

The State Trial of Doctor Henry Sacheverell



Edited by Brian Cowan

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ACKNOWLEDGMENTS

This book began its life as the product of a chance conversation with Stephen Taylor outside the Manuscripts Reading Room at the British Library. He mentioned that he would be working on an edition of the Beinecke Library's account of the Sacheverell trial held in its Osborn Collection. I mentioned that I had already prepared a draft version of such an edition with the assistance of my former student, Matthew Devlin, of Yale College, who had held a Dean's Fellowship in the summer of 2003 and had begun to work on the Sacheverell trial manuscript. Stephen Taylor readily and kindly agreed to hand over responsibility for editing the manuscript to me, and he put me in touch with Elaine Chalus and Clyve Jones, of the Parliamentary History Yearbook Trust. Elaine began working with me as the project began, and handed it over to Clyve after her editing duties with the Parliamentary History Yearbook Trust came to a close. Clyve's deep knowledge of the period, his attention to detail and his patience with an often tardy author have all been much appreciated. I must thank Stephen, Elaine and Clyve first and foremost for all of their assistance and patience as this volume has gradually reached completion.

I first realized that there was a need for further work on Sacheverell's trial through discussions with James Caudle, Tony Claydon and Jeremy Gregory on various occasions while I was teaching at Yale University. After I moved to McGill University in Montreal, I was awarded a Standard Research Grant from Canada's Social Sciences and Humanities Research Council for the years 2005–8. This research grant allowed me to spend several months in the UK conducting the original archival and bibliographic research that has made this book possible. Additional research support for this project has been provided by the Canada Research Chair in Early Modern British History and the Faculty of Arts at McGill University, and I must thank the administrators and governments that have continued to support humanities research in an austere age. Research fellowships from the Huntington Library, the Lewis Walpole Library and the Whitney Humanities Center have also contributed to the research presented in this volume.

This work has benefited from research assistance from several students at various stages. Chapter 3 began as a summer project by Matthew Devlin, who I supervised at Yale College. Another Yale student, Dambudzo Muzenda, also conducted useful research assistance in London during the summer of 2004. At McGill, I received valuable support from Paul Todd, Azedah Tanjeedi and Sebastian Normandin. My own PhD students, Marie-Hélène Côté, James Wallace, Gregory Bouchard and Justin Irwin have added additional assistance at various stages of the research.

Bill Speck has offered enormously useful advice as my research into Sacheverell's trial has proceeded. He has kindly loaned me a copy of Geoffrey Holmes' unpublished manuscript on 'The Great Ministry' of Robert Harley, and he wisely pointed me in the direction of Francis Falconer Madan's manuscripts on Sacheverell and the controversies surrounding the doctor. These manuscripts are now held at the British Library as Additional Manuscripts 88473–88477, and they are an essential source for understanding the vast bibliography surrounding the Sacheverell affair. I must thank Frances Harris for her prompt attention to my requests to consult these manuscripts, and for arranging to have them catalogued and made available to me at rather short notice.

Mark Knights has provided several fruitful references and feedback on my work as it has progressed. He organised a very successful conference marking the tercentenary

anniversary of Sacheverell's trial at the Palace of Westminster on 23 March 2010. This conference, which was sponsored by the University of Warwick in association with the History of Parliament Trust, brought together a large number of scholars working on issues related to Sacheverell and the bitter partisan and religious rivalries that marked his age. The packed audience hall testified to the continuing interest that the trial has held for students of the early 18th century. Much of the material in the introduction to this volume was first presented at this conference, and I am grateful to all of the participants for their feedback on that occasion.

I learned late in the production process for this work that Dan Szechi had independently been working on an edition of the papers of Lord North and Grey relating to Sacheverell's trial. I had originally intended to include a chapter regarding this material in this volume, but have opted to omit it since readers can now consult Szechi's edition of the same material in his 2012 *Parliamentary History* article, 'A Non-resisting, Passively Obedient Revolution: Lord North and Grey and the Tory Response to the Sacheverell Impeachment'.

I have also given preliminary talks on Sacheverell's trial at Liverpool University, Princeton University, Vanderbilt University, the Johns Hopkins University, the Northeast Conference on British Studies and the American Society for Eighteenth-Century Studies, and comments in response to these have proved immensely helpful. I am particularly grateful to Marcus Walsh and Erica Charters at Liverpool; John Marshall and J.G.A. Pocock at Hopkins; and Peter Lake and Bill Bulman at Vanderbilt, both for inviting me to speak and especially for grilling me on my arguments while they were still in their formative stages. Additional participants at the Vanderbilt workshop included Victor Stater and Brent Sirota, both of whom have also helped shape my thinking about Sacheverell's trial.

I fear that I have bored many friends and colleagues with endless discussions of Sacheverell and his trial over the years, but such conversations have helped to shape and refine my thinking in innumerable ways. Thanks therefore are due to Alex Barber, Alastair Bellany, J.C.D. Clark, Alan Downie, Elizabeth Elbourne, Stuart Handley, Karen Harvey, Joanna Innes, Robert Ingram, Larry Klein, Peter Lake, Brian Lewis, Natalie Mears, Michael Mendle, Tom Mole, Ben Pauley, Jason Peacey, Peter Sabor, Scott Sowerby, Dan Szechi, Paul Yachnin and Brian Young, among many others. Kevin Sharpe provided much-needed encouragement for the project at a key moment in its development, and his work on representations of the early modern English monarchy has proved to be immensely influential. It is truly unfortunate that I will not be able to share the final product with him.

Noah McCormack has generously shared his voluminous knowledge of later Stuart archival sources, and he accepted my invitation to co-edit Chapter 16 on the earl of Nottingham's manuscripts relating to Sacheverell's trial. I am pleased that he has agreed to collaborate on this project. He secured high-resolution photographs of the Finch manuscripts from the Leicestershire Record Office, and he worked with me closely on the transcriptions of Finch's difficult and often cryptic script, the editing of the texts and the composition of the introduction to Chapter 16. Noah has also read many of the chapters of this book in draft form, and I am grateful for the comments and corrections he has offered.

This book is dedicated to Amy Alt, who has put up with stories about Dr Sacheverell and other such rascallions for far too long.

NOTE ON STYLE AND CONVENTIONS

I have attempted to retain the sense of the original documents found in this edition while also presenting a readable text. The original, often idiosyncratic, orthography (especially spelling conventions) found in early 18th-century print and manuscript has been retained, but common abbreviations and contractions have often been silently expanded in order to enhance the readability of the text. Less common expansions are indicated through the use of brackets. Unusual spellings of names, especially the Latinate forms, have been retained, but they are often clarified by providing the modern spelling within brackets. The various dashes and hyphens found in the early modern texts have been standardised to fit the *Parliamentary History* house style. All dates conform to the 'Old Style' calendar, unless otherwise noted.

ABBREVIATIONS/CONTRACTIONS

<i>bap.</i>	baptised
<i>BIHR</i>	<i>Bulletin of the Institute of Historical Research</i>
<i>BJRL</i>	<i>Bulletin of the John Rylands Library</i>
BL	British Library, London
BM	British Museum, London
Bodl.	Bodleian Library, Oxford
c.	circa
<i>CJ</i>	<i>Commons Journal</i>
<i>CSPD</i>	<i>Calendar of State Papers Domestic</i>
CUL	Cambridge University Library
<i>d.</i>	died
Defoe De-attributions	P.N. Furbank, J.R. Moore and W.R. Owens, <i>Defoe De-attributions: A Critique of J.R. Moore's Checklist</i> (1994)
Dr	Doctor
<i>EHR</i>	<i>English Historical Review</i>
ESTC	English Short Title Catalogue
Folger	Folger Shakespeare Library, Washington, DC
Foxon	D.F. Foxon, <i>English Verse 1701–1750: A Catalogue of Separately Printed Poems with Notes on Contemporary Collected Editions</i> (2 vols, 1975)
f., ff.	folio, folios
Hearne, <i>Remarks and Collections</i>	Thomas Hearne, <i>Remarks and Collections</i> (11 vols, Oxford, 1885–1921)
<i>HJ</i>	<i>Historical Journal</i>
HMC	Historical Manuscripts Commission
<i>HPC</i>	<i>History of Parliament, The House of Commons</i>
<i>HR</i>	<i>Historical Research</i>
jp(s)	justice(s) of the peace
KJV	King James Version of the Bible
<i>LJ</i>	<i>Lords Journal</i>
Madan	Bibliographic catalogue number in F.F. Madan, <i>A Critical Biography of Dr Henry Sacheverell</i> , ed. W.A. Speck (Lawrence, KS, 1978)
MP	member of parliament
MS, MSS	manuscript, manuscripts
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i> online: http://www.oxforddnb.com/
PA	Parliamentary Archives of the United Kingdom
Plomer	Henry R. Plomer, <i>Dictionary of the Printers who were at Work in England, Scotland and Ireland from 1668 to 1725</i> (Oxford, 1922)
Rev.	Reverend

RO

Record Office

State Trials

A Complete Collection of State Trials and Proceedings for High Treason and other Crimes and Misdemeanors from the Earliest Period to the Year 1783, with Notes and other Illustrations, ed. T.B. Howell (34 vols, 1809–28)

Statutes of the Realm

Statutes of the Realm (11 vols in 13, 1810–28), v–vii, available through: <http://www.british-history.ac.uk/>

Tatler

Tatler, ed. Donald F. Bond (3 vols, Oxford, 1987)

TNA

The National Archives, Kew

trans.

translation

TRHS

Transactions of the Royal Historical Society

UL

University Library

v

verso (of folios)

Wing

Wing Short Title Catalogue no. in *Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales, and British America, and of English Books Printed in other Countries, 1641–1700*, ed. Donald Wing (3 vols, New York, 1945–51)

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Chapter 1. Introduction: Reading the Trial of Dr Sacheverell

1

At the end of March 1710, David Papillon, an Englishman studying in Utrecht, wrote to another young man on the make in England named Philip Yorke.¹ Papillon was pleased to read of Yorke's account of the furore that had erupted in England over the past few months with regard to the Fifth of November sermon delivered by the notorious tory preacher, Dr Henry Sacheverell, in St Paul's Cathedral. He added that 'the noise that Dr has made over all Europe, and in our kingdome more especially, is what makes those who are not so well acquainted with our affairs admire'.² Sacheverell's sermon probably sold over 100,000 copies within a year, thus making it the greatest bestseller of its day.³ Yet Papillon wanted still more news about Sacheverell. For the preacher had recently been put on trial in Westminster Hall for 'high crimes and misdemeanours', an amorphous offence to be sure, but in this case, the charges amounted to impugning the Glorious Revolution of 1688 by denying that it had involved resistance against King James II; challenging the religious settlement that followed the Revolution, and most notably the allowance provided for freedom of worship for protestant dissenters in the 'Toleration Act' of 1689; and disparaging the queen's ministers by insinuating that they were 'false brethren' of the English Church.⁴ After nearly a month of deliberations, and a few days of intense rioting provoked by the doctor's trial, the house of lords found Sacheverell guilty of all charges brought against him by the managers from the house of commons. It was decided that his punishment was to be a strict prohibition from preaching for the next three years, and his two controversial sermons were to be burned by the common hangman at the Royal Exchange in London.⁵

This much was common knowledge, even outside England. The details of the trial's proceedings, however, and especially the heated partisan arguments made by the doctor's

¹ Philip Yorke (1690–1764) would later go on to become lord chancellor in 1737 and serve in that post for almost two decades. He was also elevated to the peerage in 1733, and would be made 1st earl of Hardwicke in 1754.

² BL, Add. MS 35584, f. 130: David Papillon to Philip Yorke, 24 Mar. 1710, Utrecht.

³ Henry Sacheverell, *Perils of False Brethren, Both in Church and State* (1709) [Madan 57]. F.F. Madan, *A Critical Biography of Dr Henry Sacheverell*, ed. W.A. Speck (Lawrence, KS, 1978) (hereafter identified as 'Madan' followed by the appropriate catalogue number); nos 57–74 are further editions and reprintings of this sermon. For sales estimates, see the bibliographical note by W.A. Speck to the facsimile edition of the sermon published by the Rota Society, Exeter University, 5 Nov. 1974, and Chapter 11 below.

⁴ Geoffrey Holmes, *Trial of Henry Sacheverell* (1973), appendix A, 279–82, prints the four articles of impeachment verbatim.

⁵ *A Complete Collection of State Trials and Proceedings for High Treason and other Crimes and Misdemeanors from the Earliest Period to the Year 1783, with Notes and other Illustrations*, ed. T.B. Howell (34 vols, 1809–28), xv, 474. The 'Oxford Decree' of 1683, which had been used to defend Sacheverell's positions on passive obedience and non-resistance, was also ordered to be burned at the same time; *State Trials*, xv, 475.

defence counsel as well as by the prosecution, were less well known outside Westminster Hall and the gossip networks emanating from London. This would soon change, however, as texts, both printed and manuscript, began to circulate with lengthier accounts of what had happened at this sensational trial. Papillon remarked that his father had promised to send him a copy of 'the tryall so soon as it comes out', and for this reason he did not ask Yorke for 'an acc[oun]t of what past in Westminster Hall', for this he supposed would be printed. He did want to get from Yorke however his 'own [thoughts] and what seems to be the common sentiments of the people concerning the proceedings, the occasion of the mob', and especially 'whither it was collected by a premeditated design or their own inclinations'.⁶ In addition to the official proceedings of the trial, Papillon wanted unofficial information, for he knew that the 'complete history' of the trial and the controversies surrounding it would never be told in the printed version of the proceedings.

Like Papillon in 1710, this book seeks to collect, present and interpret further information about the trial of Henry Sacheverell that can supplement the well-known, and widely printed and reprinted, account of the trial's proceedings: Jacob Tonson's folio volume, *The Tryal of Dr Henry Sacheverell* (1710).⁷ Tonson's *Tryal*, as we shall see, was the 'official' transcript of the trial's proceedings, and it has formed the basis for all subsequent attempts to offer authoritative printed versions of the trial. While Tonson's account is reliable on the whole, and as such it must be the first port of call for any serious student of the trial, this volume also demonstrates that it should not be the *only* source consulted. Many additional accounts of the trial were produced in 1710, and they must also be studied in order to gain a full understanding of the events and arguments that took place during Sacheverell's trial.

2

This edition sets the Tonson *Tryal* narrative in its proper historical, and polemical, context by showing that it was hardly the only account on offer in the early 18th century of the trial's proceedings, and that its authoritative status was hotly contested, particularly by tories, and especially by Dr Sacheverell himself. The documents collected and edited here offer a set of 15 additional sources for placing the sensational trial of Dr Henry Sacheverell in context. The texts collected in this edition consist of many unique manuscripts, some very rare tracts (most existing in only one copy and never before reproduced either in print or electronically) and a number of manuscript annotations made by contemporary readers to printed works concerning the trial. The documents edited in this volume include a range of different kinds of texts composed for a variety of different purposes and audiences. They include memoirs and remarks on the trial by highly partisan whigs and tories, as well as observations produced by more neutral, albeit no less interested, commentators on Sacheverell and his trial.

⁶ BL, Add. MS 35584, f. 130.

⁷ Jacob Tonson, *Tryal of Dr Henry Sacheverell, Before the House of Peers, for High Crimes and Misdemeanors* (1710) [Madan 465]. Madan 466–9 are further editions of Tonson's *Tryal* printed in 1710.

This book also includes a substantial amount of visual evidence used to document and comment upon the trial. Chapters 9 and 10 include two contemporary images, one printed and the other drawn by hand, which offered a display of the ad hoc courtroom set up in Westminster Hall for the trial. Chapter 11 also includes another contemporary hand-painted watercolour drawing of the courtroom along with manuscript annotations. Sacheverell's courtroom must have been one of the most intensely watched and commonly reproduced interior scenes of the early 18th century, and the representation of the trial's setting set a precedent for later pictorial representations of subsequent sensational political trials, such as those produced during the long-running prosecution of Warren Hastings after his impeachment by the house of commons in 1787.⁸

Also included in this book are reproductions of several satirical prints and printed portraits related to the Sacheverell controversies. The Sacheverell affair also initiated a widespread profusion of graphic satire and portraiture which served as commentary on the trial. The most recent catalogue of Sacheverell-related publications lists 42 prints produced with relation to the controversy.⁹ While it cannot, and does not, claim to cover the enormous and often neglected topics of satirical representations of the Sacheverell controversies, or the proliferating printed portraits of the main figures associated with the trial (and not least those of the doctor himself) with the extensive attention they deserve from a scholar well versed in the study of early modern visual culture, this book takes such images seriously as an important part of the supplementary record that contemporaries also took seriously as they actively compiled their own independent 'histories' of Sacheverell's famous trial. It includes these images as a crucial part of the historical record of the trial.¹⁰

In addition, the book offers a number of illustrations of the physical texts that have been edited. While the edited versions presented here should offer readers their own new and scholarly supplement to the texts, and they will make the texts more accessible to more readers than is currently possible, it is also important not to lose track of a sense of the physicality of the written texts that were produced. The volume includes some elaborate and elegant manuscript accounts of the trial, one of which may have been a professionally produced scribal text (Chapters 3 and 11), as well as more hastily assembled manuscript observations on printed accounts of the trial (Chapters 4, 5 and 6).

⁸ See, for example, *The Plan of the High Court of Parliament . . . for the Trial of Warren Hastings Esq.* (c.1788), BM reg. no. 1978, U. 1960; *A View of the Court Sitting on the Trial of Warren Hastings Esq.* (1788), BM reg. no. 1879, 1213.27; and *A View of the Trial of Warren Hastings Esq. before the Court of Peers, in Westminster Hall* (1789), reg. no. 1854, 1020.57. For recent commentary, see Nicholas B. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, MA, 2006).

⁹ Madan, pt x, 945–86, pp. 261–74. This section of Madan's bibliography is one of the least reliable, not least because it includes several objects that are not strictly speaking 'prints'. It requires updating and revision. The present editor is currently working on compiling such a catalogue.

¹⁰ On the earlier Stuart era, see Helen Pierce, *Unseemly Pictures: Graphic Satire and Politics in Early Modern England* (New Haven, CT, 2008); and for the early Hanoverians, see Herbert Atherton, *Political Prints in the Age of Hogarth* (Oxford, 1974), and Mark Hallett, *The Spectacle of Difference: Graphic Satire in the Age of Hogarth* (New Haven, CT, 1999), which contains some commentary on Sacheverell-related satires. Eirwen Nicholson, 'English Political Prints and Pictorial Political Argument, c.1640–1832: A Study in Historiography and Methodology', University of Edinburgh PhD, 1994, a thesis that was originally intended to offer a detailed study of Sacheverell-related prints and pamphlet polemics and which points to the need for further study of these works (iv, xi, 24–5 n. 27, 70, 74–5, 84 n. 39, 255–6, 327, 433) also surveys and critiques the field of study. See also Nicholson's 'Consumers and Spectators: The Public of the Political Print in Eighteenth-Century England', *History*, lxxxi (1996), 5–21.

To gain an appreciation of the differences between these various sorts of manuscripts, it is necessary to see them and to observe the relationship between the words on their pages and the paper medium upon which they have been written.

Four extremely rare printed tracts from 1710 have been included as well, none of which has been cited in previous historical scholarship on the trial. The first is a rare broadside that purports to be *Sacheverell's Speech Relating to the Tumults* (Chapter 7). Perhaps because of its scarcity, or perhaps because of its obvious Grub Street provenance, it has been neglected as a source for understanding Henry Sacheverell's own expressed attitudes towards the 'high church' riots that ensued during his trial.¹¹ The second is a work entitled *Resistance or Non-resistance*, which offers an extended account of debates that took place in the house of lords that were not printed in the official account published by Jacob Tonson (Chapter 8). Chapter 12 offers an edition of a unique and large printed broadside entitled *The Life, Character and Pious Deportment of Henry Sacheverell*, and Chapter 13 includes a reproduction of an elaborate Dutch broadside which offers an 'alphabetical list' of the MPs in the house of commons, along with the peers and bishops in the house of lords who voted 'for', that is, against the impeachment of, Henry Sacheverell.

This volume also includes editions of the personal manuscript notes on the trial and some of the speeches delivered there by two key participants, the whig manager (and later prime minister) Robert Walpole, and one tory lord: the 2nd earl of Nottingham (Chapters 15 and 16). Due to their obvious importance for an understanding of the trial, these manuscripts have been more commonly cited by previous historians, and above all by the assiduous Geoffrey Holmes, whose work on Sacheverell and his trial continues to loom large over the entire field; they have been included in this work in order to make them even more accessible to yet more future historians of the topic. The book concludes with an edition of the letters from Ralph Bridges, a chaplain for Henry Compton, the bishop of London, with privileged access to information about the proceedings in the house of lords during the trial and, as it happened, a close personal friendship with Henry Sacheverell, to his uncle Sir William Trumbull, an elder statesman in Anne's reign and a key patron of tory literary culture in that turbulent age (Chapter 17). In this correspondence, we find an ongoing commentary on the Sacheverell controversy as it happened.

The sum of these various parts offers an alternative history to the 'state trial' of Dr Henry Sacheverell that was instantiated in print by Jacob Tonson in 1710. Unlike Tonson's edition, which sought to present an authoritative and closed case to its readers and, as we shall see, was thus itself part of the heated partisan debate about the trial that raged at the time of its production, this book offers several competing and at times contradictory accounts of the trial and its significance. Any quest to establish one authoritative account of the trial is bound to be quixotic. Where Tonson offers a unitary voice stripped of any extraneous material that might complicate its story of a criminal tried and properly condemned, this new volume delves into and delights in the multiple, competing and often contradictory narratives that emerged from Sacheverell's trial.

¹¹ The tract is not cited in the most authoritative study to date of the riots, Geoffrey Holmes, 'The Sacheverell Riots: The Crowd and the Church in Early Eighteenth-Century London', *Past & Present*, no. 72 (1976), 55–85.