

**TALKING TREASON?**  
**JOHN THELWALL AND THE PRIVY COUNCIL**  
**EXAMINATIONS OF THE ENGLISH JACOBINS, 1794<sup>1</sup>**  
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**Editorial note:**

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and accepted for web-publication.**

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By the standards of the next hundred years the antagonists appear to be strangely amateurish and uncertain of their roles ... Civility and venom are mixed together; there is still room for acts of personal kindness alongside the malice of class hatred.  
E. P. Thompson, *The Making of the English Working Class*<sup>2</sup>

John Thelwall's involvement with the London Corresponding Society, which was founded in January 1792, saw him become one of the group's most prominent orators, lecturers and leaders. Eventually his association with it resulted in his arrest and trial for treason, along with fellow radicals. The background to the mass arrests in May and June 1794 of members of the LCS and the Society for Constitutional Information – and their interrogation by the Privy Council in a bid to extract some basis for their subsequent treason trials – is the subject of this study. It reveals the great pressures placed upon often inexperienced political activists. And it highlights the personal boldness and refusal to be intimidated on the part of the polymathic public orator, political theorist, polemicist, poet, and man of letters, John Thelwall.<sup>3</sup>

**Introduction**

The Book of Examinations before the Council (1794), bound in leather with a marbled cover and running to over six hundred pages, conveys an impression of substance, authority and venerable age.<sup>4</sup> One may easily imagine the 'English Jacobins', whose burgeoning campaign for popular democracy and consequent interrogation by the highest powers in the land are recorded in this volume, being equally impressed and intimidated by their antagonists: the 'Rt Hon Lords of His Majesty's most honourable Privy Council'. The Book of Examinations was

a government record of popular opposition and its early recognition and confronting by the state, documented in frequently incongruous and uncomprehending politically-charged encounters between ministers and individual citizens.

The Book of Examinations' very existence and survival among the Treasury Solicitor's papers highlights the importance of these encounters, which demonstrated the extent to which the Pitt government considered the radical societies of the 1790s a sufficiently serious threat to be investigated and interrogated personally at the highest levels of state. As the opening quotation from E.P. Thompson suggests, the examinations provided an interesting precursor of future conflicts between the state and movements for democratic reform. The cross-questioning also revealed in embryonic form the issues around which the subsequent treason trials of 1794 revolved,<sup>5</sup> in both the inchoate opposition of the examiners and the incomprehension displayed towards them by the Privy Council. In this context, John Thelwall's testimony stood out, as indicating one who had a strong grasp of the issues at stake for the civil liberties of the subject.

The Book of Examinations and the encounters it recorded were products of the social and political ferment of 1790s Britain. Studies of this turbulent decade have identified it variously as one in which a repressive oligarchy came close to being toppled by domestic unrest and conspiratorial agitation, and as one in which a calm and far-sighted administration rode out the storms of war abroad and negligible threats at home.<sup>6</sup> This period also witnessed the development of artisan radicalism, along a path which led to but did not terminate at the Privy Council Chamber. This process was identified by E. P. Thompson – and subsequently much debated – as part of the conscious 'making' of a working class through the construction of a distinctly plebeian ideology.<sup>7</sup> The widespread political interest generated by the French Revolution, which intersected in Britain with sweeping social and economic changes wrought by industrialisation, found expression in the establishment of artisan-led reform societies in numerous provincial centres. In January 1792, eight working men under the inspiration of Thomas Hardy, shoemaker and Scottish expatriate, founded the London Corresponding Society (LCS) after a discussion on 'the hardness of the times and the dearness of all the necessaries of life'.<sup>8</sup> Membership was conditional on the agreement that 'every adult person, in possession of his reason, and not incapacitated by crimes, should have a vote for a Member of Parliament'.<sup>9</sup>

From the small number present at its inception, the LCS grew to 2,000 strong within six months. Official unease at the society's expansion, and at the proliferation of affiliated groups throughout Britain and Ireland, grew commensurately as the Pitt government rallied

political and popular support for its antagonism to France. Although radicals professed interest only in peaceful Parliamentary reform, they were persistently accused of ‘pursuing ... the subversion of the established constitution’.<sup>10</sup> In early 1794 the LCS held two mass public meetings aimed at asserting opposition to the government’s ‘late rapid advances of despotism’ and securing ‘a fair free and full representation of the People’. It also sought the collaboration of the longer-established and socially respectable Society for Constitutional Information (SCI) in calling a second National Convention of radical societies.<sup>11</sup>

Government ministers, already alarmed by the societies’ growth, and by reports and allegations from spies and informants about individuals procuring and training in arms, feared the usurpation of their own authority by the proposed Convention. They moved swiftly and forcefully against the societies. At dawn on 12 May 1794 Hardy and Daniel Adams, LCS and SCI secretaries respectively, were arrested and their papers seized, after which arrests and pursuits of radicals took place up and down the country. The suspension of habeas corpus on 22 May removed any constitutional barrier to the indefinite detention of prisoners and the Privy Council examinations began in secrecy, haste and no small amount of confusion.

The examinations proved to be a volatile site of confrontation between power and resistance. The Book of Examinations contains material which did not surface in the trials which followed, and which has not been systematically drawn upon in subsequent studies of the period. The following analysis, after introducing the individuals involved and considering the examinations’ form and structural specifics, turns to what they reveal about contemporary structures and attitudes of power, specifically the Privy Council’s varying employment of interrogatory tactics, their redefinition of the meaning of treason, and the ambiguity and significance of language used by both ministers and radicals. The Book of Examinations’ status as a document of power means that the world of resistance – the nature, operation and significance of ‘Jacobin’ movements such as the LCS – can only be glimpsed between the lines.<sup>12</sup>

But the overall messages were clear enough. The radical societies were revealed as constituting but an embryonic movement, idealistic and tenacious in its basic principles, relying both on notions of radicalised constitutionalism and on Paineite natural-rights theory. The working men of the LCS took a variety of stances. Not all were as indomitable as was John Thelwall. Nonetheless, they ranged between tentatively collaborating with their social superiors *and* constructing an independent radical culture within their daily life. Meanwhile, a number of senior ministers devoted days and hours in cross-questioning, with uncertain legal authority but full political certainty, a shadowy world of radicalism. A full Table is available

in the Appendix, which for the first time displays systematically the dates, times, and matters discussed, with the names of all attendees from the highest in the land to the ‘lowest’.

### *Dramatis Personae*

The Book of Examinations recorded thirty-seven meetings of the Privy Council between 12 May – when the arrests began – and 8 July. The examinations’ opening period was one of intense activity: from Monday 12, the examinations ran for three consecutive weeks, resting only on the Sunday of the second and third weeks, and often convening twice or three times a day. Thereafter they were more sporadic, taking place once a day on 2, 4-6, 14, 17 and 23 June, with two further sessions on 7-8 July. Internal inconsistencies exist: for instance, provisional adjournments were made on 9 and 17 June to sessions which never materialised (or at least were not recorded or subsequently mentioned). The most common starting time was noon. Early starts and multiple sittings corresponded with the examinations’ earlier stages, presumably necessitated by urgency and the large amount of business.

The 1794 *Royal Kalendar* listed 114 official Privy Councillors, but the actual number attending any session ranged between a minimum of six and maximum of nineteen. As might be expected, numbers rose on occasions of interest or import: the highest-attended sitting was that of 29 May which considered the evidence so far gathered and sanctioned the committal for High Treason of several examiners. Seventeen attended on 17 May to hear the report of the spy Taylor. Attendance was not continuous or methodical; Pitt was present at twenty-four sessions, fewer than the War Secretary, Henry Dundas, who was present at all (thirty-seven), the Earl of Dorset (thirty-two) and Lord Auckland (twenty-nine). Five members attended only once. The details are summarised in Table 1 (see p. 5).

The presence of Dundas at all examinations, and the record of him at least once delivering the session’s opening address, allows historians to identify him as the Council’s presiding officer.<sup>13</sup> The ‘indispensable’ co-adjudicator of Pitt’s ministry, belligerent in his attitude to Revolutionary France and outspoken in his support for repressive measures against domestic radicalism, he was hardly an impartial chair. Although Council members included opposition Whigs such as Charles James Fox, those attending were invariably members of Pitt’s inner circle and implacable opponents of reform. They included the superannuated former Irish secretary Thomas Orde, who was recorded as contributing to parliamentary debate only three times in his career, the last occasion in support of the sedition bills of 1795. Another was John Charles Villiers, whose only known speech was given in defence of the use of troops to quell civil disturbances at Northampton.<sup>14</sup>

RANGE OF SESSIONS ATTENDED	TABLE 1 PRIVY COUNCILLORS IN ATTENDANCE, AS IDENTIFIED IN EXAMINATIONS BOOK	NUMBER OF SESSIONS ATTENDED
All = 37	[Henry] Dundas	37
26-30	Earl of Dorset	30
	Lord Auckland	29
21-25	[William] Pitt	24
	Earl of Mornington	24
	Lord Privy Seal	24
	Lord Chamberlain	21
	Earl of Camden	21
16-20	Earl of Montrose	19
	Lord Hawkesbury	18
	Lord Chancellor	17
	Lord Campbell	17
11-15	Lord Steward	12
	Earl of Chatham	12
	Earl of Carlisle	12
	Lord Apsley	12
	Master of the Rolls	11
	Earl of Amherst	11
6-10	Viscount Grenville	9
	Lord Eyre	9
	Thomas Orde	8
	Lord Baron	8
	Viscount Sydney	6
1-5	Charles Villiers	5
	Lord Steele	4
	Lord Ryder	2
	Lord Douglas	2
	Viscount Bateman	2
	Lord Salisbury	1
	Parnell	1
	Conway	1
	Buckingham	1
	Belgrave	1

Also present were Lord Hawkesbury, the future Lord Liverpool, and Dudley Ryder, who in 1793 had opposed Parliament's receipt of reform petitions, accusing their authors of advocating 'speculative remedies for speculative grievances'.<sup>15</sup> The principles to which such men clung – a self-interested as well as politically motivated desire to defend established order against the twin threats of France and domestic agitation – inevitably informed their conduct of the examinations.

The examinants themselves were drawn almost equally from the LCS, seventeen of whom were examined, and the SCI, from whom the figure was sixteen. The recorded occupations of examinants revealed the social disparity between the two societies: the majority of SCI members were engaged in law, politics, or 'of independent means', while the LCS counted shoemakers, tailors, smiths, hairdressers and booksellers among its membership of 'tradesmen, shopkeepers and mechanics'.

Other than John Thelwall, notable examinants included the politician and philologist John Horne Tooke, and the Newcastle-born writer and propagandist Thomas Spence.<sup>16</sup> Yet further radicals arrested and examined were Isaac Saint, a publican and Secretary to the United Constitutional Society of Norwich, and five members of the Sheffield Constitutional Society.<sup>17</sup>

The Privy Council also interviewed a number of the government's own spies and informants, often introducing them during the examinations of radicals in order to make an accusation or contradict their testimony. Examined too were associates or acquaintances of radicals, listed in the Book of Examinations as 'witnesses' and used to confirm the society activity or sympathy with 'French practice' of the examinant in question. These details are summarised in Table 2 (see p. 7). Of the forty-four radicals examined, just over half (twenty-two) were summoned once only – as was the recalcitrant John Thelwall.

The haste and confusion in which the interrogations took place also resulted in some false arrests: for example, Edward Hodgson and Joseph Moor were mistakenly brought in for LCS members with similar names. Malicious information given against Thomas Humfries also resulted in his quick discharge after arrest.

Systematic study further confirms that this particular arena of political confrontation was almost entirely a world of men. Although wives and mothers occasionally figured incidentally in the testimonies made by radical activists, the only female examinant was a 'witness', brought in to corroborate the statement of her husband.<sup>18</sup>

TABLE 2 FORTY-FOUR RADICAL EXAMINANTS in order of summons within each category	Number of examinations attended
John Edwards Junior	7
Thomas Hardy	6
William Camage	6
Daniel Adams	4
William Broomhead	4
John Pearse	4
George Walne	3
Samuel Williams	3
William Sharpe	3
Stuart Kyd	3
John Frost	3
Henry Redhead Yorke	3
John Hillier	2
John Phillip Francklow	2
Richard Hayward	2
John Martin	2
John Ashley	2
Richard Bennett	2
Robert Moody	2
Jeremiah Joyce	1
John Thelwall	1
Henry Eaton	1
John Richter	1
John Augustus Bonney	1
John Horne Tooke	1
John Lovett	1
Isaac Saint	1
Jean-Baptiste Rousselle	1
Thomas Thompson MP	1
James Wharton MP	1
John Pearson	1
Thomas Spence	1
Edward Harvey	1
Christopher Hull	1
Thomas Tourle	1
John Coats	1
Edward Hodson	1
Joseph Towers	1
Arthur Blake	1
Thomas Banks	1
Thomas Symmonds	1
Harry Hill	1
George Wideson	1
John Baxter	1

## **Conduct of the Examinations**

Each entry in the Book of Examinations began with a note of the location – always ‘the Council Chamber, Whitehall’ – the date, and occasionally the time, followed by a list of the Privy Councillors present. Before the examination of a radical, the arresting King’s Messenger was called to confirm the warrant’s execution and, usually, the seizure of papers. The session then proceeded with the examinant summoned and asked to confirm his address, occupation and age, before being questioned generally on his political involvement, acquaintance with other figures, and the possession or learning of arms by himself or others. The seized society papers, including minute-books, resolutions, addresses and correspondence, appeared regularly, with examinants being shown ‘books of proceedings’ and questioned on their contents.

Much of the cross-questioning revolved around the mass public meetings held by the LCS at the Globe and Chalk Farm, and the SCI dinner of 2 May 1794 – for which a number of free tickets had been distributed to the LCS and at which radical toasts were given. The Council, with the minutes and resolutions of both meetings in front of them, sought systematic confirmation of the examinant’s presence and the individual makers of speeches and movers of resolutions. At times, the conduct of proceedings was virtually a checklist of meetings attended, persons known, and resolutions, letters or speeches read, written, moved, signed, listened to, heard of or vaguely recollected. Each affirmative answer from an examinant became a further confirmation of guilt.

The examinations were terminated by the examinant’s withdrawal at the Council’s behest, usually into the custody of their arresting officer. Sometimes a day or time was specified for reconvening, although most sessions were simply ‘adjourned’. While the majority of ‘witnesses’ had only a single interview, most radicals were recalled at least once, and spies, notably Edward Gosling, continually reappeared.<sup>19</sup> Daniel Adams and William Broomhead were recalled four times, and Thomas Hardy six, reflecting their status as secretaries of their respective societies and therefore logical sources of most information. The Council’s strategy of recalling examinants, often only to order them out again without interrogation, necessitated long stays in custody: Hardy remained there for two weeks before being committed to the Tower.<sup>20</sup> Since Thelwall refused to answer any questions, beyond confirming his name, he was interrogated only once, although his name recurred in a number of other depositions (as indicated in the Appendix).

Although the examinations followed a set formula, variation and internal evolution are apparent in both their conduct and the style in which they were recorded. The early

interviews of John Thelwall, along with those of Hardy, Adams, and Jeremiah Joyce (12-14 May), were directly transcribed as question-and-answer sessions. This format nicely conveyed an adversarial atmosphere as well as the sporadic insouciance or attempts at evasion of radicals under questioning. After 14 May, however, the record switched to a narrative style which focused on the examinant in the third person. The Privy Council's presence was now obscured, to be inferred only from references to the examinant 'being asked' to speak on a particular point, or being reprimanded for some breach of protocol. John Ashley's examination on 23 May marked a brief return to the earlier format, but all other examinations were recorded as third-person narrative. The variation between recording styles, and the absence of shorthand or other abbreviation, suggests that the text represented an extrapolated write-up from a more concentrated format. It is probable that the official recorders found narrative accounts less laborious to produce than detailed and presumably lengthy dialogues; but this qualification of course makes it difficult to establish how *verbatim* the recorded version was in relation to the original interrogations.

The more common narrative form was less confrontational and conveyed information more efficiently, but it lost the directness and dynamism of the more evocative initial question-and-answer style. Although the Council had no explicit presence in the third-person record, it retained an obvious influence on the narrative framework and its content. The tailor George Walne, for instance, chose to remain silent under questioning. His actions were recorded as: 'He would not open his mouth ... he still continued obstinately silent', making plain his questioners' irritation and the reporting narrative's bias.<sup>21</sup>

The Book of Examinations' dry description of John Thelwall's examination differed markedly from his own later recollection of the encounter. This contrast is particularly significant, for it is one of only very few cases where the examinant left his own version of events. As recorded in the *Book*, Thelwall's interview on 14 May 1794 proceeded thus:

Being asked by the Clerk of the council how he spelt his name –

[JT] Answered: He might spell it according to his own discretion for that he should answer no questions of any kind ...

A: I am bold in conscious innocence, and have nothing to answer ... I should be sorry to give the Council any trouble.

Q: It is no trouble – It is their duty to put questions to you, that it may appear what questions you refuse to answer.

A: It is no part of the law of the land that a subject should be called upon to answer interrogatories ...

Ordered to Withdraw.<sup>22</sup>

Over a year later, Thelwall recalled the experience in his periodical, *The Tribune*. He included elaborate stage directions, giving a striking example of the uses of performance and theatricality within metropolitan radicalism<sup>23</sup> as well as helping to present the Privy Council's proceedings as highly disorganised and arbitrary:

I was called in ... and beheld the whole *Dramatis Personae* entrenched chin deep in Lectures and manuscripts ... all scattered about in the utmost confusion.  
ATTORNEY-GENERAL [piano]: Mr Thelwall, what is your Christian Name?  
T [somewhat sullenly]: John.  
ATTORNEY-GENERAL [piano still]: ... with two l's at the end or with one?  
T: With two – but it does not signify [carelessly, but rather sullen, or so]. You need not give yourself any trouble. I do not intend to answer any questions.  
PITT: What does he say? [Darting round, very fiercely, from the other side of the room, and seating himself by the side of the CHANCELLOR].  
LORD CHANCELLOR [with silver softness, almost melting to a whisper]: He does not intend to answer any questions.  
PITT: What is it? – What is it? – What? [fiercely] ...  
[Thelwall then turned his back on the company and 'began to contemplate a drawing in water-colours'.]<sup>24</sup>

While the latter account was skewed by John Thelwall's hindsight and humorous embellishment, the official record, sketching the examination while obscuring its interpersonal dynamics, was equally self-serving. The two accounts were clearly dealing with the same occasion. Thelwall's version was much the most immediate and gripping, including the timbre of voices. Both accounts agreed he was initially asked about the spelling of his name. And both agree that he subsequently declined to answer any questions of substance. But, interestingly, it was the Privy Council account that recorded John Thelwall's objection on grounds of principle, that 'It is no part of the law of the land that a subject should be called upon to answer interrogatories ...'. His stance as a defender of civil liberties was implied rather than claimed in his own account, which made the point in terms of vivid personal interactions rather than abstract principle.

### **The Privy Council's Reconstruction of Treason**

Throughout the examinations, the majority of radical examiners did not profess themselves engaged in treasonous activity. An LCS resolution passed earlier in the year made plain the conviction that 'to wish for a Parliamentary Reform is neither illegal, seditious, nor treasonable'.<sup>25</sup> This attitude was upheld during the examinations, with radicals expressing less concern over the monarchy and more with the perceived corruption of Parliament

through increasing numbers of placemen and the ‘overfluence’ of Pitt’s ministry. For example, LCS committee member John Baxter, a silversmith, insisted that the Convention ‘would not have presumed to take on the power that belonged to the legislature of this country’.<sup>26</sup>

Very few LCS members offered any reason for membership other than dissatisfaction with the existing legislature. Richard Bennet claimed he was induced to join ‘from the proceedings in the Scotch courts’ following the dispersal of the first Convention, ‘which he thought very arbitrary’.<sup>27</sup> Hodson, a handbill printer, joined in the hope of establishing business connections, and the gun-engraver’s apprentice Williams was likewise drawn in by the prospect of ‘a few shillings’. Both stressed that they disassociated themselves upon discovering that the society’s principles were ‘different from what [they] understood’.<sup>28</sup> The majority of committed society members did not stray far in their testimony from the optimistic but indistinct model given by Thomas Hardy at his first examination:

A: I was one of the first of the society which was originally formed for the purpose of a Parliamentary reform – that was my only object then, and it is my only object still... We are a peaceable body, and wish to obtain nothing more than Parliamentary reform, and that by legal means only.

Q: What then do you understand by legal means?

A: To inform the nation of the necessity of a Parliamentary reform, and then the business will do itself; though I do not exactly know how.<sup>29</sup>

The radicals were given few enough opportunities to discuss the issue, since the Privy Council concentrated more upon establishing guilt through confirmation of previous words or deeds. Nevertheless, each examinant, when able, identified parliamentary reform either as the sole object of his own involvement in radicalism, or as that of his Society. Richter was typical in his insistence that ‘he had no object but a parliamentary reform, and if any of the society had any other object, they had not his concurrence’.<sup>30</sup> More rarely expressed was any detail of how reform was to be achieved. Sharpe admitted that such considerations were mostly ‘afterthought’. Baxter hazarded a guess at the planned Convention as a way to gather support, although Ashley, when questioned as to what the Convention would do, replied airily ‘God above knows’.<sup>31</sup> No examinant was able to supply more on the subject of intended reform than the Society slogans of universal suffrage and annual elections.

The attitude with which the Privy Council approached the examinations was informed by a desire to preserve the established social and political order and their own place within it. This attitude in turn influenced their definition of treason. The attorney and SCI member John

Frost was informed that ‘he was brought here ... for treasonable practices in joining in certain Resolutions [to hold a National Convention]’. Yorke was also told that he was charged with High Treason ‘in attempting to obtain an alteration of the constitution contrary to the will of the legislature, and in exciting others to do it’.<sup>32</sup> These charges were significant in that they explicitly connected the Societies’ actions, in seeking parliamentary reform, with treasonous intent. In doing so, they emphasised a decisive change in the construction of sovereignty.

During the trials which followed the examinations, the prosecution argued that treason contravened the authority of the entire legislature, not just that of the king – thus expanding the definition of sovereignty beyond the royal person.<sup>33</sup> Treason as constructed during the examinations accordingly focused more upon the overthrow of the political establishment than the safety of the king himself. Far more attention was given to the planned Convention, and to the discussions around it at Chalk Farm and the Globe, than to the issue of regicide. The latter was largely confined to the accusations of informers and the recurring appearance of a mock-playbill entitled *The Guillotine: Or, George’s Head in a Basket*.<sup>34</sup> The Privy Council’s preoccupation with the Convention stemmed from its status as a possible rival or anti-Parliament.<sup>35</sup> Association with it was a crucial component in establishing whether a particular examinant could be deemed guilty of treason. In the Council’s view, the Convention represented a threat to its own authority, and any such threat was hence to be construed as treasonable.

As became apparent during the subsequent trials, this construction did not match the medieval statute, which required treason to involve ‘compassing or imagining’ the king’s death.<sup>36</sup> The eminent barrister Thomas Erskine’s successful defence of the radicals was based on this established interpretation of treason law, as safeguarding the king’s person. As the philosopher William Godwin argued sagely in his commentary on the trials, the Pitt government’s definition involved a departure from that rule of law, which was itself vital to the continuing legitimacy of parliamentary rule.<sup>37</sup>

The reconstruction of treason during the examinations highlighted a long-term shift in the legal location of sovereign power, since the failed trials were followed by a new Treason Act in 1795.<sup>38</sup> It defined as traitors not only all those who ‘compassed or devised’ the death or deposition of the monarch, but also those ‘to intimidate or overawe both Houses or either House of Parliament’. The result was, controversially, to make extra-parliamentary advocacy of constitutional change a treasonable practice. This outcome was foreshadowed in the cross-questioning recorded in the Book of Examinations, which showed Pitt and his ministerial colleagues grappling with a new – and to them profoundly unwelcome – political force.

## **Language, Strategy and Tactics during the Examinations**

The internal dynamics of examinations were influenced by examiners' age, experience, and status as spy, 'witness' or suspect, within a structure over which the examiners themselves had almost no control. The attempts by radical examiners to redress this imbalance of power relied upon strategies of non-cooperation – consciously giving evasive answers, denying knowledge, professing ignorance or disinterest, or remaining silent – which in turn saw the Council vary its own tactics and approach. The passive nature of many examiners' resistance emphasised the degree to which the confrontations turned upon verbal sparring, mixed with psychological pressure, and attempts to control the meaning of language. John Thelwall's recollection of the atmosphere, with documents scattered around and the keen personal involvement of the Privy Councillors, highlighted both the overt and covert tensions.

In practice, the Privy Council held great sway over proceedings: examiners entered and left at its behest and spoke on matters as it directed. Attempts to deviate and especially to engage in debate were strongly discouraged. Examiners who volunteered their political convictions found themselves upbraided and their contributions ignored or dismissed, being less useful than providing precise names and dates. For example, the efforts of Henry Redhead Yorke to convey his political beliefs were curtailed with the advice that 'instead of going into speculations, he should think seriously of the matters charged against him'.<sup>39</sup>

The Privy Council also utilised language to establish authority in less explicit ways. The Councillors often began secondary examinations by 'reminding' the examiner, in loaded language, of their previous 'failure' to give 'satisfactory' answers. By frequently encouraging examiners to 'speak the truth openly and fairly', they attributed to themselves moral superiority. Their tone varied between reprimand and reassurance: LCS sub-Secretary John Pearse, having admitted distorting facts after a confrontation with the 'witness' John Taylor, was 'seriously admonished by their Lordships, for having so grossly prevaricated'.<sup>40</sup> However, when John Edwards feared that he had 'subjected himself to the antipathy of the board', he was unctuously informed that the Privy Councillors were 'incapable of conceiving antipathies ... and that it was never too late to speak the truth'.<sup>41</sup>

The early examinations begin in a notably *ad hoc* manner, the Council moving quickly from asking radicals their occupations to grilling them over suspected involvement in plots. From 21 May onwards, however, the suspects were given an introductory address, at least once delivered by Dundas, which, with minor variations, ran as follows:

You are brought here by *habeas corpus* as suspected of treasonable practices, in order to give you an opportunity of removing the suspicions which attach to you. Although it is wished that you should give any information that you may think proper, yet you are certainly at liberty to decline answering any question according to your own discretion.

Examinants were further warned against what was noted as the ambiguous ‘middle way’, of ‘appearing to answer or of answering in part only and by that means of suppressing or concealing the truth’.<sup>42</sup> This development had two apparent causes, the first of which was the understandable confusion shown by many radicals over their legal position. Jeremiah Joyce, a respectable Dissenting clergyman, began his interrogation by requesting counsel, and was refused with a cursory ‘Not at present – you are only under examination’.<sup>43</sup>

A letter from the imprisoned John Bonney demanded a copy of his arrest warrant and complained that he was ‘ignorant of the offence for which I am detained’.<sup>44</sup> These responses were similar to that of John Thelwall, who simply challenged the legal right of the Privy Council to undertake such interrogations when no charges had been indicated to him.

In that light, the first part of Dundas’s standard introduction appeared to be an attempt to establish the legal standing of the examinations. It was particularly interesting in that he invoked the legal writ of *habeas corpus*, which was generally held to be a protection of the individual against arbitrary imprisonment.

How well Dundas’s statement worked is debatable. Confusion and indignation were still evident in the second examination of Walne, who maintained that he was not a witness but an accused person, ‘as appeared by the warrant for apprehending him’.<sup>45</sup> The second possible stimulus for an opening address was the examiners’ strategy of giving evasive answers in order to avoid incriminating themselves or others and to withhold definite information. John Richter, while acknowledging that he ‘had heard of such a thing’ as the Joint Committee of Correspondence and Cooperation, claimed to ‘not remember’ being present at its appointment. Ashley, questioned on his membership of an LCS committee, answered ‘I will neither deny or assert it. I really do not know’.<sup>46</sup>

Thomas Hardy in particular made significant use of this tactic, repeatedly professing ignorance or failure of memory, and refusing to play by his questioners’ rules by denying them unambiguous answers – often to subtly comic, and, presumably, infuriating effect:

Q: Who proposed the Resolution of Thanks to the Chairman of that meeting, which you have signed?

A: I really don't know.

Q: Do you then put your name to papers, of the contents of which you know nothing?

A: It may perhaps appear so.<sup>47</sup> ...

A: I do not think it right [to name LCS committee members].

Q: If you consider the meeting at Chalk Farm as a legal meeting, why not tell their names?

A: I do not like to subject others to the same inconvenience with myself.

Q: Either give their names, or say you will not ...<sup>48</sup>

[Following Hardy's admission of having paid a printer 'some pounds']

Q: How many pounds, twenty, forty or fifty, was it more or less than a hundred?

A: Something above forty.<sup>49</sup>

If not deliberate evasion, this frequent incomprehension or vagueness under questioning implied that the Privy Council stressed incidents which meant much less to those involved. The detail of one resolution among several, passed at a meeting a year earlier, or of who said what during a casual post-meeting conversation, may not have been regarded as sufficiently important for examiners to recollect them distinctly. Whatever its basis, the radicals' common recourse to the ambiguous 'middle way' was suitably unhelpful for the tactic to be identified and examiners warned against employing it. The development of an introductory address could therefore represent a pragmatic attempt by the Council both to clarify a confusing situation and to thwart their adversaries' attempts at obstructing the examinations' progress.

A further radical strategy was the refusal to answer at all, as adopted by Thelwall. Several radicals qualified their responses with a desire to speak only for themselves, refusing to mention the names of others or to attribute actions or speeches to specific individuals. Kyd declined to discuss the controversy over titling the National Convention, so as not 'to throw any blame upon others'.<sup>50</sup> Edwards ended a gruelling examination with the outburst that 'the more he answered, it only tended to criminate him, and whatever happened to himself he would not criminate others, so he would hold his tongue'.<sup>51</sup> These shows of resolve contrasted markedly with the behaviour of SCI member Sharpe, whose third examination saw an attempt to exculpate himself and Tooke by shifting all blame onto the LCS – one of whom, he alleged, 'thought no man should have a coach till he was grown old'.<sup>52</sup>

Compared with members of the LCS, the SCI examiners could often appear curiously half-hearted in terms of motivation and commitment. Variation between the societies was in some ways understandable. The artisans of the LCS, despite the previous

experience of some members in debating societies, were relatively new to political organisation and, in seeking to extend the franchise to include themselves, had more at stake. Many members of the SCI claimed to have viewed its primary function as a dining club, explaining their attendance at dinners, where contentious radical toasts were given, as motivated by convivial more than political sentiment. The SCI's progressive closeness to the LCS was directly proportional to its estrangement from the likes of James Wharton, who attended a single SCI dinner on the assurance that 'no public matters were to be discussed'.<sup>53</sup> Christopher Hull attributed the decreasing frequency of his name in the SCI's minute-book to its loss of 'respectable characters'.<sup>54</sup>

In particular, the presence of some LCS members at the 2 May dinner, making it a notable cross-class gathering, was a source of surprise and some consternation. Arthur Blake tutted that 'there were at the dinner shabby people, to whom it must have been inconvenient to pay seven and six' – indicating, among other things, his ignorance of the free tickets which had been distributed.<sup>55</sup> But it was also plausible that the tactic of professed disinterest employed by several SCI members was another instance of pretence or strategic evasion. The republican sculptor and Royal Academician Thomas Banks, for instance, despite his deep and acknowledged involvement with radicalism before and after 1794, claimed in his examination to have joined the SCI for 'the instruction which he hoped to receive', and protested that 'he usually went away without much attending to the business'. The Reverend Dr Joseph Towers was similarly casual, being used to 'come away before [business] was half over, and come in when it was half gone through'.<sup>56</sup> This apparent lack of both knowledge and interest in political and procedural matters meant that many SCI members were examined relatively briefly, there being little information which they were able or prepared to offer.

### **Privy Council Conduct towards the Examinants**

The Book of Examinations' systematic recording made apparent the varying treatment accorded to individuals on the basis of their social status. Most notably, at the end of each session, examiners were either 'ordered' or 'desired' to withdraw. If the latter, the milder injunction was invariably issued as an acknowledgement of the examinant's higher social position. Those of lower station, including LCS members, spies, and such witnesses as the grocer Evan Evans, who was in prison for debt, were all 'ordered to withdraw'. In this respect, social position carried more weight than status as spy, witness or suspect.

Nonetheless, this nuance was only an obligatory courtesy, rather than a sign that the treatment of SCI examiners was qualitatively more respectful. The few 'acts of personal

kindness', referred to by E.P. Thompson, were not contingent upon status. While in custody, John Thelwall, as well as Joyce and Lovett, appealed successfully for allowances to support their families, as did Horne Tooke for medical attendance.<sup>57</sup> Sharpe, upon appeal, was further allowed to remain in custody in his own home.<sup>58</sup> Edwards and Ashley were also granted access to their families, albeit briefly and in the presence of a magistrate.<sup>59</sup> Conversely, a letter from the imprisoned Martin requesting the return of his books and papers, and access to counsel and solicitor, was not acted upon. Yorke too was denied legal assistance.<sup>60</sup> The Council's varying response to such requests did not appear to have had any obvious motivation beyond an arbitrary decision of the moment. Certainly no explanations were given in the official record.

These concessions must be viewed alongside the patronising, aggressive, or often simply uncomprehending attitude of the Privy Councillors to the LCS. Hardy was repeatedly asked who 'brought him into' the society, despite his insistence that he 'came into it of my own accord', while William Camage, a Sheffield inkstand-maker, was invited to explain 'how all this about Reform got into his head'. Such instances, probably chiefly motivated by the Privy Council's desire to identify the more persuasive, dangerous and insidious propagandists behind or within the LCS, also contained a suggestion of disbelief or incomprehension at the idea of independent political organisation by artisans. For instance, the *Second Report* (1794) from the House of Commons' Committee of Secrecy concluded that the artisan radicals were influenced by the more patrician SCI. Some individuals also invoked outside authorities. For example, Camage explained his decision to manufacture pikes as: 'he had read they were used in Poland in the latest disturbances ... which he learnt in the newspapers'. Amused or irritated, the Privy Council proceeded to ask whether 'he who read the newspapers, had not heard of people's heads being carried upon pikes, in France?'<sup>61</sup>

Thomas Hardy in particular at times appeared to reach a peculiar rapport with his antagonists, as when they questioned him on a meeting after which the radical song 'Come Rouze to Arms' was sung. 'Do you sing yourself?' the Council enquired, to which Hardy replied 'No. I never sing' – the detail faintly surreal in its human quality. Otherwise, little attempt was made on either side to bridge the comprehension gap.

Examinations of those closer in status to the Privy Councillors did occasionally display evidence of a more relaxed atmosphere, perhaps induced by the greater social confidence of their participants when in these surroundings. Vaughan, an SCI member and barrister, deliberately narrowed the space between examined and examiners by referring to legal conventions, which '[Council members] Mr Attorney and Solicitor General well

know'.<sup>62</sup> However, the Privy Councillors were often apt to regard the political activity of such examiners with greater incomprehension and disapproval. Sharpe attempted to shrug off his approval of the revolutionary anthem *Ça Ira*, as music for the SCI dinner, by denying it any political significance. But he found himself fiercely upbraided:

It was then recommended to him to ... speak the whole truth fairly, openly and candidly, not disguising and endeavouring to mislead by giving colour to words, as he had just done, in expressing his approbation of *Ça Ira*, as if it was a question of music and not of political sentiment...<sup>63</sup>

Reprimands were rarely recorded at such length. An examiner's higher status appeared to worsen his offence. Whereas tradesmen and mechanics may have been 'brought into' radicalism through ignorance, suggestibility, or mob mentality, members of the Privy Council's peer group could not be so easily excused.

### **Radical Conduct under Examination**

The recourse of many examiners to silence, evasion or deliberate denial is an obvious hindrance for historians, in establishing the degree to which any radical testimony can be regarded as fully frank or sincere. It is difficult to distinguish strategically evasive professions of ignorance or remorse from genuine confusion or contrition, or to separate an examiner's judicious recantation of radical beliefs from a sincerely-held position of moderation. Many radicals experienced acute shock at their sudden apprehension, imprisonment and interrogation before the highest powers in the land, particularly when much of their energy had been expended in denouncing, ridiculing, and agitating against the same. A report in *The Times* of May 1794 suggested, unsurprisingly, that the situation bore with varying weight on the different examiners' nerves:

Tooke was in high spirits ... and expressed his thanks for the care taken of the health of him and his companions; Bonney was also in good spirits; Joyce and Richter were severely and sensibly affected and wept bitterly; Lovett was confused and stupid; Thelwall was particularly riotous and impertinent, bravadoing everything, and treating every person with contempt.<sup>64</sup>

The source for that *Times* report seemed to reflect a semi-official debriefing but, although critical of the radicals, it did not depict them all as broken men. The 'bravadoing' from John Thelwall was consistent with his own account, even if described in hostile terms.

Different responses were clearly signalled within the Book of Examinations. Thus the LCS member John Hillier was anxiously apologetic, referring to alleged plans to kidnap the Royal Family with the words ‘he does not know but he may have said so himself. If he said so he is very sorry for it ... he was led on to it’.<sup>65</sup> His fellow member John Martin, by contrast, took a confrontational approach, and was garrulous in his resentment of ‘having been robbed of his papers ... by a warrant which he never saw, and which was executed by persons who were drunk’.<sup>66</sup> Thomas Hardy’s answers were also informed by indignation at the seizure of his personal papers. He several times reminded the Privy Council that much of the information which it sought could be readily obtained:

Q: Have you any [copies of the Chalk Farm proceedings] in your possession?

A: I suppose some of them are now in this room.

Q: You mean then among the papers found in your house?

A: I do.<sup>67</sup>

Another examinant, Richard Bennet, having been read the Council’s introductory address, burst out that ‘he could answer no questions, he knew nothing’, and proceeded to refute systematically everything suggested to him: ‘he denies he ever heard anything about the pikes [and] recollects nothing that ever passed between him and Hillier in conversation at any time in his life’.<sup>68</sup> Such almost comically emphatic denial may have resulted from the panic, guilt or confusion of examiners, no doubt exacerbated by the tendency for their innocuous involvement with a society in pursuit of ‘instruction’ or ‘a few shillings’ to assume a more sinister light in the rarefied air of the Council Chamber.

Despite the confusion expressed over the legal status of examiners, most radicals appeared to ‘know their rights’. Edwards stated that ‘if there was anything criminal in the making of [a pike], he must answer for it in another place and not here’. Walne professed himself ‘willing to be treated according to law’ but implied that his current situation was not a valid legal forum.<sup>69</sup> Bonney similarly argued that ‘it would be absurd in me to attempt to clear myself from charges which I have never heard, and which are supported by evidence that I am unacquainted with’.<sup>70</sup> Awareness of the law as it pertained to their own situation, and of potential recourse to bodies other than the Privy Council, informed radical testimony from that of the attorney Frost down to Henry Eaton, Thelwall’s fifteen-year-old shopboy. He refused to swear an oath and reminded his questioners that ‘I have a right to answer no questions ... I have been told from good authority’.<sup>71</sup>

The latter comment raises the possibility of contingency plans made or legal advice sought among radicals as to the best course of action under interrogation. Thelwall himself would have had no difficulty in reminding his shopboy of his rights. The tactics of silence, evasion and ambiguity, however, were common to most examiners, across both the LCS and the SCI, and appeared as likely to represent a spontaneous response as to be the result of a previous collective decision.

Whereas early examinations of each individual began with a mixture of panic, denial, indignation or guarded silence, subsequent interviews usually marked a change in demeanour or strategy, probably due to the effects of the time elapsed – usually at least twenty-four hours – between examinations of the same individual, or to their anticipation of further evidence having come to light since the initial encounter. By their final examination, most radicals appeared worn down by the confines of their situation, by prolonged interrogation, and perhaps by natural fear or remorse. Notable exceptions included Martin, who withheld information to the end. Walne proceeded in total silence to his third examination, whereupon he made ‘a fanatical speech, in which he adduced the example of Christ’s Silence as a rule for him in the present situation, which he thought a parallel one’. The Privy Council, in a rare flash of humour, enquired as to which church he attended – receiving as a reply ‘the Kirk of Scotland’ – before discharging him.<sup>72</sup>

More typical behaviour was displayed by Franklow, who at his final examination confessed himself ‘now ready to explain anything that their Lordships wished to have explained’, and by John Williams, who, ‘not being used to public speaking’, presented a paper in which he promised to disassociate from all political societies and ‘regulate my conduct so as to give no cause for suspicion in future’.<sup>73</sup> Edwards, far from his earlier determination not to ‘criminate others’, ended up offering details of LCS arms acquisition, membership, and committee procedures. A nineteen-year-old silversmith, Edwards was examined six times over the course of eight days’ imprisonment, the progress of which may be tracked in the Appendix. His second examination saw the entrance of the spy Gosling to allege Edward’s support for assassination and armed revolt. Apart from a brief visit from his father on day six, Edwards was confined away from friends and family for over a week, presumably ignorant of his potential fate or of potential evidence against him, psychologically confused by frequent, sometimes pointless, recalls (see Appendix for details) and by his unpredictable reception. Edwards’ progression from initial defiance, through nervous confusion to, finally, apologetic exhaustion, provided a potent example of the combined effect of the tactics of power on a young and inexperienced examiner.

### **Radical Organisation, Language and Belief**

Although the Privy Council's questioning strongly articulated their fear and suspicion of the societies, the level of organisation revealed in radical testimony appears too rudimentary to constitute a plausible revolutionary threat. News of the society secretaries' arrests and seizures of their papers reached those who might expect repercussions in time for them to act. Several examiners had anticipated their own arrests and sent their papers to fellow radicals whose names they would not divulge, or 'claimed' to be ignorant of their whereabouts. Edwards declared that he had passed his LCS membership list to another member on the day following Hardy's arrest, after reading press reports of LCS papers being 'found upon persons'.<sup>74</sup> Jean-Baptiste Rousselle, a French former silk manufacturer now resident in London, reportedly shrugged off the search of his house by telling arresting officers: 'they would find nothing for he had had intimation of such a search as far back as Friday'. During his subsequent examination, this warning was revealed to have come from his fellow radical Hayward, upon the news of John Thelwall's arrest.<sup>75</sup>

Martin, already in prison for debt, managed to smuggle LCS papers out of his cell by bundling them in bedsheets. In Sheffield, the wife of SCS secretary William Broomhead was warned of the authorities 'coming down for' the radical publisher Joseph Gales, and promptly conveyed her husband's society papers to her brother's residence, where Broomhead 'supposes they are burnt'.<sup>76</sup> These evasive actions by panicked radicals revealed that information was mostly transmitted by logical deduction from previous events, rumour or press reports. Such arbitrary and interim solutions did not constitute a coherent network through which information could be safely spirited away. Papers and weaponry secreted under workshop counters, or in locked boxes under beds, were regularly found by arresting officers. As may be expected in such an unequal contest, the government's network of communication was far superior to that of the radicals, but the incidents outlined above demonstrated some attempt to match up.

Although informers and spies recounted endless lurid plots for armed uprising, few radicals (understandably) admitted to any activity or intent that could seriously be construed as revolutionary. In the opinion of Sharpe, 'there were persons who meant a great deal by adhering to the word Convention – which, he thought, was nothing less than for establishing themselves under pretence of reform of Parliament'. However, even he was unable to shed much light on methods for achieving this outcome, as 'he did not enough attend to political matters, to feel much interest in this point'.<sup>77</sup>

In general, intentions more sinister than peaceful reform were confined to alarmist spies' reports or to attempts by repentant radicals to exonerate themselves by stressing their suspicions of others. While both the procedural condemnations of 'corrupt and unrepresentative' government, and Gosling's tales of radicals gathered round a magic lantern 'with shades of the King of France beheading and the Bastille etc ...' might be seen as reason for the Privy Councillors to anticipate a threat to their own safety, the anecdotal and disparate nature of much of this evidence, combined with the internal problems of the societies, left room for doubt as to this threat's capacity to progress beyond the potential.<sup>78</sup>

New pressures were placed on the use of language in 1790s Britain, since the growth of a non-refined, often politically-conscious reading public called into question existing assumptions which justified social division by reference to 'vulgar' and 'refined' linguistic categories. Contemporary political arguments were contained within this context: Parliament's rejection of reform petitions due to their 'indecent and disrespectful language' implied that the 'vulgar' disenfranchised class lacked sufficient command of language to participate in public life.<sup>79</sup> The French Revolution further challenged the vocabulary of politics in Britain, destabilising the meanings of such key terms as 'the people' or 'the aristocracy', and offering a simplified discourse through its slogan of 'liberty, equality, fraternity'. Words like 'liberty' and 'patriot' assumed contested meanings as both power and resistance sought to claim them as legitimating principles, an exclusively-recognised definition of which could justify certain positions while denigrating opposing ones.

Radicals involved themselves in both the theory and practice of this process, from Paine's pioneering of an 'intellectual vernacular' to Tooke's attempts in the *Diversions of Purley* to demonstrate language's misleading or normative capacities.<sup>80</sup> The Privy Council examinations confirmed the use of language as a politicised struggle, as terms used innocuously or positively by radicals assumed a sinister or ironic cast when used by the Privy Councillors, who referred sardonically to 'papers as you call it in the cause of liberty', and 'that steady friend to liberty, John Horne Tooke'.<sup>81</sup> Such linguistic sparring demonstrated both the radical reapplication or revitalisation of political terms, and the concern of authority with defending the limits of language and, through it, the social order.

John Barrell has noted the propensity for loyalist informers and government prosecutors to define seditious speech solely by its inflammatory content, without allowing for the intention behind or context of its use. In so doing, they crossed the boundaries of public space in order to capitalise upon remarks made in private conversation.<sup>82</sup> During the examinations, this tendency was already apparent in the Privy Council's strategy of

‘confrontation’, whereby spies and witnesses were called in to contradict the testimony given by examiners. Confrontations often saw informers testify to violently anti-government or anti-monarchical sentiment, voiced by examiners in the semi-private setting of a tavern or coffee-shop. These interventions produced recantation and confession from John Francklow, who had previously disclaimed any current radical sympathies, and from Richard Bennet, whom Gosling ‘reminded’ of his alleged comments on assassinating Pitt and Dundas – both of whom were present.<sup>83</sup> Despite the potentially mitigating circumstances of their production, words spoken privately were now sufficient to warrant prosecution – irrespective, as Mark Philp points out, of ‘traditional senses that there were boundaries between public and private speech the honouring of which was central to the preservation of English liberty’.<sup>84</sup> In this context, the decision of examiners like John Thelwall to remain silent on principle was tactically as well as strategically prudent.

The language generally used by the radicals in their examinations demonstrated a ‘fragmented’ ideology, fluctuating between appeals to a ‘British’ constitutional politics and ‘French’ ideas of universal political rights associated with Paine.<sup>85</sup> In contrast to Thompson’s assertion that *The Rights of Man*, in enabling a popular democratic vernacular based on natural rights, allowed plebeian radicalism to displace older constitutionalist reasoning such as that of Cartwright, the examinations make clear the extent of radicals’ reliance upon the older popular constitutionalist tradition.<sup>86</sup>

This dualism is especially evident in the arguments used to legitimate radical mobilisation. The tactics mentioned – petitions, conventions, and platform agitation – were solidly within the traditional constitutionalist repertoire. Baxter made an informed guess that the planned National Convention would follow similar methods to ‘collect the people’s sentiments about a reform of Parliament and lay them before the legislature’.<sup>87</sup> In his copy of the *First Report of the Committee of Secrecy*, LCS member Richter underlined various extracts from Society publications which, in their adherence to constitutionalism, indicated for him their peaceful and legal intent.<sup>88</sup> Eaton’s assertion that Pitt ‘had too much overfluence [sic]’ drew on constitutionalist arguments. which opposed corruption in the existing legislature. Sharpe was explicitly constitutionalist when voicing his concern that, under the current administration, ‘departures had been made from the principles of the Revolution of 1688’.<sup>89</sup>

Whether examiners believed fully in constitutionalist rhetoric, perhaps as a consequence of views formed during pre-Paine activism, or were using it as a strategic defence to avoid association with Jacobinism, it figured far larger in their testimony than did

revolutionary republicanism. The only spontaneous reference to Paine, as recorded in the Book of Examinations, was made by Camage. He claimed that ‘he always thought universal suffrage the Right of Nature’. When questioned on his possession of pikes, however, Camage too deferred to historical precedent, claiming ‘he had read in the ancient history of this country – in Prince Rupert’s time ... that they were used in the defence of London’.<sup>90</sup>

The LCS was open to French influence not only through the intellectual and linguistic debates which followed the Revolution, but also through its acceptance of Revolutionary conventions, notably ‘Citizen’, ‘Jacobin’ and ‘sans-culotte’.<sup>91</sup> Under examination, however, radicals evinced an unsurprising desire to disassociate themselves from such ‘French practice’. The debate over how to entitle the Convention was emphasised: Baxter admitted that the term might be found ‘offensive to persons in the administration, and to many people in the country at large, the French Convention was odious ...’. Towers, questioned on a toast to ‘The National Assembly, and may the Parliament of England become such’, hastened to reassure the Council that ‘the meaning was [only] that it should be a fair representation of the people’.<sup>92</sup> The testimony of Ashley, if not a further instance of the strategic feigning of ignorance, offered a further reminder that controversial terms, although established in society vocabulary, were not necessarily received or used in a scrupulously informed manner:

Q: What do you mean by calling one another [Citizen]?

A: I do not know, I learned it as a parrot.<sup>93</sup>

The sources did, however, highlight the trend for radicals to draw upon revolutionary terminology to construct a political dichotomy of aristocracy/democracy.<sup>94</sup> Claiming the latter term for themselves, they applied the former as a disparaging label to their opponents or supporters of the current regime, regardless of socio-economic position. Thus, in a subpoena’d letter, John Thelwall’s wife described a heckler attempting to disrupt her husband’s lecture as ‘a foolish aristocrat’ – adding charitably ‘(I don’t mean to say he must necessarily be foolish because an aristocrat)’.<sup>95</sup> The spy Groves further reported that, when purchasing a knife from LCS member Thomas Green, he was urged to be discreet, as Green’s wife was ‘a damned Aristocrat’.<sup>96</sup> This updated language of social confrontation, influenced by events in France, provided a sharper focus for radical expression, even if it retained a longer-established constitutionalist flavour. Interestingly, the LCS was able to blend both idioms when, for instance, stating its political objective to be ‘to rescue the Democratic part of the Constitution from the all-devouring jaws of Aristocracy’.<sup>97</sup>

Class was not a ubiquitous concept in this period, and the existence of incipient class consciousness is much disputed. In the examinations, as was the case more generally, the less flexible language of ‘station’ or ‘rank’ was used.<sup>98</sup> Thomas Symmonds, a law student and SCI member, provided an exceptional instance of its use when describing the SCI dinner on 2. May 1794, at which the ‘shabby people’, whose presence had so disturbed Blake, did not ‘appear to him [to be] of so very inferior a class’.<sup>99</sup> The LCS examiners themselves, though conscious of their status as ‘tradesmen and mechanics’, only rarely connected their reformism with any more explicitly expressed class interest. What did surface, however, were aspects of a shared cultural awareness – an important aspect of which is the emergence of the tavern as the primary unit of radical organisation, both as official venue for meetings and location for less formal political discussion. Martin’s cellmate depicted LCS members drinking ‘strange healths’ exhorting ‘Damnation to the King’.<sup>100</sup> Such incidents suggested a counterpoint to the more genteel dining and toasting of the SCI. The joint social and political function of tavern gatherings was indicative of a new type of popular politics, one which drew on the central components of artisan existence to construct an autonomous popular radical culture.

The final examination, held on 8 July, included an exchange between the Privy Council and LCS committee member John Baxter, which encapsulated many of the issues at stake in the examinations:

[Baxter] was then reminded of the attempts made by the LCS – who seemed to be persons of very inferior stations in life, without any property, and yet voluntarily took great pains in reforming the state, as if what they thought or did could have any influence with the nation – That they were men rather inferior to himself. To which he said that whatever they were, they were persons who thought they had a good right to express their opinions on public matters – as to the descriptions of persons in the society, he said he thought the members of the LCS were mostly like himself – He thinks Thelwall superior to himself in parts and in station – Lovett and Moore were respectable ...<sup>101</sup>

On this occasion, the Privy Councillors’ mask of public enquiry had slipped, revealing an affronted hostility and a commitment to maintaining the exclusion from ‘influence with the nation’ of those whose station was inferior, because propertyless. The Privy Council’s attack on the LCS was informed by, and appealed to, a rigid view of social distinction, and an assumption that those of differing stations had little reason for collaboration or contact. In its exchange with Baxter, this mentality was exposed, both in the appeal to social distinction and the use of language – ‘station’ – suggestive of the natural and immutable quality of such distinctions. To countenance any alternative means of structuring society would call into question the legitimacy of their own position and the very order which the examinations were

defending. Baxter's spirited response also revealed some of the difficulties of resistance. His use of the key term 'station' indicated a subscription to the same social language as his opponents. On the other hand, Baxter was determined to defend the abilities and rights of the LCS membership, instancing notably the merits of the public orator John Thelwall rather than those of (say) the back-room organiser Thomas Hardy.

## **Conclusions**

The confrontation of power with resistance, as revealed in the examinations, was that of deep and implacable suspicion set against optimistic idealism, or hostility to change contrasted with the drive towards it, based both upon self-interest and upon political principles. Much hinged on the interpretation of language used in toasts, resolutions, speeches and correspondence, and on the connotations of words like 'Citizen' and 'Convention'. For radical examiners, under their legally unprecedented interrogation by the Privy Council, language or the avoidance of language provided a channel through which the power imbalance could be subverted, through the tactics of silence, evasion and prevarication.

Following the examinations, John Thelwall, together with Thomas Hardy, John Horne Tooke and others, were tried, but without success. The Attorney General, in his opening speech at Hardy's trial, took nine hours to connect, tenuously, the planned Convention with a plot to kill the king, prompting the former Lord Chancellor, Lord Thurlow, to exclaim 'Nine hours? Then there is no treason, by God!'<sup>102</sup> The jury, further swayed by Erskine's vigorous defence of Hardy, agreed.

Yet the government's failure to convict, like the paucity of evidence for organised conspiracy revealed during the examinations, did not halt Pitt's determination to suppress any potential domestic threat. By 1799, Pitt felt sufficiently confident to ban the LCS and other radical societies, under the Corresponding Societies Act. Nonetheless, the struggle for democratic enfranchisement was not forgotten but revived again in future years. And concern for civil liberties against the overweening power of the central state remains a continual necessity. In the 1790s, these issues were starkly revealed in the personal encounters between suspected radicals and august Privy Councillors, including the dramatic stand-off between the conservative William Pitt and the radical John Thelwall:

PITT: What is it? – What is it? – What? [fiercely] ...  
[Thelwall then turned his back on the company and 'began to contemplate a drawing in water-colours'.]

## ENDNOTES

Place of publication is London unless indicated otherwise.

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- <sup>1</sup> For their help in the production of this essay, my thanks to Penelope Corfield, Katrina Navickas, and the anonymous referees for the John Thelwall Society.
- <sup>2</sup> E.P. Thompson, *The Making of the English Working Class* (Harmondsworth, 1963), p. 21.
- <sup>3</sup> For outlines of John Thelwall's life, see the *Oxford Dictionary of National Biography*; the classic account by C. Cestre, *John Thelwall: A Pioneer of Democracy and Social Reform in England during the French Revolution* (1906); and references in the accompanying essays within the John Thelwall Society website: [www.johnthelwall.org/Thelwall Studies](http://www.johnthelwall.org/Thelwall%20Studies).
- <sup>4</sup> The National Archives (subsequently TNA), T.S.11/963/3509: The Book of Examinations before the Council.
- <sup>5</sup> See J. Barrell, *Imagining the King's Death: Figurative Treason, Fantasies of Regicide 1793-6* (Oxford, 2000) and further refs. in fn. 33-4, 36.
- <sup>6</sup> See also H.T. Dickinson, *The Politics of the People in Eighteenth-Century Britain* (1995); J. Graham, *The Nation, the Law and the King: Reform Politics in England, 1789-99* (Ithaca, 2000), 2 vols; M.T. Davis and P.A. Pickering, *Unrespectable Radicals? Popular Politics in the Age of Reform* (2008); K. Gilmartin, 'In the Theater of Counterrevolution: Loyalist Association and Conservative Opinion in the 1790s', *Journal of British Studies*, 41 (2002), pp. 291-328; M.S. Smith, 'Anti-Radicalism and Popular Politics in an Age of Revolution', *Parliamentary History*, 24: Suppl. (2005), pp. 71-92; E.V. Macleod, 'British Attitudes to the French Revolution', *Historical Journal*, 50 (2007), pp. 689-709; F. Mabee, 'The Spithead Mutiny and Urban Radicalism in the 1790s', *Romanticism*, 13 (2007), pp. 133-44; and N. Leask, 'Thomas Muir and the Telegraph: Radical Cosmopolitanism in 1790s Scotland', *History Workshop Journal*, 63 (2007), pp. 48-69.
- <sup>7</sup> See Thompson, *Making*, pp. 114ff; and G.A. Williams, *Artisans and Sans-Culottes: Popular Movements in Britain and France during the French Revolution* (1968), p. xix. For the subsequent debates, see C.J. Calhoun, *The Question of Class Struggle: Tradition and Community in English Popular Radicalism, 1790-1830* (Chicago, 1981); G.S. Jones, *Languages of Class: Studies in English Working Class History, 1832-1982* (Cambridge, 1983); and M. van der Linden and J. Lucassen, *Prolegomena for a Global Labour History* (Amsterdam, 1999).
- <sup>8</sup> Thompson, *Making*, p. 114. On the LCS, see also Michael T. Davis (ed.), *London Corresponding Society, 1792-9* (2002), 6 vols; D. Andrew, *London Debating Societies 1776-99* (1994); and B. Weinstein, 'Popular Constitutionalism and the London Corresponding Society', *Albion*, 34 (2002), pp. 37-57.
- <sup>9</sup> T. Hardy, *Memoir of Thomas Hardy Written by Himself*, in D. Vincent (ed.), *Testaments of Radicalism* (1977), pp. 45-8. And see A. Goodwin, *The Friends of Liberty: The English Democratic Movement in the Age of the French Revolution* (1979), pp. 190-8.
- <sup>10</sup> [House of Commons], *First Report of the Committee of Secrecy* (1794), p. 44.
- <sup>11</sup> On the SCI, see Weinstein, 'Popular Constitutionalism', pp. 41ff. On the Conventions, see F. Burwick, 'The Language of High Treason: Thomas Hardy, John Horne Tooke, and the Edinburgh Seven', *Huntington Library Quarterly*, 63 (2000), pp. 263-75; and G. Pentland, 'Patriotism, Universalism and the Scottish Conventions, 1792-4', *History*, 89 (2004), pp. 339-60.

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- <sup>12</sup> See also Goodwin, *Friends of Liberty*; I. McCalman, *Radical Underworld: Prophets, Revolutionaries and Pornographers in London, 1795-1840* (Cambridge, 1988), pp. 1-17; N. Rogers, *Crowds, Culture and Politics in Georgian Britain* (Oxford, 1998); G. Burgess and M. Festenstein (eds), *English Radicalism 1550-1850* (Cambridge, 2007); J. Epstein, 'Spatial Practices/Democratic Vistas', *Social History*, 24 (1999), pp. 294-310; M. Crosby, 'The Voice of Flattery vs Sober Truth: William Godwin, Thomas Erskine and the 1792 Trial of Thomas Paine for Treason', *Review of English Studies*, 62 (2011), pp. 90-112.
- <sup>13</sup> See M. Fry, *The Dundas Despotism* (Edinburgh, 2004).
- <sup>14</sup> R.G. Thorne, *The House of Commons 1790-1820* (Cambridge, 1986), IV, p. 696; V, p. 454.
- <sup>15</sup> *Ibid.*, V, p. 75. See also N. Gash, *Lord Liverpool: Life and Political Career of Robert Banks Jenkinson, Second Earl of Liverpool, 1770-1828* (1984). Both men were excoriated by Lord Byron in his 'Ode to the Framers of the Frame Bill': see G.G. Byron, *Poems* (3 vols, 1963), I, p. 480.
- <sup>16</sup> See C. and D. Bewley, *Gentleman Radical: A Life of John Horne Tooke, 1736-1812*, London, (1998); M. Scrivener, 'John Thelwall and Popular Jacobin Allegory, 1793-5', *English Language History*, 67 (2000), pp. 951-71; J.C. Beal, *Pronunciation in the Eighteenth Century: Thomas Spence's Grand Repository of the English Language*, (Oxford, 1999). SCI member Jeremiah Joyce, a Dissenting clergyman, summarised his experiences in J. Joyce, *An Account of Mr Joyce's Arrest for 'Treasonable Practices', his Examination before His Majesty's Most Honourable Privy Council, his Commitment to the Tower, and Subsequent Treatment* (1795).
- <sup>17</sup> On Sheffield, see I. Kramnick, 'Religion and Radicalism: English Political Theory in the Age of Revolution', *Political Theory*, 5 (1977), pp. 505-34; and on Norwich, see C.B. Jewson, *Jacobin City: A Portrait of Norwich, 1788-1802* (1975), pp. 32-3, 46-7, 49.
- <sup>18</sup> Ann Evans, examined 29 May 1794. On the participation of women more generally in contemporary radicalism, see D. Thompson, 'Women and Nineteenth-Century Radical Politics: A Lost Dimension?' in her *Outsiders; Class, Gender and Nation* (1993).
- <sup>19</sup> Gosling, a broker, grocer and hairdresser, spent time in the LCS as a government spy. His credibility was questioned during the Treason Trials, which saw him exposed in court by Erskine as a dealer in stolen goods, seller of adulterated hams, and probable forger of a will. See C. Emsley, 'The Home Office and its Sources of Information and Investigation, 1791-1801', *English Historical Review*, 94 (1979), pp. 532-61.
- <sup>20</sup> The progress of multiple examinations may be followed in the Appendix.
- <sup>21</sup> Book of Examinations, f. 104.
- <sup>22</sup> *Ibid.*, fos 83-4.
- <sup>23</sup> See D. Karr, "'Thoughts that Flash like Lightning': Thomas Holcroft, Radical Theater and the Production of Meaning in 1790s London", *Journal of British Studies*, 40 (2001), pp. 324-56; J. Epstein and D. Karr, 'Playing at Revolution: British "Jacobin" Performance', *Journal of Modern History*, 79 (2007), pp. 495-530; and Rogers, *Crowds, Culture and Politics*, ch. 6.
- <sup>24</sup> *Tribune*, 14 April 1795, quoted in Thompson, *Making*, pp. 20-1.
- <sup>25</sup> TNA, TS11/956/3501.
- <sup>26</sup> Book of Examinations, fos 482, 645.
- <sup>27</sup> *Ibid.*, f. 494.
- <sup>28</sup> *Ibid.*, fos 487, 327.
- <sup>29</sup> *Ibid.*, fos 27-30.
- <sup>30</sup> *Ibid.*, f. 112.

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- 31 Ibid., fos 527 (Sharpe), 653 (Baxter), 309 (Ashley).
- 32 Ibid., fos 459-60, 608.
- 33 J. Barrell, 'Imaginary Treason, Imaginary Law: The State Trials of 1794', in his *The Birth of Pandora and the Division of Knowledge* (Basingstoke, 1992), pp. 119-43; L. Steffen, *Defining a British State: Treason and National Identity, 1608-1820* (Basingstoke, 2001), pp. 7, 138.
- 34 Barrell, *Imagining the King's Death*, p. 215 n.
- 35 See T.M. Parsinnen, 'Association, Convention and Anti-Parliament in British Radical Politics, 1771-1848', *English Historical Review*, 88 (1973), pp. 504-33.
- 36 The 1794 trials marked the moment of change from the statute of Edward III's reign, which made it treason to 'imagine' the king's death, a verb carrying the active notion of intent, and the more modern concept of the imagination which, by the late eighteenth century, referred to a passive, even involuntary, mental process. See Barrell, *Imagining the King's Death*; and case studies in J. Barrell and J. Mee (eds), *Trials for Treason and Sedition, 1792-4* (2006-7), 8 vols.
- 37 W. Godwin, *Cursory Strictures on the Charge Delivered by the Lord Chief Justice Eyre to the Grand Jury, 2 Oct. 1794*, in TS11/952/3496.
- 38 The Treason Act 1795 (1795 c.7 36 Geo. 3) defined as traitors those who 'compassed or devised' the death or deposition of the monarch, alongside those seeking 'to intimidate or overawe both Houses or either House of Parliament'.
- 39 Book of Examinations, f. 611. On Yorke, an interesting character, see Amnon Yuval, 'Between Heroism and Acquittal: Henry Redhead Yorke and the Inherent Instability of Political Trials in Britain during the 1790s', *Journal of British Studies*, 50 (2011), pp. 612-38; and J.J. Sack, 'The Memory of Burke and the Memory of Pitt', *Historical Journal*, 40 (1987), pp. 623-40, 629-31.
- 40 Book of Examinations, f. 598.
- 41 Ibid., f. 333.
- 42 Ibid., fos 298-9.
- 43 Ibid., f. 66.
- 44 TNA, TS11/957/3502, letter dated 17/5/1794.
- 45 Book of Examinations, f. 502.
- 46 Ibid., fos 113, 307.
- 47 Ibid., f. 24.
- 48 Ibid., f. 15.
- 49 Ibid., f. 20
- 50 Ibid., f. 489
- 51 Ibid., f. 212.
- 52 Ibid., f. 531.
- 53 Ibid., f. 251
- 54 Ibid., f. 449
- 55 Ibid., f. 575.
- 56 Ibid., fos 578, 551.
- 57 Ibid., f. 320.
- 58 Ibid., f. 535.
- 59 Ibid., fos 321-2.
- 60 Ibid., fos 612, 615.
- 61 Ibid., fos 27, 385, 389.
- 62 Ibid., f. 499.

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- <sup>63</sup> Ibid., f. 507. At the King's Theatre, Haymarket, in 1792, audiences had challenged the traditional singing of 'God Save the King' by singing 'Ça Ira' instead. See TNA, Lord Chamberlain (LC) 74: letter to Richard Brinsley Sheridan from the Lord Chamberlain's Office, 30 March 1792.
- <sup>64</sup> *The Times*, 20 May 1794.
- <sup>65</sup> Book of Examinations, f. 233.
- <sup>66</sup> Ibid., f. 299. This allegation was later denied by Martin's arresting officer.
- <sup>67</sup> Ibid., f. 11.
- <sup>68</sup> Ibid., fos 351-2.
- <sup>69</sup> Ibid., fos 178, 103.
- <sup>70</sup> Quoted in Joyce, *An Account*, pp. 4-7.
- <sup>71</sup> Book of Examinations, f. 87.
- <sup>72</sup> Ibid., f. 518.
- <sup>73</sup> Ibid., fos 507, 517.
- <sup>74</sup> Ibid., f. 101.
- <sup>75</sup> Ibid., f. 222.
- <sup>76</sup> Ibid., f. 412.
- <sup>77</sup> Ibid., fos 527-8.
- <sup>78</sup> Ibid., f. 169.
- <sup>79</sup> See O. Smith, *The Politics of Language* (Oxford, 1984), pp. 30-4; L. Colley, 'Whose Nation? Class and National Consciousness in Britain, 1750-1830', *Past and Present*, 113 (1986), pp. 97-117; and J. Mori, 'Languages of Loyalism: Patriotism, Nationhood and the State in the 1790s', *English Historical Review*, 118 (2003), pp. 33-58.
- <sup>80</sup> J. Horne Tooke, *Epea Pteroenta: Or, the Diversions of Purley* (1786).
- <sup>81</sup> Book of Examinations, fos 51, 563.
- <sup>82</sup> J. Barrell, *The Spirit of Despotism: Invasions of Privacy in the 1790s* (Oxford, 2006), pp. 99ff.
- <sup>83</sup> Book of Examinations, fos 279, 353.
- <sup>84</sup> M. Philp, 'Intrusions', *History Workshop Journal*, 65 (2008), pp. 220-7.
- <sup>85</sup> See M. Philp, 'The Fragmented Ideology of Reform', in M. Philp (ed.), *The French Revolution and British Popular Politics* (Cambridge, 1991); and J.A. Epstein, *Radical Expression: Political Language, Ritual and Symbol in England, 1790-1850* (New York, 1994), p. 238. Yet deference to constitutionalism among the LCS membership did not necessarily indicate a conservatism of political ideas: see J. Mee, 'Rough and Respectable Radicalisms', *History Workshop Journal*, 56 (2003), pp. 238-244.
- <sup>86</sup> Thompson, *Making*, pp. 119-21.
- <sup>87</sup> Book of Examinations, f. 653.
- <sup>88</sup> Epstein, *Radical Expression*, p. 24.
- <sup>89</sup> Book of Examinations, fos 95, 531.
- <sup>90</sup> Ibid., fos 384-5, 388.
- <sup>91</sup> P. Roger, 'Trading Words, Waging War: The Mystified Relationship between British Radicals and French "Révolutionnaires"', *Huntington Library Quarterly*, 63 (2000), pp. 299-317.
- <sup>92</sup> Book of Examinations, f. 555.
- <sup>93</sup> Ibid., f. 317.
- <sup>94</sup> See A. Goodrich, *Debating England's Aristocracy in the 1790s: Pamphlets, Polemics and Political Ideas* (Woodbridge, 2005).
- <sup>95</sup> TNA TS 11/955, subpoena'd letter from Thelwall's first wife.
- <sup>96</sup> Thale (ed.), *Selections*, p. 146.

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- <sup>97</sup> LCS resolution, as quoted in Williams, *Artisans*, p. 97.
- <sup>98</sup> See P.J. Corfield, 'Class by Name and Number in Eighteenth-Century Britain', *History*, 72 (1987), pp. 38-61; and J. Thomson, 'After the Fall: Class and Political Language in Britain, 1780-1900', *Historical Journal*, 39 (1996), pp. 785-806.
- <sup>99</sup> Book of Examinations, f. 589.
- <sup>100</sup> *Ibid.*, f. 408.
- <sup>101</sup> *Ibid.*, f. 653.
- <sup>102</sup> Barrell and Mee (eds), *Trials*, p. xxxii.