

The Tolpuddle Martyrs

Injustice within the law

Herbert Vere Evatt

With a new introduction by Geoffrey Robertson



SYDNEY UNIVERSITY PRESS

Published 2009 by SYDNEY UNIVERSITY PRESS
University of Sydney Library
www.sup.usyd.edu.au

© Evatt Foundation 2009
© Geoffrey Robertson 2009
© Sydney University Press 2009

Reproduction and Communication for other purposes

Except as permitted under the Act, no part of this edition may be reproduced, stored in a retrieval system, or communicated in any form or by any means without prior written permission. All requests for reproduction or communication should be made to Sydney University Press at the address below:
Sydney University Press, Fisher Library F03
University of Sydney NSW 2006 AUSTRALIA
Email: info@sup.usyd.edu.au

National Library of Australia Cataloguing-in-Publication entry

Author: Evatt, H. V. (Herbert Vere), 1894–1965.
Title: The Tolpuddle martyrs : injustice within the law / Herbert Vere Evatt.
Edition: Reprint ed.
ISBN: 9781920899493 (pbk.)
Notes: Includes index.
Bibliography.
Subjects: Loveless, George, 1797–1874.
Tolpuddle martyrs.
Agricultural laborers--England--Dorset.
Justice, Administration of.
Dewey Number:
331.88130924

Cover image: *Tolpuddle village* by Rhys Williams (1894–1976), originally published in *The Daily Telegraph* in 1955. The original is located in the State Library of NSW.

Cover design by Court Williams, the University Publishing Service
Printed in Australia

To M.A.E.

First published in 1937 under the title *Injustice within the law: a study of the case of the Dorsetshire labourers*, by the Honourable Mr Justice Herbert Vere Evatt, M.A., LL.D. (Sydney), with a foreword by the Right Rev. Bishop Burgmann, M.A. Th. Soc. (N.S.W.). The first edition was published by the Law Book Co. of Australasia Ltd, 140 Phillip Street, Sydney, 425 Chancery Lane, Melbourne, and the Law Book Co. of Australasia Pty Ltd, 21 Adelaide Street, Brisbane. It was set up, printed and bound by Halstead Press Pty Limited, Nickson Street, Sydney.

This second edition is faithful to the first. The main changes are as follows: the list of important dates at the front of the first edition is Appendix 1; footnotes have been converted to endnotes, some one or two sentence paragraphs have been combined, quotations of less than three lines run-on and quotation marks on indents have been omitted.

Contents

Introduction by Geoffrey Robertson	vii
Original foreword by E.H. Burgmann	xx
I. The importance of the case	1
II. Social and economic background	3
III. The politicians and trade unionism	6
IV. Organisation of the prosecution	9
V. "The course of justice"	16
VI. What the magistrates did	21
VII. Part played by the juries	25
VIII. An account of the evidence	29
IX. Were the convictions bad?	34
X. Opinions as to the legal position	41
XI. Judge Williams and the sentences	45
XII. Whigs and Tories in agreement	50
XIII. Treatment of the prisoners in Australia	54
XIV. The pardons	59
XV. The Church's attitude	64
XVI. Consequences of the case	66

XVII. The lesson of martyrdom	71
Appendix 1. List of important dates	75
Appendix 2. About Doc Evatt	81
Appendix 3. Acknowledgements	83
Notes	86
Index	98