.

⁷⁸ DRO, D258/38/11/9.

⁷⁹ DRO, D258/38/11/16.

⁸⁰ DRO, D258/38/11/17.

⁸¹ For a concise introduction see Martin Ingram, ‘Reformation of Manners in early modern England’ in, Paul Griffiths, Adam Fox, and Steve Hindle (eds.), *The Experience of Authority in early modern England* (Basingstoke, 1996), pp. 47-88.

⁸² Wrightson and Levine, *Poverty and Piety*, *passim*.

explain natural occurrence through the prism of providence for example. Monstrous births and magic, astrology and witchcraft were still part and parcel of popular culture, used to rationalise out an irrational world.⁸³ Indeed in 1694, a widely circulated pamphlet appeared which discussed the birth of a 'Weird child' born in the Peak with a 'Top knot and rowle on its head of several colours', yet the authors main aim was to provide 'A seasonal caution against pride'.⁸⁴ Even high politics was inflected by this popular mentality, most notably the providential 'Protestant wind' that guided William of Orange to Torbay.⁸⁵

Presbyterianism had become suffused with whiggery by the 1670s. During the 1640s the Presbyterians were in the peace party, strongly advocating the importance of a mixed monarchy, against the more radical views of the Independents, indeed John Gell was a supporter of moderation, against the rising radicalism, represented in Derbyshire by colonel Thomas Sanders. By the 1670s it was the twin threats of popery and arbitrary government that was of primary concern to the Presbyterians and the Gells too. Yet Presbyterianism was in decline by the 1690s. There had been a generational shift, with the Civil War generation passing away, and occasional conformity providing an opportunity for Dissenters to outwardly conform and still participate within the superstructure of the state. Mark Goldie has noted that in 1660 fifty per cent of M.P.s were Puritan, down to thirty per cent by 1679, ten per cent by 1690-1702 and five per cent in 1713.⁸⁶ As we saw, the Gells were excluded by 1690. Whiggism, while supporting the idea of toleration and a mixed-monarchy, dropped much of their radical policies as it went through a process of transformism, embedding itself

⁸³ Alexandra Walsham, *Providence in early modern England* (Oxford, 1999); Patrick Curry, *Prophecy and Power: Astrology in early modern England* (London, 1989). The classic account of this topic remains Keith Thomas, *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth and Seventeenth-Century England* (Oxford, 1971).

⁸⁴ Anon, *The account of a child born at Furbick in Derbyshire* (London, 1694).

⁸⁵ William E. Burns, *An Age of Wonders: Prodigies, Politics and Providence in England, 1657-1727* (Manchester, 2002).

⁸⁶ Mark Goldie, *The Entering Book of Roger Morrice, Vol. 1, Roger Morrice and the Puritan Whigs* (Woodbridge, 2007), p. 196.

within the ruling class. The Jacobites and Tories picked up the mantle of opposition that would persist until the 1760s. The social attitudes of whiggery, of morality, probity and piety in all things lasted longer. We have seen how there was a link to working people through a belief in providence that was a lot different to the organic link that the Tories had with the people. This was subtly different to the reformation of manners, backed by country Whigs like Richard Cocks.⁸⁷ In their view the poor needed to be policed; they were indolent and drunken, lazy and dishonest. Yet while in the past these opinions were motivated by religious fervor, in the 1690s they took on an economic dimension. One new way to discipline the poor was to pay them low wages to instill discipline and work ethic. This policy of course was only possible because of the exponential increase in wage labour during the early modern period.

Joan Kent has argued that participation by the middling sort in local government created a shared attitude both to their often-dependent charges as well as what it meant to be part of the middling sort.⁸⁸ There was also a hardening of hearts for the poorer sort. It was not the case that there was simply an elite withdrawal from governance on the part of the elite. Rather, attitudes as to how the poor should be treated changed. The Gells did not give up their identity as rural notables. Philip was made a deputy lieutenant of the county in December 1711.⁸⁹ He still held patronage, attempting to get Nathaniel Boothouse, thorn in the side of Robert Hayward, a position at Ashbourne.⁹⁰ Philip's paperwork shows much detail on parish business in Wirksworth, such as repairing the highways and poor relief. He was still engaged in local politics and neither was he an absentee landowner. The Gells continued to maintain an interest in the preoccupations of the landed gentry. Their archival records show a

⁸⁷ David Hayton (ed.), *The Parliamentary Diary of Richard Cocks* (Oxford, 1996).

⁸⁸ Joan Kent, 'The rural 'middling sort' in early modern England, c. 1640-1740: some economic, political and socio-cultural characteristics' *Rural History* Vol. 10 (1999), pp. 19-54.

⁸⁹ DRO, D258/24/5.

⁹⁰ University of Nottingham, Manuscripts and Special Collections, ME C 1/2/27.

keen interest in pedigree and heraldry and Wirksworth parish church is still adorned with the funerary monuments of all the members of the family, so that their past presence in the parish might weigh on the minds of the living. Yet those monuments give lie to a shift in attitude, for Anthony Gell, great grandfather of Philip, has an alabaster monument with this inscription upon it:

Heere in this tombe lyeth buried the/body of ANTHONYE GELL late of
Hopton/Esquire and sometime one of the wor/shipfull companie of the benche in
the/Innar Temple in London. Hee at his onely/coste and charges founded a free
Gram/mar schoole and an almes house in this/towne of Wirksworth. And hathe
geven/lande worth by yeare tenne poundes for/ever for the mainteynance of the
sayde/schoole and hathe lykewise charged his/manner of Wirksworth called ye/Holland
lande which a rente of XX poundes by/yeare towards the mayntenance of six
poore/aged & impotent psons in ye sayd almeshouse/for ever he dyed ye XXIX day of
June Ano Di 1583.

We must be aware of the need to remind onlookers of the good works that Anthony engaged himself in life, founding schools and the generous provision of land and free rent to the poor in the almshouse ‘forever’. This stands in contrast to Philip Gell's plaque from 1719:

Near this place lyeth the body of/Sr PHILIP GELL late of Hopton/in the County Bart.
He was second son/of Sr JOHN GELL Bart. Who married/KATHERINE PACKER of
Shelingford/in the County of Berks. & by her had seven/children. KATHERINE,

ELIZABETH, JOHN, /PHILIP, THOMAS, TEMPERANCE & FRANCIS/Sr JOHN
died February 8th, 1688, Sr PHILIP/married ELIZABETH daughter of Sr JOHN
FAGG/of Wiston in the County of Sussex Bart. / They died without issue July 16th,
1719.

The focus here is upon the lineage of Philip Gell, of his family and kin, and that it is very perfunctory too, nothing about dispensing alms, or granting the revenue from lands to the poor of Wirksworth or Hopton. It was not expected any longer. Elite control could be maintained in other ways. The fact that he still had a monument is significant in and of itself. Philip Gell's will is illustrative in this regard. In it he does leave instruction for the continued construction of a hospital, or almshouse in Hopton for four people, two men and two women.⁹¹ They must be settled in the parish. The women cannot be married. They must be of good conduct. They must maintain their good conduct or else leave the hospital. This is a long way from the benevolence of Anthony Gell and it illustrates the replacement of cash and goods with institutionalization. This represented a fundamental shift in social attitudes to the poor and a hardening of hearts that would have shocked not just Anthony Gell but also John Gell, who we will recall died in 1671. On his death, he ordered the distribution of £20 to the poor of Wirksworth, £10 to those of Hopton and £5 to the grateful poor of Carsington.⁹²

The Gells then had multiple identities, and all the different strands fused together to shape their social attitudes and conduct. Identity is important but should not be divorced from economic factors, particularly in a society predicated upon material inequality. We have explored some of the reasons why the Gells got themselves into conflict with their

⁹¹ DRO, D258/39/7/5.

⁹² Ibid.

neighbours. Their economic position was in a parlous state and there was a need for retrenchment which coincided with wider developments in the agricultural economy. Yet this came at the expense of the customary rights and social wealth enjoyed by their poorer neighbours. To understand social change and political attitudes during the early modern period we need to look beyond the literate, urban dwellers, to the rest of the populace, particularly those on the 'outside' of capitalism. This will help us to recognise that it was a society predicated upon unequal power relations and material inequality, and this situation aided rather than abetted accumulation by dispossession. Hopefully the Gells have provided a representative example of this.

CHAPTER 2: Economic development and its adversaries in Derbyshire and environs, c. 1695-1722.

In the Introduction we explored the road network in Derbyshire. What we found was a vast network of packhorse tracks, by-ways and lanes, ill-suited to the heavy loads that travelled on them. While some of the better roads were turnpiked in the 1720s and 1730s, the turnpike ‘mania’ seen in other parts of the country came late to Derbyshire. Vast quantities of heavy goods such as lead, coal and limestone left the county on poor roads. Transports of corn came back into the county on the same poor roads. The north of Derbyshire was heavily industrialised, yet had to move goods on steep, pot-holed, dangerous roads, impassable for many months of the year. Before turnpikes one solution was river transport. This required making the Derwent navigable to the Trent at Derby. The arduous process of getting a bill through the House of Commons, and the contestation the proposal generated in the locality, will be one aspect we will explore in this chapter. The other episode we will focus on was contestation over the lead tithe in the Peak in 1701. Five Anglican clergymen were vexed that the lead merchants and miners consistently failed to pay the customary tithe on lead ore. The mining interest claimed an ancient custom, with legal underpinning, that exempted them from payment of any such tithe. Conflict ensued.

These two episodes are linked together in two ways. Firstly, they are good examples of the sort of economic developments that were taking place nationally post-1688. Impediments like poor roads, or the payment of tithes, were being swept away. The passive revolution of 1688 was a catalyst for this. Douglass C. North and Barry R. Weingast have shown, with specific regard to 1688, that political stability is an essential catalyst for

economic development.¹ 1688 ended feudal exactions by the monarchy. The state no longer stacked juries or dismissed justices. Parliament met regularly, and the stability and ordered nature of tax raising made the utilizing of credit easier. There was a shift after 1688; the state was no longer interventionist in the manner it had been. For example, regulation of the grain exports ended after 1688. The state instead became a *facilitator* of economic development. A multitude of bills were presented before M.P.s on all manner of projects, with all sides in the argument looking for parliamentary restitution.

The second similarity between our two episodes was the recourse to popular petitioning, both for and against schemes. The lead tithe dispute in 1701 began when the five Anglican clerics petitioned the House of Commons about non-payment of tithes. Opponents of the Derwent navigation, of which there were many, repeatedly sent petitions to parliament to stop the navigation. There of course has been a long history of popular petitioning: the Leveller campaign in 1647-8, during the Exclusion crisis of 1678-83, during the Wilkesite agitation and over the American Revolution in the 1760s and 1770s and during the fight for male suffrage led by the Chartists in the 1830s and 1840s.² There of course were other petitions, such as on access to poor relief, which we will address at the end of the chapter, but

¹ Douglass C. North and Barry R. Weingast, 'Constitutions and Commitments: The Evolution of Governing Public Choice in Seventeenth-Century England', *The Journal of Economic History*, Vol. 49, No. 4 (Dec 1989), pp. 803-832

² For a broad overview see David Zaret, 'Petitions and the "Invention" of Public Opinion in the English Revolution', *American Journal of Sociology*, Vol. 10, No. 6 (May 1996), pp. 1497-1555; Mark Knights, *Representation and Misrepresentation in Later Stuart Britain* (Oxford, 2005), pp. 109-162; R. W. Hoyle, 'Petitioning as Popular Politics in Sixteenth Century England', *Historical Research*, vol. 75, No. 190 (November 2002), pp. 365-389. For more specific examples see: Robert Ashton, *Counter-Revolution: The Second Civil War and its Origins 1646-8* (New Haven, 1994), Ch. 4; Mark Knights, 'London's "Monster" Petition of 1680', *Historical Journal*, Vol. 36 (1993), pp. 39-67; John Brewer, *Party Ideology and popular Politics at the Accession of George III* (Cambridge, 1976); James Bradley, *Politics and the American Revolution in England: Petitions, the Crown and Public Opinion* (Macon, 1986); Dorothy Thompson, *Chartists: Popular Politics in the Industrial Revolution* (Farnham, 1986). For local examples of petitioning, see Anthony Fletcher, 'Petitioning and the outbreak of Civil War in Derbyshire', *Derbyshire Archaeological Journal*, XCIII (1973); Andy Wood, 'Beyond Post-Revisionism? The Civil War Allegiances of the Miners of the Derbyshire "Peak Country"', *Historical Journal*, Vol. 40, No. 1 (March 1997), pp. 23-40.

for now we will focus upon economic petitions. Philip Loft has calculated that about 4000 petitions on economic affairs were sent to the House of Lords between 1685-1740.³ This new age of improvement inaugurated by the passive revolution of 1688-9 was pushed through parliament on the back of petitioning. Indeed, a signature could count for as much, if not more, than a vote. Mark Knights argues that the project to make the River Tone in Somerset navigable in the 1690s, made parliament an adjudicator, an umpire and arbiter in the ongoing dispute, replacing what would once have been covered by orders from the Privy Council.⁴ Both sides in a dispute would claim that their support or opposition for a project was motivated by a concern for the common good or public benefit. Knights believes that these petitioning campaigns are an important source for 'historians of discourse'. They also provide social historians with a powerful body of material on how capitalist accumulation was conducted and contested by ordinary people. In this chapter, we will explore two important examples of this, one on the lead tithe and the other on the Derwent navigation. Both episodes illustrate how Derbyshire was integrating itself firmly within a national economy. Water transport would expand the geographical area in which goods such as lead could be traded. This would have a tangible impact on the local communities that would be impacted by changing economic relations. Therefore, the Derwent navigation was fiercely opposed by many towns adjacent to Derby. The petitioning campaigns on these two issues provide us with a window upon those who lost out economically, in this case the five ministers and the multitude of people who would lose out to the efficiency of river transport. Their stories matter as it is wrong to believe that economic development benefits everybody all the time.

³ Philip Loft, 'Involving the Public: Parliament, Petitioning, and the Language of Interest, 1688-1720', *Journal of British Studies*, Vol. 55, Issue 1 (January 2016), pp. 1-23, p. 2.

⁴ Mark Knights, 'Regulation and Rival Interests in the 1690s', in Perry Gauci (ed.), *Regulating the British Economy, 1660-1850* (Farnham, 2011), pp. 63-82.

We now need to travel up to Peak District and visit five disgruntled clergymen and their parishioners and their quarrel over the lead tithe.

On 8 March 1701 the House of Commons received a petition from five ministers demanding that a bill be passed for ‘Preventing a multiplicity of vexatious suits, and for ascertaining a certain ancient customary tyth in the county of Derbyshire’.⁵ The five clergymen in question were Obadiah Bourne of Ashover, Henry Aldrich of Darley, Goddard Knighton of Bonsall, Joseph Fern of Matlock and Nathaniel Boothouse of Carsington. All the parishes were situated at the heart of lead production in the Peak. It is essential to let them advocate their cause:

Ye petitioners have been some years past been denyed and kept out of this antient and often acknowledged right of their churches, at present withholding the s[ai]d tythe so great a part of our maintenance of ye church and by other means total[l]y disabled to follow so many vexatious and chargeable suits.⁶

It is worth noting that they concluded by reminding M.P.s that they had a right to this customary tithe ‘According to ye equity and establishment of divers decrees in Chancery, grounded on solemn tryals at common law’. The significance of these decrees will be analysed presently, yet further explanation of the tithe of lead and the context of this complaint need to be explained. The clergymen’s case turned on their claim that they were entitled to tithes. Tithes were levied by the established church on a variety of goods such as corn, hay and lambs. In Derbyshire they were also levied on lead at a rate of ten per cent on a load of lead ore. A load was made up of nine dishes. This should have been levied, according

⁵ *The Journal of the House of Commons* (hereafter *CJ*), Vol. 13, March 8, 1701.

⁶ Derbyshire Record Office (hereafter DRO), Woolley MSS, 6682 ff. 135-6.

to the clergymen, alongside the lot and cope payments. These were payments on every thirteenth dish or measure of ore, between four pence and six pence a load. There had been a long-standing dispute in the Peak over both access to free mining and over tithe payments.⁷ In 1288 a Quo Warranto had been delivered, a key basis for mining custom, allowing miners to search for ore anywhere on the wapentake of Wirksworth. Disputes on mining custom and tithes had rumbled on from the 1570s, reaching a peak of conflict in Wirksworth during the 1620s. A pamphlet in favour of the ‘Parsons’ bill’ in 1701 related this conflict between Richard Carrier and his parishioners, miners and merchants at some length.⁸ In 1628 Carrier won a case that entitled him to a penny from every tenth dish of lead ore. Unfortunately for Carrier the miners ‘Being a multitude, and making a general purse, thereby to weary out the said complainant’ prevented payment. Several hundred miners were ‘Given sinister incouragement’ by Richard Maddox, Thomas Taylor, Thomas Fogg, Francis Bayley and Thomas Godbehere and they all ‘Combined and confederated themselves and did absolutely deny payment there, which opposition and combination was contrary to all equity and good conscience’. We can clearly see why this dispute of 1628 resumed in 1701. As well as showing the equity of the case, that the courts had found in favour of the case for a lead tithe, it showed the unreasonableness of the miners and their leaders. As with all these accounts, we only get one side of the story. Richard Carrier, as minister of Wirksworth and rector of Carsington, was by honest accounts an unlikeable man who invented all manner of financial exactions on his own parishioners. The local population did engage in a low-level resistance to Carrier, through tithe strikes, cattle maiming and many legal suits too. Carrier was removed by the Attorney General in the mid-1630s suggesting that his opponents were not wrong to resist Carrier. Their battles with Carrier show that the miners were sophisticated in

⁷ The next few paragraphs lean heavily on Andy Wood, *The Politics of Social Conflict: The Peak Country, 1520-1770* (Cambridge, 1999), pp. 200-237, 267-294.

⁸ Anon, *An abstract, or abridgement, of a decree made, often confirmed in the High Court of Chancery, concerning the payment of a Tyth or 1⁰h part of lead oar in the county of Derby* (Derby, 1701).

their tactics, from legal suits, having raised funds from collective general purses, as noted in the pamphlet, to petitioning. This built up a culture of direct action that could be drawn upon and feared by the elites of the area. The English Civil War brought the collapse of church and state and the miners used this to advance their cause of free mining and opposition to the lead tithe. They did not succeed in either and as far as the lead tithe is concerned the Duchy of Lancaster rejected their case twice, in 1641 and 1648. The King's Bench rejected it in 1648 and the House of Commons in 1649. Yet in 1659 the central courts agreed that no customary lead tithe was due in the parishes of Ashover, Darley, Matlock and Carsington. By 1660 payment of tithes had resumed in parishes such as Bakewell, Tidewell and Hope and compromises were hammered out in Eyam and Stoney Middleton.⁹ The plethora of decrees and judgments favouring both sides sowed seeds of confusion, specifically in the exempted parishes. Things would finally be brought to a head in 1701.

We should explore both sides in the battle of 1701 and the cases they made. We will recall that Obadiah Bourne, Henry Aldrich, Goddard Knighton, Joseph Fern and Nathaniel Boothouse had petitioned in March 1701, calling for a bill 'Preventing a multiplicity of vexatious suits, and for ascertaining a certain ancient customary tyth in the county of Derbyshire'. Their case pivoted on the alleged customary right of the tithe, the cost of getting the tithe and the court battles that had been fought with recalcitrant miners and merchants. The clergymen's petition drew a supportive response from the 'Gentlemen, ministers and proprietors of tithe ore', who also petitioned.¹⁰ That these were the significant players in the lead industry as well as representatives of the established church with a vested interest should not be lost on us. The petitioners case was articulated in legalistic terms. Their right was:

⁹ Wood, *Politics*, pp. 267-294, 303-4.

¹⁰ DRO, Woolley MSS, 6682 f.225.

‘Approved by sundry decrees in courts of chancery and exchequer and by verdicts at common law’ setting the claim on ‘just and reasonable grounds’. The petitioners took a swipe at their opponents, who ‘Are very much prejudiced and seem violently to oppose ye payment of it and have formerly caused at several times great troubles and expense about it’. We are left in no doubt of the ministers’ financial plight for the ‘Petitioning ministers at present and for several years past have suffered great hardships in paying yearly for what they have not’. Here the first fruit and tenths are being referred to, a clerical tax on the value of their income. They claim that the money that they should glean from the lead tithe is being included in their received income, despite not actually receiving it. The petition was signed by twenty-nine worthies as well as eleven clergy. The most prominent family in the Peak were the Cavendishes and the five clergymen wrote to them in the vain hope that they may intercede.¹¹ The injustice of the first fruit and tenth was noted, and that the tithe was being ‘Most unjustly detained and withheld’. The sycophantic letter ends with the signatures of the ‘Poor petitioners’. The Duke of Devonshire did nothing to aid their cause and neither did his son, and M.P. for the constituency.

It is also necessary to engage with pamphlets that were published in favour of the ‘Parsons’ bill’. The publication of these accounts was important as they made the clergymen’s case available to a much wider audience than the petition alone, broadening the much written of ‘public sphere’. Most of these pamphlets were collected together and published for ease of access, in *Remarks upon several papers and petitions*.¹² One such pamphlet took to task another pamphleteer who supported the miners and freeholders, arguing it was ‘Improperly styled (and with design to deceive) for it is known that in most parishes scarce one in twenty of the miners are freeholders and, in some places, not one in

¹¹ DRO, Woolley MSS, 6682 f. 242.

¹² Anon, *Remarks upon several papers and petitions* (Derby, 1701).

fifty of them is so'. After pouring scorn on the alliance of freeholders and miners the author picked holes in their petition, insinuating that some of the signatures were forgeries and 'Some are of the Romish communion and some Quakers'. There were significant pockets of plebeian Catholicism in parishes such as Hathersage. Indeed William Hodgkinson, a key opponent of the tithe, was related to Catholics. But in mentioning religious minorities, the author was attempting to cast the signatories to the miners and freeholders petition as disloyal if not outright traitors to the nation. This is certainly why the Quakers were mentioned, much persecuted then and later.¹³

Another pamphleteer drew attention to petitioners against the lead tithe from London who 'Raise such a clamour among those persons who are no way affected or concerned at all in the said bill'. This is a somewhat short-sighted point for of course the lead trade was already part of the national economy with numerous lead traders and factors in London who would obviously be against anything that would artificially increase the price of lead. The flawed economic argument continued thus:

For the mines and rich owners of mines, together with the buyers and burners of ore in Derbyshire, desire nothing more than to enhance the price of lead...yet these very persons, by their letters, interests, agents sent into all parts, do instigate and get their customers in the lead trade, to petition against this poor bill in Parliament, for fear that the price of lead should be enhanced or kept up by passing it.¹⁴

¹³ Ibid, pp. 1, 4.

¹⁴ Ibid, written in response to 'Some considerations against making a law, for paying the tyths of lead-ore' p. 5.

That the lead merchants wanted to profit on lead is right but adding exactions on the production cost is not something they were ever likely to support. Again, we can see why London merchants would be against this ‘poor bill’. The longevity of customary right was emphasised by another author who drew attention to the ‘antient kings of the realm’ who in granting mines left reserve for the ten per cent tithe. The miners had their custom the author pleaded, referring to the 1288 Quo Warranto, yet in digging just where they liked they had damaged much land. Indeed, in the 1288 law lot and cope payments were provisioned and ‘2000’ miners had petitioned in 1641 against tolls on lead sales and failed. But in the act of petitioning against it they were explicitly recognising that there was a tithe. Parliament had found in favour of the tithe in 1649, surely the ‘Honourable House’ would do so again to stop ‘A multitude of our opponents on all occasions ready to renew their suits’ greatly damaging the clergy ‘Whose benefice is but worth but 50, 60, 70 pounds per annum, and who expend 600 or 800 pounds...in vindicating this right of the church’.¹⁵ The pamphlet of course fails address the court order of 1659 that rejected the existence of the tithe in various parishes.

We have already studied the author of *An abstract, or abridgement* who reminded us about the conflict between Richard Carrier and the miners in 1628. Yet the author takes a different approach with regards to the many court decrees. While others leaned heavily upon them this author sees the value of parliament as the ultimate arbiter on these matters because of the ‘Meaness and prejudicial county juries, some of them interested in mines or related to such as were so’.¹⁶ The clergymen presented themselves as an interest group, yet one that was much put upon. The author of *An abstract* pleaded poverty on the part of the clergy, opining that ‘To account sufficient for a clergy-man and his families maintenance and to enable him

¹⁵ Anon, *The Case relating to the Bill for preventing vexatious suits and ascertaining a certain customary tyth in the county of Derbyshire* (Derby, 1701).

¹⁶ Anon, *An Abstract*, p. 22.

to keep such hospitality and exercise such charity as is that poor country is expected from him' and that the freeholders and merchants have much wealth already and have 'gotten great estates out of the mines of more yearly value than have parsons'.¹⁷

In opposition to the five clergymen, a petition of the 'Freeholders and miners of Ashover, Matlock, Darley, Bonsall and Carsington' reached the Commons at the end of March 1701.¹⁸ Compared to the supplication of the clergymen, the freeholders and miners petition prickled from the start. The clergymen were attacked, and historical recriminations let fly. We are informed about Obadiah Bourne's father, the previous incumbent at Ashover who 'Did prosecute his parishioners in ye court of exchequer at Westminster for ye tythe of lead oare gott in ye s[ai]d parish pretending a custome in some part of ye s[ai]d parish for payment thereof and after a tryal at law in 1659 a verdict against ye pretended custom [was got]'. Joseph Fern at Matlock was attacked too. We are informed that in 1672 'Another tryal and another verdict that no tyth was owing or payable'. Our petitioners elaborated:

Ye rectors of ye s[ai]d parish have time beyond memory here so well satisfied [that] tyth oar was not owing that they demanded any save about 20 years since ye s[ai]d rector of Darley made one pretence to it in one part of his parish but was so far satisfied it was not due that he let fall his pretence thereunto.

The miners were particularly upset that an issue they thought had been settled in 1659 should be raised yet again 'When ye same is not due of common right and hath been found not to be due by custome in manner aforesaid'. These men and their fathers were experts in

¹⁷ Ibid, pp. 23, 24.

¹⁸ DRO, Woolley MSS 6682 ff. 227D–228, 289.

the array of customary rights that pertained to the lead industry for they had fought over them for decades. Fighting for them was part of their political consciousness, so it is highly important to note their repeated references to ‘pretence’ regarding the customary lead tithe. They were not dismissing customary rights outright, just the clergymen’s claim to one. And like the clergymen, they had a substantial amount of legal documentation on which to rest their argument. The petition ends with reference to the annual finances of the clergymen who to all intents and purposes, seemed comfortably off. We learn they Bourne had an income of £200 per annum, Fern had £100 per annum, Aldrich, £160 per annum, Knighton gleaned £100 per annum and Boothouse also earned £100 per annum. The freeholder and miners were happy to wait upon that ‘knowledgeable House’ for restitution. The lead merchant’s concerns were brought to bear at the end of the petition, when it was noted that many hundreds of pounds were spent finding and exploiting veins, often without success. They could ill-afford the costs of other exactions such as tithes.

The petition was signed by ninety-nine men. The opponents of the freeholders and miners were right to draw attention to the fact that some of the signatories had mining interests. This is certainly true of the Hodgkinsons and the Bagshawes. Andy Wood briefly noted the situation in 1701 in his work on the Peak and argued that the petition was elite led, and that the miners’ assertiveness had been smashed during the English Revolution and could not initiate an attack themselves.¹⁹ It is correct that the miners did not initiate the response to the latest attack but worked closely with a variety of interests to make their case. There are twenty-seven marks on the petition, suggesting they were unable to sign their names. The poll book for the county election of February 1701 shows that none of the twenty-seven appear while eighty per cent of the other signatories made it to Derby.²⁰ It seems reasonable to

¹⁹ Wood, *Politics*, p. 304. Wood is mistaken in the view that Philip Gell is a sitting county M.P. He lost his seat in 1690.

²⁰ DRO, D258/24/27/4.

assume that these twenty-seven were miners, not being able to sign and not being in possession of land enabling them to vote. Wood is right to claim that there had been a reversal in their political fortunes, but they were still players in the game by participating in a petition they could make their voices heard.

At this juncture, it is worth elaborating on the mechanics of petitioning. William Hodgkinson, one of the main players in opposing the lead tithe in 1701, left financial accounts of how the petitioning campaign was conducted.²¹ In total, £227 and 2 pence was spent on the campaign. £4 4s was spent getting freeholder signatures in Wirksworth; stopping over at Bakewell and Chesterfield cost £4 6s. Going to see James Webster for his signature cost £1 6s; copying a petition at Wirksworth cost £2. Other printing costs ran to £1 12s 6d and the journey to London to speak to the committee of the House of Commons tasked with examining the case ran to £18 6s. Preparations for the committee was expensive. Copies of the bill and the petitions in response cost £1 6s. Payment for witnesses to attend the committee totalled £12 15s. Coach hire ran to £2 10s and boat hire £1 13s 4d. There was clearly time to partake of recreational delights of the bourgeois public sphere as £1 17s 6d was spent at Alies coffee house, and 16s 6d ‘spent with a good friend in Charing Cross’.²² Hodgkinson was assisted by Thomas Bagshawe who collected up many the signature. Bagshawe was very distantly related to William Bagshawe who had done much for the miners’ cause in the 1620s and 1630s and there was a nice pathos there. We have much work on petitioning but little on the nuts and bolts of pulling a petition together, and these accounts illustrate the great expense and time-consuming nature of collecting signatures. While the clergymen had written to the Duke of Devonshire for succour, the freeholders and miners wrote a public letter to the four M.P.s for the county and borough of Derby, lambasting the

²¹ DRO, Woolley MSS, 6682 f. 240, f. 243.

²² Ibid.

false claims of the five ministers ‘Upon all which it manifestly appeareth they have no right to the same and judgements were accordingly given against them whereby the then ministers were delivered from their unreasonable demands’.²³ The alleged wealth of the ministers was again noted.

All petitioners expected the House of Commons to be umpire and judge on these sorts of cases. The Commons initially acted in favour of the clergymen. On 8 March 1701, William Cavendish, Sir John Cotton and Mr Dolben were asked to prepare a bill on the lead tithe issue. On 3 April Dolben presented the bill to the House and it passed its first reading. On 11 April the freeholders and miners petition was received and on the same day the bill passed its second reading and went on to committee stage.²⁴ A flurry of petitions then arrived at the House on the issue. On 24 April, the City of London petitioned against the bill. On the same day, a petition from the notables of Ashover, including William Hodgkinson, sought an exemption for Ashover if the bill should pass, due to the great expense of finding and developing the lead mines those men owned. In seeking exemptions, the petitioners clearly thought it quite likely that the bill would pass, given that it had got to committee stage.²⁵ On 2 May it was the turn of the lead merchants of Derbyshire to petition against the bill. The people of Newark also petitioned against the bill, claiming an ‘Interest of England to free its manufacturers and the commodities of its growth and product from all those clogs that hinder the consumption and exportation thereof’. Perhaps in response to these petitions the committee was expanded on 17 May.

²³ Ibid, DRO, Woolley MSS, 6682 ff. 241d-242.

²⁴ *CJ*, Vol. 13, April 1701.

²⁵ Ibid, 24 April 1701.

The bill fell at the committee stage some time in May. When we take a cursory glance through the list of committee members it will be of no surprise the bill fell.²⁶ Humphrey Mackworth and his cousin Thomas were on it. Humphrey Mackworth was heavily involved in the mining and smelting industry in South Wales. Both he and his cousin were involved in the floatation of the Miners Adventurers Company in 1698 and on 17 November 1702 would bring in a bill ‘For the encouragement of the mineral industry and the regulation of mines’. The Tory economist and mercantilist, Charles Davenant, was also on the committee. Thomas Leigh had interests in the Derbyshire lead industry going back to the 1680s, George England and Samuel Fuller, the two M.P.s for Yarmouth both had interests in the development of harbours and ports and in Irish trade. Robert Davers, the M.P. for Bury St Edmunds, had interests in the wool trade and worked on the Deal waterworks bill of 1701. William Clayton, the M.P. for Liverpool had interests in the rock salt trade and the excise on it. There was also a significant number of members with an interest in moral reform. The Derbyshire men will not have heard of Richard Cocks, but he is known to all historians of the era for his excellent parliamentary diaries, containing his warnings on drunkenness, vice and the lewd behaviour of the labouring poor. William Hustler was of the moral reform mindset, as were John Philips and Humphrey Mackworth himself. Given the composition of the committee, industrialists of every stripe, it was unlikely that they would pass the ‘Parsons’ bill’ that would license to a reinvigorated fiscal exaction inimical to capitalist surplus extraction. The moral reformers would have had no love for Anglicanism and the businessmen, put on the committee for their knowledge and expertise, were not likely to support bills that would increase their production costs, eating into their profits. It surely must have been the case too that the flurry of petitions against the bill, including from the City of London must have concentrated the minds of these

²⁶ DRO, Woolley MSS 6682 f.239d. The very brief vignettes of the committee have been gleaned from the biographies of M.P.s in the History of Parliament 1690-1715 volumes available online: <http://www.historyofparliamentonline.org/research/members/members-1690-1715>.

men? Andy Wood is quite right to note that by 1701 the miners had been thoroughly defeated politically and could only now act in concert with their social betters.²⁷ By working with the freeholders and merchants, the miners had won this case; lead tithes would not be levied in the parishes exempted in 1659. The clergymen had been roundly defeated. The men who petitioned the House of Commons during 1701 were in favour of the dull compulsion of the market and did not want feudal exaction ‘clogging’ the productive process. Reciprocity and mutual obligation, paternalistic doles and benevolence were all dead letters in the new world.²⁸ Workers would now be regimented by a drive to ‘market dependence’, rather than by patriarchal munificence, clerical or otherwise. This was a slow, fragmented process, happening at different speeds in different places, but it was a process nonetheless, one of accumulation by dispossession.

That the petitioners turned to their elected representatives is important, particularly when they would have to vote on any legislation about this matter. That the conflict was fierce has been noted, but it is worth noting that it came after one of the angriest electoral contests in the county during the eighteenth century.²⁹ The county had been represented by William Cavendish and Thomas Coke since 1698 and the fraught partisan politics of the era split these erstwhile allies, Coke being much more independent minded. This was not a man the Cavendish family wanted to work with and planned to make a pact with the Lord Roos, son of the Earl of Rutland. They expected Coke to stand down having lost his pair, but Coke stood alone, pushing the county into a bitterly fought contest. The vote was close. Cavendish received 1519 votes, Roos 1412 votes and Coke 1303. Most of Coke’s voters were plumpers,

²⁷ Wood, *Politics*, p. 304.

²⁸ For a good account of this decline, with useful attention paid to the decline of clerical munificence see Felicity Heal, *Hospitality in Early Modern England* (Oxford, 1990), Ch 4 and 5. For an argument that advocates the longevity of the ‘moral economy’ beyond 1660 see Brodie Waddell, *God, Duty and Community in English Economic Life, 1660-1720* (Woodbridge, 2011).

²⁹ The next paragraph on electoral politics in the county in 1701 is drawn from the History of Parliament 1690-1715 volumes online: <http://www.historyofparliamentonline.org/volume/1690-1715/constituencies/derbyshire>

only using one of their two votes. Coke did very badly in the borough of Derby. This may well be because of his subtle opposition to the navigation project that we shall explore later. The two lords did very well in Wirksworth hundred, the epicentre of the lead tithe conflict. This is ironic because as soon as the new parliamentary session began, the lords became associated with the 'Parsons' bill'. Cavendish tried to distance himself from the bill. Lord Roos was sufficiently worried that he sought solace in the county constituency of Leicestershire. When the second election of 1701 was called it was a foregone conclusion that the two Tory candidates, John Curzon and the irrepressible Thomas Coke, would win the day. The lead tithe dispute played a seminal role in the fraught electoral politics of the county in 1701. While the ideological, national politics of the 'rage of party' had permeated local politics by 1701, it is important to note that intensely local issues, the non- payment of lead tithes and the defence of the mining customs of the lead field were as much of a motivating factor in how people voted in the second election of 1701 as sundry partisan disagreements.

Popular petitioning had been a key feature of the lead tithe dispute, providing a method for the articulation of political opinion beyond the election hustings. Crucially, it was the dialectical nature of petitioning that drove the lead tithe dispute forward, the dispute eventually being settled in favour of the freeholders and miners. The constitutional right to petition, and how it related to arguments about popular sovereignty dominated political discourse in 1701. It is worth elaborating on this as it provides an important context, and perspective to the petitioning campaign in Derbyshire. Peace with France had been achieved after the signing of the Treaty of Ryswick in 1697. Yet peace had left a large standing army which concerned dissident Whigs and the Tories.³⁰ William III and many of the Junto Whigs wanted to resume armed conflict with the French, as did many members of the public. On 19

³⁰ On the 'Standing army controversy' see Lois Schwoerer, *'No Standing Armies!': The Anti-Army Ideology in Seventeenth Century England* (London, 1974), Ch. 8.

April 1701 the freemen of Kent met to discuss the government's pacific policy towards the French. On 8 May, one day after the people of Newark petitioned against the 'Parsons' bill', the freemen of Kent petitioned the House of Commons, demanding a tax be raised to renew war with the French. The government imprisoned five of the petitioners under the 1661 Act against Tumultuous Petitioning. The men were released in June to much acclaim.³¹ This incident, at the exact same time as the lead tithe dispute, started fundamental debates about petitioning, parliamentary sovereignty and the sovereign will of the people. Were M.P.s representatives or delegates? The whiggishly inclined, at this juncture, saw them as delegates. In *Legion Memorial*, Daniel Defoe argued the people had a right to make and break a parliament and could directly hold their members to account.³² Lord Somers made similar claims in *Jura Populi Anglicani*, though qualified his argument by contending that the people only had control over their own M.P. rather than the whole body.³³ The Tories were in an interesting position in all this, having a majority of M.P.s in the House of Commons, and having been staunch defenders of executive powers previously. Yet they had accepted the passive revolution of 1688-9, which entailed support for the sovereignty of parliament. The Tory M.P. Humphrey Mackworth, who sat on the committee scrutinizing the 'Parsons' bill', argued for the classical mixed constitution of Kings, Lords and Commons. For Mackworth, parliament was a representative body to which the people had deferred, so was sovereign in political affairs.³⁴ James Drake argued that historically there had been a transfer of popular power from the people to parliament, hence making it sovereign.³⁵ The Tories had clearly come a long way since the high noon of the Stuarts. Their acceptance of the settlement created in 1688-9 made their support for parliamentary sovereignty inevitable. The Tories

³¹ Henry Horwitz, *Parliament, Policy and Politics in the Reign of William III* (Manchester, 1977), pp. 289-290.

³² Daniel Defoe, *Legion Memorial* (London, 1701).

³³ Lord John Somers, *Jura Populi Anglicani* (London, 1701).

³⁴ Humphrey Mackworth, *Vindication of the Rights of the Commons of England* (London, 1702).

³⁵ James Drake, *Some Necessary Considerations Relating to Future Elections* (London, 1702).

backed parliamentary sovereignty in 1701 and would agitate for a delegatory system of government and even manhood suffrage during the 1720s and 1730s. This will be explored in the next chapter.

Before that, we need to focus on our second episode. What we shall find is all manner of small producer petitioning parliament, both for and against attempts to make the Derwent navigable to the Trent. Parliament was once again called upon to adjudicate on the matter. There were numerous attempts to make the River Derwent navigable down to the River Trent, in 1664, 1675, 1698, 1703, 1718 and 1720-1.³⁶ The most rigorous attempts were in 1703 and in 1720-1. It was at these points that important, dialectical petitioning campaigns took place over a wide geographical area, and we will focus much upon them, but first we should briefly look at some of the other attempts, prior to 1703.

On 8 November 1675, the Commons received a petition from the mayor and burgesses of Derby to make the Derwent navigable.³⁷ They believed that it would facilitate the 'Ease of the people' and would 'Quicken commerce' and 'Preserve the roads' as goods transported 'Being of great weight and use, as lead, iron, coles and stone'. The ease with which the work would take place is emphasised as 'This river needs not be opened and cleansed above six miles in length, so that very few mens' lands will be prejudiced'. Opposition from the landed elite was constant through the whole process, but at this stage they were told not to worry as 'They shall hath received a just and full satisfaction, and great advantage'. The plan was to appoint an independent commissioner to assess the value of the land earmarked for development, pending compensation. If a figure could not be agreed

³⁶ There are very few works on the Derwent navigation, but see Celia M. Swainson, *Waterways to Derby: A Study of the Derwent Navigation and Derby Canal* (Cromford, 1993); T. S. Willan, *River Navigation in England, 1600-1750* (Oxford, 1936), pp. 42-47.

³⁷ *Calendar of the State Papers Domestic-Charles II*, p. 389.

upon, then a jury would be appointed, made up of independent men. Possibly because of the local opposition by the gentry, the plan was dropped. Another plan failed in 1676.

In 1698 the ruling elite of Derby got a bit further on in the process. Lord Cavendish and George Vernon, M.P.s for the town were asked to prepare a bill, but this was rejected at second reading. Thomas Coke, a county member who we met battling Cavendish and Roos in the Peak in 1701 was lukewarm about the bill at best. George Vernon wrote to him on 1 October, unsure of his attitude to the bill and advised him that it was easier to simply block the bill than obstruct it later, once it was further on.³⁸ On 14 December Coke dragged himself down to London 'To see what becometh of the navigation'.³⁹ On 30 December Gilbert Clarke, a local notable, informed Coke that the 'Burton men' were unhappy at the thought of the Derwent being made navigable as they were planning a navigation to the Trent too.⁴⁰ In 1699 Lord Paget got a bill through the House to navigate to Burton. This was opposed by men at Nottingham and conflict arose over a monopoly Paget had on wharfs and warehouses in the vicinity. Parts of the navigation was leased out to a George Hayne and to Leonard Fosbrooke. Fosbrooke owned the ferry rights on the Trent and would not allow boats or small craft to land. Ferry rights on the Trent were still being fought over in 1748.⁴¹

Thomas Coke was leaning against a navigation by January as we learn from Clarke that Coke had asked him 'To join a petition as you directed and when I see the gentlemen concerned, I will acquaint them with it'.⁴² On 17 January Anchinell Grey, an illustrious former M.P. for the town, who had a hand in the 1664 attempt, was now strongly against the navigation as 'The price of corn in that market will depend wholly upon the Derby traders,

³⁸ Historical Manuscripts Commission, *Cowper*, Vol. II, p. 379.

³⁹ *Ibid*, p. 382.

⁴⁰ *Ibid*, p. 383.

⁴¹ DRO, D618/1-70.

⁴² *HMC Cowper Vol II*, p. 383.

who may by it be enabled to raise and fall it as they please to the great detriment of the country'.⁴³ Grey makes an important point here, recognising that by improving transport links, Derby would be integrating itself into an already growing national market for grain, taking pricing out of local control and aiding middlemen, the economic bogeymen of early modern society. Coke remained ambivalent and the bill fell anyway. As we saw, Coke paid the price for his ambivalence electorally, losing his county seat in the first election of 1701.

The next attempt at navigation would be in 1703, and this would generate a fierce local debate with the Commons again being asked to act as umpire, directed by a flurry of petitions on this key economic issue. After prayers on 17 November 1702 a petition from the mayor and burgesses of Derby was presented to the House of Commons. It is worth quoting in full:

The borough is an inland town, hath a large river (called Darwent) running through it, the navigable river of Trent within six miles' distance of it; and the county of Derby abounding with great stores of heavy commodities, as lead, iron, marble, plaister, millstones and the highways especially towards the river Trent, being exceedingly deep, renders the land carriage very difficult and expensive.⁴⁴

The townsmen had asked John Burrowes to construct the navigation and 'Also to build a convenient dock and wharfs for the benefit of the said borough, and the poor thereof'. How the poor of Derby were to be helped in the long-term is not stated but we can assume that employment would be generated by the scheme. It is also worth noting that in all

⁴³ Ibid, pp. 383-384.

⁴⁴ *CJ*, Vol. 14, 17 November 1702.

attempts to navigate the Derwent it was always the elites of the borough that made the first move, perhaps given their social and political position giving them the ability to do so. John Harpur and Thomas Stanhope, M.P.s for Derby were tasked with preparing a bill, along with Thomas Davall. On 24 November Harpur brought in a bill that passed its first reading, and on 1 December it passed its second reading and a committee of thirty-two was tasked with analysing the merits of the case.

George Sorocold was called to the committee to give engineering advice. Sorocold was perhaps one of the most important engineers of his age and had a hand in designing the planned navigation for Derby in 1703. Sorocold's plan for Derby was to develop a new wharf and to build a canal of six miles down to the junction with the Trent made up of two cuts to bypass bends in the river and another cut to bypass the weir.⁴⁵ The great feat of Sorocold was to use a series of locks with a fall of only two or three feet rather than fewer locks with greater falls to protect mills and meadows at the side of the river.⁴⁶ Sorocold's intricate plan caused much opposition from the beginning. On 14 December the Commons received a petition from several small towns in Nottinghamshire, worried that they would lose pasture rights on land near the river bank, rendering them unable to feed their cattle. The next day Newark petitioned in favour of the bill, as they were heavily involved in the corn and grain trade, the cost of land carriages being prohibitive to them.⁴⁷ On 23 December, the committee was told to report on the first day of the sitting of the House after the recess. They duly did on 4 January. Harpur brought the report in and several amendments were offered. One was that the Devonshires and the Chesterfields had to be consulted at all stages about work that may affect their property. This was agreed. Another amendment stated that all damage caused by

⁴⁵ A copy of the diagram of Sorocold's 1703 plan is in the Derby Local Studies Library.

⁴⁶ See Sorocold's biography in the Oxford Dictionary of National Biography (ODNB), <http://www.oxforddnb.com.ezphost.dur.ac.uk/view/article/47971?docPos=1> accessed 23/9/15.

⁴⁷ The Parliamentary course of this navigation has been gleaned from *CJ*, Vol. 13 20 October 1702-14 March 1704/5.

development of the Derwent should be paid for. This was agreed to too. The bill was engrossed and five days later and on 9 January the bill was read a third time and passed as ‘An Act for making the River Derwent in the County of Derby Navigable’. Harpur carried it to the House of Lords.⁴⁸

It was at this stage that important petitions arrived at the House of Lords attempting to kill the bill. We are lucky that these petitions survived as many more destroyed when the Houses of Parliament burnt down in October 1834. Given that the Commons had passed the bill it should not surprise us that all the petitions were against the navigation. They, as with the petitions on the lead tithe affair, these petitioners were keen to illustrate the importance of the common good and how the maintenance of their standard of living was essential to the common good. These petitions are dated as being received on 23 January but were obviously written and sent between 9 January and 23 January. The ruling elite in Chesterfield were disgruntled that they had not been informed that a bill had been passed, hearing of the event ‘From the publick news’ showing at least how print media covered economic affairs and facilitated debate upon it. These men were worried that the navigation would lead to the ‘Utter decay of the s[ai]d carriage of iron, malt, lead, millstones and several other commodities’. The damage that this would have to local families would be very great as the land carriage trade ‘Supported and enabled [them] to pay their rent’. Sixty-seven people signed this petition.⁴⁹

The ruling elite of Nottingham were just as concerned as their brothers in Chesterfield and were keen to ‘Humbly take leave to lay before y[ou]r Lordships the ill consequences

⁴⁸ In his History of Parliament biography of Thomas Stanhope, Stuart Handley claims that the bill failed to pass its second reading. This is incorrect as a further reading of the *Commons Journal* and the petitions to the House of Lords shows. For the Stanhope biography see: <http://www.historyofparliamentonline.org/volume/1690-1715/member/stanhope-thomas-1679-1730>.

⁴⁹ The 1703 petitions are to be found in the Parliamentary Archives (hereafter PA). For the Chesterfield petition see PA, HL/PO/10/6/42/1886, Annex e.

which we are well assured the s[ai]d bill, if it pass into an act, will produce to yo[u]r petitioners and others'. The damage that the land carriage trade would sustain was of great concern and would be a concern to others to, but in this instance the men of Nottingham, since the 1690s had been responsible for the highways, including the main bridge into Nottingham. Consequently, they were worried that the 'Impoverishment of us and our families by diverting our trade, the lessening of our tolls and revenue and consequently the incapacitating of us to maintain our bridge over the River Trent, the repairs of which annually cost us near two hundred pounds'. The men were quick to remind their Lordships' that the rent to the Crown totalling £63 which had been 'constantly' paid, would be impossible to afford. The navigation would lead to the 'Utter ruin of many hundreds of families' and there was a grave concern for a variety of small producers too, to the 'Carriers, innkeepers and other persons in all the roads to London from Derby...' The impact of the navigation would have been substantial to a pre-existing local economy. This is why eighty-three people signed the petition.⁵⁰

Next it was the turn of the people of Bawtry in Yorkshire to protest by petition. Their complaint was like the Burton men in 1699 in that the people of Bawtry already had a navigation at their town. The River Idle being navigable 'Conveniently carries and conveys by boat into the Trent lead, millstones and other commodities which came but of Derbyshire'. The townspeople were in no doubt that the Derwent navigation 'Will in great measure destroy the trade of the towne of Bawtry' and they 'Humbly desired y[ou]r Lordships not to pass the said bill'.⁵¹ Seventy-one people signed this petition including one woman, Elizabeth Smyth. We can only speculate why so few women signed; perhaps it was the economic issues at play that deterred women from signing on mass? Or perhaps for the petitions in opposition

⁵⁰ PA, HL/PO/10/6/42/1886, Annex a.

⁵¹ PA, HL/PO/10/6/42/1886, Annex b.

to be more effective only the men signed, presenting themselves as patriarchs, responsible for the upkeep and protection of their family and their local community, duty being the key concept?

We now move a little closer to home with a petition from the gentlemen, freeholders and landholders of the hundred of Scarsdale in Derbyshire. They too were worried about the decline of the land carriage trade, but also on the logic of the capitalist market in food for the navigation ‘Will also abate the price of corn by which some of y[ou]r petitioners depend’. These landholders’ wealth was predicated upon the ownership of land and the goods it produced, dependent on the agricultural market. They were appealing to peers whose wealth in no small part was derived in the same way. It is likely that this petition would have concentrated minds.⁵² The Lords also received a letter from Alexander Stanhope, a Derbyshire notable, distantly related to the Chesterfields, who wrote on behalf of William Stanhope, a minor. Alexander claimed that William would be much disadvantaged by the navigation. However, the House of Lords soon received another letter, this time from Thomas Stanhope, the brother of William the minor. Thomas claimed that Alexander was against the navigation, and Alexander was using his brother as a pawn to justify it: ‘I cannot conceive the said intended navigation if it should be effected can be in any way prejudicial to the said William...having no estate in any of the lands thro’ which the said intended navigation is design’d to be made’. That Thomas was an M.P. for Derby should give us some indication of his attitude to the navigation.⁵³

The House of Lords was clearly surprised by the scale of the division on this matter and voted down the bill on 1 February 1703.⁵⁴ In all 392 people signed petitions against the

⁵² PA, HL/PO/10/6/42/1886, Annex c.

⁵³ PA, HL/PO/10/6/42/1886, Annex f.

⁵⁴ *Journal of the House of Lords (LJ)*, Vol. 17, 1 Feb 1703.

Derwent navigation, a substantial amount for one issue. That the Lords were swayed by the response is obvious. This was the first time that the issue of the Derwent navigation had made it to the Lords, and the fearsome response and the important economic arguments the opponents of navigation put were clearly powerful enough to deter the Lords. By 1720 the navigation issue was a well-versed dispute, both in Derbyshire and nationally. A cursory glance at the *Commons Journal* shows that M.P.s were dealing with a substantial amount of economic improvement business, as were the Lords. The drive to improvement had intensified since 1688 and would continue to grow apace with the Commons and the Lords approving more and more legislation. The small producers may have been given a reprieve in 1703. They would not be so lucky in 1720.

The local power elite were relentless in their desire for the navigation to be built, petitioning again on 28 February 1716. In their petition, they were keen to allay fears by stating that the navigation would be to the benefit ‘Of all markets and other places near the same’. Lord James Cavendish and Colonel William Stanhope were asked to prepare a bill.⁵⁵ The bill though was apparently dropped. Mayor John Bagnold of Derby sought the active support of Stanhope for another navigation bill in 1717; this got nowhere.⁵⁶ Robert Wilmot, a local landowner with business interests in Derby, was reliably informed by Gilbert Clarke that a bill was not to be brought in the 1718 session.⁵⁷ We do not know why the bill was dropped in 1716; what we do know is that a final attempt would be made at the end of 1719 and this attempt would succeed.

On 19 December 1719, the governing elite once again embarked on the road to parliamentary approval to make the Derwent navigable.⁵⁸ Their petition exuded a cool

⁵⁵ *CJ, Vol. 18, 1 August 1714-15 September 1718.*

⁵⁶ State Papers Domestic, (SP) 35/8/8.

⁵⁷ DRO, D3155/C/100.

⁵⁸ The Parliamentary course of this bill can be trace in *CJ Vol. 19, 11 November 1718-7 March 1721/2.*

economic rationale, that the navigation would ‘Very much advance the trade and commerce of all markets and other places near the same trading in staple commodities of lead, butter, cheese, malt, marble, millstones, grindstones, iron, timber and other merchandise’. The expense of the land carriage was again noted, and that the public would greatly benefit from the navigation. On 22 December Stanhope reported from a committee into the navigation. There was some resistance in the Commons at this stage with a vote to send the report back to the committee for further discussion. Stanhope, Lord James Cavendish and William, Lord Paulett were ordered to prepare a bill. The bill passed its first reading the next day. Perhaps the bill not brought forward in 1718 was simply reused at this stage. Indeed, the Derby petition of 1719 was very much like the one of the previous year and they had had plenty of practice at making their case by petition. After the Christmas break, on 14 January the bill was read a second time and passed on to committee stage. Before we explore some of the larger petitions, we should acquaint ourselves with some of the smaller ones sent to the House of Commons, ones that did not survive the fire of 1834.

On the same day as the bill went to committee stage the people of Burton petitioned.⁵⁹ As in 1698 and 1703 they were unhappy at the potential competition from the Derwent. After all, their own navigation was up and running, and at great expense as they were at pains to stress. On 16 January, we hear from the townspeople of West Hallam, Houlbrooke, Hege, Belper, Ripley, Loscoe and Ilkeston. They pleaded that they needed the land carriage trade kept intact as they were ‘Incapacitated to follow any other employment’. The next day it was the turn of the gentry of Duffield who worried that the cuttings of the navigation would damage their land, hence lowering rents. This would increase the costs of their produce, as well as damaging the land carriage trade. On 19 January, the people of nearby Leicester

⁵⁹ Due to the fire of 1834 destroying them, the petitions in the next paragraph have been gleaned from the *CJ Vol. 19*.

petitioned. They had no love for the roads, 'Unpassable every winter' and looked forward to the expansion in water trade. On 20 January, Sir John Harpur (who had been pro-navigation as an M.P. in 1703), Sir John Every, and Sir Edward Coke petitioned. These aesthetically-minded gentlemen had estates lying on the banks of the river and were worried about the damage that might be caused. The same day the townspeople of Uttoxeter stated that they were very much in favour of navigation, as were the gentlemen, locksmiths, gunsmiths, cutlers, swordshippers and nailers of Birmingham. They spoke the language of improvement, praising the navigation as 'A great encouragement to trade and commerce and very advantageous to the publick in general'.

At this stage, the committee was expanded. Between 21-27 January 1720, a further seven petitions arrived at the Commons. The committee was yet again expanded on 27 January to include M.P.s for Staffordshire, Cheshire and notably the City of London. It is quite something to think that a six-mile-long canal could generate such heat and debate and could have such an economic impact over so wide a geographical plane. Of course, the further away one was from Derby, the more inclined they were to support the navigation as it would expand their own trading horizons. It was the small towns and villages that depended on a more rooted, local economy, served by road transport that would be hardest hit, and therefore opposed most vigorously. Both sides in the petitioning drive talked of the public good and benefit, but as Ellen Meiksins Wood noted, the capitalist economy was different from what had gone before. There was no longer any reason for benevolence on the part of the state or employers. The cash-nexus and of market regimentation would prove to be the best tools for economic development. Gone were the days of the Book of Sports or Laudian anti-enclosure and depopulation surveys. The opponents of the navigation were as sincere in their opposition as were those who were in favour of navigation. They thought they could still

block a navigation that would be detrimental to their local community and its economic well-being. Let us explore their petitions.

Substantial petitions began to arrive in London in January. Firstly, then to Chesterfield.⁶⁰ We heard from them against plans for a navigation in 1703 and they were still very worried about the ‘great prejudice’ that the navigation would cause them. We saw in the Introduction how important the lead trade was to this substantial market town. Because the lead trade of the Peak would be diverted south ‘The lead market which is constantly held in this town weekly will be weakened and in a great measure destroyed and yet the lead trade not anything the better’. In our own time, we are very aware of de-industrialisation and the scourge of unemployment and the knock-on effect it could have to employment and to the local community. The people of Chesterfield seemed to be aware of it, long before John Maynard Keynes. Significantly the people of Chesterfield saw a flaw in the mechanics of the navigation for ‘Whereas the River Darwent and that part of the River Trent into which it falls, because of its shallowness thereof is unnavigable in such dry seasons’. This was prescient because even after the navigation was completed, it was difficult to navigate in dry weather. The need to rectify this flaw was the catalyst for the development of Derby Canal in the 1790s.

The people of Nottinghamshire also petitioned again. Given Nottinghamshire’s proximity to Derby, the impact of the navigation would be felt hardest there. The Justices of the Peace for the county petitioned on 13 January against ‘The evil tendency of such a bill’ and ‘We think it our duty to humbly beg leave to represent to yo[u]r lordships of the pernicious and destructive consequences’ of the bill.⁶¹ The J.P.s provided a good account of their own particular local economy, ‘Maintain’d by land carriage in bringing vast quantities of

⁶⁰ PA, HL/PO/10/3/212/14.

⁶¹ PA, HL/PO/10/3/212/8.

lead, salt and other commodities on horseback from several parts of Derbyshire...and taking back malt, corn and other commodities'. If the navigation was to go ahead their 'Markets will be spoiled, our husbandmen discouraged, our rents lessened, and the trade of our county taken away'. The J.P.s would have been in an excellent position both to survey their local economy and to foresee potential damage to it. They dealt with all manner of local issues, from roads and highways to local taxation and importantly, poor relief, the cost of which would only go up if the navigation went through. The petition ended with a savage attack on the men driving the navigation forward 'To enrich and aggrandise a few private persons in the borough of Derby, who would endeavour to monopolise trade to the ruin of others'. The petition was signed by the twenty men on the Grand Jury. This petition provides a rich account of a local economy with a strong attack on 'private persons' seeking to 'monopolise trade'. The language of the moral economy is obvious and stands in stark contrast to the language of interest that we have seen and will see in other petitions. That it was being used by local leaders in their own parish republic gives it even more weight.

Nottingham Corporation had much to add to this.⁶² The officials remind us of their bridge over the Trent and of its expense, of 'Wagons, carts, carriages, packhorses that cross it', all paying a small toll. Nottingham Corporation maintained the bridge 'for public benefit'. The financing of local government was important, with between £1000 and £1500 per annum being raised in tolls with much of the money being spent on the poor. The people of Nottingham did not see the toll as an unfair exaction or as a barrier to freer trade, but as a social necessity, to maintain the bridge and aid the poor. Adrian Randall has noted how it was commonplace for petty producers to travel to local markets to sell fruits gleaned and animals reared through access to common land and customary right. Yet when turnpike roads were set

⁶² PA, HL/PO/10/3/212/9.

up, these petty producers were priced off the road. The effective privatisation of the road network resulted in a loss of income for many people.⁶³ It is in this spirit that we should look upon the situation in Nottingham in 1720. Building the navigation would not just have a negative impact upon trade but upon the longevity of the local community and its obligations, the ability to do its 'duty' by its citizens. For the men of Nottingham, the Derwent 'Will no way tend to be a publick benefit', as oft claimed by supporters.

As noted, Nottinghamshire would be the hardest hit by the navigation. The towns of Scrooby, Everton, Mattersley, Ronshall and Sutton in that county were opposed, made up by 'sturdy and sensible' people, worried about 'The great damage to us and our neighbours abundance'.⁶⁴ The use of the word 'sturdy' is replete with connotations of the Hogarthian Englishman, independent, fair-minded, with a tankard of ale in one hand and roast beef in the other. The gentlemen, tradesmen and maltsters of Mansfield remind us of their 'Very considerable market for barley and grain'.⁶⁵ The malt duty was already very high and in the last year had cost them £4328. There had always been duties, but the fiscal-military state that grew up after 1688 needed them, as well as the land tax, to fund the national debt. Including the loss of trade that would have inevitably resulted from the Derwent navigation, was adding insult to injury to these people. Copious quantities of malt were carried out by horse every week from these places. The loss of revenue would destroy those small rural economies. One hundred and nineteen men signed the Nottinghamshire petition, twenty-one leaving marks, and one hundred and ten signed the Mansfield petition, including George Mompesson, the vicar.

⁶³ Adrian Randall, *Riotous Assemblies: Popular Protest in Hanoverian Britain* (Oxford, 2006), pp. 174-75.

⁶⁴ PA, HL/PO/10/3/212/11.

⁶⁵ PA, HL/PO/10/3/212/7.

The people of Bawtry, Yorkshire were again prolific petitioners on this matter.⁶⁶ The inhabitants were still very happy with the Idle navigation and were fundamentally of the belief that ‘It will appear to your Hon[ourable] House that more of his Majesty's subjects will receive a prejudice than an advantage by the said bill’. Interestingly the Idle navigation was deemed to be of public benefit, but the Derwent navigation was not. The people here were not opposed to making rivers navigable, just the Derwent navigation, believing it would damage their trade. The local people were certainly exercised about the issue and seventy-nine people signed, eight more than in 1703. Four women signed too, Abigail Williams, Sarah Briand, Mary Atkinson and Sarah Aunt. Nine of the seventy-nine left marks. There was also a general petition from various towns and villages in Yorkshire against the navigation, concerned about the land carriage trade.⁶⁷ Seventy-seven people signed, including a vicar, Samuel Croswick.

Of course, not everybody opposed the navigation. There was some support in places like Leicester and Uttoxeter. Gainsborough in Lincolnshire, was far enough away to feel a ‘Very great benefit and advantage to your petit[ione]rs but also to the encouragement and advantage of trade and consequently be for a public good’.⁶⁸ The City of London also petitioned in favour of the navigation too and were involved at committee stage.⁶⁹ The lead merchants and cheesemongers of the City believed it ‘Would be an advantage to ye publick in general by encouraging trade and commerce betwixt ye northern and western counteys’. It would expand trade horizons, lower costs (hence increasing profits) and integrate the nation economically. This was signed by one hundred and ten people and provides a concise illustration of why people would back a navigation.

⁶⁶ PA, HL/PO/10/3/212/10.

⁶⁷ PA, HL/PO/10/3/212/12.

⁶⁸ PA, HL/PO/10/3/212/13.

⁶⁹ PA, HL/PO/10/3/212/15.

Of the surviving petitions we have examined, 776 people signed. To contextualise this figure, only 700 freemen were eligible to vote in Derby in 1710, even allowing for the fraudulent voters created care of the ignoble House of Cavendish. After the inundation of petitions in January 1720, on 16 February William Stanhope reported the committee's findings to the House of Commons after taking the petitions into consideration. Two days later the bill was debated in the Commons. An amendment was put forward to allow the erecting of several warehouses on the Trent. This would have aided the Nottinghamshire men, breaking a potential Derby monopoly. It was pushed to a vote with William Levinge, a Nottingham M.P. acting as a teller for the yeas. Stanhope was one of the noes tellers. The noes won the vote 114 to 39. This had been the opposition's final throw of the dice in the Commons and they had lost. The bill and its amendments passed its third reading on 23 February. A satisfied Stanhope carried it to the Lords. This time the bill would not fail, despite the flurry of petitions their noble and honourable Lordships had to deal with in opposition to the navigation. The bill passed on 7 April 1720. On the very same day the borough of Derby sent a petition to the House of Commons pledging their support for the River Weaver in Cheshire to be made navigable! They did not yet know the outcome of their own navigation plans but were busily engaged in another cycle of brinkmanship over a river navigation. The Weaver navigation went through later that year.

It is difficult to know why the navigation was finally granted in 1720 and not earlier. Perhaps the tide was simply moving in that direction. We have seen repeatedly how after 1688 parliament was called upon to be an umpire in these arguments, that people felt happier going to this national forum for restitution. The passive revolution of 1688 had led to a political stability not seen since the early Stuart period. Parliament was now sovereign, backed by Tory and Whig alike. This stability in government, the security of both liberty and property from perceived Stuart absolutism and fiscal exaction made it possible for economic

modernization to go on apace. Parliament became a facilitator of economic reform. By 1720 Derby, and the Derwent navigation's time had come.

Over recent years there has been a shift away from some of the older concerns in social history, concerns about hegemony, social control, primitive accumulation and proletarianisation and class, even though many of these concepts are still of immense value and have not been fully worked through. There has been a great shift to thinking about how early modern people 'negotiated' their social and economic position in society.⁷⁰ Indeed, it could be argued that the small producing opponents of tithes and navigations were negotiating on a national scale on those issues. Yet there is a danger that the concept of negotiation can be overstated. The idea that the poorer sort could parley on equal terms with the elites in their society, predicated as it was upon material inequality and unequal power relations is problematic. We shall conclude this chapter by looking at a slightly different type of petition, the pauper petition, sent by people in need of poor relief for a whole host of reasons. Interestingly, it is on the issue of poor relief that much has been written about the idea of negotiation. However, in applying for assistance, these people were not in any real position to negotiate. They had to debase themselves in front of their social betters, hence making their complicity in that system more concrete and hence harder to resist. These was a popular agency of the part of those who signed petitions on the 'Parsons' bill' or on the Derwent navigation. This was less so in the case of pauper petitions.

The work of social anthropologist James C. Scott has had a fundamentally important impact on the study of early modern social relations.⁷¹ Scott argues that social relations are conducted through two prisms: the 'public' and 'hidden' 'transcripts'. The public transcript is

⁷⁰ See Michael J. Braddick and John Walter, *Negotiating Power in Early Modern Society: Order, Hierarchy, and Subordination in Britain and Ireland* (Cambridge, 2001).

⁷¹ James C. Scott, *Weapons of the Weak: Everyday Peasant Resistance* (New Haven, 1987); James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, 1992).

essentially the dominant views in a society, honed and shaped by the ruling elites. Ordinary people must, at least in public, defer to these social norms. Yet in private they can let their true thoughts and feelings on their social and economic betters, or on the public transcript more generally, have free reign. John Walter has engaged with this body of thought most ably.⁷² He argues that it was possible for agency to be gleaned by working people by holding elites to their own standards, their public transcript of paternalist benevolence and Christian charity, should they be found wanting in any way. This recourse to the dominant ideals in society helped to legitimate the otherwise quite controversial demands of working people. Scott's framework greatly aids us in helping to conceptualise popular agency in early modern England. There are however, issues with Scott's interpretation. In an intellectual era in which numerous attacks are made on perceived 'determinism' and 'universalising' and 'essentialism', coupled with a championing of heterogeneity and multiplicity, it is odd that such a binary, totalizing view of social relations as Scott's is so heavily deployed. Much of his view is predicated upon insincerity, that people only played at being deferential and conservative in their politics. For Scott, working people were always voluntaristically oppositional, cultivating a 'simulated deference'.⁷³ It is worth thinking about how much agency working people who are forced by their social betters to be constantly duplicitous and insincere, had. Steve Hindle, with reference to reports that enclosing landlords in 1570s Buckinghamshire were hanged in effigy by their tenants, notes: 'The point was...that these landlords did not know to behave like gentlemen; the poor criticised their betters not because they were gentlemen but because their estate management belied their claims to be gentlemen'. Hence it was not about class hostility.⁷⁴ In this reading it would seem that it was

⁷² John Walter, 'Public Transcripts, Popular Agency and the Politics of Subsistence in Early Modern England' in Braddick and Walter, *Negotiating*, pp. 123-148.

⁷³ Steve Hindle, 'Exhortations and Entitlement: Negotiating Inequality in English Rural Communities, 1550-1650' in Braddick and Walter, *Negotiating*, pp. 102-122, p. 116.

⁷⁴ *Ibid*, p. 117.

an impossibility for the tenants of Buckinghamshire to ever be able to conceptualise a class-based analysis of their own society and its unequal power structures and material inequalities. Scott's interpretation is weak on popular deference and the way a rigid power structure forced working people to internalize their resentments. Working people's agency is always hampered by any ruling elite, who neutralise opposition and seek to limit the opportunity for any remaining popular opposition to articulated itself. Andy Wood is right to remind us that 'subordination and defiance are intertwined, the one producing the other'.⁷⁵ As we shall see in the next chapter, working people could be sincerely deferential, and support a form of society predicated upon paternalist, patron-client relations.

It is odd that it should be on the terrain of pauper petitions that historians should seek to advance the case for popular agency. It would be difficult to think of a time in a person's adult life when they are less independent and have less freedom of action.⁷⁶ In 1707 Frances Foxlove of Taddington petitioned for poor relief.⁷⁷ Foxlove's husband Thomas, a butcher had 'Died suddenly upon the road as he was going unto Sheffield' a year and a half before, leading to 'Such a great change' in their circumstances. The debt collectors had removed all the furniture from their home, leaving nothing to supply her or her 'poore children'. This was a real blow as Thomas had maintained his family in good order and fashion. Mary Hays of Hartington, also a widow, petitioned in 1708.⁷⁸ She informed the authorities that her five children had left home, 'Having done what she could to bring them up and to keep them from being chargeable to the parish', was now in dire financial straits and needed support. Joseph

⁷⁵ Andy Wood, Subordination, Solidarity and the Limits of Popular Agency in a Yorkshire Valley c. 1596-1615, *Past and Present*, no. 193 (Nov. 2006), pp. 41-72, p. 44.

⁷⁶ On pauper agency see Steven King and Alannah Tomkins, *The Poor in England: An Economy of Makeshifts* (Manchester, 2003); Tim Hitchcock, Peter King and Pamela Sharpe, *Chronicling Poverty: The Voices and Strategies of the English Poor, 1640-1840* (Basingstoke, 1996); Thomas Sokoll, *Essex Pauper Letters, 1731-1837* (Oxford, 2006).

⁷⁷ DRO, Q/SB/2/692. The Derbyshire Record Office reference refers to 'Francis', a man. The petition was from a woman, Frances, a widow.

⁷⁸ DRO, Q/SB/2/693.

Jackson of Longston petitioned in 1713.⁷⁹ He was an ‘honest man’ with four small children. He owned three acres and occasionally sold cattle pastured on it. He was a good father and husband who maintained his wife and children so that they were ‘No way chargeable to the parish’. Yet he was expected to contribute six pence weekly for the upkeep of the poor of his parish. Being only ‘a poor man himself’ this was unreasonable and he sought address. Sara Wollis of Hulland in the parish of Ashbourne was in a terrible situation when she petitioned in 1720.⁸⁰ She had a small child and was pregnant with another. Her husband Thomas was in prison in Derby. She was struggling with no breadwinner and was unable to work herself due to her condition and that ‘Without a speedy supply and relief from the towne and hamlet of Hulland aforesaid your said poor distressed petitioner and her childe will utterly p[er]ish’.

These petitions were submitted between 1692 and 1723, when control over the adding of petitioners to the pension roll had temporarily shifted from local parishes to the county J.P.s.⁸¹ This institutional change had occurred because the parishes were thought to be too generous in their admittances. All the people noted here were given relief. It also accounts for why both Joseph Jackson and Sara Wollis were appealing over the heads of their local parish officials for relief. Steve Hindle has argued, comprehensively, that we should not just look at the administration of poor relief in an institutional light, but in a moral one too.⁸² Joseph Jackson was an ‘honest’ man and both he and Mary Hays had done much to avoid looking for relief before. Thomas Foxlove had been a hard-working man, a skilled man, who was killed whilst at work. The need to emphasise their morality, their probity, that they had lived up to their side of the ‘public transcript’ was essential if they were to be granted relief, however generous the county bench was deemed to be. Yet we cannot escape from the fact

⁷⁹ DRO, Q/SB/2/709.

⁸⁰ DRO, Q/SB/2/779.

⁸¹ Steve Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England c. 1550-1750* (Oxford, 2004), pp. 405-407.

⁸² *Ibid.*, pp. 405-432.

that they were entitled to support. There was a firm legal underpinning to poor relief going back to Elizabeth I. That they had to debase themselves with justifications at a time of real need, and in supplicating language is surprising. Sara Wollis, on the edge of ‘utterly perish[ing]’ described herself as being a ‘poor distressed’ women no less than seven times. She ended her petition by assuring the administrators of the poor laws that she would ‘Pray for your worships health's, long live's and prosperity’. After asking for the ‘clemency’ of the justices reading her case, Mary Hays also soothed them by saying she would ‘Pray for y[ou]r worships long life and happiness’. It has been asserted that these were the tropes that had to be deployed by petitioners to get relief. Scribes specialised in the task. Sara Wollis certainly got a scribe to write her petition as she could only manage a mark at the bottom of her petition.

In economically unequal societies, there is constant conflict over resources like food, fuel, housing and employment. There was plenty of popular agency in these contests over resources, but we must recognise that working people often lost out in these conflicts, putting them in situations like our friends in Derbyshire. That they had to debase themselves for the minimum of assistance, which was their legal entitlement, made it even less likely that recipients would critically assess the social alignments and class structure of their own society. Rather than using his work on role theory, we would do better to deploy Erving Goffman’s concept of the ‘total institution’.⁸³ A total institution could be a prison, or mental hospital, where the new inhabitant goes through a process of ‘mortification of the self’, when former identities are left at the door and the inhabitant is forced to outwardly conform to their new regime. The act of force and the unrelenting nature of these places scars the soul of the individual and inhibits their ability to critically analyse their new society, and more

⁸³ Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (New York, 1961) pp. 1-125.

fundamentally, to resist it. Goffman did not want to develop this interpretation into any kind of grand narrative; nor should we. But in terms of interactions, like the ones explored through the prism of pauper petitions, it proves infinitely more satisfying than some of the other interpretations on offer. To question the agency of pauper petitions is necessary, but it would be wrong to categorise all petitioning campaigns in the same way, even ones that failed. The clergymen of the Peak had more agency in their campaign than the paupers of Derbyshire had in theirs. The people of Chesterfield and Bawtry and Nottinghamshire had the ability to petition to make their case and cause. Yet the only similarity between the pauper petitions and the other petitions studied here, was that they were all operating under a long-term drive to capitalist accumulation.

There was then a process of accumulation by dispossession that the five clergymen and the opponents of the Derwent navigation fell prey to. This process, owed much, though not all, to a shift in the social-property relations that was occurring at this time. A process of social polarisation was under way. This is the ‘dispossession’ part of ‘Accumulation by Dispossession’, socio-cultural dispossession as well as economic. People did try in a multitude of ways to fight this shift; in this chapter, the method of choice was petitioning. Victims of this relentless process of accumulation were often thrown upon the mercy of the administrators of poor relief. The hegemony of a ruling class is never total. There were plenty of cracks in the edifice in which conflict and resistance could and did take place. Hegemony exists to limit opportunities and alternatives, and it is quite good at it. In a later age, laissez faire economics would go hand in hand with a new, harsh, utilitarian New Poor Law, part of an ongoing process noted here. Yet at this stage it was still feasible for contemporaries, the small producers, artisans and traders to develop an economic alternative. They could draw upon their own democratic traditions, independent of elite hegemony. It was an alternative

conceptualised in a ‘Tory-Jacobite-Country-Commonwealth’ vein. If this sounds somewhat complex, it was. Let us turn to the next chapter to unpack a seeming contradiction.

CHAPTER 3: Toryism as oppositional politics in Derby, c. 1710-1750

Under this stone here lieth one/ Whom bribes could neer prevail upon/From being for
the Tories heartily/In spite of all the Whiggish party/He always cried up church and
king/And scorned to do a knavish thing/Free from vain flattery and pride/As such he
lived as such he died.

This is the epitaph of Thomas Locker, a clog-maker from Derby who died in 1735. In this chapter, it will be argued that people like Locker were plebeian Tories. Tory politics could appeal to a wide range of different socio-economic groups and plumb the social depths of society. How and why they could do this will be accounted for. We need to begin by providing a working definition of ‘the people’, as it was constantly invoked by the country opposition during the Walpolean era. By arguing that it was a political construct on the part of that opposition, it will also be necessary to provide a definition of ‘populist’.

The ‘rage of party’ from the mid-1690s until 1714 dealt with fundamental issues of state and constitution such as the succession, with religion and occasional conformity on the part of Protestant Dissenters. It also dealt with taxation and foreign policy as well as sundry socio-economic issues stemming from the rise of the ‘fiscal-military’ state. Because these were fundamental questions, getting to the heart of the political debate, it should be no surprise that ordinary people took an important part in them. This was despite not yet having won the franchise. On a visit to Leicester in 1707, Jonathan Swift remarked that ‘...There is

not a chambermaid, 'prentice, or schoolboy in this whole town but what is warmly engaged on one side or the other'.¹ One grub street poet rhymed:

The oyster wenches lock their fish up/And cry 'No Presbyterian bishop!'/The mousetrap
men lay save-all by/And 'gainst Low Churchmen loudly cry/Some cry for penal laws
instead/Of pudding, pies and gingerbread/And some from 'Brooms, old boots and
shoes'/Roar out 'God bless our Commons House.'²

Derby would see similar internecine conflict during our period. Derby was governed by a corporation. It sent two M.P.s to Westminster and had a mayor, nine aldermen, a recorder, fourteen capital burgesses, a clerk, and, given to fluctuation, about 850 freemen eligible to vote. The first contested election in the town after the events of 1688 was in 1695. The Duke of Devonshire sought to use the election as an opportunity to install his son, Henry as one of the M.P.s for the town. This is important because it marked the beginnings of the Cavendish influence on the electoral politics of the town. The family would go on to dominate the town electorally until the start of the nineteenth century. Two other candidates put themselves forward in 1695, John Bagnold and George Vernon. Bagnold was the long-standing town clerk. He was intimately involved in borough politics and was widely respected locally. George Vernon was more of a maverick figure, having been an Exclusionist M.P. for the town from 1679-81. While the more substantial burgesses fell in behind Cavendish, Vernon concentrated on the meaner burgesses, as well as courting the local populace without a vote, burnishing his credentials as a man of independence. The

¹ Quoted in J. G. A. Pocock (ed.), *Three British Revolutions: 1641, 1688, 1776* (Princeton, New Jersey 1980), p. 81.

² Quoted in J. P. Kenyon, *Revolution Principles: The Politics of Party 1689-1720* (Cambridge, 1977), p. 150.

politic thing to do was for Henry Cavendish and John Bagnold to unite against Vernon, which they did, taking both seats in the town. This marked the origins of the symbiotic relationship between Derby Corporation and its more substantial burgesses, and the Cavendish family. In the election of 1698, Cavendish retained his seat with 241 votes, though played second fiddle to George Vernon, who garnered 272 votes, leading the poll. Henry Cavendish supported the Junto Whigs, while Vernon cleaved towards the burgeoning country opposition to the whiggery.³

The first election of 1701 passed off quietly in the town. Henry Cavendish had died and was replaced by his brother, James. George Vernon lost his seat to the Whig Charles Pye. Vernon had dithered on whether to stand for one of the county seats, which may have contributed to his defeat. The second election of 1701 was a fiercer contest that saw the mass creation of ‘honorary burgesses’ by the Cavendish family, aiding the Whig cause. This was a tactic that the family would use repeatedly, with the connivance of the whiggishly inclined corporation, for most of the eighteenth century. The Tory squire Henry Harpur topped the poll, with 305 votes to Cavendish’s 280 votes. The intensification of party politics in the locale made it so that the second election of 1701 would be the last time that two ideologically opposed candidates were elected at the same time until 1748. The election of 1702 saw Harpur retain his seat, joined by the loosely Tory Thomas Stanhope. It was a weak alliance, and both men lost their seats in 1705. James Cavendish regained his seat, in tandem with Thomas Parker, the borough’s recorder. This replicated the arrangement of 1698, with the corporation working closely with the Devonshire interest. The Tory party was so weak in the town that they failed to contest the election of 1708. The party could not decide whether to field Harpur and Stanhope again, or Nathaniel Curzon and Charles Stanhope. It would be

³ The following section on the electoral politics of Derby before 1715 leans heavily on Stuart Handley’s work on the county for the History of Parliament Trust: <http://www.historyofparliamentonline.org/volume/1690-1715/constituencies/derby>. Accessed 2/4/18.

national events that would radically change the Tories fortunes in the town. The Whig government elected in 1708 collapsed in the wake of the trial of Henry Sacheverell. Derby had been convulsed by riots and the destruction of a Dissenting meeting house during May, as had much of the country.⁴ The Sacheverell affair helped to reconfirm a perception that the Whigs favoured the interests of the Dissenters over the Church of England. This fused with popular opposition to the war with France that necessitated high taxes. It was felt that the 'moneyed interest' were growing fat on the back of the ballooning debt, military contracts and sinecures. These concerns came at a time of high grain prices due to the poor harvest of the previous autumn. All conspired together to bring down the Whigs.⁵ In the October election, as we shall see shortly, the Tories took control in Derby. The staunch Tory Henry Harpur regained the seat he had lost in 1705. He was elected alongside Richard Levinge. Levinge had been M.P. for Chester and Solicitor General for Ireland. He was also a strong Tory, joining the October Club of M.P.s minded to oppose the moderate Toryism of Robert Harley. The fortunes of the Tories receded rapidly after the death of Queen Anne in 1714. After 1715, the Whig party would dominate the electoral politics of Derby until the election of the independent Thomas Rivett in 1748. Derby Corporation, the wealthier burgesses and those with a professional occupation provided the support base for the Whig cause in the town, personified by the Cavendish family. The Tories may have been unsuccessful electorally in Derby after 1715, but they still had a solid base in the town. Their supporters were the shopkeepers, artisans, craftsmen and those with no vote at all. This dynamic made for fraught and contentious politics in the borough from 1715-1748. Exploring this will be primary concern of the first part of the chapter.

⁴ Geoffrey Holmes, 'The Sacheverell Riots: The Crowds and the Church in Early Eighteenth-Century London' *Past & Present*, Volume 72, Issue 1 (Aug. 1976), pp. 55-85.

⁵ Geoffrey Holmes, *The Trial of Doctor Sacheverell* (London, 1973).

The popular Toryism that we will find in Derby is a key theme of this chapter. While social historians may celebrate the political sophistication and agency of working people, contemporary elites were deeply concerned about it. This can best be seen in a debate that raged between Daniel Defoe and Jonathan Swift in 1710. This was a key year for it marked that trial and subsequent release of Dr Henry Sacheverell. As we have noted, Sacheverell was indicted and put on trial for seditious libel during which a huge crowd engaged in a night of riot in May. They had the opulent Dissenting meeting houses in their sights, with a number being destroyed. Sacheverell was found guilty of seditious libel but set free with the mild sentence of being banned from preaching for three years. The crowds were jubilant. Sacheverell even embarked upon a semi-regal procession to Herefordshire, giving provincial crowds an opportunity to pay homage. That the London crowds cleaved towards the Tory cause in 1710, a shift from the 1670s and 1680s, was a change celebrated by Swift, who declared the voice of the people to be ‘undisputably declarative’.⁶ Old time Whigs were less happy. Defoe decried this *volte face*, believing the Tory crowds to have been under the influence of the French and the Jacobites. He even went to the trouble of publishing several pamphlets, authored by one ‘Captain Tom’ who represented the leader of crowds that had fought for liberty and justice, not reactionary causes.⁷ What we see in Defoe's work of 1710 is one of the first applications of false consciousness to the working classes of England.

By 1710 most theoretical thinking on the part of the Whigs reflected the view that popular participation of any kind in politics was something to regret, even fear. Those two great Whig tribunes, Algernon Sidney and James Tyrrell had taken a resolutely elitist view of the people, believing that politics should be vested in the freeholder, not the labouring poor.⁸

⁶ *Examiner*, No. 44 (June 7, 1711).

⁷ C. F. Main, ‘Defoe, Swift, and Captain Tom’, *Harvard Library Bulletin*, II (1957), pp. 71-9.

⁸ Algernon Sidney, *Discourses Concerning Government* (London, 1698, 3rd edition 1751), pp. 75, 149, 423; James Tyrrell, *A Brief Enquiry into the Antient Constitution* (London, 1695), p. 4.

H. T. Dickinson noted ‘When they use the term "people" or "freemen", they inevitably meant those men who owned sufficient property to be economically independent of other men. They were quite content to restrict the franchise to the freeholders in the county and the merchants, shopkeepers and master craftsmen in the towns’.⁹ The near constant appeal to the people worried many including the Tories. Charles Leslie opined: ‘It was never yet known, or ever can be, what is meant by the word "people"...’.¹⁰ He felt it to be part of the setting up of a republican government. Swift, Defoe, Sidney, Tyrrell and Leslie, as ideologically diffuse a group, could not put their finger on the seemingly mythical ‘people’. We need to. What at least united these men was the need to differentiate between the ‘people’ and the ‘mob’.

When there were protests and popular assemblies in a cause to the satisfaction of the observer, we hear acclaims for ‘the people’, when the contrary, it was a hoodwinked, manipulated, violent mob. Rather than seeing the ‘people’ as a socio-economic group, or just the excluded in society, we should see it as a wholly political category, one that can encompass all sorts of different, disparate social groups, united in a common cause. In oppositional political action, they were a Gramscian counter-hegemonic bloc. Focusing on the popular politics of the American Revolution, Jason Franks utilizes the theoretical insights of the French sociologist Jacques Ranciere, and defines the people thus:

The people are an entity in whose name the state governs, *and* a higher power that can resist the authority of the state. For reasons historically rooted in the American Revolution, the people both menace and ground the political order; they are at once a constituent and constituting power.¹¹

⁹ H. T. Dickinson, *The Politics of the People in Eighteenth-Century Britain* (Palgrave Macmillan, 1994), p. 177.

¹⁰ Kenyon, *Revolution Principles*, p. 120.

¹¹ Jason Frank, *Constituent Moments: Enacting the People in Post Revolutionary America* (Durham, North Carolina, 2010), p. 7, *passim*.

The 'people' then are not just a judicial category or a catch-all term for non-elite groups or even a term for a de-classed proletariat. The political order was constituted by the people, and the people participate in political discourse. In this then they are a political category. As Frank argues, the state exists because of them, but they are frequently excluded politically. Yet when these disparate, excluded social groups exert themselves politically, they become a constituent force, shaping the political firmament. They are said by Frank to have been engaging in 'constituent moments'. Ranciere refers perhaps opaquely to these social actors as 'the part that have no part' and in the act of exerting themselves politically, they remind the elites of their existence, and their right to existence. Hence, they become 'the people'. The 'people' is a collective agent of politics, at one and the same time a constituent part of political society, and when engaged in direct democracy, a constituting part of society. Populist appeals were made by the Tories to the small gentry, artisans, craftsmen, shopkeepers, traders, farmers, cottagers and some of the poorer sort, all damaged by the Whig oligarchy. This counter-hegemonic bloc articulated opposition in a constitutional idiom, agitating for their freeborn rights and liberties against political and economic encroachments. This was 'the people', formed in direct political action.

We also need to provide a working definition of 'populist', to account for the seemingly elite appeals to working people. As noted there has been little focus on popular Toryism within the new social history. Gary De Krey and Nicholas Rogers have given it some useful attention, attending to the shift from Whiggery to Toryism in the hearts of many working people particularly, focusing predominantly on London.¹² Kathleen Wilson has addressed the issue too, though her definitions of 'popular' and the 'people' are far too broad

¹² Gary De Krey, *A Fractured Society: The Politics of London in the First Age of Party, 1688-1715* (Oxford, 1985); Nicholas Rogers, *Whigs and Cities: Popular Politics in the Age of Walpole and Pitt* (Oxford, 1989).

to have much empirical precision.¹³ We would perhaps have expected the Marxist historians to have engaged with popular Toryism, given the Communist Party Historians Group (CPHG) focused on popular liberties and our indigenous radical traditions, but they did not. There was little focus on our period and too much Defoe-like talk of ‘church and king’ mobs and hoodwinked client crowds. George Rudé, who conducted most of his research on the eighteenth century, was too preoccupied in looking for proto-revolutionary crowds rather than the more prosaic politics of independence and opposition advocated by buckle makers, miners, cordwainers and other petty producers. We could certainly be forgiven for expecting more right-leaning historians such as Geoffrey Elton and J. C. D. Clark to have given credence to the plebeian Tory, but they did not. This has a lot to do with their belief that the historian cannot empirically engage with the sorts of sources to ‘get at’ the political ideas of the commonalty.

The Tories sought to make populist appeals to a variety of social groups who shared an opposition to the economic policies of the Whig oligarchy. It is important therefore to remember that populism and class were intertwined.¹⁴ While his more recent work on populism has no engagement with class, the early work of Ernesto Laclau is valuable as he saw populism as a battle between the ‘people’ and the ‘power bloc’:

When the dominant bloc experiences a profound crisis because a new fraction seeks to impose its hegemony but is unable to do so within the existing structure of the power

¹³ Kathleen Wilson, *The Sense of the People: Politics, Culture, and Imperialism in England, 1715-1785* (Cambridge, 1995).

¹⁴ In their rush to junk class as a useful analytical category, Gareth Stedman Jones and Patrick Joyce embraced ‘populism’ as an alternative. See Gareth Stedman Jones, ‘Rethinking Chartism’ in *Languages of Class: Studies in English Working Class History 1832-1982* (Cambridge, 1983); Patrick Joyce, *Visions of the People: Industrial England and the Question of Class, c.1848-1914* (Cambridge, 1993), pp. 90-178.

bloc, one solution can be a direct appeal by this fraction to the masses to develop their antagonism toward the state.¹⁵

Laclau's analysis here is very Gramscian. We should equate the crisis within the power bloc with the battle between Whig and Tory, with the Whig oligarchy being challenged by the Tories who were always in contention for power at this time. They felt the need to appeal to working people with who they had much in common in policy terms, to confront a common enemy. For Laclau the appeals to different social groups are not class appeals, but popular-democratic appeals, appeals to the constitution, of liberty, or the popular rights of the freeborn- Englishman. They have no class belonging in themselves, yet:

The popular-democratic interpellations not only have no precise class content but is the domain of ideological class struggle *par excellence*. Every class struggles at the ideological level simultaneously as class and as the people, or rather, tries to give coherence to its ideological discourse by presenting its class objectives as the consummation of popular objectives.¹⁶

The rise in the fiscal-military state, with the development of the national debt and the Bank of England, predicated upon a regressive Whig taxation policy, dominated by the excise and the land tax, saw a shift in political power from the landed to the moneyed interest. This

¹⁵ Ernesto Laclau, *Politics and Ideology in Marxist Theory* (London, 1977), p. 173. His class-based interpretation of populism was formed through active engagement with left-Peronism in Argentina in the 1970s. Laclau also engaged with the theoretical debates on fascism and state theory, generated by Nicos Poulantzas. Laclau's recent work on populism can be found in Ernesto Laclau, *On Populist Reason*, (London, 2007).

¹⁶ Ibid, pp. 108-9.

shift was lambasted by Swift in his *Conduct of the Allies*. The new policies were driven through by what at times amounted to legal terror on the part of the Whigs. The Tories articulated their attack through ‘popular democratic’ means, campaigning for place bills, repeal of the Riot, Septennial and Black Acts, and a concern for popular custom. They sought to bring into existence ‘the people’, composed of other social groups similarly discontented by the Whigs. Advocating more frequent elections and land qualifications for M.P.s were not class demands, but we should not just dismiss them as constitutionalist or reformist. Laclau has shown how populism and class were like two skeins entangled. Tory demands for constitutional rights in the defence of Tory economic relations, set against the market, was undoubtedly class orientated. Indeed, in thinking about popular royalism in the 1650s, Lloyd Bowen has drawn our attention to the popular dismissal of republican officials by the poorer sort because they came from meagre means was to talk in class terms, even if it could be dismissed by orthodox Marxists as false consciousness. Indeed, ‘The roots of popular Toryism can, perhaps, be glimpsed in some of the declarations of cavalierism and anti-puritanism which issued from the mouths of cutlers, cordwainers and cobblers under the republic’¹⁷

Those Tory M.P.s that represented the borough and the county were certainly imbibed with an opposition to ‘Old Corruption’.¹⁸ Henry Harpur, Richard Levinge and Edward Mundy were constant Tories in the borough. Nathaniel Curzon, who represented the borough from 1713-1715, and the county from 1727-1754, was a constant thorn in the side of Robert Walpole. Gilbert Clarke, a county representative from 1690-1698 who we will recall ousted Philip Gell in the election of 1690, backed the Tory Treason Trial Bill of 1692, a Place Bill

¹⁷ Lloyd Bowen, ‘Seditious Speech in Popular Royalism, 1649-1660’ in Jason McElligott and David L. Smith (eds.), *Royalists and Royalism during the Interregnum* (Manchester, 2010), pp. 44-66, p. 66.

¹⁸ These small pen-portraits have been gleaned from the History of Parliament Trust: <http://www.historyofparliamentonline.org/>.

the same year, and initially refused to sign the Association oath of 1696. We met Thomas Coke when exploring the first election of 1701 that occurred at the time of the dispute over the 'Parsons' bill'. Coke was a staunch supporter of the country opposition. He voted against the standing army in 1698 and was in favour of the Commission of Accounts that scrutinized state expenditure, particularly on the military. In May 1702, Coke voted in favour of banning foreign officers from the armed forces. John Curzon was a county M.P. from 1701-1727. He advocated removing Dissenting justices from the bench and Whigs from deputy lieutenancies. Curzon also voted against the impeachment of Dr Sacheverell in 1710. Godfrey Clarke was the other county representative from 1710-1734. Like Curzon, he was a staunch Anglican, voting against the repeal of the Occasional Conformity Act in 1719. He also voted against the Whig Peerage bill in 1720 and the Excise bill in 1733.

When thinking about class the work of E. P. Thompson has had a fundamentally important influence on early modern studies, particularly his argument on the moral economy but also on his view that social relations in eighteenth-century society were conducted around the 'patrician-plebeian' binary. Thompson's work opens new vistas for us but is problematic. As Peter King notes, Thompson's analysis of politics is Namierite. It sees politics and the political system as irredeemably corrupt, as little more than a carve-up between various elite families and their kinship groups. This is much like the radicals of the later eighteenth-century criticised the rotten borough, conflating them to the whole political system.¹⁹ Politics was participatory. Thompson's 'patrician-plebeian' dichotomy failed to take account of the middling sort. While contemporaries certainly saw their society in stark polarities, social relations were often conducted through 'mutable social alignments', often cross-class in nature. We saw this in Chapter 2 in the opposition to the 'Parsons' bill' and the Derwent

¹⁹ Peter King, Edward Thompson's Contribution to Eighteenth-Century Studies: The Patrician-Plebeian Model Re-examined, *Social History*, Vol. 21, No. 2 (May 1996), pp. 215-228.

navigation. We will also see socio-economically expansive alignments being formed by the people of Derby in Chapter 5, in the defence of pasture rights and other customs. Steve Hindle has accounted for the importance of social alliances in earlier enclosure disputes. Hindle argues that ‘Certain specific issues might therefore cause the crystallization of powerful solidarities within the local hierarchy while simultaneously creating conflicts elsewhere’.²⁰ These ‘mutable social alignments’ have also recently been noted by Matthew Clark: ‘The politics of common right generated precisely these kinds of shifting and complex alliances based on temporary alignments or interests’.²¹ Thompson was on stronger ground when he argued for a ‘moral economy’ giving way to a ‘market economy’ based on exclusive private property rights and the free market. Recently this shift from ‘moral’ to ‘market’ economy has been reinvigorated by Adrian Randall.²² Randall identifies a social class of small producers: ‘Increasingly hard-pressed, could, because of relative independence, provide a core of resistance both to the rampant advance of agrarian capitalism in the countryside and to threats to the economy of petty production’.²³ It is the politics of this group, in union with the similarly hard-pressed small Tory gentry that will be the primary concern of the first part of this chapter. This will focus on electoral politics and popular Toryism in Derbyshire, 1715-1748.

We are studying an age before mass democracy and universal suffrage. John Plumb estimated an electorate in England of 200 000 in 1689, which Bill Speck believed had climbed to 250 000 by 1715, out of a population of about 5.5 million.²⁴ Plumb, Speck and

²⁰ Steve Hindle, ‘Persuasion and Protest in the Caddington Common Enclosure Dispute, 1635-1639’, *Past and Present*, 158 (1998), pp. 37-78, p. 75.

²¹ Matthew Clark, ‘The Gentry, the Commons and Commons and the Politics of Common Right in Enfield, c.1558- c. 1603’, *Historical Journal*, 54, 3, (2011), pp. 609-629, p. 610.

²² This is the key theme running through his excellent *Riotous Assemblies: Popular Protest in Hanoverian England* (Oxford, 2006).

²³ *Ibid.*, p. 174.

²⁴ Bill Speck, *Tory and Whig: The Struggle in the Constituencies, 1701-15* (Houndmills, 1970); John Plumb, *The Growth of Political Stability in England, 1675-1725* (Cambridge, 1967), *The Growth of the Electorate in England from 1600-1715 Past and Present*, 45 (1969) pp. 90-116.

Geoffrey Holmes convincingly argued that politically, we are analysing a participatory political system. Between 1694 and 1715 elections were being held on average once every two and a half years, with local franchises expanding. Being without a vote did not preclude a person from actively participating in the political process. They could participate through petitioning, addressing, reading the voluminous print press, or by engaging in the classic electoral riot. One of the key aims of the Whig oligarchy was to restrict the number of elections. They did this extending the life of a parliament to seven years in 1719, and passing the Last Determinations Act in 1725, making Parliament the final arbiter when deciding the composition of a constituency electorate. This would not have been done if the electorate was supine, and the political class understood elections were not foregone conclusions. In fact, Britain would not see such a wide franchise again until after the Reform Act of 1867. Lawrence Stone has gone as far as to argue that: 'For a brief thirty-year period, England was a genuine participatory democracy'.²⁵

By analysing voting patterns in Derby at this time we shall see that the elites of the town: politicians, lawyers, doctors and big businessmen lent their support to the Whigs, while shopkeepers, small traders, artisans and craftsmen and industrial workers lent their support to the Tories. Electoral politics grafted onto a wider conflict taking place in the town. This was fought along Whig versus Tory lines but was much more to do with independence versus oligarchy. These conflicts were about voting rights and the dominance and corrupting influence of the Cavendishes and the Stanhopes, both prominent local Whig families. The poll books for 1715, 1741 and 1748 have never been thoroughly analysed before so we will be making a real contribution to the history of Derby and of party politics outside of London, the primary focus of the pre-existing historiography. We will start with the general election of

²⁵ Pocock, *Three British Revolutions*, p. 80.

1710, for it was a key turning point for the Tories, gifting them a landslide election result both in Derby and nationally.

Bill Speck had this to say about events in Derby in 1710:

No poll book for Derby has survived from this period, had one in fact been published in 1713 or 1715 it would almost certainly have shown that a significant number of voters who were described as 'friends' of the Church in 1710 were later listed among its 'enemies' and vice versa. At least 131 voters in this town voted otherwise in 1710 than they had done on 1701, which was roughly 36% of those recorded as voting in both election. No fewer than 75 of these changed both their votes, 28 voting for two Tories in 1701 and two Whigs in 1710, 47 changing two Whig votes at the first election into two Tory votes at the second.²⁶

Fortunately, we have found the poll book for 1715 so will be able to build on Speck's argument.²⁷ In the election of 1715 the candidates were Edward Mundy and Nathaniel Curzon for the Tories and Lord James Cavendish and William Stanhope for the Whigs. There was a turnout of 801 voters, each with two votes. There were 136 'honorary' freemen who voted, of whom 129, or 94% who voted for the Whigs. Speck argued that while floating voters existed, plumpers, people who had two votes, but only cast one, were rare in four cornered contests. This point is confirmed in Derby as there were only two plumpers, Richard Ward and George Cockayne, both of whom voted for Cavendish. Speck also argued that party politics during the 'rage of party' was ideological. The consistency of the electorate

²⁶ Speck, *Tory and Whig*, pp. 31-32.

²⁷ Derby Local Studies Library (DLST), D/A/42, 1714 Poll Book. It is actually for 1715.

voting along party lines was widespread. For the Tories, 353 or 44% of the voters were straights. Straights were voters who used both of their votes for the same party. The Whigs amassed 415 or 52% of their votes as straights. Reconfirming Speck, there were only 31 splitters, or about 4% of the vote. In 1715 the Whigs won comfortably, both nationally and locally. But how does this compare with 1710? In 1710 the Tories were victorious. Richard Levinge received 368 votes and John Harpur received 365, a total of 733. The total number of votes cast was 1299 as each voter had two votes. The defeated Whigs, Richard Pye and Lord James Cavendish received 287 and 279 votes respectively. So, this was an accumulated vote of 566, or 44% of the vote to the Tories 56%. However, the Whig victory in 1715 was not as comprehensive as the Tory one in 1710. In 1715 the number of single votes was 1683, more than in 1710, illustrating how the honorary freemen had swelled the ranks of voters. Cavendish received 457 votes and Stanhope 443 votes, totaling 900, or 53%. Mundy and Curzon did better than their Whig counterparts did in 1710, getting 388 and 395 votes respectively, totaling 783 or 47% of the vote. The Whigs had only managed 44% in 1710. The newly created freemen certainly had a key role in helping the Whigs to victory.

Populist Toryism and Jacobitism was present in Derby after 1710. As noted at the start of the chapter, great bonfires were lit in the market place and at Nun's Green to celebrate the freedom of Henry Sacheverell in 1710, a catalyst for the Tory victory we saw in 1710. Yet much of the Tory-Jacobitism at play in Derby was clerical. Sacheverell himself had preached his infamous sermon '*On the Perils of False Brethren*' first in All Saints church, Derby. The antiquarian and historian William Hutton commented on Samuel Sturges, the minister of All Saints, who in one service 'accidentally':

Prayed publicly for King James, but after a moments reflection said, "I mean King George". The congregation became tumultuous; the military men drew their swords,

and ordered him out of the pulpit, into which he never returned. He pleaded a slip of the tongue; [Henry] Cantrill of St Alkmunds, drank the Pretender's health upon his knees and the Thirtieth of January became the most holy day in the year.²⁸

We will meet Henry Cantrell in Chapter 5. In this quote, Hutton is referring to the execution of Charles I, a topic that greatly occupied Cantrell's mind. While there were aspects of street protest in Derby, it was elections that counted and the election of 1734 was one of the most important in our period, coming hot on the heels of the excise crisis of 1733, which had seen the defeat of Walpole and stoked the hopes of the Tories. The *Craftsman*, that oppositional tribune, had noted that the Derbyshire Assizes 'Ostentatiously thanked the county's representatives for opposing the excise in 1733'.²⁹ The Whig Cavendishes had played a tricky game in 1733. As Paul Langford notes, they:

Had deserted the ministry in the later excise divisions, did not suffer by it. They were thanked by the Assizes with the other Derbyshire M.P.s, who had voted against the excise and still more significantly, they not only retained one of the seats at Derby, but also gained a seat from the Tories in the county, a major victory which represented the court's only new success in the counties and was to give the Cavendish family a knight of the shire for more than a century.³⁰

Paul Langford, in his important work on the Excise Crisis, remarks upon the 'seigniorial power' of the Cavendish family in electoral politics in Derbyshire and its county

²⁸ William Hutton, *History and Antiquities of the Borough of Derby* (Derby, 1791), pp. 202-203.

²⁹ *Craftsman*, 4 August 1733.

³⁰ Paul Langford, *The Excise Crisis: Society and Politics in the Age of Walpole* (Oxford, 1975), p. 135.

town.³¹ Their territorial strongholds were in the High Peak and Scarsdale Hundreds. In High Peak, which contained Chatsworth House, the headquarters of the Cavendish family, Charles Cavendish got 769 votes to Curzon's 195 and Harpur's 164. It was as bad in Scarsdale, where Cavendish got 518 to Curzon's 311 and Harpur's 258. That Curzon and Harpur would split the vote is obvious. Henry Harpur was following in the Derbyshire convention of it being a Tory gentleman who represented the south of the county. Indeed, the Tories did much better in the hundreds of Appletree, Morleston and Litchurch and Repton and Gresley. Langford comments: 'In Derbyshire, for example, the Tory candidates, Curzon and Harpur did substantially better among those described in the poll books as "esquire" "gentleman" or "clerk" than did their opponents'. The Cavendish family was venal. In their landed strongholds, they could chivvy their tenants to vote for them. They could flood Derby with their freemen too. This conduct confirms everything that we think we know about the eighteenth-century electoral system: venal, corrupted, manipulative. Yet the picture is more complex than that. Norma Landau was wrong to argue that electoral politics was predicated purely on deference and patron-client relationships.³² Take 1734 for example. Nathaniel Curzon and Henry Harpur spent upwards of £500 on the election, on getting their voters to Derby, on inns and treating.³³ Why do this if it was a foregone conclusion that they would lose, never standing a chance against the most whiggish of Whig families? The treating of voters could be described as venal and was certainly remarked upon at the time. Frank O'Gorman has argued for the importance of the ceremonial of elections.³⁴ Election rituals such as treating, the wearing of colours and ribbons, the revelry, the speeches, the chairing of

³¹ Ibid, pp. 135, 153. For the county poll book for 1734, see Derbyshire Record Office (DRO), D215 Z/Z 1.

³² Norma Landau, 'Independence, Deference and Voter Participation: The Behaviour of the Electorate Early-Eighteenth-Century Kent', *Historical Journal*, 22 (1979), pp. 561-83.

³³ DRO, D5054/25/3.

³⁴ Frank O' Gorman, 'Campaign Rituals and Ceremonies: The Social Meaning of Elections in England 1780-1860', *Past and Present*, No. 135 (May 1992), pp. 79-115.

the elected member, involved the whole community. This was more than ‘virtual representation’. Indeed, so dissatisfied were Derbyshire folk with the election of a Cavendish in 1734, that they refused to chair him!³⁵ Electoral politics grafted onto the local community. Voting took place in the Guildhall in Derby, the populace listened to speeches in the marketplace, and had a pint and a pie in the many alehouses and taverns in Derby, all on the candidates’ bill. The rich symbolism of an election reaffirmed civic values on the part of all the inhabitants. The importance of civic pride tied in neatly with issues around independence, both political and economic.

If the election of 1734 was important nationally, the election of 1741 was a bitter contest locally. Methodologically, Frank O’Gorman’s work on the unreformed electoral system will be the basis for our analysis.³⁶ It is the most recent comprehensive analysis of electoral data, engaging with, yet superseding work by John Phillips. His occupational categories are clear and sensible and there is always a focus upon the importance of independence as a driving force in shaping political outlook, in a dialectical relationship with that of oligarchy. There were upwards of two hundred self-described occupations across the poll books that O’Gorman uses; we have considerably less. He breaks this down into five categories: gentry and professionals, merchants and manufacturers, retailers, craftsmen, semi-skilled and unskilled workers and agricultural workers. During this period, O’Gorman states that the gentry and professionals made up 14% of voters, merchants and manufacturers 5%, retailers 22%, craftsmen 36%, semi and unskilled workers 14% and agriculture 4%. This is broadly in line with Phillips count of 10.7%, 4.3%, 18.1%, 53.1%, 8.4% and 2.4% respectively. Like O’Gorman, we will define semi-skilled craftsmen as semi and unskilled

³⁵ Stephen Glover, *The History and Directory of the Borough of Derby* (Derby, 1833), pp. 386-7.

³⁶ Frank O’Gorman, ‘The Unreformed Electorate of Hanoverian England: The Mid-Eighteenth Century to the Reform Act of 1832’, *Social History*, Vol 11, No 1 (Jan 1986), pp. 33-52.

labour. At this time, Derby had several trading companies, for mercers, apothecaries, grocers, ironmongers, upholsterers, milliners, chandlers, tobacconists, felt makers and salters.

Occupations that do not fall into these trades have been classified as semi or unskilled labour.

In 1741 there was a contest between German Pole, a Tory gentleman from Radbourne, versus William Ponsonby, Viscount Duncannon, a kinsman of the Cavendishes. Duncannon polled 346 votes to Pole's 300.³⁷ So, 107 of our voters were categorised as gentry and professional, making up 16.5% of the total votes cast, and they lent heavily to the Whigs. Duncannon got 11 of the 13 aldermen votes available along with the clerk, William Bateman, the High Sheriff, John Gisborne, and the sergeant, John Porter. Unsurprisingly the two Dissenting ministers, Mr Rogerson and Vicessimus Peters, voted Whig. Several of the 'esquires' voted for Pole, but a number came from south Derbyshire and had property in town. Pole did well with every other group. Merchants and manufacturers made up 4% of the votes cast and a majority, 53.3% voted Pole. The mercers were evenly split. The backbone of Tory and Jacobite support, indeed the support base of most right leaning groups throughout history, the shopkeepers and small retailers, formed Pole's largest group of supporters.³⁸ They made up 12% of the vote and a huge 65.4% voted for Pole. Remember that O'Gorman argued that it was the retailers and craftsmen who were most concerned with the issue of independence, both economic as they owned their own premises, their own tools, their means of production, as well as hiring apprentices. The craftsmen, who made up 24.7% of the vote in Derby, voted heavily for Pole; 56% of them voted for the Tory candidate. Interestingly, Pole did well amongst the semi and unskilled occupations, but was not able to carry most them. They made up a full 39% of the votes cast, more than O'Gorman's 14% for this group.

³⁷ The Poll book was published as *A True List of the persons who polled as Burgesses of the Borough of Derby for the election of a Burgess to serve in the Parliament at Westminster* (Derby, 1741).

³⁸ For analysis of the 'petite-bourgeoise' and their politics of independence, albeit for a later period, see Geoffrey Crossick and Heinz-Gerhard Haupt, *The Petite Bourgeoise in Europe 1780-1914* (Oxford, 1995).

This high percentage belies the fact that we are in an industrial town and the poll book is replete with cordwainers and stockingers. Only 47% voted for Pole. It is difficult to gauge why this might be. Pole was a country squire, and we know that this occupational group was the least likely to be concerned with the issue of economic independence, as wage labourers. It may well be the case that many of the semi and unskilled were barred out from voting. The poll book for 1741 was published and ended:

N.B. There are about 70 Honorary-Burgesses included in the poll for L. Duncannon; and tho' Mr Pole polled 51 voices besides the above said 300, who said they was qualify'd, and had tendered themselves before at Common-Halls to be swore but were refus'd; yet the MAYOR would not allow any of the to be good voices, and refus'd polling them because they were not sworn!³⁹

It appears that German Pole, the Tory candidate, backed by the craftsman and shopkeepers and artisans, won the election but was cheated. Doubly cheated, both by the honorary freemen and the barring out of voters inclined to the Tories. William Turner, Pole's agent at Derby commented on the result:

A scandalous method of late years in making honorary Burgesses so called, but deserves another name, that is, to collect a significant number of men, strangers to the borough, from all parts of the kingdom, give them a Burgess oath, and then these men are upon any caprice of the Corporation called in to serve a turn and quite destroy the fundamental rights of the true Burgesses of this borough.⁴⁰

³⁹ Ibid, p. 16.

⁴⁰ L. Eardly-Simpson, *Derby and the Forty-Five* (London, 1933), p. 18.

That ill-intentioned men were skewing the vote fundamentally undermined the independence, the ‘rights’ of the resident burgesses. Turner added the extra dimension of them coming from outside of the town, outside of the county. How could they possibly have the best interests of the town at heart if they had never set foot there?

The creation of these burgesses became infamous in the politics of the town. In 1832, Charles Colville, a Tory candidate for the constituency, remembered the inequity, and who was responsible: ‘At that period the House of Cavendish felt the tenure of the borough of Derby insecure, and what did they do? Why-they found it necessary to make 257 of their tenantry bastard burgesses to swamp the chartered and independent burgesses of the borough’.⁴¹ We know that of the men who were barred from voting in 1741, forty-three contested their disenfranchisement and seven were successful in their cause.⁴² They were able to vote again in 1748, where four of the seven voted for the independent candidate, Thomas Rivett. They included Richard Burton, a butcher, Thomas Broughton, a brick maker, John Bakewell, a tailor and William Cotton, a wheelwright. These were the sorts of men we might have expected to vote for Pole. Their justifications for being entitled to vote are full of the language of rights: ‘Was a burgess so claims his right by birth’; ‘He says he claims his freedom being born a burgess’; ‘Was a burgess long before he was born’; ‘He claims his right of burgess as a burgess born’.⁴³ Derby was a freemen borough and freeman status could be inherited. In their fight to use their votes, working men had to use a language of rights to articulate themselves, making the discourse of the ‘freeborn-Englishman’ one of active citizenship. In defence of their cause, they drew attention to the fact that they had been apprentices, which showed their economic independence and their masculinity. Civic pride

⁴¹ Ibid, p. 26.

⁴² DRO, D5563/1-2.

⁴³ Ibid.

was reinforced not just in fighting for their vote but in recalling the mayor at the time of their becoming freemen: was it Smith, Wagstaff, Gisborne or Bakewell?

That some could vote next time round was cold comfort to German Pole. We know that he intended to contest the vote; this is perhaps why the poll book was published. However, he must have changed his mind for there is no record of his petition in the *Commons Journal*. He may well have dropped his suit because by petitioning, he would have put the franchise of Derby under the spotlight. The Last Determination Act of 1725, which gave the House of Commons the final say on franchise composition, could have made a bad situation much worse for the Tory cause in the town.

Partisan politics made it so that there was a penetration of national concerns at the local level too. It is necessary to provide some national context to the election that we have explored. We will do this by studying some of the pamphlet debates from 1741-3. These debates manifested themselves because of Walpole's fall from power and the apostasy of those oppositional Whigs and Tories who jumped straight into government. The Whig faction in Derby was divided over Walpole's fall. James Cavendish had consistently backed the Whig cause, voting for the Septennial Act in 1716, the repeal of the Schism Act in 1718 and the Occasional Conformity Act in 1719. He also loyally supported Walpole over the Excise bill in 1733.⁴⁴ This was more principled than the actions of his kinsman and one of the county's M.P.s, Lord Charles Cavendish, who supported the Excise bill initially, but changed his mind at the last minute. In 1742 we will recall that the borough's other M.P. was John Stanhope. He was a Whig of a different stripe to the Cavendish family. Stanhope was the brother of Lord Chesterfield, a staunch opponent of the Whig establishment. Stanhope voted

⁴⁴ <http://www.historyofparliamentonline.org/volume/1715-1754/member/cavendish-lord-james-1673-1751>, Accessed 12/03/18.

consistently against Walpole in all the divisions of 1742.⁴⁵ The apostacy of some of the opposition after the fall of Walpole was defended in a deeply regressive, anti-populist tract by the Whig Lord Perceval. The arguments that flowed from its publication in 1743 provided an opportunity for the Tories to advocate their uprightness, constancy to popular causes and unrelenting opposition to the Whig oligarchy.⁴⁶ These debates, taking place at the same time as German Pole's travails in Derby, show us the links between national and local politics. Brick makers and butchers were fighting in the same cause as German Pole, who was swept up in an election that fundamentally got to grips with the issues of oligarchy versus independence.

Walpole's fall in 1742 led to a flurry of pamphlets that justified a continuity of opposition.⁴⁷ The oppositionist Whig Lord Chesterfield wrote a pamphlet '*In Defence of the People*', where he even praised the Tory cause and lambasted the Whigs: 'Have they not made a worse use of parliaments, than ever the Tories did of the prerogative? Have they not employ'd the constitution to destroy the constitution? Have they not sanctify'd grievances by the voice of the legislatures and thereby done their best to disarm the people of all possible redress? You know they have'.⁴⁸ In *Natural Unanimity*, we learn that 'On the contrary, we have proof that those maligned Tories, together with many worthy Whigs, have acted, not only like men of honour, by keeping up to their professions, but upon such principles as old Hampden himself would not be ashamed of'.⁴⁹ In *Opposition, more Necessary than Ever*, we find an excellent summary of the Tory cause:

⁴⁵ <http://www.historyofparliamentonline.org/volume/1715-1754/member/stanhope-hon-john-1705-48>, Accessed 12/03/18.

⁴⁶ John Perceval, 2nd Earl of Egmont, *Faction Detected, by the Evidence of Facts* (London, 1743).

⁴⁷ This period and these debates are dealt with in Robert Harris, *A Patriot Press: National Politics and the London Press in the 1740s* (Oxford, 1997).

⁴⁸ Lord Chesterfield, *A Defence of the People* (London, 1744), pp. 95-6.

⁴⁹ Anon, *Natural Unanimity Recommended, or, the Necessity of a constitutional resistance* (London, 1742), p. 26.

The Partition Treaty in King William's reign, which was produced most of the evils we have felt ever since, was the handy-work of the Whig ministers, whom a Tory House of Commons had endeavored to punish. The anticipation of the revenue in that and the succeeding reign, which have entailed the present national debt under which we groan, was a Whiggish manufacture, and strenuously opposed by the Tories. The Septennial law, the riot law, and the manifold enslaving laws, that regard the revenue, are of Whiggish growth. Such also was the memorable excise scheme, which, had it succeeded, would have rendered the Minister invulnerable. The Waltham Black Act, by which the subjects are virtually disarm'd; the temporary suspension of the Habeas Corpus Act which endangers the liberty of all ranks of subjects, and indeed all coercive laws, of which the people complain with reason, are of begetting of our boasting Whig prosecutors, and were constantly and warmly opposed by the Tories.⁵⁰

This passage neatly encapsulates the history of country, specifically country Tory opposition. We are in 1742, yet we have a potted history that goes back to 1697. It clearly shows that the Whiggish economic policy could only be implemented by the subversion of political liberty, and it was the Tories who opposed this. This opposition turned on issues including opposition to the Riot Act, which was an attack on popular assembly, and on the Black Acts, which were an attack on the legitimate opposition to the erosion of the customary rights of the people. These pamphlets were attempting to unite and justify the need for a constitutional opposition to the court Whigs. That it was the Tories they turned to is significant.

⁵⁰ Anon, *Opposition more necessary than ever* (London, 1742) p. 29.

There was another flurry of pamphlets in 1743, dealing with similar issues. The need for oppositional unity was key, and this could be achieved by uniting the groups most put out by the Whig oligarchy. In *Opposition not Faction*, these persecuted groups are enunciated: ‘The husbandman throws up his farm, the manufacturer is unemployed, the lesser tradesman fails and the great adventurer stops his hands, vainly wishing to resume his commerce in more favourable things’ and ‘In the present decay of trade, the landed gentlemen suffer no less than others: they suffer in the non-payment of their rents, in their land being thrown upon their hands, and in the price of all they purchase either for the necessity or conveniency of life’.⁵¹ As we shall see time and time again, the solution to these economic policies was in constitutional radicalism, couched in a popular-democratic idiom. Our author continues, waxing lyrical about Anglo-Saxon liberties: ‘No laws were made but in a common council of the kingdom, and the principle parts of the administration were in the hands of the people, who supervised the whole’.⁵² In a paen to feudalism, we learn that: ‘Justice was administered by the lords of the manors to their tenants, and to all persons, whatever in the hundred and county courts, where freeholders were judges’. It would be impossible to pack a jury then, as ‘In those days, the sheriff and coroner were the ordinary and perhaps the only conservers of justice of peace in each county, and these were chose by the people’. For our author, it was more than just Walpole or William of Orange or even Cromwell that was to blame, for in that long-established tradition of lost rights, it was the Normans who were the root cause of the problem: ‘All the lands in England were distributed amongst the Normans, who held them to themselves and their heirs, forever, knights service’.⁵³ This is important as it gives the ‘Norman Yoke’ thesis an economic dimension. We know about the importance that property, particularly landed property, had in Tory political thought; for land conferred political power

⁵¹ Anon, *Opposition not Faction, or, the Rectitude of the of the present Parliamentary Opposition* (London, 1743), p. 40.

⁵² Ibid, p. 42.

⁵³ Ibid, pp. 43-44.

and social responsibility. That this had been negated in 1066, and was being abused by the Whig oligarchy in 1743 would not be lost on the reader. The pamphlet goes on to provide a neo-Harringtonian analysis of the Tudor period, on the sale of monastic land and the need for 'balance' in the constitution. That the polity had decayed by 1743 was something to be regretted. That it would be the small rural Tory gentry and the urban artisans and shopkeepers, men who prized economic and *ergo* political independence, who would reform the nation and address its social issues was a given. That they would do so through policies predicated on constitutional rights should by now be obvious.

The election in Derby in 1748 was a straight fight between the Whig Thomas Stanhope and the independent Thomas Rivett. A vote had been called due to the death of a sitting M.P., John Stanhope, a kinsman of Thomas Stanhope. Rivett, against the odds, won the seat with 382 votes to 311, giving him a good majority of 71 over Stanhope.⁵⁴ We have seen the power of plebeian Toryism in Derby, yet German Pole had been unable to win in 1741. The poll in 1748 was blighted by corruption on the part of the Whigs, but Rivett prevailed. Why? Rivett was not closely identified with the Tory cause, though he still cultivated the votes of those craftsmen and retailers who gave independence primacy when casting their vote. Rivett was a local man, and a business man. He owned a share in Cockpit Hill Potworks, which would later become Derby Porcelain. He was not a scion of the landed gentry. His father, also called Thomas, had been mayor of Derby in 1715, and had voted for the Whigs in 1710 and during his mayoralty. In 1741 German Pole had managed to get 27.1% of the gentry and the professional vote; Rivett got 26.2%. This shows that the Whig cause was still dominant amongst local elites, especially in local government. This category had only made up 16% of all votes in 1741, but 31% of the voters in 1748. This gives us an idea

⁵⁴ The Poll book was published: *A Copy of the Poll of the Burgesses of the Borough of Derby* (Derby, 1748).

of the sort of town Derby was, comfortable and hospitable to the gentry who wanted to spend much more time in Derby than on their estates. The number of lawyers, the backbone of Whig support, shows us the importance of Derby as a prominent Midlands town where there was much legal work to be conducted. Yet the result was more mixed in 1748. Of the five-alderman recorded, four voted for Stanhope, as did the mayor and the recorder, though Robert Hawkesly, the sheriff's bailiff and Richard Whitby, the under-sheriff, voted for Rivett. Interestingly, Pole did better than Rivett amongst the big merchants and manufacturers, gaining 53.3% of their votes to Rivett's 42%. But it is when we get to the retailers, craftsmen and the semi and unskilled labourers that we can see how Rivett triumphed. In 1741 Pole received 65.4% of the retailer vote, an excellent result, reconfirming the points that Frank O'Gorman made about the importance of independence to this occupational class. Rivett, however, received a whopping 78.6% of the retailer's vote. Rivett beat Pole amongst craftsmen, getting 64.2% to Poles 56.8%. Yet it was amongst wage labourers that the difference between Rivett and Pole is most stark. In 1741 Pole got a minority of their vote, 39.4%. Rivett got 68.4%. This shows us the economic changes that were taking place in the local economy as industrial production took hold. By 1748, occupations like 'silk-works' appear in poll books, occupations that were absent in 1741. Eight voters were listed as being wage labourers at the silk mills: William Cope, Bryan Barker, John Ufton, Richard Birch, John Linnet, William Strong, John Wild and Joshua Smith. Seven of them voted for Rivett, with only William Cope plumping for Stanhope. These men had to be freemen to be entitled to vote. It is unlikely that as wage labourers they owned enough property to have earned a vote. Rather, it is likely that they had inherited their right to vote. This is important because it shows the economic development that Derby was going through, that in the space of one generation men had moved from the workshop to the factory, yet had taken their commitments to liberty and independence with them. Wage labour is a fundamentally

different type of property to that of the sturdy artisan, owning, or at least not being separated from his means of production, and we have seen how the craftsmen and artisans constantly voted for Tory and independent candidates on this basis. Indeed, we know about the importance of property in conferring political power. Even though the silk workers were waged, the habitus of Derby and the long tradition of party conflict, often against oligarchy, fundamentally shaped these men's thinking. And regardless of where they worked, that spirit, that structure of feeling, was important. In 1748 it was Thomas Rivett that reaped the electoral benefits. What then of our erstwhile friends, the honorary freemen? They were prolific in 1741, denying German Pole and the Tories a victory. They made their presence felt in 1748 too.⁵⁵ There was a whole phalanx of them from Edensor in north Derbyshire. Edensor was part of the Chatsworth estate.⁵⁶ Eight of them came down to Derby to vote, including the village clergyman, Reverend Mr William Baker. They all voted on the same day, 19 December. They all voted for the Whig candidate, Thomas Stanhope. Unfortunately for the Cavendish family, swamping Derby with their freemen did not prevent the stunning victory of Thomas Rivett.

As we have seen the 1740s were a fractious decade, both locally and nationally. John Brewer has commented:

The urban agitators of the 1740s did not generate a class critique of power beyond highlighting the constellation of interest, which benefited most from the expansion of the state under Whig leadership. Rather, they called on 'honest men of all ranks and

⁵⁵ Derby Local Studies Library (DLSL), D/A/8, A list of non-resident Burgesses of the Borough of Derby, 1750.

⁵⁶ The original village of Edensor was moved out of sight by the Cavendish family between 1838-1842 as it blocked the view from Chatsworth.

persuasions to preserve those traditions of independency which were felt to be imperilled by the Whig supremacy.⁵⁷

In Derby, independence was paramount, and we have analysed occupation, rather than class. However, we should not go as far as arguing that the country opposition was a class-free ideology. It was not. It dealt with economic change, the relationship between the landed and the new moneyed men and argued that property conferred political power and fundamentally for our concerns, social obligations, which could be class inflected. This reflects what Ernesto Laclau argued regarding class and populism.⁵⁸ To get to grips with this and to build on what we have found in Derbyshire, it is necessary to account for the intellectual contours of popular Toryism. What was it? What was it setting out to achieve, and why was it as successful as it was in becoming the popular idiom of the age? The working people of Derby lent their support to the Tory cause consistently, but why would they do so? Surely, they were simply being hoodwinked or brainwashed, that they did not understand their rights properly? To understand plebeian support for Toryism we need to recognise the economic changes that were taking place, and the constitutionalist responses the opposition came up with. The shift from moral to market economy was not a unilinear thing, it was a process, happening at different speeds in different geographical locations, and as we noted in the Introduction, it was a process of ‘market dependence’, that of marketising what had formerly been customary or household economies. This led to a separating of the economic and the social; as Ellen Meiksins Wood notes: ‘To put it simply, once the economic power of the propertied classes no longer depended upon “extra-economic” status, on the juridical, political and military powers of lordship, a monopoly on politics was no longer

⁵⁷ John Brewer, ‘The Urban Opposition to the Whig Oligarchy, 1720-60’ in Margaret C. Jacob and James Jacob (eds.), *The Origins of Anglo-American Radicalism* (London, 1984), pp. 132-48, p. 145.

⁵⁸ Ernesto Laclau, *Politics and Ideology in Marxist Theory* (London, 1977), pp. 140-199, p. 173.

indispensable to the elites', so: 'Capitalism, by shifting the locus of power from lordship to property, made civic status less salient, as the benefits of political privilege gave way to purely "economic" advantage'.⁵⁹ The social-property relations of the Tories, which bundled up a complex web of socio economic relations, ones often predicated upon face-to-face relations, dependent on patronage and clientage, paternalism and deference, mutualism and reciprocal obligations, were becoming obsolete. The new economy that was propelled by the financial revolution and the fiscal-military state, had no requirement of 'civic status' or benevolent munificence on the part of a rural squirearchy, the cash-nexus put paid to it. This was made abundantly clear in the literature of the age, represented by Squire Western in *Tom Jones* or Roger de Coverley in the *Spectator*. They were presented as rural boobys, nice but dim anachronisms who could only refine themselves by going to live in the cities. To hold political power no longer required a moralistic economic message. The ties that had bound socio-economic and political relations had been severed, and the Tories lost out, both economically and politically.

Wood argues that as the economic and the political were separated, it became possible to advocate for democratic rights, leading on to universal suffrage.⁶⁰ While this argument works to an extent, it underestimates, or at least fails to engage with the politics of the Tory gentry and the small producers, much like Marx talking of 'rural idiocy' in 1848. Wood would need to account for the fact that the leaders of the Tory party like William Wyndham and John Hynde Cotton were advocating male suffrage in the 1730s and 1740s. It would be a mistake to claim that the Tories wanted anything other than a hierarchical society, one predicated upon social authoritarianism, but it was entirely possible to advocate for constitutional rights within their social-property relations, without the separation of political

⁵⁹ Ellen Meiksins Wood, *Democracy Against Capitalism: Renewing Historical Materialism* (Cambridge, 1995), p. 207.

⁶⁰ *Ibid*, pp. 204-238.

and economic. This dovetailed with the separation of the labouring poor from the means of production, the land, custom and the workshop. All this was being driven by market forces and the need to regiment oneself in its wake. We have seen the importance of independence to the small producers of Derby and we already know that for many elites, the possession of property, particularly landed property, conferred political rights and social responsibilities. That this independence, this 'liberty from non-domination' as Quentin Skinner calls it, was essential to the Tory vision of social and economic power.⁶¹ In the Tory world-view, it was wrong that wealth could be gained by paper money, which was unstable and rootless, with none of the social responsibilities conferred by the land. Those economically independent men had a political voice and social obligations to those who did not. The Tories did not love the people, but they had the same enemies and the fusion of political and economic relations did give a status (though a subservient one) to working people. It was entirely consistent for the Tories to agitate for constitutional solutions to socio-economic problems and for the commonalty, who had their own politics of rights, to demand more political power.

J. G. A. Pocock is right to chide Marxists 'of the simpler kind' for being preoccupied by the rise of the bourgeoisie or their inability 'To account for the penetration of republican and Tory values into the vocabulary of dissident urban groups during the eighteenth century, nor the persistence of this vocabulary in the radicalism of the nineteenth'.⁶² It is still a curiosity though, how the Tories, committed as they had been to divine right monarchy, could become the stoutest champions of constitutional rights and the sovereignty of people; it was much remarked upon at the time, though has been little explained. Linda Colley has done the

⁶¹ Quentin Skinner, *Liberty before Liberalism* (Cambridge, 1997).

⁶² J. G. A. Pocock, 'The varieties of Whiggism from Exclusion to Reform: A History of Ideology and Discourse' in J. G. A. Pocock, *Virtue, Commerce and History: Essays on Political Thought and History, Chiefly in the Eighteenth-Century* (Cambridge, 1985), pp. 246, 230-252.

most to analyse the Tory party in the early eighteenth century, both acknowledging the viability of Toryism and its popular appeal.⁶³ Yet Colley argued too often that the Tory appeal to working people was insincere, that it was being done purely for electoral purposes, rather than principle.⁶⁴ Colley also claimed that the Tories were being hypocritical in owning shares, yet condemning the financial revolution, and cynical in championing the agrarian interest whilst being industrialists.⁶⁵ Colley was quite right on this, yet it misses the point. The Tories were never opponents of trade and commerce, what they were opposed to was market dependence, whereby economic relations would be dictated by the needs of the market, rather than reciprocity, paternalism and deference. Indeed, some of the biggest supporters of the country opposition in the 1730s, were the tradesmen and artisans. We met Humphrey Mackworth when looking at the lead tithe dispute. He owned a number of foundries in the West Midlands and was against tithes as inhibiting capital accumulation. Yet he also wrote a strong defence of parliamentary sovereignty in 1701. There was nothing contradictory about the Tories. They lost out as much as many working people in the shift from a moral to market economy, both in terms of wealth but also in terms of power and control too.

We have illustrated the existence, and vibrancy of popular Toryism in Derby during the early eighteenth century. We are going to move away from Derbyshire for the last part of this chapter, to better understand the intellectual contours of plebeian Tory thought. While the thesis is a series of ‘episodes’ from Derbyshire, one of the threads that ties them together is the role that the country Tory opposition played in local society, particularly as a response to socio-economic change. The theoretical origins of this populist country Tory ideology need

⁶³ Linda Colley, *In Defiance of Oligarchy: The Tory Party 1714-1760* (Cambridge, 1982).

⁶⁴ *Ibid*, pp. 100, 101, 125, 129.

⁶⁵ *Ibid*, pp. 146-149.

to be thoroughly accounted for as it is at the core of this thesis. This will be the primary aim of the last part of this chapter. To do this, we must go back to the Levellers of the English Revolution.⁶⁶ This may seem a contradiction, yet the Levellers and Tories shared similar traits. They were both mass movements in the country, utilizing a variety of tools to articulate their cause, such as petitioning and addressing, and their social composition was made up of small producers and artisans. It was the small producer who had most to lose from capitalist development and both the Levellers and the Tories were able to persuade many of them of their cause. This cause was a radical constitutional defence of the small producer against an encroaching parliament and overweening fiscal-military state. They were both advocating the sovereignty of the people.

When the first Civil War began in 1642, a body of literature quickly grew up which sought to defend the rights of the Commons against Charles I, that Parliament had a right to wage war, and that it was a sovereign body that represented all the people in the fight. Both Henry Parker and Samuel Rutherford were key to this. Royalists such as Hugh Ferne were quick to question the inconsistency that has bedevilled representative democracy ever since. This is the tension that exists between the sovereignty of parliament and the sovereignty of the people. If a parliament is a wholly sovereign, representative body, where does it get its sovereignty from? If it gets it from the people, surely the people have a right to pick and choose whatever form of government they like, including a monarchical government? As David Wootton has shown, the Levellers took these debates very firmly to heart.⁶⁷ What we see in Leveller writings is a multitude of different languages and discourses at play, from

⁶⁶ For two good, general accounts of the Levellers see Joseph Frank, *The Levellers: the history of the writings of three seventeenth-century social democrats: John Lilburne, Richard Overton, William Walwyn* (Cambridge, Massachusetts, 1955); H. N. Brailsford, *The Levellers and the English Revolution* (London, 1961). For a recent account that seeks to reengage with the Levellers as a social movement, see John Rees, *The Leveller Revolution* (London, 2016).

⁶⁷ David Wootton, 'From Rebellion to Revolution: The Crisis of the winter of 1642/3 and the origins of Civil War Radicalism', *English Historical Review*, 105:416 (1990), pp. 654-68.

biblical to natural law to common rights.⁶⁸ For example, in *England's Lamentable Slavery*, published in 1645, William Walwyn called the Magna Carta a 'mess of pottage' and envisioned political liberty as being predicated upon natural rights. Yet in *A Remonstrance of Many Thousand Citizen*, the focus was upon English history and the 'Norman Yoke', rather than natural rights. As Christopher Hill has brilliantly argued, the 'Norman Yoke' would become a cornerstone in the English fight for popular liberties. It acted as a lament for lost rights, and this issue of Anglo-Saxon liberties and anti-Normanism, as well as a mythic English history was something taken up by Lord Bolingbroke, the key leader of the later country opposition.⁶⁹ The constant thread running through Leveller thought was the debate about constituent and constitutional power. It was 1647 that was the key year for the Levellers. Fears about Parliamentary encroachment had been growing throughout the Civil War, and came to a head in 1647, led by soldiers concerned with indemnity and back-pay, and whether Parliament could be trusted to make good on its promises on these two issues. As well as the military, the Levellers had a key concern for small producers. The worried about monopolies in trade, the law, and religion, as well as high taxation, such as the excise, as well as defending copyhold tenures and opposing enclosure. Their concern for the small producer has been dismissed by Christopher Hill and C. B. Macpherson who, focusing upon the suffrage debate at Putney at the end of 1647, believed that the Levellers were only interested in the petty-bourgeoisie and wanted to exclude servants and those in receipt of poor relief from the suffrage.⁷⁰ This misses the point. The Levellers had grave reservations about

⁶⁸ The key Leveller texts are encapsulated in D. M. Wolfe (ed.), *Leveller Manifestos of the Puritan revolution* (New York, 1944); William Haller and Godfrey Davies, *The Leveller Tracts 1647-1653* (Gloucester, Massachusetts, 1964).

⁶⁹ Is now famous essay being in Christopher Hill, *Puritanism and Revolution: Studies in Interpretation of the English Revolution of the 17th Century* (London, 1958).

⁷⁰ Christopher Hill, *The World Turned Upside Down: Radical Ideas During the English Revolution* (London, 1972, Penguin, 1991 edition), pp. 107-150; C. B. Macpherson, *The Political Theory of Possessive Individualism* (London, 1962), ch.3. For more on the debate on the franchise, see Keith Thomas, 'The Levellers and the Franchise' in G. E. Aylmer (ed.), *The Interregnum: the quest for settlement, 1646-1660* (London, 1972), pp. 57-78; J. C. Davis, 'The Levellers and Democracy', *Past and Present*, 40 (1968), pp. 174-180.

Parliament in 1647 and in response drew up the first of three ‘Agreements of the People’. These agreements got to the heart of the complexity surrounding parliamentary and popular sovereignty, as important as the suffrage debate. The Levellers gave Parliament its due but entrusted reserve powers to the people. They had already advocated annual parliaments in 1645, and in *Vox Plebis* had attacked the oppressiveness of the county committees and the tax system. The third *Agreement* of 1649 reaffirmed the commitment to annual parliaments, for local officials to be elected, for the excise to be limited and tithes abolished, as well as freedom of religion. Ian Gentles has described their vision as ‘A radically libertarian England, a decentralized federation of localities’.⁷¹ The Levellers believed, like the Tories after them, in a decentralized state, one where excessive executive power and economic oppression and inequity was to be tackled in a constitutionalist manner. It is also worth noting that the autonomous parish communities they envisaged were home to the sturdy, independent small producer.

The Levellers fear an overweening state was a fear that they shared with the Royalists, who were also subject to heavy taxation and loss of their landed estates. There were links between the Levellers and Royalists, particularly after 1649, when it became clear that their *Agreement* was not going to be implemented. Before that, John Lilburne defended Sir John Maynard in late 1647 over his treatment by the House of Commons and House of Lords. They also shared a belief in the concept of the ‘freeborn-Englishman’, another constant running through oppositional politics. Rachel Foxley has noted that, like our working definition of the people, ‘freeborn’ was not a subject, but had agency, that of the

⁷¹ Ian Gentles, ‘The *Agreements of the People* and their political contexts, 1647-49’ in Michael Mendle (ed.) *The Putney Debates of 1647: The Army, the Levellers and the English State* (Cambridge, 2001), pp. 148-174, p. 174.

active citizen in defence of liberties grounded in common law.⁷² Oppositional politics in the early modern era was replete with examples of legitimising notions for protest predicated upon the rights of the freeborn-Englishman, and it was a powerful tool in the hands of the country opposition after 1714. The Levellers contributed much to popular politics. They were a mass movement, they had numerous tools, from pamphlets to petitions to make their case and appealed to those small producers most under threat of capital and the market. In their battles with Parliament they helped to develop a highly sophisticated popular democratic appeal to the sovereignty of the people. This principle, as well as the social base of the Levellers, would be taken on by the oppositional Tories against Walpole and the market.

To fully engage with this popular Toryism, we need to jump to the passive revolution of 1688. It was passive because ordinary people were not involved, it was little more than a palace coup, but it did fundamentally change the economic direction of the nation. This came about with the rise of the financial revolution and the fiscal-military state, constructed to fight William of Orange's continental wars. The 'Revolution settlement' was not in any way radical; the throne of England was declared vacant and the concept of 'contract' was deleted from the Bill of Rights. This marked a defeat for the commonwealth Whigs who could be traced back to the Exclusion Crisis of 1678-83. They had wanted a convention to deal with important constitutional issues arising out of 1688. Most Tories, building on their populist appeals to the London crowds during the Exclusion crisis, had their own body of resistance theory, predicated upon the ancient constitution, common law and the Magna Carta. Despite some 'non-Jurors' who became Jacobite, most Tories felt able to accept William as king *de facto*, rather than *de jure*. The ideologically Tory ministry of Lord Nottingham fell in 1694, replaced by the Whig Junto. The Whigs here had renounced their opposition to the executive

⁷² Rachel Foxley, 'John Lilburne and the citizenship of the "Freeborn-Englishman"', *Historical Journal*, 47:4 (2004), pp. 849-874. See also Rachel Foxley, *The Levellers: Radical political thought in the English Revolution* (Manchester, 2013).

and formed the government, and in this act, dropped many of their oppositional principles, picked up by the Tories. There were dissident country Whigs, who clung on to the old ways, and worked successfully with the oppositional Tories in bringing back that great constitutional safeguard, the triennial parliament in 1694. David Hayton explains this shift well:

What happened during the 1690s was that the Whig party had been transformed from a natural party of opposition- the Whigs had after all been the country of the late 1670s and 1680s-into a natural party of government, while the Tories a few former Whigs led by Paul Foley and Robert Harley had combined to form a 'new country party', which led the opposition to the Whig ministry in the 1699-1700 Parliament and thereafter turned itself into a new Tory part, in many respects a natural party of Opposition.⁷³

There has been a debate amongst historians about this country opposition. Dennis Rubini argued that politics at this time was not fought between Whig and Tory, but Court and Country.⁷⁴ This was seriously challenged by Henry Horwitz who, whilst recognising that there were periods where court versus country was the dominant paradigm, argued it never supplanted the Whig versus Tory binary.⁷⁵ This reflects a similar debate that took place with regards to the period after 1714, with Linda Colley and Brian Hill championing the longevity of Whig versus Tory, against Bill Speck and H. T. Dickinson, who advocated the court versus country dichotomy.⁷⁶ Eveline Cruickshanks and J. C. D. Clark saw the continuity of party

⁷³ David Hayton, "The "country" interest and the party system, c.1689-1720s in Clyve Jones, *Party and Party Management in Parliament 1660-1784* (Leicester, 1984), pp.37-85, p.45.

⁷⁴ Dennis Rubini, *Court and Country, 1688-1702* (London, 1968).

⁷⁵ Henry Horwitz, *Parliament, Policy and Politics in the Reign of William III* (Manchester, 1977)

⁷⁶ Linda Colley, *In Defiance of Oligarchy: The Tory Party 1714-1760* (Cambridge, 1982); Brian W. Hill, *The Growth of Parliamentary Parties, 1689-1742* (HarperCollins, 1976); Bill Speck, 'Whigs and Tories dim their glories: English political parties under the first two Georges' in, John Cannon, *The Whig ascendancy: colloquies*

too, but through a Jacobite prism.⁷⁷ A ‘country ideology’, made up of a set of oppositional principles to combat both excessive executive power, but also corrupt and unaccountable economic power had developed during the 1690s. By 1710 the country tradition was an essentially Tory one, though vestiges of country whiggery continued, in 1699 and 1705 particularly. As Bill Speck and Geoffrey noted of John Cropley, a country Whig in the reign of Anne: ‘His advocacy of pure country measures...gave his Whiggery a curiously old-fashioned flavour’.⁷⁸

William III’s accession to the throne, coupled with the rise of the Junto Whigs put England on a near-permanent war footing, with the standing armies and high taxes that this required. The gentry groaned under the land tax and the labouring poor under the excise that started to include more and more everyday commodities. Much like the fusion of the Levellers and the Royalists in the 1650s, there was a mixture of legitimist and radical constitutional opposition to William III and the establishment Whigs in the 1690s, the ‘Jacobite Whigs’. The most important figures of this movement were Charlwood Lawton, Sir James Montgomery, Robert Ferguson and Samuel Grascome.⁷⁹ What marks these men out is not just their adherence to the Stuart cause and the ‘King over the water’, but the advocacy of constitutional measures to address the perceived oppression of the Williamite state. They took heart when, in April 1693, James II issued a declaration that if restored he would support free parliaments, frequent elections, pardons and an end to high taxes, for ‘We come to

on *Hanoverian England* (Manchester, 1981); H T Dickinson, *Liberty and Property: Political Ideology in Eighteenth century Britain* (Widenfeld and Nicolson, 1977).

⁷⁷ Eveline Cruickshanks, *Political Untouchables: The Tories and the '45* (Duckworth, 1979); J. C. D. Clark, *English Society 1688-1832: Ideology, Social Structure and Political Practice during the Ancien Regime* (Cambridge, 1985).

⁷⁸ Speck and Holmes, *Divided Society*, p. 145, pp. 143-151.

⁷⁹ On the ‘Jacobite Whigs’ and the relationship between country Toryism and Jacobitism, see Paul Monod, ‘Jacobitism and Country Principles in the reign of William III’, *Historical Journal*, 30:2 (1987), pp. 289-310; Mark Goldie, ‘The Roots of True Whiggism 1688-94’, *History of Political Thought*, Vol. 1 No. 2 (1980), pp. 195-236; Mark Knights, ‘Uncovering a Jacobite Whig? The Commonwealth Principles of Henry Booth, 1st Earl of Warrington’ *Parliamentary History*, 28: 1 (2009), pp. 59-87; Mark Goldie and Clare Jackson, ‘Williamite Tyranny and the Whig Jacobites’ in Esther Mijers and David Onnekink, *Redefining William III: The Impact of the King-Stadholder in International Context* (Oxford, 2007), pp. 177-99.

vindicate our rights...and to establish the liberties of the people'. James had been sincere in his campaign for toleration. Whether he was being sincere in 1693 is a moot point. The Jacobite Whigs believed that he was and agitated on this behalf. Their works were not the canonical texts analysed by the Cambridge school of Quentin Skinner and J. G. A. Pocock. The Cambridge school rightly called for the study of the context in which texts were written. They were often written in the heat of important debates and discourses, so should not just be regarded as timeless classics. Skinner and Pocock failed to give any credence to the pulp press, grub street print and populist pamphlets. Indeed, it would be the pulp press that most literate working people would have read, rather than weighty academic treatise. In the pamphlets that follow, contentious issues of the 1690s such as the succession, the war with France, the role of the military in society and the financing of it were dealt with, deliberately designed for a mass audience. It is important to engage with the popular press of the period in this thesis because like petitioning, voting, participating in parish government, and popular protest, reading these oppositional tracts was another way of articulating one's political beliefs. The press is another prism through which we can study popular Toryism on the part of the middling sort and some of the labouring poor.

Charlwood Lawton was the most prolific of the Jacobite Whigs. In *Jacobite Principles*, he accepted a Lockean contractarianism in thinking about 1688: 'Tho' this revolution has blotted out all our original contract, razed all our statutes and law-books, turned monarchy topsy, turvy'.⁸⁰ This was taken to its logical conclusion in *A Short State of Our Condition*: 'I would trust an elected King a great say, if I saw he understood election to his title, if our generosity would engage him to reformation.' The perceived legal tyranny could be ended with the restoration of the Stuarts. Fusing legitimist politics with an invocation of England's ancient liberties, Lawton reminds us that 'The Saxons punished false

⁸⁰ Charlwood Lawton, *Jacobite Principles Vindicated* (London, 1693), p. 8.

judges by giving satisfaction to the party wrong'd by them...the granting of that bill for judges that the Prince of Orange refused, and Whitlock's for tryals will be the glory of King James's reign whenever he is restored'.⁸¹ Lawton then queries the intentions of bringing William of Orange over to England in November 1688: 'I thought we called over the Prince of Orange to get or give us back all the laws we wanted; to have made the elections of Parliament secure and frequent tryals impartial, the militia or standing forces and the navy our strength'.⁸² Clearly that had not happened in Lawton's view and the people had been betrayed by the *de facto* monarch, William. Popular constitutionalist remedies were the order of the day for Lawton: 'It was the custom formerly for the people to pay their members, and those members were trusted by the people to keep the ballance between their liberties and the Kings prerogative. But since they are retained by him with such overgrown fees such as places and preferment's, to the council on his side, how can the people hope they will be just in their arbitration'. A silver bullet was at hand: 'It is time to have annual Parliaments instead of triennial'.⁸³ We can see a continuity with the Levellers, but Lawton was one hundred and forty years ahead of the Chartists in his demands for payment of M.P.s. As a Jacobite, Lawton had very clearly nailed his colours to the mast of popular sovereignty and neo-Harringtonian 'balance' in the body politic.

As with the Levellers and opponents of the Protectorate, the hatred and fear of a standing army loomed large for the Jacobite Whigs. Robert Ferguson worried about the cost of the army and encouraged people not to make the oath of allegiance to William in 1694: 'As the Prince of Orange hath but a slippery seat of it, and a thorny crown, so no man can be carefully required to take an oath of allegiance to him, much less be justly punished by

⁸¹ Charlwood Lawton, *A short state of our Condition, with relation to the present Parliament* (London, 1693), p. 2.

⁸² *Ibid*, p. 2

⁸³ *Ibid*, p .3, 4,

double taxes, or otherwise for refusing it'. In fact, 'It may be every man's duty to assist in deposing and dethroning him'.⁸⁴

Unaccountable power was a key theme running through these pamphlets, and Sir James Montgomery made the case regarding the army:

Nay to such a pass is it already come, that when a Secretary of State was applied unto, by persons injured, who were entirely in the interest of the government and presented the knight of the shire with complaints against abuses of free quartering of soldiers, they were scornfully rejected with this answer, "that they must eat": meaning no doubt, that since the taxes designed by parliament for that end, were necessarily to be applied unto the use of the confederates, the people must be doubly burdened for the subsistence of the troops. Such brave guardians are our present rulers become of the English liberties.⁸⁵

There was no great contradiction between Toryism or Jacobitism and an advocacy of constitutional rights, nor any exclusivity in talk of the 'freeborn-Englishman'. The Jacobites never succeeded in taking back control, but their heady brew of monarchism and democracy would shape plebeian popular protest into the eighteenth century.

The years 1695-1715 were years of participatory politics. They were also years dominated by the Whigs. Yet by 1710 war weariness and anger at high taxation saw the rise of the Tories, who as we saw in Derby, won a landslide election victory in 1710. They would replicate the achievement in 1713 but would lose out badly after the Hanoverian succession

⁸⁴ Robert Ferguson, *A brief account of some of the late incroachments and depredations of the Dutch upon the English* (London, 1695), p. 70.

⁸⁵ Sir James Montgomery, *Great Britain's just complaint for her late measures, present sufferings, and the future miseries* (London, 1692), p. 35.

of 1714. Popular protest at this time was replete with iconography and ritual. Tories celebrated on 29 May and 10 June, these being Restoration Day and the birthday of the 'Young Pretender'. It was the turn of the Whigs to celebrate at the end of the year, with 5 and 17 November being the anniversary of William's landing at Torbay and the birthday of Queen Elizabeth I respectively. Party icons could be seen on the streets on these occasions and at election time. Oranges and warming pans held by the Whigs, to celebrate William and cast doubt on the legitimacy of the Pretender, and effigies of 'Jack Presbyter', Cromwell, and oak leaves and blue ribbons for the Tories. Nicholas Rogers has commented: 'Years of acute party strife, in a social context which allowed the common people greater cultural space, had created a dynamic and contentious political culture, centred around royal and national anniversaries, in which the populace itself was a vigorous participant. The crowd had come of age'.⁸⁶

It was to be this licentious crowd that would be in the sights of the developing Whig oligarchy. The repression was a veritable carnival of reaction: The Riot Act, the Septennial Act, the Black Act, all laws to restrict franchises and all manner of fiscal penalties. And it was all to be policed by the ominous standing army. As Nicholas Rogers comments on the Riot Act, 'The purpose of the Act was clear: to circumscribe the power of juries'.⁸⁷ This was tantamount to legal terror. We should not overstate the case though; Rogers is again helpful: 'The Whigs did not abandon the rule of law, they did not introduce radical changes in Church and state. But they did deal more harshly with demonstrations, redefining laws in ways that struck hard at popular notions of the Englishman's birthright and adopting more naked forms of coercion where persuasion failed'.⁸⁸ This reached its apogee in 1722 with the suspension of habeas corpus and the stationing of troops in Hyde Park. The streets, market places, even

⁸⁶ Rogers, *Whigs and Cities*, p. 371.

⁸⁷ Nicholas Rogers, Popular Protest in early Hanoverian London, *Past and Present* 79 (1978), pp. 70-100, p. 75.

⁸⁸ *Ibid*, p. 94.

the fields could be heard to cry 'Wooden shoes, no juries', and 'A restoration, a Stuart!', and 'High Church and Ormonde!', showing the vibrancy and the tenacity of the Tory and Jacobite crowd. Adrian Randall has accurately described the politics of these crowds as being suffused with 'a language of rights, and liberties permeating popular protest'.⁸⁹

The progenitors of these illiberal actions, the Whigs, were split themselves. Justin Champion has described the oppositional Whigs of the post-1714 era as 'aristocratic republicans', that they had some concern for the overweening power of the executive, but none for the people.⁹⁰ This can best be seen in *Cato's Letters*, published in the *London Journal*. In response to the financiers who had caused the South Sea bubble, they were uncompromising: 'The answer is short and at hand, hang them; load every gallows in England with directors and stock-jobbers'.⁹¹ Cato was, however in favour of repressive legislation, supporting the Septennial Act that extended the life of parliaments to seven years, as well as defending the standing army in the face of a perceived Jacobite threat. The role of the people in proactively defending their liberties worried what was left of the country Whigs. John Toland described the opposition to George I as being made up of an 'Inferior clergy, an inferior people, or a mob of priests and peasants'. To combat popular recreations and poaching Toland formulated a puritanical regime of competitive sport and exercise.⁹² The aristocratic Whigs were out of touch and it was the Jacobites who cultivated the poorer sort. They did this on the streets, particularly in London, Staffordshire and Lancashire, attracting bucklemakers, nailors, miners and petty artisans to their cause for, 'Although their Jacobite

⁸⁹ Adrian Randall, *Riotous Assemblies: Popular Protest in Hanoverian England* (Oxford, 2006), p. 17.

⁹⁰ Justin Champion, "'Anglia Libera': Commonwealth politics in the early years of George I' in David Wormsley, David Bullard and Abigail Williams, *Cultures of Whiggism: New essays on English Literature and Culture in the long eighteenth century* (Newark, 2005), pp. 86-107.

⁹¹ Cato's Letters, No. 3, in *London Journal*, 19 November 1720.

⁹² John Toland, *The State-Anatomy of Great Britain* (London, 1717), Preface, pp. ii, 2, 3, 6, 257.

libertarianism was a volatile and contradictory ideology, it accorded well with the libertarian instincts of the crowd'.⁹³

We have explored the fusion of monarchical and popular democratic ideals on the part of the Tories and Jacobites, and we can fuse Jacobite street politics with monarchical populism. Grub street Jacobite newspapers such as *Robins Last Shift* and the *Shift Shifted*, have been little analysed in content by social historians and the bastardised Lockean contractarianism they advocate has been missed.⁹⁴ Again, as with the Jacobite Whigs, the role of the army preoccupied the time of George Flint, the editor of the *Shift Shifted*. In May 1716, he worried about 'The great oppression of soldiers quartered in the country and their perniciousness in trading towns', for 'Every soldier is a useless drone, and what with their pay and rapine and insolence, every soldier stands the nation in 20d a day which with their officers, amounts to above 3 million and a half a year'.⁹⁵ Flint and others understood well enough that the troops were needed to maintain both the retrograde legislation and the economic system too. They were a blight to liberty, both social and economic. Partial judges were a concern too: 'What necessity was there, I pray, at his majesty's accession to the throne, for foisting such magistrates upon the nation?'.⁹⁶ The threat to the free press would naturally be of concern to an editor like Flint: 'What might have been lawfully printed in Queen Anne's reign is become treason now'. Fiscal repression and standing armies had existed in the reign of Anne, but for Flint the reign was a veritable golden age with troubles only beginning, non-coincidentally, with the Hanoverian succession. This was not lost on Nathaniel Mist, another famous Jacobite journalist who, in his opaque style, had a clear

⁹³ Nicholas Rogers, 'Seditious words, Subversive laughter: Popular Jacobitism in Hanoverian England' in Nicholas Rogers, *Crowd, Culture and Politics in Georgian Britain* (Oxford, Clarendon Press, 1998), p. 75.

⁹⁴ The post-1714 phenomenon of leftist Jacobitism is well covered in Paul Monod, *Jacobitism and the English People, 1688-1788* (Cambridge, 1989), pp. 28-44.

⁹⁵ *Shift Shifted*, 19 May 1716.

⁹⁶ *Ibid*, 8 September 1716.

solution to the problem: ‘...The niceness of our constitution, or the strength of our virtue is such that, whenever we have been opposed, we have found the ability and means to throw off the yolk that galled us’.⁹⁷ The Jacobites were not short of constitutional solutions to the nation’s manifold problems. The author of a *Letter to Robert Walpole Esq* in 1716 went as far as to call for the election of ‘King James III’: ‘When a king elected to it could receive it under such restraints as we the electors should lay it under, and that his issue would not be able to extend the prerogative beyond that he had inloy’d, but those measures are broken by the party that made ‘em, and nothing now can save us but the king’s restoration...’.⁹⁸ The author of *Vox Populi, Vox Dei* had the sovereignty of the people over Parliament in mind when he wrote: ‘Parliament is compos’d of the Deputies of the people...and if they are to act by virtue of the power vested in them by the people and they continue themselves longer than they were impower’d to do by their electors, they betray their trust, and are an unlawful assembly and ought to be resisted’.⁹⁹ This was written in response to the passing of the Septennial Act in 1719 and drew upon that tension between the concept of an M.P. as a representative versus an M.P. as a delegate. It could be argued that the Jacobites were being a bit insincere, even mocking in their advocating the election of ‘James III’. Yet even if we accept this, the fact that the Jacobites felt that they could make such claims, that the best way to appeal to the common man and woman was to advocate delegatory powers on the part of the people is highly significant. We have seen the vibrancy of populist Jacobitism. By the late 1720s their significance had waned, to be replaced by ‘patriotism’ and a powerful country opposition to the Walpolean Whig regime. Our focus has always been on the politics of working people and the small country gentry, and the way they used constitutional rights to argue against the shift in social-property relations and the political oligarchy that made this

⁹⁷ *Mist’s Weekly Journal*, 3 February 1722.

⁹⁸ Anon, *To Robert Walpole Esq* (London, 1716), p. 7.

⁹⁹ Anon, *Ex Ore Tuo Te Judico: Vox Populi, Vox Dei* (London, 1719), pp. 4-5.

possible. There was a recrudescence of these issues at the end of the 1720s that we need to explore.

Robert Walpole was the premier target of the opposition and he personified everything that was wrong with England. For the opposition he was the personification of all the retrograde policies enacted after 1714.¹⁰⁰ The most infamous example, and a victory for the opposition, was the defeat of the Excise bill in 1734. We have seen the impact of it in Derbyshire, but it neatly encapsulated the issues at stake. Since the 1640s, there had been opposition to the excise. Walpole greatly exploited the revenue raising potential of the excise. In 1730, Walpole had wanted to remove the excise on candles. This was deemed to be of too little benefit to the poorer sort, and the Tories in the Commons were successful in removing the duty from salt instead. Unfortunately for the populace the salt duty returned in 1732 to fund a cut in the land tax to one shilling in the pound. We might have expected the Tories to be happy with that, but the salt duty was too regressive for them to support and there was uproar. The debate about the salt duty tied in with other oppositional campaigns on the excise, in 1711, 1723, 1733 and 1756. There were of course constitutional demands for change. In March 1722, the Tory *Freeholder* newspaper encouraged Tory candidates in the general election to pledge themselves to triennial parliaments. John Hynde Cotton, a leading figure in the Tory party went further, later, when in 1745 he visited the Independent Electors' Club in Westminster and raised a toast to annual parliaments.¹⁰¹

This galaxy of ideas and popular-democratic traditions were tied together in the thought of a key figure of the opposition, Lord Bolingbroke. H. T. Dickinson comments:

¹⁰⁰ For a good account of the Tory response to this, see Linda Colley, 'Eighteenth-Century Radicalism before Wilkes', *Transactions of the Royal Historical Society*, 5th Series, 31 (1981), pp. 1-19; Linda Colley, *In Defiance of Oligarchy: The Tory Party 1714-60* (Cambridge, 1982), pp. 85-117, 118-145, 146-174.

¹⁰¹ Gabriel Glickman, 'The Career of Sir John Hynde Cotton (1688-1752)', *Historical Journal*, Vol. 46, No. 4 (2003), pp. 817-841, p. 824.

His ancient constitution was not the result of an original contract based upon natural rights and the product of general consent, which had enshrined the liberties of all men, but rather a concept rooted in natural law and in the traditions and experiences of Anglo-Saxon society, that had produced a government that was paternalistic, aristocratic and dominated by the men of the landed property....The nation's interests were best protected by resisting the rise of new interests and by returning to the traditional ruling classes. It was the liberties of the men with a stake in the country that ensured a free parliament and protected the rights of ordinary people.¹⁰²

This mixture of Leveller franchises, neo-Harringtonian balance, natural law and the ‘Norman Yoke’ discourse of lost rights was a heady brew. It did not matter that there was contradiction of differing perspectives, for what united the opposition was a belief in the social-property relations of the Tories and the mutualism and obligation to the poorer sort that went with the ownership of landed property, conferring political responsibility as it did. For these men, the only way that the Whigs had been able to succeed was through repression, showing scant regard for the liberty of the subject and the smooth running of an organic, ruralistic hierarchical society. This was not nostalgia but practical politics. The solution was for all social classes to unite together in a counter hegemonic bloc, to fight what Disraeli called the ‘Venetian oligarchy’.

We have mentioned the importance of active citizenship in country Tory thought, and one of the key ways the opposition fought back was to advocate the delegatory role of M.P.s. The opposition believed that constituents had a right to send their M.P. direct instructions on how they expected them to vote in the House.¹⁰³ In the pamphlet, *Serious Exhortations* published in 1740, we learn that ‘To instruct your representatives my countrymen, on any

¹⁰² H. T. Dickinson, *Bolingbroke* (London, 1970), p. 199.

¹⁰³ These issues are dealt with well in Bob Harris, *Politics and the Nation: Britain in the Mid-Eighteenth Century* (Oxford, 2002), pp. 67-101.

occasion you think proper, is not only a right the electors of Britain have ever enjoy'd, but the last alteration in the constitution of Parliaments, by the prolonging of them for seven years, has made the exercise of such a right more particularly expedient'.¹⁰⁴ 'Britannicus', writing in the *London Evening Post* in October 1754 opined upon the importance of delegatory power: 'That the supreme power of this Kingdom is in the people cannot be denied by anyone who approves of the "Revolution Principles"; all other power is but delegated'.¹⁰⁵ John Brewer points us to sixteen constituencies that instructed on more than three occasions between 1734 and 1756, eleven of them being large towns and cities: Bristol, Canterbury, Chester, Nottingham, Coventry, Exeter, London, Southwark, Westminster, York and Worcester.¹⁰⁶ Instructions were significant in that they fundamentally challenged the idea of the M.P. as being a representative who could vote on his own interest, who could fall prey to the court or to the moneyed men. It also radicalised virtual representation, for you still had an M.P. even if you did not have a vote, yet you were completely free to instruct him at will. Getting into the 1740s and 1750s we will, for a final time, explore the Tory fusion of radical reform and the defence of property. After battles on four separate occasions between 1695-1705, land qualifications for M.P.s were finally achieved in 1711, but this did not stop oppositional worries. After the election of 1734, which gave a narrow victory for the Whigs, the *Craftsman* produced a table which showed how the election would have gone if based upon the payment of the land tax.¹⁰⁷ Contract was key for much of the opposition. In April 1744 we learn from the *Westminster Journal* that 'Whenever the legislator endeavour to take away or destroy the property of the people, or to reduce them to a state of slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon

¹⁰⁴ Anon, *A Serious Exhortation to the Electors of Great Britain* (London, 1740), p. 12.

¹⁰⁵ *London Evening Post*, 29 October 1754.

¹⁰⁶ Brewer, *Urban Opposition*, pp. 133-4.

¹⁰⁷ *Craftsman*, 27 July 1734.

absolved from any further obedience...'.¹⁰⁸ And again, the next month 'It begun upon principle, not on prejudice, or party: the civil and religious liberty of the subject; the independency of parliaments; the accountableness of a crown received by compact and upon oath'.¹⁰⁹ As late as April 1759 the *London Evening Post* stated that 'Property is the natural basis of power, and as the power of the people is rested in their representatives, so such representative ought to be constituted by a fair and equal representative of property'.¹¹⁰ The same paper, drawing on our mythical, gothic past had solutions, 'That all knights and burgesses are entitled to, and did formally actually receive pay or wages; the knight four shillings a day and the burgess two...We find also, that Parliaments were originally elected annually, or for one session only; for by the old laws of Edward the Third, it was enacted, that Parliaments should be held once a year, or oftener if need be'.¹¹¹ The problem and solution were therein settled.

At the start of this chapter we developed a working definition of 'the people'. They were not a class, but the combination of several different groups with the same political beliefs and opponents. In our case, it was a country opposition to the rise of the fiscal-military state, high finance, and the politicians that went with it. An older form of social relations was being replaced by a new one, one that was not dependent on paternalism or deference, mutualism, reciprocity, benevolence and social obligation at the point of production. They drew upon a rich set of ideologies and discourses, including natural law, English history and the 'Norman Yoke', a veritable mix coming together in a powerful language of rights, liberties and popular-democratic constitutionalism. To understand the politics of small producers, like the ones we met in Derby, we used the term 'people'. We could just as well

¹⁰⁸ *Westminster Journal*, 14 April 1744.

¹⁰⁹ *Ibid*, 5 May 1744.

¹¹⁰ *London Evening Post*, 14-17 April 1759.

¹¹¹ *Ibid*, 17-20 March 1759.

have used the term ‘commons’, or ‘commonalty’ as David Rollison has done. For Rollison, the commons were a ‘constitutional class’: ‘This reflexive, instinctive, collectivist, corporatist, populist, pre-liberal and pre-party state of mind was central to English vernacular politics and above all to the plebian public sphere until 1641’.¹¹² Small producers had their own popular-democratic localist traditions to bring to the counter-hegemonic bloc formed after 1714. The tradition that Rollison speaks of lasted longer than 1641. We might even describe the politics of the counter-hegemonic bloc as ‘monarcho-populist’ in James Holstun’s phrase.¹¹³ He speaks of peasant egalitarian ideologies thus: ‘Monarchists legitimated themselves through paternalistic resistance to capitalist encroachments on small producers, while small producers legitimated themselves by invoking loyalty to a reigning monarch or protector against some menacing middlemen or interlopers’.¹¹⁴ Marx dismissed the politics of the small producers he was keen to see destroyed as an economic class in 1848, and the Communist Party Historians Group (CPHG) missed this golden thread of English radicalism in their researches. Luckily, we have encountered it and studied it, for the study of popular-democratic resistance to capitalism is essential to better understand the politics of the small producers of early modern England.

¹¹² David Rollison, ‘The Specter of the Commonalty: Class Struggle and the Commonweal’ in England before the Atlantic World’, *The William and Mary Quarterly*, Third Series, Vol. 63, No. 2 (2006), pp. 221-252, p. 245.

¹¹³ James Holstun, ‘Utopia Pre-Empted: Kett’s Rebellion, Commoning and the Hysterical Sublime’ *Historical Materialism*, 16 (2008), pp. 3-53, pp. 6, 42.

¹¹⁴ James Holstun, ‘The Spider, the Fly, and the Commonwealth: Merrie John Hayward and Agrarian Class Struggle’ *English Literary History*, 71:1 (2004), pp. 53-88, p. 57.

Chapter 4: Titus Wheatcroft and Country Toryism as Lived Experience

In 1722, Titus Wheatcroft, parish clerk and schoolmaster of Ashover, a small town in the Derbyshire Peak District, described his town thus:

This towne of Ashover stands north from Derby its county-towne, about 4 miles from a market town call'd Chesterfield...it hath in it a fair and beautiful church, about 100 foot high with a stately broad steeple built of great stone in the year 1419... there is not many parishes can be compared to this for there is 80 springs of running water, besides many mines of lead ore and some coals may be got as at Stubbing edge, Nutting fields and at Milward ward; but especially for limestone & lime kilns, which furnish all the country round about is for many miles with lime for land and building. There is likewise a great stone quarry for to get grindlestones called Ashover quarill... there is moreover belonging to this parish a very pleasant fresh-water river which runs partly through the middle of this parish, over which there are several good bridges to carry passengers over. There is also upon this river three smilting-mills and three corne-milns, all in the parish.¹

We have here an interesting description of Ashover parish, which even for the 1720s seems unusually well industrialised, with a diverse economy in mining as well as arable farming. Who was Titus Wheatcroft, and why did he write this description at all? Titus Wheatcroft was born in Ashover in 1679, the son of Leonard. It is worth just saying a few

¹ Derbyshire Record Office (DRO), D5433/2, Working book of Titus Wheatcroft, pp. 1, 7, 8, 9.

words about Leonard, for he was an important figure in his own right, both for Titus, but also for historians of the county.² Leonard has left behind voluminous writings, particularly poetry, as well as a self-described autobiography. This is a rare source shedding much light on a still shadowy plebeian class.

Leonard was born in Ashover in May 1627, the son of John, a tailor who would teach his son the trade. Aged fourteen at the outbreak of Civil War, Leonard moved constantly up and down the country seeking to avoid participation. He served in the militia for eight years.³ He met his future wife, Elizabeth, who was born in Winster, close to Ashover, in 1655. They married after two years of sustained wooing on Leonard's part, the poetical products of which have been preserved for posterity.⁴ Leonard was a proverbial jack of all trades, at various times a tailor, an inn keeper, a gardener, a choirmaster and a bell ringer. Because of the intermittent nature of his employment, the young Wheatcroft family often fell upon hard times, so much so that Leonard had to farm out his two eldest children, Leonard and Esther to family and friends around the Peak. He himself went in search of credit in an attempt to straighten out the family finances; his attempts were in vain and he was imprisoned for debt on no less than three occasions between 1667-8.⁵ By the end of the 1660s however, Leonard's debts were paid and, fortified with a £5 handout from his mother in law, the family were able to move back to Ashover from Bolsover. They had been residing for the previous three years, and with all his children back with him he was able to find a house in Ashover

² This owes much to the quite substantial material left by these two individuals. Biographical information has been gleaned from an autobiography left by Leonard, with later additions by Titus. For the manuscript see DRO, D2079/1. The manuscript has been transcribed by Dorothy Riden and page numbers will be quoted from J.V. Beckett, *A Seventeenth Century Scarsdale Miscellany* (Chesterfield, 1993), pp. 73-117.

³ Ibid, p. 83.

⁴ See DRO, D5433/1.

⁵ Beckett, *Scarsdale*, pp. 84-86.

from which his wife sold ale. This was a sign perhaps that the finances were not yet wholly stable.⁶ Leonard was able to make a name for himself in his various trades and was wealthy enough to participate in the county election of 1670 as a forty shilling freeholder, though inflation perhaps had nibbled away at this qualification.⁷ Leonard and Elizabeth would go on to have nine children in total, his eldest two sons apprenticed to an uncle in London. At the time of his death, Leonard was clerk to the parish of Ashover, a position first held between 1653-1663, then again from 1689-1707. He was also master of the school. The break from parish governance ran concurrently with Leonard's precarious financial situation, suggesting that parochial office holding, even at the most meagre, menial level, still carried a certain social status. These offices could best be staffed by sturdy, independent men.⁸ It would be Titus who inherited these offices, with the blessing of the vestry in 1707. He would retain them until his own death in 1752, at the age of seventy-three. Two generations of the same family held local office, with a brief hiatus on Leonard's part, for sixty-three years, a considerable achievement on their part.

Titus was trained as a tailor and had a substantially equipped workshop in 1727. Presumably his father taught him to read and write, given that he was a schoolmaster. Titus would marry twice, first to Anne Bowne in 1708, when he was twenty-nine. He was widowed in 1714. In 1716, Titus married Frances, Mrs. Lovat, herself a widow. He had two children from his first marriage: Hannah, born in 1709, and Martha, born in 1712. From his second marriage he had a son, Titus, born in 1718. When he married Mrs. Lovat he gained a step-daughter, Anne, who predeceased him in 1736. His remaining offspring outlived their

⁶ Ibid, p. 85.

⁷ Ibid, p. 87.

⁸ Henry French, *The Middle Sort of People in Provincial England 1600-1750* (Oxford, 2008), Chapter 2.

father.⁹

Leonard's autobiography, that Titus so assiduously added to after his father's death, is only a small part of the corpus of writing produced and belonging to the Wheatcrofts. Most it was written by Titus and is of immediate concern. In all, Titus left behind three commonplace books and one small book that we have termed a 'working book'.¹⁰ This working book differs from the others in that it was constantly in use throughout the 1720s and was referenced thereafter. The book necessitated regular updates and additions, telling us something about the practicalities of parish governance from the bottom up. The other books, commonplace books, are dated c. 1726, 1736 and c. 1744 respectively.¹¹ They tell us much about Wheatcroft's thoughts and opinions on a variety of issues, though mainly on religion and the necessity of a good functioning of the body politic. They also containing snippets of information on daily life and occurrences in Ashover. These commonplace books give us a unique insight into men like the Wheatcrofts, culturally and socially of the middling sort, yet in economic terms small producers, like the ones we met in Derby in Chapter 3. While Leonard's employment was often transient and financially unstable, Titus had a trade and by the 1720s was in a stable place financially. He was part of the rural 'middling sort'.¹²

Since the 1980s, Keith Wrightson, Steve Hindle and Michael Braddick have developed a sophisticated analysis which, for want of a better phrase, can be characterised as a social history of the state.¹³ Here, these historians argue for something like a monarchical republic, recognition of the fact that while England and its dominions had a

⁹ Beckett, *Scarsdale*, pp. 99-103.

¹⁰ DRO, D5433/2.

¹¹ DRO, D5775/2; D5775/1; D5775/3.

¹² Joan Kent, 'The rural 'middling sort' in early modern England, c. 1640-1740: some economic, political and socio-cultural characteristics' *Rural History* Vol. 10 (1999), pp. 19-54.

¹³ Keith Wrightson, The politics of the Parish in Griffiths, Fox and Hindle, *The Experience of Authority in Early Modern England* (Houndmills, 1996) pp. 10-46; Michael Braddick, *State Formation in Early Modern England* (Cambridge, 2000); Steve Hindle, *The State and Social Change in Early Modern England 1550-1640* (Houndmills, 2000).

hereditary monarchy, it was attempting to govern a highly diffuse, decentralized government.¹⁴ The Crown therefore depended upon a veritable army of administrators and governors in the provinces of the nation to maintain social peace and stability. This body of work recognises the gross socio-economic and material inequalities in that society yet found a highly participatory political system where even those of quite meagre means could share in the governance of their nation. In an important essay on office-holding in early modern England, Mark Goldie estimates that if England and Wales constituted about 9700 parishes, the hub of local governance, and each parish had one constable, two churchwardens and two overseers of the poor, then at any one time in a year there would be approximately 50 000 parish officers. So around 1700, about one in twenty of the adult male population was responsible for the welfare of the nation, at least at a local level.¹⁵ Indeed, David Eastwood, focusing on parish governance during the Hanoverian era, has gone as far as to see the political system as ‘...Republican, participatory and communitarian’.¹⁶

We should not be surprised then to find a man of Titus Wheatcroft’s social standing participating actively in this ‘monarchical republic’. Wheatcroft’s writings put him very firmly in a tradition of a small number of individuals fascinated by their locale and who felt compelled to record their thoughts. These individuals included John Smyth of Nilbey, Gloucestershire, who in seeking to capture the rhythm of his rural society, recorded all sorts of ephemera, from perambulations to pastimes.¹⁷ We should also include Richard Gough of Myddle, Shropshire, whose in-depth description of the parish seating arrangements

¹⁴ For a useful collection of essays on this matter see John F. McDiarmid, *The Monarchical Republic in Early Modern England* (Farnham, 2007).

¹⁵ Mark Goldie, *The Unacknowledged Republic: Officeholding in Early Modern England*, in Tim Harris (ed.), *The Politics of the Excluded, c.1500-1850* (Houndmills, 2001), pp. 153-194, 159, 161.

¹⁶ David Eastwood, *Government and Community in the English Provinces, 1700-1870* (Houndmills, 1997), p. 9.

¹⁷ See David Rollison, *The Origins of Modern Society: Gloucestershire, 1500-1800* (London, 1992), Chapter 3.

illustrated the importance of hierarchy and social standing in shaping parish identity and social relations more generally.¹⁸ Wheatcroft was part of this milieu, but also apart from it. His working book is just that, a working book. He may well have wanted to record the various facets of parish life for posterity, indeed, writing down the various customs and traditions helped perhaps to give them permanence. But his writings have a practicality too. In dealing with issues of settlement, of poor relief, indeed of exclusion and belonging, Wheatcroft's notes had a real importance. As clerk of the parish he would have been privy to various dealings in the parish, on the role of churchwardens and overseers of the poor. His notebook contains much detail on parish boundaries, on customary right, on tithes and other monies due to the parish and its citizen governors. This gives his writings an applicability: to ensure the smooth functioning of this one parish republic. This is different to the aims and objectives of Smyth or Gough, or indeed a Mennochio, a Wallington, or a Tailor.¹⁹ It seems fair to put Wheatcroft on the same axis as another Derbrian, one Anthony Bradshaw, a lawyer who resided in Duffield parish in Morleston Hundred. Whilst deputy steward of the Honour of Tutbury from 1595 to 1608, he began to record the local customary rights and traditions of the tenants of the said parish, particularly of the wooded Duffield Frith.²⁰ With the advance of Crown-inspired 'improvement', the tenants were on several occasions successfully able to rely on their neighbour Bradshaw to defend their claims and could themselves view copies of the documents he had transcribed. A major difference is that Titus Wheatcroft kept his books private, and he informed, reminded, inveighed and chided his neighbours of their rights and obligations, rather than they consulting him.

¹⁸ David Hey (ed.), *The History of Myddle* (London, 1981).

¹⁹ Carlo Ginzburg, *The Cheese and the Worms: The Cosmos of a Sixteenth Century Miller* (Baltimore, 1992); Paul S. Seaver, *Wallington's World: A Puritan Artisan in Seventeenth Century London* (Stanford, 1985); Keith Wrightson, *Ralph Tailor's Summer: A Scrivener, his City and the Plague* (London, 2011).

²⁰ Heather Falvey, 'The Articulation, Transmission and Preservation of Custom in the Forest Community of Duffield (Derbyshire)' in Richard Hoyle (ed.), *Custom, Improvement and the Landscape in Early Modern Britain* (Farnham, 2011), pp. 65-100.

One thing that undoubtedly unites Wheatcroft with both Gough and Smyth is that they all held public office. This occupation would generate the documentary material needed to carry on good governance. Both Wheatcroft and Smyth came from yeoman stock, and both men would hold office, though with different responsibilities. Smyth, born in 1567, dedicated much of his life to the service of the lords Berkeley in Gloucestershire, serving as steward of the household, then steward of the hundred of Berkeley.²¹ Wheatcroft of course was parish clerk, involved and engaged in a much more institutional role. Both men believed in the importance of virtue and a virtuous society, with Smyth having various moralistic slogans painted upon the walls of his home.²² The importance of Christian duty and its implications concerned both men acutely, and we will elaborate on this issue regarding Titus shortly. Both men fundamentally believed in the moral importance of a virtuous society and that the good governance and functioning of the nation, their communities, depended upon it. It is striking just how similar Titus's views were to fifteenth and sixteenth century religious ideals. It is however in religious outlook that we begin to see differences between Titus Wheatcroft and John Smyth. Smyth was a good Puritan, while Titus was a moderate Anglican adherent. The Puritans had a predilection for self-assessment and solitary thought, and men such as Robert Harley and Richard Cocks and William Drake were keen to record down their thoughts in a reflective manner.²³ We do not have many men of Titus's religious leanings putting pen to parchment in quite the same way. The other major difference between the two men was what they recorded, particularly the way they did so. As David Rollison has commented: 'Smyth had his "well-wooded park"; the Berkeleys their thick castle walls and the broad marshy grounds to insulate them from many of their most uncomfortable aspects of the age'.²⁴

²¹ The following section owe much to David Rollison's essay on 'John Smyth of Nibley' *Social History*, Vol. 12, No. 3 (Oct. 1987), pp. 309-330.

²² *Ibid*, p. 326.

²³ See David Hayton (ed.), *The Parliamentary Diary of Sir Richard Cocks, 1698-1702* (Oxford, 1996); Kevin Sharpe, *Reading Revolutions: The Politics of Reading in Early Modern England* (New Haven, 2000)

²⁴ Rollison, *John Smyth*, p. 317.

Rollison ably illustrate some of the ‘uncomfortable aspects’ of the early seventeenth century, for Gloucestershire was a crucible of industrial development, with all the problems this created. Smyth responded by dreaming of a rural idyll, an idyll which never existed in the feudal era, but an idyll that has mesmerised the minds of men for so long, shaping popular politics until the Chartists.²⁵ Titus too lived in an industrialised society, but for him the lead mills and smelters added much to the community and were something to be proud of. His position in the local community made it possible for him to see the benefits and problems caused by economic change, unlike Smyth, who closed his mind to them. Wheatcroft was more than willing to chide his social betters into paternalistic actions to aid the honest poor. He was deferential to their social position, but passionately believed in reciprocal obligations and wanted to be certain that the rich were living up to his and their supposed ideals. We then, are now able to further explore, to make public, the role that Titus Wheatcroft played in the practicalities of parish governance.

In an important essay, John Brewer has analysed the importance of micro-history and the history of everyday life.²⁶ In it he borrows from Jay Appleton, an historical geographer, who discusses two ideal types of landscape, ‘prospect’ and ‘refuge’. As Brewer notes: ‘I would characterise prospect history as written from a single, superior point of view—a bird’s eye perspective or from a lofty peak...in contrast, refuge history is close-up and on the small scale...’.²⁷ Brewer believes that both can be fused together to form a sophisticated history of everyday life, critiquing the anti-humanism of the post-structuralists and the deadening hand of some Marxian economic determinism. We will attempt here to follow

²⁵ For a good contextual account of these imaginings, relevant to Smyth’s time see Andrew McRae, *God Speed the Plough: The Representation of Agrarian England, 1500-1660* (Cambridge, 1996).

²⁶ John Brewer, Micro-history and the Histories of Everyday Life, *Cultural and Social History*, Vol. 7, Issue 1, pp. 87-109.

²⁷ *Ibid*, p. 89.

Brewer's dictum, that focusing on politics on the ground can illuminate wider societal issues, and vice versa.

Titus Wheatcroft provides the opportunity to study a crystal-clear exposition of the country mentality of the Tory skein 'from below'. The importance of *respublica*, of participation in the body politic, was key to creating and maintaining a peaceful, balanced, fully functioning society. It would be a society wholly devoid of corruption, predicated upon a civic, moral virtue. Mark Goldie has commented on the country mentality: 'What is striking about the country frame of mind is that it often dwelt on the ethic of citizenship rather than on institutions or policies'. Seeing the country frame of mind as an 'ethic of citizenship' is of fundamental importance, for Titus believed that a virtuous society could only be created by participation. Titus was clerk to the parish of Ashover. It was this role, as well as schoolmaster, that differentiated Titus from some of the more elitist of those professing to be of the country mentality. They talked about the importance of a virtuous citizen participating in the governance of the nation but did not seem to practice it themselves. They were ensconced in their studies writing about the importance of civic virtue combating corruption by the time of the Walpolean oligarchy. Titus did practice what he preached, and he could easily have been seen by his peers to be doing so too. He would have been a regular feature of the parish, in church every Sunday, dealing with the daily grind of day to day occurrences in this large, though sparsely populated parish. Indeed, he would have been educating a small minority of local children at the endowed school, presumably passing on his poetical pearls of wisdom to his young charges. Here was a man who was *respublica* personified.

Titus differed from John Trenchard, Walter Moyle, Lord Bolingbroke or William Pulteney, by being involved in the rhythms of a rural parish. There was a harder edge to Titus, honed by the daily grind of local life. While he was committed to working in and for

the parish, there were practicalities, specifically financial practicalities that needed to be taken into consideration. The clerk did not work for free, and neither did the schoolmaster. Quite often, as we shall see, it was older customary rights that kept the clerk and scholar fed and watered. Titus was keen to defend many of these customs, customs that had been transmitted to him orally by his father and recorded by him for posterity, customs that made Ashover a unique and special place for Titus. Yet these customs also helped Titus to pay his way in the world. His defence of them was twofold. Titus felt that many of the customs of the parish were unique to Ashover; they were what made Ashover special. Yet the way in which these customs were of financial benefit to the community, and Titus personally, was also factored into his thinking. This is why Titus was such a staunch defender of his parish and its customs and traditions. This gritty, realistic perspective on social relations would have been wholly lost on the commonwealthsmen fighting the good fight against court Whigs in the coffee houses of the metropolis. This is not to say that Titus was callow or hypocritical. Rather, that by exploring the lived experience of one individual in his local community we can learn as much about country ideology as reading a lengthy academic treatise about community. Titus was sincere in his campaign for civic virtue. Yet there was a dichotomy in his thought, of a defence of custom for the sake of community and for the sake of purse. One flowed into the other; and as we shall see, his defence of the customs that financially benefitted him still pivoted on the importance of civic participation and the impact this had on belonging and local identity. We can glean much about Titus Wheatcroft's social thought from the three commonplace books that cover, albeit sporadically, the 1720s, 1730s and 1740s, the height of the Walpolean Whig oligarchy. It will here be advanced that it is possible to see Titus Wheatcroft as fitting neatly into a 'country' frame of mind, specifically a country Tory one.

The concern for courtly corruption, indeed socio-economic corruption, was a preoccupation of the country faction. How then does Titus fit into this milieu? Early modern society still lent heavily on the classical, Graeco-Roman analysis of politics. The history of these societies, especially republican Rome, provided an ideal base for contemporary political analysis. The Romans had a concern for virtue and citizenship, personified by the Ciceronian form which was applicable to Englishmen and women in the eighteenth century. Roman history was widely disseminated in English society and was propagated by many thinking people. Titus himself drew numerous links between the ancient world and contemporary politics in England. For example: 'The Rhodians and Lydians enacted several laws, that those sons which followed not their fathers in their virtues, but followed vices should be disinherited, and their land given to the most virtuous'.²⁸ Titus clearly yearned for such a thing to occur in England. Another comment is particularly interesting, dealing with the ills of contemporary society and how a careful mimicking of Roman attitudes could do wonders for England:

There was an antient law in Rome that none might be taken and received a citizen in Rome. But he was first examined by ye censure; in the time of Cato Censorious [when] any would be a citizen of Rome, this examination was made of him he was not demanded of whence he was nor that he was; nor when he came; nor whereof he came; nor of what kin, or antient stock he came; but only they took his hands between their hands, and if they felt them soft and smooth, forthwith as a vagabond man, they dispatched & sent him away; but if they found his hands hard and full of clots by & by they admitted him to be a citizen and dweller in Rome, for he y[e]t hath good hands,

²⁸ DRO, D5775/3, p. 143.

must have good customes.²⁹

Here we have a rather neat critique of the contemporary poor law system. It would not be issues of settlement, bastardy cases or in fact any of the everyday situations encountered by thousands of parish overseers that should have guided the functioning of poor relief in Titus's view. For Titus, the key determinant should have been the conduct of the recipient, the manner of the man, his work ethic, his sturdiness that conditioned admittance to a parish. Titus was conversant in the discourses of his more elite country partisans, whose works were littered with classical references. It is significant that a man of Titus Wheatcroft's lower middling social status could articulate these ideals so coherently and consistently. Yet Titus provides us with less esoteric, more prosaic concerns because of his position in society. The practicalities of parish governance helped to shape his views of society and politics in a way that it did not for Bolingbroke and others. Titus's more rooted position in society, and the importance this had on the shaping of his thought is of fundamental importance.

The recent historiography of political thought during our period has been keen to down-play the importance of the civic humanism in shaping political and social outlook. Bernard Mandeville, in the *Fable of the Bees*, insisted that private vices could have much public benefit as civic virtue. Vicki Sullivan and Michael Zuckert have questioned the transmission of the English civic humanist tradition to America.³⁰ They argue that it is wrong to draw a sharp dichotomy between 'virtue' and 'commerce'. There was no contradiction between a traditional, pastoral, agrarian society, and a more commercial,

²⁹ Ibid, p. 194.

³⁰ Vicki Sullivan, *Machiavelli, Hobbes, & the Formation of a Liberal Republicanism in England* (Cambridge, 2004), passim, Ch. 7; Michael P. Zuckert, *Natural Rights and the New Republicanism*, (Princeton, 1994), Ch. 6, Ch. 10.

individualistic, acquisitive society as far as civic virtue was concerned. Shelly Burt has gone as far as to argue that the Whigs were themselves virtuous. But their civic virtue was manifested in the belief that it was to be gained through industriousness. Labour benefitted society economically, so could be virtuous too.³¹ Reed Browning has also argued that we should see the Whigs through a Ciceronian prism.³² Recent historical work has done much to emphasise that political and social discourse during our period was heterogeneous, multifaceted, that virtue and commerce *could* complement each other. This does much to temper the interpretation of J. G. A. Pocock and others who saw the civic humanist paradigm as the primary discourse at play at this time. Private virtue could have as much benefit to society as parish governance, charity, hospitality, dole and alms. However, it will be advanced here that many aspects of the older, Christian, civic virtue still had a proactive part to play in social relations. Titus himself saw a growing gulf between the rich and poor, which he squarely blamed on the elite and middling withdrawal of benevolence and paternalism. This defence of civic virtue was not blind nostalgia or a regression to some non-existent rural idyll.³³ We saw in the Introduction that Ashover was at the hub of a growing industrial sector. As Wheatcroft walked the hills of the town, he would have seen lead smelting mills at work. As early as 1662, there were four smelting houses and a quarry in the parish. Titus was not living in a pre-industrial, agrarian landscape. His critique turned on a perceived decline in public spiritedness on the part of the elites. It was not a call to return to the land.

First principles for Titus was that to be virtuous, one needed to participate, for ‘Virtue and good life makes good days, but abundance of vice corrupteth ye time’, and ‘Virtuous

³¹ Shelly Burt, *Virtue Transformed: Political Argument in England, 1688-1740* (Cambridge, 1992), Ch. 6.

³² Reed Browning, *Political and Constitutional Ideas of the Court Whigs* (Baton Rouge, 1982).

³³ A thesis posited by Isaac Kramnick, *Bolingbroke and his Circle* (Cambridge, Massachusetts, 1969).

deeds reinforce the loosest minds’ and ‘Work, not words do most commend a man’.³⁴ Owing as much to his upbringing as his role in the parish, the importance of Christian duty, as well as public virtue, was of incalculable importance to Titus. He was aware of the obligations of the better sort. For example, in 1744 he wrote about ‘How giving is gaining’:

For God is a true God, and no lyer. He promiseth us in his word that he shall have the more by giving to the needy therefore the way to get is to scatter that you have, give and ye shall gain, for giving is gaining if ye give as y[o]u should... but y[o]u must take heed and scatter it accordingly by God’s word & pleasure, for he saith that giveth unto the poor shall not lack but that his eyes shall have many a curse.³⁵

For Titus then, ‘Humility is the key to virtue’.³⁶ Public spiritedness is rooted deep in Christian theology and the medieval theory of good works. This was not a secular society. Titus was born in 1679, on the eve of the Exclusion Crisis; he learnt at his father’s knee about religion as much as economics and politics. Like his father, Titus worked for the parish. The Church of England continued to preach the importance of Christian charity and duty after 1714. Society was still predicated upon the importance of duty, both in the secular and the ecclesiastical spheres, the two being interrelated in Titus’s mind. The elites must be ardent in their support for the less fortunate: ‘We must not be lazy in good works’ for ‘How shall the charitable man be rewarded? With plenty of earth and treasure in heaven’; that ‘He must give freely to relieve the poor withal & scatter it among the flock of Christ. Whosoever giveth so

³⁴ DRO, D5775/2, p. 2; D5775/3, pp. 223, 225.

³⁵ DRO, D5775/3, p. 55.

³⁶ Ibid, p. 40.

shall surely gain, for Christ saith...give and it shall be given unto you'.³⁷

Unfortunately, in Titus's eyes, society was not sufficiently attuned to the easing of the poor, and that it was more and more corrupted by wealth and its pursuit:

Question, do rich men in these days follow the example of Abraham in using friendly hospitality to ye poor men and travellers? Answer, no; the most part of them, instead of running out to meet the poor, rather turn their backs upon them, and run from them; and for entreating them to stay, w[i]th churlish & barbed words chase them from their doors; and instead of feasting and refreshing them, let them depart weary and with empty stomachs.³⁸

Duties were being neglected for:

the wretch that makes wealth his whole aim, strives day and night to get it, and sells his ease, his health and his soul to make it more; and racks his brains, and starves his flesh to get what he dare not use; and thus he goes on till old age brings him to his grave, where the worms scarce find flesh to make a meal of.³⁹

To this, Titus added: 'The people call ye rich-man a happy man & wish themselves in his condition; but can any condition be worse than that which carries envy and vexation with it?'⁴⁰ There was certainly a hardening of hearts towards the labouring poor at this time. Steve

³⁷ Ibid, p. 87, p. 180, p. 67.

³⁸ Ibid, p. 177.

³⁹ Ibid, p. 85.

⁴⁰ Ibid, p. 260.

Hindle has argued that since the 1650s, parish officers had practiced policies of deterrence, such as the wearing of a parish badge, the compulsory apprenticing of pauper children, and the implementation of a workhouse test to name key examples.⁴¹ This was coupled with an erosion of long-standing customary rights, land, and mineral resources, as well as some of the cultural pursuits and pastimes of the poorer sort.⁴² The rise in the Mandevillian maxim of private vices having public virtues had a real and lasting impact on social relations. Think for example, of Daniel Defoe's *Alms no Charity* or his *Law of Subordination*, which made explicit attacks upon the labouring poor. Defoe claimed that they were idle and that they had grown indolent and sedentary on the parish, that it was labour that would aid them, not alms and doles, feasts and ales. The virtuous action in Defoe's eyes was the industriousness of the poorer sort, and through this discipline, the country would be reformed. This socio-cultural dispossession of the poor was hammered home by many Whigs in their desire for a reformation of manners on the part of a seemingly morally lax, licentious class.

This was all anathema to Titus; his response to the socio-economic and cultural underpinnings of the Whig oligarchy was 'A false and wicked proposition to think that with giving to the poor, we shall come to poverty' that 'He that mocketh the poor reproacheth his maker, he reproacheth God, by whose disposing providence he is making poor, or he that mocketh at any work, scoffeth also at the worker and maker of all'.⁴³ There is a quintessentially Tory attitude towards the labouring poor, predicated upon older notions of paternalism and benevolence on the part of the rich: 'The humble man is ye sweetest

⁴¹ Steve Hindle, *On the Parish: The Micro-Politics of Poor Relief in Rural England 1550-1750* (Oxford, 2004), p. 453.

⁴² Andy Wood, *The Politics of Social Conflict, The Peak Country, 1520-1770* (Cambridge, 1999), Ch. 13; John Bohstedt, *The Politics of Provisions* (Farnham, 2010), pp. 91-102; Emma Griffin, 'Sports and Celebrations in English Market Towns, 1660-1750' *Historical Research*, 75, 188, (May 2002), pp. 188-208; Robert Malcolmson, *Popular Recreations in English Society 1700-1850* (Cambridge, 1973).

⁴³ DRO, D5775/3, p. 56, 147.

peacemaker for all virtues, humility is the most beautiful'.⁴⁴ There is of course a religious underpinning to this, for 'The poorer thou art in purse, labour to be richer in grace... they are the poor of this world, whom God is s[ai]d to chuse, & to make rich in faith and heirs of his kingdom'.⁴⁵ Titus was keen to see the alleviation of the poor man's plight in this world too. We have seen his attitude to the idle rich and he is no less stinting in his desire to see the implementation of ameliorative policies for the poor that had once successful. Titus was keen to see the resumption of both charitable giving and of alms. During the 1730s he wrote:

All should be ready for to cure the grief/ To teach the ignorant, and give relief/ To encourage virtue where they find it weak/ Letting their owne example chiefly speak/ Desiring all this, all Christians should be/ Both kind and good in all cincerity/ And must be forward also to do good/ To the souls and belief of their neighborhoods.⁴⁶

And upon alms:

In giving alms, be liberal and free/ Thy gifts with charity also don't agree/ What now thou dost not use, thou must restore/ A stream when more than need full doth one flow/ Did so shouldst thou, keep just enough for use/ If though keeps't more, thou dost but that abuse/ If that is charity thy gifts but small/ Tis not a little, since 'tis almost all.⁴⁷

Titus's desire for the resumption in the paternalistic munificence on the part of the elites was driven by an organic view of the rights, responsibilities and reciprocal obligations

⁴⁴ Ibid, p. 260.

⁴⁵ Ibid, p. 197.

⁴⁶ DRO, D5775/2, p. 170.

⁴⁷ Ibid.

on the part of the rich to the poor. This puts Titus firmly in the oppositional Tory camp. This ongoing concern with corruption and the desire to see it defeated by public-spiritedness and civic virtues on the part of all, especially the rich, puts Titus firmly in the country camp too. By the end of the 1690s, the country mentality was an essentially Tory one, and this was reinforced by the electoral proscription of the Tories after 1714.

What we have sought to do is show that Titus was a country Tory in his thoughts and deeds. What differentiated Titus from the metropolitan country Tories and dissident Whigs was his somewhat lowly social status, and his position in the governance of the parish. It was the exercise of parish governance that helped to hone Titus's thoughts, that to participate was to be virtuous. Because he was on the ground, he provides us with a gritty, materialist, worms eye view of social relations in one Derbyshire parish. We are now going to explore how Titus put theory into practice, and the impact that this had on him and his neighbours. We will do this by studying his role as parish clerk and the parochial customs that went with it. We will then focus on Titus as schoolmaster, particularly the contestation that was generated about how the school was funded.

What was the role of the parish clerk? We can do no better than hearing Titus's own description of his parochial office:

A parish Clark is a lay officer of a parish (viz one that followeth secular employments, not of the clergy) whose duty it is to attend upon the minister and churchwardens about holy things. He is to be chose according to the custome of the place, if usually the parishioners have chosen him such election is good, notwithstanding any canon, and therefore in such case, if the minister of the parish and the bishop, or chancellor of the diocese chuse one, the first shall stand. The parson of the parish cannot put a Clark so chosen out of his place without just cause, nor intercept him, if he do, he may have an

action against him, as any other man, that is disturbed in any law office. His office consists chiefly in setting of bread, wine, and cups on the communion table, providing water for christenings in the font, and making clean the church, putting the bible and Common Prayer book in their places for the minister, reading the people's part of the publick prayers, beginning the psalm and ringing of the bells...⁴⁸

This important summary of the main duties that the clerk was obliged to perform could well have been taken from a plethora of texts dealing with the minute details of parish governance, such as *Concerning Church Offices*.⁴⁹ Titus was seemingly a lackey for the parish church, a fetcher and carrier, a dog's body, rather than a figure dispensing parochial justice. However, the importance of his position came in terms of interaction with his neighbours. He would be present at every church service on a Sunday, at every christening, presumably every marriage and more than likely at every funeral. He has left us detailed notes on deaths in the parish and where people were buried within the church yard.⁵⁰

The church was the focal point of the community, and its governance was still the fulcrum of legal dispensation in these parish republics. Titus would have been a known quantity. He would have been seen around the church and may well have been the first port of call for his neighbours needing assistance, support and advice from the parish. His presence at key events in the lives of his neighbours reinforced his position. In terms of belonging and place in a parish, especially after the Settlement Act of 1662 made birth and marriage key determinants of access to parochial relief, being born and christened into a parish gave the individual the right to partake of the assistance available in times of need. It

⁴⁸ DRO, D5433/2, pp. 155-6.

⁴⁹ Several manuals on local governance were published; see for example, *The Parish Officers Companion*, *The Modern Parish Officer* and *The Laws Respecting Parishes Matters*, which all ran through numerous additions during our period.

⁵⁰ DRO, D5433/2, pp. 19-38.

was key to being accepted, to being included, to belonging to a local area, and Titus was there in the background, potentially on hundreds of occasions during his long tenure.⁵¹

We shall return to the issue of identity and belonging, particularly in relation to settlement shortly. What must be of immediate concern are the monies that could be garnered from office-holding. Titus is very informative on the different roles played by local people in parish government. For example, he informs us of the fact that on Easter Monday the officers are chosen: one constable, four third barrows, two churchwardens (one chosen by the minister, the other elected) and four overseers. Also, on St Stephen's day there was the selection of an overseer for the highways.⁵² The rhythmic nature of office-holding is palpable here in its traditions. We can well imagine the positive attitude Titus would have held of these virtuous, self-sacrificing individuals, willing to serve their parish so diligently. The importance of civic virtue to Titus was why he wrote down in detail the procedure for selecting these officers, as well as the churchwarden and side-men's oath of office, for reflection and for necessity.⁵³ The tedious business of money crops up of course. For example, in 1725 he reliably informs us of the money collected by the various officers: the land tax raised £148 8s, the constables raised £15 5s, the churchwardens £24 4s 4d, the overseers of the poor £115 18s 1d. In this year Titus raised £3 exactly, presumably through customary payments due to the minister and clerk at every christening, wedding and funeral.⁵⁴ At a christening the mother had to pay 6d, 5d to the minister and a penny to the clerk. The importance of settlement is key when it comes to monies due at weddings. If the banns were read and written at Ashover, the celebrants had to pay 6d to the clerk. If they went on to marry in the parish they had to pay the minister 2s and the clerk 10d. If both man

⁵¹ For issues of identity and its impact upon belonging see work by Keith Snell collected in *Parish and Belonging: Community, Identity and Welfare in England and Wales, 1700-1950* (Cambridge, 2006).

⁵² DRO, D5433/2, p. 48.

⁵³ Ibid, p. 46.

⁵⁴ Ibid, p. 137.

and woman came from outside the parish and possessed a licence, they were liable to pay the minister 5s and the clerk 1s. If the woman was born in Ashover but married elsewhere she was still liable for 2s 6d to the minister and 1s to the clerk. If the man was of the parish but his wife was not, then no money was due to Ashover parish for the matrimony, the woman having to pay something to her home parish.⁵⁵ It is not surprising that Titus saw fit to write down these customs as they can seem complicated. On the one hand Titus clearly loved his local community as his writing attests, and would want to record customs that he felt made Ashover unique. On the other hand, there was a hard-edged practicality in recording these customs, for while they made Ashover unique in Titus's mind, they were exclusive to Ashover, and needed to be policed.

For all of this it was the issue of the customary clerk-wages that were of importance to Titus. We shall see in clerk-wages a defence of custom that was of direct benefit to Titus, and the impact that the obligations of clerk-wages had on issues of local identity and action. In the extract above, we saw the legalistic nature of the tenure of the office of clerk, that you could not be removed arbitrarily, and that once in place you were eligible for all the customary rights that the job entailed. In 1719, Titus informs us of money due from customary clerk-wages:

The clarkwages are very poor, at one penny a plough & one-half penny a cottage and the best living gives him about 6 pence as he pleaseth'. Despite the wages being poor, Titus was nothing if not assiduous in collecting them, reminding himself that 'At Christmas, go round all the four quarters of Ashover, Miltowne, Alton and Northridge

⁵⁵ Ibid, pp.16-18.

and the Overend; demand according to the antient custom of halfpenny cottage, and a penny plough and with the good woman of ye house pleases to give besides in the wallet. Go to Lea and Holloway, on Thursday before Easter, demanding the same dues, but remember to enquire what children hath been baptised by any other minister, that they may be carefully rejester'd, according to ye year.⁵⁶

The onus was on Titus to go and collect the wages at appropriate times within the liturgical year. The conduct books on parish governance say nothing of clerk wages beyond dues for births, marriages and deaths that we have already discussed.⁵⁷ The customary nature of the wages was affirmed by Leonard Wheatcroft, who in 1650 consigned the custom to paper. It is worth quoting this in full:

Whereas Leonard Wheatcroft with the consent of Mr Bourne publicly chosen clerk by the greater part of the parish and is approved upon trial, and whereas the antient wages was a penny and a plough & a halfpenny cottage where no corne is sown, besides what was customarily given to our houses about or before the nativity of Christ yearly. Now we providing that we always except and reserve to ourselves on said custome nowadays to be broken, do nevertheless promise unto the said Leonard Wheatcroft upon consideration of the antient clerk wages and the accustomed gatherings and gifts aforesaid for securing the clerk.⁵⁸

⁵⁶ Ibid, p. 154.

⁵⁷ Steve Hindle's comprehensive analysis of the functioning of poor relief in, Steve Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England c. 1550-1750* (Oxford, 2004) says nothing of clerk-wages. Neither does his analysis of parish governance in Steve Hindle, *The State and Social Change in Early Modern England 1550-1640* (Houndmills, 2000).

⁵⁸ DRO, D5433/2, p. 106.

The tradition of clerk wages had been affirmed by Immanuel Bourne, the then minister, and given that the passage states that only Leonard as clerk can collect them, it was a custom that was inherited by Titus in 1707 along with that of schoolmaster. This of course does not mean that the custom was unique to Ashover parish, but it does give us an interesting insight into the rhythms of life in Ashover. Besides making note of when the wages should be collected, Titus also made very detailed notes of how much was collected and from whom. Starting in 1724 and ending quite abruptly in 1730, Titus provides us with a list of 295 inhabitants of Ashover parish and how much they paid in clerk-wages.⁵⁹ A note of caution is necessary, as we do not know if it lists every adult in the parish. The list ends in 1730, rather than with Titus's death. It fails to capture the frequency with which people migrated in and out of the parish over the years. Given the customary nature of clerk-wages, it is difficult to analyse payment of it in a systematic way. For example, in 1724 'Dumb Nan' paid a penny in clerk wages, yet nothing thereafter. Deborah Barker paid a penny in 1724 and 1725, then nothing more.⁶⁰ John Bower paid two pence in 1726, nothing for the next two years, then two pence again in 1729. Are we to assume that he was absent from Ashover in 1724, 1725, 1727 and 1728?⁶¹ Was he financially ineligible? Or did he simply refuse to contribute? Perhaps he was dissatisfied with the job that Titus was doing, perhaps they had a grudge? It may be that Titus failed to collect from Bower in those years, though that seems unlikely. There were twenty-two individuals who contribute nothing for the entire seven-year period.⁶²

Titus told us that he was due to receive 'One penny a plough & one-half penny a cottage and the best living gives him about 6 pence as he pleaseth'. This is borne out by the

⁵⁹ Table in *Ibid*, pp. 118-131.

⁶⁰ *Ibid*, pp. 121, 120.

⁶¹ *Ibid*, p. 121.

⁶² *Ibid*, pp. 124, 130.

evidence. Contributions to clerk-wages do seem to be progressive, with those most able to pay contributing 6d. The minister, Obadiah Bourne consistently paid 6d, as did the Hodgkinsons, who were notable lead merchants who founded the endowed school in which Titus was schoolmaster.⁶³ In all, six individuals paid the 6d rate. Most people on the list consistently paid 2d. There were few exemptions from payment of clerk-wages, even for those in receipt of poor relief. Anne Tissington, Mary Nuams and William Shemild resided in poor houses belonging to the parish, gifted by wealthy local citizens and each contributed to the wage, though sporadically, and not more than a penny.⁶⁴ However, widow Daykene contributed nothing for the period that we have the records for, and we know that she resided in the poor house during that period.⁶⁵ Whilst less than ten per cent of Ashover residents could evade payment of clerk-wages, the customary imposition honed local identity and belonging. An eligibility to pay, an obligation to the parish emphasised the fact that you were a member of it, and a participant in parish life. It meant that you belonged. When the elites passed on, they constructed elaborate and expensive funerary monuments, so that their memory prayed on the minds of those souls at prayer on a Sunday in perpetuity. It reinforced their former societal position and quite often described their benevolent acts in life. The mere memory of their existence would have helped to create an historical identity unique to Ashover. It is no accident that Titus recorded the inscriptions on each of the funerary monuments in Ashover church. He even penned his own epitaph in imitation of his social betters.⁶⁶ By paying customary clerk wages, a contributor was affirming the existence of the custom, and defining their place in the parish community. As Steve Hindle has commented: 'Membership of the moral community of the parish, however, could never be assumed; it had

⁶³ Ibid, pp. 120, 123.

⁶⁴ Ibid, pp. 123, 129, 128. For a list of poor houses and their inhabitants see pp. 107-113.

⁶⁵ For her non-contribution see Ibid, p. 130. For her poor house residences see p. 114.

⁶⁶ DRO, D5433/2, pp. 4-7.

to be earned and maintained over the course of a life of labour...'.⁶⁷ It could also be maintained by participation in parish government and in a more general contribution to its smooth running.

The importance of place, or belonging had a fundamental impact of shaping identity, both on the local and national scale and this was reinforced by the operations of the poor law. Before we think about this, we need to consider the importance of national identity. Linda Colley's *Britons* has helped shape the agenda for a generation of scholars. According to Colley, British identity in the 'long eighteenth-century' was formed by a juxtaposition of an 'other', a Gallic, Catholic other, that Protestantism and the legality of the operation of the British state stood in stark contrast to continental absolutism.⁶⁸ We cannot ignore the fact that Titus pulled himself away from Ashover to focus, albeit briefly, on the national and international picture:

Titus Wheatcroft is my
name, Great Britain is my
station, Ashover is my
dwelling place,

And Christ is my
salvation.⁶⁹

There was a national perspective to Titus's thought that did owe much to his Anglicanism. In one commonplace book, he drew a table listing the 'Protestantine powers

⁶⁷ Hindle, *On the Parish*, p. 454; Hindle, 'A Sense of Place? Becoming and Belonging in the Rural Parish, 1550-1650' in Phil Withington (ed.), *Communities in Early Modern England: Networks, Place, Rhetoric* (Manchester, 2000), pp. 96-114.

⁶⁸ Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven, 1992).

⁶⁹ DRO D5775/2, p. 10.

and princes' on one side, and the 'Romish powers and princes' on the other. This elucidates the remarkable knowledge of European power politics Titus had. And was no doubt shaped, as Colley has asserted, by the near continuous continental warfare that Britain embroiled herself in during this time.⁷⁰ There is also a note 'upon King George's birthday' in the 1730s.⁷¹ Alongside this is a poem by Titus, commemorating the Protestant deliverance on 5 November:

Welcome blest days, in w[hi]ch ye almighty had/ From powder plots & popery
saved this land/ When prince and people were to have their doome/ By the cursed
decree of hell in Rome/ Great was our mercy, then as great once more/ When our
great W[illia]m, from the eastern shore/ For our deliverance, landed at Turbay/
And quickly chased our foes and fears away.⁷²

However, it was local events and experiences that interested Titus the most. He assiduously noted the local fairs, with Ashover fair being held on 4 October and 15 April.⁷³ We know that he also enjoyed parish wakes, repeatedly attending the wakes in Arnold, Nottinghamshire.⁷⁴ He provides us with a list of 'the Seven Wonders of the Peake', which were 'Pools-hole, St Ann's well at Buxton, Tydes-well, Elder-Hole, Mamtor, Peakes Arse and Chatsworth'. His penned description of Ashover, with which we were introduced to Titus, shows a pride and love for his parish and home.⁷⁵ Yet this commonwealth was not open to all. Ashover had beautiful scenery, longstanding customs, but these were exclusively for

⁷⁰ Ibid, p. 63; Colley, *Britons*, Ch. 7.

⁷¹ DRO D5775/2, p. 316.

⁷² Ibid.

⁷³ Ibid, p. 41-42.

⁷⁴ Beckett, *Scarsdale*, p. 120.

⁷⁵ DRO, D5775/2, p. 22.

the inhabitants of Ashover. They were inhabitants by right of settlement. Based on an analysis of his working book, it is quite likely that he was also vestry clerk. The book contains a lot of information on parish identity, of the church and its bells and on the parish boundaries, no doubt recorded with pride. It would have been prudent for a record to be kept of the parish boundaries in settlement cases, to clarify a claimant's position.⁷⁶ Titus listed the parish boundaries in his working book in 1703, before becoming clerk. In 1687, the boundaries were marked on Rogation Day and 'Did after discharge Joseph Baggerley and William Soresby of Conyley for getting turfs on the back of Blake-Lee'.⁷⁷ This neatly encapsulates the tension between custom and settlement. Titus does not provide us with a record of any perambulations that he might have participated in, but we do have record of perambulation that took place in Ashover parish on 29 May 1777. We learn that the bounds listed by Titus can be confirmed as late as this. We also learn that one of the participants, Hugh Hole, had first walked the bounds of the parish with his father some sixty-three years before: 'And they said Henry Hole informed us that he went as neare as he could remember the same bounds upon a perambulation about 50 years ago and about 6 or 7 times between that time...'. Robert Wall first went on Rogation forty years prior to this date. That means that in 1717 and 1737 there was a rogationtide event in Ashover, and plenty in between and after if we are to believe Hole and Wall. These men, whose names certainly have an Ashover pedigree, were elders of their parish at this time and were being asked to tell the younger men about the ancient tradition of 'beating the bounds'. This transmission of memory was fundamental in maintaining the viability of the act of beating the bounds, an event that in and of itself enforced parish identity. The dates given in this account puts us in the lifetime of Titus and given what we know about the man it seems inconceivable that he did not

⁷⁶ DRO, D5433/2, p. 10.

⁷⁷ DRO, D5433M/E93. The following paragraph owes much to this reference. A website has been produced containing the contents of this file at: <http://www.crichparish.co.uk/webpages/ashovermap1687.html> first accessed 1/11/2011.

participate.

Beating the bounds was a cultural event that was still popular and much practiced well into the eighteenth century.⁷⁸ It had a practical aspect to it too, one that related to issues of settlement, as Joseph Baggerley and William Soresby found to their cost. If you knew the parish boundaries, it was very much easier to decide who should and should not be residing in the parish. Settlement did much to formalize the operation of the poor law system, creating a more unified system, though still retaining a local variance. Ashover was no exception.⁷⁹ We know, for example of numerous ‘poor cottages’ in Ashover: ‘That properly belongs to the freeholders in our parish...which paupers and others inhabit, or dwell in’.⁸⁰ In 1724, no fewer than fourteen people were residing in these houses at the expense of the parish. There was no parish poor house and no unity with other parishes to provide one. That local figures such as the Hodgkinsons were willing to provide property to the parish for the use of the poor as late as the 1720s perhaps made a parish workhouse superfluous.

There were also innumerable customs and bequests regarding tracts of land in the parish with money being generated from them designated to aid the betterment of the poor. Titus informs us that: ‘Antient people hath told Leonard Wheatcroft, my father, and several I know to be true, that in this said parish of Ashover there is several parcels of land left to the use of ye poor inhabitants thereof’.⁸¹ This could have been recorded, along with the detailed descriptions of them, as an act of pride. It is also likely that it was being used for reference as

⁷⁸ Steve Hindle, ‘Beating the Bounds of the Parish: Order, Memory, and Identity in the English Local Community, c. 1500–1700’ in Michael Halvorson and Karen E. Spierling (eds.), *Defining community in early modern Europe* (Farnham, 2008), pp. 205-28.

⁷⁹ K. D. M. Snell, ‘Pauper settlement and the right to poor relief in England and Wales’, *Continuity and Change*, 6:3 (1991), pp. 375-415. For a refutation of this interpretation, and an alternative that argues that the operation of the settlement acts was to remove people to prevent encroachment on customary rights due to the legitimate inhabitants who might otherwise be thrown upon the parish, see Norma Landau, ‘The eighteenth-century context of the laws of settlement’, *Continuity and Change*, 6:3 (1991), pp. 417-39.

⁸⁰ DRO, D5433/2, pp. 107-113.

⁸¹ *Ibid*, pp. 11-13, 51-53.

Titus went about his daily parish errands. Some of the customs were defunct; £3 6s 8d was supposed to be raised from a parcel of land at 'Cocker-farme', providing bread to scholars every Holy Thursday. Ancient people had informed Titus of this custom, as had his father who 'Was a partaker of that doale when he was a scholler in the year 1630 and 1631 and 1632'.⁸² Thomas Hancoke of Northridge left land in 1650 of a yearly value of 10s. John Bunting of Alton left 15s a year in 1666, 'With half of this to be given out on St Margaret's day being the 20 July, and the other halfe on St John's day being December 27'.⁸³ We learn of numerous other bequests by Ashover notables such as the William Hodgkinson, Anthony Storer, and Thomas Sleigh. Both Sleigh and Hodgkinson will be further explored when we come to focus on Ashover School. It is possible to confirm that these bequests were indeed made, as copies of the probates and wills of these gentlemen have been deposited in the Derbyshire Records Office.⁸⁴

Ashover still operated an independent system of parish relief, based upon bequest as well as the poor rate. The information that Titus relayed to us suggests that he may have had a role in the functioning of the poor law itself, as well as a keen interest in the history and heritage of his home parish. There were thousands of parishes in England and Wales that operated their own systems, though growing uniformity in the administration of poor relief was tying these mini-commonwealths together. If you were in the right parish and made a fair contribution, you were helped. As Steve Hindle notes: 'To fall on the parish might have been a mark of dependency and of shame, but it also implied belonging'.⁸⁵

⁸² Ibid, p. 11.

⁸³ Ibid, p. 12.

⁸⁴ DRO, D2855/3, copies made from the probate records at Litchfield D2855/3/6.

⁸⁵ Hindle, *On the Parish*, p. 454.

If Titus had a formal role in the governance of the parish, he certainly had one in the field of education in Ashover. In the last section of the chapter we focus upon Titus's role as schoolmaster. Thus far, we have discovered a tension that existed in the thought and action of Titus. He was keen to see the creation of a virtuous society, which would be predicated on selfless participation, yet when he himself participated, the thorny issue of remuneration reared its head. Whilst Titus was genuine in his concern for participation and through it a defence of the customary practices of the parish, he had to remember his income. To defend these customs and bequests made by the benevolent had a financial benefit for him as well as Ashover. When we studied the clerk-wages, we concluded that they were paid by most citizens in a reasonably consistent manner. Yet when we come to focus on the school in Ashover, we find that there was a reticence on the children of the original benefactors to continue to act in the same paternalistic, benevolent way as their fathers. We will focus upon Samuel Sleigh, the son of Thomas Sleigh, an important benefactor to the school, who in the 1720s was unwilling to provide the school and its master, their due. This issue gets to the heart of Wheatcroft's thought, for he was militant in advocating the rich paying their fair share to aid the poor, and there was also a financial benefit for him too. This was a situation that did not trouble the minds of the urban country ideologues.

Before we delve into this conflict, we need to think briefly about Titus's own educational attainment, as well as the functioning of the school in which he taught. Titus was presumably educated by his father. Titus was certainly part of the middling sort and made sure that his son learnt his trade as a tailor, and that his daughters were sent into the service of merchants in and around Derbyshire. His daughter Anne was sent to work for Anthony Alsop of Tansley in 1718; Martha went to live with Rowland Sudbury in June 1732.⁸⁶ Titus himself had begun to teach before his father died in 1706: 'I begun to teach school in thate house

⁸⁶ Beckett, *Scarsdale*, pp. 101, 102.

which is called Twitchbank and was there a year 1699 and I taught in Solomon parlor 1 year and a halfe, then at Towndrow house in Ashover hill 2 years and a halfe'.⁸⁷ Titus's teaching was makeshift before Ashover School was opened in 1704. Susan Whyman, who has written a short section on the Wheatcrofts in a book on English letter writers, points to the fact that this rather rudimentary system of educating children was common practice at this time. What she finds more surprising is that 'Early in the century and far from London, Ashover was supporting educational amenities'.⁸⁸ When the new school was built in 1704 it was large enough to host another master as well as Wheatcroft, for a William Heald, who had taught at a school in Darley, was on the staff.⁸⁹ Titus was suitably equipped to teach, with a personal library of some 382 books. He provided a list of these in his working book. He had several primers on spelling and handwriting as well as dictionaries and texts on grammar, suggesting that they were teaching aids. Maureen Bell has provided us with an analysis of the library. Up to twenty per cent of the books were for educational purposes. The majority were of a religious nature, still applicable for school, and the rest were a smattering of texts on humanistic and scientific topics.⁹⁰ Titus's commonplace books are littered with handwriting practices and simple mathematical problems that may have been intended to pass the time or could have been preparation for lessons. We know that children learn to read before they could write, so Titus's library would have been key in passing on these essential skills. Literacy, along with basic mathematics, religious instruction and general morals would have been the core curriculum in these endowed schools. No doubt Titus was well up to the job. The new school opened in 1704 on a purpose-built site. Titus has left us a detailed description:

⁸⁷ Ibid, p. 99.

⁸⁸ Susan Whyman, *The Pen and the People: English Letter Writers 1660-1800* (Oxford, 2009) p. 80.

⁸⁹ Beckett, *Scarsdale*, p. 99.

⁹⁰ Maureen Bell, *A Catalogue of the Library of Titus Wheatcroft of Ashover* (Chesterfield, 2008).

This school of Ashover stands north from the church, about a quarter of a mile from it, on a very pleasant hill side, near unto which there is 3 constant springs of fresh greetstone- water, the one is called by ye name of sr William's well and is about 100 yards from the school, which is of such a large turret that it supplies the whole town of Ashover, running exactly through the midst of the town, the other two springs is about 50 yards from the school, one coming into the school yard for use of ye master and schollers to quench their thirst, and to clean their hands that they may not sully their books. The school was design'd by George Hodgkinson of Overton and Anne his wife, but it was built by William Hodgkinson of Overton and his wife...⁹¹

We learn too that the school had a motto, inscribed above the door: 'An unruly or untoward youth, by the care and pains of a diligent master, may become more pliable and dutiful'. Before we consider the somewhat precarious funding of the school it is worth considering what Titus believed were the rights and duty of both scholars and teacher alike. After all, duty was key, and we have already seen the importance of Christian duty in Titus's world view. Titus believed in the benefits of learning for the sake of learning, for 'Without learning is like a tree without fruit' and 'thus pray be wise, and speed each day to learn your books, and not to play'.⁹² Titus had very clear views on the conduct of students, worth quoting at length:

⁹¹ DRO, D5433/2, p. 50.

⁹² DRO D5575/2, p. 4; D5775/3, p. 82.

If well thou art, rise soon each day first, praise thy God, then to him pray, then wash thy hands and face, air and brush thy clothes and comb thy hair then come to school thus clean and neat and as you come, if you should meet some boys at play, don't waste your time as they do; for it is a crime, but leave them and come straight to school where there, sit still, be not a fool, to talk and play, and mind your task which if too hard, for help oft ask; so shall you with much ease soon spell next read, then write both swift and well, and thus by steps mount up in skill in words, and ye use of the quill.⁹³

Titus ends this outline with a clear statement of what could befall a student if they failed to apply themselves: 'But if you do not act your part 'twill be too-much for skill to make you learn'.⁹⁴ Whilst this may be a pedagogy of the dark ages, particularly another passage on the redemptive benefits of child beating, the importance of duty on the part of the student, as well as on the teacher was key. There was a reciprocity.

We now must again turn to the practicalities, in this case, the funding of the school at Ashover. We have already seen, when looking the poor law, that notable merchants and gentlemen often left bequests in aid of the poor. Indeed, the building of the school was for the aid of the children of Ashover. Titus recorded two bequests for the school in his working book. Firstly:

There is another parcel of land left by one Mr Richard Hodgkinson of Green-House some say it is called ye name of ye Neather-Saltwell, to the use of ye schoolmaster

⁹³ DRO, D5775/3, p. 81.

⁹⁴ Ibid, p. 82.

for teaching two poor children the sum of this gift is twenty shillings a year and to be paid to ye churchwardens.⁹⁵

This bequest was originally made in 1673 and can be confirmed from the actual will.⁹⁶ It was a classical act of benevolence on the part of an individual of note in the community. It would be Richard Hodgkinson's descendants who would establish the school at Ashover and presumably the two poor children would have been funded to be educated at the school, rather than a makeshift establishment. We know that the bequest was still being paid as late as 1751, as Titus informs us that he did 'Receive of Mr Benjamin Blythe of Derby by the hand of Isaac Evans, his tenant, the sum of twenty shillings left by will of Mr Richard Hodgkinson late of Green-House in the parish of Ashover'.⁹⁷ There is little reason to doubt that payments had ceased between those dates, as the land had obviously passed on to Benjamin Blythe in the intervening period. He was keeping up the payments, though the money was going directly to Titus. This smooth functioning of paternalistic benevolence was absent regarding the other bequest made to the school by Samuel Sleigh, who left a bequest to the school on his death in 1684:

There is likewise another parcel of land left to the use of the school-master by Captain Samuel Sleigh of Northridge in the year 1684 of five pounds a year, of which one part of it, of 20 shillings a year lies at Northridge in the possession of s[i]r Windsor of Hunlocke, and 4 pound a year lies at Wessington, in the possession of ye Mathers, who is tenant.⁹⁸

⁹⁵ DRO, D5433/2, p. 51.

⁹⁶ DRO, D2855/3.

⁹⁷ DRO, D5433/2, p. 119.

⁹⁸ Ibid, p. 52.

This split bequest was due to be paid on Lady Day every year. Whether the bequest was paid up until the 1720s is unknown. What we do know is that by the end of the 1720s the parish was struggling to collect any money from this bequest. A letter was sent in 1728 to Sir Windsor of Hunlocke that ‘Desire you would pledge to pay unto the bearer Titus Wheatcroft the twenty shillings that is yearly due to our school of Ashover; he having supplied that place this last year and answered the charitable design of this benefactor [Sleigh]’.⁹⁹ Whether Windsor paid up is a moot point. The tenant, George Mathers, did not pay his share of Samuel Sleigh’s bequest. There are two possible reasons for this. The land at Wessington Hay had been inherited by Thomas Sleigh, a doctor who resided in Highgate, London. Applying his profession, and at such a distance would have made it difficult to make sure that the bequest was being paid. Perhaps George Mather, who was responsible for payment, had himself died by this point and information about the bequest had not been passed on to the next tenant. Another potential reason might have something to do with the running of the school. In 1728 the school, which had been in the direct possession of William Hodgkinson, passed to a Board of Trustees. Titus tells us: ‘That June 3 1728 in the first year of king George ye second Mr William Hodgkinson of Overton received up free possession of the school of Ashover to 5 trustees being, Laurence Bourne, W[illia]m Bower, John Gregory jun[i]o[r], W[illia]m Hopkinson jun[i]o[r], Edward Hodgkinson jun[i]o[r]’.¹⁰⁰ The next generation were taking up the roles that their fathers were vacating, that of parish governance and benevolence to the poorer sort. How far this change in affairs might have impacted upon the collection of bequests is difficult to ascertain. After all, Samuel Sleigh left his money to a schoolmaster, a master that had not been affiliated to any specific institution. The case against Thomas Sleigh went to the quarter sessions on two occasions, once at Derby on 18 June

⁹⁹ Ibid.

¹⁰⁰ Ibid, p. 14.

1728, and again at Chesterfield on 15 January 1730. An account of the case against Sleigh has survived in the parish records.¹⁰¹ This account corresponds with notes inside one of Titus's commonplace books. After all, the monies due should rightly have gone to him. The account is here quoted in full:

Whereas Samuel Sleigh of Chesterfield in ye county of Derby did by his last will and Testament dated in 1684 divide his lands in Washington hay in the said county in the tenure of George Mather to his grandson, Thomas Sleigh now a discounting mister at Highgate in the county of Middlesex, that if the inhabitants of Ashover in the county of Derby did build a free-school on ye common or waste of Ashover Hill near a well called Sr William's well he did give and bequeath to the use of the said school the yearly sum of four pounds of current money for ever to be paid out of ye s[ai]d lands. And did give out his lands in Ashover called King's land the sum of twenty shillings yearly towards a school-masters wages when the s[ai]d school was built and whereas the said inhabitants of Ashover & lords of ye s[ai]d mannor or some of them have about twenty five years ago erected the school in the s[ai]d Ashover hill near ye s[ai]d sr William's well pursuant to the directions of ye s[ai]d will & ye lords of ye s[ai]d mannor have conveyed the s[ai]d school , by ye consent of ye s[ai]d inhabitants to Samuel Bourne, parson of Ashover and his successive parson of the ye s[ai]d parish entrust to be employed as a free school, yet ye s[ai]d Thomas Sleigh refused to pay ye s[ai]d four pounds per annum on pretence that it ought to be made a free school by patent....¹⁰²

There is nothing in the will of Samuel Sleigh that stated a free school should be set up

¹⁰¹ DRO, D253/PF/1/2.

¹⁰² DRO, 5433/2, pp. 279-280.

from his bequest, or that his bequest would become active at such an event. It took until 1704 before a free school was set up, and this was at the behest of William Hodgkinson. Sleigh began to make his contribution to the school in 1732.¹⁰³ Latterly, payment was made by a Peter Nightingale. We know this because Titus kept a receipt in 1750: 'Received then of Mr Peter Nightingale three pounds eight shillings in cash and a year's land tax twelve shillings, in all four pounds in full, a year's payment of Mr Samuel Sleigh's legacy to the free school in Ashover...due at Lady Day'.¹⁰⁴ Whether or not that land was still held by the Sleigh family we do not know. If not, then the bequest was still being paid by the new owner. This is interesting because bequests pertaining to parcels of land made potential purchasers nervous. A potential sale of Wessington Hay in 1868, initiated by one Luke Cockayne to a Mr Lee, fell through as Mr Lee 'Was not previously aware of the incumbrances'.¹⁰⁵

The issues surrounding the funding of the school provide a clear example of the dichotomy in Titus's thoughts and deeds, that he wanted to teach, hence helping the poor. Indeed, he saw it as a moral duty to do so. There were of course the practicalities. The school needed money to function, and it depended upon the bequests of local notables, who in Titus's view would have been ideal citizens, given their social standing. When these bequests were not paid, it had a real financial impingement upon the school and its master. Titus could not follow his duty and had to work hard to make sure that bequests were met. He undoubtedly admired the men who made donations, for they had lived up to their social responsibilities. Their actions made Ashover such an important place in Titus Wheatcroft's heart. He was keen to write down these instances to make sure that the good governance of Ashover could continue well into the future. As with clerk-wages then, there was admiration

¹⁰³ DRO, D253/PF/1/3.

¹⁰⁴ Ibid.

¹⁰⁵ D253/PF/2/2.

and pride for the customs and traditions of the parish. There was also a hardnosed, pugnacious realism to Titus's defence of the customs and traditions we have explored in this chapter.

As we saw at the beginning of this chapter, 'microhistory' has an important part to play in enlightening us on social relations in early modern England. There is much that can be gleaned from a minute analysis of commonplace books and diaries that inform us about village politics, conflicts over resources, and class conflict. As well as opening a new body of source material and putting working people and their attitudes to the fore, microhistory also has the benefit of grafting local case studies onto broader social and political occurrences. To this end, we should add the powerful, materialist social history of politics written by Keith Wrightson and his students, for much of it involves highly detailed case studies of localities, illuminating wider issues at play in early modern England. By utilizing the commonplace books of Titus Wheatcroft as well as other sources related to his beloved Ashover, we have achieved several things. We have gained an insight into the practicalities of parish governance, the importance of local custom and charity, specifically regarding poor relief, and on parochial affairs and education in Ashover. What we have also gained is a quintessentially country Tory perspective on politics and social relations. What makes this so significant is that this highly sophisticated, thoughtful analysis of social relations comes from a man of quite modest means. It seems fair to categorise Titus as part of the 'middling sort', yet he was, geographically and culturally speaking, miles away from those polite devotees of the bourgeois public sphere. Ashover was a long way from Covent Garden, in every sense. Added to this, we have a country Tory thinker far removed from Bolingbroke and his circle. Like Bolingbroke and his milieu, Titus was greatly exercised by the perceived decline in gentry munificence and elite paternalism, believing it had been replaced by miserliness and the cash-nexus. As argued in previous chapters, this was a cultural as well as economic shift,

from moral to market economy. It is all the more important to us that we have this interpretation from someone like Titus Wheatcroft. As an apparatchik of one parish republic, he spent time getting to know the customs of the parish and the bequests left on the part of kind hearted men and women. Yet we saw how these customs had grown moribund and bequests were left unpaid by the feckless, acquisitive children and grandchildren of noble and generous men. This was Wheatcroft's view of it and it is even more valuable because it was gained at the coal face, so to speak, rather than in a library or a salon.

One of the weaknesses of the new social history is it has struggled to graft its sophisticated interpretation of politics in terms of use-rights and the village onto a pre-existing 'high politics'. By spending time on Titus Wheatcroft, we have been able to contribute to this lacuna, for as his commonplace books reveal, Titus was aware of the partisan politics of the 1720s and 1730s and took a resolutely oppositional Tory position. He was knowledgeable about the ecclesiastical debates of the era and aware of the dynastic conflicts raging on the continent throughout this period. And most importantly he could relate the ideological issues raised by the country Tories to the practicalities of parish politics in Ashover. His lived experience in the Peak and the decline in paternalism and benevolence he saw there fitted neatly with the preoccupations of the country Tories. In essence then, politics from above and politics from below met in one parish in the Peak District. In Titus Wheatcroft we have gained much knowledge about social relations, not just in Ashover but in early modern England more generally.

CHAPTER 5: The Burgesses and Freemen of Derby and the custom of common c.1590-1790

The poor burgesses, though they have no land, are entitled to a horse gate and a cow gate in the several large pastures that have been long ago given by benefactors, and appropriate to that purpose; as also to right of common in several meadows, as Siddalls, etc., after the hay is got off, which must be before midsummer day; and this is a privilege which freeholders, as such, have not the privilege, though they have it in the common fields.¹

This is what William Woolley, the Derbyshire antiquarian found in Derby in 1712. It is a description of the customary rights that belonged to the people of Derby. They had a right to pasture and a right of herbage for their cows and horses. They also had a right of pasture in the meadows that surrounded the town. Freeholders, those who owned property but were not freemen had some customary rights too, but they were more circumscribed than those of the freeman or burgess. What Woolley was describing was commonplace in most towns in England during the early modern period. In an era before mass urbanisation most towns were girded by fields and meadows. The sharp dichotomy we often think of between the urban and rural communities of early modern period did not quite pertain to this situation. Most of the freemen in Derby were artisans, shopkeepers, small traders and small producers. Yet their freeman status entitled them to maintain an interest in a more agrarian mode of production.

¹ Catherine Glover, Philip Ridens (eds.), *William Woolley's History of Derbyshire* (Derbyshire Record Society, 1981), pp. 42.

This may have been pasturing a horse or gleaning after the harvest was cut on commonable land. Being able to retain access to the land gave these men an economic independence. That was fused with their political independence as freemen, a right gained often by birth, but also as skilled artisans and tradesmen. Economic independence was prized in early modern England because it conferred a political independence. The Tories valorized the forty-shilling freeholder as the essence of autonomy and liberty, the backbone of the opposition to Walpolean oligarchy. Artisans and craftsmen in urban areas had similar economic independence as masters and owners of their means of production. Property, skill, and custom melded together to create a political and economic independence.

However, Woolley has simply provided us with a snapshot, a vista in time. He noted that there was room for conflict by differentiating between freemen and freeholder. That there had been near constant contestation over use-rights involving the Corporation of Derby, the freemen, the freeholders, those who had leased land in severalty from the borough and even apprentices, are nowhere discussed by Woolley. We shall see that these disputes stretched from the 1590s until the 1790s. These tangled social and economic relationships were conflictual. We have noted the importance of the social alliances and counter-hegemonic blocs that developed during social conflict. The battles over custom were no different. Custom meant different things to different people. It is not right to safely assume that we have a binary battle between a burgeoning capitalist class on the one hand and a plucky proto-proletariat on the other, though there was undoubtedly a process of capitalist development taking place. Customary rights could be an essential economic resource for many people. They needed to retain access to them to maintain their living standards. For others, the pasture rights that came with freeman status was simply part of their corporate, localist identity, a perk of their social position. For others, custom and use-rights were an impediment to economic development, a nuisance that needed to be addressed. The sides that

people took was dependent on their attitude to custom, as well as how far they benefitted from them. In this chapter, we will focus upon the customary rights the burgesses of Derby had and how there was a constant fight to maintain access to their birthright as well as how others in the local community presented themselves in these contests. There was serious contestation in 1671 and 1674-5 and we will concentrate on these conflicts in the first part of the chapter. In the second part of the chapter we will focus upon an Anglican cleric, Henry Cantrell, who was in a near constant state of frenzy over the perceived erosion of his clerical rights by the Derby Corporation from 1712-1732. Cantrell is important because as well as illustrating the longevity of conflict, the common fields we will visit in the first part of the chapter will crop up again in the 1720s, as will the thorny issue of charitable lands ‘given by benefactors’ as noted by Woolley.

The historiographical debate on enclosure turns upon two interrelated issues. What happened to the yeoman class, the ‘peasant proprietor’ of common land after enclosure had taken place; and how was common land and waste used by this social group and others prior to enclosure. Radical Liberals like the Hammonds, who wrote at a time of great debate on enclosure and the land question, as well as Marxists like E. P. Thompson could coalesce around the opinion that enclosure ‘was a plain enough case of class robbery’.² The commons of course were never actually owned by commoners in the first place, though Thompson’s point still stands. David Chambers and Gordon Mingay argued that by the time of parliamentary enclosure, which really got underway from the 1760s, most land in England and Wales had been enclosed, so that the commoners as a class were obsolete. The corollary

² J. L. Hammond and Barbara Hammond, *The Village Labourer, 1760-1832* (1912); E. P. Thompson, *The Making of the English Working Class* (1963, Penguin edition, 2013), p. 237.

of this was that if enclosure had already happened, use-rights were moribund, if not entirely extinguished by the 1760s.³

The orthodox case has been restated recently by Leigh Shaw-Taylor. Shaw-Taylor concurs with the standard orthodox view that customary rights were extinguished by the 1760s, driven forward by stinting, regulating how many animals a person could place on common land.⁴ Shaw-Taylor believes then that a rural proletariat existed on the eve of parliamentary enclosure. It is tempting to ask that if the erosion of customary rights took place prior to 1760, should we not just go back and see if the ‘class robbery’ took place earlier? Shaw-Taylor does recognise the longevity of pasture rights post-1760 and if he had focused his studies on geographical areas where large tracts of common land were retained for a long time, he may have developed different conclusions.⁵

Henry French has made an important contribution to our understanding of urban commons and enclosure at this time.⁶ In his article on Clitheroe, French argues that the rights to common was being subverted before enclosure by the development of a free market in rights and stints.⁷ Clitheroe was a burgage borough, one where the franchise was enshrined in certain properties, rather than individuals. This encouraged absentee landlords to purchase

³ Jonathan David Chambers and Gordon Mingay, *The Agricultural Revolution, 1750-1880* (1966). See also Mark Overton, *Agricultural Revolution in England: The Transformation of the Agrarian Economy, 1500-1850* (Cambridge, 1996).

⁴ Leigh Shaw-Taylor, *Labourers, Cows, Common Rights and Parliamentary Enclosure: The Evidence of Contemporary Comment, c.1760-1810, Past and Present*, 171 (2001): 95-127; Leigh Shaw-Taylor, ‘Parliamentary Enclosure and the emergence of an English agricultural proletariat’, *Journal of Economic History*, 63:1 (2001), pp. 640-642.

⁵ For a good critique of Shaw-Taylor’s position on empirical grounds, see Andy Wood, *The Memory of the People: Custom and Popular Senses of the Past in Early Modern England* (Cambridge, 2013), pp. 162-165.

⁶ The best introduction to work on the urban commons is Henry French, ‘The Common Fields of Urban England: Communal Agriculture and the “Politics of Entitlement”, 1500-1750’ in Richard W. Hoyle (ed.), *Custom, Improvement and the Landscape in early Modern Britain* (Farnham, 2011), pp. 149-174. See also French, ‘Urban agriculture, commons and commoners in the seventeenth and eighteenth centuries: The Case of Sudbury, Suffolk’, *Agricultural History Review*, 48:2 (2000), pp. 171-99.

⁷ Henry French, ‘Urban Common rights, Enclosure and the Market: Clitheroe Town Moors, 1764-1802’, *Agricultural History Review*, 51:1 (2003), pp. 40-68.

property to acquire the vote, simply leasing out their entitlement to common that came with the property. As French notes ‘Access to the Town moors existed as a straightforward property right’.⁸ The burgage borough was wholly unrepresentative both in terms of the franchise and access to the commons. French’s starting point is one of a fixity of property, that everything was cool, rational and legalistic. It is difficult to see how there could be any social conflict over rights and entitlements when they were being traded in this manner. Fixed property rights made this free trade possible yet custom was always more fluid and amorphous than this. French takes little interest in the tenants who ‘Probably bore most of the costs of the physical enclosure of the Town moors, but these may not have been prohibitive, and rents may not always have been at market levels’.⁹ French continues ‘The coincidental expansion of the textile and lime burning industries in the decade after enclosure may have helped to maintain labouring incomes, at the cost of economic independence lost with the extinction of agrarian by-employments’.¹⁰ French is correct to note the issue of economic independence being lost, though it would have been good to know more about the economic destination of the tenantry, especially when there is an age-old view that those thrown off the land provided the demographic surplus to drive forward industrial development.

To understand popular responses to enclosure and the erosion of custom and use-rights, it is necessary to remember that those who accessed customary rights did not look upon them as being an issue of contract and private property. Those rights were immemorial, and the commoners were going to continue to avail of them. Carl Griffin and Briony McDonagh see ‘Enclosure as an act of making private property, as a way of spatially

⁸ Ibid, p. 67.

⁹ Ibid, p. 68.

¹⁰ Ibid, p. 68.

excluding, is neither a temporally or conceptually stable practice'.¹¹ Griffin also notes that '...Enclosure represented a tension between the use rights of commoners as underpinned by common law and customary practice and statutory attempts to equate property with exclusive ownership'.¹² This gets us to the crux of the matter. What we are seeing in the early modern period is a battle between use-rights and private property, between custom and the law. There was no fixity in property that had not been achieved by conflict and contestation, though we hear much about 'enclosure by agreement'. We know that many of the poorer sort, who as cottagers of one stripe or another would have exercised customary right, were often excluded from the division of their common land, fields and pastures. Some time ago, E. P. Thompson informed us that 'At the interface between the law and agrarian practice we find custom. Custom itself *is* the interface, since it may be considered both as praxis and as law'.¹³ We have moved along way from an alternative Marxist analysis, propounded by Eric Hobsbawm and George Rudé who when analysing the Swing riots of 1830 saw the agrarian workers hamstrung by their commitment to tradition and custom.¹⁴ Custom was 'ambience', part of the everyday experience and 'structure of feeling' of working people. It was a pre-requisite of capitalism for there to be a dissolution of those customs, all the better to firm up private property rights. In this process 'What was happening, from the time of Coke to that of Blackstone, was a hardening and concretion of the notion of property in land, and a re-ification of usages into properties which could be rented, sold, or willed'.¹⁵ As noted at the start of this chapter, we must not fall into a binary trap. Everybody was affected in different

¹¹ Carl Griffin and Briony McDonagh, 'Occupy! Historical Geographies of property, protest and commons, 1500-1850', *Journal of Historical Geography* 53 (2016), pp. 1-10, p. 2.

¹² Carl Griffin, 'Becoming Private Property: custom, law, and the geographies of "ownership" in 18th and 19th-Century England', *Environment and Planning* 42:3 (2010), pp. 747-762, p. 749.

¹³ E. P. Thompson, 'Custom, Law and Common Right' in his *Customs in Common* (London 1991), pp. 97

¹⁴ Eric Hobsbawm and George Rudé, *Captain Swing* (London, 1969).

¹⁵ Thompson, *Custom*, p. 135.

ways by this shift, which could make for some interesting social alliances in favour of, or against the mutation of use-rights to private property.

The particularities of the local community were paramount in shaping how the battle lines would be drawn. As Carl Griffin notes ‘In short, to understand the nature of capitalism as practiced, we need to be alert to the local modalities of property...they need to be rooted in a local value system, and to reflect local practices, rather than be adopted from external models of how property can be defined, and capital formed’.¹⁶ One of the key aspects of this thesis has been studying the importance of the local in shaping popular political consciousness. Contestation over use-rights, the franchise, parish politics and cultural change in the village were as important as high political argument at Westminster. David Rollison informed us of the importance of the landscape to working people, how they inscribed meaning onto it, how it fitted into the rhythm of their lives.¹⁷ Again, as with custom, the landscape could mean different things to different people. The local context counted. For some it was pure legalism, that they owned property in a locale and wanted to fence it in. For others it imbibed their local community, tying together work, skill, independence and corporate history. There was a materiality to it all. Those who had access to customary rights and entitlement and those who did not. Those who owned the land and those who did not. The difference between copyhold and freehold tenure. The overlapping legal jurisdictions, both locally at the manorial court and sessions, or nationally at the Court of Exchequer in London for example.

Before we focus on the major conflict over common land in Derby in the 1670s, it is necessary to set the context, for there was serious conflict throughout the early modern

¹⁶ Griffin, *Becoming Property*, p. 760.

¹⁷ David Rollison, *The Local Origins of Modern Society: Gloucestershire 1500-1800* (London, 1992), p. 4.

period. We owe a lot of our information on this contestation to the *Derby Town Chronicle*, a list of notable events in the borough from the early Tudor period to the 1690s.¹⁸ Conflict over common land cropped up frequently. William Woolley noted Siddalls field in 1712. The corporation had leased out the field to one Edward Smith. In 1590, a group of burgesses went to Siddalls and trampled down all the corn Smith had growing there, claiming right to pasture. There was no dispute that the burgesses had common right, but a difference of opinion on when the burgesses could exercise that right. The burgesses believed it was from Midsummer's day, regardless of whether the land was under grass or under the plough, whilst Smith believed, naturally, that they could only common when the field was fallow. The issue seemed to have been settled in favour of the burgesses, given Woolley's statement from 1712. However, in 1605 John Needham, a burgess, had his cattle impounded for commoning on Siddalls field. This minor dispute is important because it is the first insight we can get into the ambiguity that could be thrown up when the corporation decided to lease out land in severalty. Those who leased were obligated to accept the customs of the borough and may well have been burgesses themselves. Yet if the primary concern of a lessee was capital development, he may not have wanted all and sundry turning their animals out onto his field or destroying his crops.

The ambiguity of lease caused by the corporation flared up in 1603-4: 'In this year near about vii weeks before Michaelmas did the burgesses begin to break open the commons'. We know that the riots were led by Richard Wendall, a burgess, William Wood and his brother Henry Wood, a burgess and a butcher respectively. Their target was land that the corporation had leased out and had subsequently been enclosed. The corporation contacted the seventh Earl of Shrewsbury, who was responsible for the Duchy of Lancaster.

¹⁸ Richard Clark edited the chronicle as 'The Derby "Town Chronicle" 1513-1698', *The Derbyshire Archaeological Journal*, Volume 118, (1998), pp. 163-184. The following section up until the dispute of 1671 leans heavily on the *Chronicle*.

Derby Corporation was keen to emphasise its credentials, making references to the rights conferred upon them by royal charter. Shrewsbury interceded and pacified matters in the short-term, but this thorny issue of leases, of formalising property, often rode roughshod over the customary rights of the inhabitants of Derby.¹⁹

In 1603-4, the populace was split down the middle over the issue of common land, and between 1615-1617 there was yet more conflict. However, alliances shifted, uniting the borough against the tenants and other inhabitants of the Duchy manors.²⁰ The tenants claimed that they had an ancient right, granted to them in 1296 by Edmund Crouchbank, Earl of Lancaster, giving them the right to enter and trade in the borough market without having to pay the customary toll. Tenants were entering the market and refusing to pay the toll. This escalated and in 1615 two tenants had their goods distrained by the borough. The borough claimed that the charter stated that they could take toll and tonnage from all, though there was an exemption for the Duchy of Lancaster, who would only have to pay half the amount. James I had granted a new charter to the town in 1611, reconfirming that there could be no trade in the town except for fairs and markets. There were to be six fairs a year and three markets a week. The new charter also made provision for sessions and a manorial court. It may be that the new charter changed the pre-existing situation. Indeed, the previous charter of 1327 said nothing of tolls to be levied. The bailiffs sued in the Duchy court in 1617 and won, though fees would be reduced across the board. As late as the 1790s William Hutton noted that 'The market would be better supplied if the tolls were abolished. Loughborough, Uttoxeter, Ashbourne and other markets are much cheaper, where no toll is paid'.²¹

¹⁹ Lambeth Palace Library (LPL), Shrewsbury Papers, MS 707, 17, 18. For another dispute on leases in 1603 see LPL, Talbot MSS 3203, 115.

²⁰ The National Archives (TNA), E112/9/86; E112/75/135; E112/71/146; E112/75/154.

²¹ William Hutton, *History of Derby* (Derby, 1791), pp. 76-77.

From the 1590s until the 1620s, Derby was troubled by disagreements over customary rights, both over common land and corporate right to charge market tolls. Multifaceted alliances and blocs of social forces were formed in the heat of conflict, from a split corporation and borough to unity in the face of a perceived threat to local custom from those outside the town. While these disputes were important, they were mere skirmishes when set against the ferocious strife and discord over enclosure in 1671 and 1675.

The period between the Restoration in 1660 and the beginning of parliamentary enclosure in the 1760s is not regarded as one marked by major enclosure dispute. Yet the riots of 1671 and 1675 were the biggest that Derby would experience over enclosure. The catalyst for contestation was the actions of Henry Mellor. We know little about Henry Mellor, except that his family had a long-standing presence in the county and in the borough. That the Mellors had been leasing land from the corporation could only have exacerbated the tensions between the corporation and the burgesses on this tricky issue. Mellor was a notable litigant in several disputes over land in the county. It seems as if he spent the better part of the 1670s in a court room.²² By 1671, Mellor possessed several hundred acres of land in and around Derby, much of it leased, with much of the land having common rights attached to it. This seemingly meant little to Mellor, who began a process of enclosure. Rioters tore down his new enclosures. Edmund Giles, a freeholder in the borough, provides us with an account of what occurred in 1671.²³ Giles was keen to stress that there was a tradition of enclosure in Derby : ‘For all time whereof the memory of man is not to the contrary there hath been...a custome that the freeholders of the said borough of Derby that from time to time and at all times and has often been the case that freeholders enclosed their land lying in the aforesaid common field, meadows and pastures’. Regarding the rioters Giles stated ‘We shall for the

²² TNA, C7/233/69, 1677; C8/286/32, 1678; C8/249/65, 1679.

²³ British Library (BL), BL Add MS 6694 fols 192v-203v.

future keep in severalty without any disturbance from or by the confederates'. Giles as a freeholder was certainly keen to defend the actions of Mellor. Mellor claimed that he had come to an agreement with Mayor James Ward the previous year. The mayor in 1671 was Thomas Goodwin and he recognised no agreement. Edmund Giles was particularly concerned about the alliance of the rioters and the burgesses on the issue of common rights 'That the mayor and burgesses of Derby and their predecessors, from whom the said confederated make some clayme of tyle thereunto they have from all the tyme whereof the memory of man is not to the contrary...to have for themselves [and] burgesses of the said borough com[m]on and pasture in the several com[m]on fields, meadows and parcels of land situate lying [and] being in the said borough'. He listed twelve pieces of land: Easter fields, Little fields, Windmill fields, St Leonard's Flat, Abbey Barnes, and Chequer Ley are the most important to us as the crop up constantly from now until the mid-nineteenth century. Having their rights, the burgesses were quite sure that 'Noe person or persons have attempted to inclose or hold in severalty the said fields, meadows, closes or parcells of land or any of them or any part of them without the consent of the said mayor and burgesses'. Mellor of course claimed that he had an agreement with James Ward to press ahead with enclosure. The only way the longstanding dispute could be resolved was for the corporation to meet. They debated whether a custom to enclose land held in severalty existed.

Given that Giles has informed us of the alliance of the burgesses and the apprentices who rioted it is perhaps not surprising that discussion turned to the rights of apprentices. It was quickly agreed 'Every apprentice being made free of his trade would gain an inheritance in this or another man's freehold lands with the grants of the said borough'. Giles attacked what he saw as the debasement of freehold tenure for the benefit of the apprentices: 'That antient arable meadow [and] pasture lying in the com[m]on therein must necessarily be intended originally foe the support of the villages there and for noe other use of purpose' and

‘No reason or rule of reason to entitle them to have any such power or authority or interest in the lands of the same’. Again, we have the clear dichotomy between use-rights versus property rights. The completion of an apprenticeship conferred not just economic independence but political independence too, for the franchise was gained by it. For the apprentices it was not just about the cash-nexus. Retaining use-rights in Derby was important to their corporate identity too, as they publicly reaffirmed their economic and political independence. For Mellor, Giles and other freeholders, it was all about hard cash. Indeed, Giles goes on to explicitly state that custom was an impediment to capitalist development: ‘And the rest of the freeholders there that they should not have power to make the best of their owne estate without their license and consent’, and most worryingly for Giles ‘The said mayor and burgesses did and others combining with them did then affirm there ought not to inclose lands as aforesaid without their such license’. Mellor continued to make his case for there were ‘Several meetings and conferences’ during which Hugh Bateman was charged with answering the vexed question of whether land held in severalty could be enclosed. Yet ‘After meeting about the same[and] consideration of the said matter could not agree any expedient to end the said differences...’

At this juncture, the corporation passed the responsibility for proving Henry Mellor had a right to enclose land to Mellor himself. Of course, he had no such documentation to make his case. Edmund Giles cried foul: ‘They combined amongst themselves to deceive together with other of their confederated to charge them to look for.... a paper containing the substance thereupon’. Henry Mellor leased land from the corporation that contained common land. He wanted to enclose it, he was opposed. What is important is the different alliances that were formed, clearly surprising to Edmund Giles. The corporation that had created the ambiguity did not know what to do. The freeholders were split, yet the burgesses and the apprentices, who themselves would one day be freemen and continue the right to common,

were as one. While Mellor was an acquisitive capitalist it did not mean that his natural opponents had to be only the poor burgesses and apprentices. Everybody had to shape their position to the conflict in terms of the role that common rights played in their everyday lived experience.

What may have been a victory for the burgesses and the apprentices soon turned to ash in their mouths when Mellor, taking advantage of the interface between law and custom, enclosed his lands in 1674. This causes a bigger riot than in 1674. *The Derby Town Chronicle* informs us of it:

In the later end of this month (August) the apprentices with some journey men and others, did riotously assemble and pulled down a great deal of the fences of Mr Mellor's intacks in the little field and castle field, and burnt many scoops and rails. The Mayor and recorder could not disperse them, notwithstanding they acted their duty as Justices of Peace. But afterwards they sent for the rioters, imprisoned as many as were informed against, if they did not procure bail, and at a session not long after called, they were indicted and fined 6 s[hillings] and 8d a piece.²⁴

It was the apprentices and their allies who instigated the attacks on Mellor. The month of August is important as we know this was when pasture rights to the common fields began, lasting until February. The rioters would have bided their time until they had the force of customary law on their side, in August, before they attacked. How far the mayor and recorder wanted to stop the riots can only be left to pure conjecture. They had to act to maintain civil peace in the Derby though, and the rioters were duly punished. While the apprentices resorted to common law and damage to physical property, Mellor again resorted to the central law

²⁴ Clark, *Town Chronicle*, p. 180.

courts. We have depositions from the freeholders of the borough, as well as from the mayor and prominent burgesses. If Edmund Giles was a staunch defender of Mellor in 1671, William Allestry, Robert Holmes, Thomas Ward, Mary Houghton, Roger Wheeldon, William Labourer, Thomas Broughton and Humphrey Burrows, as freeholders all, had moved against Mellor's cause.²⁵ They tell us that Mellor 'Is a freeholder within Derby aforesaid [and] owner of a great part of the lands, meadows and pastures lying in the common fields...of the said borough but of what consent the same is granted they doe not know'. What they did know for certain was 'He hath endeavoured to exclude them and others that hath right of common in the same from using their commons therein...without the consent or license of the said mayor and burgesses of Derby...against all law and right'. In the intervening period since 1671, these freeholders had fallen into line with the view of most freemen: that whilst borough land with rights of common and pasture may be held in severalty, thereby raising revenue for the corporation, there was no custom whereby the land could be enclosed. A new alliance had formed against Henry Mellor, though the freeholders were quick to differentiate themselves from the rioting apprentices for they 'Severally deny all combinations and confederations charg'd against them'. For Mellor, the alliance was clearly one amalgam of ill repute, yet the freeholders clearly did take the same stance as the apprentices when they argued that the arable lands 'May very well be maintain'd in tillage as the same have heretofore been without any new inclosures'.

We get no real sense of why Mellor wanted to enclose the land, beyond the point raised by the freeholders that Mellor stated that he did not want tenants on his land. Reference was made earlier to an agreement that Mellor had with the then Mayor James Ward regarding enclosure. Mellor presented this document during the case in 1675.²⁶ We

²⁵ TNA, C6/78/25/006.

²⁶ TNA, C6/78/25/007.

learn that Mellor held 300 acres of land from the borough and that he would pay ‘For license to inclose four hundred and fifty pounds in money and 12d an acre rent’. The rent payments were to begin once enclosure had taken place and that if any further enclosure was to occur, it would be on the same terms as the 300 acres. The document gives us an insight into the splits that then occurred when the corporation discussed the potential agreement. An alternative was apparently produced whereby Mellor would pay £750 rather than £450 for the 300 acres, and that no further license for enclosure would be granted. Whether Mellor accepted these terms we do not know. It seems reasonable to assume that he did for he enclosed his 300 acres. In 1671 we know a minority of the burgesses accepted that Mellor had a right to enclose, though oddly Mellor himself dressed up his enclosure as a customary right, only bringing up this agreement later. With the issue of leasing in severalty thrown in we can clearly see how confusion could reign. What certainly stands out in this agreement is its legalism. This stood in stark contrast to the argument that the freeholders and corporation used to justify common rights. The fact that the agreement was on paper, that it was formalised in writing, rather than part of an oral culture is significant. It was a contract. The landscape had been monetised by Mellor: how much to pay for it, how much rent could be yielded per acre, how further enclosure would proceed. The bundle of rights, obligations and entitlements, the importance of corporate history, of memory, of localism and place that we shall see exhibited by his opponents in 1675, was totally absent from Mellor’s purview. He saw a business transaction, not a way of life. He emphasised property rights over use rights.

The freeholders never talked of property, at least not in terms of the common fields and the rights that went with them. In the first instance, they were rights that were wrapped up in corporate governance: ‘Where the memory of man is not to the contrary had and used to have for themselves and every burgess of the said borough common of pasture for all their horses, mares, colts, oxen and cows and other beasts’. These rights were operative in three

meadows: Windmill fields, St Leonard's Flat, and Abbey Barnes from 23 June till 24 August. This right of common was 'Good, just and reasonable and legal'. Mellor had clearly cast his prospecting eye over the meadows in question for the freeholders defended them as: '...Not waste lands but antient arable meadows and pastures'. While there was a clear difference between property rights and use-rights, the law could be pressed into service by both sides. Mellor took this case to London; the freeholders reminded this court that it had already been to King's Bench in 1614-15 and they had confirmed right of common. The overlapping legal jurisdictions which had caused confusion in 1671 and earlier, cropped up again in 1675. The freeholders claimed that they were unsure if there was a manor in the area in question, preferring to follow the borough charter of Charles II. In any event, the freeholders had accommodated themselves to the claim of most the corporation in 1671 that 'Have affirmed that the complainant ought not to inclose his lands as aforesaid without such license of the said Mayor and burgesses'. They ended their deposition with a sharp rebuke of Henry Mellor and his claims: 'They severally deny that they or any of them know or believe that the complainant hath by such suit in law or otherwise the right to inclose his said lands in any other manner than by license from the said Mayor and burgesses'.

It is worth reiterating how the freeholders, in a similar financial position to Mellor, seldom talked of exclusive property rights. They leased land in severalty from the corporation but did not enclose. They themselves had some grazing rights, though not as extensive as the burgesses. They could well have been motivated from the somewhat jealous position of leasing land and allowing it to be used by the burgesses while Mellor, in a similar position, simply waived customary rights away with the stroke of a cartographer's quill. The exclusivity of private property in law was not achieved conflict free, or in isolation from the people who had exercised common rights, perhaps over generations. That was certainly the case in Derby. One way of thinking of the importance of use-rights would be to borrow the

concept of ‘taskscape’ from social anthropology. This had been most ably done by Katrina Navickas, though for a later period. When focusing on the Luddite protests of 1811-13, Navickas describes taskscapes thus: ‘Marginal groups- handloom weavers, agricultural labourers, migrants, the poor- subsisted on the peripheries of urban areas, the industrial village or suburbs, the turnpike, the moor. Moors and fields were not picturesque or sublime backgrounds to conflict, but formed their very battlefields’. Therefore ‘The taskscape was essential for the necessities of everyday life, food and fuel, rights that were defended in both overt and covert protests’.²⁷ What we have in Derby is the politics of the borough as well as the politics of the soil. We can see the importance of corporate history and identity, the authority of the burgesses, the independence conferred on the freeholders as property owners, the apprentices, whose independence was gleaned from control of their own labour as artisans and tradesmen. Their economic and the cultural outlook melded together in this landscape or taskscape, making the blunt, orthodox Marxist attempt to separate the economic base from the cultural superstructure look fatally flawed, certainly as an analysis of actually-existing social relations. Use-rights gave both economic and political power to working people in early modern England. When those rights and entitlements were under attack, as they constantly were at this time, people fought back. It could be in local or national courts, or it could be through direct action like rioting. Nicholas Blomley has powerfully argued that the erection of hedges during enclosure acted in both a material way, literally fencing off land, and in a temporal way, making private property. There was of course a dialectical relationship at play, for ‘While encloser’s planted hedges, commoners tore them down. As both barrier and a sign, the hedge was a powerful machine of enclosure. However, its very

²⁷ Katrina Navickas, ‘Luddism, Incendiarism and the defence of rural “Task-scapes” in 1812’, *Northern History*, XLVIII: 1, (March 2011), pp. 59-73, p. 63, 72. Navickas borrowed the concept of ‘task-scapes’ from the anthropologist Tim Ingold, *The Perception of the Environment: Essays on Livelihood, Dwelling and Skill* (Oxford, 2000), p. 327.

materiality made it vulnerable to those who opposed privatisation'.²⁸ Henry Mellor in effect represented every rack-renting lord, every large-scale capitalist, every agrarian 'improver'.

As Blomley reminds us, property is born in conflict:

Property entails an economy of violence, threatened or implied, this violence can easily be airbrushed out. Locke's influential account of enclosure presumes mutual consent, rationality and social peace. Enclosure occurs without exclusion, but rather through productive forms of labour. Violence appears to be the antithesis of law and private property. Yet the hedge reminds us that property is never just about signs and stories: it can also, as have noted here, concern bodies, thorns and social force.²⁹

Henry Mellor was litigious yet taking the corporation to court was a step too far, for however many of its members had supported him in 1671, none did so in 1675. In their deposition, Mayor Edward Walker, Thomas Goodwin and the more prominent burgesses were cheerfully unaware of the impact that leasing common land had had in stoking the flames of conflict in Derby. Yet they were united in opposition to Mellor: 'They deny any of them know or believe that there be any such custom within the said borough that the freeholders of ye said towne of Derby have from tyme to tyme or at all tymes...have so pleased to inclose their land'.³⁰ It might be claimed by Mellor that there was such a custom 'But they or any of them doe not know of any parcels of the common fields that are inclosed without the lycense or consent of ye said mayor and burgesses'. Except of cause Mellor himself who had enclosed 'Great quantities of ye common fields and ground of Derby to the

²⁸ Nicholas Blomley, 'Making Private Property: Enclosure, Common Right and the work of Hedges', *Rural History*, 18:1 (2007), pp. 1-21, p. 5.

²⁹ Ibid, p. 17.

³⁰ TNA, C6/78/25/005.

great prejudice of the mayor and burgesses [and] without their lycense or consent'. The mayor and burgesses wanted to get to the 'truth' of the matter and outlined the rights they had from their 'Predecessors from the tyme whereof the memory of man is not to ye contrary have been used [and] accustomed to have for themselves [and] every burgess common of pasture for all their commonable cattle upon any of their lands within the said borough'. These were Nun's Meadow, Parcel Meadows and Cooper fields. This land could be pastured every year from the last day of July until the start of February. They also had a right in Little fields, Chequer Ley and Nether Cowsley for two years from when 'Ye corn or graine growing hath been cut or mowed or reaped [and] taken away...until again sown with any manner of corn or grain'. In the third year, these fields would lay fallow, and the burgesses had right to common cattle for the whole year. The same situation pertained to Windmill field, Castle fields, St Leonard's flat, Abbey Barnes and Siddalls field. Castle fields, Windmill field and Little fields were the ones that Mellor had sought to enclose. They also had right to common of pasture for all their horses, mares, goldings, colts, oxen, cows and bulls from June until August.

It is easy to see the rhythm of these customary rights, happening year after year, formalised through practice down the generations. The use of the commons was carefully planned. Working people understood the importance of the fallow field and the benefit of commoning animals on them, the animals providing manure for the soil, aiding crop growth the following year. Commoning was not a free-for-all. By this time the freeholders and the corporation were at one in what rights of common existed, where, and for whom, which was a big improvement from the conflicts of the early part of the century. The freeholders were opaque on the manorial status of Derby. So was the corporation. Its members knew that Derby was 'A very antient borough' and that their land entitlement came 'From several grants from his majest[ie] and his royal predecessors', and it was 'Not in any of their

memories been any court baron held within ye said borough there having little use of any such court there being a court leet within the said borough'. Whether Mellor was justifying his claim based on manorial jurisdiction we do not know. Whether he had a claim that the defendants had to conspire to dismiss we do not know either. What we do know is that there had been a great dispute on the manorial rights of the tenants of the Duchy of Lancaster over the issue of market tolls earlier in the century. The inhabitants of the town had worked together to see off that challenge. They were doing the same thing against Henry Mellor in 1675.

The only evidence that Mellor had was the agreement of 1671. We can recall that the corporation had apparently drawn up an alternative, whereby Mellor would pay more for the land he leased and enclose no further. The deponents here noted that there was talk of an agreement yet 'The Mayor or Com[m]on Councell never consented to any other proposition then under the qualification aforesaid', that there never had been enclosure with license or with the consent of the corporation. Mellor 'Never accepted or argued to ye knowledge of the said deponents or any of them of the common council to the contrary'. We remember that Hugh Bateman was asked to go through the records of the borough to ascertain the situation in 1671 and drew a blank. The onus was then placed upon Mellor to prove his case, that there was a custom whereby freeholders could enclose common land that they were leasing. He could not in 1671 nor in the case he had brought in 1675. Consequently, the case was settled in favour of the borough.

So, what happened next? The *Derby Town Chronicle* gives us an insight: 'Afterwards all difference between the corporation and Mr Mellor were referred to and agreed by Sir John Curzon, Sir John Harpur and George Vernon esq'.³¹ One of the reasons why there was such

³¹ Clark, *Town Chronicle*, p. 180.

dispute on the issue of common land was because of the borough leasing out land which opened the potential for enclosure. We saw it in 1603-4, we saw it again in the 1670s. Henry French has argued persuasively that the act of leasing in severalty was a form of regulation, and even when land was enclosed, it made it possible for the common rights to be reasserted and formalised going forward. In effect, enclosure did not mean the total extinguishing of common right.³² There is something in this. The corporation were never so haphazard with leases again and it did see them as a useful revenue stream. By 1729 there were thirty-eight different enclosures and forty-seven different people holding borough land in severalty, netting the corporation £8 in that year.³³ Some of the old fields crop up. Whitecross field was being leased by Samuel Heathcote for 6s 8d. He also had a watering place on Nun's Green for 4d. Thomas Roberts was paying 4d for a watering place on Abbey Barnes and George Bateman was paying 8d for a close on Chequer Ley as well as an intake on Cooper's Meadow at 1s. John Toplis had an acre on Little field for 6d and Mrs. Wright had three acres and three roods on St Leonard's Flat at 1s.

The maintenance of common right can be seen through John Bagnold, who leased several watermills on the Derwent. The right of piscery was maintained with the mayor and burgesses keeping their liberty to fish with a rod and the right to fish with a net one day a year.³⁴ When Richard Roe enclosed most of Whitecross field in 1740 the pasture rights of the mayor and burgesses were maintained, following the same rules as they asserted in 1675.³⁵ Isaac Borough was granted severalty of sixteen acres of Castle field in 1718 and enclosed much of it. Interestingly, in the same year he also gained one third of the corn tithe of Derby

³² French, *Common Fields*, pp. 162-163, 173.

³³ Jane Steer, 'Derby Borough Rentals, 1729: Part I', *Derbyshire Miscellany*, Volume 14 (Autumn 1995), pp. 29-53.

³⁴ Jane Steer, 'Derby Borough Rentals, 1729: Part II', *Derbyshire Miscellany*, Volume 14 Part 3 (Spring 1996), pp. 62-95, p. 67.

³⁵ *Ibid*, p. 82.

and the reservation of two seats in St Werburgh Church, and one seat in the chancel of St Peter's.³⁶ It seems that the old status symbols carried some weight for the notables of Derby. The Castlefield estate was eventually sold by the Borough family in 1822 for the sum of £22,000.³⁷

There is no doubt that the borough held onto their customary rights for a long time. As late as 1834, in preparation for the Municipal Corporations Act of 1835, the commissioners found that: 'All the burgesses have an exemption from a toll in the market, and a right of common of pasture without stint over certain lands called Siddalls and the Chequer from old midsummer day to Candlemas day. The pasturage was granted to the bailiffs and burgesses in the year 1627 by Richard Wright and others. The land is all in the immediate neighbourhood, and some of it is close to the town'.³⁸ We have studied the contestation over land use for the earlier period and saw that 1627 was insignificant as a year, yet by 1835 it was commonly accepted by the borough as a key year in which the right of pasture was formalised. This suggests that the ancient rights talked of by the defenders of the free right of pasture in Derby were not as ancient as they claimed.

Even though some customary rights could coexist with enclosure, the old ways were changing. Nun's Green was partially enclosed in 1768, the remainder being enclosed in 1792. Siddalls fields, scenes of conflict in 1590, was finally enclosed in 1864, bringing an end to at least 274 years of common right, Chequer Ley was enclosed the same year.³⁹ By this time in the battle of property over use-rights, property had won out. In this battle people had to regiment themselves in relation to their attitude towards common rights. As we have seen, it

³⁶ Derbyshire Record Office (DRO), D5369/25/82-98.

³⁷ Stephen Glover, *The History and Gazetteer of the County of Derby, Volume II* (Derby, 1831), p. 416.

³⁸ British Parliamentary Papers (BPP), *Royal Com. Of Inquiry into Municipal Corporations of England and Wales. First Report, Appendices: Part III. (N. and N, Midlands Circuits)*, 1835, pp. 1849-1858, p. 1850.

³⁹ British Parliamentary Papers (BPP), *Return in Chronological order of all Acts passed for the inclosure of Commons or Waste lands* (1913), pp. 14-16.

made for strange bedfellows, and the alliances that were formed were far from stable and constantly shifting. In the drive to capitalism, many people lost; it was not a peaceable, consensual process. Defence of custom was not just economic but cultural and political. The erosion of these rights through dispossession was not just spatial in terms of a changed landscape, girded by fences, but a temporal one too. To privatise and marketise what had once been held in common fundamentally changed the rhythm of people's lives. They had invested their identities in these rights, as freeholders, artisans, traders, indeed Derbrians. The sense of loss, so fundamental to working class identity, can never be quantified and it should certainly never be ignored. To look at custom in a legalistic way is to misunderstand it. As Andy Wood notes: 'Historians desire to define common rights according to strict legal definitions therefore not only fails to capture the fluidity of entitlement within many communities but is also blind to the embeddedness of those entitlements within distinct senses of local history'.⁴⁰

Thus far we have engaged with community politics in Derby. We are now going to focus upon one individual, Henry Cantrell, a High Church Anglican cleric of St Alkmund's parish in Derby. He was there from 1712 until his death in 1773. Cantrell was a crotchety man, awkward, all knees and elbows. He had an exalted view of the clergy and their position in society, yet he fought a one-man battle against the corporation and his parish over the nature and extent of clerical customary right. These struggles turned on his right to tithes and Easter dues and the revenue due from charitable land in the possession of the corporation. If Henry Mellor had looked upon a local landscape and saw great potential for agrarian capitalist development, numerous gentlemen and aristocrats had looked upon the same landscape, albeit for an earlier period, and imbibed it with paternalism and mutual obligation. The freemen and burgesses saw the fields and meadows as part of their corporate identity as

⁴⁰ Wood, *Memory*, p. 166.

well as an economic resource giving them non-market access to the means of production, namely the land. These late benefactors believed that the wealth generated by the land and trade should be used, at least in part, to fund dole, poor relief, education, and charity, all in the purview of the parishes at this time. Their landscape, supported by Cantrell stood in stark contrast to the one envisioned by Henry Mellor, Isaac Borough and their ilk. This shift from moral economy to market economy generated conflict. Charity and Cantrell were part of it. This, alongside the dispute over tithes and the intellectual sustenance that Cantrell drew from engagement in these battles will occupy the rest of this chapter.

Henry Cantrell was born in 1684 in Ashbourne, Derbyshire.⁴¹ He attended Derby School and then went to Emmanuel College, Cambridge, gaining a BA in 1705 and an MA in 1710. After ordination at Litchfield in 1709 he arrived in Derby, being given the living of St Alkmund's in March 1712. Being of the High Church tradition, Cantrell was fiercely anti-Dissenter. He even refused to bury children baptised by Dissenting ministers. Unsurprisingly this generated heated debate in the town, with Cantrell finding a sparring partner in the Dissenting minister Fernando Shaw. While Cantrell was later admonished by the Bishop of Coventry and Litchfield, the Dissenters of Derby consecrated their own burial ground in 1714, a petty victory for Cantrell. During these debates, Shaw had claimed that King Charles I had never actually been baptised by a bishop. The cult of Charles I was important, with many regarding him as a martyr. This mythology was an important though little discussed aspect of popular Toryism in the early eighteenth-century. Cantrell contributed to the myth with his pamphlet *The Royal Martyr a True Christian, or, a confutation of a late assertion*,

⁴¹This brief biography of Cantrell is dependent on David L. Wykes biography in *the Oxford Dictionary of National Biography*, accessed 21/10/16.

viz, that King Charles I had only the lay-baptism of a Presbyterian teacher, published in 1716.⁴²

It was not just Fernando Shaw who felt the wrath of Cantrell, but even his own parishioners and members of the parish vestry came in for attack from the cleric. There was disagreement in December 1741 over sacrament money. For the sake of accountability, it was agreed ‘From henceforth the several sums of money and sums collected, received and given at every sacrament to be administered in the parish church of St Alkmund’s aforesaid shall be entered into a book to be bought for that purpose’.⁴³ It is likely that it would be Cantrell who made notes in the new book, for in March 1733 there was a dispute over who could write in the parish book. It was eventually agreed that ‘Noe churchwarden or officer of the parish for the future do suffer a line to be wrote in the parish book’. The churchwardens won out, arguing that the ‘Right of ye Mr Cantrell vicar being contrary to ye custome of the said parish time out of mind’.⁴⁴ There were arguments over communion wine and even the trees that grew in the churchyard. Cantrell had gleaned from *Gibson’s Codex* that ‘If anything belonging to the freehold be broken down or cut down the walls, windows, doors or trees in ye church-yard the person or vicar and not the ch[urch] wardens shall have an action start.’ This right was underpinned for Cantrell by an Act from the time of Edward I that ‘The soil of ye ch[urch] be the ministers and the trees growing therein but he is not to cut them down unless for repair of ye chancel’.⁴⁵ These examples certainly show the high opinion that Cantrell had of Anglican divines and it is unlikely that most clerics were this irascible. Yet while these clerical customs may be small beer compared to the great debates over access to

⁴² Henry Cantrell, *The Royal Martyr a True Christian, or, a confutation of a late assertion, viz, that King Charles I had only the lay-baptism of a Presbyterian teacher* (Derby, 1716).

⁴³ Derbyshire Record Office (DRO), D916A/PV1/1: St Alkmund’s Parish Vestry Book, 1698-1783, p. 306.

⁴⁴ *Ibid.*, p. 261.

⁴⁵ Henry Cantrell’s Commonplace Book, Derbyshire Record Office (DRO), D916/A/PI/31, c. 1723. Unfortunately, the book has no page numbers.

common land we have already engaged with, they were of great importance to Cantrell. Significantly, they could generate as much conflict as could battles over gleaning, firebote or pasture rights. The quotes on the vicar's rights within the churchyard come from Cantrell's commonplace book, kept by him from the early 1720s till the mid-1730s. Like Titus Wheatcroft's commonplace books, Cantrell's was a 'working book', containing research on the disputes he was engaged in, as well as ecclesiastical matters and biblical quotes. The book contains the sort of comments that we would expect in the commonplace book of an Anglican cleric. Cantrell mocked the Catholic Council of Trent as 'Only a pack'd one consisting chiefly of Italian bishops in ye Pope's interest'. Occasional conformists were 'schismaticks' and the Quakers were 'A compound of the dregs of popery and fanaticism'. Interestingly, Cantrell had a word to say on the Muggletonians: 'A product of ye 17th cent[ury] propaganda by Muggleton and Reeve. They pretended that they were the two last witnesses and property of Christ'. Just why Cantrell was so exercised by the sacraments is revealed in his commonplace book. The Eucharist 'Is ye most sacred and mysterious rite, the apex, top and perfection of Christ's worship' and that the people should receive communion 'meekly kneeling'. The cleric was to be the focal point of the church service and even the litany, often providing the laity the opportunity to participate 'Ought not to be read by laymen or by boys'.

In his history of Derby, William Hutton claimed that Cantrell raised a toast to the Jacobite cause on his knees in 1745.⁴⁶ There is no evidence that this happened. Indeed, the Young Pretender and his army got a muted reception when they arrived in Derby during the rebellion. Henry Cantrell was a conventional Anglican Tory. His commonplace book shows that he took an interest in the non-Jurors, those bishops and four hundred lower clergy who lost their livings for refusing to swear an oath to the de-facto King William of Orange. Cantrell supported the 1723 oath of allegiance, perhaps because it was motivated by anti-

⁴⁶ William Hutton, *History and Antiquities of the Borough of Derby* (Derby, 1791), pp. 202-203.

popery, probably because oaths were ‘...A matter of importance justified by ye practices of St Paul’.⁴⁷ Unsurprisingly, Cantrell made note of 30 January, the anniversary of the death of Charles I, a martyr in the eyes of Cantrell. On the same page, he provided a brief analysis of the origins of the English Civil War that would not seem out of place in an historiographically revisionist interpretation of the era: ‘On the cause or good old cause as the schismatics called it. Some of the King's merderers at the time of his death being ask'd wh[at] was the cause for which he fought and for which he died, answered it was to have no common prayer book and no surplice...’, emphasising as it does the importance of religion.

As David Wykes notes, Cantrell came to national prominence in 1733. In 1730 Cantrell issued a marriage license to Annabella Wilmot, daughter of Robert Wilmot of Osmaston, Derby. Annabella's marriage was a clandestine one. Robert Wilmot was stunned that Cantrell was unaware that he had not given his daughter permission to marry and took Cantrell to the church courts at Litchfield. The case dragged on for two years and Cantrell was eventually able to slip out of accountability. Wilmot was much angrier with the cumbersome and expensive process of the court and the Church of England's legal jurisdiction in general. In 1732, he encouraged Derbyshire notables to petition the House of Commons on the matter. This helped to contribute to the Ecclesiastical Courts Bill of 1733, which addressed the costs and jurisdiction of the religious courts. It never passed the House of Lords.⁴⁸ We have the sycophantic letter that Cantrell sent to Robert Wilmot in November 1731: ‘If I have at any time said or done anything to your prejudice thro' any inadvertence w[hi]ch you may resist I am sincerely sorry for it, and as becomes every good Christian, desire your forgiveness’.⁴⁹ There was a mood of anticlericism in England in the early 1730s,

⁴⁷ Derbyshire Record Office (DRO), Q/RR/6-7 Oath of Allegiance, 1723 for the county of Derbyshire.

⁴⁸ For the Bill and the political controversy surrounding it see R. B. Outhwaite, *The Rise and Fall of the English Ecclesiastical Courts, 1500-1860* (Cambridge, 2006), pp. 104-118; Stephen Taylor, ‘Whigs, Tories and anticlericalism: ecclesiastical courts legislation in 1733’, *Parliamentary History*, 19:3, (2000), pp. 329-56.

⁴⁹ Derbyshire Record Office (DRO), D3155/C/172, Henry Cantrell to Robert Wilmot, 27 November 1731/2.

and it was obvious in Derby. Cantrell's bickering with the corporation could only have exacerbated the situation. We have looked at some of the smaller disputes that Cantrell engaged in. The most substantial, and longest battle with the corporation lasted from 1715 until 1729 and turned on the issue of clerical rights to small tithes and Easter dues.⁵⁰

Queen Mary I had made provision as early as May 1554 for money to be used for retaining a perpetual vicar and a perpetual vicarage on a pension of £7 6s 8d per annum. This was reconfirmed by the corporation in 1711. In 1712 'Taking the meanness of the said Cantrell's circumstances into consideration he having behav'd himself till then with decent respect to the said Mayor and Burgesses, did at a Com[m]on Hall then held...vote and order that the said Cantrell shall for the future have the small tyths arising within the said parish and com[m]only called the vicarial tythes'. Yet what was easily gained could just as easily be lost because Cantrell 'Behaving himself very insolently to the corporation after he had obtained it, the said Mayor and Burgesses at a Com[m]on Hall held...23 March 1713 did vacate and reverse and make void the first order of April aforesaid'. We do not know what Cantrell did to upset the mayor and burgesses, but knowing his manner as we do, we cannot be surprised. Naturally, Cantrell fought the corporation, taking them to court at Litchfield in April 1714. In his case Cantrell yoked together the benefaction of Queen Mary and the small tithes, which were two separate entities, as he and the corporation well knew. Even the two witnesses he produced, John Roberts and George Barker, could only affirm to the existence of the Easter dues and that Cantrell collected it, but knew nothing of its origins. They looked wholly inadequate when compared to the witnesses that the corporation could rustle up. Joseph Sadler 'Having lived in Derby all his time and being an officer to and under the Mayor and Burgesses...remembers and knows from ye time of his youth that ye Mayor and Burgesses of ye said town for ye time being having been proprietors and owners of ye small

⁵⁰ For the 1715 dispute, see BL, MS Stowe 119, fol. 76v.

tythes or vicarial tythes arising in ye parish of St Alkmund's'. Sadler noted that the parishioners had been publicly informed in March 1714 that no tithes were owed to Cantrell.⁵¹ Joseph Walker, who had also lived in Derby all his life, confirmed what Sadler had said and he himself had gone to Cantrell on 20 March to inform him that no tithes were owed to him. Walker also informed the prominent citizens of Derby, who held land in St Alkmund's parish, specifically Mr Broughton, Mr Morledge, and Mr Holmes who were being sued for non-payment by Cantrell.⁵²

The corporation simply needed to prove that small tithes were in their gift and could be granted or removed at will. Samuel Heathcote helped. He had 'Perused ye Hall books kept for entering orders made by ye Com[m]on Councell of ye town of Derby and finds many orders in ye said books for the letting and applying of ye small tythes arising within ye parish of All Saints and St Alkmund's'.⁵³ Using ancient archives and the appeal to corporate history was commonplace in defence of such rights. Incidentally, Samuel Heathcote is the same man who we found leasing and enclosing common fields post-1675. Even though he was using a similar methodology to those who opposed enclosure, he was applying it against Cantrell's presumed clerical rights. Unsurprisingly, Cantrell lost his case. He would win his case in 1729 though and spent the intervening period building his argument in increasingly impoverished circumstances. In this struggle two issues manifested themselves, the first been the defence of custom predicated upon the relevance of Anglo-Saxon liberties. The second was on the importance of charity land and the conflict over how far they pertained to the landscape existing in Derby during the 1720s. We will explore each in turn.

⁵¹ BL, MS Stowe 119, fol. 76v, p. 2.

⁵² BL, MS Stowe 119, fol. 76v, p. 3.

⁵³ BL, MS Stowe 119, fol. 76v, p. 5-7, p. 6.

That working people of early modern England could draw up a richly textured narrative of rights predicated on ancient pedigree is well known. Lost rights and a golden age in which all was well, where solidarity and economic equality reigned was often used to justify a contemporary defence of economic independence and political liberty.⁵⁴ Working people had the agency to agitate for their popular liberties, both political and economic, whether they were being eroded and lost, or otherwise. That these traditions could be used as a defence for clerical rights is less well accounted for. It is worth noting that Francis Atterbury, an infamous Anglican Tory borrowed heavily from whiggish ideas of the ancient constitution and the immemorial nature of parliament to justify the calling of the Convocation of the Church of England in 1697, claiming that this parliament of the established church was immemorial too.⁵⁵ Cantrell was well-attuned to the importance of clerical rights. He informs us that ‘Every church of common right is entitled to a house and glebe-without, no ch[urch] could be regularly consecrated’.⁵⁶ This is important because the benefaction of Queen Mary did stipulate that alongside a perpetual vicar there should be a perpetual vicarage, a manor house. The house was never provided for. Given that so much of the contestation turned on the issue of tithes, we should not be surprised that Cantrell saw fit to trace their genealogy. We hear that ‘Tithes were paid in England before the clergy could claim ‘em by civil right’. He lists several biblical quotations here, such as Matthew 23:23, Luke 11:14 and Numbers 18:21. That Abraham paid tithe in Leviticus 27:23 illustrated that scriptural authority was as important to Cantrell as the ancient constitution. Yet the Saxons were very important for Cantrell as ‘There was a parochial right of tythes settled in the Saxon times and still’.

⁵⁴ For the radical implications of nostalgia on working class communities see Ben Jones, ‘Uses of Nostalgia: Autobiography, community publishing and working class neighbourhoods in post-war England’, *Cultural and Social History*, Volume 7, Issue 3, pp. 355-374.

⁵⁵ Francis Atterbury, *Letter to a Convocation Man* (London, 1697). See also Isaac Kramnick, ‘Augustan Politics and English Historiography: The Debate on the English Past’, *History and Theory*, Vol. 6, No. 1 (1967), pp. 33-56, pp. 46-51.

⁵⁶ The quotations for the following paragraphs comes from Cantrell’s Common-Place Book, Derbyshire Record Office (DRO), D916/A/PI/31, c. 1723.

Apparently, the Saxon King 'Ethilwulph granted the tithe of all the crown lands to the church A.D 954 which was extended to the whole kingdom the year following with several immunities to the clergy'. Cantrell had read the work of the antiquarian and historian Roger Twysden, gleaning much from his *Historical Vindication of the Church of England*, published in 1663. He even believed that transubstantiation could be refuted by appeal to the Saxons. Cantrell believe that there had been a misuse of a Saxon homily which showed the 'Sacrament is not the natural body and blood of Christ but is only waiv'd in a ghostly manner'.

The idea of the 'Norman Yoke', part of a radical theory of lost rights, was of immense importance to major radical groups, from the Levellers to the Chartists. These groups used it as part of a sophisticated argument against the landed elites and factory owners, seen as the drivers of exploitation and immiseration. Cantrell was in no doubt that 1066 was a radical break, though he came at it from his own unique perspective. He had extensively noted an account of the early Norman kings from Lindsay's *Brief History*. If the Normans had been bad for popular liberties, they had been devils against the church. As well as building the Tower of London, William the Conqueror depopulated thirty six parishes in Hampshire to make a forest for hunting. According to Cantrell, the *Domesday Book* of 1086 was so exacting on the wealth of the nation that it 'surprised all robbers'. The Normans, much like the Corporation of Derby in Cantrell's mind, had appropriated tithes rightly belonging to the parishes: 'The state of the parochial clergy was very mean and intended so to be, being supplied by the English clergy'. Putting the philo-saxonism to one side, Cantrell, like every person fighting and defending their customary rights and common laws, saw fit to draw upon the whole panoply of Anglo-Saxon liberties and for their continuity after 1066. In this thesis, particularly in Chapter 3, we explored the country Tory tradition and how it was used to articulate a popular-democratic opposition to Whig political economy. Henry Cantrell

helpfully reminds us that the Anglican tradition within Toryism was not at a different tangent to the constitutionalist country tradition; rather that they were intertwined and melded together. Cantrell could at one and the same time been in the same tradition as the non-Jurors, Henry Sacheverell, and Francis Atterbury on the one hand, and John Lilburne, Thomas Paine and Fergus O' Connor on the other.

The second issue we need to address is that of the charitable lands in and around Derby. That this issue had scope for contestation in the borough is illuminated by a pamphlet, *An Account of several benefactions and charities*, published locally in 1728.⁵⁷ The pamphlet contained a detailed account of charitable donations that wealthy individuals had bequeathed to both the borough and the parishes of Derby for the betterment of the poorer sort. This paternal munificence dovetailed in the pamphlet with a doubtful defence of the customary rights to pasture on common land. That these rights and charitable benefactions were deemed to be in a state of decay exercised our author to put pen to paper, putting the debate into the public sphere and marketplace of ideas. It is not too grandiose to see a battle raging in Derby between the moral economy and the rise of market economy. We should see the conflict over charity and custom in Derby as being on the front line of that battle. We know that the moral economy, the whole 'ethos of mutuality' would lose out; contemporaries did not. They believed that there was all to play for in their defence of their way of life. Too many orthodox Marxists have ignored those who fought to maintain their economic independence and form of social relations, dismissing them as reactionary or worse, deluded. The contestation was the lifeblood of social relations and popular politics in early modern England.

⁵⁷ Anon., *An Account of several benefactions and charities, given to the churches and school, burgesses, tradesmen, and poor in the Borough of Derby* (Derby, 1728).

The pamphlet starts with an account of Queen Mary's benefaction.⁵⁸ It went on to account for the benefactions of other local notables. Richard Croshaw made provision for £20 per annum to All Saints parish for a lecturer to be paid quarterly. He also left £200 to the bailiffs to be loaned to poor tradesmen on an interest free basis. A princely sum of £1250 was left to the corporation, £15 to be spent each year 'forever' for the 'Relief of several poor ancient inhabitants of Derby, to be distributed every Sunday in bread, cheese and money: 4d in bread, 2d in cheese and 3d in money'. The money for this was gleaned from land that Croshaw owned on the outskirts of Derby.⁵⁹

In the 1590s, the Countess of Shrewsbury donated £100 per annum to the Blue Coat Hospital for the relief of eight men and four women.⁶⁰ In 1603, Jane Walton, wife of the Archdeacon of Derby, gave £100 to St John's College, Cambridge 'For the maintenance of such scholars as come from Derby School, or for want of such, from Derbyshire'. She also provided £40 'For the better relief of the head master' of Derby School.⁶¹ Walton's husband made several donations too, helping ten poor tradesmen with £10 per annum each. The men to be assisted would be chosen by the corporation.⁶² The charitable donations could be dismissed as patronising paternalism, sops to the poor to explain away material inequality that from the 1590s was growing rapidly. We cannot easily dismiss the importance of the Christian and moral duty that would have been an important impulse compelling these people to act. Practicality was important too. There was a need to help those people too old or too ill to work and before the advent of the Welfare State, responsibility was expected to fall on the community, especially the wealthiest inhabitants.⁶³ Mutualism had an important economic

⁵⁸ Ibid, pp. 4-12.

⁵⁹ Ibid, pp. 14-15.

⁶⁰ Ibid, p. 15.

⁶¹ Ibid, pp. 15-16.

⁶² Ibid, p. 15.

⁶³ For the longevity of this ethos, see Brodie Waddell, *God, Duty and Community in English Economic Life 1660-1720* (Woodbridge, 2012).

role too, seen here in the extensive system of finance for tradesmen who were just starting out, or had fallen on difficult times due to economic problems. Working people were not passive recipients of these doles (even if they were expected to be in the works of authoritarian social theorists of the period). Rather, charity fed into a complex set of rights that working people had and defended on multiple fronts. Indeed, they could hold the elite to account based on the elite's own advocacy of paternalistic duty, whether in the 1590s, 1603 or 1728.

These charitable donations had an important impact on the finances of the local parish which were often obliged to fulfil the wishes of the donors. This of course actually required collecting the money, even as late as 1728, when the preceding century had seen huge conflict over common land and custom. Benefactions were an important part of the revenue stream of the parishes of Derby. All Saints was due over £65 per annum, St Michael's was due £13, St Alkmund's, Cantrell's parish, over £20, St Werburgh £75, and St Peter was due £61 per annum.⁶⁴ In St Peter's parish, the lion's share of the benefaction money came from the land of Robert Liversage, who made his bequest in the 1590s.⁶⁵ In St Alkmund's 'There are also several rents of houses in the churchyard, and lands in the fields of Little Chester, and two houses in St Mary's Gate given to the church repair thereof'.⁶⁶ How far the inhabitants of these properties were willing to make sure these dues were paid was of course a source of conflict. In the parish, we learn that 'There is a highway and watering place for the benefit of the inhabitants, which was lately stopped up by the late alderman Broughton and added to his orchard'. There were also several watering places that had been 'Appropriated to particular persons'. We have seen the borough accounts for 1729 to know

⁶⁴ Anon., *An Account*, pp. 16-23.

⁶⁵ Ibid, pp. 22, 14.

⁶⁶ Ibid, p. 20.

that watering places had been leased out by the corporation. They and the late alderman Broughton were not paternalists like Croshaw and Liversage before them.⁶⁷

Importantly our author directly cites common lands and links them with ‘Lands which were given to pious and charitable uses’. We hear of familiar places like Bradshaw Hay, Holmes Pasture and Heygrave fields. A detailed account of the rights of common for the burgesses is presented.⁶⁸ We learn that some of this common land had parochial dues attached to them, such as Little fields, which contained eight acres given by Ralph Coke for the repair of the church and steeple of All Saints. There were also dues accruing on Cowsley fields, dues that could not be paid because that part of the Fields had been enclosed by Henry Parker. We are getting to the main bone of contention in the pamphlet, that customs were being eroded and charitable money was not being paid. Cantrell’s conflict over small tithes were rehearsed here. We learn that Mr Botham’s charity, which was £2 to every parish in Derby, had not been paid for over thirty years.⁶⁹ It was a similar story regarding land in All Saints parish: ‘Nothing has been paid for many years...but if the old parish-book (which was lately spirited away, for obvious reasons) were produced, the land might be found, for that book mentions how it is butted, bounded, and to whom it is leased’.⁷⁰ We will never know who ‘spirited’ the book away, but that the dues were not paid is beyond doubt. To add insult to injury, much of the land with paternalist obligations attached to it had soared in value in the intervening years. Ralph Coke’s charity was on land being leased at £7 per annum and Croshaw’s charity for the poor and a paid lecturer was on an estate worth £80.⁷¹ Our author clearly thought this, along with enclosure was the reason why dues were not being paid. The irony is that the land had probably increased in value because of economic development and

⁶⁷ Ibid, p. 20.

⁶⁸ Ibid, pp. 23-24.

⁶⁹ Ibid, p. 25.

⁷⁰ Ibid, p. 25.

⁷¹ Ibid, p. 26.

investment. What we have seen with these charities and benefactions is not dissimilar to what we saw with the battles over common land. People had inflected their identities onto the landscape, both economic and cultural, but their identities differed from others. Ostensibly, the parishes were on the same side as the burgesses, who had engaged in a hard-fought battle to retain and defend their corporate interests. This had pitted them against the corporation and individuals like Henry Mellor, who sought economic improvement at the expense of customary right. The parishes were engaged in a similar battle, against similar individuals, to gain money due from historical charitable donations pertaining to land in Derby. Indeed, the author of the pamphlet links the defence of right of common with a defence of parochial rights. The perceived enemy was the same: the acquisitive capitalist, and he looked to be gaining many victories.

There were still small victories to be had, and Henry Cantrell gained one in 1729.⁷² The last time we saw him he had just lost his battle with the corporation over his right to small tithes. In 1729, he was able to reverse that decision. In May 1732, he signed an indenture with the corporation, which laid out the terms of his victory. The benefaction of Queen Mary was confirmed, and the corporation agreed to pay Cantrell £100 13s 4d. The small tithes and Easter dues, held by the corporation since 1715, were confirmed too: ‘That is to say of every inhabitant within the said parish for Easter offerings two pence per head respectively for himself or herself, wife, child and servants of sixteen years old...’.⁷³ The indenture also lists the other tithes of the parish for pigs, geese, hens and cocks, ducks and drakes and bees per swarm. Lambs and sheep ‘In fallow fields or upon commons with the said parish to be paid in kind when they are shorn or three shillings per flock in lieu’.⁷⁴ This

⁷² BL, Woolley MSS 6671, fols. 229-236, Copy of lease by Mayor and Burgesses of Derby to Henry Cantrell, vicar of St Alkmund’s, Derby, 27 May 1732.

⁷³ Ibid, p. 231.

⁷⁴ Ibid.

illustrates how access to common land was not just the soul preserve of the burgesses, though they had led most of the battles in defence of free access. Enclosure had led to a growth in market gardening, with St Alkmund's parish seeing the planting of several orchards. Much income could be garnered from the tithe of orchards 'Made or planted and to be made or planted with the said parish (during ten year after the time of their being planted) one shilling per acre for the tithe fruit of every such orchard or to be paid in kind at the discretion of the occupant'.⁷⁵ Ironically, the more land that was enclosed in the parish, the more the parish could hope to reap in tithes. They were aware of this as we can see in the post-dating of tithe of orchard. Cantrell was to pay a pepper corn rent to the corporation at Michaelmas. The corporation, aware of Cantrell's contrariness and litigious nature, caveated the indenture by demanding that Cantrell could not apply to another court or jurisdiction for recovery of his money in the future.⁷⁶

Interestingly, the corporation also included another caveat, exempting a small number of people from the payment of small tithes. For example, Margaret Chambers, a widow, was exempted from 'Making the said Henry Cantrell by allowance or satisfaction for the same' payment of small tithes.⁷⁷ The prominent Thomas Gisborne could keep to himself the small tithes levied on the land of William Goodman, William Collins, Robert Clarke, William Orne, Thomas Jackson and John Stone. This may be because alongside leasing borough land to Gisborne, the corporation had given him the right to small tithes in the parish.⁷⁸ We saw something similar with Isaac Borough when in 1718, he was given a third corn tithe. We saw that small tithes were in the gift of the corporation in the Cantrell affair of 1715. Indeed, they had argued at the time that they had ancient right to the tithe and could gift it as they pleased.

⁷⁵ Ibid, p. 231.

⁷⁶ Ibid, p. 233.

⁷⁷ Ibid, p. 234.

⁷⁸ Ibid, p. 234.

Between 1715 and 1729 they may well have gifted a portion of it to Thomas Gisborne, and did not want to damage any contractual relationship they had with him. Even as late as the 1720s the corporation was causing difficulty with the leasing of land.

Cantrell signed off on this agreement and we hear little more from him. It may be that he got his fingers badly burned over the marriage licence affair of 1730, which set the community of notables in Derby against him. Cantrell remained a cantankerous man, but any future outbursts he had were kept in the privacy of the parish vestry. Cantrell's victory in 1729 was a small one within a sea of change. By 1730 those in possession of customary rights were on the defensive across the piece, and with the arrival of parliamentary enclosure in the 1760s there was an intensification in capitalist development, underpinned by the State. We saw the intense legalism of Henry Mellor in 1671 and 1674-5 in his defence of his right to enclose common land. Parliamentary enclosure was legalism writ large.

We can see this no better than in the enclosure of Nun's Green in 1768. The Green was at the heart of Henry Cantrell's parish of St Alkmund's. As well as having several orchards, Nun's Green was a site of intensive industrial development. In 1729 there were three brickyards, the corporation's pinfold, twelve houses, three cottages, two barns, a tar house, three workshops, a malthouse and three taverns.⁷⁹ It was also common for gravel to be dug from the Green. In 1768, the corporation drew up an act to enclose forty-eight acres of Nun's Green.⁸⁰ The ostensible reason for enclosure was the need for space to build houses. Yet common rights were a concern too, for 'Great damage has been done to the said green by persons digging gravel thereabout to the no small detriment and loss of the said freeholders, owners, occupiers and burgesses'.⁸¹ The language was of 'nuisances and incroachments'. The

⁷⁹ Jane Steer, *'Derby Borough Rentals'*, p. 64.

⁸⁰ *An Act for selling part of a Green called Nuns Green, in the Borough of Derby* (London, 1768).

⁸¹ *Ibid*, pp. 1-2.

method of enclosure was clinical. A group of trustees, headed up by the richest men in the town and the county, would guide the enclosure. Property qualifications were set for trustees at £10 a year from rent and profits, or the ownership of an estate of £500.⁸² This was not going to be enclosure by agreement. The pinfold was to be removed from the Green and the right to build roads across it granted. The trustees empowered themselves to remove ‘nuisances and encroachments’ from the Green. They meant cottages and other tenements standing there, many of which would have had right of custom attached to them. If you had property there from before 1748, you would be compensated, yet only if you could ‘Produce...all the deeds and other papers relating to their said respective property’. Common law defences of custom ‘time out of the memory of man’ were dead. If you could not prove your case or you had only lived there since 1748, your home would be dismantled and disposed of at your own cost.⁸³ The trustees looked out upon a Green pockmarked with gravel pits filled with stagnant water. We learn that even the parishes had been digging for gravel and marl, the surveyors of the highway using a common resource to fulfil their parochial obligations to keep the roads in a good state of repair.⁸⁴ This would end with enclosure. The trustees were keen to use this partial enclosure to tightly control access to the remaining common land on the Green. Harsh stinting measures, even for burgesses were to be enforced. They could only common ‘At one time in any one year, between the twelfth day of May and the twelfth day of November’ and they could only pasture one mare or one cow or bullock, or two calves or five sheep.⁸⁵

⁸² Ibid, pp. 2-4.

⁸³ Ibid, pp. 7-8, 10.

⁸⁴ Ibid, p. 11.

⁸⁵ Ibid, p. 12.

There was no resistance to this, not even from Henry Cantrell. In 1792, the rest of Nun's Green was enclosed.⁸⁶ The money was to be spent on improving the lighting, paving and cleaning the streets of Derby. On the face of it, this seems a worthwhile ambition, one that sets Derby very much in the same category as those towns which had gone through the 'urban renaissance'. There was more to this though. Peter Borsay uses the concept of 'cultural differentiation', that while new shops, arcades, squares, walks and parks were developed in towns, they were also sites of social exclusion.⁸⁷ The coffeehouse literati and frequenters of Assembly Rooms, like some cultural historians, had a problem accounting for and accommodating working people. When Nun's Green was privatised in 1792, the remaining common rights were extinguished. Pavements and streetlighting, whilst benefitting many people helped to create an exclusive public sphere. For the commoners of Derby, the cultural differentiation that Borsay speaks of went hand in hand with an economic dispossession.

We have argued in this chapter that the rights of common and pasture, indeed all customary rights, and the battles to defend them were battles that were both economic and cultural. They were about maintaining economic independence by retaining access to the means of production in the land, as well as political independence. Liberty for these men and women was collectivist and mutualist, shot through with a solidarity in defence of their everyday lived experience of the 'freeborn-Englishman'. They sought to maintain their political and economic autonomy. Liberty meant something different to their opponents. Individual liberty was their credo, based upon contract, legalism and private property. Liberty for them was their right to make profit, their right to improve, their right to enclose. In

⁸⁶ *An Act for Paving, Cleansing, Lighting and otherwise Improving, the streets, lanes and other public passages and places, within the Borough of Derby* (London, 1792).

⁸⁷ Peter Borsay, *The English Urban Renaissance: Culture and Society in the Provincial Town, 1660-1770* (Oxford, 1989), pp. 284-308.

rejecting 'base and superstructure' as an analytical tool for understanding social relations in early modern society, we can recognise that political, cultural and economic rights were like three skeins entangled in one 'taskscape': Derby. We cannot separate the cultural and the economic when thinking about those the polite people who impolitely enclosed Nun's Green. Their culture: the coffee house, the walk, the London season, was entwined with their economic position as landowners and big businessmen, indeed, as capitalists. They only had the financial wherewithal to engage in sundry cultural pursuits because of the economic immiseration and exploitation of the poorer sort. That their social status was affirmed through a social differentiation from working people, many of whom were unable to partake of polite society, was simply another dimension to the 'Accumulation by Dispossession' we have argued took place during the early modern period.

From the 1590s until the 1790s there was ongoing conflict and contestation over customary rights and access to common land in Derby. By the 1790s the burgesses and commoners had lost out. This had not been a forgone conclusion; that is why they fought to maintain their rights and for some time they had victories. The defence of custom is now a well-covered field within early modern history, to which we have added. We have also been able to focus upon the issue of clerical custom in the person of Henry Cantrell, customs little discussed in the historiography. No man could be as argumentative as Cantrell, so it is legitimate to ask how representative he was of the Anglican clergy. Yet his fight for his rights fits him neatly into the tradition of popular protest in Derby over custom. In many respects, he was more successful. He was of course fighting the same battles as those fighting for their rights to common. Too much of the recent work on the period focuses upon the bourgeois public sphere. The Guildhall, the County Hall, the Assembly Rooms and the street lighting and pavements of Derby were a veneer covering over a society teeming with conflict and class struggle. It could be argued that the bourgeois public sphere only existed because of the

exploitation and expropriation of the poorer sort. We need to know more about it. We have made a start in this chapter.

Conclusion

The completion of the enclosure of Nun's Green in 1792 occurred at the same time as Derby was caught up in the fraught political atmosphere caused by the French Revolution. It is now a staple of the historiography of the 1790s that popular loyalism was as important to working people as was popular radicalism.¹ A branch of the Society for Political Information was formed in December 1791, with another branch opening in Belper in January 1792. Loyalists had an important presence too. During the early 1790s, the 'True Blue Club' was set up in Derby by local notables to agitate for the Tory cause in the county. Local elites in the county were keen to show their fealty to 'church and king', sending an address to George III on Bastille day 1792. The address praised George for his 'Watching solicitude for the welfare of your people, and of your zeal for the stability of the fundamental principles of the British constitution'.² Not all the gentry and freeholders of the county were loyalists however. A tale was told, which may have been apocryphal, of William Strutt, a mill owner from Belper. Strutt was a benevolent employer and free-thinker, being one of the founders of the Derby Philosophical Society. He was so influenced by Thomas Paine's *Rights of Man* that he distributed the first volume to his mill workers. They read it and were so incensed by its ardent republicanism and Gallican sympathies that they gathered up all the copies and burnt them. We do not know if this happened. What we do know is that there was a populist anti-Painite campaign across the country in the early 1790s, with effigies of the man being hanged.³ This story would fit into those protests.

¹ For a good introduction to popular loyalism during the 1790s see H. T. Dickinson, 'Popular conservatism and militant loyalism 1789-1815' in H. T. Dickinson (ed), *Britain and the French Revolution, 1789-1815* (Basingstoke, 1989), pp. 103-125. See also Mark Philp, 'Vulgar Conservatism' *English Historical Review*, vol. 10, no. 4 (Feb. 1995), pp. 42-69.

² *London Gazette*, 14 July 1792.

³ Nicholas Rogers, 'Burning Tom Paine: loyalism and counterrevolution in Britain, 1792-3' *Histoire Sociale/Social History* 32 (1999), pp. 139-171.

Historians have noted the importance of the volunteer movement in providing a forum for the articulation of loyalist opinion.⁴ In 1794 a yeomanry was raised in Derbyshire, funded by private subscription. It was made up of four troops from the hundreds of the county. The volunteer yeomanry was so popular that when the government called for the raising of cavalry in the county in 1797 its formation was delayed by one year. In 1803 the Derbyshire Yeomanry was formed, made up of 330 rank and file, split into six troops. The troops were more active in the county than in the field of battle, defending mills against Luddite attacks in 1811 for example. Tory loyalism continued after 1815. As late as 1829, the True Blue Club was petitioning the House of Lords against the repeal of the Test Acts.⁵ Their petition garnered 4700 signatures. In 1831 many Tories in Derby pledged their support to Earl Grey's Reform Bill. Reverend Charles Stead Hope, a former president of the True Blue Club, pledged his support on the basis that the Bill would eradicate the honorary freemen of Derby. They had been an irritant to the Tory cause in the town for over one hundred years. In a private letter, the Duke of Devonshire noted that Derbyshire was 'A Whig county now...Tory squires are all become liberals'.⁶ James Abercromby, a factotum for the Duke added 'The Tories here [in Derby] will be ready to play the Jacobin part to beat the duke'.⁷

The Devonshires and their acolytes clearly had a short memory. The squirearchy and small producers of the county had been resolutely Tory for most of the eighteenth century. In this thesis we have explored the importance of this popular country Tory politics in one local society, Derbyshire. We focused on how the localist politics of the county grafted onto wider national debates, and how opposition to socio-economic change was often couched in a populist Tory idiom. In Chapter 1 we studied the local impact of the rise of the 'bourgeois

⁴ Austin Mitchell, 'Association movement of 1792-3' *Historical Journal*, IV (1961), pp. 56-77; Donald E. Ginter, 'Loyalist association movement of 1792-3 and British public opinion' *Historical Journal*, IX (1966), pp. 179-90.

⁵ <http://www.historyofparliamentonline.org/volume/1820-1832/constituencies/derbyshire> Accessed 21/4/18.

⁶ Ibid.

⁷ Ibid.

public sphere'. The Gells, a minor gentry family sought the social status that could be gleaned from the polite refinement of the metropolis. Yet the family was in dire financial straits and took to enclosure to bolster their declining income. As we saw this generated heated conflict between the Gells and their neighbours, who sought to resist economic modernization on the part of the Gells. For Robert Hayward and the Rossell family, this was one way that they experienced the new consumerism. We also explored economic conflict in Chapters 2 and 5. The clergymen of the Peak sought to maintain their right to tithes and customary payments from the extraction of lead. They were opposed by the lead miners and merchants, who were against such fiscal exactions. The 'Parsons' bill' failed to pass. We saw that many small producers were against making the river Derwent navigable to the Trent. It was thought that it would damage the land carriage trade and undercut pre-existing navigations. Two aspects linked the lead tithe dispute to the controversy over the Derwent navigation. The first was the development of a national economy. Some of the doughtiest adversaries of the lead tithe did not reside in Derbyshire. The City of London for example, was against any policy that artificially increased the price of lead. The M.P.s who sat on the committee tasked with studying the 'Parsons' bill', mercantilist to a man, likewise opposed any obstructions to inland trade. The opponents of the Derwent navigation stretched into Nottinghamshire and Yorkshire; the supporters of the navigation were also geographically dispersed. From Leicester to Gainsborough, from the lead merchants and cheesemongers of the City of London to the locksmiths, gunsmiths, cutlers, swordshippers and nailers of Birmingham supported the Derwent navigation. The navigation would fuse Derbyshire to the burgeoning national economy.

The other link between the lead tithe dispute and the Derwent navigation was petitioning. All sides involved in contestation resorted to popular petitioning to garner support for their causes and influence the House of Commons. Parliament was expected to

act as an umpire in these manifold disputes. We saw how in 1701 the petitions on the part of the clergymen and their opponents melded with radical constitutionalist debates on the rights of the people to petition and directly instructed their M.P. As we saw in Chapter 3, it was the Tory opposition to Robert Walpole that developed the most sophisticated case for the delegatory role of an M.P. From 1688-9 the state was expected to act as an arbitrator in disputes over economic development, from navigations to turnpikes to enclosures. The state became a facilitator of capital accumulation. The Whigs advocated economic development and the 'fiscal-military state'. The Tories cleaved to an older form of social relations, predicated on paternalism, deference and benevolence, at least in theory. It was the Tory opposition and their defence of the sovereignty of the people that provide intellectual and political sustenance to those fighting against the illiberal policies of Walpole. Their tools in this task was the petition and the address.

In Chapter 5 we explored the politics of custom. The burgesses of Derby were engaged in a long war over their freeborn rights to pasture their animals on the common land that surrounded Derby. The burgesses, as well as other freemen and apprentices engaged in conflict with Henry Mellor, an acquisitive capitalist landlord. Mellor sought to enclose the land that he was leasing in severalty from Derby Corporation. In doing this, Mellor rode roughshod over the pre-existing use-rights on the land. The erosion of customary rights was an ongoing process during the early modern period. The enclosure riots in Derby in 1671 and 1674-5 were a late example of an earlier phenomenon. The shifting alliances that were formed in response to enclosure depended upon one's attitude to customary rights. The transition from use-rights to private property was conflictual. The process of capital development impinged on the burgesses and their allies just as surely as on the clergymen of the Peak or the opponents of the Derwent navigation. The latter part of the fifth chapter dealt with the Anglican cleric, Henry Cantrell. Cantrell was an important figure to study as he

provided us with a perspective on the clerical defence of custom. In his struggles with Derby Corporation over small tithes, Easter dues and other sundry customs, Cantrell engaged with the ‘Norman Yoke’ theory of lost rights. He studied this theory of lost rights as it pertained to the Church of England and the customary rights of the clergy. Unlike some of the other groups we have studied in this thesis, Cantrell was successful in maintaining his clerical rights, at least for the rest of his tenure.

Popular Toryism was explored most extensively in Chapter 3. Here we showed, through an analysis poll books, that the ‘middling sort’ of Derby: shopkeepers, artisans, craftsmen and traders, backed the Tory cause. This set them against the better sort of the town who back the Whig cause. Conflict turned on the corruption of the Cavendish family. They regularly infused the local electorate with honorary freemen to help swing the vote in their favour. The latter part of this chapter provided an analysis of the intellectual contours of popular Toryism during the early modern period. We argued that after 1688 the Tory party picked up the oppositional ideology dropped by the Whigs, who rushed into government. The Tory opposition was replete with radical constitutionalist solutions to the illiberal nature of the Whig oligarchy. They wanted to repeal the Riot Act, the Septennial Act, and the Black Act. They demanded an equitable system of taxation. They called for electoral reform and Place bills to remove unprincipled court sycophants and other drones spawned by the bloated State bureaucracy. Frequently, the opposition drew upon the myth of Anglo-Saxon liberties in their defence of the jury system, constitutional innovation and a popular-democratic parish state. This was most evident in Lord Bolingbroke’s contributions to the *Craftsmen*, and in the fierce pamphlet debates caused by the fall of Walpole in 1742, and the apostasy of some of the opposition thereafter.

The fourth chapter was a case study on one man, Titus Wheatcroft of Ashover. We argued that he was a man of the rural middling sort, engaged in parish governance as clerk.

He was also the local schoolmaster. What made Wheatcroft such an interesting subject was that he shared the concerns of the country Tories regarding the impact that economic change had on social relations. Organic ties between landowners and the labouring poor were being severed by the intensification of capital accumulation. Titus saw this shift on the ground, in his local community. He bemoaned the decline in good lordship and paternal munificence, which he believed had been replaced by the cash-nexus. Like the canonical oppositional writers, Titus drew heavily on Roman history; he was also greatly influenced by biblical scholarship. Wheatcroft came to the same conclusions as the country Tory opposition about the impact of the financial revolution and the rise of the fiscal-military state. Yet it was through his intimate knowledge of the customary rights of Ashover, as well as contestation over the funding of the school in Ashover, that Titus Wheatcroft became a county Tory. In this thesis we aimed to analyse the role that Tory country oppositional politics played in local society, specifically its relationship to national politics and to local economic change. We have now done this through a series of case studies and episodes from Derbyshire, 1660-1760.

We do need to account for why we are ending our chronology in 1760, having started in 1660. We have strayed over these boundaries during this thesis, yet there are good reasons for ending in 1760. Derbyshire as a county was changing rapidly from the 1760s onwards. We see the rise of parliamentary enclosure, the primary way in which much land in the county was enclosed. Alongside this we see the development of the factory, specifically the opening of Richard Arkwright's mill in Cromford in 1771. Derby of course had the Silk Mill. Yet the mill at Cromford and the others that would be scattered over the Derwent Valley thereafter marked a new form of economic development, with a closer relationship with other parts of the country. The growth of the factory system marked a much more systematic form of proletarianization of working people, destroying the economic independence that was so

important to them. It is also the case that Methodism had an active presence in the Peak. As we saw with the Gells, radical Protestantism had always had a place in the county, though as with the mills that rose alongside it, Methodism was qualitatively different from religious practice that existed before 1760.

Politics in the country began to change after 1760. We have concerned ourselves with popular Toryism, set against the Whig oligarchy. For a large part of our period the Tories were proscribed, barred from government, both locally and nationally. With the beginning of the reign of George III in 1760, this proscription ended. There were many reasons for this; that George III and Lord Bute were absolutists is the least convincing.⁸ That the Jacobite cause had floundered is very important. The army of ‘Bonnie Prince Charlie’ had received no reception at all in Derby when they arrived in 1745. The collapse of the Jacobite cause made it difficult for the Whigs to castigate the Tories as Jacobites in disguise. The customary purges of local officials that usually took place when there was a change of government did not occur after 1760. The Tories quietly began to regain a foothold in local politics as well as national elections. Both the Whigs and Tories were broad enough ideologically to contain diverse opinions on the issues of the day, and there was a recrudescence of partisan conflict last seen in the reign of Anne. This was qualitatively different to the long years of Walpole and the Pelhams.⁹ The 1760s and 1770s saw a range of new issues in the field of popular politics. The reform movements of Wilkes and Wyvill, both fighting for a broader, popular-democratic polity, were much more ideologically focused and organised than the Tory opposition of the 1730s and 1740s. Why this was the case needs much more research.; we still rely too heavily on the excellent analysis of George Rudé and John Brewer.¹⁰ By the

⁸ The best account, blending elite and popular politics, remains John Brewer, *Party Ideology and popular politics at the accession of George III* (Cambridge, 1976).

⁹ For a useful introduction to the complex party-political struggles of the post-1760s see Frank O’Gorman, *The Emergence of the British Two-Party System, 1760-1832* (London, 1982).

¹⁰ George Rudé, *Wilkes and Liberty* (Oxford, 1962).

1760s the politics of the county was no longer as self-contained and localist as it has once been. Of course, the county had engaged in the party politics of the era, but they dovetailed with localist concerns, such as over rights to pasture in Derby for example. By the 1790s Derby was fully integrated into the politics of radicalism and its organisations in both Sheffield and Manchester. Personnel as well as propaganda was shared between these places. The political splits that we saw prior to 1760 were usually between the borough aldermen and capital burgesses, set against a popular front of artisans, craftsmen, tradesmen and some country gentry, like the German Pole. By the 1790s the working people of Derby were as split on the French question and the franchise issue as were the elites.

Country Toryism did not simply flow into loyalism in these years however. Thomas Paine put the issue of natural rights firmly on the agenda. Yet Anglo-Saxon liberty, historical precedent and the ancient constitution, as well as a fear of an encroaching state and the importance of the land were important ideological points for radicals such as Cartwright, Burdett and Cobbett. In Chapter 3 we explored the social base of popular Toryism and argued that it had something in common with the Levellers: that the backbone of these movements was made of artisans and craftsmen concerned primarily with maintaining their economic independence against the dull compulsion of the free market. It was the same class of men and women who made up the backbone of the radical movements of the 1790s, often with the same causes. Indeed, E. P. Thompson was essentially writing about the decline of the artisan as much as the rise of the working class between 1780 and 1832. The Toryism of William Pitt and later Lord Liverpool was of a very different stripe to that of Lord Bolingbroke or William Wyndham, suffused as it was with free market and economic liberalism. It gave precedence to the concerns of the big bourgeoisie and the industrialists, often at the expense of the small gentry in the countryside. The repression of the post-war years was not dissimilar to Walpole's legislative excesses during the Whig oligarchy. There were vestiges of the popular

Tory tradition that has concerned us in this thesis. It bled into the ideas of William Cobbett, Richard Oastler, the Ten Hours Movement and factory reform. It was present in Benjamin Disraeli and the 'One Nation' paternalism of the Conservative party, in Stanley Baldwin as well as in the writings of Hilaire Belloc, G. K. Chesterton and the Distributionists of the 1920s and 1930s. It is an intellectual tradition too little explored, particularly by social historians. This needs to be rectified. As far as Derbyshire was concerned, we were in a different world politically, socially and economically after 1760, and that if we must erect a conceptual Chinese wall at all, 1760 is a sensible place in which to do so.

One of the aims of this thesis was to contribute to and to reinvigorate the social history of the early modern period. Given that capitalist development and the rise of a market economy, and the socio-political reaction to it was so important during this era, it seemed prudent to re-engage with Marxist historiography. Marxian analysis is too often quickly dismissed as economically deterministic and reductionist. The base and superstructure metaphor, comprehensively dismissed by Marxists such as E. P. Thompson, Raymond Williams and Ellen Meiksins Wood, is often taken to *be* historical materialism by some historians and then roundly dismissed. Yet there surely needs to be some form of overarching framework when studying history, if for no other reason than to stop history, particularly social history, becoming just a lengthy list of events that just happened. If you are studying social conflict, particularly over land, employment, food and fuel you need a body of ideas and concepts to better understand, explain and account for this contestation. To study economic change and conflict over resources is not being deterministic. It is foolish to separate the economic and the cultural in any event, yet it seems sensible to recognise that they were mutually reinforcing, and one's position within the economic system shaped one's

political and cultural outlook. The work of E. P. Thompson has been particularly important in this regard.

It is worth asking what sort of society existed in eighteenth-century England? Was it an 'Aristocratic Century', as argued by John Cannon, one where the landed elite retained its political and economic power, open to new members?¹¹ Or was English society an '*Ancien Regime*' propounded by J. C. D Clark, dominated by the aristocracy and the Church of England, predicated upon passive obedience, non-resistance and hereditary right?¹² Maybe it was a nation populated with 'Polite and commercial people' as posited by Paul Langford?¹³ While these interpretations are mutually exclusive, what binds them together is a vision of a peaceable, consensual society, untroubled by political instability or social conflict. Both Cannon and Clark address Toryism in their work, but do not see it as a popular idiom, one that working people could draw upon when opposing socio-economic change. This thesis has illustrated that early modern society was conflictual. Our interpretation dovetails with the work of E. P. Thompson. Thompson borrowed the concept of 'Old Corruption' to account for socio-political relations in eighteenth-century England. Thompson recognised the importance that the development of the fiscal-military state and the financial revolution of the 1690s had on social relations. Parliament became a facilitator of capitalist development, and the State ballooned, staffed by excise men and the holders of sinecures. Alongside this, the Whig oligarchy passed a raft of legislation that undermined the ancient liberties of the 'freeborn Englishman'. Thompson explored this by focusing on the Black Act, arguing that it was passed to criminalize the customary rights of the forest communities of Windsor and Waltham.¹⁴

¹¹ John Cannon, *Aristocratic Century: The peerage of eighteenth-century Britain* (Cambridge, 1984).

¹² J. C. D. Clark, *English Society 1688-1832: Ideology, Social Structure and Political Practice during the Ancien Regime* (Cambridge, 1985).

¹³ Paul Langford, *A Polite and Commercial People: England, 1727-83* (Oxford, 1990).

¹⁴ E. P. Thompson, *Whigs and Hunters: The Origins of the Black Act* (London, 1975).

Thompson's usage of 'Old Corruption' relates directly to the concerns of this thesis. Thompson recognised that social relations were often conflictual. He understood the importance of the fiscal-military state in changing socio-economic relations, and in facilitating capital accumulation. Indeed, Thompson even recognised the importance of the Tory opposition to Walpole, arguing: 'That constitutional defences against this oligarchy survived these decades at all is due largely to the stubborn resistance of the largely Tory, sometimes Jacobite, independent country gentry, supported again and again by the vociferous and turbulent crowd'.¹⁵ Like Thompson, we recognise the shift from use-rights to private property that occurred during the early modern period and, borrowing from Adrian Randall, we argued for a national shift from a moral economy to a market economy.¹⁶ The opposition that this created was often Tory or Jacobite in scope. There is also much to be gained from a re-engagement with Thompson's analysis of class. Thompson was emphatically not a crude economic determinist, spending many years refuting the old 'base and superstructure' dyad.¹⁷

However, there are weaknesses in Thompson's analysis, weaknesses that we have implicitly addressed in this thesis. Thompson's analysis of politics is essentially Namierite. Consider his dissection of electoral politics during the years of Walpole:

A patrician banditti contested for the spoils of power, and this alone explains the great sums of money they were willing to expend on the purchase of parliamentary seats.

Seen from this aspect, the State was less an effective organ of any class than a

¹⁵ E. P. Thompson, Eighteenth-Century English Society: Class Struggle Without Class? *Social History*, Vol. 3, No. 2 (May 1978) pp. 133-165, p.140.

¹⁶ See Thompson's essay 'Custom Law and Common Right' in *Customs in Common*, pp. 97-184. For Randall's use of the 'moral economy' see Adrian Randall, *Riotous Assemblies: Popular Protest in Hanoverian England* (Oxford, 2006). His work was addressed in Chapter 3, pp. 146, 177.

¹⁷ See Introduction, pp. 45-47.

parasitism upon the backs of that very class (the gentry) who had gained the day in 1688.¹⁸

Thompson does not engage with the work of John Plumb, Bill Speck or Geoffrey Holmes as we have done in this thesis, particularly in Chapter 3. They argued that party politics was ideological, and that electoral politics was participatory, even for those without the franchise. Because Thompson saw party politics as an elite affair, a veritable carve-up by various unprincipled men, he missed the significance of popular Tory politics in places like Derby. The conduct of the Cavendish family in the borough was certainly ‘Old Corruption’ *par excellence*, yet politics in Derby was vibrant and engaging for the local populace. Despite the dead hand of the Devonshires, the Tories were able to score notable electoral victories, such as Thomas Rivett’s in 1748. By recognising that the electorate had political agency in Derby, we were able to analyse poll books and conclude that the middling sort of the town cleaved towards the Tory cause. Their oppositional politics bled into a wider Tory oppositional movement against the Whigs and their political economy. Thompson missed the importance of this because of his Namierite approach to politics.

Thompson was also weak on the localist nature of governance. While he was right in his opinion on the fiscal-military state, he failed to recognise the importance of the parish republic. Many men were engaged in local governance, in their capacity as churchwardens, vestrymen, constables and overseers. In studying Titus Wheatcroft, a parish clerk, we found a country Tory politics that had been formed by a defence of customary rights and opposition to a perceived decline in paternalistic munificence in the county. Because Thompson’s work from the 1970s is so structural, he missed the lived experience of people like Titus

¹⁸ Thompson, *Customs in Common*, p. 27.

Wheatcroft, whose political thought underpinned the moral economy thesis Thompson propounded.

The most significant weakness in Thompson's work on the eighteenth century was his interpretation of gentry hegemony, and how that related to his 'patrician-plebeian' dichotomy. Thompson argued that until the 1790s, the gentry of England were hegemonic. Due to gentry dominance, the political horizons of working people were limited to amelioration, rather than an overthrowing of the political status quo. Their politics was concentrated into a defence of the moral economy, particularly as it pertained to food. They rioted to maintain a just price and sought to stop the local grain trade interconnecting with a growing national trade in foodstuffs.¹⁹ Working people expected their social betters to live up to their reputations as paternalists with a concern for the plight of the poor in times of distress.²⁰ The 'field of force' in social relations between patricians and plebeians was reinforced by the gentry, who in times of dearth would be charitable to their poorer neighbours. Magistrates frequently handed down lenient sentences to recalcitrant and recidivist plebs, showing their mercy and the apparent accountability of the law. For Thompson, because working people agitated for paternalism on the part of the gentry, they were reinforcing the political and social system, and thereby were complicit in their own subordination.

Thompson sees hegemony as a blunt instrument, fundamentally limiting the political ambitions of working people. However, hegemony does not limit the political horizons of working people so much as limits the scope for popular political action. Early modern

¹⁹ For examples of food rioting in Derbyshire see *Derby Mercury*, 2 September 1756; *Derby Mercury*, 10 October 1766. For a wider analysis see Michael Thomas, 'The Rioting crowd in Derbyshire in the 18th century' *Derbyshire Archaeological Journal* 95 (1976 for 1975), pp. 37-47, p. 39.

²⁰ For Thompson's analysis of social relations in eighteenth-century England see *Customs in Common*, pp. 16-96. For his work on the moral economy see *Customs in Common*, pp. 185-258. For a critique of Thompson's moral economy thesis see John Bohstedt, 'The pragmatic economy, the politics of provisions and the "invention" of the food riot tradition in 1740', in Adrian Randall and Andrew Charlesworth (eds.), *Moral economy and popular protest: crowds, conflict and authority* (Basingstoke, 2000), pp. 55-92.

society, as we have seen in this thesis, was intensely local. While the national economy and political nation were encroaching on these communities, conflict over resources was conducted on a local scale, often in isolation from similar conflicts in other places. The people of Wirksworth and Carsington both had an enemy in the Gell family, who sought to enclose land and extinguish common rights. Yet the two parishes never joined together to fight the Gells. They were picked off individually by the family. Spatiality was a valuable tool in limiting the scope for popular protest. Titus Wheatcroft well understood the deleterious effects of industrialisation and corresponding decline in good lordship and patron-client relationships. This shift from moral economy to market economy was happening on a national scale, yet Wheatcroft spent an inordinate amount of time protecting the customs of Ashover from outsiders. This local xenophobia was another impediment to popular protest, aiding gentry hegemony. The State was zealous in limiting the scope for opposition too. Just think of the retrograde legislation that the Whigs passed, like the Septennial Act, the Riot Act, the Black Act, the Last Determinations Act. Coupled with these was the fettering of the press, manipulation of the jury system, a standing army and regressive taxation. All were designed to silence opposition, be it Tory or Jacobite. Indeed, the oppositional Whigs and country Tories could not form a united front against Walpolean oligarchy, aiding the longevity of 'Robinocracy'. All these factors limited the scope for popular protest, but they did not destroy oppositional politics or policies. Hegemony does not work like that. As Raymond Williams noted:

The reality of any hegemony, in the extended political and cultural sense, is that, while it is by definition always dominant, it is never either total or exclusive. At any time,

forms of alternative or directly oppositional politics and culture exist as significant elements in the society.²¹

Many working people held popular Tory opinions. As this thesis has shown, country Toryism was suffused with a popular-democratic, constitutionalist solutions to the woes of the Walpolean system. They even questioned the representative nature of the House of Commons, advocating a delegatory system, whereby M.P.s would vote based on the direct instruction of their constituents. Indeed, many of the opposition's demands presaged the Chartists by one hundred years. Proposals such as this did challenge the way the nation was governed, and if implemented would have made a material difference to the course of socio-economic change in England. Working people were able to envisage a radically different polity in eighteenth-century England. Their problem was they did not have the ability to implement it, because of the hegemony of the landed Whig elite and their new moneyed supporters. In this thesis, we have studied social relations in Derbyshire. Yet the Rossells in Middleton, the opponents of the Derwent Navigation, the plebeian Tories and burgesses and their pasture rights in Derby, do not fit into Thompson's 'patrician-plebeian' dichotomy. The problematic nature of this dichotomy relates to Thompson's use of 'cultural hegemony'.

Recently the relevance of hegemony and its relationship to popular agency has been discussed within the field of social history in early modern England. Did working people sometimes partially internalise their hostility to the hierarchical system in which they lived, outwardly consenting to the ideological values and mores of their society, as Andy Wood argues?²² Or did working people put on a front, a show for their social betters, whilst behind

²¹ Raymond Williams, *Marxism and Literature* (London, 1977), p. 113.

²² Andy Wood, "'Poore men woll speke one daye" : plebeian languages of deference and defiance in England, c.1520-1640' in Tim Harris (ed.), *The politics of the excluded, c.1500-1850* (Basingstoke, 2001), pp. 67-98; Andy Wood, 'Subordination, Solidarity and the Limits of Popular Agency in a Yorkshire Valley c.1596-1615', *Past and Present* 193 (2006), pp. 41-72; Andy Wood, 'Fear, Hatred and the Hidden Injuries of Class in Early Modern England', *Journal of Social History* 39:3 (2006), pp. 803-26; Andy Wood, 'Deference, Paternalism and Popular Memory in Early Modern England' in Steve Hindle, Alexandra Shepard and John Walter (eds.),

closed doors, mock and sneer at the pretensions of the governing elite, as James C. Scott argues?²³ In this thesis, we have been much closer to the Wood than to Scott. Like Thompson, Scott was wrong to see hegemony as a ‘dominant ideology’ in which no resistance or agency is possible.²⁴ The working people we have focused upon in this thesis did not advocate paternalism on the part of the elite for insincere reasons. They did so because they supported a form of social relations where paternalism and deference were dominant, in preference to the cash-nexus and the free market. And these working people, experiencing capital accumulation, developed a highly sophisticated popular-democratic oppositional politics, both against economic change but also against the anti-libertarian impulses of the Whig oligarchy. This was grafted onto a pre-existing, richly textured body of rights and entitlements held by small producers and upon which so much of their parish politics turned. Antonio Gramsci’s interpretation of hegemony provided much more scope for popular agency in resisting the ruling elites in society. Gramsci developed the concept of the ‘counter-hegemonic bloc’, an alliance of different social forces, formed to challenge socio-economic change for example. We have found that this is a more productive way of analysing social relations in the eighteenth-century England, rather than Thompson’s turgid dichotomy. Working people held oppositional views but were limited in their ability to articulate them. When they did fight their corner, it was often in alliance with various social groups. The small Tory gentry, the artisans, shopkeepers, cottagers and the labouring poor differed in their socio-economic status and their place in the social hierarchy. Yet they could make common cause if they shared the same interests, specifically, against the socio-economic and political policies of the Whig oligarchy. This is what we have found in Derbyshire.

Remaking English society : social relations and social change in early modern England (Woodbridge: Boydell Press, 2013), pp. 233-254.

²³ James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, 1992).

²⁴ James C. Scott, *Weapons of the Weak: Everyday forms of Peasant Resistance* (New Haven, 1985), pp. 304-350.

In analysing the socio-political situation in the early modern period, it was also necessary to engage with the work of Keith Wrightson and other social historians of the early modern period. While much of their work covers the period before 1640, their materialist approach to social relations, studied through such diverse topics as riot, popular politics, literacy, witchcraft, poor relief, crime, religion and custom, has much to offer social historians of all periods. Their most important achievement has been to provide an alternative to the high politics of the ruling elite. For these social historians, politics is to be found in the parish, the village, in the fields and the workshops. It was a politics that was conflictual as it turned on access to resources. It recognised the importance of material inequality and unequal power relations, and how this impacted upon popular agency and political consciousness. By borrowing from the new social historians of the early modern period we have been better able to account for popular politics and social relations during the 'long eighteenth-century'. The key insight of this body of research has been in providing a materialist analysis of the social contours of politics, with a keen sensitivity to both power and agency. However, the new social history is weak on integrating high politics into its framework. Keith Wrightson and John Walter were starting their work in the 1970s, at a time when battles were raging between the Marxist and Whigs against the revisionists working on the English Revolution.²⁵ The new social historians did not participate in these debates and their lines of enquiry developed wholly separately from high political histories of the early modern period. This is a problem that has yet to be fully rectified. It is important to note this because after 1688 we are in a world of party politics. Partisan politics plumbed the social depths and shaped popular politics, making it impossible to divorce it from conflicts over custom and land for example. Work by Tim Harris and Nicholas Rogers sought to understand high political

²⁵ Andy Wood, *Riot, Rebellion and Popular Politics in early modern England* (Basingstoke, 2002), pp. 5-17.

partisan debates from the perspective of working people.²⁶ They focused on the political ideology of the crowd, on popular Jacobitism and the popular response to party political dispute. They illustrated that working people could form an opinion on the pressing political issues of the day and agitate on one side or the other. However, much of this work lacks what we have in profusion in Wrightson and his students: the politics of the parish, conflict over custom, access to the land and employment. What we have attempted to do in this thesis is fuse the two historiographies together. We can explore new perspectives and provide a richer analysis of the fight for the franchise fused with the politics of the parish and conflicts over resources and rights. This fusion of high politics with the concept of a social history of politics can be viewed in E. P. Thompson's brief account of the conflict over the rights to Richmond Park in the 1750s, and in Douglas Hay's analysis of contestation on Cannock Chase, particularly its relationship to popular Jacobitism in Staffordshire.²⁷ We have contributed here regarding Toryism in Derby. There is still much scope for further research.

By focusing on popular Toryism, we have been able to engage with the development of party, petitioning and addressing, popular attitudes to both partisan and confessional politics. By recognising that popular Toryism provided a repository of ideas and policies to oppose both the Whig oligarchy and capital development, we have been able to engage with concerns at the heart of the new social history. We addressed enclosure, economic development, customary rights, the politics of the middling sort, popular protest and social relations. We have sought to make an original contribution to the study of social history in a historical period where too often working people have been excluded from study.

²⁶ Tim Harris, *London Crowds in the reign of Charles II* (Cambridge, 1985); Tim Harris, *Restoration: Charles II and his Kingdoms, 1660-1685* (London, 2005); Tim Harris, *Revolution: The Great crisis of the Stuart Monarchy, 1685-1725* (London, 2006). Nicholas Rogers, *Whigs and Cities: popular politics in the age of Walpole and Pitt* (Oxford, 1989).

²⁷ E. P. Thompson, *Customs in Common* (London, 1991, Penguin edition, 1993), pp. 111-13. Douglas Hay, 'The last years of Staffordshire Jacobitism', in *Staffordshire Studies*, 14 (2002), pp. 53-88.

There has never been a time when a radical social history has been more necessary. We are lucky in having a powerful, leftist radical social history tradition in this country. From Marx himself to the radical Liberalism of the Hammonds, the Fabianism of the Webbs, the Christian socialism of Tawney and the Guild socialism of the Coles, stretching on to the Communist Party Historians Group and their quest to write a popular-democratic history of working people's fight for liberty. These traditions influenced the 'history from below' movement, the History Workshop Movement and the socialist feminist writing of the 1970s and 1980s. This is our tradition and it has never been more important to call upon it. To understand the political and social history of working people in the past should inspire us to fight for a better future. What this thesis has hopefully illustrated is that a better understanding of country Toryism, in Derbyshire, in the eighteenth century is as good a place as any to make a fresh start.

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