

Erskine May, Vol. II, Chapter IX, pp. 314-330

Further Repression—the 'Two Acts'

Distress and Riots, 1795

The year 1795 was one of suffering, excitement, uneasiness, and disturbance: 'the time was out of joint.' The pressure of the war upon industry, aggravated by two bad harvests, was already beginning to be felt. Want of employment [315] and scarcity of food, as usual, provoked political discontent; and the events of the last three years had made a wide breach between the government and the people. Until then, the growth of freedom had been rapid: many constitutional abuses had already been corrected; and the people, trained to free thought and discussion, had been encouraged by the first men of the age,—by Chatham, Fox, Grey, and the younger Pitt himself,—to hope for a wider representation as the consummation of their liberties. But how had the government lately responded to these popular influences? By prosecutions of the press,—by the punishment of political discussion as a crime,—by the proscription of parliamentary reformers, as men guilty of sedition and treason,—and by startling restraints upon public liberty. Deeply disturbed and discontented was the public mind. Bread riots, and excited meetings in favour of parliamentary reform, disclosed the mixed feelings of the populace. These discontents were inflamed by the mischievous activity of the London Corresponding Society,(1) emboldened by its triumphs over the government, and by demagogues begotten by the agitation of the times. On the 26th of October a vast meeting was assembled by the London Corresponding Society at Copenhagen House, at which 160,000 persons were said to have been present. An address to the nation was agreed to, in which, among other stirring appeals, it was [316] said 'We have lives, and are ready to devote them, either separately or collectively, for the salvation of the country.' This was followed by a remonstrance to the king, urging parliamentary reform, the removal of ministers, and a speedy peace. Several resolutions were also passed describing the sufferings of the people, the load of taxation, and the necessity of universal suffrage and annual parliaments. The latter topic had been the constant theme of all their proceedings; and however strong their language, no other object had ever been avowed. The meeting dispersed without the least disorder.

Attack on the King

Popular excitement was at its height, when the king was about to open Parliament in person. On the 29th of October, the Park and streets were thronged with an excited multitude, through which the royal procession was to pass, on its way to Westminster. Instead of the cordial acclamations with which the king had generally been received, he was now assailed with groans and hisses, and cries of 'Give us bread,'—'No Pitt,'—'No war,'—'No famine.' His state carriage was pelted, and one missile, apparently from an air-gun, passed through the window. In all his dominions, there was no man of higher courage than the king himself. He bore these attacks upon his person with unflinching firmness; and proceeded to deliver his speech from the throne, without a trace of agitation. On his return to St. James's, these outrages were renewed, the glass panels and windows [317] of the carriage were broken to pieces;(2) and after the king had alighted, the carriage itself was nearly demolished by the mob. His Majesty, in passing from St. James's to Buckingham House in his private carriage, was again beset by the tumultuous crowd; and was only rescued from further molestation by the timely arrival of

some horse-guards, who had been dismissed from duty.

These disgraceful outrages, reprobated by good men of all classes, were made the occasion of further encroachments upon the political privileges of the people. Both Houses immediately concurred in an address to his Majesty, expressing their abhorrence of the late events. This was succeeded by two proclamations,—one offering rewards for the apprehension of the authors and abettors of these outrages; and the other adverting to recent meetings near the metropolis, followed by the attack upon the king; and calling upon the magistrates and all good subjects to aid in preventing such meetings, and in apprehending persons who should deliver inflammatory speeches or distribute seditious papers. Both these proclamations were laid before Parliament, and Lord Grenville introduced into the House of Lords a bill founded upon them, for the 'preservation of his Majesty's person and government against treasonable practices and attempts.'

Treasonable Practices Bill

[318] This bill introduced a new law of treason, at variance with the principles of the existing law, the operation of which had gravely dissatisfied the government, in the recent state trials. The proof of overt acts of treason was now to be dispensed with; and any person compassing and devising the death, bodily harm, or restraint of the king, or his deposition, or the levying of war upon him, in order to compel him to change his measures or counsels, or who should express such designs by any printing, writing, preaching, or malicious and advised speaking, should suffer the penalties of high treason.(3) Any person who by writing, printing, preaching, or speaking should incite the people to hatred or contempt of his Majesty, or the established government and constitution of the realm, would be liable to the penalties of a high misdemeanour, and on a second conviction, to banishment or transportation. The act was to remain in force during the life of the king, and till the end of the next session after his decease.

It was at once perceived that the measure was an alarming encroachment upon freedom of opinion. Its opponents saw in it a statutory prohibition to discuss parliamentary reform. The most flagrant abuses of the government and constitution were henceforth to be sacred from exposure. To speak of them at all would excite hatred and contempt; and silence was therefore to be imposed by law. Nor were the arguments by which this measure was [319] supported such as to qualify its obnoxious provisions. So grave a statesman as Lord Grenville claimed credit for it as being copied from acts passed in the reigns of Queen Elizabeth and Charles II., —'approved times,' as his Lordship ventured to affirm. Dr. Horsley, Bishop of Rochester, 'did not know what the mass of the people in any country had to do with the laws, but to obey them.' This constitutional maxim he repeated on another day, and was so impressed with its excellence that he exclaimed, 'My Lords, it is a maxim which I ever will maintain,—I will maintain it to the death,—I will maintain it under the axe of the guillotine.'(4) And notwithstanding the obloquy which this sentiment occasioned, it was, in truth, the principle and essence of the bill which he was supporting.

Seditious Meetings Bill

Within a week the bill was passed through all its stages,—there being only seven dissentient peers,—and sent to the House of Commons. But before it reached that house, the Commons had been occupied by the discussion of another measure equally alarming. On the 10th November, the king's proclamations were considered, when Mr. Pitt founded upon them a bill to prevent seditious meetings. Following the [320] same reasoning as these proclamations, he attributed the outrages upon his Majesty, on the opening of Parliament, to seditious meetings, by which the disaffection of the people had been inflamed. He proposed that no meeting of more than fifty persons (except county and borough meetings duly called) should be held, for

considering petitions or addresses for alteration of matters in church or state, or for discussing any grievance, without previous notice to a magistrate, who should attend to prevent any proposition or discourse tending to bring into hatred or contempt the sovereign, or the government and constitution. The magistrate would be empowered to apprehend any person making such proposition or discourse. To resist him would be felony, punishable with death. If he deemed the proceedings tumultuous, he might disperse the meeting; and was indemnified if any one was killed in its dispersion. To restrain debating societies and political lectures, he proposed to introduce provisions for the licensing and supervision of lecture-rooms by magistrates.

When this measure had been propounded, Mr. Fox's indignation burst forth. That the outrage upon the king had been caused by public meetings, he denounced as a flimsy pretext; and denied that there was any ground for such a measure. 'Say at once,' he exclaimed, 'that a free constitution is no longer suited to us; say at once, in a manly manner, that on a review of the state of the world, a free constitution is not fit for you; conduct yourselves at once as the senators of Denmark did,—lay [321] down your freedom, and acknowledge and accept of despotism. But do not mock the understandings and feelings of mankind, by telling the world that you are free.'

He showed that the bill revived the very principles of the Licensing Acts. They had sought to restrain the printing of opinions of which the government disapproved: this proposed to check the free utterance of opinions upon public affairs. Instead of leaving discussion free, and reserving the powers of the law for the punishment of offences, it was again proposed, after an interval of a hundred years, to license the thoughts of men, and to let none go forth without the official *dicatur*. With the views of a statesman in advance of his age, he argued, 'We have seen and heard of revolutions in other states. Were they owing to the freedom of popular opinions? Were they owing to the facility of popular meetings? No, sir, they were owing to the reverse of these; and therefore, I say, if we wish to avoid the danger of such revolutions, we should put ourselves in a state as different from them as possible.' Forty-two members only could be found to resist the introduction of this bill.

Each succeeding stage of the bill occasioned renewed discussions upon its principles. But when its details were about to be considered in committee, Mr. Fox, Mr. Erskine, Mr. Grey, Mr. Lambton, Mr. Whitbread, and the other [322] opponents of the measure, rose from their seats and withdrew from the House. Mr. Sheridan alone remained, not, as he said, to propose any amendments to the bill,—for none but the omission of every clause would make it acceptable,—but merely to watch its progress through the committee. The seceders returned on the third reading, and renewed their opposition to the bill; but it was passed by a vast majority.

The Treasonable Practices Bill in the Commons

Meanwhile, the Treasonable Practices Bill having been brought from the Lords, had also encountered a resolute opposition. The irritation of debate provoked expressions on both sides tending to increase the public excitement. Mr. Fox said that if 'ministers were determined, by means of the corrupt influence they possessed in the two Houses of Parliament, to pass the bills, in direct opposition to the declared sense of a great majority of the nation; and should they be put in force with all their rigorous provisions, if his opinion were asked by the people, as to their obedience, he should tell them that it was no longer a question of moral obligation and duty, but of prudence.' He expressed this strong opinion advisedly, and repeated and justified it again and again, with the encouragement of Mr. Sheridan, Mr. Grey, Mr. Whitbread, and other earnest opponents of the bills.(5) On the other side, this menace was [323] met by a statement of Mr. Windham, 'that ministers were determined to exert a rigour beyond the law, as exercised in ordinary times and under ordinary circumstances.'

Opposition to the Bills

After repeated discussions in both Houses, the bills were eventually passed. During their progress, however, large classes of the people, whose liberties were threatened, had loudly remonstrated against them. The higher classes generally supported the government, in these and all other repressive measures. In their terror of democracy, they had unconsciously ceased to respect the time-honoured doctrines of constitutional liberty. They saw only the dangers of popular license; and scarcely heeded the privileges which their ancestors had prized. But on the other side were ranged many eminent men, who still fearlessly asserted the rights of the people, and were supported by numerous popular demonstrations.

On the 10th November, the Whig Club held an extraordinary meeting, which was attended by the first noblemen and gentlemen of that party. It was there agreed, that before the right of discussion and meeting had been abrogated, the utmost exertions should be used to oppose these dangerous measures. Resolutions were accordingly passed, expressing abhorrence of the attack upon the king, and deploring that it should have been made [324] the pretext for bills striking at the liberty of the press, the freedom of public discussion, and the right to petition Parliament for redress of grievances; and advising that meetings should be immediately held and petitions presented against measures which infringed the rights of the people. The London Corresponding Society published an address to the nation, indignantly denying that the excesses of an aggrieved and uninformed populace could be charged upon them, or the late meeting at Copenhagen House,—professing the strictest legality in pursuit of parliamentary reform,—and denouncing the minister as seeking pretences 'to make fresh invasion upon our liberties, and establish despotism on the ruins of popular association.'

The same society assembled a prodigious meeting at Copenhagen House, which agreed to an address, petition, and remonstrance to the king, and petitions to both Houses of Parliament, denouncing these 'tremendous bills, which threatened to overthrow the constitutional throne of the house of Brunswick, and to establish the despotism of the exiled Stuarts.' A few days afterwards, a great meeting was held in Palace Yard, with Mr. Fox in the chair, which voted an address to the king and a petition to the House of Commons against the bills.(6) Mr. Fox there denounced the bills 'as a daring attempt upon your [325] liberties,—an attempt to subvert the constitution of England. The Bill of Rights is proposed to be finally repealed, that you shall be deprived of the right of petitioning.' And the people were urged by the Duke of Bedford to petition while that right remained to them.

Numerous meetings were also held in London, Edinburgh, Glasgow, York, and in various parts of the country, to petition against the bills. At the same time, other meetings were held at the Crown and Anchor, and elsewhere in support of ministers, which declared their belief that the seditious excesses of the people demanded these stringent measures, as a protection to society.

The debates upon the Treason and Sedition bills had been enlivened by an episode, in which the opposition found the means of retaliating upon the government and its supporters. A pamphlet, of ultra-monarchical principles, was published, entitled 'Thoughts on the English Government.' One passage represented the king as the ancient stock of the constitution,—and the Lords and Commons as merely branches, which might be 'lopped off' without any fatal injury to the constitution itself. It was a speculative essay which, at any other time, would merely have excited a smile but it was discovered to be the work of Mr. Reeves, chairman of the 'Society for protecting liberty and property from Republicans and Levellers,'—better known as the 'Crown and Anchor [326] Association.'(7) The work was published in a cheap form, and extensively circulated amongst the numerous societies of which Mr. Reeves was the moving spirit; and its sentiments were in accordance with those which had been urged by the more indiscreet supporters of repressive measures. Hence the opposition were provoked to take notice of it. Having often condemned the government for repressing speculative

opinions, it would have been more consistent with their principles to answer than to punish the pamphleteer: but the opportunity was too tempting to be lost. The author was obnoxious, and had committed himself: ministers could scarcely venture to defend his doctrines; and thus a diversion favourable to the minority was at last feasible. Mr. Sheridan, desirous, he said, of setting a good example, did not wish the author to be prosecuted: but proposed that he should be reprimanded at the bar, and his book burned in New Palace Yard by the common hangman. Ministers, however, preferred a prosecution to another case of privilege. The attorney-general was therefore directed to prosecute Mr. Reeves; and, on his trial, the jury, while they condemned his doctrines, acquitted the author.(8)

In 1797, Mr. Fox moved for the repeal of the Treason and Sedition Acts, in a speech abounding [327] in political wisdom. The truth of many of his sentiments has since received remarkable confirmation. 'In proportion as opinions are open,' he said, 'they are innocent and harmless. Opinions become dangerous to a state only when persecution makes it necessary for the people to communicate their ideas under the bond of secrecy.' And, again, with reference to the restraints imposed upon public meetings: 'What a mockery,' he exclaimed, 'to tell the people that they shall have a right to applaud, a right to rejoice, a right to meet when they are happy: but not a right to condemn, not a right to deplore their misfortunes, not a right to suggest a remedy!' And it was finely said by him, 'Liberty is order; Liberty is strength,'— words which would serve as a motto for the British constitution. His motion, however, found no more than fifty-two supporters.

Regulation of Newspapers and Societies

During this period of excitement, the regulation of newspapers often occupied the attention of the legislature. The stamp and advertisement duties were increased: more stringent provisions made against unstamped publications; and securities taken for ensuring the responsibility of printers. By all these laws it was sought to restrain the multiplication of cheap political papers among the poorer classes; and to subject the press, generally, to a more effectual control. But more serious matters were still engaging the attention of government.

[328] The London Corresponding Society and other similar societies continued their baneful activity. Their rancour against the government knew no bounds. Mr. Pitt and his colleagues were denounced as tyrants and enemies of the human race. Hitherto their proceedings had been generally open: they had courted publicity, paraded their numbers, and prided themselves upon their appeals to the people. But the acts of 1795 having restrained their popular meetings, and put a check upon their speeches and printed addresses, they resorted to a new organisation, in evasion of the law. Secrecy was now the scheme of their association. Secret societies, committees, and officers were multiplied throughout the country, by whom an active correspondence was maintained: the members were bound together by oaths: inflammatory papers were clandestinely printed and circulated: seditious handbills secretly posted on the walls. Association degenerated into conspiracy. Their designs were congenial to the darkness in which they were planned. A general convention was projected; and societies of United Englishmen, and United Scotsmen, established an intercourse with the United Irishmen. Correspondence with France continued: but it no longer related to the rights of men, and national fraternity. It was undertaken in concert with the United Irishmen, who were encouraging a French invasion.(9) In this basest of all treasons some of the English [329] societies were concerned. They were further compromised by seditious attempts to foment discontent in the army and navy, and by the recent mutiny in the fleet.(10) But whatever their plots, or crimes, their secrecy alone made them dangerous. They were tracked to their hiding places by the agents of the government; and in 1799, when the rebellion had broken out in Ireland, papers disclosing these proceedings were laid before the House of Commons. A secret committee related, in great detail, the history of these societies; and Mr. Pitt brought in a bill to repress them.

Corresponding Societies Bill

It was not sought to punish the authors of past excesses: but to prevent future mischiefs. The societies of United Englishmen, Scotsmen, and Irishmen, and the London Corresponding Society, were suppressed by name; and all other societies were declared unlawful of which the members were required to take any oath not required by law, or which had any members or committees not known to the society at large, and not entered in their books, or which were composed of distinct divisions or branches. The measure did not stop here. Debating clubs and reading-rooms, not licensed, were to be treated as disorderly houses. All printing presses and type foundries were to be registered. Printers were to print their names on every book or paper, and register the names of their employers. Restraints were even imposed upon the lending of books and newspapers for hire. This [330] rigorous measure encountered little resistance. Repression had been fully accepted as the policy of the state; and the opposition had retired from a hopeless contest with power. Nor for societies conducted on such principles, and with such objects, could there be any defence. The provisions concerning the press introduced new rigours in the execution of the law, which at another time would have been resisted: but a portion of the press had, by outrages on decency and order, disconcerted the staunchest friends of free discussion.

The series of repressive measures was now complete. We cannot review them without sadness. Liberty had suffered from the license and excesses of one party, and the fears and arbitrary temper of the other. The government and large classes of the people had been brought into painful conflict. The severities of rulers, and the sullen exasperation of the people, had shaken that mutual confidence which is the first attribute of a free state. The popular constitution of England was suspended. Yet was it a period of trial and transition, in which public liberty, repressed for a time, suffered no permanent injury. Subdued in one age, it was to arise with new vigour in another.

Footnotes.

1. See their addresses to the nation and the king, June 29th, 1795, in support of universal suffrage and annual parliaments.—Hist. of the Two Acts, 90-97.
2. When a stone was thrown at one of his glasses in returning home, the king said, "That is a stone—you see the difference from a bullet."—Lord Colchester's Diary, i. 3.
3. The provision concerning preaching and advised speaking was afterwards omitted.
4. Parl. Hist., xxxii. 268. His explanations in no degree modified the extreme danger of this outrageous doctrine. He admitted that where there were laws bearing upon the particular interests of certain persons or bodies of men, such persons might meet and discuss them. In no other cases had the people anything to do with the laws, i. e., they had no right to an opinion upon any question of public policy! See Supra, Vol. II. 61.
5. Parl. Hist., xxxii. 383, 386, 386, 392, 451-460; Lord Colchester's Diary, i. 9. Nov. 24th: 'Grey to-night explained his position of resistance to the theoretical, which in the preceding night he had stated to be practically applicable to the present occasion.'—Ibid., i. 10. And see Lord Malmesbury's Diary, iii. 247.
6. This meeting had been convened to assemble in Westminster Hall; but as the Courts were sitting, it adjourned to Palace Yard.
7. Mr. Reeves was the author of the learned 'History of the Law of England,' well known to posterity, by whom his pamphlet would have been forgotten but for these proceedings.
8. Parl. Hist. xxxii. 608, 627, 651, 662. In the Lords, notice was also taken of the pamphlet, but no proceedings taken against it.
9. See Chap. XVI.
10. An Act had been passed in 1797 to punish this particular crime, the Incitement to Mutiny Act, 37 Geo. III. c. 70.

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