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## Liberty through the looking-glass: Comparative democratic backsliding in response to the French Revolution (1789-1806)

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Liberty through the looking-glass: Comparative  
democratic backsliding in response to the French  
Revolution (1789-1806)

Michael Rosenbaum  
March 2023

This essay has been submitted to partially fulfill the requirements of the author's major in political science.

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## Introduction

Recent studies of the early American Republic have focused primarily on the topic of law and order within the young nation. For the past fifty years, episodes of resistance to central federal authority have been couched in terms of criminality and rebellion, especially in the context of challenges to federal authority in a chain from the Virginia and Kentucky resolutions to the 1832 nullification crisis, culminating in the Civil War. At the same time on the other side of the Atlantic, Britain is alleged to have undergone a similar crisis in the maintenance of order. That alarm was similarly couched in terms of a crisis of government in the face of insurrection, just as it was in the American context.

The language of order and subversion, especially by foreign elements was a common trope among primary sources of the time. Due to its prevalence in the source materials, this theme has been reproduced on several occasions. Most recently, following an increase in crime and political conflict in the latter part of the twentieth century, historians began to treat the elimination of dissent, especially through direct military action as a police issue, rather than a political issue. The archetype for this treatment is the historiography of the Whiskey Rebellion (1791-1794.) The political ambitions of the rebels have been overshadowed by their designation as rebels. The British government at the same time worried about “clubbists,” political agitators who hid inside larger organizations and lacked the virtues of political independence and humility valorized at the time. But the term “clubbists” being used as a pejorative is itself troubling from a modern perspective. It calls to mind more recent trends of democratic backsliding, and the hostility by the government to elements of civil society that are commonly considered a key part of democracy today. Besides restrictions on freedom of association and political organization, further restrictions imposed by both British and American governments included ones related to freedom of the press for both news and books, free association, and freedom of movement and commerce.

The notion that there may have been a process of democratic backslide so soon after the independence of America is an unsettling thought. Especially considering the weight of precedence that the founding fathers in America are given, it certainly has the potential to complicate existing conceptions of a young, libertarian America where freedom was the sole moral loadstone. This group is lionized in political discussions, and the “originalist” doctrine of constitutional thought has significant cache in constitutional interpretation. But attempts to interpret original meaning are extremely fraught. First, it envisions a more complete consensus on political decisions than existed, which as this essay will show, creates a single American political ideology out of what was in reality, often a quite contentious debate. Second, it attempts to transpose current notions of the relationship between politics and civil society into a past that had different conceptions of those institutions. Political civil society was seen in this era as nothing less than a threat to the republic, which is an alien idea today.

In Britain, the Whig historians viewed the government of William Pitt the Younger, the Prime Minister of Britain from 1783-1801 and 1804-1806, as the beginning of the two-party system and as a cautious reformer. But there is a limit to the precedent that Pitt’s government

could set; it was, after all, far from the first British cabinet, and in many ways entirely unexceptional for its time, being an aristocratic cabinet appointed by the Crown with widespread support from within Parliament. For these reasons, despite the impressive accomplishments of the Pitt government, the precedential impact set by that administration is insignificant. The Pitt government is primarily remembered for its foreign, rather than domestic policy. The Pitt government's acts against British radicals of the period through legislation were not called to mind by either side in the dispute over the Police, Crime, Sentencing, and Courts Act (2022,) which restricts mass protests in a similar way to legislation in the 1790s utilized by the Pitt government.

Democratic backsliding could only occur if both Britain and America were in part democratic. And this was most certainly the case. There was concern about constitutional issues resulting from legislation. This included the Alien Acts in both countries. In Britain, it was argued that the Crown had no legal responsibility for protecting the rights of the non-British "guest" population, while the American analog found a constitutional hiccup in a failed provision by Harrison Gray Otis to restrict the basis of office holders to those born in America, a provision which failed to pass.<sup>1</sup> The concept of liberty was a well-recognized part of the British character, no less than the American one. As a propaganda print in 1793 titled "The Contrast" or "British Liberty, French Liberty," put it, the choice was between "Religion, Morality, Loyalty, Obedience to the Laws, Independence, Personal Security, Justice, Inheritance, Protection of Property, Industry, National Prosperity, Happiness" in the case of Britain, contrasted with the French liberty characterized as "Atheism, Perjury, Rebellion, Treason, Anarchy, Murder, Equality, Madness, Cruelty, Injustice, Treachery, Ingratitude, Idleness, Famine, National & Private Ruin, Misery." Britannia, allegorized on the print, sits against a tree looking over a British ship. She holds in her hands the scale of justice, a copy of the Magna Charta. She also possesses not a trident like later her incarnations, but instead a rod with a Phrygian cap atop it, representing British emancipation. The allegory of France meanwhile is monstrous, a gorgon-like woman dressed in the flames of destruction carrying a pitchfork with a decapitated head and two hearts affixed to the top. The alternate title of "British Liberty, French Liberty," reveals the crux of the matter. There was something distasteful in the democratic nature of the French Revolution that pushed Britons away from it. That made it repugnant, in the case of the allegories, visibly so.<sup>2</sup>

The rejection of the French Revolution heightened existing antipathies towards political clubs and partisan influence on government. The instability of the French Revolution was attributed to the faction of the Jacobin Club, which served as a vindication of anti-factionalist attitudes in Britain and America. The parliamentary political systems of Britain and America were renowned for their combination of political liberties and stability. It combined a

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<sup>1</sup> William Cobbett and T. C. Hansard, eds., *The Parliamentary History of England from the Earliest Period to the Year 1803, from Which Last-Mentioned Epoch It Is Continued Downwards in the Work Entitled The Parliamentary Debates.*, vol. 30, 36 vols. (New York: Johnson Reprint, 1966), 156-170; Carl Brent Swisher, *American Constitutional Development*, 2nd ed (Boston: Houghton Mifflin, 1954), 89-90.

<sup>2</sup> Thomas Rowlandson and George Murphy, *The Contrast, 1793; British Liberty, French Liberty, 1793*, Print, 24.5 x 33.5 cm, 1793, <http://catalogue.bnf.fr/ark:/12148/cb402557825>, Stanford Digital Repository, <https://purl.stanford.edu/ky517xj2422>.

semi-regular electoral process with a system of petitions allowing for local participation in national politics and the potential for a redress of grievances. It was this system of power that was threatened by the alleged radicalism, despotism, and anarchy of the French Revolution. It was this threat to the parliamentary order that led to a reaction by the empowered conservative elements of political society. Oftentimes on the domestic front, this led to clashes between radical activists inspired by the French Revolution and the conservative government who feared a seizure of power by the former. The parliamentary system also produced a large number of defenders of constitutional liberty and saw the risks of the persecution of radicals, these being the moderates. These groups would come into conflict with one another over the nature of the parliamentary system in both Britain and America.

There was no single reason why the French Revolution was a blow to the governments of the Anglo-American parliamentary system. An anti-French opinion in Britain solidified very early. The first to rationalize the sentiment was Edmund Burke, who indicated that his antipathy towards the French was a combination of general attacks on the French constitution by the Jacobins, but also the specific charge of the March on Versailles, which removed Louis XVI from the safety of his palace and into the anarchy of Paris. By the time of the execution of the King, the British government was already committed to a policy of support for nations opposed to French expansion. Others in Britain, primarily non-governmental forces, were galvanized by the events in France and sought an accord with the French. Whether they did so from Parliament or the street depended on their access to government circles. In America, France was initially seen as an ally, but government policy and several war scares caused Americans to recalculate their beliefs, and after 1798, no American government was willing to ally militarily with France, even if they were willing to go to war with Britain. The continued use of anti-democratic legislation after 1798 shows that the real aim of conservative legislation under the Federalists was intended to limit political opposition, not to deal directly with foreign policy issues.

It is not possible to give an account of the British and American government's reaction to the French Revolution without first taking into account the political firmament of the Anglo-American political world. This is the subject of the first chapter of this essay, which includes an account of the British parliamentary system in the latter half of the eighteenth century, both as part of its national political firmament, but also as the progenitor of the American federal and state political systems. Despite the designation of this period as "the anti-philosophical period" it was in this period that the modern governmental systems of Britain and America were established through precedent. The following chapter details the development of the six trans-Atlantic classes, three for both Britain and America, of conservatives, moderates, and radicals as a consequence of the Anglo-American political firmament being exposed to the catalytic force of the French Revolution. Both of these chapters set up the political framework in which conservative policies will be enacted by the governments of both Britain and America.

The third chapter focuses on the political agitation of the radical movements in Britain and America. This took the form of political organization and limited attempts to directly affect national politics, although these attempts were significant enough to draw the ire of conservatives. The final chapter is on the conservative reaction, especially through legal and

political means. The reaction is curious because it came from legal means, and because it did not extend into attempts to create a system of absolutist or dictatorial government. Rather, the reaction stayed within the limits of the law, although that does not mean that the law was always just, or conformed to modern or contemporary notions of honest government. It would be dishonest to portray the conservative political program as simply being an attempt to consolidate power, and without the radical agitation preceding it, it would be an effect without a cause.

The first and third chapters are meant to principally contain historical and contextual notes on the subject of the essay. While the focus of the essay is on the years 1790-1806, it is impossible to tell the political history of both Britain and America without including information from earlier years. Similarly, the third chronological nature of the third chapter allows for the other chapters to be organized on a thematic basis.

Some introductory comments on the subject matter may be helpful. The first concerns the scope of political opinions in Britain and America. The political classes of Britain and America were tied together in one milieu. It has been contended that the American political system accepted a comparatively small band of political opinions relative to other political societies, and certainly compared to the wide number of ideologies represented in the French Revolution, this seems true under an initial inspection. In a comparison between the American and British cases, it has been argued that America, without a hereditary nobility could develop neither a developed reactionary nor socialist ideology.<sup>3</sup> The most heterodox political ideologies present in Anglo-American thought between the years 1790 and 1806 were the utopianism of Robert Owens and the land nationalization program of Thomas Spence, which remained far from the mainstream of radical ideology. This was primarily because they envisioned the state as a social architect, in opposition to the more libertarian principles of the mainstream radical camp, not to mention almost every other Anglo-American political actor on both sides of the Atlantic. While socialism was outside the pale of political rhetoric, so was High Toryism, which only succeeded after the end of the Napoleonic Wars.<sup>4</sup> As will be shown, conservatism during the Pitt government was a highly pragmatic affair and predominantly eschewed ideology. By the end of the eighteenth century, the political models of Britain and America hadn't had enough time to develop to their different logical ends, as has been asserted.

While each country had its own narrow window of politically acceptable notions, there were also connections between different nations. This was characterized by interactions between British, American, French, Irish, Haitian, and other national groups with each other. And while this essay's scale is limited primarily to the British and American national groups, their interactions with others outside this small group should not be forgotten. For example, James Madison was charged by the Federalist press in 1798 with pro-French sympathies since he failed to toast George Washington at a banquet in Paris while serving as ambassador to France.<sup>5</sup> Also

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<sup>3</sup> Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution* (San Diego: Harcourt Brace Jovanovich, 1991).

<sup>4</sup> Adam Zamoyski, *Phantom Terror: Political Paranoia and the Creation of the Modern State 1789-1848* (New York: Basic Books, a member of the Perseus Books Group, 2015).

<sup>5</sup> Thomas Jefferson, *The Papers of Thomas Jefferson*, vol. 30, 45 vols. (Princeton: University Press, 1950).

while in France, Madison made contacts with the United Irishmen, a group of radical and militant Irish nationalists. The United Irishmen were in occasional contact with members of the London Corresponding Society, itself a radical organization, but less militant. This Society was organized similarly to the Jacobins in France and the Committees of Correspondence in pre-Revolutionary America. One of the journalists critiquing the conduct of Madison in Paris was William Cobbett, who had fled to America from Britain as a political refugee, but found that he agreed with the politics of the Federalist Party. But when he returned to Britain in 1801, he was not so far removed from the British conservative mainstream that his services as a journalist were attempted to be solicited by Pitt, then Prime Minister of Britain, a solicitation that Cobbett refused.<sup>6</sup> Pitt himself was a conservative, but Thomas Paine claimed that Pitt's tax reduction plan had been ripped straight from *The Rights of Man pt. 2*, the second part of Paine's magnum opus that Charles Fox refused to read (whereas he lauded the first part of Paine's work.)<sup>7</sup> Fox had been an opponent of Pitt and Edmund Burke, both of whom were in favor of the rights that American Whigs claimed during the Revolutionary War. The connections go on. The milieu was small and deeply interconnected.

Second, while the reactions of the political classes to the French Revolution and the following political activity were the same on both sides of the Atlantic, the intensity of the political reaction was different between Britain and America. The French Revolution could only apply its catalyzing effect when the issue of the French Revolution became a political topic in Anglo-American political life. Similar to the *modus operandi* of contemporary political parties, it was only when political issues were particularly contentious, that wider parts of the political class were drawn to one opinion or another. Cases could be made that Britain was more involved in "the revolution controversy" because of its geographical proximity to France, because of its constant state of war with France (from 1792-1802 and 1803-1815,) or because the British Parliament hyped itself into believing that France and their alleged agents were scheming to overthrow the government. I believe that there is significant evidence in favor of the latter two, as America was itself very close to the French colony of Saint-Domingue (today's Haiti,) which was the location of several important naval battles, and was involved in the French Revolutionary Wars or their own Revolution from 1791 on. Real fears about the Haitian Revolution only began in 1805, before that it was a regional center of French power. On the other hand, Congress was much more moderate than their British legislative counterparts, and American backsliding picks up substantially with the Quasi-War (1798) and the subsequent Alien and Sedition Acts.

That brings up the third point, that while in general, the democratic backsliding was a result of the radicalism of the French Revolution, it was more directly a response to local political conditions. Anglo-American interactions with Revolutionary France occurred by and

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<sup>6</sup> Robert Morrison, *The Regency Years: During Which Jane Austen Writes, Napoleon Fights, Byron Makes Love, and Britain Becomes Modern*, First edition (New York, NY ; London: W.W. Norton & Company, 2019), 41-ff.

<sup>7</sup> Walter Phelps Hall, *British Radicalism, 1791-1797* (New York: Columbia University Press, 1912), 87; Jennifer Mori, *Britain in the Age of the French Revolution, 1785-1820*, 2nd ed. (London ; New York: Routledge, 2014), 163.



large through the looking-glass. This meant that radicals would be inspired by a faraway political conflagration, and the same conflagration could impact conservatives in the opposite direction. But it also meant that the political actions by conservatives, moderates, or radicals “inspired by the French Revolution” were often not inspired solely by the French Revolution, but rather hastened by them. There were already calls for political reform in Britain and America going back decades. The French Revolution was simply a decisive political event, but one that through its scope and potential effects could call the whole Anglo-American parliamentary system into question.

But this distance between France and internal Anglo-American conditions also meant that France remained a polarizing force for longer. No period of the French Revolution (including the Napoleonic Empire) directly caused an increase in the activities of alleged influence of French agents abroad. Similarly, as far as government policy went, anti-French sentiment began early in the British Parliament, during their debate on army estimates in the first meeting of Parliament after the Storming of the Bastille, seven months later in January 1790. Citizen Edmond-Charles Genêt, France’s impolitic and rousing ambassador to America was part of the Gironden faction, and he sought asylum in America once the Jacobins took power in France. Britain was in constant alarm of insurrection from 1797-1799 during the later days of the Directory, generally considered one of the more sober French Revolutionary governments. The XYZ Affair and the Quasi-War also occurred during the period of the French Directory. This means, however, that the twists and turns of the French Revolution are largely irrelevant to this essay, and the focus can be on the larger political impression caused by the French Revolution in general.

Finally, a note on historiography. For this essay, the surveys of the late eighteenth and early nineteenth centuries by R.R. Palmer in his work *The Age of the Democratic Revolution*, and Jonathan Israel in his work *The Enlightenment that Failed*, have been invaluable guides, however, their focus is on Europe and America as a whole, as is not focused on Britain to a significant degree, although both do have sections of their respective books on Britain. There are specifically British histories that have helped to fill in that gap, including the work of Jennifer Mori and Walter Hall. The American analog to those works is often constitutional, rather than a political history; for this essay, I have relied upon the work of Christian Fritz, Carl Swisher, Bernard Bailyn, and Keith Whittington to fulfill that niche. Local histories have also been helpful, from New York, Philadelphia, London, and Birmingham. For the topic of the French Revolution itself, which has perhaps the most contentious historiography of any of the topics in this paper, I have opted to use mostly revisionist sources, primarily the work of Cobban and Schama. This was in response to a lack of helpful information from Marxist sources, which prioritize France's foreign policy relationships with its sister republics.

The concept of liberty is a deceptively complicated one. While it has been contended that the innovation of debate on social issues has been the main complicating factor in the hagiography of liberty, with later experiments in socialist liberation, this cannot be true. The concept of liberty has always been debated. For research on this essay, a book published by the Liberty Fund was used as a compilation of primary sources, a book that has an end sheet with the cuneiform word for “emancipation” on it. But is emancipation an example of economic freedom,

or political, or social, or any other type of freedom? To return to the beginning of history may seem to abstract the issue, but the debate over the meaning of liberty has had a profound impact on the formation of contemporary civil society. The conflict of the French Revolution is one of the times when the ideas of liberty seem to be at once at their most complex. Far from being only a French experience, that Revolution created a wider conflict over the meaning of liberty. This essay hopes to complicate the narrative of the American Revolution or the modernization of the British government as entirely liberating events, and also seeks to judge the negative consequences of the French Revolution on allegedly liberal societies.

## i. The Anglo-American Political Order:

The British constitutional order, and consequently, the American political order, are children of precedent. This makes separating the purely historical from the purely political impossible. Political culture in both Britain and America has changed remarkably over time, but there are notable instances where changes in procedure and institutional structure have not been matched by changes in decorum. The most striking example of this is the body of Parliament. It has been noted that despite a lack of change in its name, the Parliament that had at one point been a baronial council no longer existed, and became over time the modern popularly elected assembly with a significant imbalance in the balance of power between the body's two chambers. But this change was slow enough that it promoted (and still does promote) an idea of continuity, even institutional immortality.<sup>8</sup> Continuity with slow change, but without an aware intention to innovate creates an issue. Specifically, it can create a constitutional order that is simultaneously conservative and radical, defined by both its novelty and agedness. With the developments in the British constitution, it can create liberties that are both individual and corporate, and promote such liberties while simultaneously curtailing them.

This conflict within the system of Parliament was the center of British, and subsequently American political culture. Parliament had reproduced itself on both sides of the Atlantic Ocean, in the form of colonial assemblies created by charter, all of which maintained the parent institution's mixed representative system. The parliamentary system allowed for a structure of mixed representation, with the interests of elites, the general populace, and the executive each represented. The system was however beset by considerable amounts of corruption and favoritism, which both perpetuated the system and accelerated it toward its collapse. But without understanding the firmament, it is impossible to understand what happened after a cataclysmic event like the French Revolution caused a change in the political culture of Britain and America.

The period of roughly 1740 to 1780 was, in both Britain and America, a period of extremely consequential political development. The philosophical and political development of the countries in this period laid the political firmament that would be disrupted by the political revolution in America, but even more so by the political revolution in France, which was at odds with the sense of liberty that prevailed both countries, and owing to their shared political heritage, had not been disrupted as much as it might have been by the American Revolution. If the French Revolution was a catalyzing agent in the political cultures of both countries, then this roughly 40-year period was itself transformative in the history of Britain and America.

Despite its name in British history as the "anti-philosophical period," the period was characterized by the increasing role of precedent in governance coupled with an ever-tightening and increasingly all-encompassing political center. While all this applies to the British nation, it equally applies to the development of American thought. An increasing naivete that Hartz comes to characterize as part of the American understanding of their exceptional character is also being

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<sup>8</sup> R. R. Palmer, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760-1800* (Princeton, N.J: Princeton University Press, 2014), 27-45.

developed simultaneously in Britain, owing mostly to historical factors.<sup>9</sup> Despite the difference of an ocean, both nations and their political philosophies come to rely on the peculiar governmental characteristics of the British mixed system and the constitutional precedent that that system was the result of.

The main challenge to the universality of the parliamentary system in Britain and America was the emergence of extra-parliamentary organizations (APOs.)<sup>10</sup> These were the inevitable outgrowth of the increasingly democratic character of Parliament, which began to agitate for specific policies in parliamentary government through petitions and later electioneering. The APOs were able to increase their role in politics through connections with parliamentary leaders, and take control of aspects of governance that were not controlled by the state in social issues. By the conclusion of the anti-philosophical period, several overtly political APOs had formed and enjoyed various degrees of success, including the Sons of Liberty in America and the Wyvill association in Britain. APOs were a valuable political tool, but they were never entirely trusted by some, especially in government circles in both America and Britain. They were often seen as expedients, meant to solve a political need, so different interpretations of what was needed led to different interpretations of the legitimacy of APOs.

### **Development of the Shared Tradition:**

The first element that defined the anti-philosophical period was a stable parliamentary regime that facilitated the continual peaceful transfer of power within Britain, and in proving its success locally, was adopted by the colonies of Britain. The role of Parliament, especially after the Glorious Revolution, diluted the strongest pro-republican sentiments by effectively co-opting participatory government and reaffirming that it was a part of the British mixed model. But Parliament, being both republican and aristocratic owing to the composition of its two chambers, confused the matter. The result of this was to lessen the tension between supporters of the monarchical, aristocratic, and republican elements of the constitution; but this was itself more of a papering over of controversies, and as the rise of first Prime Minister Robert Walpole and then George III would eventually show is that the mixed system was far from static, even if it was accepted in principle by the majority of parties. Israel, through the example of Algernon Sidney and the Rye House Plot, believes that the result of this in Britain was that the aristocratic element of Parliament crept into other elements of the constitution, while access to the constitutional mechanism of Parliament expanded. And that this trend was exacerbated by corruption and patronage over time, which maintained the power of wealth in Parliament even as the Commons gained power over time.

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<sup>9</sup> Hartz, *The Liberal Tradition in America*.

<sup>10</sup> The abbreviation of APO is from the German, *außerparlamentarischer organization*. Its use is due to the multitude of types of organizations. Palmer uses the term 'associations' to deal with many of the groups in this category, but in this context, justifying the existence of APOs as either armed or civilian groups or as either American, British, or (outside the context of this essay) Irish groups can be complicated, especially as much literature on the period covers the 'Yorkshire Association,' which is a specific group with its own aims.

The same process of softening happened in American colonial legislatures in response to the Glorious Revolution. The work of Sidney, who relied on conceptions of virtue popular in the classically-minded, was the progenitor of the philosophy of James Harrington and of John Adams in *Novangulus*.<sup>11</sup> Josiah Quincy Jr., in his will, left to his son, "Algernon Sidney's works, - John Locke's works, - Lord Bacon's works, - Gordon's *Tacitus*, - and *Cato's Letters*. May the spirit of liberty rest upon him!"<sup>12</sup> Except for the work of Bacon (whose work came earlier,) each of those philosophers wrestled with the consequences of the Glorious Revolution and came to the same set of conclusions: that there was a mixed system of government that could best provide a peaceful existence and the establishment of common prosperity.

In the work of Sidney, Thomas Gordon, and John Trenchard, there are strains of principled rejection of the outgrowth of any of the elements of the British mixed model, and while the philosophers themselves may have aimed at one particular element or another, the great utility of their work was its ability to be retooled against a disequilibrium originating from a different origin in the mixed system. When, for example, the dispute in colonial America shifted from a rejection of parliamentary authority to a rejection of the legal status of the Crown over the colonies, there was no significant accompanying shift in the philosophic basis of this rejection. Paine, in writing *Common Sense*, very quickly and effectively changed the colonist's interpretation of the equilibrium without causing real disruption to the legal or ideological basis of the revolutionary cause.<sup>13</sup> Or as another example, the criticism of the democratic element of the mixed system by the Duke of Richmond (Appendix A) could be so easily read as a critique of the aristocratic element of the same system by British radicals that they came to adopt the former's critical framework in its entirety, which will be covered in later parts of this chapter.<sup>14</sup>

The reason for much of this vagueness is the historical basis of these political developments. They were the result of two factors: 1) The failure of the Jacobite rebellions and; 2) fear of corruption, and in turn, despotism. The failure of the Jacobite risings had its most profound effect on Blackstone, whose main innovation to the period was to reconcile the Tory cause with the Hanoverian government after it became clear that armed opposition had failed. While the battle at Culloden ended a century of armed conflict over the fate of the Stuart dynasty, it was the work of Viscount Bolingbroke who altered the method of criticism that Tories employed from armed rebellion, which was discredited, to polemics. His work joined with the other criticism of the British government at the time that was concerned with the creeping influence of corruption in British politics into the program of the Country Party.<sup>15</sup>

The other element of the Country Party, besides sympathetic Tories, were the independent Whigs. These independent Whigs were mostly opposed to the system of Robinocracy, a term

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<sup>11</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution*, Enl. ed. (Cambridge, Mass: Belknap Press of Harvard University Press, 1992), 34-35.

<sup>12</sup> Josiah Quincy Jr. in *Ibid*, 45.

<sup>13</sup> Jonathan Israel, *The Enlightenment That Failed: Ideas, Revolution, and Democratic Defeat, 1748-1830*, First edition (Oxford ; New York: Oxford University Press, 2019), 39-42.

<sup>14</sup> Charles Lennox to William Sharman, "Letter from Charles Lennox, the Duke of Richmond to Lieutenant Colonel Sharman," April 15, 1783.

<sup>15</sup> Bailyn, *The Ideological Origins of the American Revolution*, 39.

adopted and heavily used by James Thomson. (The differences between the Tories and independent Whigs became increasingly irrelevant over time as the Jacobite rift fell out of focus over time, although there were policy differences between the two groups, and eventually significantly different takeaways from the conflict.) The Robinocracy was a term intended to describe the rule of a prime minister, in this case, Robert Walpole, who came to dominate the politics of the nation through corruption and would eventually, it was feared, become a despot. The issue with this as a conceptual framework is that the Robinarch is not an intrinsic part of any particular section of the British mixed system; it contains elements of all three. And so, philosophical responses to the Robinocracy, and more generally the creeping influence of despotism, had to be flexible enough to accommodate this. Thomson himself classifies the Robinarch as three different things: as the minister of the king and therefore a representative of the Commons and the democratic element of the system, as the master of patronage and therefore a representative of the Lords and the aristocratic element of the system, or as the master of a mercenary army and therefore a sovereign in their own right. And since the disequilibrium could originate in any of the three branches, many solutions were proposed to bolster the countervailing parts of the system.<sup>16</sup>

The camps that these solutions fell into were either to bolster the Crown to varying degrees (including the restoration of the royal veto, the removal of control of the Civil List from Parliament, etc.) or to reform Parliament.<sup>17</sup> And it is from the latter that the movement towards parliamentary reform springs, whereas the former would find followers in the circle around Lord Bute, although it should be noted that the bolstering of the Crown would never be a push for royal absolutism. While this specific conflict around the Robinocracy represented a single moment in British political history, the system of perpetuating the British premiership was the same as the Whig Oligarchy, which would fall out of love with this form of patronage and jobbing upon the ascension of George III.

By the time of Pitt, the term Robinocracy was no longer in use. A Google NGram search reveals that the term was used almost exclusively in the years 1712-1719 and 1727-1734.<sup>18</sup> These years coincide with dates in the rise of Walpole, but mentions disappear after that time. It was not that the issues that gave rise to the Robinocracy were solved, but rather that the ascension of George III had reshaped the political landscape through the support of his personal favorite, Lord North, as Prime Minister. Now, neither the Commons, which had been the seat of power of the Robinarch Walpole nor the Crown, which was breaking the precedent set during the Whig Oligarchy of picking their ministers, could be trusted with power. They had each shown themselves to contain the germ of despotism, and vigilant and virtuous Englishmen had the

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<sup>16</sup> Bailyn, *The Ideological Origins of the American Revolution*, 49-52.

<sup>17</sup> For the benefits of a restored royal veto, see Appendix A. Wherein the Duke of Richmond considers the restoration of the veto as a counterbalance to the influence of the Commons. For the independence of the Civil List from Parliament, see Palmer, *The Age of the Democratic Revolution*, 221-228 for the differences between economic reform and more radical trends in the association movement.

<sup>18</sup> "Google Books Ngram Viewer," accessed December 6, 2022, [https://books.google.com/ngrams/graph?content=robinocracy%2Crobinarch&year\\_start=1700&year\\_end=2019&corpus=26&smoothing=3&case\\_insensitive=true#](https://books.google.com/ngrams/graph?content=robinocracy%2Crobinarch&year_start=1700&year_end=2019&corpus=26&smoothing=3&case_insensitive=true#).

longstanding tradition of resistance against such despotism (although, importantly, from the anti-philosophical period, there is a significant dearth of British sources that are ideologically in favor of rebellion.)<sup>19</sup> The Lords, caught in the middle, had seen their power greatly diminished during this period, although the presence of hereditary or aristocratic elements increased in government in the same period.<sup>20</sup>

The resistance to despotism became a tradition as the philosophers who had composed the Country Party began to either die or stop writing. The anti-philosophical period, like other epochs, doesn't have a defined start date, although Israel defines the period as roughly 1740 until 1770, and it is a period that he principally defines as a "quieter period."<sup>21</sup> But this period was still filled with political debates and controversies that added to the political precedents of both Britain and America. It is to such a significant effect that designating the period as anti-philosophical is only helpful as a convention rather than as a descriptor. Thomson's debate with the Robinocracy ended in 1734, but he died in 1748.<sup>22</sup> Viscount Bolingbroke died in 1751. Thomas Gordon died in 1750, whereas John Trenchard died in 1723. Meanwhile, William Blackstone passed the Bar in 1746 and the soon-to-be Earl of Chatham became Paymaster of the Forces and therefore a member of the cabinet in that same year.<sup>23</sup> James Otis had graduated from Harvard three years prior. Richard Price, Thomas Paine, Edmund Burke, Benjamin Franklin, and the Duke of Richmond were all active politically between 1740 and 1770, and each contributed to the Anglo-American ideological firmament.

But the real innovation of this period is that all of the above philosophers on both sides of the Atlantic came to accept the same fundamental principles of the British constitutional order as being worthwhile to work within, albeit to various degrees. Even the most radical still focused their efforts on legal avenues, except for the American Revolution which itself was seen as a natural extension of vigilance normally (but increasingly less) associated with internal actions. These disputes were extremely advantageous to the British constitutional order. Disputes over where the emphasis is placed on the mixed model of government are themselves an acceptance of that mixed model of government. And over time, these systems came to feed into a cultural acceptance of the British mixed model, which in practical terms was reflected in the oft-noted and unique support for the Crown and Parliament in Britain. But the same process was occurring in America with the opposite results; stories of corruption and despotism produced reactions of libertarianism in both countries, but while it was co-opted in Britain by the democratic and aristocratic elements of the mixed system, in America, opposition to despotism came to be centered around external actors assuming a watchdog function over government bodies, although a large number of lawyers, army officers, and politicians from the colonial governments that

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<sup>19</sup> Bailyn, *The Ideological Origins of the American Revolution*, 47, 52-53.

<sup>20</sup> Palmer, *The Age of the Democratic Revolution*, 37.40.

<sup>21</sup> Israel, *The Enlightenment That Failed*, 636.

<sup>22</sup> "Google Books Ngram Viewer," accessed December 6, 2022,

[https://books.google.com/ngrams/graph?content=robinocracy%2Crobinarch&year\\_start=1700&year\\_end=2019&corpus=26&smoothing=3&case\\_insensitive=true#](https://books.google.com/ngrams/graph?content=robinocracy%2Crobinarch&year_start=1700&year_end=2019&corpus=26&smoothing=3&case_insensitive=true#).

<sup>23</sup> Michael J. Turner, *Pitt the Younger: A Life* (London ; New York: Hambledon and London, 2003), 2-4.

joined the revolutionary movement in America shows that like in Britain, there was a tradition of internal dissent as well.<sup>24</sup>

Despite being coined as the anti-philosophical period, it was in these few decades that the modern Anglo-American parliamentary system came into existence. The mixed parliamentary system's relative tranquility and malleability led many to believe that it was nothing short of the best constitutional order in existence. It was of course not without its shortcomings, but for many, those could be stably rectified within the system. However, there were others who, although they had faith in the system, thought it needed to also be pushed from outside, and so they in turn formed independent political groups.

### **The Formation of Extra Parliamentary Organizations (APOs):**

APOs were not simply political organizations, but rather in their entirety a large collection of formal and informal groups of private citizens outside of the control of parliamentary systems of government. APOs fit into many categories, not being solely political. They included religious, philanthropic, scientific, cultural, literary, and other societies. According to the research of Peter Clark, between the years 1790 to 1799, there were over 6,550 involuntary clubs established in the English-speaking world, a dramatic increase from the approximately 500 established in the 1750s. Clubs were most pervasive in England (and particularly London) and in Anglophone colonies, including America.<sup>25</sup>

For this essay, the type of APO of interest was the formation of political organizations. Within this category, there is an opportunity to be more granular; epistolary societies, debating societies, scientific societies, and religious societies all recruited within the same milieu. Due to the voluntary and non-restrictive basis of the APOs, they attracted a large number of people who would have otherwise not been a part of political circles. Parliament's historical purpose of raising subsidies and enforcing the law precluded poorer and less well-connected Anglo-Americans from participating in parliamentary politics. Inversely, moneyed and landed interests centered their political agitation around Parliament, and for the most part, defended the political arena as their domain. In America, a similar system was intentionally created during the colonial period, with yeomen of high standing overtly brought into government to give council to the colonial executive.<sup>26</sup>

The coinciding factors of wealth and political power in the parliamentary system had long been acknowledged. Debates around breaking this trinity of factors had been responsible for *the* schism in the English Civil Wars at the Putney debates.<sup>27</sup> The popular characteristics of the APOs were therefore seen as a threat to the link between wealth and political power. The exclusion of APOs then might be the way to restore a more equitable balance in the mixed

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<sup>24</sup> Bailyn, *The Ideological Origins of the American Revolution*, 51-53; John Trenchard and Thomas Gordon, *Cato's Letters, or Essays on Liberty Civil and Religious, and Other Important Subjects. Volume 1 by T. Gordon. The 4th Edition...* (London, 1737), <http://ark.bnf.fr/ark:/12148/bpt6k94292t>.

<sup>25</sup> Peter Clark, *British Clubs and Societies 1580-1800: The Origins of an Associational World*, Oxford Studies in Social History (Oxford ; Oxford University Press, 2000), 128.

<sup>26</sup> Palmer, *The Age of the Democratic Revolution*, 39-40.

<sup>27</sup> Israel, *The Enlightenment That Failed*, 41.



constitutional system. Blackstone was a strong proponent of this theory, and advocated for the absolute supremacy of Parliament, to the exclusion of potential APOs modifying public opinion or influencing the composition of Parliament. He argued that the diminution of the popular character in Parliament due to the influence of APOs would not lead to constitutional malpractice, since he already assumed that anybody who ought to have anything to say about the affairs of state was already contributing their voice either in Parliament or as a voter.

But the emergence of APOs also signified a critical failure of the parliamentary system to effectively govern the non-political spheres of the nation. No parliament or congress could fully control the rapidly changing social conditions of the Anglo-American world. In creating a more libertarian parliamentary system, certain social responsibilities were delegated to civil society. The clearest example of this is religion. The Anglican Church was a state institution and operated in Britain as part of the parliamentary system, which included offices subordinate to the Crown and Lords Spiritual sitting in the House of Lords. But Methodist, Baptist, Quaker, Unitarian, and other sects functioned privately as part of civil society, and members thereof intermingled with other APOs. In America, the task of the spiritual fulfillment of the people was intentionally left to civil society. In Britain, Anglican supremacy was a considerable part of the ideological basis of Burke's reaction to the French Revolution and also a major political issue as George III did not back Pitt's plan for Catholic Emancipation for fear of undermining Anglican Supremacy, leading to the end of Pitt's first premiership in 1801.

The growth of APOs should also be seen in a wider European context, as part of the same impulse that produced the Encyclopedists in France and a whole political and philosophical class that was outside of constituted government across the Atlantic world, and challenged it using new methods of mass persuasion. In Britain, the anti-philosophical period ended with the formation of the APO called the "Supporters of the Bill of Rights," a society formed contrary to the hopes of Blackstone that APOs would neither modify public opinion nor influence the composition of Parliament. The Supporters aimed to do both in defiance of Parliament.<sup>28</sup>

In America, APO creation also occurred, The Committees of Correspondence were epistolary societies that mirrored informal British groups organized to petition Parliament. The Sons of Liberty could also have been said to have been an APO, although they fit neatly into no category other than a paramilitary group. As Wood points out, the method of organization and the destructive capacity of mob violence was not new, but its role in supporting political causes was, and it enabled the construction of an independent power base for pro-independence radicals that could not be otherwise relied upon necessarily.<sup>29</sup> Militias were also APOs, and America had a long tradition of their use in community defense. They were often tied to personal connections between patrons and clients, which made mobilization of said militia easier for whichever institution could co-opt more patrons, be that a colonial legislature or a revolutionary one.<sup>30</sup>

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<sup>28</sup> Palmer, *The Age of the Democratic Revolution*, 125-127.

<sup>29</sup> Gordon S. Wood, *The Radicalism of the American Revolution*, 1st ed (New York: A.A. Knopf, 1992), 244-245.

<sup>30</sup> Bailyn, *The Ideological Origins of the American Revolution*, 126; Wood, *The Radicalism of the American Revolution*, 74.

The lack of consistency in forming APOs also extended to their dissolution. For informal groups, it was easy for them to slip away into obscurity. Even for more formalized APOs, there was no way to guarantee that groups would remain together, as the collapse of the Birmingham Lunar Society (BLS,) a local scientific APO with strong connections to radical politics, shows. The BLS's abrupt collapse in the years after the Church and King Riots of 1791 in Birmingham and the exile of Joseph Priestly, one of the Society's most prominent members, proves that even decades-old societies could simply fade out of existence.<sup>31</sup> Other societies could choose to disband once their objective was complete, as was the case with the Sons of Liberty, which ceased as an independent organization as the members of that APO shifted into the Continental Army.

For the more classically-minded, this may have created the perception that APOs should be temporary institutions, especially political ones. This is a potential way to explain a shift away from APOs that occurred within parliamentary circles in the 1790s, despite an apparent lack of change in opinion (i.e. the Society for Constitutional Information.) The membership left over in these groups may have looked even more threatening than the existence of the APO itself. This is simply one argument, and there is significant historical evidence, most notably related to the Wyville Association and the Edinburgh Convention, that the existence of the APO, not its membership, was cause for concern within the government.<sup>32</sup>

### **The Consequences of the Anti-Philosophical Period:**

The combination of the two trends listed above, the ideological consensus around the perfection of the British constitution, and the increased role of APOs laid the groundwork for the political controversies that would erupt over the French Revolution. The result was an increasing fetishization of the British constitution, and more broadly the whole British political order, which came to dominate not only in-doors but increasingly out-of-doors politics in both Britain and America. In Britain, it re-centered political disagreements around the best method of perfecting the constitution and establishing an equilibrium between the different elements of the mixed system. Whereas in America, it created questions of representation in Congress which became questions regarding the limits of constituted power after independence. Expansive state representation and limited central power in the period of the Confederation Congress was contrasted with its successor, overtly modeled on the British model, which prioritized centralized power and expansive legislative authority.

The mix of a theoretically perfect constitution and the growth of bodies that were outside of the political system established therein created several contradictory political trends. First, very much in the feudal mode of thinking, there was a principled rejection of constitutional innovation, but this was coupled with the previously stated innovations that came to be during the earlier parts of the 1700s. Second, as part of the established political order, there was simultaneously a sense of potential liberation and potential despotism under the political order of

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<sup>31</sup> Robert E. Schofield, *The Lunar Society of Birmingham: A Social History on Provincial Science and Industry in Eighteenth-Century England* (Oxford: Clarendon Press, 1963).

<sup>32</sup> Clark, *British Clubs and Societies 1580-1800*, 94-140.

both countries. The hope for potential liberation, since both governments in Britain and America, were elected by a large number of yeomen and there was less concern over arbitrary government as there were ways through election and petition, that the government could be reached (at least theoretically) by those of the lower order. But there was ever the fear of despotism from these systems, a fear that accompanied the opposition both to the Pitt regime in Britain and to the attempts to form a civil service in America. This fear was also the basis for the rejection of a potential French-style revolutionary dictatorship, which was considered anathema to British liberty.

There was also a contradiction over the role of the people at large in the election of the Commons. With the Commons becoming the preeminent body in Parliament and in the whole government, there was, in some circles, a hope that the Commons would increase the suffrage to the body, abolishing the feudal restrictions on yeoman suffrage in favor of an expanded or universal suffrage based on different qualifications.<sup>33</sup> A similar issue occurred in America, as the theoretical balance between the nation being a union of states versus a union of people, and as a result influencing the balance of power between the Senate and House of Representatives in mechanical terms. While states were not themselves a corporate body, the influence of local notable families in forming the policy of states and the elections of senators may have been a theoretical factor in this.<sup>34</sup>

The best way to highlight the political elements of the anti-philosophical period is to highlight the period's culmination in the letter by the Duke of Richmond to Lieutenant Colonel Sharman, the latter the representative of a Committee of Correspondence of several militia companies of so-called "Irish Volunteers" in the controversies around Grattan's Parliament (Appendix A.)<sup>35</sup> The letter is notable for its clarity of purpose, and for the way that it seamlessly blends all of the elements of the contemporary Anglo-American *zeitgeist*. It is a letter that could have been written on either side of the Atlantic and touches on motifs of virtue and self-sacrifice, on the issues of corruption and the disequilibrium of the mixed system. It also anticipates the argument for responsible government at the need for a legal basis for the dominions of the upcoming Westminster System. For this paper, however, it was critical as a justification for British radicals to attempt to agitate for their goals; in effect, a shield against libel charges.

The Irish Volunteers (composed almost exclusively of the Anglo-Irish,) facing the same issues that British radicals faced contemporaneously in England and Scotland, organized themselves into militia when it became clear that structural deficiencies in the Irish electoral system had combined, allegedly, to subvert their liberties. The Irish Volunteers reached out to Richmond, who was the leader of an APO, the Society for Constitutional Information, that was composed of a combination of MPs and outside interests. Richmond was seen as the leading authority on theories of reducing the influence of other systems on the democratic element of the

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<sup>33</sup> Palmer, *The Age of the Democratic Revolution*, 55-56.

<sup>34</sup> Christian G. Fritz, *American Sovereigns: The People and America's Constitutional Tradition before the Civil War*, Cambridge Studies on the American Constitution (Oxford [England] ; New York: Cambridge University Press, 2008), 119-152.

<sup>35</sup> Charles Lennox to William Sharman, "Letter from Charles Lennox, the Duke of Richmond to Lieutenant Colonel Sharman," April 15, 1783.

mixed system, and the letter is about ideas of how this is to be accomplished, so, while Richmond himself is far from being a democrat, his ideas could be easily adopted by those who favored the growth of democracy in Britain.

Richmond diagnoses several problems with the British political system. First, there is a disequilibrium in the present administration of government that currently favors the Commons but also has inadvertently created a system of graft that maintained influence from the Lords onto MPs from the Commons. The government has decisively shifted towards favoring the democratic element of the mixed system, but in doing so it has not become more representative. The solution to this problem is not merely to expand representation, but to create checks on the Commons in the form of bolstering the Lords and the Crown. While it seems counterintuitive, the purpose is to give each branch power enough so that there would be less wrangling over control of the Commons. If the Commons had less authority, then money actors would be less likely to attempt to tip the balance of the House, restoring to it its most democratic character. The methods that Richmond proscribes for this are restorative, not innovative. He proposes the restoration of the royal veto for legislation and the resumption of the ability of the House of Lords to “interfere in money bills,” which Richmond contends is the result of the monopolizing influence of the Commons, and not the proper legal or constitutional order.

But this letter would not be the shield of the radicals if it was only about increasing the influence of the Lords and Crown. Richmond was also a proponent of the idea of universal suffrage, which in his conception was the means of rectifying the democratic element of the mixed constitution. He did so in uncompromising terms, writing “I am more and more convinced that the restoring the right of the voting universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections, is the only reform that can be effectual and permanent.” This was red meat to a radical constituency who wanted justification that their agitation for political representation was not just some new fad, but instead, a restoration of old and lost (or more sinisterly) suppressed rights. The rationale behind the expansion of suffrage was that the old conception of taxpayers as the economic basis of the state, and therefore the group responsible for deciding the policy of that state was now irrelevant. With the simultaneous expansion of the market economy and the British taxation capacity, anybody who bought food or clothes contributed to the welfare of the state through its enrichment and as such, should be allowed a say in its future on the same grounds that taxpayers enjoyed. The result was a justification for universal suffrage, which had other merits as well, being simpler to organize a real electoral system around. But the subtext of this argument should not be overlooked: this was the death knell for the idea that the rich were the sole loadstone of the economic security of the state.

Additional issues with the Commons could be resolved by simply overriding the forces of patronage: annual parliaments and the elimination of rotten boroughs were the way to do this. To start with the latter, rotten boroughs were indicative of an “exclusion” of public interest from Parliament. Without petitions from constituencies, it was assumed (allegedly erroneously) that there was no interest in politics from the wider population. But Richmond ascribed the fault in this from a lack of accountability to a wider constituency; in places where there was real

accountability at the time for instance Yorkshire or Middlesex, there was popular support for reform through the Association Movement, but in places where the constituency was composed of 25 people, like in Edinburgh, there was no push for reform.<sup>36</sup> A more equal distribution of representation would fix this by enabling the population of each constituency to voice their opinions on political issues. Annual parliaments were designed for a similar task. If there was corruption in the choosing of MPs and that corruption had a cost that must be paid every time an election occurred, then the effect of annual elections would become too burdensome for any network of patronage to contend with.

The remarkable thing about the Richmond letter is that you can draw a trendline straight from the writings of the anti-philosophical period through Richmond and towards the radical agitation of the 1790s. Moreover, it shows the shared cultural conceptions of the Anglo political world, and the themes of the letter would be just as pertinent in America ten years earlier as they would be in Britain ten years later. The key was that undue influence on the Commons could be countered by elements inherent in the British political system.

Should these critiques of the British political system be resolved, then the political order might have looked much like it did in 1790s America, or that was the thought of William Cobbett. Cobbett was a radical in the political context of Britain and fled to self-exile in France and then America. His ideas aligned with those of Richmond, especially in his opposition to corrupt measures. But upon arrival in America, and seemingly without changing any of his views, he became a close partisan of the Federalists, taking up the moniker of ‘Peter Porcupine’ and engaging in rhetorical debate with rival newspapers. His conservatism in America was so well known that upon his return to Britain in 1800, he was accepted by the Pitt administration and offered a job as a partisan printer in Britain. But during and after the Napoleonic Wars, again without seeming to switch his principles, he became one of the most well-recognized radicals of the Regency Era.<sup>37</sup>

The panacea for the issues of the mixed system was the ballot box, or in a wider context, representation. In America, the work of Sidney would later help convince American whigs in the time of the Revolution that there was merit in resisting oppressive forms of government, and that it was their right as Englishmen to do so.<sup>38</sup> But that was the result of America being outside the jurisdiction of Parliament when there was no recourse for active representation (a theme that will be mirrored by later rebellions in America.) But where jurisdiction wasn’t an issue, there was still resistance, but it was within the bounds of the electoral system. This is what enabled Burke to support the American Revolution while disparaging the French Revolution. It also enabled much of the obsession with ballot-box issues in the radical British camp. But these were results that indicated an initial cause. As the Duke of Richmond opined to the Irish Volunteers, once their demands for just representation were satisfied, their organization outside the system would

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<sup>36</sup> Richmond does not specifically mention the constituency of Edinburgh, but instead that particular borough is mentioned in Palmer, *The Age of the Democratic Revolution*, 37. Palmer’s data on the constituencies in Britain used in various sections of this paper are from the year 1760, In 1755, the population of Edinburgh was 57,000.

<sup>37</sup> Morrison, *The Regency Years*, 41-ff.

<sup>38</sup> Wood, *The Radicalism of the American Revolution*, 110.

no longer be needed; they had been just for taking up arms in defense of their liberties, but there was more justice in putting down their arms when their battles could be fought electorally.

### **The Resulting Mechanics of Government:**

The philosophical underpinnings of the era before the French Revolution were tied to the reality of government structures. Constitutional innovation in both Britain and America required governmental structures to be subject to reform, and for those structures to contain in them the critics that could legitimize more radical attempts at reform. Pressure to reform had to come from both within and without; a key feature of the politics in both countries upon the start of the French Revolution was that internal pressure to reform in both countries was greatly diminished as both countries came into conflict with France.

Parliament, the mother body of the bicameral system that prevailed in both countries contained the House of Commons and House of Lords, which collectively acted as a sovereign body in British politics containing the three estates of the commons, the lords temporal, and the lords spiritual. The system of suffrage for both houses was based on feudal custom. The Commons was composed of 558 members, elected partially from counties and partially from boroughs. The distinction between the two was legally archaic, but worth understanding as many of the reformist attempts centered around the reduction of the power of the boroughs. Nearly 80 percent of Parliament was composed of MPs sent from boroughs. Many boroughs were located in the south of England (containing a small portion of the national population,) having not shifted their location since their inception for the purpose as administrative and defensive districts during the reign of Alfred the Great before Parliament (in any form) or even the Norman Conquest, although the enfranchisement of boroughs occurred over time. Over nearly a thousand years the demographics and landscape in the boroughs changed, but their legal status remained and as such, they continued to send members to Parliament, two for each constituency.<sup>39</sup> This led to a state where 294 of the seats of Parliament were each elected by less than 250 voters, most less than 100 voters.

Heavy wealth requirements for suffrage and to hold office in both the boroughs and counties exacerbated the issue. Burgesses (MPs representing boroughs) had to own land equivalent to 300 pounds per annum in rent, while 'knights of the shire' (MPs representing counties) had to own land worth 600 pounds per annum in value. The number of people who owned land with such a value was minuscule, approximately 2,800 people. However, to skirt this law (not repealed until 1858,) land could be passed from a patron to a client so that they could qualify for election. In Scotland, which had slightly different property qualifications, almost half of the 2,665 voters were given their land so they would have the qualifications to vote. The number of voters stayed remarkably static, landed wealth and political connections both being hereditary. A similar proportion, about half, of MPs from England owed their seats to patrons. A

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<sup>39</sup> Perhaps the most well-known example of this was the borough of Dunwich, which had been partially submerged underwater by the shifting Suffolk coastline. It was not the smallest of the constituencies for the boroughs, and had a population of 232 in 1816, only a percentage of which could meet the property requirements to vote. It gained its notoriety from its sunken state.

notable example of patronage was the network surrounding the Earl of Lonsdale: Lonsdale controlled nine constituencies, including Appleby, William Pitt's first constituency before he was elected as a representative of Cambridge University. When Pitt or other of "Lowther's nine-pins" as Lonsdale's clients were known, it was the Earl that received congratulations, a common practice.

Lonsdale, like Bute, North, Richmond, Rockingham, Northington, etc. controlled their clients from the House of Lords. This body made no pretension to election; in 1760, it was composed of approximately 200 lay lords and 26 spiritual lords, representing the more administrative side of the Anglican Church. But as Palmer notes, while higher echelons of the lay lords made up much of the Lords, those being Dukes and Earls primarily, the Commons itself was composed of a large number of nobles, with approximately a quarter of the body composed of baronets, and the issues of nobility.

Other factors contributed to the feudal nature of this system. The Common Law, religious disabilities on Catholics and Dissenters, prohibitions on copyholders voting while freeholders of an equivalent net wealth were enfranchised, sinecures, and abuses of what was still not a professional civil service proliferated. It was maddening, even to those inside the political order, like Burke, Pitt, and Rockingham.<sup>40</sup> Americans like Adams saw the hereditary caste as appalling, and the American political order would do much to repudiate the feudal character of its predecessor.<sup>41</sup>

Many of the innovations of the American mixed system of government can be seen as mirrors of the British model; its failures were corrected while the same mechanical structure was maintained. Lots of ink has been spilled on comparisons between the House of Lords and the Senate in particular, as attempts to innovate on the aristocratic part of the British mixed model system into a nation that lacked a native aristocracy. But while this comparison has a certain merit to it, there is a significantly stronger connection between the House of Lords and the upper chambers of colonial legislatures, which maintained their preeminence after Independence. Bicameralism as a tool for creating an unofficial aristocracy was noted by both Turgot in France and Prince in Britain among others; the supposed high qualifications for office or suffrage in state upper houses were seen as anti-democratic, and as giving greater expression to wealth rather than the wishes of the wider population. In America, only two states at the time rejected bicameralism, Pennsylvania and Vermont.<sup>42</sup>

One place where both of the political systems of the nations coincided with that both legislative bodies tended towards self-perpetuation. Families including the Manners, Townshend, Grenville, and Wyndham are noted by Palmer as serving in Parliament during this time.<sup>43</sup> A survey of other families includes Eden, Sidney, Gray, Fox, Pitt, and Erskine, all of whom had familial connections and *de facto* hereditary seats outside of the House of Lords. This was also the case for American political institutions, especially state governments. In Virginia, the

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<sup>40</sup> Hall, *British Radicalism*, 35-39.

<sup>41</sup> Palmer, *The Age of the Democratic Revolution*, 35-39.

<sup>42</sup> Israel, *The Enlightenment That Failed*, 313.

<sup>43</sup> Palmer, *The Age of the Democratic Revolution*, 37.

governor's council, the upper house of the legislature in that colony, was composed of 12 men. As Palmer notes, from 1660 to 1774, a total of 91 persons had been appointed to the body, and of them, one-third was composed of nine surnames (as families could, and often were related to each other,) including the Lee, Page, and Byrd families. In appointed upper house legislative councils in Maryland, New York, and New Hampshire, the pattern was the same. Connecticut, despite having an elected colonial upper house, saw similar rates of notable families possessing office, with 25 surnames repeatedly being elected to office, including the Pitkin, Allyn, and Walcott families.

The colonial lower houses were less subject to these trends of self-perpetuation. In this way, they were significantly more democratic than Parliament, with Palmer saying of them, "it seems certain that the Anglo-American colonial assemblies, before the American Revolution, were the most nearly democratic bodies to be found in the world of European civilization."<sup>44</sup> The lower chambers of the colonial legislatures lacked significant powers, but perhaps this is the culmination of the theories of the Duke of Richmond, for the democratic body without much power, would be free to exercise its power without influence upon it.

As an aside, one further lamentation that Richmond had, and here it was to do with the practical business of government, was the self-enriching of the legislatures through the process of enclosure. If Parliament was designed to protect private property, then it should do so for the widest number of people. Richmond saw the lack of universal suffrage leading as such: "the present system is hastening with great strides to a perfect equality in universal poverty."<sup>45</sup> Without representatives to block the enclosing of land by Parliament, there was little that could be done by a person whose land was to be enclosed (especially an issue in the Scottish highlands.) While in Britain, there was a system of land tenure that was just as traditional as the political system, the same issue did not exist in America. But despite this, one of the figures important in both the American and British political world was Arthur Young, an agriculturalist responsible for the attempts of Parliament to turn all land in Britain into private and productive ownership. He also directly lobbied Washington to increase the production of wool in America through the clear-cutting of American forests. In Britain, Young's push for enclosures would culminate in the forced evacuation of Highland Scots from their homes and towards coastal areas in the 1810s and 1820s. But the move towards enclosures earlier had been less severe but had always kept its destabilizing political effects. This was not helped by corruption from within Parliament, which was the only body capable of issuing writs to enclose land. Committees from Parliament needed to be formed before land could be enclosed, but this was often done in secret, with the assistance of local notables on the take, often including all three orders represented in Parliament: the local lord, the local vicar, and a solicitor.<sup>46</sup>

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<sup>44</sup> Palmer, *The Age of the Democratic Revolution*, 39-41.

<sup>45</sup> Charles Lennox to William Sharman, "Letter from Charles Lennox, the Duke of Richmond to Lieutenant Colonel Sharman," April 15, 1783.

<sup>46</sup> Hall, *British Radicalism*, 24-28.



## The Catalyst:

The French Revolution called the efficacy, morality, and purpose of all of the institutions described above into question. There were hopes among Britons that the French Revolution represented a latter-day Glorious Revolution. The Revolution Society, a British APO formed on the centennial of the Glorious Revolution, espoused such a belief as they toasted the onset of the French Revolution. Among the Society's members were Fox and Sheridan (among several other leading parliamentarians,) as well as Dr. Richard Price (noted Unitarian and political reformer.) On November 8, 1789, they toasted the French National Assembly and King George III, they believed that the animus of their liberty was the same as that of the French. British foreign policy was set early, in January 1790, in opposition to a potentially belligerent France (although there was little evidence at that time of belligerence.)<sup>47</sup> Parliament rallied around this new policy, and by July 1791 (in which time Burke had published his thoughts on the Revolution) the Revolution Society had lost most of its membership.<sup>48</sup> This is perhaps deceptive, as Fox and Sheridan, who would remain in opposition to the Pitt government, also declined to attend the July 1791 Society meeting. Already, Pitt had used the opportunity to halt reform measures, the argument was made by the government that reform would effectively import the instability of the French Revolution.<sup>49</sup> A small group of reformers, centered around Fox remained staunchly opposed to the government, but more MPs joined Pitt. Outside Parliament, the efforts of reformers were suppressed and their ranks were harassed by the government and their supporters. A number of their leaders emigrated, and the rest began down a path of radicalization and mass mobilization.

In America, events progressed more slowly. The ambassador to France, the so-called Citizen Edmond-Charles Genêt, proved a polarizing figure upon his arrival in America in 1793, an event that created a significant uptick in the organization of political clubs. These clubs formed outside of what was allegedly a non-partisan political system but was in reality a battleground for Federalists and Jeffersonian Republicans. The two parties fought on many issues, international alignment included, but their debates mostly concerned the power of the central government.

And so, Britain and America each became embroiled in a three-way tug-of-war between conservatives within the government, radicals outside the government, and moderates striking a middle-ground between the two, hoping to preserve the constitutional balance between increasingly antagonistic radical and conservative forces.

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<sup>47</sup> Army estimate debate in parliamentary records, Jan 1790

<sup>48</sup> Hall, *British Radicalism*, 161-163.

<sup>49</sup> Turner, *Pitt the Younger*, 160-161.

## ii. The Six Trans-Atlantic Classes:

The six trans-Atlantic classes, three in America and three in Britain, were products of the shattering effect the catalyst of the French Revolution had on the politics of the Anglo-American world. The political consensus, as well as those operating within it, were split into factions. These factions were conservatives, moderates, and radicals, and each group developed divergent political ideologies and methods of organization in the wake of the French Revolution. In certain cases, the six classes map well to existing and well-known political groups. For instance, in America, the conservative position was closely aligned with the Federalist Party, and their parliamentary rivals, the Jeffersonian Republicans were moderates.

To label conservatives, moderates, and radicals in this way is partially an overstatement of differences. All Anglo-American politicians operated within a tight framework of acceptable policies and legal structures. A mostly libertarian structure was accepted by all, although this also included a strong legislature with wide power. The paradox of those two elements remained unresolved. Political opinions remained quite closely knit together, despite the animosity between groups.

The use of three groups per country is in contrast to much of the research on the topic, which often presents a dualistic view where the radicals are bellicose malefactors and disruptors of public order for no good reason. This is a position lifted from the primary sources, which view the politics of the day in Manichean terms, the radicals in the role of the devil. Even in sources seeking to add nuance to the portrayal of the radicals, the portrayal of the political contest at the time is often quite binary.<sup>50</sup> Other studies have also created a binary system out of the British and American two-party systems. However, these interpretations of the era are generally dismissive towards one or another of the groups. Cooke, in his history of the British party system, hardly mentions the radicals, and in places where they are mentioned, they are dismissed as misguided pretenders, and wholly outside the canon of acceptable British political culture.<sup>51</sup> Hall is dismissive of the British moderates and asserts they disappeared into irrelevance due to their policies.<sup>52</sup> In America, Banning's work asserts that the dichotomy of the early American Republic was between liberty and order, as the title of his edited collection suggests.<sup>53</sup> These dualistic arguments tend to eventually lump together elements of two distinct groups through a forced necessity (although lumping of different ideologies will always be necessary at a certain point.)

One of the reasons for using three groups is that doing so clarifies the parallels between the British and American cases. Conservatives, for instance, sought to maintain national stability against anti-parliamentary agitation. British conservatives were organized around the Pitt government, notable for its reliance on patronage from the Crown and the growth due to the rally effect, which allowed the conservatives to reject more dogmatic visions of the government (i.e.

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<sup>50</sup> The best example of this is Hall's study of British radicals in the 1790s.

<sup>51</sup> George Wingrove Cooke, *The History of Party: From the Rise of the Whig and Tory Factions, in the Reign of Charles II., to the Passing of the Reform Bill*, vol. 3, 3 vols. (London: John Macrone, 1836), 415.

<sup>52</sup> Hall, *British Radicalism*, 46-ff.

<sup>53</sup> Banning, *Liberty and Order the First American Party Struggle*.

Burke) and pursue its anti-French policy with few restrictions. Meanwhile, American conservatives sought to create a stable constitutional order in contrast to the previous Confederation through limited centralization, rejection of faction, and neutrality, a course that was threatened by alleged French attempts to align America internationally with the revolutionary cause.

Moderates sought to uphold constitutional norms as their primary concern. American moderates were torn between their desire to see the constitution succeed and their concerns with a conservative overreach in the diminution of state rights and attacks on constitutional liberties as well as the rejection of American treaty obligations by the government. British moderates were dogmatically opposed to the conservative regime due to their support for an increasingly radical French Revolution, their support for a status quo parliamentary system, and their desire to protect radicals from conservative abuse of the constitution.

Radicals espoused a program that was often in opposition to the conservative control of the state. The program of the British radicals stemmed from the demands and organizational structure of the moderates, but through the adoption of this program by such a large and previously non-political group, the early hopes of the radicals were dashed in favor of increasingly militant forms of political action. American radicals created new APOs to defend against supposed attempts of the government to restrict liberties or otherwise go back on perceived promises fuelled by paranoia, leading to instances of direct or indirect clashes with the government.

For determining where individuals and groups fit within the trinary system, the primary test used was based on their opinions on APOs and the parliamentary system. If a group or individual was supportive of the proliferation of APOs and disparaged the parliamentary system, they were more likely than not to be radicals. Supporters of the parliamentary system but not APOs more likely to be conservatives. And moderates supported both. This was not the sole metric, but other metrics had a strong correlation with the first one. Supporters and detractors of the French Revolution on a continuum fit well with moderates and radicals. Detractors of APOs were rarely supporters of the French Revolution and vice versa.

The following chapter focuses on the establishment of these groups as distinct political entities composed of a myriad of supporters for each of the classes. Conservatives were often associated with government circles, either as policymakers or as an expanding class of civil servants interested in maintaining their privileges within a parliamentary system that rewarded office-holding with largess. This also included a large number of landowners, who through their wealth saw their path to representation eased. The moderate factions also were composed of a large number of landowners, as well as scholars and tradesmen, although there is no single vocation that defines the moderates. Radicals were often artisans and tradesmen, often based in urban environments. Lawyers and religious leaders were scattered throughout all three classes.

Although the moderate political position eventually “won” the political contest in both Britain and America, this period should not be seen as a dialectic confrontation between conservatives and radicals resulting in a Whiggish resolution. Specific flaws in the electoral process of each country determined if and when conservatives or moderates would win

parliamentary elections (radicals were excluded, or excluded themselves.) A regular electoral schedule guaranteed that American moderates would be able to achieve electoral success in 1800, while a lack of regular elections in Britain meant that the conservative government could keep itself in power without consulting the enfranchised population. It would take the death of Pitt in 1806, and more than 20 years to erode conservative power in Britain, a process that resulted in the passage of the Reform Act (1832,) an act that included many provisions moderates had unsuccessfully agitated for in the period this essay covers.

Finally, a note on the disparate chronology. There is the question as to why political developments in Britain are not immediately followed by the same developments in America, but rather are stalled for several years. The political dimensions of politics in both countries developed extremely fast and stayed remarkably stable across the decades. As long as there was alarm over a potential threat, either foreign or domestic, from radical forces, conservatives and moderates would continue to hold their previously held positions.

British conservative opinion of the French Revolution calcified very early in 1790, and in the same year, the moderate position also came to be defined. The moderates, who shied away from organizing to promote large changes, defined their opposition to the government from within Parliament. But they were a minority in Parliament, which supported the idea that reform during the French Revolution would lead to anarchy. The moderates remained in favor of a peace settlement with France, and their attempts to embarrass the government were centered around the war effort and entirely opportunistic. This left radicals and conservatives to debate a wider range of subjects, a debate where the conservatives were able to employ the legal and government systems in place to suppress the radicals.

In America, opinions on the French Revolution were calcified later in 1794. But when opinion calcified in America, it calcified no less suddenly than in Britain four years earlier. Israel attributes the delay to stubbornness in American public opinion. America saw itself as a fellow bulwark of revolution, and similar to France, surrounded by Britain (this was before the ratification of the Jay Treaty.) Anti-French opinion in America was concentrated in the economic arguments of pro-British politics, which found their home in the Federalists. It was then local issues, most especially the Whiskey Rebellion that reformed an economic argument into a wider social context. It is the lack of war that highlights the internal nature of the conflict between the conservatives and radicals. The Quasi-War was exceptional in that it pushed even some radicals against France. But the opinions on internal politics remained mostly the same across the decade.

A key point of interest is that in neither the American nor British political spheres did the Terror seem to influence decisively the opinion of any of the political groups. In Britain, the conservatives perhaps felt vindicated, but it would not have affected an anti-French policy. British radicals, on the other hand, did not repudiate the Revolution. In 1794, the main concern of the British moderates was defending the radicals in the State Trials of the year. In America, the first denunciation of the Terror of any real importance was that of Thomas Cooper, a radical

himself exiled from Britain. Cooper's work showed that radicals and their moderate Francophile counterparts did not see the Terror as an extension of the Revolution but as a perversion of it.<sup>54</sup>

### **British Conservatives:**

British conservatives were a group pragmatically assembled around the parliamentary structure of the King and the Prime Minister. The Prime Minister, William Pitt the Younger, was himself a pragmatist above all, and he would lend his pragmatic streak to his government. Ideological purists, whether they favored the King in the mixed system of Parliament like Lord Bute and his circle, dogmatic counter-revolutionaries like Burke, or consistent reformers like the Duke of Richmond, would find their policies co-opted and used to build Pitt's network of patronage. Pitt enjoyed unique success, rising from a minority faction to control the British government for over a decade.

This was possible for Pitt because he consciously leaned into the notion that the government was maintained politically by the King. The King retained his privileges of appointing the Prime Minister, as well as a great deal of largess and jobs for patronage. The King was in turn surrounded by the Tories. The Tory party had previously been the party of the Jacobites, and opposed the formation and administration of the Hanoverian dynasty. But since Bolingbroke, the Tory party had shifted over entirely (in personnel and ideology) to a more moderate oppositional stance during the Court and Country conflict. It was the accession of George III that enabled the origin of the Tory party under Pitt. George III favored the premiership of Lord North, who held his position for twelve years. The interregnum that followed lasted only as long as the King couldn't find a PM who could both maintain the favor of the Commons and be personally loyal to the King and their policies. Pitt would eventually move to exploit this system, gaining the King's favor to maintain his government. As Palmer writes, "[Pitt] held office for almost two decades by respecting the King's wishes when he could not change them. Here again, as in the days of the Stamp Act, there was a remote and ludicrous English analogy to the enlightened despotism of the continent, which the whiggish traditions of England have perhaps concealed."<sup>55</sup>

This political situation was closer to a diarchy than pure royalism. It relied upon a level of consensus between Parliament and the King to rule, and both had their political agendas. George III spent significant political energy on maintaining his political favorites in the role of PM, rather than specifically agitating in favor of the legislation, although the royal negative was a part of the legislative process, and would be used as the failure of Catholic emancipation shows. While the move towards emancipation was supported by Pitt, it failed because of royal intervention, and the Test and Corporation Acts were maintained.

The failure of the repeal of the Test and Corporation Acts had a significant political effect. The maintenance of Anglican hegemony in government had the potential to reduce the consensus in the government. This was not hypothetical for this time; it is theorized by Israel, and to a lesser extent by Palmer, that the Midlands manufacturing interests didn't permanently

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<sup>54</sup> Israel, *The Enlightenment That Failed*, 274-279.

<sup>55</sup> Palmer, *The Age of the Democratic Revolution*, 302

become part of the government after 1785 because they could not enter into a quid pro quo relationship with a government that did not have royal assent to end disabilities on non-conformists.<sup>56</sup>

The defining paradigm of the British conservatives was one of pragmatic consensus between all groups within Parliament and between that body and the Crown. This was an artifact from the method of government that had dominated British politics forever: the ideological responsibility to put aside disagreements in policy in favor of service to the government. This was combined with the sense of Parliament as the leading light of the land. Culture and politics emanate from the wealthy, and the wealthy gathered in parliament. Those elected to parliament were not going to suddenly stop supporting this system.<sup>57</sup>

The pragmatism and the self-assertion of parliamentary elitism would become an issue though. The French Revolution forced upon Parliament a defensive posture, both ideological and geopolitical. Parliament made a lot of moves that could be considered ideological, but whether or not the Two Acts, those being the Treason and Seditious Meetings Acts, passed to protect the person of the King and his reputation, or to ensure that Parliament had the tools to keep itself on top is up for debate.

There were ideological conservatives, but they did not reside in leadership roles in the government. Conservative ideologues were mostly marginalized within Parliament. Their theories were often not too distinct from the rest of their colleagues. Some were more royalist leaning, but they failed to differentiate themselves from their colleagues, other than the amount they relied on the royal pursestrings to sustain their lifestyles.

The preeminent conservative of the time was William Pitt the Younger, son of the well-regarded and victorious defender of American rights the Earl of Chatham, who accepted his tenure as Prime Minister from the King in 1784 and maintained de facto control over the Tory Party until he died in 1806.<sup>58</sup> Pitt's accession to the Premiership was the archetype of the conservative political order, that is, due to the favor of the King and his reputation in Parliament. He was, before his premiership, not an important MP. He remained aloof from existing political factions, although he was particularly antagonistic towards Fox (as the result of a generational conflict,) which became more important as Fox succeeded Rockingham as the head of the moderate Whigs. Pitt's independence from factionalism worked to his long-term benefit however, as he was appointed Prime Minister in December 1783, although his early years in office were defined by no political agenda other than coalition forming, a long and arduous journey. His government at its genesis was called the "mince-pie administration" and was the result of a lack of other good options, rather than consensus among the Commons.<sup>59</sup> But Pitt was

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<sup>56</sup> Israel, *The Enlightenment That Failed*, 653.

<sup>57</sup> Palmer, *The Age of the Democratic Revolution*, 301-307.

<sup>58</sup> William Pitt the Younger's Toryism is a good example of the non-ideological basis of his participation in party politics. The Elder Pitt, the Earl of Chatham, was a devout Whig and member of the Country Party, putting him at odds with the Court Party of Robert Walpole. The Earl was not a Tory himself, although he was in agreement with the Tories on the matter of a blue-sea navy, which Cooke argues was his closest point of alignment with the Tories in terms of a defined policy. Cooke, *The History of Party*, 25-ff.

<sup>59</sup> The cabinet, known as the "mince-pie administration" was ultimately the last of a quick succession of governments in 1782 and 1783. The North government had prosecuted the war against the American

able to successfully compose a stable majority around himself. The assemblage that Pitt gathered around him was typical of the British political order.

First, the traditional allies of the Pitt family, including Earl Temple (representing the Grenvilles,) and Henry Dundas. Second were partisans of the North government, who mostly owed their positions to their support for the King's rights on behalf of the embattled North ministry. Granville Leveson-Gower and John Robinson, for instance, were early allies of the Pitt ministry. This second group was more ideological, and they most certainly paid for it. They were the group most tied between unalterable support for the King, and part of the government that ended up usurping much of the power of that office. Within the government, they were mostly given token positions with waning influence or kept in the Commons without a title as Whips. The third group was reformists, believing in the program that Pitt had set out while he had an independent MP, who joined the government in the hope that these ideas would be adopted. For their idealism, they were punished similarly to their more royalist colleagues. The Duke of Richmond, the progenitor of much of the mainstream reform movement, was part of this group. He joined the Pitt government as well, hoping to take advantage of its supposed reformist tendencies.

The fourth group included much of Parliament. British politics was not so ideologically polarized that MPs would set themselves against the government's policies entirely. MPs saw it as their role to - when all is said and done - back the government. It was a duty and the essence of loyal opposition. This meant that Parliament would, after a certain period, always back the royally appointed government. Time was on the side of the PM, and if they could call an election to secure some wider mandate in Parliament, then parliament in general would eventually back them. This was the position that the Pitt government found itself in, and Pitt, realizing the reality of the situation, acted pragmatically.

Pitt used royal patronage to draw in Northites into government but flexed his reformist credentials to woo more reform-minded MPs as well after backing a series of reform and austerity measures. More of a reflection of conservative pragmatism, than an indictment of it, Pitt was himself not opposed to the idea of reform of Parliament in theory. Pitt had been seen as a reformer himself. His first speech to the Commons had been in favor of a proposal by Rockingham to reform the Civil List, which the North government had been using as a patronage tool to great effect. He furthered his proposed reforms through the reform of taxation, the establishment of a sinking fund, and the gradual elimination of sinecures.<sup>60</sup>

Pitt had become the embodiment of Parliamentary reform. In his speech on a bill in favor of Parliamentary reform on March 13, 1784, (Mr.) Alderman Sawbridge began his remarks with a lamentation that he wished that Pitt had "have brought the business [of reform] forward, and by his weight and influence have given it the success which every friend to a true parliamentary

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rebels. After the North government fell, one was led by Rockingham, and then after his death in July 1792, one by Lord Shelburne. When the Treaty of Paris terms were given to Parliament, it caused the resignation of the Shelburn cabinet. A coalition government of Fox and North succeeded Shelburne, but that government collapsed as a result of a failed reform effort in the India Bill.

<sup>60</sup> Michael J. Turner, *Pitt the Younger: A Life* (London ; New York: Hambledon and London, 2003), 45-96, 161-170.

representation must look.”<sup>61</sup> He then continued that the reform was too important to be left to Pitt to advance in parliament, and then proceeded to bring forward a motion to abolish rotten boroughs and increase the relative representation of Scotland and the Midlands.

The breakdown of opinions in favor of and against reform quite easily broke into two camps. In the camp in favor, the Foxite Whigs made a good showing. Fox himself gave an especially long speech on the necessity of improving the constitution’s representation and Erskine challenged Pitt about his lack of support for the motion given that he had backed a motion to increase the number of MPs the previous year. But also in favor of the Bill was a new type of parliamentary representative of the association movements. Sir Watkin Lewes (representing London) spoke in terms of backing parliamentary reform on behalf of the wishes of his constituency and their association including members from London, Westminster, Southwark, Middlesex, and Surrey. The members of the association, Lewes asserted, saw their worldly troubles occurring as a result of the parliamentary misrepresentation. Duncombe (representing Yorkshire) in turn voiced the opinion of the Yorkshire association but did not make further comment on the matter. These voices in favor were met by an opposition most especially from Eden, who asserted that parliament could not undertake such a reform, as doing so or changing its composition in any other way would be unconstitutional. Pitt argued that the motion was poorly timed and brought forward in the wrong way; that Sawbridge’s motion had attacked him specifically. Without the positive support from Pitt that was required, the motion failed 93 to 141, with a majority of 48 against it.<sup>62</sup>

Here, Pitt’s pragmatism overcame any idealism. It had been true that Pitt had backed reform as an independent MP, but in working with the King, he dropped his tendency for reform under the rationale he wouldn’t be able to pass wholesale reform. Instead, he adopted a slower policy of discarding vacant offices. This was undoubtedly a self-fulfilling prophecy, and while it’s unhelpful to speculate on what might’ve been, Pitt was undoubtedly able to accomplish several wide-reaching economic reforms that averted default on British loans and gave the government the space it needed for its wars with France.<sup>63</sup>

Pitt’s coalition was centered around himself. Cooke, in his study of the Tory party hardly fifty years after Pitt came to power, could only find followers of Pitt during his tenure in government, not equals. Unlike other governments which were led by the Lords and had key loyal allies in the Commons, including whips and managers, Pitt was his own whip and manager. He relied on few allies in the Commons to speak and only a few key friends in the Lords. Thurlow and Temple remained close allies, but remnants of the North and Shelburne ministries were key to the Pitt administration’s survival. The close association of Pitt with his government meant that it could not survive his passing. Pitt’s death in 1806 ended the unified Tory party, which was subject to significant partisan fragmentation as Pitt’s coalition was left without an

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<sup>61</sup> William Cobbett and T. C. Hansard, eds., *The Parliamentary History of England from the Earliest Period to the Year 1803, from Which Last-Mentioned Epoch It Is Continued Downwards in the Work Entitled The Parliamentary Debates.*, vol. 24, 36 vols. (New York: Johnson Reprint, 1966), 758.

<sup>62</sup> *Ibid.*, 758-764.

<sup>63</sup> Turner, *Pitt the Younger*, 161-174.



accepted heir.<sup>64</sup> This fragmentation continued for decades, past the passage of the Reform Act of 1832, and continued until a new consensus was formed around One-Nation Conservatism. Without other significant figures inside the government, the ideological origins of conservative thought must also be considered in the positions of Edmund Burke. By the end of his life, Burke was a pariah in Parliament, and hardly attended meetings for fear that he would be mocked by the other MPs. His inability to be at the center of parliamentary power was his main defect, and he was remembered as being one of the main orators of Parliament in general. He also had the misfortune of dying too soon, just after his similarly opinionated son, which capped how influential he could be.

Burke's ideological conservatism was rooted in the French Revolutionaries' speed of undermining the political and religious order of the nation. Just as swept up in the reform mentality as any other MP in Parliament, Burke saw the reform movement on par with a potential revolution. That is to say, Burke's idealized "regeneration" of the French constitution was only possible through non-deficient elements of the French constitution.<sup>65</sup> This is of course an observational bias, the result of Parliament's defiance in 1688; the French Revolution's abjuration was therefore too much, too quickly. It replaced even the beneficent parts of the French constitution with anarchy. The French Revolution in effect threw away the inheritable liberties of the French people. But it is easy to challenge this, to say that Burke was not concerned so much with the liberties of the French as he was concerned with his own inherited liberties.

Despite the above overall form of the argument generally understood, Burke's ideological and theoretical convictions are surprisingly hard to pin down. There are two sources of thought on Burke's ideology. One is that he is a fallen liberal, overwhelmed by the radical nature of the French Revolution. This theory supposes that Burke, who was a prime advocate of the parliamentary system and its liberties, saw the anarchy in France replace any hope for a stable constitutional regime. Subsequently, Burke despaired and became an enemy of the radical democratic forces, not only in France but in his native Britain. Evidence for this theory exists in Burke's defense of the American Revolution, and his push for governmental honesty and transparency in India. His shift, from leading liberal orator to conservative pariah was surprisingly sudden.<sup>66</sup> There are also other interpretations of the same theory that see Burke shift his opinions during the debate over the British intervention to stop the 1787 Prussian invasion of the Netherlands, and choose that as their inflection point for a change in Burke's behavior.

But there is a theory that sees Burke not only as a fallen liberal but instead a more consistent conservative voice, whose policies don't shift as much as the theory. The basis for this theory is that Burke's understanding of the Whig compromise between the King and Parliament and the entire compromise that resulted from the Glorious Revolution was different from the

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<sup>64</sup> Cooke, *The History of Party*, 459.

<sup>65</sup> Alfred Cobban, *Edmund Burke and the Revolt against the Eighteenth Century: A Study of the Political and Social Thinking of Burke, Wordsworth, Coleridge, and Southey*, Second edition (London: George Allen & Unwin, 1960), 20.

<sup>66</sup> Cooke, *The History of Party*, 401-409.

mainstream tradition. His ideological innovation, according to Cobban, was an inversion of Locke's theory that law, from the consent of Parliament, was responsible for improving the human condition above the state of nature. This was based not on abstract thought, but a theory crafted in response to the Glorious Revolution. Divine authority became a check on the imperfect will of individuals, not fear of return to the state of nature. To Burke, 1689 was "a revolution prevented rather than a revolution made."<sup>67</sup>

But if this is the case, and Burke's theories are more conservative than his contemporaries, what would give people the idea that he was a liberal? Why support the American Revolution, or reform in India? Cobban asserts that each of the revolutions or reforms that Burke supported should be seen as led by aristocratic or oligarchic leaders against the encroachment of the London government on the rights and privileges of the local elite. One of his supposed turning points against moderation in the fallen liberal theory is during the invasion of the Netherlands by Prussia in 1787. But it's worth noting that the Netherlands was undergoing a revolution of their own, by urban radicals, when Prussia intervened against the radicals on behalf of the Orange dynasty. Is it no surprise that Burke didn't support the Dutch Patriots at this critical juncture?

Burke's theoretical basis is not the only matter of controversy surrounding his ideas. There is also the question of how influential Burke's ideas were. The typical story is that Burke's ideas were immensely influential., especially his "Reflections on the French Revolution." Godechot, in one of his works on international connections of revolutionary society, attributes the failure of revolutionary ideas to the influence of Burke. Godechot, writing as a Marxist historian, takes a very mechanical position in his work. He describes the process succinctly, "The bourgeoisie easily accepted Burke's point of view and deserted the revolutionary clubs and societies, which were closed by the government."<sup>68</sup>This interpretation is very kind to Burke. It supposes that 1) Burke's ideas reached a mass audience; 2) They had an instantaneous and profound effect on public opinion; 3) The bourgeoisie, united in thought and opinion, were chastened by the words of Burke. Putting aside the fiction that there was any unity of thought or action among the British bourgeoisie, there is serious doubt over the first two points.

Let alone public opinion, how affected was Parliament by Burke's antipathy for the French Revolution? It seems that the effect was rather small. Burke's publication of "Reflections on the French Revolution" was published in November 1790. Parliament, which had been prorogued and then in recess since before the storming of the Bastille, through the march on Versailles, and only reconvened in January 1790 was already prepared to see revolutionary France as a potential enemy. The January 1790 debate on Army Estimates was the first chance for dissenting opinions on French policy to debate on policy in the Commons; Burke's role in the debates was marginal. Cobban theorizes that Burke's publishing of his "Reflections" was a response to his belief that Pitt was moving too slowly to counter the French. Burke recognized Parliament's effect on public opinion and wanted to sharpen that opinion against France. It is true

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<sup>67</sup> Cobban, *Edmund Burke and the Revolt against the Eighteenth Century*, 55, 119-123.

<sup>68</sup> Jacques Léon Godechot, *France and the Atlantic Revolution of the Eighteenth Century, 1770-1799*, trans. Rowen, Herbert H. (New York: Free Press, 1965), 127.

that the most violent episode of anti-liberalism in this period, the “Church and King riots” did come after the release of the “Reflections,” but it is difficult to prove either a connection between the local Tory landowners or the actual rioters and Burke’s ideology. Cobban remains skeptical of Burke’s ability to influence parliament, however, stating, “As a school of statesmanship, Burke’s constitutional theory remains of permanent value; as a working system it was dead almost before it was expounded.”<sup>69</sup> In a government as pragmatic as Pitt’s it is difficult to imagine an adoption of such a system.

Hall is similarly dismissive of Burke’s influence on popular opinion. To him, Burke’s influence was more academic than anything else. Unable to influence a parliament, Burke’s “Reflections” became the opening salvo of a pamphlet war between conservative theorists and radical theorists over each group’s reaction to the French Revolution and their respective vires on the constitution. Hall relegates the discussion of Burke to the part of his book entirely based on the theoretical origins of British radicalism. But alongside Burke, Hall is also concerned with the popular origins of conservatism in Britain. He asserts that much of the popular conservative thought came from the Association for Preserving Liberty and Property Against Republicans and Levelers, and a series of pamphlets called “Village Politics,” written by Hannah More, which as was the custom of the time, portrayed fictional conversations between men of different classes as a way to show why the arguments of one group were better than the other.<sup>70</sup>

### **American Conservatives:**

American conservatives were primarily concerned with attempting to stabilize national politics and build government by consent. This meant building broad coalitions with members of Congress and the Constitutional Convention. Hopes to establish unity immediately broke down, as different constitutional interpretations were established on the extent of state and federal power. Conservatives tended to favor federal power; their architect Alexander Hamilton envisioned the consolidation of state debt, an expansion of the army, and ultimately an extension of federal power.

The Federal government in 1789 was a very young institution. Five months before the storming of the Bastille, Washington was inaugurated in New York alongside a march from the city’s artisans, a happy, and as it would turn out slightly ironic, tableau with conservatives, moderates, and radicals marching alongside each other. It was, however, a signal of unity at the start of the Federalist government.<sup>71</sup> But that initial unity would come under significant strain. The *zeitgeist* of the Federalists at the start of the Washington administration was to protect national unity. The previous organizational forms of societies now only provoked discord. Overall, there seemed to be a general mood to restore the consensus that had defined the anti-philosophical period in Britain, although that may ascribe a sense of direction where there wasn’t one.

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<sup>69</sup> Cobban, *Edmund Burke and the Revolt against the Eighteenth Century*, 71.

<sup>70</sup> Hall, *British Radicalism*, 46-ff.

<sup>71</sup> Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763 -1797* (Chapel Hill: University of North Carolina Press, 1967), 310-312.

Unity was the name of the game for Federalists. It was a concept reflected in the composition of Washington's administration from the major section of the nation, their attempt to maintain a grasp over the country through institutional means, and their unilateral rally around the figure of Washington and their later attempts to protect him from the press. But this push towards unity was also present in a negative sense: it entailed the attempts to reduce the power of radical societies (as opposed to moderate attempts to co-opt them,) antagonism towards Citizen Edmund Genet from France, and the charge that he was attempting to subvert the national fabric, and attacks on alternate interpretations of the Constitution, from the debate over a National Bank to the response to the Virginia and Kentucky Resolves.

This attempt at unity was alienating. Charges of monarchism and the aristocratic nature of the Party were often leveled against the Federalists. The attacks on the Federalists were also aimed against the entire constitutional order, which was supposed to contain the germ of renewed despotism. The two were intimately linked, as the Federalists were drawn from the ranks of the most vehement supporters of a stronger constitution. The signers of the Constitution read like a "who's who" of future Federalist leaders. Notable exceptions exist, no less than Madison, but he like many others were drawn away from the Federalists by their supposed return back towards monarchism.

Wood's definitions of what it meant for the monarchical order to be transformed into a republican one include innovations to the principles of monarchy's "hierarchy, its inequality, its devotion to kinship, its patriarchy, its patronage, and its dependency."<sup>72</sup> But in many of these aspects, the Federalists benefited from the continued presence of the old monarchical principles, especially in the key areas of hierarchy, devotion to kinship, and patronage. The composition of the Federalists also overlapped heavily with members of long-time governing families in the former colonial assemblies in addition to attempts to form a coastal mercantile elite. A common factor between both groups was their close relationship with British culture and traditions.

The Federalists were not despots, nor were they reactionaries in a European Continental sense. But they did attempt to engage themselves as "political pilots," as a letter from Hamilton to John Jay in 1775 read.<sup>73</sup> This piloting was generally completed by more oligarchic leaders (not aristocratic, as many were not landowners, instead earning their wealth from trade.) But this does reveal a similarity between the British and American conservatives, as both held the self-perception of their group being the preeminent and inevitable thought-leaders in their respective countries.

First, the attempts of the Washington government to recreate, in a limited form, the trappings of a monarchy in America in the pageantry of the office of the President. The levees, for instance, were according to Abigail Adams, similar in style to those of St. James' Court in Britain, drawing a crowd of a similar size and of a similar wealth of costumes.<sup>74</sup> This pageantry was only one part of a more substantive and institutional network of Presidential primacy in the American political system that the Federalists attempted to enact.

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<sup>72</sup> Wood, *The Radicalism of the American Revolution*, 96.

<sup>73</sup> Young, *The Democratic Republicans of New York*, 15.

<sup>74</sup> David G. McCullough, *John Adams* (New York: Simon & Schuster, 2001), 267.

The unification of the Federalists was on clear display to all. Jefferson, even before the election of Adams in 1796, saw that the prestige that Washington lent the Federalists was immense and that cracks in Federalist electoral control would begin should Washington leave office.<sup>75</sup> But the effectiveness of this public opinion is debatable. In Britain, wide support for the Crown didn't translate into action to protect it, but attacks on the Crown did, a differing action from past epochs in British history, like the passage of the Septennial Act. The Washington administration could rely, to a point, on the support of the American population. It is perhaps for that reason that the attack on Washington by Thomas Paine was so surprising.

In the wake of the Jay Treaty, Paine attacked the Washington government for coming to terms with the British government in the wake of the 1794 trade crisis that did so much to provoke American opinion. Paine was writing from Paris, where he was representing the department of Calais in the French legislature during his exile from England. But his words were printed in the premier Jeffersonian Republican press, the *Aurora General Advertiser*, printed by Benjamin Franklin Bache. It represented a broadside against Washington and was one of the first influential attacks on the President by a generally quiescent press. The publishing of the Jay Treaty contents by the same paper was itself an attempt to re-energize debate about political topics and counteract the conservative attempt to keep policy debates "indoors".<sup>76</sup>

Second, the Order of the Cincinnati, which was originally designed to be a hereditary organization, saw Washington as the Order's first President. As a group, it was charged as being an attempt to create a new nobility in America. It was viciously attacked by those who saw it as a vestige of the old monarchical system recreated with the modern Federalists as the potential beneficiaries. The Order became seen as the hereditary answer to maintaining Federalist power, or so it was asserted. The attacks against the Order could be quite vicious. Samuel Bryan, an anti-Federalist pamphleteer wrote in 1787 that the objective of the Cincinnati was to promote the designs of the Federalists to "blatantly lie to the public, and shackle the press to suppress opposition - in fact do anything, no matter how foul and vicious, to fob off on the people," is joined later by the wider critical assertion that "the most odious system of tyranny that was ever projected [the Constitution], a many-headed hydra of despotism, whose complicated and various evils would be infinitely more oppressive and afflictive than the scourge of any single tyrant."<sup>77</sup> The outcry around the Cincinnati and the paranoia they invoked led Washington to remove the hereditary nature of the organization to preserve his reputation.<sup>78</sup>

The Order of Cincinnati was an interim group. With its failure to become an integral part of the government, conservatives gradually distanced themselves from the Order. Its eventual president would be George Clinton, a moderate, signifying the end of the era of paranoia around using the Cincinnati or being used by them. But while attempts to form new hereditary bodies in America were unsuccessful, there were already electoral bodies that acted with a distinct familial

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<sup>75</sup> Todd Estes, *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture*, Political Development of the American Nation (Amherst: University of Massachusetts Press, 2006), 209-211.

<sup>76</sup> McCullough, *John Adams*, 299-301.

<sup>77</sup> Bryan in Bailyn, *The Ideological Origins of the American Revolution*, 333.

<sup>78</sup> Wood, *The Radicalism of the American Revolution*, 207.

consistency. The colonial governments acted with the consent of local notable families in the pre-revolutionary era, they were rewarded with government positions and informal hereditary offices, especially in the upper houses of colonial legislatures. The change from colonial assemblies to state legislatures was limited in both institutional functions as well as in personnel. According to Palmer, the number of families represented in state legislatures and in Parliament increased across the decades of 1780-1800. That is not to say that the state governments were undemocratic, as Palmer also asserts that they were the most democratic institutions in the world at the time. But there was a common factor responsible for both: a large population of freeholders, accepted in both the British colonial and American electoral systems.<sup>79</sup>

Among the Federalists were many who owed their position in government to their heredity. The Lee family of Virginia, the Livingston family of New York, and the Adams family (although they began with John Adams) of Massachusetts are perhaps the most easily identified. Philip Schuyler had a close filial relationship with Hamilton. Of other signatories of the Constitution, the Morris family, the Pinckney family, the Patterson family (by marriage to the Van Rensselaers of New York,) and the Broom family are all well represented. Others can surely be found. This was not a tendency exclusive to the Federalists, the Franklin and Clinton families being an excellent example. But a large proportion of the families tended to support the Federalists and were conservative in their politics.

If the connection between the Patterson family and the Van Rensselaer family is anything to go by, the third artifact, patronage, was another key aspect of monarchical government that was maintained by the Federalists. Washington's cabinet, included members from the principal sections of the country, especially Virginia, Massachusetts, and New York. But this sectional unity, in the opinion of Young, was more of a cover for partisanship than an attempt to unify the country. Appointments related to New York seem to have been decided by Hamilton: William Duer was appointed Assistant Secretary of the Treasury, James Duane was appointed as a federal judge, Robert Troup was appointed clerk to the federal court, and Richard Harrison was appointed District Attorney. John Jay became a Justice of the Supreme Court. Meanwhile, Livingston, who despite his conservatism was a populist was snubbed for a federal position. And clients of the Clinton family, all moderates were equally snubbed, although most found jobs in the state.<sup>80</sup> The rollover to a revolutionary government simply did not end the spoils system.

There were however key divergences from the British system of patronage. First, the elimination of the civil list meant that the Federal government could not dispense money simply from a collective purse. Second, cabinet offices and congressional positions were salaried. Third, without the feudal precedent, rotten boroughs were not easily establishable, although instances of gerrymandering were present. These three methods of patronage were the main three attacks by more conservative reformers in Britain. Burke in particular made his job as Paymaster a salaried position. But reform of the civil list and the elimination of rotten boroughs were common topics of reform in contemporary Britain.

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<sup>79</sup> Palmer, *The Age of the Democratic Revolution*, 44-51.

<sup>80</sup> Young, *The Democratic Republicans of New York*, 150-151.

The issue of gerrymandering is worth more consideration. The term gerrymander was in “honor” of Elbridge Gerry, himself a Republican and a moderate. But it is not the first instance of manipulation of districts for electoral success. In New York, the 7th ward of the City was extended to pack in more Federalist supporters following the 1796 gubernatorial election.<sup>81</sup> Manipulation of this sort was based on the local level and responded to local political interests. This was a different beast than in England where most of the British boroughs lay. The boroughs were established by royal grant and their rights were secured through feudal precedent, which made them significantly harder to abolish. In America, it was a more easily accessed lever of power.

The Federalists were not insensitive to local political demands, and more broadly, local political conditions. Young is particularly sympathetic to Jay’s moderation across several different political disagreements, “A straight line of moderation runs through [Jay’s] role in getting the state constitution through Abraham Yates’ committee in 1777, to the tactics of appeasement to get the federal Constitution through the Poughkeepsie convention in 1788, through his caution as the aggrieved victim of the ‘stolen’ election of 1792, to his conciliatory first message as governor in 1796.”<sup>82</sup>

The interest of the American conservatives in hierarchy, family politics, and patronage preceded the outbreak of the French Revolution. So, as with the British conservatives, the outbreak of the French Revolution did not so much of a change of opinions that would define the conservative cause in America, but rather led to their calcification as a political movement and hastened attempts by conservatives to entrench themselves in power. It was this tendency for entrenchment that was not accepted by radicals, and certainly not by moderates, who formed their institutional opposition.

Increasing waves of entrenchment led to waves of controversy. The policy of the Federalists was attacked by the state and local governments, the moderates in Congress, dissenting conservatives, and radicals in their Democratic Societies, as they turned their ire against the government. But the Federalists were lucky. Even during the Adams administration, Washington was trusted enough to begin a large buildup of the military, appealing to a primitive sense of American exceptionalism that Caesarism was impossible in America, an argument that was championed most by Hamilton, who was one of the commanders of Washington’s Legion.<sup>83</sup> The Quasi-War was a further lucky break for the Federalists, and allowed them to attack the radicals first for their pro-French attitude, and then for their hypocrisy as they abandoned the French character of their political demands. But the Quasi-War also led to the passage of the Alien and Sedition Acts, which fatally undermined the revolutionary credentials of the conservatives.

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<sup>81</sup> Young, *The Democratic Republicans of New York*, 560.

<sup>82</sup> Young, *The Democratic Republicans of New York*, 574.

<sup>83</sup> Bailyn, *The Ideological Origins of the American Revolution*, 357.

## **American Moderates:**

The countervailing political movement to the Federalists was the Jeffersonian Republicans, a group that would, in time, rise to control the government after the elections of 1800. The Jeffersonian Republicans composed the moderate group in America, caught between a Federalist Party intent on solidifying power and a radical camp theoretically aligned (however ephemerally) with many of the aims of the moderates, but outside the pale in terms of organization and unwilling to take orders from the moderates in the main.

The Jeffersonian coalition is often considered to be primarily centered in the class of rural planters and yeomanry owing to Jefferson's conception of an agrarian American republic. However, just as reactions to the growing financial services economy helped cement the Jeffersonian connection to the yeomanry, other groups were simultaneously reacting to other instances of the Federalist Party promoting policies that dissatisfied them. In opposing the policies proposed by the conservatives, an increasing number of groups (as well as individuals) divorced themselves from the Federalist Party, alienating themselves from it as a source of authority, and joining the moderate camp. This process was the primary means of eventual moderate electoral success in America.<sup>84</sup>

One example of this was in the cities of Philadelphia and New York, where local manufacturing interests were alienated from the Federalist Party on account of the Party's policies in reaction to the 1794 trade crisis with Britain. The Federalist Party, seeking to raise revenue through the export of commercial goods, passed the Revenue Act of 1794, increasing the tax on snuff powder, sugar, and carriages, while simultaneously lowering tariffs on those same goods. The processing of tobacco, sugar, and carriages (and ships, a task done by some of the same artisans as carriages) was all completed in Philadelphia, upsetting the manufacturing interests in Philadelphia. Which became the battleground for a running partisan congressional debate, and New York, which likewise became a hotbed of anti-Federalist action.

The interests of the coastal and commercial centers of these cities are of particular interest because the political issue of the French Revolution was present in these areas, affecting the organizational structure of the moderates and giving a political connection to the economic concerns of the manufacturers, merchants, and artisans in both cities. It further highlights a primary difference between the radicals and moderates in the American group. Radicals in the year 1794 were willing to go on a tax strike that escalated into a rebellion in no small part because they felt unrepresented in the state and federal government. Moderates, by contrast, committed themselves to electoral victory by mobilizing the urban electorate. And, when the time came, this meant mobilizing the masses of Philadelphia to help suppress the Whiskey Rebellion.

The political leaders of Philadelphia were exceptionally able whigs. They were able to successfully navigate the interests of both the lower classes and their institutional opposition to enact the changes that they desired to see. This is an interpretation that varies from Hartz's interpretation of any political class in America. Hartz denies the potential antagonism between a

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<sup>84</sup> Adams, *History of the United States of America*.



potential mob and the upper class that would facilitate the growth of whigs. But the case studies of New York and Philadelphia show successful instances of moderates acting as whigs to benefit themselves.

To be more kind to Hartz, it is not that he simply missed a historic chapter of America, and therefore his thesis on the lack of functional ideological whigs is wrong. Instead, his opinion is that without an ancien regime in America, it cannot come into conflict with a rising democratic class, the friction of both being negotiated by whigs. The denial of an ancient regime is common enough in the study of the American Revolution (although here too the locations of New York and Philadelphia will provide a remedy to this) but Hartz also rejects the concept of the American urban mob as an ideological force.<sup>85</sup> A survey of the political scene of Philadelphia shows that there was mass organization among artisans and the working poor, but conditions were different, especially in the scale of population. But simply because Philadelphia was not a walled city in the European model does not mean that populist pressure was incapable of building there.

The merchant class of Philadelphia was the primary driver of moderate sentiment in that city. The same excise duties that would cause such havoc in Western Pennsylvania were replicating themselves in the eastern part of the state. The result was a mass defection of merchants from the Federalist Party. On the eve of Washington's government, the merchant class of the city had been in favor of the Federal Government, seeking its stronger executive as capable of concluding advantageous commercial treaties. The high watermark of the march of the guilds in Philadelphia in celebration of the ratification of the Constitution in 1788 was only surpassed by the de facto endorsement of the Washington administration in part by the election of Thomas Fitzsimmons (a Hamilton ally and himself a long-standing merchant and revolutionary) to the PA-1 congressional seat.

The shift away from the Federalist Party did not begin with the imposition of the 1791 excise taxes; the main excise tax on whiskey was not of grave economic importance to Philadelphia. Nor is there much evidence for a split from the Federalists inspired by the Federalist's movement away from supporting the French in 1793. However, the Philadelphia merchant community became increasingly swayed by Jefferson and Madison's campaign for nonintercourse, which was backed by Jeffersonian Republican support in Congress. This coincided with an increase in British seizures of American ships. It was not ideological sympathy with the cause of more radical Americans that pushed the moderates into conflict with the Federalists, but the protection of their interests.

The Federalist response to the trade crisis precipitated two responses. First, Jay was sent to negotiate with the British on a large number of issues, including the interdiction of American trade. Second, the Naval Act of 1794 was passed to maintain a fleet of six frigates and land-based naval defenses. The cost of the Naval Act was to be shouldered by the manufacturing community (as part of the Revenue Act of the same year,) as it was to be paid for by the taxes on finished goods. The collection of duties was to be accomplished by federal officers.

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<sup>85</sup> Hartz, *The Liberal Tradition in America*, 8-15.

The Federalist position was opposed by the urban moderates on the following grounds: 1) The manufacturers were opposed to the pro-British trade position that the Federalists and preferred a protective tariff; 2) There was concern that American income from tariffs was being replaced by a reliance on excise taxation; 3) Excise taxation adversely affected the small, but influential, class, of Philadelphia manufacturers and was considered by that class to unconstitutional because it affected them exclusively; 4) The overbearing collection mechanism for duties was considered punitive and onerous, and unconstitutional since they were collected by federal agents and used to supplement the federal largess.

Many of these concerns echoed the ones that had been made (and in early 1794, were still being made ) by the rebels near Pittsburgh. But the Philadelphia manufacturers had the resources and patience to act within the system to deliberately elect representatives to challenge the constitutionality of the law from within the system. First, the Philadelphia manufacturers, about 15% of whom were directly affected by the excise taxes on snuff, sugar, and carriages attempted the dual policy of popular mobilization and institutional memorialization. A group of 34 Philadelphia manufacturers sent a memorial to the state legislature asking for protection from Federal control. The motion was timed well, as at the same time, the Pennsylvania judiciary was locked in battle with the Supreme Court over the former's autonomy to prosecute violations of Federal law in the context of the Whiskey Rebellion. The manufacturers were happy to add their political clout to this cause, and perhaps dangerously, they were willing to mobilize popular artisan support for their cause.

By this time, the Philadelphia manufacturers had added the vital support of both two allied members of Congress, and the limited support of independent societies formed (or more often bolstered) by the urban moderates. This was the result of an overt electioneering campaign to the benefit of John Swanwick, who broke with the convention of the day and actively campaigned for his seat as representative of PA-1. He was joined by the representatives of PA-2, F.A. Muhlenberg, another representative of the Philadelphia anti-excise manufacturing community. Both were elected to the third congress, where Muhlenberg was Speaker of the House. The APOs associated with the manufacturers were expertly organized. Meetings were held during rest hours and rest days, attracting a wide number of workers. They successfully attracted a combination of English, Irish, and German workers who were heavily invested in export industries. Avoiding other political issues and focusing their messaging on the economic troubles caused by the excise proved a unifying cause.

The events in Philadelphia were mirrored by similar events in New York. In New York, the Clinton and Livingston families dominated the moderate faction. The Clintons (their patriarch being George at this time) had been at the forefront of the anti-federalist movement in the state, and through proxies and clients, had hosted a convention at Poughkeepsie to oppose the ratification of the Constitution, and once ratification was inevitable, to call for a second convention. Clinton, as good of a representation of New York's parochialism as there may ever be, had resolved himself to the post-1789 constitutional order, swayed by his close wartime association with Washington. His association did not extend to a role in the Federal government, but he remained highly influential in New York.

With the trade crisis of 1794, British and French policy became entwined with the local economic conditions of New York artisans. Robert Livingston, in response to a speech by Madison in Congress on nonintercourse with British markets, adopted a more belligerent stance. There was already a widely held assumption that war was a foregone conclusion; that America should join with its friends in liberty (France) and prosecute a second war against the British. Edward Livingston (among others in his family) and several clients attempted to organize a mass meeting in front of Federal Hall in early March to organize opinions against the British. Here, the Livingstons avoided the most divisive political issues, although doing so inevitably watered down the message that was supposed to result from the meeting. Just as in Philadelphia, meetings held by the moderates of New York were scheduled for rest hours and were more a mobilization of popular support to show political clout, rather than a real forum for discussion or consensus. The meeting at Federal Hall, for instance, had its ultimate resolutions prepared by a group of twenty, including moderate exemplars, half of whom were well-known Jeffersonian Republicans, and others who were no less well-trod, including Horatio Gates.<sup>86</sup>

In response to the pro-war agitation by the Jeffersonian Republicans, the Federalists would pour cold water on the war sentiment by negotiating the Jay treaty. Merchants, including allies of the Clintons and Livingstons, were relieved by the reduction of tension that resulted from the Jay Treaty. The overwhelming majority were willing to abandon their previous bellicose position and play ball with the Federalists now that their concerns were addressed. This, from the outside, gave the appearance of a shift from a pro-French attitude to a pro-British one, but it was mainly based on domestic conditions. It also resulted in a polarization of artisan opinion in New York, and the effective divorce of the city's radical APOs from the moderates, although this was by no means a short or linear process. This shift marked a key divergence from the example of Philadelphia, owing in no small part to the differences in the composition of the moderate coalition in each city. In Philadelphia, the moderates were manufacturers, in New York, they were merchants. This allowed for the more free-market plans of the Federalists to be accepted by the merchants, who benefited from trade with Britain whereas moderates from Philadelphia retained their "radical" ideology. Here again, the ideology was adopted pragmatically.

For this reason, there was no successful attempt to coordinate urban Jeffersonian Republican efforts against the Federalists, or more accurately, where the coalition between the two was formed, it wasn't formed directly between the two, but rather with the assistance (and insistence) of Southern, rural Jeffersonian Republicans, like Madison. The flexibility of the moderates in both cities worked to their advantage: Clinton's role as Vice President to both Jefferson and Madison is proof of this despite the decline of Clinton influence in New York.

In addition to distinguishing themselves from the conservatives on the issue of war with Britain in 1794, the moderates also spent that year divorcing themselves from the radicals. The defining moment in this change was the mustering of forces on Braddock's Field outside Pittsburgh during the Whiskey Rebellion in preparation for a march on that city. While Jeffersonian Republicans had been watching the events in Western Pennsylvania unfold with an

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<sup>86</sup> Young, *The Democratic Republicans of New York*, 360-374.

air of uncertainty more than either support or condemnation, the attempt to muster forces by an independent militia leader was a bridge too far. Albert Gallatin, a resident of Western Pennsylvania and a former senator there, attempted to disarm the rebellion, and following Washington's march, led the Jeffersonian Republicans in their principled opposition to the suppression of the Rebellion.

The key to the American moderates was that they were successful in just about every political battle they undertook. Across the 1790s, they always appear to either win outright, shift their expectations expertly, or get the last laugh. The Philadelphia manufacturer outright won. John Swanwick and Blair McClechan (PA-2) were elected to the fifth congress and embarked upon a campaign to remove the excise duties on finished goods. Temporarily forced to compromise down to a mere suspension of excise duties, the moderates in Congress continued to suspend the passage of further excise duties and the expansion of the collection regime from 1795 through 1797. A memorial by Philadelphia manufacturers resulted in a further suspension through May 1800. In April of the same year, the excise on tobacco was repealed and in 1802, the excise on sugar followed.<sup>87</sup>

The Clinton and Livingston families adapted to conditions in New York with considerable grace. Young, in writing an opus on the end of the Democratic-Republican Society of New York cannot write that it was also the end of the Clintons in that state. In the congressional elections of 1796, which coincided with Jay's rise as Governor, the moderates triumphed, and more to the point forced the adaptation of their program by Federalist opponents. In that election, which was the death knell for the radicals across New York, Robert Livingston won his state election with a wider margin than was thought practicable.<sup>88</sup>

Of course, the best example of the moderates winning over time is the election of Jefferson himself to the presidency in 1800. Bolstered more by Federalist overreach and a negative response to the Alien and Sedition Acts, and Adam's perceived weakness against the French during the Quasi-War, Jefferson was able to accomplish his 'Revolution of 1800.' It was the temporary political conditions that enabled the moderates to achieve victory, with both the conservatives and radicals having politically discredited themselves in 1798 and 1799.<sup>89</sup> Therefore, it was the quirk of a written constitution and legally mandated elections that were the salvation of the moderates in America, giving them the advantages of a government turnover that was not accorded to their cousins in Britain, resulting in significantly different results.

### **British Moderates:**

British moderates were defined by nothing so much as their traditionalism. The Whig Oligarchy had been in effective control of Britain since 1689. The Whigs maintained their control of Parliament through the end of the Stuart dynasty but flourished under the early Hanoverians, where they began to directly control the policy of the state, raising the star of

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<sup>87</sup> Baumann in Steven R. Boyd, ed., *The Whiskey Rebellion: Past and Present Perspectives*, Contributions in American History, no. 109 (Westport, Conn: Greenwood Press, 1985), 135-164.

<sup>88</sup> Young, *The Democratic Republicans of New York*, 559-565.

<sup>89</sup> Adams, *History of the United States of America*.

parliament as other institutions like the Privy Council began to fade. Despite the Whig Oligarchy's control of the British government, a unique situation in Europe, there was no push by this group for innovation. Instead, the whigs, invested in the legacy of past revolts against royal absolutism, were more concerned with balancing the power of the Crown and Parliament to the point where the government was stable.

This fact would be reflected in the birth of moderate political institutions. The role of the Prime Minister was an office that began to surpass the older four great Offices of State. But the appointment required the assent of the Crown and popular support within Parliament. Parliament could in this way act through the King's existing ministry. This opened up the opportunity to use the patronage that came from the Crown's largess; offices in the royal household, ennoblement, and payoffs from the Civil List, were all accepted forms of patronage.

The close collaboration between the King and Parliament contributed to the development of the moderate political program: rule with consent and advice from parliament, protection of enshrined liberties, and defense of the constitution. Each of these basic objectives was a balancing act. The trick was in convincing the entire British political class in the same balance. For a long time, this had not been necessary. The Whig Oligarchy had been highly effective in controlling the reigns of power. Tory sympathies for the Jacobites de-legitimize their political platform. George I and George II had been happy to use Parliament as intermediaries between the Crown and the people of Britain.

But the ascension of George III, who had his own more assertive policy, had upset the supremacy of the Whig Oligarchy and the balance that they attempted to maintain in their favor. Ideological conservatives in favor of the rights of the King have already been discussed, but so has their marginalization. It would require mainstream Whigs to alter the position of the Whig Oligarchy from the inside. That is why the defections of Pitt and Burke were so disastrous. They were not a wholesale rejection of the older Whig tradition, but instead an alternative interpretation. Pitt was a constant reminder that the King could flex his political muscle and appoint whichever MP as PM he wished.

The moderate position was defined as much as anything by the rejection of the Pitt government. In an age before modern political parties, it was only on particularly divisive issues that anything like party rigidity could be found (this is the same pattern as in America, even though there was even less of a party system in the British case.) From the establishment of the Pitt government through the 1790s, the moderates found themselves playing defense. Fox badgered Pitt to accept parliamentary reform during instances that were proposed up to 1785. The issue of reform in parliamentary circles cooled over time as it became clear that the push for reform there was being stifled by Pitt. As early as the debate over Army Estimates in January 1790, the moderates came into ideological conflict with the conservatives.

Cooke points out the monumental impact of this shift. The Tory party had previously been the ally of the French monarchy, but Fox's opposition to the Pitt administration now inverted this. Suddenly, the promise of a constitutional France resulted in the Tory Party's

rejection of an alliance with France and the moderate's embrace of a Francophile position.<sup>90</sup> Nationalism would harden these lines, and as the Pitt government pushed for war (and more immediately the means to make war,) Fox and his followers tried to slow the process down.

It was in support of some radical democratic dream that caused the moderates to seek amity with France. The moderates were Whigs through and through. Their respect for parliamentary authority was a method of political survival just as much as it was an ideological trend. To call the political system of Britain at the time a Whig Oligarchy is apt. The Whigs derived their political power almost entirely from the land. Unlike a later dichotomy of a landed Tory House of Lords and a more popularly based liberal House of Commons, both houses were thoroughly captured by the landed aristocracy. Offices and stations were held generationally, either de jure as in the case of the Lords or more often de facto in the Commons. This was accepted practice. The British aristocracy was permeable, almost exclusively through the acquisition of land, but undoubtedly an aristocracy.

This was just as true for the moderates as it was for the conservatives. There is a lack of convincing evidence or correlation between geographical distributions of land ownership and political ideology or party affiliation, especially in England. The system of debt accrument was just as prevalent among the English gentry as it was among the Virginia gentry. It had many of the same consequences. The Pitt family, for instance, was chronically in debt. To escape debt, government service was a common route. But being elected as an MP was not enough, as that was not a paid position (one of the later Chartist demands was for the salarizing of all MPs.) Many MPs also had jobs as tax collectors, Pitt, for instance, was the Warden of the Cinque Ports, a feudal title notable (and desirable) only for its salary.<sup>91</sup>

These were intentional oversights. The moderates, just as much as the conservatives, made it so that one would have to pay their way through Parliament. This forced need helped foster the patronage machine. The Whig Oligarchy had thrived with its control of patronage. Looked out of the patronage with the ascension of George III, the moderates were unable to hold Parliament in their control. By the time of the 1790s, the moderate faction had become increasingly defined with ideological connections and not promises of patronage. Despite this, there were patron/client relationships within the moderates. Grey was a client of Fox. Erskine and Whitbread both held posts received as patronage. Posts in the Irish cabinet were popular for Whigs of all stripes, patronage through this method became more complicated after the Act of Union of 1800.<sup>92</sup>

The moderates as whigs faced the combined pressures of alleged attacks from royal prerogative on one side and radical democracy on the other. Moderates (and whigs of other stripes as well) watched the retrenchment of royal absolutism across Europe. Sweden, France, the Netherlands, and Poland were concerning enough. But what worried the moderates the most were the same patterns repeating within the British commonwealth: in India, Ireland, and America. (What might be called) Good government advocates debated for a more transparent

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<sup>90</sup> Cooke, *The History of Party*, 370-373.

<sup>91</sup> Turner, *Pitt the Younger*, 7-8.

<sup>92</sup> Cooke, *The History of Party*, 388-397.

government in India staffed the most powerful posts of the government of Ireland and lauded the American rebels.

But while the moderates of this period were exceptional orators and thinkers, they were inept politicians. Their first handicap was that they were chronically afraid of offending sensibilities. In 1770, the Whig Oligarchy ran the British Empire. Twenty years later, in 1790, they were walking on eggshells, losing the ideological battle to the Tory dual trump cards of nationalism and royal favor. This timidity inevitably led to demoralization and then defections to the government party. The moderates were confined to language in debates that did not risk offending the government or the King, and as such their success came in no small part from embarrassing the government whenever possible.<sup>93</sup> Their second handicap was their small number. Their ever-decreasing membership of orators came to define a more ideologically bound, instead of pragmatic “party” policy. Or said another way, the moderate position was only defined when exposed to outside pressure. This should have made them an able opposition party. But it just didn’t.

The reason why maybe is the Whig’s third handicap: poor political organization. This period of political history saw the development of APOs, spearheaded by the moderates. But these APOs were ineffective because they refused to incorporate the masses into their political programs. Several clubs were formed, the longest lasting being the Society of the Constitution of 1688 (I need to make sure that’s the actual name, but this is close.) Several other organizations followed, but these were effectively dinner clubs, the pay-for-your-plate type. The Society for Constitutional Information (a moderate club) rejected a close association with the London Corresponding Society. The moderate associations remained collections of landowners and as such politically isolated. The same issue existed for the Association movement, which due to the timidity of the personalities involved, did not become a national movement. Its chapters were divided and unable to receive mass support, and its impact faded. Worse, when the ideological battle spilled out of parliament and into pamphlet battles, the moderates did not follow. They kept their writings and speeches inside the government; their enemies left and right didn’t. Reformist allies of the moderates in parliament were the groups of Midlands manufacturers and intellectuals. They found themselves in small enclaves of political action. Physically disconnected from London by poor infrastructure, and ideologically disconnected from the landed aristocracy by the prevalence of Unitarianism among their number and their general rejection of land as the cornerstone of wealth, the Midlands started its rise to prominence during the anti-philosophical period of the 1760s. This was part of a wider brain drain from London that

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<sup>93</sup> An example, though certainly not an isolated incident of the timid stance of the British moderates was the response to the King’s Proclamation on Seditious Writings in 1792. The Proclamation was a significant attempt to extend the definition of sedition and libel to cover a wider range of political opinions. Debates on this subject were occurring at the same time that Fox was attempting to pass his amendments to the Libel laws. Yet despite the well recognized opinions of the Foxite Whigs, and the alleged attacks on freedom of political association, the moderates, Grey first among them, fail to too harshly criticize the government lest they be seen as being sympathizing with the radicals. William Cobbett and T. C. Hansard, eds., *The Parliamentary History of England from the Earliest Period to the Year 1803, from Which Last-Mentioned Epoch It Is Continued Downwards in the Work Entitled The Parliamentary Debates.*, vol. 29, 36 vols. (New York: Johnson Reprint, 1966), 1476-1554.

was to the benefit of scientific and intellectual institutions in the Midlands and Scottish Lowlands.

There were structural obstacles to the inclusion of the Midlands manufacturers in government. The Test Act and Corporation Act disqualified unitarians from joining government at any level, even the town council. Unitarians tended to gather in frontier areas, along administrative borders. The entire city of Birmingham did so, and it rapidly became a hub of Unitarian activity. Despite its growth, Unitarians couldn't enter the town government, leaving formal administration of the town in the hands of the landed gentry.

The exclusion from political life contributed to a sense of empowerment upon word of the French Revolution. Mary Anne Schimmelpennick, the daughter of a local dignitary commented, "I have seen the reception of the news of the victory of Waterloo, and the carrying of the Reform Bill, but I never saw joy comparable in its vivid intensity and universality to that occasioned by the early promise of the French Revolution."<sup>94</sup> In response to Burke's ideological reaction, Joseph Priestly responded with his pamphlet, "Letters to the Right Honorable Edmund Burke."

Many of the town leaders, therefore, turned to APOs as a way to increase their political viability. Coordinating with similarly situated compatriots in other Midlands towns, the General Chamber of Manufacturers was formed, although it only ever advocated for the economic advantages of the Midlands, not their political or social rights. After winning their fight against a customs union with Ireland (temporarily as it would turn out,) the General Chamber dissolved into constituent localities.

This group in particular bordered the moderate and radical camps, owing to their failure to join or maintain influence over Parliament. However, since their APO was formed to influence Parliament and not to replace it, it is apt to put the Midlands manufacturers here. Priestly was himself most certainly quite radical ideologically, and perhaps on his account, it would be fair to split this group into radical and moderate wings.

### **British Radicals:**

British radicals, like their moderate counterparts, involved themselves with political clubs. The clubs of political radicals were much more popularly attended than the APOs of the moderates attached to parliament. In this way, the radicals were much more effective, and their organizations spread very quickly. But ideologically, the ideas of the radicals failed to gain hold of the political order, and their political theories would fail to be used in post-Pitt political coalitions in the way that moderate proposals would be used in the Reform Act of 1832. Radical thought, especially the radical movement for parliament, would morph into the later Chartist movement, although here too it would remain outside of the pale of accepted political thought.

The political theory of the radicals was within the Lockean canon but represented a departure from the moderates and conservatives based on inheritance as a practical method of political organization, a belief that extended to many of the radicals' political theories. This issue

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<sup>94</sup> Schofield, *The Lunar Society of Birmingham*, 359



was a key ideological dividing line between Old School and New School radicals, the Old School adhering more closely to the conception of voting rights as a corporate and inheritable right, whereas the New School was more influenced by more radical ideas, both French and Anglo, that saw universal suffrage as a key political demand.

The demand for universal suffrage, as was noted previously, gained political traction as a demand by the Duke of Richmond in his 1783 letter. Radicals before this point had been entirely subsumed in Parliament. Just as their ideas had originated in the moderate camp, so would their organizational structure. But the key innovation that the radicals made in the category were using the APOs to combat and alter Parliament, rather than providing Parliament policy guidance.

The hesitancy of Parliament to reform itself to be more in line with the more progressive ideas of Wyvill and Richmond was particularly vexatious. The argument of Parliament was one of constitutional continuity. Burke was a defender of this type of continuity, arguing later in his *Reflections*, that the French should not vest the power to change the constitution in favor of the Republic of Paris, in the case of France, to the Republic itself. Burke lauded the British for making the right choice in this regard and barring Parliament from changing its composition. The argument that Burke made was original; it had been made from 1769 on. But radicals had always sneered at it. Radicals looked for examples of Parliament altering its composition and found evidence for it in the exclusion of John Wilkes from Parliament.

The exclusion of Wilkes from Parliament was seen by many, including Wilkes himself, as Parliament selectively altering its composition to exclude a radical. Critics of Parliament's action noted that modifying its composition was something that Parliament seemed fine doing as long as it was to the effect of excluding radicals from the Commons, despite his election by ballot (he was disqualified by Parliament because he was an outlaw at the time of his election, a result of a Bill of Attainder.)

Wilkes' crusade against Parliament is counted by West as the first identifiably radical APO to promote radical change, and thus the first link in the long chain towards Chartism.<sup>95</sup> The APO organization acting on Wilkes' behalf was itself more of a fundraiser for his cause. The election for the borough of Middlesex was decided in favor of Wilkes' opponent by Parliament by resolution. Wilkes asserted that this was in response to his politics - Wilkes was most radical when it came to eliminating methods of patronage that he saw as corruption. His followers organized as the "Supporters of the Bill of Rights," a name that reflected the existential lens through which Wilkes' supporters saw the issue.

The "Supporters of the Bill of Rights" was ultimately a failed group. Wilkes was himself too imperious and avaricious to lead a group of this type, demanding the money donated for the cause was for him alone, and to pay off his debts. The group fractured in 1771, and following the Gordon Riots of 1780, Wilkes saw his popularity plummet. Wilkes would eventually support the Pitt government, believing in the latter's reform credentials. By the time of his death in 1797, he, and the majority of the Old School radicals, had been surpassed politically by the New School.

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<sup>95</sup> West, *A History of the Chartist Movement*.

While Wilkes' career was on the decline, the "Supporters of the Bill of Rights" proved to be a foundational group. The group itself didn't last long (only until 1776,) but it had two important elements that would be consistent elements of the radical program. First was the personalities involved. The Supporters were one of the first radical societies, and while though it remained close to Parliament, it also attracted parliamentary hopefuls, including John Horne Tooke, who would later be arrested in 1794 alongside the members of the London Corresponding Society (LCS) when the Pitt government decided to crack down on the LCS. Horne Tooke would be defended by Erskine in this trial, which will be discussed in greater detail in the second part of this essay. Another person of note, himself an MP, was Alderman John Sawbridge, who presented the 1784 reform program which would be shot down by Pitt. Horne Tooke and Sawbridge were part of the group that split from the Supporters, the "Society for Constitutional Information" (SCI,) which would span the outbreak of the French Revolution.

The second legacy of the Supporters was their political program. A 1771 manifesto included in its demands the abolition of rotten boroughs, a decrease in the length of parliaments, an expansion of suffrage, and support for the American cause. Wilkes' conception of the expansion of the vote was still rather limited, and the 1771 manifesto is not a call for universal suffrage. But in the same year, the Supporters of the Bill of Rights ended. The leader of the SCI, Major John Cartwright, published "Take Your Choice!," which was the first major tract to combine the demands of universal suffrage and annual parliaments. Cartwright's career was limited, in no small part due to his lack of spoken and written eloquence, in an age of politics that relied heavily on speeches and pamphlets for persuasion.

Cartwright was the only one of the major Old School radicals to advocate for universal suffrage. Horne Tooke, later during his defense during the 1794 trial could honestly deny the assertion that he was in favor of universal suffrage. Generally, the Old School was still convinced of the perfectibility of the mixed system of government. In this way, they were much more attached to Whiggish ideas, but they lacked the patience or trust that Parliament would reform itself without outside pressure, a belief that would not last the outbreak of the French Revolution, with one abortive exception of attempted cooperation between the SCI and LCS.

The New School of radicals were separated from this earlier group both chronologically, and ideologically, and they further coalesced in response to different stimuli. Just as the Old School had formed their APOs as an extension to the Wilkes cause, the New School formed in response to the ideological attack on the French Revolution by Burke. Hall in particular makes a point of treating the theoretical growth of radicalism as the logical extension of responses that Burke had to what he saw as the calamities of the French Revolution.

The ideological radicals, the pamphleteers that responded to Burke, each took their shots at the British political order, and specifically, the characteristics that Burke lauded. There was a common program that each writer adhered to more or less; expanded suffrage, annual parliaments, and the elimination of rotten boroughs were common if for no other reason than they were all more or less legitimized in mainstream politics. But many had special political themes in their writing and politics, although these identifying elements are in some ways an artifact from Hall's writing.

William Frend was concerned with the exclusion of Unitarians from civic life and criticized the Anglican liturgy through pamphlets, a move that led to his expulsion from the Cambridge faculty in 1793. Joel Barlow wrote of the inaccessibility of justice to the lower orders on account of the corporate nature of the judiciary and the complicated nature of the Common Law. James Mackintosh rejected the use of feudal precedent for the legal system. Joseph Gerrald was committed to pacifism as a method of restoring prosperity by restoring trade between Britain and France. Thomas Spence and William Godwin were a step further to the left than any of the others, Spence in particular concerned himself with the idea of (and was ignored for his idea of) land nationalization. The high market price for Godwin's works excluded him from popularity.

The main figures of the ideological radicals were Mary Wollstonecraft, Thomas Paine, and John Thelwall. Thelwall's main innovation was organizational: he would host lectures, first on British politics, and then after he was arrested for sedition, lectures on "classical politics," that was heavily coded criticisms of the political order specifically designed to flummox police spies. He also kept the audience below 50 persons to avoid prosecution under the Riot Act. These were methods that the LCS would use to avoid, however temporarily, harassment by the government.

Wollstonecraft and Paine were the two main ideological respondents to Burke. Wollstonecraft's *Vindication of the Rights of Man* was published within the month after Burke's *Reflections*. It was an eloquent and thorough refutation of Burke's argument. It defended the progress of the French Revolution as a justifiable reaction to the situation in France and as a defense of natural rights, a term that was gaining cache in radical circles. Its more important defense, however, was one of a perception of Parliament that argued the body was an agent of the whole British population, not simply a corporate body. Paine was far and away the most read radical theorist. He was universally loved in radical circles; toasted by their groups across the country. Besides Richmond, there was likely no other radical that inspired as many radicals. He was seen as truly a transatlantic radical, and revered (and by others reviled) for writing *Common Sense* and his ideological innovations in America. He further his cause with *The Rights of Man*, his response to Burke. *The Rights of Man* was a lightning rod; it caused the fracturing of the SCI as more moderate members recoiled to Paine's assertions and dropped their APO connections. Paine himself was almost arrested by the Pitt government, fleeing to France, eventually serving as a representative in the French legislature representing Calais.

All of the New School radicals were very much acting in the British ideological canon. Partially, this was out of convenience. As will be seen in the 1794 trial, it was easier to defend one's ideology if the ideas one wrote about were accepted and advocated for by MPs in Parliament. But they were also reacting to local conditions. The radical ideas that were proposed in Britain were more libertarian than those in France, Gerrald for instance was an advocate for what might be Laissez Faire economics. This, and more state-involved models of radicalism like Spence, were in direct reaction to Parliament's legal role in the enclosure system, which legally required a certain amount of intervention to pass.<sup>96</sup>

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<sup>96</sup> Hall, *British Radicalism*, 57-ff.

The radical camp was also obsessed with suffrage as the main means of promoting political change. Spence is in the minority in proposing radical economic change as his main program, and he received flak not only from mainstream politicians but also from other radicals about his ideas. As Hall notes, “‘ballot-box influence’ had become an obsession, annual parliaments and universal suffrage ultimate and final goals, rather than milestones on the dusty road of progress.”<sup>97</sup> The obsession with universal suffrage was maintained, but the hope of reforming parliament began to fade away. Radicals became more and more interested in following the example of the French (and to a lesser extent Wyvill) in forming a national body to do a better job at representing the nation than Parliament could.

This is where the French influence of the radicals comes into play. And ultimately, it was their doom. The LCS became the premier radical institution after the vacuum in leadership left by Paine’s flight to France. The LCS formed around Thomas Hardy, a mechanic, and originally consisted of a group of eight friends. The original group of eight came into being on June 22, 1792. The group was composed of lower-class artisans and mechanics. Ideologically, they were more influenced by Paine and Thelwall, whose pamphlets sold for a lower price, than by Godwin.

The low price for association (one penny a week) and the simple qualification of two existing members needed to endorse an applicant member meant that membership in the group exploded. The LCS was organized by divisions, which were composed of roughly 30 people. Each division would elect representatives to attend a weekly general meeting of the Society, which occurred in a rented room in the Beaufort House, less than a kilometer from the Tower of London. Hall compiled some numbers of tallied participants in the divisions of the LCS, although the LCS, especially in its later years, cannot be accused of keeping rigorous records.

October 4, 1792	10 Divisions	387 members
November 15, 1792	15 Divisions	~450 members
November 29, 1792	27 Divisions	~810 members
April 4, 1793	~44 Divisions	1,328 members
July 1794	~32 Divisions	970 members
August 1794	~54 Divisions	1,648

The maximum number of people involved with the LCS directly likely never rose above 2,000. But this was a wide margin better than the moderate APO, the “Friends of the People,” which had a membership of 147, including 20 MPs. The LCS published their first public document, a manifesto on February 13, 1793, when there was already a significant number of people in the Society. The divisional structure of the organization had ideological and administrative purposes. First, the threat of police spies was thought to be lessened through decentralized leadership. Secondly, it suited the needs of the LCS to correspond with sister societies across London and the entirety of Great Britain in an attempt to create a parallel system

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<sup>97</sup> Ibid., 139.

of petitions to those that Parliament also received. This was not dissimilar from the organizational style of the Jacobin Club in Paris, which based its many agitations on correspondence that it received (either organically or induced) from the Departments.<sup>98</sup>

The attempt of the LCS to form a national organization was a troubling possibility for the Pitt government. Connections between the LCS and more radically-inclined members of the SCI were abortive, but connections between the LCS and Scottish and Irish nationalist and radical groups were longer lasting. A definite break with the existing political order came when English and Scottish groups combined to attempt their own National Assembly in Edinburgh. The sedition indictments of the LCS members that were arrested in the wake of the Edinburgh Convention play up the French-ness of the Convention members, who called each other “Citizen” and used the word “tocsin” in place of “alarm.” The aims of universal suffrage were decried from the bench, and those indicted were ultimately transported.

Two waves of arrests rocked the LCS. The first, in 1794 was on the heels of the Edinburgh Convention. This resulted in the arrest of Hardy, who was defended by Erskine and acquitted alongside Horne Tooke. Hardy refrained from politics after the trial. The LCS began to agitate against military conscription and to host mass meetings, both of which landed the group in increasingly hot water with the Pitt government. The second occurred in 1798, when the leadership of the LCS was arrested at the Queen of Bohemia Tavern, effectively decapitating the group. The radical torch was picked up by the clandestine United Englishmen, a confederate group of the United Irishmen, with whom the LCS had been sometimes allies.

### **American Radicals:**

American radicals faced different issues than the ones that their British contemporaries faced. Suffrage to Congress was based on the suffrage of the states, which increased the ranks of the enfranchised significantly. It was constitutionally obligated to turn over its entire membership every two or six years, avoiding the political advantage of incumbency or royal prerogative in forming governments that were such issues in Britain. In many ways, it looked to be the perfection or at least a positive innovation of the British mixed model. But there was still no total satisfaction with the new constitution. A new wave of Democratic Societies sprang up in 1793, piggybacking on older radical interests in the new political climate of the Federal Constitution.

The locations of the Democratic Societies are a good first indicator of their distinctiveness from their British counterparts. American radicals formed independent political clubs with a frequency that was absent in Britain. This was partially due to geographic factors. In Britain, political power was centered on London, causing a centralization of political movements in the capital. In addition, poor transport links between the Home Counties and the Midlands successfully offset the effects of the growth of political and cultural institutions moving to the north of Britain, leading to a relatively tight network of organizations. Those radical societies that weren’t in London or Edinburgh corresponded with them, and the London society was the most active in attempting to pressure Parliament. But those geographic factors were entirely

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<sup>98</sup> Ibid., 165-168.

different than the ones in America. The radical societies in America were relatively decentralized. First, the geographical basis of the radical movement followed the geographical movement of the central government, no different than in Britain or France (with the temporary exception of Versailles proving the rule.) The movement of the Federal capital three times in 15 years between New York, Philadelphia, and then Washington D.C., meant that radical societies couldn't bring their power to bear in one location to the same extent that the Jacobins could in Paris, or even the LCS could in London. Link, in his study of Democratic Societies, notes the existence of approximately 42 active Democratic Societies forming between 1793 and 1798 in almost every state in the country.

Despite this decentralization of organizations, the first of the radical societies were founded near centers of political power, in Philadelphia and New York City. The first of the Democratic Societies, as they were popularly referred to as the German Republic Society, formed roughly on March 31, 1793. It published its first circular two weeks later, on April 14. But the German Republican society would secure its historical legacy more as a touchstone for the movement of Democratic Societies, than as an independent organization. The Germans of Philadelphia, who had founded the club were rather parochial and secretive, and Link and subsequent historians of the era have had great difficulty in tracking their movements.

But the German Republicans certainly did begin a chain reaction of other Democratic Societies. The Norfolk and Portsmouth Republican Society (of Virginia) appeared in May. Then the big one, the Democratic Society of Pennsylvania, which would be the most popular of the Democratic Societies, would be founded on July 4, 1793. It should be noted that the first two of these societies were founded before the arrival in America of Citizen Genet as the ambassador of France. Link is especially wary of connections between the American Democratic Societies and the Genet. Rather, he asserts that the connections, both ideological and organizational between the two are mostly coincidental and that Genet's presence was mostly an auxiliary influence on the growth of the Democratic Societies rather than what was asserted at the time, which was that Genet was directly responsible for the creation of the clubs.

With that said, the emergence of these clubs in 1793 is curious. Young, in his work on the New York Democratic Societies also noted that the crystallization of opinion into a radical camp also began in New York in 1793 as well. This is later than the British radicals, but also later than the crystallization of opinion between the Americans of the conservative and moderate camps. The differences between the British and American radical camps can be explained by a difference in proximity to France and a lack of national rivalry with France. The Americans were more isolated from the geopolitical implications of the French Revolution, and have been noted, not as ideologically disposed to dislike the diminutions of the privileges of the institution of the French Crown that so wrinkled Burke among others.

It also may be that tension within America may have been increasing over time entirely independent of the political situation in Europe. The political manifestos of the German Republican Society and the Norfolk and Portsmouth Republican Societies, which existed before the arrival of Genet and thus must be said to be free of his influence, contain similar language

about continued vigilance against the encroachment of tyranny. The opening of the German Republican Society's April 14 circular reads:

“In a republican government, it is the duty incumbent on every citizen to afford his assistance, either by taking part in its immediate administration, or by his advice and watchfulness, that its principles may remain uncorrupted; for the spirit of liberty, like every virtue of the mind, is to be kept alive only by constant action...it is therefore of essential moment that political societies should be established in a free government, that a joint operation may be produced, which shall give attention and exertion so necessary for the preservation of civil liberty.”<sup>99</sup>

The English translation of the text was published in the *National Gazette* by Philip Freneau, assuring that if nothing else, there was a connection between the printers who were partisans of the Jeffersonian Republicans and the American radicals.

The Norfolk and Portsmouth Republican Society produced a similar statement, which members of its Standing Committee signed unanimously, reads in part: “That the inattention which many of our fellow citizens discover towards the dearest rights, privileges, and immunities of freemen, is to us a matter of serious concern and regret. That the excellence of a mild representative government ... will excite jealousies in the mind, and be painful in the sights of tyrants and their abettors; to be ever on the guard against the machinations of these enemies of mankind.”<sup>100</sup>

The key overlaps between the two clubs were the ideas of eternal vigilance against liberty. The defense of enshrined rights was now an issue to be taken up by the people. This idea rejects a long-accepted assumption about the popular conception of rights in America shared by many historians and political scientists, that the political questions of the day only permeated so far into the firmament of American social life. The pre-revolutionary circulation of power between notable families had been upset. The consensus, which Palmer described as “No one but a few disgruntled literary men supposed that they lived under a despotism,” (Palmer, 51) may not have existed anymore.<sup>101</sup> But the new administration, with many of the same institutional systems existing, now had a group that refused to allow America to return to a state where they could not influence the government.

The idea of vigilance against despotism had been a long-standing ideology in American political life, and thus it makes sense that this ideological position would be taken up by large parts of the population. But the radicals composed a smaller portion of this group, those who, despite the increasing stability of the United States after the adoption of the Constitution, eyed the system with a great deal of skepticism. First, the anti-federalists, who rejected the 1789 constitution on several bases, the most relevant of these being the lack of a Bill of Rights. But while the issue of a Bill of Rights was eventually resolved under the constitutional system (and

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<sup>99</sup> Henry Kammerer, by the order of the German Republican Society in Eugene P. Link, *Democratic-Republican Societies, 1790-1800*, Columbia Studies in American Culture, no. 9 (New York: Octagon Books, 1965), 6-8.

<sup>100</sup> T. Newton, by the order of the Standing Committee of the Norfolk and Portsmouth Republican Society in *Ibid.*, 9-10.

<sup>101</sup> Palmer, *The Age of the Democratic Revolution*, 51.

before 1793,) other problems remained. Many of these problems were regional. Strong, in his analysis of the anti-federalist movement, makes this the mainstay of his analysis of anti-federalist ideology, with volumes 2-5 being devoted to the regional consideration of the movement. But what separated the moderates from the radicals in these cases was individuals' continued inability to penetrate the state or federal political system, or their lack of desire to do so.

A part of this group, although partially also a separate group, were hardcore libertarians. Revolutionaries who had backed the American Revolution because they believed in the most conspiratorial aspects of the American radical press in the 1760s and 1770s. They had organized themselves into Committees of Correspondence, chapters of the Sons of Liberty, mobilized for the war, and hadn't disbanded their political connections after the war. They had kept their heads on a swivel looking out for potential despotisms. And they found them in the Constitutional Convention and the Federalist government. Many woke up their old political connections, renamed them in the spirit of the times, and continued their political agitation. Of this group. There were a few generational rebel families, who had bounced from frontier to frontier during American expansion, taking part in tax revolts wherever they landed. Both Clouse, regarding the Whiskey Rebellion, and Szatmary, regarding Shays Rebellion, mentions families who were Regulators in the Carolinas moving to the Massachusetts frontier and then being driven into the Pennsylvania frontier after the successive Shays and Whiskey Rebellions.

The successive generations of radicals reveal an uncomfortable truth about the radical's organization. That the wave of Democratic Societies was not the first wave of radical organizations, but that other associations had existed in America before this wave of organizations. This is uncomfortable because it indicates a more cannibalistic process by conservatives against their radical counterparts in America. The APO influences of the American Revolution are rarely denied. The Sons of Liberty and their affiliates are a key part of the pre-Revolution. But following independence, their influence petered out, but not their organizations.

The progression of the radical career of John Lamb is a good example of this. Lamb had been the secretary of the Sons of Liberty in New York City. After the Revolution, he joined a militia company from the City as captain of Artillery, took part in the failed Quebec campaign, and was part of the garrison at West Point. After the Revolution, he became attached to the Clinton family and was appointed Collector of the Port of New York. He participated in, and ostensibly led, the Federal Republican Society, an APO for the purpose of agitating against the adoption of the Constitution in New York.<sup>102</sup> (Young, 14-17, 120-123.)

What was the difference between the APOs that Lamb, and many others, participated in before 1793 and after? The ones before 1793 had been focused specifically on modifying the existing government program, or in the case of the Federal Republican Society, in defense of the Articles of Confederation. Meanwhile, the later APOs were not designed for a specific purpose other than vigilance. They were conceived to be more permanent, and none of their charters

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<sup>102</sup> Young, *The Democratic Republicans of New York*, 14-17, 120-123.



mention any specific goals that the Societies were to accomplish; they were ostensibly defensive, not offensive.

The biggest support of a theory of continuity between the older radical associations and the newer Democratic Societies is Link. He draws all of the wider transatlantic Association ultimately from the “Revolution Society” of Britain and through the tangle of Committees of Correspondence and Vigilance that dominated the pre-Revolution in America. The Democratic Societies, Link asserts, were distinct because of their name and to a limited extent their social composition, but not because of significant differences in their ideological program.<sup>103</sup>

Lamb’s inclusion in the radicals society presents a possible resolution for the earlier question of why the Democratic Societies began to develop in 1793. The population of radicals that would come to inhabit the Societies was, during the period of the Revolutionary War and the period directly after it, not represented by any leaders of a radical bent. Instead, for the course of the war, New York City was under occupation, and lower orders were conscripted to army service. (Young, 16-17.) The Articles of Confederation were adopted during the Revolution, and so it was only their replacement that saw the combination of high-intensity political debate coupled with a demobilized population capable of putting their minds to the issue. The adoption of the Constitution eliminated the specific goals of some of the radical associations, but the structures were revitalized to a wider, more general purpose in 1793.

Whether on the frontier or in urban environments, Democratic Societies found participants who were not opposed to, but rather critical supporters of, the key ideological loadstone of the government. And there was no shortage of people who joined the Societies. As noted before, there were approximately 42 Democratic Societies formed in the 1790s. The popular nature of these clubs may have been a hindrance to establishing constitutional order by the Federalist Party, which would cause significant conflict between radicals and conservatives. Democratic Societies were used to legitimize anti-Federalist political opinions and voice displeasure with the constitutional regime.

In rural Pennsylvania and Kentucky, the foundation of Democratic Societies corresponded with a rejection of Federal taxation. In Pennsylvania, this led to the Whiskey Rebellion, but the effects were less extreme in Kentucky, owing partially to respect for local judicial administration. Of the 42 Societies, four were founded in Western Pennsylvania in response to the excise tax, and three were founded in response to the tax in Kentucky. In places where there had been anti-government agitation in the past twenty years (New York rent strikers, Carolina regulators, Western Massachusetts regulators, Vermont Green Mountain Boys,) 14 Democratic Societies were founded. Several others were founded in urban centers.<sup>104</sup>

A blow to the Democratic Societies came from the conservative and moderate camps. The conservatives, led by Washington, denounced the “self-created societies,” leading to a wide rejection of the Democratic Societies. This was coupled with anti-French sentiment growing as a result of the Quasi-War, which the Adams administration exploited to attack printers associated with the Jeffersonian Republicans. But it was the ultimate electoral success of Jefferson in 1800

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<sup>103</sup> Link, *Democratic-Republican Societies, 1790-1800*, 19-27.

<sup>104</sup> Link, *Democratic-Republican Societies, 1790-1800*, 13-15.

that led to the reduction in the seeming viability of the Democratic Societies as a distinct movement from, rather than an auxiliary of, the moderates.

### iii. Radical politics in practice:

The association of the conservatives with pragmatism, rather than reaction, does not initially lend itself to attacks against the radical camps of each country, or the remonstrances of the moderates for fear of overreach. If the activities of the conservatives were purely pragmatic, they would have reached that level. The fact that they did indicates two things: first, that the government was concerned with radicals inside each country in addition to or to the exclusion of French national interests; second, that there was not a program that was identifiably anti-radical before radical political activities began, although there was a program to draw back from more liberal reformist impulses in both countries, a response to democratic misgiving in state legislatures after the Revolution in America and the Association Movement in Britain.<sup>105</sup>

Conservatives had to chart their course in response to outside pressures. The best example of a call/response dichotomy was the government response to the stoning of the King's carriage on October 29, 1794, by anti-war protesters. The breaking of a window in the carriage was taken as an assassination attempt (the so-called Popgun Plot,) but it's unclear what object broke the window at all. The Pitt government had already begun repressive measures against radical groups, and the next day October 30, an Act for the Safety and Preservation of his Majesty's Person (alternatively the Treasonable Practices Act) was introduced to the Lords; it was introduced to the Commons on November 9. The Treasonable Practices Act was the first of two acts, appropriately known to history as the Two Acts, the other of which was titled the Seditious Meetings Act, which restricted meetings to less than fifty persons unless a permit for such a meeting was signed by seven householders and it further placed the meeting under the control of a magistrate who could disband the meeting at their discretion.<sup>106</sup> This was in addition to the usual rounds of arrests of members of the London Corresponding Society (LCS) among other radical societies.

More will be said of the Two Acts in the next chapter, but here it is the broad outline that matters most. First, conservative action is spurred on by alleged radical actions. Second, the actions of conservatives and radicals don't have to be related to one another (while an alleged assassination attempt is in line with the safety of the king, it is not with seditious meetings.) Third, the anti-war sentiment of the protesters likely contributed to the urgency of the government and Parliament's deliberations. Fourth, that moderate resistance was futile in preventing the passage of this type of legislation. Fifth, the legislation of the conservatives bordered on unconstitutional. The Two Acts are instructional because they are the archetype for the methods of repression used in both Britain and America and because a relatively small incident led to a relatively large result. But the acts of the radicals on both sides of the Atlantic would be much grander in scope than a rock through a carriage window, and the response

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<sup>105</sup> The sources of angst during the Confederation period stretch out to before the outbreak of Shays Rebellion, but dissatisfaction prior to that was based in conservative fears of moderate strength in the parlance of the paper, and only seemingly when this pattern became recognized nationally, across state lines. For the response of social elites, first families, and the more "virtuous and well-educated" to the increased power of democratic parts of state government, see Fritz, *American Sovereigns*, 122-125; Turner, *Pitt the Younger*, 50.

<sup>106</sup> Hall, *British Radicalism*, 234-237.

(detailed in the next chapter) would be greater than limiting the number of people at meetings. This chapter will cover the activities of the radicals in roughly chronological order in both Britain and America. The focus will remain on the internal nature of the radical agitation, whereas the following chapter will focus on the actions of the conservatives and will focus on themes present in the conservative counter-agitation. The prosecution of the various wars against France for this chapter is merely incidental to the activities of the radicals, but it should be noted that military matters were on the minds of all parties, and in instances where radical actions aren't the cause of conservative reactions, there is normally a military cause.

Due to the large amounts of social unrest in this period, it is also necessary to differentiate between radical activity that matters for this essay and activity that does not. For instance, food riots associated with rising grain costs may be disruptive and stand out in the historical record, but not be politically significant or politically connected with any organization that would seek to change the economic or spiritual needs of the wider population into political demands. The activities of radicals concerning the military in Britain and to non-conformist clergy in both America and Britain are of particular issue. It is tempting to isolate agitation among the military, especially anti-enlistment efforts as being too parochial and scattered. But the work of Hall is extremely convincing that that element of the anti-war movement in Britain cannot be isolated from either moderate or radical hopes to either conclude the war with France or turn the guns of Britain to the side of liberty and join France.<sup>107</sup> It is especially radical agitation towards the latter demand that is a convincing argument to include them in this section.<sup>108</sup> The trend for conservative legislation in reaction to this agitation also was an argument in favor of including this.

Religious activity is more troubling to quantify. While there was a strong non-conformist presence in radical communities in both Britain and America, it is difficult to prove that the activities of the non-conformists are the same as the activities of the radicals *in toto*. This is specifically on two counts. First, the non-conformists were already organized into their congregations, which being outside of the established Church, could be classified as APOs. But they were not political APOs, and radical non-conformist ministers like Price and Priestly were by most accounts, quite ineffectual as ministers, and more closely associated with political or scientific circles.<sup>109</sup> The onset of religious dissatisfaction with the government also was neither new, owing to the Test and Corporation Acts, nor was it identifiably distinct from millenarianism caused by any other large-scale conflagration. The end of the non-conformist flirtation with political radicalism was also not caused by external factors like conservatives in government in

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<sup>107</sup> A joint letter in 1792 from the London Corresponding Society, the Friends of the People (the moderate group,) the Manchester Constitution Society, the Manchester Reformation Society, and the Norwich Revolution Society was sent to the French Convention to this effect, per Palmer, *The Age of the Democratic Revolution*, 722.

<sup>108</sup> Hall, *British Radicalism*, 209-ff.

<sup>109</sup> For a biography of Priestly, see Schofield, *The Lunar Society of Birmingham*, 193-201. For Price, see Hall, *British Radicalism*, 60-61.

either country, but internally by ministers and religious leaders at their own discretion.<sup>110 111</sup> That is not to reject the role of religious doctrine in the radical movement, just to say that it was not the same, although almost certainly there is a case to be made against this.<sup>112</sup> Radical leaders would occasionally be religious leaders, and where relevant, it will be noted.

One final note is that there is an ongoing debate as to whether the activities of the radicals were seditious, or moreover, attempted to overthrow the government in either country. The organizations and publications of the radicals were accused of treason and seditious libel in both countries, but this did not mean that there were necessarily plots to implement a revolution like the one in France. In America, the activities of the radicals combined with previous methods of agrarian revolt on issues of particular importance to local communities (free commerce, representation, local access to judicial representation.) Even radical printers in urban areas were responding to local circumstances, even if the topics were of national interest (jobbing, high prices, free commerce, representation.)

American radicals, like their British counterparts, would occasionally agitate to join the war on the side of liberty and to make Revolutionary France their ally in this fight.<sup>113</sup> But they lacked an army to agitate within, with Washington's Legion coming too little too late in the 1790s. The American radicals also lacked the formation of a national system of correspondence which hampered their ability to organize. Even Democratic Societies on either side of Pennsylvania would not have solidarity with each other during the Whiskey Rebellion.<sup>114</sup> British radicals lacked no such disabilities. As will be seen below, they did agitate among the army and did organize nationally.

But the question was were they supportive of the principles of the government, keeping within the narrow lines of the Anglo tradition, or were they something wholly new? Hall believes that even when the British government acquitted those indicted in the 1794 trial, they overlooked evidence of conspiracy. He believes that there were plans made in Edinburgh, during the convention there, that was supposed to spark an uprising aimed not at securing old rights, but reshaping the whole British political order.<sup>115</sup>

### **The March towards the Edinburgh Convention:**

In Britain, the loosely associated network of radical APOs would come to organize nationally in Edinburgh in November 1793. The results of the meeting were perhaps predictable. Not even the moderate Association Movement committees had dared to organize nationally,

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<sup>110</sup> Jerry A. Clouse, *The Whiskey Rebellion: Southwestern Pennsylvania's Frontier People Test the American Constitution*(Harrisburg: Bureau of Historic Preservation, Pennsylvania Historical and Museum Commission, 1994), 15-16, 35-37.

<sup>111</sup> Alan Milner Everitt, *The Pattern of Rural Dissent: The Nineteenth Century*, Occasional Papers. 3rd Series / Department of English Local History, ser. 2, no. 4 (Leicester: Leicester University Press, 1972), 40-44.

<sup>112</sup> One way to proceed with this is to consider doctrinal pacifism as a shadow variable affecting the outlook of various groups, for instance the Quakers.

<sup>113</sup> Young, *The Democratic Republicans of New York*, 345-ff.

<sup>114</sup> Clouse, *The Whiskey Rebellion*, 34-35.

<sup>115</sup> Hall, *British Radicalism*, 221-223.

opting instead to unify the causes of local groups (most notably Westminster and Yorkshire) in Parliament. Even abortive attempts to call for a national political body that was not Parliament threatened to discredit the entire reformist movement in the 1780s, before fears of the French Revolution began. Ultimately, the reformists balked at the proposal of a national movement.<sup>116</sup> By 1793, fears related to the French Revolution were part of the political fabric of the nation, and the radicals' attempt to form a convention, the word itself associated with the French revolutionary government, without being led by or even including MPs as the Association Movement had done, was provocative even if the Convention was not political. As it was, the Edinburgh Convention promised to be extremely provocative and politically charged, even seditious. The push for a convention was a telling development in the ideology of the radicals and showed an increasing disenchantment with the current *modus operandi* of attempts at suffrage reform while also showing that the radical clubs of many sections of the country were becoming increasingly coordinated ideologically.

Thomas Paine's self-exile from Britain in 1792 was extended indefinitely by an indictment from the Home Office for seditious libel issued twenty minutes before Paine left Dover for France.<sup>117</sup> The absence of Paine, and to a lesser extent his conviction *in absentia*, left the radical cause without its paragon. This precipitated the transfer of organizational leadership away from the theorists who had been welcomed in the same circles as moderates, and towards the urban artisan community. Radical organization devolved to the township, and the former cause of the promotion of Paine's work by a mix of moderates and radicals was abandoned. The result was the formation of many local groups, the most relevant of them the London Corresponding Society (LCS,) the composition of which has been discussed in a previous chapter.

The necessity of forming a new group like the LCS was caused by the vacuum of acceptable candidates within the New School of radical thinkers for the practical task of leading radical clubs. Godwin and Bentham were more philosophers than politicians. Mackintosh and Frenn were too high-class and not radical enough to capture the mood of the time. Thelwall, despite the popularity of his speeches, "had little weight as an organizer or leader," and Wollstonecraft was functionally excluded from the almost entirely male population of the political community on account of her sex.<sup>118</sup> The next logical stage for leadership would have been the moderate leaders, who despite their losses to the Pitt government, were still agitating for parliamentary reform (through 1797.) However, the moderates themselves were caught between rival urges to retreat to debating within Parliament and to act as a check on the power of the Pitt government there, or organize out-of-doors. Several moderate societies had already begun their slow process of decay. 'The Revolution Society' and the 'Friends of the People' (no connection to Marat) were two notable moderate APOs of this period that ended up losing membership as a result of the rise of radical politics spooking the more well-heeled members of the group. But the best APO to describe this trend was the Society for Constitutional Information (SCI.) Its past

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<sup>116</sup> *Ibid.*, 132-133.

<sup>117</sup> *Ibid.*, 96.

<sup>118</sup> *Ibid.*, 159-160.

leadership included both Major John Cartwright and the Duke of Richmond. More than simply championing the cause of reform, the SCI was specifically invested in the promotion of the work of Thomas Paine, who was genial to the group. But once the French Revolution began, membership of the group began to decline as the society broke into more radical and conservative camps; the SCI had never been ideologically homogeneous. Cartwright lacked the influence within the group to turn it more decisively in a radical direction, whereas the Duke of Richmond left the group, hoping a new alliance with the Pitt government would lead to reform. The group also made the mistake of attempting to place itself in control of other radical groups, an attempt that failed, despite the radical fraction of the SCI maintaining good relations with the LCS.<sup>119</sup>

Shifts in the political program of the LCS away from electoral reform and towards the need for a convention proceeded fitfully. The idea of unifying the various causes of radical societies was well established, but it was usually through means of correspondence between society members in various cities. Conventions were a new idea among radicals by the end of 1792. At the end of that year, on December 11, 80 radical clubs representing 65 towns across the Scottish Lowlands convened in Edinburgh. This first convention overwhelmingly rejected the program of its more militant members and refused to associate itself with the United Irishmen. But it also rejected its own power as an organized association of APOs, refusing to petition Parliament on any subject and opting to leave such petitions to individual members or local bodies, where it was thought such petitions ought to originate from. However, the group voted to meet again, and most importantly, they did not face significant harassment from government agents. No arrests or indictments were made, nor were any laws passed in response to this assembly.<sup>120</sup>

The LCS decided to tentatively support the move towards joining a future convention through the sponsorship of a work by Joseph Gerrald. Gerrald was a pro-convention radical, and his work “A Convention the Only Means of Saving Us from Ruin” focused on a sense of disaffection with electoral politics and the seeming collapse of reform. The cause of political reform is tied together with anti-war agitation. Gerrald argues that the taxation that has perpetuated the war with France (and with all wars for the last three hundred years) has been raised from the general population, but that despite such a massive transfer of wealth, it has done very little to improve the lives of British citizens. That the roster of ministers has had very little effect on the policy of the government, and that it doesn’t matter if Pitt or Fox is in power if increasing the suffrage is ultimately worthless anyway. Moreover, in prosecuting the war against France, the government restricted the potential economic gains of the people by restricting trade.<sup>121</sup> The argument of Gerrald is at once conspiratorial, pessimistic, and surprisingly modern having already taken stock of recent theories of Smithian free trade and innovated them into a justification for pacifism.

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<sup>119</sup> Ibid., 162-165.

<sup>120</sup> Palmer, *The Age of the Democratic Revolution*, 722.

<sup>121</sup> Joseph Gerrald, *A Convention the Only Means of Saving Us from Ruin: In a Letter, Addressed to the People of England* (D.I. Eaton, 1794), 1793.

The LCS eventually decided to send members to the next convention in Edinburgh in October 1793. The planning for this convention had been underway since April by a group called the Associated Friends of the People (no relation to the moderate group,) who had also organized the first convention. While the delegates from England missed the initial meeting of the Scottish portion, all of the clubs eventually met together in Edinburgh on November 19, 1793. Representing the LCS were Gerrald and Maurice Margatrot. The SCI also sent a member, Charles Sinclair, half of the hoped delegation after not being able to raise the funds for a second delegate. The English delegation also included M.C. Brown, representing societies in Sheffield and Leeds. The Convention officially took the name of the “British Convention” the day the whole body, composed of 153 delegates representing 40 societies met. The program they decided on was to agitate in favor of universal suffrage and annual parliaments, although how this would have been accomplished are speculative.

The meeting was dispersed on December 10 by the High Provost (mayor) of Edinburgh. The Provost marched into the hall where the Convention sat, and in the only show of force that was required, by placing his hand on the arm of the president of the assembly.

The Convention had several characteristics that made it suspicious to the authorities. Its national character was concerning and its wide representation made it susceptible to charges of the body being an anti-parliament. Robert Dundas, Lord Advocate of Scotland asserted that the objective of the Convention was, “not a reform but a subversion of Parliament.” The French character of the body was also concerning. The term “convention” was heavily associated with the French legislature. Members of the Convention called each other “citizen,” for instance “Citizen Gerrald,” and even more innocuous words like “sittings” in place of meetings.

The Convention also may have made the mistake of meeting in Scotland, where conservative judges were already primed to act punitively against radical groups, in no small part because of the activities of Thomas Muir and Thomas Palmer, both members of the first of the conventions in Edinburgh, and both had been arrested and transported.<sup>122</sup>

Hall spends more time trying to decipher if the Convention was ultimately an attempt to organize an uprising against Parliament or if the activities of the Convention would have stopped before then. He concludes that they were ultimately attempting to do just that and that Margatrot’s speeches during the Convention as well as the creation of a secret committee of the Convention are at best the seeds of mirroring parliamentary function and at worst a place to attempt to organize a conspiracy. However, even if there had been the intention to use the secret committee to conspire the overthrow of Parliament, there was no time. The secret committee was formed only two days before the Convention was dispersed. Moreover, Hall alleges that the secret committee also was the body responsible for discussing plans related to reconvening the Convention should they be dispersed, but no action was taken towards that end. The idea of conventions was discredited by the events in Edinburgh, and there would be no third convention.<sup>123</sup>

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<sup>122</sup> Palmer, *The Age of the Democratic Revolution*, 723-724.

<sup>123</sup> Hall, *British Radicalism*, 182-196.



## The Whiskey Rebellion:

In America, no other incident created greater controversy about the existence or political activities of Democratic Societies besides the Whiskey Rebellion. This rebellion, which hardly deserves its designation, was itself the first time the new federal government came into conflict with the people who theoretically composed said government. In studies of America's shifting character in this period, either towards democracy or aristocracy, the actions of the government following the Whiskey Rebellion offer some answers as to the priorities of the federal government concerning the state and local authorities. This is a point that Fritz is highly involved in making in his thesis regarding the conflicting sovereignty of the people and the government. But while the government response to the Whiskey Rebellion will be covered in the following chapter, this chapter will focus on the events of the Whiskey Rebellion itself and the conflict of ideologies that was part of it.

The activities of the Whiskey Rebels are quite tame compared to the response they received. By the time the government army crossed the Allegheny mountains, the possibility of an armed conflict had already been ruled out. The Whiskey Rebellion, much like the movement towards a convention in Britain, had progressed slowly and culminated in 1794. But the non-compliance with the excise tax that formed the backbone of the Rebellion had begun in 1791, with the initial passage of the excise tax.

Just as was the case in the Shays Rebellion, it was a credit crunch beginning in the coastal parts of the state that caused a ripple effect in the interior. A dearth of specie led to a calling of debts and a resulting accumulation of state bonds from war debts being accumulated in the hands of approximately 400 people. This, combined with attempts to raise revenue at the state and federal level while reducing the amount of paper currency in circulation, caused severe disruption to the rural credit system in Pennsylvania. Disaffected farmers attempted to mobilize on the state level, petitioning the state government that the accumulation of state debt to a small number of holders at the expense of the rural population, thereby giving advantage to a select set of men, was seen as a violation of the state constitution. This was under a theory that the state was supposed to uphold the general welfare, rather than the benefit of the few.<sup>124</sup>

This was not a unique characteristic of Pennsylvania in the lead-up to the Whiskey Rebellion. The same credit crunch had helped spark Shays Rebellion, and the list of demands of the earlier rebellion had included "Repeated appeals for the abolition of the Senate, popular election of magistrates, and more control over civil officers," all hallmarks of a rejection of the more aristocratic elements of state government and the then proposed federal constitution.<sup>125</sup> Other agrarian revolts in the period were concerned with the land question, and that the accumulation of landed wealth might have a significant impact on the political and judicial

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<sup>124</sup> Fritz, *American Sovereigns*, 158-160.

<sup>125</sup> Barbara Karsky, "Agrarian Radicalism in the Late Revolutionary Period (1780-1795)," in *New Wine in Old Skins: A Comparative View of Socio-Political Structures and Values Affecting the American Revolution: Essays Presented at an Internat. Symposium Held at the Univ. of Cologne from 19-21 February 1976 in Commemoration of the American Revolution Bicentennial.*, ed. Erich Angermann, Marie-Luise Frings, and Hermann Wellenreuther (Stuttgart: Klett, 1976), 87-114, 90-92.

system in each state. This puts them into a category with a larger number of incidents in colonial and post-colonial America, including the New York Rent strikes, tenet riots in New Jersey, the Carolina Regulators, and conflicts over the New Hampshire Grants.<sup>126</sup> The same issue of the land question was in place before the imposition of the excise tax, as can be seen from the petitions of Herman Husband, who advocated for the partition of the land into smaller plots to prevent its accumulation into the hands of large landowners in 1788. Husband, who had been a Regulator in North Carolina would later be arrested by the Federal Army in 1794, dying shortly after his release.<sup>127</sup>

The tensions surrounding the existing land question were heightened by the passage of an excise tax on whiskey production. In Western Pennsylvania, where one in six households had a still, the tax was considered onerous, and not enforced by local government officials who either were drawn from the community itself and may have been producers of whiskey, were outside officials sympathetic to the local situation, or officials intimidated into non-taxation. In Western Pennsylvania, there were road closures that mirrored the forced closures of courts in Shays' Rebellion.<sup>128</sup>

Between June and September, meetings of locals were held to protest the excise, and a meeting in September in Pittsburgh was a plenary meeting of representatives of four counties. Robert Johnson, a local notable and the Collector for Allegheny and Washington counties, was attacked by a mob in September as well and tarred. The next year another collector (and local to Western Pennsylvania) William Faulkner was attacked by a mob, followed by an attack on his son (another collector) Robert, four days later. Despite this rejection of the federal tax, there was only a limited response from the government. The 1791 Pittsburgh Convention had criticized the fiscal policy of the federal government, and while Hamilton was insulted and rejected the legitimacy of a Convention to have any say in government policy, no action by the government followed. The sharpest response was Washington's first presidential proclamation on the subject of resistance to the tax, which did not characterize the conventions as illegal due to the advice of Edmund Randolph. While Hamilton ordered an investigation into the participants of the 1792 Pittsburgh Convention, legal action was halted due to the outbreak of plague in Philadelphia.<sup>129</sup>

In 1794, the lingering push for legal action against the anti-excise radicals would begin in earnest. A summons of 75 distillers to Philadelphia was rejected by the distillers as they argued that such a trial would not be by their peers. Marshall David Lenox and excise collector (and local) John Neville were dispatched to serve a warrant to a summoned distiller, when they were attacked by 35 to 40 men on July 15. On July 16, Neville was attacked in his home by 100 men, the following day his house was sacked by a mob of 500. Some of the radicals, associated with the Mingo Creek Democratic Society, met to decide what to do next. In this meeting, which occurred at Parkinson's Ferry, the peace party led by Albert Gallatin, split itself from the more radical faction, led by David Bradford. Bradford resolved to march through Pittsburgh and to

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<sup>126</sup> Karsky, "Agrarian Radicalism in the Late Revolutionary Period (1780-1795)," 105-107, 88.

<sup>127</sup> Fritz, *American Sovereigns*, 159.

<sup>128</sup> *Ibid.*, 160-161.

<sup>129</sup> *Ibid.*, 167-169.

convene in Braddock's field.<sup>130</sup> The meeting at Braddock's field served to isolate the more radical members of the Whiskey Rebellion, with many of the more prominent members of the peace faction becoming part of the state and federal government. Albert Gallatin, not in office during 1794, would become the Secretary of the Treasury under the Jefferson administration. Hugh Brackenridge wrote one of the main accounts of the Rebellion and became a member of the state supreme court. Both were not indicted as a result of the Whiskey Rebellion. But Husband, himself a pacifist, was indicted, as was Bradford. While both were pardoned, Husband's stay in prison had a ruinous effect on his health.

The response to the Whiskey Rebellion, it has been noted, is perhaps slightly surprising considering Western Pennsylvania was not the only area that resisted the excise tax. Another key area that failed to comply with the excise was Kentucky, where many of the same conditions predominated. Economically, there were concerns over the accumulation of land. A potential lane of commerce, the Mississippi River, was closed to American navigation, which effectively prohibited the export of goods to the populated coast. And in both cases, where the collection of excise was considered onerous, local distillers simply did not pay. Distillers in Kentucky refused to keep records that would inform the level of taxation, nor would they act as collectors or even informants, even when large bounties were offered. From the passage of the excise tax until 1796, the federal official in charge of collecting, Thomas Marshall among them, were unable to coerce the distillers into paying. Legal avenues seemed to fail initially, even after the appointment of William Clarke (of whom little is known) as state attorney general. It was not until 1798 when distillers were barred from serving on grand juries, that several indictments were filed. But indictments did not cause convictions, as neighbors refused to convict each other for breaches of the revenue law. Of 37 indictments between 1798 and 1800 and 13 between 1796 and 1798, there were no convictions. With the 1800 appointment of Joseph Daviess, himself a Federalist and related to the Marshall family, indictments and now convictions began to mount. But at this point, Jefferson was elected President and the repeal of the excise taxes had begun. Suits against distillers were proving to be unprofitable.<sup>131</sup>

The reason for a military response in Pennsylvania and a protracted legal battle in Kentucky is unclear. Both groups were heavily involved in the movement of Democratic Societies, with both Kentucky and Western Pennsylvania each hosting three larger societies.<sup>132</sup> In Lexington in 1794, the Democratic Societies met to criticize government fiscal policy, just as their cousins in Pennsylvania had. But the Pennsylvania Societies were perceived as a greater threat. It may be as Tachau proposes, since the distillers were more accepting of local organs of justice because their incapacity benefitted the excise dodgers, there was no need for the radicals to form into a militant faction. Meanwhile, it was more difficult for the government to equip and keep an army in the field to suppress a potential second rebellion.<sup>133</sup> The difference might also

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<sup>130</sup> Steven R. Boyd, ed., *The Whiskey Rebellion: Past and Present Perspectives*, Contributions in American History, no. 109 (Westport, Conn: Greenwood Press, 1985), xi-7.

<sup>131</sup> Tachau in Boyd, *The Whiskey Rebellion*, 98-109.

<sup>132</sup> Link, *Democratic-Republican Societies, 1790-1800*, 14-16.

<sup>133</sup> Tachau in Boyd, *The Whiskey Rebellion*, 108-111.

have been the result of the same effect in reverse, where radical agitation was not as near to the halls of power in Kentucky as they were in Pennsylvania.

### **The Use of Mass Meetings:**

Mass organization to promote the radical cause in Britain and America was a common way to tie the economic demands of the general population with the political demands of the radicals. Moreover, mass meetings were symptomatic of sensational political occurrences. Mass meetings were convened in response to the closure of the Edinburgh Convention and to the terms of the Jay Treaty as they were leaked in the *Aurora*. Just as the responses to the Conventions in Britain and the Democratic Societies in America were seen as attempts to subvert the authority of government by creating potentially opposed anti-parliaments or alternate structures to state or local authorities, the proliferation of mass meetings was seen as attempts to undermine the popular basis of authority or humiliating the government by rallying large numbers of people against government policy. In form, function, and often in the outcome, these mass meetings are similar to meetings of a similar type later British and American political movements, including the Chartist and Feminist movements, to say nothing of the last decade of political marches.

The nebulousness of definition makes mass meetings as a single category very difficult to define, a microcosm of the activities of the radicals in general. Some incidents are both identifiably political and led by members of radical societies. The Chalk Farms meeting in April 1794 for instance was organized by the LCS. But what is to be said of the forced sale of a farmer's goods in Chichester the next year that resulted in the offenders being freed from jail by a mob? Here there is neither an identifiable political motive nor is there likely to ever be found a leader responsible for the incident. Should this count among the list of mass meetings? In the French revolutionary historiography, the Flour Wars are often considered part of a trend of the collapse of *philosophe* control, and no telling of that Revolution can be complete without the fish-wives of Paris. Should the showing of allegedly pro-French iconography, including liberty poles, during incidents that otherwise revolved around economic concerns be indicators of political activity in that they were in favor of revolutionary change, or not in the sense that Britons already were free and living under a constitutional order?

There is also the issue of rioting. In several instances, the actual incidents of radical action seem to have only been recorded because they were met with opposition, or because the meeting became violent, for instance at a food riot at Lewis in 1794.<sup>134</sup> The entirety of the Whiskey Rebellion could be said to have been part of this category. It is also likely that government or press coverage of incidents was labeled as criminal to reject its significance to a wider political movement, as occurred in Kentucky during that state's anti-excise movement.<sup>135</sup>

In America, occasionally incidents that may be classified as mass meetings were organized by moderates to energize their causes, up to and including overt electioneering. While it is difficult to dispute the fact that these were mass meetings, should they be included in this

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<sup>134</sup> Hall, *British Radicalism*, 203.

<sup>135</sup> Tachau in Boyd, *The Whiskey Rebellion*, 97-118.

chapter on radical activities? It is difficult to say, and perhaps there is merit in separating the activities of the membership from the leadership in some of these cases.

In each of these cases, there are drawbacks to drawing the circle too wide and too small. If one were to draw the smallest possible circle: to only include meetings organized by established radical societies for primarily radical political ends, and externally recognized as radical attempts to mobilize opinion against the government by conservatives, the list of meetings would still be quite large across Britain and America (although this is only with the concession that the meetings must be mostly, rather than entirely, political.) Of special note among this smaller group of meetings is the series of meetings hosted in association with the LCS in and around London: at Chalk Farms (in April 1794 with an attendance of ~2,000 - 3,000 people,) at Copenhagen Field (in October 1794 with an attendance of allegedly ~150,000,) at St. Mary-le-Bone Field (in June 1795 with an unknown attendance.) Future meetings were banned.<sup>136</sup> Outside the capital, there were notable meetings including one in Sheffield in April 1794 in which the speaker, a radical called Red-Head York supposedly called for a march on London. In Dundee during the year 1792, a riot began after a meeting of a radical society to discuss a response to a published hand-bill that lasted five days and included the planting of a liberty pole.<sup>137</sup>

In America, there were mass meetings in response to the Jay Treaty (and in a wider context to neutrality and a perceived abandonment of France.) These meetings occurred in Boston and Philadelphia, but also in rural areas including South Carolina, Kentucky, and Upstate New York.<sup>138</sup> Anti-excise meetings are perhaps also under consideration in western Pennsylvania and Kentucky, as might be meetings and abortive musters in Vermont as radical societies considered the prospects of attempting to liberate regions of Canada.<sup>139</sup>

It is in America that the limitation of excluding economic considerations becomes quite troubling. If the circle of mass meetings is extended to radical issues that coincide with economic issues, then the number of potential meetings increases dramatically. Many meetings related to the navigation of the Mississippi River, including several militia musters to attempt to conquer parts of Louisiana or Florida, or to otherwise extend American influence in those directions can be said to be part of the radical cause.<sup>140</sup> And in Britain, the inclusion of economic concerns means the inclusion of a large number of incidents, including a long string of grain riots that rocked the country from 1792 to roughly 1797.<sup>141</sup> To do anything except name general trends related to these disturbances would extend this chapter considerably.

However, what trends there are ought to be analyzed, as their geographic and social basis is very interesting. The first trend is that incidents were extremely widespread. There is not a state in America nor a region in Britain that was free of some sort of radical activity. There was not a critical density at which these incidents became possible, where cities were affected and

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<sup>136</sup> Hall, *British Radicalism*, 176-178.

<sup>137</sup> *Ibid.*, 207-208.

<sup>138</sup> Link, *Democratic-Republican Societies, 1790-1800*, 131-134.

<sup>139</sup> *Ibid.*, 146-152.

<sup>140</sup> *Ibid.*, 142-146.

<sup>141</sup> Hall, *British Radicalism*, 202-203.

rural communities were left safe. Rather, mass meetings and similar incidents seem to have occurred in all sorts of communities, although we can only in retrospect be sure of where they were reported. Mass meetings were primarily sectional and responded to interests, both political and economic, of the people in the region: where there was hunger, there were attempts at political solutions to that hunger, where there was deprivation due to a lack of markets, political solutions were proposed to fix those issues. Where there was a national organization, the regional concerns stayed regional, and the obsession with ballot-box reform or democratic vigilance took charge. In instances where the national concern took precedence, it is not unreasonable to assert that there was a radical society that helped institutionalize contact between the local and national political groups.

These radical societies could be extremely ephemeral. Link asserts that there were only 42 Democratic Societies in America, but with the proviso that there were many transient societies that formed and disappeared, or were otherwise not included in Link's count; one of the omitted types of societies were Tammany Societies, which would in due time become part of the Democratic Machine.<sup>142</sup> This is in contrast to Scotland, which alone in the run-up to the Edinburgh Convention, there were 65 towns represented in societies, some towns (likely the largest in population) were represented by multiple.<sup>143</sup> Hall, who is the best record for Britain at the time, does not have a number for the potential number of societies across Britain, although the areas of various disturbances give clues as to where many were, but not a conclusive number.

### **Military disturbances:**

The issue of military disturbances in Britain was not a distinct issue from the general popular agitation against the war. Soldiers were simply armed Britons. Modern rules about non-fraternization with civilian populations were still not widely accepted, and it would be the next round of radical agitation after the Napoleonic Wars that would lead to these laws being put into practice. There were two ways that non-patriotic Britons could come to be part of the armed services. First was through militia enrollment where service was determined by locality (one's home parish) and at the whims of a voting committee, just as it was in America. The rich could buy their way out with a substitute if they didn't want to serve, and often composed the committees responsible for drafting the militia rolls. Second, through impressment, which often meant simply kidnapping people. While naval impressment is significant from an American historical standpoint, the practice seemed to have occurred more frequently in English urban centers. In a few of these cases, men would be entrapped in brothels, boys would be picked off the streets. Such episodes resulted in significant popular animosity to the recruitment for war and the war in general.

The proletarian character of these disturbances meant that this issue and the disturbances caused by them were effectively identical to the issue of mass meetings and both issues were contemporaneous. However, the closeness of the military to the war effort and to the fact they were armed meant that extra caution needed to be taken with their handling. Agents of the Home

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<sup>142</sup> Link, *Democratic-Republican Societies, 1790-1800*, 12-18.

<sup>143</sup> Palmer, *The Age of the Democratic Revolution*, 722.

Office showed concern that the works of Thomas Paine were known by members of the lowest orders including many soldiers.<sup>144</sup> An observation can also be made of the composition of defecting soldiers and those called to action to protect enlistment points. In these cases, it is foot or infantry regiments that are mutinous and cavalry regiments that are called in to suppress popular demonstrations, showing a clear class difference as cavalry commissions were paid. Specific instances will be noted below.

To begin with enlistment, one can break down enlistment into ‘push’ and ‘pull’ methods, where ‘pushing’ denotes the impressment and conscription of soldiers, and ‘pulling’ denotes volunteering or the purchase of a commission. Anti-war activities, agitated in some cases by radical societies, sought to undermine both ‘push’ and ‘pull’ factors in enlistment.

To begin with ‘push’ factors, the best method of preventing conscription and impressment was to riot. With the increased needs of the war effort came increasingly amoral means of securing recruits, helped along by a lack of government interference with the colonels who were directly responsible for filling their regiments. London and other population centers were filled with recruiting offices, led by sergeants, and by “crimping centers,” led by “crimps” who were private agents who would sell men to those recruiting centers as part of a bounty system. The methods of crimping were often less than honorable. Those in debt could sell themselves to a crimper to settle their debt. Crimpers were also known to attempt to create conditions of debt, by paying for drinks at alehouses. In the summer of 1794, rumors spread through London that crimpers had begun the practice of kidnapping men. Some were decoyed by prostitutes. Others, as in the case of Edward Barrett, were given drinks and then locked inside alehouses. A boy given a coin was attempted to be enlisted for having taken the “king’s shilling” and thereby accepting pay as a soldier, effectively forcing him into a contract.

An attitude against crimping, combined with the balloting for a militia in the City of London was seen negatively by the general population of the City in addition to the leaders of the Aldgate Ward. Balloting was the selection of men by a committee to serve in the army. While those who were balloted could get out of it by appeal, which required paying for a substitute. The London balloting only had one day of appeals, on August 18.

Before the appeals could occur, London was already engulfed in a multiple-day riot, caused by the death of a man who had allegedly been crimped and whose body was found outside a crimp house. The JP who took over the investigation was Sheridan, a moderate, and seeking to rub the government’s nose in the affair, issued warrants to search nearby crimp and recruiting houses, which ultimately led to the death of a landlord of one crimp house at the hands of a growing mob (these events occurred on August 15.) The mob maintained enough cohesion over the next few days to disrupt the ballot appeals process at the London Guild Hall on the 18th. The riots continued for three days, before city constables, horse guards, and artillery officers combined their efforts to put down the riots. The Riot Act was read (several times in some instances) and by the following morning, the rioting had subsided. Approximately 12,000 people were involved in the riots, making it the largest riot of its type. It seems to have originated

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<sup>144</sup> Israel, *The Enlightenment That Failed*, 661.

organically, without leadership from the radical societies, and while there were charges of leaflets or hand-bills being passed around, the rioters seem to have had their conception that their liberty was challenged by the crimp houses, without any need for agitation.<sup>145</sup>

This incident was not the only one of its type. In April 1797, a mob of 2,000 gathered to prevent the conscription of a boy into a crimp house. Besides London, other disorders plagued the enlistment process. The other location of ‘push’ factors was in Scotland. In the Highlands, a lack of volunteers precipitated the enactment of the Militia Act (Scotland, 1797,) which inflamed tensions. In Eastern Kilpatrick, a mob of 300 resisted the Militia Act. In Selkirk, a raid on a recruitment office resulted in the theft of the military assay and the arson of the office by a crowd of approximately 600.

Those who did desire to join the military also faced complications from the mob. Volunteers in Newcastle-on-Tyne, for instance, were assaulted. Uniformed soldiers were also assaulted by civilians, including an instance in Edinburgh where soldiers were stoned, leaving one dead and nine wounded.

Once soldiers were in the army, the trouble did not stop. Mutinies were commonplace. Mutinies occurred or were feared to happen in Bristol, Bath, Oxford, Norwich, Wiltshire, Leicester, Yarmouth, Portsmouth, and Glasgow. In two separate instances, soldiers or civilians attempted to free arrested servicemen: an attempt to release members of the Glasgow militia by citizens of Edinburgh in 1794 and then in 1795 a group of 50 mutinous soldiers attempted to free persons unknown from a military jail in Dumfries. Defectors were sometimes sheltered by the mob, as an instance in London, where members of the Sixteenth Foot were protected from capture by loyal troops by mob action.<sup>146</sup>

Another significant threat to the British war effort was the potential for a widespread navy mutiny, Britain more reliant than ever on its wooden wall. Several naval mutinies occurred in 1795-1797: including a few in the West Indies, but more importantly those in the North Sea Fleet at its anchorage in the Nore, in the Channel Fleet at the anchorage at Spithead, and perhaps most troublingly within the South Atlantic Squadron in transit near Cape Town. The sailors involved with all of the mutinies were more concerned with their standard of living and a hoped increase in pay. The mutiny at the Nore (1797) developed more political demands, but the unity of the mutiny was ultimately broken by promises of better pay. The mutiny of the South Atlantic Squadron, which occurred in 1795 would have likely been extremely trivial if the mutiny had not occurred on the ships that were carrying several political prisoners, including Thomas Muir and Joseph Gerrald. An inquiry into the mutinies by the Secret Committee of the House of Commons found there to be a connection between the proliferation of the mutinies and the radical societies, but historians generally reject this claim.<sup>147</sup>

The extent to which any of this was caused by radical societies is difficult to say. Radical societies, especially those in Scotland did produce literature distributed to soldiers that advocated

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<sup>145</sup> J. Stevenson, “The London ‘Crimp’ Riots of 1794,” *International Review of Social History* 16, no. 1 (1971): 40–58, 40-47.

<sup>146</sup> Hall, *British Radicalism*, 210-214.

<sup>147</sup> Palmer, *The Age of the Democratic Revolution*, 727.



for the enlisted to refuse orders. The government put out bounties for proof leading to convictions of radical soldiers. An employee of the LCS, Henry Fellows was arrested with both a letter to soldiers encouraging mutiny and a letter to the secretary of the LCS, reporting on the progress of his agitation. But it seems that much of the agitation by the LCS and other societies in Britain was opportunistic, and attempted to exploit existing discontent. The war caused serious deprivation, and besides the mass meetings and anti-crimping riots, food riots also occurred in London. Much of Scotland was subject to enclosure at an increasing rate and the English cities where many of the other incidents occurred were nascent industrial towns suffering from high inflation.<sup>148</sup>

Meanwhile, in America, the conditions for this type of unrest did not exist. America still operated under siege conditions until the passage of the Jay Treaty, surrounded on multiple sides by British forts, requiring extreme vigilance against foreign, rather than domestic enemies.<sup>149</sup> Washington's attempts to raise an army in the late 1790s were a relatively small affair compared with the expansion of the British army in 1793 and 1794. And, as Stevenson points out, British troops were often billeted in urban areas, in close contact with civilians, whereas this practice did not occur in America.<sup>150</sup>

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<sup>148</sup> Hall, *British Radicalism*, 208-211, 213.

<sup>149</sup> Israel, *The Enlightenment That Failed*, 274-275.

<sup>150</sup> Stevenson, "The London 'Crimp' Riots of 1794," 41.

#### iv. The Manifestation of the Conservatives:

Conservative governmental responses to radical activity can be defined into two groups. The first group is composed of legislative acts passed by conservatives to combat the activities of radicals and their alleged French allies. The passage of these acts was the consequence of the rally effect, which allowed the Anglo-American conservatives to promote their legislative agenda. Repeated attempts by the radicals to organize were opposed by restrictive legislation. Over time, the Anglo-American conservatives became increasingly afraid of radical groups, even as they became weaker due to conservative legislation.

The second type of governmental response was the partisan administration of the state. The passage of a law meant nothing if it wasn't enforced. Similarly, laws that existed before the French Revolution could be used to undermine the organizations of radicals. This was the basis of the partisan judiciary, which proved to be a thorn in the side of moderates in both Britain and America. A partisan judiciary was only part of a wider network of conservatives who were often appointed by the central government to important jobs. This system of jobbing was maintained after efforts to eliminate the practice failed in the 1780s in Britain and the 1790s in America. The basis of the conservative state extended to the economic policies of the Anglo-American governments, which in this essay, is treated as an extension of the jobbing system.

As has been stated before, direct conservative responses to radical agitation had to remain within limits set by moderates' constitutional concerns. But this also extended to the conservative administration of the state. Take for example the British moderate reaction to army mobilization in 1794. On one hand, there was a rejection of the London Militia Bill, which created a ballot system of recruitment within London. The Bill represented a new piece of legislation designed to supplement the British war effort, and it was opposed by moderates within Parliament. But there was also the action of Sheridan, who took advantage of a vulnerability within the faulty administration of the recruitment system itself.<sup>151</sup> These two actions were topically connected, but they represented attempts to block either the passage or implementation of policy. Another example of this was the American moderate reaction to the 1801 Judiciary Act, the passage of which Congress attempted to block, but the political resistance to which extended to attempting to roust conservatives from the judiciary entirely.<sup>152</sup>

#### **Conservative Legislation and Policy:**

Successful conservative legislation was preceded by notable radical agitation. The conservatives of this period were not ideological reactionaries in the sense that they believed that radical thought should be suppressed, radical thought was too close ideologically to conservative thought. Rather, the conservatives were able to implement policy only if there was significant support in parliamentary circles. Parliamentary groups would have to be persuaded to take action against radicals, which was by no means a certainty. In Britain, the methodology of the

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<sup>151</sup> Stevenson, "The London 'Crimp' Riots of 1794.", 43-44.

<sup>152</sup> Keith E. Whittington, *Constitutional Construction: Divided Powers and Constitutional Meaning* (Cambridge, Mass: Harvard University Press, 1999), 20-71.

anti-radical program was similar to the methodology of the constitutional reform movement of the 1780s; it was slow, driven by consensus, and aided by the sensationalization of the perceived failures or overreaches of the opposing program. It is not surprising that both movements were embodied in Parliament by the pragmatic Pitt.

In America, the same process occurred, but the focus of the political consensus was Washington, who resided in the executive, rather than the legislature. The accumulation of certain powers into the Presidency in the early American republic is considerable. It was made more considerable by a lack of constitutional limitations on the executive in America. On one hand, the role of Congress in oversight of the cabinet had not yet been entirely settled, as there was no consensus on whether Congress should be able to remove a member of the cabinet, nor the role of heads of departments in reporting to Congress. On the other hand, the President had significantly more constitutional power than the King of Britain, who was obligated to choose his ministers from Parliament. Washington was able to direct policy directly, especially on the issues of foreign policy and national security, two areas of policy that saw direct conflict between conservatives and radicals. This is of course not a coincidence.

While the Pitt government gained its power from being at war, the Washington administration gained its political power from maintaining neutrality. As a consequence of this, the Pitt government spent its resources on preventing radical agitation from affecting the military and kept out of executive office politicians that might be in favor of peace (Foxite whigs, members of the London Corporation, free-trade industrialists, and ideological radicals.) It is not a coincidence that the call of the radicals to form a national convention by Gerrald included what is effectively a foreign policy plank, in favor of peace or alliance with the French revolutionaries. In America, the threat of war was curtailed by the Washington administration, first through the Jay Treaty and second through Washington's Neutrality Proclamation. Both were instances of executive policy-making over the heads of Congress (and challenged for their constitutionality by that body,) which was stricken by occasional bouts of belligerence.

Specific instances of conservative policy as a reaction to radical activism are more important than others. The more important the legislation is, the more obvious the reaction is. Paine's flight from Britain in 1792 was immediately succeeded by a meeting of the secret committee of Parliament, which then passed the Alien Act (Appendix B.)<sup>153</sup> The alleged attempted assassination of the King in the pop-gun plot precipitated the Seditious Meetings Act. The rash of military disturbances and urban riots from 1797-1799 resulted in the Combination Acts (1799, 1800,) which were designed to simplify the process of indictment for unionizing or forming political movements (a process already banned under Common Law.) In America, the privateering activities undertaken by French ambassador Genet precipitated the Neutrality Proclamation. Agitation by urban shopkeepers in New York City due to British interference in American shipping led to the Jay Treaty, which superseded the Franco-American Treaty of 1788. And in response to the Whiskey Rebellion, President Washington gave his "self-created

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<sup>153</sup> "An Act for Regulating Immigration into Great Britain," Pub. L. No. 33 Geo. 3 c. 4 (1793), [https://webarchive.nationalarchives.gov.uk/ukgwa/+mp\\_/http://www.movinghere.org.uk/search/catalogue.asp?RecordID=77088%26ResourceTypeID=2%26sequence=1](https://webarchive.nationalarchives.gov.uk/ukgwa/+mp_/http://www.movinghere.org.uk/search/catalogue.asp?RecordID=77088%26ResourceTypeID=2%26sequence=1).

societies” speech, the effect of which was to diminish the influence of independent political organizations.

A notable exception to this is the American Alien and Sedition Acts. Unlike other legislative acts, the Alien and Sedition Acts were enacted due to foreign policy concerns rather than internal issues. As will be shown, this lessened the political effectiveness of the Acts and gave moderates the ability to more effectively counter them.

While the relationship between the radical agitation and the subsequent conservative legislation is well defined temporarily, it is not as defined topically. At a first glance, it might seem strange that the legislation enacted has no real relation to the event to which it is reacting, but this is not too surprising. In a culture of paranoia and fear, smaller episodes of treasonable behavior were seen as indicative of wider conspiratorial actions. Paine’s flight to France was not seen as the act of a single person, but rather the calculated strike by some ill-defined conspiracy of Jacobins.

The Alien Act in Britain is the best way to demonstrate the non-relationship between the radical cause and the conservative legislative effect. Paine, following the publication of *The Rights of Man*, was increasingly harassed by the British government. *The Rights of Man* was denounced as “seditious libel” by Parliament in February 1792. Paine was subsequently charged with Treason in May 1792. His flight to France came shortly thereafter. With Paine accused of treason and his works proscribed, it would seem as if there was no way to punish Paine legislatively. He was convicted of treason in absentia, and the publishers with whom he had worked to publish *The Rights of Man* were cowed. The subsequent legislative reaction was not aimed at Paine himself, but rather, in the words of Israel, “aimed at uncovering and halting subversive activities of foreign intruders and agents.”<sup>154</sup> But the Alien Act, as written, made no provision for such activities. Rather, the Alien Act as written mostly made provisions for the registration of foreign nationals at ports by custom boards and captains. It is almost entirely a surveillance act, and the Act’s only provisions outside of monitoring the identities of incoming migrants are a ban on the importation or possession of weapons of war and the implementation of a passport system.

Lacking is a system for preventing the emigration of persons suspected of being aliens. There are no proscriptions on movement out of the country at all. Also absent are strict rules on the proper course of action to take should an immigrant undertake revolutionary action against the British government, although such legal functions already existed under the Common Law. It is, however, a rather glaring omission. Other legislation of the period supplemented Common Law to speed the legal process, but for this specific function, there was no attempt to enact a legal redundancy related to this issue.

Rather, the Alien Act seems better prepared for intervening in native conspiracies involving aliens. Therefore, its clauses are structured in a way that would make sense to deal with a contagion. To block points of ingress, to know the path of spread, to minimize the amount

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<sup>154</sup> Israel, *The Enlightenment That Failed*, 661-652.

of material support for conspiracies, and to enlist the support of those who might transport aliens to Britain to the side of the government.

It is not simply the law as it passed that fails to connect the Act to the flight of Paine. Lord Grenville (who authored the bill) and the Duke of Portland, each speaking for the government, brought up different reasons as to why the Bill ought to be passed. Grenville focused on the constitutional niceties of the Bill, not withholding that this Bill was meant to target French saboteurs, but that the King's government had no requirement to protect aliens should they conspire against the government, despite extant notions of asylum. Portland stated he was in favor of the bill because it would restore a sense of order to the nation, but this is the closest that the record comes to naming Paine as the agitator for whom the Act would be passed.

The act did not pass through Parliament without pushback from the moderates, however. Earl Shelburne, a moderate aligned with Fox, attacked the constitutionality of the Bill. Shelburne asserted the Bill itself was an attempt by Parliament to alarm the general population and therefore to turn the nation against France and the political clubs. He further attacked the bill as a de facto partial suspension of Habeas Corpus. His arguments failed to persuade the Lords, however.<sup>155</sup> The same arguments were heard in the Commons, and the motion received the ascent of that house too.

It is with the British Alien Act that the process of Anglo-American conservative legislation was typified. And, this process also emphasized where its potential faults lay. It was fundamentally an issue of alarm versus liberal constitutional commitment. Conservatives would introduce legislation as a result of a perceived emergency (foreign or domestic,) and would attempt to pass measures to remedy the situation, i.e. the American Naval Act (1794.) In instances where there was no constitutional objection to these measures from the moderates, then they would pass into law. The British combination Acts (1799 and 1800) for instance, clarified and streamlined existing Common Law statutes, without introducing anything new; both bills were passed without debate.<sup>156</sup> But in instances where there were constitutional disputes, the moderates would often attempt to resist the introduction of conservative policy. This was the basis of several political debates, including those over the British Alien Act, the Washington administration's attempt to negotiate the Jay Treaty, disputes over the American Judiciary Acts, the British suspension of Habeas Corpus (1793,) and others. It should be noted that in the main, these episodes were mostly failures from the perspective of the moderates, who were politically disadvantaged by their small number in the British Parliament and the dynamism of the American executive. A liberal constitutional commitment remained a strong banner to rally to, despite setbacks, and moderates were able, especially in America, to reap benefits from conservative overreach, the clearest example of this being the American Alien and Sedition Acts, which were backed by moderates temporarily overwhelmed by the alarm of the Quasi-War.

These Anglo-American conservative policies were restricted to certain political spheres. Such acts were intended to 1) reduce the potential cohesiveness of political organizations and

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<sup>155</sup> Cobbett and Hansard, *The Parliamentary History of England*, 156-170.

<sup>156</sup> "England History. The Luddites and the Combination Acts," accessed March 8, 2023, <https://www.marxists.org/history/england/combination-laws/combination-laws-1800.htm>.

reduce the effect of mass organization; 2) institute a legal or customary system of *lèse-majesté*; 3) prevent the spread of political opinions in contravention of the national foreign policy; 4) restrict the influence of alleged French agents.

The first category included several acts designed to undermine political opposition to the Washington and Pitt governments. This included parts of the American Sedition Act, the British Combination Acts, the British Treason and Seditious Meetings Act (1795) (also known as the Two Acts or the Gagging Acts,) and Washington's speech on self-created societies. These acts followed the process previously stated. These acts were in response to, respectively, the Quasi-War, a series of riots in London and other urban British areas, the alleged pop-gun plot, and the Whiskey Rebellion. The general characteristics of the passage and the purposes of these measures have already been mentioned. However, specific details on a few of these acts may be helpful. The Seditious Meetings Act, passed in the wake of an alleged assassination attempt on George III, contained few provisions for the protection of the monarch, but rather passed along those legal responsibilities to its sister act, the Treason Act, discussed below. Rather, the Seditious Meetings Act was designed to target the LCS in several deliberate ways. First, it restricted meetings to a maximum attendance of 50 people, required the application of seven householders to receive a permit for such a meeting, and subjected them to surveillance by magistrates who could disband the meeting at their discretion if they believed it was seditious. Second, it required licenses for houses to hold political lectures and mandated a fee for entry, all subject to observation and restriction by magistrates. The debates in Parliament surrounding the passage of this bill clarified the constitutional positions of the moderates. The moderates saw this as a constitutionally dubious practice and as an imposition on lower-class political organizations, an imposition that was unjust based on the necessity of protecting lower-class Britons. It was also correctly estimated as a war measure with a domestic jurisdiction, and the Duke of Bedford used the opportunity to attack the government on their war footing, revealing a sense of vindication that earlier Whig theories on the potential despotism of prolonged war had come true. This seems to have not bothered the majority of the Lords, as the motion was passed 108 to 18.<sup>157</sup>

Washington's speech on self-created societies, while not a legal statute, was certainly an important marker of constitutional interpretation in favor of popular assemblies being construed as potentially seditious, removing from them a constitutional justification to organize. Washington's speech went quite far, discrediting the role of petitions in the structure of accountability. In short, the organized scrutiny of government through popular meetings or conventions was called into question. Fritz makes the point that this resolved into different interpretations of freedom of speech, with the conservative interpretation being a narrower one that restricted the role of popular political organizations in attempting to define true republican government, the developing nature of which was central to the early American republic. The excise tax which sparked the Whiskey Rebellion, which preceded this formulation of this speech and the subsequent constitutional interpretation, was itself seen by the rebels as promoting the

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<sup>157</sup> Hall, *British Radicalism*, 234-236.

welfare of the richer section of society while passing off the tax burden onto the wider population. This itself is a considerable debate on the nature of egalitarian economic principles, answered in effect by the limitation of popular organizations and the labeling of such organizations as rebels.<sup>158</sup>

The second category, the formation of a system of *lèse-majesté* proceeded differently in Britain and America. In Britain, the Crown was already protected by formal legal statutes. In America, this was not the case. In Britain, laws further establishing and enshrining *lèse-majesté* included the Proclamation on Seditious Writings of 1792 and the Treason Act (1795.) The maintenance of *lèse-majesté* became more difficult after the passage of Fox's libel law in 1792, which expanded the responsibility of the jury to determine if "any form of printed matter whose content had a tendency to provoke a breach of the peace." This was a vague requirement, which theoretically advantaged the Crown and its affiliate prosecutors, but it was an improvement on earlier Common Law statutes, where the prosecution merely had to prove that material that the Crown considered seditious had been printed, now the jury in libel cases had to decide on the character of the material. This enormously reduced the likelihood that prosecutions for seditious libel (which included incitement of riots or mutiny, blasphemy, and contempt for the Crown, Parliament, or the cabinet) would become convictions. The rate of libel convictions, after a small spike in 1793, was reduced to a rate of one or two a year through 1806 but spiked again in the years after Peterloo.<sup>159</sup> Instead, following the alleged pop-gun plot, the Treason Act imposed its penalties for envisioning harm against the King or the Constitution (although the scope of the law was expanded in 1817 to the legal entity of the Crown, as to survive George III.) So, while libel was used less, the legal basis of prosecutions for libel shifted to the Treason Act.<sup>160</sup>

In America, the legal basis for maintenance of *lèse-majesté*, which existed in a customary form, was with Section 2 of the Sedition Act (1798.) But before that, the President had been protected by a customary, and therefore more difficult to estimate system of *lèse-majesté*. This system was most notable when it fell apart, especially regarding attacks on Washington and Hamilton by the National Gazette in 1792 and attacks against the administration regarding the Jay Treaty in 1794 by the Aurora.<sup>161</sup> According to Estes, the anti-Jay Treaty memorials were especially onerous to the Federalists, who similar to their British compatriots, saw agitation in this line as emanating from the lower classes. Animosity to the press attacks on Washington primarily came from the circle around Washington, especially Hamilton, whose personal animosity to Benjamin Franklin Bache and his newspaper Aurora fuelled the partisan use of the press, and eroded any sense of *lèse-majesté*.<sup>162</sup>

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<sup>158</sup> Fritz, *American Sovereigns*, 155-ff; Lance Banning, ed., *Liberty and Order the First American Party Struggle* (Indianapolis: Liberty Fund, 2004), 176-185.

<sup>159</sup> Philip Harling, "The Law of Libel and the Limits of Repression, 1790-1832," *The Historical Journal* 44, no. 1 (2001): 107-134.

<sup>160</sup> Hall, *British Radicalism*, 235-238.

<sup>161</sup> David G. McCullough, *John Adams* (New York: Simon & Schuster, 2001), 279-280, 294;

<sup>162</sup> Todd Estes, *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture*, Political Development of the American Nation (Amherst: University of Massachusetts Press, 2006), 73-90, 108-112.

The third category was to prevent the spread of political opinions in contravention of the national foreign policy. In America, this was a more nuanced matter than in Britain. Maintaining neutrality was an especially tricky issue as political factions became increasingly associated with foreign policy platforms, positions on the side America ought to take in the French Revolutionary Wars, and associated positions on commerce, national development, and constitutional interpretations. In Britain, the matter had to do with disrupting pro-neutrality sentiment. Policies in this category included Washington's Neutrality Proclamation, the Jay Treaty, the American Sedition Act, and the British Seditious Meetings Act. The maintenance of the national foreign policy was an extension of the earlier category of reducing the cohesiveness of political opposition. The basic position of the Anglo-American conservative governments was that they had a monopoly on the foreign affairs of the nation. This was combined with close identification of Anglo-American radicals with the French Revolution, and attempts by radicals to agitate for an alliance with France. In America, this was aided by treaty obligations from 1788, which Washington's Neutrality Proclamation de facto overruled.<sup>163</sup> In Britain, an alliance with France was the hope of the LCS, and most pacifist sentiments also proliferated on the basis that war was incompatible with successful private enterprise. In Britain, support for the war was couched in terms of defense of the British constitution, which meant that pacifist or pro-French sentiment could be seen as being seditious.<sup>164</sup>

Finally, the last type of policies were those that were anti-French or sought to curb the influence of allegedly revolutionary French agents. This included both Alien Acts and Washington's Neutrality Proclamation (specifically in its attempt to counter the efforts of Citizen Genet.) These were relatively straightforward attempts to curtail French thought and to portray French people as national enemies. The British Alien Act has already been detailed. However, the American version of the Act had its own special issue. While the Alien Act in Britain could be seen as a temporary break in the Christian tradition of asylum embodied by the state with the Crown serving as host to guest persons and could base its exclusion of the French on precedent regarding struggles with national groups (which was limited to a ban on movement of persons,) American law had no such precedent. This may explain why, in some respects, American law went further than British law. The third "part" of the Alien Act, An Act Respecting Alien Enemies (1798,) gave the American government the power to detain and expel citizens or subjects of a power that America was at war with. This was a far wider brush than the British Alien Act painted with, as the British Act contained specific reasons for detention or expulsion. Not only the Alien Act but also a draft of the Sedition Act was aimed at French people. Two early provisions are of note: the first stated that every Frenchman was an enemy of the United States and to aid a Frenchman was a treasonable offense, and the second was that defending the government of France was punishable. Neither of these provisions made it into the final draft.<sup>165</sup>

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<sup>163</sup> Swisher, *American Constitutional Development*, 78.

<sup>164</sup> Gerrald, *A Convention the Only Means of Saving Us from Ruin*; Hall, *British Radicalism*, 34-236.

<sup>165</sup> For the debates on the shift from a policy of asylum to French exclusion, see Cobbett and Hansard, *The Parliamentary History of England*, 156-170; For the Alien and Sedition Acts text see "The Alien Act, The Alien Enemies Act, and The Sedition Act." (2021),



The Alien and Sedition Acts received sharp criticism from American moderates. This criticism was not as sharp during the attempt to pass the Acts. Significantly, the release of information regarding the attitude of the French delegation during the XYZ Affair alienated the moderate and radical camps from their pro-French platform. Embarrassed by their friendship with the new national rival, moderates were not able to put up enough resistance to the passage of the Alien and Sedition Acts, choosing instead to block the most offensive provisions.<sup>166</sup> Other motions passed at the same time as the Alien and Sedition Acts, including the creation of the Marine Corps, the full de jure abrogation of the 1778 Treaty with France, and the appointment of George Washington as commander of a permanent army, all of which would have likely created fierce opposition under normal conditions.<sup>167</sup> Instead, criticism of the Acts came in the aftermath of their passage. The Virginia and Kentucky Resolutions challenged the Acts as being unconstitutional and asserted the states had the power and responsibility to nullify them. And while the states were asserted through this formula to be more responsive representatives of popular will, the Resolutions remain tied to a history of federalism rather than as a response to democratic backsliding; delegations by other states did denounce the promulgation of the Resolutions.<sup>168</sup> In the long run, the Alien and Sedition Acts failed because the bellicose mood of the American population faded, and without the cover popular support granted, conservatives couldn't use the Acts with any impunity, though the conviction of Matthew Lyon proved to be highly counterproductive politically when the conservatives succeeded. The Acts eventually sunset during the Jefferson administration, and their unpopularity contributed to the election of the Jefferson administration in 1800.<sup>169</sup>

In Britain, the Alien Act was less offensive but remained in force for a longer time. It wasn't until 1826, following the schism of the Vienna Treaty system and the reestablishment of a moderate foreign policy in Britain, that immigration to Britain became possible once again.<sup>170</sup>

That is not to say, however, that the ideas presented in those acts were entirely repugnant to Americans, while accepted by the British. These Acts, and similar pieces of legislation, have been enacted multiple times in American history since then. They call to mind especially the craze around alleged communist and anarchist infiltration into America in the 1910s and 1920s, which similarly combined legislative efforts to restrict the movement of foreigners and restrict political opposition domestically. Successive acts restricting freedom of speech have been passed with much less fanfare, including one during WWI and one in 1940.<sup>171</sup>

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<https://www.archives.gov/milestone-documents/alien-and-sedition-acts>; Swisher, *American Constitutional Development*, 78-80.

<sup>166</sup> The radical newspaper *Aurora* remained in opposition to the Acts, as did many moderates, but the House of Representatives, which had a slight majority of Federalists, was able to pass the bills.

<sup>167</sup> McCullough, *John Adams*, 324-332.

<sup>168</sup> Fritz, *American Sovereigns*, 192-198.

<sup>169</sup> Swisher, *American Constitutional Development*, 94-97.

<sup>170</sup> Zamoyski, *Phantom Terror*, 326.

<sup>171</sup> Swisher, *American Constitutional Development*, 97.

## **The Essence of Conservative Control of the State:**

There was a certain level of conservative control of the state whose use in the control of the state was not based on policy or statutes. The reliance of the radicals on mass mobilization outside of the parliamentary structures of America and Britain left them vulnerable to exclusion from government circles, which was a byproduct of the continuing spoils system that prioritized political connections and programmatic consistency within governments. In effect, this meant that the success or failure of the radicals to achieve their political program and avoid penalties by the state was determined in large part by the sympathies of moderates who could provide a political shield for the radicals.

The exclusion from the spoils system should not be understated. The latitude of action that public servants were given in implementing government policy was immense. And the variety of offices that patronage could guarantee was quite large as well. Notable patronage jobs included tax collectors, customs officers, postal workers, justices of the peace, constables, marshals, judges, British Home Office agents, commissioned military officers, military enrollment assessors, and other magistrates and political offices in the government. It was not only the wide array of offices but (in some cases) their regular salaries that enabled the office holders to participate with a free hand in politics. In societies before a large-scale police apparatus or widespread social services, these offices dealt with the majority of interactions between the general public and the government.

The exclusion of radicals and sympathetic moderates from positions as magistrates meant that they were subject to harassment by civil servants who acted at the behest of the government with impunity. It also compounded the effectiveness of anti-radical legislation. If magistrates could be relied upon to exercise their discretion in favor of the government's policies, by for instance, blocking mass meetings of certain groups or prohibiting the publication of certain newspapers, then the government did not have to proscribe by law the meetings they wanted to be disrupted or the newspapers they wanted to block the publication of, which were political decisions that may have caused political friction within the conservatives and between the conservatives and moderates.

The same issue existed and was more pronounced in the judiciary. Radicals were by course excluded from the judiciary of both Britain and America. In Britain, the judiciary was customarily independent of direct intervention by the Crown and government, but the judiciary was an aristocratic ordeal and judges had a vested corporate interest in opposition to the radical program of extending suffrage. In America, the independent judiciary was codified, but the power of appointment was controlled by the conservatives until 1800, and as has been noted, federal judges acted "in a sense [like] missionaries of [the federal] system, who carried the gospel of federalism to people otherwise largely ignorant of the system of federal laws."<sup>172</sup> This extended beyond merely the highest levels of the judiciary and down to the entire apparatus of marshals (responsible for selecting juries) and constables (responsible for serving writs and warrants) which showed significant partisan influence.

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<sup>172</sup> Swisher, *American Constitutional Development*, 95.

This meant radicals were particularly vulnerable to prosecution. On constitutional matters, however, radicals were often defended by Anglo-American moderates. This culminated in several momentous instances (often, but not exclusively trials) that will be detailed later in the chapter. There were notable similarities in the moderate failures to defend radicals, namely the failure to ensure fair *voir dire* in the face of a partisan magistracy.<sup>173</sup>

The last section where jobbing had a significant political impact was in the use of patronage offices in taxation collection. Here, the main political function was to increase the political power of the central government, especially through the creation of overlapping state and federal offices in the case of America, as occurred with the commissioning of federal excise tax collectors in 1791.<sup>174</sup>

### **The Failure to Eliminate Jobbing:**

The political program of radicals only tangentially focused on the elimination of jobbing. In Britain, it was mostly a political objective of the parliamentary moderates, which in the aftermath of the association movement, was a responsibility that had fallen on the Pitt government, and therefore stalled as the need for stability overpowered reformist aspirations after the start of the French Revolution.<sup>175</sup> In America, there was the constitutional solution of the ‘Incompatibility Clause’ of Article I, Section VI, which states, “no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.” This prohibited the form of jobbing most commonly associated with the Robinocracy, that of MPs also serving as magistrates. This is the source of much of the optimism regarding the supposed end of jobbing in American politics, which authors including Wood have contended created a significantly divergent political culture in America. And the Incompatibility Clause certainly did fulfill its purpose in eliminating the sources of patronage that may have occurred if Congress was the primary source of patronage. But, as it would turn out, patronage came to flow directly from the inferior offices of the executive, and while they were not distributed to Representatives, they were still given out to loyal and politically reliable subordinates.

Jobbing in America occurred in three different spheres. First, in the major offices of state, within the cabinet. The cabinet was in many ways a triumph; the establishment of a multi-sectional alliance, and a successful geographical coalition of interests. It combined actors from the three leading states, epitomized by the union of Virginian Washington as President and the Massachusetts-born John Adams as Vice-President. Edmund Randolph as Attorney General (and later Secretary of State) and Thomas Jefferson both also hailed from Virginia. Henry Knox, the Secretary of War, was from Massachusetts. Alexander Hamilton and John Jay (while not a

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<sup>173</sup> In the case of Britain, juries were assembled by JPs, while in America, that task was entrusted to the Marshals Service. Specific instances of this occurring will be discussed later in the chapter, but to briefly show the dichotomy of a partisan jury versus a non-partisan jury is the relationship between the trials of Thomas Muir in Scotland (1792, and a conviction) to the London Treason trials (1794, all defendants acquitted) which saw noticeable differences in the partisanship of the judges in charge of the trials and the effectiveness of counsel for the defendants.

<sup>174</sup> Fritz, *American Sovereigns*, 162-164.

<sup>175</sup> Palmer, *The Age of the Democratic Revolution*, 221-ff.

member of the cabinet, nonetheless a key presidential nomination) represented New York. Even this early cabinet was accused of representing partisan interest although the main protestant was George Clinton, whose political faction was snubbed by Washington. The political backdrop to this conflict was between Hamilton and Clinton, with Hamilton representing conservative New York opinion, and rewarding like-minded conservatives with significant federal posts, including William Duer, who became Assistant Secretary of the Treasury.<sup>176</sup>

However, over time the geographical character of the cabinet changed, and the sectional origin of the officers became less important than their political positions. William Bradford (Attorney General) was from Pennsylvania. Oliver Wolcott Jr. (Treasury) was from Connecticut. James McHenry (War) represented Maryland. They joined Timothy Pickering (War / State) who was from Massachusetts and Charles Lee from Virginia. This meant that by 1796, the cabinet was composed of staunch federalists, and had lost its sectional consociational character.

The same process that occurred in the cabinet also occurred in the inferior offices of the government. The customs service, internal revenue service, and post office were the main places where patronage occurred. Prince's work on the early American civil service is an invaluable source of information here. Prince contends that inferior offices were provided to Federalist party members by way of powerful conservative power brokers. Similar to how Hamilton distributed offices to his New York allies, the same process was repeated under Pickering, who before his role in the cabinet, was Postmaster General, and had significant powers of appointment. George Cabot, John Lowell Jr., Benjamin Lincoln (all of Massachusetts,) George Latimer, William McPherson, William Jackosn (of Pennsylvania,) and the Marshall, Lee, and Byrd families (of Virginia.) But these names hardly scratch the surface of the scale of Federalist, and therefore conservative involvement in the civil service. Price asserts that of the 2,435 members of the American civil service employed between 1789 and 1800, a minimum of 558 of them were associated with the Federalists while 58 were associated with the Jeffersonian Republicans. The Washington and Adams administrations gave out appointments in a partisan manner as well, with 78.4 percent of appointments made by both presidents going to Federalists.<sup>177</sup>

Outside of the federal government, jobbing also occurred in the state governments. This process was carried out in each state in a slightly different manner, so it would be a great intellectual effort to judge each one individually, and this essay does not include such a state-by-state comparison. But, there are several instances in which statewide jobbing occurred. In New York, jobbing occurred under both Clinton and Jay administrations, with the key battleground institution being the Council of Appointments (a body composed of the Governor and four State Senators) which significantly shifted the power of appointments for civil servants

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<sup>176</sup> Young, *The Democratic Republicans of New York*, 151-153.

<sup>177</sup> Carl E. Prince, *The Federalists and the Origins of the Civil Service* (New York: New York University Press, 1977). Graphs quantitatively representing the number of Federalist appointments begins on page 287. The numbers reported are minimums due to a lack of satisfactory biographical information related to a number of civil servants.

from the office of the Governor to the conservative state senate.<sup>178</sup> Similar instances occurred in the Pennsylvania government following the state's constitutional referendum of 1790.<sup>179</sup>

None of these instances included an overlap of jobs between members of Congress and civil service positions. The structure of American jobbing was distinct enough that it didn't require the same methods, and cabinet posts were powerful enough as parts of the executive that they didn't need to be attached to congressional seats. So, despite apparent safeguards against jobbing, it became an instrumental part of the cohesion of the conservative faction in America.

In Britain, jobbing was conceived as an outgrowth of the parliamentary system. Without constitutional regulations on MPs holding magisterial offices, this practice became normalized. It wasn't condoned, but the political effect of the patronage system was the transfer of the government executive to Parliament. Control of patronage flowed from the executive, and therefore it became a political goal to control the executive. This was a factor in the ballot-box obsession of the radicals (as well as the moderates, who kept this dream much longer.) To control Parliament and to subsequently restrict the outflow of patronage to negative influences.

This was of course foolishness, as the consolidation of the Pitt government showed. Pitt's version of reform, along with the economical reform model, was thought to be the more patient, but ultimately successful version of reform. For the elimination of sinecures, it was based simply on letting the holder of the office die, and simply not appointing another. This method did not require the intervention of Parliament, which may have led to conflicts of interest. But besides the elimination of some sinecures and fiscal reform, the dream of a reformed Parliament had been co-opted and used as leverage to rally reformers to the Pitt government. The Pitt government proceeded just as its predecessors had, using royal patronage despite an earlier reform of the Civil Lists. The Pitt government did make a big change to the system of patronage, however, and had the Crown ennoble political allies rather than give them sinecures, accelerating the same process that had sidelined Pitt's father.

There were tentative steps taken by moderates to carry forward the process of reform. The last gasp of the reformist association movement was the reform proposal by Henry Flood (a rare example of a moderate judge) in 1790, which was defeated by the government. This was the last step taken towards the abolition of jobbing or sinecures until the end of the Napoleonic Wars.<sup>180</sup>

Jobbing was particularly problematic at the judicial level. Jobbing meant the exclusion of moderates and radicals from equal protection under the law. In modern courts, the partisanship of the Anglo-American judiciary would constitute a miscarriage of justice through improper charging of juries, unfair *voir dire*, and refusal of a jury of the defendant's peers. But most of the worst ethical transgressions were overlooked because of the politics involved. Where the partisan judiciary was challenged, it was primarily done so by moderates from outside of the judicial system, and often was on constitutional grounds, rather than ethical grounds.

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<sup>178</sup> Young, *The Democratic Republicans of New York*, 537.

<sup>179</sup> Fritz, *American Sovereigns*, 160-161.

<sup>180</sup> Turner, *Pitt the Younger*, 66-75, 90-96, 161.

Before turning to the activities of the conservative judiciary, a note on the composition of the judiciary in Britain and America. In Britain, the judiciary was controlled by the aristocracy, with the most major courts, especially the Court of the King's Bench, the Lord Chief Justice of which was Lord Kenyon (notable for being very open about his Tory affiliation.)<sup>181</sup> In America, despite the lack of an aristocracy, the judiciary contained several well-established families as Chief Justice, including John Jay, scion of one of the "great families" of New York.<sup>182</sup> John Marshall likewise came from a long-established family in Virginia.

### **The Partisan Judiciary:**

In Britain, the best way to highlight the partisan character of the judiciary is to recount several instances in which radicals were tried for attacks against the state. As opposed to America, where the growth and development of the judiciary was the main point of contention, the British judiciary had no imperative to reform itself, and it remained a stable friend of the Pitt government.

The two main judicial actions that served to undermine the radical cause were two sets of trials in the wake of radical agitation in Scotland, the first following the attempts of Thomas Muir to organize political clubs in the Scottish Lowlands in the run-up to the First Edinburgh Convention in 1792, and the latter was in response to the third Edinburgh Convention (the convention that included delegates from the English clubs,) and the alleged attempt to form a national legislature.

The first trial was that of the so-called Scottish Martyr Thomas Muir, who was accused of spreading seditious texts, including Paine's *Rights of Man* and Volney's *Dialogue Betwixt Governors and Governed*, as well as for his role as an orator in the first Edinburgh Convention, where he read an address by the United Irishmen. The presiding judge, Robert McQueen, Lord Braxfield was himself a conservative member of the gentry, and not particularly well disposed to the creation of a convention that he saw as being contrary to the British constitution which, in the Braxfield opined in the jury charge, "is the best that ever was since the creation of the world, and it is not possible to make it better." This was part of Braxfield's statement to the jury, the last statement of any party in the trial, and directly before the jury was given leave to make their verdict. Under normal circumstances, a jury charge is not a partisan affair, but rather meant to instruct the jury on the burden of proof for the charges, a task which Braxfield fulfills, outlining that the jury is to convict should they believe that Muir is guilty of promoting libelous works, which would indicate that Muir would be guilty of all other charges against him. But the charge also included a highly partisan section, which asserted Muir's guilt of treason.

"Mr. Muir might have known, that no attention could be paid to such a rabble. What right had they to representation? He could have told them that the Parliament would never listen to their petition: How could they think of it? A government in every country should be just like a corporation; and, in this country, it is made up of the landed interest, which alone has a right to be represented; as

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<sup>181</sup> Jennifer Mori, *Britain in the Age of the French Revolution, 1785-1820*, 2nd ed. (London ; New York: Routledge, 2014), 6.

<sup>182</sup> Young, *The Democratic Republicans of New York*, 14-18.

for the rabble, who have nothing but personal property what hold has the nation of them? What security for the payment of their taxes; they may pack up all their property on their backs, and leave the country in the twinkling of an eye, but landed property cannot be removed.”

It should be noted that Braxfield’s activism was noted, but not disclaimed by Parliament. In addition to the jury charge, Braxfield also allegedly packed the jury, alleging to have said to a contemporary of his, " Come awa', Maester Horner, come awa', and help us to hang ane of the daamed scoondrels."<sup>183</sup> Braxfield also presided over the trials of other notable Scottish radicals, including Thomas Fyshe Palmer whose trial was also in 1793, as well as the later trials of Maurice Margarot, William Skirving, and Joseph Gerrald in 1794 after the later Edinburgh conventions. All five of the Scottish radicals were sentenced to transportation to Australia.<sup>184</sup>

In the wake of the Muir trial, the increased agitation by the radicals resulted in the Edinburgh convention, which combined the activities of the Scottish clubs and the LCS. In the wake of this convention, the Pitt government decided to put members of the LCS on trial, including three prominent radicals, Thomas Hardy, John Horne Tooke, and John Thewall on trial for treason. Before the commencement of the trials, Parliament suspended Habeas Corpus, asserting in the Commons that the suspension was necessary to protect the sovereignty of Parliament from the intrigues of the radicals. The measure was debated by the Commons and passed 146 to 28.

The 1794 trial was a tactical defeat for the conservatives, but a strategic victory. All three of the treason defendants were determined to be not guilty. However, it is generally agreed by both Hall and Mori, that the LCS suffered greatly because of the trials, and that it helped lead to the rapid decline of the LCS’ influence. While the trials failed to prove that the activities of the defendants were treasonous, the trials did successfully create the impression that there was a Jacobin conspiracy promoted by the members of the LCS intent on overturning the British constitutional order. This, as well as the Seditious Meetings Act, led to a loss in public support for the LCS, which financially disrupted the organization.<sup>185</sup>

The key actor in securing the acquittal of Hardy, Tooke, and Thewall was the lawyer and MP Lord Erskine. Erskine, a constitutional moderate, was renowned in radical and moderate circles as a defender of constitutional liberties. During the trial of Paine, Erskine had acted as counsel, and while he had lost that case, it bolstered his reputation significantly. Hall notes that the success of Erskine at the 1794 trial was due mostly to the oratorical skill of the defense and the mismanaged case of the prosecution, who despite presenting incriminating evidence that

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<sup>183</sup> “An Account of the Trial of Thomas Muir, Esq. Younger, of Huntershill, before the High Court of Justiciary at Edinburgh, on the 30th and 31st Days of August, 1793, for Seditious Meetings. [Three Lines in Latin from Tacitus]” (Edinburgh, August 30, 1793), <http://name.umdl.umich.edu/N21038.0001.001>.; Hall’s account of the trial is the only one of Braxfield (whom he identifies as Braxford, despite there being no such name in the peerage) attempting to mobilize a partisan jury. Nonetheless, the rest of his account of the Muir trial seems to match with information provided at the source above. Hall, *British Radicalism*, 227-229.

<sup>184</sup> Palmer, *The Age of the Democratic Revolution*, 723-724.

<sup>185</sup> Mori, *Britain in the Age of the French Revolution*, 67-69.

pointed to the Edinburgh Conventions as a part of a treasonous pattern, could not capitalize on the use of such information.<sup>186</sup>

The differences between the Scottish and English cases are quite intriguing, and it seems that the main difference between the two was related to the personalities involved. Erskine's involvement in 1794 immeasurably aided the defense, and acted as a shield to the radicals, protecting them from the worst abuses of the partisan judicial system, despite the suspension of habeas corpus. Meanwhile, Lord Braxfield was committed enough to marshaling evidence against the defense that it's unclear if a better legal defense would have mattered. It is unclear why Erskine only defended Hardy, Tooke, and Thewall, and not Gerrald or other radicals embroiled in the same case. The difference between the trials, however, does not seem to be a geographical matter, where English justice was practiced more responsibly than Scottish justice. For instance, in Plymouth, a similar partisan judicial process was carried out against a Baptist minister, William Winterbotham, who was accused of supporting the French Revolution and agitating for similar events to occur in Britain.<sup>187</sup>

In America, there were also a series of trials stemming from conservative legislation, most notably the trials of James Callender, Thomas Cooper, and Matthew Lyon under the Sedition Act. But more influentially, owing to the development of the federal judiciary in America, political battles focused more on the composition of that branch of government, rather than their prosecution of radicals. The trials of Callender, Cooper, and Lyon can only be covered effectively in the context of the debate over the Judiciary Acts and the alleged partisanship of Justice Samuel Chase.

The Judiciary Act (1789) was the statutory expansion of Article III of the Constitution. It established the offices and protocols of the judiciary, notably in the 1789 version, the roaming circuits of justices who would sit alongside local district judges. The ideological basis of this system was an attempt to undermine the prestige and power of the state judiciaries and to accrue that power and prestige in the federal judiciary. This is what led to Swisher's characterization of the federalist judiciary as "Most or all of the judges were firm believers in the federal system, and they were in a sense missionaries of [the federal] system, who carried the gospel of federalism to people otherwise largely ignorant of the system of federal laws."<sup>188</sup> The attempt to bring the state judiciaries in line created significant opposition from political moderates who saw the increasing power of the Federal Government as a threat to the libertarian principles of the nation. It even provoked strong reactions from conservative state authorities, especially in Pennsylvania in the aftermath of the Whiskey Rebellion.<sup>189</sup>

The predominant complaint about the early operation of the Supreme Court was the riding circuits of the justices. This led to the resignation of John Jay and other personnel issues within the Court. Measures were generally considered necessary by both Federalists and Jeffersonian Republicans to increase the effectiveness of the court, and while there was no

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<sup>186</sup> Hall, *British Radicalism*, 96, 197-199.

<sup>187</sup> *Ibid.*, 229-231.

<sup>188</sup> Swisher, *American Constitutional Development*, 95.

<sup>189</sup> Boyd, ed., *The Whiskey Rebellion: Past and Present Perspectives*, 166-170.



consensus on how to accomplish this, the task was generally not considered urgent, owing to the Court's lack of importance in the early republic.

One of the proposed measures to increase the effectiveness of the Court was to permanently station it in Washington D.C., the new national capital so, "that these judges should have the time to remain in the capital of the country and add to their knowledge of federal jurisprudence."<sup>190</sup> One of the judges in the Supreme Court, Samuel Chase, had from 1798 to 1801 been particularly judicious in presiding over sedition cases. Chase was perpetually in motion beginning in April 1800, presiding in quick succession over the sedition trial of Thomas Cooper, the treason trial of John Fries, the sedition trial of James Callender, and a grand jury related to a sedition indictment of a Delaware printer. By August he was campaigning for Adams in the election of 1800.

Chase's tendency to preside over sedition trials and his political efforts on behalf of Adams was combined with the perception of the Federal judiciary as agents of central power. The Jeffersonian Republicans, who were opposed to the implementation of the Sedition Act, the Adams administration, and who ran in the 1800 elections on a platform of state's rights, attempted to uproot the existing judicial apparatus. The Judiciary Act of 1801 expanded the number of district courts and created 16 Adams administration appointments. The Jeffersonian Republicans, upon their electoral success in 1800, fought for its repeal. The stated target of attacks was patronage, which the appointment of Supreme Court Justices embodied fully. This promised to affect Justices Marshall and Chase the most; Marshall had been a stalwart supporter of Washington and rewarded with rank and prestige, meanwhile, Chase had noticeably shifted his earlier hesitation to conservative policies, including a rejection of the Constitution along typical anti-Federalist grounds to a judicious advocate of the conservative program, which was inexplicable to many moderates. The targeting of justices for potential removal by Congress was a notable advancement in the program of the Jeffersonian Republicans, who now were forced to argue against the position of strict constitutionality as the impeachment of a Justice was proscribed under certain circumstances, forcing the Federalists into a defense of the Constitution, which was an equally awkward position for them to be in.<sup>191</sup>

Nonetheless, within Congress, the Judiciary Act was repealed, the district courts were abolished, and the repeal by a replacement by an 1802 Judiciary Act was recognized as constitutional in a decision by Justice William Paterson in 1803. But the constitutionality of the repeal was not recognized by Chase, who in a jury charge in May 1803, criticized the policy of the government and denounced the repeal of the 1801 Act. The House opened proceedings against Chase shortly thereafter.

Many of the articles in the impeachment proceedings dealt with Chase's handling of the aforementioned sedition and treason trials. They revealed that the case was more of a political, rather than simply a legal proceeding. Whittington's work on the Chase impeachment, an invaluable source on the topic, focuses mostly on the legal matter of constructing an

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<sup>190</sup> Swisher, *American Constitutional Development*, 98-99.

<sup>191</sup> Henry Adams, *History of the United States of America*, vol. 1 (New York: C. Scribner's Sons, 1889), 284-306.

impeachment power. It is only the result of that work that interests this essay. The managers of the impeachment determined that Chase's handling of the Fries' and Callender's cases was a serious violation of the duties of his office, despite these being to a certain extent political disputes. Although notably, there was no article of impeachment related to the sedition trial of Thomas Cooper, so it was not entirely politically motivated.

The impeachment of Chase, but his subsequent acquittal by the Senate halted the moderate attempts to dislodge or recreate the federal judiciary. This resulted in Marshall's continued tenure in the Court, but the overall reduction in the partisanship of the Court and the political activities of the Justices. Perhaps the most insulting article of impeachment (to the moderates) was Chase's campaigning for Adams, and the Chase impeachment clearly defined such activities as being inappropriate to judicial office.<sup>192</sup>

The leadup to the Chase impeachment was a reverse of the fortunes of the British judiciary. While the 1794 Treason Trials were a tactical loss but a strategic victory for the Pitt government, the various judicial successes of the Federalists were tactical successes but strategic failures. American moderates won out not through confrontation with the conservative judicial apparatus, but rather through capitalizing on the unpopularity of the implementation of the conservative policies in the long run.

The trials of Cooper, Callender, and Lyon were failures for the moderates. It showed that they could not effectively block the implementation of the Sedition Act, nor could they protect their political apparatus from suppression or harassment by the conservative government. But what moderates thought of as conservative overreach was also seen by wider sections of the population as overreach, and Jeffersonian Republicans successfully mobilized those afraid of such overreach to vote in 1800.

The trial of Matthew Lyon is a good example of the American phenomenon. Lyon, a Jeffersonian Republican representing Kentucky in the House, was convicted of sedition charges due to his publication of a letter that asserted that Adams was a bully, a fool, and stated that the Senate was more servile "than...either House of Parliament." He was sentenced to four months, his position in Congress enhancing rather than diminishing the amount of time he served (since according to the decision of Justice Paterson, he should have known better,) and a \$1000 fine. But he became a political martyr to moderates, and he was re-elected to Congress and his fine was paid by supporters. The episode was an embarrassment for the Adams government.<sup>193</sup>

### **The Conservative Theory of Taxation:**

Both the Pitt government and the Federalist administration employed similar taxation policies. These policies were not just shared because they were effective economic tools (and they were certainly not always effective,) but rather because they reinforced the conservative idea of the individual's responsibilities to the state. The use of sinking funds and excise taxes were the two notable policies that both nations shared. And similar to other conservative

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<sup>192</sup> Whittington, *Constitutional Construction*, 20-71.

<sup>193</sup> Swisher, *American Constitutional Development*, 95-97.

attempts to establish power, these policies were enacted in reaction to radical agitation on the subject and disputed by moderates to varying degrees of success.

The basic ideological framework that connected taxation with political rights was that contributions to the welfare of the state were a precursor to representation in the affairs of the state. This was a long-term debate, but it boiled down to the idea that only those who paid enough taxes should be able to guide the politics of the state. In Britain, this corresponded to various tiers of gentry status, including the yeoman, esquire, baronet, etc. It also was the justification of the American revolutionary slogan “no taxation without representation.”

The principle had been firmly set down in the Putney Debates and was accepted as canon despite the circumstances in which the Debates were held.<sup>194</sup> This was the same spirit that animated the jury charge of Lord Braxfield in the trial of Thomas Muir (Appendix C.)<sup>195</sup> But in an increasingly commercial world, it was recognized by some that the wealth generated by commercial interactions rather than only taxation, justified political rights; this was the opinion of the Duke of Richmond (Appendix A.)<sup>196</sup>

But Richmond’s ideas were not widely accepted, and in the main, the conservative opinion was in favor of the Putney Debates formula, that the taxation of the wealthy meant that they had a more solid right to control the administration of the state. And in time this became an established part of the British constitution. It is not a coincidence that British cabinets were almost entirely aristocratic affairs, just like the judiciary, nor that the office of the treasury formed the basis of the office of the Prime Minister.<sup>197</sup>

In turn, this meant that there was greater control over the allocation of money associated with the greater accumulation of money. This system lends itself quite well to a system of proportional taxation, which is not absent from the conservative administration in this period, and as part of Pitt’s economical reforms, there were new taxes on landed wealth. As Turner writes, “The orthodoxy [if taxation policy] was that all social ranks should be liable to tax, but that the poor should not be so heavily burdened and the rich should pay more for their luxuries.”<sup>198</sup> In effect, this meant that the benefit of the few should rest on the collected wealth of the many, as long as the many were willing to accept a subordinate role in the allocation of said collected wealth.

This argument worked well for a feudal society (and may work well again if you accept the ideas of Henry George) but mercantile elites, universal rights, and modern national fiscal policies complicated the matter. Excise taxation and the sinking funds were conservative ideological solutions to those challenges. They expanded the number of potential contributors to anyone who could pay (since successful businesses generated excise revenue for the government) or who wanted to pay extra (through investments in financial instruments to directly back the state.)

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<sup>194</sup> Israel, *The Enlightenment That Failed*, 41.

<sup>195</sup> “An Account of the Trial of Thomas Muir.”

<sup>196</sup> Lennox to Sharman, “Letter from the Duke of Richmond,” April 15, 1783.

<sup>197</sup> Turner, *Pitt the Younger*, 19.

<sup>198</sup> *Ibid.*, 65.

A sinking fund is an economic tool designed to help with the repayment of debts through the creation of a fund that can be used to collect interest at a comparable rate to the interest on debt, allowing the government to pay toward the principle of debt instead of continually paying for interest. To raise revenue for a sinking fund, the government can either devote taxes to such a fund or promote the sale of bonds to raise the required revenue. In the case of Britain, the fund was supplied by subscriptions to the Bank of England (and South Sea Company) Later, the American sinking fund also used a public offering of stock in 1791 to buoy the Bank of the United States. In Britain, the scheme was also supported by the institution of a national lottery in 1784, which had the same effect on a small scale, allowing anyone with enough money to directly contribute to the government.<sup>199</sup>

Sinking funds are not stable in the long-term, especially in wartime conditions, conditions which cause market volatility and increased expenditures, which are both negative to the success of such funds. This was a lesson learned by the Pitt government as it went to war with France and government expenditures eclipsed revenue. But the real success of the sinking fund was to create confidence in the British financial system, which allowed the British government to absorb more credit.<sup>200</sup> The American sinking fund also failed when the nation became embroiled in the War of 1812 when money was pulled from the fund to cover expenses from the war.<sup>201</sup>

The potentially anti-democratic elements of the sinking fund were recognized by none other than Adam Smith. He saw in the sinking funds the impetus to remove financial decisions from the present government and relegate them to some future time or a part of government that existed longer than a single parliamentary term. In British political culture, Smith's words were even more cause for alarm. The ability of the state to turn to war without real consultation from the population was tied to the fear of the King raising a mercenary army and then turning that army against the population, becoming a despotic tyrant through the ability to manipulate finances independently of parliamentary authority. This was one of the rationales behind the fear of the Robinsch and the basis of keeping military estimates under the control of the legislatures in both America and Britain.

Even if the direst of predictions about mercenary armies did not come true, Smith argued that the British government could become more bellicose because of the sinking fund. The financial risk that was normally associated with war would be ameliorated, allowing for a war to be seen in the view of a patriotic spectator from afar, rather than as a potentially damaging and costly affair.<sup>202</sup>

Excise taxation was also a solution to the changing economic bases of political representation. It follows the same logic in a secondary sector of the economy (industry,) as taxing land does in a primary sector of the economy (agriculture.) But it has the same risk of overburdening the taxpayer, which can cause resentment, as would occur in the Whiskey

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<sup>199</sup> Ibid., 64.

<sup>200</sup> Ibid., 73.

<sup>201</sup> Robert E. Wright, *One Nation under Debt: Hamilton, Jefferson, and the History of What We Owe* (New York: McGraw-Hill, 2008), 177.

<sup>202</sup> Ibid., 36-38.

Rebellion. But excise taxation also had political benefits. First, following the logic of the Putney Debates, this would privilege a class of shopkeepers and independent artisans with political responsibilities, while keeping the “lower orders” out of politics. It was a helpful tool in co-opting large numbers of professionals into supporting the government in Britain, as the middle classes were the main body comprising the “Church and King Party” in Britain, who were able to, on their initiative, disrupt radical organization by depriving the radicals of places to meet, print stores, and a sense of personal safety.<sup>203</sup> It also allowed the government to somewhat restrict entry into printmaking (and possibly politics) through excise taxes on paper, such as the British Newspaper Stamp Duty Act (1798.)

These theoretical factors combined, there was incredible conflict possible between different interpretations of personal and state responsibility; the following is an example of such a process. The British constitutional model of the wealthy paying a greater proportion of revenues was adopted by the Pennsylvania state Constitution, which stated that select classes shouldn’t benefit from statewide legislative acts. In response to the payment of state debts accrued during the Revolutionary War, the state government restricted the supply of paper money to pay off investors in government bonds, causing a widespread credit crunch. This debate over the nature of taxation was the basis of what would become the Whiskey Rebellion. Pennsylvania radicals acted just as their British counterparts would have, by agitating for ballot-box rights, hoping that through the creation of representative political organizations, they could control the power of the state they believed benefitted only a select few while imposing unfair burdens on the majority. This attempt was stopped by conservatives, who used the opportunity to consolidate their power. The excise would be abolished after 1800 by the Jefferson administration.<sup>204</sup>

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<sup>203</sup> Hall, *British Radicalism*, 200-201.

<sup>204</sup> Fritz, *American Sovereigns*, 153-189.

## Conclusion:

Conservative overreach was the central contributing factor to their loss of power. The constitutional pride that had defined the anti-philosophical period and rationalized the defense of the parliamentary system from supposed malefactors, foreign and domestic, was still present in the popular consciousness. Just as the conservatives had benefited from their control over state functions and the ability to create law, the moderates could also leverage their control over state institutions when given the opportunity. The moderates were not strangers to parliamentary control in the way the radicals were, and their transition to power was possible due to this fact.

In America, the turning point was the election of 1800. Jefferson and his coalition of moderates took control of the presidency and the House of Representatives while increasing their representation in the Senate. Jefferson let onerous excises and the Alien and Sedition Acts sunset. The battles over the conservative holdout in the judiciary are detailed above. A consequence of the moderate's victory, as opposed to a hypothetical victory of the radicals, was that rapprochement was possible. While much has been made of the reconciliation between Jefferson and Adams, reconciliation was not limited to the leaders of their respective factions. In 1815, Jefferson reconciled with David Meade Randolph, an acquaintance and family connection of the former who had been a federal marshal before he had been fired for jury packing in 1801. Meade had subsequently aligned with the Federalists, but in 1815, the two exchanged letters. They met again in 1823. Such a letter is not only a case of pragmatic forgetfulness, but a combination of personal injury and professional insult being at least partially forgiven.<sup>205</sup> The Jeffersonian Republicans dominated federal politics until the presidency of Andrew Jackson. In that period, American radicals and conservatives ceased to have significant political influence. John Quincy Adams, a conservative in the 1790s, was responsible for writing an inflammatory attack on Citizen Genet. His participation in the Jeffersonian Republican Party was a significant event and signaled a union of conservative and moderate positions. By that point, such labels had become largely irrelevant. The radical position was also co-opted by the moderates. Local conditions and interests had exacerbated the resistance to excise taxation, but those issues became largely irrelevant over time. The argument over state's rights was increasingly associated with the issue of slavery, while reformist attitudes became increasingly focused on abolition.<sup>206</sup>

In Britain, it was the death of Pitt that heralded the end of the conservative government. Pitt advocated for conservative policies in Parliament and was also a lynchpin of the conservative coalition. Even when he lost the confidence of George III from 1801 to 1804, he was an active member of Parliament and a key supporter of the government. Upon his death in 1806, the coalition broke up. After a brief interregnum known as the "Cabinet of All Talents," an island of moderate control in the decades of conservative government, the conservatives were reestablished in power without a sole leader, and their movement fractured. Pitt's death nor the end of the Napoleonic Wars ended the period of repression in Britain, which waxed and waned

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<sup>205</sup> Randolph, David M., "David M. Randolph to Thomas Jefferson, 17 October 1815" (University of Virginia Press), accessed February 7, 2023, <http://founders.archives.gov/documents/Jefferson/03-09-02-0076>.

<sup>206</sup> Adams, *History of the United States of America*.

from 1815 to 1832. In 1832, the Great Reform Act was passed. It established many reforms proposed a generation earlier by the Yorkshire and Middlesex Associations. That is generally considered the starting point of modern British democracy. By that time, the radicals had evolved into the early Chartist movement, so while American radicalism became an issue of state power, British radicalism evolved into a more socially progressive track.<sup>207</sup>

What can be said in retrospect, about the political agitation that defined the 1790s? First, it was not simply French in character. Rather, the radicals used French verbiage to define Anglo-American politics. Political agitation for the expansion of suffrage was a well-established goal before the French Revolution. That it remained a goal is not a surprise. The use of mass meetings was a significant innovation in political pressure, but mostly an innovation in immediacy and not scale. Mass petitions could, after all, be sent and received by Parliament or Congress. Loyalist mass movements were not disrupted by the government, whether they were the Black Cockades in America, or the Church and King Party in Britain.

Second, the ideas proposed by the radicals were not original to them. They most originated in moderate circles or were local needs. The Anglo-American governments responded to them with considerable force considering their provenance.

This brings up the topic of the conservative response. Conservatives were pragmatic and paranoid, and this combination had noticeably strange effects. In some instances, it made them swing wildly, often missing. The Alien Acts are a particularly noticeable example of this. Radical action was seen as part of an insidious conspiracy, unseen until it reared its head. The idea that French agents were meddling in British politics would not end with the Napoleonic Wars, and such fears were common among the European conservative elite.<sup>208</sup> In America, such paranoia on the popular level briefly inspired the rise of the anti-Masonic Party, although their influence on American politics was marginal.

It is impossible to numerically quantify the number of people who were targeted by the Anglo-American conservative governments, but it's likely a small number. 10 were convicted in America for breaches of the Sedition Act.<sup>209</sup> Harling estimates that no more than 200 people were convicted for libel in Britain from 1790 to 1832.<sup>210</sup> There were only seven Scottish martyrs. The numbers were undoubtedly quite small based on these estimates alone.

However, in qualitative terms, the effect of conservative governance was considerable. Suspension of habeas corpus, restrictions on the press, restrictions on political organization, restrictions on labor organization, restrictions on immigration based on race and nationality, restrictions on the publication of books, the politicization of the judicial system, the politicization of the civil service, imposition of unfair taxation, marching an army on citizens, and prolonging a generation-long conflict between France and Britain. That was the cost. But it wasn't for anything. Liberty was a cornerstone of Anglo-American politics before and after this period. There was no animus to establish a dictatorship, nor to impose some despotism. Rather, it was all

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<sup>207</sup> West, *A History of the Chartist Movement*; Zamoyski, *Phantom Terror*.

<sup>208</sup> Zamoyski, *Phantom Terror*. 220-ff.

<sup>209</sup> Israel, *The Enlightenment That Failed*, 682.

<sup>210</sup> Harling, "The Law of Libel and the Limits of Repression, 1790-1832."

the result of fear. A fear that was ultimately caused by a lack of trust in the population of Britain and America to cherish the constitutions that the government themselves believed were perfect.

This essay represents a fraction of a more expansive research topic that could serve as a more comprehensive set of comparisons between different Anglo-American countries' political systems or as a broader analysis of reactions to the French Revolution. In the course of my research, there were sensible arguments to be made to expand the topic to include comparisons between Britain, America, and Ireland. Or to include Australia, Canada, India, or the British West Indies in a comparison; each comparison had its own merits. There were also times when it seemed that connections between the Anglo-American and Francophone worlds were seemingly more important to study. This comparative study could have been expanded to include opinions on the Haitian Revolution as either an expansion of the French Revolution or an independent struggle. The wars of Haitian independence also included Spanish opinion (both in the metropole and colonially) as potentially interesting foils to the French experiences. The wars of Spanish-American independence are an interesting manifestation of enlightenment idealism, but by the time those topics are included in this corpus, the topic would have been stretched geographically to Russia and chronologically to 1830 and would have morphed into a survey of opinions on France internationally, rather than on an aspect of Anglo-American political philosophy. The interconnectivity of this period is its most compelling feature, but also it is the biggest challenge to study. There are surveys of the period that do just that, and Palmer and Israel's books are excellent texts on the connective philosophy of the era, but this essay could not be that grand survey again.

But if future research in this text were to retain its Anglo-American focus, then further research might explain the differences in political culture between different countries that have gained independence from Britain over time, and as reactions to shifts in the metropole's politics. The differences in the political culture between America and Australia, for example, are greater than can be explained by Hartz's theory, which would classify the lack of a native nobility as a key defining factor in the political development of Australia. But the inclusion of Chartist elements in Australia, and their omission in Canada introduces new questions about the development of Anglo-American political tradition and whether such a unified political tradition can be said to exist as more countries are added to that canon and the amount of time under scrutiny increases.

As for this essay, its greatest omission is the paradigm of race. Despite the concept of liberty and its various interpretations being at the core of this essay, the effects of this rhetoric on enslaved peoples are not explored. This is although enlightenment principles had a profound effect on Haitian rebels, other enslaved people, and their descendants. Abolitionism at a cursory glance seems to have permeated all the trans-Atlantic classes, but not equally. Thomas Cooper, a radical British exile in America became more pro-slavery over time, while the Grenville government and Governor John Simcoe each made strides towards eliminating slavery (both Simcoe and Grenville had been major players in the British expedition to Haiti (then Saint-Domingue) in 1795.) On the American side, panic at the news of Dessalines' massacre of the French seems to have reduced whatever abolitionist sentiment existed. But that sentiment



was there, expressed however irresolutely by Jefferson, Hamilton, and others. With more time and resources, much of the nuance that has been omitted from this essay by necessity can be properly addressed. However, the main thesis remains consistent, that the outbreak of the French Revolution facilitated the political battles in Britain and America from 1790 to 1806.

## Appendix A: Letter from Charles Lennox, the Duke of Richmond to Lieutenant Colonel Sharman

This letter was initially written in 1783 in response to a request from the Committee of Correspondence of the Irish Volunteers of Lisburn. Richmond, the head of the Society for Constitutional Information, a moderate APO, shared with Sharman his ideas for constitutional reform, present in his attempted reform bill to the Lords of the previous year. The letter was printed by the Society for Constitutional Information in 1794, with notes that have been omitted from the text below. Few alterations were made to the text, signified by a box bracket. Archaic spelling was the only modification made. The italics and bolding have been maintained from the original version. Page numbers are shown in curly brackets.

Charles Lennox to William Sharman, “Letter from Charles Lennox, the Duke of Richmond to Lieutenant Colonel Sharman,” April 15, 1783.

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April 15, 1783. To Lieutenant Colonel Sharman:

I have been honored with a letter from Belfast dated the 19th of July last, written in the name of the Committee of Correspondence, appointed by the delegates of forty-five Volunteer Corps, assembled at Lisburn on the 1st of the same month, “for taking preparatory steps to forward their intentions on the subject of a more equal representation of the people in Parliament,” and signed by their secretary Henry Joy Jr., Esq.

In this letter, after showing the corrupt state of the boroughs in Ireland, the general opinion of the people that the constitution can be restored to its ancient purity and vigor by *no* other means than a parliamentary reform, and informing me of the steps which have been taken and are taking by the Volunteers, in determining to procure this desirable object, the Committee is pleased “to request my sentiments and advice as to the best, most eligible, and most practicable mode of destroying, restraining, or counteracting this hydra of corruption, borough influence, in order to lay my opinion before the provincial assembly of delegates, which is to be held at Dungannon on the 8th of September next.”

This great mark of confidence, from gentlemen in whom so much trust is placed, does me great honor, for as I have {4} not the pleasure of being personally known to any of them, I can own it but to the favorable opinion they are pleased to entertain of my constant and zealous endeavors in the public service.

I am sensible that the only proper return I can make for this honorable distinction, is to obey their commands in the best manner I am able; for although my insufficiency for so arduous a task would afford me but too good an excuse for declining it, yet I feel it would be inconsistent with my ideas of the obligation every man is under to serve the public as well as he can, if I was to refuse giving my opinions, such as they are, when thus called upon by a respectable body of gentlemen.

Besides my inability, I have to regret the want of time to collect and arrange my thoughts in such a manner as to be fit to appear before you, and the necessary limits of a letter, which will not admit of the extensive investigation which a subject of the cast importance deserves; for although I fear I must be ling, I am sensible I cannot do it justice,

The subject of a parliamentary reform is that which of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish; and I have no hesitation in saying that from every consideration which I have been able to give to this great question, that for many years has occupied my mind, and from every day's experience to the present hour, I am more and more convinced that *the restoring the right of the voting universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections*, is the the only reform that can be effectual and permanent. I am further convinced that it is the only reform that is practicable.

All other plans that are of a palliative nature have been found insufficient to interest and animate the great body of the people, from whole earnestness alone any reform can be expected. A long exclusion from any share in the legislature {5} of their country, has rendered the great mass of the people indifferent whether the monopoly that subsists, continues in the hands of a more or less extended company; or whether it is divided by them into shares of somewhat more or less just proportions. The public feels itself unconcerned in their contests, except as to the oppressions it endures, and the exactions it suffers, which it knows must continue so long as the people remain deprived of all control over their representatives. This indifference of theirs, when the last attempt was made for additional country members, was used by our opponents as an argument against all reform; it was asked with a triumphant air, where are the petitions from the inhabitants of Birmingham, Manchester, Halifax, and other great unrepresented towns? And their silence was deemed a proof of their acquiescence and satisfaction in the present form of elections! The truth is, that the people have been so often deceived, that they will now scarcely trust any set of men; and nothing but self evident conviction; that a measure tends effectually to the recovery of their rights, can, or indeed ought, to interest them in its favor.

The lesser reform has been attempted with every possible advantage in its favor; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight, both in and out of power. But with all these temperaments and helps it has failed. Not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances. From that quarter, therefore, I have nothing to hope. **It is from the people at large that {6} I expect any good.** And I am convinced, that the only way to make them feel that they are really concerned is the business, is to contend for their *full, clear, and indisputable rights of universal representation*. I call them such, not only from my own conviction, but from the admission of the friends to the more moderate plan, who, in the second address of the Yorkshire committee to the people, confess that our claims are founded on the true principles of the constitution, and only object to them on account of impracticability. But their plan has now had a fair trial, and (if it is from the inclination of Parliament that

practicability is to be expected) has been found as impracticable as ours. The extensive the plan, at the same time that its operation is more complete, depends on a more effectual support, that of the people.

I am also persuaded, that if the scheme for additional country members had proceeded any further, infinite difficulties would have arisen in adjusting it. Neither the Yorkshire committee {7} or Mr. Pitt have given the detail of their plan. A just representation would have been a most intricate task, for where different interests are separately represented, the proportion is not very easy to ascertain. The doubt you state concerning this mode of reform seems to be well-founded; a few great families might divide a county between them, and [choose] the members by a house list, like East India directors. Another difficulty from the increase of the number of members, which might render the house more tumultuous than deliberate, has its weight. But the greatest objection, in my opinion, to this and to every other narrow and contracted plan of reform, is, that it proceeds upon the same bad principle as the abuse it pretends to rectify; it is still partial and unequal; a vast majority of the community is still left unrepresented; and its most essential concerns, life, liberty, and property, continue in the absolute disposal of those whom they do not [choose], and over whom they do not control. In the arrangements of plans of this kind there is no leading principle to determine that the addition ought to be, one hundred, fifty, or two hundred; that the allotment should be according to the population, property, or taxes paid in each county; that any supposed proportion between the landed and trading interests is the just one, and that the division of county and city members will correspond to with this proportion when found. All is at seas without any compass to enable us to distinguish the safe from the dangerous course.

But in the more liberal and great plan of *universal representation*, a clear and distinct principle at once appears that cannot lead us wrong. Not conveniency but right: if it is not a maxim of our constitution, that a British subject is to be governed only by laws to which he has consented by himself or his representative, we should instantly abandon the error; but if it is the essential of freedom, founded on the eternal principles of justice and wisdom, and our unalienable birth-right, we should not hesitate in asserting it. Let us then but determine to act on this principle, of *giving to every man his own*, and shall immediately get rid of all {8} the perplexities to which the narrow notions of partiality and exclusion must be subject.

In the digesting a plan upon this noble foundation we shall not find any difficulty in that the most common understanding and pains will not easily surmount. It does not require half the ingenuity of a common tax bill; and as a proof of this assertion I myself drew the form of a bill for this purpose, which I presented to the House of Lords in 1780; not as a perfect work, but merely to [show] how easily the objections to the the practicability of the plan, and the inconveniences that are suggested, might be got over.

I believe the sending you of a copy of my bill will be the best way of explaining its operations. I have not not one ready at this moment, but it shall soon follow this letter.

I shall therefore only mention at present a few of its provisions, which I think entirely remove the most plausible objections that have been urged against it.

The present number of members in the House of Commons is preserved, so that all apprehensions from too numerous an assembly ceases.

An account of the whole number of males of age in the kingdom is to be taken and divided by the number of members to be sent, which will find the quota of electors to [choose] one member; from the best accounts I can now get, it be about *two thousand six hundred*; these are to be formed into districts or boroughs from the most contiguous parishes; and by having all of the elections throughout the kingdom in one and the same day, and taken in each parish, all fear of riot and tumult vanishes.

The great expense of elections, which arises chiefly from the cost of conveying electors to the place of poll, and entertaining them there and on the road, will be no more when every man will vote in his own parish. Bribery must entirely cease; in a single borough it would be difficult, on so many as to have any effect, impossible. The numbers to be bought would be infinitely too great for any purse. Besides, annual Parliaments, by their frequency, and by their shortness, would doubly operate in preventing corruption.

{9} The vast expense of petitions to Parliament on account of illegal returns, would be reduced almost to nothing. The points on which these contests generally turn, are the qualifications of the electors under the numberless restrictions the present laws have imposed, which require the attendance of witnesses, the production of records, and are subject to infinite dispute. But when no other qualification should be necessary but that of being a British subject, and of age, there can be but little left to contend upon as to the right of electors to vote. All other questions that could afford ground for a petition would be trifling, and might be decided in one day. Many other objections are obviated by the bill, but it is needless to mention them.

But there is another sort of objection against which no provision can be made, as it is merely imaginary. It is feared by some, that the influence of power and riches will give to the aristocracy so great a lead in these elections, as to place the whole government in their hands. Others again dread, that when paupers and the lowest orders of the people shall have an equal vote with the first commoner in the kingdom, we shall fall into the confusion of a democratic republic. The contrariety of these two apprehensions might of itself be a sufficient proof that neither extreme will take place. It is true, that the poorest man in the kingdom will have an equal vote with the first, for the choice of the person to whom he trusts his all; and I think he ought to have that equal degree of security against oppression. It is also true, that men of superior fortunes will have a superior degree of weight and influence; and I think that as education and knowledge generally attend property, those who possess them ought to have weight and influence with the more ignorant. But the essential difference will be, that although the people may be led, they cannot be driven. Property will have its weight, as it ever must have, in all governments; and I conceive, that in this plan it will precisely find its just proportion combined with talents and character. A man of great property that is beloved and esteemed, will, as he ought, have the greatest sway; but tyranny and oppression, though attended with riches, may be resisted, and will no longer be attended with a burdage tenure at command.

Another subject of apprehension, is, that the principle of allowing every man an equal vote tends to equality in other respects, and to level property. To me it seems to {10} have a

direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyments of life and liberty, strikes me as perfectly compatible with their unequal shares of industry, labor, and genius, which are the origin of inequality of fortunes. The equality and inequality of men are both founded in nature; and whilst we do not confound the two, and only support her establishments, we cannot err. The protection of property appears to me one of the most essential ends of society; and so far from injuring it by this plan, I conceive it to be the only means of preserving it; for the present system is hastening with great strides to a perfect *equality in universal poverty*.

It has been said, that this plan of extending the right of voting to every individual creates much uneasiness in the minds of quiet and well-disposed persons; and the if paupers, vagabonds, and persons of no property, were left out, there would be no objections to extend it to all householders and persons paying taxes, and that the same division into districts might take place. My answer is, that I know of no man, let him be so poor, who in his consumption of food and use of [raiment], does not pay taxes, and that I would wish to encourage an enthusiasm for his country in the breast of every subject, by giving him his just share in its government. I readily admit, that such an alteration would be a vast improvement; but I must prefer the adhering rigidly to a self-evident principle, especially when attended with no inconvenience in the execution, that I can foresee. Besides, we should again fall into the difficulties of drawing the line of separation, and into the disputes about qualifications.

The apprehensions that our government will become too democratic, have been urged on another ground. It has been said, that the House of Commons has usurped the whole power of government: that the crown in reality no longer possesses its negative, and must in all things be ruled by the House of Commons: that the House of Lords, in {11} consequence of its exclusion (by the will of the House of Commons and not by law) from interfering in money bills, no longer in fact exercises the functions of a branch of the legislature: that the only means by which the balance of the constitution is now in any degree preserved, is by the *irregular* influence of the Crown and of the Peers in the House of Commons: and that if they are totally excluded from the interference there, as it is supposed will be the case if this bill passes, and are not restored to their original share of power, the equilibrium will be destroyed, and the Government become purely democratic.

To remedy this objection, it has been answered by others, that it is but just and reasonable, and that they mena at the same time that the Commons are restored to their rights, that the Crown and the Peers should recover theirs. This answer has been ridiculed in my opinion with more wit, than solidity of argument. It has been represented as admitting that whilst the House of Commons continue corrupt, the King and Lords should submit to its decisions; but that when it should really speak for the voice of the people, then it would be right to revive the dormant powers resisting it.

For my part I agree in opinion with those who are for restoring to all parts of the state their just rights at the same time; to do it generally, nor partially is what I must contend for. At the same time, I admit that I am not for restoring the negative of the crown. My reason is, *that it appears to me preposterous that the will of one man should for ever obstruct every regulation*

*which all the rest of the nation may think necessary.* I object to it, as I would to any other prerogative of the crown, or privilege of the Lords or people, that is not **founded on reason**.

But I agree, that if the House of Commons was reduced to its natural dependence on the people alone, and the present system of making it the executive part of government was continued, we should approach to a pure democracy more than our constitution warrants, or than I wish to see. I am not for a democratic, any more than for an aristocratic, or monarchic government, solely; I am for that admirable mixture of the three that our inimitable and comprehensive has established: I wish to see the executive part of our government revert to where the constitution [has] originally placed it; in the hands of the crown to be carried on by its {12} ministers; those ministers under the control of parliament, and parliament under the control of the people. I would not have parliament made, as it daily is, a party concerned in every act of state, whereby it becomes the executive for which it is not calculated, and loses its superintending power, which is the main end of the institution. For when the two Houses are previously pledged by addresses, votes[,] and resolutions, it becomes extremely difficult for them afterwards to censure measures in which they have been so deeply engaged by acts of their own. Another great inconvenience arises from parliament's taking so much of the executive of government on itself, which is, the excessive length of the sessions; an evil which of late has greatly [increased]. Now that parliament is engaged in every detail in order to screen the minister, it can never finish its business till the middle of the summer, when the independent country gentlemen, tired of a long attendance and hot weather in town, is retired to his private business in the country, and that of the public left to be settled in this houses by a few dependents of the minister. A short session of two or three months would be sufficient to examine the expenditure of former grants, to make new ones, to redress grievances, and pass such general laws as circumstances might require. The inconveniency and expense to a private member of Parliament is attending his duty would then be trifling; and instead of forty commons and three peers to form a quorum to decide the greatest matters of state, the attendance of two thirds of each body, which would give respect to their proceedings, might and ought to be required. I am also free to own my opinion, that when the House of Lords shall be effectively prevented from having any influence in the House of Commons, as I think it must by this bill, it should at the same time recover its equal rights in every respect with the House of Commons as a co-ordinate branch of the legislature. These sentiments are I think constant to the idea so well expressed in your letter to the Volunteer Army of the province of Ulster, "to restore to the Crown its original splendor, to nobility its ancient privileges, and to the nation at large its inherent rights."

I believe I have now troubled you with all that is necessary concerning my plan. My bill will [show] the detail as far as concerns the House of Commons and the election of Scotch Peers: The regulations for restoring to the Crown its executive {13} and to the House of Lords its deliberative functions should be added to and form a part of this Bill; but I have not as yet had time and leisure to prepare them.

In what I have said, I have [shown], my opinion concerning the 1st, 3rd, 4th, 6th, and 8th questions you have proposed to me. There remains the 2nd, 5th, 7th, to be answered.

In respect to the second, which I presume relates to the admission of Roman Catholics to vote at elections, I can only say that the same principles which go to civil liberty, equally lead to liberty conscious: I admire with you the glorious spirit of toleration which you say has united the once distracted inhabitants of Ireland into one indissoluble mass: And I am sure that nothing short of evident danger to the state can warrant its interference in religious opinions. But unacquainted as I am with the state of Ireland, it is impossible for me to know the present temper and disposition of the Roman Catholics there, and those only who are on the spot can judge how far the exclusions to the sort are necessary or ought to extend.

With regard to the 5th question, if voting by ballot is advisable? I am clearly of the opinion that it is not. The idea of a ballot can have arisen but to avoid the effect of some improper influence; and I can conceive it much more noble, directly to check that influence, than indirectly to evade it by concealment and deceit. I am convinced that trivial circumstances in things like this tend greatly to form the national character; and that it is most consistent with that of a British or Irish freeman, that all his actions should be open and avowed, and that he should not be ashamed of declaring in the face of his country whom he wishes to intrust with its interests. Upon the same idea that ballots may be a cover for independence, they also be a cloak for bribery and a school for lying and deceit.

As to the 7th question, whether it would not be equitable or expedient that boroughs now in the possession of individuals should be purchased by the nation? I think, that altho' no man can have a strict claim in equity to be refunded the loss of what neither buyer nor seller had a right to barter, yet it will be wise to purchase the good will, or at least to soften the resistance, of the present powerful possessors of boroughs by {14} a most ample compensation. The liberties of a nation cannot be bought too dear; but the whole cost of these boroughs would not amount to the profits of one jobbing contract.

I have now answered all of the question[s] you have been pleased to propose: but I must mention another advantage which ought to recommend the measures you are now pursuing to every friend to the internal peace and quiet of the kingdom, which is, that when the people have obtained a regular, legal, and speedy way of giving effect to their sentiments, there can no longer be any apprehension of their endeavoring to redress themselves by mobs and tumults; and even such regular and well-conducted meetings as yours will become needless. I mention this circumstance with the more satisfaction, as it stamps your conduct with unequivocal marks of disinterested patriotism. Power, when once acquired, is generally endeavored to be preserved by its possessors; but you after having taken yours up from necessity, and employed it usefully, are now endeavoring to with unexampled virtue to render its continuance unnecessary. For great as your services have been, in so soon forming a complete army, in the advantages you have procured for your country, in the good order you have preserved, and in the efficacy you have given to law, you will derive still greater credit, in my opinion, from your good sense in seeing that a great military force totally unconnected with the civil government cannot be a permanent establishment in a free country, whose first principle is never trust absolute power in any hands whatever. Your present endeavors to restore the constitution in its purity and vigor evidently tend to make this and every extraordinary institution unnecessary: for when the people are fairly and



equally represented in parliament, when they have annual opportunities of changing their deputies, and [through] them of [controlling] every abuse of government in safe, easy, and legal way, there can be no longer any reason for recurring to those ever dangerous [though] sometimes necessary expedients of an armed force, which nothing but a bad government can justify. Such a magnanimous end to your proceedings, when after having restored liberty, commerce, and free government to your country, you shall voluntarily retire to the noble character of private Citizens, peaceably enjoying the blessings you have procured, will crown your labors with everlasting {15} glory, and is worthy the genuine patriotic spirit which animates the Irish Volunteers.

[...] (On the subject of potential Irish devolution from Britain)

{16} I beg pardon for having gone into a subject not immediately belonging to that, upon which you have desired my opinion, but I thought it so connected with it and at the same time so important, that I trust you will excuse my having introduced it. I fear I have been very long, but it was impossible for me to compress so much matter into a less compass, and when you have wished to have my opinion, I thought it best to give it fully, or at least as fully as I could in a letter. If it contains one thought that can be useful I shall be happy. I have only to assure the Committee of the zeal I feel for the cause the Volunteers have undertaken, to the support of which I shall ever be ready to give every assistance in my power; and that is with the highest respect and admiration for their conduct that I have the honor to be

Their most obedient and most humble servant,  
Richmond, etc.

## Appendix B: Transcript of 1793 Alien Act

The British Alien Act was the ostensible response of the British government to the flight of Thomas Paine after his indictment for sedition. The Act is notable for lacking any provisions related to Paine or his works. Instead, it created a statute that enabled the government to block the immigration of French asylum seekers, establish methods of surveillance of French residents in Britain, and created redundant law on the importation of weapons of war to Britain. It would remain in effect until 1829, being renewed up until that point. The British Alien Act is often compared to its American analog, which would be enacted in three parts in 1789.

“An Act for Regulating Immigration into Great Britain,” Pub. L. No. 33 Geo. 3 c. 4 (1793), [https://webarchive.nationalarchives.gov.uk/ukgwa/+mp\\_/http://www.movinghere.org.uk/search/catalogue.asp?RecordID=77088%26ResourceTypeID=2%26sequence=1](https://webarchive.nationalarchives.gov.uk/ukgwa/+mp_/http://www.movinghere.org.uk/search/catalogue.asp?RecordID=77088%26ResourceTypeID=2%26sequence=1).

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Whereas a great and unusual number of Persons, not being natural-born Subjects of His Majesty, or Denizens, or Persons naturalized by act of Parliament, have lately resorted this Kingdom: And whereas under the present Circumstances, much Danger may arise to the [public] Tranquility from the Resort and Residence of Aliens, unless due Provision be made in respect thereof; be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, that, during the continuance of this Act, the Master or Commander of every Ship or Vessel which shall arrive in any Port or Place of this Kingdom, shall, immediately on his arrival, declare in Writing to the Collector and Comptroller, or other Chief Officer of the Customs, at or near such Port or Place, whether there are, to the best of his knowledge, any foreigners on Board his said Vessel; and shall in his said Declaration, specify the Number of Foreigners, if any, in Board his said Vessel, and also specify their Names and respective Rank, Occupation, or Description, as far as he shall be informed thereof.

II. And be it further enacted by the Authority aforesaid, that the Master or Commander of every ship or Vessel, so arriving as aforesaid, who shall neglect or refuse to make such Declaration as aforesaid, shall, for every such Offense, forfeit and pay the Sum of Ten Pounds, for each and every foreigner who shall have been on Board at the Time of the Arrival of such Ship or Vessel as aforesaid, who he shall have willfully neglected or refused to declare as aforesaid; One {unclear, bounty?} whereof shall be to the Informer or Informers, and the other {unclear, bounty?} to the Poor of the Parish or Place in which such Offense shall have been committed, to be recovered before any One or more Justice or Justices of the Peace acting in and for the Division, City, Town, or Place, in which such Offense shall have been committed by the Concession of the Party, or on the Oath of One or more credible Witness or Witnesses and in case such Master or Commander as aforesaid shall neglect or refuse forthwith to pay such

Penalty as he shall and may be lawful for the Collector, Comptroller or other Chief Officer of the Customs, to detain such Ship or Vessel as aforesaid until the same shall have been paid.

III. And be it further enacted by the Authority aforesaid, that every Alien who shall arrive in any Port or Place of this Kingdom, on or after the Tenth Day of January One thousand seven hundred and ninety-three, shall, immediately after such Arrival, declare in Writing to the Collector, Comptroller, or the Chief Officer of the Customs, at or near such Port or Place, his or her Name and Rank, Occupation or Designation, or if a [Domestic] Servant, then also the Name, Rank, Occupation, or Description of his or her Master or Mistress, or shall verbally make to such Officer as aforesaid such Declaration, to be by him reduced to Writing; and shall also in like Manner declare the County or Counties, Place or Places where he or she shall have principally resided for Six Calendar Months next immediately preceding such Arrival: And that every such Aleine who shall neglect to make such Declaration of the aforesaid Particulars, or who shall willfully make any false Declaration thereof, shall, for every such Offense, on Conviction thereof in His Majesty's Court of King's Bench, or in any Court of Oyer and Terminer, Gaol Delivery, or Great Sessions, or Justiciary Court in Scotland, be adjudged to depart out of this Realm, and all other other of His Majesty's Dominions, within a Time to be limited in such Judgement; and if he be she shall be found therein after such Time in such Judgement so limited, without lawful Cause, he or she shall, being duly considered thereof, be transported for Life.

IV. And be it further enacted by the Authority aforesaid, That every such Alien so arriving as aforesaid, shall obtain from the Collector, Comptroller, or other Chief Officer of the Customs (and such Officer as respectively required to deliver the same) a Certificate of his or her Declaration, made in Writing or verbally containing all the Particulars in such Declaration contained.

V. Provided always, and be it further enacted by the Authority aforementioned, That nothing herein-before contained shall extend or be construed to extend to any Mariner whom the Master or Commander of any Ship or Vessel arriving in any Port or Place in Great Britain, shall certify to such Collector, Comptroller, or other Chief Officer of the Customs, in Writing, subscribed by such Master or Commander, to be actually engaged and employed in the Navigation of such Ship or Vessel, during the Time that such Mariner shall remain so actually engaged and employed; and which Certificate in Writing so subscribed as aforesaid, every such Master or Commander as aforesaid is hereby required to give.

VI. And be it further enacted by the Authority aforesaid, That it shall not be lawful for any Alien so arriving to import or bring into this Kingdom, any Weapons, Arms, Gunpowder, or Ammunition whatever, other than as merchandize, subject to the Laws now in force respecting the Importation of such Arms or Ammunition respectively as Merchandize; and that it shall be lawful for any of His Majesty's Officers of the Customs to take into his or their Custody any Weapons, Arms, Gunpowder, or Ammunition which shall be attempted to be imported or brought into this Kingdom, in any Manner contrary to this Act, taking an Account thereof; which Account shall specify the Persons by whom the same were respectively bought; and that such Weapons, Arms, Gunpowder, or Ammunition shall be, and shall remain at the King's Disposal.

VII. And be it further enacted by the Authority aforesaid, That when and so often as His Majesty, his heirs and successors, shall think it necessary for the Safety or Tranquility of the Kingdom, by his or their Proclamation or Order in Council, to direct that Aliens of any Description therein contained (not being Alien Merchants within the true Intent and Meaning of this Act) shall not be landed in this Kingdom, or shall not be landed, except at such Places, and under such Regulations, as shall be in such Proclamation or Order expressed, then and in every such Case the Master or Commander of every Ship, or Vessel, or Boat, having any such Alien or Aliens on Board, shall not suffer any such Alien or Aliens to land within any Part of this Kingdom, contrary to such Proclamation or Order in Council, unless by the express Permission of His Majesty, signified under the Hand of One of His Majesty's Principal Secretaries of State; and every such Master or Commander wilfully neglecting to conform to any of the Directions or Regulations contained in such Proclamation or Order, shall forfeit fifty Pounds for every Alien so landed, to be recovered before One or more of His Majesty's Justices of the Peace, One {unclear, bounty} thereof to be to the Informer or Informers, and the other {unclear, bounty} to the Poor of the Parish

VIII. And be it further enacted by the Authority aforesaid, That no Alien so arriving shall depart from the Place in which he or she shall have so arrived, except for the Purpose of making such Declaration as herein before require to the Collector, Comptroller, or other Chief Officer of the Customs as aforesaid, or for the Purpose of obtaining such Passport as is herein-after mentioned, without previously obtaining a Passport from the Mayor or other Chief Magistrate of such Place, or from One Justice of Peace for the County or District in which the same may be situated in which Passport shall be expressed the Name and Rank, Occupation or Description, of such Alien, as declared by him or her to such Officer of the Customs as aforesaid, and also the Town or Place to which such Alien purposes to go; and

VII. And be it further enacted by the Authority aforesaid, That when and so often as His Majesty, His Heirs, and Successors, shall think it necessary for the Safety or Tranquillity of the Kingdom, by His or Their Proclamation or Order in Council, to direct that Aliens of any Description therein contained (not being Alien Merchants within the true Intent and Meaning of this Act) shall not be landed in this Kingdom, or shall not be landed, except at such Places, and under such Regulations, as shall be in such Proclamation or Order expressed, then and in every such Case the Master or Commander of every Ship, or Vessel, or Boat, having any such Alien or Aliens on Board, shall not suffer such Alien or Aliens to land within any Part of this Kingdom, contrary to such Proclamation or Order in Council, unless by the express Permission of His Majesty, dignified under the Hand of One of His Majesty's Principal Secretaries of State and every such Master or Commander wilfully neglecting to conform to any of the Directions or Regulations contained in such Proclamation or Order, shall forfeit Fifty Pounds for every Alien so landed, to be recovered before One or more of His Majesty's Justices of the Peace, One Moiety thereof shall be to the Informer or Informers, and the other Moiety to the Poor of the Parish where such Offence shall be committed, and such Ship or Vessel from on Board of which any such Alien or Aliens shall so land, and every other Vessel or Boat used in landing any such Alien or Aliens, shall and may be seized by any Officer or Officers of the Customs or Excise, and the same shall

respectively be forfeited, together with all Tackle, Apparel, Ammunition, and Furniture, thereunto respectively belonging.

VIII. And be it further enacted by the Authority aforesaid, That no Alien so arriving shall depart from the Place in which he or she shall have so arrived, except for the Purpose of making such Declaration as herein before required to the Collector, Comptroller, or other Chief Officer of the Customs as aforesaid, or for the Purpose of obtaining such Passport as is herein-after mentioned, without previously obtaining a Passport from the Mayor or other Chief Magistrate of such Place, or from One Justice of the Peace for the County or District in which same may be situated; in which Passport shall be expressed the Name and Rank, Occupation or Description, of such Alien, as declared to him or her to such Officer of the Customs as aforesaid, and also the Town or Place to which such Alien purposes to go; and such Mayor, Magistrate, or Justice, is hereby required to give such Passport on Application made to him for that Purpose, on Production of the Certificate of his or her Declaration as aforesaid, provided that such Town or Place, to which such Alien purposes to go, shall not be a Town or Place from which such Alien is restrained from going by any such Proclamation or Order as is herein mentioned, and provided that such Alien shall not have landed in this Kingdom contrary to any such Proclamation or Order in Council as is herein mentioned.

IX. And be it further enacted by the Authority aforesaid, That when and so often as any Alien, except the domestick Servants of any of His Majesty's natural born Subjects, or such as shall have had Letters Patent of Denization, or been naturalized by Act of Parliament, being actually attendant on their respective Masters, who shall have arrived in this Kingdom since the First Day of January One thousand seven hundred and ninety-two, or who shall arrive therein at any Time during the Continuance of this Act, shall be desirous to change the Place of his or her Residence, or to quit the Town or Place at which such Alien shall have arrived by virtue of his or her Passport, such Alien shall obtain from the Mayor or Chief Magistrate, or any Justice of the Peace for the County, Town, Place, or District, in which such Alien shall be resident, a Passport, in which shall be expressed the Name and Description of such Alien in the Manner herein-before provided, and also, unless such Alien shall be an Alien Merchant, the Name of the Town or Place to which such Alien shall propose to remove; and such Mayor, Chief Magistrate, or Justice, is hereby required to give such Passport, on Application made to him for that Purpose by such Alien: Provided always, that every such Alien shall, at the Time of making such Application, exhibit to such Magistrate or Justice the Passport, by virtue of which such Alien arrived in such County, District, Town, or Place in which he or she shall be resident, or, if such Alien shall not have arrived therein by virtue of any Passport, a Certificate from the Magistrate or Justice, or other Person to whom the Alien shall have delivered an Account of his or her Name and Description, in the Manner herein-after provided.

X. Provided also, and be it enacted by the Authority aforesaid, That if it shall appear to the Satisfaction of such Mayor, Magistrate, or Justice, upon due Examination upon Oath of such Alien, and also, if necessary, of any other Person or Persons, that such Alien is an Alien Merchant, within the true Intent and Meaning of this Act, it shall not be necessary to express in such Passport the Name of the Town or Place to which such Alien shall propose to remove, but

the same shall describe such Alien to be an Alien Merchant within the true Intent and Meaning of this Act, and give full Liberty to such Alien Merchant to pass and repass to and from all Parts of this Kingdom.

XI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Mayor, or Chief Magistrate, or any Justice of Peace of any County, City, Town, Place, or District within this Kingdom, to require of any Alien who shall have arrived in this Kingdom after the first Day of January One thousand seven hundred and ninety-two, or shall arrive at any Time during the Continuance of this Act, except such Domestick Servants as aforesaid, and who shall be passing through or be found in such County, City, Town, Place, or District, to exhibit to such Mayor, Magistrate, or Justice, his or her Passport, which he or she is hereby required to exhibit accordingly, and in Default thereof, or in case it shall appear thereby that such Alien not being therein described as an Alien Merchant, in the Manner in this Act mentioned, is not in his or her Way to such Town or Place as is therein expressed, and such Mayor, Magistrate, or Justice shall see Cause to suspect that such Alien is not bona fide proceeding to such Town or Place as aforesaid, or in case such Mayor, Magistrate, or Justice, shall see Cause to suspect that such Alien landed in this Kingdom contrary to such Proclamation or Order in Council, as is herein mentioned, such Mayor, Magistrate, or Justice may commit such Alien to the Common Gaol, or other Publick Prison, or detain such Alien in such Custody as such Mayor, Magistrate, or Justice may think proper, until Notice thereof be sent, by such Mayor, Magistrate, or Justice, to One of His Majesty's Principal Secretaries of State, which Notice such Mayor, Magistrate, or Justice is hereby required forthwith to transmit, and until sufficient Time shall have been allowed for the Transmission of His Majesty's Commands thereupon; and unless His Majesty shall thereupon, within Ten Days in England, or Fourteen Days in Scotland, signify His Pleasure that such Alien shall be discharged, or shall direct in Manner herein-after mentioned, that such Alien shall depart the Realm, it shall and may be lawful for such Mayor, Magistrate, or Justice, to cause such Alien to be committed to the Common Gaol, without Bail or Mainprize, until he or she shall be delivered by due Course of Law.

XII. And be it enacted by the Authority aforesaid, That every Alien whom His Majesty shall not so signify His Pleasure to discharge, who shall have refused to exhibit his or her Passport, or who shall have been found not bona fide proceeding to the Town or Place therein expressed, or who shall have wilfully landed in this Kingdom contrary to any Proclamation or Order in Council herein mentioned, and who shall be lawfully convicted thereof in His Majesty's Court of King's Bench, or any Court of Oyer and Terminer, or Gaol Delivery, or Great Sessions, or Court of Judiciary in Scotland, shall be adjudged to suffer Imprisonment for any Time not exceeding One Month, and at the Expiration of the said Term to depart out of the Realm within a Time to be limited in such Judgement; and if such Alien shall be found therein after such Time in such Judgement so limited, without lawful Cause, such Alien shall, being duly convicted, be transported for Life.

XIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, or shall utter, knowing the same to be forged, counterfeited, or altered, and such Passport or Certificate as are

by this Act directed, or shall obtain such Passport or Certificate under any other Name or Description than that which he or she shall have declared to such Custom House Officer, or to any such Mayor, Magistrate, or Justice as are herein mentioned, or shall falsely pretend to be the Person mentioned in such Passport or Certificate, such Person or Persons shall, for every such Offence, on Conviction thereof in His Majesty's Court of King's Bench, or any Court of Oyer and Terminer, Gaol Delivery, or Great Sessions, or in the Judiciary Court in Scotland, be adjudged to be imprisoned, and shall be imprisoned in the Common Gaol for any Time not exceeding Six Calendar Months, and at the Expiration of that Time to depart out of this Realm, within a Time to be limited by such Judgement; and if such Person or Persons be found therein after such Time in such Judgement so limited, without lawful Cause, he or she shall, being duly convicted, be transported for Life.

XIV. And be it further enacted by the Authority aforesaid, That Notices of the several Regulations herein-before contained shall be printed in different Languages, and shall be affixed in publick Places in the different Ports of this Kingdom, and shall also be delivered by the Customs House Officers to all Foreigners on their Arrival in any Port of this Kingdom, in every Case in which it can conveniently be done; but that it shall not be necessary for the Conviction of any Alien offending against this Act, to prove such personal Delivery of the said Notices.

XV. And be it further enacted by the Authority aforesaid, That when and so often as His Majesty, His Heirs and Successors, shall, by His or Their Proclamation, or by His or Their Order in Council, or Order under His or Their Sign Manual, direct that any Alien being, or who may hereafter arrive within this Realm during the Continuance of this Act, shall depart this Realm within a Time limited in such Proclamation or Orders respectively, and any Alien shall knowingly neglect or refuse to pay due Obedience to such Proclamation or Orders respectively, or shall be found in this Kingdom contrary to such Proclamation or Orders, as the Case may be, it shall and may be lawful for any of His Majesty's Principal Secretaries of State, or for any Justice of the Peace, or for any Mayor or Chief Magistrate as aforesaid, to cause every such Alien, so neglecting or refusing as aforesaid, to be arrested, and to be committed to the Common Gaol of the County or Place where he or she shall be so arrested, there to remain, without Bail or Mainprize, until he or she shall be delivered by due Courts of Law.

XVI. And be it further enacted by the Authority aforesaid, That every such Alien so disobeying or knowingly neglecting to pay due Obedience to such Proclamation or Orders respectively, or being found in this Kingdom contrary to such Proclamation or Orders respectively, who shall be lawfully convicted thereof in His Majesty's Court of King's Bench, or any Court of Oyer and Terminer, Gaol Delivery, or Great Sessions, or Court of Judiciary in Scotland, shall be adjudged to suffer Imprisonment for any Time not exceeding One Month, and at the Expiration of the said Term to depart out of the Realm, within a Time to be limited by such Judgement, and if such Alien shall be found therein, after such Time in such Judgement so limited, without lawful Cause, such Alien shall, being duly convicted, be transported for Life.

XVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any One of His Majesty's Principal Secretaries of State, in Cases where he shall apprehend that immediate Obedience will not be paid to such Proclamation, or Orders respectively, as aforesaid,

by Warrant under his Hand and Seal to give such Alien in Charge to One of His Majesty's Messengers, or to such other Person or Persons to whom he shall think proper to direct such Warrant, in order to his or her being conducted out of the Kingdom, in such Manner as shall be suitable to his or her Rank and Situation; and that in case any Excuse shall be alledged by any such Alien for not complying with such Proclamation or Orders respectively, it shall and may be lawful for the Lords of His Majesty's Privy Council to judge of the Validity of such Excuse, and to allow or disallow the same; and such Alien shall remain in the Custody of such Messenger, or such other Person or Persons as aforesaid, until the Lords of His Majesty's Privy Council shall have signified their Determination thereupon.

XVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs and Successors, by His or Their Proclamation, or Order in Council, or Order under the Royal Sign Manual, to order and direct any Alien or Aliens who shall have arrived within this Kingdom since the First Day of January One Thousand seven hundred and ninety-two, or who shall arrive therein during the Continuance of this Act, other than Alien Merchants, and the Domestick Servants of any of His Majesty's natural-born Subjects, or of such as shall have had Letters Patent of Denization, or been naturalized by Act of Parliament, actually and bone fide employed in the Service of their respective Masters, to dwell and reside respectively in such District or Districts as His Majesty, His Heirs and Successors, shall think necessary for the Publick Security; and if any such Alien, except as herein-before excepted, being so ordered and directed, shall dwell or shall be found to be or have been in any Part of this Kingdom, other than such District or Districts as aforesaid, in Breach of such Proclamation or Orders respectively, it shall and may be lawful for any of His Majesty's Principal Secretaries of State, or for any Justice of Peace, or any such Mayor or Chief Magistrate as aforesaid, to cause such Alien to be arrested, and if it shall appear to such Principal Secretary of State, or to such Justice, Mayor, or Chief Magistrate, that such Alien did knowingly and wilfully depart out of such District or Districts, in Breach of such Proclamation or Orders respectively, such Alien shall be committed to the Common Gaol, there to be detained, without Bail or Mainprize, until he or she shall be delivered by due Courts of Law; And if any such Alien, except as herein-before excepted, shall be duly convicted in His Majesty's Court of King's Bench, or any Court of Oyer and Terminer, Gaol Delivery, or Great Sessions, or Court of Judiciary in Scotland, of knowingly and wilfully dwelling or residing, or being found to be, or of having been in any Place in this Kingdom in Breach of such Proclamation or Orders respectively as aforesaid, he or she shall be adjudged to be Imprisoned, and shall be imprisoned for any Time not exceeding One Month.

XIX. And be it further enacted by the Authority aforesaid, That every Alien who shall be in this Kingdom on the Tenth Day of January One thousand seven hundred and ninety-three, and who shall have arrived within this Kingdom since the First Day of January One thousand seven hundred and ninety-two, except such Domestick Servants as aforesaid, shall within Ten Days from and after the Tenth Day of January One thousand seven hundred and ninety-three, and that every Alien arriving in this Kingdom after the Tenth Day of January One thousand seven hundred and ninety-three, except such Domestick Servants as aforesaid, shall within Ten Days after his or her arriving in the Place which shall be expressed on his or her Passport as aforesaid,



as the Place to which he or she proposes to go, deliver to the Chief Magistrate of the Town or Place in which he or she shall be; and if there be no Chief Magistrate in such Town or Place, then, and in such Case, to some One of the Justices of Peace in and for the County or District in which such Alien shall be, or to such Person or Persons as shall be authorized to that Effect by such Chief Magistrate or Justice, as the Case may be, by Warrant under his Hand and Seal, a full and true Account in Writing, of his or her Name and Rank, Occupation or Description, and also of his or her Place of Abode, specifying the Street and Number (if any such there be), in and at which he or she shall then be dwelling, and of the Length of Time during which he or she shall have been resident within this Kingdom, and the Place or Places of his or her principal Residence during Six Months immediately preceding his or her delivering such Account: And it shall also be lawful for any Mayor or Chief Magistrate of any City, Town, or Place, or for any Justice of the Peace for any County or District, to require of any such Alien as aforesaid, except Alien Merchants, and except such Domestick Servants as aforesaid, who shall be within the Limits of their respective Jurisdictions, such an Account as is before-mentioned; [and to give Certificates thereof;] and such Mayor, Magistrate, Justice, or Person, authorized as aforesaid, is hereby required to give a Certificate to such Alien, on Application for that Purpose, which Certificate shall specify the Particulars of the Account so delivered by such Alien; and in case any such Alien shall neglect or refuse to deliver such Account as aforesaid, in any of the Cases herein-before mentioned, that it shall and may be lawful for any Justice of the Peace to cause every Alien so neglecting or refusing to be arrested and committed to the Common Gaol, there to remain, without Bail or Mainprize, until he or she shall be delivered by due Course of Law: And that every such Alien as aforesaid, who shall so neglect or refuse to deliver such Account, or who shall wilfully deliver any false Account to such Magistrate or Justice respecting any of the Particulars herein-before mentioned, shall, on Conviction thereof, in His Majesty's Court of King's Bench, or any Court of Oyer and Terminer, Gaol Delivery, or Great Sessions, or the Court of Judiciary in Scotland, be adjudged, for the First Offence, to suffer Imprisonment for any Time not exceeding One Month, and for the Second Offence, shall be adjudged to depart out of this Realm, within a Time to be limited in such Judgement; and if such Alien shall be found therein, after such Time so limited in such Judgement, without lawful Cause, he or she shall, being duly convicted, be transported for Life.

XX. And be it further enacted by the Authority aforesaid, That whenever any such Chief Magistrate, or such Justice, shall have Cause to suspect that any such Alien who may arrive or be within the Limits of his or their respective Jurisdiction, and who ought, in pursuance of this Act, to deliver any such Account as is herein-before mentioned, has neglected or refused to deliver such Account, it shall be lawful for such Magistrate or Justice to summon before him the Person so suspected, in order to be examined touching the Premises; and also to examine upon Oath such other Persons as may be competent to give Evidence thereupon, and, upon Refusal or Neglect to obey such Summons, to cause such Person to be arrested, and brought before him for the Purpose above mentioned.

XXI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Justice of the Peace, Mayor, or Chief Magistrate as aforesaid, by Notice in Writing under

their Hands respectively, to be left at the Dwelling House of any Housekeeper within the Division, City, Town, or Place, in and for which such Justice, Mayor, or Chief Magistrate as aforesaid shall act, to require of such Housekeeper an Account in Writing, within a Time to be limited in such Notice, to be subscribed with the name of such Housekeeper, of the Names, Rank, and Occupation of all such Aliens as may be resident in his or her Dwelling House, as far as the same shall have come to his or her knowledge, together with an Account of the Length of Time during which such Aliens respectively shall have been so resident in his or her Dwelling House, or if no such Alien shall be resident therein, then in like Manner he or she shall certify the same; and if any such Housekeeper shall neglect or refuse to return such Account or Certificate as is hereby required, or shall return a false Account or Certificate, every such Housekeeper, being lawfully convicted thereof by his or her Confession, or on the Oath or Oaths of One or more credible Witness or Witnesses, shall forfeit and pay the Sum of Fifty Pounds for every Alien who shall be proved to have been a Lodger or Inmate in such Dwelling House as aforesaid, either at the Time when such Notice as aforesaid was left at his or her Dwelling House, or at the Time of returning such Account or Certificate, and whom he or she shall have wilfully neglected to return in such Account; and in case there shall be, or have been, no Alien in his or her Dwelling House at such Time respectively, shall forfeit and pay the Sum of Five Pounds, to be recovered in Manner aforesaid; One Moiety of such Penalties respectively to be to the Informer or Informers, and the other Moiety to the Poor of the Parish or Place in which such Dwelling House shall be situate.

XXII. And be it further enacted by the Authority aforesaid, That every such Customs House Officer, Magistrate, or Justice as aforesaid, shall, with all convenient Diligence, transmit to One of His Majesty's Principal Secretaries of State, Copies of all such Accounts in Writing, as shall be delivered to such Custom House Officer, Magistrate or Justice, by virtue of this Act, and also of all such Passports and Certificates as shall be issued by such Magistrate or Justice by virtue of this Act, keeping such Accounts, Passports, and Certificates, as far as may be, from being made publick.

XXIII. Provided always, and be it further enacted by the Authority aforesaid, That in every Case in which Power is given by this Act to commit any Alien to the Common Gaol without Bail or Mainprize, until delivered by due Course of Law, it shall and may be lawful for any of the Justices of His Majesty's Courts at Westminster, or for any of the Barons of the Exchequer, being of the Degree of the Coif, or for the Lord Justice Clerk, or any of the Commissioners of Judiciary in Scotland, if, upon Application made, he shall see sufficient Cause to presume that such Person is not within the Description limited by this Act in the different Cases herein mentioned, to admit such Person to Bail, he or she giving sufficient Security for his or her Appearance to answer the Matters alledged against him or her.

XXIV. Provided also, and be it further enacted by the Authority aforesaid, That it shall be lawful for any Justice of the Peace to admit any Alien to Bail who shall have been committed by virtue of this Act, such Justice being authorized to so do by Warrant of One of His Majesty's Principal Secretaries of State for that Purpose, specifying the Security to be taken by such Justice.

XXV. And be it further enacted by the Authority aforesaid, That all Aliens who shall have arrived in this Kingdom since the First Day of January One thousand seven hundred and ninety-two, shall, if within the Limits of the Weekly Bills of Mortality, or within the Parishes of Saint Mary le Bone, Paddington, Saint Pancras, and Saint Luke at Chelsea, in the County of Middlesex, on the Tenth Day of January One thousand seven hundred and ninety-three; or if out of the Limits of the Weekly Bills of Mortality, or of the federal Parishes aforesaid, within Ten Days from the said Tenth Day of January; and every Alien who shall arrive therein after the Tenth Day of January One thousand seven hundred and ninety-three, shall, within Ten Days after his or their Arrival, give to some neighbouring Magistrate a full and true Account of all Weapons, Arms, Gunpowder, and Ammunition which shall be in their respective Possession, or in the Possession of other for or at their Use or Disposal, and shall, within Three Days from such Notice, deliver up to such Magistrate all such Weapons, Arms, Gunpowder, and Ammunition, except such only for the keeping of which they shall have obtained Licence under the Hand and Seal of One of His Majesty's Principal Secretaries of State, during the Time such Licence shall be in Force; and that it shall not be lawful for any such Alien, subsequent to the Delivery of such Account, to buy or to have in his or her Possession, or in the Possession of others for or at his or her Use or Disposal, any Weapons, Arms, Gunpowder, or Ammunition, except as herein-before excepted: And that any such Person wilfully neglecting to give such Account, or giving a false Account, or wilfully neglecting to deliver such Weapons, Arms, Gunpowder, or Ammunition, or forging, counterfeiting, or altering, or causing to be forged, counterfeited or altered, or uttering, knowing the same to be forged, counterfeited, or altered, any such Licence, or buying or knowingly having in his or her Possession, or in the Possession of others for or at his or her Use or Disposal, any other Weapons, Arms, Gunpowder, or Ammunition, contrary to this Act, shall, on Conviction, in His Majesty's Court of King's Bench, or any Court of Oyer and Terminer, Gaol Delivery, or Great Sessions, or Judiciary Court in Scotland, be adjudged to depart out of this Realm, within a Time to be limited in such Judgement; and if he or she shall be found therein after such Time in the Judgement so limited, without lawful Cause, he or she shall, being duly convicted, be transported for Life.

XXVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any such Mayor, Magistrate, or Justice as aforesaid, from Time to Time, to require any such Alien as aforesaid, who shall have arrived within this Kingdom since the First Day of January One thousand seven hundred and ninety-two, or who shall arrive therein during the Continuance of this Act, and who shall be within the Jurisdiction of such Mayor, Magistrate, or Justice, or who shall pass through the same, to deliver up to such Mayor, Magistrate, or Justice, all Weapons, Arms, Gunpowder, or Ammunition, which may be in his or her Possession, or in the Possession of others for or at his or her Use or Disposal, (except by such Licence as aforesaid); and in case of Refusal it shall be lawful for such Mayor, Magistrate, or Justice, to take into his or their Custody, and such Weapons, Arms, Gunpowder, or Ammunition, and the same shall be and remain at the King's Disposal; and that any such Alien refusing to deliver up such Weapons, Arms, Gunpowder, or Ammunition, or concealing the same after such Requisition so made as aforesaid, shall, on Conviction in His Majesty's Court of King's Bench, or any Court of Oyer and

Terminer, Gaol Delivery, or Great Sessions, or Judiciary Court in Scotland, be adjudged to depart out of this Realm, within a Time to be limited in such Judgement; and if he or she shall be found therein, after such Time in such Judgement so limited, without lawful Cause, he or she shall, being duly convicted, be transported for Life.

XXVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty's Principal Secretaries of State, or for any Two Justices of the Peace, or any Mayor or Chief Magistrate as aforesaid, by Warrant under their respective Hands and Seals, to cause any House, rented or occupied by any Aliens as aforesaid, except Alien Merchants, and except Aliens who have been resident in this Kingdom continually for the Space of Two Years previous to the First Day of January One thousand seven hundred and ninety; and also any house in which any such Alien (except as herein excepted), shall be a Lodger or Inmate, such Inmate not being a Domestick Servant of any of His Majesty's natural-born Subjects, or Persons who shall have had Letters Patent of Denization; or been naturalized by Act of Parliament, resident in such House, to be searched in the Day Time, and in the Presence of a Peace Officer, in order to discover whether any Weapons, Arms, Gunpowder, or Ammunition be therein, and to cause to be seized all such Weapons, Arms, Gunpowder, and Ammunition as shall therein be found belonging to such Alien, or being for or at his Use or Disposal, except such Weapons, Arms, Gunpowder, and Ammunition, whereof he may be in Possession by virtue of such Licence as is herein-before mentioned; and such Weapons, Arms, Gunpowder, and Ammunition so seized, shall be at the King's Disposal.

XXVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for such Secretary of State, or such Justice, Mayor, or Chief Magistrate as aforesaid, to require any Housekeeper, in whose Dwelling House any Alien shall be a Lodger or Inmate, by Notice in Writing under their Hands and Seals respectively, to be left at such Dwelling House, an Account in Writing, to be subscribed with the Name of such Housekeeper, of all Weapons, Arms, Gunpowder, or Ammunition which shall be in such Dwelling House for or at the Use or Disposal of such Alien, within a Time to be limited in such Notice, of a Certificate, subscribed in like Manner, that none of the Articles aforesaid are therein to be found, as the Case may be, and that every such Housekeeper neglecting or refusing to return such Account as aforesaid, or who shall knowingly either return a false Account of the Particulars aforesaid, or falsely certify that none of the Particulars aforesaid, are therein, shall forfeit and pay the Sum of One hundred Pounds; and if he or she shall neglect or refuse to make such Certificate as aforesaid, although none of the Particulars aforesaid be therein, he or she shall forfeit and pay the Sum of Five Pounds, such Penalties to be respectively recovered before any One or more Justice or Justices of the Peace, on the Oath of One or more credible Witness or Witnesses; One Moiety whereof respectively shall be to the Informer or Informers, and the other Moiety to the Poor of the Parish or Place in which the Dwelling House shall be situate.

XXIX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs and Successors, whenever he or they shall deem it necessary for the publick Safety, to send out of this Realm any Alien as aforesaid, who shall have been committed to any Goal by Warrant under the Hands and Seals of any of His Majesty's Principal Secretaries

of State, or Justice of the Peace, Mayor or Chief Magistrate respectively, in Manner herein mentioned, or who shall be imprisoned in Execution of any Sentence passed upon such Alien for any Offence against this Act, or who shall have been admitted to Bail.

XXX. And be it further enacted by the Authority aforesaid, That if any Alien sent out of this Realm by Command of His Majesty, His Heirs or Successors, shall return, and be found at large within this Realm, every such Alien shall, on Conviction thereof in His Majesty's Court of King's Bench, or in any Court of Oyer and Terminer, Gaol Delivery, or Great Sessions, or in the Judiciary Court of Scotland, be adjudged to be transported for Life.

XXXI. And be it further enacted by the Authority aforesaid, That in all Cases concerning the Execution of this Act, when any Question shall arise whether any Person is or is not an Alien born, not having obtained Letters Patent of Denization, not having been naturalized by Act of Parliament; or whether such Alien is or is not an Alien Merchant; or whether such Alien did or did not arrive in this Kingdom, on or before the First Day of January One thousand seven hundred and ninety-two; or did or did not reside therein for Two Years continually previous to the First Day of January One thousand seven hundred and ninety; or is or is not fully a Domestick Servant as aforesaid; the Proof of being a natural-born Subject of His Majesty, His Heirs and Successors, or of being a Denizen by Letters Patent, or of Naturalization by Act of Parliament, or of being and Alien Merchant, or of having arrived within this Kingdom on or before the First Day of January One thousand seven hundred and ninety-two, or of having continually been resident for Two Years previous to the First Day of January One thousand seven hundred and ninety, or of being such a Domestick Servant as aforesaid, shall lie upon the Person touching whom such Question shall so arise.

XXXII. And be it further enacted by the Authority aforesaid, That no Person shall be deemed an Alien Merchant within the true Intent and Meaning of this Act, except such Person as shall be bona fide engaged in carrying on Trade or Commerce, by exporting or importing Merchandize from or into this Kingdom, seeking his or her Living thereby; or such Person as having been bona fide engaged in Trade or Commerce in Foreign Parts, and continuing engaged in such Trade or Commerce, or being employed as Agent or Factor by such Person in Foreign Parts, shall resort to this Kingdom, bona fide, for the Purpose of transacting the Business of the said Trade or Commerce in which such Person in Foreign Parts shall have been and shall be so engaged as aforesaid.

XXXIII. And be it further enacted by the Authority aforesaid, That no Foreign Ambassador, nor other publick Minister duly authorized, nor the Domestick Servant of any such Foreign Ambassador, or publick Minister, registered as such according to the Directions of the Laws now in Force, or being actually attendant upon such Ambassador or Minister, nor Aliens born who shall have had Letters Patent of Denization, or who shall have been naturalized by Act of Parliament, shall be deemed Aliens within the Meaning of this Act.

XXXIV. Provided always, and be it enacted, That nothing in this Act contained shall affect any Alien, in respect of any Act done or omitted, who shall make it appear that he or she was not above the Age of Fourteen Years at the Time of such Act done or omitted.

XXXV. And be it further enacted by the Authority aforesaid, That all Certificates, Passports, Notices, and Licences, herein before required to be given by any Collector, Comptroller, or other Chief Officer of the Customs, or by any Justice or Justices of the Peace, or other Magistrates respectively, shall be given without any Fee or Reward whatsoever.

XXXVI. And be it further enacted by the Authority aforesaid, That if any Passport, or Certificate, issued to any Alien by virtue of this Act, shall be lost, mislaid, or destroyed, and such Alien shall produce to One of His Majesty's Justices of the Peace, from the Office of One of His Majesty's Principal Secretaries of State, a Copy of the Passport or Certificate so lost, mislaid, or destroyed, and shall make it appear to the Satisfaction of such Justice, that he or she is the Person, named in such Passport or Certificate, and that the same has been lost, mislaid, or destroyed, without his or her wilful Neglect or Default, it shall and may be lawful for such Justice, and he is hereby required to grant to such Alien a fresh Passport or Certificate, which shall be of the like Force and Effect as the Passport or Certificate so lost, mislaid, or destroyed.

XXXVII. And be it further enacted by the Authority aforesaid, That in all Cases in which any Person shall be adjudged to be transported, the Transportation shall be adjudged to be, and shall be, to such Place or Places as His Majesty, with the Advice of His Privy Council, shall direct or appoint.

XXXVIII. And be it further enacted by the Authority aforesaid, That in case any Person ordered or adjudged to be transported, shall be found at large within this Realm after Sentence of Transportation pronounced, he shall be guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

XXXIX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Justice or Justices of the Peace before whom any pecuniary Penalties shall be recovered in pursuance of this Act, in case the same shall not be forthwith paid, to award and issue Warrants of Distress respectively for the levying of such pecuniary Penalties upon the Goods and Chattels of any Offender or Offenders, and to cause Sale to be made of such Goods and Chattels, if they shall not be redeemed within Fourteen Days, rendering to such Offender or Offenders the Overplus (if any there be), and for Want of sufficient Distress to imprison the Party offending till Satisfaction be made, and that if either Party think him or themselves aggrieved by any Judgement or Order to be given or made by any Justice of the Peace acting in pursuance of this Act, touching any pecuniary Penalty relating to the same, it shall and may be lawful to and for any such Person or Persons to appeal from the same to the Justices aforesaid at the next General or Quarter Session to be holden for the County, Shire, or Stewartry, where such Judgement or Order shall have been made, who shall finally determine the same and no Writ of Certiorari shall be allowed, to remove the Proceedings of the said Justices, touching the pecuniary Penalties aforesaid.

XL. Provided always, and it is hereby enacted by the Authority aforesaid, That the Party or Parties so appealing as aforesaid, shall give Notice in Writing, by the Space of Six Days next before such Sessions shall be holden as aforesaid, unto the other Party or Parties, of his, her, or their Intention to bring such Appeal, and that it shall and may be lawful for such Justices so assembled to award Costs to either Party, as they shall in their Discretion think fit, to be levied

by Warrant of the said Justices, or any Two or more of them, on the Goods and Chattels of the Party or Parties against whom the same shall be awarded, provided also, That in case there be not the Space of Six Days between the First Judgement of Order of any Justice or Justices and the Quarter or General Sessions then next following, that then such Appeal may be made at the Second General or Quarter Sessions after such Judgement or Order made.

XLI. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time be sued or prosecuted for any Thing by him or them done or executed in pursuance of or by Colour of this Act, or of any Matter or Thing therein contained, such Action or Prosecution shall be commenced within the Space of Three Months next after the Offence shall be committed, and such Person or Persons shall and may plead the General Issue, and give the Special Matter in Evidence for his or their Defence, and if upon Trial a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his or their Suit or Prosecution, or if Judgement be given for the Defendant or Defendants upon Demurrer or otherwise, such Defendant or Defendants shall have Double Costs to him or them awarded against the Plaintiff or Plaintiffs.

XLII. Provided also, and be it enacted, That this Act, or any of the Provisions therein contained, may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

XLIII. Provided also, and be it further enacted by the Authority aforesaid, That the Inhabitants of any Parish, Township, or Place, shall be deemed and taken to be competent Witnesses for the Purpose of proving the Commission of any Offence against this Act, within the Limits of such Parish, Township, or Place, notwithstanding any Part of the Penalty, incurred by such Offence, is given or applicable to the Poor of such Parish, Township, or Place.

XLIV. And be it further enacted by the Authority aforesaid, That this Act shall have Continuance until the First Day of January One thousand seven hundred and ninety-four, and from thence to the End of the then next Session of Parliament, and no longer.

FINIS.

## Appendix C: Report of the Jury Charge of Lord Braxfield in the Trial of Thomas Muir

The trial of Thomas Muir included the use of a partisan judge. The judge interprets the law, whereas the jury interprets guilt or innocence. The judge therefore can issue charges, telling the jury what part of the indictment should be considered. This charge is partisan, it clearly conveys to the jury the opinion of the judge. In addition, the judge characterizes evidence and berated the defendant. Partisan jury charges were used in both Britain and America against defendants in sedition trials. Notably, the impeachment of Justice Samuel Chase included his use of partisan jury charges. The judge Lord Braxfield is addressed in the document as the Lord Justice Clerk. Muir, the defendant, is addressed as “panel,” or Mr. Muir.

“An Account of the Trial of Thomas Muir, Esq. Younger, of Huntershill, before the High Court of Justiciary at Edinburgh, on the 30th and 31st Days of August, 1793, for Sedition. [Three Lines in Latin from Tacitus]” (Edinburgh, August 30, 1793), <http://name.umdl.umich.edu/N21038.0001.001>.

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The LORD JUSTICE CLERK, in summing up the evidence, said, that the indictment was the longest he had ever seen; but it was not necessary to prove the whole, in order to find the Pannel guilty, for the Jury had only to look at the concluding sentence of the indictment, from which it was plain, that if any one part of the libel was proven, it established the guilt of the Pannel the same as if the whole was substantiated.

Now, this is the question for consideration.—Is the Pannel guilty of Sedition, or, is he not? Now, before this question can be answered, two things must be attended to that require no proof: First, that the British Constitution is the best that ever was since the creation of the world, and it is not possible to make it better; for, is not every man secure? Does not every man reap the fruits of his own industry, and sit safely under his own fig-tree? The next circumstance is, that there was a spirit of sedition in this country last winter, which made every good man very uneasy. And his Lordship coincided in opinion with the master of the grammar school of Glasgow, who told Mr. Muir, that he thought proposing a reform was very ill timed. Yet Mr. Muir had, at that time, gone about among ignorant country people, making them forget their work, and told them that a reform was absolutely necessary for preserving their liberty, which, if it had not been for him, they would never have thought was in danger. His Lordship did not doubt that this would appear to them as it did to him, to be sedition.

The next thing to be attended to, was the outlawry.—Running away from justice, that was a mark of guilt. And what could he do in France at that period? pretending to be an ambassador to a foreign country without lawful authority, that was rebellion; and he pretends to have had



influence with those wretches, the leading men there And what kind of folks were they? His Lordship never liked the French all his days, but now he hated them.

The Pannel's harranguing such multitudes of ignorant weavers about their grievances, might have been attended with the worst consequences to the peace of the nation, and the safety of our glorious constitution.

Mr. Muir might have known, that no attention could be paid to such a rabble. What right had they to representation? He could have told them that the Parliament would never listen to their petition: How could they think of it? A government in every country should be just like a corporation; and, in this country, it is made up of the landed interest, which alone has a right to be represented; as for the rabble, who have nothing but personal property what hold has the nation of them? What security for the payment of their taxes; they may pack up all their property on their backs, and leave the country in the twinkling of an eye, but landed property cannot be removed.

The tendency of the Pannel's conduct was plainly to promote a spirit of revolt, and, if what was demanded, was not given, to take it by force. His Lordship had not the smallest doubt that the Jury were, like himself, convinced of the Pannel's guilt, and desired them to return such a verdict as would do them honour.

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