

Erskine May, Vol. II, Chapter IX, pp. 278-292

Repressive Policy Following the French Revolution

At no former period had liberty of opinion made advances so signal, as during the first thirty years of this reign. Never had the voice of the people been heard so often, and so loudly, in the inner councils of the state. Public opinion was beginning to supply the defects of a narrow representation. But evil days were now approaching, when liberties so lately won were about to be suspended. Wild and fanatical democracy, on the one hand, transgressing the bounds of rational liberty, and a too sensitive apprehension of its dangers, on the other, were introducing a period of reaction, unfavourable to popular rights.

[279] In 1792, the deepening shadows of the French revolution had inspired the great body of the people with sentiments of fear and repugnance; while a small, but noisy and turbulent, party, in advocating universal suffrage and annual parliaments, were proclaiming their admiration of French principles, and sympathy with the Jacobins of Paris. Currency was given to their opinions in democratic tracts, handbills, and newspapers, conceived in the spirit of sedition. Some of these papers were the work of authors expressing, as at other times, their own individual sentiments: but many were disseminated, at a low price, by democratic associations, in correspondence with France. One of the most popular and dangerous of these publications was Paine's second part of the 'Rights of Man.'

Instead of singling out any obnoxious work for a separate prosecution, the government issued, on the 21st of May, 1792, a proclamation warning the people against wicked and seditious writings, industriously dispersed amongst them, commanding magistrates to discover the authors, printers, and promulgators of such writings,—and sheriffs and others to take care to prevent tumults and disorders. This proclamation, having been laid before Parliament, was strongly denounced by Mr. Grey, Mr. Fox, and other members of the opposition, who alleged that it was calculated to excite [280] groundless jealousies and alarms,(1)—the government already having sufficient powers, under the law, to repress license or disaffection.

Both Houses, however, concurred in an address to the king, approving of the objects of the proclamation, and expressing indignation at any attempts to weaken the sentiments of the people in favour of the established form of government.(2)

Trial of Paine

Thomas Paine was soon afterwards brought to trial. He was defended by Mr. Erskine, whom neither the displeasure of the king and the Prince of Wales, nor the solicitations of his friends, nor public clamours, had deterred from performing his duty as an advocate. To vindicate such a book, on its own merits, was not to be attempted: but Mr. Erskine contended that, according to the laws of England, a writer is at liberty to address the reason of the nation upon the constitution and government, and is criminal only if he seeks to excite them to disobey the law, or calumniates living magistrates. He maintained 'that opinion is free, and that conduct alone is amenable to the law.' He himself condemned Mr. Paine's opinions: but his client was not to be punished because the jury disapproved of them as opinions, unless their character and intention were criminal. And he showed from the writings of [281] Locke, Milton, Burke, Paley, and other speculative writers, to what an extent abstract opinions upon our constitution had been expressed, without being objected to as libellous. The obnoxious writer was found guilty, but the general principles expounded by his advocate, to which his contemporaries

turned a deaf ear, have long been accepted as the basis on which liberty of opinion is established.

Meanwhile, the fears of democracy, of the press, and of speculative opinions, were further aggravated by the progress of events in France, and the extravagance of English democrats.

Democratic Associations

Several societies, which had been formed for other objects, now avowed their sympathy and fellowship with the revolutionary party in France,—addressed the National Convention,—corresponded with political clubs and public men in Paris; and imitated the sentiments, the language, and the cant then in vogue across the channel. Of these the most conspicuous were the 'Revolution Society,' the 'Society for Constitutional Information,' and the 'London Corresponding Society.' The Revolution Society had been formed long since, to commemorate the English revolution of 1688, and not that of France, a century later. It met annually on the 4th of November, when its principal toasts were the memory of King William, trial by jury, and the liberty of the press. On the 4th of Nov., 1788, the centenary of the [282] Revolution had been commemorated throughout the country, by men of all parties; and the Revolution Society had been attended by a secretary of state, and other distinguished persons. But the excitement of the times quickened it with a new life; and historical sentiment was lost in political agitation. The example of France almost effaced the memory of William. The Society for Constitutional Information had been formed in 1780, to instruct the people in their political rights, and to forward the cause of parliamentary reform. Among its early members were the Duke of Richmond, Mr. Fox, Mr. Pitt himself, and Mr. Sheridan. These soon left the society: but Mr. Wyvill, Major Cartwright, Mr. Horne Tooke, and a few more zealous politicians, continued to support it, advocating universal suffrage, and distributing obscure tracts. It was scarcely known to the public: its funds were low; and it was only saved from a natural death by the French revolution.

The London Corresponding Society,—composed chiefly of working men,—was founded in the midst of the excitement caused by events in France. It sought to remedy all the grievances [283] of society, real or imaginary,—to correct all political abuses,—and particularly to obtain universal suffrage and annual parliaments. These objects were to be secured by the joint action of affiliated societies throughout the country. The scheme embraced a wide correspondence, not only with other political associations in England, but with the National Convention of France, and the Jacobins of Paris. The leaders were obscure and, for the most part, illiterate men; and the proceedings of the society were more conspicuous for extravagance and folly than for violence. Arguments for universal suffrage were combined with abstract speculations, and conventional phrases, borrowed from France,—wholly foreign to the sentiments of Englishmen and the genius of English liberty. Their members were 'citizens,' the king was 'chief magistrate.'

These societies, animated by a common sentiment, engaged in active correspondence; and published numerous resolutions and addresses of a democratic, and sometimes of a seditious character. Their wild and visionary schemes,—however captivating to a lower class of politicians,—served only to discredit and endanger liberty. They were repudiated by the 'Society of the Friends of the People,'(3) and by all the earnest but temperate reformers of that time: they shocked the sober, alarmed the timid, and provoked, [284]—if they did not justify,—the severities of the government.

In ordinary times, the insignificance of these societies would have excited contempt rather than alarm: but as clubs and demagogues, originally not more formidable, had obtained a terrible ascendancy in France, they aroused apprehensions out of proportion to their real danger. In presence of a political earthquake, without a parallel in the history of the world, every symptom of revolution was too readily magnified.

Exaggerated Alarms Lead to Repression

There is no longer room for doubt that the alarm of this period was exaggerated and excessive. Evidence was not forthcoming to prove it just and well-founded. The societies, however mischievous, had a small following. they were not encouraged by any men of influence: the middle classes repudiated them: society at large condemned them. None of the causes which had precipitated the revolution in France were in existence here. None of the evils of an absolute government provoked popular resentment. We had no *lettres de cachet*, or Bastille: no privileged aristocracy: no impassable gulf between nobles and the commonalty: no ostracism of opinion. We had a free constitution, of which Englishmen were proud,—a settled society,—with just gradations of rank, bound together by all the ties of a well-ordered commonwealth; and our liberties, long since secured, were still growing with the greatness and enlightenment of the people. In France there was no bond between the government and its subjects but [285] authority: in England, power rested on the broad basis of liberty. So staunch was the loyalty of the country, that where one person was tainted with sedition, thousands were prepared to defend the law and constitution with their lives. The people, as zealous in the cause of good order as their rulers, were proof against the seductions of a few pitiful democrats. Instead of sympathising with the French revolution, they were shocked at its bloody excesses, and recoiled with horror from its social and religious extravagances. The core of English society was sound. Who that had lately witnessed the affectionate loyalty of the whole people, on the recovery of the king from his affliction, could suspect them of republicanism?

Yet their very loyalty was now adverse to the public liberties. It showed itself in dread and hatred of democracy. Repression and severity were popular, and sure of cordial support. The influential classes, more alarmed than the government, eagerly fomented the prevailing spirit of reaction. They had long been jealous of the growing influence of the press and popular opinion. Their own power had been disturbed by the political agitation of the last thirty years, and was further threatened by parliamentary reform. But the time had now come for recovering their ascendancy. The democratic spirit of the people was betraying itself; and must be crushed out, in the cause of order. The dangers of parliamentary reform were illustrated by clamours for universal suffrage, annual parliaments, and the rights of man; and [286] reformers of all degrees were to be scouted as revolutionary.

The calm and lofty spirit of Mr. Pitt was little prone to apprehension. He had discountenanced Mr. Burke's early reprobation of the French revolution: he had recently declared his confidence in the peace and prosperity of his country; and had been slow to foresee the political dangers of events in France. But he now yielded to the pressure of Mr. Burke and an increasing party in Parliament; and while he quieted their apprehensions, he secured for himself a vast addition of moral and material support. Enlarging his own party, and breaking up the opposition, he at the same time won public confidence.

It was a crisis of unexampled difficulty,—needing the utmost vigilance and firmness. Ministers, charged with the maintenance of order, could not neglect any security which the peril of the time demanded. They were secure of support in punishing sedition and treason: the guilty few would meet with no sympathy among a loyal people. But, counselled by their new chancellor and convert, Lord Loughborough, and the law officers of the crown, the government gave too ready a credence to the reports of their agents; and invested the doings of a small knot of democrats,—chiefly working men,—with the dignity of a wide-spread conspiracy to overturn the constitution. Ruling over a free state, they learned to dread the people, in the spirit of tyrants. Instead of relying upon the sober judgment of the country, they appealed to its fears; [287] and in repressing seditious practices, they were prepared to sacrifice liberty of opinion. Their policy, dictated by the circumstances of a time of strange and untried danger, was approved by the prevailing sentiment of their contemporaries: but has

not been justified,—in an age of greater freedom,—by the maturer judgment of posterity.

The next step taken by the government was calculated to excite a panic. On the 1st of December, 1792, a proclamation was issued, stating that so dangerous a spirit of tumult and disorder had been excited by evil-disposed persons, acting in concert with persons in foreign parts, that it was necessary to call out and embody the militia. And Parliament, which then stood prorogued until the 3rd of January, was directed to meet on the 13th of December.

The king's speech, on the opening of Parliament, repeated the statements of the proclamation; and adverted to designs, in concert with persons in foreign countries, to attempt 'the destruction of our happy constitution, and the subversion of all order and government.' These statements were warmly combated by Mr. Fox, who termed them 'an intolerable calumny upon the people of Great Britain,' and argued that the executive government were about to assume control, not only over the acts of the people, but over their very thoughts. Instead of silencing discussion, he counselled a forwardness to redress every grievance. [288] Other speakers also protested against the exaggerated views of the state of the country which the administration had encouraged. They exhorted ministers to have confidence in the loyalty and sound judgment of the people; and, instead of fomenting apprehensions, to set an example of calmness and sobriety. But in both Houses addresses were voted, giving the sanction of Parliament to the sentiments expressed from the throne. The majority did not hesitate to permit popular privileges to be sacrificed to the prevailing panic.

But as yet no evidence of the alleged dangers had been produced; and on the 28th of February, Mr. Sheridan proposed an inquiry, in a committee of the whole House. He denied the existence of seditious practices; and imputed to the government a desire to create a panic, in order to inflame the public mind against France, with which war was now declared; and to divert attention from parliamentary reform. The debate elicited no further evidence of sedition: but the motion was negatived without a division.

Prosecutions for Sedition

Meanwhile, prosecutions of the press abounded, especially against publishers of Paine's works.(4) Seditious speaking was also vigilantly repressed. A few examples will illustrate the rigorous [289] administration of the laws. John Frost, a respectable attorney, who had been associated with the Duke of Richmond and Mr. Pitt, a few years before, in promoting parliamentary reform, was prosecuted for seditious words spoken in conversation, after dinner, at a coffee-house. His words, reprehensible in themselves, were not aggravated by evidence of malice or seditious intent. They could scarcely be termed advised speaking; yet was he found guilty, and sentenced to six months' imprisonment, to stand in the pillory at Charing Cross, and to be struck off the roll of attorneys. Mr. Winterbotham, a Baptist Minister, was tried for uttering seditious words in two sermons. The evidence brought against him was distinctly contradicted by several witnesses: and in the second case, so weak was the evidence for the crown, and so conclusive his defence, that the judge directed an acquittal; yet in both cases the jury returned verdicts of guilty. The luckless minister was sentenced to four years' imprisonment, to pay two fines of £100, and to give security for his good behaviour. Thomas Briellat was tried for the use of seditious words in conversations at a public-house, and in a butcher's shop. Here again the evidence for the prosecution was contradicted by witnesses for the defence: but no credit being given to the latter, the jury returned a verdict of guilty; and Briellat was sentenced to twelve months' imprisonment, and to pay a fine of £100.

[290] The trial of Dr. Hudson, for seditious words spoken at the London Coffee-House, affords another illustration of the alarmed and watchful spirit of the people. Dr. Hudson had addressed toasts and sentiments to his friend Mr. Pigott, who was dining with him in the same box. Other guests in the coffee-house overheard them, and interfered with threats and violence. Both the friends were given in charge to a constable: but Dr. Hudson was alone

brought to trial.(5) He was found guilty, and sentenced to two years' imprisonment, and to pay a fine of £200.

Nor were such prosecutions confined to the higher tribunals. The magistrates, invited to vigilance by the king's proclamation, and fully sharing the general alarm, were satisfied with scant evidence of sedition; and if they erred in their zeal, were sure of being upheld by higher authorities.(6) And thus every incautious disputant was at the mercy of panic-stricken witnesses, officious constables, and country justices.

Prosecuting Societies

Another agency was evoked by the spirit of the times,—dangerous to the liberty of the press, and to the security of domestic life. Voluntary societies were established in [291] London and throughout the country, for the purpose of aiding the executive government in the discovery and punishment of seditious writings or language. Of these the parent was the 'Society for the protection of liberty and property against republicans and levellers.' These societies, supported by large subscriptions, were busy in collecting evidence of seditious designs,—often consisting of anonymous letters,—often of the reports of informers, liberally rewarded for their activity. They became, as it were, public prosecutors, supplying the government with proofs of supposed offences, and quickening its zeal in the prosecution of offenders. Every unguarded word at the club, the market-place, or the tavern, was reported to these credulous alarmists, and noted as evidence of disaffection.

Such associations were repugnant to the policy of our law, by which the crown is charged with the office of bringing offenders to justice, while the people, represented by juries, are to judge, without favour or prejudice, of their guilt or innocence. But here the people were invited to make common cause with the crown against offenders, to collect the evidence, and prejudge the guilt. How then could members of these societies assist in the pure administration of justice, as jurymen and justices of the peace? In the country especially was justice liable to be warped. Local cases of sedition were tried at the Quarter Sessions, by magistrates who were leaders of these societies, and by jurors who, if not also members, were the tenants or neighbours of the gentlemen on the bench. Prosecutor, judge, and [292] jury being all leagued against the accused, in a time of panic, how could any man demand with confidence to be tried by his peers?

Footnotes.

1. See also [supra](#), p. 165.
2. There had been similar proclamations in the reigns of Queen Anne and George I.
3. See [supra](#), Vol. I. 402; Lord J Russell's Life of Fox, ii. 293.
4. E. g., Daniel Isaac Eaton, Daniel Holt, and others; State Tr., xxii. 574-822; Ibid., xxiii 214, etc. The Attorney-General stated, on the 13th December, 1792, that he had on his file 200 informations for seditious libels.—Adolphus' Hist., v. 524.
5. The bill of indictment against Pigott was rejected by the grand jury.
6. A yeoman in his cups being exhorted by a constable, as drunk as himself, to keep the peace in the king's name, muttered, 'D— you and the king too:' for which the loyal quarter sessions of Kent sentenced him to a year's imprisonment. A complaint being made of this sentence to Lord Chancellor Loughborough, he said, 'that to save the country from revolution, the authority of all tribunals, high and low, must be upheld.'—Lord Campbell's Lives of the Chancellors, vi. 265.

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