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THE ENGLISH ALIEN ACTS

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1793 - 1826



A Thesis

Presented to

The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of

Master of Arts



by

David Ferch

1978

APPROVAL SHEET

This thesis is submitted in partial fulfillment of
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ABSTRACT

The purpose of this study is to examine the English Alien Acts in the context of the political and social history of England. In a series of acts passed between 1793 and 1826, Parliament granted the executive government broad powers of regulation over the nation's resident foreign population. These powers, which included the authority to expel resident aliens and to keep aliens from entering the country, represented the first attempt on the part of the British government to regulate England's entire population of aliens.

This study focuses on the events which prompted these measures, and analyzes the general popular and governmental attitudes which initiated and sustained the belief that it was necessary to regulate the entire foreign population by means of the Alien Acts. This analysis includes a discussion of the various social and political forces manifest in England during the period c.1790 to 1826, and the relationship between these domestic forces and the regulation of aliens.

The study finds that British governmental and popular support for the Alien Acts was based upon widespread concern that European revolutionary ideas and movements would influence England. Many Englishmen were apprehensive that the revolutionary tenets emanating from France would spread to Britain and heighten existing social and political discontent. The regulation of incoming and resident aliens was regarded as one means of reducing the likelihood of domestic disturbances. Adverse social and economic conditions in the years following the end of the French and Napoleonic wars sustained British concern over the possible influence aliens would have on domestic disturbances. With the improved economic and social conditions of the mid-1820s, English apprehensions subsided, with the result that the Alien Act was repealed.

THE ENGLISH ALIEN ACTS, 1793-1826

INTRODUCTION

On January 10, 1793, England's first modern Alien Act became law. Though English law had recognized for several centuries the peculiar legal status of resident aliens, the Alien Act of 1793 represented the first attempt on the part of the British government to supervise and regulate England's entire alien population.¹ Between 1793 and 1826, Parliament enacted eleven temporary Alien Acts, replacing them in 1826 with a permanent Aliens Registration Act. The history of these Alien Acts constitutes the topical and chronological framework of this thesis.

This study examines the Alien Acts in the context of the political and social history of England. In particular, the study analyzes the general popular and governmental attitudes which initiated and sustained the belief that it was necessary to regulate the entire foreign population by means of the Alien Acts. This analysis includes a discussion of the various social and political forces manifest in England during the period c.1790 to 1826, and the relationship

¹E.F. Churchill, "The Crown and the alien: a review of the protection of the alien from the Norman Conquest down to 1689," Law Quarterly Review, XXXVI (1920), 402-428. William Allen Jowitt, Earl Jowitt, ed., The dictionary of English law (London 1959), I, 26.

between these domestic forces and aliens legislation. International issues, such as Anglo-French relations and the formation of British foreign policy, also are discussed whenever these issues pertain to the Alien Acts. Within this framework the study develops three major, albeit interwoven, themes with regard to the history of the Alien Acts.

One theme is that British governmental and popular support for aliens legislation was based upon widespread concern that European revolutionary ideas and movements would influence England. Many Englishmen feared revolutionary tenets would spread to Britain and heighten existing social and political discontent. The regulation of incoming and resident aliens was regarded as one means of reducing the likelihood of domestic disturbances. Initial concern over the spread of revolutionary principles and, consequently, with the regulation of foreigners originated in the British reaction to the French Revolution, and specifically in the Jacobin scare of 1792. A variety of events concomitant with the progress of the war, as well as anti-alien sentiments fostered by the war's prolongation, augmented popular and ministerial concern. Moreover, adverse social and economic conditions in post-war Britain helped sustain this concern well into the period of peace.

A second theme examines the British government's changing attitude towards regulating aliens. Concern over the spread of revolutionary ideas prompted what the government and its Parliamentary supporters regarded as a temporary

measure -- the Alien Act -- to meet an immediate crisis. Yet Parliament passed a series of these temporary measures, culminating some thirty years later in the permanent registration of aliens. The history of this legislative process is not the history of the implementation of a systematic policy toward aliens. Rather, it is the history of a number of piecemeal responses to a variety of critical events and new political realities facing British politicians during the years following passage of the original Alien Act. From the period of deteriorating Anglo-French relations (c.1792) to the era of the Vienna Settlement, British officials confronted circumstances requiring continued government involvement with the alien population. This extended involvement with the affairs of aliens set the political tone whereby government regulation of aliens was transformed from a temporary to a permanent measure.

A third theme discusses the significance of British party politics to aliens legislation and, more specifically, evaluates the role of party and opposition in the history of the Alien Acts. From a political standpoint, the significance of the Alien Acts is that they conferred on the Crown's ministers broad powers over the foreign population without the guarantee of Parliamentary controls. Discussion of this legislation therefore includes an analysis of the basis of support for aliens legislation from Pitt to Liverpool, the Whig and Radical opposition to that legislation, and the changing nature of party politics during the 1820s

which preceded passage of the permanent Aliens Registration Act.

Although this study focuses on the three major themes outlined above, consideration also is given to the regulatory functions of the Alien Acts, and to their effect on the alien and refugee population. Because modern aliens legislation began in Britain with these measures, an explanation of the Alien Acts is of historical interest. By placing the Alien Acts in their social and political context, and by giving attention to their bureaucratic development, this study should assist in better understanding the origin of the legislative regulation of aliens in Great Britain.

CHAPTER I

THE ORIGIN OF THE FIRST ALIEN ACT, 1792-1793

England's first modern Alien Act granted broad powers to the Crown, including the right arbitrarily to exclude and expel aliens from the country and to regulate the resident foreign population by a system of passports. Placed in the context of the late eighteenth century, these powers were certainly of an extraordinary nature. No transactions appear to have been undertaken by the Privy Council or by Parliament for the exclusion of aliens from the reign of Elizabeth to the reign of George III.¹ As to the expulsion of aliens resident in England, the Crown's prerogative rarely had been used in more recent times. In fact, throughout the eighteenth century (until 1793) the constant wars and commercial rivalries produced only two demands for the expulsion of individuals, and both demands were brought before the House of Commons.² Furthermore, the policy of

¹T.W. Haycraft, "Alien legislation and the prerogative of the Crown," Law Quarterly Review, XIII (1897), 180.

²W.F. Craies, "The rights of aliens to enter British territory," Law Quarterly Review, VI (1890), 34-37. Thomas Erskine May, The constitutional history of England since the accession of George the Third, 1760-1860 (3rd ed. London 1871), III, 50.

licensing and issuing passports established by the Act was called into question by the nineteenth-century legal authority Joseph Chitty. Chitty argued in 1820 that regardless of the Crown's prerogative to exclude or expel aliens independent of any act, alien friends (i.e. subjects of foreign governments not at war with England) had the right to enter England "without any licence or protection from the Crown [i.e. passports]."³ It was in this sense that the Alien Act of 1793, was extraordinary, innovative, and a measure clearly beyond governmental powers hitherto known.⁴

Extraordinary government action was precisely what many Englishmen demanded in the autumn of 1792. That the Alien Act was rushed through both Houses in less than a month was itself an indication that a majority of the members of Parliament felt a pressing need to attain the type of security provided by this measure. Governmental and public demand for the passage of the Alien Act had its origin in the Jacobin scare of 1792. Increasingly during that year, Britons

³Joseph Chitty, A treatise on the law of the prerogatives of the Crown, and the relative duties of the subject (Farnborough, Eng. 1969 c1820), 49. Lord Campbell regarded the "vexatious and useless system of passports" established by the Alien Act as contrary to the Common Law. See: Norman W. Sibley and Alfred Elias, The Aliens Act (Stat. 5 Edw. VII c.13) and the right of asylum; together with international law, comparative jurisprudence, and the history of legislation on the subject, and an exposition of the Act (London 1906), 40.

⁴Haycraft, "Alien legislation," 181. May, Constitutional history of England, III, 51.

suspected large numbers of the recently-arrived French aliens or émigrés of bringing Jacobin ideas to England to encourage revolutionary sentiments among the people. In the larger sense, then, the Alien Act had its origin in the great French emigration of the early years of the Revolution.

During the revolutionary period (1789-1799) approximately 130,000 Frenchmen emigrated, with nearly one-third of them coming to England.⁵ The first group of Frenchmen to arrive were Royalists. These émigrés left France during the summer of 1789, when Louis XVI made several concessions to the egalitarian leaders of the States-General. They were followed by a group of conservative Constitutionalists who had opposed the removal of Louis XVI to Paris in October of 1789.⁶ Beginning in 1790, a third and distinctly different class of Frenchmen began leaving France. With the passing of the Civil Constitution of the Clergy in July 1790, and the Oath of Fealty the following November, vast numbers of clerical émigrés took refuge in England. Louis XVI's arrest at Varennes and the passing of the Constitution in mid-1791 increased the flow of emigrants.⁷

⁵William Cunningham, Alien immigrants to England (2nd ed. London 1969), 259. Donald Greer, The incidence of the emigration during the French Revolution (Cambridge, Mass. 1951), 94.

⁶Cunningham, Alien immigrants, 254-255.

⁷Ibid., 255-256. Cunningham estimates that 8,000 clerics came to England. See: Ibid., 259 footnote. Greer places the figure at 10,000 of a total 32,000 emigrant clerics. See: Greer, Incidence of the emigration, 94-95.

English public sentiment towards the refugees was both sympathetic and generous. The hardships they endured became well-known to Englishmen through the vivid accounts reported in the British newspapers and periodicals. Tales of how the Comtesse de Saisseval crossed the Channel in winter in a small boat, or of how the Marquis de Montazet washed windows and the Marquis de Chavannes sold coal to earn their living, certainly spread quickly through London.⁸ It is not surprising, then, that the Marquis of Lansdowne should mention during a debate in the House of Lords he had "attended a meeting of one of the charitable societies established for procuring these friendless foreigners relief."⁹ Indeed, public meetings such as the one attended by Lansdowne were held throughout 1792 to raise money for the émigrés. These public meetings led to many charitable projects such as the public maintenance of approximately 700 émigré priests for four years at Westminster.¹⁰ The English aristocracy also patronized many of these refugees. Lansdowne, for example, was noted for maintaining a small émigré society at Bowood which included Talleyrand, Narbonne, Madame de Stael and others. The Marchiones of Buckingham employed several French clerics to make tapestry, and several French ladies sold

⁸Cunningham, Alien immigrants, 257, 259.

⁹Great Britain, Parliament, Parliamentary history of England, XXX (1792-1794), 147.

¹⁰Cunningham, Alien immigrants, 259.

artificial flowers and embroideries under her patronage.¹¹

This generally benevolent feeling towards the newly-arrived aliens came to co-exist in 1792-1793 with the belief that many of these aliens were not political refugees, but Jacobin emissaries. This belief was fanned by the domestic situation in England during 1792. The issue of reform became muddled with that of Jacobin doctrines. Reform-oriented associations such as the London Corresponding Society and the Friends of the People often used phrases associated in the minds of many Englishmen with foreign ideas. As an outgrowth of the intellectual struggle over the issue of reform, the counter-offensive undertaken by the anti-reform groups often cited the developments in France and the sufferings of the émigrés "as a means of counteracting English Jacobin propaganda."¹² Nor could making French republicans honorary members, as the London Society for Constitutional Information had, fail but to persuade apprehensive Britons of the existence of an international republican

¹¹Crane Brinton, The lives of Talleyrand (New York 1963 c1936), 88. Cunningham, Alien immigrants, 259.

¹²Edward P. Thompson, The making of the English working class (New York 1963), 107. A contemporary example of this form of tactic appeared in the 27 Feb. 1793 issue of the True Briton: "BRITONS! behold the herd of hapless, forlorn and friendless French Emigrants, who infest your streets. ... In a word, read in the sad destiny of these miserable Fugitives your future fate, should you, like them, be seized with the contagion of Reform... ." Reprinted in: Lucyle T. Werkmeister, A newspaper history of England, 1792-1793 (Lincoln, Neb. 1967), 234-235.

conspiracy.¹³ Englishmen began to call for action. Frenchmen, it was suggested, should not be allowed to meet in groups of more than five, and notice was given to the police of "the general body of French Dancing Masters practicing in London, who are the veriest Jacobins in existence."¹⁴ Rural England did not escape the Jacobin scare. Lord Sheffield believed that in Yorkshire "there was a great deal more of French Jacobinism and of Thomas Paine in this manufacturing and out-of-the-way county" than would be imagined.¹⁵ The county of Norfolk was thought to be filled with "little revolutionary societies" in the autumn of 1792 because of the émigré settlements.¹⁶ Such reports led to the demand that publicly displayed cannons be made inoperative.¹⁷

The threat of French revolutionary ideas spreading to England certainly played an important role in the government decision to regulate the alien population. Reports on alien immigration to Under Secretary of State for the Foreign Office, James B. Burges, became regular after the September massacre in Paris. Burges, in turn, sent these reports to

¹³ Simon Maccoby, English radicalism, 1786-1832; from Paine to Cobbett (London 1955), 61-62. See also Burke's remarks on the L.S.C.I.: Parl. history, XXX (1792-1794), 174.

¹⁴ Times, 15 Feb. 1793, 2; 16 Feb. 1793, 2.

¹⁵ Lord Sheffield to Lord Auckland, 3 Jan. 1793; William Eden, Baron Auckland, The journal and correspondence of William, Lord Auckland (London 1861), II, 481.

¹⁶ Quoted in: Cunningham, Alien immigrants, 258.

¹⁷ Times, 16 Feb. 1793, 2.

his superior Lord Grenville.¹⁸ From his intelligence gathering Burges concluded:

The amazing number of French emigrants already arrived in London surpasses any idea that could have been formed of it. ... By what I can learn, the majority of these people are of a suspicious description, and very likely either to do mischief of their own accord, or to be fit tools for those who may be desirous of creating confusion.¹⁹

The Home Secretary, Henry Dundas, concurred with Burges, and warned Grenville that measures should be taken by the government to guard against French emigrants, who, after the September massacre, surely would be of a dangerous character.²⁰ Positive proof of Jacobin intentions came to Grenville in November 1792, when an immigrant under government questioning admitted to being a Jacobin emissary sent to England to promote the acceptance of the French Republic, and to having entered the country under an assumed name.²¹ It seems likely that it was the French example in Holland, however, which finally convinced Grenville of the seriousness of the situation. Among the correspondence he received from Lord Auckland, the British envoy at the Hague, was the

¹⁸J. Mason to James B. Burges, 12 Sept. 1792; Great Britain, Historical Manuscripts Commission, Report on the manuscripts of J.B. Fortescue, esq., preserved at Dropmore (London 1894), II, 315.

¹⁹James B. Burges to Lord Grenville, 14 Sept. 1792; Ibid.

²⁰Henry Dundas to Lord Grenville, 12 Sept. 1792; Ibid., 314.

²¹J.B. Burges to Lord Grenville, 11 Nov. 1792; Ibid., 331-332.

following report:

... in the crowds who are come [to Holland], there are many who are detached and payed by the Jacobin leaders to do mischief, and to prepare and promote revolutions. ... there are 200 or 300 emissaries from the Propagande, with allowances to live in taverns, coffee-houses, and ale-houses, and to promote disorder.²²

Auckland assured Grenville that many of these revolutionaries had since left Holland for England. Within a few days of receiving this communication Grenville introduced the Alien Bill into the House of Lords (19 Dec. 1792), remarking

that the vast influx of foreigners into this country ... had excited no small alarm in the minds of his majesty's ministers, who had reason to apprehend, that among them were persons disaffected to the government of this country.²³

The strongest protest against Jacobinism in the debates did not come from the Tory ministers, however, but from Edmund Burke and the conservative faction of the Portland Whigs. William Windham, a Portland Whig who later became Pitt's Secretary at War, was the first in the Commons to expose the Jacobin threat. He said that he spoke neither from distrust nor rumor, but from fact when he told the House that a "counter alliance existed between Englishmen in Paris and Frenchmen in London," the object of which was to destroy the present English government. These men had agents "in every town, in every village, nay almost in every

²²Lord Auckland to Lord Grenville, 14 Dec. 1792; Fortescue manuscripts, II, 358.

²³Parl. history, XXX (1792-1794), 147.

house" disseminating revolutionary pamphlets.²⁴ Lord Beauchamp "found every where men looking upon our constitution with jaundiced eyes," who were ready to overthrow the government with the backing of foreign money and foreign agents by now dispensed throughout England.²⁵ Calling the Bill a "quarantine," George Hardinge believed the Bill was justified on the ground that the recent libels were "French to the bone, in connexion as well as principle."²⁶ Burke supported the Bill "as being calculated to keep out of England those murderous atheists, who would pull down church and state; religion and God; morality and happiness."²⁷ He then informed the House that recently an Englishman had placed an order for 3,000 daggers at Birmingham. After pulling a concealed dagger from his coat, and throwing it to the floor, he concluded:

It is my object to keep the French infection from this country; their principles from our minds, and their daggers from our hearts. I vote for this bill because I consider it the means of saving my life and all our lives, from the hands of assassins.²⁸

Such polemics could be countered successfully only by the direct intervention of the Duke of Portland, who could

²⁴Parl. history, XXX (1792-1794), 36-37.

²⁵Ibid., 197-198.

²⁶Ibid., 201, 202.

²⁷Ibid., 188.

²⁸Ibid., 189.

swing 107 votes in the Commons and forty votes in the Lords for or against the Alien Bill.²⁹ By this time, the Portland Whigs had splintered into left and right wings (led by Charles James Fox and Lord Loughborough, respectively) over the issues of reform and the French Revolution. Portland, however, remained uncommitted to either faction. On December 18, 1792, the day before Grenville was to introduce the Alien Bill, Loughborough decided to use the Bill to force the issue.³⁰ For some months he had urged Portland to accept office under Pitt, becoming more insistent on a break with Fox, Lansdowne and Charles Grey, whom he was convinced were "under the auspices" of Francois Chauvelin, the French ambassador.³¹ After much canvassing, Portland agreed to speak for the Bill during the second reading on December 21. The result was hardly what the Loughborough faction wanted. Though he stated that some measure was necessary "to quiet

²⁹James Harris, Earl of Malmesbury, Diaries and correspondence of James Harris, first Earl of Malmesbury, containing an account of his missions at the court of Madrid, to Frederick the Great, Catherine the Second, and at the Hague; and of his special missions to Berlin, Brunswick, and the French Republic (2nd ed. New York 1970 c1845), II, 450.

³⁰Ibid., 446.

³¹Lord Loughborough to Lord Malmesbury, 27 Dec. 1792; Ibid., 456-457. On Loughborough's role in bringing about a Whig-Tory understanding, see: Francis O'Gorman, The Whig party and the French Revolution (New York 1967), 87-88. John S. Watson, The reign of George III, 1760-1815 (Oxford 1960), 325. In return for his support on the Alien Bill and other measures, Pitt offered Loughborough the Lord Chancellorship. Portland pressured Loughborough into refusing office. See: Malmesbury, Diaries and correspondence, II, 447. Loughborough became Lord Chancellor the following year.

the alarm that had been excited in the minds of the people," he harangued the Pittites whose misconduct as ministers "had forfeited all title to the confidence of the nation."³²

Lord Malmesbury's diary recorded the sentiments of the Loughborough faction concerning Portland's speech:

... he did not, as he had intended, express his intention of supporting Government, and his speech certainly ... conveyed to the House much more the sentiments of a man intending to oppose, than one inclined to support the measures of Government. This ... we could not help considering as a breach of promise³³

In a letter to Loughborough, Portland explained that he could not support the Alien Bill wholeheartedly, for to do so would mean a "renunciation and a denunciation of Fox."³⁴

Unable to support the Pitt government, yet not wishing to alienate his right wing supporters, Portland chose a middle ground. Malmesbury noted during the remaining debates on the Alien Bill the Duke "to the great concern and grief of his friends, did not say a word. I urged him repeatedly to get up, but he said he really could not, he felt it impossible" ³⁵

However, Portland's refusal to make clear his opposition to the measure during the remaining debates allowed individual Whigs to support Pitt's government, and left the

³²Parl. history, XXX (1792-1794), 158-159.

³³Malmesbury, Diaries and correspondence, II, 447.

³⁴Quoted in: Ibid., 458.

³⁵Ibid., 455.

opponents of the Alien Bill numerically weak.³⁶ Fox, leader of the opposition and chief promoter of English neutrality to developments in France, continually argued that there was no internal danger to warrant the Bill.³⁷ Major Maitland argued on similar lines.³⁸ Lansdowne in the Lords and Michael Taylor in the Commons believed the Bill represented a partial suspension of the Habeas Corpus Act and would lead to its suspension for British subjects.³⁹ Only the Earl of Guilford and the Earl of Wycombe argued that the Alien Bill would form a dangerous precedent for future regulations, no matter how the Bill was worded.⁴⁰ In one of the finest speeches delivered during the debates, Guilford's objections to the Alien Bill rested on a cornerstone of Whig political

³⁶Beginning in February 1793, the right wing of Portland's party began entering Pitt's administration. Portland himself became Home Secretary in July 1794. Many of the debates on the Alien Bill touched upon party loyalty and the various reasons why the Opposition members were voting with the government. Reporting to the king on the success of the Alien Bill, Pitt could not help but comment on the plight of Fox and the "metaphysical distinctions respecting party." William Pitt to George III, 5 Jan. 1793; George III, The later correspondence of George III (Cambridge 1962), I, 640.

³⁷Parl. history, XXX (1792-1794), 193-194. John Derry has suggested that Fox's position with regard to revolutionary France may have stemmed from the politician's tendency to confuse developments in France with developments in revolutionary America of the 1770s. This tendency to interpret the French Revolution as a parallel of the American Revolution is treated in: John W. Derry, Charles James Fox (New York 1972), 321.

³⁸Parl. history, XXX (1792-1794), 198.

³⁹Ibid., 159, 194. Habeas Corpus was suspended in 1794.

⁴⁰Ibid., 162, 195.

philosophy:

... it would be a dangerous precedent, indeed, for their lordship's to take the individual veracity of any one of his majesty's ministers as a sufficient foundation for a public measure. ... On the mere pretence that there were foreign emissaries in this country, for the purpose of disseminating Jacobin principles ... they were going to deliver up men who had sought refuge from persecution and oppression, to the sole discretion of the executive power. ... He would never consent to deliver up one man to the humanity of another.⁴¹

That so many men of liberal sentiments were unconcerned with the warnings of Guilford and Wycombe attested to the fact that the Alien Bill was viewed as an extraordinary measure warranted by, and limited to, the Jacobin crisis. This was the note most often struck by the government supporters in rapidly moving the Bill through Parliament. Secretary Dundas was convinced that the various societies ostensibly established over the question of Parliamentary reform -- "itself a fair subject of discussion" -- were being inspired by French Jacobin societies to strike "a blow which should at once prove fatal to the monarchy and aristocracy" of England.⁴² Robert Banks Jenkinson (later 2nd Earl of Liverpool and Prime Minister) stated it was "well known" that the libels which had induced the Royal Proclamation against Seditious Writings (May 1792) were circulated throughout the country "by the influence of French

⁴¹Parl. history, XXX (1792-1794), 162.

⁴²Ibid., 45-46.

emissaries." The Alien Bill was, therefore, a necessary measure required to protect the "lower order" from French Jacobin ideas.⁴³ Pitt did not speak until the third reading of the Bill, but also argued for the need to bolster internal security. Certainly conditions on the Continent entered into his reasoning.⁴⁴ His main concern, however, was to insure the tranquility of the "manufacturing towns" and the "lower classes" by preventing the influx of aliens holding Jacobin tenets.⁴⁵

Throughout the debates on the Alien Bill the Cabinet side-stepped the one possible rallying cry for the opposition -- the prerogative of the Crown. When introducing the Bill into the Lords, Grenville remarked he thought the Crown had the right to exclude or expel aliens, but quickly added this "power had not been exerted for a long period of years" and was therefore "almost obsolete."⁴⁶ Lord Hawkesbury, President of the Board of Trade, stated flatly that the powers granted by the measure were without precedent and made no allusions to the royal prerogative. But an extraordinary act was justifiable because the present situation "was

⁴³Parl. history, XXX (1792-1794), 204-205.

⁴⁴Ibid., 237-238. The French Army of the Republic recently had defeated the invading army of the Duke of Brunswick, and was taking the offensive.

⁴⁵Ibid., 232-233.

⁴⁶Ibid., 147. Grenville repeated the same line of thinking during the debates on the second reading of the Bill. See: Ibid., 156, 161.

equally novel and unprecedented in the annals of this or any other country."⁴⁷

Again Burke and the Portland Whigs rushed to the assistance of Pitt's ministers. Loughborough, frantic to gain office, was willing to concede the principle of the Crown's prerogative. Yet he too pointed out the Bill was an extraordinary one in that no such action had taken place since the days of Elizabeth.⁴⁸ Sir George Elliot, a chief supporter of the Loughborough faction, argued it was "characteristic of a free government to grant extraordinary power in extraordinary emergencies."⁴⁹ Burke continued his tirade against the spread of Jacobinism in England. If his excesses worried the more moderate Whigs, he probably restored their confidence in his judgment by concluding that "if the crown possessed such power [as that granted by the Alien Bill] in time of peace, it would be too great for liberty."⁵⁰ Passage of the measure was assured when moderate Whigs such as Earl Spencer, known to be in sympathy with the Foxite faction, decided it would not be "a dereliction of principle" to support the Alien Bill in "the present awful and

⁴⁷Parl. history, XXX (1792-1794), 159-160.

⁴⁸Ibid., 167. Other than Grenville, Loughborough was the only member advocating the Crown prerogative. On Loughborough's role in passing the Bill through the Lords, see: Archbishop of Canterbury to Lord Auckland, 27 Dec. 1792; Auckland, Journal and correspondence, II, 477-478.

⁴⁹Parl. history, XXX (1792-1794), 177.

⁵⁰Ibid., 188.

unprecedented crisis."⁵¹

The Alien Act passed by Parliament in December 1792 established rigid procedures for regulating the arrival of aliens.⁵² Ship captains were required to submit a report to the port of entry customs officer declaring the number of aliens on board, listing their names, ranks, and occupations (art. I). Each alien was to give this officer a written account indicating his name, rank, occupation, and countries or places of previous residence (art. II). Only after receiving a certificate from the officer were aliens allowed to disembark (art. III). If the aliens wished to leave the port of arrival, however, they were required to obtain a passport from the chief magistrate on which was recorded the information supplied to the customs officer as well as their destination (art. VIII). In conjunction with these regulations, the Crown could exclude by proclamation any alien from disembarking, and any ship captain found violating the proclamation was to suffer the forfeiture of his vessel (art. VII).

Once allowed to disembark, aliens were subjected to close supervision. Most of the regulatory powers concerning aliens in residence were placed in the hands of the local

⁵¹Parl. history, XXX (1792-1794), 160. Spencer was to become Pitt's Lord of the Admiralty in December of 1794.

⁵²Great Britain, The statutes of the United Kingdom of Great Britain and Ireland, XVI, 33 Geo. III c. 4 (1793). Alien merchants were given a more liberal passport policy, and foreign ambassadors were exempted from its provisions.

magistrates and justices of the peace. Regulations governing the newly-arrived aliens were made applicable to those aliens who had come to England since January 1, 1792. Consequently, these domiciled aliens were required to present to their local magistrates or justices, within ten days of the enactment of the statute, a written statement indicating their name, rank, occupation, address, length of time in England, and all places of residence during the previous six months (art. XIX). If they wished to change their place of residence, a new passport was needed (art. IX). Moreover, their residence could be limited to a specified district by royal proclamation if it was deemed in the interest of public security (art. XVIII).

Local officials were given the power to imprison all aliens suspected of violating any of the Act's provisions, and to continue imprisonment without bail for ten days (art. XI). In addition, the Act gave the principal Secretaries of State the power to search the quarters of aliens (art. XXVIII), and to seize and detain any aliens they feared would not comply voluntarily with orders to leave the country (art. XVII). Significantly, the proof of the legality of any action, or of possessing immunity from the Act, was placed on the aliens (art. XXXI). The penalty for refusing or neglecting to follow the provisions of the Alien Act was deportation, and to be found in England after the time allotted to leave the country resulted in transportation for life (art. III). To return after transportation was

punishable by death (art. XXXVIII).

The Alien Act became law on January 10, 1793. Based on the fear of French Jacobinism, the Alien Act was to play a small but important role in the final break-down of Anglo-French relations which would lead to war within a month. Ambassador Chauvelin kept the French ministry well informed as to the nature and content of the debates on the Bill. In France, Pierre LeBrun, Minister for Foreign Affairs, denounced the legislation as "rigorous, unjust, unusual, and contrary to all the usages observed by nations to each other."⁵³ To the French, the Alien Bill represented a violation of the Treaty of 1786 which stipulated that citizens of the two countries would have freedom of travel in either nation. On December 30, LeBrun sent instructions to Chauvelin to demand the withdrawal of the Bill. He was instructed to warn the English Cabinet that refusal to comply with French wishes would end the commercial compact.⁵⁴ Chauvelin lodged his protest with Grenville on January 7. He began by quoting Article VI of the Commercial Treaty of 1786 which stated that "inhabitants of the respective dominions ... shall have liberty to come and go freely and securely, without licence or passport" He charged that the debates

⁵³Quoted in: John Gifford, A history of the political life of the right honourable William Pitt; including some account of the times in which he lived (London 1809), III, 304.

⁵⁴John Holland Rose, William Pitt and the great war (Westport, Conn. 1971 c1911), 101.

on the Alien Bill reflected the growing hostility of the English governing classes to a France which recently had freed itself from tyranny. He concluded his note by saying that it was up to the British government to heal the "rupture" caused by the Alien Act.⁵⁵ By this time Grenville and Pitt had decided that war was inevitable unless France changed its plans to open the Scheldt.⁵⁶ After copying Chauvelin's note, Grenville returned the original, remarking he could not receive such a communique from an individual not officially recognized in a diplomatic capacity.⁵⁷

Grenville's refusal to recognize Chauvelin as official ambassador from France after the imprisonment of Louis XVI (13 August 1792) now brought attention to the question of whether or not the French minister retained immunity from the Alien Act under the provision which nullified its force with regard to foreign dignitaries.⁵⁸ The pro-government press voiced its opinion a few days prior to the date the statute was to have legal force. On January 8, the Times

⁵⁵M. Chauvelin to Lord Grenville, 7 Jan. 1793; published in: Parl. history, XXX (1792-1794), 256-258.

⁵⁶Asa Briggs, The making of modern England, 1783-1867: the age of improvement (New York 1965 c1959), 137-138.

⁵⁷Lord Grenville to M. Chauvelin, 7 Jan. 1793; published in: Parl. history, XXX (1792-1794), 259. Grenville never officially recognized Chauvelin as ambassador from the French court after Louis XVI's imprisonment on 13 August 1792. Chauvelin, however, remained in London as an unofficial delegate. See: Rose, William Pitt, 101.

⁵⁸33 Geo. III c. 4 (1793), art. XXXIII.

urged the first application of the pending Act be directed against Chauvelin.⁵⁹ On the same day, the Sun characterized the French minister as a dangerous subversive, regarding the question of ambassadorial immunity as a dead issue since the recall of British ambassador Lord Gower in August 1792.⁶⁰

Though the pro-government press remained adamant in its demand, the French Foreign Office had received at least a hint of possible immunity. In an attempt to allay French suspicion that the Alien Act was directed primarily at them, William Miles, a long-time friend of LeBrun and his Under Secretary Hughes Maret, wrote to Maret: "fear nothing from the new law. I can venture to assure you, that strangers may travel as freely in England as formerly"⁶¹ While to much emphasis should not be placed on this communication, it is worth noting that Pitt regarded Miles as an indispensable source in understanding events in France -- a pre-eminence which Grenville and the other ministers apparently

⁵⁹Times, 8 Jan. 1793, 2.

⁶⁰Werkmeister, Newspaper history of England, 186.

⁶¹William A. Miles to Hughes B. Maret, 11 Jan. 1793; published in: Thomas Erskine, Baron Erskine, A view of the causes and consequences of the present war with France, in answer to Mr. Burke's Regicide peace. With a dedication to the author by P. Porcupine [William Cobbett]; and an appendix containing the correspondence between Miles and the infamous LeBrun, Minister of War, at the time when war was declared against Great Britain; which develops the real causes of that declaration, all the secret steps which the French took previous to it, and clearly unravels the thread of their ambitious projects (Philadelphia 1797), appendix, 20.

did not attribute to him.⁶² One can only speculate as to whether or not Pitt prompted the Miles letter in a late effort to cool tempers, but it is certain that the French government believed Pitt the only English minister actively working for peace.⁶³

By a provision of the Alien Act foreigners were given until January 21 to register with their local magistrates or justices.⁶⁴ Chauvelin, however, did not communicate with Grenville on the subject of his diplomatic immunity until the 17th. Clearly he believed his official capacity while resident in England was beyond question.

I know, my Lord, and all those who understand the rights of nations know it also, that I cannot be implicated in this law: the avowed and acknowledged organ of a Government which executes laws to which twenty-five million of men have submitted themselves, my person is, and ought to be, sacred; and even under my diplomatic character, my Lord, I could not be ranked among the general common class of foreigners⁶⁵

He therefore informed the Foreign Secretary he would not

⁶²Miles acted as Pitt's special agent in Paris during the early years of the Revolution. On his return to England, Pitt used him as a sometime advisor and political writer. Miles had been a close friend of LeBrun since 1782. See: Ephraim D. Adams, The influence of Grenville on Pitt's foreign policy, 1787-1798 (Washington 1904), 23 footnote. William Augustus Miles, The conduct of France towards Great Britain examined; with an appendix and notes (London 1793), 9.

⁶³James A. Farrer, The monarchy in politics (New York 1917), 63.

⁶⁴33 Geo. III c. 4 (1793), art. XIX.

⁶⁵M. Chauvelin to Lord Grenville, 17 Jan. 1793; published in: Parl. history, XXX (1792-1794), 272.

register himself, and asked the Cabinet to guarantee the safety of his staff.⁶⁶ Three days passed before Grenville replied. His letter began by remarking that the question of diplomatic status never would have arisen had Chauvelin remained the envoy of Louis XVI. But as his relationship with "His Most Christian Majesty" had changed, neither Chauvelin nor his staff could regard themselves as exempted from the Alien Act.⁶⁷

The two nations now moved closer to war. On January 21, the day following Grenville's reply, the Times announced that Chauvelin and his diplomatic papers no longer could be protected from the Alien Act.⁶⁸ On the 22nd, the newspaper prophetically remarked "we hope, in the course of another forty-eight hours, that this country will be ridden of a person who has ever been an object of suspicion since he entered it."⁶⁹ The news of the execution of the French king reached London on the 24th, and the Cabinet immediately issued its first Order in Council under the new legislation, demanding Chauvelin's departure from England within eight days.⁷⁰ On the 25th, the French minister's staff received

⁶⁶M. Chauvelin to Lord Grenville, 17 Jan. 1793; published in: Parl. history, XXX (1792-1794), 272.

⁶⁷Lord Grenville to M. Chauvelin, 20 Jan. 1793; published in: Ibid., 273.

⁶⁸Times, 21 Jan. 1793, 2.

⁶⁹Times, 22 Jan. 1793, 2.

⁷⁰Great Britain, Order in Council, 24 Jan. 1793; published in: Parl. history, XXX (1792-1794), 276.

orders to leave England, and on the 27th the banished party arrived at Dover where they embarked for Calais.⁷¹

The dismissal of Chauvelin, followed within a matter of days by the French declaration of war, led many ministerial critics to single out this action, along with the passing of the Alien Act itself, as the event which altered French policy from one of seeking British friendship and neutrality to one of preparing for hostilities.⁷² Indeed, opponents of the war regarded the government's treatment of Chauvelin as designed to provoke the French, and thereby bring England into the Continental war against the French Republic:

The scandalous and incessant abuse of Mons. Chauvelin, in a newspaper (the Sun) conducted by persons connected with, and at the devotion of Administration, was surely some ground for supposing there were those who wished to drive him from this country, and thereby precipitate a War.⁷³

⁷¹Times, 29 Jan. 1793, 2.

⁷²See for example: Erskine, View of the causes and consequences of the present war, 25. Scots Chronicle, 2 Aug. 1796, "Letter X"; reprinted in: [John Millar], Letters of Crito on the causes, objects, and consequences, of the present war (Edinburgh 1796), 56-57. Daniel Stuart, Peace and reform, against war and corruption. In answer to a pamphlet written by Arthur Young, esq. entitled The example of France, a warning to Britain (2nd ed. London 1794), 98-99. See also: David Williams, "The missions of David Williams and James Tilly Matthews to England, 1793," English Historical Review, LIII (1938), 658. Werkmeister, Newspaper history of England, 153. For a contemporary rebuttal, see: The meditations of a silent senator (London 1794), 16, 21.

⁷³Stuart, Peace and reform, 98. J.H. Rose, in his study of Anglo-French relations during 1792-1793, concluded Pitt and Grenville must be charged with exercising poor political judgment in this affair. See: Rose, William Pitt, 115.

War would have come with or without the Alien Act, but the measure certainly added to the deterioration of Anglo-French diplomatic relations. With war in February of 1793, the machinery provided for in the Act came into full force. Though only forty aliens officially were listed as being removed under the Alien Act in the first year of its operation,⁷⁴ it commonly was held that within the first month of enforcement "hundreds ... quitted the country through apprehension."⁷⁵

⁷⁴Great Britain, Parliament, House of Commons, Sessional papers, XIII (1816), no. 281.

⁷⁵Times, 15 Feb. 1793, 2. See also: Public Advertiser, 5 Jan. 1793; reprinted in: Werkmeister, Newspaper history of England, 185.

CHAPTER II

WAR AND THE REGULATION OF ALIENS, 1793-1798

British governmental and public response to the war heightened tensions between Englishmen and the refugee population. The public and ministerial treatment of Chauvelin exemplified a conservative and isolationist tendency in Britain which, with the prolongation of the war, would lead to strained relations with the entire alien community.

Chauvelin was not the only eminent French figure sent out of England during the early years of the Alien Act. On January 30, 1793, three days after Chauvelin sailed for Calais, French Under Secretary for Foreign Affairs Hughes Maret arrived in England in a last minute attempt to avoid war. Hampered by opposition in France and the English Cabinet's unwillingness to meet with him, Maret's efforts proved futile. On February 4, he received orders from Grenville to leave the country.¹

The third major French diplomat of the pre-war period to be sent out of England was the ex-Bishop of Autun, Talleyrand. Talleyrand, who had decided for the moment to

¹Rose, William Pitt, 111-112. Maret was detained at Dover by customs officials at least until 7 Feb. 1793. See: Hughes B. Maret to William A. Miles, 7 Feb. 1793; published in: Miles, Conduct of France, appendix, 157.

sit out the war, escaped the first wave of Orders in Council only to be notified in January of 1794 that he had five days to leave the kingdom. In an unusual move, he by-passed Secretaries Grenville and Dundas, and appealed his case directly to Pitt. The appeal gained a temporary delay, but in March he again received an order to leave England and consequently departed London for Philadelphia.² Though he believed his dismissal the work of Austria and Prussia, the government apparently acted after receiving information of his one-time subversive activities in connection with the Irish Jacobins.³

Talleyrand was by no means the only ex-revolutionary turned friend of the ancien régime to be deported under the Alien Act. It would appear, in fact, that the British Cabinet had formed the policy of giving no refuge to repentant revolutionaries in April 1793, when the question of a place of asylum for General Dumouriez and his staff was raised. In March the Republican army under Dumouriez had been defeated at Neerwinden. Unable to persuade his troops to march on Paris in order to suppress the Jacobins and restore order, he defected with his close aides to the Austrians during the first days of April. On April 16, Lord Auckland, British envoy to the Hague, wrote to Grenville of his

²Brinton, Lives of Talleyrand, 89.

³Ibid., 90. Richard Hayes, Ireland and Irishmen in the French Revolution (London 1932), 18 footnote.

concern that these new-found allies would seek England as their place of exile.

Dumouriez is at Brussels, and says that he is going into Switzerland The Duke de Chartres and many others, late of Dumouriez's army, profess an intention to go to England. I conceive that it may be expedient to adopt some public means of making known how far this new class of emigrants will be admitted⁴

The "public means" adopted by Grenville came in the form of Orders in Council under the Alien Act. When Dumouriez and several members of his staff arrived in England in mid-June 1793, the General sent a letter to the Foreign Secretary notifying him of their presence. Grenville immediately responded by expelling the band of former Jacobins, including General Valence and the Duc de Chartres, the future Louis Philippe.⁵ A second group, including Dumouriez's aide-de-camp Bourdois, was expelled at the beginning of 1794.⁶

In 1796, two more reformed republicans, noteworthy because of their role in the early days of the Revolution,

⁴Lord Auckland to Lord Grenville, 16 April 1793; Auckland, Journal and correspondence, III, 19.

⁵Francis P. Plowden, A short history of the British empire during the last twenty months; viz. from May 1792 to the close of the year 1793 (London 1794), 219. Times, 18 June 1793, 3; 19 June 1793. See also: Margery Weiner, The French exiles, 1789-1815 (London 1960), 80.

⁶Times, 27 Jan. 1794, 3; 29 Jan. 1794, 2. The last of Dumouriez's staff to seek asylum in England was the American-born General Eustache who was expelled in 1797 after a one month residence. See: Thomas Tyrwhitt to the Prince of Wales, 22 Feb. 1797; George IV, The correspondence of George, Prince of Wales (London 1965), III, 323, 323-324 footnote.

were dismissed under the Alien Act. Alexander de Lameth, a leader of the Patriot party in 1790, was sent back to Aitona after the Times complained that "great numbers of English, French, and Italian Revolutionists flocked to his lodgings."⁷ A few months later the Jacobinical Jean Pache was discovered residing in London under an assumed name. Pache, whose stormy career in Parisian politics began with his election as mayor in February 1793 and ended with his arrest during the "foreign scare" of the following year, was arrested quickly and his papers seized under warrant from the Duke of Portland.⁸

While the list of historically interesting names could be continued, such a list would distort the true nature and impact of the Alien Act; for the vast majority of aliens expelled or turned away from England were individuals of little political or social significance when measured by the standards of their age. Moreover, regardless of the merits of their individual cases, they all were subject to the rise of a conservative public opinion in England which, during the early war years, placed heavy strictures not

⁷Times, 30 April 1796, 3; 2 May 1796, 3. Lameth's character was defended by R.B. Sheridan who considered his dismissal as an abuse of the Alien Act. See: "Parliamentary intelligence, House of Commons, May 3"; Times, 4 May 1796, 2. For Lameth's career in France, see: Georges Lefebvre, The coming of the French Revolution, trans. by R.R. Palmer (Princeton 1967), 68, 189.

⁸Times, 24 June 1796, 2. For Pache's career in France, see: Norman Hampson, A social history of the French Revolution (Toronto 1966 c1963), 156, 221.

only on English liberals, but on the alien population as well.⁹

The conservative press (especially the Public Advertiser, Sun and Times) played a major role in influencing the attitudes of the British reading public towards foreigners by urging a strict and all-inclusive application of the Alien Act. Their tirades against French cooks and foreign valets may have sounded like "the idle talk of school boys" or "a baboon in the woods of Africa" to their critics, but there is little doubt of their effectiveness.¹⁰ From the alien's point of view, the pressure of the press to make oneself as little noticed as possible must have seemed at times overwhelming. A sort of catalog of "offenses" sure to attract the attention of the press, and hence the Aliens Office, may be found in the declaration of J.B. Viotti. Having received an order to leave England, Viotti

⁹ Donald E. Ginter, "The Loyalist Association movement of 1792-93 and British public opinion," Historical Journal, IX (1966), 179. Austin Mitchell, "The Association movement of 1792-3," Historical Journal, IV (1961), 77. J.R. Western, "The Volunteer movement as an anti-revolutionary force, 1793-1801," English Historical Review, LXXI (1956), 603.

¹⁰ Quoted in: Keith G. Feiling, The second Tory party, 1714-1832 (London 1938), 201. In 1797 a public outcry, led by the Times, against the foreign servants of the Prince of Wales caused the Prince to dismiss all of his French servants. See: George IV, Correspondence, 1770-1812, II, 27 footnote. In 1793, the Times called public attention to a certain "Lord N." who employed a French cook fond of wearing "the Cap of Liberty." A few days later, the newspaper, "with much pleasure," noted the cook's dismissal, and concluded: "Many other Noblemen, who entertain suspicion of their French servants, have taken the same steps of dismissing them." See: Times, 2 Jan. 1793, 2.

defended his character by declaring

that I have never interfered in a political affair whatever, -- that during the six years I have passed in England I have never written a syllable that either directly or indirectly related to its political concerns, or to those of any other country, -- that I have never held any conversation to which the smallest degree of blame could attach, -- and in short that I have never frequented any Coffee-house, any Tavern, any Club, or any suspected Society.¹¹

The press also took it upon itself to inform the public of the whereabouts of suspected Jacobins. They were to be found in the "houses of the great, at the toilets of the ladies, in academies, work-shops, taverns, and coffee-houses, ever busy to spread Jacobin principles, and infect the public mind"12

On more than one occasion the hatred of France and the fear of Jacobinism bordered on hysteria, as when the Times demanded an amendment to the clause which exempted alien merchants from compliance with the Alien Act. This clause sheltered people of a "very dangerous and suspicious description indeed; itinerant Sans Culottes, vending silk stockings, and other articles that might be exhibited merely to cover the dagger of the assassin."¹³ Questionable journalism such as this surely drove many unoffending foreigners from

¹¹Times, 5 March 1798, 3.

¹²Times, 9 March 1797, 3. See also: Public Advertiser, 5 Jan. 1793; reprinted in: Werkmeister, Newspaper history of England, 185.

¹³Times, 2 Jan. 1793, 2.

England.¹⁴ Moreover, this English obsession with Jacobinism established a foundation which, when coupled with the prolongation of the war and French military successes, later broadened into hostility toward all foreigners.

English attitudes toward the alien population were not based exclusively on the fear of Jacobinism. A number of factors concomitant with the progress of the war produced strained relations, even among more moderate Englishmen. For one, each French military gain brought fresh reminders of allied set-backs in the form of refugees who swelled the already considerable alien ranks in England. The suppression of the royalist insurrection at Toulon, in December of 1793, forced some 2,500 of the insurrectionists to flee the city aboard the British fleet.¹⁵ During the latter half of 1794, Republican successes in the Netherlands stirred a second wave of French clerical emigration across the English Channel.¹⁶ With the establishment of the Batavian Republic in January 1795, Dutch refugees added to the Continental population residing in England.¹⁷

¹⁴One writer feared popular and ministerial hostility toward aliens would make suicide the only alternative to those foreigners required to leave the country who lacked the finances to return to the Continent. See: Comments on the proposed war with France, on the state of parties, and on the new act respecting aliens. (London 1793), 90-91.

¹⁵Weiner, French exiles, 75.

¹⁶Bernard N. Ward, The dawn of the Catholic revival in England, 1781-1803 (London 1909), II, 127.

¹⁷Times, 22 Jan. 1795, 3; 23 Jan. 1795, 3.

Many of these foreigners, especially the émigré clergy, arrived destitute; and while part of English society greeted them with sympathetic assistance, other less fortunate Englishmen feared them as rivals. Even before the war, Grenville's Under Secretary warned him that private subscriptions being raised on behalf of the French emigrants were causing "great discontent" among the lower classes.¹⁸ As Lord Sheffield noted, the popular fear was that there was now too many "additional mouths," and he pessimistically added that the crop failures "will be much against the French [as] many wish them at the devil rather than here"¹⁹ When the government began subsidizing the émigré community in 1794, the criticism took a political turn. Writing of the restlessness of the lower classes facing unemployment, hunger and repression, the Radical John Butler attacked the government's supposed favoritism toward the emigrants.

These grievances [of the lower classes] are further heightened by a species of unnatural affection shown to foreigners in preference to home-born natives. This fact is clearly illustrated by a compound benignity extended to sixteen thousand French emigrants, mostly priests, who reside in London, and are supported in the most perfect state of indolence by the benevolent contributions of the clergy and nobility ... [and] our religious and most gracious king, ... forgetting the miseries of thousands

¹⁸James B. Burges to Lord Grenville, 14 Sept. 1792; Fortescue manuscripts, II, 315.

¹⁹Lord Sheffield to Lord Auckland, 3 Oct. 1792; Auckland, Journal and correspondence, II, 448.

of his own subjects who are governed like Hessians, treated like slaves, and dragooned into servility by the strides of his own tyranny.²⁰

This attitude was by no means the exclusive opinion of the English Radicals. Edmund Burke, a strong supporter of the émigré cause, cautioned that when making decisions with regard to the French clergy the Cabinet should be aware that "the popular mind [was] in a very unsettled state," Frenchmen being "considered no better than vagrants, Enemies, and rivals of the Poor in the Bounty of the Rich" ²¹ During the Alien Bill debates of 1798, the conservative backbencher Tyrwhitt Jones criticized an economic policy which allowed "that 10,000 English servants should be out of place, whilst an equal number of French valets were in employ."²²

A second factor influencing English attitudes toward.

²⁰John Butler, The political fugitive: a brief disquisition into the modern system of British politics; and the unparalleled rigor of political persecutions; together with several miscellaneous observations on the abuses and corruptions of the English government; written during a voyage from London to New York (New York 1794), 91. In 1796, two Parliamentary grants provided nearly £270,000 to French emigrants, while three grants in 1797 fell just short of £380,000. For a list of Parliamentary grants to émigrés for the period 1794-1810, see: Weiner, French exiles, 233-235.

²¹Edmund Burke to William Windham, 9 June 1795; William Windham, The Windham papers; the life and correspondence of the rt. hon. William Windham 1750-1810, a member of Pitt's first Cabinet and the ministry of All the Talents; including hitherto unpublished letters from George III, the Dukes of York and Gloucester, Pitt, Fox, Burke, Canning, Lords Grenville, Minto, Castlereagh and Nelson, Malone, Cobbett, Dr. Johnson, Dr. Burney, etc. (London 1913), I, 298.

²²Parliamentary register, VI (1798), 79.

the French emigrant community was the factionalism of the émigré leaders. From an historical standpoint, the refusal of the royalists led by the French princes to reconcile their differences with the constitutionalists prevented the development of an all-French royalist force strong enough to create a successful counter-revolution. Moreover, the animosity which rose between those Frenchmen who had accepted voluntary exile and those royalists who remained inside France made a coordinated uprising and invasion almost impossible.²³ To the contemporary Englishmen, this factionalism within the emigrant community was most apparent in the military affairs involving émigré troops, affairs which proved singular failures. It was said the government plan to raise 3,000 émigré troops at the beginning of the war proved impossible because of the numerous disagreements and objections voiced by French leaders.²⁴ Later, when two regiments were raised for the defense of Portugal, their commander, General Charles Stuart, complained: "I never in the course of my service saw two regiments more disgraceful to the British name."²⁵ But the most disastrous of the military

²³Harvey Mitchell, The underground war with revolutionary France: the missions of William Wickham, 1794-1800 (Oxford 1965), 47-48, 251.

²⁴Plowden, Short history of the British empire, 214-215. Only one regiment of 600 was raised.

²⁵Quoted in: John M. Sherwig, Guineas and gunpowder: British foreign aid in the wars with France, 1793-1815 (Cambridge, Mass. 1969), 138.

campaigns involving British supported emigrant troops occurred at Quiberon Bay in 1795. This invasion of the Brittany coast (27 June 1795) by some 4,000 émigrés in conjunction with a provincial uprising ended in failure, bringing accusations of emigrant treachery²⁶ only a few months after the Times warned the government of the "impolicy of placing too great confidence in French faith"²⁷ So widespread was British disenchantment with the idea of using French emigrants in any military capacity, the Cabinet felt compelled to scrap Lord Minto's plan of arming the émigrés during the invasion scare of 1798. On April 20, 1798, Dundas brought the plan to Grenville's attention. Though concerned such a plan might ignite popular "clamour and ferment," he suggested the government "sound the pulse of the House of Commons" during the debates on the Alien Bill.²⁸ On the 24th the debates began. In spite of Windham's eulogy on the emigrants' virtue, Tyrwhitt Jones maintained Englishmen were adamant in believing "very few of them could be trusted." Rebuking Windham's assumption "the Emigrants were to be considered the French nation," he

²⁶Philip Henry Stanhope, Earl Stanhope, Life of the right honourable William Pitt (3rd ed. London 1867), II, 335-338. William Lukin to William Windham, 21 Dec. 1795; Windham, Papers, I, 326-328.

²⁷Times, 27 March 1795, 3. The newspaper's remark referred to the navy's use of émigrés on war ships, a practice later discontinued.

²⁸Henry Dundas to Lord Grenville, 20 April 1798; Fortescue manuscripts, IV, 174.

assailed their factious nature and their incessant intrigues.²⁹ On April 26, Grenville, Windham and Dundas met. In the face of opposition inside and outside Parliament the three agreed to shelve Minto's plan.³⁰

The Cabinet not only had to "sound the pulse" inside and outside Parliament, but also had to take notice of the king's temperament. George III's attitude towards the French residents in England represents a third factor influencing relations with the alien community. A major force in pro-war circles, and a firm believer in the organization of the émigré corps, the king made it clear that his "own inclination would tend to oblige every one of that perfidious nation here, either to go on that service, or, by the Alien Act, be removed from this country."³¹ George III's influence in matters concerning foreigners should not be underestimated. When Hughes Maret made his last minute trip to London in 1793, it was the Crown's influence (working through Lord Hawkesbury) which induced Pitt and Grenville to refuse to meet with him.³² The king's position

²⁹Parl. register, VI (1798), 51.

³⁰William Windham, The diary of the right hon. William Windham, 1784-1810 (London 1866), 394. The government's reliance on émigré military actions received criticism from within Pitt's own circle of supporters. See: [Maurice Montagu], Friendly remarks upon some particulars of his administration, in a letter to Mr. Pitt (London 1796), 18.

³¹George III to Lord Grenville, 2 August 1794; Fortescue manuscripts, II, 609.

³²Farrer, Monarchy in politics, 64.

remained rigid even with regard to the "legitimate" representatives of the French nation. Grenville's proposal to bring the Count d'Artois across the Channel to organize a French corps received approval only after the king insisted d'Artois "appear entirely incognito, and, when the business is concluded, not think of prolonging his stay."³³ At times, George III overrode his entire Cabinet, as when his ministers requested émigré corps depots be established in the Electorate of Hanover.³⁴ The king's quick reply that he would never consent to allowing emigrant troops on Crown soil³⁵ was followed in 1795 by an order requiring all members of foreign corps residing in the Electoral Dominions to be "instantly removed ... for I cannot certainly, as Elector, afford them any longer an azilum [sic]."³⁶

English apprehension and resentment toward aliens increased during the crises of 1797-1798, with significant consequences for the history of aliens legislation in England. This critical period in relations between Englishmen and foreigners was intertwined with developments in Ireland,

³³George III to Lord Grenville, 2 Aug. 1794; Fortescue manuscripts, II, 609.

³⁴Great Britain, Minutes of the Cabinet, 14 Nov. 1794; Ibid., II, 644-645.

³⁵George III to Lord Grenville, 15 Nov. 1794; Ibid., II, 645.

³⁶George III to Henry Dundas, 19 Nov. 1795; George III, Later correspondence, II, 428. See also: Henry Dundas to George III, 19 Nov. 1795; Ibid.

where government regulation of the alien population had as controversial a history as it did in England. As early as 1792, George III asked Pitt to investigate the connection between Irishmen and "French emissaries" residing in England.³⁷ When a member of Chauvelin's staff toured Ireland in August of that year, Whitehall directed he be "narrowly and carefully watched during his residence in Dublin."³⁸ With the passing of the Alien Act, Englishmen looked across the sea to a land considered ripe for dangerous, democratic and seditious ideas:

Ireland still remains open to serve as a repair to fugitives of every description: Ireland, where it will probably be difficult to execute a law of this nature, even should it be passed there ...³⁹

Though an Irish Alien Act quickly passed at the beginning of 1793,⁴⁰ some Englishmen felt the statute was enforced

³⁷George III to William Pitt, 1 May 1792; published in: Stanhope, Life of William Pitt, II, appendix, xv.

³⁸Quoted in: Hayes, Ireland and Irishmen in the French Revolution, 17.

³⁹Comments on the proposed war with France, 93.

⁴⁰Great Britain, The statutes passed in the Parliaments held in Ireland, IX, 33 Geo. III c. 1 (1793). This Act was a carbon copy of the English Act, with a few exceptions. The powers given to the Secretaries of State came under the authority of the Irish Lord Lieutenant (art. XVII). Only aliens arriving after January 30, 1793, were required to make a declaration of their name, rank, and occupation (art. III). The most striking adaptation of the English law to the situation in Ireland was article XLIII: "natural-born subjects of Ireland, who have served, or are serving ... in the armies of any foreign prince or state, and have not received his Majesty's pardon ... shall be subject to all the clauses of this act, as if he were an alien born."

poorly. Opposition in Ireland to Pitt's war measures, for instance, supposedly came from "Revolutionary Incendiaries" who took refuge across the sea after being deported from England under the Alien Act.⁴¹

By 1797-1798, the social and military situation in England appeared acutely unstable. The naval mutiny at Portsmouth, an uprising in the north of Ireland, and the sensational arrest for conspiracy of several United Irishmen and English Radicals, led English ministers to fear the worst from French emissaries plotting with discontented Irishmen and Englishmen in Dublin, London and elsewhere.⁴² Deteriorating relations between England and Ireland, which flared into open rebellion in May 1797, and more seriously in the following year, were cause enough for apprehensive Englishmen to demand Parliamentary action. The necessity of curbing French "machinations ... acting upon the 'old republican leaven'" required the suspension of the Habeas Corpus Act and the adoption of a more rigorous Alien Act.⁴³ Fear of invasion, which occurred simultaneously with the Irish rebellions, greatly broadened British national conservatism, and in turn added to the voices demanding

⁴¹Times, 19 July 1793, 2.

⁴²Maccoby, English radicalism, 124. Leon S. Marshall, The development of public opinion in Manchester, 1780-1820 (Syracuse, N.Y. 1946), 122-123. Rose, William Pitt, 346.

⁴³Geoffrey Mowbray, Remarks on the conduct of opposition during the present Parliament (London 1798), 31.

tighter alien regulation.⁴⁴ In March of 1797, Whitshed Keene, an unwavering Whig, rose in the House of Commons to criticize the laxity of the Alien Act for allowing large numbers of aliens to settle in England by "permission or evasion." He feared there were far too many emigrants "whose honour and fidelity would not be able in a time of peril to resist the temptation of betraying us to their own nation."⁴⁵ Moreover, the threatened invasion and the appearance of French vessels off the coast of the "Sister Kingdom" had created much alarm in the nation concerning the advisability of permitting so many aliens and French prisoners of war to reside in the seaports.⁴⁶ Indeed, the general mood led to highly exaggerated estimates of the resident alien population. The Times, for instance, estimated the French population alone at 80,000, whereas the

⁴⁴Western, "Volunteer movement," 612. One of the finest examples of this heightened British conservatism is the pamphlet, Voluntary contributions: an appeal to the head and heart of every man and woman in Great Britain, respecting the threatened French invasion, and the importance of immediately coming forward with voluntary contributions (2nd ed. London 1798), which argues: "... if the Constitution is to be overthrown, let it be rather by English traitors than by our national enemies If I must suffer for my fidelity to my Sovereign, and my attachment to the Constitution, let me rather be condemned by a Committee of the Corresponding Society, than ... by a French General." Voluntary contributions, 16-17.

⁴⁵"Parliamentary intelligence, House of Commons, March 22"; Times, 23 March 1797, 1. The appendices in O'Gorman's Whig party and the French Revolution particularly are valuable in associating members of Parliament with contemporary parties and factions.

⁴⁶Ibid.

entire foreign community did not exceed 21,000.⁴⁷ That so many of these foreigners exhaled "the polluted breath of Hiberian reform" dictated that

all persons of property who are anxious to retain the constitution that gives it security; every friend to religion and order, who wishes to preserve that system which protects the one and secures the other, should stand forth at such a crisis, and imperatively call on the Legislature to frame such regulations as the urgency of the times shall be found to require.⁴⁸

Within five years of the original enactment of the Alien Act, a second crisis had arisen which also included a popular demand that the government provide stricter control of England's alien population. The government met this demand when Solicitor General John Mitford brought in a bill on March 22, 1798, to amend the Alien Act of 1793. From a political standpoint, however, the course which the Alien Bill of 1798 took already had been established during the previous five years.

Of primary importance to the history of the English Alien Acts was the demise of a strong opposition party during the early years of the war. In spite of the reluctance of the Duke of Portland to decide firmly for or against

⁴⁷Times, 13 April 1797, 3. The 1798 alien census listed the entire alien population at 20,756. See: House of Commons, Sessional papers, XIII (1816), no. 281.

⁴⁸John Gifford, A second letter to the hon. Thomas Erskine; containing farther strictures on his View of the causes and consequences of the war; some reflections on the subject of the present negotiations; and observations on the late voluntary loan (2nd ed. London 1797), 40-41.

opposition, a majority of his party in the House of Commons supported the Pitt government measures by 1794. The declaration of war in 1793 brought the "Third party" into existence, with William Windham the nominal leader of thirty-eight conservative Whigs and independents.⁴⁹ This Third party, formed to pressure Portland into breaking with Fox, gave support to Pitt's domestic and foreign policy. Writing to Lady Crewe in October 1793, Windham summarized the mood behind the Third party principles:

My hostility to Jacobinism and all its works ... is more steady and strong than ever. If Pitt is the man by whom this must be opposed, Pitt is the man whom I shall stand by. If I do not act with them in office, it is only because I think I can be of more use as I am.⁵⁰

Windham, however, did not wait long before joining the government. Hindered by desertions to the Pitt government (e.g. Lord Loughborough's acceptance of the Lord Chancellorship in January 1793), and fearing a lengthy war (following the news of the royalist defeat at Toulon), Portland met with the Third party members in January 1794. The meeting decided the course of political conduct to be taken by the conservative Whigs: the Portland Whigs and the members of the Third party would form one party under the Duke; the politics of this "new" Whig party were to be

⁴⁹O'Gorman, Whig party and the French Revolution, 119, 250-251.

⁵⁰William Windham to Frances Anne (Greville) Crewe, 5 Oct. 1793; Windham, Papers, I, 159. See also: Edmund Burke to William Windham, n.d. Oct. 1793; Ibid., I, 166.

regarded as distinct from those of Fox and his followers; those adhering to the leadership of Portland were to end "systematic opposition" to the government.⁵¹ By July 1794, a series of complicated negotiations between Pitt and the Portland Whigs ended with the Duke, Windham and others entering the Cabinet.

The loss of the Portland Whigs severely weakened opposition, for Portland and his backers had given the Whig party "the wealth, the organising ability, and the social prestige without which it was impossible to build up a really effective party in parliament."⁵² Nevertheless, Fox and his liberal-minded followers continued to criticize the government, the war, and the Alien Act. Opponents of the Alien Act argued for a clause which would designate certain places in England as "true" asylums, "not de permissio, but de jure," where aliens of any description might reside without fear of the Act.⁵³ Fox himself questioned the jurisdiction of the Act over those resident foreigners whose nations of origin were not at war with England. Characteristically, Pitt countered that its jurisdiction derived from the "peculiar circumstances" of the present war and that the measure had not yet accomplished its goal of

⁵¹O'Gorman, Whig party and the French Revolution, 177-179.

⁵²Derry, Charles James Fox, 380.

⁵³Comments on the proposed war with France, 92-93.

ridging England of "foreign emissaries."⁵⁴ Fox, in turn, took his criticism "out-of-doors," and during his campaigns against the Seditious Meetings Bill took time to attack the Alien Act.⁵⁵ The adoption in 1794 of legislation to quell domestic agitation led some ministerial critics to charge the Pitt government with conspiracy. Had not, asked the Earl of Lauderdale, "the conspirators of Pilnitz" (i.e. Leopold II's Declaration of Pillnitz, August 1791) applauded the passing of the Alien Act and the suspension of the Habeas Corpus Act?⁵⁶ Another critic saw in the Jacobin scare of 1792, with the subsequent enactment of the Alien Act, a government "engine ... employed for exciting apprehensions of disloyalty and sedition" in order to end demands for reform.⁵⁷

While Fox and his followers clearly rested their opposition on principles which had nothing to do with French or English republicanism, their position with regard to the war and the domestic policies of the government seemed to compromise their patriotism at a time when many Englishmen

⁵⁴"Parliamentary intelligence, House of Commons, March 26"; Times, 27 March 1794, 2.

⁵⁵Loren D. Reid, Charles James Fox; a man for the people (Columbia, Mo. 1969), 320.

⁵⁶James Maitland, Earl of Lauderdale, Letters to the peers of Scotland (London 1794), 95.

⁵⁷Scots Chronicle, 1 July 1796, "Letter VII"; published in: [Millar], Letters of Crito, 33-34. See also: Scots Chronicle, 9 Aug. 1796, "Letter XI"; reprinted in: Ibid., 60.

felt the nation involved in a struggle for its existence.⁵⁸
 Charles Stewart was not alone in his opinion that "this motley group" which followed "the admirer of Condorcet and the friend of Brissot" had joined the French Convention and its emissaries in opposing the original Alien Act.⁵⁹ By 1797, these allegations and the inability of the Foxites to alter the course of English politics reduced their will to resist. When Parliament met in November of that year, Fox and the majority of his party withdrew, leaving only a few members to raise a voice for the opposition.⁶⁰

With the secession of the liberal Whigs, the new Alien Bill of 1798 moved rapidly through the two Houses with only token resistance. The absence of Fox, Grey, Sheridan, and Whitbread left the leadership of the opposition to the as yet inexperienced George Tierney. Nevertheless, Tierney

⁵⁸ Philip A. Brown, The French Revolution in English history (London 1918), 38-40.

⁵⁹ [Charles Edward Stewart], A letter to Mr. Sheridan on his conduct in Parliament; by a Suffolk freeholder (Bury St. Edmunds 1794), 4. [Charles Edward Stewart], Observations on the conduct of Mr. Fox, and his opposition, in the last sessions of Parliament; by a Suffolk freeholder (Bury St. Edmunds 1794), 42-43.

⁶⁰ William Belsham, Memoirs of the reign of George III, from his accession to the peace of Amiens (6th ed. London 1813), VI, 353-354. Arthur S. Turberville, The House of Lords in the age of reform, 1784-1837 (London 1958), 100. Archibald Foord argues "Fox hoped that the absence of an Opposition might awaken the country to the scandalous servility of Parliament." But the secession resulted in the Foxite Whigs being "charged ... with retiring from the nation's service in an hour of peril" See: Archibald S. Foord, His majesty's opposition, 1714-1830 (Oxford 1964), 419.

did his best to oppose a bill so lacking "that humanity, which the spirit of the old English Laws and the Old English Constitution are calculated to inspire."⁶¹ William Jolliffe objected to the preamble of the legislation which referred to the rising fear of invasion and (for the first and only time) named France as the nation toward which the measure was directed. "It was unworthy," he argued, "the dignity of so magnanimous a nation as this, to use the bawling language of a petulant fishwoman."⁶²

Petulant or not in its language, the Alien Act of 1798 was a stronger measure than its predecessor, coming as it did after some five years of bureaucratic response to the problems of regulating England's alien population. Though the Home Office was nominally in charge of the central administration of the original Alien Act, no specific bureaucracy to deal with questions relating to the new law had been created prior to its enactment.⁶³ Rather, the "Aliens Office" appears to have originated during the period between the Bill's enactment (January 10) and the date by which aliens were to register (January 21). Shortly after the Alien Act became law, William Huskisson dined with Pitt,

⁶¹Parl. register, VI (1798), 48.

⁶²Ibid., 52.

⁶³Ronald Nelson's study of the Home Office notes that in December 1792 orders were sent out directing surveillance of aliens in the coastal towns. This activity was accomplished by regular police. See: Ronald Nelson, The Home Office, 1782-1801 (Durham, N.C. 1969), 124.



Dundas and Gower, Lord Privy Seal. In a letter to his friend William Haley, Huskisson recalled how his appointment as the first superintendent of aliens came about:

A Lady of France having made an application to Lord Gower in the morning with respect to the means of conforming to the Aliens Bill, the question was referred to Mr. Dundas and Pitt. The former said that they were in want of a person who could speak the language and direct the execution of that Bill according to the views of Government ...⁶⁴

In spite of his reluctance to assume the position, Huskisson accepted the offer the following morning.

Huskisson's appointment, however, was not popular with the conservative Whig supporters of the Pitt government. As a member of the British embassy in Paris during the first years of the Revolution, Huskisson joined the "Club of 1789." Like other young men he applauded the Revolution and wrote a pamphlet which praised "une révolution qui a tiré 24 millions d'hommes de l'esclavage, pour leur rendre les droits sacres de la nature."⁶⁵ Burke, in particular, was annoyed that the government would give Huskisson such a post, and disapproved of an appointment in which a supporter of the Revolution had "the Department of the Gentlemen who are Victims of that Revolution deliver[ed] over to him."⁶⁶

⁶⁴William Huskisson to William Haley, 18 Jan. 1793; published in: Charles R. Fay, Huskisson and his age (London 1951), 66.

⁶⁵Quoted in: Edmund Burke, The correspondence of Edmund Burke (Cambridge 1968), VII, 434 footnote.

⁶⁶Edmund Burke to Gilbert Elliot, 22 Sept. 1793; Ibid., VII, 434.

Huskisson's role at the Aliens Office lasted only until July of 1794, and during his tenure control of the Orders in Council remained in the hands of Lord Grenville at the Foreign Office. With the advent of the Portland Whigs into the Cabinet, a quarrel between Portland and Dundas developed over control of the Home Office. The dispute, which threatened to wreck the coalition, was resolved only after the intervention of George III, with Dundas making room for Portland by accepting the seals of the War Office.⁶⁷ Huskisson, a Dundas appointment, quickly followed his mentor in the political changeover, being replaced as the superintendent of aliens by William Wickham. Wickham's appointment, however, was transitory. Already responsible for secret foreign correspondence coming into the Foreign Office, and singled out as the individual to take charge of the affairs of the Swiss cantons, Wickham maintained his position at the Foreign Office during the few months he was in charge of alien matters.⁶⁸

On December 9, 1794, Thomas Carter, private secretary to the Duke of Portland, succeeded Wickham as superintendent of the Aliens Office.⁶⁹ It is an irony of history

⁶⁷ Holden Furber, Henry Dundas, first Viscount Melville, 1742-1811; political manager of Scotland, statesman, administrator of British India (London 1931), 102-103.
O'Gorman, Whig party and the French Revolution, 206-207.

⁶⁸ Mitchell, Underground war against revolutionary France, 45.

⁶⁹ Nelson, Home Office, 126.

that the Alien Act of 1793, associated with Pitt's government and its persecution of Jacobinism,⁷⁰ received its fundamental bureaucratic structure and institutional impetus under the direction of Portland and Carter. Before Portland came to the Home Office, the aliens superintendent had no staff to assist in the management of the central office. The new Home Secretary corrected this situation by appointing Charles M. Lullin chief of passports in 1795, following this appointment with others, and establishing a coherent central administration.⁷¹

The development of this new bureaucracy facilitated the flow of information from the local magistrates and justices to the Home Office, but port control remained a weak link in the regulatory system. The regulation of aliens at the ports of arrival represented a two-fold problem. First, the sheer number of entry points into England made the port of arrival regulatory system cumbersome. Second, the responsibility of registering arriving aliens and checking their written declarations fell, by statute, to the already overworked Officers of the Custom at each port.⁷² In 1796, Portland moved to rid the system of these

⁷⁰Furber, Henry Dundas, 92. Lauderdale, Letters to the peers of Scotland, 208-209. Thomas Babington Macaulay, Baron Macaulay, "William Pitt," The miscellaneous works of Lord Macaulay (New York 1898), VII, 165.

⁷¹Nelson, Home Office, 126.

⁷²³³ Geo. III c. 4 (1793), art. I. Thomas W. Roche, The key in the lock: a history of immigration control in England from 1066 to the present day (London 1969), 48-49.

drawbacks. By law, the king through proclamation or Order in Council could restrict the landing points of all aliens covered by the statute.⁷³ In March of 1796, Portland wrote to the Earl of Mansfield, Lord President of the Council, that the practice of unrestricted ports of arrival assisted aliens to avoid the regulations of the Alien Act. On March 23, The Council responded by restricting the points of entry of all aliens to Gravesend, Dover, and Yarmouth. To secure further the advantage of restricted ports of entry, Portland arranged for the appointment of special aliens inspectors at each port, thus removing the burden of aliens regulation from the customs officers.⁷⁴

The Alien Act of 1798, which came into force on the first of June, augmented the system of regulation established by Portland.⁷⁵ First, the new Act extended its jurisdiction to aliens previously exempted from the Act of 1793. Under the earlier Act, alien merchants and aliens who arrived prior to January 1, 1792, were exempt from its operation. This clause was repealed, making these two classes of foreigners conform to the provisions of the new Act (art. VII). Second, the new legislation increased the amount of information the government obtained from aliens. By the old statute, each alien was required to

⁷³33 Geo. III c. 4 (1793), art. VII.

⁷⁴Nelson, Home office, 127-128.

⁷⁵38 Geo. III c. 50 (1798).

submit a written account indicating his name, rank, occupation, and countries or places of previous residence. Each alien now was required to supply additional data, including age, place of birth, names of parents, and "for what Reason and for what Purpose such Alien left such Residence and came to this Kingdom" (art. II). Third, the government now assumed control of the emigration of its alien population. The Act of 1793 regulated the immigration and residence of aliens; by the Act of 1798, aliens wishing to leave England first had to obtain a passport from one of the principal Secretaries of State (art. VIII). Furthermore, the king could issue a warrant to imprison aliens to prevent them from leaving the country (art. XVII).

With the enactment of a strengthened Alien Act, Portland moved to complete the system of aliens regulation. He removed the Aliens Office out of the Home Office and into a building of its own.⁷⁶ He then established a separate budget for the Aliens Office as a means of better enforcing the provisions of the new Act.⁷⁷

What had originated as a temporary piece of legislation conceived during the crisis of 1793, was now a major piece

⁷⁶Nelson, Home Office, 126. Times, 6 July 1798, 2.

⁷⁷House of Commons, Sessional papers, XIII (1816), no. 283. Prior to 1798, the expenses of carrying out the Alien Act were obtained from the general budget of the Home Office. Consequently, no official record exists of the monies spent between 1793 and 1798 for the operational expenses of the Aliens Office. See: Ibid., the attached note signed by J. Beckett.

of domestic legislation enforced by a strong and well-organized bureaucracy. The impetus for this transformation came, not from Pitt, but from the Duke of Portland and his splinter Whigs, adding substance to Fox's charge that "our old Whig friends are many of them worse Tories than even those whom they have joined."⁷⁸ In a larger sense, however, this transformation was a product of the antagonistic forces at work in Britain during the 1790s.⁷⁹ As a consequence of this antagonism, the regulation of the resident alien population took on broader significance. This significance was captured in a letter from William Wickham to Portland; so important was the bureaucratic structure behind the Alien Act, Wickham could claim

without bustle, noise or anything that can attract Public Attention, Government possesses here the most powerful means of Observation and Information, as far as their Objects go, that ever was placed in the Hands of a Free Government, -- that in observing Foreigners resident here, much curious information respecting the ill intentioned of our Own Countrymen and Concerning Foreigners resident abroad, has been and must continue to be indirectly obtained.⁸⁰

⁷⁸Quoted in: Foord, His majesty's opposition, 442.

⁷⁹John Stevenson, "Social control and the prevention of riots in England, 1789-1829," Social control in nineteenth-century Britain ed. by A.P. Donajgrodzki (Totowa, N.J. 1977), 39.

⁸⁰William Wickham to the Duke of Portland, 3 Jan. 1801; published in: Nelson, Home Office, 130. This letter is a copy discovered in the Pelham Papers. The original and all other Aliens Office documents were destroyed after 1836, probably for re-pulping. See: Ibid. Margaret C. Wicks, The Italian exiles in London, 1816-1848 (Freeport, N.Y. 1968 c1937), xiv.

CHAPTER III

THE ALIENS PROBLEM, 1798-1814

In the years following the passage of the Alien Act of 1798, the British government continued to expand its role in regulating aliens. Responding to the political and economic conditions prevalent at the beginning of the nineteenth century, the government also turned its attention to other groups within the resident alien community. One of the largest segments making up the foreign population in England was the French emigrant clergy.

From the beginning of their English exile, clerical émigrés generated distrust among some portions of the English population.¹ By the late 1790s, many emigrants who favored the cloistered life gave up hope of returning to France, and established secret monasteries in several English towns. Attempts to recruit local converts offended large portions of the English Protestant community.² English Catholic leaders, as well, resented their Continental brethren's volatile and often ill-timed criticism of foreign

¹Ward, Dawn of the Catholic revival, II, 8.

²Feiling, Second Tory party, 217. Spencer Walpole, The life of the rt. hon. Spencer Perceval, including his correspondence with numerous distinguished persons (London 1874), I, 75.

affairs.³ When several French Catholic societies founded schools to support themselves, Protestant opponents charged such schools would corrupt English children. Consequently, in 1800 Parliament passed a bill regulating these societies as a precaution, in the words of Spencer Perceval, "against the overgrowth of Popery in this country."⁴ The mood to restrict the organization of emigrant Catholic groups coincided with a liberalization of attitudes toward the émigrés on the part of the French government after the Napoleonic coup in 1799. Commenting on this apparent change, and its consequences for England, the Times editorialized:

As the severity of the Laws in France has materially relaxed in favour of the Emigrants, and so many of them are actually returning thither, it may not be improper to inquire whether a still greater number might not be required to depart without cruelty.⁵

During the last years of the eighteenth century the British government was economically and financially weakened by the war.⁶ Continued government support of large

³ Bernard N. Ward, The eve of Catholic Emancipation; being the history of the English Catholics during the first thirty years of the nineteenth century (London 1911), I, 34.

⁴ Quoted in: Walpole, Life of Spencer Perceval, I, 75-76.

⁵ Times, 21 Nov. 1800, 3.

⁶ In 1797, the government was rocked by a financial crisis, and in 1799, Pitt was forced to introduce an unpopular income tax. See: Briggs, Making of modern England, 169. Phyllis Deane has termed the last decade of the 18th century "a period of violent inflation" and a "tragic period for English labour." See: Phyllis Deane, The first industrial revolution (Cambridge 1969 c1965), 246, 248.

numbers of émigrés must have created ministerial concern. The government's own report on the 1801 grain scarcity cited consumption by immigrants from the Continent as a major factor in the inability of British grain production to meet demands.⁷ Against this economic backdrop, the reconciliation between France and the Vatican held importance for Britain. With the signing of the Concordat in July 1801, many French clerics and other moderate-minded émigrés wished to return to France despite the fact that some laws against them were still in force.⁸ The British government encouraged their return by giving those émigrés receiving government subsidies a cash payment to defray the costs of their journey. As a consequence, some 1,500 émigrés left the British relief rolls and returned to France during the remainder of 1801.⁹

⁷[George Isaac Huntingford, Bishop of Hereford, supposed author], Brief memoirs of the right honourable Henry Addington's administration, through the first fifteen months from its commencement (London 1802), 15-16,

⁸Ward, Eve of Catholic Emancipation, I, 2. Weiner, French exiles, 145.

⁹Weiner, French exiles, 147-148. Soon after the Peace of Amiens, Napoleon issued a decree (27 April 1802) offering amnesty to the vast majority of émigrés. Though they were required to renounce claims to any property owned prior to their exile, the remaining restrictions were not severe. The Addington government encouraged all Frenchmen covered by the decree to comply with the amnesty deadline of 23 September 1802. An English translation of the French decree was published in: Annual register (1802), 621-623. For the position of the English government, see: [Huntingford], Brief memoirs of Henry Addington's administration, 238.

These returning émigrés were the victims of the republican revolution of a decade earlier, and as such could expect at least minimal acceptance in Napoleonic France. A second group of emigrants posed a more difficult problem for the English Cabinet. Especially as plans for peace began to develop from 1798 onward, the question of what to do with the aliens hostile to the political status quo on the Continent rose in government circles. Surely, those foreigners who had participated in the various émigré corps would have little chance of returning to France.¹⁰ Their presence in England might prove to be both a political embarrassment and an economic burden.

As early as May 1798, the Cabinet considered this problem. Writing to Lord Grenville, Secretary for War Dundas introduced the idea of relocating such émigrés in Canada and St. Domingo. Not only would the move provide the basis for a permanent émigré settlement, it also would strengthen colonial defenses.¹¹ The task of planning and financing the relocation fell to Portland and the Home Office. By the following May, a party of émigrés -- including the controversial General Puisaye and his staff --

¹⁰The French decree granting amnesty to the émigrés excluded: (1) those who commanded armies against France (2) those who held commission in foreign armies (3) the staff of the French princes (4) those who were "movers or agents of the civil or foreign war." See: Annual register (1802), 621-623.

¹¹Henry Dundas to Lord Grenville, 2 May 1798; Fortescue manuscripts, IV, 184.

was sent "to lay the foundation of a French Colony in Canada, which [would] serve as an Asylum to those who might otherwise remain as a charge upon this country"12

The Foreign Office response to the establishment of the emigrant colony was indicative of the concerns of the entire Cabinet. The colony not only would be a humane and politically wise solution to the government's problem, "it would also in the end be a measure of economy."13

A strengthened Alien Act, subsidies for clerics returning to France, and the colonization of military émigrés, marked the response of the government to alien matters. However, the fall of the Pitt Cabinet in February 1801, and the ascendancy of the pro-peace Addington administration, complicated English policy with regard to its alien residents by raising the question of whether or not a general peace would terminate the Alien Act. Clearly, the early Alien Acts were intended as emergency measures to be repealed when peace returned. Implicit in these measures was the

¹²William Windham to Lord Grenville, 17 May 1799; Windham, Papers, II, 97. Count Joseph Puisaye (1754?-1827) was a principal organizer of both the La Vendée insurrection and the Quiberon Bay expedition, and as such a reminder to the government of two costly and disastrous adventures. He was, moreover, a constant intriguer upon whom Windham foolishly lavished money. For his character and relationship with the British government, see: William Windham to Lord Grenville, 11 Oct. 1795; William Lukin to William Windham, 21 Dec. 1795; William Windham to William Pitt, 29 Aug. 1796; Ibid., I, 308-309; I, 326-328; II, 15. See also: Stanhope, Life of William Pitt, II, 335-338.

¹³Lord Grenville to William Windham, n.d.; note attached to: William Windham to Lord Grenville, 17 May 1799; Ibid.

belief that the government would make peace with a France similar to the France of the ancien régime. The politicians of the late 1790s, however, were required to address themselves to a wholly different set of political facts. The France the British government would make peace with would be a militarily and economically strong Continental power, whose existence was regarded by many as being antithetical to British principles and policies. Consequently, as early as 1797, the Pittite pamphleteer John Gifford asked Parliament "to obstruct that copious influx of Frenchmen into Great Britain, which will certainly be attempted, from the most hostile motives, as soon as the war shall be terminated."¹⁴ In a later pamphlet, Gifford carried the idea a step further. Believing the "political existence" of Britain depended on the legislative precautions adopted when war concluded, Gifford argued that the "alien bill ... should be rendered perpetual, and its provisions be enforced with the greatest vigilance and rigour."¹⁵ By 1800, the Alien Act was regarded not as an emergency act of Parliament, but as "a matter of national

¹⁴John Gifford, A letter to the hon. Thomas Erskine; containing some strictures on his View of the causes and consequences of the present war with France (10th ed. London 1797), 158. John Gifford (1758-1818), born John Richards Green, was founder of the Tory Anti-Jacobin review which ran from 1798 to 1821. He was best known as "a vigorous pamphleteer on the tory side." See: Dictionary of national biography, VII, 1184.

¹⁵Gifford, Second letter to Thomas Erskine, 39-40.

police, which every nation is entitled to regulate."¹⁶ In December of 1800, Grenville stated the government position: as long as Europe remained ideologically divided an Alien Act would be necessary "to guard against the factious of all nations."¹⁷

The Pitt government, however, would not be the prime mover in concluding peace with France, and consequently the fate of the Alien Act fell to the Addington administration. Maintaining a precarious ascendancy over Pittites, Grenvillites and Foxites, the Addington government moved towards peace with France. Discussing the conditions of peace with Earl Bathurst, Earl Camden summarized this precarious position during a time when political affiliations were in flux:

The questions upon which the Government will meet with most difficulties are ... the strong bills of precaution which were enacted during the war. The old opposition will want to get rid of all these bills. The new will be desirous of enacting even stronger [measures] These disagreements promise an unpleasant winter amongst the old friends and connexions.¹⁸

The Alien Act was one of the "strong bills of

¹⁶Herbert Marsh, Bishop of Peterborough, The history of the politicks of Great Britain and France, from the time of the conference at Pillnitz, to the declaration of war against Great Britain; with an appendix containing a narrative of the attempts made by the British government to restore peace (London 1800), I, 172.

¹⁷Parl. history, XXXV (1800-1801), 776.

¹⁸Earl Camden to Earl Bathurst, 2 Nov. 1801; Great Britain, Historical Manuscripts Commission, Report on the manuscripts of Earl Bathurst, preserved at Cirencester park (London 1923), 28-29.

precaution." As a leader in the passage of the original Act, and as an outspoken opponent of the peace, Grenville could be expected to lead his faction of the new opposition in demands for a peace-time Alien Act.¹⁹ The Pittite faction of the new opposition, while accepting the peace, also would argue for peace-time legislation. In fact, as a prerequisite to the acceptance of a peace with France, Pitt demanded maintenance of a strong military and the continuance of the Alien Act.²⁰ The importance of the Alien Act to Pitt was underscored in a letter from Pitt to Earl Bathurst.

With respect to domestic precautions (particularly the alien bill perhaps with some modification) ... my sentiments ... are so fixed that nothing can prevent my declaring them and protesting in the strongest manner against any departure from them.²¹

Pitt, of course, had no reason to doubt that the new government would conform to his opinions.²² Indeed, some of the most conservative members of his administration -- Portland, Liverpool, Chatham and Westmorland ---had joined

¹⁹For Grenville's opposition to the peace and his split with Pitt, see: Richard E. Willis, "Fox, Grenville, and the recovery of opposition, 1801-1804," Journal of British Studies, XI (May 1972), 35.

²⁰Feiling; Second Tory party, 226. Pitt himself supported the Addington Cabinet until 1804, but many of his followers (led by Canning) began opposition to the new government. See: Foord, His majesty's opposition, 425.

²¹William Pitt to Earl Bathurst, 18 Oct. 1801; Manuscripts of Earl Bathurst, 26.

²²Ibid.

the Addington Cabinet.²³ Any doubt as to the course to be followed by the new ministers should have been dispelled by the November 10, 1801 editorial in the Times, a strong supporter of the Addington government. Speculating on the probability of a general peace, the paper declared:

Both morally and politically speaking, we have no scruple to declare that the best barrier this Country can obtain or erect against the dangers which threaten her, is a STRONG ALIEN-BILL and a vigorous Police²⁴

Thus, it was no surprise that after the peace was signed Attorney General Perceval rose in the House of Commons to introduce a bill to perpetuate the Alien Act.²⁵

As for the old opposition, whom Camden feared would be critical of the continuance of such measures, little was heard in the debates in Parliament. In the House of Commons, few spoke on the issue, and none directed themselves to the rights of aliens resident in England. Rather, the Bill was opposed because of the possible ill effects such a measure might have on the peace; for "it would be much better to allow Aliens to come into the Country, without any restraints, than to endanger the peace."²⁶ But the

²³Feiling, Second Tory party, 221-223.

²⁴Times, 10 Nov. 1801, 2. The Times was the only major London paper to support the Addington government. See: Arthur Aspinall, Politics and the press c.1780-1850 (New York 1974 c1949), 282.

²⁵"Parliamentary intelligence, House of Commons, May 20"; Times, 21 May 1802, 2.

²⁶Ibid.

majority of Foxites were willing to remain silent. Apparently, they believed criticism of the Addington government would bring about Pitt's return to power -- and the former Prime Minister's return to power would bring an end to the peace.²⁷

In the House of Lords, Holland, Suffolk and Fitzwilliam spoke against the Bill, but only Lord Holland spoke against the fundamental principles underlying the Alien Act.

Holland argued correctly that the original Act had been limited to political offenses against the British constitution. Under the Duke of Portland the powers of the statute were expanded greatly and "exercised with extreme harshness and severity."²⁸ This criticism of Portland was not new. During the previous year, Holland addressed the Lords on the transformation of Aliens Office transactions into a system similar to the "lettres de cachet" of the Continent. He concluded the scope of the Alien Act had been expanded unconstitutionally, with the consequence that "there had been a third secretary of state created"²⁹

Lord Chancellor Eldon, giving the government reply to this criticism, was willing to concede that ministers

²⁷Thomas Creevey to James Currie, 25 Nov. 1802; Thomas Creevey, The Creevey papers (rev. ed. London 1963), 18. Willis, "Fox, Grenville, and the recovery of opposition," 28.

²⁸"Parliamentary intelligence, House of Lords, June 22"; Times, 23 June 1802, 2.

²⁹Parl. history, XXXV (1800-1801), 775-776.

deported aliens who committed no political offense against Great Britain. Considerations other than political dictated the government take action against these aliens. "Suppose," he asked the Lords, "there happened to be a country, the people of which had shook off all the wholesome restraints of religion and morality"; would it not be best to restrain the access of such people into England, and thereby "prevent the morals of our people from being corrupted?"³⁰ The question, of course, was rhetorical; for Lord Eldon spoke not only to his social and political peers, but to a body of men the great majority of whom mirrored his fear of all that was associated with the French Revolution.³¹ Thus, a measure originally enacted in a time of crisis (1792), and strengthened in a subsequent period of crisis (1798), passed from the emergency act of a nation preparing for and maintaining a war posture, to a peacetime act.

The Peace of Amiens (27 March 1802) lasted little more than a year. Continued political and economic friction between the two nations characterized the entire peace and assured resumption of war. The peacetime Alien Act and England's alien policy were part of this friction.

³⁰"Parliamentary intelligence, House of Lords, June 22;" Times, 23 June 1802, 2.

³¹For the general attitude prevalent in the House of Lords in the early nineteenth century, see: Turberville, House of Lords in the age of reform, 102.

Within a few months of the declared peace, the French government called into question England's policy towards its resident émigré community. On June 3, 1802, Talleyrand met with the English ambassador to Paris, Anthony Merry. The French government had received reports from England of hostile émigré activities. To insure friendly relations were maintained, Talleyrand requested the British government

remove out of the British dominions all the French princes and their adherents, together with the French bishops, and other French individuals, whose political principles and conduct must necessarily occasion great jealousy to the French government.³²

The Foreign Office reply was tactful, but uncompromising. Ambassador Merry was to assure the French government that George III required all alien residents abstain from engaging in any action injurious to foreign governments at peace with Great Britain. No evidence, however, had been brought to the attention of the Cabinet to suggest any conspiracy among the émigré population.³³ Though the French government was unhappy with the reply, the matter appeared to be at an end.³⁴

After little more than a month, the French government

³²Anthony Merry to Lord Hawkesbury, 4 June 1802; published in: Annual register (1803), 656-657.

³³Lord Hawkesbury to Anthony Merry, 10 June 1802; Ibid., 658.

³⁴Anthony Merry to Lord Hawkesbury, 17 June 1802; Ibid., 659.

again protested émigré activities. This time the protest was lodged directly with the Foreign Office in London. French ambassador to England M. Otto requested the British government take action against the "perfidious and malevolent publications" of such anti-Bonapartists as the émigré Jean-Gabriel Peltier and the Englishman William Cobbett. The request included the veiled threat that should the French government permit journalistic retaliation, there would be a great many Frenchmen prepared to attack Britain and its statesmen.³⁵ Lord Hawkesbury's reply underscored the principle of a free press. While such publications did not go unnoticed by the government, it was the nature of a political system such as Great Britain's that even the finest subjects were exposed to such abuse.³⁶

Hawkesbury's reply did not placate French demands.

³⁵M. Otto to Lord Hawkesbury, 25 July 1802; published in: Annual register (1803), 660. Jean-Gabriel Peltier (c.1760-1825) left France in 1792. In 1796, he translated Edmund Burke's Letters on a regicide peace. Residing in London, he published the pro-royalist journal L'Ambigu. In 1802, an issue of L'Ambigu by implication called for the assassination of Napoleon. The British government successfully prosecuted Peltier at the insistence of the French government in February of 1803. Peltier, however, was never sentenced, and in 1804 he received a pension from the British government. See: Alexander Andrews, The history of British journalism, from the foundation of the newspaper press in England to the repeal of the Stamp Act in 1855, with sketches of press celebrities (London 1859), II, 18. Burke, Correspondence, VIII, 409 footnote. James Mackintosh, Memoirs of the life of the right honourable sir James Mackintosh (London 1836), I, 180-182.

³⁶Lord Hawkesbury to M. Otto, 28 July 1802; published in: Annual register (1803), 660.

On August 17, Otto filed an extensive list of grievances with the Foreign Office. The French government charged Britain with violating the first article of the Treaty of Amiens, by which the signators agreed to refuse protection to any persons attempting to harm the peace.³⁷ The violation could be rectified only by curbing anti-French émigré publications and expelling several groups of resident emigrants. The isle of Jersey was to be cleared of anti-Bonapartist Frenchmen. The La Vendée rebel Georges Cadoudal and his followers were to be sent to the émigré colony in Canada, while the Bourbon princes were to be persuaded to join their remaining family in Warsaw. The former bishops of Arras and St. de Leon, along with those royalists still wearing the decorations of the ancien régime, were to be expelled from the British empire.³⁸ In the past the British government had noted the difficulty of prosecuting disturbers of the peace in the English courts. To insure that this answer would not be used again, the French ambassador concluded his protest by informing Lord Hawkesbury

³⁷ By Article I of the Treaty of Amiens the signators -- Great Britain, France, Spain, and the Batavian Republic -- were pledged to "carefully avoid every thing which might for the future disturb the happy union now re-established between them, and shall not give any succour or protection directly or indirectly, to those who would wish to injure any one of them." Quoted in: [Huntingford], Brief memoirs of Henry Addington's administration, 171.

³⁸ M. Otto to Lord Hawkesbury, 17 Aug. 1802; published in: Annual register (1803), 661-663. For the character of Georges Cadoudal, see: Rivington's annual register (1803), 16.

the French government knows ... that the law known by the title of the Alien Act, gives the ministry of his Britannic majesty an authority which it has often exercised against foreigners, whose residence was prejudicial to the interests of Great Britain. ... There exists, therefore, in the ministry, a legal and sufficient power to restrain foreigners, without having recourse to courts of law³⁹

The response of the Foreign Office to these demands sheds light on the position of the government with regard to the Alien Act and the resident alien population. The government, replied Lord Hawkesbury, would not use the Alien Act as a means of silencing the foreign press in England. The Alien Act was a piece of domestic legislation designed to preserve the internal peace of Great Britain, and therefore was not applicable to foreign relations. As the English courts had acted in the past to curb the press abuse of foreign governments, these governments should continue to seek justice through the legal system against libelers and slanderers.⁴⁰

The remaining demands met with mixed response from the government. Cadoudal and his associates would be sent to Canada and the isle of Jersey cleared of émigrés.⁴¹ Expulsion of the French bishops, however, could not be considered.

³⁹M. Otto to Lord Hawkesbury, 17 Aug. 1802; published in: Annual register (1803), 663.

⁴⁰Lord Hawkesbury to Anthony Merry, 28 Aug. 1802; Ibid., 666.

⁴¹Ibid., 667-668. This may have been the only time in Foreign Office history of interference with political refugees. See: Haycraft, "Alien legislation," 184.

Refusal to accept the Concordat and publication of vindictive literature was viewed by the British government as an exercise in religious dissent, not an attempt to overthrow the French government. Although wearing ancien régime insignias and decorations was in poor taste, it was not a deportable offense.⁴² As for the Bourbon princes, Merry was to make clear to Talleyrand the king had "no desire that they should continue to reside in this country, if they are disposed, or can be induced, to quit it," but the "rights of hospitality" could not be withdrawn as long as they conducted themselves in a manner agreeable with English law.⁴³

Diplomatic clashes over Britain's policy towards the resident émigré community were indicative of the lack of will of both nations to preserve a peace only half heartedly accepted by either side. The ultimate renewal of war in May 1803 primarily was due to the inability of the French and British governments to agree on the extent to which France should exercise hegemony over Western and Central Europe.⁴⁴ With the renewal of war, the British Parliament

⁴²Lord Hawkesbury to Anthony Merry, 28 Aug. 1802; published in: Annual register (1803), 667-668.

⁴³Ibid., 668. George III disliked the French princes and was reluctant to show them any courtly ceremony. See, for example: Lord Grenville to George III, 11 Aug. 1799; George III to Lord Grenville, 13 Aug. 1799; George III, Later correspondence, III, 235; III, 236.

⁴⁴Briggs, Making of modern England, 145.

passed a new war-time Alien Act (12 August 1803).⁴⁵ Under the Alien Act of 1803, ministerial control of the resident alien population reached its fullest extent. First and foremost, aliens could be expelled by proclamation on suspicion or probable cause without a redress of grievances.⁴⁶ But the Alien Act also demanded fuller compliance from British subjects. Subjects who lodged aliens for more than twenty-four hours were required to submit copies of the licenses or passports to the nearest Justice of the Peace and to the Parish Overseer of the Poor. These copies were to be supplied within twenty-four hours of initial residence. (art. XXX).

With the passage of the new Act, the government turned its attention to the resident alien population. Expectations of peace had brought the alien community to over 22,000 by the close of 1801, a population not equalled until peace in 1815.⁴⁷ The Times called into question the character of these newly-arrived aliens, believing most of them came to England "with no other possessions than their vices."⁴⁸ Cobbett's xenophobic contention that an apparent

⁴⁵43 Geo. III c. 155 (1803).

⁴⁶Sibley, Aliens Act and the right of asylum, 38.

⁴⁷House of Commons, Sessional papers, XIII (1816), 281.

⁴⁸Times, 5 Sept. 1803, 2. See also: John Bowles, Thoughts on the late general election, as demonstrative of the progress of Jacobinism; to which is added, a postscript containing some further observations on a late procession at Nottingham (4th ed. London 1803), 37.

rise in London crime was the result of this new group of foreigners⁴⁹ was significant because he was in the pay of members of the new opposition who favored strong action on alien matters.⁵⁰ Moreover, victories by several Radicals and reformers in the elections of 1802 stunned British conservatives and the government, proving beyond doubt that "most malignant distemper" Jacobinism continued to plague English politics.⁵¹ As war approached, apprehensive Englishmen suspected the French colonies in England and Ireland of being filled with political emissaries and spies.⁵²

The declaration of war in May 1803 turned Napoleon's thoughts back to his 1801 invasion plan. This new invasion scare caused Pitt to revive the Voluntary movement on a national scale in the summer of 1803.⁵³ In this climate, it was not surprising that British officials discovered

⁴⁹William Cobbett to William Windham, n.d. 1803; Lewis Melville [Lewis S. Benjamin], The life and letters of William Cobbett in England and America based upon hitherto unpublished family papers (London 1913), I, 197-198.

⁵⁰Aspinall, Politics and the press, 281.

⁵¹Bowles, Thoughts on the late general election, 1. See also: John Cannon, Parliamentary reform, 1640-1832 (Cambridge 1973 c1972), 147-148, 147 note 4. Thompson, Making of the English working class, 452-454.

⁵²Annual register (1802), 196. Bowles, Thoughts on the late general election, 70. Reflections on the causes of the war, and on the conduct of his majesty's ministers (London 1803), 8.

⁵³Georges Lefebvre, Napoleon: from 18 Brumaire to Tilsit, 1799-1807, trans. by R.R. Palmer (New York 1969), 188. Rose, William Pitt, 489.

"engineers and other military men, who had signaled themselves in the republican army" in the coastal cities of England.⁵⁴ Such "discoveries" demanded government action: "The intrigues and machinations of French agents in Ireland, and the successive detections of French spies, upon our Coasts, proved it was time to execute the laws with rigour."⁵⁵

At the end of August, the Cabinet decided to reduce the foreign population by issuing an Order in Council requiring the expulsion of aliens deemed potentially hostile to Great Britain.⁵⁶ On August 31, 1803, the government published a proclamation reinterating the powers granted the Crown by the 1803 Alien Act, and ordering all French subjects and subjects of countries or territories at war with England who had arrived since October 1, 1801, to depart by mid-September. In order to facilitate the rapid removal of aliens, the English government offered free passage to the Continent to all aliens who assembled at Gravesend on or before September 14.⁵⁷ By the time the expulsion was completed approximately 1,700 aliens were sent out of England; the process taking at least until the

⁵⁴The reason why; in answer to a pamphlet entitled, Why do we go to war? (London 1803), 14.

⁵⁵Times, 5 Sept. 1803, 2.

⁵⁶Charles Yorke to George III, 30 Aug. 1803; George III, Later correspondence, IV, 127.

⁵⁷Great Britain, Royal Proclamation, 31 Aug. 1803; published in: Times, 5 Sept. 1803, 2.

end of October when nearly 100 aliens left Southampton for Morlaix.⁵⁸

The call for government intervention in regulating the alien population was an integral part of British public sentiment during the remaining years of the war. Especially during periods of political or economic difficulties demands were made on the government to rid the country of "the vagabonds of Republicanism and the imps of the Directory."⁵⁹ The issue of domestic political reform and the politics of Jacobinism remained a dominant theme intertwined in relations between Englishmen and aliens. The prevalent opinion that France maintained countless spies and emissaries throughout Britain prolonged the assumption English liberal sentiments were inspired by the French.⁶⁰ The fact that "there happened, at this period, to be more vain and ambitious [English]men in the wrong than in the right path," was all the more reason that the government should seek out

⁵⁸House of Commons, Sessional papers, XIII (1816), no. 281. Times, 31 Oct. 1803, 3. A note attached to Sessional paper no. 281 states that many of these exiles were refused residence in their homelands, and eventually were allowed to re-enter England. No contemporary evidence for this re-entry was found, though now destroyed Aliens Office documentation may have confirmed this. On the other hand, alien population statistics show a sustained reduction from 1802 to 1807.

⁵⁹Jacques Mallet du Pan, "A comparative view of the Continent and Great Britain," British Mercury (2nd ed. London 1799), I, 294.

⁶⁰Annual register (1810), 246-247. Queen Charlotte to the Prince Regent, 17 May 1812; George IV, The letters of king George IV, 1812-1830 (Cambridge 1938), I, 77.

"Gallic missionaries."⁶¹

Political concerns were not the only issues raised by Englishmen. The issue of alien labor had received attention from the beginning of the alien immigration into England. Criticism of the use of alien labor continued, being most vocal during periods of economic recession.⁶² During these latter times, Englishmen called on their government to restrain foreigners, as when British merchants called for restrictions on the commercial activities of aliens during the recession of 1811-1812.⁶³ The corps of foreign servants ---that "nursery for espionage" -- continued to bring the English nobility under sharp criticism.⁶⁴ French tutors and governesses also remained a favorite target, not only because they displaced English educators, but because a suspected decline in the morals of English youths was attributed to their influence.⁶⁵ Indeed, to some observers

⁶¹John Gifford, A short address, to the members of the Loyal Associations, on the present state of public affairs; containing a brief exposition of the designs of the French upon this country, and of their proposed division of Great Britain and Ireland into three distinct and independent republics; with a list of directories and ministers of the same, as prepared by the Directory at Paris (7th ed. London 1798), 6.

⁶²Harriet Martineau, History of England, A.D. 1800-1815; being an introduction to The history of the peace (London 1878), 390-391.

⁶³Letter to Lord Sidmouth, Times, 4 Nov. 1812, 2. See also: Letters, Times, 7 Nov. 1812, 3; 13 Nov. 1812, 4.

⁶⁴Times, 10 Dec. 1807.

⁶⁵London Chronicle, 17 Aug. 1811, 169.

the influx of aliens into England seemed to signal a decline in Anglo-Saxon virtues; a trend which the government could reverse by ousting those "hordes of foreign vagabonds, who ... introduced a great deal of depravity among us, unknown until the French Revolution broke out."⁶⁶

Anti-alien sentiment peaked during the economically and politically turbulent period 1810-1812. The Spring of 1811 brought widespread violence against London émigrés.⁶⁷ Though violence was not characteristic of relations between Englishmen and the resident foreign community, it was indicative of a more pervasive anti-alien sentiment. English anti-alien sentiment, with its call for government intervention, was captured in the lead article of the August 17, 1811 issue of the London Chronicle:

There is not ... any public grievance which so strongly calls for the immediate and powerful interposition of Government and the Police, as the number of [foreign] wretches now preying on the country, either rioting on our resources, or in secret contract with the enemy, plotting our ruin, or undermining our morals by the introduction of the most abominable vices
... While so excellent a law as the Alien Act is in existence on our Statute Books, it is little short of a disgrace to the British Government that [such] foreigners ... should still be permitted to remain in this country.⁶⁸

⁶⁶Times, 12 Oct. 1798, 2.

⁶⁷Weiner, French exiles, 182-183.

⁶⁸London Chronicle, 17 Aug. 1811, 169.

CHAPTER IV

ALIENS LEGISLATION IN TIME OF PEACE, 1814-1826

Spencer Perceval's Cabinet, which came to an abrupt end in May of 1812, had been hampered by economic and political disturbances. In June, the Earl of Liverpool formed a Tory government which retained political office for the next fifteen years. Within a matter of months the new administration benefited from a return to economic prosperity and consequent subsiding of domestic discontent. The war also had taken a turn for the better. Wellington's successful Spanish campaign and Napoleon's disastrous invasion of Russia, followed by the French defeat at Leipzig, ended twenty years of French offensive capability. Yet the Treaty of Paris, which temporarily concluded the war in May of 1814, did not signal the end of the English Alien Acts. Facing a period of uncertainty in the politics of Europe, the Liverpool government was not prepared to abandon regulations ministers felt had helped to control domestic disturbances.¹ Consequently, the government moved the adoption

¹In a seemingly prophetic address during the second reading of the 1814 Alien Bill (14 July 1814) Castlereagh remarked: "The political world, like the domestic, did not so quickly right itself, that they ought at once give themselves up to that perfect confidence which represented all measures of precaution to be useless." See: Parl. history, XXVIII (1816), 712.

of a temporary peace-time Alien Act in July 1814.

The new Alien Act called for by the Liverpool government maintained the prerogative of the Crown by royal proclamation to exclude and expel aliens from Great Britain.² As in previous legislation, the Act required the registration of aliens while in residence.³ However, for the first time in the history of the Alien Acts, any suspected violation of a royal proclamation was to be decided in a court of law.⁴ Nevertheless, the chief Secretaries of State could direct that an alien be arrested and held without bail for an indefinite period of time (art. II). Moreover,

²54 Geo. III c. 155 (1814), art. II.

³A ship captain was required to provide the port of arrival customs officer with a list of aliens on board (art. V). Each arriving alien then declared his name, rank, profession or occupation, country or place of origin, destination in England, and the name and address of a resident to whom the alien was known (if any) (art. VIII). This information was transcribed on two forms by the officer, with one copy given to the alien and the other copy retained in the alien registration book (art. IX). On arriving at his destination, the alien was given one week to submit the certificate to the local magistrate (art. X). Before boarding a departing vessel the alien again was required to give his name, rank, and occupation to the customs officer (art. VIII). Foreign ambassadors and their servants, and all aliens under fourteen years of age, were exempt from registration (art. XVI). Alien mariners on arriving ships also were exempted from the provisions of the Act (art. VII).

⁴Art. III. Aliens convicted of violating a proclamation of exclusion or expulsion were to be imprisoned for no more than one month for the first conviction and no more than one year for each subsequent conviction (art. III). Aliens not making a port of entry declaration or convicted of giving false information were to be sentenced to no more than three months imprisonment, although deportation was an alternative sentence (art. VIII).

any local justice, mayor, magistrate, or alderman could arrest, question, and detain without bail any alien suspected of being "a dangerous Person," so long as notice of the detention was forwarded to one of the Secretaries of State (art. XI). In spite of this potential for harrassment by local officials, the burden of proof in substantiating one's status or refuting allegations remained with the alien (art. XIX).

Although passed as a temporary measure, this Alien Act remained the principal piece of legislation governing aliens in England until 1824.⁵ In a series of biennial acts known as Continuing Acts, Parliament sustained the legislation of 1814 without amendment or alteration.⁶ Ostensibly involved with the decision of whether or not to regulate the resident alien population in time of peace, the Parliamentary history of these Acts touched upon some of the political and social concerns of Great Britain during the decade following the French and Napoleonic wars. In many respects the debates on the Alien Acts reflected the issues and

⁵During Napoleon's Hundred Days, Parliament quickly passed a modified Alien Act, 55 Geo. III c. 54 (1815). Besides striking that part of article III guaranteeing aliens access to the English courts of law, the legislation gave the government the right to restrict the residence of aliens to specific locations (art. XIX), provided for the registration of weapons owned by aliens (art. XX), and permitted local officials to search the lodgings of aliens "in the Day time and in the Presence of a Peace Officer" (art. XXI). The Act was given legal force for one year.

⁶56 Geo. III c. 86 (1816). 58 Geo. III c. 96 (1818). 1 Geo. IV c. 105 (1820). 3Geo. IV c. 97 (1822).

divergent principles separating the liberal and conservative elements in British politics and provided observers with what the Edinburgh Annual Register regarded as "a regular biennial field of interest between the two political parties."⁷ Within the Liverpool government itself, the history of aliens legislation in the post-war period also reflected the changing nature of Tory politics.

From the advent of the Liverpool Cabinet until his death in August of 1822, Lord Castlereagh was a dominant force in the Tory government and the chief proponent of the Alien Acts.⁸ As the government's leader in the House of Commons, he spoke frequently during the debates on the Alien Acts, revealing a tenacious constancy in arguing for their passage. These speeches clearly show that Castlereagh no longer emphasized the role of the Alien Acts as a form of domestic legislation, but rather viewed their importance in the context of the development of his foreign policy.

⁷Edinburgh Annual Register, XIII (1820), 102. The Duke of Buckingham considered the debates on the continuation of the Alien Acts to be one of the more popular political questions of the period. See: Richard Grenville, Duke of Buckingham and Chandos, Memoirs of the court of George IV, 1820-1830; from original family documents (London 1859), I, 336-337.

⁸Perceval's assassination left Castlereagh the leadership in the House of Commons. Canning's refusal to join the ministry meant Castlereagh had to assume the double duty of the Foreign Office and the lead in the day-to-day business of the Commons. See: Charles K. Webster, The foreign policy of Castlereagh, 1812-1815; Britain and the reconstruction of Europe (London 1931), 24-26.

As early as September of 1813, Castlereagh formed the principle that the various treaties binding the allies should be superseded by a comprehensive treaty. This treaty (later known as the Quadrangle Alliance) not only would assure a uniform peace settlement, but also would provide Europe with post-war security from France.⁹ The relative ease with which Napoleon reasserted his control over France during the Hundred Days convinced Castlereagh the Alliance was the "only perfect security against the revolutionary embers more or less existing in every State of Europe" ¹⁰ To solidify the Alliance, and thus to insure the success of the restoration, the governments of Europe had "to keep down the petty contentions of ordinary times, and to stand together in support of the established principles of social order."¹¹ In this respect, Castlereagh realized that the domestic affairs of the European states were as susceptible to international scrutiny as their foreign affairs.¹² Specifically, the Continental

⁹Christopher J. Bartlett, Castlereagh (New York 1966), 119. Webster, Foreign policy of Castlereagh, 1812-1815, 483.

¹⁰Lord Castlereagh to George Rose, 28 Dec. 1815; quoted in: Hans G. Schenk, The aftermath of the Napoleonic wars; the concert of Europe, an experiment (New York 1967 c1947), 120. See also: Bartlett, Castlereagh, 158.

¹¹Lord Castlereagh to George Rose, 28 Dec. 1815; quoted in: Schenk, Aftermath of the Napoleonic wars, 120.

¹²Lord Castlereagh to the Duke of Wellington, 6 Sept. 1816; Robert Stewart, Marquis of Londonderry, Correspondence, despatches, and other papers of Viscount Castlereagh, second Marquess of Londonderry (London 1853), XI, 292.

residence of Bonapartists, republicans, and other refugees displaced by the reconstruction of Europe transcended the domestic policy of each state. Because their residence could create the "petty contentions" Castlereagh feared would threaten the Vienna settlement, the residence of disaffected aliens became an international question.¹³

Given Castlereagh's preoccupation with the European settlement -- with what some historians have perceived as his "subservience to wider international considerations"¹⁴ -- the post-war Alien Acts could not help but acquire international ramifications not present in the earlier legislation. As such, the Foreign Secretary spoke vigorously and often during the 1816 debates in what may have been an attempt to elaborate on his international outlook -- a perspective not always comprehensible even to the members

¹³The residence of French refugees in the Netherlands was of particular concern to the powers of Europe. After receiving several complaints from the ministers of Austria and France, the Dutch government expelled a number of foreigners known to be critical of the Vienna settlement. Castlereagh's position with regard to this matter was contained in a letter to Lord Clancarty, British minister to the Hague: "The whole management of this Police question will require great delicacy With respect to the French refugees who may be ordered to retire from the Low Countries, you will decline giving them passports to come to this country, notifying the same to me; that any attempt on their part to settle here may be watched." See: Lord Castlereagh to Lord Clancarty, 7 Aug. 1817; Londonerry, Correspondence, XI, 370. See also: G.W. Chad to Lord Castlereagh, 9 Sept. 1816; Ibid., XI, 292-293. G.W. Chad to Lord Castlereagh, 5 Nov. 1816; Ibid., XI, 312-313.

¹⁴Bartlett, Castlereagh, 150.

of his own party.¹⁵

Paramount to Castlereagh's outlook was his concern for what he viewed as the development of a European revolutionary tradition. The foe was a dangerous one, and he admonished his colleagues to realize that "a system existed the object of which was to attempt to shake all the governments of the world -- a system that had been prevalent for the last twenty years."¹⁶ Because the defeat of France had only checked, not truly eradicated, this revolutionary tradition, the dangers which prompted and sustained the legislation of 1793 had not ceased with the conclusion of the war.¹⁷ The dangers to stable government remained, and the Foreign Secretary assured the House there did exist in England men "who harboured designs to convulse the peace of Europe."¹⁸ Should Parliament fail in its duty to pass the Alien Bill these Englishmen would be joined by the "worst and most dangerous characters in Europe."¹⁹ In as much as the consequences of such a coalescence of disaffected

¹⁵John W. Derry, Castlereagh (New York 1976), 193. W. Alison Phillips, "Great Britain and the Continental alliance, 1816-1822," Cambridge history of British foreign policy, 1783-1919 (New York 1923), II, 26. Christopher Bartlett argues that among the Tory leadership only Wellington really approved of the Continental politics of Castlereagh. See: Bartlett, Castlereagh, 159.

¹⁶Parl. debates, XXXIV (1816), 453.

¹⁷Ibid., 455.

¹⁸Ibid., 463.

¹⁹Ibid., 458.

persons posed a threat to the peace settlement, Castlereagh held that the Continental guarantors of that settlement rightfully claimed an interest in hindering the unexamined movements of suspected revolutionaries. While he insisted "the object of the bill was to defend the essential interests of the British Empire,"²⁰ he introduced for the first time in the history of the debates on the Alien Acts the position of the Continental powers with regard to England's aliens legislation. Reflecting his international approach to the problems at hand, Castlereagh asked that his colleagues recognize the concerns of "the powers of Europe" who had

expressed their sentiments very unequivocally, with respect to the promiscuous and undistinguishing admission of French subjects into other countries they strongly recommended to the states bordering on France, not to make their respective countries an asylum for persons who were compelled to quit France.²¹

The approach of Castlereagh to the regulation of aliens was not completely novel; for like his predecessors he regarded the Alien Act as a temporary measure. He assured the House of Commons, as Pitt and Addington had assured before him, he upheld the principle that British laws should "treat foreigners with liberality"; but he was persuaded such liberal principles should be modified "in extraordinary times" such as those facing the European

²⁰Parl. debates, XXXIV (1816), 454.

²¹Ibid., 456-457.

states at present.²² Indeed, he considered it "fortunate that the British constitution ... when called upon by necessity, possessed as much power as a despotic government to adopt for a time provisions of security" ²³ Until the international situation stabilized sufficiently to warrant the unexamined entrance of aliens into England, Castlereagh urged Parliament to maintain an Alien Act.²⁴

While the Foreign Secretary could assert Parliament's duty to prevent conspiracies against the governments of Europe, support for the Alien Bill of 1816 came largely from political conservatives like Charles Yorke who argued "it was not the policy of this country to keep within itself a troop of aliens, always prepared to destroy it."²⁵ The consensus of the pro-government speakers decidedly reflected the opinion there existed a potential for revolutionary activity in England which might surface through the instigation and assistance of foreign revolutionaries. For Charles Bragge Bathurst, the turbulent years of the Perceval Cabinet gave evidence "much inflammable matter was to be found that might, without difficulty, be fired by the

²²Parl. debates, XXXIV (1816), 452.

²³Ibid., 457-458.

²⁴Castlereagh was concerned that the Vienna settlement be given time enough to effect a strong political order in the reconstructed nations capable of withstanding conflicting social forces and thereby insuring the general peace.

²⁵Parl. debates, XXXIV (1816), 626.

aid of suspicious foreigners."²⁶ The opposition might argue against the principle of regulating aliens, but those who stood with the government would base their decision, as William Garrow urged, on the experiences of the last twenty-five years.²⁷ These experiences revealed a growing "spirit of animosity" on the Continent toward the British system of government; a spirit not quelled by the conclusion of the war. Until that spirit was eradicated the supporters of the Alien Bill would regard the measure as a necessary means of preserving the British constitution itself.²⁸

This perception of an international revolutionary spirit especially hostile toward Great Britain and its supposed role in British domestic affairs helped shape the response of the Tory government to the political agitation which stemmed from the economic recession of 1816. To the conservative mind the political make-up of Britain had shown its worth as a sustaining force during the war years. Any subsequent attempt to alter that make-up constituted a threat to the foundation of Britain's political pre-eminence.²⁹ In this light, the Radical Reformers of the

²⁶Parl. debates, XXXIII (1816), 1231.

²⁷Ibid., XXXIV (1816), 467.

²⁸Ibid., XXXIII (1816), 1231-1232. Ibid., XXXIV (1816), 445.

²⁹Turberville, House of Lords in the age of reform, 20.

post-war period became revolutionaries and their demands for Parliamentary reform merely disguised public provocations of sedition.³⁰ Moreover, British conservatives failed to identify the political unrest which took place between 1817 and 1820 as essentially English in character. In varying degrees, they viewed the political strife of this period as a continuation of the French-European revolutionary tradition. Jacobinism -- that old nemesis of British political and social stability -- seemed ever present. What made the situation all the more alarming was the apparent working-class nature of this Jacobinism. "The spirit of Jacobinism which influenced men in my sphere of life four and twenty years ago," warned poet laureate Robert Southey, "has disappeared from that class and sunk into the rabble" ³¹ Sensitive that several economic

³⁰J.E. Cookson, Lord Liverpool's administration; the crucial years, 1815-1822 (Hamden, Conn. 1975), 105. During the last years of the war, the group of reformers in Parliament who emerged in the post-war period as Radicals already were dubbed the "Mountain" by their critics. See: Webster, Foreign policy of Castlereagh, 1812-1815, 39.

³¹Robert Southey to Lord Liverpool, 19 March 1817; published in: Charles D. Yonge, The life and administration of Robert Banks, second Earl of Liverpool, K.G., late first Lord of the Treasury (London 1868), II, 298-299. The influence of the French Revolution on the working class movements in early nineteenth-century Britain remains a debatable issue. In part, the standardized rhetoric of political agitation which originated with Paine and filtered back to Britain through the French experience has clouded the issue. For some historians the influence seems pervasive: "... it is no wonder that after a quarter of a century of French revolutionary turmoil British workers should continue to be very strongly influenced by those Gallican events. Principles, issues, examples, vocabulary,

factors (now associated with the Industrial Revolution) were at work in the disturbances, Lord Liverpool nevertheless shared the conviction that the French tradition was responsible for initiating political agitation among "the lower orders of the community" and for turning the governed against the governing.³² Less judicious ministers, such as Home Secretary Lord Sidmouth, saw only the preliminaries of the French Revolution in the demands of the distressed, with the result that government action focused on repression rather than relief.³³ Support for repressive measures also came from conservative Whigs who differed little from the Tories and backbenchers in their appraisal of the domestic scene.³⁴ Thomas Grenville's predilection in evaluating the

songs, heroes, and villains, were all drawn wholesale from that era. British workers flew the tricolour, hung it on walls, placed it in buttonholes, and put it on hats. They called each other 'citizen' and closed their meetings with the 'Marseillaise.'" See: Henry Weisser, British working-class movements and Europe, 1815-48 (Manchester 1975), 4-5. T.M. Parssinen, on the other hand, has pointed to the significance of such English phrases as "non-represented people" in the emerging radical vocabulary, suggesting that such phrases "sharpened the rather hazy distinctions of the 1790s" and consequently "identified the community of interest that existed among otherwise disparate individuals." See: T.M. Parssinen, "Association, convention and anti-parliament in British radical politics, 1771-1848," English Historical Review, LXXXVIII (July 1973), 516.

³² Lord Liverpool to Lord Grenville, 14 Nov. 1819; published in: Yonge, Life and administration of Robert Banks, II, 431.

³³ Feiling, Second Tory party, 291.

³⁴ Schenk, Aftermath of the Napoleonic wars, 54-55. Turberville, House of Lords in the age of reform, 171.

consequences of the Manchester disturbances reflected this misconception:

... if it once be permitted that under the pretence of discussing Parliamentary Reform, large bodies of men ... may march with seditious banners, and with all the emblems and tunes of the French revolution ... there is an end of all existing law and government, and the population of this country must be set loose to frame a new order of society through the same bloody practices which have attended the French Revolution.³⁵

This tendency of drawing an analogy between the English disturbances and the French Revolution underscored the widely accepted interpretation of the origins of that revolution. The Tory ministers and their supporters believed the initial impetus of the French Revolution came from the uncontrolled oratory of a few demagogues working on the prejudices of the politically naive lower classes. Alarming, this same process seemed to be occurring in post-war Britain. Thus, the belief that the English lower classes readily would succumb to the rhetoric of reforming Radicals and popular demagogues loomed large in the Liverpool administration's approach to governing.³⁶ Indeed, a fundamental purpose of the legislation of this period was to prevent such demagogues as Henry Hunt and William Hone from

³⁵ Thomas Grenville to Charles Williams-Wynn, 1 Oct. 1819; quoted in: Cookson, Lord Liverpool's administration, 181. See also: Lord Grenville to Lord Liverpool, 12 Nov. 1819; published in: Yonge, Life and administration of Robert Banks, II, 420-421, which traces a parallel between the French Revolution and recent events in Britain.

³⁶ Cookson, Lord Liverpool's administration, 106-108.

reaching the easily swayed masses.³⁷

The Continuing Acts passed in 1818 and 1820 may be regarded as forming part of that preventive legislation. During the debates on the 1818 measure supporters of the Alien Act made clear its protective nature. The subject was, as Charles Grant stated it, "a painful one," but the House of Commons could not view the events of the last two years without concluding "there existed a mass of revolutionary materials" in England upon which foreign revolutionaries could operate. This situation was disheartening especially when it was realized there were English agitators who would welcome these "incendiaries."³⁸ The implication, noted Serjeant Copley, was that without the Alien Act those Englishmen "possessing the will to disturb the public peace, might, by such a junction as that of a set of disaffected foreigners, be stimulated to acts of outrage and disturbance."³⁹ Surely, the duty of Parliament was to continue the regulation of aliens in order to protect an easily deluded populace from those foreigners "educated in ... all the horrors of the French revolution."⁴⁰

³⁷William R. Brock, Lord Liverpool and liberal Toryism, 1820 to 1827 (2nd ed. London 1967), 115. The "Gagging Acts" of 1817, Seditious Meetings Act of 1819, and Misdemeanours Act of 1819 (the latter two being part of the "Six Acts") were representative of this preventive legislation.

³⁸Parl. debates, XXXVIII (1818), 747-748.

³⁹Ibid., 822.

⁴⁰Ibid., 821.

Domestic agitation persisted during the two years following the passing of the Alien Act of 1818 with the result that the Liverpool government again introduced a two-year Continuing Act. From the government's point of view, the Alien Act of 1820, like the previous Acts, provided the necessary protection against the international conspiracy of those who still avowed the ideas of the French Revolution.⁴¹ In unequivocal terms, Lord Castlereagh criticized opponents who called for an end to the regulation of aliens. What was at stake was the British political system itself, and the government could not help but see in the domestic disturbances "a species of war more dangerous ... than that open and undisguised warfare which might be waged by a declared enemy."⁴² To allow the unexamined entrance of foreigners into England during a period of "internal danger" was unthinkable in 1793 and it was unthinkable at present.⁴³ It was essential that the English political disturbances remain free of Continental Jacobinism, and the peace-time Alien Acts were the means by which the Tory ministers hoped to maintain this objective. The spirit in which the Liverpool Cabinet approached the regulation of aliens was summarized by an anonymous Tory pamphleteer as follows:

⁴¹Parl. debates, nsI (1820), 777-778.

⁴²Ibid., 777.

⁴³Ibid.

His Majesty's ministers... had always anticipated, as one of the most dreaded effects of peace, an unrestrained intercourse between the bad men of France and the comparative innocence of the English and Irish Reformers. ... They could not reconcile it to themselves to superadd the lectures of M. Constant to the orations of Mr. Hunt; nor to surrender the innocence of Mr. Cobbett, the moral and religious purity of Mr. Hobhouse, and the truth, the fixed principles, and generous warmth of Sir Robert Wilson, to any possible association with men like Fouché. Though they knew the distinction between laws and manners, between crimes and vices, between acts and opinions, and were aware that it did not belong to governments to make laws against errors and false teachers, they still felt it a duty to guard against the corruption of youth ... and recommended the Alien Act.⁴⁴

Doubtless the liberal Whigs and Radicals of the period regarded such a Tory apologia as fallacious in reasoning and spurious in principle. It was inconceivable to the liberal members in Parliament that the regulation of aliens should be based on the fear that the lower classes would succumb to the revolutionary rhetoric of foreigners. Neither foreign influence nor the expectation of foreign assistance, noted F.S.N. Douglas, played any role during the worst of the disturbances of 1817. On the contrary, the evidence showed "no suspicions or alarms excited by the emissaries of any government but our own."⁴⁵ That the government could hoodwink Parliament year after year into

⁴⁴The state of the nation, at the commencement of the year 1822; considered under the four departments of the finance, foreign relations, Home department, colonies and Board of Trade, etc. (6th ed. London 1822), 46.

⁴⁵Parl. debates, XXXVIII (1818), 752.

maintaining such arbitrary legislation on the mere hearsay of an international conspiracy seemed incredible to opposition members.⁴⁶ Aware the Alien Act again would pass in 1820, John C. Hobhouse rose in exasperation to rebuke the government's insistence that international conspirators avowing the principles of the French Revolution threatened England:

Good Heavens! is this country, is the English House of Commons, are the people of England always to be governed by their fears? Is every argument to be directed to the basest, the meanest, of all the passions that agitate the human mind? It is time to have done talking of the French revolution, as if that event were to be a sufficing reason for altering the laws and manners and the very nature of all other nations.⁴⁷

Hobhouse protested against what appeared a Tory passion for discovering a Jacobin conspiracy behind every popular disturbance; but his reference to international affairs reflected a larger concern of the opposition. This concern focused on the relationship of Britain's Alien Acts to Continental politics. In fact, the dominant theme of Whig-Radical criticism of the post-war Alien Acts was the

⁴⁶Whig leader Samuel Romilly charged "if any person be desirous of having an adequate idea of the mischievous effects which have been produced in this country by the French Revolution and all its attendant horrors, he should attempt some reforms on humane and liberal principles. He will then find not only what a stupid spirit of conservation, but what a savage spirit, it has infused into the minds of his countrymen." Quoted in: Ernest L. Woodward, The age of reform, 1815-1870 (Oxford 1954 c1938), 19.

⁴⁷Parl. debates, nsII (1820), 406-407.

apparent connection between the prolongation of the regulation of aliens and Tory foreign policy. This theme was evident from the outset of the debates and received early formation in the diary of Samuel Romilly:

Lord Castlereagh has brought into the House of Commons a Bill ... which he is pleased to call a Peace Alien Bill; as if it were now settled that the ancient policy of this country ... had been entirely departed from, and there was always to be a system of restraint maintained with respect to foreigners But the new system which has been established in Europe, the alliance which England has entered into with the most despotic princes ... points out very obviously a use which Ministers may make of the extraordinary powers with which this Bill is to arm them They may be used against those foreigners who shall endeavor to obtain an asylum here from the political persecutions ... in their own country⁴⁸

What Romilly and the other members of the opposition found objectionable was Castlereagh's open acknowledgement during the 1816 debates that "external circumstances" necessitated "keeping surveillance over foreigners" ⁴⁹ The Whigs viewed such statements as an indication the Tory administration sought a too close association with the Continental powers. To Lord Holland and others, this troublesome association was evident in a measure which could be defended only "in alien terms, such as deportation and surveillance, and other words not to be found in any

⁴⁸ Samuel Romilly, Memoirs of the life of sir Samuel Romilly, written by himself; with a selection from his correspondence (2nd ed. London 1840), III, 239-240.

⁴⁹ Parl. debates, XXXIV (1816), 904.

English dictionary."⁵⁰ Clearly, reasoned Alexander Baring, the pronouncement of the Foreign Secretary was an open invitation to the European despots to meddle in the domestic affairs of Great Britain.⁵¹

But the apprehension over the close association of the Tory and Continental governments manifested a two-fold Whig concern: if the Whigs held reservations about the possible influence of the Continental powers on English legislation, they were equally concerned with the role of the British government in the domestic affairs of the European nations. The final peace treaty itself had not passed Parliament (in February 1816) without a storm of Whig criticism regarding the potential danger the Quadrangle Alliance posed to the domestic freedoms of Europe.⁵² Within months of accepting that treaty, Parliament was asked to pass restrictive legislation openly endorsed by the Continental powers. Opposition members sensed ministerial duplicity and charged

⁵⁰Parl. debates, XXXIV (1816), 1069. See also Lord Milton's speech: Ibid., 906.

⁵¹Ibid., XXXIII (1816), 1232. Opponents of the measure even resurrected the image of Pitt to argue that the former Prime Minister would not have introduced the opinions and preferences of European governments, as Castlereagh had, into a debate on what always had been regarded as an internal affair. In fact, Pitt frequently received favorable comments from the opposition during the peace-time debates. Though never approving of the original Alien Act, opponents of the Liverpool Cabinet often juxtaposed Pitt's "British" approach with Castlereagh's "Continental" approach to the regulation of aliens. See for example the speeches of Romilly and Francis Horner: Ibid., XXXIV (1816), 450, 460.

⁵²Bartlett, Castlereagh, 159.

the Liverpool administration with proposing legislation designed to further "that alliance which existed for establishing and forming governments contrary to the will of the people" ⁵³ They urged their colleagues to reject the notion that Vienna diplomacy and British legislation went hand-in-hand. It was bad enough, admonished Lord Folkestone, that the executive government had "re-established the pope, and the inquisition, and the house of Bourbon," but it was "quite novel for the British parliament to legislate for the support of the government of France." ⁵⁴

Opposition criticism of Tory foreign policy remained intense in the following years. Despite signs of a widening split in their attitudes toward the domestic disturbances, liberal Whigs and Radicals remained united in their attack on what they regarded as intervention politics. In particular, liberal criticism focused on the apparent attempt of the Liverpool government to preserve the restoration government in France. Although their infatuation with Bonaparte long had disappeared, Whigs and Radicals remained opposed to the restoration of the Bourbons without respect to the will of the French people. In this respect, they viewed the Alien Acts as part of Castlereagh's plan to insure the Bourbon throne in France against popular

⁵³ Parl. debates, XXXIV (1816), 168.

⁵⁴ Ibid., 966-967.

disfavor.⁵⁵

The opposition view was not entirely inaccurate; for a restored France remained the greatest source of anxiety to Castlereagh in his peace efforts. On the one hand, few observers felt the Bourbons could remain in control without the presence of allied troops. On the other hand, the British Cabinet, with the exception of Castlereagh, had taken a firm stand on the side of an early withdrawal of those troops.⁵⁶ The question of whether or not to terminate the occupation was to be settled at the Aix-la-Chapelle Conference in the autumn of 1818, and Castlereagh took time during the summer debates on the Alien Act to explain his reservations. Whenever the decision was made to withdraw from France, the Foreign Secretary feared the worst from conspirators hostile to the Bourbon rule, and he urged Parliament to retain an Alien Act "until we saw the result of the withdrawing the army of occupation from France"⁵⁷ The request was not lightly made; but the role of the Alien Act in preventing the revolutionary spirit from gaining ground against France and the other restoration governments could not be exaggerated.

⁵⁵Stuart J. Reid, Life and letters of the first Earl of Durham, 1792-1840 (London 1906), I, 110.

⁵⁶William Hamilton to Earl Bathurst, 24 Aug. 1815; Manuscripts of Earl Bathurst, 374. Phillips, "Great Britain and the Continental alliance," 19-21.

⁵⁷Parl. debates, XXXVIII (1818), 525-526.

The wild and ardent spirits bred in the French Revolution, who looked forward to fresh revolutions, and who were scattered all over Europe, would have gladly availed themselves of the facilities which this country would have afforded them ... if they had not been prevented by an alien law.⁵⁸

If the members of Parliament agreed that the peace of Great Britain "depended on the peace and tranquility of Europe," then an Alien Act was necessary to restrain those desiring to disrupt the European governments.⁵⁹

Such arguments were antithetical to the liberal sentiments of the opposition. In typical Whig fashion, John George Lambton argued that if a majority of Frenchmen supported the Bourbons it would be impossible for a small number of banished exiles to bring about the downfall of the government.⁶⁰ Lord Holland, in the House of Lords, took this line of reasoning a step further. Castlereagh's conviction that it was necessary to exclude from England aliens hostile to the French government was itself an indictment of the weak and capricious manner in which the system of Europe had been constructed at the peace.

It was a rare acknowledgment, that the fabric he [Castlereagh] had, by unheard of sacrifices, raised, was after all found to be of so frail and tottering a nature, that if a few wretched homeless individuals should be allowed to breathe the air of England ... it would infallibly be overthrown. Yet this was the

⁵⁸Parl. debates, XXXVIII (1818), 525.

⁵⁹Ibid.

⁶⁰Ibid., 740.

ground on which a new alien bill was proposed.⁶¹

What Holland criticized was the evident failure of Tory foreign policy. A (Tory) war had been waged and a peace obtained "at the expense of so much blood and treasure," yet Europe was more volatile now than ever. That the "statesman who had taken so much merit to himself for the adjustment of the present system in Europe" remained in charge of that foreign policy was all the more disturbing.⁶² The "intimate communion" of the Foreign Secretary with the European heads of state during the war years, warned F.S.N. Douglas, had made him "too much an ambassador to be the representative of a free constitution."⁶³ The Alien Act, concluded Douglas, clearly showed Lord Castlereagh's intention was to "drag this country, almost against the arrangement of Providence itself, into the vortex of continental politics" ⁶⁴

Behind this criticism lay an historic principle of Whiggism: the principle that Britain should abstain from interfering in the internal affairs of other nations. The same principle which inspired Fox in his opposition to war with the French Republic spirited the Whig criticism of the Vienna settlement and the restoration of the Bourbons

⁶¹Parl. debates, XXXVIII (1818), 653.

⁶²Ibid.

⁶³Ibid., 753.

⁶⁴Ibid.

to the throne of France.⁶⁵ The Whigs of the post-war period interpreted this doctrine to mean that the role of Britain in Europe was to foster the liberal impulses working toward national self-determination by remaining aloof from the system of congresses designed to thwart those impulses.⁶⁶ Opposition members were moved by their belief that the peace-time Alien Acts violated this salient Whig principle, and it was in this sense that James Mackintosh wrote: "the Alien Bill ... I abhor even more than an equally violent measure of domestic policy."⁶⁷ The adamant stance of Castlereagh during the various debates made it clear to the critics of Tory foreign policy that the Alien Acts were "one of those arrangements made at Vienna, or during the proceedings of one of those ambulatory congresses ... designed to promote a uniform system of police throughout Europe."⁶⁸

⁶⁵Brown, French Revolution in English history, 197.

⁶⁶Austin V. Mitchell, The Whigs in opposition, 1815-1830 (Oxford 1967), 17-18.

⁶⁷Mackintosh, Memoirs, II, 357.

⁶⁸Edinburgh Annual Register, XIII (1820), 103. That a conspiracy existed to establish "a uniform system of police" was suggested by a Whig pamphleteer in 1819: "After a long course of secret negotiations -- after the publication of a mysterious holy alliance between the great despotic sovereigns of the continent, with whom our government has been closely connected, a general system of rigour has been adopted in their dominions, and a corresponding one has been brought into play here. An Alien Bill has been passed, the Habeas Corpus Act has been suspended, plots have been denounced, and sweeping Bills of Indemnity have been asked for and granted. These it was declared were necessary in

The succession of George Canning to the leadership of the House of Commons and the Foreign Secretaryship on the death of Lord Castlereagh in the autumn of 1822 held significant consequences for the history of England's Alien Acts. Under the leadership of Lord Liverpool, Castlereagh and Canning had emerged as rivals within the Tory party, and their personal antagonism was founded in their divergent political philosophies.⁶⁹ Much has been written regarding the extent to which the ascendancy of the liberal Tories (Robert Peel, William Huskisson, Frederick Robinson and Canning) in the Liverpool Cabinet (c. 1822-1823) transformed the nature of Tory politics.⁷⁰ Whether the transformation was evolutionary or revolutionary in the larger matters of domestic and foreign policy, the re-emergence of Canning into the foreground of Tory leadership clearly marked a new approach toward the problem of the regulation of aliens.

The last of the Castlereagh-inspired Alien Acts was to expire during the summer of 1824, and a discussion of the

order to check a revolutionary spirit that was gaining ground among the people." See: A letter to the gentlemen of England, upon the present critical conjuncture of affairs (London 1819), 21-22.

⁶⁹ Harold W. Temperley, The foreign policy of Canning, 1822-1827; England, the neo-Holy Alliance, and the new world (London 1925), 43.

⁷⁰ For two opposing views on the nature of the changes in 1822-1823, see: Cookson, Lord Liverpool's administration, 395-396. Mitchell, Whigs in opposition, 171.

legislation occurred during one of those Cabinet meetings established by Canning to review the issues of the coming session of Parliament.⁷¹ The liberal segment of the Liverpool Cabinet led by Canning did not favor the renewal of the Act in its current form.⁷² While no direct evidence is available, several factors present in the politics of 1823-1824 might explain the position of the new Foreign Secretary. For one, the domestic scene of the mid-1820s had improved over earlier years, so much so that Canning could state with confidence he saw no threat to British institutions "from the exertions of any foreigner however disposed such foreigner might be to assail them."⁷³ Secondly, Canning's emerging foreign policy may have influenced his approach to the Alien Act. From an ideological point of

⁷¹Charles Williams-Wynn to the Duke of Buckingham, 21 Feb. 1824; Buckingham, Memoirs of the court of George IV, II, 49. On his return to the Liverpool Cabinet, Canning introduced the policy of having each department submit a list of bills to be sponsored in forthcoming Parliaments. The rationale given by Canning was this: "There is no advantage in avoiding discussion amongst ourselves upon disagreeable subjects, to be taken unprepared when those subjects are forced upon us in Parlt." Quoted in: Cookson, Lord Liverpool's administration, 391.

⁷²Memoirs of the public life and administration of the right honourable the Earl of Liverpool (London 1827), 620. Augustus Granville Stapleton, The political life of the right honourable George Canning, from his acceptance of the seals of the Foreign Department in September, 1822, to the period of his death, in August, 1827; together with a short review of foreign affairs subsequently to that event. (2nd ed. London 1831), II, 181.

⁷³Parl. debates, nsXI (1824), 125.

view, Canning considered the "European police system" as a principal adversary of his foreign policy goals.⁷⁴ At a time when he was seeking to disengage England from formal Continental ties, he may have seen in the end of the Alien Act another means of placing further distance between England and the Continental system.⁷⁵ Thirdly, a new spirit among liberal Tories in approaching the laws of England may have been a factor. Home Secretary Peel, in particular, was sensitive to the harshness of the Alien Act, and regarded its administration as "a duty ... imposed upon him as a minister of the Crown."⁷⁶ As early as 1818, Canning

⁷⁴Harold W. Temperley, "The foreign policy of Canning, 1820-1827," Cambridge history of British foreign policy, 1783-1919 (New York 1923), II, 57.

⁷⁵Canning opposed Castlereagh's championship of the principle of diplomacy by conference, objecting that such an approach would lead Britain to acquiesce in Continental affairs not in the best interest of British policy. Rather, he favored a policy unencumbered by the ties to the European status quo established by the Vienna settlement and perpetuated by the Congress system. He regarded the best interests of Britain to lie with a general policy of non-intervention, tempered with the assurance that excesses on the part of revolutionary or reactionary forces in Europe could lead to independent British action. Thus, within two weeks of assuming the office of Foreign Secretary he began a systematic policy to withdraw Britain from the Congress system and to disavow the actions of the Holy Alliance. See: Ibid., II, 54. Temperley, Foreign policy of Canning, 454.

⁷⁶Parl. debates, nsX (1824), 1332. In 1827, Peel reflected on his reforming nature: "I have the satisfaction of knowing that there is not a single law connected with my name, which has not had for its object some mitigation of the severity of criminal law, some prevention of abuse in the exercise of it, or some security for its impartial administration." Quoted in: Briggs, Making of modern England, 218.

conceded that the Alien Act offered "a slight violence to the old system of our laws."⁷⁷ But if he had reservations concerning the Alien Act, they did not apply to all manner of alien regulation, for Canning thought "there must be a power lodged somewhere in the constitution to deal with aliens ... more summarily than with their own subjects."⁷⁸ His own philosophy was to promote permanent forms of legislation not temporary measures "applicable to a pressing but passing emergency."⁷⁹

If Canning showed little enthusiasm for the renewal of the Alien Act, conservative Cabinet members showed even less for what they regarded as his abandonment of the "old system."⁸⁰ Indeed, it was only "after great discussion," wrote Cabinet member Charles Williams-Wynn, that the ministers agreed to a compromise whereby the Alien Act would be renewed for two years, but would exempt from its regulation all aliens resident in England for more than five years.⁸¹

⁷⁷Parl. debates, XXXVIII (1818), 907-908.

⁷⁸Ibid., nsXI (1824), 121.

⁷⁹George Canning to Lord Liverpool, 14 Oct. 1819; quoted in: Cookson, Lord Liverpool's administration, 182.

⁸⁰Feiling, Second Tory party, 318. Canning's struggle with the ultra-Tories has received extensive treatment; but even as late as 1824, he needed the support of Lord Liverpool in overriding conservative sentiment in the Cabinet. See: Brock, Lord Liverpool, 251-252.

⁸¹Charles Williams-Wynn to the Duke of Buckingham, 21 Feb. 1824; Buckingham, Memoirs of the court of George IV, II, 49.

In return for his leadership in the House of Commons in securing this measure, Canning was assured that this would be the last renewal of the Alien Act.⁸²

Canning frequently repeated his expectation that the Alien Act would be allowed to expire after two years during the second reading of the Bill in April of 1824.⁸³ Nevertheless, he was willing to see the Bill through on its own merit. Unlike his predecessor, he would not suggest the internal peace of England depended on the maintenance of the Alien Act. But the world at that moment was gripped in an international struggle between the "extreme principles" of despotism and democracy. He firmly believed the natural and necessary role of Britain in this struggle was to provide "the asylum for the beaten in that warfare." In order to remain an asylum Britain had to maintain a strict neutrality in dealing with the participants of that struggle. The Alien Act would symbolize this neutral position and give assurance to both factions that those foreigners engaged in the present conflict would leave their political feuding behind them when seeking refuge in England. Thus, "for English purposes and English principles," he urged

⁸²Stapleton, Political life of George Canning, II, 181. Stapleton is the only source for this compromise between Canning and the conservative members of the Cabinet. Stapleton's authority in such matters is based on his position as Canning's private secretary as well as his intimate friendship with the Foreign Secretary. See: Dictionary of national biography, XVIII, 981.

⁸³Parl. debates, nsXI (1824), 120, 125, 132, 133-134.

Parliament to renew the Alien Act.⁸⁴

The war of "extreme principles," in which Canning hoped to keep Britain publicly neutral, referred to the current struggle involving France, Spain and the Spanish colonies of the New World. The French invasion of Spain (April 1823) to rescue Ferdinand and his crown from the Spanish liberals, with its potential impact on the revolt of Spain's American colonies, produced the final rupture between Great Britain and the Continental powers of the Alliance.⁸⁵ Through the summer months Canning had worked to neutralize French involvement in the colonial affairs of Spain with the result that the French government gave him private assurance (in October 1823) France would not provide military assistance to Spain for the subjugation of the rebellious colonies.⁸⁶ But in March of 1824, a conference representing the Holy Alliance, Spain and France convened on the Spanish American problem and included a discussion of the recovery by force of Spanish America.⁸⁷

⁸⁴Parl. debates, nsXI (1824), 125-126.

⁸⁵Temperley, Foreign policy of Canning, 133-135. Canning's efforts to prevent French involvement in the Spanish crisis were hindered by George IV and some of the ultra-Tory Cabinet members who approved of the French invasion. See: Harold W. Temperley, "Canning, Wellington and George the Fourth," English Historical Review, XXXVIII (1923), 224-225.

⁸⁶Charles Petrie, George Canning (2nd ed. London 1946), 190. In July of 1823, France had offered the French Marine to assist in holding the Spanish colonies of Chile, Mexico and Peru. See: Temperley, Foreign policy of Canning, 109.

⁸⁷Temperley, Foreign policy of Canning, 136-137.

These recent developments threatened Canning's diplomatic efforts, and found expression in his major speech on the Alien Bill. He began by reproaching those members of the opposition who suggested the present Alien Bill and the Foreign Enlistment Bill (which forbade the foreign recruitment of mercenaries and the arming of ships in Britain) had been introduced to assist the Continental powers in suppressing liberal movements. Government critics assumed that without these measures "nothing would be heard of in Great Britain, but the fitting out of armaments against what were termed the despots of Europe."⁸⁸ The Foreign Secretary found such reasoning short-sighted, and he reminded the House of Commons there were two forces engaged in the current struggle. While the one side might "carry with it the sympathies of mankind," the other side was far the more powerful. Now, "the Foreign Enlistment bill alone prevented the fitting out of armaments in British ports, and the Alien bill alone kept foreigners under control," but without these measures the government had no means by which to prevent "foreigners, whether beaten or triumphant, coming to Plymouth or Portsmouth, fitting out an armament there, and sailing with it for the conquest of South America" ⁸⁹ With this in mind, he asked Parliament to realize there was "scarcely a power in Europe that was not

⁸⁸Parl. debates, nsXI (1824), 127-128.

⁸⁹Ibid., 128.

collecting from the capitalists of Great Britain, the sinews of war." These "monied men" of England were not governed by their sympathies, but by the prospect of financial return. Without the government's measures, concluded Canning, these circumstances not only would jeopardize Britain's neutral posture, but would jeopardize the very cause for which the opposition opposed the present Bill; for "let Ferdinand once show a little strength, and we would soon see him aided by the capitalists of this country ... making another effort to crush the rising liberties of South America."⁹⁰

Canning's reference to the "rising liberties" of South America met with cheers from the opposition, a gesture indicative of the tone of the debates on the Alien Bill. Some members of the opposition, such as John C. Hobhouse, persisted in criticizing the "Alien Bill as a badge of servility, connecting the British government with the league impiously miscalled the Holy Alliance,"⁹¹ but for the most part Whig criticism lacked the harshness of previous debates and was, at times, even conciliatory. Robert Wilson, for example, praised Canning for rejecting the notion of an inherent Crown prerogative in regulating aliens. In return, he was ready to concede that Parliament had the power to form legislation with regard to the

⁹⁰Parl. debates, nsXI (1824), 129-130.

⁹¹Ibid., nsX (1824), 1356.

residence of aliens should the government deem such legislation necessary.⁹² The Whigs, of course, still opposed the Alien Bill, but their opposition rested on the symbolism of the measure, not on its present administration. George Tierney accepted Canning's assertion the present Bill was in no way connected with the wishes of the Continental powers, but Canning had not been party to the establishment of the Alien Act after the war. The Whig leader remained convinced the origin of the Act lay in "the restless ambition" of the Continental despots who had gained from Canning's predecessor a pledge to obstruct the flow of refugees into England. The present administration might act from the best of motives, but the Continental powers would act upon the original pledge. Consequently, from the same motive forwarded by Canning -- the neutrality of England in the present conflict -- Tierney opposed the renewal of the Alien Act, and he "implored the House to act as the supporters of ministers, and not to pass [the] bill"⁹³

The inclination of the opposition to tone down criticism of the Alien Bill of 1824 reflected a general trend toward moderation in opposition politics which began in the preceding year. In the years following the peace, the Whigs had tried to dislodge the Liverpool administration by unrelenting Parliamentary criticism and appeals to public

⁹²Parl. debates, nsXI (1824), 117.

⁹³Ibid., 140-141.

opinion. Royal displeasure with the handling of the "Queen's affair" in 1820, followed by the death of Castlereagh, had weakened the Cabinet and finally brought the prospects of a Whig government to the surface of English politics. However, Liverpool's success in bringing Canning back into the Cabinet, coupled with the growing moderation of the Tory administration, precluded any hopes of ending Tory rule in the near future. Led by Earl Grey, those Whigs who refused the notion of a compromise with the Tories began a withdrawal from politics reminiscent of Fox's withdrawal in the 1790s. As a consequence of Grey's withdrawal, the structure of Whig party ties weakened, allowing for a less rigid approach (i.e. an approach not dictated solely by party loyalties) to the politics of the mid-1820s. This, in turn, permitted the remaining Whigs (led by Henry Brougham and James Mackintosh), who believed the Liverpool reign could not be overthrown by the tactics of the last seven years, to begin seeking a compromise with Canning and the liberal Tories.⁹⁴

During this same period the divergent principles separating liberal and conservative Tories became apparent in such issues as the government's position with regard to the Holy Alliance, the colonial wars in South America, and Catholic Emancipation. The liberal Tories seemed to be

⁹⁴H.W. Davis, "Brougham, Lord Grey, and Canning, 1815-1830," English Historical Review, XXXVIII (1923), 542-543. Mitchell, Whigs in opposition, 168-171.

drawing closer to acceptable Whig positions on these issues. The moderate Whigs therefore felt it in their best interest to curb Parliamentary criticism of Canning (as they had done during the debates on the Alien Bill) in order to further this Tory rift. Indeed, on several issues the Whigs believed the conservative members of the Cabinet actually had restrained Canning from promoting liberal policies.⁹⁵ The Whiggish Edinburgh Review exemplified this interpretation in an 1825 issue which called for an amelioration of present aliens legislation. "From the generosity of his character, and the manliness of his opinions," the Whigs expected from Canning only what was "just and liberal." They feared, however, that he would be pressed "by that which is pleased to call itself the consistent part of the Cabinet" into renewing the Alien Act. They urged the Foreign Secretary to repudiate the "ultra-Tories" and to ask Parliament for no more than a registration of aliens, or, at most, for making expulsion for certain offenses a means of punishment in the courts.⁹⁶

This Whig concern received a reply on April 20, 1826, when Home Secretary Peel rose in the House of Commons and announced the Liverpool government would not seek to renew the Alien Act. Peel expressed his personal satisfaction in

⁹⁵Mitchell, Whigs in opposition, 183-186.

⁹⁶"Alien law of England," Edinburgh Review, XLII (1825), 100.

being relieved of the authority given him under the Alien Act, adding he had worked diligently to prevent abuses during the four years he administered the measure. In lieu of the Alien Act, the government asked Parliament to pass an Aliens Registration Bill which would permit, as a permanent statute, the registration of aliens resident in Great Britain. In exchange for this legislation, Peel assured the House the government would neither

propose any further measure as affecting aliens, nor ... take any steps whatever for compelling them to leave this country, under any circumstances than those which would be operative upon the natural-born subjects of his majesty.⁹⁷

Peel's announcement met with enthusiastic praise from members of the opposition. Robert Wilson, a Radical, gave testimonial that the coercive powers of the Alien Act had been thwarted during Peel's tenure at the Home Office. He knew from personal experience the Home Secretary had been "most anxious to do justice to the claims of foreigners, and correct most rigidly any tendency to abuse on the part of the subordinate agents"⁹⁸ The decision of the government, declared John C. Hobhouse, would be acclaimed not only by the members of Parliament who opposed the Alien Act on constitutional grounds, but also by the "friends of just and liberal principles" throughout Europe. The end of the Alien Act was a symbolic gesture of great importance,

⁹⁷ Parl. debates, nsXV (1826), 499-500.

⁹⁸ Ibid., 501-502.

for whether in "actual or threatened operation," the measure had been regarded as legislation connecting Britain to the arbitrary system of the Continental powers since its introduction following the war. Thus, the end of the Alien Act

would be hailed all over Europe as the principal step (in conjunction with those other liberal measures which had been lately taken by the Secretary for Foreign Affairs) on the part of Great Britain to return to her ancient and better policy -- that policy which had so long made her ... the protectress of the oppressed, and the great patroness of public liberty all over the world.⁹⁹

The Aliens Registration Act became law on July 1, 1826.¹⁰⁰ As with previous legislation, the Act required each resident alien to declare his name, rank, occupation, place of origin, and place and length of residence in England. Under the new measure, however, registration differed from the Alien Acts in two ways. First, the new Act allowed heads of households to file a single family declaration simply by appending to their declaration the names of spouse and/or children. Second, this Act no longer required

⁹⁹ Parl. debates, nsXV (1826), 501. In spite of such opposition accolades, party sentiments were not dead. Having made the above speech, Hobhouse recorded in his diary (20 April 1826) "some of my friends remonstrated with me afterwards; so I resolved to take an opportunity of explaining why I felt grateful to Ministers when they did right. It is only because I feel their omnipotence, and how completely Parliament would stand by them even if they did wrong." John Cam Hobhouse, Baron Broughton, Recollections of a long life by Lord Broughton (John Cam Hobhouse); with additional extracts from his private diaries (London 1910), III, 131.

¹⁰⁰ 7 Geo. IV c. 54 (1826).

aliens to make their declarations in the presence of local magistrates. Instead, an alien merely posted his declaration directly to the Aliens Office in Westminster (art. I). This procedure was to be repeated twice a year, during the first week of January and July (art. VII).¹⁰¹

With regard to incoming aliens, the Act required each alien to declare his name, rank, occupation, place of origin, vessel of transport, and destination, to the port of arrival customs officer. Any passports in the alien's possession were to be turned over at this time (art. III) for forwarding to the Aliens Office (art. V). In return, the alien was issued a copy of his declaration (art. IV). Under the Alien Acts this copy was presented to a local magistrate when the alien reached his destination, but under the new legislation the alien merely posted his copy to the Aliens Office within a week of reaching his destination (art. VI). When an alien was ready to leave England, he could write the Aliens Office requesting the return of his passports. Upon receiving this letter, the Office mailed the passports to the Customs Office at the port of embarkation (art. XI).

Penalties for violating any of the provisions of the Aliens Registration Act were kept to a minimum. Failure to

¹⁰¹As with previous legislation, certain classes of aliens were excluded from the Act's provisions. Foreign ambassadors and their staffs, foreign mariners, children under the age of fourteen, and all aliens resident in England for seven years were exempted (art. II & XVI).

make a declaration or give false information in a declaration would result in either a fine of no more than fifty pounds or imprisonment not to exceed six months upon "Conviction thereof before Two Justices of the Peace" (art. IX). Failure to deliver up a passport would result in a fine of only five pounds (art. III). For the first time in the regulation of aliens, penalties were established for attempts to extort from aliens fees for registration (art. XIII). The most important difference between the Aliens Registration Act and the expired Alien Act, however, was that the new legislation conferred no power to exclude or expel aliens from Great Britain.

CONCLUSION

From 1793 to 1826, the most salient and defining characteristic of the Alien Acts had been Parliament's sanction of the authority of the Crown to exclude and expel aliens from the country. By removing this legislative sanction, the Aliens Registration Act of 1826 brought to a close the initial period of modern aliens legislation in Great Britain. Clearly, the advent and course of the French Revolution shaped the aliens legislation of this period. The Alien Act had its origin in the Jacobin scare of 1792, when many Englishmen feared rising agitation for reform was tainted with French revolutionary tenets. At a time when the British government suspected its own subjects of treasonous activities, it is understandable that foreigners should generate the same apprehension. But it is equally clear that those who supported the original Alien Act regarded it as an extraordinary, and hence temporary, measure designed to meet a specific emergency. They did not envision the Alien Act as a permanent addition to English law.

The government's chief legal advisor established this legislative tone prior to passage of the original Alien Act. Late in November of 1792, the Cabinet queried Serjeant Hill

on the Crown's prerogative to exclude or expel aliens. Concerning aliens whose sovereign was at peace with Great Britain, Hill gave his opinion that

the King has not a general power of forbidding any aliens coming into his dominions, or of requiring them to depart from the same; for the prerogative is part of the common law, and therefore, depends, as all other parts of the common law do, on usage; and such a general power doth not appear to be warranted by usage, and therefore I think it doth not exist generally in the Crown¹

Upon a declaration of war, the Crown did possess an inherent right to exclude or expel aliens in so far as those aliens were subjects of nations at war with Britain, but as to aliens "in amity," he insisted "the King hath no power over any, if they do not offend his laws" ² Hill also cited the Habeas Corpus Act as a restriction on the prerogative of the Crown in time of peace, arguing that because the provisions of the Act "extended to all persons and prisoners, without once mentioning the subjects of the realm," they were "intended to extend to Aliens." "For these reasons," he concluded, "no effectual means can be taken otherwise than by an act of Parliament, to enforce the departure of foreigners, who are subjects of states in amity" ³

¹Serjeant Hill to the Solicitor to the Treasury, 27 Nov. 1792; published in: British digest of international law (London 1965), Pt. VI, 84.

²Ibid.

³Ibid., 85.

Thus, Pitt's government realized the power needed to expel or exclude aliens was extraordinary and in need of Parliamentary approval. Evidence suggests, moreover, several government supporters and critics believed the primary purpose of the Alien Act was "to suspend the Habeas Corpus Act with respect to foreigners."⁴ Thomas Erskine May, a leading nineteenth-century historian of the British constitution, concurred with this interpretation. Constitutionally, only an "extraordinary exigency" justified a suspension of Habeas Corpus, and since the provisions of arrest and detention provided in the measure were "equivalent to a suspension of the Habeas Corpus Act," passage of the Alien Act "demanded proofs of public danger no less conclusive."⁵ In this respect, the government's frequent reference to the public danger of allowing the unexamined residence of aliens in England during the original debates was indicative of the prevalent opinion that the Alien Act was to be a temporary measure.

The war, of course, gave life to the principle of the Crown's prerogative to exclude and expel aliens regardless of Parliamentary sanction, and little was heard during the war years of the constitutionality of the Alien Acts. By

⁴Lord Spencer to Lord Auckland; 18 Dec. 1792; Auckland, Journal and correspondence, II, 475. See also: Lord Sheffield to Lord Auckland, 3 Jan. 1793; Ibid., II, 482. Lauderdale, Letters to the peers of Scotland, 95. Parl. debates, XXX (1792-1794), 159, 194.

⁵May, Constitutional history of England, III, 51.

the turn of the century, some government supporters outside Parliament encouraged acceptance of the Alien Act as a permanent measure, but such demands may be attributed to a growing xenophobia among Englishmen tired of war.⁶

With the conclusion of the war, however, the issue of the extraordinary powers granted to the Crown and ministers entered the debates on the Alien Acts. Especially in the House of Lords, some supporters of the 1816 measure held that the power to exclude or expel aliens in time of peace lay within the royal prerogative regardless of legislation in Parliament. The Alien Act merely formed the most effective means of implementing the consequences of this royal right.⁷ The opposition, of course, challenged this claim, recalling the pronouncements of Pitt and Burke as to the extraordinary nature of these powers.⁸ Of more importance, members of the Liverpool administration were themselves not in agreement as to the Crown's prerogative. The government's

⁶That an anti-alien sentiment was prevalent among some classes of Englishmen has been documented in this thesis. Recently, Malcolm Thomis has written of the "strong element of xenophobia" in the 'Church and King' supporters of the 1790s. See: Malcolm I. Thomis and Peter Holt, Threats of revolution in Britain, 1789-1848 (Hamden, Conn. 1977), 23.

⁷See especially the speeches of Lords Sidmouth and Ellenborough in the Lords, and J.H. Addington in the Commons: Parl. debates, XXXIV (1816), 432-433, 1058, 1069. An excellent summary of the debates on the issue of the prerogative of the Crown with regard to aliens appears in: British digest of international law, Pt. VI, 87-89.

⁸Parl. debates, XXXIII (1816), 1230-1231. Ibid., XXXIV (1816), 479, 1059-1060, 1070.

Solicitor-General, for instance, considered the powers granted by this legislation as exclusively derived from Parliament and believed the Alien Act was proposed "to grant the king a power which by the common law was not within the royal prerogative."⁹ The fact that Parliament limited the peace-time Alien Acts to two years suggests concern over the powers granted to the Crown, and, indeed, Castlereagh and other members of the government emphasized the critical events of the period when arguing for the passage of the Acts.

As the turbulent years following the peace gave way to a less disruptive era, the issue of the authority of the Crown supplanted concern over the protective nature of the legislation. The Times, long a supporter of the Alien Acts, reflected this change. Unwilling to support the measure of 1822, the newspaper editorialized:

The power granted under this bill to the Crown of England, is odious, dangerous, and unjust. No addition can be made to the Royal prerogative, as against any man living under the protection of our laws, that must not be of a nature to excite considerable obloquy. Every thing given to prerogative must be taken from the laws; every new domination acquired by the King's Ministers, is an encroachment upon the King's Courts.¹⁰

Such sentiments also found expression in Parliament where

⁹British digest of international law, Pt. VI, 88. This position was upheld throughout the remainder of the nineteenth century. See: Ibid., Pt. VI, 90-91. Haycraft, "Alien legislation," 181.

¹⁰Times, 17 June 1822, 5.

long-time supporters of the government refused to vote for the continuation of the Alien Act.¹¹ Canning's insistence that the Alien Act "could not be permanent, and must pass away" reaffirmed the principle that the power of the Crown to exclude or expel aliens had been derived from Parliament. By "allow[ing] this bill to sink into oblivion," Canning put to an end legislation originally intended as a temporary measure.¹²

In lieu of an Alien Act, the Liverpool Cabinet enacted the Aliens Registration Act. Promoted by Canning and Peel as a permanent measure, the Act of 1826 introduced a second phase of aliens regulation in Great Britain. For ten years this measure remained the standard piece of legislation governing resident aliens. In 1836, this Tory legislation was replaced by a second registration act (7 Will. IV c. 11) designed "to abolish the present Alien-office altogether," and to return enforcement of the Act directly to the Home Office.¹³ That aliens should be registered was not

¹¹See the speeches of Earl Grosvenor and the Earl of Darnley in: Parl. debates, nsXI (1824), 633, 634. The continuation of the Alien Act also caused concern among the Grenvillites of the Liverpool Cabinet. In spite of being raised to the post of President of the Board of Control, Charles Williams-Wynn wrote: "I have stated to Lord Londonderry and Peel, the impossibility of my supporting the Alien Bill, or interfering to persuade my friends to do it" See: Charles Williams-Wynn to the Duke of Buckingham, 15 May 1822; Buckingham, Memoirs of the court of George IV, I, 327.

¹²Parl. debates, nsX (1824), 1381.

¹³Ibid., 3sXXXI (1836), 210.

questioned by the Whig government, Lord John Russell remarking when the government was "constantly taking the census of the British population, he did not think that aliens should be especially free from all regulation by which their numbers could be ascertained."¹⁴ This Aliens Registration Act of 1836 remained the principal legislation governing aliens until 1905.¹⁵

By the 1830s, then, the regulation of aliens was accepted as a permanent feature of British governance. To some degree, this acceptance of the role of the government in the regulation of aliens can be traced in the history of the Alien Acts. In the years following the enactment of the original Alien Act attempts to administer this legislation more effectively stimulated the development of the regulatory functions of government. To be sure, bureaucratic development evolved gradually, and the appointment of William Huskisson as the first superintendent of aliens appears more an afterthought than insightful planning on the part of the government. Indeed, nearly two years passed before a decision was made that the "management" of aliens ought to be "reduced to something like a regular system."¹⁶ During the mid-1790s a more systematic approach

¹⁴Parl. debates, 3sXXXI (1836), 213.

¹⁵Sibley, Aliens Act and the right of asylum, 37.

¹⁶William Wickham to Thomas Brodrick, 5 Sept. 1794; quoted in: Nelson, Home Office, 130.

to the regulation of aliens occurred under the direction of the Duke of Portland. The appointment of special aliens clerks and port officers and the restriction of ports of arrival were early signs of bureaucratic growth. The activities of the Home Secretary culminated in 1798 with the establishment of a separate Aliens Office and a separately administered budget. Subsequent legislation also expanded the role of the government in the regulation of aliens. The Alien Act of 1798 added control of the emigration of aliens to the duties of the Aliens Office. By the Alien Act of 1803, supervision of Englishmen housing aliens became part of aliens affairs. Not only was the expanding role of the government essential in effectively administering aliens legislation, it received wide support from the public. National sentiment during the war years encouraged government regulation of the alien population and applauded the "vigilance and activity" of the "ALIEN DEPARTMENT: than which none other is more important in preserving the internal tranquility of the country."¹⁷

With the prolongation of the war the Aliens Office

¹⁷Times, 9 Aug. 1798, 2. Some fifteen years later the Times still called for increased government action with regard to foreigners. "It is particularly recommended to Government to pay attention to the great number of foreigners now in this country. Much has already been done by preventing the ingress of fresh aliens; but more still remains. All aliens now resident in the country should be compelled to give the most satisfactory accounts of the objects of their visit, and the time when those objects may be accomplished." Times, 29 Jan. 1813, 3.

assumed a larger role than the regulation of resident aliens. On several occasions the Cabinet used the Office surreptitiously for diplomatic purposes, as when Lord Pelham ordered an agent of the Aliens Office to seize the papers of a recently deceased emigrant whose correspondence was deemed "injurious to the interests and comfort of many Princes and States."¹⁸ In spite of its domestic orientation, the Office also received foreign intelligence.¹⁹ Indeed, what impressed William Wickham most about the Aliens Office was its covert nature in intelligence gathering.²⁰ Thus, the functions of the Aliens Office gradually expanded in the years after 1798.

At the same time, the government faced new areas of policy making with respect to the resident foreign community. A variety of circumstances required continued government

¹⁸ Lord Pelham to George III, 27 Nov. 1802; George III, Later correspondence, IV, 63. In 1807, Canning used agents of the Aliens Office to prevent the recently arrived Louis XVIII from journeying to London and thereby saving George III "the embarrassment which would arise from the Ct. de Lisle's nearer residence to London." See: George Canning to George III, 24 Oct. 1807; 25 Oct. 1807; Ibid., IV, 639-640; IV, 640-641. In 1809, Aaron Burr was expelled from England under the Alien Act after presenting his plan for the independence of Mexico to the British Cabinet. His presence was deemed an "embarrassment" to the government. See: Aaron Burr to John Reeves, 5 April 1809; Aaron Burr to Lord Liverpool, 20 April 1809; Aaron Burr, The private journal of Aaron Burr, during his residence of four years in Europe; with selections from his correspondence (New York 1838), I, 193-194; I, 203-204.

¹⁹ Earl Spencer to Lord Grenville, 28 Nov. 1806; Fortescue manuscripts, VIII, 447.

²⁰ William Wickham to the Duke of Portland, 3 Jan. 1801; published in: Nelson, Home Office, 130.

involvement with the affairs of aliens throughout the period of the Alien Acts. The decision, for instance, to subsidize large portions of the emigrant population in the 1790s led ultimately to the establishment of a "para-governmental" agency by 1807.²¹ The relocation of émigrés antithetical to the peace of 1802 and other government programs designed to reduce the emigrant population kept the affairs of aliens in the front of British policy. Even after the peace, the government was called on to expand its control over aliens. In 1818, Lord Lauderdale discovered a method of evading the Alien Act. By an act passed by the Scottish Parliament in 1695, any foreigner purchasing shares in the Bank of Scotland became a naturalized citizen, and consequently, by the Act of Union, became a naturalized English subject. Using this measure, Lauderdale assisted several aliens, including the Bonapartist General Flahault, in circumventing the Alien Act. Called on to remedy this violation, the government introduced a bill to prevent the purchase of stock in various banks from naturalizing the purchaser.²²

From an international point of view, it should be noted that the growth of the regulation of aliens in Britain was not an isolated occurrence. Restrictions on aliens

²¹Weiner, French exiles, 152.

²²Henry Richard Vassall, Baron Holland, Further memoirs of the Whig party, 1807-1821, with some miscellaneous reminiscences (New York), 262. Romilly, Memoirs, III, 351-355.

were widespread throughout Europe by the 1790s,²³ and seem to have been "one of the monster births of the French revolution."²⁴ With the close of the war and the Vienna settlement, the migration of aliens remained a topic of international concern. Travel restrictions remained a part of post-war Europe, and by 1820, Charles Abbot could complain that it was almost impossible to travel on the Continent without passports.²⁵ That the Aliens Registration Acts of 1826 and 1836 provided fines for not declaring passports reflected the widespread restrictions on the movements of aliens. Thus, by the 1820s, not only Great Britain, but much of the Continent, had accepted the regulation of aliens as a matter of government responsibility.

²³F. Daniel to James B. Burges, n.d. 1794; James Bland Burges, Selections from the letters and correspondence of sir James Bland Burges, bart., sometime Under-Secretary of State for Foreign Affairs (London 1855), 252. Marsh, History of the politicks of Great Britain and France, I, 173. The American Alien Act of 1798 was prompted in part by the Irish rebellion of the same year. Fearing that the British defeat of the Irish rebels would lead to vast numbers of Irish exiles coming to the U.S., American Ambassador to England Rufus King urged the U.S. President to acquire "the power to exclude from our country all such foreigners whose residence among us would be dangerous." See: Rufus King to Sec. of State Pickering, 14 June 1798; 28 July 1798; published in: Madison Grant and Charles S. Davison, eds., The founders of the Republic on immigration, naturalization and aliens (New York 1928), 73; 75. See also: Duke of Portland to George III, 3 Nov. 1798; George III, Later correspondence, III, 153, 153 footnote.

²⁴"Alien law of England," 100.

²⁵Charles Abbot, Lord Colchester, The diary and correspondence of Charles Abbot, Lord Colchester, Speaker of the House of Commons, 1802-1817 (London 1861), III, 122-123.

The impact of the Alien Acts on England's foreign population is not easily assessed, but evidence suggests that the 1790s were a particularly difficult period for resident aliens. Home Office statistics show that during the 1790s an average of 54 aliens per year were sent out of the country under the Alien Acts.²⁶ This figure contrasts sharply with the average 17 expulsions per year during the remainder of the war, and is indicative of the government's concern over the divisive influence of aliens. These statistics, however, reflect only the actual number of expulsions. They give no indication of the number of aliens refused entry into England or the numbers of those who left the country without a formal warrant.

Whether the assertion of the Times that "hundreds" left England as a result of the passage of the original Alien Act is accurate,²⁷ it is clear the government pursued an active policy with respect to aliens. Early government efforts included the use of police officers to examine foreigners traveling the roads to London and Treasury agents to investigate suspected "Sans Culottes."²⁸ The Home Office also directed local officials to keep close watch over aliens. That aliens may have been treated with some

²⁶House of Commons, Sessional papers, XIII (1816), no. 281.

²⁷Times, 2 Jan. 1793, 2; 19 Jan. 1793, 3.

²⁸Nelson, Home Office, 124. Werkmeister, Newspaper history of England, 179.

heavy-handedness is implied in the instructions of Evan Nepean to a local Essex Justice of the Peace:

... in times like the present, when dangerous incendiaries are daily resorting to this country, avowedly with mischievous intentions, it is not necessary to be very nice. If therefore in giving your assistance in this business any prosecution should be commenced against you for anything of that sort, I am authorized to assure you of the fullest support from Government on any occasion.²⁹

The development of an Aliens Office during the mid-1790s enhanced the ability of the government to regulate the foreign community, and by 1798, "this important branch of the Police" was regarded as a model of law enforcement.³⁰

Resident aliens not only had to contend with unfamiliar government regulation, but at times with a hostile English community. Although a majority of Englishmen proved themselves sympathetic hosts, frequent harrassment by newspapers and local officials and random violence probably loomed large in the minds of resident aliens. Moreover, the Association movement, an important force in many cities during the 1790s, exhibited a decidedly hostile spirit toward foreigners.³¹ The Association against Republicans and Levellers in St. Anne parish, for example, periodically visited public houses, recording "the

²⁹ Evan Nepean to Philip Salter, 1 Dec. 1792; quoted in: Nelson, Home Office, 124.

³⁰ Times, 9 Aug. 1798, 2.

³¹ Thomis, Threats of revolution in Britain, 23, 130.

complexion, age, employment, etc." of foreigners and strangers.³² In Nottingham, where members of the local Association secretly paid laborers from the canal gangs to "man-handle" suspected French sympathizers, it is doubtful foreigners escaped their violence.³³ By 1795, government officials feared high unemployment and anti-alien sentiments would lead to mob violence against the emigrant community.³⁴ The critical years of 1797-1798 increased tensions between Englishmen and resident aliens, and the remainder of the war saw renewed periods of stress.

Tension between Englishmen and aliens decreased rapidly with the return of peace in 1816, and the impact of aliens legislation was much less noticeable. In spite of an occasional display of xenophobia and the rhetoric of Castlereagh and the backbenchers, only 17 aliens were expelled under the peace-time Alien Acts.³⁵ With respect to Castlereagh's zealous insistence on an Alien Act to curb revolutionary activity, his greatest fears appear to have been for the governments of the Continent and not for the government of England.³⁶ As a principal architect of the

³²Werkmeister, Newspaper history of England, 141.

³³Malcolm I. Thomis, Politics and society in Nottingham, 1785-1835 (New York 1969), 176.

³⁴Burges, Letters and correspondence, 285-286.

³⁵House of Commons, Sessional papers, XVI (1824), 495.

³⁶Lord Castlereagh to Lord Clancarty, 28 Sept. 1817; Londonderry, Correspondence, XI, 378-379.

peace, he felt obligated to assist the European governments, an obligation which included the transmission of information acquired through the Aliens Office.³⁷ When supplying such information, however, Castlereagh insisted it be used "for purposes of precaution and surveillance and not of punishment."³⁸ How often this type of cooperation between governments occurred is not known, but with Canning's arrival at the Foreign Office such activities probably ceased. Canning's tenure at the Foreign Office was marked by cordial relations with the foreign community, and his Alien Act of 1824 generated little concern.³⁹

The era of the Alien Acts ended with Canning and the liberal Tory government of 1826. Introduced in the period of profound social disruption which accompanied the French Revolution, and sustained throughout a period of uncertainty in the politics of Great Britain, the Alien Acts were replaced by modern legislation better suited for a liberal age. The original Alien Act represented, above all else, the legislation of war, and its value to the nation

³⁷ Parl. debates, XXXIV (1816), 454.

³⁸ Lord Castlereagh to the Duc de Richelieu, 10 April 1820; Londonderry, Correspondence, XII, 240.

³⁹ Among Canning's correspondence for 1824 is the following: "... would a banished Conventionalist of France taking refuge in Great Britain be received like the proscribed of other nations, and, like them, subject only to the Alien Bill ... ?" See: N.I. Blewitt to George Canning, 6 Dec. 1824; George Canning, Some official correspondence of George Canning (London 1887), I, 229.

was as a measure of defense in time of war. Politically and constitutionally, the suitability of this legislation to England in peacetime was questionable, for the continuation of the Alien Act probably did more to increase the divisive politics of the period than to protect the nation's security. By repealing the Alien Act the Liverpool government put to an end the "last relic of the war."⁴⁰

⁴⁰This description of the Alien Act belongs to the Earl of Carnarvon.

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