

**'Dangerous steps towards the destruction of the liberty of the people'
A Conceptual Approach on Robert Walpole's Excise Scheme, 1732 – 1733**

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Master's Thesis

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ABBREVIATIONS

AJ	Applebee's Journal
C	Craftsman
DC	Daily Courant
FB	Free Briton
FJ	Fog's Journal
GJ	Grubstreet Journal
GM	Gentleman's Magazine
LJ	London Journal
HCPP	The History and Proceedings of the House of Commons (Seventh volume if not otherwise stated)
HoP	The History of Parliament (Members 1715-1754 if not otherwise stated)
ODNB	Oxford Dictionary of National Biography

LIST OF COMMON PSEUDONYMS

Publication title	Pseudonym	Main author	Political affiliation
Craftsman	Caleb D'anvers	Nicholas Amhurst	Tory and opposition Whig
Daily Courant	Meanwell & Carus		Ministerial
Free Briton	Francis Walsingham	William Arnall	Ministerial
Fog's Journal	Mr Fog	Nathaniel Mist	Jacobitism
Gentleman's Magazine	Sylvanus Urban	Edward Cave	Opposition
London Journal	Mr Osborne	James Pitt	Ministerial

The title of the thesis is a quote from Lord Bolingbroke's pamphlet *The freeholder's political catechism*¹.

¹ *The freeholder's political catechism* 1733, 10.

NOTES

Citations are widely used in this study as I have found them useful and valuable for the conceptual analysis. Although emphasizing the centrality of the original spelling and phrases I have found it necessary to slightly revise them. In order to make the text more readable and understandable, I have processed the italics completely out and limited the use of capital letters for practical reasons. For the same reasons I have used the names of the pamphlets in the footnotes as most of the authors of the pamphlets are unknown. It would be distracting to use the form 'Unknown-X 1733, X' repeatedly.

The focus of the study is to understand and explicate the rhetoric and concepts used for and against the excise scheme. Due to the specified context I am not analysing the general critique of Walpole and his ministry. The issue of standing army, although being a central and widely debated concept in general, has been entirely excluded from the study. The concept was occasionally used against excises in broadsides and ballads, but it had only marginal relevance regarding the scheme. It was more of general critique repeated in the excise debate as the nature of the debate was part of a wider anti-ministerial narrative. Also the common anti-ministerial discourse on corruption has been left but with little attention. It is briefly concerned when used relevantly in the context of the excise scheme. However fascinating these and many other concepts are, it has been my unfortunate task to exclude them as their relevance to the subject of study are only minor.

In similar manner the issue of the conceptual differences between 'British' and 'English' have been left unheeded. I am aware of the existence of the contradiction on the issue, but to due practical reasons I have been forced to exclude it from the thesis. The relevance of the contradiction to the actual excise controversy was only marginal. Widening the focus of the thesis to cover the lingual constructions of the national identities as such would necessitate too much effort as it has been a subject of extensive studies *per se*.

To structure the findings of each chapter, I have constructed tables containing the key concepts, arguments, and reactions. These tables are summaries aimed to clarify the content of the chapters and should be perceived rather as manuals than as comprehensive reports of the outcomes of the study as such.

1. Introduction

1.1. Britain in the Early Eighteenth Century

*'Excise is the Scar
Of our late Civil War²,
That cut of the Church's Defender;
To James it gave Hope,
To set up the Pope,
And at last may bring in the Pretender.'*³

Britain in the early 1730's was a newborn state formed through the parliamentary union of England and Scotland less than 30 years before. In 1640 - 1660 the country which was to become the state of Britain had been shaken by a long and bloody Civil War and in 1688 - 1689 the long lasting monarchical dynasty, the Stuarts, were stripped from power by a revolution. A catholic monarchy in a predominantly protestant nation was replaced with a protestant Dutch ruler, William of Orange. Especially the events of 1688 - 1689, soon named the Glorious Revolution, had an enormous impact on both English and British politics and society throughout the 18th century. The revolution drastically limited the role of the crown and increased the role of the Parliament creating something that later became known as a 'mixed constitution'. This system was based on the idea of merging monarchy (Crown), aristocracy (House of Lords) and democracy (House of Commons).⁴

What could anachronistically be called constitutionalism was seen as the major corner stone of the revolution, something that separated Britons from other nations. The constitution was designed to protect property, liberty, and freedom through the idea of limited and divided power. This was thought to protect Britons from arbitrary rule.⁵ The legacy of the Glorious Revolution can not, however, be seen as something commonly defined and shared. In less than twenty years after the revolution the once revolutionary Whigs were portrayed as traitors of the ideas of the revolution. Accusations of absolutist monarchy turned to accusations of parliamentary tyranny and despotism of Court Whigs.

2 The what particular 'civil war' the poem referred is yet unknown. Most probably it meant either the Glorious Revolution or the first Jacobite uprising in 1715.

3 *Britannia Excisa* 1733.

4 Goldie 2006, 40-76; Multamäki 2002, 51 – 70.

5 Liberman 2006, 317-320.

The new system was portrayed as corrupt and was claimed to be neglecting the common good in favour of private interest and parliamentary factions.⁶ The most notable opposition of the ideas of the Glorious Revolution came from the Jacobites. The Jacobite ideology based on absolutist doctrines of monarchical sovereignty.⁷ Despite this the Jacobites and Stuart sympathizers adopted the language of liberty as their critical spearhead against the ministerial rule, Hanoverian monarchy, 'mercenary armies' and 'Dutch taxes' - more commonly known as excises⁸.

The early Georgian political sphere was characterized by the dominance of the Whig party in 1714 – 1760, with the exceptionally long-lasting career of Robert Walpole as Prime Minister in 1722 - 1742. Walpole's era as Prime Minister was not only long-lasting but also comparatively stable especially in the fields of foreign policy, religion and royal succession. Both the Whigs and Walpole had the support and patronage of both George I and George II. The main reason for this support was due to the mistrust and dislike of the two first Hanoverian Monarchs towards the Tory party. The Tories had been more critical towards the Hanoverian succession in 1714 and like their party leader Lord Bolingbroke, many of them had been Jacobite sympathizers. Lord Bolingbroke was forced to live in exile between 1715 and 1725 and even after his return he was considered as a *persona non grata* in the Parliament. Both Monarchs also had difficulties accepting the foreign policies of the Tories.⁹ The Whigs constantly mocked the Tories by accusing them of Jacobitism and of promoting foreign interests in Britain. With the Crown's patronage and the support of the landed elite the ruling Whigs reduced the land tax, promoted peace and avoided religious controversies, which made the long rule possible.¹⁰

In the 1730's the opposition to Walpole's Whig regime, called the Court party by the opposition, was known as the Country party. The Country party, formed in 1725, consisted of Tories, led by Lord Bolingbroke, and William Pulteney's Opposition or Patriot Whigs.¹¹ The Country party associated itself with a patriotic ideology and aimed at defending the heritage and liberties of the Glorious Revolution, Magna Carta and the Petition of Right, against the 'parliamentary tyranny' and 'Robinocracy' of Walpole's Whigs. According to the

6 Goldie 2006, 64-65, 69; Liberman 2006, 320, 326-328.

7 Goldie 2006, 45-47, 67.

8 Goldie 2006, 46-47, 67.

9 Cruickshanks 1984, 28-29; Dickinson 1984, 53-54; Black 1984, 1, 6-9.

10 Dickinson 1984, 54; Goldsmith 1974, 479; Goldie 2006, 72; Cruickshanks 1984, 28 – 29; O'Gorman 2006, 75 – 77.

11 Wilson 1998, 85, 123; Black 1984, 6-8; Goldie 2006, 70-73; O'Gorman 2006, 142 – 143.

opposition the ministerial Whigs had turned their backs to the constitution because of corruption. These 'patriots' thought only corruption kept, quoting Kathleen Wilson, the 'true patriots out of power and the people from exercising their constitutional rights'.¹² For many Walpole was 'the incarnation of parliamentary tyranny' and many of his major reforms, such as the Septennial act, standing army and excise scheme, were highly unpopular not only in the Parliament but especially outside the House¹³.

One of Walpole's most significant attempted reforms was the so called excise scheme in 1732 - 1733. After the Glorious Revolution the governmental revenues basically consisted of two main categories of taxation: the land tax and the tax upon commodities, i.e. customs and excises. The land tax was established in 1692 and the excises for the first time during the Civil War of the 1640's. The importance of the excises grew significantly after the Glorious Revolution. In the 1690's new excises were introduced, for example, on alcohol, coal, malt, leather, and salt, and in the 1720's Walpole transformed the customs of coffee, tea, chocolate and coconuts into excises.¹⁴

Walpole's reasons to this scheme were threefold. The first one was the growing need for public revenues. Especially the growing military expenditure increased the pressure to raise taxes. Indeed, both the 1640's and the 1690's were characterized by a significant rise on military expenditure and warfare. The excises were a comparatively efficient way of raising funds, due to the nature of the taxation. Excises were collected from traders and merchants through a highly organized and effective network of excisemen. These officers were granted extensive rights to collect the duties. They were at any time allowed to enter and search warehouses, stores and even homes.¹⁵

Secondly, Walpole's vision was to decrease the tax burden upon land. By turning customs to excises and creating new excises Walpole's ministry was able to significantly decrease the land tax.¹⁶ The introduction of many new excises in a rather short period of time and the revival of the salt duty in 1732 raised concerns not only in the parliamentary opposition

12 Goldie 2006, 70-73; Wilson 1998, 123-124.

13 Goldie 70-71; Wilson 1998 123.

14 Black 2008, 193-194; Beckett 2000, 233, 255; Beckett 1985, 297-298; Braddick 2000, 254-255; Wilson 1998, 128 – 129; Hoppit 1990, 308, Clark 2000, 56 – 57; Black 2008, 193; O'Gorman 2006, 39 – 40.

15 Braddick 2000, 213-214; O'Brien 1988, 1-4, 8; Braddick 1991, 601-602; Beckett 1985, 297; Black 2008, 194; Jubb 1984, 123-124, 132-134; Multamäki 2002, 63 – 66; O'Gorman 2006, 39 – 40; Robin and Will 1733; A new song 1733.

16 Jubb 1984, 136-139; Black 1984, 16-17; O'Gorman 2006, 74 – 77, 81; Wilson 1984, 318 – 320.

but also amongst merchants, traders, retailers, and commoners. The general concern was that these measures would eventually lead to a general excise, meaning an excise upon all or at least most commodities, and to a growing army of excise officers permitted to raid homes.¹⁷ Traditionally the excises had been legitimized by taxing luxury and other commodities thought to be of disadvantage to the nation. Instead of relying on the traditional view, Walpole's ministry saw excises as an opportunity to efficiently fund the growing expenditure. For the opposition, which thought new excises would peril the British liberties and properties, this new way of using excises was impossible to accept.¹⁸ Thirdly, the objective of the scheme was to prevent smuggling and tax evasion. In 1724 Walpole had turned the customs of tea, coffee, and chocolate to excises due to their popularity amongst smugglers. In this sense the attempt to lay an excise upon both tobacco and wine was logical as both of them were subject of intensive smuggling.¹⁹

The excise scheme raised an enormous political storm. It was resisted fiercely not only by the opposition Country party, but also by many ministerial Whigs, commercial interest groups and commoners outside the House. Merchants and traders were afraid that the constant presence of excisemen would damage their trade and profits and a well-organized and active commercial lobby was formed to turn down the scheme.²⁰ Especially the wine and tobacco traders of London became highly anti-Walpolean during the crisis and organized large anti-excise campaigns from late 1732 up until the elections in 1734. Although London's role in organizing the popular opposition against the scheme was crucial, numerous other cities and towns also instructed their representatives of Parliament to vote against the new excises. Many of those, who did not vote as instructed, were replaced in 1734. That was the destiny of representatives in, for instance, Newcastle, Coventry, Bristol, Worcester and York.²¹ The scheme also raised popular protests throughout the country. Many cities witnessed large protests and riotous meetings often funded by local merchants. Ballads mocking excises and especially accusing Prime Minister Walpole of tyranny and corruption were sung in these popular meetings.²²

The rhetorics against excises were mostly based on patriotic and libertarian ideology.

17 Black 1984, 11; Black 2008, 194; O'Gorman 2006, 81.

18 Jubb 1984, 136-141.

19 Jubb 1984, 139-141; Black 2008, 71, 193-194.

20 Wilson 1998, 124-125.

21 Wilson 1998, 125-128, 130-131; Horwitz 1987, 189-190; Black 2008, 71; Wilson 1984, 285.

22 Wilson 1998, 125-129; Dickinson 1984, 55.

Trade was commonly seen as the central issue behind British wealth and power. Excises would, according to the opposition, decrease trade and therefore also the wealth and power of the nation. This was seen dangerous not only to individual merchants, but through public interest and national strength, also to the whole nation and its people. Opposing commercial interests was not only an attack against the commercial world, but also harmful and dangerous to the fundamental British values of liberty and property and therefore indeed against the very constitutional order of Britain.²³ Excises were seen as of foreign origin and closely associated with 'the image of a heavily taxed and regulated continental state', as Jeremy Black has put it²⁴. Excises were associated especially with France, the Italian states and the Dutch Republic. Opponents of the scheme often used especially France as an example of the link between excises, arbitrary government and poverty. On the other hand the defenders of the ministry saw the Dutch Republic as a model of a free and tolerant nation based on trade and liberty. If the Dutch could maintain their liberties and properties though taxing by excises why would the British not be able to do the same?

1.2. Methods and Research Questions

The premise of this thesis has been the idea that economy is not merely about numbers or 'objective facts' as many economists apt to think. I argue that economy always had been a major platform for politics, morals and ethics. Speaking of economic reforms was not only debating the possible financial consequences but also a substantially wider set of shared values and discourses. In the political environment of the early 18th century Britain, debates on fundamental rights and reflections on the nature of the nation and its people were crucial. During the excise crisis themes such as popular sovereignty, liberties and properties, principles of government and the fundamental differences between nations were matters of debate. Economy was not a distinctively specialized field in the decision-making processes or something discussed on its own terms. It was a sphere for a substantially wider audience and set of participants rather than simply being dominated by specialists or experts in the modern sense.

Too often has there been, in my opinion, an unbridgeable gap between history and economics. Although economic history has studied historical economies with great

²³ Black 2008, 194; Wilson 1998, 123-125, 129-130, 135.

²⁴ Black 2008, 194.

success, it has done it, to a high point, with the same questions and even the very same terms as economics. This is certainly not a statement meant to imply that actual economic impacts and phenomena are not worth studying but rather to constate that also the other aspects of historical economies deserve to be researched on their own terms. My intention has been to reveal some of these aspects by studying the sphere of concepts used to legitimize views on economy both in the Parliament and in society in a broader sense. How were economic issues discussed and legitimized? What kind of cultural norms and values did the controversies reflect through lingual practices and conventions? How were the actual decision-making processes structured, practiced and re-produced? These questions, to mention some, have been subjects of my interest.

The theoretical foundation of my work could be described as a fusion of continental conceptual history and the Cambridge school tradition of the history of political ideas, championed by Melvin Richter and Pasi Ihalainen²⁵. This approach consists of the idea that the past political discourses can be understood and studied through concepts, or in other words, ideas and thoughts expressed in a specific linguistic way. By studying how people have used concepts and defined them, it is in a more comprehensive way possible to understand the thinking of not just individuals but the more general structures of ideas in contemporary societies. This means, as above said, not focusing on the actual impacts of Walpole's excise scheme, such as the standards of living, trade or tax efficiency, but on understanding how contemporaries experienced and expressed their views through lingual and conceptual means. What sort of concepts did the contemporaries use and how, when talking about excises? How were these concepts defined through use and argued? In what kind of contexts were these concepts used and why? What kind of discursive structures can be revealed by studying the use of these concepts on different levels? Neither is the history of concepts about finding accurate definitions to concepts studied. The intention is not to formulate what for example liberty, constitutionalism, freedom or arbitrary governments really were, but to understand how these concepts were experienced, constructed, and what kinds of meanings were communicated through them.²⁶

Richter has highlighted the applying of the German traditions of conceptual history to English-speaking countries and the Cambridge tradition of history of political thought.

According to Richter the English tradition could learn much from the continental way of

²⁵ Ihalainen 2010, 20; Ihalainen 1999, 38 – 39.

²⁶ Richter 1995, 9; Ihalainen 2010, 18; Ihalainen 1999, 37; Skinner 2002, 177.

systematic methods, variety of sources, and the link between conceptual and structural change.²⁷ Studying concepts through parliamentary and public debates does not mean studying rhetoric only, at least in the Skinnerian sense, but studying the exact choices of words and the molding of political language²⁸. The conceptual history has been based more on a comprehensive and 'systematic collection of numerous citations containing key concepts from a wide variety of primary sources and a careful analysis of these concepts within their proper semantic fields and social and political contexts'²⁹. Thus the tradition has been relying on a more extensive variety of different types of sources rather than on philosophical theories or works of 'great minds'³⁰.

A major difference between the Anglophone and continental tradition is the continental way of focusing more on groups as audience whereas the Cambridge school has placed more emphasis on the intentions of individuals.³¹ The English tradition sees the use of language as something unique, which has been used with individual intentions and therefore also assumes that the use of concepts is unique. Thus Reinhart Koselleck, one of the leading conceptual historians, has argued that concepts can not be reduced to speech acts of individuals only, because the concepts are products of long-term formation and use and can not be seen as something originating from individual and intentional speech acts only. This approach has concretized in the idea of conceptualizing contemporary experiences and understanding that such sentiments can not be changed quickly.³²

While the continental tradition has emphasized the central role of concepts as major indicator, the English tradition, represented for example by Quentin Skinner and J.G.A. Pocock, has seen political languages or discourses as a more relevant way of approach. In these discourses, the role of concepts is more functional, particular and individual, while the German tradition emphasizes the role of the paradigmatic nature of the use of concepts. Skinner, for example, has championed the idea that concepts get their meanings from the intentions of their individual users and the somewhat unique contexts they are used in. This means that the concepts can get importance and relevance only through their individual users, whose individual discourses and ideologies are of much more

27 Richter 1995, 41; Ihalainen 1999, 38 – 39.

28 Ihalainen 2010, 15, 18.

29 Ihalainen 1999, 37; Richter 1995, 50-51, 117.

30 Ihalainen 2010, 18.

31 Richter 1995, 131, 117, 133-134; Ihalainen 1999, 38-39.

32 Ihalainen 1999, 40; Skinner 2002, 167-169.

interest than the concepts *per se*. This tradition sees concepts as a part of more extensive discourses, which can not be studied separately or independently from these political languages.³³

The continental way of understanding the role of concepts as something more permanent and slowly changing instead of something temporary and individual, makes it possible to understand the continuity and change in society through linguistic aspects. I am not denying the significance of Skinner's approach when studying individual authors and their intentions, but one interested in contemporary experiences and the use of language as a larger societal entity should concern the centrality of concepts.³⁴ Despite focusing on the macro-level of society, micro-level consideration is needed as well. Studying the concepts of the excise crisis needs, without a doubt, contextualization and understanding of authorial motives and intentions. One can not capture the proper macro-level view without understanding the contexts or intentions of the authors of *The Craftsman*, *Fog's Journal* or *The Daily Courant*. The conceptual method has usually been implemented through focusing on conceptual change through longer spans of time and by concentrating on just one or a few key concepts thought to be central.³⁵ In this way it aims to reveal the long-term change in the structures of language, politics and in the society as a whole, arguing that the conceptual change also implies changing values.³⁶ The practice of studying extensive historical periods combined with the multitude of source types has posed problems to conceptual history when considering the need of contextualization³⁷.

When acquiring numerous ideas and inspiration from the conceptual traditions there is one major difference between the above said and my thesis. It approaches the conceptual history from a rather different angle and has two distinctive features. I am not studying 1) conceptual change *per se* and therefore 2) I have not pre-chosen the concepts to be studied. My study is a case study based on a series of events ranging from late 1732 to mid-1733 and to some extent up to the general election of 1734. It is inevitably impossible to study conceptual change based on such a short time frame. Rather than focusing on long-term conceptual changes I have chosen to focus surveying and analysing the semantic field during the excise crisis. This means that there are no pre-decided key

33 Richter 1995, 117, 131, 133-134; Ihalainen 1999, 39-40; Skinner 2002, 164-169.

34 Ihalainen 1999, 41-42.

35 Ihalainen 1999, 37, 49.

36 Richter 1995, 41-42; Ihalainen 1999, 37.

37 Ihalainen 1999, 41.

concepts, but that the concepts studied here have been used frequently and with high intensity in this particular case. Using this kind of an approach it has been possible to examine the whole field of concepts³⁸, arguments and rhetoric used in this particular case, which I have found highly satisfying.

1.3. Sources

The primary sources of this thesis can be said to consist of three main categories. The British press forms the most notable category of primary sources used. It is without a doubt a substantially more diverse field of sources than for example the parliamentary records of this period and thus in a greater need of contextualization. Newspapers and magazines acted in a different environment and followed a different logic than the members of Parliament although they should not be seen as something opposite of parliamentary speakers. The relations between the press and the MPs were in fact often far more than close. The press was a central stage and forum for political language especially during the first half of the 18th century, used by both the actual members of Parliament and their allies.³⁹

The *Craftsman* is, for instance, a first-class example of a newspaper having direct links to practicing politicians. The newspaper was founded in 1726 by Viscount Bolingbroke, leader of the Tory party, and William Pulteney, leader of Patriot Whigs and a MP for Hedon, to oppose Prime Minister Robert Walpole and his governments⁴⁰. The paper concentrated on criticizing and accusing Prime Minister Walpole and his ministries of corruption, party prejudice and of abandoning the spirit and heritage of the Glorious Revolution. Its ideology was built around patriotism and on the idea of national unity and therefore often wrote not just about excises but rather of the idea of Britishness and the values and principles crucial to it.⁴¹

The government had likewise ways of propagating its views through the press. The ruling Whig party had its own loyal newspapers, but during the period of early Georgian Whig supremacy (1714 – 1760) it could also use governmental power to influence the press.

38 With the exception of the concepts of standing army and corruption being excluded from the study for reasons explained in Notes.

39 Black 2001, 28-29, 36; Black 2008, 220-221; Wilson 1998, 11, 44-45.

40 Black 2001, 29; Wilson 1998, 123; O'Gorman 2006, 79 – 80.

41 Ihalainen 1999, 52.

The government certainly controlled the official governmental journals such as The London Gazette and it could also use the power of subsidies and censorship.⁴² The former of these two measures was the more effective one and for example London Journal jumped from the opposition to support the government in the early 1720's. It was simply easier to bribe newspapers than to take direct and harsh actions against them.⁴³ Though censorship in Britain was *de facto* abolished in 1695, and thus the British press was relatively unregulated compared to the presses in continental Europe, the issue of censorship can not be ignored⁴⁴. Governmental measures against newspapers and magazines were rare and even then mostly indirect, although there was a specific faction and cause that had the government on its toes – Jacobitism. The cause to restore the catholic Stuart monarchy in Britain was seen as a significant and substantial threat of a violent revolution. Britain had already faced three attempts of Stuart restoration in 1708, 1715, and 1719, and as such, allowing the publishing of Jacobite material was seen too risky even to be considered.⁴⁵

One of the few newspapers targeted by the government with harsh and intense methods was the Fog's Journal, preceded by Mist's Weekly Journal, published by a confessional Jacobite Nathaniel Mist. He was fined and convicted numerous times for publishing anti-Hanoverian articles and was eventually forced to exile to France in 1727. Mist continued to publish his newspaper from France, resulting in his British printers and hawkers being continuously harassed and arrested and their property being confiscated by the officials. To avoid the governmental measures, Mist often published so called 'Persian Letters' and other highly allegorical articles.⁴⁶ The ministerial papers also used Fog's Journal to denigrate and delegitimize The Craftsman although the two papers were definitely not linked by a common cause but by a common ministerial enemy. Due to his Jacobite past Viscount Bolingbroke was unpopular amongst Jacobites and the opposition Whig principles could not be affiliated with the Stuart cause. As Jeremy Black has argued, by reducing the Craftsman to Toryism and from Toryism to Jacobitism ministerial papers tried to imply that the paper was radical, revolutionary, and unpatriotic.⁴⁷

I have chosen several of the most notable and influential newspapers and magazines to

42 Black 2001, 26 – 27; Wilson 1998, 11, 44-45.

43 Black 2001, 33.

44 Black 2001, 27; Ihalainen 2010, 62; Wilson 1998, 44-45.

45 Black 2001, 27-28.

46 Black 2001, 29 – 33.

47 Black 2001, 34 – 36.

be used as primary sources in this thesis. The most important of these papers is, unsurprisingly, *The Craftsman*, a fierce and polemical anti-Walpolean paper. I have also been focusing on other anti-ministerial papers such as *The Fog's Journal* and, with less weight, *Grubstreet Journal* as well as ministerial papers such as *The Daily Courant* and *The Free Briton*. The papers have been studied mainly through the monthly *Gentleman's Magazine* (opposition). In the 1730's, especially monthly magazines became highly popular. These magazines published articles from other papers with scissors and paste technique and reprinted articles with comments, making it possible to get a broader view than from reading only one paper. This was not just an ease for the contemporaries but also to us who are studying early modern Britain.⁴⁸

One studying newspapers and magazines should always regard the popularity and power of the press with caution. The importance of these papers can not be reduced to their numbers of circulation or the frequency of publication. The newspapers were often not bought and read for their political stance, but for entertainment and because of a general interest in politics and society. In other words, the readers of *The Craftsman* were not necessary against Walpole and his ministries, nor was each reader of *The Daily Courant* in favour of Walpole's policies.⁴⁹ Newspapers had a habit of emphasizing their influence in the world of politics in a quite exaggerated sense of self-importance.

Parliamentary material forms the second category of source material consisting of parliamentary debates. Debating in the Parliament has to be seen as highly public action, although talking 'without doors', a contemporary expression for speaking of parliamentary issues outside the House, often was seen as morally reprehensible, clumsy and at times even illegal. The members of Parliament knew they were being observed not only by rivals in the House, but also by potential supporters and voters outside the House. In this sense, speaking in the Parliament was primarily about proclaiming one's ideas to a broader audience in a polemical way⁵⁰.

Unfortunately only around one hundred pages of debates considering the excise controversy was recorded. This have forced me to rely more on the newspapers and magazines. However, the role of the parliament and parliamentary instances should not

48 Black 2001, 11 – 12; Ihalainen 1999, 52.

49 Black 2001, 18.

50 Black 2008, 213-214.

be underestimated although the amount of parliamentary material is strictly limited. As earlier pointed out, the ties between parliamentarians and journalists were close, sometimes even nonexistent. In addition to these close ties the newspapers and magazines were rather reactive in their nature and the debate amongst the press mostly followed what was argued in the House and by the parliamentary instances.

The third and last category of sources is the most dispersed and diverse consisting of pamphlets, broadsides, ballads and satirical prints and even a few plays or operas as contemporaries called them. The anonymousness and *ad hoc* nature were to a large extent the conjunctive features of this third source category. Pamphlets for example had, in most cases, a clear and specific political agenda and purpose and they were often funded by private individuals and without the help of commercials that often appeared in newspapers and magazines. In fact pamphlets were almost always distributed in towns and cities only and because of their *ad hoc* nature the circulation numbers were significantly lower than those of the newspapers and magazines.⁵¹

Both broadsides and satirical prints shared the same urban nature as pamphlets. Satirical ballads, such as Robin and Will, Britannia Excisa, Excise Elegy and Burning of The Excise-Monster were often sung by urban mobs in well-known tunes as Packington's Pound and King John and The Abbot of Canterbury. The length of these publications varied considerably, from just one page to up to a formidable sixty pages. Pamphlets usually consisted of something between twenty and thirty pages, ballads of one to ten pages and broadsides with satirical prints usually of just one piece of printed paper.

By analyzing such a large and diverse field of different types of written source material I have intended to capture a broader view of the use of key concepts in the early 18th century British society. It has been possible to compare the different uses and definitions of concepts and variable legitimation processes by using these different sources. In addition to the questions presented earlier we also have to ask what have been the effects of these different political arenas and audiences to the use of key concepts? Have there been different ways of using the same concepts on different levels or has there been a distinctive level where the defining and formation of concepts has taken place? The sphere of politics certainly consisted of a diverse and complex network of interaction between

51 Black 2001, 20 – 21; Ihalainen 1999, 53; Ihalainen 2010, 31-32, 35-36; Black 2008, 221.

different forums and agents. It was at least in some sense formulated by a larger group of people than just those few allowed to vote. One arguing the opposite needs to explain why people of lower orders and large audiences were subjects of political persuasion through ballads, news-sheets, poems and plays⁵².

The question on the balance between different types of primary sources has in fact been subject of a long lasting debate. Jeremy Black and Pasi Ihalainen have for example emphasized the role of parliamentary debates as the most important single source type when studying changes in political culture, discourses and concepts. The Parliament was without doubt the most important forum 'for the expression of political opinions through the use and definition of concepts in both conventional opinions through the use and definition of concepts in both conventional and innovative way', as Ihalainen has put it. The use of concepts and arguments in an unconventional and innovative way provoked comments and debate, even fierce opposition, thus it can be assumed that speaking in Parliament was not just 'mere rhetoric' but formulating one's ideas in a highly intentional way. It was a forum of speaking, expressing ideas and using concepts with intentions. Use of concepts meant something more than just sets of words.⁵³

The decisive difference between parliamentary debates and the use of political language in other situations and platforms is the fact that the Parliament was the place of actual decision-making. There the use of key concepts had a direct link to the decision-making processes and thus it may be assumed that the parliamentarian use of concepts also largely reflected the changing political values.⁵⁴ Based on these views it has been argued that the role of Parliament has been decisive in sphere of politics and political language. It was not, at least in general, the press or the public sphere that was determining the course of the politics though they interacted with parliamentary instances and discourses.⁵⁵ It is true that the press and the pamphleteers were more reactive than proactive and innovative. Mostly they commented on what had been said in the House trying to raise awareness on certain subjects and issues thought to be important.⁵⁶ In this sense it is a fair judgment to say that by studying parliamentary debates it is possible to understand the framework that determined not only the course of parliamentary speaking but the main

52 Richter 1995, 50-51; Ihalainen 1999, 54; Wilson 1998, 11; Black 2008, 214.

53 Ihalainen 1999, 30-31, 33, 45-46; Black 2008, 221.

54 Ihalainen 2010, 19.

55 Ihalainen 2010, 31, 34-35; Black 2001, 212-221; Black 2008, 220-221.

56 Ihalainen 2010, 31-32, 35-36.

body of political language in the nation.

I do not deny the aforesaid being the case in the long run when talking about the general view. In spite of this I argue that the situation and framework concerning the excise crisis was to some extent different. It was a singular political crisis, lasting from late 1732 to mid-1733, and thus studying conceptual change as such has been impossible. This distinctive feature of this thesis means that the idea of Parliament being the dominant forum may not be valid in this case. The excise crisis was an exceptionally comprehensive crisis being a protest, not only by the parliamentarian opposition and even some ministerial Whigs, but especially by the press and the public. The debates in Parliament were in fact more modest compared to the use of concepts in the press and especially in the *Craftsman*. However, the paper was not only provocative but also used a much larger scale of notable concepts in a highly formulated and systematical manner. The reasons to this most likely lies in the fact that it was organized and published by the two opposition leaders with prominent political careers including ministerial duties.

This kind of approach has its weaknesses. The excise crisis is definitely a rather specific period in history and analyzing it by itself means that there is no point of comparison when it comes to the 'normal use of concepts'. Studying very particular and narrow periods of time exposes one to the danger of understanding the general view in a rather biased and partial way. Early modern Britain was certainly not about moving from one crisis to another and the excise crisis has to be understood as something abnormal. I have not myself been able to study the previous use of concepts studied in this thesis or the more general use of concepts in political language. Therefore I am studying the period largely through secondary sources and using previous studies to contextualize and to set the conclusions of this thesis to the proportion it earns. On the other hand the nature of studying only one case simplifies the problem of contextualization. All the primary sources concern the same political case within a short time frame. When reading parliamentary debates and most of the newspapers even individual contextualization has been possible.

2. A General Excise

The first excises were introduced to Britain during the Civil War era in 1643 – 1645 when several commodities, including amongst others alcohol, salt, soap, and various luxuries were subjected to excise laws. During the Commonwealth era the excises even became a major source of public revenues. The excises had already been proposed during the 1620's but the scheme had been abandoned as it had raised fierce resistance.⁵⁷ In similar manner the Republican and Interregnum excises were mostly repealed during the Restoration in 1660. As a result of this problematic legacy and the fear of a general excise, no new excises were introduced between the Restoration and the Glorious Revolution although the governmental spending increased.⁵⁸

The Glorious Revolution and the new political order, however, launched the second wave of excises as the government was forced to increase its revenues to meet the emergent spending on warfare and the growing national debt. The government laid an excise upon salt in 1694, on seaborne coal in 1695, and on malt and leather in 1697. During the reigns of William III and Anne, excises were also laid upon various spices and cocoa.⁵⁹ After the Hanoverian succession in 1714 the focus of the taxation shifted even more from custom duties and land tax⁶⁰ to excises. Sir Robert Walpole reformed the system of custom duties in 1721 – 1722 and began an extensive process of revising the system of excises in 1723. The custom duties on coffee, tea, chocolate, and coconuts were, for example, turned into excises. These reforms of Walpole were in fact rather successful as they significantly increased the revenues of the government.⁶¹

Inspired by the success of his earlier reforms, Walpole launched the preparations for a scheme of extending the excise laws to tobacco and wine in late 1732. The early tax reforms of Walpole combined with the rather comprehensive scheme of 1732 raised, however, an enormous political fury. The 'bogey' of a general excise became one of the leading arguments against the further extension of the excise laws. As a concept or argument the general excise was certainly not a new one as it had long historical roots.

57 Beckett 1985, 297 – 298; Braddick 2000, 254; Brewer 1989, 68, 145 - 146; Braddick 1991, 601 – 602.

58 Braddick 1991, 601 – 602; Beckett 1985, 297; O'Brien 1988, 26; Braddick 2000, 233, 255.

59 Beckett 1985, 297 – 298; Braddick 2000, 254 – 255; Black 2008, 194; Multamäki 2002, 63 – 66; O'Gorman 2006, 39 – 40.

60 Enacted in 1692. O'Gorman 2006, 39 – 40.

61 Wilson 1998, 128 – 129; Hoppit 1990, 308; Clark 2000, 56 – 57; Black 2008, 193 – 194; O'Gorman 2006, 75 – 77, 81.

Indeed, the mere mentioning of the concept was enough to inflame the nation throughout the 17th and 18th centuries.⁶² In this chapter I will examine the arguments and discourses particularly used with the concept of general excise. As many of the concepts are studied in details in later chapters, this chapter concentrates on how they were used to strengthen or weaken the concept of general excise.

2.1. A Technical Improvement or The Last Fatal Step?

The smuggling of wine and tobacco caused serious problems for the government as they decreased the tax incomes from imports even by a quarter. As I will further show in the later chapters⁶³, the smuggling was especially significant in the tobacco trade and amongst other imported luxury commodities.⁶⁴ The ministry was well aware of the problem. Sir Robert Walpole declared these two branches of trade being known of so notorious frauds that even merchants themselves had appealed to the Prime Minister to find a 'remedy for the growing evil'.⁶⁵ It was argued that the scheme to convert the custom duties of wine and tobacco to excises was a matter of targeted measures against the smuggling on these particular branches rather than a clear mental transition of political values.⁶⁶ These proposed excises were not even considered as an increase of taxes as the commodities were already taxed by custom laws. The conversion of customs to excises was rather seen as a technical improvement intended to tackle the smugglers and to promote 'fair traders'. A general excise would have required an introduction of new taxes on commodities, was commonly claimed by the ministry.⁶⁷

The ministerial plan raised, however, deep distrust amongst the opposition as it was claimed that the scheme would eventually lead to a general excise. Opposition MP's accused the scheme of being like 'singling out a deer from the flock, in order to be hunted down; she is to be the first sacrifice, but the whole flock are to be hunted down at last'⁶⁸. Indeed, the opposition argumentation rested upon the discourse that every extension of

62 Brooks 1974, 281 – 284; Black 2008, 194; Wilson 1998, 129; O'Gorman 2006, 81; The citizen's procession 1733.

63 Most notably in chapter 5.3.

64 Black 2008, 71, 193; O'Brien 1988, 24 – 25.

65 GM 1733, 28 – 29/FB 21.1.1733, no. 175; HCPP 305 – 307, 317 – 324: Sir Robert Walpole; HCPP 308.

66 HCPP 308: Henry Pelham; HCPP 318: Sir Robert Walpole; HCPP 350: Sir Robert Walpole; HCPP 339 – 340: Sir Josep Jekyll.

67 A letter from a Member of Parliament ... concerning the duties 1733, 40-42; Some seasonable animadversions on excises, 2-3; The reply of a member of Parliament 1733, 22.

68 HCPP 307 – 308: Sir John Barnard. Barnard was an alderman and MP for London. He and his father were both wine merchants, which certainly reflected to his views on the proposed excises.

the excise laws was 'one step towards a general excise'.⁶⁹ George Heathcote⁷⁰, for example, argued that the earlier excise laws had already subjected 'great numbers of the people of this nation to the arbitrary laws of excise' and the present scheme was 'so wide a step towards subjecting all the rest of the people of England' to the same anxiety⁷¹.

This kind of use of the concept was in fact in the very heart of the opposition argumentation, as one could even argue that opposition argumentation was ultimately based on the fear of a general excise. In this framework the nature of the excises can be seen as twofold. Firstly, it was argued that single excises had direct negative impacts on both trade and the rights of the British subjects, as I will demonstrate in the coming chapters. Secondly, and maybe most importantly, every new excise was considered as another step towards a general excise. Thus the opposition portrayed every proposed excise as a battle in the war against the general excise.

In this sense the opposition argumentation was based on inductive reasoning. It was claimed that there were as much frauds in every branch of trade as in the tobacco and wine trade. Therefore, as Sir William Pultney⁷² argued in the House, if the scheme was found to be the 'the most proper and effectual remedy' against the frauds in the two particular branches, it would be an argument for 'applying the same remedy as to the frauds in every other branch of the publick revenue'.⁷³ In similar manner the Craftsman ridiculed the ministerial instances of portraying the excises as 'the most equitable methods of raising taxes' and even as a downright 'national blessing'. If it was the most equitable method of raising taxes, why would the ministry not introduce a general excise at once?⁷⁴

In addition to using induction in portraying the ministerial scheme as fatal, the opposition exploited the mercantile dissatisfaction towards the Prime Minister's earlier financial

69 The budget opened 1733, 6; Englishmen's eyes open'd 1733, 10, 15; The crisis 1733, 43; The Norfolk scheme 1733, iv; A second letter to the Right Honourable Sir Robert Walpole 1733, 23-25; Some seasonable animadversions on excises 18, 21-23; HCPP 328 – 330: Sir Paul Methuen.

70 HoP: Heathcote was initially a ministerial Whig, but turned against the government of Walpole and became eventually a Jacobite supporting the Stuart restoration. As a staunch anti-ministerial speaker of merchant origin, he was later elected as a MP for the City of London and in 1742 the Lord Mayor of London.

71 HCPP 340 – 342: George Heathcote.

72 HoP: MP for Hedon, Yorkshire, and the leader of the Opposition Whigs. Founded the Craftsman with his brother, Daniel Pulteney, and Viscount Bolingbroke, *de facto* leader of the Tories, in 1726.

73 HCPP 342 – 346: William Pulteney. GM 1733, 315/C 30.6.1733, no. 334; GM 1733, 176 - 177/Berington's Evening Post 10.4.1733.

74 GM 1732, 1021/C 28.10.1732, no. 330; GM 1732, 1055 – 1057/C 11.11.1732, no. 332; Some seasonable animadversions on excises, 21 – 23; GM 1733, 79 – 80/C 17.2.1733, no. 346.

reforms. Walpole was accused of carrying out his hideous plan gradually, 'knowing they [the ministry] can more easily stop the clamours of two or three bodies of traders, than the whole nation'. The revival of the excise on salt in 1732 in addition to the earlier excises on beer and ale, mum, cyder, perry sweet wines, malt, brandy, rum, arrack, distilled spirits, leather, soap, candles, hops, paper, pastboards, mill boards, silks, callicoes, starch, hides, wire, wrought plate, coffee, tea, and chocolate were commonly used as evidence of Walpole's alleged hidden agenda.⁷⁵ The opposition succeeded in presenting the general excise as, if not inevitably, at least too probable a consequence of the ministerial scheme, as there was no doubt that there were indeed frauds committed in other branches as well.

The ministerial instances had difficulties to understand the rhetoric on the causal relation between single excises and a general excise. The logic of the argument was ridiculed by claiming that it could in similar manner be argued that a single increase of land tax would eventually end in a total land tax.⁷⁶ For the ministry the opposition claims of Britain being 'so near the brink of slavery by means of the excise laws, that the least advancement towards it would inevitably throw us into it [general excise]' was nothing but mere lunacy⁷⁷. Was 'the boundaries to which they are now stretch'd the Rubicon⁷⁸ of our constitution, which no man can pass without meaning to subvert it?', was commonly asked by ministerial pamphleteers⁷⁹. For the ministry it was important to represent the excise scheme as a standard procedure, lacking the fatality and menace of the opposition interpretations.

Although the debate around the concept of the general excise to a high point was a dispute of a rather binary nature, *i.e.* would the scheme or would it not lead to a general excise, there were genuine differences between the ministerial and opposition ways of understanding the nature of the excises. Sir Robert Walpole's conception was certainly innovative as he perceived the excises as instruments to make the taxation more efficient by preventing smuggling. Walpole's confidence in excises was high indeed as his earlier excises on tea, coffee, and chocolate, had been succesful in the framework of efficiency.⁸⁰

75 GM 1732, 1069 – 1070/C 4.11.1732, no. 354; GM 1732, 1021/C 28.10.1732, no. 330; GM 1733, 139-40/C 24.3.1733, no. 351; The vintner and tobacconist's advocate 1733, 33; O'Gorman 2006, 81.

76 A letter from a Member of Parliament ... concerning the duties 1733, 40-43; The rise and fall 1733, 23-24; Considerations occasioned by the Craftsman 1733, 5-6; The reply of a member of Parliament 1733, 24.

77 A discourse on trade 1733, 4-6, 31-32; A letter from a Member of Parliament ... concerning the duties 1733, 40-42; The rise and fall 1733, 20-22, 46; Considerations occasioned by the Craftsman 1733, 5-6, 21-22.

78 Referring to the crossing of the river Rubicon by Caesar, symbolizing passing the point of no return.

79 A letter from a Member of Parliament ... concerning the duties 1733, 40-43.

80 Jubb 1984, 123 – 124, 136 – 141; Black 2008, 71; Horne 1980, 601 – 602; O'Gorman 2006, 81.

The excises were seen as 'under better regulation' and being 'the cheapest and easiest method' of managing taxes. It was argued that taxes were 'absolutely necessary to the being of all governments' and hence 'the chief care of the legislature' was to impose 'such as are easiest borne'.⁸¹

Patrick O'Brien has in fact described the English excise administration as 'one of the most professional and efficient bureaucracies available to any government in Europe'. This is certainly true, as the excises were not only an efficient but also a practical way of collecting revenues.⁸² The ministerial plan was, eventually, to decrease the general tax rate as it was thought that the revenues would increase as the smuggling would be suppressed by the more efficient management of taxation.⁸³ Hence the ministry considered the scheme as a rather technical measure and many of its representatives had certain difficulties to understand the ideological rhetoric and delimitation by the opposition. Most of the ministerial representatives were pragmatic and practical in their political assumptions. The Prime Minister may have been skillful in the art of government, but political ideology was only a secondary concern to him.⁸⁴

Although the ministry considered the excises as a useful and efficient way of raising taxes, the idea of a general excise was rejected in a very clear manner. It was claimed that a general excise would be an 'intolerable yoke' as it would deprive the liberties from the people and make Britain a nation of slaves.⁸⁵ The ministerial instances may have had difficulties to understand the ideological rhetoric of the opposition, but they certainly understood the political realities. Proposing a general excise would have been a political suicide although it may have been the most effective way of reforming the system of taxation. This contradiction between defending single excises but rejecting a general excise was, however, constantly exploited by the opposition.

In contrary to the ministerial approach, the opposition understood the excises in a rather traditional way, seeing them as a way to restraint the importation of luxury commodities

81 GM 1732, 1054/DC 11.11.1732; GM 1733, 121 – 122/FB 8.3.1733 & 15.3.1733, no. 171; Some general considerations 1733, 19 – 20.

82 O'Brien 1988, 28; Braddick 1991, 598; O'Gorman 2006, 76 – 77, 81.

83 GM 1733, 28 – 29/FB 25.1.1733, no. 175; GM 1733, 124 – 125/LJ 10.3.1733, no. 715; A discourse on trade 1733, 4-6; The reply of a member of Parliament 1733, 22; Some seasonable animadversions on excises, 21-23.

84 Targett 1994, 289 – 292, 303 – 304, 308, 311; Black 2008, 194; O'Gorman 2006, 71 – 72.

85 GM 1733, 28 – 29/FB 25.1.1733, no. 175; GM 1733, 124 – 125/LJ 10.3.1733, no. 715; A discourse on trade 1733, 4-6; The reply of a member of Parliament 1733, 22; Some seasonable animadversions on excises, 21-23.

considered as detrimental and harmful⁸⁶. Thus the opposition commonly portrayed the ministerial use of excises, and even excises in general, as regressive to the poor. Michael Braddick has argued that this discourse was originated from the Leveller critique of the 1640's. It has been suggested that this unpopularity of the excises derived from the fact that excises were the first taxes to hit the landless people, who for a long time successfully had avoided the heavy burden of taxation.⁸⁷ Patrick K. O'Brien has, however, shown that although excises were commonly represented as prejudicial to the poor, the basic commodities, excluding salt and beer, were not subjected to excises. Indeed, most commodities excised were luxury items and imported products.⁸⁸

But what was luxury then? This was an issue of intense debate during the crisis. As the opposition based its argumentation on the traditional view of the function of excises, it was forced to redefine the concept of luxury as tobacco and wine were, at least in the traditional sense, more often defined as luxury than basic commodities. This contradiction created arguments that tobacco was 'grown so habitual to vast multitudes of people, especially the poor, that they can hardly subsist without it' and wine had 'become equally natural to higher ranks of men'. Therefore neither tobacco nor wine could be defined as luxury 'any more than sugar [and] spice'. The opposition rejected the idea that foreign commodities should categorically be ranked 'under the denomination of luxury' as 'Republican principles' and 'most ridiculous sophistry'.⁸⁹ What was considered as real luxury were articles such as 'gold and silver lace, foreign thread-lace, and fine linnens, sumptuous equipage, costly pictures'⁹⁰.

This conceptual redefinition of the opposition was under constant ministerial mockery. The Daily Courant ridiculed the claim of one being not able to live without drinking wine and smoking tobacco. One claiming that wine and tobacco were essentials to human life should in similar manner 'aver, that unless he wears velvet he can't keep himself warm'. Amongst the supporters of the scheme wine and tobacco were clearly considered as luxury rather than as 'necessaries and essential of life'.⁹¹ This way the ministry could

86 Jubb 1984, 123 – 124, 136 – 141; Black 2008, 71; Horne 1980, 601 – 602.

87 Braddick 1991, 600 – 602, 620 – 621; Turner 1990, 391.

88 O'Brien 1988, 27.

89 GM 1733, 145/C 31.3.1733; GM 1732, 1021/C 28.10.1732, no. 330; Some thoughts on the land-tax 1733, 4.

90 GM 1733, 139 – 140/C 24.3.1733, no. 351; Some thoughts on the land-tax 1733, 4.

91 GM 1733, 19 – 20/DC 18.1.1733; GM 1733, 36/DC 27.1.1733; GM 1733, 66-7/DC 5.2.1733; GM 1733, 175/LJ 7.4.1733, no.719; Some general considerations 1733, 19-20; A letter from a Member of Parliament ... concerning the duties 1733, 40-42; Some seasonable animadversions on excises, 2-3; The reply of a member of Parliament 1733, 22; The vintner and tobacconist's advocate 1733, 7-8; A letter from a merchant 1733, 10-12; A review of the excise-

strengthen its argument that the scheme was a technical measure targeted to tackle the smuggling amongst branches of luxury trade rather than being a plot to eventually introduce a general excise.

As the opposition challenged the definition of the concept of luxury, the ministry disputed the definition of the concept of general excise. The ministerial instances defined the general excise as an excise upon 'all the mere necessities of life' whereas the opposition considered this kind of taxation rather as 'universal excise'. The opposition defined the general excise rather as an excise upon 'the generality of commodities'.⁹² The ministry even attempted to define the land tax as a general excise as it was claimed that it raised 'the price of all the necessities of life'. The raise of the land tax raised the rents of the tenants, who had to raise the price of their labour and further the prices of their commodities.⁹³ The ministerial redefinition was certainly a conceptual strategy to delegitimize the opposition claims. By defining a general excise more than it really was, the ministry was trying to neutralize the use of the concept.

The opposition attacked the representations of the ministry by claiming that if the general excise was defined by ministerial terms, Britain was already under a general excise and soon under a universal excise if the scheme would pass. It was argued that 'the practice of multiplying these duties from year to year, hath a tendency, not only to a general, but to an universal excise' as only a couple common necessities of life were considered to be 'absolutely free from taxation'. Eventually the general excise would lead to 'an universal excise' that would subject every possible 'individual species of goods or commodities' to the laws of excise.⁹⁴ In the end the concept of universal excise gained relatively little attention as it was not widely adapted by the ministerial instances. However, as a rather innovative attempt to redefine and challenge a hostile concept and discourse, it provides an example of a fierce 'play upon the words', as one unknown mercantile pamphleteer from London described it⁹⁵.

scheme 1733, 40; A discourse on trade 1733, 32-33.

92 The vintner and tobacconist's advocate 1733, 7-8; A letter from a merchant 1733, 10-12; A review of the excise-scheme 1733, 40; A discourse on trade 1733, 32-33.

93 An Humble address 1733, 4-5, 9-10.

94 GM 1732, 1069 – 1070/C 4.11.1732, no. 354; GM 1733, 128 – 129/C 17.3.1733, no. 350; HCPP 307 – 308: Sir John Barnard.

95 A letter from a merchant 1733, 10-12.

2.2. A Tool of Power or an Imaginary Monster?

The discourses of a corrupt government and Parliament was in the centre of the opposition argumentation during the whole reign of Walpole in 1722 – 1742, commonly ridiculed as 'Robinocracy'. It was generally alleged that Walpole had corrupted the constitution and 'the spirit of freedom' by his authoritarian reforms.⁹⁶ In fact reforms were in general considered as dubious and corrupt in early modern England as well as in most of Europe, as Jeremy Black has noted⁹⁷. In this framework the excise scheme was certainly not an anomaly. The discourses of corruption and arbitrary power were, in the context of the excise debate, most notably used with the concept of general excise. For the opposition it appeared to be the very culmination of the Walpolean wickedness.

What the ministry considered a technical improvement was by the opposition seen as a sign of lust of power. The efficiency of taxation was claimed to be a shady cover-up for increasing the power of the ministry and especially of the Prime Minister. The excises were portrayed as so horrid tools of power that they could be used to rather dangerous ends. As every new excise would increase the power of the Prime Minister, he would eventually make 'the blessing of excises as general and unlimited ... [as his] own power' by 'a gradual and artful introduction'. The opposition was confident that eventually a general excise would 'become a weapon in the hand of a wicked minister, to shew down Magna Charta' itself. Once having gained the control of the nation, the Prime Minister would never renounce his power.⁹⁸ These kind of arguments were common amongst the opposition as the general excise was conceptualized as the culmination of the 'politicks' of power.

Besides being obsessed with power, the Prime Minister was also portrayed as selfish and greedy. The opposition exploited the general mistrust towards the ministry by accusing its members of prioritizing their private interests over the interest of the public. Walpole and his ministry were claimed to be more 'follicitous after power, than the welfare of their country, or the honour and happiness of his Majesty's government'.⁹⁹ The ministerial Whigs were, in

96 Targett 1994, 302 – 304; Wilson 1989, 124, 364, 367 – 368, 370; Goldsmith 1974, 479; Horne 1980, 602; Goldie 2006, 69, 70 - 72; Liberman 2006, 327 – 328; Rosenfeld 2008, 26 – 27.

97 Black 1984, 11.

98 The Norfolk scheme 1733, 12; Cranfield 1963, 603 – 604; A second letter to the Right Honourable Sir Robert Walpole 1733, 23-25; The budget opened 1733, 7; Some seasonable animadversions on excises 1733, 21-23; The Norfolk scheme 1733, 12; GM 1732, 1106/C 16.12.1732, no. 337.

99 Wilson 1988, 94 – 95; Horne 1980, 603 – 604; Goldie 2006, 69, 70 - 72; Liberman 2006, 327 – 328; Cranfield 1963, 603 – 604; GM 1732, 1106/C 16.12.1732, no. 337.

the same manner, commonly referred to as a faction, in order to create contrast between the allegedly corrupted Whigs and the Bolingbrokean idea of the patriotic and unitary interest of the nation as a whole¹⁰⁰. John Pocock and Quentin Skinner have argued that these discourses were based on a neo-Machiavellian civic humanism that highlighted concepts such as virtue, corruption, and patriotism.¹⁰¹

To alleviate its argumentation the opposition made parallels between the actions of Walpole and the errors of historical characters and societies. The thirst for power was portrayed as universal and timeless destructive vigour as Rome itself had never 'felt into slavery until the generals and ministers grew too rich for the state and ... too powerful for the liberty of their country'¹⁰². Britain would face the same destiny as Rome, destroyed by corruption and greed, if the Prime Minister, 'a wicked and ambitious statesman', would be given powers to enslave the nation by his 'excise yoke'¹⁰³. Walpole denied these allegations of 'ancient histories' and allegories, and William Arnall, the editor of the *Free Briton*, in similar manner argued that the difference between the ancient societies and contemporary Britain was too wide for a fair comparison.¹⁰⁴

Another common strategy of delegitimation was to highlight the affiliation of the general excise and its alleged Continental origins¹⁰⁵. One of the most popular allegories of the excise crisis was the discourse of the excise monster – a multi-head dragon spreading the 'excise plague' wherever it went¹⁰⁶. The same monster of excise had already ruined France and Holland and would bring the destruction to Britain as the general excise was portrayed as a Trojan horse with terrors and armies in its belly¹⁰⁷. The *Fog's Journal* described its origins in the following manner:

100Goldie 2006, 72 – 73; Liberman 2006, 327 – 328; Rosenfeld 2008, 43 – 44; Cranfield 1963, 603 – 604.

101Ihalainen 1999, 14; Rosenfeld 2008, 26 – 27.

102A second letter to the Right Honourable Sir Robert Walpole 1733, 41-43; Some seasonable animadversions on excises 1733, 21-23.

103The crisis 1733, 33; Some seasonable animadversions on excises 1733, 21-23.

104HCPP, 350; Sir Robert Walpole; Horne 1980, 607 – 609.

105The discourses on British exceptionalism is considered with more details in chapter 4.4.

106GM 1733, 35/C 27.1.1733, no. 343; GM 1733, 71 – 72/C 10.2.1733, no. 343; GM 1733, 339 – 340/C 7.7.1733, no. 366; A candid answer 1733, vi; GM 1733, 227 – 228/FJ 5.5.1733, no. 235; The second part of An argument against excises 1733, 58-59; The city triumphant 1733; Aspden 1997, 41 – 42; Boyer 1964, 343 – 344. The monster was commonly connected to the tale of the Dragon of Wantley, originating from Yorkshire.

107French excise 1733, iii; The late Lord Beilhaven's 1733, xvi; GM 1733, 35/C 27.1.1733, no. 343; GM 1733, 71 – 72/C 10.2.1733, no. 343; GM 1733, 339 – 340/C 7.7.1733, no. 366; A candid answer 1733, vi; GM 1733, 227 – 228/FJ 5.5.1733, no. 235; The second part of An argument against excises 1733, 58-59; Aspden 1997, 41 – 42; Boyer 1964, 343 – 344.

*'It has travelled ... thro most parts of Europe; and no less a person than the most Christian King stood Godfather, and the states general Godmother to it at the front.'*¹⁰⁸

For the ministry these allegories appeared to be nothing but opposition trickery of setting up an 'imaginary monster' and 'creating evils' by false representations. By threatening the people with Continental 'tyranny and rapine' and by alleging that the monster of general excise 'would consume their substance, and starve their children', the opposition succeeded in frightening the people.¹⁰⁹ The ministerial pamphleteers especially panned these allegorical narratives of a 'formidable hydra' whose body as a whole would eventually emerge if its 'two heads [tobacco and wine]' was passed by the Parliament. To undermine the opposition arguments the ministry claimed that the concept of general excise was 'a word big with oppression and affright, and therefore must be rung in the ears of the people' as the concept of excise alone was not enough to raise such a storm.¹¹⁰ Ministerial allegations like these were in fact rather common. Claims that the opposition was abusing the people by fomenting fear and false information recurred throughout the controversy. In fact, for many the fear of a general excise seemed to be the only rational explanation for the eventual fall of the scheme.

Although rejecting the opposition allegations of excises originating from the Continental tyranny, the ministry used similar allegations to delegitimize the opposition. It claimed that the instances behind the stories about a general excise and slavery were in fact mortal enemies of the present political order and the Crown - 'Jacobites and male-content Whigs'. These people were described wicked enough to attack the British liberties by provoking 'that vast Leviathan, the multitude' by imaginary claims of a general excise¹¹¹.

The opposition attacked these allegations fiercely. It was claimed that if one had proposed 'the people of England' to be put under a general excise after 'the revolution'¹¹², it had been

108 GM 1733, 227 – 228/FJ 5.5.1733, no. 235.

109GM 1733, 24/LJ 20.1.1733, no. 701; GM 1733, 36/LJ 27.1.1733, no. 709; GM 1733, 83/LJ 17.2.1733; GM 1733, 121 – 122/FB 8.3.1733 & 15.3.1733, no. 171; A letter from a Member of Parliament ... concerning the duties 1733, 16.

110Some general considerations 1733, 19-20; An Examination 1733, 5 – 6, 14 -16; A second letter to the Right Honourable Sir Robert Walpole 1733, 36-37; Aspden 1997, 41 – 42; Boyer 1964, 343 – 344.

111GM 1733, 83/LJ 17.2.1733; GM 1733, 124 – 125/LJ 10.3.1733, no.715; GM 1733, 416-417/LJ 11.8.1733, no.737; GM 1733, 405-406/DC 2.8.1733; A letter from a Member of Parliament ... concerning the duties 1733, 33; Observations upon the laws of excise 1733, 23; The rise and fall 1733, 33; A Wrod to the freeholders and burgesses 1733, 9-10; Wilson 1998, 96.

112Most probably referring to the English Civil War as the Republican England was the scene for the first wave of

looked 'as the raving of some raged Jacobite'. Even the 'ill-advised king James the Second' had not dared to propose a general excise.¹¹³ The more moderate opposition instances formulated the critique more diplomatically. It was claimed that the threat of a general excise had 'given new life to a party abroad'. The progression set off by the rumours on a general excise was 'dangerous to the Protestant succession' as it allowed 'the Pretender to beat up for recruits'. However, the general excise would not bring in only the armies of 'the Chevalier'¹¹⁴ but also 'Popery' with slavery and poverty peculiar to the arbitrary societies of the Continental Europe. These instances would deprive the English their distinctive constitution, freedom, and commerce.¹¹⁵ This way the opposition could turn the accusations of Jacobitism upside down and portray the imposers of the alleged general excise as even worse than the Republicans and Jacobites.

Although the general excise also was a matter of conceptual redefinition, the main strategy was to use the concept as a platform for the general critique of Walpole and his administration. In this sense the general excise functioned as a symbol for the opposition views on Walpolean 'Robinocracy'.

excises.

113 Observations upon the laws of excise 1733, 4; A letter from a Member of Parliament 1733, 27; A second letter to the Right Honourable Sir Robert Walpole 1733 42-43; The Norfolk scheme 1733, 5-6, 20; GM 1732, 1066 – 1067/C 18.11.1732, no. 333; GM 1733, 296/C 9.6.1733, no. 194.

114 A common nickname for Charles Edward Stuart, also known as the 'Young Pretender'.

115 A second letter to the Right Honourable Sir Robert Walpole 1733 28, 41-43; Targett 1994, 303 – 304; Wilson 1989, 364; Goldsmith 1974, 479; Liberman 2006, 327 – 328; Rosenfeld 2008, 34 – 35, 37; The concept of popery was a central feature of the English protestant nationalism. Rather than being proper Christianity, the Catholic faith was referred as tyranny of the Pope. Ihalainen 2002, 73 – 75, 81 – 86.

3. The Power of the People

The concept of the people was one of the most significant concepts and discourses in early modern Britain. The radical idea of popular sovereignty deriving from the natural rights of the people had already been introduced during the 1640's by the Levellers and the Republicans, and later adapted especially by the Whig party. Between the Glorious Revolution of 1688 and the 1730's the principle of political legitimacy deriving from the popular consent became widely accepted and recognized by the political elite of the nation. Although the popular consent was perceived as the fundamental legitimacy of governing and the power of the people had been institutionalized by increasing the role of the House of Commons, both direct popular action and the definition of the people remained controversial.¹¹⁶

The concept of the people was also one of the most notable discourses during the excise crisis. The rhetoric of the people became common both in Parliament and outside the House as it was used both by the representatives of the government and the opposition. For the opposition it was by far the most important rhetorical strategy of delegitimizing the ministerial scheme. It was part of a wider political contestation and legitimation process by which the opposition challenged the Whig rule during the early Hanoverian decades.¹¹⁷ The opposition especially used the concept to legitimize its alternative political views as it portrayed itself as a counter-balance to the claimingly corrupted ministry, the abusers of power that endangered the true interests of the people.¹¹⁸

The rhetoric of the opposition was ultimately based on the language and rhetoric of the Glorious Revolution, as its principles were used to legitimize the extra-parliamentary actions. The people was brought to the very heart of the political sphere as it was understood as an active actor rather than a passive legitimizer.¹¹⁹ According to Sophia Rosenfeld the populist rhetoric of the opposition connected the parliamentary opposition to the 'ordinary people'¹²⁰ at least at the level of rhetoric, providing a certain amount of common ground. In addition, characterizing the opposition as the advocates of the people

¹¹⁶Ihalainen 2011, 12 – 13, 16 – 17, 61 – 64; Passim Ihalainen & Seaward 2015; Wilson 1998, 18 – 19.

¹¹⁷Wilson 1998, 3; Ihalainen 2010, 66 – 67.

¹¹⁸Ihalainen 2010, 66 – 67, 83; Wilson 1989, 365 – 366; Wilson 1988, 94 – 95.

¹¹⁹Wilson 1989, 386.

¹²⁰Meaning the people without the right to vote.

created a humble and appealing image.¹²¹

Common equivalents for the concept of the people were expressions such as 'the people of Great Britain', 'tribunal of the people', 'people of England', 'good people of England'¹²², 'patience of the people'¹²³, 'people's liberties'¹²⁴ and 'sense and voice of the people'¹²⁵. During the excise crisis these were mainly hammered in the press by the opposition papers. In Parliament the concept of the people was, however, not used but a few times at the debates on excise. Another common conceptual substitute for the people was the concept of nation as it was commonly argued that 'the whole nation'¹²⁶ was against excises. Pasi Ihalainen has argued that the nation was actively used as a synonym for the people, but it was emphasized in a different manner. It had a connotation that highlighted the community's role in the field of interests and action, representing a kind of passive political collective.¹²⁷ In this sense it represented the idea of national unity in a similar way as the expressions like people of England, people of Great Britain, and whole people.

To demonstrate and clarify the rather multiform structure of the debate, I have created the following table of the most common concepts and discourses within the framework of the concept of the people. It is only a simplification and it should be perceived as such. The arguments and discourses are simplified summaries rather than exact expressions of the contemporaries. However, I have found these summaries being useful tools in popularizing the rather opaque and meandering language of the early 18th century England.

Concept	Opposition definition	Ministerial response	Ministerial definition
The people	A brave and free entity defending its birthrights	The opposition rhetoric is only flattery	A naive mob inflamed by the opposition lies
The sense/voice of the people	The uncorrupted people is struggling against the corrupt ministry	The enemies of the nation has poisoned the minds of the multitude	The Parliament represents the sense of the people
The balance of power	The balance of power is against the people	The opposition is trying to destroy the balance by introducing 'democracy'	The status quo represents the balance of power
The original power	The legitimation of power rests on the people	The people has no right to instruct their representatives	The people delegates their original power to their representatives

¹²¹Rosenfeld 2008, 37 – 39; Wilson 1989, 373 – 374.

¹²²GM 1733, 128 - 129/C 17.3.1733, no. 350; GM 1733, 247 – 248/C 19.5.1733, no. 359.

¹²³GM 1733, 190 – 191/C 21.4.1733, no. 355.

¹²⁴GM 1733, 201/FJ 28.4.1733, no. 234.

¹²⁵GM 1733, 422 – 423/C 18.8.1733, no. 372; The crisis 1733, 3 - 4; 20; The necessity of a new Parliament 1733, 17; The rise and fall 1733, 49; The Sense of the people of England 1733, 1.

¹²⁶GM 1733, 78 – 79/FJ 17.2.1733, no. 224.

¹²⁷Ihalainen 2010, 69.

3.1. The People

The concept of people may to some extent be regarded as common ground as it was shared by both the ministry and the opposition at some level. Although the significance of the concept was recognized by both parties, the concept was certainly used in a rather different manner and with dissenting emphasis. Even though being amongst the most debated concepts during the excise crisis, it was by neither side defined in an explicit manner. The general principle during the crisis appears to be that the opposition concentrated on extending the concept by inclusion and the ministry reproduced the more traditional definition of the people, which was of rather exclusive nature.

What was the people then? In 18th century Britain the people seemed to be defined most commonly as people of sufficient standing and education, capable of understanding the public matters of the society. In other words, the people consisted of 'informed and respectable participants in the emergent public sphere', who were able to take part in the political sphere by voting.¹²⁸ Parliament was mostly dominated by the gentry and represented roughly no more than five percent of the adult population¹²⁹. Simon Targett has argued that for example the ministerial writers followed the maxim of James Harrington¹³⁰ by claiming that 'power always follows property'. People with no property were of 'least importance in the state ... and have no right to any thing but a simple protection of their persons'.¹³¹

Although the people was seen as laying outside formal political structures - despite having a mythical role in the constitution - its role in the actual decision-making was an intense subject of debate. The subject of the debate was, in the end, about who was respectable enough to be taken into account.¹³² Although Viscount Bolingbroke had declared that men 'of all degrees' should be a part of the political nation, the opposition never defined the people in a conclusive manner. Generally it was thought that every man who could resist the ministerial corruption and possessed sufficient public spirit would matter.¹³³ The opposition certainly avoided the exclusion of potential anti-ministerial sentiments by

¹²⁸Wilson 1998, 17 – 19.

¹²⁹Ihalainen 2010, 60; O'Gorman 2006, 104 – 105.

¹³⁰ODNB: A notable English political theorist during 17th century, best known for his work 'The Commonwealth of Oceana'.

¹³¹Targett 1994, 294 – 295.

¹³²Wilson 1998, 17 – 20, 44 - 46; Passim Ihalainen & Seaward 2015.

¹³³Wilson 1989, 101; Ihalainen 2010, 7.

defining the people in a broad manner. The opposition even avoided the exclusion of Jacobites although it in general supported the Hanoverian succession.

For the Country party the concepts of people and nation functioned as platforms for demonstrating how the ministerial plans had merged different groups of people into a collective body of resistance. Indeed, the British were constantly defined as a 'free people' by both ministerial¹³⁴ and opposition writers, but especially the opposition press exploited the expression. The opposition writers defined the people as brave and free, championing the idea of the people being the last and decisive stronghold of British constitutional rights against ministerial corruption, tyranny, and arbitrary government.¹³⁵ After the fall of the scheme the Craftsman declared it to be because of 'a brave people struggling for their liberties' by confronting the 'men of power to enslave the people'¹³⁶. Discourses highlighting the heroic struggle and wisdom of the people were without a doubt central to the opposition rhetoric. The opposition extended the conceptual definition of the people by including anti-ministerial sentiments without the right to vote and at the same time emphasized the homogeneity of the people.

The Patriot Opposition used extra-parliamentary means with increasing intensity. Its populist rhetoric was based on accusing the ministry of corruption and oligarchy by declaring itself as the champion of the constitution and the advocate of the people.¹³⁷ In the centre of this discourse was the idea of representing 'the general sense of the people'¹³⁸, a concept that was especially used by Nicholas Amhurst's Craftsman¹³⁹. The intention of concepts and expressions like these was to delegitimize Prime Minister Walpole's and his ministry's excise scheme by claiming it was resisted by 'the voice of a whole people'¹⁴⁰. In the end the voice of a whole people was based on the same exclusion as the ministerial definition of the people. The people that mattered were claimed to be

¹³⁴For example GM 1732, 1042 – 1043/FB 2.11.1732, no. 153; GM 1733, 70 – 71/LJ 10.2.1733, no. 711; A discourse on trade 1733, 27; A letter from a Member of Parliament ... concerning the duties 1733, 6, 39; Wilson 1989, 386.

¹³⁵For example GM 1732, 1055 – 1057/C 11.11.1732, no. 332; GM 1732, 1095 – 1096/C 2.12.1732, no. 335; A letter from the mayor 1733, 13, 31; A letter of advice 1733, 24; A Short but pithy sermon 1733, 10; Observations upon the laws of excise 1733, 5, 14, 20; Some scruples humbly offered 1733, 5; The crisis 1733, 32 – 33, 38 – 40; The second part of An argument against excises 1733, 11, 18; The necessity of a new Parliament 1733, 17; A candid answer 1733, 16 – 17, 21; A letter of advice 1733, 24; An Humble address 1733, 4, 21; A letter to the merchants and tradesmen 1733, 34; The freeholder's political catechism 1733, 4; A letter from a Member of Parliament 1733, 13; Wilson 1998, 123 – 124, 436 – 437.

¹³⁶GM 1733, 281 – 282/C 2.6.1733, no. 361.

¹³⁷Wilson 1998, 123.

¹³⁸Ihalainen 2010, 65 – 66; Wilson 1998, 3, 19 – 20, 65 – 67.

¹³⁹GM 1732, 1106/C 16.12.1732, no. 337.

¹⁴⁰GM 1732, 1094/FJ 2.12.1732, no. 213; The vintner and tobacconist's advocate 1733, 5, 38, 40-41.

universally against the scheme and hence one being in favour of it was *de facto* excluded from representing the people.

The fall of the scheme was a victory of 'a generous, brave and free people' – a people that could not have called itself 'a free people' had the excise scheme deprived its liberties and properties¹⁴¹. Discourses like this were common to the Country party and its patriot ideology. It loudly hammered the idea that 'only corrupt men and practices' kept 'true patriots of out power and the people from exercising their constitutional rights', as Kathleen Wilson has noted. This strategy of championing the supreme legislative power of the people was, indeed, appealing to people usually excluded from the political arenas. It portrayed the people as the decisive force capable of restoring the original and natural rights by destroying the corrupted Walpolean parliamentary tyranny.¹⁴²

The opposition even compared the struggle against the Walpolean government with the struggles of the late 17th century against the 'tyranny' of the Stuarts.¹⁴³ According to this discourse the people had already destroyed the tyranny of the Crown by the Glorious Revolution. The overgrown power of the Monarch had, however, been transferred rather to the ministry than to the people, as the Prime Minister was considered to hold powers almost unlimited. This tyranny should, according to the opposition, be reversed by the people in similar manner than in 1688 – 1689 after which the genuine spirit of the constitution would be restored. After the fall of the scheme the opposition declared that even the 'good Queen Bess [Elizabeth I]' would have to 'rejoice to hear her honest people of England for ever endearing to themselves'¹⁴⁴.

The conception of the heroism of the English people had deep roots in the national identity. To the contemporaries the constitutionalized role of the people distinguished the English system and its liberty from the Continental absolutism. This platform was important for the patriotic discourses of the opposition that bolstered the populist beliefs that the people was a guardian of the public trust and defender of the public welfare with its

141A letter from the mayor 1733, 31; Observations upon the laws of excise 1733, 14, 20; A Short but pithy sermon 1733, 10.

142Wilson 1998, 20, 42, 123 – 124, 436 – 437; Ihalainen 2010, 66 – 67, 74; Goldie 2006, 69; Wilson 1989, 367 – 368.

143GM 1733, 281 – 282/C 2.6.1733, no. 361.

144GM 1733, 229 – 230/C 5.5.1733, no. 357; Wilson 1998, 42 – 44; A candid answer 1733, 16 - 17, 21; A letter of advice 1733, 24; Observations upon the laws of excise 1733, 5; A letter to the merchants and tradesmen 1733, 34; An Humble address 1733, 4, 21; Observations upon the laws of excise 1733, 5; The freeholder's political catechism 1733, 4.

'rational love of liberty'.¹⁴⁵ The people was considered as patriotic, independent, virtuous, and incorruptible – it was the last line of defence against the corruption of the ministry. In this sense the opposition based its argumentation on rather conservative thinking. Especially Lord Bolingbroke 'placed the fate of English liberty squarely upon the virtue of the community' as David Liberman has noted.¹⁴⁶ The Craftsman urged that the first attempt to introduce excises in England in 1626 was rejected as it had lacked 'the consent of the people'¹⁴⁷. In similar manner the people could and should use its power to destroy the excises in 1733.

In the end the opposition argumentation based on redefining the concept of people by extending it. Defining the concept of people through people able to vote was certainly not in the interest of the opposition, as the people able to vote had kept the ministerial Whigs of Walpole in power already more than a decade. By extending the concept, the opposition was able to include to the definition such groups and sentiments, whose attitudes were clearly more unfavourable and hostile towards Walpole's ministerial Whigs. The oppositional discourses emphasizing the role of the people provided a sense of importance to the people outside the House and in return it provided an ideological justification to the political opposition¹⁴⁸.

3.2. A Misguided People

For the ministerial papers the opposition rhetoric on the people was only flattery and fallacy intended to 'fill the minds of the people with spite and malice against the ministry'. The 'fairness and honesty' of the opposition proceedings were under constant attacks as the ministerial writers blamed the opposition of endeavouring to 'inflame the people against the administration'. The opposition was represented as greedy 'men out of power', eager to gain power at any costs. Setting up an 'imaginary monster' was considered not only deceitful but also potentially dangerous as opposing for opposing's sake had destroyed many 'happy and flourishing kingdoms'.¹⁴⁹

145Wilson 1998, 19 – 20.

146Wilson 1988, 101; Liberman 2006, 327 – 328; Rosenfeld 2008, 37.

147GM 1732, 1066 – 1067/C 18.11.1732, no. 333.

148Wilson 1989, 373 – 374.

149GM 1733, 36/LJ 27.1.1733, no. 709; GM 1733, 19 – 20/DC 18.1.1733; A discourse on trade 1733, 33 – 34; A letter from a merchant 1733, 4 - 15; A letter from a Member of Parliament concerning the duties 1733, 30; A letter from a member of Parliament ... in the west 1733, 10, 15 - 21; The landed interest consider'd 1733, 5, 12; Some observations 1733, 15 - 18, 23, 25 – 26; Cranfield 1963, 603 – 604; GM 1733, 24/LJ 20.1.1733, no. 701.

In the early phase of the excise crisis, roughly speaking from October 1732 to January 1733, the ministerial writers characterized the people mostly as naive, misguidable, and unpredictable. The people was represented more as a sort of victim than malicious itself. It was only guilty of being misguided and the real villains of these proceedings were the opposition agitators, using this naivety for its private ends by spreading lies and rumours. This was considered as an effective way of delegitimizing the opposition concept of 'the sense of the people'. For the ministerial papers the people was certainly a challenging concept as it had to balance between different audiences. In the late 1732 the *Free Briton*, for example, tried to convince the people by stating that the 'good nature' was 'the national character of the people of England'¹⁵⁰. Only a month later, in a truly different manner, the paper stated that 'the common people are more prone to corruption than men of superior fortunes and liberal educations'. Caesar had 'bribed the multitude' but could still not bribe 'the Roman Senate and Cato'.¹⁵¹

From February 1733 onwards the concept of the people gained a more negative and dismissive tone in the ministerial discourses. This was mainly due to the petitions and instructions, discussed later in details, that were organized and sent to the MP's mainly from late January and early February onwards. After this turning point the ministerial press began to use discourses accusing the people as such. The later ministerial discourse on the people stated that although the people was encouraged by the opposition, the actual reason behind its behaviour was its own 'unaccountable appetite ... for scandal and secret history'. It insisted that the 'common people', 'the vulgar' adored the idea of being so important that 'the high exalted are brought before their tribunal, and levelled with themselves'.¹⁵² Expressions like 'the common people' and 'the vulgar' were used by the ministry to portray what the opposition considered as the genuine people. Rather than being champions of the people, the opposition was alleged of promoting the raging of the rabble. For the ministry the real people were already represented in Parliament.

The naivety of the people quickly turned into discourses emphasizing the madness of the

150GM 1732, 1098 – 1099/FB 7.12.1732, no. 158.

151GM 1733, 19/FB 18.1.1733, no. 164.

152GM 1733, 55/FB 1.2.1733, no. 166; HCPP 318, 323: Sir Robert Walpole; A discourse on trade 1733, 33 - 34; A letter from a merchant 1733, 4 - 15; A letter from a Member of Parliament ... concerning the duties 1733, 30; A letter from a member of Parliament ... in the west 1733, 10, 15 - 21; The landed interest consider'd 1733, 5, 12; Some observations 1733, 15 - 18, 23, 25 – 26; O'Gorman 2006, 81.

people. It was claimed that the people have 'run into frenzies, meeting in great bodies', 'cursing the ministry and government'.¹⁵³ This 'rage', 'inflaming', and 'malice' was by the ministerial writers considered as 'absolute madness'¹⁵⁴. Real wisdom was not to encourage the people to 'meet in bodies all over the kingdom' but to teach them patience as when the people were set 'up to fury and madness' they could 'attempt some act of violence'¹⁵⁵. Indeed, Walpole, other central ministerial politicians and even his Majesty was burned in effigy all over the country during the crisis. The Prime Minister himself was even almost assaulted in front of the House as many of the protests against the scheme turned violent.¹⁵⁶ To underline this violent nature of the people and the opposition, the ministerial papers frequently published reports of these public protests, especially focusing on the anti-Hanoverian and Jacobite sentiments taking part in these actions. These discourses emphasized that the fall of the scheme would not only repeal the excises, but also the present political order and the legacy of the Glorious Revolution. Once the opposition regained power, arbitrary power and popery would follow.

Prime Minister Walpole was convinced that the popular opposition was neither genuine nor representing 'the sense of the nation' as it was rather orchestrated by the enemies of the government. The people were 'play'd by others like so many puppets; it was not the puppets that spoke, it was those behind the curtain that play'd them, and made them speak whatever they had a mind'.¹⁵⁷ In a similar manner the ministerial papers accused the people of being tricked by 'ambitious and crafty men' that had 'put words into their mouths' and 'like parrots, they repeat, and then, like sheep, follow their leaders'¹⁵⁸. The London Journal declared that the same writers the people had been convinced by were promoting a revolution, 'to strike home, and revenge your country's wrong', and even the murder of the Prime Minister. The paper continued in a highly patronizing manner:

'Look back upon yourselves a little; consider what you have been doing, and who made you do it ... muttering out slavery and beggery, and sullenly threatening

153GM 1733, 70 – 71/LJ 10.2.1733, no. 711; GM 1733, 83/LJ 17.2.1733; Reflections 1733, 16 – 17.

154GM 1733, 83/LJ 17.2.1733.

155GM 1733, 24/LJ 20.1.1733, no. 701; Some observations 1733, 23; The landed interest consider'd 1733, 5, 22; Targett 1994.

156GM 1733, 191/LJ 21.4.1733, no. 721; Wilson 1989, 367; Wilson 1998, 125 – 127; Dickinson 1984, 55.

157HPCC 318, 350 – 352: Sir Robert Walpole; Walpole used very similar discourses during the early 1740's when the Prime Minister was removed from his office. It was argued that although the Prime Minister had lost the support of the multitude it did not matter. Walpole himself thought that he had the trust of the people that mattered, the respectable people represented in the Parliament as Pasi Ihalainen has noted. Ihalainen 2010, 99 – 100.

158GM 1733, 70 – 71/LJ 10.2.1733, no. 711; Some observations 1733, 26.

sedition, tumults and arms; wishing the revolution revers'd, and the royal family at Hanover'.¹⁵⁹

The ministerial attitudes hardened even more after the fall of the scheme in April 1733. The Daily Courant described the public rejoicings a farce and a 'shameful description of the inconstancy of the English nation'. The paper claimed that when the people were given beer it could be 'taught to say or do any thing that he shall direct them' and hence the rejoicings could not be seen as the 'sense and disposition of the people'.¹⁶⁰ The 'poison' of the opposition had made the people 'discontented and disobedient' and the 'flame' the people had raised would eventually alienate them 'from the King'. It was even declared that a people like this did not deserve to be saved.¹⁶¹

For the opposition, the petitions and protests were, however, rather defensive acts. In fact many opposition MP's took part in the popular insurrections and protests¹⁶². The opposition discourses represented the ministry as a provocator that had 'disturbed the tranquility of the people' by its scheme, intended to 'harrass and oppress the people'. The 'innocent people' had no other choices left but to react, as the Prime Ministers aim was to collect public revenues by 'the blood and sweat of his people'.¹⁶³ As an opposition pamphleteer formulated the matter:

'Among a free people, there may indeed be some heats and animosities, as long as avarice and ambition, are competitors with virtue, and publick-spirit: but these heats in the body politick, are like small fevers in the natural body: they serve only to purge off ill humours, and render the constitution more healthful and vigorous.'¹⁶⁴

For the Craftsman and the Tory leader Viscount Bolingbroke the popular sentiments against the ministry of Walpole was the ultimate proof that party politics could be overturned. The excise opposition had brought together various scattered interest groups and Bolingbroke believed that the general hatred against Walpole would eventually, as in

¹⁵⁹GM 1733, 83/LJ 17.2.1733.

¹⁶⁰GM 1733, 405 – 406/DC 2.8.1733; A letter from a Member of Parliament ... concerning the duties 1733, 52.

¹⁶¹Some observations 1733, 14, 26; The landed interest consider'd 1733, 5, 22, A letter from a member of Parliament ... in the west 1733, 10, 15 – 21.

¹⁶²Wilson 1998, 125 – 127.

¹⁶³A candid answer 1733, 5, 10 - 11; A letter to the merchants and tradesmen 1733, 30; A Short but pithy sermon 1733, 4, 6; A letter of advice 1733, 3; French Excise 1733, 2, 49; The vintner and tobacconist's advocate 1733, 39.

¹⁶⁴The necessity of a new Parliament 1733, 17.

1688 – 1689, lead to the overthrow of Walpole and even George II. In this framework the national unity was a crucial concept to him, the Craftsman and the patriotic opposition in general. For these instances concepts like 'the whole body of the people' were extremely important when delegitimizing the excise scheme.¹⁶⁵

The opposition was not only widening the definition of the people, but also extending its role and influence over the formal political structures. If the people was the surest standard of the political order, why should they not be allowed to take a more active part in the political processes? This way the opposition was able to exploit the disparity between the symbolical and actual role of the people. These opposition representations of the people as the legitimation of the constellations of power eventually led to a debate on the origins of the power and the role of the popular consent in the actual decision-making processes¹⁶⁶.

3.3. The Right to Instruct

During early 1733 many trading boroughs and constituencies sent petitions to their representatives in the Parliament and instructed them to vote against the scheme. At least 59 constituencies, 20 of which large boroughs, instructed their representatives and most of these petitions¹⁶⁷ were published in opposition magazines and circulating pamphlets¹⁶⁸. Three of these petitions, London's, Coventry's and Nottingham's, were even subjects of vote in the House of Commons¹⁶⁹. Although the ministry portrayed the petitions as something highly abnormal and unprecedented, they were in fact a fairly common practice during the 17th and 18th centuries. Petitions were sent to Parliament as early as during the 1640's when the Parliament introduced the first excises.¹⁷⁰ Especially from the 1680's onwards the petitions and instructions became perceived as more problematic. In this

¹⁶⁵Cotrett 1997, 24 – 26, 36 – 37, 47; Ihalainen 1999, 95 – 96, 227 – 228; Wilson 1998, 129 – 131; GM 1733, 339 – 340/C 7.7.1733, no. 366; Ihalainen 2010, 74 – 76; The crisis 1733, 3 - 4; 20; The necessity of a new Parliament 1733, 17; The rise and fall 1733, 49; The Sense of the people of England 1733, 5, 38, 40-41; Ihalainen & Seaward 2015, 8, 10 - 12, 14 - 15, 16 - 17.

¹⁶⁶Wilson 1998, 18 – 20.

¹⁶⁷At least the the petitions of St Albans, Bristol, Bedford, Berks, Boston, Bideford, Bedwin, Brackly, Coventry, Chester, Canterbury, Colchester, Exeter, Grocers, Gloucester, Hindon, Hull, Kent, Lancaster, Leicester, London, Liverpool, Lynn, Norwich, Northampton, Newcastle upon Tyne, Newbury, Nottingham, Orford, Rochester, Rye, Reading, Rippon, Southwark, Salop and Shrewsbury, Stamford, Southampton, Stratford upon Avon, Sudbury, Taunton, Wigan, Worcester, Warwick, Whitehaven, Woodstock, Wogan and York have survived; A Collection of letters 1733; Excise ... a collection of letters 1733.

¹⁶⁸Wilson 1998, 125 – 126; Cranfield 1963, 22; O'Gorman 2006, 81.

¹⁶⁹HPCC, 370 – 371, 374 – 375.

¹⁷⁰Braddick 1991, 620 – 621; Wilson 1998, 125 – 127.

sense the excise crisis was certainly not the first time the constituencies accused their representatives of misrepresenting those they were supposed to represent in the House.¹⁷¹

The tone of the petitions varied significantly. The majority of the letters were modest, 'desiring' or 'requesting' the representatives to vote against the scheme. The borough of Newbury, Berkshire, even wrote that it 'humbly pray' their representatives¹⁷² and Bristol desired the representatives to act in favour of the interest of the borough as they also agreed to fund the campaign against excises.¹⁷³ These kind of petitions were modest and conventional and their primal intention was to inform the representatives of the sentiments in the borough. In fact, during the early 1733 even the ministerial press recognized petitioning as an undeniable right although it denied the binding nature of the petitions. The petitions were seen as necessary when they were done for liberties and properties and against 'power of Popery and tyranny'.¹⁷⁴

Some boroughs, however, understood the representation rather as something reciprocal. The petitions of St Albans, Hertfordshire, stated that as they had chosen the representatives of the borough, 'which is the highest trust we can repose in you', they could expect that their representatives had a constant regard on their interests.¹⁷⁵ The borough of Woodstock, Oxfordshire, even defined the primal role of the representatives as to serve the borough they represented. The borough implied in quite direct a manner that they would lose their seats if the will of the borough was not fulfilled.¹⁷⁶ The petitioners of Gloucester, Gloucestershire, wrote that their representatives 'could not but expect and desire our sentiments and instructions'¹⁷⁷. These petitions were not about desiring or recommending, but expecting and instructing. If the people in normal circumstances was conceptualized as a passive legitimizer, these petitions represented it as an active political force.

These petitions launched an intense debate on the legitimation of the constitution and the political system. What was the role of the people in the contemporary political order? In fact, the issue divided both the opposition and the ministerial press. The London Journal

¹⁷¹Ihalainen & Seaward 2015, 10 – 11.

¹⁷²Excise ... a collection of letters 1733, 7, 9, 24.

¹⁷³Excise ... a collection of letters 1733, 4 – 5.

¹⁷⁴GM 1733, 83/LJ 17.2.1733.

¹⁷⁵Excise ... a collection of letters 1733, 3 – 4; Passim Ihalainen & Seaward 2015.

¹⁷⁶Excise ... a collection of letters 1733, 37.

¹⁷⁷Excise ... a collection of letters 1733, 10, 14 – 15.

was the most active ministerial paper on the issue, continuing to resist the idea of popular sovereignty long after the fall of the scheme. The Daily Courant, on the contrary, was rather pragmatic and even recognized the petitioning as a right of the boroughs up to a certain point. The Craftsman argued that all power derives from the people, but the paper restrained from the revolutionary rhetoric of the Fog's Journal. According to the Jacobite paper the people even had a right to dethrone and kill rulers without righteous origins although these radical claims were veiled in historical allegories.

Regardless of the internal differences, the opposition press and the opposition in general championed the idea of the people being in the centre of the political system. As the legitimacy of the political order was considered to be based on the people, the popular appeals were seen to overrule the representatives in Parliament. The petitioning was declared to be 'the undoubted privilege of Englishman' as it had been an accepted practice long before the excise crisis. Many opposition MP's even encouraged boroughs to send petitions and to exercise their 'original power'.¹⁷⁸ Several MP's in fact even considered the petitions as binding although a clear majority of the House declared against the delegatory theory of representation distinctive to the radical Whiggism.¹⁷⁹ In this framework the right to send petitions to Parliament and even instruct the representatives was very central in the opposition argumentation. They were considered as genuine demonstrations of the sense of the people being against the excise scheme.

The petitions were mainly attacked by the ministerial press. These papers had two strategies of delegitimizing the petitions. The first one concentrated on denying that the petitions were representing the will of the borough. Instead of being genuine expressions of the people they were accused of having been orchestrated by Jacobites. This was not the 'voice of the people, but of fools led on by knaves, who impose on their understanding by calumny and misrepresentation'. It was claimed that the opposition only called 'their own weak voice the voice of the people' to 'stir up a giddy rabble into sedition'.¹⁸⁰ Rather than attacking the people directly, the ministerial press undermined the role of the people and its right to influence the Parliament by concentrating on the opposition using the

178GM 1733, 35/C 27.1.1733, no. 343; HCPP 346: William Pulteney; HCPP 352 – 353: Sir John Barnard; A letter from the mayor 1733, 1 - 3, 18 - 19; An Humble address 1733, 21 - 29; Some thoughts on the land-tax 1733, 29; The right of British subjects 1733, 16, 22 - 23; A letter from a merchant 1733, 8.

179Wilson 1989, 368 – 370.

180GM 1733, 89 – 90/LJ 24.2.1733; GM 1733, 124 – 125/LJ 10.3.1733, no. 715; HCPP 323: Sir Robert Walpole; A letter from a Member of Parliament ... concerning the duties 1733, 52; Horne 1980, 602; Wilson 1998, 96, 398.

people to their private ends¹⁸¹.

To strengthen its discourse the ministry highlighted the alleged hypocritical nature of the opposition. It argued that although the opposition hammered the idea that the people's 'judgement is so exact and certain', it was still instructing the people how to conceptualize their own interest¹⁸². Thus the ministry was able to argue that the opposition in fact 'despise the people whom they affect to patronize'. Instead of being advocates of the people, the opposition was portrayed as a group of 'third-rate statesman' and 'tip-top patriot[s]' exploiting the people to gain reputation of 'a patriot by noisy declamations in favour of the people'.¹⁸³ It was claimed that what the Craftsman referred to as 'the whole body of people' was in fact consisting of various mercantile interest groups and 'Jacobites, Tories and male-content Whigs' that had joined the anti-ministerial campaign because of their private interest and general hatred towards the government.¹⁸⁴

The second strategy of delegitimation concentrated on resisting the opposition narratives of the people being the dominant force in the actual decision-making processes. These discourses were, however, mostly represented with modest and caution. The Daily Courant, for example, admitted that 'the sense of the people is the surest standard of judging the conduct of publick affairs' as it was 'a doctrine much inculcated by our modern political writers'.¹⁸⁵ In similar manner it was claimed that the ministry could not make such propositions to the King which 'he would find it difficult to thrust it down upon the people'¹⁸⁶. Although it was recognized that the MP's should be aware of 'the humours, inclination and prejudices of the people', their judgment should still not be based on these sentiments *per se*.¹⁸⁷ The sense of the people was conceptualized as an useful guiding principle, but not as a dominant force of the political system.

The alleged sense of the people was considered as partial by the ministry and hence in contradiction with the *raison d'être* of Parliament. It was argued that Parliament should

181GM 1733, 24/LJ 20.1.1733, no. 701; GM 1733, 175/LJ 7.4.1733, no. 719; A discourse on trade 1733, 43; A letter from a member of Parliament ... in the west 1733, 13; A letter from a Member of Parliament ... concerning the duties 1733, 32, 39; Reflections 1733, 6, 15.

182GM 1733, 187 – 188/DC 17.4.1733.

183GM 1733, 171/DC 4.4.1733; Horne 1980, 603 – 604; Rosenfeld 2008, 43 – 44.

184GM 1733, 283 – 284/LJ 2.6.1733, no. 727.

185GM 1733, 187 – 188/DC 17.4.1733.

186GM 1733, 19/DC 18.1.1733.

187GM 1733, 24/LJ 20.1.1733, no. 701; GM 1733, 175/LJ 7.4.1733, no. 719; A discourse on trade 1733, 43; A letter from a member of Parliament ... in the west 1733, 13; A letter from a Member of Parliament ... concerning the duties 1733, 32, 39; Reflections 1733, 6, 15.

represent 'the people of England'¹⁸⁸ as a whole and do its 'duty to the nation' by serving 'the good of the whole community'. This way the ministry attempted to restrict the opposition definition of the people. It was implicated that the people the opposition was glorifying was the people it had set 'all in a roar, about what they know nothing of'. Rather than representing the people as a whole, it was claimed the opposition represented what was during the later phase of the crisis to be known as 'riftraff and scum of the streets'. It was clear for the ministerial writers that establishing the actual decision-making processes could not be 'for the real benefits of the nation'.¹⁸⁹

By the mid-1733 the tone of the ministerial press had, however, changed from modest to aggressive. Instead of being naive and easily misguidable, the people had become something potentially dangerous. It was claimed that 'the inconsiderate, ungovernable rage of the people' was behind 'the death of Socrates, the banishments of Cicero' and 'the destruction of great and flourishing empires'. Rage like this was exploited by men such as Wat Tyler, Jack Straw¹⁹⁰, Sacheverel¹⁹¹, Mist and D'anvers¹⁹², who were whispering dangerous thoughts to the ears of the people. The mobs and riotous assemblies were considered with suspicion as they tended to be violent, unpredictable and keen on beer. Subjects like these should not, according to the ministry, have any influence on the electoral practices nor let to 'controul the resolutions of Parliament'.¹⁹³ For the ministry the people that mattered were already represented in Parliament.

The ministerial representatives in Parliament comprised the petitioning in a more understanding manner than the opposition out of doors. They rejected the petitions not as unconstitutional but rather as impractical. If the Parliament should hear and vote on every petition it would be too time-consuming.¹⁹⁴ The concept of the people was used differently in different political arenas. It was seldom used in Parliament whereas it was one of the

¹⁸⁸An interesting claim as the Parliament of England had merged with the Parliament of Scotland in 1707, resulting in the creation of the Parliament of Great Britain. Even before the union between England and Scotland there were Welsh representatives in the Parliament of England.

¹⁸⁹GM 1733, 24/LJ 20.1.1733, no. 701; GM 1733, 175/LJ 7.4.1733, no. 719; GM 1733, 187 – 188/DC 17.4.1733; A discourse on trade 1733, 43; A letter from a member of Parliament ... in the west 1733, 13; A letter from a Member of Parliament ... concerning the duties 1733, 32, 39; Reflections 1733, 6, 15.

¹⁹⁰Wat Tyler and Jack Straw were the leaders of the English Peasants' Revolt in 1381.

¹⁹¹An English high church clergyman and an anti-Whig politician that caused political turbulence and rioting in 1710.

¹⁹²Nathaniel Mist was the editor of Fog's Journal and D'anvers was a pseudonym of Nicholas Amhurst, the editor of the Craftsman.

¹⁹³Ihalainen 2010, 69, 72; GM 1733, 187 – 188/DC 17.4.1733.

¹⁹⁴HCPP 371: Sir Robert Walpole, Horatio Walpole, Winnington, Talbot, Sir Philip Yorke, Sir William Yonge, Henry Pelham.

most popular concepts in the papers and broadsides. Although not surprising, it visualizes how the different actors had to balance between different audiences on different arenas. The discourses emphasizing the wide and powerful role of the people may have been effective in common councils and mercantile lobbies or on the streets, but to find compliance and the desired response in the House one had to use different means.

The debate on the power of the people and the right to instruct representatives continued long after it was clear that the ministry would not dare to impose the excise scheme. Especially the ministerial papers continued to attack the instructions and petitions at least until late 1733 and most probably until the elections of the following year¹⁹⁵. This was necessary for the ministry as the opposition tried to overturn the excises already in force, by organizing petitions to overturn excises on tea, coffee, and chocolate¹⁹⁶. As the anti-excise campaign proved to be a significant political triumph for the opposition, it certainly endeavoured to maintain the anti-ministerial sentiments. It was calculated that if the opposition was able to overthrow the ministerial scheme of excising tobacco and wine, it would also be able to bring down the excises already in force. Eventually it could succeed in overtaking the ministry itself.

In the end, these petitions eventually had more significant consequences than the ministry had thought, as the excises became the only significant issue in the elections¹⁹⁷. In the general elections of 1734 the ministry lost seats in Bristol¹⁹⁸, Coventry¹⁹⁹, Newcastle²⁰⁰, Worcester²⁰¹ and York²⁰² due to their representatives having acted against the petitions. The larger cities and constituencies, such as Bristol and London, were indeed in the heart of the anti-excise campaigns although protests appeared also in smaller boroughs. Although the opposition was able to gain extensive victories and the ministry experienced a popular defeat, the opposition was unable to defeat the majority of the ministerial Whigs in the Parliament.²⁰³

195For example GM 1733, 637 – 639/LJ 8.12.1733, no. 754; GM 1733, 643/LJ 15.12.1733, no. 733; GM 1733, 645/DC 18.12.1733; GM 1733, 650/LJ 22.12.1733, no. 756.

196GM 1733, 202/DC 25.4.1733.

197Dickinson 1984, 55 – 56.

198In Bristol John Scrope (Whig) lost his seat to Thomas Coster (Tory).

199In Coventry John Neal (Whig) lost his seat to John Bird (anti-excise).

200In Newcastle William Carr (Whig) lost his seat to Walter Blackett (Tory).

201In Worcester Richard Lockwood (Tory) won a Whig seat.

202In York Sir John Lister Kaye (Tory) won a ministerial seat.

203Wilson 1998, 127 - 128, 134, 326; Dickinson 1984, 55 – 56; Cranfield 1963, 28; Cruickshanks 1984, 39; The crisis 1733, 6, 9 - 10, 14; The necessity of a new Parliament 1733, 10 - 15.

For the opposition the representation was based on the idea of resemblance between the representatives and the electors²⁰⁴. The Craftsman, for example, argued that 'the House of Commons are only the deputies, the trustees, or ... the attornies of the people, chosen to represent their sense in Parliament'. If the Parliament was the representative of 'the body of the people' it would not be of logic that the people could not instruct their representatives. How could the interest of the Parliament be different from the people's interest when the people had chosen the Parliament? In the same manner, the Fog's Journal declared that the government was based on popular consent and the people was always supreme in relation to their representatives.²⁰⁵

The ministry and the opposition understood the representation in a rather different manner. For the ministry the representation was something autonomous²⁰⁶ in relation to the electors as the electors handed over their power to their representatives by voting.²⁰⁷ Claiming that the ministerial writers understood the representation in an Ankersmitian way would certainly be anachronistic, but there are still many similarities between the aesthetic and the ministerial rhetoric during the crisis. The ministerial writers understood the representation as a system where the people had given their consent to their representatives and hence lacked the legitimacy to further instruct them²⁰⁸.

3.4. The Balance of Power

The instructions and the controversy around the role of the people in the political decision-making processes launched a fierce debate on the distribution of power. As the opposition championed the increasing of the power of the people, the ministry considered it as a harsh breach of the constitution. Although the ministerial writers admitted that the purpose of the government was the general benefit of the people²⁰⁹, they resisted the idea of making the people the primal force of the political sphere. Instead of contributing to the spirit of the constitution, the opposition demands were seen as endangering the

204Frank Ankersmit has found two distinctive models of understanding the representation. The resemblance theory and the substitution theory; Ankersmit 2002, 107 – 113; Passim Ankersmit 1996.

205GM 1733, 422 – 424/C 18.8.1733, no. 372; The crisis 1733, 3 – 4, 6, 9 – 10, 14, 20; The vintner and tobacconist's advocate 1733, 4, 38, 40 - 41; A letter from a Member of Parliament 1733, 12, 28; Some thoughts on the land-tax 1733, 29; Wilson 1989, 371 – 373; Goldie 2006, 46 – 47.

206Or in Ankersmitian sense aesthetic.

207Ankersmit 2002, 107 – 113; Passim Ankersmit 1996.

208Wilson 1998, 134; Ihalainen 2010, 16 – 17, 59 – 62; A discourse on trade 1733, 29.

209ODNB: A notable English political theorist during 17th century, best known for his work 'The Commonwealth of Oceana'.

constitutional balance of power.

The ministry interpreted the case of instructions as threatening the very being of the constitution. It argued that the constitution consisted of 'three powers'²¹⁰ that were equal. The equality between the powers prevented one power of 'growing into one single power' that would 'swallow up the others', which would be the end of the constitution and 'our liberties'. This would concentrate all the power to the people and make it 'the conqueror'.²¹¹ The ministerial writers agreed that arbitrary government was indeed dangerous and against the British constitutional order. It was, however, argued that 'a tyranny of the people' was in similar manner, or even more fatal, hazardous than a 'tyranny of one man'.²¹² Although the tyranny of the people and the tyranny of one man differed in several ways, they both were endangering the constitutional balance of power in a similar manner.

For the opposition the case was fundamentally different. It recognized the need for a balance of powers, but used the conception to demonstrate that the people did not have enough political importance or influence. The people had declared to be against the excise scheme 'without regard to party distinctions, or differences in religion', but in spite of 'the united strength of the whole people' Walpole was trying to ignore what the constitution defined as the fundamental legitimacy of power. For the opposition this was the ultimate sign that the balance of power was indeed against the people. The opposition recognized the need for a balance of power as 'the safety of all free governments', but rather than blaming the people, it portrayed the Crown as the overgrown power.²¹³

The excise crisis was by the opposition defined as the watershed between the government and the people. If its view on the people was noble, its view on the government was gloomy indeed. The Craftsman, quoting Sir Walter Raleigh²¹⁴, stated that history knew but a few Kings having not 'used their power to oppress' and 'grown insolent and hateful to the people'. In these opposition discourses 'the happiness of the people' depended on restricting the power of the ministry.²¹⁵ The Jacobite opposition paper, Fog's Journal,

²¹⁰The Crown, the House of Lords, and the House of Commons (symbolizing the people).

²¹¹GM 1733, 258 – 259/LJ 26.5.1733, no. 726.

²¹²Targett 1994, 295, 297 – 299; The following year the 'tyranny of the people' was re-phrased by Walpole as 'democracy' and 'stratocracy', meaning the power of the streets. Ihalainen 2010, 72 – 24.

²¹³GM 1733, 116/C 3.3.1733, no. 348; Ihalainen 2010, 66 – 67; A candid answer 1733, 16-17, 21; A letter from a merchant 1733, 8; GM 1733, 115/C 3.3.1733, no. 348; GM 1733, 131 – 132/C 25.8.1733, no. 373; A letter from a merchant 1733, 8.

²¹⁴ODNB: One of the leading political figures in Elizabethan England.

²¹⁵GM 1733, 202 – 203/C 28.4.1733, no. 356; A Short but pithy sermon 1733, 7; Passim A second letter to the Right

shared the rhetoric of the Craftsman. The paper stated in a straightforwardly manner the following:

*'In limited governments, if ever the people, or their representatives, yield up any privilege to the executive part of the government, they scarce ever recover it. Power, like avarice, has devouring appetite, which increases the more it is fed; and thus governments become arbitrary.'*²¹⁶

As the 'representatives of the people' the MP's should protect the liberties and properties of the people against 'any encroachments of the Crown'. Indeed, 'any private man who becomes an advocate for the enlargement of power, ought to be suspected, whatever he may pretend', was it declared.²¹⁷ If the balance of power should be redefined, it should thus be done in favour of the people. This was a clear sign of the intention to make the people the greatest indicator of the political system.

The Daily Courant challenged opposition claims that the balance of power was fading away from the people. The power of the Monarch was described limited as 'the King is no more than a steward, or trustee for the people' that rendered an account on how money had been 'applied for their benefit and safeguard' of the people²¹⁸. In similar manner it was claimed that the people of England already possessed powers to impeach ministers acting against the statutes of the realm 'tho by the direction of the Monarch'. Rather than evening out the disparity of the balance of power, the popular appeals were rather unjust and even dangerous. As the people already possessed enough power, the erecting of the 'new tribunal (the people)' was considered with suspicions.²¹⁹

The ministerial papers understood the representation quite differently than the opposition. The representative political system was not seen as an arena of mobs, riots, and petitions, which would eventually follow if the balance of power would be shifted towards what the opposition considered as the people. Although the popular consent was commonly

Honourable Sir Robert Walpole 1733 1733; A letter to the merchants and tradesmen 1733, 4; French Excise 1733, 2, 49; Ihalainen & Seaward 2015, 8.

216GM 1733, 15/FJ 13.1.1733, no. 219.

217GM 1733, 202 – 203/C 28.4.1733, no. 356; A Short but pithy sermon 1733, 7; Passim A second letter to the Right Honourable Sir Robert Walpole 1733 1733; A letter to the merchants and tradesmen 1733, 4; French Excise 1733, 2, 49; Ihalainen & Seaward 2015, 8; An Humble address 1733, 21.

218GM 1733, 67/DC 5.2.1733; Ihalainen & Seaward 2015, 2 – 5.

219GM 1733, 171/DC 4.4.1733; GM 1733, 128/DC 7.3.1733; Ihalainen & Seaward 2015, 8.

recognized already during the 1730's, the active and extensive involvements of the people were considered with suspicions²²⁰. The following quotation captures the very core of the ministerial way of understanding the political system. It also represents an important strategy to delegitimize the opposition arguments that the sense of the people was the surest standard of politics and legitimation.

*'Why have the people chosen a legislature, but to obey their power, and submit to their decrees from them there's no appeal, till 'tis prov'd their delegates are false and unfaithful to their trust; an assertion that no man can yet make with justice.'*²²¹

The contradiction with relation to the origins and legitimation of power and representation functions as an important watershed between the ministerial and opposition ideologies. Both ministerial and opposition writers recognized that ultimately the legitimation of governing derived from the people, but the people was defined in a different manner. For many ministerial writers the Parliament represented the people and therefore whatever the Parliament decided, it represented the will of the people. By choosing the members of the House of Commons in elections the people gave their political authority to the Parliament. The opposition instances, however, defined the people as a significantly wider concept. It certainly considered 'the people in reserve' as an alternative way to delegitimize the unpleasant majority of the House of Commons.²²²

The dispute considering the balance of power can in fact be reduced to the differentiated understanding of the people and the representation. The opposition interpreted the balance of power being against the people since it defined both the people and its power in a rather wide manner. It has been argued that this idea of the sovereignty remaining with the people and not being transferred to the representatives by the elections originated from the Levellers. On the other hand the majority of the Republicans had considered the representatives of holding the 'sovereignty of the people'.²²³ In this sense the ministerial interpretation was nearer the Republican conception of the representation. For the ministry the Parliament was representing the will of the people *per se*. Thus overruling the majority of the MP's was at the same time overruling the will of the people. By limiting the power of

²²⁰Ihalainen 2010, 61, 69; Wilson 1998, 18 – 19.

²²¹GM 1733, 171/DC 4.4.1733.

²²²Ihalainen 2010, 16 – 17, 48, 65; Rosenfeld 2008, 49 – 50; Ihalainen & Seaward 2015, 10 – 11.

²²³Ihalainen 2010, 12 – 13, 16 – 17, 61.

the Parliament and the ministry, the opposition was constricting the power of the trustees of the people to implement the will of the people that was defined through elections.

The discourse of the balance of power was occasionally interpreted through the discourses of the 'Body Politick'. The 'Body Politick' was recognized as the proper manner of managing the 'common interest' as the people was considered to be 'generally partial in their own cases'.²²⁴ The metaphor of body politic was commonly used during the 17th and 18th centuries. The metaphor represents the nation or society as a harmonic entity in a similar manner as the human body. Although there were different groups in the society, they all together formed a consistent unit. In the same manner the different parts of the human body functioned differently, every group of the society had a distinctive function to implement. As a ministerial pamphleteer formulated the ministerial conception of promoting the common good:

*'As these subsist by one another, and they support the government, so that supports them all, they all together make up but one Body Politick, the people are the several members, of which the government is the head, which also like the members of a Body-Natural, are subservient and useful to each other.'*²²⁵

The conceptualization of the balance of power was distinctively a ministerial concept and discourse. The use of the concept allowed the ministry to portray the opposition claims as unreasonable and even unconstitutional. The 'high authority of the people' and the people's 'original power' was allegedly unknown to the constitution, being rather 'absolutely democratical' by their nature.²²⁶ The London Journal, for example, stated that 'conquest gives no more right to govern, than the superior power of highwaymen gives a right to an honest man's money or life'²²⁷. The opposition and the people were portrayed as eager of increasing their own power rather than being genuinely interested in preserving the constitution.

The balance of power was as such recognized by the opposition although it did not have a significant role in its rhetoric. It was exploited occasionally to emphasize the role of the

224A discourse on trade 1733, 8, 13, 22, 37, 43; A letter from a Member of Parliament ... concerning the duties 1733, 13, 51.

225A discourse on trade 1733, 22.

226GM 1733, 258 – 259/LJ 26.5.1733, no. 726.

227GM 1733, 283 – 284/LJ 2.6.1733, no. 727.

people, but it did not become a crucial element in the opposition discourses. Instead of concentrating on the balance, the opposition championed the idea of the people being the supreme legitimation and origin of power.

3.5. The Origins of Power and the Limits of the People

Both the opposition and the ministerial writers recognized that the legitimacy of power ultimately derived from the people. This conception was, however, implemented in rather different manner. The ministerial *London Journal*, for example, made a distinction between the people's natural rights and civil rights. It was argued that all men were equal by nature; meaning that nobody could take over another's liberty or property. These civil rights, also referred as 'political rights', derived only from consent and not by birth or inheritance as the natural rights. As the right to govern was derived from 'the consent of the people', the objective of the governors was 'their [people's] common protection against the invasions of wicked men upon their natural rights; for natural and political rights are the same, and differ only, as one is the security of the other'.²²⁸ In other words, the power derived from the consent of the people and should be used by the men in power to preserve and defend the people's natural and political rights.

The decisive difference between ministerial and opposition interpretations and representations concerned the nature of consent once it by election was transferred to Parliament. The ministerial instances interpreted the process of voting as a procedure granting the consent of the people to the House for the term the representatives were chosen for. Although the 'rights and liberties of the people' was perceived as the highest regard the 'people have no power properly their own, but the House of Commons'. The legislative authority was trusted to the King, the Lords, and the Commons, and the people could not have 'any authority against or over the legislature'. The *London Journal* summarized the issue in the following manner:

'For while the constitution is preserved, the original power of the people in their collective body can't exert itself, or have a being, because it's lost and swallow'd up in their representatives, whom they chose to judge and act for them'.²²⁹

²²⁸GM 1733, 283 – 284/LJ 2.6.1733, no. 727.

²²⁹GM 1733, 225 – 226/LJ 5.5.1733, no. 723.

For the ministry the elections represented the true will of the people as it had transferred the consent to the representatives in the House of Commons by voting. In this context the ministerial instances represented the popular appeals and petitions being in fact against the will of the people. The Free Briton declared that when the 'powers and privileges' of the people were given to the 'assembly for public good [Parliament]', the encroachments on the rights of Parliament was not only an aggression against the constitution, but also against the people itself.²³⁰ The petitions were seen as partial expressions of anger and could hence not be perceived as the general will of the people in a similar manner as the result of the elections.

Although the people did not have a right to 'exercise authority and power over the government by treathning, ordering' in normal circumstances, there were certain exceptions to this general rule. If the constitution was in endangered or breached by Parliament, the 'original power of the people', meaning the consent, would return to the people.²³¹ The idea of consent returning to the people, when the governors acted in an unconstitutional manner derived from the Lockean narratives of the Glorious Revolution. It was in fact widely recognized by both the ministry and the opposition and even by the Jacobites. The conceptualization can be considered as common ground as it was not challenged by the definition, but rather by the implementation.

Despite the ministerial instances considered the transferring of the consent as permanent in relation to the election terms, it was recognized that people could in some degree attempt to influence their representatives. The people had some kind of right to 'petition or modestly represent', but the MP's should still act on their own judgment rather than being 'attornies or creatures of the people'. It was commonly argued that 'the House of Commons should be under no influence, but that of their own reason' as it was considered that the representatives were better judges than the people as they lacked 'the private interest' when considering matters such as taxation and trade. They were rather often represented as being chosen 'for their superior understandings, abilities, and integrity, to judge an act in their [people's] stead'.²³² These discourses were based on rather paternalistic views. The people was portrayed as unable of understanding the common good of the nation as it was interested only in matters directly considering its own interest.

²³⁰GM 1733, 180 – 181/FB 12.4.1733, no. 177.

²³¹GM 1733, 283 – 284/LJ 2.6.1733, no. 727; GM 1733, 258 – 259/LJ 26.5.1733, no. 726.

²³²GM 1733, 225 – 226/LJ 5.5.1733, no. 723; GM 1733, 283 – 284/LJ 2.6.1733, no. 727.

The opposition views on the people's right to take active part in the decision-making processes were portrayed as unconstitutional and even 'democratic'. Especially the London Journal was active in accusing the opposition of turning 'the very nature of government into a democracy or popular state'.²³³ It was a common cry of the paper to blame the 'Whigs run mad [Opposition Whigs]' of believing that 'the people of England, in their collective body, have a right to command obedience from the Parliament, and overrule their proceedings; and that these sovereign lords and supreme judges, THE PEOPLE, are the legislature of England'. According to James Pitt there were no place for Kings, Lords or Bishops when the Opposition Whigs had turned the monarchy into a democracy.²³⁴ Although the people was the fundamental origin of power, it could not function as the absolute power. The constitution may have defined the people as the origins of power, but it also contained restrictions considering the distribution of power. The constitution was represented as an entity, which parts could not be rendered without understanding the spirit of the charter as whole.

Although the concept of democracy was introduced in Parliament only in 1734²³⁵, it appeared in the press already during the late excise crisis in mid-1733. The London Journal, for example, defined the championing of 'the original power of the people in their collective body' and the 'the high authority and original power of the people' as 'absolutely democratical'.²³⁶ The paper interpreted the Craftsman's 'doctrine of the original power of the people over their representatives' as 'new democracy, or government of the people' that would only lead to 'tumults, insurrections, and open rebellion'²³⁷. The discourses on 'democracy' were not particularly widespread or common and were in fact used only by the ministry to mock the opposition. The concept was used on only few occasions and each time with a negative tone, mainly to accuse the opposition of being eager to overturn the constitution and the legacy of the Glorious Revolution.

When blamed of supporting democracy and republicanism, the Craftsman rejected the ministerial accusations and clarified its views on the nature of the government. The editor of the paper, Nicholas Amhurst, defined himself as the supporter of the present political

233GM 1733, 225 – 226/LJ 5.5.1733, no. 723.

234GM 1733, 346 – 347/LJ 14.7.1733, no. 733.

235Ihalainen 2010, 72 – 74.

236GM 1733, 238/LJ 12.5.1733, no. 724.

237GM 1733, 283 – 284/LJ 2.6.1733, no. 727.

order that he described as 'a sort of Regal Common-Wealth'. For him the Commonwealth meant not 'in the strictest sense, to signify democracy, or popular state', but rather something like the governments in Poland, Holland, and Venice.²³⁸ The opposition in general defined its cause as constitutional rather than being of democratic nature, as the ministry alleged. The Craftsman, for example, declared that 'the true art of government consists in a general knowledge of mankind, and the particular disposition of the people to be governed'. Governing the people 'according to the will of their rulers' and 'in a manner contrary to their own will' was arbitrary by its nature and championing against principles like these was nothing but preservation of the constitution.²³⁹ The opposition use of the concept of the people was not something abnormal as such. On the contrary, the discourses concentrating on the power of the people had been popular even before the Glorious Revolution. It was rather the combination of the discourses emphasizing popular sovereignty and the rather demanding instructions sent to the representatives, that set the ministerial instances in fury.

The opposition attacked the views of the London Journal by insisting that the paper already had accepted the principle that 'all power was originally deriv'd from the people and will revert to them, whenever the constitution is dissolved'. The ministerial paper had, indeed, constantly declared that popular protests, instructions and direct involvement in the decision-making processes were acceptable when the constitution was in danger.²⁴⁰ The intention of the ministry was of course not to argue that the actions of the opposition were legitimate as the opposition argued that it was the ministerial scheme that endangered the constitution. The opposition, however, justified its actions by referring to the principle presented by the ministry. The scheme was claimed to endanger the constitution and the liberties of the nation. According to the opposition the constitution was dissolved 'when our governors break their covenant with us', which was considered evident in the case of the scheme.²⁴¹ These Lockean principles were central to the Patriot Opposition. The formation of the anti-Walpolean opposition had in fact been founded on the perception that Walpole's ministry was destroying the very being of the constitution with corruption and personal tyranny. Although the opposition was not prepared to use

²³⁸GM 1733, 131 – 132/C 25.8.1733, no. 373.

²³⁹GM 1733, 422 – 424/C 18.8.1733, no. 372.

²⁴⁰See for example GM 1733, 283 – 284/LJ 2.6.1733, no. 727.

²⁴¹GM 1733, 422 – 424/C 18.8.1733, no. 372; Ihalainen 2010, 74 – 76; A candid answer 1733, 16 - 17, 21; A letter of advice 1733, 24; Observations upon the laws of excise 1733, 5; A letter to the merchants and tradesmen 1733, 34; An Humble address 1733, 4, 21; The freeholder's political catechism 1733, 4; Ihalainen & Seaward 2015, 8, 10 - 12, 14 - 15, 16 - 17.

revolutionary means, it used the Lockean principles to legitimize a peaceful displacement of the present government.

In a similar manner the father of the Patriot Opposition, Viscount Bolingbroke, stated that the laws were made with 'the consent of the people' and the people was not 'free ... from the law, but by the law'. Bolingbroke even declared that 'the original power of the people' was based on Biblical justification, as according to Moses 'God Almighty demands the consent of the people even to his own laws'. It was declared that 'God Almighty condescends to this natural right of the people in changing the form of their government'. Another opposition pamphleteer stated in the same manner that it was a 'well known maxim' that 'the voice of the people being the voice of God'.²⁴² These formulations were rather progressive and even radical for the time. Claims like these could in fact have been declared as blasphemy during the 17th century. However radical these views were, they were widely disregarded at least in the formal political institutions since Lord Bolingbroke was a *persona non grata* in the House due to his Jacobite past.

The ministry in turn condemned the opposition demands to apply the principles of popular sovereignty to taxation as a blatant attempt to revoke the constitution. It was argued that as 'the supreme representative of the people' the most central right of the House of Commons was the power to raise money. This was considered as such a sacred privilege of the Commons that neither the Lords nor the Monarch could alter the resolutions considering the revenues.²⁴³ The instructions considering money bills of the House of Commons were considered breaching 'not only of the law of the land, but also of the privilege and freedom of Parliaments'²⁴⁴. Restricting the rights of Parliament to raise money was commonly seen as reversing the Glorious Revolution and restoring the arbitrary rule familiar to the Stuart reign. One of the central principles of the revolution had in fact been to transfer the power of raising taxes from the Monarch to the Parliament. Although the opposition did not represent demands to restore the Crown's right to raise revenues, defying the Parliament's exclusive right to concern the money bills was perceived as dangerous and being against the spirit of the revolution.

Rather than responding on the ministerial representations on the Parliament's exclusive

²⁴²The freeholder's political catechism 1733, 4, 8; The necessity of a new Parliament 1733, 17.

²⁴³GM 1733, 180 – 181/FB 12.4.1733, no. 177; Ihalainen 2010, 60.

²⁴⁴GM 1733, 240 – 241/DC 15.5.1733; A discourse on trade 1733, 13.

right to raise money, the opposition criticized 'the modern Whig's' of giving up the party's 'very first principles' and the legacy of the Glorious Revolution²⁴⁵. In fact, it was not only the opposition that was accusing the ministerial Whigs of betrayal of their original principles. A faction of rather radical Whigs, known as Old Whigs, threatened to draw their support from Walpole's ministry as the group perceived the scheme as being against the spirit of the Revolution. It has even been suggested that the political pressure created by this Old Whig faction was the Rubicon that forced Walpole to abandon his scheme.²⁴⁶ It is certainly true that there were differences between the discourses of the radical Whigs of the Glorious Revolution and the ministerial Whigs of Walpole. The ministerial journalist William Arnall, for example, defined the legitimation of the government through utilitarian criteria. He claimed that the government existed not to bring virtue, but was justified only by its usefulness to bring prosperity and peace.²⁴⁷ Discourses like these differed rather explicitly from the discourses of the revolutionary Whigs of the 1680's. Although the radical Whig perceptions of the popular consent always had been a minority force within the Whigs, the dispute within the ministry provided the opposition an opportunity to portray the majority of the ministerial Whigs as corrupted traitors.

In this sense the legitimation and delegitimation processes of the excise crisis were to a high extent a struggle to appropriate the legacy of the Glorious Revolution. Although the legacy of the revolution was something that could be described as common ground, as it was adopted by the Tories and to some extent even by the Jacobites, it was represented and implemented in various ways. For the ministry a stable government able to tackle smuggling would be the strongest safeguard of the people of England and the legacy of the Revolution. The opposition in turn compared the situation in Walpolean Britain to the pre-revolution era. Instead of constitution and liberties, the ministry was alleged of promoting slavery and shackles with its excise scheme.

245GM 1733, 339 – 340/C 7.7.1733, no. 366; Ihalainen 2010, 61 – 62; Targett 1994, 313; Wilson 1989, 123, 365 – 368; Wilson 1988, 94 – 95; Horne 1980, 601 – 602; Goldie 2006, 65; Liberman 2006, 327 – 328.

246Kendrick 1968, 421, 423 – 424.

247In this sense the ministry was indeed rather successful as the era of Walpole was, without doubt, not only long but stable and prosperous; Horne 1980, 610; Black 1984, 1, 6 – 7; Wilson 1998, 85; O'Gorman 2006, 75 – 77.

3.6. The Lockean Narratives of the Jacobites

The most radical debate considering the power of the people was the controversy launched by the *Fog's Journal's* allegorical narrative on the Portuguese revolution in 1640. The allegory represented the Prime Minister of Portugal, Miguel de Vasconcelos, as a tyrant trying to impose a disastrous 'new method of taxation' that would have ruined the trade of the nation and its people. A patriot named Pinto Ribeiro, however, rose up against the deceitful plan of the tyrant and 'deliver'd his country from slavery' by shooting Vasconcelos, then defenestrating his corpse and shouting 'Liberty! Liberty! The tyrant is dead! Long live Don John, King of Portugal!' According to the allegory the people had rushed 'upon the carcass, each being eager to give it a stab, as if they would prevent tyranny from ever rising again'.²⁴⁸ According to the allegory the dethroning of the unlawful tyrant was organized and implemented by merchants. They were the main body of the conspiracy, ready 'to die sword in hand, rather than to live beggars and slaves.'²⁴⁹

The intention of Nathaniel Mist was to draw parallels between the Portuguese revolution of 1640 and the excise crisis as the resistance on both occasions were organized by merchants. The dethroning of an unlawful tyrant, in turn, had a double-edged meaning. It is certain that it referred to George II as Mist was a prominent Jacobite considering the Hanoverian Monarch as an unlawful German prince. First and foremost the character of Vasconcelos, however, functions as an allegory for Sir Robert Walpole. As well as Vasconcelos, Walpole was, according to the opposition, the most hated person in the kingdom, and as his allegorical colleague also Walpole was trying to impose this new method of taxation, meaning excises. By these parallels the Jacobite journal was trying to emphasize the historical and universal nature of the struggle against excises and tyrants promoting excise taxation. Mist was also trying to legitimize rather radical views on the people's right to dethrone and even kill an unlawful tyrant. An other opposition pamphleteer defended the *Fog's Journal* by stating:

'I can't help saying, however, that one would be apt to think he did; by his bringing the revolution in Portugal as an instance to support his doctrine; and observing, that

²⁴⁸GM 1733, 72 – 73/FJ 10.2.1733, no. 223; GM 1733, 115/FJ 3.3.1733, no. 226; GM 1733, 123/FJ 10.3.1733, no. 227.

²⁴⁹GM 1733, 72 – 73/FJ 10.2.1733, no. 223; GM 1733, 115/FJ 3.3.1733, no. 226; GM 1733, 123/FJ 10.3.1733, no. 227.

*the violence of those in power, and their contempt of the populace, drove the people on trying their own strength*²⁵⁰

The Craftsman backed Nathaniel Mist's rhetoric to a certain extent even if the paper was not an advocate of the Jacobite cause. The paper did not promote violent rebellions, but stated that Walpole should be cautious, even afraid, as he had provoked 'the patience of the people'. Only if the Prime Minister would abandon his scheme could he 'sleep in quiet, without being haunted with continual dreams of murder and assassination'. If not, it was 'out of my [Amhurst's] power to prevent it with all my endeavours'.²⁵¹ Although the discourse was not the most central one in the debate on the excise scheme, it gained relatively much attention. The ministerial instances especially used these opposition narratives to portray the opposition as a radical, revolutionary faction willing to overthrow the House of Hanover.

The ministerial press responded fiercely to the opposition allegory as it was perceived as treasonous instigation. It was claimed that Mist's real intention was to inflame the people to murder Walpole and 'revolt the Prince', to 'call upon you [people] to arm; to strike home, and revenge your country's wrongs'.²⁵² The London Journal even declared that 'to halloo the people on the use of their original power, while the constitution is sacredly preserv'd, is little short of ballooing them on to rebellion'. The opposition representation was considered as a manifestation of the 'popish bigot[s]' against the House of Hanover and 'the protestant cause'.²⁵³ The London Journal crystallized the criticism in the following manner:

'The threatenng letters, and insolent instructions, authorative orders and commands to the supreme legislature, and after that come up by thousands; to beset their house, to affront them as they pass, to spit in their faces, to jostle some, strike others, and burn them in effigy all over the kingdom, is very little short of rebellion'.²⁵⁴

The Jacobites were certainly the most distinctive example of political exclusion as many of the leading Jacobites were either living in exile or their political influence were restricted.

²⁵⁰The vintner and tobacconist's advocate 1733, 39.

²⁵¹GM 1733, 180 – 191/C 21.4.1733, no. 355.

²⁵²GM 1733, 83/LJ 17.2.1733; GM 1733, 224/FB 3.5.1733, no. 180; GM 1733.

²⁵³GM 1733, 225 – 226/LJ 5.5.1733, no. 723.

²⁵⁴GM 1733, 258 – 259/LJ 26.5.1733, no. 726.

For the Jacobites, 'the voice of the people' was one of the few possible strategies to influence the decision-making processes. By exploiting the popular narratives, using extra-parliamentary means, and even adapting discourses on the people's right to rebel against tyrants and arbitrary rulers, the Jacobites were able to challenge the Whig supremacy that was based on the consent of the Hanoverian monarchs. This way the Jacobite ideology of the 1730's paradoxically combined the ideas of hereditary and even absolutist monarchy and people's liberties and rights against the 'vermighty exertions of state power'.²⁵⁵

As Kathleen Wilson has argued, the Jacobites adopted the Lockean language and even Whiggish principles of the Glorious Revolution during the early 1700's. By claiming that government was based on popular consent the Jacobites were able to claim that the people had a right to protest against a bad (Whig) government and its oppression, in order to preserve the liberties of the nation.²⁵⁶ This was evident in the case of the *Fog's Journal* as it adopted the Lockean arguments from the Glorious Revolution to legitimate its own desire to restore the Stuart rule by a new revolution²⁵⁷. As in the case of the Portuguese Revolution in 1640, Nathaniel Mist hoped to unite the mercantile and popular sentiments against the government of Walpole and eventually even against the House of Hanover.

3.7. Conclusions

The concept of the people was certainly one of the most important strategies of the opposition in delegitimizing the excise scheme as it was called in to justify and legitimize a variety of political positions and strategies.²⁵⁸ The processes of legitimation and delegitimation based on the concept of the people can roughly be divided into two decisive issues. The first controversy was about defining the people. Who and what was the people? The ministerial instances based their argumentation on the more traditional view, defining the people to consist of persons of sufficient standing and education hence entitled to vote. As the people was able to vote, the House of Commons categorically represented the will of the people as such.

For the opposition the traditional way of defining the people was disadvantageous as the

²⁵⁵Wilson 1998, 18 – 20, 116.

²⁵⁶Goldie 2006, 46 – 47; Wilson 1989, 371 – 373; Wilson 1998, 115 – 117.

²⁵⁷Wilson 1989, 371 – 373; Goldie 2006, 46 – 47.

²⁵⁸Wilson 1998, 18 – 20, 124 – 125.

people able to vote had kept Walpole with his ministerial Whigs in power for twelve years already. By redefining the concept, the opposition was able to include anti-ministerial groups without the right to vote into its struggle against the excises. This way the opposition was able to overcome the circumstances in Parliament where the Whig ministry was backed by a clear majority of seats. For the united Tory and Patriotic Whig opposition the fall of the excise scheme was, without doubt, one of its greatest victories. It proved that by the people's interventionist role, the opposition could challenge the ministry in a credible manner.²⁵⁹

The second controversy was about defining what kind of popular action was acceptable. Again, the ministerial interpretation highlighted the more traditional view. The people was claimed to be entitled to vote and by voting the consent of the people was transferred to Parliament. After the consent was transferred, the people had no right on their own. The opposition in turn understood the representation rather differently. It constantly referred to the constitutional role of the people as it was commonly recognized that the political legitimacy was based on popular consent. Therefore the people should have an active role in the decision-making processes. As the representatives were representing the people they should not only be aware of the sentiments amongst the people, but also act according to them. The discourses on popular sovereignty was not as such abnormal or rare, but combined with the amount of petitions and protests they formed an imminent threat to the Whig ministry.

Kathleen Wilson has claimed the anti-excise campaign was one of the largest and most successful extra-parliamentary campaigns of the 18th century. It was certainly the heyday of the Patriot Opposition and the opposition press as the opposition succeeded in redefining the frames of the debate and the decision-making process by appealing to the popular consent.²⁶⁰ I however agree with Jeremy Black²⁶¹ when considering the role of the popular opposition and the extra-parliamentary politics. The public demonstrations were indeed noticeable, but concentrating on them gives a misleading picture of the whole as it tends to exaggerate the power of the public. Although the popular demonstrations provide an interesting field of study, it should be kept in mind that the Parliament was the platform of the actual decision-making. Even in the case of the excise crisis the public

²⁵⁹Wilson 1998, 124 – 125, 130, 133 – 134; Ihalainen & Seaward 2015, 16 – 17.

²⁶⁰Wilson 1988, 98; Wilson 1989, 367 – 368.

²⁶¹Black 2008, 214.

demonstrations were mostly organized by actors operating either in the House or in its imminent proximity.

In the end it is certain that the ministerial excise scheme could not have been rejected without the legitimation concentrating around the concept of the people and its role in the parliamentary system of politics²⁶². Although the political role of the people was argued in a growing manner it was still a sensitive issue as the vehemence of the excise debates points out. The political significance of the people was certainly not a unique characteristic of the debates on excises and taxation, but the centrality of the use of the concepts surrounding it in the excise debates certainly indicates the political importance of the excise crisis. The fall of the excise scheme demonstrates how powerful the popular legitimacy could be as the fall of ministerial schemes were remarkably rare during the early 18th century Whig supremacy.

The use of the popular discourses and concepts during the excise crisis left a legacy influencing the later political debates. The power of the people and even 'democracy' were to be important concepts during the later years of the 18th century²⁶³. The parliamentary debates on the Septennial Act of 1734, on the standing army during the late 1730's, and the fall of Walpole's ministry in 1741 – 1742 had many rhetorical and conceptual similarities with the excise crisis. After the excise crisis the discourses of the voice of the people became more frequent even in the Parliament.²⁶⁴ Kathleen Wilson has in turn pointed out how the 'whole body of people' was used during the late 1730's and 1740's to legitimate campaigns against foreign nations²⁶⁵. Also the instructions became more popular during the later years of the reign of George II as they were claimed to represent 'the true and genuine spirit of the people' against the corruption of the government. In fact, the petitions became important even in the field of foreign policy during the eve of the War of Jenkin's Ear and the War of the Austrian Succession.²⁶⁶

262 Passim Ihalainen 2010; Passim Ihalainen & Seaward 2015.

263 Passim Ihalainen 2010; Passim Ihalainen & Seaward 2015.

264 Ihalainen 2010, 67 – 119, 76 – 78, 113.

265 Wilson 1988, 100.

266 Ihalainen 2010, 112; Wilson 1989, 368 – 370.

4. The Constitution

4.1. The Constitutional Legacy

*'O Liberty, thou Goddess, Heav'nly Bright!
Profuse of Bliss, and Pregnant of Delight!
Thee Goddess, Thee Britannia's Isle adores.
'Tis Liberty that crowns Britannia's Isle,
And makes Her barren Rocks, and Her bleak
Mountains Smile.'*²⁶⁷

The concept of the constitution with its sub-concepts were in the centre of the delegitimizing processes of the excise scheme. The British constitution itself was, however, not a single paper but rather a wide collection of important treaties and acts, dating as far back as to the Magna Carta of 1215. This inflicts certain difficulties and challenges to one studying the rhetoric and conceptions based on the constitution as it is often challenging to canvass the origins of the references. The constitution was an extensive conceptual abstraction, referring to numerous, often variable, themes and sub-concepts. In this case I have found it most satisfactory to comprehend the concept of the constitution as an abstract umbrella-concept consisting of two more conceptual abstractions: the liberties and the properties. The opposition proclaimed these three concepts in a wide and loud manner throughout the excise crisis. In general it could be argued that the constitutional discourse with its concepts mainly was based on the Lockean language of liberty, rights, and consent of power²⁶⁸.

The two abstract concepts of liberties and properties in turn consisted of a multitude of concrete concepts. The most notable and concrete of these was the idea of a right to a trial by jury. The concept of the constitution was continuously used to refer to this 'antient right' granted by the Magna Carta itself. Although I am regarding the concept of trials by juries as a separate concept, it certainly is part of the concept of liberties. It was considered a liberty and a privilege but as its foundation was in Magna Carta, it was rather used as a concrete constitutional argument directly under the concept of the constitution.

²⁶⁷The necessity of a new Parliament 1733, 1.

²⁶⁸Ihalainen 1999, 14.

In addition to the fear of losing the ancient method of trial, the opposition was concerned with the growing role of the Crown. The opposition feared the increasing number of excisemen would eventually subvert the legacy of the Glorious Revolution. The excisemen were nominated by the Crown and therefore it was feared that the excise scheme enabled the Crown to manipulate the elections and hence regain the power it had once possessed. Although the alleged increasing of the power of the Crown was criticized in a rather fierce manner, the opposition avoided insulting the present Monarch, George II.

Although the concept of the properties was an abstraction, it had, contrary to the concept of liberties, no further sub-concepts. It was rather commonly defined as the right to control one's own house and private property. The excise laws required that when a merchant wanted to move his goods from one place to another he had to request a permit from the excise officials. The opposition saw this as an arbitrary method of restricting one's authority over one's own property. The opposition also feared that the excisemen would abuse their power to search private houses. It was even claimed that it would endanger the 'chastity' of the wives and daughters of the nation as the officials had legal access to private houses at any time. But for the ministerial counterparts it was only a rather effective method of preventing smuggling and 'unfair trade'.

The structuring of this particular chapter has represented certain challenges to the author. These eminently abstract concepts were used with high intensity and often without specific definitions and references. The use of the concepts was more explicit in Parliament and amongst the press than amongst the pamphleteers, who used the concepts in a rather summary way. In order to simplify and systematize the use of these abstractions I have constructed a table based on the findings of this study. In other words, they should not be taken as exact formulations but rather as a summary of the debate of meandering nature. The purpose of the following table is to clarify the relations between different concepts and the counter-arguments.

Opposition concept	Opposition sub-concept 1	Opposition sub-concept 2	Meaning	Ministerial response
Constitution	Liberties	Trials by Juries	Every man has a right to be tried by his equals	The right to a trial by jury has already been altered many times
		The power of the Crown	Excisemen are nominated by the King and they could affect the elections	The increase of excisemen would not be considerable
	Properties		Every man has a right to move his goods without a permission from the excisemen	The excise legislation would decrease smuggling
			Excisemen should not have a right to search houses whenever they want	The excisemen were fine officers, not a bunch of savages
Closely related concepts considered in other chapters				
Opposition concept	Ministerial response	Ministerial concept	Opposition response	Chapter where considered
Original power of the people	Parliament has the right to raise money			3. The Power of the People
		Suppressing 'the unfair traders' would benefit 'the fair traders'	Increasing revenues should not be done by breaching the constitution	5. A Commercial Society

4.2.1. Trials by Juries

*'Twelve neighbours, I trow,
'Twixt your Monarch and you
Were wont to determine the cause;
But no Justice of Peace
Your Goods will release,
When this Monster has laid on his Claws.'*²⁶⁹

The opposition portrayed the excise laws as fundamentally unconstitutional as they altered the traditional method of trials by juries. It was quite generally believed that it was a right of every Englishman to be tried by '12 indifferent men in the neighbourhood', *i.e.* by his equals, who were chosen by a ballot.²⁷⁰ This idea of trials by juries, or twelve common men

²⁶⁹Britannia excisa 1733.

²⁷⁰GM 1732, 1044 – 1045/C 4.11.1732, no. 331; GM 1733, 71 – 72/C 10.2.1733, no. 343; GM 1733, 139 – 140/C 24.3.1733, no. 351; A letter from a Member of Parliament 1733, 18; A letter to the merchants and tradesmen 1733, 23-25; A short letter 1733, 6; Observations upon the laws of excise 1733, 15 - 16; The Norfolk scheme 1733, 39 -

giving the judgment, dates back to the Magna Carta itself and because of its centrality it was often used as a direct synonym for the constitution. The excise opposition defined the trials by juries as 'one of the most essential parts of our constitution, as well as the strongest bulwark of it'. It was a privilege 'our English Parliaments have been so zealous to preserve' that it had been confirmed by 'the legislative power near 60 times, since the Norman conquest'.²⁷¹ In general the opposition argued for a change in the political leadership as it represented the ministry as a corrupt and dangerous force. It was demanded that the 'healthy, balanced, 'virtuous' constitution modelled on 'ancient' and 'Gothic' maxims should be restored as the first principles of governing.²⁷²

The ancient constitution was in fact in the very heart of the opposition argumentation. As Pasi Ihalainen has shown, the opposition was in its nature traditionalistic as it resisted the attempts to reform and revise the constitutional framework.²⁷³ It has been argued that this conservative and traditionalistic nature of the opposition was based on classical republicanism that resisted change almost *per se*. It believed that altering the contemporary constitutional order was moving from 'stability, rationality, and virtue towards degeneration, corruption, and destruction of liberty and civic virtue'.²⁷⁴ In this sense the scheme was portrayed as threatening not only the economy, but the very ancient constitution²⁷⁵ itself and hence every freeborn Englishman²⁷⁶.

During the early excise crisis the Craftsman republished a pamphlet that successfully captured the opposition's argumentation and conceptualization against the excise laws. The pamphlet declared the English law was famous for its three principles. Firstly, every Englishman had a right to a fair trial 'by his peers, and not otherwise'. Secondly, the trials were based on 'indifferent judges' that 'shall try the cause between the Prince and the subject' without any other 'parties' concerned. Thirdly, 'no man shall be admitted an evidence in a case, where he shall be gainer by the condemnation of the person he witnesses against'.²⁷⁷ These arguments incisively captured how the opposition

40; The second part of *An argument against excises* 1733, 10, 14 - 16, 32 - 34, 57; *A new song* 1733.

271GM 1732, 1044 - 1045/C 4.11.1732, no. 331; *Observations upon the laws of excise* 1733, 15 - 16.

272Targett 1994, 303 - 304; Wilson 1989, 367 - 368; Goldsmith 1974, 485; Goldie 2006, 70, 72; Liberman 2006, 327 - 328; O'Brien 1988, 28.

273Ihalainen 1999, 78; Boyer 1964, 340 - 341; Goldie 2006, 70, 72; Goldie 2006, 72; Ihalainen 1999, 14, 25 - 26, 39, 56, 76.

274Ihalainen 1999, 78.

275Boyer 1964, 340 - 341; Goldie 2006, 70, 72; Goldie 2006, 72; Ihalainen 1999, 14, 25 - 26, 39, 56, 76.

276Boyer 1964, 340; Goldie 2006, 72; Wilson 1998, 129; O'Brien 1988, 28; Black 2008, 194.

277GM 1733, 20 - 21/C 20.1.1733, no. 342; *A letter from a Member of Parliament* 1733, 18; *Observations upon the laws of excise* 1733, 15 - 16.

experienced and examined the excise scheme in relation to the constitution. Not only was the political system of England seen as unique, but also the legal system was represented as exceptional.

To a high point the critique of the excise trials was based on the role of the excisemen. The powers given to the excisemen were commonly described as 'arbitrary', 'illegal', and 'contrary to the rights and privileges of the English nation'.²⁷⁸ Especially in excise trials the excisemen were seen to be 'the prosecutors, evidences, judges, and executioners', as the Craftsman formulated its allegations. As the excisemen were nominated by the Crown, it was seen that they could not function independently and with neutral ability of judging. Therefore it was 'no wonder if bad men make severity' to 'hold their places'.²⁷⁹ In other words, the arrangement of the implementation of the legal system was based on institutional misconducting. Instead of changing it, the ministry was alleged of worsening the problem by its scheme.

For the opposition legitimation the trials by juries were important also because of their believed effect on the outcome. It was believed that when the offender was tried by his twelve 'equals', the sentence was less severe compared to the sentences given in excise trials. This was not publicly admitted by the opposition, but the ministerial press taunted the opposition because of it. It was declared the frauds could not be prevented as 'the common people' of the juries 'count it no crime to cheat the King' as many of these 'common people' themselves were considered to be smugglers.²⁸⁰ The London Journal declared that:

*'When officers of the customs have come into courts with heads and arms cut in the execution of their office, and evidence upon oath hath been given, that such persons, then present in court, wounded them, yet the jury brought them in not guilty, with great shouts of joy. Therefore juries ought not to be allow'd in such cases.'*²⁸¹

These narratives of the ministerial press were strongly denied in Parliament by the

278GM 1733, 20 – 21/C 20.1.1733, no. 342; Robin and Will 1733; A new song 1733.

279GM 1732, 1044 – 1045/C 4.11.1732, no. 331; Wilson 1998, 128 – 129.

280GM 1733, 175/LJ 7.4.1733, no. 719; This reminds of the concept of 'social crime' used by E.P. Thompson.

281GM 1733, 175/LJ 7.4.1733, no. 719.

opposition speakers. The 'pretended partiality' of juries was denied by wondering how anyone could 'pretend to know what reasons a jury may have for giving their verdict'. At least the sentences given by the juries were based on 'twelve honest men upon oath' whereas the excise trials were based on the 'single say-so' of the excisemen.²⁸² The ministerial claims were, however, not as way off the mark as the opposition claimed. E.P.Thompson, for example, has studied crimes of early modern England and found rather similar phenomena. Thompson refers to crimes formally illegal but socially accepted, or at least not condemned, as 'social crimes'.²⁸³ In my opinion cheating the excisemen fits rather well to the Thompsonian definition. Avoiding excises was illegal but still to a high point regarded as justified, as the status of the excisemen were seen as formally legal, but *de facto* illegal in the context of the constitutional principles.

For the ministerial counterparts the opposition discourse of the trial by jury being an ancient constitutional right was inaccurate and false. It was recognized that the Magna Carta, which was 'one fundamental part of our government', indeed granted trials by juries in most cases, but never in all cases. Indeed, the ministry constantly reminded that the method of trials without juries was applied even before and outside the jurisdiction of the excise laws. The Daily Courant, for example, highlighted that the custom laws in a similar manner enabled trials without juries and hence the excise opposition should also resist the custom laws and every other branch of the public revenues.²⁸⁴ By the excise laws the nation was at least able to avoid long and expensive trials²⁸⁵.

These discourses were confirmed by the ministerial speakers in Parliament. The representatives denied the constitutionality of the juries and the claims that 'subjecting of Englishmen to any trial but that by a jury, were a great innovation, and a dangerous encroachment upon our constitution'. It was recognized that Magna Carta, 'one of the fundamental articles of our constitution', in fact granted every Englishman the right to be tried by his peers, but Magna Carta was portrayed as 'but an act of Parliament' and 'no more the constitution than any other act'. The 'wisdom on the nation' had found it necessary to perform many exceptions to 'this general rule' of the great charter. There were, for example, no trials by jury in the Court of Chancery, in the High Court of Admiralty

282HCPP 337 – 339: Sir John Barnard.

283Passim Thompson 1993; Passim Thompson 1996.

284GM 1732, 1054/DC 11.11.1732; GM 1733, 175/LJ 7.4.1733, no. 719.

285GM 1732, 1053 – 1054/Applebee's Journal 11.11.1732; GM 1732, 1054/DC 11.11.1732.

or in many other cases.²⁸⁶ Considering the constitution as something modern the ministerial instances tried to legitimate the Walpolean interpretation of the constitution. This was, at the same time, delegitimizing the romantic oppositional view of a timeless and static ancient constitutional order.²⁸⁷

The ministerial speakers took advantage of the fact that the British constitution was not a single charter or a clearly defined entity. The constitution was seen as something in continuous progress as 'whatever is done by the wisdom of Parliament becomes a part of our constitution; and whatever new method of trial is thereby introduced, becomes from thenceforth as much a part of our constitution as ever the old one was.' As it was necessary to alter 'the ancient method of trial by jury' in the cases mentioned earlier, there were also strong reasons for altering the method in the excise trials too.²⁸⁸

As the opposition regarded the excise trials as mere farce based on 'arbitrary power', it considered the possibility of an individual to get a correction by appealing as minimal. The Craftsman, for example, considered the Commissioners of Appeals as a 'sine-cure, dependend commission' that tried the subject 'by his adverse party'.²⁸⁹ It was claimed that the 'poor retailers' would not have any real chance to appeal successfully 'so that all such people must succumb' and 'submit to the determination of the commissioners of the excise, and can expect no other redress, but what they meet with from the mercy of those commissioners'.²⁹⁰ Wilfrid Prest has in his article considering judicial corruption in early modern England shown that the opposition accusations on a corrupt legal system were not correct. It is true that corruption existed in the legal system too, but the opposition claims were highly exaggerated.²⁹¹

Prime Minister Walpole denied the complaints claiming that there were no proper possibilities to appeal from sentences given by the excisemen. He claimed that there was nobody that 'was wronged, or unjustly dealt with, either by the Commissioners of Appeal, or by the Justices of the Peace'. But to diffuse these conundrums Walpole made a

286HCPP 332 – 334: Sir Philip Yorke; Englishmen's eyes open'd 1733, 24.

287Targett 1994, 304 – 305.

288HCPP 332 – 334: Sir Philip Yorke.

289GM 1732, 1044 – 1045/C 4.11.1732, no. 331; A letter from a Member of Parliament 1733, 18; Observations upon the laws of excise 1733, 15 - 16.

290HCPP 337 – 339: Sir John Barnard; A letter from a Member of Parliament 1733, 18; Observations upon the laws of excise 1733, 15 - 16.

291Passim Prest 1991.

proposition to allocate more judges to deal with the appeals considering excise trials. He was even ready to appoint two to three judges from the twelve Westminster-hall judges to ensure that there would be a fair hearing without corruption or execution of the law in a summary manner.²⁹²

The ministerial speakers argued that allocating Westminster-hall judges to the excise trials would invalidate most of the opposition arguments. The Westminster-hall judges were nominated for life and were therefore represented as 'entirely independent on the Crown'. In addition to the financial autonomy, the judges were chosen from different courts. This kind of an appeal procedure would, according to the ministry, prevent the excisemen 'to abuse their power in favour of the Crown'. As the judgements of the excisemen were 'liable to be canvassed in a superior court, where no favour, where no interest can screen an ill action'.²⁹³ Although the ministry denied the allegations of the excise administration being corrupted and cruel, it was, slightly surprisingly, ready to tackle the opposition allegations by relatively strong measures. The ministry certainly realized the proposed procedure would not affect the outcome of the trials, but it could be used to delegitimize the opposition accusations.

The opposition both in Parliament and amongst the press rejected the proposal of Walpole. It was emphasized that although the Westminster-hall judges were nominated for life they were still nominated by the Crown. The Crown could always find judges 'in order to oppress the subject' as the judges were but men. They were 'subject to the same frailties that other men ... and the Crown has always plenty of baits wherewithal to tempt them'.²⁹⁴ This line of logic was continued in the following manner:

*'A judge may be made a lord chief justice, a lord chief justice may be made a lord chancellor, and every one may have a son, a brother, or a cousin to be provided for; and that crown has many other ways, by which they may win over a judge to administer justice according to the directions he shall receive from court; more especially when he is to administer justice in a summary way, and without the usual forms of proceeding in courts of law and equity.'*²⁹⁵

292HCPP 322 – 323: Sir Robert Walpole.

293HCPP 364 – 365: Sir Thomas Robinson; HCPP 332 – 334: Sir Philip Yorke.

294HCPP 337 – 339: Sir John Barnard.

295HCPP 337 – 339: Sir John Barnard.

Even if the proposed procedure of Walpole would have had positive impacts on the possibility to appeal, it would according to the opposition not have altered the fundamental problems of the excise scheme. The leader of the Opposition Whigs, William Pulteney, emphasized that despite this new method of processing appeals, the laws of excise would still be in force in similar manner than before. The excisemen would 'have the same oppressive and vexatious powers', 'the same dispensing power with regard to fines and forfeitures', and the constitutional right to a trial by jury would still be breached. The Walpolean proposal would neither decrease 'the power and influence of the Crown', which would be inevitably increased by the excise scheme. According to Pulteney the only thing the new method of appealing would cause was the increase of the expences of the state.²⁹⁶ The opposition interpretation was, to a high point, apposite. The merchants would neither have time nor resources to a full-scale process of appeal, regardless to the manner the appeals were managed and processed. The process would be too time-consuming since the merchants needed to be able to move their goods quickly. It was something the opposition knew and blatantly exploited.

The proposal was mostly considered as a symbolic, even deceitful plot. Although this proposed method of appeal was considered as a gesture, it would still not restore the 'inherent right of every Englishman to be tried by his peers'. It was admitted that the judges were 'not so much under the influence of the Crown' but they were still altered to 'the infirmities of human nature and the temptations of power'. No 'sensible man' would be delighted to see his property made 'absolutely dependent on their virtues'. Although the scheme would suppress frauds and increase revenues these factors were not to be put in competition with the 'two great privileges, trials per pares, and the freedom of our own houses'.²⁹⁷ This kind of argumentation was not only common on this particular subject, but was widely used during the crisis. The ministry was portrayed as corrupted and opportunistic, willing to sacrifice the sacred constitutional values for private gain.

The right to a trial by jury is a fascinating subject of debate to one studying early modern England. Firstly, it is not the most common angle of approach or matter of debate if compared to concepts such as constitution, liberties, and properties. To some extent it

²⁹⁶HCPP 343 – 346: William Pulteney.

²⁹⁷HCPP 337 – 339: Sir John Barnard; A letter from a Member of Parliament 1733, 18; Observations upon the laws of excise 1733, 15 – 16; GM 1733, 139 – 140/C 24.3.1733, no. 351.

appears to be a special feature of this particular crisis. Secondly, the concept was used to reflect wider political and ideological values and mentalities. It was not only about the privilege and right to get a trial by jury, but also about fundamental values of the English society. The opposition portrayed the trial by jury as a symbol of respecting the constitutional liberties and property rights, and limiting the role of the Crown by granting a fair conduct of trial.

4.2.2. The Power of the Crown

As well as in the debate considering the role of the people, the balance of power was also a subject of debate from an imminent constitutional standpoint. In this particular context the opposition instances emphasized their anxiety on the growing power of the Crown rather than being troubled of the modest role of the people. In the opposition discourses the Glorious Revolution 'was founded on principles of liberty, and with a design of abridging the power of the Crown'. The ministry was, however, accused of endangering these principles by increasing the 'power of the Crown'. It was even claimed the Crown had already more power than 'under any of the Stuarts' in 'former ages'.²⁹⁸

Since the Walpole's ministry already had increased the executive power of the Crown, the newly proposed excise scheme was portrayed as the last fatal blow against the legacy of the Glorious Revolution. It would, according to the Craftsman, 'prove dangerous to the constitution' and endanger the equilibrium of power, which was 'the safety of all free governments'.²⁹⁹ These concerns were widely recognized amongst the opposition as even the Jacobite magazine, the Fog's Journal exploited the discourse. The journal wrote that 'the balance of our government is kept right as long as Parliaments meet to the terror of ministers, and redress of grievances'.³⁰⁰ It is clear that the rhetoric and conceptual approach of the opposition to some extent was founded on the opposition's irritation on the good relations between the Walpolean Whigs and the two first Hanoverian Monarchs. The long Whig supremacy of the 18th century was ultimately based on the trust between the Hanoverian Monarchs and Whigs and on the suspicion both George I and George II felt

298GM 1733, 115 – 116/C 3.3.1733, no. 348; Some observations 1733, 17 - 20; A letter from a member of Parliament ... in the west 1733, 25 - 27; Observations upon the laws of excise 1733, 3.

299Targett 1994, 307, 312; Wilson 1989, 364, 367 – 368; Horne 1980, 601 – 602; Liberman 2006, 327 – 328; O'Brien 1988, 28; GM 1733, 115 – 116/C 3.3.1733, no. 348.

300GM 1732, 1070 – 1071/FJ 25.11.1732.

towards the Tories.³⁰¹

The ministry accused the opposition of being only embittered and envious. It denied that the power of the Crown had been enlarged. The claims comparing the power of the Crown to the arbitrary era of the Stuarts were portrayed as mere insinuation and libellous. The Daily Courant highlighted the ministerial point of view in the following manner:

*'What does he think of the power of the crown in the reign of James I. when several members of Parliament were imprison'd ny the King's sole authority, for speeches they made in the house; in which confinement some of them died? What were the oppressive laws, the ship money, the cruel arbitrary punishments in the time of Charles I? What does he call the depriving the city of London of its Charter by Ch.II? and the restraining them from chusing their magistrates without his approbation? What the power of the crown was under James II. is in the memory of many now alive; therefore the writer that can assert so barefaced a falshood, deserves no credit for the future.'*³⁰²

Although the alleged enlargement of the power of the Crown gained fierce critique amongst the opposition, the criticism was depersonified by its nature. It was widely emphasized that 'his Majesty is a good and a wise prince' but at the same time stressed not to surrender the 'liberties and privileges, which have been handed down to us by our ancestors'. Although the present Monarch would certainly not abuse his powers 'some of his successors may'.³⁰³ In the end, as Nathaniel Mist formulated it, were 'not the princes we have the greatest confidence in, mortal?'³⁰⁴ The rather modest formulations emphasizing the theoretical and hypothetical nature of the threat from the Crown indicates how the opposition avoided rhetoric that could have been accused of being revolutionary or treasonous. Although the Fog's Journal occasionally flirted with anti-Hanoverian discourses and themes, the majority of the opposition had no desires to replace the House of Hanover.

George Heathcote, a notable opposition MP, explicated the opposition mentality by stating

301Targett 1994, 303 – 304.

302GM 1733, 138/DC 14.3.1733.

303HCPP 340 – 342: Heathcote.

304GM 1732, 1070 – 1071/FJ 25.11.1732.

that 'being govern'd by a wise and a good King, does not make the people a free people'.³⁰⁵ This reasoning was illustrated by comparing the contemporary state of affairs to the ancient Rome by claiming 'the Romans were as great slaves under the few good emperors they had to reign over them, as they were under the most cruel of their tyrants'. After the people had renounced its liberties 'their governors have all the same power of oppressing them, tho they may not perhaps all make the same wicked use of the power lodg'd in their hands'.³⁰⁶ The principles of the Glorious Revolution and limited monarchy, where the Monarch was merely an executor of the orders of the Parliament were widely accepted and recognized by both ministry and opposition. Even most of the Jacobites accepted these principles although promoting restoration of the Stuart dynasty.³⁰⁷ The locus of the controversy was therefore rather on the institutional structures as such since the discourse of limited monarchy was not challenged.

But what were the dubious powers that upheaved the controversy then? Perhaps the most controversial issue for the opposition was the fact that the excisemen were nominated by the Crown. The ministry was portrayed as keen to increase the power of the Crown and to put the people under the 'most submissive and obedient ... employ'd by the Crown'. After the scheme the Crown could, without restrictions, 'oppress the subject' through the excise administration.³⁰⁸ Furthermore it was feared that the Crown and the ministry would try to manipulate elections by the increased number of excisemen. These fears were to some degree justified. Jeremy Black has pointed out that Walpole in fact earlier had used excisemen, as well as custom officers, to manipulate elections in several constituencies.³⁰⁹

As the excisemen were seen as threats to the English constitution and hence affecting 'us all as Englishmen and freemen', the amount of these officers was a major subject of debate. The Craftsman argued there were a certain, continual pattern in the legitimation process of the ministry. The ministerial speakers repeatedly denied its excise schemes were creating 'a new army of excisemen' by claiming the increase of excisemen was only modest. The ministerial MP Sir Philip Yorke, for example, claimed the increase of officers would not be more than 150 new excisemen, and enquired was 'this nation to be enslaved

305HCPP 340 – 342: Heathcote.

306HCPP 340 – 342: Heathcote.

307Goldie 2006, 40 – 42, 64 – 65; Multamäki 2002, 51 – 70.

308HCPP 346 – 348: Sir William Wyndham; HCPP 337 – 339: Sir John Barnard.

309Wilson 1998, 124 – 125, 129; Black 2008, 194; O'Brien 1988, 28; Liberman 2006, 327 – 328; Goldie 2006, 64 – 65.

by 150 little excisemen?'³¹⁰ According to the opposition it was not the 150 excisemen that were the core of the problem, but rather the long-term development in general. For example the year before, in 1732, the excise on salt was revived, which increased the number of excisemen by 600. This kind of small steps were seen as a hidden strategy and a pattern that could be 'repeated every year ad infinitum' until 'all our taxes and duties are converted into excises' and the nation was crowded with excisemen.³¹¹

Besides challenging the ministerial logic, the opposition also rejected the claims of the scheme increasing the amount of excisemen by only 150. Sir John Barnard noted that in addition to the 150 excisemen the so called 'warehouse-keepers' that were appointed and paid by the treasury should also be counted as excisemen. It was claimed that these 'warehouse-keepers' would be at least double the amount of the actual excisemen and would have similar rights to enter houses and search goods as the excisemen. It would be expensive to the public to upkeep these 'great slaves to the administration' as they were commonly called.³¹² For the opposition these numerous dubious claims of the ministry proved that the ministry had a hidden agenda that it was secretly foisting.

The ministry denied the claims, insisting that the scheme was not increasing the power of the Crown. The Daily Courant wrote that it was better to grant money to the Crown from the taxes enacted and collected by the House than to let the Crown live on its own revenues.³¹³ As the opposition commonly used the power of the Crown as a synonym for the power of the ministry, the ministry was also forced to defend its own power. It urged in general that it was necessary to the government to have enough power to govern. The ministerial instances confessed that this 'unlimited power' could pose problems to maintaining the liberties of the nation, but although the power could be exploited by the government, it should not mean it could not be trusted with power.³¹⁴

310GM 1732, 1055 – 1057/C 11.11.1732, no. 332; GM 1733, 139 – 140/24.3.1733, no. 351; Wilson 1998, 124 – 125; HCPP 332 – 334: Sir Philip Yorke.

311GM 1732, 1055 – 1057/C 11.11.1732, no. 332; GM 1733, 139 – 140/24.3.1733, no. 351; A letter from a Member of Parliament ... concerning the duties 1733, 14, 24-25; A short letter 1733, 5; The budget opened 1733, 30.

312HCPP 337 – 339, 356 - 358; Sir John Barnard; Wilson 1989, 367.

313GM 1732, 1098/DC 2.12. & 9.12.1732.

314Horne 1980, 606, 610.

4.3. Liberties and Properties

4.3.1. Liberties

The concept of liberties was probably the most commonly used concept during the excise crisis as it had a crucial role in the opposition argumentation. For the opposition liberty was a natural right of everyone in the Lockean sense³¹⁵. Even 'the meanest man in the nation' had 'as natural and as good a right to his liberty, as the greatest man in this or in any other kingdom', was it commonly declared³¹⁶. In general the debate on liberties was not concentrated on the conceptual definition of liberty as such. It was rather a debate of binary nature; was the scheme endangering the liberties or was it not?

The Craftsman, however, made an exception to the aforesaid pattern. But rather than defining directly what liberty was, it in a rather vague manner defined how the antithesis of liberty had changed. Endangering liberties did not mean, 'like in the ol'd days', 'danger of being shut up in dungeon, or chain'd to oars'. The contemporary antithesis was rather that the people were 'at liberty to live, or starve where we please'. It was claimed that a free people will cease to be free when the weight of taxes and the manner of collecting them 'reduces them to beggery and dependance, which are properly the circumstances and characteristics of slaves.'³¹⁷ The liberty was defined through a common antithesis, slavery, but the definition of this antithesis was redefined. In fact, the definition provided by Nicholas Amhurst was relatively innovative and even modern. Rather than defining the liberty in the Hobbesian³¹⁸ sense, *i.e.* being not hindered by others, Amhurst's definition represented something that later has been defined as positive liberty.

In general the opposition defined the excise laws as 'arbitrary laws' that were 'absolutely inconsistent with liberty'³¹⁹. The leader of the Opposition Whigs, William Pulteney, declared

315Wilson 1989, 367 – 368; Ward 1964, 413.

316HCPP 328 – 329; Sir Paul Methuen; Boyer 1964, 340; Wilson 1988, 77; O'Brien 1988, 28; Goldie 2006, 70 – 71; Black 2008, 194.

317GM 1732, 1055 – 1057/C 11.11.1732, no. 332; Goldie 2006, 69; Boyer 1964, 340; Goldie 2006, 72; Wilson 1998, 129; O'Brien 1988, 28; Black 2008, 194.

318Hobbes 1985/1651, 261 – 274.

319HCPP: Sir Paul Methuen; HCPP 307 – 308, 328 – 329, 355; A collection of letters, 1733, 6, 15, 22 - 23; A letter from a Member of Parliament 1733, 4; A Letter to the free-holders 1733, 8 - 9, 22 - 23; A second letter to the Right Honourable Sir Robert Walpole 1733 1733, 33 - 36; Observations upon the laws of excise 1733, 25; Some seasonable animadversions on excises 1733, 4, 18, 22; The budget opened 1733, 6; The nature of the present excise 1733, 34, 51; Wilson 1989, 364, 367 – 368; Ward 1964, 413; Boyer 1964, 340; Cranfield 1963, 22; Goldsmith 1974, 479; Wilson 1988, 77, 94 – 95; Liberman 2006, 327 – 328; Wilson 1998, 124, 129, 130 - 131; O'Brien 1988, 28;

that the excise scheme 'strikes at the very root of our liberties', being 'a downright plan for arbitrary power'³²⁰. The Tory leader in Parliament, Sir William Wyndham, followed the same discourse by constating that the excises had been 'in all ages, and in all countries' seen as 'the most oppressive method' of taxation and hence 'most vexatious to the people'. The dreadfulness of the excises was seen as universal and timeless.³²¹ Enacting new excises was portrayed as imposing the errors made in other nations to England, which historically had avoided the new form of taxation in a rather effective manner.

Tampering with the constitution was seen as dangerous and precarious. It was argued that as the scheme was endangering the constitutional liberties it would eventually lead to the subversion of the whole constitution and all of its liberties.³²² The logic was mostly the same the opposition used when it claimed the excises on tobacco and wine would inevitably lead to a general excise. In the same manner as the excise scheme would eventually lead to subjecting every branch to the 'arbitrary laws' of excise, the scheme would endanger not only the liberties of the merchants operating on wine and tobacco markets but eventually also the rest of the nation.³²³ To restrain this dangerous progression the representatives, 'and of all honest Englishmen', should preserve the constitution 'as near as may be in the same situation under which it has long flourish'd'.³²⁴ Britain had flourished for centuries under its constitution and according to the opposition altering it would inevitably ruin the nation. It should rather be preserved as unaltered as possible to secure the future of the nation. This line of argumentation clearly emphasizes the traditionalistic nature of the Patriot Opposition³²⁵.

To defend its views on the importance of preserving the constitution, the opposition emphasized the historical roots of the English liberties. It was widely argued that the excise scheme would be 'an entire subversion of our antient constitution' that had distinguished England from its neighbouring nations. The constitutional liberties were granted by 'our fore-fathers' 'at the expence of their lives and fortunes' and had 'cost this

Black 2008, 194.

320HCPP 343 – 346: William Pulteney.

321HCPP 346 – 348: Sir William Wyndham; HCPP 368 – 369: Walter Plummer.

322GM 1733, 44/GM 24.1.1733.

323HCPP 343 – 346: William Pulteney; A discourse on trade 1733, 34; A letter from a Member of Parliament 1733, 11, 22; A letter from a Member of Parliament ... concerning the duties 1733, 30, 42 - 43; A letter from the mayor 1733, 5 - 7; Some seasonable animadversions on excises 1733, 4; The necessity of a new Parliament 1733, 23; The Norfolk scheme 1733, 41 – 42,

324GM 1733, 44/GM 24.1.1733.

325Targett 1994, 303 – 304.

nation so much blood and treasure'. It was the duty of every Englishman to 'have the virtue and courage' to struggle to preserve this legacy and deliver it to posterity.³²⁶ This kind of heroic praise was not exceptional to the political discourses of the 18th century Britain, but the opposition managed to exploit it on a rather exceptional scale. The people was portrayed as humble and altruistic, which were values the representatives in Parliament should also keep in mind. Sir John Barnard crystallized the opposition critique in the following manner:

*'I shall never put my private interest in ballance with the interest or happiness of the nation; I had rather beg my bread from door to door, and see my country flourish, than be the greatest subject in the nation, and see the trade of my country decaying, and the people enslaved and oppressed.'*³²⁷

A common opposition discourse to delegitimize the scheme was to convert it to a question between the liberties and public revenues. Sir Paul Methuen, for example, portrayed the scheme as introducing a more efficient manner of collecting public revenues 'at the expence of the liberty'.³²⁸ The constitution had already been breached by establishing a standing army and the present excises had already subjected 'great numbers of the people of this nation to the arbitrary laws of excise'. The ministerial scheme was seen as 'wide a step towards subjecting all the rest of the people of England' to the same arbitrary laws of excise.³²⁹ In general the opposition portrayed the excise scheme as the last and fatal blow against the British constitutional liberties. Once the liberties were reversed it would be impossible to restore them.

The ministry interpreted the opposition discourses as inflaming the people by false representations. Rather than destroying the distinctive English rights, the scheme was intended to defend liberty by tackling frauds and 'unfair traders'.³³⁰ The opposition was accused of using the concept of liberty incorrectly as it tried to distract the constituents and

326GM 1733, 44/GM 24.1.1733; HCPP 340 – 342: Heathcote; A Collection of letters 1733, 3; A review of the excise-scheme 1733, 4, 48; The crisis 1733, 11; Boyer 1964, 340 – 341; Goldie 2006, 70, 72; Goldie 2006, 72; Ihalainen 1999, 14, 25 – 26, 39, 56, 76; Targett 1994, 303 – 304.

327HCPP 307 – 308: Sir John Barnard.

328HCPP 328 – 329: Sir Paul Methuen; Boyer 1964, 340; Wilson 1988, 77; O'Brien 1988, 28; Goldie 2006, 70 – 71; Black 2008, 194.

329HCPP 340 – 342: Heathcote; A Collection of letters 1733 1733, 3; A review of the excise-scheme 1733, 4, 48; The crisis 1733, 11; Boyer 1964, 340 – 341; Goldie 2006, 70, 72; Goldie 2006, 72; Ihalainen 1999, 14, 25 – 26, 39, 56, 76.

330The crisis 1733, 37 – 38; Some observations 1733, 17; The reply of a member of Parliament 1733, 24 – 26.

the people by implying the scheme would deprive their liberties.³³¹ It was even claimed that the opposition did 'believe no more in their own doctrines, than any Romish priests in their own miracles'³³². The opposition reasoning was condemned as illogical as there were already many excises in force. Why would these two excises destroy the liberties when the previous excises had not done this?³³³ By examples like these the ministry attempted to dissipate the fears of its scheme. For it the scheme was rather a technical measure to improve the efficiency of taxation as I have shown in the second chapter of my thesis.

The Craftsman even claimed that the ministry avoided the use of the concept of excise. Instead of speaking of excises the ministerial papers used the concept of 'inland duties', *de facto* a synonym for excise. If the scheme was in fact promoting and securing the liberties why was the ministry evading the use of the concept that was supposed to be a mark of liberty? According to the opposition the concept had in fact 'an odious sound'.³³⁴ It was certainly true that the ministerial papers more often used the concept of inland duties rather than excise, but it would be rather exaggerated to claim that the ministerial instances never used the concept of excise.

The language of liberty was one of the most predominant discourses of the political sphere of the 18th century Britain. It is clear that the Whiggish language of liberty ultimately deprived from the Lockean arguments. However, as J.C.D. Clark has noted, the discourse of liberty was not an exclusive feature of any single political group. It was used by Jacobites as well as by the supporters of the House of Hanover. The Jacobites were in fact rather keen to represent themselves as defenders of the liberty against the oppression and illegality of the contemporary British society. They even referred to and reformulated Locke, the legitimizer of the Glorious Revolution and the dethroning of the Stuart dynasty, when arguing against the long Whig supremacy.³³⁵

331A letter from a member of Parliament ... in the west 1733, 6, 16, 22 - 23; A letter from a Member of Parliament ... concerning the duties 1733, 34, 41 - 43; A letter from a merchant 1733, 7, 12 - 15; An Humble address 1733, 29; Considerations occasioned by the Craftsman 1733, 21, 23; Englishmen's eyes open'd 1733, 30, 67; Some observations 1733, 9 - 10, 17; The crisis 1733, 13 - 16, 18, 25; The reply of a member of Parliament 1733, 21, 38; The landed interest consider'd 1733, 21, 34 - 35.

332The crisis 1733, 37 - 38; The reply of a member of Parliament 1733, 38.

333The crisis 1733, 37 - 38; Some observations 1733, 17; The reply of a member of Parliament 1733, 24 - 26.

334GM 1732, 1069 - 1070/C 4.11.1732, no. 354.

335Clark 2000, 35, 68, 84, 87 - 88; Goldie 2006, 46 - 47; Horne 1980, 612.

4.3.2. Properties

Another common concept used with the liberties was the properties, referring to the constitutional protection of private property. As the concept of liberties was rather abstract, the property was certainly defined in a more concrete manner. Most commonly it was used to point out the extensive rights of the excisemen to inspect, restrict and confiscate private property of the merchants. The excisemen were described with colourful insults. They were called 'the pests of society', 'a sure sign of bad government', 'swarm of civil vermin', and even leeches. They were claimed to be condemned in the Bible as sinners and the *Fog's Journal* even implied that they should all be hanged as they continually exhausted 'the strenght and spirits of the Commonwealth'.³³⁶

In practice the scheme permitted the excisemen to enter and search houses, confiscate without court orders, arrest and question people as they wanted, and hold trials without juries.³³⁷ In the Parliament the opposition's concern over the excisemen were constant as it was feared that the scheme would bring about swarms of excisemen,³³⁸ who had the tendency 'of most cruel oppression'.³³⁹ The opposition saw the excise laws as sacrificing the freedom of the people exercising commercial activities as everyone dealing with exciseable commodities should have both their shops and houses open to the excise officers.³⁴⁰ These extensive rights and the increase of both the number and efficiency of the excisemen was certainly decreasing the popularity of the scheme amongst merchants, traders, and popular sentiments³⁴¹.

The excisemen were seen as a threat to every honest man as the excise laws allowed 'an utter stranger, ... perhaps ... his most implacable enemy' to inspect one's properties. Sir John Barnard, an opposition MP, told in the House that he personally knew many cases where excisemen constantly harassed families by continually visiting them during the

336GM 1733, 139 – 140/C 24.3.1733, no. 351; Some seasonable animadversions on excises 1733, 4, 20; A letter from the mayor 1733, 31 – 32; GM 1733, 35/FJ 27.1.1733, no. 221; O'Gorman 2006, 82.

337Cranfield 1963, 22; Wilson 1998, 124 – 125, 128 – 129; Black 2008, 193 – 194; GM 1733, 190 – 191/C 21.4.1733, no. 355; GM 1733, 139 – 140/C 24.3.1733, no. 351; GM 1732, 1044 – 1045/C 4.11.1732, no. 331; A letter from a Member of Parliament 1733, 24; The budget opened 1733, 26 - 28; The second part of An argument against excises 1733, 10; Some seasonable animadversions on excises 1733, 20.

338HCPP 337 – 339: Sir John Barnard.

339HCPP 343 – 346: William Pulteney; Some seasonable animadversions on excises 1733, 4, 20; A letter from the mayor 1733, 31 – 32; Boyer 1964, 341 – 342; Wilson 1998, 124 – 125; Black 2008, 194.

340GM 1733, 128 – 129/C 17.3.1733, no. 350; A discourse on trade 1733, 12; Some seasonable animadversions on excises 1733, 4; Cranfield 1963, 22; Wilson 1998, 124 – 125, 128 – 129; Black 2008, 193 – 194.

341Cranfield 1963, 22; Wilson 1998, 128 – 129; Black 2008, 194.

dinner time and threatening by arrest. Barnard also pointed out that the excise laws would give 'power to any little paltry exciseman, to enter people's houses at all times of the day and night', which would be 'encroachment upon the liberty of those people'.³⁴² In a speech given in Parliament Barnard continued in the following manner:

'If it is not an encroachment upon a man's liberty, it certainly is a very direct one upon his property, and of consequence it will be found to be an encroachment upon his liberty; for can any man be said to be free, who must submit to, and be the humble slave of his exciseman, otherwise he must expect no quiet or comfort within his own dwelling-house: the most blameless conduct can not secure him against vexation; and no man can be said to be free, who can not depend upon his innocence for his protection: an officer invested with such power, may fall upon twenty ways to tease and vex the most innocent man upon earth'.³⁴³

The jurisdiction of the excisemen were even compared to the 'lord Danes' that had systematically harassed and ransacked the country during the medieval Viking rule. This vivid comparison illustrates how unpopular the excisemen were as that era generally was considered as an age of oppression and indignity. According to Sir John Barnard, 'we know what was the fate of the lord Danes we had formerly in England, and I shall be very little surprized if these new ones meet with the same fate.'³⁴⁴ As well as the foreign 'lord Danes' had been driven out of England, the foreign taxes and the Continental manner of raising revenues could also be repealed. It was even implied that the excisemen and the governors introducing such measures of taxation could confront the fate of the 'lord Danes'.

The opposition exploited the general distrust and hatred towards the excisemen as their unpopularity had long historical roots. It has been suggested that this unpopularity derived from the exceptional position of the excisemen in English society. Michael Braddick has argued that the excisemen were unpopular as they were centrally organized and recruited

342HCPP 356 – 358: Sir John Barnard; A candid answer 1733, 21 - 22; A Collection of letters 1733, 12; A letter from a Member of Parliament 1733, 24; Some seasonable animadversions on excises 1733, 4; The budget opened 1733, 26 - 28, 30; The vintner and tobacconist's advocate 1733, 33 - 35; Some seasonable animadversions on excises 1733, 20; Boyer 1964, 340 – 341; Cranfield 1963, 22; Wilson 1998, 128 – 129; Black 2008, 194.

343HCPP 356 – 358: Sir John Barnard.

344HCPP 356 – 358: Sir John Barnard; A candid answer 1733, 21 - 22; A Collection of letters 1733, 12; A letter from a Member of Parliament 1733, 24; Some seasonable animadversions on excises 1733, 4; The budget opened 1733, 26 - 28, 30; The vintner and tobacconist's advocate 1733, 33 - 35; Some seasonable animadversions on excises 1733, 20; Boyer 1964, 340 – 341; Cranfield 1963, 22; Wilson 1998, 128 – 129; Black 2008, 194.

whereas the custom duties and land tax was managed by local officers. Therefore encounters between the payers and collectors of the excises were infrequent and purely professional, which limited the influence of the locals on the officers. The efficiency of the excise officers and the lack of corruption to a high point originated from this otherness, but it also generated distrust and bitterness amongst the local communities.³⁴⁵

Besides threatening the privacy of the merchants, the excise laws were claimed to also endanger the very being of trade. According to the excise laws the merchants could not move their goods from one place to another without a permit from the excisemen. From a practical point of view, this restriction may have been the most distinctive feature of the excise laws as the custom laws allowed the merchant to move goods freely after paying the duties. The Craftsman argued that 'as imprisonment of body, is next to loss of life, so the confinement of property, is next to the taking it away'.³⁴⁶ Also the Gentleman's Magazine emphasized how the scheme would not only subject the fair trader to 'the frequent and arbitrary visitation of officers', but also make them dependent on the officers 'judicial determination'³⁴⁷. It is true that in practice the excisemen could impede the trade of the merchants as they could reject the permit applications. Appealing on decisions like these were in practice too time-consuming and intractable. Although scenarios like these were in fact possible, they were rather unusual. However, the fear of the growing role of the excisemen indicates how fragile the political situation was perceived.

Also the boroughs and constituencies of England declared their worry for these 'vexatious and oppressive methods'. By suppressing 'the liberty of the subject' the excise laws would also endanger 'the trade of the nation' as it was claimed that by the excise laws 'the mercantile part of the nation become not only less able to trade to advantage, but unwilling to trade at all'. One willing to trade on branches subjected to excise laws was forced to renounce 'the privileges of a British subject' according to the opposition discourse.³⁴⁸ This was seen as a clear watershed and rupture in the British tradition of regarding trade as the veins of the nation. It was claimed that 'our wise ancestors always encouraged trade' and

345Braddick 1991, 600 – 605, 608 – 609, 625; Wilson 1998, 128 - 129; Braddick 2000, 261 – 263; O'Brien 1988, 28; Brewer 1989, 101 – 105; Brooks 1974, 281 – 288.

346GM 1732, 1044 – 1045/C 4.11.1732, no. 331; GM 1733, 139 – 140/C 24.3.1733, no. 351; A letter from a Member of Parliament 1733, 24; The budget opened 1733, 26 - 28; The second part of An argument against excises 1733, 10; Some seasonable animadversions on excises 1733, 20.

347GM 1733, 98/Domestick Occurences 15.2.1733; A letter from a Member of Parliament ... concerning the duties 1733, 14, 24-25; A short letter 1733, 5; The budget opened 1733, 30; A Collection of letters 1733, 12; Some seasonable animadversions on excises 1733, 4.

348HCPP 370 – 371: City of London.

protected the merchants 'person and property against the oppressions of those who collect it [taxes]'. Against these ancient manners the excise scheme equipped the excisemen with such powers that they would eventually 'disfranchise every free-born Englishman'.³⁴⁹

Although the claims of the opposition and the mercantile lobbies are certainly exaggerated there are still some amount of truth in them. Especially economic historians studying the relations between institutional change and economic progress have highlighted the importance of the institutionalized protection of property. Nathan Sussman and Yishay Yafeh have suggested that the protection of property rights was even decisive to the economic growth and financial development in Britain. Douglass North and Barry Weingast have in turn claimed that the property rights granted by the Glorious Revolution was the cornerstone of this institutionalized tradition of securing private property.³⁵⁰ Although the opposition claims were exaggerated, the worry on the protection of the private property should be regarded as an issue of serious nature. In the end the protection of property was based on trust.

The ministerial press and speakers rejected the claims of the opposition in general. The *Applebee's Journal* argued that although 'reputable traders' had large shops and warehouses, they had no need 'to shuffle their goods from one place to another to put themselves to expence, and hazard of damaging them'. It was even claimed that only 'petty sharpers and tricksters' needed to move their goods constantly to 'dread the vigilance of an officer'.³⁵¹ The custom laws were seen ineffective when tackling smuggling, since the jurisdiction of the custom officers was restricted to coastal towns. Once the smugglers had avoided, bribed or defrauded custom officers during landing the goods, there were no further inspections after that. The custom officers were also considered as more prone to corruption as they were residents in the areas they operated in. In this sense the excises were in fact more effective as the commodities were stored on bonded warehouses until sold and duties paid.³⁵²

349GM 1732, 1044 – 1045/C 4.11.1732, no. 331; Boyer 1964, 340; Goldie 2006, 72; Wilson 1998, 129; O'Brien 1988, 28; Black 2008, 194; O'Gorman 2006, 135 – 136.

350Sussman & Yafeh 2006, 906 – 909.

351GM 1732, 1053 – 1054/*Applebee's Journal* 11.11.1732; Some observations 1733, 17 - 20; A letter from a member of Parliament ... in the west 1733, 25 - 27.

352GM 1733, 121 – 122/FB 8.3. & 15.3.1733, no. 171; A letter from a Member of Parliament ... concerning the duties 1733, 16, 26 - 27; The crisis 1733, 37 – 38; 'False weights and false measures; small weights at importation, by which the duty is paid; large weights on exportation, by which the duty is drawn back', as the *Free Briton* described the process of defrauding the custom officers; Boyer 1964, 335 – 339; O'Brien 1988, 9; O'Gorman 2006, 76 – 77, 81.

In similar manner the ministry denied the claims of excise laws being more severe than the custom laws. It was even claimed that the penalties, forfeitures, fines, and sentences given by the custom laws were usually even stricter. The custom laws enabled to forfeit the whole ship and its cargo to the Crown 'for the trifling fraud of a mariner' as the seizures by excise laws were claimed to be 'generally small and trifling'. The officers of customs had a similar right to break open houses, chests, and cabins when they expected goods to be concealed. These practices, 'which the Craftsman affirms is hardly to be parallell'd in any free country, has been practis'd in our own for upwards of 70 years'. This way the ministry was portraying its scheme as actually improving 'the antient rights of Britons'.³⁵³ Rather than being a matter of enacting laws extending the powers of the officers, the scheme was only about extending the area of jurisdiction.

The opposition rejected the discourses emphasizing the suppression of frauds and unfair traders. It was admitted that the excise laws would most probably have an effect on smuggling, but these laws would also subject 'many of his Majesty's faithful subjects to be plagued and harassed by the officers of excise'. Although the scheme was legitimized by the suppression of frauds, which certainly had a negative impact on the fair traders, the real sufferers of the reform would be the fair merchants.³⁵⁴ By these measures the ministry was alleged of turning Britain to a heavily taxed and regulated Continental state as the excises would destroy the distinctive property rights of the British constitutional order.³⁵⁵

Rather than being a question between Whigs and Tories it was portrayed as 'more seasonable distinction of exciseman, or no exciseman'³⁵⁶ Once the protection of private property was ruined by the scheme, slavery and poverty would follow. The arguments surrounding the concept of properties highlighted the importance of trade to 18th century Britain and the English way of self-reflection. It was commonly agreed by both parties that Britain was built on trade although their conclusions differed in a fundamental manner. For

353GM 1732, 1053 – 1054/Appleebee's Journal 11.11.1732; Some observations 1733, 17 - 20; A letter from a member of Parliament ... in the west 1733, 25 – 27; GM 1732, 1098/DC 2.12. & 9.12.1732; The reply of a member of Parliament 1733, 24 – 26; GM 1732, 1098/DC 2.12. & 9.12.1732; Some observations 1733, 17.

354HCPP 328 – 329; Sir Paul Methuen; Boyer 1964, 340; Wilson 1988, 77; O'Brien 1988, 28; Goldie 2006, 70 – 71; Black 2008, 194.

355Black 2008, 71; Wilson 1998, 124 – 125.

356Cranfield 1963, 22; Wilson 1998, 124 – 125, 128 – 129; Black 2008, 193 – 194; GM 1733, 190 – 191/C 21.4.1733, no. 355; GM 1733, 139 – 140/C 24.3.1733, no. 351; GM 1732, 1044 – 1045/C 4.11.1732, no. 331; A letter from a Member of Parliament 1733, 24; The budget opened 1733, 26 - 28; The second part of An argument against excises 1733, 10; Some seasonable animadversions on excises 1733, 20.

the ministry the scheme would protect merchants against smugglers, but for the opposition it would be the end of the trade and the wealth of the nation.

4.4. The Conceptualization of Exceptionalism

The Englishness was commonly defined as something exceptional. The patriotism of the 18th century was not, however, predominantly ethnocentric but rather associated with political values, ideals, and practices. Constitution, freedom and liberty were certainly crucial to the English patriotic discourses.³⁵⁷ The English Reformation and the Glorious Revolution were crucial to the formation of the English national identity as the Protestant faith and the idea of limited monarchy and constitution were defined as the watersheds between England and the Continental Popish tyrannies. During the early 1700's especially the ideas on the ancient constitution and constitutional liberties became important strategies to construct the self-understanding of the English.³⁵⁸

It was commonly recognized that 'next to his property, the liberty of an Englishman, has been always thought the most precious thing'³⁵⁹. It was the 'patrimonial privilege which the poorest subject in England is born to', an 'undoubted inheritance which the youngest is of full age at the first instant of his nativity, beholding it with the light, and sucking it in with the air, freedom being the breath of the soul, without which it is soon stifled'.³⁶⁰ The distinctive constitutional liberties and properties were allegedly a subject of 'envy of our neighbours'. For these liberties the Englishmen were known of, 'honoured and respected throughout all Europe'.³⁶¹

Contrary to these values the excises were seen as something foreign and as being against the Englishmen's 'birth-right, liberty, and the rules of all equality and justice'³⁶². The opposition implied that the excises were in harsh contrast with the nature of Britishness

³⁵⁷Kidd 1996, 362; Wilson 1988, 94 – 95; Wilson 1998, 130 – 131.

³⁵⁸Ihalainen 2002, 73 – 75, 81 – 86, 89, 96 – 98, 103 – 104; O'Gorman 2006, 96 – 99, 171 – 173, 381 – 382; Speck 1988, 10 – 11, 166 – 170, 206, 233 – 237, 242 – 243, 246 – 247.

³⁵⁹A letter to the merchants and tradesmen 1733, 23-25; A Collection of letters 1733, 12 – 14.

³⁶⁰The standard of equality 1733, 10 - 11; The second part of An argument against excises 1733, 11; Kidd 1996, 362, 369; Wilson 1998, 124 – 125; O'Brien 1988, 28.

³⁶¹A letter to the merchants and tradesmen 1733, 12; Some seasonable animadversions on excises 1733, 4, 18, 20; A second letter to the Right Honourable Sir Robert Walpole 1733 1733, 36; A letter from a Member of Parliament ... concerning the duties 1733, 8 - 9, 26; A discourse on trade 1733, 3, 5, 13; A Collection of letters 1733, 3, 12; Haikala 2002, 113 – 116; Wilson 1998, 19 – 20; Speck 1988, 247 – 248.

³⁶²The standard of equality 1733, 10 - 11; The second part of An argument against excises 1733, 11; Kidd 1996, 362, 369; Wilson 1998, 124 – 125; O'Brien 1988, 28.

itself as it tried to delegitimize the scheme by comparing it to similar initiatives in Europe. William Pulteney, for example, declared that the scheme 'breathes nothing but the principles of the most arbitrary and most tyrannical governments, that have been establish'd in Europe'. He insisted that 'the English nation' had always been against all kind of excises, and 'the very word excise has always been odious to the people of England'.³⁶³ 'A true Briton value[d] liberty' so much that he could not watch his nation ruined by 'wooden shoes and slavery'³⁶⁴. Indeed, the patriotic discourses of the opposition were often libertarian and constitutionalist by their nature, and based on the ideal of public-spiritedness.³⁶⁵ The liberties were not something given by mercy, but achieved by struggles and preserved by the glorious, public-spirited people.

The opposition used historical examples to alleviate and legitimize its claims. Its representatives argued that by examining history one could find a strong link between historical disasters and enslavements and the excise scheme proposed by the ministry. It was allegedly a common practice throughout history that the liberties of the people had been 'destroy'd, under pretence of preserving or of rescuing the people from some great evil, to which it was pretended they were exposed'. The promotion of excises in the name of decreasing frauds was seen as a pretext and a trick as the real intention of the ministry was claimed to be the increase of the power of the Crown which 'may enable some future prince to enslave the whole nation'. According to Sir Paul Methuen:

*'The neighbouring nations in Europe, they were all once free; the people of every one of them had once as many liberties and privileges to boast of as we have now; but at present they are most of them reduced to a state of slavery, they have no liberty, no property or law, nor any thing they can depend on.'*³⁶⁶

The quotation above captures in a very comprehensive manner how the opposition used historical allegories in its argumentation. By examples like this it underlined how the scheme would fundamentally change the nature of the English society. The nations of Europe had once been as free and flourishing as England still was, but they had been

363HCPP 343 – 346: William Pulteney.

364The Norfolk scheme 1733, iii, 23; The second part of An argument against excises 1733, 10; A letter from the mayor 1733, 30 - 31; A letter to the merchants and tradesmen 1733, 1, 15; A reply to The vindication 1733, 15, 27. Wooden shoes a common metaphor for Continental tyranny. Wilson 1998, 91.

365Wilson 1988, 94 – 95.

366HCPP 328 – 329: Sir Paul Methuen.

ruined by rulers and laws altering the liberties of the people. Once the same was implemented in England by executing the excise scheme, the fate of the Continental nations would follow. It would not only destroy the distinctive constitutional values of the nation, but also the legacy of its forefathers, who had secured these values by their lives. England was defined as the last protestant bastion protecting the ancient liberties that had already been destroyed in Continental Europe by the Popish tyrants³⁶⁷.

The historical allegories were also used to alleviate the fundamental difference between Britain and the Continental states and the exceptionalism of the English³⁶⁸. The excises were claimed to be fundamentally against the historical nature of the nation as they had been indeed common in 'Roman and Eastern empire' but foreign to 'our Gothick Settlements till our Kings have desired greater armies than their Crown revenues would maintain'. Indeed, it was even claimed that the struggle against tyranny and preservation of the natural rights were characteristic for the 'Gothic' nations in general.³⁶⁹ These representations were in fact part of a wider discourse on the national identity. The exceptionalism of England was seen as rooted deep in the historical past of the British Isles, as the roots of the particular sort of English liberty was traced back to the ancient and free Gothic tribes once inhabiting the island.

Once the legacy of Magna Carta and the free Gothic tribes were altered, it would sweep away these distinctive English features recoded in the ancient constitution. Overturning the constitution would 'open the flood-gates' and eventually reverse the Glorious Revolution and reintroduce 'popery' and the Royal prerogative. Once the constitutional 'grand barrier of our liberties' was broken the nation would be ruled with 'oppression of the great' and 'tyranny of the Crown'.³⁷⁰ The constitution was by the opposition portrayed as the last and decisive line of defence of Englishness against the arbitrary and tyrannical Continental forms of government³⁷¹.

The ministry rejected the historical allegories of the opposition as nonsense. The contemporary Britain was considered indeed to be exceptional but in a rather modern

³⁶⁷Ihalainen 2002, 81 – 86, 95 – 96; O'Gorman 2006, 96 – 99, 171 – 173, 381 – 382; Speck 1988, 10 – 11, 166 – 170, 206, 233 – 237, 242 – 243, 246 – 247.

³⁶⁸Ward 1964, 413; Goldsmith 1974, 485; Horne 1980, 601 – 602; Goldie 2006, 69; Lieberman 2006, 326 – 328.

³⁶⁹GM 1732, 1066/C 18.11.1732, no. 333; Goldsmith 1974, 485; Ihalainen 2002, 103 – 104.

³⁷⁰An impartial enquiry into the late conduct of the city of London 1733, 7 - 8; The nature of the present excise 1733, 20; A letter from the mayor 1733, 30 – 31; Goldie 2006, 72.

³⁷¹Lieberman 2006, 317 – 318; Black 2008, 194.

manner. The comparison to historical societies and rustic ideals was considered not only impractical, but also impossible.³⁷² The ministerial journalist William Arnall, for example, constituted a clear difference between contemporary Britain and the historical societies. Arnall considered Britain as exceptional, modern and something that could not solely be based on the ancient ideals. The changing economic structure of Britain had, in his eyes, made the classical maxims, to a high point, irrelevant.³⁷³ Rather than trying to preserve the nation on the terms of the past, the statesmen should understand change. Instead of being mere preservers of the past as such, the administration should be improving the economic sphere of the nation.

France was a common comparison during the crisis. In contrast to England and her liberties, France was considered as a tyranny ruled by arbitrary power. The British system of mixed government was commonly considered to distinguish England from the Continental monarchies and arbitrary governments that had posed threats against her.³⁷⁴ The Craftsman claimed that the reasons the government needed more revenues was the Continental way of using money. The excises were seen as a never ending circle and were compared to the situation in France under 'Lewis XI'³⁷⁵, who splurged the revenues to 'his great splendour and lustre'. When considering how to fund all these expences 'church catholicks' came up 'by a mercenary army of horse and foot. The horse shall be foreigners, and Germans, who will eat up the King's revenues and spoil the country'.³⁷⁶ Not only was the scheme entailing French tyranny but also German mercenaries and catholic faith to demolish the English society. In some sense Stuart pretenders and the Jacobites were seen and portrayed as vassals of the French Crown as they lived there in exile. The House of Stuart was indeed strongly catholic and closely associated with arbitrary rule after the Glorious Revolution.

The values and concepts such as liberty, virtue, and patriotism were considered to be the watershed between the two nations as these factors were seen to distinguish the English from the impractical French. Especially the popular demonstrations highlighted the national

372Horne 1980, 607 – 610.

373Horne 1980, 607 – 609.

374Goldie 2006, 41; Black 2008, 194; Liberman 2006, 319; Ihalainen 2002, 73 – 75, 97 – 98; O'Gorman 2006, 96 – 99, 171 – 173, 381 – 382, Wilson 1998, 19 – 20, 24 – 25, 44 – 46, 125; Speck 1988, 10 – 11, 166 – 170, 206, 233 – 237, 242 – 243, 246 – 247.

375Louis XI of France, 1423 – 1483. Louis XI had rebelled against his own father and later on established a tyrannical rule to secure his power.

376GM 1733, 173/C 7.4.1733, no. 353.

prejudices and historical memories by associating the excises with French and foreign subversion.³⁷⁷ The leader of the opposition Whigs even accused the authors of the scheme of reading the 'testaments of Richlieu and Louvois' with the instructions 'in the principles of arbitrary government'.³⁷⁸ The comparisons to Cardinal Richelieu³⁷⁹ and Marquis de Louvois³⁸⁰, indicate how hated the scheme was from the constitutional viewpoint. France was, in general, represented as a model of arbitrary rule by both parties.

The *Fog's Journal* compared the situation in England to French history. It was claimed the excises of France were implemented during a 'reign of pimps, flatterers, and favourites' that emptied the treasury to their private ends.³⁸¹ Later Nathaniel Mist, living in exile in Europe, wrote that although the French 'do not possess all the privileges they formerly enjoy'd, yet property is safe there' and the taxes did not 'bend the people to the earth with their weight'³⁸². This was an unusual statement and did certainly not represent the predominant view of the opposition. The Jacobite publication of Nathaniel Mist mostly presented neutral or slightly critical views on France as it comprehended that a clear majority of the nation considered France to be a hostile nation. But by arguing the situation in its arch enemy was better than in England, the *Fog's Journal* was trying to constate that by the excise scheme England was becoming a Continental state – and even worse.

The ministerial press, however, rejected the claim that 'slavery and poverty' of the Continental Europe, especially in France, were originating from excise taxation. The arbitrary government of France was rather seen as originating from the characteristics of the nation. In France 'every nobleman and landed gentleman is a petty tyrant: the English are not squeezed by particular persons, but assessed by their own representatives'.³⁸³ In the same manner the *Free Briton* denied the discourses of causality between excises and slavery and poverty by presenting two questions: 1) 'would France be free, were there no excises?' and 2) were Britain 'less free now excises are paid, than in the reign of K.

377Wilson 1998, 19 – 20, 24 – 25, 44 – 46, 125; Rosenfeld 2008, 22; O'Gorman 2006, 96 – 99, 171 – 173, 381 – 382; Speck 1988, 10 – 11, 166 – 170, 206, 233 – 237, 242 – 243, 246 – 247.

378HCPP 343 – 346; William Pulteney; Goldie 2006, 64 – 65; Liberman 2006, 327 – 328; O'Brien 1988, 28; Black 2008, 194.

379Armand Jean du Plessis, Cardinal-Duke of Richelieu and of Fronsac, 1585 – 1642. Cardinal Richelieu may have been to most notable symbol of French arbitrary rule in England. He converted France into a highly centralized power by arbitrary methods. The legacy of Richelieu functioned later as the model for Louis XIV absolutist reforms.

380François Michel Le Tellier, Marquis de Louvois, 1641 – 1691. Louvois was commonly associated with the French military power as he had increased the size of the standing army drastically.

381GM 1732, 1100 – 1101/FJ 9.12.1732.

382GM 1733, 142 – 143/FJ 24.3.1733, no. 229.

383GM 1732, 1067/Hyp-Doctor 21.11.1732.

Charles I. when there were no excises?'³⁸⁴ By questions like these the ministry was trying to break the opposition claims of clear causality between slavery and excises. The French were not slaves because of excises, but because of their political system. This was also the case in England during the reign of Charles I.

Another common comparison, when debating the powers of the excisemen and the constitutionality of their actions, were Holland and Venice. Especially the ministerial instances used Holland as an example, as it was argued that the excises were the dominant form of taxation in the country and still its people was commonly perceived free. The ministerial actors argued that 'with regard to liberty, if a government is free, and the laws are suffer'd to take their course, taxes will be raised according to law, and without oppression or favour'.³⁸⁵ The liberty was not defined through the form of taxation but rather through the proper and legitimate implementation of the law. The precondition to this was that the government was free, which was not the case in France nor in England during the Stuart reign.

The opposition explained the taxation of Holland by different circumstances that forced the Dutch to collect taxes by excises. Contrary to Britain, Holland was not self-sufficient and could not raise enough revenues by land tax. Therefore it was necessary to collect the revenues by excises.³⁸⁶ It was argued that the privileges of the Dutch excisemen were not as extensive as in Britain. The excises were collected by the magistrate of the town and, most importantly, the excisemen were not allowed to enter houses.³⁸⁷ Although the opposition insisted that the form of collecting excises in Holland was different, it had to admit that the excise taxation as such did not cause slavery nor arbitrary power. This was, however, not publicly admitted as it was seen as injurious to its argumentation.

In addition to the privileges of the excisemen being restricted both in Holland and Venice, the officers were not appointed by the Crown as in England. In Holland the excisemen were not nominated by the 'Stadtholder' nor in Venice by the 'Doge'.³⁸⁸ In Britain the Crown

384GM 1733, 28 – 29/FB 25.1.1733, no. 175.

385GM 1733, 28 – 29/FB 25.1.1733, no. 175; The nature of the present excise 1733, 8; Reflections upon a pamphlet 1733, 17, 23.

386GM 1733, 78 – 79/FJ 17.2.1733, no. 224; GM 1732, 1103 – 1104/C 9.12.1732, no. 336.

387GM 1732, 1103 – 1104/C 9.12.1732, no. 336.

388GM 1733, 115 – 116/C 3.3.1733, no. 348. The London Journal remarked later that the post of Stadtholders were already abolished and in Venice the excisemen were in fact chosen by the government, not by the Doge. GM 1733, 124 – 125/LJ 10.3.1733, no. 715.

nominated all civil and military officers and could remove most of them at pleasure. Therefore 'nothing can restrain the power of the Crown from being absolute, but the personal virtues of the prince', the Craftsman concluded.³⁸⁹ The Crown's role in financial issues was considered as problematic in general. The opposition press stated that 'the Doge is little more than a pageant of state' whereas the Crown in Britain 'hath not only a civil list of near one million per ann. ... [and] is also intrusted with the disposition of the publick revenues'.³⁹⁰

The ministry, however, rejected the opposition representations of the excise administration, and government in general, being more legit and justified in Holland and Venice. The pro-ministry Daily Courant claimed that comparing Venice and Britain was not commensurable as in Venice 'their nobles were richer, and the people slaves' and was governed by 'an arbitrary inquisition, call'd the council of ten, who ... award execution before morning'. Venice's policy was allegedly to 'depopulate their provinces on the terra firma to prevent rebellions'.³⁹¹ This discourse was also used against Holland. The ministerial papers stated that in Holland 'the people have no power; they make no laws, chuse no officers; nor are tried by their peers, or juries'. The London Journal accused the Dutch political regime of being 'absolute' and therefore 'the English government is infinitely preferable to that in Holland'.³⁹² After all, in 'England' the people could 'impeach any minister acting against the statutes of the real'³⁹³. The English political and judicial system was seen to be based on the idea of accountability whereas the Continental states were claimed to originate from rather different principles and maxims.

The Craftsman denied having claimed that the governments of Holland or Venice should be 'examples for our imitation'. It also denied the accusations that it had claimed that 'the people of Holland or Venice, had greater liberty than the people of England, by their constitution'. Rather than promoting the political systems of Holland and Venice its purpose was to protect 'the government of Great Britain' by preserving 'a due balance of power between King and people'.³⁹⁴ Although the form of collecting excises was more humane in Holland and Venice and they did not pose similar problems considering the role

389GM 1733, 115 – 116/C 3.3.1733.

390GM 1733, 115 – 116/C 3.3.1733.

391GM 1733, 128/DC 7.3.1733.

392GM 1733, 124 – 125/LJ 10.3.1733, no. 715.

393GM 1733, 128/DC 7.3.1733.

394GM 1733, 128 – 129/C 17.3.1733, no. 350.

of the Crown as in England, these nations were not to be imitated.

Kathleen Wilson and Quentin Skinner have argued that patriotism appealed to a broad contemporary audience³⁹⁵. Both the ministry and the opposition exploited the patriotic discourses of the British and English exceptionalism. For the opposition the exceptionalism was a way to emphasize the distinctive English values and institutions that the ministry allegedly endangered by its scheme. For the ministry the exceptionalism was, however, a rather deeper phenomena. It was rooted in the national character and the political and judicial systems. Something this deep could not be destroyed by turning two custom duties into excises.

4.5. Conclusions

The ministerial use of concepts was particularly non-innovative in the constitutional debates and discourses. The ministry did not invent or adapt new concepts nor did it successfully defend its point of view. It mostly reacted to the opposition's concepts only by rejecting the claims instead of presenting an alternative vision or definition. Rather than introducing rival concepts or even counter-concepts, the ministerial instances only rejected the claims of the opposition by arguing that the opposition propagated false information. This way the opposition could, if not determine, at least steer the framework of the political debate.

I argue that the incapability of the ministry derived from its angle of approach. For the ministry the excise scheme was a technical measure aimed to improve and make the system of taxation more efficient. The scheme of turning the customs of wine and tobacco to excises was indeed well designed, but the ministerial instances were not able to understand its ideological and political dimensions. Thus the ministry could not defend its plan by the same ideological intensity and passion as the opposition. Sir Robert Walpole had introduced multiple excises with success in his early career as Prime Minister. He had certainly met parliamentary opposition before but the unpopularity of the scheme in 1732 – 1733 appeared to be some sort of surprise to Walpole and his ministry. The excise crisis was without a doubt the heyday of the Patriot Opposition and its populist ideology.

³⁹⁵Wilson 1988, 94 – 95.

The opposition concepts and discourses were in turn innovative when compared to the ministerial equivalents. It represented itself as the guardian of the people's liberties and the constitution that granted the distinctive English privileges. In similar manner it criticized the scheme of increasing the power of the Crown as the excisemen were nominated by the Crown. However, this line of argumentation was implemented with caution and discretion. The critique was expressed by allegorical and historical narratives and hypothetical dangers. It was assured that as wise a King as George II, or the House of Hanover in general, would certainly not abuse his power as the opposition feared the accusations of Jacobitism and treachery.

In similar manner the opposition portrayed the trials by juries as an inseparable feature of the English constitution. Once reduced it would inevitably be abolished altogether. This would reverse the ancient constitution and make Britons slaves. Although the right to trials by juries was one of the most central and distinctive themes of the excise scheme I have been unable to find extensive studies on the subject in general. It appears that the significance of the issue has been especially pronounced during this particular controversy.

The exceptionalism of the English political and legal system was a commonly shared view. The discourses on the exceptionalism were shared by both ministry and the opposition although the opposition championed it with more fierce enthusiasm. The opposition argumentation of the exceptionalism based on the idea that Britain, or rather England, was a unique political and legal system in a rather ideal manner. It was something that other nations envied. The excises were perceived as something foreign of European origin and hostile to the English liberty. One introducing excises was endangering the values others envied and would inevitably introduce what the people in foreign nations were struggling against.

The ministry defended its scheme by using the Dutch republic as a comparison. It claimed that the Dutch were generally considered to be a free people although most taxes in the republic were excises. Alas, the excises could not be fundamentally inconsistent with liberties and the constitutional system of politics. For the opposition the Dutch were indeed a free people, but not as free as the British. The Dutch republic was interpreted as an anomaly as it was argued that the excises would rather introduce the French political and

legal system to Britain. It would bring in the Continental absolutism, tyranny, and arbitrary power.

By referring to France the opposition could defend itself against the ministerial allegations of Jacobitism as the ministry commonly alleged the opposition of trying to bring in the Pretender. By alleging the ministry of bringing in the arbitrary power and popery of France, the opposition could turn the allegations towards the ministry. The exceptionalistic argumentation was an effective way to delegitimize the ministerial discourses as it cut the ground from the ministerial attempts to legitimize its scheme by representing excises as a common practice. This way the opposition could represent itself as the guardian of the Englishness against foreign threats. As the ministry was unable to adapt or challenge these discourses, the opposition's definitions of itself remained to a high point unchallenged and were widely acquired to popular discourses.

5. A Commercial Society

The narratives focusing on Britain as a trading nation were crucial to the debate on the excise scheme. The theme functioned as a platform for different standpoints and as a marker between the ministerial and opposition use of discourses and concepts. The theme of trade was extensive and diverse, consisting of multiple concepts and counter-narratives. Trade was a popular and common discourse during the crisis and it was discussed especially in the Parliament and by the press. Although the fear of the decay of trade also appeared in popular ballads and broadsides, it was not as popular a concept as liberty, constitution or the metaphor of the 'excise monster'.

One of the main discourses in the field of trade was the discourse of championing the interest of the 'fair traders' against the 'unfair traders' and smugglers. This was, in fact, the main argument of the ministry when defending its proposal of turning the customs of wine and tobacco into excise duties. If the government could eliminate smuggling and fraudulent trade by stricter laws, the fair traders would be better off. The opposition again described the excise laws as arbitrary laws, under which the fair traders would suffer in similar manner as the smugglers. This was loudly affirmed by the numerous merchants and traders opposing the extension of the excise laws. They organized rallies and meetings as well as sent petitions from their boroughs to their representatives in Parliament to instruct them to vote against the scheme. This was embarrassing for the ministry, which was supposed to defend the same people that protested against it.

Another central theme was the dispute between 'landed interest' and 'trading interest' or 'monied interest'. The dichotomy between the landowners and the merchants arose from the ministerial rhetoric of advocating the trading interest by decreasing or even abolishing the land tax. This was intended to be implemented by improving the public revenues by excise duties. The use of the concept of landed interest became frequent already in 1732 when Walpole's ministry revived the salt duty, *i.e.* an excise on salt, to ease the taxation of the landowners. As the rumours of a scheme turning customs to excises began to spread later that year, the opposition started to use the concept of trading, merchant, and mercantile interest frequently.

The concept of trading interest quickly became one of the main arguments against the

ministerial scheme. The opposition acquired the discourse of securing the trading interest against the intentions of easing the landed interest at the merchants expense. The discourses of a trading nation also consisted of references to concepts such as liberty and general excise, concerned in details in other chapters. The opposition used these concepts to tackle the ministerial concepts of increasing the public revenues and 'curing' the 'fraudulent branches' of tobacco and wine trade.

In a similar manner the opposition attacked the ministerial plan of tackling fraudulent trade on the two aforementioned branches. It claimed there were frauds in every branch of trade, which was certainly true in the 18th century Britain. If the ministerial scheme would be a solution for the two branches, why would it not be introduced into other branches as well? By this the opposition was suggesting that the ministerial scheme would eventually lead to a general excise. When the ministry insisted that the scheme was a question between choosing between fair traders and unfair traders, the opposition claimed it was rather a question between increasing the Civil list³⁹⁶ revenues or liberty.

In the following table I have summarized the key concepts and discourses considered in the chapter. By summarizing the focal concepts I have endeavoured to capture the essence of the debates in a simplified form. The table also clarifies the relations and interaction between the concepts and discourses as the concepts were not played against each other in a summary way but rather in a calculated and deliberate manner.

Ministerial concept	Opposition response	Opposition concept	Ministerial response
Landed Interest	Landed and Mercantile Interests are united	Trading/Mercantile/Merchant Interest	Merchants trading fair would be the gainers of the scheme
Unfair/Fraudulent/Clandestine Trader, Fair Trader	Fair traders would suffer under excise laws		
Public Revenues	Relevance denied	Liberty	Relevance denied
Fraudulent Branches	All branches are the same. The scheme would lead to a general excise		
Trading Nation	The government should encourage the trade	Trading Nation	Parliaments do not sit to please the merchants

³⁹⁶The money granted yearly to the Monarch by the Parliament.

5.1. A Trading Nation

The early 18th century has been described as a crucial period, even a watershed, for the later British supremacy. The early Hanoverian and Walpolean era was an age of growing prosperity, stability, and power deriving to a high extent from competence and capacity in trade. As the British wealth and power rested on trade, many of her contemporary inhabitants characterized her as a trading nation.³⁹⁷ The concept of Britain as a trading nation was commonly recognized both by the ministry and the opposition as both sides recognized trade as the lifeline and the provider of the wealth and prosperity of the nation. 'Trade is of so very tender a nature, that the legislature, in a trading nation, can not be too watchfull for its welfare', as one opposition pamphleteer expressed the conceptualization of the idea of Britain as a trading nation.³⁹⁸

The importance of trade increased during the 17th century, becoming crucial to the later British economic and military hegemony. Especially after the financial revolution in the 1690's and the early 1700's the role of trade became outstandingly notable in the field of decision-making processes. The growing role of trade also had an impact on the English national identity and especially after the 1730's the concept of trading nation became central for the perceptions on the English and British exceptionalism. The success of the distinctive Englishness and the success of the nation were seen as originating from trade that was defined as the sinews of the nation.³⁹⁹ Though the trading nation during the excise crisis was a commonly accepted concept, the conclusions on what it did or did not legitimize was under constant debate.

The discourses on trading nation and trading people were also present in the petitions from the boroughs to their representatives in Parliament. The mercantile lobbies and individual merchants organized fierce campaigns and rallied against excises throughout the country, making their cause perceptible by publicizing pamphlets and articles in journals⁴⁰⁰. The borough of Sudbury, Suffolk, sent a letter to their representatives⁴⁰¹ 'to

397Passim Jubb 1984; Passim Black 1984; Multamäki 2002, 51 – 70; O'Gorman 2006, 22 – 24, 38; Wilson 1984, 270 – 275.

398An impartial enquiry into the late conduct of the city of London 1733, 6, 10; Some seasonable animadversions on excises 1733, 12.

399Multamäki 2002, 51 – 70; Ihalainen 2005, 399 – 403; Ihalainen 2002, 103 – 105; O'Gorman 2006, 22 – 24, 38; Wilson 1984, 270 – 275; Wilson 1998, 129 – 130.

400Wilson 1998, 130 – 131; Wilson 1988, 77 – 89, 98, 101 – 102; O'Gorman 2006, 81.

401John Knight and Carteret Leathes. One of them answered the borough's petition. In his answer the anonymous representative declared himself as representative of a 'trading people' and defined trade as the 'surest basis of the

demonstrate you are ... representatives of a trading borough' and hence oppose the scheme⁴⁰². In another letter from a Common Councilman of London it was in a similar manner stated that 'the sense ... of the trading world claims some regard from the representatives of a trading nation ... to express, signify, and represent this sense to the legislature'⁴⁰³. Especially the London merchants resisted the scheme and organized considerable anti-excise instructions and campaigns. The London merchants were in fact one of the most active and powerful mercantile lobbies, propagating not only against the scheme but also against the Walpolean hegemony in general.⁴⁰⁴

The growing role of the trade was reflected to the political sphere as the trade dominated the discussion on economy⁴⁰⁵. The opposition newspapers championed the idea of merchants and trade being the foundation of the nation and its wealth, hence portraying the merchants as its greatest patriots. The Craftsman defined the merchants as the most 'useful members in a commonwealth' as they 'knit the mankind together' and 'distribute the gifts of nature', 'find work for the poor' and 'add wealth to the rich'. The merchants of England were seen able to convert 'tin of his own country into gold, and exchanges his wool for rubies'.⁴⁰⁶ But for the Craftsman the merchants were not only the makers of the material wealth of the nation but also the guardians of the British constitution and liberty. The paper stated:

*'As commerce renders a country rich and powerful, the merchant is the most useful member of society. Where ever he lives, he may be said to be an independent man; is an enemy to arbitrary power; and his industry will ever set him above the temptation of corruption. It is liberty which makes trade flourish, and a flourishing trade makes such a division and fluctuation of property, that it is the great means of preserving liberty.'*⁴⁰⁷

The question of the government's role in the field of commerce was under constant debate during the crisis. The opposition papers declared that the role of the government first and

riches, strength and prosperity of these kingdoms'. Neither of them later voted against the scheme. GM 1733, 99/The answer of a member of Parliament to a letter lately sent him from the borough of ---.

402GM 1733, 98/Copy of a letter from the borough of Sudbury 19.2.1733.

403An impartial enquiry into the late conduct of the city of London 1733, 10.

404Boyer 1964, 335 – 339; Horwitz 1987, 189 – 190.

405Black 1984, 16 – 17; Ihalainen 2002, 103 – 104; Ihalainen 2005, 399 – 403; Multamäki 2002, 51 – 70.

406GM 1733, 145/C 31.3.1733, no. 352; Black 2008, 71; The Patriots triumph 1733.

407GM 1732, 1014/C 21.10.1732, no. 329.

foremost was to support the merchants and the trade, as the merchants were represented as national heroes rather than sources of public revenues. The *Fog's Journal* reasoned that 'in a trading nation, all public measures should be calculated for the encouragement of commerce' and the *Craftsman* concluded in similar manner 'that it is for the honour, safety, and profit of every kingdom, that merchants be protected and encourag'd.'⁴⁰⁸ Jeremy Black has argued that the growing role of trade in the British society was reflected through the celebration of patriot merchants, who served the nation by trade and helped to pursue the maritime hegemony and imperial advantage⁴⁰⁹.

The opposition papers used historical allegories to legitimize their views on the government's role in supporting trade. It was declared that governments supporting trade and merchants were certainly not a new policy as even 'our wise ancestors always encouraged trade'⁴¹⁰. Not even the ministerial papers denied that the role of the government was to encourage the trade of the country. The ministerial *Applebee's Journal* defined trade as the 'sinews of the nation' and hence to be protected and encouraged⁴¹¹. Neither did the *Daily Courant* deny that the government had an important role in trade and declared that 'our merchants require protection and defence.'⁴¹² The central role of trade and merchants described by Jeremy Black above was certainly evident during the excise controversy and most notable in opposition discourses. It was considered almost a platitude as the need to protect the merchants and encourage trade was only seldom validated in a comprehensive manner.

Despite the fact that the importance of trade and merchants was recognized by the ministry, some critical tones were used against the idea of merchants being the greatest heroes of the nation. In spite of his favourable attitude towards merchants, Prime Minister Walpole raised a storm by describing the petitioners and protesters, mostly merchants and traders, outside the Parliament behaving as 'sturdy beggars'.⁴¹³ The opposition took all the joy out of Walpole's slip and constantly referred to the concept. The *Craftsman*, for example, declared that if the ministry considered merchants as 'band of sturdy beggars' it

408GM 1732, 1065/FJ 18.11.1732, no. 211; GM 1732, 1015/C 21.10.1732, no. 329; O'Gorman 2006, 135 – 136; Wilson 1998, 129 – 130.

409Black 2008, 71; O'Gorman 2006, 135 – 136.

410GM 1732, 1044 – 1045/C 4.11.1732, no. 331.

411GM 1732, 1053 – 1054/AJ 11.11.1732.

412GM 1732, 1098/DC 2.&9.11.1732.

413HPCC 352: Sir Robert Walpole; Wilson 1998, 130 – 131; Wilson 1988, 101.

should apply the laws against vagrants to the merchants.⁴¹⁴ The slip of the Prime Minister was certainly not deliberate and its popularity was to a high extent based on intentional misrepresentation by the opposition press. The uproar, however, captures how crucial part of the nation the merchants were considered to be.

The argumentation of the opposition had certain tones that could be anachronically defined as libertarian and mercantilistic. The trade was made a patriotic issue in the political sense and the commerce was placed on the very core of the national interest.⁴¹⁵ The Craftsman, for example, stated that 'industry hath its foundation on liberty, and trade thrives most in climates of liberty and easy. Liberty would not only make countries to flourish but the lack of it would certainly impoverish ones'⁴¹⁶. The Jacobite Fog's Journal also used these narratives to exemplify its cause to promote the ideas of free trade, prohibiting monopolies and corruption. The paper championed restoring commerce by using the Travels of Cyrus⁴¹⁷ as an example. He quoted the aforementioned publication in the following manner:

*'As an encouragement to trade, I not only left every one in free possession of his gain, by laying no taxes upon them, but rewarded those who excell'd. I took off exorbitant imposts, and forbid monopolies of necessary wares and provisions. The less I fetter'd, the more my treasures increased.'*⁴¹⁸

The opposition feared that the excise duties would drive the British merchants to countries where trade was less restricted. 'How prejudicial must this be to a trading nation?', asked the Craftsman, and stated that 'trade has been lost in one nation and obtain'd by another. We Britons have experienced this in former ages to our infinite advantage.'⁴¹⁹ These lines of argumentation certainly contained ideas similar to later protectionistic⁴²⁰ and mercantilistic theories. Trade was seen as a zero-sum game where nations struggled against each others by encouraging, promoting, and supporting their mercantile interests. Merchants were seen as not only individuals trying to gain private wealth, but also as

414GM 1733, 145/C 31.3.1733, no. 352; Wilson 1998, 130 – 131.

415Wilson 1998, 129 – 130; Black 2008, 71; Multamäki 2002, 63 – 66; Wilson 1984, 266 – 267, 318 – 320.

416GM 1732, 1044 – 1045/C 4.11.1732, no. 311.

417Written by the Scottish Jacobite Andrew Michael Ramsay. Published in London in 1728.

418GM 1732, 1094/ FJ 2.12.1732, no. 213.

419GM 1732, 1044 – 1045/C 4.11.1732, no. 331; GM 1732, 1094/ FJ 2.12.1732, no. 213; GM 1732, 1065 -1066/FJ 18-11-1732, no. 211.

420Black 2008, 71; Wilson 1984, 266 – 267, 318 – 320.

representatives of their country and promoters of its commercial interests abroad.

According to Kathleen Wilson the excise crisis of 1733 functioned as a foundation to the later anti-Walpolean campaigns as it consolidated the commerce to the very heart of the patriot ideology. The trade as a patriotic issue was to become even more evident during the later years of the 1730's and 1740's.⁴²¹ The excise crisis did not itself construct these attitudes or mentalities. It was a long process that can be traced far back to the English past. During the excise crisis, however, these attitudes and mentalities were made highly visible, which has been of great relieve to one studying the period afterwards.

5.2. Landed Interest or Trading Interest?

After the Civil War and the Glorious Revolution the expensive warfare and the deficit finance, managed through the national debt and the newly founded Bank of England, were primarily financed with excises and land tax. These two methods of taxation formed the basis of the new fiscal regime.⁴²² Prime Minister Walpole's intention was, however, to shift the focus of taxation towards excises. This was partly because Walpole tried to gain support from the landowners, but mostly because he attempted to modify the British system of taxation to fit the peacetime economic objectives. Indeed, the English system of taxation had been based on continuous and expensive warfare as the primal aim of the government was to either fund warfare or to prepare for it.⁴²³

The focus of the taxation had been moving towards excises since the Glorious Revolution as the proportional share of custom duties had decreased significantly. During the Walpolean era the focus was turned on not only converting customs to excises, but also to ease taxes upon land. During the 1730's the excises already amounted about half of the total tax revenues. The proportion of land tax had been similar only 30 – 40 years before, during the reign of William and Mary, but had been diminishing since.⁴²⁴ As First Lord of the Treasury and Chancellor of the Exchequer, Walpole had turned the customs of coffee, tea,

421 Wilson 1988, 77, 89 – 90, 96 – 97.

422 Clark 2000, 56 – 57; Goldie 2006, 65 – 66; Black 2008, 193 – 194; O'Brien 1988, 1, 7 – 8, 26; Hoppit 1990, 308; Turner 1990, 382; Liberman 2006, 326; Multamäki 2002, 63 – 66; O'Gorman 2006, 39 – 40.

423 Black 1984, 16 – 17; Dickinson 1984, 54; Jubb 1984, 123 – 124, 136 – 139; Black 2008, 194; Boyer 1964, 335 – 339; O'Brien 1988, 1, 7 – 8, 26; Hoppit 1990, 308; Turner 1990, 382; Goldie 2006, 65 – 66; Liberman 2006, 326, Clark 2000, 56 – 57; Black 2008, 194; Wilson 1998, 128 – 129; Multamäki 2002, 63 – 66.

424 O'Brien 1988, 10, 16 - 17, 26; Turner 1990, 378, 382 – 383, 387, 391; Clark 2000, 56 – 57; Liberman 2006, 326; Black 2008, 193 – 194; O'Gorman 2006, 74 – 77, 81; Wilson 1984, 318 – 320.

chocolate and coconuts to excises after his comprehensive customs reforms in the early 1720's, which ended in the rise of revenues on these products.⁴²⁵

Due to his reforms and long-term objective to ease, and even abolish, the land tax, Walpole was commonly perceived as a champion of the 'landed interest'.⁴²⁶ His ministerial MP's spoke in favour of the relief of the 'landed interest' as the 'landed gentlemen in England' were loaded with a burden too heavy. Sir Philip Yorke, for example, argued in favour of relieving these 'honest men' and hence accepting the transformation of customs on tobacco and wine to excises.⁴²⁷ In the same manner a ministerial pamphleteer declared that the scheme was to 'ease of the landed interest, the true interest of trade, an increase of the revenue without laying any new tax upon the people'⁴²⁸.

The dichotomy between landed interest and trading interest was mainly upheld by the ministry and its supporters. The interest of one's interest group was not, however, promoted by negotiations but rather by speaking in favour of only one interest group. The ministry advocated the landed interest and the opposition promoted the trading interest, both arguing that their interest group was in greater need of relief. Thomas Horne and J.A.W. Gunn have suggested that the ministerial instances were amongst the first to abandon the political ideal of harmony and accepting conflict as the normal state of affairs. The ministry accepted the assumption that governing was based on group conflicts and nonconsensual interests as different interest groups tried to gain advantage and strengthen their position through the political sphere.⁴²⁹ This can clearly be seen in the manner the ministry and Walpole tried to promote the landed interest by decreasing the land tax. It accepted the postulation that the economic policy was to a high degree a zero-sum game.

Speaking directly against the merchants or the landowners would, however, have been a political suicide. Britain was commonly defined as a trading nation and on the other hand

⁴²⁵Black 1984, 16 – 17; Dickinson 1984, 54; Jubb 1984, 123 – 124, 136 – 139; Black 2008, 194; Boyer 1964, 335 – 339; O'Brien 1988, 1, 7 – 8, 26; Hoppit 1990, 308; Turner 1990, 382; Goldie 2006, 65 – 66; Liberman 2006, 326, Clark 2000, 56 – 57; Black 2008, 194; Wilson 1998, 128 – 129.

⁴²⁶Black 1984, 16 – 17; Dickinson 1984, 54; Jubb 1984, 136 – 139; Black 2008, 194; O'Gorman 2006, 74 – 77, 81; Wilson 1984, 318 – 320; A discourse on trade 1733, 41-42; A dialogue between Sir Andrew Freeport and Timothy Squat 1733, 30-31, 41-42; A letter from a Member of Parliament ... concerning the duties 1733, 36-37, 51; Passim The reply of a member of Parliament 1733; Passim The landed interest consider'd 1733.

⁴²⁷HPCC 332: Sir Philip Yorke. ODNB & HoP: Yorke was a MP for Seaford, Sussex.

⁴²⁸An Humble address 1733, 5.

⁴²⁹Horne 1980, 605 – 606.

seats in the Parliament could not be maintained without substantial estates. Therefore both the ministry and the opposition claimed that the 'national interest' or 'the interest of the whole body' was defined by the interest group supported by them. The ministerial Sir Thomas Robinson, for example, spoke in favour of the excises in Parliament. He argued that it would not only 'raise the value of the lands of Great Britain' but also be in the 'interest of our trade and plantations' because it allowed to increase public revenues without imposing new taxes⁴³⁰. It was even argued that the tax upon land had destroyed once flourishing inland trading towns. 'All trade will flourish most, where men can live the cheapest, and carry on their commerce in the easiest manner', it was declared.⁴³¹ In other words, the merchants should support taxes on trade to ease the tax on land as the land tax affected not only the landowners but also destroyed the preconditions of trade.

One of the centerpieces of the landed-merchant dichotomy was the rather famous pamphlet entitled 'A letter to a freeholder', published in 1732. It was written by William Arnall, the famous political writer of Walpole's ministry and the main author of the *Free Briton*. Alas the pamphlet was written to defend the reduction of the land tax with the revival of the salt duty, it quickly became a corner stone in the excise debate of 1733. Referring to John de Witt⁴³², Arnall stated that land should be the very last thing to be taxed. The hierarchy of taxation should begin on home consumption, first on 'luxury' and then on the 'necessaries of life'. If more revenues were needed they should be raised by taxing 'artists, tradesmen, and mechanicks' and the tax on land should be regarded as the last method of relieving 'the publick exigencies'.⁴³³ This was a straight statement that the dichotomy between the landed and the merchant interest was factual. The dispute in 1732 had been about 'the competition between the salt duties, and the land tax'⁴³⁴ and the scheme the year later was in similar manner a question between the excises on wine and tobacco and the land tax.

The tax upon land was considered the 'most unequal' way of taxation since its basis of payers was considered too specific. It was only paid by the landowners 'who bore no

430 Wilson 1988, 94 – 95; HCPP 363 – 365: Sir Thomas Robinson. Robinson was the whig MP for Morpeth, Northumberland; A discourse on trade 1733, 41-42; A dialogue between Sir Andrew Freeport and Timothy Squat 1733, 30-31, 41-42; A letter from a Member of Parliament ... concerning the duties 1733, 36-37, 51; Passim The reply of a member of Parliament 1733.

431 A letter to a freeholder 1732, 38 – 39, 40; Passim The landed interest consider'd 1733.

432 A notable Dutch statesman in the 17th century.

433 A letter to a freeholder 1732, 3 – 4, 42 – 43; Jubb 1984, 123 – 124, 136 – 141.

434 A letter to a freeholder 1732, 10; Speck 1988, 249 – 255.

proportion to the body of the people' and hence great sums were raised for many by few.⁴³⁵ Rather than burdening the gentry and other landowners, the 'very few', with heavy taxes, the public revenues should be collected on 'the whole body of the people'⁴³⁶. Dividing the burden upon a wider basis of payers would make 'the weight so small upon the whole' that it would not be harsh by those who paid it⁴³⁷. This sense of inequality was constantly appearing in ministerial mindsets. Owning land was neither effortless profit nor risk-free investment as many tends to assume. In fact maintaining significant properties was expensive and sometimes even ruinous.

This line of thought reasoned that the taxation would be more equal if the merchants bore the burden of public revenues as Arnall tried to achieve something that could be described as tax rotation. Landed men should bear the heavy burden under wartime when trade could not finance the revenues of the state. Reciprocally it would be 'humane' to relief the landed men in times of peace when the burden could be levied from trade.⁴³⁸ The landholders would still remain as 'a fund in reserve, ready at all times' to raise money for 'supporting a most heavy and expensive war.'⁴³⁹ The land tax was in fact generally used as a wartime tax, hence commonly doubled during wars. It was a steady source of income whereas the custom duties, and in some cases even the excises on imported goods, diminished significantly during times of instability and hostilities.⁴⁴⁰

The opposition, in turn, tried to delegitimize the ministerial claims by arguing that eventually all taxes fell upon land. It was claimed that creating excises would necessitate higher prices, which would lead to a situation where landowners would have to pay more to their labourers.⁴⁴¹ There is a certain amount of truth in the aforesaid opposition argument although the significance of the mechanism was highly exaggerated. It has in fact later been shown that the mechanism worked in rather a different manner. The landowners raised the rents in relation to the increasing land tax which reflected, ultimately, to the prices of the domestic commodities and trade.⁴⁴² The products that were affected by the mechanism were mostly foodstuff and in proportion they mostly affected

435A letter to a freeholder 1732, 7; HCPP 363 – 364: Sir Thomas Robinson.

436A letter to a freeholder 1732, 41.

437A letter to a freeholder 1732, 49.

438A letter to a freeholder 1732, 26, 36.

439HCPP 332: Sir Philip Yorke.

440Turner 1990, 378, 383, 386; O'Gorman 2006, 102; Wilson 1984, 276 – 278.

441GM 1732, 1070 – 1071/FJ 25.11.1732, no. 212; GM 1733, 406 – 407/C 4.8.1733, no. 370; GM 1732, 795-797/C 10.6.1732, no. 310.

442Turner 1990, 384 – 385.

the poorer consumers. The ministry could have argued that the land tax was a regressive tax and the decrease of it would have benefitted the poor. It would however have been politically hazardous to admit that the landowners reflected the burden of the land tax to the renters and eventually to the consumers.

The opposition instances in turn, considered the excises as the worst kind of taxation. Following John Hampden's⁴⁴³ views of taxation the Craftsman declared that it prefers land tax, or even revival of the 'chimney money'⁴⁴⁴, instead of new excises⁴⁴⁵. Also John Locke was a subject of references when the excise debate considered the least harmful way of taxing the nation. Locke had claimingly stated that taxes 'however contrived, do in a country, where their great funds is in land, for the most part terminate on land.'⁴⁴⁶ The ministry answered these claims by representing Locke as a 'good authority, but not against common sense and feeling'.⁴⁴⁷ The opposition appealing to Locke was problematic for ministerial Whigs as Locke was a central figure to the Whiggish ideology.

Officially the excise opposition denied the existence of the idea of two separate interest groups. The opposition represented the distinction between 'landed and trading interest' artificial, as all taxes in the end were 'paid by the consumer'⁴⁴⁸. The dichotomy was claimed to be a plot of the ministry to 'divide the people, whom they would enslave' to 'invidious distinction of the landed and trading interest, which are really united'⁴⁴⁹. In similar manner Nathaniel Mist accused ministerial MP's⁴⁵⁰ and their 'master', meaning Walpole, of setting 'the landed, and trading interest at variance with each other'. He argued that 'raising divisions' between landowners and merchants was a way of creating confusion in order to save not only Walpole's scheme but also 'his head on his shoulders'.⁴⁵¹ The opposition accused Walpole's ministry of using *divide et impera* tactics to distract the enemies of his scheme. Rather than defending the scheme by itself, the ministry was claimed to incite

443ODNB & HoP: A notable English statesman in the pre-Civil War England opposing the 'ship money'.

444Better known as hearth tax, a tax levied from every family unit by the amount of the hearths the family consisted of.

The tax was commonly considered as arbitrary and regressive.

445GM 1732, 1103 – 114/C 9.12.1732, no. 336.

446GM 1732, 1103 – 1104/C 9.12.1732, no. 336; GM 1733, 406 – 407/C. 4.8.1733, no. 370.

447GM 1732, 813/LJ 24.6.1732, no. 678; Later the London Journal noted that Locke lived when the first excises were introduced and still did not condemn those as an 'infringement of the constitution' or 'arbitrary power'. In fact, he had himself been a Commissioner of Appeals; GM 1732, 650 – 651/LJ 22.12.1732, no. 756.

448GM 1733, 128 – 129/C 17.3.1733, no. 350; A review of the excise-scheme 1733, 26; The crisis 1733, 29-31.

449GM 1733, 79 – 80/C 17.2.1733, no. 346; The crisis: or, the Briton's Advocate 1733, 29.

450HoP: Mist targeted, for example, 'Mr W.Y.', better known as Sir William Yonge, a Whig MP for Honiton, Devonshire. Yonge was a close ally of Walpole. Another target was the Scottish MP John Drummond.

451Cranfield 1963, 23 – 24; GM 1733, 297 – 298/ FJ 9.6.1733, no. 240; GM 1733, 315 – 316/FJ 30.6.1733, no. 243.

groundless hatred and bigotry between the two groups.

The opposition emphasized the unitary nature of the nation in its argumentation. The ministry was, for example, accused of aiming to destroy 'the harmony ... among the people of the same nation' which would inevitably lead to 'the ruin and destruction of the whole [nation]'. To illustrate its argumentation the head of the Tories, Sir William Wyndham⁴⁵², invoked to Queen Elizabeth, who 'govern'd herself ... quite different from those which seem to be at present vogue'. The late Queen had cherished the 'harmony among all her subjects' listening to 'all parts and all parties in the kingdom'. Never would she have tried to 'divide or throw discord among her subjects' or have yielded up her powers to ministers or parties.⁴⁵³ To counter the alleged *divide et impera* tactics of Walpole, the opposition emphasized the unitary nature of the nation and harmony as an ideal state of affairs. These arguments should not, however, be explicated as mere reactive opportunism. The idea of the unitary interest was in fact a central doctrine of the Bolingbrokean patriot ideology.

The opposition discourse of the united interest is interesting from several points of view. It certainly exuded the Bolingbrokean ideology of a nation with a unitary interest, but it also revealed a striking contradiction. Although the opposition declared being against divisions and factions, they cooperated, or rather represented, the vivid mercantile lobbies. This is in a clear contradiction to the Bolingbrokean discourse of the mythical unitary and common interest of the nation. Although the contradiction was evident, the ministry was unable to exploit it in its argumentation. The ministry did not problematize the issue in similar manner as the Walpolean acceptance of conflict clearly differed from the Bolingbrokean view of politics.⁴⁵⁴

Although the opposition from time to time challenged the idea of the separate interests of merchants and landowners, the dichotomy was mostly accepted by both parties⁴⁵⁵. It was clear that the opposition's interest still was on the mercantile side as its rhetoric highlighted the idea that the wealth and power of the nation were created, and would continue to be

⁴⁵²HoP: MP for Somerset and the head of Tories in Parliament.

⁴⁵³HCPP 348 – 349: Sir William Wyndham.

⁴⁵⁴Passim Cottret 1997.

⁴⁵⁵The nature of the present excise 1733, 32; The humble and loyal address of the citizens of London 1733, 1; Englishmen's eyes open'd 1733, 2; An impartial enquiry into the present question 1733, 13 - 14, 24; An impartial enquiry into the late conduct of the city of London 1733, 6, 10, 37 - 40; An Examination 1733, 10 - 11; A review of the excise-scheme 1733, 24 - 25.

created, by trade. 'Trade, without enlarging the British territories, has given us a kind of additional empire', concluded the Craftsman. Not only had the trade 'multiplied the number of the rich', but also made the lands of Britain of more value than ever before.⁴⁵⁶ The unitary interest of the nation was a certain kind of ideal, but when it came to practice, the reality was often rather divergent. The opposition could not have been pressuring the ministry the way it did without the support of mercantile lobbies and mercantile interest as its fundamental legitimacy and justification.

The role of the mercantile lobbies was in fact rather substantial as the central role of trade in Britain had led to a formation of significant mercantile lobbies and societies. After the 1690's the amount of activities of mercantile interest groups and lobbies in the House of Commons had expanded considerably. The merchants, traders, wholesalers, retailers, and manufacturers organized large scale activity and petitions, hence actively taking part in the actual decision-making processes. This was evident especially in the case of international and transatlantic trade.⁴⁵⁷ The Virginia merchants, for example, had their own interest organization for lobbying. These societies were, however, in normal circumstances neither compact nor uniform organizations, but rather loose platforms enabling co-operation between merchants and trading families.⁴⁵⁸

Mostly the power and influence of the mercantile lobbies was based on rather modest lobbying. Rather than using power in a direct manner, the influence and power of these societies was based on possession of information considering trade. They provided testimonies for parliamentary committees and MP's on, for example, the conditions of trade and manufacturing in the American colonies. As Alison G. Olson has shown, in normal circumstances the power based on sharing information rather than on threats or bribery.⁴⁵⁹ During the excise crisis, however, these mercantile groups acted in a more hostile and confrontational manner than usually. Although petitioning was not uncommon to these organizations, the tone of the petitions, or rather instructions, was evidently more harsh and demanding – in several cases even threatening.

Merchants organized fierce campaigns in boroughs and constituencies. Many boroughs

⁴⁵⁶GM 1733, 145/C 31.3.1733; A Letter to the free-holders 1733, 25 - 27; An Examination 1733, 10 - 11; The second part of An argument against excises 1733, 57 - 58.

⁴⁵⁷Black 2008, 71; O'Gorman 2006, 81.

⁴⁵⁸Hilton 1991, 358; Olson 1983, 364 – 369, 377 – 378; Olson 1982, 22- 24.

⁴⁵⁹Olson 1983, 374 – 377; Olson 1982, 22- 24.

lobbied against the excise scheme by sending letters to their representatives in Parliament. Over 50 boroughs, towns and cities, including London, Liverpool, Newcastle, and York, instructed their representatives to vote against the excise scheme.⁴⁶⁰ In these letters the concern about the trading interest was constant. The borough of Sudbury, Suffolk, appealed to their representatives⁴⁶¹ to oppose the excise laws as representatives of 'a trading borough'. Gloucester instructed their representatives⁴⁶² in similar manner. It was constated that 'tis indisputable, that the riches, strength, and glory of this nation, are owing to trade' and for that reason 'is certainly entitled to all the favour, protection, and encouragement of our laws.'⁴⁶³ Most of the petitions the mercantile lobbies organized were rather emphasizing their worry on the nature of the scheme and the state of trade. Although only few of them contained direct threats, the insinuation was present also in the formally modest petitions. Implicating that one representing a trading borough should act as a representative of a trading borough certainly included a hint that should be taken seriously.

Some of the petitions were even concerned in Parliament. The most famous of these was without doubt the petition of London, in which the City declared the scheme would be 'the most fatal blow ... ever given' to 'trade and navigation of Great Britain'. The trade was defined as the 'great spring from which the wealth and prosperity of the publick flows'. The scheme would make the mercantile part of the nation 'unwilling to trade' and was hence disastrous to the nation.⁴⁶⁴ London was in fact the bastion for anti-Walpoleans and the excise opposition. The tobacco and wine merchants of London had an important role in organizing the resistance against the scheme and the most prominent role was played by the mayor John Barber. He, a Tory flirting with Jacobitism, was behind the petitions to instruct the representatives of London to vote against the scheme.⁴⁶⁵

The issue of the dichotomy of trading and landed interest was one of the most complicated matters of controversy during the crisis. Although the circumstances and composition could be rendered as clear and distinct at first sight, it is in fact far more complicated. Although the ministry primarily championed what was referred to as landed interest and

460A Collection of letters 1733; Excise ... a collection of letters 1733.

461John Knight and Carteret Leathes.

462Benjamin Bathurst and Charles Selwyn.

463A Collection of letters 1733, 10 – 11.

464HCPP, 370 – 371.

465Horwitz 1987, 189 – 190; Wilson 1984, 285.

the opposition the mercantile interest, the process of legitimation and delegitimation was a process of constant balancing between the two groups. Almost all the ministerial representatives in the House exercised commercial activity in some form and all the opposition representatives had to possess substantial property in form of land to be able to hold their seats. The dichotomy was not a matter of binary nature but rather of constant arbitration and reassessment.

5.3. In The Name of Fair Trade

*'TOBACCO and WINE,
Says the Kn---t do combine,
To make People HONEST and BRAVE;
They must be EXCIS'D,
And made too high priz'd,
Or a BRITON will ne'er be a SLAVE'⁴⁶⁶*

One of the most popular and argued discourse of the excise scheme was the conceptual dichotomy of 'fair trader' and 'unfair trader'. These concepts were the spearhead of the ministerial attempts to legitimate the turning of custom duties into excises. Prime Minister Walpole argued that 'the fair trader pay to the publick what the fraudulent trader turns into his own private pocket', which would ultimately make 'all the fair trader in the nation ... ruin'd and undone.'⁴⁶⁷ Therefore it was the duty of the ministry to tear up the frauds and save the fair traders. The suppression of frauds would be 'a great ease to the fair trader' since it would put all traders 'in Britain upon the same footing, which is but just and equal'. The only ones suffering from the scheme were allegedly the smugglers.⁴⁶⁸

From the governmental viewpoint smuggling posed serious problems. The ministry certainly tried to tackle a factual problem as Jeremy Black has suggested that the considerable tobacco business of Clyde, for example, was heavily dependent on smuggling and merchants abilities of breaching the laws⁴⁶⁹. Patrick K. O'Brien has even suggested that smuggling reduced the tax income from imports even up to 25 per cent⁴⁷⁰.

466Britannia excisa 1733.

467HCPP 305 – 307: Sir Robert Walpole.

468HCPP 317 – 324: Sir Robert Walpole.

469Black 2008, 71, 193.

470O'Brien 1988, 24 – 25.

The smugglers imported mainly luxury commodities with high net value such as tea, tobacco, silks, and wine. Apart from the wine most of the smuggled luxuries were light in weight and highly taxed, which provided the smugglers considerable margins.⁴⁷¹ In this sense the ministerial measures of targeting these particular branches of trade with excises was understandable and rational. Most commodities on the market were not suitable for large scale illicit trade due to weight, volume, and margins.

The government was unable to abolish the organized and deep-rooted smuggling by the custom laws. Indeed, raising custom duties would only have damaged the fair traders and increased smuggling, which would have been rather counter-productive. The problem of the custom laws was in the method they were collected and managed.⁴⁷² Excise laws provided the officers more effective means and methods to tackle smuggling, but they were considered more controversial. To legitimize the use of excises as a remedy to the large-scale smuggling, the ministry had to convince the merchants of the benefits of turning custom duties into excises. By portraying smuggling and unfair trade as highly destructive to the fair traders the ministry represented itself as a hero that would halt the 'clandestine traders ... without any increase of taxes'⁴⁷³. According to the ministerial discourse the fair traders should not be concerned of excisemen as they would only search and punish the 'clandestine traders'. It was an 'advantage of the fair and upright traders to submit cheerfully' to excises that would not 'leave the least room for the smuggler to have any advantage over them.'⁴⁷⁴

It was clear that the ministry had to gain support for its scheme from both the landowners and the merchants. The ministry had already appealed to the landed men by linking the scheme with abolishing the land tax. By defending the fair traders it tried to convince the merchants to support the excises. The dichotomy of fair and unfair traders was not only used to promote the scheme towards merchants but also to delegitimize the mercantile opposition. To delegitimize the mercantile opposition the ministry represented them as unfair traders and enemies of the public. The Prime Minister even made a speech blaming 'the smugglers, the fraudulent dealers' of not only cheating the fair traders but also 'their country'⁴⁷⁵. It was embarrassing to the ministry that its opposition mainly consisted of

471 O'Brien 1988, 24 – 25; Black 2008, 71.

472 O'Brien 1988, 24 – 25; Black 2008, 71.

473 GM 1732, 1053 – 1054/AJ 11.11.1732; GM 1732, 1062/AJ 18.11.1732.

474 GM 1732, 1053 – 1054/AJ 11.11.1732; GM 1732, 1062/AJ 18.11.1732.

475 HCPP 317 – 324: Sir Robert Walpole.

merchants when it at the same time was trying to represent itself as the promoter of trade.

These processes of delegitimization were fiercely resisted by the opposition. Sir John Barnard, a London wine merchant himself, strongly disagreed with Walpole. In a speech given in the House he explained that although he himself was a fair trader he could not support the scheme. Barnard recognized the frauds as a considerable challenge to all fair traders and admitted that arguing against 'any method that may tend towards preventing frauds' was an act against his 'own interest'. However honest a merchant, he could not support the scheme as:

*'I shall never put my private interest in ballance with the interest or happiness of the nation; I had rather beg my bread from door to door, and see my country flourish, than be the greatest subject in the nation, and see the trade of my country decaying, and the people enslaved and oppressed.'*⁴⁷⁶

Barnard was joined by another London merchant and an active member of the Virginia tobacco lobby, Micajah Perry⁴⁷⁷. Perry was irritated by the common discourse on the unfair traders, claiming it portrayed 'the whole body of the merchants ... as a pack of rogues, smugglers, and unfair traders.' He claimed it was a treatment 'they [merchants] never will forget, and I believe never will forgive'.⁴⁷⁸ By representing themselves as the representatives of the English merchants in Parliament, Sir John Barnard and Micajah Perry were a constant cause of discomfort and vexation for the ministerial speakers. These two representatives in fact became some sort of icons for the mercantile resistance and a significant part of the rather scarcely recorded parliamentary debates on the issue consists of speeches given by Barnard and Perry.

Although loudly and widely championed, there was in fact no commonly shared trading interest. Alison G. Olson has shown that although merchants were represented as an unanimous group supporting the Patriot Opposition, they were in fact divided during the controversy. Tobacco factors were in favour of the scheme, but most of the tobacco merchants were fiercely against it. Even the merchants were divided on the issue as

⁴⁷⁶HCPP 307 – 308: Sir John Barnard.

⁴⁷⁷HoP: Perry inherited his grandfathers tobacco company in 1721 and became a respected spokesman of the Virginia planters. He represented London throughout his career in Parliament in 1727 – 1741.

⁴⁷⁸HCPP 324 – 328: Micajah Perry. ODNB & HoP: Perry was MP for London and a tobacco merchant; Olson 1983, 379 – 389.

merchants trading to Maryland and Virginia were mainly against the scheme and others were mostly for it or remained neutral.⁴⁷⁹ The opposition was, however, successful in representing the merchants as a united front resisting the ministerial scheme. The ministry was unable to exploit the inconsistency although it had to be aware of it. The reasons of the ministry not to challenge the opposition representations have remained obscure for me.

Prime Minister Walpole was not in general convinced by the opposition lobbying. For him the scheme was about strengthening the legal basis as preventing frauds would 'enable the publick to receive what it is now justly and legally intituled to'⁴⁸⁰. The London Journal followed the same strategy emphasizing legality, typical to ministerial papers, stating that 'when taxes are laid they ought to be paid'⁴⁸¹. The paper defined that the 'liberty is government by just and equal laws' rather than 'liberty of smuggling, defrauding the government, and prejudicing the fair trader'.⁴⁸² In similar manner the ministerial representative, Sir Joseph Jekyll, stated that men who 'cheats the publick' were 'the greatest criminals' with a 'very whimsical conscience'⁴⁸³. Emphasizing the role of legality was rather typical argumentation for a party in power, as it was able to define the legal framework. This was evident especially during the long Whig supremacy of the early Hanoverian era.

The scheme was intended both to relieve the fair traders and to increase revenues by making the taxation more efficient. Walpole argued that the scheme would be 'of a great benefit and advantage to the publick revenue', raising at least 200 000 – 300 000 pounds annually. By tackling smuggling and hence increasing public revenues the ministerial representatives were trying to relieve both the land tax and the tax burden of fair traders. According to Walpole, without the 'fraudulent dealers and the smugglers' the 'innocent and the honest part of the nation' would be relieved from the heavy taxes.⁴⁸⁴

The opposition, however, considered the controversy as a constitutional subject rather than as an issue of improving public revenues. According to the Tory leader Wyndham, the

479Olson 1983, 375 – 377, 379 – 389; Olson 1982, 22- 25.

480HCPP 305 – 307: Sir Robert Walpole.

481GM 1733, 24/LJ 20.1.1733, no. 701.

482GM 1733, 407 – 409/LJ 4.6.1733, no. 736.

483HCPP 339 – 340: Sir Joseph Jekyll. ODNB & HoP: Jekyll was MP for Reigate, Surrey.

484HCPP 317 – 324: Sir Robert Walpole; A letter from a Member of Parliament ... concerning the duties 1733, 43 - 44.

vote was about 'whether we shall sacrifice the constitution to the preventing of frauds in the revenue?'⁴⁸⁵ The rhetoric was shared by many opposition MP's arguing that 'the sons of such men wantonly gave up those liberties for which their fathers had risked so much' because of 'a few frauds in the collecting of the publick revenue'.⁴⁸⁶ Would the 'new desperate remedy' in fact be 'much worse than the disease'?⁴⁸⁷ The rhetoric on the ministry sacrificing the constitutional liberties of Englishmen for an increase of a few pounds in public revenues was well suited for the opposition's general discourse on the corrupted ministry. It was claimed that nothing was sacred to it, but the flow of money to its representatives private pockets.

The claimed dichotomy of the constitutional liberties and the increase of the public revenues was loudly emphasized by the opposition. It constantly stated that many nations had been destroyed 'under pretence of preserving or of rescuing the people from some great evil, to which it was pretended they were exposed'.⁴⁸⁸ Rather than rescuing the 'true English merchant and shopkeeper', the scheme would in fact ruin them. An opposition paper even claimed that 'encroaching on the liberties of trader' should not be implemented even if the scheme would raise three million pounds instead of the Walpole's estimation of 300 000 pounds. It would be 'against the whole bent and genius of a nation, whose passion is that love of liberty'.⁴⁸⁹ These arguments emphasized the exceptional nature of England. The liberty was considered as sacred and fundamental that it should be protected against the corruption of the ministry at any cost.

The ministerial speakers strongly denied the representations of sacrificing the liberties and the constitution for a few frauds. Sir Philip Yorke argued he could not 'find out any liberty that can be struck at by the scheme ... but the liberty of smuggling'. The public revenues were even defined as the greatest security for the 'national liberty'. If the scheme was to improve this precondition of liberty, how could it endanger the constitution?⁴⁹⁰ Also the London Journal declared that the common rand of the scheme being 'prejudicial to TRADE and LIBERTY' was absurd. The scheme could not harm liberty as liberty was 'government by just and equal laws, which secure our persons and properties, and leaves us in the free

485HCPP 307: Sir William Wyndham.

486HCPP 340 – 342: Mr Heathcote; Wilson 1998, 119 – 120.

487HCPP 335 – 339: Sir John Barnard.

488HCPP 328 – 330: Sir Paul Methuen.

489GM 1733, 176 – 177/Berington's Evening Post 10.4.1733.

490HCPP 330 – 334: Sir Philip Yorke; Wilson 1998, 119 – 120.

exercise of our rational faculties.' The paper continued by stating:

'The faction⁴⁹¹ seems to talk of liberty without ideas; for all liberty but that of doing what is right, is licentiousness; and not a blessing, but a curse. The liberty of smuggling, defrauding the government, and prejudicing the fair trader, is a liberty inconsistent with the rights of others, and ought, therefore, to be prevented, tho' the consequence be a little more trouble to tradesmen; nor have they a right to be exempt from that trouble, which is absolutely necessary to prevent great frauds, and so encourage the fair trader.'⁴⁹²

Breaching law and order by illicit trade was portrayed not only as an issue of revenues, but was also associated with suspicious political activity. It was even claimed the petitions sent from the boroughs to the representatives in the House were organized by Jacobites⁴⁹³. The claim was to some degree justified although it was widely exaggerated. In London for example the Lord Mayor, John Barber, was in fact a Tory flirting with Jacobitism⁴⁹⁴. Drawing parallels between Jacobites and the opposition in general was strongly rejected by the opposition press. It stated that the majority of the opposition consisted of honest merchants and traders – 'men in the interest of the present royal family, and under no resentments and prejudices to courts.' These merchants were not 'fraudulent or unfair dealers; but the worthy, honest, publick-spirited, true English merchant and shopkeeper'.⁴⁹⁵ This kind of association-based argumentation was widely practised by both the ministry and the opposition. Although being fairly common, these discourses only seldom generated debates of serious nature. The debates were rather of binary nature; the ministry claimed the opposition consisted of Jacobites and the opposition denied these allegations.

Promoting fair trade was one of the most central ministerial discourses to legitimize its scheme. The conceptualization of tackling smuggling by turning customs into excises were presented with a confidence and plausibility that the ministry lacked in debates on other central concepts. However, the ministry was not able to convince the mercantile opposition

491The faction was a common concept referring to political group in a rather negative sense. For more, see Ihalainen 1999.

492GM 1733, 407 – 409/LJ 4.6.1733, no. 736.

493GM 1733, 89 – 90/LJ 24.2.1733.

494Horwitz 1987, 189 – 190; Wilson 1984, 285.

495GM 1733, 176 – 177/Berington's Evening Post 10.4.1733.

nor to exploit the divisions amongst the mercantile classes. The opposition succeeded in exploiting the alleged mercantile cause with the help from the lobbies resisting the excises. For reasons unknown the lobbies and societies in favour of the ministerial scheme remained passive and exercised almost non-existent activity during the excise crisis.

5.4. Conclusions

The concepts surrounding the discourse of Britain as a trading nation were in the centre of the legitimation and delegitimation processes during the excise crisis. The representation of Britain as a trading nation was not itself challenged at all. It was certainly common ground for both the ministry and the opposition as the roots of the concept can be traced deep into the English national identity. Rather than denying the importance of the concept, both parties struggled to gain control of the concept in order to legitimize their views. For the ministry the conceptualization was implemented by legitimizing the scheme by claiming it would suppress smuggling and hence secure the future of the merchants and the nation. The logic of the opposition was, however, different. Rather than rescuing the trading nation and its merchants the scheme would endanger the trade and oppress the merchants.

Although the concept of trading nation was recognized as common ground, the concepts of trading and landed interest were challenged as both the ministry and the opposition had different conceptions of the content of these concepts. Despite that the opposition occasionally attempted to challenge the conceptual dichotomy as such, the argumentation was mostly symmetrical. The ministry argued that the national interest was defined through the landed interest and the opposition argued *vice versa*. This line of legitimation was fairly common when political interest groups were involved in the political decision-making processes. The actors were trying to convince the political audiences by representing their private interest as the national and common interest.

A striking difference between the promotion of the landed and the mercantile interest was the profiles of the interest groups. The mercantile lobbying was rather visible whereas the landed interest was promoted more passively and with less transparency. The landed interest was certainly influencing the ministerial discourses but it was highlighted modestly and seldom when compared to how the opposition championed the mercantile interest. The ministerial instances used much time and effort to convince the merchants that

reducing the land tax was favourable to the merchants and hence in the interest of the nation in general. I presume that it was because both the ministry and the opposition understood that the merchants were the pointer of the crisis. The ministry understood that it could not prevail without the support of the merchants, especially as it argued that it was acting on the behalf of the fair traders.

It is certain that there were genuine dichotomies, although it is as well clear that these dichotomies were consciously sharpened. The opposition especially exploited these dichotomies in a rather harsh manner in order to gain popularity and support from audiences out of doors. I argue that without the support of the merchants and audiences out of doors the opposition could not have defeated the ministerial scheme. The mercantile concepts and discourses could even be described as the lifeline for the opposition cause. For the ministry the conceptualization of fair and unfair traders was in similar manner an essential linguistic strategy as it desired to present itself as the defender of the trading nation and especially the trading part of it. In this sense the concept of the trading nation could be seen as a linguistic battlefield where both ministry and the opposition tried to gain the control of the concept.

The centrality of the concepts surrounding the mercantile interest indicates the salience and the growing importance of the commerce. The influence of trade was emerging whereas the importance of the land, 'the old money', was decreasing. As the role of trade increased, the influence and the role of the landed interest decreased in relative term in the political legitimization process. This dichotomy should not be understood too explicit as most of the landowners had commercial interests as well. Walpole's scheme could also be seen as a reaction to this long-term transition from 'old money' to 'new money'. The focus of the taxation shifted from the more traditional land tax to the more modern excises as the flow of money increasingly concentrated on trade rather than on land. In this way Sir Robert Walpole could be seen as a reformer understanding the watershed of the economic development. The influence of the landed interest should not, however, be underestimated as it certainly had a genuine base of supporters in the sphere of politics.

Most of the concepts used in the debate were not contested by definition, but rather by rival concepts or by denying the significance of the concepts. When the ministry defended the scheme by arguing it would increase public revenues by tax efficiency, the opposition

claimed the ministry tried to peddle the liberties of the people. In this way the opposition was trying to emphasize that the politics was about choices and values rather than mechanical management of finances.

In most cases during the excise crisis the ministerial use of concepts was rather non-innovative and reactive. In the field of commercial discourses the ministry made, however, an exception to this pattern. It used the conceptual dichotomies of landed interest-trading interest and fair trader-unfair trader in a rather apposite and inventive manner. It is evident that commercial reasons formed the fundamental basis of the ministerial scheme, as the legitimation of the scheme derived from actual economic and commercial challenges that the ministry was trying to tackle. In this sense the ministerial argumentation was as its best in the field of commercial discourses. It was in fact able to challenge the opposition in a rather convincing manner.

6. Conclusions

The premiss of this thesis has been the assumption that economy and taxation were matters of wide societal issues, rather than being questions of mere technical management. The excise crisis of 1733 certainly confirms this premiss as examining the controversy has revealed extensive strategies and concepts intended to legitimize political aspirations and objectives. By studying the crisis I have perceived both commonly shared values and conceptualizations of more controversial nature. Some of these strategies and concepts were of rather general nature and characteristic for the political sphere of 18th century Britain and some were more specific for the context of taxation. In this sense the controversy reveals a complex and multifaceted illustration.

The opposition argumentation mainly rested on the concept of a general excise, meaning an excise upon most or all the commodities depending on whose conceptual definition one uses. The opposition intentionally blurred the difference between the two excises proposed by the ministry and a general excise. In relation to the general excise, the scheme was usually represented in two particular ways. It was 1) an introduction of a general excise as such or 2) would inevitably lead to one if the excises upon tobacco and wine would be enacted. The opposition mainly used the concept to frighten people as the idea of general excise was known to be a subject of general hatred. It had already been proposed on several occasions during the previous century and it had been defeated as many times. In general the opposition used very vivid discourses and concepts to alleviate its conceptions. Exaggeration was certainly an important part of the contemporary political culture.

The excise opposition especially exploited the popular sentiments with flagrant exaggeration. It threatened the people by claiming that the scheme would deprive the constitutional rights and privileges and would restore the arbitrary power of the pre-Glorious Revolution era. The excises were to the opposition not only a matter of taxation, but a matter of the constitutional rights and privileges that were in the very heart of the English identity. Enacting the scheme would introduce Continental arbitrary power and Popish faith, which Britain had suffered from under the reigns of the Stuarts. A general excise would turn Britain to France, deprive the liberties and properties, oppress the people, end the trade, and ruin the nation's future *ad infinitum*.

The liberties and properties were commonly accepted as the fundamental values that should not be endangered whatsoever. The opposition argued against the excises by claiming they would deprive these privileges. The scheme would allegedly empower the excisemen with such powers that could not but end in suppression and repression of the people. At the same time the ministry defended the scheme by arguing that it on the contrary would secure and strengthen the very same privileges. It argued that the smugglers deprived these profound values from the fair traders by cheating and destroying their livelihood. But as the trade was considered as the lifeline of the British nation, the smuggling was considered not only a crime against the respectable traders, but also against the whole nation.

The legacy of Magna Carta was, however, more controversial as such than the status of the liberties and properties. The opposition represented the Magna Carta, enacted in 1215, as the surest and most original standard of the English judicial and political system. It argued that altering the method of trials by juries, established by the Magna Carta, was not only revising a particular method of judicial custom, but rather the constitutional order as a whole. The Magna Carta was represented as a sacred entity; altering one part of it would reverse it altogether. For the ministry the Magna Carta was in turn an excellent principle of guidance, but excessively ancient to be complied with as such. The world had grown too complex to principles of overly general nature without exceptions. The ministry noted that the method of trials by juries was already altered in several sorts of trials and nevertheless Britain had not turned into a Continental state of arbitrary rule and Popish faith.

The role of the power of the people was controversial in a similar manner as the Magna Carta. The will of the people was commonly recognized as the ultimate legitimacy of governance, but the role of the people in the actual decision-making processes was controversial. As in the case of Magna Carta, the ministry recognized that the political legitimation derived from the people but contrary to many oppositional instances, it defined the Parliament as the manifestation of the will of the people *per se*. In this framework it was an oxymoron that the boroughs could instruct the Parliament on how to vote. The opposition perceived the nature of representation rather differently. The people of genuine nature lived in the boroughs whereas the Parliament along with its members had become

a nest of corruption and self-interest. By instructing the members of Parliament the people expressed their will, which was seen binding, as the sense of the people was commonly defined as the source of legitimacy of the political order. The members of Parliament were seen as trustees or proxies of the people. They did not have importance or autonomy by themselves, but gained their power and relevance from those they represented.

Although the opposition in unison declared that the political power rested on the consent of the people, it is certain that the conception was not shared by each of its members. For many it was a rather pragmatic discourse to be played against the ministry. It provided a powerful argument against the ministerial order and the Whig supremacy that the opposition desired to end. One could with good reasons doubt whether the opposition had based its policy on the popular sentiments if it had risen to power. I do not claim the opposition discourses on the people were solely opportunistic as the popular consent was indeed in the very heart of the Bolingbrokean ideology. There are after all certain elements reminding that the opposition as a whole may not have pledged the popular sovereignty as firmly as Viscount Bolingbroke.

The discourse of Britain as a trading nation was recognized by both the ministry and the opposition although it was implemented quite differently. The ministerial aim was to improve trade by defending fair traders against smugglers, who claimingly were ruining the profitability of the trade. This was not only considered problematic for the merchants but for the nation as a whole, as the smuggling decreased the tax revenues and forced the ministry to implement new taxes. The opposition, on the other hand, argued that the scheme would destroy the very being of the trading nation as it would subject the merchants to the arbitrary laws of excise. The profitability of the trade would be ruined if the merchants were subjected to the constant inspections and gaugings. By forcing the merchants to request permits from the excisemen to move their goods, the expenses of the merchants and hence the prices of the commodities would inevitably increase. To emphasize the claimingly fundamental differences between the two parties, the opposition often portrayed the controversy as a dichotomy between profane money and sacred liberties.

There was some amount of differences in the use of concepts in relation to the nature of the discursive platforms. Especially the pamphlets and the broadsides used more vivid

discourses and concepts whereas the main papers were more modest compared to them. The reason to this, I argue, was the fact that the papers were more close to the parliamentary actors. Although the argumentation in Parliament was more modest than amongst the press, the argumentation and the use of concepts were highly similar in these formally different platforms. I argue that most of the concepts used in the excise debate derived from parliamentary sources although not necessary from the debates in the House.

The recorded debates of the Parliament considering the excise scheme are, indeed, scanty as only around one hundred pages of material have remained. The concepts used in the House were, however, repeated and reproduced by the press as the links between the parliamentary actors and editors of the papers were close. Most of the papers had indeed significantly close relations to the Parliament and, for example, the opposition *Craftsman* was *de facto* led from the Parliament⁴⁹⁶. In similar manner the ministerial papers were clearly guided by Walpole and his ministry as earlier studies have clearly shown⁴⁹⁷. The pamphleteers, who often were MP's themselves, drew their inspiration from the debates in the Parliament in a similar manner⁴⁹⁸.

Concerning the opposition and the ministry as unitary entities would in conventional circumstances be an insolent simplification. In 18th century Britain the variety within the 'parties' were often wider than between the parties. In this sense the opposition was in normal circumstances definitely neither monolithic nor unitary. It rather functioned as an umbrella conception for highly diffused groups and political actors. Especially the Patriot Opposition was united only by a common hatred towards the administration of Walpole⁴⁹⁹. The excise scheme was, however, significant enough to unite the parliamentary, regional, and popular opposition. During the excise crisis the opposition acted in a stunningly unitary manner as the hostility towards excises united various opposition groups.

The use of concepts was almost identical between the different opposition groups and actors in the Parliament, as well as amongst the press and the pamphlets of the

496 Dickinson 1987, 72, 77 – 78; Jones 1987, 104; Ihalainen 1999, 52.

497 Passim Cranfield 1963; Passim Downie 1987; Passim Downie 1984; Passim Horne 1980.

498 Ihalainen 2010, 20.

499 Horne 1980, 601 – 602; Black 1984, 8 – 9; Wilson 1998, 124 – 125; Ihalainen 1999, 64.

parliamentarian actors. The emphasis in the use of the concepts varied, but the conceptual base was remarkably unitary. The only major exception was the *Fog's Journal*, which differed from the other journals because of its Jacobite cause. It attempted to avoid the censorship by writing highly allegorical Persian Letters, often referring to historical narratives and characters. Otherwise the ministerial and opposition papers mostly used the same concepts and discourses to legitimize their cause and to delegitimize their opponents use of concepts.

This thesis has certainly concentrated more on the opposition's conceptual usage although it has not been an intentional purpose of mine. The opposition's argumentation was certainly more creative and vivid than the ministry's as the Patriot Opposition invented and used multiple concepts in an innovative way and challenged the ministry with success. Although the ministerial instances in general did not use rhetorics of equal creativity and intensity, the discourse on the cause of 'landed interest' and 'fair traders' was used delicately. The ministry attacked the 'unfair traders' with fierce and passion and accused the opposition of protecting these cheaters. Even though the scheme was claimingly aimed to improve the competitiveness of the fair traders, it was primarily targeted to ease the landed interest. The ministry was in fact with some success able to create a discourse setting the merchants and landowners against each other. This emphasis on advocating the landed interest reveals how the ministry relied on the support of the landowners. Although a clear majority of the nation's political elite possessed considerably amounts of land, the ministry underestimated the growing significance of the trade and the hatred against excises.

These conceptualizations were, however, not sufficient enough to legitimize the ministerial scheme. The ministerial argumentation was mostly reactive and rather technical. It was able to challenge the opposition in the field of smuggling, but it was unable to realize the controversy was not only about taxation as such. This exposed the ministry to critique making its scheme vulnerable as it let the opposition choose the concepts to be discussed. Thus the opposition could define the framework and the preconditions of the debate and hence the legitimation and definition processes were implemented in a framework favourable to the opposition cause. In this sense the ministry's chances to implement its scheme were rather poor. It was neither able to define the preconditions nor could it successfully challenge the opposition concepts.

The opposition challenged the ministerial argumentation of separate landed and mercantile interest by arguing fiercely against the politics of interest groups. Despite its fierce rhetoric it still positioned itself as the defender of the mercantile interest as the merchants were the backbone of the opposition policies. It could not have exploited the unpopularity of the excises and the ministry without the support of the merchants, who not only controlled the boroughs but also supported and financed the opposition causes. In the core of the opposition argumentation was the idea of a unitary interest of the nation. Rather than arguing against each other, their struggle should be common as it was the real interest of the nation. The culmination of this unitary interest was the alleged 'sense of the people' as it was argued that the will of the people was the surest standard of governing the nation in harmony.

In addition to exploiting the unpopularity of the excises the opposition took advantage of the unpopularity of the ministry. The ideology of the Patriot Opposition was founded on the adversarial between a corrupted ministry with its political elite and an oppressed people. This corrupted ministry was accused of enslaving the nation and its people in order to gain more power and wealth for private purposes. A great part of this anti-ministerial and anti-Walpolean critique was a result of Viscount Bolingbroke's political ideology. Bolingbroke believed in a patriot ideology, claiming that the interest of the nation was unitary and that the parties with their political trickery and self-interest was its most significant obstacle.

The opposition understood that the popular opposition was their key factor to overthrow the ministerial scheme. Most important, by appealing to the 'sense of the people' the opposition was able to dismiss the ministerial majority in the Parliament. The Whig ruled Parliament had already passed multiple excises proposed by Walpole and in this sense the opposition's chances to succeed could have been perceived as rather poor. By appealing to a wider audience the opposition was trying to convince enough ministerial members of Parliament to vote against the ministry. As Paul Seaward and Pasi Ihalainen has shown, practices of challenging the ministerial authority by referring to the alleged will of the people outside the formal political structures was a rather common strategy since the Interregnum era.⁵⁰⁰

500Passim Ihalainen & Seaward 2015.

Although the Patriot Opposition has been commonly perceived as ideologically traditionalistic, the use of the concept of the people was in fact rather reformative. It aimed to widen the definition of the people in an inclusive manner. It is true that its emphasis on the sense of the people and the ancient constitution as the surest standards of governing was rather traditional, but its understanding and representation of the role of the people should still be seen as more innovative, even modern, than most of the contemporary representations. The consent of the people had been a matter of debate already during the 17th century, but the framework of the debate had been rather different. As the controversies during the earlier century had concentrated more on the institutional perspective⁵⁰¹, the Patriot Opposition focused more on the actual definition of the people. I do not doubt that the concept of the people was used as a populist strategy to delegitimize the ministry. Claiming that the innovative use of these concepts and discourses was solely based on 'mere rhetoric' would, however, be a harsh underestimate.

Kathleen Wilson's studies on early Hanoverian England and popular politics have been significant sources of understanding the era and its political sphere. It is true that the expansion of the press and the print culture, as Wilson has shown, indeed increased the significance of the popular politics⁵⁰². However, I have to disagree with her conclusions of the popular politics and 'public opinion' becoming the dominant force in the decision-making processes. It is certain that during the excise crisis the role of 'the people' and popular actions did increase, but the framework itself remained rather static and in the long term unaltered. Although there were a multitude of popular protests, they were organized by merchants and opposition politicians, often holding a seat in the House. In similar manner the instructions from the boroughs were organized by instances holding political posts and ranks. This is why I rather follow the argumentation of Jeremy Black and Pasi Ihalainen that the Parliament remained as the dominant political platform determining not only the course of politics but also the political language⁵⁰³.

One continuing the study of the subject should certainly examine the other monthly magazines, such as the London Journal and the Bee. Especially the London Journal could provide the researcher important material as it was the most prominent ministerial monthly magazine. The Gentleman's Magazine, which I have used, certainly provides a multitude

501 See for example Ihalainen & Seaward 2015.

502 Wilson 1998, 11, 44 – 45, 123.

503 Ihalainen 2010, 31 – 32, 34 – 36; Black 2001, 212 – 221; Black 2004, 1, 6 – 7; Black 2008, 220 – 221.

of articles from ministerial papers, but one studying the ministerial papers or the ministerial monthly magazines directly could possibly get a more full picture of the ministerial use of concepts. The monthly magazines did neither publish all nor full articles but were rather selective. It is possible that ministerial and opposition magazines published articles in a different manner. Studying the relation between the excise crisis of 1733 and other similar controversies could in similar manner provide interesting information on the early modern understanding of taxation. Paul S. Boyer, for example, has shown how the excise crisis influenced the excise controversy of Massachusetts in 1754. In fact most of the arguments used during this controversy originated from the Walpolean excise crisis.⁵⁰⁴

The conceptualizations of the excise crisis could be utilized when studying the legitimation processes of taxation in general and with a comparative approach. I have argued that the economy neither was nor is a field of only technical expertise or technocratic knowledge. It was a process consisting of political values and choices based on values. In this sense, as I have argued, the debates on taxation also reflect the changing values and mentalities of the society. This change is expressed through the changing concepts. As the definitions of the concepts changes, new concepts emerge and old concepts may fade away. It would be of conceptual interest to study the 'age of excise' as a whole, ranging from the 1620's to the 1790's. The first excises emerged in English political debates during the 1620's, but their significance did not increase until the Civil War and the Republican era. The introduction of income taxes in 1798 by William Pitt the Younger could be seen as a symbolical watershed as the emphasis of taxation began to shift from excises to more modern taxes.

⁵⁰⁴Passim Boyer 1964.

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