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Sedition and Treason Trials in the 1790s

Sedition Trials in Scotland

Meanwhile, the authorities in Scotland were more alarmed by the French revolution than the English government; and their apprehensions were increased by the proceedings of several societies for democratic reform, and by the assembling in Edinburgh of a 'convention of delegates of the associated friends of the people,' from various parts of England and Scotland. The mission of these delegates was to discuss annual parliaments and universal suffrage: but the excitement of the times led them to an extravagance of language, and proceedings which had characterised other associations. The government resolved to confront democracy and overawe sedition: but in this period of panic, even justice was at fault; and the law was administered with a severity discreditable to the courts, and to the public sentiments of that country. Some of the persons implicated in obnoxious publications withdrew from the jurisdiction of the courts; while those who remained found little justice or mercy.

Muirs's Case

Thomas Muir, a young advocate of high talents and attainments, having exposed himself to suspicion by his activity in promoting [293] the proscribed cause of parliamentary reform, and as a member of the convention of delegates, was brought to trial before the High Court of Justiciary at Edinburgh, for sedition. Every incident of this trial marked the unfairness and cruel spirit of his judges.

In deciding upon the relevancy of the indictment, they dilated upon the enormity of the offences charged, which, in their judgment, amounted almost, to high treason,—upon the excellence of our constitution,(1) and the terrors of the French revolution. It was plain that any attempt to amend our institutions was, in their eyes, a crime. All the jurymen, selected by the sheriff and picked by the presiding judge, were members of an association at Goldsmith's Hall, who had erased Muir's name from their books as an enemy to the constitution. He objected that such men had already prejudged his cause, but was told he might as well object to his judges, who had sworn to maintain the constitution! The witnesses for the crown failed to prove any seditious speeches,—while they all bore testimony to the earnestness with which he had counselled order and obedience to the law. Throughout the trial, he was browbeaten and threatened by the judges. A contemptible witness against him was 'caressed by the prosecutor, and complimented by the court,'—while a witness of his own was hurriedly committed for concealing the truth, without hearing Muir on his behalf, who was [294] told that 'he had no right or title to interfere in the business.' In the spirit of a bygone age of judicature, the Lord Advocate denounced Muir as a demon of sedition and mischief. He even urged it as a proof of guilt that a letter had been found among his papers, addressed to Mr. Fyshe Palmer, who was about to be tried for sedition!

Muir defended himself in a speech worthy of the talents and courage which were to be crushed by this prosecution. Little did they avail him. He knew that he was addressing men by whom his cause had been prejudged: but he appealed worthily to the public and to posterity; and affirmed that he was tried, in truth, for promoting parliamentary reform. The Lord Justice Clerk, Braxfield,(2) confirmed this assertion, by charging the jury that to preach the necessity

of reform, at a time of excitement, was seditious. This learned judge also harangued the jury upon parliamentary reform. 'The landed interest alone had a right to be represented,' he said; 'as for the rabble, who have nothing but personal property, what hold has the nation of them?' Need it be told that the jury returned a verdict of guilty? And now the judges renewed their reflections upon the enormity of the prisoner's crimes. Lord Henderland noticed the applause with which Muir's noble defence had been received by the audience,—which could not but admire his spirit and eloquence,—as a proof of the seditious feelings of the people; and [295] though his lordship allowed that this incident should not aggravate Muir's punishment, he proceeded to pass a sentence of transportation for fourteen years. Lord Swinton could scarcely distinguish Muir's crime from high treason, and said, with a ferocity unworthy of a Christian judge, 'if punishment adequate to the crime of sedition were to be sought for, it could not be found in our law, now that torture is happily abolished,' He concurred in the sentence of transportation,—referring to the Roman law where seditious criminals '*aut in furcam tolluntur, aut bestiis objiciuntur, aut in insulam deportantur*,' 'We have chosen the mildest of these punishments,' said his lordship! Lord Abercromby and the Lord Justice Clerk thought the defendant fortunate in having escaped with his life,—the penalty of treason; and the latter, referring to the applause with which Muir had been greeted, admitted that the circumstance had no little weight with him in considering the punishment.(3)

What was this but an avowal that public opinion was to be repressed and punished in the person of Muir, who was now within the grasp of the law? And thus, without even the outward show of a fair trial, Muir stood sentenced to a punishment of unwarrantable, if not illegal, severity.(4)

Fyshe Palmer's Case

[296] A few days after this trial, the Rev. T. Fyshe Palmer(5) was tried for sedition before the Circuit Court of Justiciary at Perth. He was charged with circulating an address from 'A society of the friends of liberty to their fellow-citizens.' However strong the language of this paper,(6) its sole object was to secure a reform of the House of Commons, to whose corruption and dependence were attributed all the evils which it denounced. His trial was conducted with less intemperance than that of Muir, but scarcely with more fairness. In deciding upon the relevancy of the indictment, the judges entertained no doubt that the paper was seditious, which they proved mainly by combating the truth of the propositions contained in it. The witnesses for the crown, who gave their evidence with much reluctance, proved that Palmer was not the author of the address: but had corrected it, and softened many of its [297] expressions. That he was concerned in its printing and circulation, was clearly proved.

The judicial views of sedition may be estimated from part of Lord Abercromby's summing up. 'Gentlemen,' said he, 'the right of universal suffrage, the subjects of this country never enjoyed; and were they to enjoy it, they would not long enjoy either liberty or a free constitution. You will, therefore, consider whether telling the people that they have a just right to what would unquestionably be tantamount to a total subversion of this constitution, is such a writing as any person is entitled to compose, to print, and to publish.' When such opinions were declared from the bench, who can wonder if complaints were heard that the law punished as sedition, the advocacy of parliamentary reform? Palmer was found guilty and sentenced to seven years' transportation,—not without intimations from Lord Abercromby and Lord Eskgrove that his crime so nearly amounted to treason, that he had narrowly escaped its punishment.

Skirving, Margarot and Gerrald

After these trials, the government resolved to put down the Convention of the Friends of the People in Edinburgh, whose proceedings had become marked by greater extravagance.(7) Its

leaders were arrested, and its papers seized. In January 1794, William Skirving, [298] the secretary, was tried for sedition, as being concerned in the publication of the address to the people, for which Palmer had already been convicted, and in other proceedings of the convention. He was found guilty and sentenced to fourteen years' transportation. On hearing his sentence, Skirving said:—'My Lords, I know that what has been done these two days will be rejudged; that is my comfort, and all my hope.'(8) That his guilt was assumed and prejudged, neither prosecutor nor judge attempted to disguise. The solicitor-general, in his opening speech, said:—'The very name of British convention carries sedition along with it.'—'And the British convention associated for what? For the purpose of obtaining universal suffrage: in other words, for the purpose of subverting the government of Great Britain.' And when Skirving, like Muir, objected to the jurors, as members of the Goldsmiths' Hall Association, Lord Eskgrove said, 'by making this objection, the panel is avowing that it was their purpose to overturn the government.'

Maurice Margarot and Joseph Gerrald, who had been sent by the London Corresponding Society to the Convention of the Friends of the People at Edinburgh, were tried for [299] seditious speeches and other proceedings, in connection with that convention; and on being found guilty, were sentenced to fourteen years' transportation.(9)

Reaction to These Trials

The circumstances attending these trials, and the extreme severity of the sentences, could not fail to raise animadversions in Parliament. The case of Mr.Muir was brought before the Lords by Earl Stanhope; and that of Mr. Fyshe Palmer before the Commons, on a petition from himself, presented by Mr. Sheridan. The cases of Muir and Palmer were afterwards more fully laid before the House of Commons, by Mr. Adam. He contended, in an able speech, that the offences with which they had been charged were no more than leasing-making, according to the law of Scotland, for which no such punishment as transportation could be inflicted. He also called attention to many of the circumstances connected with these trials, in order to show their unfairness; and moved for a copy of the record of Muir's trial. The trials and sentences were defended by the Lord Advocate, Mr. Windham, and Mr. Pitt; and strongly censured by Mr. Sheridan, Mr. Whitbread, Mr. Grey, and Mr. Fox. The latter denounced, with eloquent [300] indignation, some of the extravagant expressions which had proceeded from the bench, and exclaimed, 'God help the people who have such judges!' The motion was refused by a large majority.

These cases were again incidentally brought into discussion, upon a motion of Mr. Adam respecting the criminal law of Scotland. They were also discussed in the House of Lords, upon a motion of Lord Lauderdale, but without any results.(10)

The prisoners were without redress, but their sufferings excited a strong popular sympathy, especially in Scotland. 'These trials,' says Lord Cockburn, 'sank deep, not merely into the popular mind, but into the minds of all men who thought. It was by these proceedings, more than by any other wrong, that the spirit of discontent justified itself throughout the rest of that age.' This strong sense of injustice rankled in the minds of a whole generation of Scotchmen, and after fifty years, found expression in the Martyrs' Memorial on Calton Hill.(11)

Sedition Trials in England

Meanwhile, some of the cases of sedition tried by the courts, in England, brought ridicule upon the administration of justice. Daniel [301] Isaac Eaton was tried for publishing a contemptible pamphlet entitled 'Politics for the people, or Hog's Wash,' in which the king was supposed to be typified under the character of a game cock. It was a ridiculous prosecution, characteristic of the times: the culprit escaped, and the lawyers were laughed at.

Another prosecution, of more formidable pretensions, was brought to an issue, in April 1794. Thomas Walker, an eminent merchant of Manchester, and six other persons, were charged with a conspiracy to overthrow the constitution and government, and to aid the French in the invasion of these shores. This charge expressed all the fears with which the government were harassed, and its issue exposed their extravagance. The entire charge was founded upon the evidence of a disreputable witness, Thomas Dunn, whose falsehoods were so transparent that a verdict of acquittal was immediately taken, and the witness was committed for his perjury. The arms that were to have overturned the government and constitution of the country, proved to be mere children's toys, and some firearms which Mr. Walker had obtained to defend his own house against a church and king mob, by whom it had been assailed. That such a case could have appeared to the officers of the crown worthy of a public trial, is evidence of the heated imagination of the time, which discovered conspiracies and treason in all the actions of men.

Habeas Corpus Suspended

[302] It was not until late in the session of 1794, that the ministers laid before Parliament any evidence of seditious practices. But in May 1794, some of the leading members of the democratic societies having been arrested, and their papers seized, a message from the king was delivered to both Houses, stating that he had directed the books of certain corresponding societies to be laid before them. In the Commons, these papers were referred to a secret committee, which first reported upon the proceedings of the Society for Constitutional Information, and the London Corresponding Society; and pronounced its opinion that measures were being taken for assembling a general convention 'to supersede the House of Commons in its representative capacity, and to assume to itself all the functions and powers of a national legislature.' It was also stated that measures had recently been taken for providing arms, to be distributed amongst the members of the societies. No sooner had the report been read, than Mr. Pitt, after recapitulating the evidence upon which it was founded, moved for a bill to suspend the habeas corpus act, which was rapidly passed through both Houses.(12)

A secret committee of the Lords reported that 'a traitorous conspiracy had been formed for the subversion of the established laws and constitution, and the introduction of that system of anarchy and confusion which has fatally [303] prevailed in France.' And the committee of the Commons, in a second report, revealed evidence of the secret manufacture of arms, in connection with the societies,—of other designs dangerous to the public peace,—and of proceedings ominously formed upon the French model. A second report was also issued, on the following day, from the committee of the Lords. They were followed by loyal addresses from both Houses, expressing their indignation at these seditious practices, and the determination to support the constitution and peace of the country. The warmest friends of free discussion had no sympathy with sedition, or the dark plots of political fanatics: but, relying upon the loyalty and good conduct of the people, and the soundness of the constitution, they steadily contended that these dangers were exaggerated, and might be safely left to the ordinary administration of the law.

Notwithstanding the dangers disclosed in these reports, prosecutions for seditious libel, both in England and Ireland, were singularly infelicitous. The convictions secured were few compared with the acquittals; and the evidence was so often drawn from spies and informers, that a storm of unpopularity was raised against the government. Classes, heartily on the side of order, began to be alarmed for the public liberties. They were willing that libellers should be punished: but protested against the privacy of domestic life being [304] invaded by spies, who trafficked upon the excitement of the times.

Treason Trials in Scotland

Crimes more serious than seditious writings were now to be repressed. Traitorous societies, conspiring to subvert the laws and constitution, were to be assailed, and their leaders brought to justice. If they had been guilty of treason, all good subjects prayed that they might be convicted: but thoughtful men, accustomed to free discussion and association for political purposes, dreaded lest the rights and liberties of the people should be sacrificed to the public apprehensions.

In 1794, Robert Watt and David Downie were tried, in Scotland, for high treason. They were accused of a conspiracy to call a convention, with a view to usurp legislative power, to procure arms, and resist the royal authority. That their designs were dangerous and criminal was sufficiently proved, and was afterwards confessed by Watt. A general convention was to be assembled, comprising representatives from England, Scotland, and Ireland, and supported by an armed insurrection. The troops were to be seduced or overpowered, the public offices and banks secured, and the king compelled to dismiss his ministers and dissolve parliament. These alarming projects were discussed by seven obscure individuals in Edinburgh, of whom Watt, a spy, was the leader, and David Downie, a mechanic, the treasurer. Two of the seven soon withdrew from the conferences of [305] the conspirators; and four became witnesses for the crown. Forty-seven pikes had been made, but none had been distributed. Seditious writing and speaking, and a criminal conspiracy, were too evidently established: but it was only by straining the dangerous doctrines of constructive treason, that the prisoners could be convicted of that graver crime. They were tried separately, and both being found guilty, received sentence of death.(13) Watt was executed: but Downie, having been recommended to mercy by the jury, received a pardon. It was the first conviction yet obtained for any of those traitorous designs, for the reality of which Parliament had been induced to vouch.

And in England

While awaiting more serious events, the public were excited by the discovery of a regicide plot. The conspirators were members of the much-dreaded Corresponding Society, and had concerted a plan for assassinating the king. Their murderous instrument was a tube, or air-gun, through which a poisoned arrow was to be shot! No wonder that this foul conspiracy at once received the name of the 'Pop-Gun Plot!' A sense of the ridiculous prevailed over the fears and loyalty of the people.(14) [306] But before the ridicule excited by the discovery of such a plot had subsided, trials of a far graver character were approaching, in which not only the lives of the accused, but the credit of the executive, the wisdom of Parliament, and the liberties of the people were at stake.

Parliament had declared in May(15) 'that a traitorous and detestable conspiracy had been formed for subverting the existing laws and constitution, and for introducing the system of anarchy and confusion which has so lately prevailed in France.' In October, a special commission was issued for the trial of the leaders of this conspiracy. The grand jury returned a true bill against Thomas Hardy, John Horne Tooke, John Thelwall, and nine other prisoners, for high treason. These persons were members of the London Corresponding Society, and of the Society for Constitutional Information, which had formed the subject of the reports of secret committees, and had inspired the government with so much apprehension. It had been the avowed object of both these societies to obtain parliamentary reform: but the prisoners were charged with conspiring to break the public peace,—to excite rebellion,—to depose the king and put him to death, and alter the legislature and government of the country,—to summon a convention of the people for effecting these traitorous designs,—to write and issue letters and addresses, in order to [307] assemble such a convention; and to provide arms for the purpose of resisting the king's authority.

Never, since the revolution, had prisoners been placed at so great a disadvantage, in defending themselves from charges of treason. They were accused of the very crimes which Parliament had declared to be rife throughout the country; and in addressing the grand jury, Chief Justice Eyre had referred to the recent act, as evidence of a wide-spread conspiracy to subvert the government.

The first prisoner brought to trial was a simple mechanic, Thomas Hardy,—a shoemaker by trade, and secretary of the London Corresponding Society. Day after day, evidence was produced by the crown, first to establish the existence and character of this conspiracy; and secondly to prove that the prisoner was concerned in it. This evidence having already convinced Parliament of a dangerous conspiracy, the jury were naturally predisposed to accept it as conclusive; and a conspiracy being established, the prisoner, as a member of the societies concerned in it, could scarcely escape from the meshes of the general evidence. Instead of being tried for his own acts or language only, he was to be held responsible for all the proceedings of these societies. If they had plotted a revolution, he must be adjudged a traitor; and if he should be found guilty, what members of these societies would be safe.

The evidence produced in this trial proved, indeed, that there had been strong excitement, intemperate language, impracticable projects of [308] reform, an extensive correspondence and popular organisation. Many things had been said and done, by persons connected with these societies, which probably amounted to sedition: but nothing approaching either the dignity or the wickedness of treason. Their chief offence consisted in their efforts to assemble a general convention of the people, ostensibly for obtaining parliamentary reform,—but in reality, it was said, for subverting the government. If their avowed object was the true one, clearly no offence had been committed. Such combinations had already been formed, and were acknowledged to be lawful. Mr. Pitt himself, the Duke of Richmond, and some of the first men in the state had been concerned in them. If the prisoner had other designs,—concealed and unlawful,—it was for the prosecution to prove their existence, by overt acts of treason. Many of the crown witnesses, themselves members of the societies, declared their innocence of all traitorous designs: while other witnesses gained little credit when exposed as spies and informers.

It was only by pushing the doctrines of constructive treason to the most dangerous extremes, that such a crime could even be inferred. Against these perilous doctrines Mr. Erskine had already successfully protested in the case of Lord George Gordon; and now again he exposed and refuted them, in a speech which, as Mr. Horne Tooke justly said, 'will live for ever.'(16) The shortcomings of the [309] evidence, and the consummate skill and eloquence of the counsel for the defence, secured the acquittal of the prisoner.

Notwithstanding their discomfiture, the advisers of the crown resolved to proceed with the trial of Mr. John Horne Tooke, an accomplished scholar and wit, and no mean disputant. His defence was easier than that of Hardy. It had previously been doubtful how far the fairness and independence of a jury could be relied upon. Why should they be above the influences and prejudices which seemed to prevail everywhere? In his defence of Horne Tooke, Mr. Erskine could not resist adverting to his anxieties in the previous trial, when even the 'protecting Commons had been the accusers of his client, and had acted as a solicitor to prepare the very briefs for the prosecution.' But now that juries could be trusted, as in ordinary times, the case was clear; and Horne Tooke was acquitted.

The groundless alarm of the government, founded upon the unfaithful reports of spies, was well exemplified in the case of Horne Tooke. He had received a letter from Mr. Joyce, containing the ominous words 'Can you be ready by Thursday?' The question was believed to refer to some rising, [310] or other alarming act of treason: but it turned out that it related only to 'a list of the titles, offices, and pensions bestowed by Mr. Pitt upon his relations, friends, and dependents.' And again, Mr. Tooke, seeing Mr. Gay, an enterprising traveller, present at a

meeting of the Constitutional Society, had humorously observed that he 'was disposed to go to greater lengths than any of us would choose to follow him;' an observation which was faithfully reported by a spy, as evidence of dangerous designs.

Messrs. Bonney, Joyce, Kyd, and Holcroft were next arraigned, but the attorney-general, having twice failed in obtaining a conviction upon the evidence at his command, consented to their acquittal and discharge. But Thelwall, against whom the prosecution had some additional evidence personal to himself, was tried, and acquitted. After this last failure, no further trials were adventured upon. The other prisoners, for whose trial the special commission had been issued, were discharged, as well as several prisoners in the country, who had been implicated in the proceedings of the obnoxious societies.

Fortunate Results

Most fortunate was the result of these trials. Had the prisoners been found guilty, and suffered death, a sense of injustice would have aroused the people to dangerous exasperation. The right of free discussion and [311] association would have been branded as treason: public liberty would have been crushed; and no man would have been safe from the vengeance of the government. But now it was acknowledged, that if the executive had been too easily alarmed, and Parliament too readily persuaded of the existence of danger, the administration of justice had not been tampered with; and that, even in the midst of panic, an English jury would see right done between the crown and the meanest of its subjects.(17) And while the people were made sensible of their freedom, ministers were checked for a time in their perilous career. Nor were these trials, however impolitic, without their uses. On the one hand, the alarmists were less credulous of dangers to the state: on the other, the folly, the rashness, the ignorance, and criminality of many of the persons connected with political associations were exposed.

Parliamentary Proceedings

On the meeting of Parliament, in December, the failure of these prosecutions at once became the subject of discussion. Even on the formal reading of the Clandestine Outlawries Bill, Mr. Sheridan urged the immediate repeal of the act for the suspension of the Habeas Corpus. While he and other members of the opposition contended that the trials had discredited the evidence of dangerous plots, ministers declined [312] to accept any such conclusion. The solicitor-general maintained that the only effect of the late verdicts was, 'that the persons acquitted could not be again tried for the same offence;' and added, that if the juries had been as well informed as himself, they would have arrived at a different conclusion! These expressions, for which he was rebuked and ridiculed by Mr. Fox, were soon improved upon by Mr. Windham. The latter wished the opposition 'joy of the innocence of an acquitted felon,'—words which, on being called to order, he was obliged to explain away.

A few days afterwards, Mr. Sheridan moved for the repeal of the Habeas Corpus Suspension Act, in a speech abounding in wit, sarcasm, and personalities. The debate elicited a speech from Mr. Erskine, in which he proved, in the clearest manner, that the acquittal of the prisoners had been founded upon the entire disbelief of the jury in any traitorous conspiracy, —such as had been alleged to exist. His arguments were combated by Mr. Serjeant Adair, who, in endeavouring to prove that the House had been right, and the juries in error, was naturally rewarded with the applause of his audience. His speech called forth this happy retort of Mr. Fox. The learned gentleman, he said, 'appealed from the jury to the House. And here let me adore the trial by jury. When this speech was made to another jury,—a speech which has been tonight received with such plaudits that we seemed [313] ready *ire pedibus in sententiam*,—it was received with a cold "not guilty."' The minister maintained a haughty silence: but being appealed to, said that it would probably be necessary to continue the act. Mr. Sheridan's motion was supported by no more than forty-one votes.

The debate was soon followed by the introduction of the Continuance Bill. The government, not having any further evidence of public danger, relied upon the facts already disclosed in Parliament and in the courts. Upon these they insisted, with as much confidence as if there had been no trials; while, on the other side, the late verdicts were taken as a conclusive refutation of all proofs hitherto offered by the executive. These arguments were pressed too far, on either side. Proofs of treason had failed: proofs of seditious activity abounded. To condemn men to death on such evidence was one thing: to provide securities for the public peace was another: but it was clear that the public danger had been magnified, and its character misapprehended. The bill was speedily passed by both Houses.

Yorke's Case

While many prisoners charged with sedition had been released, after the state trials, Henry Redhead Yorke was excepted from this indulgence. He was a young man of considerable talent, just twenty-two years old; and had entered into politics when a mere boy, with more zeal than discretion. In April 1794, he had [314] assembled a meeting at Castle Hill, Sheffield, whom he addressed, in strong and inflammatory language, upon the corruptions of the House of Commons, and the necessity for parliamentary reform. The proceedings at this meeting were subsequently printed and published: but it was not proved that Mr. Yorke was concerned in the publication, nor that it contained an accurate report of his speech. Not long afterwards, he was arrested on a charge of high treason. After a long imprisonment, this charge was abandoned: but in July 1796, he was at length brought to trial at the York Assizes, on a charge of conspiracy to defame the House of Commons, and excite a spirit of disaffection and sedition amongst the people. He spoke ably in his own defence; and Mr. Justice Rooke, before whom he was tried, admitted in his charge to the jury that the language of the prisoner,—presuming it to be correctly reported,—would have been innocent at another time and under other circumstances: but that addressed to a large meeting, at a period of excitement, it was dangerous to the public peace. The jury being of the same opinion, found a verdict of guilty; and the defendant was sentenced to a fine of £200, and two years' imprisonment in Dorchester gaol.

Footnotes.

1. The Lord Justice Clerk (Lord Braxfield) termed it 'the happiest, the best, and the most noble constitution in the world, and I do not believe it possible to make a better.'—St. Tr., xxiii. 132.
2. Robert McQueen of Braxfield—Lord Braxfield, 'was the Jeffreys of Scotland.' 'Let them bring me more prisoners, and I will find them law,' was said to have been his language to the government.—Lord Cockburn's Mem., 116.
3. St. Tr., xxiii. 118-238. Lord Campbell's Lives of the Chancellors. vi. 261. In reference to this trial, Lord Cockburn says, 'if, instead of being a Supreme Court of Justice, sitting for the trial of guilt or innocence, it had been an ancient commission appointed by the crown to procure convictions, little of its judicial manner would have required to be changed.'—Memorials, p. 100.
4. There is little doubt that the law of Scotland did not authorise the sentence of transportation for sedition, but of banishment only. This was affirmed over and over again. In 1797 Mr. Fox said he was satisfied, 'not merely on the authority of the most learned men of that country, but on the information he had himself been able to acquire, that no such law did exist in Scotland, and that those who acted upon it will one day be brought to a severe retribution for their conduct.'—Parl. Hist., xxxiii. 616. It seems also that the Act 25 Geo. III. c. 46, for removing offenders, in Scotland, to places of temporary confinement, had expired in 1788; and that 'Muir and Palmer were nevertheless removed from Scotland and transported to Botany Bay, though there was

no statute then in force to warrant it.'—Lord Colchester's Diary i. 50.

5. Mr. Palmer had taken orders in the Church of England, but afterwards became an Unitarian Minister.
6. 'That portion of liberty you once enjoyed is fast setting, we fear, in the darkness of despotism and tyranny,' was the strongest sentence.
7. It was now called the British Convention of Delegates, etc. Its members were citizens: its place of meeting was called Liberty Hall: it appointed secret committees, and spoke mysteriously of a convention of emergency.
8. State Trials, xxiii. 391-602. Hume's Criminal Commentaries were compiled 'in a great measure for the purpose of vindicating the proceedings of the Criminal Court in these cases of sedition;' but 'there is scarcely one of his favourite points that the legislature, with the cordial assent of the public and of lawyers, has not put down.'—Lord Cockburn's Mem., 164; and see his art. in Edinb. Rev. No. 167 art. 7.
9. Mr. Fox said of Gerrald, in 1797, 'his elegant and useful attainments made him dear to the circles of literature and taste. Bred to enjoyments, in which his accomplishments fitted him to participate, and endowed with talents that rendered him valuable to his country, . . . the punishment to such a man was certain death, and accordingly he sank under the sentence, the victim of virtuous, wounded sensibility.'—Parl. Hist., xxxiii, 617.
10. For an account of the sufferings of Muir and Palmer on board of the hulks, see St. Tr., xxiii. 377, note. Palmer, Gerrald, and Skirving died abroad; Muir escaped to Europe, and died in Paris, in 1799.—Ann. Reg., 1797, Chron., p. 14, and 1799, Chron., p. 9.
11. Erected 1844.
12. See Chap. XI.
13. St. Tr., xxiii. 1167; Ibid., xxiv. 11. Not long before the commission of those acts which cost him his life, Watt had been giving information to Mr. Secretary Dundas of dangerous plots which never existed; and suspicious were entertained that if his criminal suggestions had been adopted by others, and a real plot put in movement, he would have been the first to expose it and to claim a reward for his disclosures. If such was his design the 'biter was bit,' as he fell a sacrifice to the evidence of his confederates.—St. Tr., xxiii. 1325; Belsham's Hist., ix. 227.
14. Crossfield, the chief conspirator, being abroad, the other traitors were not brought to trial for nearly two years, when Crossfield and his confederates were all acquitted.—St. Tr., xxvi. 1.
15. Preamble to Habeas Corpus Suspension Act, 34 Geo. III. c. 54.
16. The conclusion of his speech was received with acclamations by the spectators who thronged the court, and by the multitudes surrounding it. Fearful that their numbers and zeal should have the appearance of overawing the judges and jury, and interfering with the administration of justice, Mr. Erskine went out and addressed the crowd, beseeching them to disperse. 'In a few minutes there was scarcely a person to be seen near the Court.'—Notes to Erskine's Speeches, iii. 502.
17. Mr. Speaker Addington, writing after these events, said, 'It is of more consequence to maintain the credit of a mild and unprejudiced administration of justice than even to convict a Jacobin.' Pellew's Life of Lord Sidmouth, i. 132.