

*Scotland and America  
in the Age of Paine*



*Who Wants Me.* Cartoon of Thomas Paine by Edinburgh-born Isaac Cruikshank (1764–1811), for Samuel William Fores, dated London, 26 December 1792 showing Thomas Paine, full-length, standing, facing left, holding scroll ‘Rights of Man’, surrounded by injustices and standing on labels representing religion, morals and justice, defending measures taken in revolutionary France and appealing to the English to ‘overthrow their monarchy and organise a republic. The text below the title is as follows: ‘*I am Ready & Willing to offer my Services to any Nation or People under heaven who are Desirous of Liberty & Equality vide Paines Letter to the Convention.*’ – Library of Congress, in the public domain.

*Scotland and America  
in the Age of Paine*

*Ideas of liberty and the making of four Americans*

Ronald Lyndsay Crawford

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*'Man knows no Master save creating Heaven,  
Or such as choice and common good ordain.'*

James Thomson: *Liberty, a poem*, Part IV, *Britain*. (London, A. Millar, 1736; Glasgow, Andrew Foulis, 1776) [Gaskell 606]. As cited on the title-page of *Common Sense*, Anon. [Thomas Paine] (Philadelphia, Robert Bell, 1776).

*In Memoriam*

Donald A. Gibson MA, EdB

James P. McCondach MA

Barbara W. Farr MA

*'Eheu fugaces, Postume, Postume,  
labuntur anni ...'.*

[Hor. *Car. XIV*, Lib. II.]

*Could a publick good, consist with a hermetic condition, I should prefeere it before all others, but the next to it which is the settling in a wilderness of milk and honey: none can know the sweetness of it: but he that tastes it: one ocular inspection, one aromatik smel of our woods: one hearing of the consort of our birds in those woods would affect more then a 1000 reported stories let the authors be never so readable.*

Letter from Mr Moray, a Scottish minister, to Sir Robert Moray (c.1600–73), a founder of the Royal Society and son of Sir Mungo Moray of Craigie in Perthshire from Ware Diver in Mock-Jack Bay, Virginia, 1 February 1665. Royal Society MSS., M. I. 36a. Extract in *Transactions* I, No. 12. [William and Mary *Quarterly*, 2 (1922), 160.]

*Our Government has become an absolute Chimera: So much Liberty is incompatible with human Society: and it will be happy, if we can escape from it, without falling into a military Government, such as Algiers or Tunis. The Matter will only be worse, if there be no shooting or hanging next Winter: This Frenzy of the people, so epidemical and so much without a Cause, admits of only one Remedy, which however is a dangerous one, and requires more vigour than has appeared in any minister of late.*

David Hume, Letter to William Strahan, 25 October 1769, in J. Y. T. Greig (ed.), *The Letters of David Hume, Volume II, 1766–1776* (Oxford, Oxford University Press, 1932, 210).

*To purchase land is everywhere in Europe a most unprofitable employment of a small capital. ... In North America, on the contrary, fifty or sixty pounds is often found a sufficient stock to begin a plantation with. The purchase and improvement of uncultivated land is there the most profitable employment of the smallest as well as of the greatest capitals, and the most direct road to all the fortune and illustration which can be acquired in that country.*

Adam Smith, *The Wealth of Nations: Books I-III*, Andrew Skinner, (ed.) (1776; Penguin Classics edition, 1996), Book III, Chapter IV, 516–17.

*From a small spark, kindled in America, a flame has arisen, not to be extinguished. Without consuming, like the Ultima Ratio Regum, it winds its progress from nation to nation, and conquers by a silent operation. Man finds himself changed, he scarcely perceives how. He acquires a knowledge of his rights, by attending justly to his interest, and*

*discovers in the event that the strength and powers of despotism consist wholly in the fear of resisting it, and that "in order to be free, it is sufficient that he wills it."*

Thomas Paine, *Rights of Man. Part the Second* (London, 1792), Chapter v, 'Ways and Means of improving the condition of Europe, interspersed with Miscellaneous Observations.'

*I certainly never made a secret of my being anti-monarchical , & anti-aristocratical; but I am sincerely mortified to be thus brought forward on the public stage, where to remain, to advance or to retire, will be equally against my love of silence & quiet, & my abhorrence of dispute.*

Thomas Jefferson to the President of the United States (George Washington), letter written from Philadelphia, 8 May 1791. [*Selected Writings of Thomas Jefferson*, 226. Jefferson had written a letter to Paine's American publisher of *Rights of Man* endorsing Paine's sentiments and was then embarrassed to find the letter used as the Preface to the first American edition.]



# Preface

This book explores a number of ways in which Scotland touched the course of American history in the later eighteenth century, and, in particular, how certain Scots emigrants to America left their mark on that great country in its fledgling years of self-determination. Some words of caution are, however, necessary. My study tries hard to steer clear of the despairingly silly *'wha's like us'* mentality still evident in far too many aspects of Scottish culture. My book is decisively not a re-run of *'How the Scots Invented the Modern World'*. Nor is it an effort on my part to climb aboard the current bandwagon in Enlightenment studies and seek to establish why, and how, the Enlightenment is good for us and 'still matters.'

It is remarkable just how often historians will assert in a preface such as this that there is no such thing as a published work of scholarship that is capable of standing entirely on its own feet; none, that is, that can be read in isolation from an earlier book or monograph by the same author. Certainly, like everyone else historians are prone to hyperbole, but it is also the case that the substance and content of much published work is frequently grounded in earlier publications. It has probably always been so. These days, however, it has become almost standard practice for readers to be told that while the latest production may contain genuinely new material, the idea and thrust behind it have sprung from seeds sown in the past – in some cases, in an author's distant past. This book of mine is no exception. In particular, Chapter 4 of this study ('The Scottish Religious Establishment and America in the Age of Paine') relies to an extent on Chapter 8 ('America') of my book, *The Chair of Verity - Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (2017). Similarly, though to a considerably lesser degree, Chapter 6 here, dealing with the issue of slavery, contains some material that originally appeared in Chapter 10 ('Slavery') in the same earlier title. I am pleased to acknowledge the cooperation of Humming Earth, Edinburgh, publishers of *The Chair of Verity*, for generously permitting me to cite from my earlier book.

As a young man engaged in (necessarily) part-time research for an ‘advanced’ degree of the University of Glasgow many years ago I clearly remember one Saturday afternoon being introduced by a kindly librarian in Paisley Public Library to a personable American, complete with louche moustache and bow tie, just arrived in town from Philadelphia hoping to learn even more than he had already succeeded in tracking down about the early Scottish career of an eighteenth-century Paisley bookbinder and bookshop *cum* circulating library proprietor, one Robert Aitken. In the late 1760s, after an initial ‘sojourning’ (or trial) visit, Aitken had quit the west of Scotland for a new life in America, in his case as a binder, bookstore proprietor, and eventually printer and publisher in Philadelphia. Then, however, the name meant little to me.

All I could really tell this genial visitor was that to date I had come across Aitken’s name in no more than a couple of early imprints, both Glasgow titles dated 1764 and 1769, with Aitken described in each as ‘bookseller in Paisley’. Obviously, this was long before the days of the British Library ESTC online database. I could have had no idea then that years on I should be able to add appreciably to that meagre tally. The visitor’s name was Willman Spawn and we must have been able to render each other assistance for I still have in my possession a friendly letter from him written when he got back home thanking me for the information I had apparently been able to provide on the bibliography of the two titles. Enclosed with his letter were copies of a short article on Aitken he and his wife Carol had had published in an American journal in which they related not only what they had been able to discover on Aitken’s life but, above all, staking their claim to his unusual importance as a ‘colonial printer’ in his adopted country – prior to, in the course of, and in the years following the Revolution.<sup>1</sup> Almost all of this was entirely new to me. It gives me huge satisfaction, therefore, to dedicate Chapter 8 in memory of Willman and Carol Spawn, while regretting that they are no longer with us to adjudicate on what I have subsequently made of the man who in some ways became their life-interest.

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<sup>1</sup> Willman and Carol Spawn, ‘R. Aitken Colonial Printer of Philadelphia’, *Graphic Arts Review*, January-February 1961 [unpaginated]. They also contributed ‘The Aitken Shop’ to *Papers of the Bibliographical Society of America*, 57, Fourth Quarter (1963), 422–37. The Spawns organised an important exhibition of Aitken’s bindings at the Free Library of Philadelphia in December, 1960, reported in the *Times Literary Supplement* for 24 February, 1961 – ‘The Work of Robert Aitken’.

A year or two after completing my early research at Glasgow I published a brief 'Note on Robert Aitken, Printer of the "Bible of the Revolution"', in a Scottish bibliographical journal, long defunct.<sup>2</sup> It was my first foray in the field of scholarly publication. Since those far-off days my interest in Aitken has continued sporadically, though again to the fore when I wrote about him in my PhD thesis following a Carnegie Trust funded visit that took in the Library Company of Philadelphia. There, patiently guided by Jim Green I spent several unforgettable days turning the pages of Robert Aitken's wondrous double-entry book of accounts – his famous 'waste-book'. I also had dinner with a lawyer with a historical bent, David Maxey – I had always wanted to meet a genuine Philadelphia lawyer – who not only enlarged my horizon on Aitken, but put me in the frame regarding his links with another great Scots-American, the lawyer from Fife, James Wilson, with John Witherspoon one of two Scots signers of the Declaration of Independence. Chapter 8 reveals the dramatic circumstances under which Aitken and Wilson came together: in the course of a trial for high treason in which the former was a witness for the defence and the latter counsel for the accused who cited his fellow Scot to give evidence.

My continuing interest in the radical poet Alexander Wilson – as it happens, another Paisley émigré, but this time born in the town and educated at my own old school – goes back to the same period in my life and derives from much the same circumstances. Unlike in Aitken's case, however, a great deal was already known about this Wilson. He is, after all, remembered pre-eminently as the father of American ornithology. I had devoted an entire chapter to him in my Glasgow BLitt thesis, Aitken having earned just a meagre few lines. But there was a side to Wilson's pre-American life that was then quite unknown to me and I was able (partially) to unravel only in the course of my doctoral research many years on. While the best modern accounts (especially Clark Hunter's for the APS) do touch on Wilson's deep involvement in the reform movement in the political hotspot that was Paisley in the Age of Paine, I have been singularly fortunate in the course of researching this book to come across new materials in the NRS pointing to just how extraordinarily radical Wilson actually was in that regard. My chapter on this remarkable man carries his Scottish story much further, disclosing conclusive proof of the true depth of his radicalism and confirming his long suspected authorship of one of two Paisley 'Declarations of Rights' (though, as

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<sup>2</sup> *The Bibliotheck*, 5 (1967), 36–7.

I explain, confusingly *not* the one that became a key Crown production at the trial of Thomas Muir for sedition in August 1793).

I make no apologies, therefore, for returning to both Aitken and Alexander Wilson in this study. In the case of Aitken I am unable to conceal my impatience that no one to date has really got to grips with the Spawns' old conviction that here was a man deemed important enough to warrant more than a perfunctory footnote in the great American story, yet apparently still obscure enough to have been wilfully neglected by us historians working in his native Scotland. Where Alexander Wilson is concerned, it is actually the reverse: that is, to be honest, I find considerable satisfaction in having been granted the rare privilege of stumbling across a document that materially contributes to a more complete picture of the relatively neglected Scottish career of a great American.

In the case of the 'other' Wilson it is all rather different again. Here is a man who is certainly remembered in America as a 'signer' and as one of the undoubted architects of the constitution of the emergent United States, but who is even less known in his native Scotland than the 'forgotten Founder' himself, John Witherspoon. Yet, as I argue here, James Wilson is of infinitely more lasting importance in the creation of the nation that became the United States than any other Scot mentioned in my study. Equally, as I explain I passionately believe, Wilson has been shockingly neglected as a creature of the Scottish Enlightenment. Partly, one supposes, on account of the kind of man he was, James Wilson has been largely passed over in most accounts of eighteenth-century Scotland and America. What is the explanation for such astonishing neglect? One reason, I submit, is that sadly, and to make no bones about it, this Wilson ends up a failure: a man whose formidable intellect unquestionably paved the way to great things being realised in the country of his adoption, but whose own, once superlative promise never quite came to satisfy his impossibly high ambitions. If I have done nothing more in this study than help rehabilitate James Wilson as a towering product of the Scottish Enlightenment I shall be content.

Finally, there is John Witherspoon himself. The essay in this book is the third time I have taken up my pen in an attempt to unravel the enigma that Witherspoon still represents for me. In *The Lost World* I think I succeeded in pretty well exhausting all the facts relating to the legal case that engulfed and explained his last years in Scotland. In *The Chair of Verity* I returned to the special point of contention concerning to what extent the Snodgrass legal case might have affected his decision to quit his pulpit in the Church of

Scotland and head off to a new life and rich pickings in America. To date, I have seen nothing published that alters my view that the protracted Court action brought against him was a factor (perhaps even the key one) behind that decision. Witherspoon continues to fascinate me, not least on account of his own slightly edgy existence as a college principal, teacher and revolutionary politician – here I demonstrate I am not averse to tackling aspects of his ‘darker’ side – while continuing to maintain his other *persona* as an orthodox Calvinist clergyman. Since this is the third occasion in successive titles where I have covered different aspects of the (mainly Scottish) career of John Witherspoon, I ask to be excused for an act of self-indulgence in making (albeit limited) use in this chapter of the first person.

A book of this scope and range inevitably places its author in serious debt to many individuals. My publisher would not thank me for taking up yet more space to name everyone who has rendered assistance to me over the months and years of its preparation. But I could not neglect mentioning a few friends, colleagues, and organisations whose help freely given in this project astonished me in its sincerity and generosity. Heading my list, as ever it seems, is my good friend Dr David Brown, Head of Court, Legal and Private Records at NRS, whose unstinting help to me I am once more obliged to acknowledge with pleasure, and whose unrivalled knowledge of where materials are to be accessed in his place of work, General Register House, is second to none. His colleagues at NRS, Dr Alison Lindsay, and Robin Urquhart, the latter of the ‘Scotland’s People’ resource, have similarly been veritable mines of invaluable information, Robin specifically for his expertise in helping me unravel the more esoteric aspects of Robert Aitken’s amazing baptismal record – the first time it has been explored. In the world of libraries much can be achieved online these days, but there will always be occasions where (thankfully) one needs to seek out the expert mind. In my case, I have leaned heavily on the following: James Green of the Library Company of Philadelphia, Stephen Ferguson of Rare Books at the Firestone Library of Princeton University, and, nearer home, James Hamilton at the Signet Library, Alistair Johnson at the Advocates Library and the staff of Special Collections at the University of Glasgow. To Carol Stewart and Victoria Peters of Archives and Special Collections at the University of Strathclyde I must also pass on my grateful thanks, since they patiently kept me right on aspects of SU’s impressive holdings of John Anderson original manuscripts and books from his private library. In the academic world there are inevitably too many friends

and colleagues to name, but it would be remiss of me to omit my two mentors who share between them the dubious distinction of first encouraging me to re-enter the world of scholarly research after a lifetime of HE administration: Professor Andrew Hook (who read and commented on some early drafts) and Professor Richard B. Sher (my erstwhile PhD external examiner). Andrew and Rick have never let me down whenever I needed to consult them even on the obscurest minutiae. Others whose help and advice I have particularly valued include Dr James Robertson (author of *Joseph Knight*, and a fine historian as that prize-winning novel amply demonstrates), Dr Andrew Noble, Professor John W. Cairns (Edinburgh University), Professor Richard Finlay (Strathclyde University), Professor John Finlay (Glasgow University), Professor Gerard Carruthers (Glasgow University) and, across the pond, my wonderful email correspondent and instant guru on practically every aspect of eighteenth-century American history and literature, Kate Mearns Ohno, Assistant Editor of the Franklin Papers project at Yale University.

As I readily admit to a lifelong addiction to fly fishing, I have also to declare that my regular boating partner and steadfast friend, Alan Fairlie, has had – on occasion even in mid-cast – to put up with my intermittent updates on where I was currently at in my project, serving only to interrupt his concentration on the real business at hand. Sorry, Alan – and *Tight Lines!*

Finally, every author has surely a duty to acknowledge the near-constant material help and advice, both technical and literary, of his or her publisher. For my own part, it is, I earnestly believe, a special honour to have a second book come out under the imprint of one of the few remaining academic publishing houses in Scotland. I am much indebted to Aberdeen University Press, who were generous enough to publish *The Lost World of John Witherspoon* (2014). I am delighted in that regard to record my particular thanks to Professor Michael Brown, Chair of Irish, Scottish and Enlightenment History at the University of Aberdeen, for his scholarly insights, and not least, his ever practical suggestions for improving the text. I am also most grateful to Dr Sandra Hynes, administrator of AUP, for her invaluable help and support throughout the publication process, inevitably extended as a result of the still prevailing coronavirus pandemic. As in the case of *The Lost World of John Witherspoon* (2014) Professor Cairns Craig has presided over the production of the book.

Last of all, may I mention – but shamefacedly not to my credit – that at the end of the preface to my last book, *The Chair of Verity* (2017), I rashly

assured my dear wife Evelyn that she could breathe a sigh of relief in the knowledge that *that*, conclusively, was *it*. But soon I began to realise I had one more book in me before I descended into the sere and yellow. This is it.

*University of Strathclyde*

*Glasgow*

*July, 2021*

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*'They must know what it is, if they mean even to show that it is false'*

*'I have laid before you what scripture teaches on the sinfulness of our nature'*

*'Except a man be born again, he cannot see the kingdom of God'*

*'The wrath of man praising God'*

*'The War is ... at the Bottom very much a Religious War'*

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## Illustrations

[Front Cover] The cover reproduces Robert Aitken's own cover design for the bound volume of all twelve numbers (plus a special December 'Supplement') of *The Pennsylvania Magazine* issued in 1775. Printed in January 1776 as a copperplate engraving shown to have been etched by Aitken himself, the design shows Liberty seated, with liberty-cap and shield with Penn arms. To right, a tree, with battle-axe, spear, cannon, and cartridge-box inscribed 'Liberty'. To left, a pine-tree with flags, and a mortar inscribed 'The Congress'. The engraving is inscribed 'R. Aitken Sculp.' A fully rigged three-masted sloop-of-war is in the background, indicating either Aitken's transatlantic trading associations, or (more likely) the strength of the American navy. – From David M. Stauffer, *American Engravers upon Copper and Steel* (2 vols., Grolier Club, New York, 1907), vol. 2, 4. See Chapter 8 (The Library Company of Philadelphia).

[Back Cover] The cover design used on the contents page of each monthly number of *The Pennsylvania Magazine* (The Library Company of Philadelphia).

[End papers] Robert Aitken's engraved monogram from the title page of his edition of Isaac Watts' *The Psalms of David* (1781) (Special Collections, Wright Library, Princeton Theological Seminary)

[Frontispiece] '*Wha Wants Me*'. Cartoon of Thomas Paine by Edinburgh-born Isaac Cruikshank (1764–1811), for Samuel William Fores, dated London, 26 December 1792 showing Thomas Paine, full-length, standing, facing left, holding scroll 'Rights of Man', surrounded by injustices and standing on labels representing religion, morals and justice, defending measures taken in revolutionary France and appealing to the English to overthrow their monarchy and organise a republic. The text below the title is as follows: '*I am Ready & Willing to offer my Services to any Nation or People under heaven who are Desirous*

of *Liberty & Equality* vide *Paines Letter to the Convention*.’ – Library of Congress, in the public domain).

1. Thomas Paine (caricature by John Kay) (Special Collections, Sir Duncan Rice Library, University of Aberdeen) [p. 3].
2. Title page of Paine’s *Common Sense* (1776) reprinted by Charles Elliot, Edinburgh. Note the extended political statement in the imprint (Courtesy Lilly Library, Indiana University, Bloomington, Indiana) [p. 4].
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13. The Reverend Dr John Witherspoon (after the portrait by C. W. Peale) [p.273].

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15. Title page of Robert Aitken's *Field Engineer*, one of a number of popular military manuals he published in the early period of the Revolutionary War. Note that the English translation from the French original is by Lewis Nicola (see illustration 16) (The Franklin Collection, Yale University Library) [p.346].

16. Plan of the Battle of Fontenoy (May, 1745), engraving signed 'RA Sculp' (Robert Aitken) – one of many he executed for his edition of the *Field Engineer* (1776) (see illustration 15) (The Franklin Collection, Yale University Library) [p.346].

17. James Wilson, wearing his famous spectacles (from a miniature water-colour painted on ivory, by Jean Pierre Henri Elouis) (American Art Museum, Smithsonian Institution) [p.373].

18. Photograph of US sailors from *USS Dubuque* carrying the casket containing James Wilson's remains for re-interment in Christ Church, Philadelphia, 1906. (Library of Congress, Prints and Photographic Division, LC-USZ62-107343) [p.406].

19. Alexander Wilson, from a contemporary engraving by John James Barralet (Bridgeman Images) [p.414].

20. Caricature of Charles Sinclair, reformer (John Kay). Henry Cockburn condemned him as a government spy (Special Collections, Sir Duncan Rice Library, University of Aberdeen) [p.449].

# Abbreviations

AL	Advocates Library, Edinburgh
ALS	Autograph letter signed
APS	American Philosophical Society
AV	Authorised Version of the Bible
Clark	J. C. D. Clark, <i>Thomas Paine. Britain, America, &amp; France in the Age of Enlightenment and Revolution</i> (Clarendon, Oxford, 2018)
Conway	Moncure Daniel Conway (ed.), <i>The Writings of Thomas Paine</i> , 4 vols. (New York, 1894-96)
CUP	Cambridge University Press
CWJW	Kermit L. Hall and Mark David Hall (eds.), <i>Collected Works of James Wilson</i> , 2 vols. (Liberty Fund, Indianapolis, 2007)
CWTP	<i>The Complete Writings of Thomas Paine</i> (See Foner)
ECCO	JISC <i>Eighteenth Century Collections Online</i>
ESTC	British Library <i>Early Short Title Catalogue</i>
EU	University of Edinburgh
EUP	Edinburgh University Press

- Foner     Philip Foner (ed.), *The Complete Writings of Thomas Paine*, 2 vols. (New York, 1945)
- Founders Online     US National Archives and Records Administration website, in conjunction with the University of Virginia
- FRS        Fellow of the Royal Society (of London)
- Gaskell    Philip Gaskell, *A Bibliography of the Foulis Press* (London, Rupert Hart-Davis, Soho Bibliographies, 1964)
- GU         University of Glasgow
- Howell    Thomas B. Howell, *State Trials* vols. I – XXI, (1809–1814)
- Hunter    Clark Hunter, *The Life and Letters of Alexander Wilson* (Philadelphia, American Philosophical Society, 1983).
- Keane     John Keane, *Tom Paine A Political Life* (London, Bloomsbury Publishing Plc, 1995; New York, Grove Press, 1995)
- LC         Library of Congress
- LCP        Library Company of Philadelphia
- NLS        National Library of Scotland, Edinburgh
- NRS        National Records of Scotland, Edinburgh
- NT         The New Testament (King James Bible)
- OED        Oxford English Dictionary
- OPR        [Scottish] Old Parish Register
- OSA        Sir John Sinclair, [*Old*] *Statistical Account of Scotland*, 21 vols. (Edinburgh, W. Creech, 1791–1799)



- OT      The Old Testament (King James Bible)
- OUP      Oxford University Press
- Oxford ANB      *Oxford Dictionary of American National Biography* (online)
- Oxford DNB      *Oxford Dictionary of National Biography* (online)
- PHSP      Presbyterian Historical Society of Philadelphia
- PM      *The Pennsylvania Magazine*
- Scott, *Fasti*      Hew Scott, *Fasti Ecclesiae Scoticanæ, The Succession of Ministers in the Church of Scotland from the Reformation*, New Edition (Edinburgh, Oliver and Boyd, from 1915)
- SL      Signet Library, Edinburgh
- SM      *The Scots Magazine*
- SSPCK      Society in Scotland for the Propagation of Christian Knowledge
- SU      University of Strathclyde
- SWTJ      R. B. Bernstein (ed.), *Selected Writings of Thomas Jefferson* (published as *An Expression of the American Mind*) (London, The Folio Society, 2013)
- SWTP      Ian Shapiro and Jane E. Calvert (eds.), *Selected Writings of Thomas Paine* (New Haven and London, Yale University Press, 2014)
- WHJW      Bird Wilson [James Wilson's son] (ed.), *The Works of the Honourable James Wilson LL.D. Published under the Direction of Bird Wilson, Esquire*, 4 vols. (Philadelphia, Lorenzo Press, for Bronson and Chauncey, 1804)
- WJW      *The Works of the Rev. John Witherspoon*, 4 vols (Philadelphia, William W. Woodward, 1802)

WMQ *William and Mary Quarterly*

WTP *The Writings of Thomas Paine* (See Conway)

## Part One

### 1

## Introductory

### An ‘Age of Paine’?

*It was the cause of America that made me an author.*

Thomas Paine, ‘Philadelphia, April 19, 1783’, *The Crisis*, Number XIII.

*I know not whether any Man in the World has had more influence on its inhabitants or affairs for the last thirty years than Tom Paine. There can be no Severer satyr in the Age. For Such a mongrel between Pigg and Puppy, begotten by a wild Boar on a Bitch Wolf; never before in any Age of the World was suffered by the Poltroonery of mankind, to run through Such a Career of Mischief. Call it then the Age of Paine.*

John Adams to Benjamin Waterhouse, 29 October 1805,

*Founders Online*, National Archives, last modified June 13, 2018.

#### *The ‘Age of Paine’*

John Adams addressed these words to Dr Benjamin Waterhouse (1754–1846), his friend and erstwhile room-mate during their time at Leiden a quarter of a century before. Now in his sixty-sixth year, Adams looked back on his presidency at a time when his successor, Thomas Jefferson – a very different man and, clearly, a very different kind of President – was into the second year of what would prove his first term of office. The man who would go on to found the Harvard Medical School, Waterhouse, a graduate of Leiden, had also studied medicine in 1776 under William Cullen and Andrew Duncan at Edinburgh; his student notebook for Duncan’s lectures survives at Harvard.<sup>1</sup>

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<sup>1</sup> At Harvard University, Center for the History of Medicine, Francis A. Countway Library of Medicine.

We do not know if Adams' distinguished correspondent shared his political views but it would be surprising if he did not.

Certainly, Adams was writing sarcastically and with his tongue firmly in his cheek. Who knows; perhaps he was using the phrase, 'Age of Paine', as a *double entendre*? He certainly knew that Paine had always thought he was in every way as entitled to be regarded as a founder of the United States as Franklin, Jefferson or, for that matter, Adams himself. Paine had, after all, once declared himself 'among the Founders of a new Independent World'. The trouble is – as pointed out by Gordon S. Wood – 'most Americans', not just John Adams, disagreed. Notwithstanding Adams' withering sarcasm, Paine's influence on the outcome of the revolution in America cannot be minimised. Wood, for one, describes Paine's *Common Sense* (1776) as 'the most radical and important pamphlet written in the American Revolution and one of the most brilliant ever written in the English language.' Wood has also proclaimed Paine to be 'America's first public intellectual.'<sup>2</sup>

These are not extravagant claims. But this book is more concerned with Paine's influence in his lifetime, and that is how I propose to examine the chronology of the 'Age of Paine' in the present study.

Yet this is the man who almost at a stroke destroyed his own, admittedly by then already deteriorating reputation in America when he contributed an open letter to Benjamin Franklin Bache's *Aurora*, celebrating Washington's departure from power, praying for his imminent death and forecasting that 'the world will be puzzled to decide whether you are an apostate or an impostor, whether you have abandoned good principles, or whether you ever had any.' As Joseph J. Ellis remarks: 'Paine's already questionable reputation ... never recovered from this episode. Taking on Washington was the fastest way to commit political suicide in the revolutionary era.'<sup>3</sup>

### *The Anglo-Scottish Union of 1707: its relevance to the American crisis*

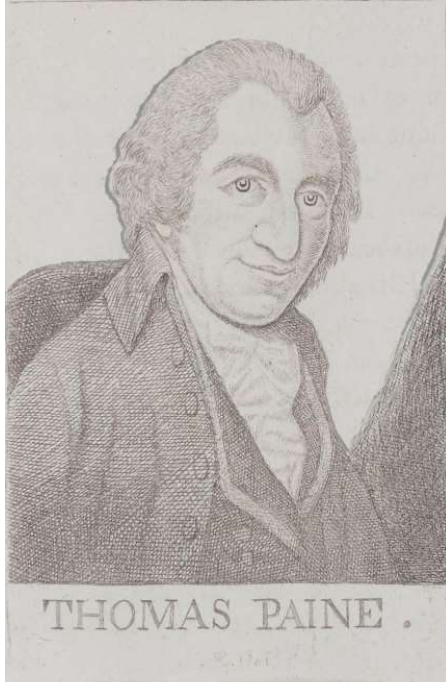
It was to Benjamin Franklin that Paine had no hesitation in writing on landing up in America, having been stretchered off his ship on her arrival in Philadelphia. Paine thanks Franklin for the 'Service your good favours have been to me'<sup>4</sup> and, typically, goes on to invite the great man to consider doing

<sup>2</sup> Gordon S. Wood, *Revolutionary Characters: What Made the Founders Different* (New York, 2006), 203, 205–6.

<sup>3</sup> *Aurora*, 17 October 1796. Joseph J. Ellis, *Founding Brothers: The Revolutionary Generation* (New York, 2000), 126.

<sup>4</sup> The nature of these 'good favours' has never been discovered although it seems that through the good offices of the Scottish scientist James Ferguson Paine had met

him a further favour by writing something for Robert Aitken's *Pennsylvania Magazine*, which (or so goes the clear implication) is beginning to thrive since he, Paine, agreed to provide unspecified 'assistance' to the journal's Scottish proprietor.<sup>5</sup>



1 Caricature by John Kay (Special Collections, University of Aberdeen)

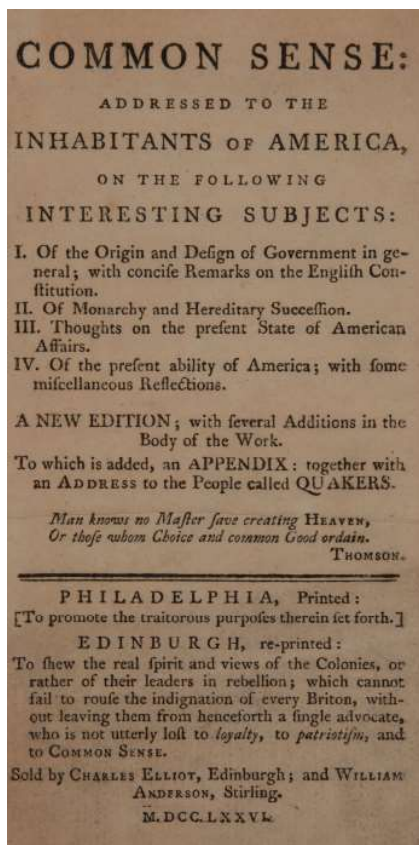
When we try to account for the extraordinary, yet tangled relationship between Scotland and America in this period we have to acknowledge not just the many positive factors, but equally we cannot set aside its darker side. The man who emerges as the dominant figure in the kindling of that generally harmonious relationship is Benjamin Franklin. The greatest American who never became President, Franklin, we would do well to remember, came to Scotland on two occasions: in 1759 when he visited the University of St Andrews, in the company of Professor John Anderson of Glasgow, to

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Franklin in London, 'a meeting that would later alter Paine's life.' See John Keane, *Tom Paine: A Political Life* (London, 1995; New York, 1995), 61, 79, 84.

<sup>5</sup> Thomas Paine to Benjamin Franklin, 4 March 1775, ALS, American Philosophical Society (Founders Online).

receive an honorary degree; and in 1771 when he returned on a longer visit and met William Robertson and David Hume, among other representatives of the *literati* in Edinburgh. In the course of that latter visit he is said to have accompanied Anderson to the Carron Company ironworks. In the course of both visits it would be surprising had Franklin not discussed science and ‘useful’ education with Anderson, the disputatious professor of natural philosophy at the University of Glasgow, since, as we shall see in Chapter 5, both men were passionate in their belief that traditional systems of higher education had necessarily to change drastically in order to provide for a country’s bright young men to contribute more directly to the needs of a modern ‘improving’ society.<sup>6</sup> At around the same time precisely the same sentiments were being expressed by a Church of Scotland minister with something to say about the American problem, the Reverend William Thom of Govan.



2 Title page of Edinburgh edition of Paine’s *Common Sense* (1776). Note the political statement in the imprint. (Courtesy Lilly Library, Indiana University, Bloomington, Indiana).

<sup>6</sup> See Ronald Crawford, *Professor Anderson, Dr Franklin and President Washington* (Glasgow, 2014), 30–39.

In January 1760, recalling his visit of the previous year, Franklin confided to Lord Kames, recollecting ‘the Pleasure we had enjoy’d and the Kindnesses we had receiv’d in Scotland, and how far that Country had exceeded our Expectations’:

On the whole, I must say, I think the Time we spent there, was Six Weeks of the *densest* Happiness I have met with in any Part of my Life. And the agreeable and instructive Society we found there in such Plenty, has left so pleasing an Impression on my Memory, that did not strong Connections draw me elsewhere, I believe Scotland would be the Country I should chuse to spend the Remainder of my Days in.<sup>7</sup>

It was not simply a sentimental attachment to Scotland that had led Franklin to write in such glowing terms. The deal that Scotland had secured with England at the time of the Union of Parliaments in 1707 would cause him to ponder whether lessons could be learned that might be germane to the critical situation facing the American colonies in their intensifying row with Great Britain from 1775 on.

Armed with a key document of July 1775 that has been misunderstood and only recently fully explained, on 1 August that year Franklin proposed to the Continental Congress a radical and dramatic plan of reconciliation – a scheme of last resort, designed to avoid outright independence from Britain. His *Intended Vindication and Offer from Congress to Parliament* sought to portray Scotland as a constitutional and economic model upon which could be erected terms of reconciliation as follows:

we hereby declare, that on a Reconciliation with Britain, we shall not only continue to grant Aids in Time of War ... but, whenever she shall think fit to abolish her Monopoly, and give us the same Privileges of Trade as Scotland received at the Union, and allow us a free Commerce with all the rest of the World, we shall willingly agree ... to give and pay into the Sinking Fund £100,000 Sterling per Annum for the Term of One Hundred Years, which duly, faithfully and inviolably applied to that Purpose, is demonstrably more than sufficient to extinguish *all her*

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<sup>7</sup> Letter to Lord Kames, London, January 3, 1760. *Franklin Papers at Yale*, v. 9. Original ALS, NRS.

*present National Debt*, since it will in that Time amount, at legal British interest, to more than £230,000,00.

Nothing came of the idea and, although, in much truncated form, Franklin's proposal did undoubtedly come before Congress, it was never discussed, least of all acted upon.<sup>8</sup> Despite that, the Scottish model continued to lie on the table. The lawyer from Fife, James Wilson, and others, saw to that.

The official record of the debate in the *Journals of Congress* notes that after Franklin had sat down John Witherspoon of New Jersey rose to explain to Congress what the terms of the Union of Parliaments of 1707 had actually meant as far as Scotland was concerned. To do so he felt it necessary to distinguish between an 'incorporating Union' – one as in 1707, that is, that had effectively dismantled the former Scottish nation for, as he put it, 'Scotland had suffered by that union, for that it's [sic] inhabitants were drawn from it by the hopes of places & employments' – and a 'federal Union' where the constituent elements continue to exist but agree to place themselves under a federal authority, the nature of which remains to be negotiated. He was probably quoting from one of the many contemporary sources explaining the possible outcome of Union; for example, one of the pamphlets by a Scottish constitutionalist, James Hodges, such as *The Rights and Interests of the Two British Monarchies ... Treatise 1*.<sup>9</sup>

According to Alison LaCroix of the Chicago Law School, a distinguished legal historian who has researched the issue, 'On Witherspoon's view, the incorporating British union had drawn the Scottish elite to the metropolis

<sup>8</sup> Founders Online, 'Intended Vindication', etc. See Benjamin Franklin, *Political, Miscellaneous, and Philosophical Pieces* (London, 1779), 357–64. John Anderson possessed a copy of this volume (SU Archives, Anderson Collection). [See illustration, p. xx]. For the text of the debate in Congress see *Journals of the Continental Congress, 1774–1789* (Library of Congress online) for 1 August 1776, 1102–3.

<sup>9</sup> London, 1703; reprinted in Edinburgh in the same year. 'Shewing The different Nature of an *Incorporating and Federal Union*'; The Reasons why all Designs of *Union* have hitherto prov'd Unsuccessful; and the Inconsistency of an *Union* by Incorporation with the Rights, Liberties, National Interests, and Publick Good of both Kingdoms.' – from Hodges' title page. For more on the debate on Union that preceded 1707 – a debate that attracted, apart from Hodges among others, George Ridpath, Andrew Fletcher of Saltoun, William Seton of Pitmedden, George Mackenzie the Earl of Cromarty, Daniel Defoe and Francis Grant – see John Robertson, 'The Union Debate in Scotland 1698–1707' in John Robertson (ed.), *A Union for Empire – Political Thought and the British Union of 1707* (Cambridge, 1995), 198–227; Alison L. LaCroix, *The Ideological Origins of American Federalism* (Cambridge, MA, 2011), 26–9; and Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union 1699–1707* (London, 2007), 67–91.



in the hope of gaining preferment and political power, a scenario that he appeared loath to repeat in America.' Equally, the Scottish example was not lost on either John Adams or Thomas Jefferson, as their notes on the debate testify. LaCroix again: 'If the lesson of 1707 demonstrated anything to participants in the American debates of the 1770s, it was that a state with imperial aspirations would not easily consent to a truly federal association with another, less powerful state.'<sup>10</sup>

Also participating in the Congress debate that day was another Scot, James Wilson, a brilliant but haughty young lawyer with serious political ambitions, originally from Fife on the east coast of Scotland but now a successful attorney in Carlisle, Pennsylvania. Seizing on the issue of how the 'states' might be represented under a federal or con-federal arrangement Wilson argued that whereas taxation should be in proportion to wealth, 'representation should accord with the number of freemen; that government is a collection or result of the wills of all; that if any government could speak the will of all it would be perfect; and that so far as it departs from this it becomes imperfect', adding presciently:

It is strange that annexing the name of 'State' to ten thousand men, should give them an equal right with forty thousand. This must be the effect of magic, not of reason. As to those matters which are referred to Congress, we are not so many states; we are one large state. We lay aside our individuality whenever we come here ... It is pretended ... that the smaller colonies will be in danger from the greater. Speak in honest language and say the minority will be in danger from the majority. And is there an assembly on earth where this danger may not be equally pretended? The truth is that our proceedings will then be consentaneous with the interests of the majority; and so they ought to be. The probability is much greater that the larger states will disagree than that they will combine.<sup>11</sup>

Both the content of his speech and the confident manner of its delivery guaranteed that James Wilson's participation in the debate was taken notice of by members of Congress. That he was '*another* Scot' was beside the point.

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<sup>10</sup> LaCroix, *The Ideological Origins of American Federalism*, 124.

<sup>11</sup> *Journals of the Continental Congress, 1774–1789* for 1 August 1776, 1105–6.

*Virtual Scottish Voices in Paine's 'Common Sense' (1776)*

Michael Durey has claimed that 'Paine was by no means an original thinker; it is possible to trace all his ideas to previous theorists, especially to those in the Lockean tradition.'<sup>12</sup> Maybe so. Yet it persists that one of the most commonly acknowledged difficulties implicit in any study of Paine – not just his works, but also his place in history and his legacy – is in identifying credible sources for his thought, opinions and literary style. The old simplistic view, articulated by authors as diverse as Christopher Hitchens, A. J. Ayer, and, also it has to be said, by Professor Durey himself is to see Paine as essentially an enormously gifted, overtly populist *manqué* journalist, steeped in Locke and, more specifically, in Locke's *Essay Concerning the True Original Extent and End of Civil Government* (1690), published within his famous *Two Treatises* – and, significantly, reprinted on its own in Boston in 1773, less than a year before Paine's precarious arrival in Philadelphia. But that explanation will no longer suffice.

In his important new study of Paine, set in the context of 'Britain, America, and France in the Age of Enlightenment and Revolution', Jonathan Clark has set the pace in ruthlessly cleansing the Augean stables of the detritus of decades, uncovering in the process a wrongheadedness that seems to have governed how most of us historians, spellbound by Paine, have approached this desperately complex though impossibly brilliant figure. At the same time, Clark is hardly engaged in a wrecking process, deserving credit for pointing out essential links between, for example, Paine and Joseph Priestley who share a common enthusiasm for the 'American' writings of Richard Price; and, further, for reminding us that both Paine and Price cite 'with approval' the Scot, James Burgh, whose *Political Disquisitions* – more of an anthology of political writings on set topics with informed commentaries by Burgh – was, it seemed, one of Paine's favourite texts.<sup>13</sup> That is not really surprising, since Robert Bell (originally from Glasgow *via* Dublin) had published his own three-volume set of Burgh's title just a few months before Paine joined forces with him to launch *Common Sense*, the greatest publication sensation of the revolutionary period. As we shall see, Paine's pamphlet would prove a publishing coup for Bell – but an agonisingly short-lived one for the man on the make from Glasgow.

<sup>12</sup> Michael Durey, 'Thomas Paine's Apostles: Radical Emigrés and the Triumph of Jeffersonian Republicanism', *William and Mary Quarterly*, 44 (1987), 662–88.

<sup>13</sup> J. C. D. Clark, *Thomas Paine: Britain, America and France in the Age of Enlightenment and Revolution* (Oxford, 2018), 178.

Having set Locke to one side, the revised standard version according to Clark goes something like this: that where it is found legitimate to seek to identify prior influences and authentic sources in Paine's works, we should not neglect Deistic writers of roughly the same period as Locke – and of these, Matthew Tindal and John Toland seem among the most credible. A major difficulty, however, is that neither writer is ever cited by Paine. Take Tindal. It is certainly undeniable that Tindal (*d.* 1733) in theory neatly fits the bill as someone whose writings could have been taken on board by Paine. A religious eccentric with a mind of his own, Tindal became, like the mature Paine, an opponent of organised or 'real' religion who, again like Paine, turned fiercely against monarchs and governments he accused of having neglected 'the Rights of Mankind'. Clearly also, Tindal was a dedicated universalist in his political views and was seriously concerned about perceived threats to the 'Liberty of the Press'.<sup>14</sup> Further, like Paine in his decline, towards the end of his life Tindal was similarly censured by his enemies as a debauchee – and they, too, had even worse things to say about him. Last but not least, Tindal had succeeded in evolving a crisp, effective prose style such that – in some ways bizarrely similar to the effect of the King James Bible on the worshipping populace after 1611<sup>15</sup> – the language of his books and pamphlets came across to his reading public not only as mesmerizingly poetic, but wonderfully intelligible to all those who merely desired a straightforward, uncomplicated central message of assurance to help make life and the living of it more bearable. So, Tindal's cap fits? Maybe. In the last analysis, however, we are forced to admit, the case for Tindal remains not proven.

The work that first set Paine before his putatively enormous following in America was his iconic pamphlet *Common Sense* (Robert Bell, Philadelphia, 1776). Paine's number one objective was to argue the case for independence, which he steadfastly believed was rock solid. It may come as a surprise to discover that *Common Sense* contains a number of important features of Scottish relevance. In aggregate these have mostly escaped the attention of historians of the period. Remarkably, of the six citations from the published works of others attributed by Paine in *Common Sense* no less than four are by Scots, the

<sup>14</sup> The terms 'Laws of Nations', 'Rights of Sovereigns', 'Power of the Magistrate', 'Rights of Mankind', and 'Liberty of the Press' are among the subjects covered by Tindal in his *Four Discourses* (London, 1709), and also on the title page.

<sup>15</sup> Paine's writing was 'profoundly religious in content and homiletic in style'. See Jack Fruchtman Jr., *Thomas Paine and the Religion of Nature* (Baltimore, 1993), ix–x and *passim*. Cited in Clark, *Thomas Paine*, 70 note 17.

exceptions being the Marchese (Giacinto) Dragonetti's *A Treatise on Virtues and Rewards (Delle virtu e dé premi)* (in English translation, London, 1769)<sup>16</sup> and John Entick's massive *A New Naval History* (London, 1757).<sup>17</sup>

As we shall see, the title Paine – or conceivably, Bell, his Scottish publisher – bestowed on his pamphlet is of interest. And so is his sub-title, the provenance of which is probably more straightforward. Consistent throughout all the numerous editions of *Common Sense* are these words following immediately after the main title: *Addressed to the Inhabitants of America*. As a wordsmith of the highest quality, and a journalist, Paine recognised the value of mnemonic recollection on the part of his readers. Though not speculated upon before this study, it seems likely that either author or publisher hit on the stratagem of employing the same phraseology that had been used only a short time before in the title page of a pamphlet that had received much notice both in Britain and America, but crucially took the opposite line to that of Paine, arguing *against* independence. Though it came out anonymously, as did Paine's pamphlet, it was soon put about that it was the work of a Scot, Sir John Dalrymple. Its title was *The Address of the People of Great-Britain to the Inhabitants of America*. Four editions of the pamphlet were published in London in 1775, as well as a pirated edition in Dublin. From its content, laboriously hectoring and patronising, it is easy to see why Paine might have taken umbrage. And casting an author's own words back in his teeth was always one of his favourite devices.

In its original form Paine's pamphlet *Common Sense* contains eighty pages, but with the later 'Additions', first incorporated under a different publisher (William and Thomas Bradford) then copied by Bell, it eventually made 100 pages. Subsequently Bell's defiantly unauthorised *Large Additions to Common Sense* extended the whole work to almost 150 pages. Of course, the 'Scottishness' in the pamphlet may not account for much and, taken together, any identifiably Scottish elements in *Common Sense* may be dismissed as random, coincidental and unremarkable; until, that is, we recall the background and career of the Scot responsible for the production and distribution of the first edition that saw the light of day on 9 January 1776.

The publisher of *Common Sense* – engaged by Paine after his irreparable falling-out with the proprietor of the *Pennsylvania Magazine*, Robert Aitken – was Robert Bell, another Scot but this time thought to have been born in

<sup>16</sup> Paine cites Dragonetti again in his *Letter addressed to the Addressers, on the late Proclamation* (London, 1792).

<sup>17</sup> Entick is cited by Paine for the purpose of showing the cost of building warships.

Glasgow where he is said to have learned his trade prior to opening his own bookshop and auction house in Dublin.<sup>18</sup> Aitken's row with Paine did not stop him ordering large quantities of Paine's pamphlet soon after its appearance, his accounts ledgers, or 'waste-book', showing that in January alone Aitken took delivery from Bell of seven-dozen copies at a discounted price of eighteen shillings a dozen.<sup>19</sup> Unlike in Aitken's case, short of his name appearing in several Dublin titles (including two editions of James Thomson's *The Seasons*), remarkably little is known about Bell prior to his American career; except that an edition of Thomson's poem printed for him in Glasgow in 1760 (the year of publication of the earliest recorded Dublin title bearing his name in the imprint) shows that he continued to maintain links with the Glasgow book trade from his bookshop 'at the Book and Bell, in Dame-street, opposite Temple-Lane.'<sup>20</sup> Robert Bell's Dublin business failed at the end of 1767 and a few months later he pitched up in Philadelphia.<sup>21</sup> At almost the same time, John Witherspoon's ship – the *Peggy* out of Greenock – arrived on the Delaware. A year later, in 1769, Robert Aitken made his 'sojourning' visit to Philadelphia in the course of which he made himself busy sussing out the book-trade prospects in the American capital, concluding that he liked what he saw. In May 1771 Aitken returned to Philadelphia, this time for good and accompanied by his wife and two children.<sup>22</sup>

Robert Bell and Robert Aitken, more often than not on the very outer rim of the Scottish book trade (and, sadly, now almost forgotten figures in their native country), remain two of the greatest names in American printing and publishing in the revolutionary, immediate pre- and post-revolutionary periods. Both men had fateful relationships with Thomas Paine. Their names, for good or ill, are inextricably linked with the early phase of Paine's career

<sup>18</sup> The earliest title listed in ECCO bearing Bell's name in the imprint is the *New Testament* in Irish, where he and 'L. Flin' are described as 'booksellers in Dublin' – *Tiomna Nuadh ar d'Tighearna agus ar slanuigheora Josa Criosd* (Dublin, 1759). One of two Bell titles of 1762 ('*A Catalogue Books*') describes him as 'bookseller and auctioneer, at his great auction-room on Cork Hill [Dublin], opposite Lucas's Coffee-House'. For more on Bell see Isaiah Thomas, *A History of Printing in America*, Marcus A. McCorison (ed.) (2 vols, 1831; Barre, MA, 1970), I, 260–1.

<sup>19</sup> Richard Gimbel, *Thomas Paine: A Bibliographical Check List of 'Common Sense' with an Account of its Publication* (1956; New York, 1973), 17.

<sup>20</sup> One other title bearing Bell's Dublin imprint in 1760 is also thought to have been printed in Glasgow, viz: J. H. Cohausen's *Hermippus Redivivus: or, The Sage's Triumph over Old Age and the Grave*.

<sup>21</sup> The best thumbnail account of the American career of Robert Bell (1730?–84) is in Richard B. Sher, *The Enlightenment & the Book* (Chicago, 2006), 511–31.

<sup>22</sup> The death of a third child in Paisley had delayed his return to America.

in America. Ironically, Paine, in rapid succession, fell out with both Aitken and Bell; with Aitken over the scale of payments relating to his involvement in the *Pennsylvania Magazine* – though the actual nature of his role in the *Magazine* remains unclear – and with Bell over the extent of royalties due him given the extraordinary sales figures the first edition of *Common Sense* had chalked up.<sup>23</sup> So what are these Scottish voices in *Common Sense*?

### 1. James Thomson (1700–1748)

*The motto on Bell's title-page of Paine's pamphlet (retained in Bradford's editions and reproduced on the title page of this study) is from Thomson's popular 'Liberty, a poem' (London, A. Millar, 1735–1736).*

James Thomson, born in Ednam near Kelso, spent a shade more than half of his short life in Scotland, and attended the University of Edinburgh for four years but never graduated. Robert Burns regarded his works highly, often quoting from Thomson's poems and dramas in his letters. In 1791 Burns sent the Earl of Buchan his *Address, to the Shade of Thomson, on Crowning his Bust at Ednam*. Buchan responded by including it in his quirky *Essays on the Lives and Writings of Fletcher of Saltoun and the Poet Thomson* (1792). His rambling 'Introduction' traces the evolution of 'Liberty' as a political concept in Britain, praising George Buchanan as the 'father of whiggery as a system in Britain, if not in Europe', and Thomson, 'my favourite bard, and the bard of liberty'. Buchan seizes the opportunity of celebrating Thomson with the conclusion to his introduction amounting to a frontal literary assault on William Pitt and the current government of Britain, expressing his 'utter detestation and abhorrence of the conduct of a first minister, who calling himself the minister of the crown, with a treasonable audacity should dare to advise the dissolution of a parliament, against the sense of a house of commons, the only legal organ of the voice of the people'. Buchan's book is dedicated to the memory of the parliamentarian, Sir George Savile (1726–84), member of the County of York, who, like Buchan himself, was a tireless supporter of the American cause and had warmly welcomed the recognition of American independence.<sup>24</sup>

<sup>23</sup> The most detailed account of the circumstances surrounding Paine's dispute with Robert Bell is found in Gimbel, *Paine: A Bibliographical Check List*, 22–3. See Chapter 8 of this study for an account of Robert Aitken's relationship with Paine in relation to the *Pennsylvania Magazine*.

<sup>24</sup> See Sir Lewis Namier and John Brooke (eds.), *The History of Parliament: The House of Commons 1754–1790*, (3 vols, London, 1964), III, Members, 405–9.

The couplet used as the motto on the title page of *Common Sense* is taken from a long poem in four parts by Thomson: *Liberty, a Poem*, enormously popular in its day, though without ever rivalling the runaway success of his most famous work, *The Seasons* (1728–30). *Liberty* was first published, in London, by Andrew Millar,<sup>25</sup> who chose to publish each of the five individual Parts – ‘Antient and Modern Italy Compared’, ‘Greece’, ‘Rome’, ‘Britain’ (from which the couplet used as the motto of *Common Sense* is taken) and ‘The Prospects’ – as separate titles in 1735–6, before releasing all parts together in a single volume in 1736. In 1760 Robert Bell had an edition of Thomson’s *The Seasons* printed for him in Glasgow, which he sold at his Dublin shop. Bell’s American edition appeared in Philadelphia seventeen years later, and perhaps significantly, is dedicated to Frederick, Prince of Wales. Robert and Andrew Foulis in 1774, and Andrew Foulis the Younger in 1776, printed and published complete editions of Thomson’s *Liberty* in Glasgow.<sup>26</sup> As we shall see, either Bell or his author would further mine Thomson’s *Liberty* to adorn the title page of a very different pamphlet he would publish only two months later: this was the work of another Scots-American, though it sought to convey views on the independence issue diametrically opposed to those set out by Thomas Paine in *Common Sense*.

Jonathan Clark does not rule out the possibility that although Paine could hardly have known Thomson, he could have learned about him from the mathematician and Excise Commissioner, George Lewis Scott. If so, the links are circuitous, though by no means far-fetched. Paine names Scott, in a letter to Henry Laurens of 14 January 1779, as the man ‘through whose formal introduction my first acquaintance with Dr Franklin commenced.’ According to James Boswell, writing in 1777 to Samuel Johnson, Scott, and the physician-poet, John Armstrong, were Thomson’s sole companions when he was living in London. Clark poses the question: ‘Did Scott speak to Paine about Thomson? No evidence survives; but this contextual setting suggests that it is possible.’<sup>27</sup>

<sup>25</sup> Richard B. Sher describes Millar as ‘by far the most prolific and influential publisher of Scottish Enlightenment books’. Among his many Scottish authors, ‘one [James Thomson] stands out as the cornerstone of Millar’s entire publishing business’. Sher, *The Enlightenment & the Book*, 280–1. Dr Johnson called Millar ‘the Maecenas of the age’, who ‘raised the price of literature’.

<sup>26</sup> Philip Gaskell, *A Bibliography of the Foulis Press* (London, 1964), 574, 606.

<sup>27</sup> James Boswell, *The Life of Samuel Johnson*, David Womersley (ed.) (London, 2008), 584. Clark is speculating that Thomson could have been brought to Paine’s attention in the early 1770s in the course of Paine’s own involvement at that time in the Commissioners’ scheme to raise the salaries of excisemen: *The Case of the Officers of*

Thomson is seldom described as a ‘Scottish poet’, and it is unlikely he himself would have allowed it. He was after all the author of the lyric ‘Rule Britannia’, which he wrote for the masque, *Alfred*, with music by Thomas Arne (1740), preferring to celebrate Britain’s achievements, rather than England’s. Nevertheless, it cannot be ignored that it was Andrew Millar, one of the greatest of all London publishers of the Enlightenment period, originally from the west of Scotland, who discovered Thomson, and whose first ever title, registered at Stationers’ Hall, was Thomson’s *Spring*, published in June 1728. Astonishingly, Millar’s name would appear in the imprints of almost 100 editions of Thomson’s works, including no less than twenty-five editions of *The Seasons* – according to R. B. Sher ‘one of the century’s most popular and most litigated books of poetry.’<sup>28</sup>

## 2. James Burgh (1714–1775)

*In Bell’s first edition of ‘Common Sense’, and subsequently, Paine incorporates a perfunctory footnote on page 76 referring to Burgh’s Political Disquisitions: or, An Enquiry into public Errors, Defects, and Abuses’ (3 vols, London: E. and C. Dilly, 1774–75; Philadelphia, Robert Bell, 1775).*

Some years ago, in what has proved one of the most influential studies of the background to the American Revolution, Bernard Bailyn (though without noting its citation by Paine in *Common Sense*) acknowledged Burgh’s massive *Political Disquisitions* as not simply one of the key political texts of the later eighteenth century – devoured by Americans and Englishmen alike who needed to know about forms of government, rights, international law and constitutions – but, much more emphatically, as ‘the key book of this generation’.<sup>29</sup> Thomas Jefferson was certainly influenced by it, and Joseph J. Ellis (among others) has concluded that Jefferson probably mined it when he was drafting the Declaration.<sup>30</sup> James Wilson, a fellow Scot and distinguished jurist who signed the Declaration, cites from it in his ‘Lectures on Law’.<sup>31</sup>

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*Excise* (Lewes, 1772; London, 1793). See Clark, *Thomas Paine*, 50–1; 427.

<sup>28</sup> Sher, *The Enlightenment & the Book*, 281.

<sup>29</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* (1967; Cambridge MA, 2017), 41 and note 24. See also Isaac Kramnick, ‘Republicanism Revisited: The Case of James Burgh’, *Proceedings of the American Antiquarian Society*, 102 part 1 (1992), 81–98.

<sup>30</sup> Joseph J. Ellis, *American Sphinx: The Character of Thomas Jefferson* (New York, 1996), 49, 67.

<sup>31</sup> *Collected Works of James Wilson*, Kermit L. Hall and Mark David Hall (eds.) (2 vols, Indianapolis, 2007), I, 477.



Caroline Robbins has described *Political Disquisitions* as 'Perhaps the most important political treatise which appeared in England in the first half of the reign of George III.'<sup>32</sup> And in a perfunctory but rare act of condescension, Thomas Paine, too, acknowledges a debt to Burgh's most celebrated work.

James Burgh (*aka* Brugh) was born in Madderty in Perthshire in 1714. His mother Margaret Robertson (*d.* 1771) was an aunt of Principal William Robertson. His father, Andrew Brugh, was minister at Madderty from 1701 until his death in 1736. James and his brother John attended the University of St Andrews but James left without having graduated. James Burgh left Scotland in the early 1740s for London where he would start an academy at Stoke Newington and re-locate to Newington Green in 1750, where he became part of an expanding dissenting congregation that included their minister, Richard Price, who by then had aligned his religious sympathies with the Arians.<sup>33</sup> It was at that time that Burgh, too, threw in his lot with the Arian cause and began a lifelong friendship with Price. Price, a friend of both Benjamin Franklin<sup>34</sup> and Joseph Priestley, would go on to become the scourge of the British government's American policy and, as author of *Observations on the Nature of Civil Liberty* (1776) and *Additional Observations* (1777), a constant thorn in the flesh with his unbridled support of the American cause.

In a footnote to page seventy-six of the first edition of *Common Sense* Paine states: 'Those who would fully understand of what great consequence a large and equal representation is to a state should read Burgh's political Disquisitions.' As in the case of the motto from Thomson's *Liberty*, we can speculate on how much the footnote is attributable to Paine and how much to his highly intelligent but uniquely quirky publisher, Robert Bell. A great publicist for his own titles, Bell (in association with William Woodhouse)<sup>35</sup> had published his edition of the three-volume set of *Political Disquisitions* in the previous year (1775), a work that had originally been published in London by the Dilly brothers in 1774–5. Unusually for the time, the third volume (in both the London and Philadelphia editions) incorporates a competent index, and here Burgh identifies substantial references (mainly in volumes two and

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<sup>32</sup> Caroline Robbins, *The Eighteenth-Century Commonwealthman* (1959; Indianapolis, 2014), 365.

<sup>33</sup> Arians denied that Christ the Son was 'consubstantial' with God the Father.

<sup>34</sup> Franklin was one of Price's sponsors for his Fellowship of the Royal Society of London (FRS), an honour conferred on him in 1765.

<sup>35</sup> Woodhouse, like Robert Aitken, a bookseller, printer and binder, had arrived in Philadelphia from Berwick-on-Tweed in 1766. See Hannah D. French, *Bookbinding in Early America* (Worcester MA, 1986), 64–6.

three) relating to ‘Americans’, ‘Colonies’, ‘Representation’ and ‘Taxation’. The second volume, ‘Book II’, is entirely devoted to ‘Of Taxing the Colonies’, and almost certainly accounts for the commercial success of Bell’s edition as confirmed by the impressive subscription list – typically he entitles it ‘Names of the Encouragers’. It reads like a veritable *Who’s Who* of the American revolutionary period and includes such luminaries as Francis Allison, Richard Bache, John Bayard, Robert Morris, Benjamin Rush, Thomas Jefferson, Silas Deane, John Dickinson, John Hancock, Joseph Reed and James Wilson. Heading the list is ‘His Excellency George Washington, Esq; Generalissimo of all the Forces in America, and a Member of the Honorable, the American Continental Congress.’<sup>36</sup>

Clark rightly draws attention to the limits of Paine’s dependency on Burgh being restricted to the ‘perfunctory footnote’, but notes at the same time the significance of his enthusiasm for Joseph Priestley, whose scientific distinction he had already extolled in his letter to Franklin of 4 March 1775, as well as for the ‘American’ agenda of Richard Price who would similarly cite Burgh’s *Political Disquisitions* with enthusiastic approval in his soon to be published *Observations*.<sup>37</sup>

In his fast-day sermon of May 1776 preached at Princeton – *The Dominion of Providence over the Passions of Men* – John Witherspoon cites from another of James Burgh’s incredibly popular titles, *Britain’s Remembrancer* (1746; reprinted off and on in successive editions in England, Scotland and America for twenty years thereafter).

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<sup>36</sup> Of particular interest in the subscription list is a long note by Robert Bell below the name of John Sullivan, a delegate for New Hampshire in membership of the Continental Congress and ‘Brigadier General in the American Army’, endorsing a quote by Sullivan to the effect that: ‘It is better that 50 Thousand Men should be slain, (himself among the slain), than that 50 Thousand Men should live to be made slaves.’ Using extravagant language Bell proceeds to comment on the Sullivan quote as follows: ‘The Editor of this American Edition of the Political Disquisitions, hath taken the Liberty of eternizing this Sentence, as far as this work can preserve it, because he esteems it a saying worthy of the most renowned Heroes, Legislators, and Philosophers of Antiquity, and may be adopted by Heroes that now exist, and also by Heroes yet unborn, whose expanded Souls can soar above the Fetters of slavery, and gloriously dare to fight for the safe conveyance of the rights of mankind, down to the latest Posterity.’ [For the full text of Bell’s quirky note see the Postscript to this Chapter.]

<sup>37</sup> Second edition, London, T. Cadell, 1776, 32. See Clark, *Thomas Paine*, 178. Clark points out that even if he had wanted to do so Paine could not have quoted in *Common Sense* from Price’s *Observations* since the latter title was not published until February 1776.

### 3. Sir John Dalrymple (1726–1810)

*In the 'Appendix' to 'Common Sense' Paine savagely attacks Dalrymple's version of the American crisis, with reference to his pamphlet, published anonymously, 'The Address of the People of Great-Britain to the Inhabitants of America' [for 'Great-Britain' Paine substitutes the word 'England'] (London, T. Cadell, 1775). Additionally, as noted above, Paine may have cannibalised Dalrymple's title for his own sub-title.*

When Professor John Anderson of the University of Glasgow wrote a letter to Franklin, dated 20 February 1788, he enclosed a copy of his *Institutes of Physics*, together with a copy of 'Sir John Dalrymple's Memoir, Volume Second ... wet from the Press', adding 'it will probably be the first copy that will arrive in Philadelphia.'<sup>38</sup> Anderson told Franklin he thought that Dalrymple's book would 'both entertain and interest you; as a great part of it is taken up with observations concerning America.' But Anderson, ever a vain man and a radical in his political views, had a distinctly personal motive in suggesting Franklin read Dalrymple's book:

In his plan for a Federal Union with America, he proposes that England shall name the chief magistrate of the American States. There is not only an absurdity in this proposal, but is glaring from him who said in page 166 that the King of France had put all England in a flame by naming a King without consulting his subjects.<sup>39</sup>

Sir John Dalrymple of Cousland (1726–1810) was a lawyer and historian on the perimeter of the Scottish Enlightenment. He was the great-grandson of James Dalrymple, 1st Viscount Stair, the greatest Scottish jurist of his generation whose *Institutions of the Law of Scotland* (first published in 1681) to this day is regularly updated and remains prescribed reading for all students of the elements of Scots law. Nicholas Phillipson describes John Dalrymple as 'a well-liked if sometimes irritating member of the Edinburgh literati'.<sup>40</sup>

<sup>38</sup> This 1788 ed. of 'Volume second' of the work, though 'intended to become a third volume' (ESTC), bears an Edinburgh imprint – printed for John Bell and William Creech – and is not to be confused with the three-volume London set printed in the same year for Strahan and Cadell, as well as for Bell, Creech and E. Balfour, the latter three all, of course, of Edinburgh.

<sup>39</sup> Original ALS in American Philosophical Society, Philadelphia. See Crawford, *Professor Anderson, Dr Franklin and President Washington*, 79–80.

<sup>40</sup> *Oxford DNB* (accessed July 2018).



3 Left,  
David Hume  
(after Allan Ramsay)  
(Professor Ronald  
Crawford

4 Right,  
Adam Smith  
(caricature by  
John Kay) (Special  
Collections,  
University of  
Aberdeen)



He was a prominent member of the Select Society and the Poker Club, and was at ease in a circle that included David Hume and Adam Smith.

Dalrymple's first publication was *An Essay towards a General History of Feudal Property in Great Britain* (1757), a topic that had been suggested to him by his mentor, Lord Kames, to whom the book is dedicated. Dalrymple's inspiration is, however, Montesquieu – 'the greatest genius of our age' – and the motto that adorns the title page is a quotation from *De l'Esprit des Loix* (1748). Thomas Jefferson adored Dalrymple's book and Joseph J. Ellis lists it as among the works that helped shape Jefferson's early political thought.<sup>41</sup> Apart from recommending it to others, Jefferson was particularly influenced by its final section concerning the 'History of the Constitution of Parliament' and is said to have relied on it when he came to write his *Summary View of the Rights of British America* (1774),<sup>42</sup> probably the most influential pamphlet on the roots and injustices of the American crisis. *Summary View*, more than anything else he did, helped establish Jefferson's name on the wider pre-revolutionary stage and, not least, among his fellow members of the Continental Congress.

In the Bradfords' 'Enlarged Version', which they first advertised in the *Pennsylvania Journal* on February 14, the public is alerted to a new edition of *Common Sense* to be published that day containing 'several Additions in the body of the Work', including an 'Appendix', together with 'an Address to

<sup>41</sup> Ellis, *American Sphinx*, 37.

<sup>42</sup> Williamsburg, Va., Clementina Rind, 1774. It was published anonymously.

the Representatives of the People called Quakers', thereby expanding the book 'by upwards of one-third' compared with the original. Robert Bell cunningly countered this ploy on the part of the Bradfords by pirating the additional material of their 'Enlarged Version' and adding to it certain 'Large Additions', which he proceeded to market on their own.<sup>43</sup>

Published anonymously in three separate editions in 1775, one of two London imprints for Cadell of Dalrymple's *Address of the People of Great-Britain to the Inhabitants of America* shows R. and A. Foulis only as 'booksellers', but Gaskell notes that the Foulis brothers of Glasgow were 'almost certainly the printers of this book'.<sup>44</sup> The opening words of Dalrymple's pamphlet sets out his stall: 'We have seen the three Addresses of your congress, the first of which is directed to us, the next to you, and the last to his Majesty.'<sup>45</sup> Paine's use of Dalrymple's *Address*, and his dismissal of the author and his work as 'the putative father of a whining Jesuitical piece', may possibly have led to his choice of the title *Common Sense* – or, of course, alternatively, to the title having been suggested to him by another (conceivably Benjamin Rush, Robert Bell, or, though it is unlikely, even Robert Aitken<sup>46</sup>), all of whom would have been familiar with the content and context of the *Address*. In *The Crisis Extraordinary* dated 'Philadelphia, October 4, 1780' Paine returns to the irksome issue of Dalrymple's *Address*, again casting back in the teeth of the Scottish aristocrat his assertion that '*two twenty gun ships, nay, says he, tenders of those ships, stationed between Albemarle sound and Chesapeake bay would shut up the*

<sup>43</sup> *Large Additions to Common Sense* (Philadelphia, R. Bell, 1776), of which there are three distinct title page variants (Gimbel, *Paine: A Bibliographical Check List*, CS5-CS7). For the tangled publication history of *Common Sense* see *ibid.*, especially 36–43. The checklist for *Common Sense* relating to 1776 alone is at 63–91.

<sup>44</sup> Gaskell, *Foulis Press*, no. 581, 330. The title page of the Foulis edition has the publisher's name spelled as 'Caddel' [sic]. The third of these editions bears a Dublin imprint and would have been a pirated copy.

<sup>45</sup> The three Addresses are as follows, in chronological order: 1. 'To the People of Great-Britain from the Delegates, appointed by the several English Colonies of [all named] ... to consider of their grievances in General Congress, at Philadelphia, September 5th, 1774'; 2. [Of the same date] 'To the Inhabitants of the Colonies of ... [named, but no further wording after the address]'; 3. [Dated October 25, 1774]. All three addresses are contained in *Journal of the Proceedings of the Congress held at Philadelphia, September 5, 1774* (Philadelphia, William and Thomas Bradford, 1774), 78–113 [first two] and 135–144 [Address to the King.]

<sup>46</sup> Aitken published an extract from Dalrymple's *Memoirs of Great Britain and Ireland* (Edinburgh, for Strahan and Cadell, London, and Kincaid, Bell & Balfour, 1771; second ed., London, Strahan and Cadell, 1773) in his *Pennsylvania Magazine* while Paine was still its 'contributing editor': March 1775, 127–32; April 1775, 173–4.

*trade of America for 600 miles.* How little did Sir John Dalrymple know of the abilities of America!<sup>47</sup>

By contrast, for Robert Bell it seemed that Dalrymple could do no wrong. Bell admired him and was even prepared to cite him in order to rouse support for a new publishing venture he had launched on the back of an advertisement strategically inserted into his *The Palladium of Conscience* (1774), an anthology of writings on religious liberty. The *Palladium* printed letters on the issue by a trio of authorities – Sir William Blackstone, Joseph Priestley and the Independent minister, Philip Furneaux. Prefaced by the heading, *To the Sons of Science in America*, Bell's blurb gave notice that 'in the Fall of this present Year 1773' [sic] he would publish by subscription [Adam] 'Ferguson's Essay on the History of Civil Society'. The advertisement goes on to recommend the title as follows:

This is a living Author of much Estimation, whose elegant Performance will greatly delight, by giving an Opportunity of being intimately acquainted with the *Sentiments of the Man*, [Hume] whom Sir John Dalrymple, (Author of the celebrated Memoirs of Great-Britain and Ireland) is pleased to stile, 'one of the greatest of *Modern Philosophers*'.<sup>48</sup>

In spite of Bell's fulsome panegyric, demand for the title fell flat. There would be no American edition of Ferguson's *Essay* until the early nineteenth century.<sup>49</sup>

Few modern explanations of the provenance of *Common Sense* have accepted uncritically Benjamin Rush's much later account (1809) that it was he who first suggested the title to Paine, even though John Adams, who never could stand Paine, backed Rush's claim.<sup>50</sup> Jonathan Clark, on the other hand, finds roots in the title going all the way back to an anti-Hanoverian journal (*The Craftsman*) and associated Jacobite pamphlets of the late 1730s and early

<sup>47</sup> Thomas Paine, *The Crisis Extraordinary* in Moncure David Conway (ed.), *The Writings of Thomas Paine* (4 vols, New York: G. P. Putnam's Sons, Knickerbocker Press, 1894–6), I, 319.

<sup>48</sup> *The Palladium of Conscience: or, The Foundation of Religious Liberty Displayed* ('America' [Philadelphia], Robert Bell, 1774); unpaginated after 155.

<sup>49</sup> See Sher, *The Enlightenment & the Book*, 525.

<sup>50</sup> Benjamin Rush to James Cheetham, 17 July 1809, in L. H. Butterfield (ed.), *Letters of Benjamin Rush* (2 vols, Princeton, 1951), II, 1007–9. See also George W. Corner (ed.), *The Autobiography of Benjamin Rush* (Princeton, 1948), 113–15. John Adams, *Diary and Autobiography*, L. H. Butterfield (ed.) (4 vols, Cambridge, Mass., 1961).

1740s. Sophia Rosenfeld is satisfied that Paine's title (as well as some of the pamphlet's content) were indirectly and directly influenced by the translation from Scotland to America at roughly this time of the common-sense school of Scottish philosophy made famous by Thomas Reid and others.<sup>51</sup> Clark, on the other hand – and emphatically *this* author – find the notion of Paine steeping himself in the works of Reid altogether unconvincing.

Conjecturally – for it can be no more than that – there may be a more straightforward explanation of where Paine (and/or his publisher) sourced the title of his pamphlet. Instead of Paine finding comfort and inspiration in Reidian philosophy, the much likelier possibility is that it was a specific passage from Dalrymple's *Address* that first planted in his mind (or else in Bell's) the idea of entitling the work *Common Sense*. It certainly seems just like the kind of thing that would have appealed to Paine. A brilliantly gifted word-smith and journalist of extraordinary skill, nothing would have given him greater satisfaction than getting back at Dalrymple's patronising dismissal of the American cause in such a subtle rhetorical way. A titled Scot with pretensions, Dalrymple had clearly angered Paine whose prose was at its fiery best when he was roused. The facts are these.

In his 'Appendix' Paine uses language clearly designed to ridicule the Scottish *literatus* and high tory, Dalrymple, who he rightly regards as a doctrinaire loyal supporter of the British government and the Crown in the American dispute. Paine cites from that part of the *Address* to which he takes particular exception. First, however, having remarked that Dalrymple suffers 'from a vain supposition, that the people *here* were to be frightened at the pomp and description of a king, given (though very unwisely on his part) the real character of the present one,' Paine rants on, citing his source as follows:

But if you are inclined [Dalrymple original: 'if you incline'] to pay compliments to an administration which we do not complain of, it is rather unfair in you to withhold them from that prince [Dalrymple original: 'to refuse them to that Prince'], by whose nod alone [Paine: caps at 'NOD ALONE'] *they were permitted to do any thing.* [Paine's italics]<sup>52</sup> This is toryism with a witness! Here is idolatry even without

<sup>51</sup> Sophia Rosenfeld, 'Tom Paine's Common Sense and Ours', *William and Mary Quarterly*, Third Series, 65, No. 4 (2008), 633–68.

<sup>52</sup> Dalrymple, *The Address to the Inhabitants of America* (London, T. Caddel [sic], 1775 [the Foulis variant]), 30; the first London edition (i.e. not including the Foulis name in the imprint), 31. The difference in pagination is explained by there being an absence of running titles in the 'non-Glasgow' edition. See also note 45 above.

a mask. And he who can calmly hear, and digest such doctrine, hath forfeited his claim to rationality – an apostate from the order of manhood; and ought to be considered – as one, who hath not only given up the proper dignity of man, but sunk himself beneath the rank of animals, and contemptibly crawl through the world like a worm.<sup>53</sup>

Only six pages before the extract cited by Paine, Dalrymple, a law graduate of Edinburgh and Cambridge and former Lord Advocate-depute of Scotland, takes the American colonists to task for their failure to ensure, as he puts it, that the wording of their ‘Constitutions of your General Assemblies’ and of ‘your Charters’ display any notable signs of ‘common sense’ in tackling the dispute with the mother country. And he writes:

Some of your Charters hardly deserve the name. If we are in the wrong in thinking so, let them stand as they are. But if we are in the right, correct them like men. *Common sense will shew you, without our doing it, that they should be modelled by the rules of common sense.* [RLC’s italics.] The best of Princes will contribute his part, and Parliament theirs, to comply with your desires for every alteration which can lead to justice, Order, and your own interest; and we the people of England will applaud them when they do.<sup>54</sup>

It will be objected that a formidable stumbling block presents itself in the timing, the Dalrymple reference appearing only in the later editions of *Common Sense* – those, that is, that incorporate the ‘Appendix’. Of itself, that does not invalidate the theoretical possibility that before the pamphlet was ready for publication Paine had read and tucked away in his memory the offending and, for him, offensive words of the *Address* which may then have provoked his angry outburst. It is also worth pointing out that from the first edition on, Paine had expressly dealt with the issue of ‘charters’

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<sup>53</sup> Thomas Paine, *Common Sense* in Ian Shapiro and Jane E. Calvert (eds), *Selected Writings of Thomas Paine* (New Haven, 2014), 42.

<sup>54</sup> Dalrymple, *Address*, 24. It is not without interest that in the second edition of his *Observations on Civil Liberty* (London, T. Cadell, 1776), 32, Price deals with the same point as Dalrymple concerning charters and goes out of his way to make clear that he has ‘chosen to try this question by the general principles of Civil Liberty; and not by the practice of former times; or by the *Charters* granted the colonies. \_\_\_\_The arguments for them ... appear to me greatly to outweigh the arguments *against* them.’



twice and on separate pages.<sup>55</sup> On the other hand, and as already hinted at, we cannot dismiss the alternative possibility that the final choice of title may well not have been Paine's in the first place. He could have been encouraged in settling on the title by his publisher, the feisty Scot, Robert Bell, who is likely to have been much better versed in Dalrymple's works than Paine himself. In the last analysis, Paine may even have not been all that interested in the title and had been happy enough to concede the last word on the subject to Bell.

Aside from the issue of its title, we should recall that two specific occurrences had led to the decision to expand the first edition of *Common Sense*: first, the pamphlet's runaway commercial success, and second, the intervening publication of the King's speech that had 'made its appearance in this city.' Both the tone and content of the King's speech changed everything and, in Paine's words, 'instead of terrifying, prepared a way for the manly principles of Independence.'

#### 4. Robert Barclay (1648–1690)

*In the early editions of 'Common Sense', without mentioning Quakers by name, Paine had scoffed at those who preached and adhered to the doctrine of 'reconciliation'.<sup>56</sup> In the 'Appendix' incorporated into later editions he develops his point more viciously, citing not only a Quaker broadsheet that had been devised as an explicit response to 'Common Sense', but also an extended extract from a key title by Barclay, 'second only to the Bible in importance for Quakers.'*<sup>57</sup>

Robert Barclay ('of Ury') was born in Gordonstown, Moray, on 23 December 1648. His father, David Barclay, a mercenary soldier, served in the army of Gustavus Adolphus in the Thirty Years War, returning to Scotland in 1638 on the eve of the civil wars. In 1648, the year of Robert's birth, he bought the estate of Ury, about a mile north of Stonehaven in the former county of Kincardineshire. (The old house still stands but is now a ruin and is currently (2018) the subject of redevelopment.) Robert was sent to Paris for his education where he excelled and was converted to Catholicism but he later renounced the Catholic faith and remained hostile to it for the rest of his life.

<sup>55</sup> Paine, *Common Sense*, 30 and 39.

<sup>56</sup> Ibid., 25: 'Reconciliation is *now* a fallacious dream. ... Every quiet method for peace hath been ineffectual.'

<sup>57</sup> Jane E. Calvert, 'Thomas Paine, Quakerism, and the Limits of Religious Liberty during the American Revolution' in Shapiro and Calvert (eds.), *Selected Writings of Thomas Paine*, 602–29.

While his father was imprisoned in Edinburgh Castle in 1665, he shared a cell with John Swinton, a Scottish MP under Cromwell who had turned Quaker some years before. It was as a result of meeting Swinton in the course of visiting his father in prison that led Robert Barclay to his own conversion to Quakerism when he turned eighteen. It was at that time that David Barclay sent his son to live at Ury, where he lost no time in setting up a weekly Quaker meeting. In the years that followed Quakerism thrived and expanded greatly in and around Aberdeen. From these small beginnings Robert Barclay embarked on his mission to inspire Scottish Quakers through his preaching and writing, but, to quote DesBrisay, it was ‘the need to combat persecution that drove Barclay to write the books that became the definitive statement of the Quaker faith for upwards of two centuries.’ Several of Barclay’s titles were published with Aberdeen imprints.

The last decade of Barclay’s short life was spent canvassing support for the Quaker movement in America and recommending Scottish emigration there. In particular, using his friendship with William Penn and George Fox, and with the active support of the Duke of York, Barclay succeeded in attracting investment in East and West New Jersey. Extraordinarily, in 1682 the proprietors of East New Jersey (in the main Quakers and friends of the Duke) appointed Barclay *in absentia* governor for life. Barclay accepted the honour on condition he was not required to go to America. DesBrisay calls him a ‘tireless advocate for the colony.’ Until his death at Ury in October 1690 Robert Barclay strove to attract Scottish settlers to ‘his’ colony and won the right to transport covenanters and religious prisoners there. Upwards of 700 Scots, mainly from the north-east, moved to East New Jersey in the 1680s, but immigration slumped after 1690 on the fall of James II and Barclay’s death. Barclay never set foot on American soil, yet he remains one of the great names in the early history of Pennsylvania and New Jersey.<sup>58</sup>

Paine’s citing of a contemporary Quaker broadsheet represents a further example of his tendency to use other writers’ words to support an opposite view to his, then proceeding to cast these words back in the teeth of their authors, in this case the powerful and politically influential Quaker church, the so-called ‘Philadelphia Yearly Meeting’, or ‘PYM’ – a Quaker version of the Church of Scotland’s General Assembly. What had irked Paine was a

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<sup>58</sup> See Gordon DesBrisay, ‘Robert Barclay of Ury’ in *Oxford DNB* (accessed June 2018). In 1740 Barclay published anonymously an extraordinary autobiographical account of himself and his family, *A Genealogical Account of the Barclays of Urie* (Aberdeen, 1740).

four-page broadsheet entitled *The Ancient Testimony and Principles of the People called Quakers, Renewed, with respect to the King and Government; and Touching the Commotions now prevailing in these and other Parts of America: Addressed to the People in General*. It had been published in the short interval between the original and the first of the expanded editions of *Common Sense*, and more important, was designed by its authors specifically to respond to Paine's determined cry in his pamphlet for nothing short of independence from Britain. Who were the authors of the broadsheet? The giveaway lies in the signature at the end: one 'John Pemberton, Clerk'. Pemberton signed 'in and behalf of' the 'meeting of the Representatives of our religious Society, in Pennsylvania and New-Jersey', and the document is dated 'the 20th day of the first month, 1776.'

The central message of the Quakers to the anonymous author of *Common Sense* is neatly summed up in these sentences from the final page of the broadsheet:

The scenes lately presented to our view, and the prospect before us, we are sensible, are very distressing and discouraging. And though we lament that such amicable measures, as have been proposed, both here and in England, for the adjustment of the unhappy contests subsisting, have not yet been effectual; nevertheless, we should rejoice to observe the continuance of mutual peaceable endeavours for effecting a reconciliation; having grounds to hope that the divine favour and blessing will attend them.

This was by no means mere posturing on the part of a religious pressure group. As Professor Calvert has pointed out, 'Pennsylvania was a *de facto* theocracy, with PYM (the Quaker church) controlling the Pennsylvania Assembly'. The number of Quaker congregations in the thirteen colonies had expanded over the period 1740–76 from around fifty (in 1740), or 4 per cent of the total of all denominations, to 310 (in 1776), or almost 10 per cent of the total of all denominations.<sup>59</sup>

As usual, Paine is uncompromising in his response to anyone daring to question his judgment. First, he questions by what right the signatory of the broadsheet can speak for the 'whole body of the Quakers', and especially

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<sup>59</sup> Table 9.1 in Mark Noll, *America's God: From Jonathan Edwards to Abraham Lincoln* (Oxford, 2002), 162.

takes exception to 'his or your' 'claim or title to *Political Representation*.' Next, resorting to the use of the cadences and periodic sentences of the Old Testament Paine cleverly rejects the plea for reconciliation on the grounds that the Quaker argument is not only based on a false premise – 'the love and desire of peace is not confined to Quakerism' – but 'as men labouring to establish an Independent Constitution of our own, do we exceed all others in our hope, end, and aim.' '*Our plan*' he insists, is '*peace for ever*.'

Cunningly employing the stratagem of antique language (that he correctly judged as especially meaningful to Quakers) Paine contrives to harness the authority of none other than 'the Quakers' only theologian', Robert Barclay, author of 'a book second only to the Bible in importance for Quakers'. This was *An Apology for the True Christian Divinity: being an Explanation and Vindication of the Principles and Doctrines of the People called Quakers*, first published in Latin in 1676, with separate English editions printed in London (?) and Aberdeen.<sup>60</sup> Significantly, this near-sacred book in the eyes of all Quakers had been reprinted at the request of the Pennsylvania Quakers by Joseph Cruikshank, himself a Quaker, only a few months before the appearance of *Common Sense*.<sup>61</sup>

Paine focused on the foreword to the *Apology*, containing Barclay's address to Charles II where he admonishes the king for his constant sinning and for having paid more attention to corrupt ministers than to God. The analogy with George III was not lost on Paine who exploits the full irony of the situation. He later returned to the same theme in *The Crisis* in which he alleged that Quakers had effectively 'changed themselves into a different sort of people to what they used to be, and yet have the address to persuade each other they are not altered.'<sup>62</sup> Paine ought to have known these things better than most. His own father was a Quaker (his mother was a member of the

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<sup>60</sup> In Latin in 1676, in English in 1678.

<sup>61</sup> In 1773 Cruikshank had published another work by Barclay, his *Catechism and Confession of Faith, which containeth a True and Faithful Account of the Principles and Doctrines of the People called Quakers*. The title is of unusual bibliographical importance on account of its last three pages containing 'A Catalogue of Books sold by Joseph Cruikshank, at his Printing Office and Book Shop in Market-Street, between Second and Third Streets, and opposite the Presbyterian Meeting-House.' Most of the titles listed by Cruikshank are of Quaker content, including further works by Barclay. See Thomas, *Printing in America*, I, 261–2.

<sup>62</sup> *The Crisis*, 'Number III', April 19, 1777 in Calvert and Shapiro (eds), *Selected Writings of Thomas Paine*, 92. Paine further peddles the same-anti Quaker theme in the fourth of the anonymous 'Forester's Letters' contributed to the *Pennsylvania Journal* of 8 May 1776.

Church of England) although the extent of his allegiance (if any) to either church in these far-off Thetford years is not known.

*Two Scots respond to 'Common Sense'*

(a) 'Plain Truth' by 'Candidus' (James Chalmers)

*Common Sense* was advertised and put on sale on 9 January 1776. On 13 March Robert Bell, Paine's original publisher, published a pamphlet that has been called 'the most important American expression of the views of those whom Paine had so violently attacked – and the only American expression of those views known to Englishmen'.<sup>63</sup> Its title was *Plain Truth; Addressed to the Inhabitants of America, containing, remarks on a late pamphlet entitled Common Sense*; and its anonymous author styled himself 'Candidus'. Paine, writing as 'The Forester', described it as 'a performance which hath withered away like a sickly unnoticed weed'.<sup>64</sup> John Adams called it a 'weak and ineffectual presentation of either the loyalist or the moderate side'. Adams also notes that on 13 May John Witherspoon published a letter in the *Pennsylvania Packet* under the pseudonym 'Aristides' in which he complains about the high price of both *Plain Truth* and *Common Sense*, the clear implication being that the publishers concerned were seizing the main chance to capitalise on their popularity.<sup>65</sup> Who could blame them?

To the modern reader it seems incredible that Robert Bell should have published both titles, *Common Sense* and *Plain Truth*, the theme and content of which were diametrically opposed – and that he did so within the space of little more than two months. Even the title-page of Bell's vengeful counterblast to Paine's pamphlet mischievously mocks *Common Sense* by utilising a couplet by James Thomson from the very same poem (cited as 'Thomson on the Liberties of Britain') which Bell had raided in order to dignify Paine's title-page – this time carefully chosen to convey a recognizably loyalist message: 'There truth, unlicenc'd, walks ; and dares accost / Even Kings themselves, the Monarchs of the Free!'<sup>66</sup> Such was Bell's determination to get even with Paine.

<sup>63</sup> Thomas R. Adams, 'The Authorship and Printing of *Plain Truth* by "Candidus"', *Papers of the Bibliographical Society of America*, 49 (1955), 230–48.

<sup>64</sup> Conway (ed.), *The Writings of Thomas Paine*, I, 'The Forester's Letters', II, 138.

<sup>65</sup> Cited by Keane, *Tom Paine*, 125.

<sup>66</sup> Probably deliberately, the quotation has been altered and should read: 'There Truth, unlicens'd, walks; even Kings themselves / Invite her forth, the Monarchs of the Free.' Further, the citation on the title-page is misleading since it is taken from Thomson's *Antient and*

Twenty years later, in 1796, the identity of ‘Candidus’ was finally revealed as ‘Lieutenant-Colonel [James] Chalmers, of Chelsea’. Now writing under his own name, and, ironically, in a second pamphlet targeting Paine – *Strictures on a Pamphlet written by Thomas Paine, on the English System of Finance*<sup>67</sup> – Chalmers admits his authorship of *Plain Truth* all those years before.<sup>68</sup> (The same *nom de plume* was hi-jacked by another Scot, the Reverend William Smith, originally from Aberdeen, who used it to sign off a letter published in the *Pennsylvania Packet* for 21 December 1778 in connection with Paine’s role in the so-called Silas Deane affair.)

James Chalmers was a wealthy Scottish landowner, originally from Elgin in Moray, who had emigrated at an early age to the West Indies and arrived in Philadelphia in 1760. From there he moved to Maryland where he became a plantation owner and made his fortune with valuable land acquisitions in Kent County, on the eastern shore of Maryland. While there he raised and commanded the Maryland Loyalist Regiment – the title ‘Lieutenant-Colonel’ was probably invented. Accordingly, Chalmers and his men took part in the Battle of Germantown in the first week of October 1777. There are numerous similar examples of Scots-American colonists being recruited into private militias and forming irregular army units fighting to defend the loyalist cause during the revolutionary war. By no means all, however, were tarred with the same loyalist, ‘tory’ brush. Many Americans claiming Scots, Scots-Irish and the so-called ‘Ulster Scots’ lineage answered Washington’s call to take up arms in the ‘glorious Cause.’<sup>69</sup>

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*Modern Italy compared: being the First Part of Liberty, a Poem* (London, A. Millar, 1735), 34, lines 369–70.

<sup>67</sup> Paine’s pamphlet is entitled *The Decline and Fall of the English System of Finance* (Paris, Adlard & Son; London, [numerous editions] T. Williams, 1796). In the same year Robert Campbell published the title in Philadelphia and there were also two separate New York reprints.

<sup>68</sup> Chalmers admits authorship and publishes extracts from *Plain Truth* in his *Strictures*, 60, 63–6. Keane notes that in 1792 the Portsmouth printer (W. Mowbray) of another *Strictures* – *On the Character and Principles of Thomas Paine* by one Alexander Peter, ‘carpenter of His Majesty’s ship Queen’ (1792) – was paid the substantial sum of £175, in instalments, to publish twenty-two thousand copies of his pamphlet. ‘Payment was authorised by the Secretary of the Treasury and paid through Admiral Sir Andrew Hammond from the secret service fund.’ See Keane, *Tom Paine*, 335.

<sup>69</sup> It was not uncommon for landed gentry in Scotland to raise regiments, predominantly in the Highlands, for service in the American war. One of the best examples is the 71st Regiment of Foot, the formidable ‘Fraser’s Highlanders’ originally raised at Inverness, Stirling and Glasgow by Lieutenant-General Simon Fraser of Lovat (who did not, however, at first accompany his regiment to America). The full history of Scottish military involvement and actual engagement in the American war remains

(b) *The letters of 'Cato' (William Smith)*

Bell attached two further anti-independence statements to the pamphlet by 'Candidus' in order to bulk it out, one by 'Rationalis' (12pp)<sup>70</sup> and the other by 'Cato' (6pp). Ever the entrepreneur, the Scot concludes his pamphlet with (i) a whole-page advertisement listing 'New and Old Books' for sale in his bookstore in Third Street, thirty-seven titles in all, including '*William Cullen's Lectures on the Materia Medica, containing the very cream of Physic: Necessary for those Physicians who wish to arrive at the top of their Profession*';<sup>71</sup> and (ii) a half-page advertisement for a two-volume set of Thomas Simes' *The Military Guide for Young Officers*, a reprint of a work that had first appeared in London in 1772.<sup>72</sup>

'Cato' contributed a series of letters to the *Pennsylvania Gazette* from March through June 1776 objecting to the thrust and argument of *Common Sense*. He was soon revealed as the Reverend William Smith (1727–1803), an Anglican clergyman who tried to steer a middle course between opposing British taxation of the colonists whilst deprecating any notion of independence. In 1775 he had preached a sermon, subsequently published in both Philadelphia and London, in which he declared that he was 'animated with the purest zeal for the mutual interests of Great-Britain and the Colonies'.<sup>73</sup> Born in

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to be written, but see John S. Keltie, *History of the Scottish Highlands, Highland Clans and Highland Regiments*, 'New Edition' (London and Edinburgh, 1887), Part Third, in v. IV, V, and VI, 321–807. Apart from the 71st Regiment of Foot, the Highland Regiments that took part in noted engagements in the course of the American war were: The 42nd Royal Highland Regiment (The 'Black Watch'); The Old 74th Highland Regiment (Argyle Highlanders); The Old 76th Highland Regiment (Macdonald's Highlanders); and The Old 84th Emigrant Regiment (Royal Highland Emigrant Regiment). In addition, several defensive, or 'Fencible' Regiments were raised in the American war, including The Argyll or Western Regiment, The Gordon Regiment (Number 1), and The Sutherland Regiment (Number 2). See also Matthew P. Dziennik, *The Fatal Land. War, Empire, and the Highland Soldier in British America* (Yale University Press, 2015).

<sup>70</sup> The identity of 'Rationalis' remains unknown.

<sup>71</sup> Bell had published the Cullen re-print in 1775, a title that had first appeared in London in 1772. In the following year he inserts a full-page advertisement at 263 of Kaims' [sic] *Six Sketches on the History of Man* – one of several books published in 1776 under the joint imprint of 'R. Bell, in Third Street and R. Aitken, in Front Street' – promoting *The Politics of the Year 1776*, a compendium collection 'containing' five of his titles, viz: 'Common Sense, with large Additions', 'Plain Truth, with Additions', 'Observations against Reconciliation', 'Strictures on the Pamphlet, intitled Common Sense', and 'Tucker's True Interest of Great-Britain'.

<sup>72</sup> (2 vols, Philadelphia, 1776). This title is just one of several works of military appeal and content published in 1776 either under a joint Bell and Aitken imprint (see note 71 above), or under Robert Aitken's imprint *solo*.

<sup>73</sup> In *A Sermon on the Present Situation on American Affairs* ('Philadelphia Printed: London Re-printed, a Second Time, for Edward and Charles Dilly', 1775).

Slains, north of Aberdeen, and a graduate (1747) of King's College, Smith had emigrated to America in 1751 and never returned to Scotland. In the course of a highly controversial career he incurred the enmity of Benjamin Franklin who was instrumental in his installation as founding Provost of the College of Philadelphia. Smith was briefly imprisoned and removed from office when the College charter was revoked in 1779, but on the restoration of the charter ten years later he was re-appointed its Provost and was still in post in 1791 on the college becoming the University of Pennsylvania. Smith was awarded honorary degrees by Oxford, Aberdeen and Dublin. In his *Autobiography* Benjamin Rush wrote that William Smith 'descended to his grave ... without being lamented by a human creature.'

Paine replied to 'Cato' in the first three of the four (anonymous) *Forester's Letters* he contributed to the *Pennsylvania Journal* in April through May 1776. Clark rightly points out that it was perhaps a back-handed compliment to the force of Cato's objections – especially the charge that the author of *Common Sense* was 'an outsider, a man of no consequence, someone ignorant of American affairs, a person who had nothing to lose and who sought to profit personally by promoting catastrophe' – that led Paine to make his response, the only time he reacted to critics of his pamphlet.<sup>74</sup>

*John Witherspoon v. Tom Paine: the reaction of an orthodox Kirk minister*

Hostile reactions to *Common Sense* were not confined to predictably loyalist voices. By almost casually straying into religious territory Paine had provoked a man who throughout his long Scottish career represented one of the most influential voices of the orthodox, or Popular, party of the Church of Scotland. The Reverend John Witherspoon, formerly of Gifford, Beith and Paisley, and now (since 1768) President of the College of New Jersey at Princeton, had evolved into an enthusiastic, eloquent and outspoken member of Congress for the colony of New Jersey. In *Common Sense* Paine had scorned the doctrine of original sin, comparing it with the hereditary succession of monarchs. Of the latter, he supposes that the origin of hereditary kings lay in 'their first rise' when 'we should find the first of them [he means within the context of the 'dark covering of antiquity'] nothing better than the principal ruffian of some restless gang, whose savage manners or pre-eminence in subtilty [sic] obtained him the title of chief among plunderers'.

<sup>74</sup> See Clark, *Thomas Paine*, 187–8; and Philip Foner (ed.), *Complete Writings of Thomas Paine* (2 vols, New York: Citadel Press, 1945), II, 96–188. The war of words between 'Cato' and 'The Forester' is allegorised by Francis Hopkinson in *A Prophecy* (1776).



There is in fact, Paine maintains, little if any difference between the two beliefs; they are ‘parallels’, and he concludes that ‘the most subtle sophist cannot produce a juster simile.’

Paine’s undisguised disdain for the doctrine of original sin seriously offended Witherspoon who seized the opportunity presented by the published literary version of his great eve of independence sermon, *The Dominion of Providence over the Passions of Men*, preached at Princeton on 17 May 1776, to chide Paine for daring to enter the lists of religious dogma, an area into which, in the Scot’s judgment, he was singularly unentitled to stray. Following his encounters with the coarse and vulgar Paine (as later characterised by his earliest biographers, James Cheetham and ‘Francis Oldys’, aka George Chalmers), Witherspoon had come to detest the author of *Common Sense* – and one senses the feeling was entirely mutual. It is more than likely they had originally fallen out over some editorial dispute relating to their joint involvement in Robert Aitken’s *Pennsylvania Magazine*. In a long footnote to the sermon (which, ironically, was first published by none other than Robert Aitken), Witherspoon writes: ‘I cannot help embracing this opportunity of making a remark or two upon a virulent reflexion thrown out against this doctrine [in the sermon at this point he had referred to ‘the just view given us in scripture, of our lost state’] in a well-known pamphlet, *Common Sense*.’

Witherspoon does not name Paine, though his identity as the pamphlet’s author was already well-known in Philadelphia, and more widely throughout the colonies, almost immediately after its publication, and certainly by the time Bell and Paine had irreconcilably fallen out. One thing seems fairly certain: Paine himself would not have lost any sleep as a result of Witherspoon’s caustic footnote.<sup>75</sup> As for Witherspoon, the nature of his intervention in the *Common Sense* controversy shows that for all his enigmatic alleged change of

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<sup>75</sup> Yet, just possibly, Witherspoon’s footnote *did* trouble Paine. In his little-known letter ‘To a Committee of the Continental Congress’ [attributed title] of October 1783, Paine almost certainly has Witherspoon in mind when he recalls that Colonel John Laurens (1754–1782) had second thoughts on the idea that Paine might serve him as his ‘Secretary’ in France as a result of an individual – ‘(who I am sure will never forgive me for publishing *Common Sense* and going a step beyond him in Literary reputation)’ – having informed Laurens ‘that he doubted my principles, *for that I did not join in the Cause till it was late*’. See Foner (ed.), *Complete Writings of Thomas Paine*, II, 1234. Congress had appointed Laurens a special minister to France to negotiate funding and other support for the war, assisting Benjamin Franklin, then resident American Minister in France. He was in France from March to August 1781 and returned in time to fight and witness the formal British surrender at Yorktown on 17 October 1781. Laurens was killed in a minor skirmish on 27 August 1782.

direction – over, that is, not just political intervention in the pulpit, but also, and much more controversially, over the true meaning of religious enlightenment as defined by some of the writers whose works he had formerly regarded as the ‘poison of infidel writings’ – he still clung determinedly to the most important beliefs and doctrines at the heart of the fundamentalist theology of Knox and Calvin. The episode and its background are dealt with more fully in Chapter 7.

*‘Scots Loyalists and American Patriots’: the ‘poisonous blasts of Scottish tyranny’*

Andrew Hook, and more recently Gideon Mailer, have drawn attention to the unsavoury reputation Scots, Scotland, and (to use the weasel-word favoured by Americans) ‘the Scotch’, called to mind – not just in American political circles throughout the Revolutionary period, but more generally, often as a result of no more than popular prejudice.<sup>76</sup> As we have just seen, Paine himself employed extracts from titles by two Scottish writers to bolster his case for independence in *Common Sense*. In addition, his unfortunate dealings in Philadelphia with the Scots-born publishers Robert Aitken and Robert Bell would only, one surmises, have fortified his already jaundiced view of Scottish nationals in the light of his own hard-won personal experience.

It was alleged for example – in 1825 by the biographer (his grandson) of one of the ‘signers’ of the Declaration, Richard Henry Lee – that it took an intervention by John Witherspoon in the course of the long debate in Congress on Jefferson’s draft Declaration document for the word ‘Scotch’ to be deleted before the term ‘mercenaries’ in the iterative litany of George III’s hostile actions against the colonists. According to his biographer, Lee’s motion had entreated Congress to ‘cultivate a propitious soil, where that generous plant, which first sprung and grew in England, but is now withered by *the poisonous blasts of Scottish\* tyranny* [RLC’s italics], may revive and flourish, sheltering under its salubrious and interminable shade, all the unfortunate of the human race.’ And the starred footnote reads: ‘\*The Scotch were extremely unpopular in the American colonies, during the revolution, in consequence of the fact that Lord Bute, Lord Mansfield, &c. were advocates of the right to tax America.’<sup>77</sup> Supporting the conclusion in the Lee biography

<sup>76</sup> Andrew Hook, *Scotland and America: A Study of Cultural Relations, 1750–1835* (second edition; Glasgow, 2008), 47–72; Gideon Mailer, *John Witherspoon’s American Revolution* (Chapel Hill, 2017), 268–82.

<sup>77</sup> Richard H. Lee [grandson of the subject], *Memoir of the Life of Richard Henry Lee* (2 vols, Philadelphia, 1825), I, 172–3, 176. Cited by Mailer, *John Witherspoon’s American Revolution*, 276 and note 80.

footnote, Hook and T. M. Devine are able to cite further examples along similar lines, some of them bizarre, all pointing to ‘popular manifestations of [anti-Scottish] prejudice.’<sup>78</sup> Among these was Robert Munford’s stage success *The Patriot*, with starring roles for Scottish mercantile stereotypes like McSqueeze, McFlint and McGripe; and a spoof dedication in John Leacock’s *The Fall of British Tyranny* to ‘Lord Kidnapper, and the rest of the Pirates and Buccaneers, and the innumerable and never-ending clan of Macs and Donalds upon Donalds in America.’<sup>79</sup>

It is now regarded as fairly conclusive, however, that the Lee account of 1825 is factually incorrect. The impressive ‘Editorial Note’ in the Founders Online database prefacing Thomas Jefferson’s *Notes of Proceedings in the Continental Congress, 7 June–1 August 1776*,<sup>80</sup> – while in a number of ways leaving some stones still unturned – makes clear that no evidence exists of any intervention by Witherspoon (or by anyone else for that matter) for the purpose of removing wording that may have offended either his own or fellow Scots-American sensitivities. For the present at least the anonymous author of the Founders Online note is satisfied that the definitive explanation of the incident is as follows: (i) ‘... in Jefferson’s so-called ‘Rough Draft’ (but in no other copy made by him) the words “Scotch and other” were interlined. This was obviously an alteration proposed in Congress after the change [as noted in (ii) below] had been made’; and (ii) ‘In the copies of the Declaration made by Jefferson for R. H. Lee [and one other, George Wythe] but in no other copy, the words “Scotch and” were bracketed for deletion. Probably after the whole passage had been struck out by Congress, the insertion of the words “Scotch and other” in an earlier passage was proposed but not adopted.’

Still, the general footnote in Lee’s biography concerning the widespread unpopularity of ‘the Scotch’ in America remains valid, though even it fails to tell the full story. Any serious historical account of Scotland and America in the revolutionary period simply cannot gloss over the truth that, to use Hook’s words: ‘The Scots ... far from being the original opponents of the oppressive policy of the British government, the proclaimers and the

<sup>78</sup> Hook, *Scotland and America: A Study of Cultural Relations, 1750–1835*, second edition, 52 and 58–9; T. M. Devine, *Scotland’s Empire 1600–1815* (London, 2004), 186–7.

<sup>79</sup> Robert Munford, *A Collection of Plays and Poems, by the late Col. Robert Munford of Mecklenburg County, in the State of Virginia* (Petersburg [Va.], 1798); John Leacock, *The Fall of British Tyranny; or American Liberty Triumphant. The First Campaign. A tragi-comedy in five acts* (Philadelphia, 1776).

<sup>80</sup> Founders Online, US National Archives. Original source: *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, Julian P. Boyd (ed.) (Princeton, 1950), 299–329.

successful defenders of American liberty, the framers of the Constitution, and the most powerful influence for everything good in the American way of life, were certainly the most unpopular national group in the colonies.' To illustrate his point Hook cites this comment on the Scottish character from the *Virginia Gazette* for October 1774:

*Irish Impudence* is of the downright, genuine and unadulterated sort. *The Scotch Impudence* is of a different species. A *Scotchman*, when he first is admitted into a house, is so humble that he will sit upon the lowest step of the staircase. By degrees he gets into the kitchen, and from thence, by the most submissive behaviour, is advanced to the parlour. If he gets into the dining room, as ten to one but he will, the master of the house must take care of himself; for in all probability he will turn him out of doors, and by the assistance of his *countrymen*, keep possession forever.<sup>81</sup>

In other words, the Scots were often seen as constantly on the make, grasping, greedy and, at almost any cost, aggressively self-advancing. It was hardly an honourable reputation. One of the most extreme examples of a general distrust of the 'Scotch' is found in a statute passed by the Georgia Assembly in August 1782, declaring that 'the People of Scotland have in General Manifested a decided inimicality to the Civil Liberties of America and have contributed Principally to promote and Continue a Ruinous War, for the purpose of Subjugating this and the other Confederated States.'<sup>82</sup> *To promote and continue a ruinous war ...*. It is difficult to verbalise a more serious contention against a nation and its people than this.

As a Scot himself and as President of a College with an already strong Scots Presbyterian tradition John Witherspoon felt it necessary to take action to try to correct a situation which, he clearly sensed, was beginning to get out of hand. Though he was unaware of it, Witherspoon himself had become the butt of severe criticism at the hands of another clergyman turned academic, Ezra Stiles, pastor of the Congregational Church in Portsmouth, New Hampshire. Just a year before he accepted the presidency of Yale, and

<sup>81</sup> *Virginia Gazette*, 20 October 1774. Cited in Hook, *Scotland and America*, 47–8. See also 'Trivia' in 'Reflections on the Scottish Character', *William and Mary Quarterly*, 11 (1954), 290–1.

<sup>82</sup> *Ibid.*, 69. Hook found the quote in Ian Charles Cargill Graham, *Colonists from Scotland: Emigration to North America, 1707–1783* (Ithaca, 1956), 153.

within the private confines of his personal diary, Stiles took serious issue with Witherspoon's attempts to link American strivings for liberty with aspects of Scottish history in his *Address to the Natives of Scotland residing in America*, a pamphlet that was usually bound in as an appendix to Witherspoon's great *Dominion of Providence* sermon of May 1776. In his diary entry for July in the following year Stiles maintained that it was 'Scotchmen' in America who had 'used the ensuing turmoil to facilitate their rise to prominence and then worked to reconcile America's independence with specific interests in Scotland.' According to Stiles, it was those same 'Scotchmen' in the British government who had provoked the war in the first instance: he had clearly in mind the Earl of Bute, Lord Mansfield and Alexander Wedderburn (later Lord Roslyn). Stiles moves on from condemning Witherspoon and, by implication, questioning his patriotic motives, to pinning the blame on Scottish influence at the very summit of government in London for initiating the war in the first place:

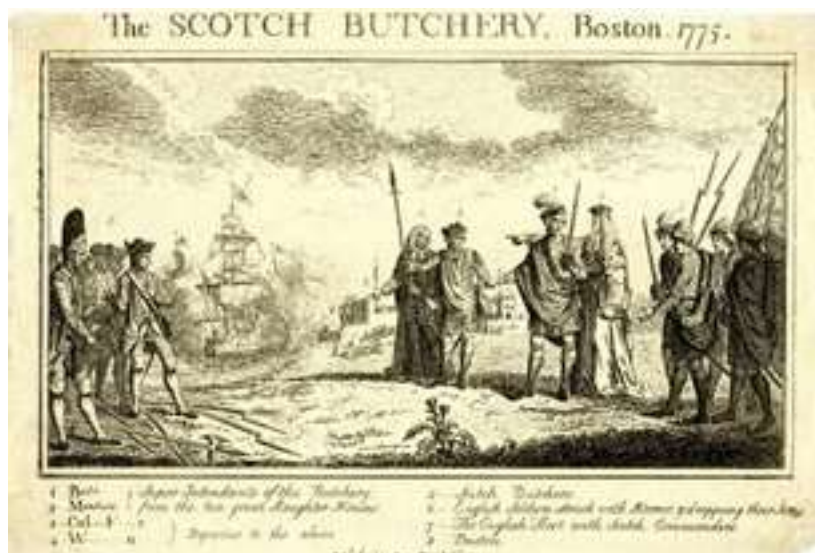
The Dr [Witherspoon] is a politician. We may use him as far as he is for America—but scorn to be awed by him into an ignominious Silence on the subject of Scots Perfidy & Tyranny & Enmity to America. Let us boldly say, for History will say it, that the whole of this War is so far chargeable to the Scotch Councils, & to the Scotch as a Nation (for they have nationally come into it) as that had it not been for them, this Quarrel had never happened. Or at least they have gloried in the Honor of exciting & conduct<sup>g</sup> these Measures avowedly by their Earl of Bute behind the Curtain.<sup>83</sup>

This was not the first time Bute and his Scottish associates in the highest echelons of government had been accused of having led Britain into war with America. It was, however, one thing to do so in the private confines of a diary entry, as in Ezra Stiles' case; and quite another for colonial patriots to make the same accusation in the medium of a popular satirical print widely circulated in both Boston and London.<sup>84</sup> The print in question is entitled 'The SCOTCH BUTCHERY. Boston 1775.' and depicts a group of Scottish

<sup>83</sup> Ezra Stiles, *Literary Diary*, 2: 185, cited by Gideon Mailer in 'Anglo-Scottish Union and John Witherspoon's American Revolution,' *William and Mary Quarterly*, 67, No. 4 (2010), 744; and again by Mailer in *John Witherspoon's American Revolution*, 280.

<sup>84</sup> ESTC lists the print having also been sold in the same year by the London bookseller, John Williams of 39 Fleet Street.

soldiers with muskets and fixed bayonets, described as ‘Scotch Butchers’, ferociously advancing on the rebellious Americans, having been ordered to spare no one by the figure of Bute, kitted out as a highland chieftain in feathered cap, kilt and plaid, and also wearing the Garter ribbon and star.



5 *The Scotch Butchery*. Boston, 1775 (Library of Congress)

Beside Bute stands his accomplice in crime ‘M[ansfield], and the two are bracketed together as ‘Super Intendants of the Butchery from the two great Slaughter Houses’. Behind them stand two more figures, one in kilt and plaid waving a paper bearing the words ‘Pardon 1745’, thus (erroneously) identifying him as ‘Col. [Simon] F[raser]’ of the 71st Regiment of Foot – he was not in America at this time<sup>85</sup> – the other, [Alexander] ‘W[edderbur]n’, in wig and gown, holding a paper inscribed ‘Solicit[or General]’. But the most contentious implication arising from the print is the shocking portrayal of the ‘English Soldiers struck with Horror, & dropping their Arms’, at the sight of the supposed brutality of the Highlanders.

Ezra Stiles’ bad mouthing of ‘Scotchmen’ in America, though at times bordering on the obsessive, nonetheless has its basis in historical fact.

<sup>85</sup> The confusion arises from the near-certainty that the man in the print is meant to be – and can only be – Major-General Simon Fraser (1726–82), Master of Lovat, C-in-C, 71st Foot, ‘Fraser’s Highlanders’.

Throughout Scotland's long trading involvement in the British Empire from its earliest roots in colonial North America to the days of the East India Company, and even in the settlement of Australia and New Zealand, Scots entrepreneurs (as, notably, Devine and Michael Fry have explained) excelled and often became pre-eminent in the import-export world of commerce, merchandising and international trade. In making their mark on trading and commercial enterprise it was always possible that Scots should make themselves unpopular, earning in the process a reputation for a cold and pragmatic hard-headedness in business, which in the eyes of their critics meant an almost complete absence of sentiment or humanity.

The career of Thomas Jefferson illustrates the point neatly enough. American historians from Malone to Ellis have sought to find a rational explanation for Jefferson's deep-seated hatred of 'England' [sic], and to try somehow to reconcile it with his respect for the great achievements of English rhetoric, letters and culture. Ellis gives up on the problem, believing it must 'remain a matter of speculation'. Yet, he himself touches on what may be the simplest explanation of the issue. As a prominent member of Virginia's planter-class Jefferson found after the war had been concluded that, in a sense, it was the English and Scots creditors who had won the peace; and that along with the majority of the State's farmers and planters he was more than ever beholden to these men 'who were busy compounding the interest on those debts at rates that made personal independence increasingly problematic.' Ellis concludes: 'It was a galling thought, but in fact was it not the case that he, Thomas Jefferson, who had done so much to make and shape the American Revolution, remained maddeningly subservient to British authority?'<sup>86</sup>

In terms of the trade in tobacco and the extent of that indebtedness among the tobacco farmers, for 'English' or even 'British', read 'Scottish'. In his classic study *The Tobacco Lords* (1975), Devine points out that estimates of the indebtedness of American planters to Glasgow creditors alone – as calculated by one of their number (John Glassford) – rose from £500,000 in 1760 to a staggering £1,306,000 in 1778. No wonder that Scots merchants and buyers were near the bottom of the popularity polls in the early days of the emergent United States. A further powerful factor not to be ignored is that, of those Scottish creditors, some of the biggest names (none greater

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<sup>86</sup> Ellis, *American Sphinx*, 148–9.

than Glassford's resident partner in America, Neil Jamieson) remained unwaveringly loyal to the British crown.<sup>87</sup>

*Paine's 'Rights of Man' (1791): its American Roots and Scottish Consequences*

From its very first page, and not least its dedication – 'To George Washington, President of the United States of America' – Paine's *Rights of Man*, though written as a riposte to Edmund Burke's 1790 *Reflections on the Revolution in France, and on the Proceedings in Certain Societies in London Relative to that Event*,<sup>88</sup> simply cannot let go of the 'American Revolution'. His hope, he tells Washington, is that 'the Rights of Man may become as universal as your Benevolence can wish, and that you may enjoy the Happiness of seeing the New World regenerate the old'. In his unwitting 'preface' to the first American edition later in 1791, Jefferson, believing that the spirit of 1776 was under threat at the hands of the Federalists, states that he has 'no doubt our citizens will rally a second time round the standard of Common Sense.'<sup>89</sup> For Paine, however, the revolution in America was nothing short of a template for what was currently taking place in France. He writes in the first person as a citizen of the United States:

If there is any thing in monarchy which we people of America do not understand, I wish Mr. Burke would be so kind as to inform me. I see in America, a government extending over a country ten times as large as England,<sup>90</sup> and conducted with regularity for a fortieth part of the expence which government cost in England.<sup>91</sup>

<sup>87</sup> T. M. Devine, *The Tobacco Lords: A Study of the Tobacco Merchants of Glasgow and their Trading Activities c. 1740–90* (1975; Edinburgh, 1990), 59, and (on Jamieson) Appendix II, The 'Glassford Group', 187. See also Stephen M. Millett, *The Scottish Settlers of America: The 17th and 18th Centuries* (Baltimore, 2004), 137.

<sup>88</sup> Paine's was one of several responses to Burke, his original publisher, Joseph Johnson, having been responsible for publishing those by Thomas Christie, Mary Wollstonecraft and Capel Lofft.

<sup>89</sup> The Philadelphia reprint is termed 'Second Edition' and was printed by Samuel Harrison Smith. For the story behind Jefferson's acute embarrassment at the publication of his 'note to a printer in Philadelphia, accompanying a copy of this Pamphlet for republication', see his letter of explanation to Washington of 8 May 1791 (Founders Online); and Jack Fruchtman, Jr., *Thomas Paine: Apostle of Freedom* (New York, 1994), 229–31.

<sup>90</sup> Paine's calculation is, today, seriously wrong. In terms of land-mass the United States, as we now know it, is approximately forty times larger than Britain.

<sup>91</sup> Paine, *Rights of Man* in Shapiro and Calvert (eds), *Selected Writings*, 244.



Paine goes on to suggest a congruent and direct link between the American war and the French revolution. With the termination of hostilities there in 1783, he says, the consequent returning home of 'French officers and soldiers' ensured that 'a vast reinforcement to the cause of Liberty spread itself over France.' In turn, Paine argues, 'A knowledge of the practice was then joined to the theory; and all that was wanting to give it real existence, was opportunity.' *Rights of Man* suggests the notion of an American working model as the means employed by the French to give them the 'opportunity' of destroying their former corrupt government, including its hereditary monarchy, and erecting in its place an alternative, more humane system fortified by a *Declaration of Rights* devised by, and entirely sympathetic to 'the people'. At the same time, he affirms it also worked the other way round. The French, in the way Paine puts it, had shown the Americans what they might achieve in defying the 'English':

The people of America had been bred up in the same prejudices against France, which at that time characterized the people of England; but experience and an acquaintance with the French Nation have most effectually shown to the Americans the falsehood of those prejudices; and I do not believe that a more cordial and confidential intercourse exists between any two countries than between America and France.<sup>92</sup>

Often mentioning and citing the aristocratic French soldier and American hero of the revolutionary war, Lafayette ('M. de la Fayette'),<sup>93</sup> whom he knew personally and clearly much respected, Paine twice cites the aristocratic Frenchman's famous aphorism on liberty: 'For a nation to love liberty, it is sufficient that she knows it; and to be free, it is sufficient that she wills it.' Quoted by many Americans – and, on account of Paine, about to become familiar to the friends of reform in Britain – the aphorism was reiterated to Thomas Jefferson in a letter written on 11 February 1813 by the Scottish mapmaker, John Melish (1771–1822), in the course of a stinging attack on the policies of the British government in the aftermath of the war of 1812.<sup>94</sup> Many years earlier, as the (recently proven) author of one of two Paisley versions of a *Declaration of Rights* – though conclusively *not* the one that became a key Crown production in the trial of the advocate Thomas Muir in

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<sup>92</sup> Ibid., 173.

<sup>93</sup> Paine dedicates *Rights of Man. Part the Second* to Lafayette

<sup>94</sup> See also Clark, *Thomas Paine*, 374 and note 68.

Edinburgh in 1793 – the radical poet *cum* ornithologist, Alexander Wilson, quotes the same words of Paine *via* Lafayette in his poem *The Tears of Britain* (1798 or 1799),<sup>95</sup> written in exile in America but even at that distance a withering condemnation of Britain's handling of the Irish rebellion of 1798 and its terrible consequences.<sup>96</sup>

*Rights of Man* is not so much a book in the ordinary sense of the term, but rather more of a manifesto. It is an astonishingly dramatized statement of human rights and legitimate human aspirations, wonderfully articulated through the medium of its uniquely arresting prose. There is nothing quite like it in the English language. In both its parts America resonates through its pages, even though Paine wrote it with Burke as its immediate target and the French Revolution as its primary inspiration. The book appeared in the bookshops on 13 March 1791, three weeks later than Paine had originally planned. His original printer, Joseph Johnson, had taken cold feet at repeated raids on his premises by government agents – the notorious 'book police' – who had got wind of the potentially seditious nature of the text. Fearing arrest, Johnson took the draconian step of suppressing the book on its scheduled day of publication. The story of Paine's subsequent rushed deal with a second printer prepared to accept the risks, J. S. Jordan, and his dash from one printer to another with Johnson's unbound printed sheets conveyed in a horse and cart borrowed from a friend is almost certainly not mythical. Paine relished this kind of thing and, as already discussed, had considerable prior experience of dealing with troublesome printers from his time in Philadelphia.

In contrast with *Common Sense*, there is hardly any specific Scottish interest as such in either *Rights of Man* (1791), or in its sister volume *Rights of Man. Part The Second* (1792), almost the sole reference to Scotland taking the form of a perfunctory aside in the first part when Paine writes of 'that long, cold-blooded, unabated revenge which pursued the unfortunate Scotch in the affair of 1745.'<sup>97</sup> On the other hand, he compliments Adam Smith when he discourses on the English constitution (or, as he asserts, the *lack* of one):

<sup>95</sup> ESTC erroneously posts the date of publication as '1790 (?)'.

<sup>96</sup> Alexander Wilson, *The Tears of Britain*, in Alexander B. Grosart (ed.), *The Poems and Literary Prose of Alexander Wilson* (2 vols, Paisley, Alexander Gardner, 1876), 212–16. (The quotation is in line 16 on p. 216).

<sup>97</sup> Paine, *Rights of Man*, 184. Paine returns to the same issue of the impact on 'the Scotch' of the rebellions of 1715 and 1745 in the relatively obscure *Prospects on the Rubicon: or, An Investigation into the Causes and Consequences of the Politics to be Agitated at the Meeting of Parliament* (London, J. Debrett, 1787), 12. See Clark, *Thomas Paine*, 44,

Had Mr Burke possessed talents similar to the author 'On the Wealth of Nations', he would have comprehended all the parts which enter into, and, by assemblage, form a constitution. He would have reasoned from minutiae to magnitude. It is not from his prejudices only, but from the disorderly cast of his genius, that he is unfitted for the subject he writes upon. Even his genius is without a constitution. It is a genius at random, and not a genius constituted. But he must say something – He has therefore mounted in the air like a balloon, to draw the eyes of the multitude from the ground they stand upon.<sup>98</sup>

Paine's acknowledgment of the success and realization of the American dream seems to know no bounds. Apart from his hero-worship of Lafayette, the man he credits for all that is good and wise in the great American cause is Benjamin Franklin; the man who, after all, he had been quick (metaphorically) to prostrate himself before as soon as he had recovered from the sickness he suffered in the course of his transatlantic voyage back in 1775. Franklin had died just over a year before the publication of *Rights of Man*. Using the language of science in keeping not just with Franklin's distinction as a Fellow of the Royal Society, but with his own undoubted interest in science, engineering and technology, Paine refers to the legendary American's time in France 'as Minister' as he ponders the role of the diplomat:

The situation of Dr Franklin as Minister from America to France, should be taken into the chain of circumstances. The diplomatic character is of itself the narrowest sphere of society that man can act in. It forbids intercourse by a reciprocity of suspicion; and a Diplomatic is a sort of unconnected atom, continually repelling and repelled. But this was not the case with Dr Franklin. He was not the diplomatic of a court, but of MAN. His character as a philosopher had been long established, and his circle of society in France was universal.<sup>99</sup>

Further, in the 'Miscellaneous Chapter' he tacks on towards the end of his book, Paine lapses into the role of prophet and visionary, though it is all seen

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and note 30.

<sup>98</sup> Paine, *Rights of Man*, in Shapiro and Calvert (eds.), *Selected Writings of Thomas Paine*, 204.

<sup>99</sup> *Ibid.*, 221.

through an American eye, even though that vision is now of an America conjoined with France in a common, even universal cause:

A thousand years hence, those who shall live in America or in France, will look back with contemplative pride in the origin of their governments, and say, *This was the work of our glorious ancestors!* But what can a monarchical talker say? What has he to exult in? Alas! he has nothing. ... The revolutions of America and France have thrown a beam of light over the world, which reaches into man.<sup>100</sup>

In Scotland, too, the clamorous voice of Paine and his *Rights of Man* was about to be heard. For reasons that are examined in Chapter 3 the influence of Paine's book would be at one and the same time politically enormous, legally profound and sociologically catastrophic. While *Rights of Man* is properly perceived as 'the brightest and most powerful skyrocket in English history',<sup>101</sup> in Scotland its impact was undeniably intense but also infinitely darker. In Paine's name and under his book's influence hearts were roused but lives ruined, men transported to Australia (in some cases effectively *sine die*), a much respected Church of Scotland minister received a custodial sentence from the judges of the High Court of Justiciary,<sup>102</sup> spies and placemen regularly frequented the meeting halls, and neighbour customarily informed against neighbour. It seemed to many that the Age of Paine had dawned with a vengeance. But had it?

A Royal Proclamation against seditious writings was issued on 21 May 1792. On 18 December Paine was tried in the Guildhall for 'a Libel upon the Revolution and Settlement of the Crown and Regal Government as by Law established; and also upon the Bill of Rights, the Legislature, Government, Laws, and Parliament of this Kingdom; and upon the King'. The proceedings were carefully orchestrated by the Pitt administration as a show trial. The defendant, though *in absentia*, had to be found guilty on all charges. The key production of the Crown prosecution, led by the Attorney-General, Archibald Macdonald (a Scot born in Armadale Castle, Skye), was *Rights of Man*, 'both parts'. With considerable forensic skill Macdonald turned the

<sup>100</sup> Ibid., 238–9.

<sup>101</sup> Keane, *Tom Paine A Political Life*, 327.

<sup>102</sup> The Reverend William Dunn, minister of Kirkintilloch. See Ronald Lyndsay Crawford, *The Chair of Verity: Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (Edinburgh, 2017), 155–81.

tables on Paine in his elucidation of the indictment. Using tactics of which Paine himself might just have approved, Macdonald cites at some length, and with obvious glee, passages from a recent publication which he and many others believed (without naming him) had come from the pen of no less a person than Vice-President John Adams: 'He is second', Macdonald avers, 'in the exercise of the regal part of the government of that country [America].'<sup>103</sup> The salient point at issue as cleverly articulated by Macdonald, is that, according to that author, America would not be lectured to on the subject of its constitution by Tom Paine; and, moreover, it could not possibly be more obvious that 'the weaker part of mankind in America' should be dissuaded from 'some ill impression' affecting their judgment in that regard.

In the event, no one much cared that Macdonald had got the wrong man as the author of his chosen text. Entirely predictably Paine was summarily found guilty as charged. The verdict was delivered by the packed jury just as the Attorney-General was rising to answer Thomas Erskine's case for the defence.<sup>104</sup> In the course of the dazzling legal career that lay before him, Erskine, born in Edinburgh, would claim kinship with George III, through their mutual descent from the House of Stuart.

### *Postscript*

Full text of Robert Bell's note in his subscription list in Volume III – 'Names of the Encouragers' – from his edition of James Burgh's *Political Disquisitions* (1775)

[The list is unpaginated, occupying 7 pp. after title page]

John Sullivan, Esq; one of the Delegates for the Province of New

<sup>103</sup> *Observations on Paine's Rights of Man, in a Series of Letters, by Publicola*. 'Publicola' was at first thought to be John Adams but in reality the letters were the work of his son, John Quincy Adams (1767–1848). The work was never published in pamphlet form in the United States and had originally appeared in the Boston paper, *The Columbian Sentinel*, in the summer of 1791. The sentiments expressed by Adams were clearly music in the ears of the Pitt regime and, apart from their use in the trial of Paine, the letters were clearly seen as of particular value by Henry Dundas who may well have 'arranged' their publication in the following year in both Edinburgh (three editions) and Glasgow.

<sup>104</sup> T. B. Howell (ed.), *A Complete Collection of State Trials ... From the earliest period to the year 1783* [v. 1 – v. 21] and continued from the year 1783 to the present time by Thomas Jones Howell [v. 22 – v. 33] (London, 1809–1826), XXII (1817), 574., 358–472.

Hampshire, in the Honorable the Continental Congress; and Brigadier General in the American Army.

This Gentleman hath said, “It is better that 50 Thousand Men should be slain, (himself among the slain), than that 50 Thousand Men should live to be made slaves.”

*The Editor of this American Edition of the Political Disquisitions, hath taken the Liberty of eternizing this Sentence, as far as this work can preserve it, because he esteems it a saying worthy of the most renowned Heroes, Legislators, and Philosophers of Antiquity, and may be adopted by Heroes that now exist, and also by Heroes yet unborn, whose expanded Souls can soar above the Fetters of slavery, and gloriously dare to fight for the safe conveyance of the rights of mankind, down to the latest Posterity.*

N.B. *Shou'd any of Mr Luke-Warm's Family, who are always numerous among the timid, buy this Book, and unhappily think he hath too much for the Money—He may immediately apply the following remedy—Either tear the offensive leaf out—Or more effectually to punish the forward Editor—Burn the whole Book—That there may be immediate Occasion for a Second Edition—For some Minds are strangely squeamish, and think it a great Crime for a struggling Bookseller, to support or produce Opinions, although he charge nothing for them; but had he fortunately excised [= ‘overcharged’] upon his Customers, so as to be esteemed rich, his Nonsense would soon be converted into sterling Sense, and his Observations would then be very acceptable, for the Slaves of Riches, would then support him with a most infallible Reason—Hear him!—Hear him!—for he's very rich.*

## Hume, Smith and Ferguson

*Ideas of Liberty, the Scottish Enlightenment, and the Problem of America – with a Preliminary Note on Hutcheson*

*‘All men’, say they, ‘are born free and equal: Government and superiority can only be establish’d by consent: The consent of men, in establishing government, imposes on them a new obligation, unknown to the laws of nature. Men, therefore, are bound to obey their magistrates, only because they promise it; and if they had not given their word, either expressly or tacitly, to preserve allegiance, it wou’d never have become a part of their moral duty.’ This conclusion, however, when carry’d so far as to comprehend government in all its ages and situations, is entirely erroneous ...*

David Hume, *A Treatise of Human Nature*, Volume III, ‘Of Morals’ (London, Thomas Longman, 1740), 3.2.8. ‘Of the source of allegiance’, ed. David Fate Norton and Mary J. Norton (Oxford, OUP, 2000), 347. [Hume’s quotation is from Locke.]

*Preamble: the cold case of Francis Hutcheson re-opened*

*‘We hold these truths to be sacred & undeniable; that all men are created equal & independant, that from that equal creation they derive rights inherent & inalienable, among which are the preservation of life, & liberty, & the pursuit of happiness ...*

From ‘III. Jefferson’s “original Rough draft” of the Declaration of Independence, 11 June-4 July 1776’, in *Founders Online*, National Archives, accessed August 2019. Original source: *The Papers of Thomas Jefferson*, vol. 1, 1760-1776, ed. Julian P. Boyd (Princeton, Princeton University Press, 1950), 423-428.

*‘We hold these truths to be self-evident, that all men are created equal, that they*

*are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'*

From the *Declaration of American Independence*, drafted by Thomas Jefferson as one of a group of \*five who considered and reviewed his 'rough draft' before submitting it to Congress who further debated and revised the document. On 2 July 1776 independence was declared and on 4 July the Declaration was adopted by Congress and authorized to be printed. On 2 August the engrossed copy of the Declaration began to be signed.

[\*Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston]

Five years before the Declaration of Independence was signed, John Millar, professor of civil law in the University of Glasgow, erstwhile student of Adam Smith, published his *Observations Concerning the Distinction of Ranks in Society* (1771). The work is important for a number of reasons, but (as noted in Chapters 3 and 6) we are most of all concerned here with Millar's warm support for the American cause in the revolutionary war, with his openly declared republican views, and, perhaps above all, with his forthright condemnation of slavery and the slave trade both at home and in the British colonies in America and the Caribbean. In the last paragraph of the final chapter of his book, expressing his abhorrence of the inhumane treatment of slaves in America and the West Indies, Millar strikes an entirely original note. He finds it 'curious' that the American plantation owners, of all people, have the nerve on the one hand to fail to take action to make life better for the slaves they own, while on the other they take refuge in their claimed 'unalienable right' to make their own laws and determine their own schemes of taxation. Millar comments:

it affords a curious spectacle to observe, that the same people who talk in so high a strain of political liberty, and who consider the privilege of imposing their own taxes as one of the unalienable rights of mankind, should make no scruple of reducing a great proportion of the inhabitants into circumstances by which they are not only deprived of property, but almost of every right whatsoever. Fortune perhaps never produced a situation more calculated to ridicule a grave, and



even a liberal hypothesis, or to show how little the conduct of men is at bottom directed by any philosophical principles.<sup>1</sup>

The origin of Millar's comments lay in the controversy surrounding the legitimacy of the expressed right of the colonists to determine their own taxes, rather than being made subject to imposed parliamentary legislation such as the Townshend Acts which were hugely resented by the Americans. Millar may well have had in mind the influential *Letters from a Farmer* published in pamphlet-form in Philadelphia in 1768 and reprinted in the same year in London.<sup>2</sup> Though published anonymously, the author was John Dickinson (1732–1808), a gifted and highly articulate lawyer originally from Maryland, later of Delaware, who as a young man had undergone his legal apprenticeship at the Middle Temple, the Inns of Court and Westminster. Millar may also have been familiar with Dickinson's earlier *Address to the Committee of Correspondence in Barbados* (1766) which similarly disputed Britain's right to impose 'external' taxes on her colonies.

More speculatively, it is also possible that Millar was aware of an anonymous piece entitled '*A Conversation on Slavery*' – first in a series of eleven – that had appeared in the (London) *Public Advertiser* on January 30, 1770, now known to have been the work of Benjamin Franklin. It consists of a dialogue 'between an Englishman, a Scotchman, and an American, on the Subject of Slavery.' At one point Franklin has the Scotchman say to the American: 'You should not say we force the Convicts upon you. You know you may, if you please, refuse to buy them. If you were not of a tyrannical Disposition; if you did not like to have some under you, on whom you might exercise and gratify that disposition; if you had really a true Sense of Liberty, about which you make such a Fother, you would purchase neither Slaves nor Convict Servants, you would not endure such a Thing as Slavery among you.' But, in his reply, the American turns the tables on the Scotchman:

I am a little surprised to hear this from you, a North Briton, in whose

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<sup>1</sup> John Millar, *Observations Concerning the Distinction of Ranks in Society* (London, 1771), 241–2.

<sup>2</sup> *Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies* (Philadelphia, 1768). John Almon of London, the political journalist and bookseller, reprinted the pamphlet in the same year, with a preface entitled 'The British Editor to the Reader' in which he remarks: 'I hope Britain is not so choleric, and will never be so angry with her colonies as to strike them: but that if she should ever think it may be necessary, she will at least let the word go before the blow, and reason with them.'

own Country, Scotland, Slavery still subsists, established by Law. ... I mean the Slavery in your Mines. All the Wretches that dig Coal for you, in those dark Caverns under Ground, unblessed by Sunshine, are absolute slaves by your Law, and their Children after them, from the time they first carry a Basket to the End of their Days. They are bought and sold with the Colliery, and have no more Liberty to leave it than our Negroes have to leave their Master's Plantation.<sup>3</sup>

Identifying the source of the term '*unalienable rights*' – and, of course, the rights theory that underpins the phrase – has been the subject of earnest debate by historians and moral philosophers alike. Three of the greatest American historians of the period, Bernard Bailyn, Gordon S. Wood and J. G. A. Pocock, have all had a go, and all tend to downplay the influence of Locke and his theory of natural rights on their revolution, leaning more in the direction of other European and even classical sources. Many years ago Garry Wills examined the case for Francis Hutcheson and, equally, the case for Locke, who, it should be noted, consistently used the term '*inalienable*', and seldom if ever '*unalienable*', in his writings. Wills argued, first, that Jefferson may not have read Locke at all, and, secondly, that the balance of probability for the source of the term, and of the idea behind it, lay with Hutcheson. Further, Wills said he was clear that Jefferson had 'understood rights in Hutcheson's sense, not Locke's'.<sup>4</sup> Hutcheson was probably the leading figure in any chronology of the early Scottish Enlightenment; an Irishman who earned his place in the intellectual history of Scotland as the incumbent of the moral philosophy chair at Glasgow, and as the man who taught Adam Smith, later earning Smith's undying approbation as the 'never to be forgotten' teacher, to whom he attributed so much in his own stellar career.

Wills' theory, however, has not stood the test of time. Subsequently historians including Michael P. Zuckert have reaffirmed that Locke's *Second Treatise* cannot easily be brushed aside<sup>5</sup> – though most who take that line

<sup>3</sup> *Founders Online*, National Archives (accessed April 2019). Original source: William B. Willcox (ed.), *The Papers of Benjamin Franklin*, v. 17, *January 1 through December 31, 1770* (New Haven, 1973), 37–44. Millar deals with the same issue of modern slavery in Scotland in chapter VI of the later edition of his book, now entitled *The Origin of the Distinction of Ranks* (London, 1781).

<sup>4</sup> Garry Wills, *Inventing America Jefferson's Declaration of Independence* (New York, 1978), 193–206.

<sup>5</sup> Zuckert is particularly and unfairly severe on Wills; see for example: 'Thomas

tend, it seems, to have been swayed by Locke's theory of resistance which colours much of the later section of the Declaration text. Whether or not one agrees with Wills' account of the provenance of the theoretical background to the American Revolution, he is surely right in having brought the 'able and benevolent' Francis Hutcheson (as Samuel Johnson called him) into the frame. The key published works of Hutcheson are recorded below in notes 10 and 11.

And yet we cannot get over the proven fact that both Jefferson and Adams had not only read, but knew their Hutcheson. In August 1814, in a letter to John Minor, an attorney at Fredricksburg, Jefferson tells his correspondent that he has been able to locate a paper that Minor had requested in which he had 'near 50 years ago' – that would have been when Jefferson was just twenty or twenty-one years old – sent 'a young friend whose course of reading was confided to me'. The friend was one Bernard Moore, and all those years ago Jefferson had sent him a list of books he had not only recommended to Moore, but wished it regarded as 'a basis for the studies of others subsequently placed under my direction'. In the reading list he had rummaged out and now sent Minor, under the category marked 'Ethics & Natural Religion' consisting of nine books, Jefferson named works by Locke, Stewart (*Philosophy of the Human Mind*), Enfield, Condorcet, Cicero, Kames (*Natural Religion*), and 'Hutchinson's [sic] *Introduction to Moral Philosophy*'.<sup>6</sup>

John Adams, too, had read Hutcheson as a young man. His *Diary* records for 16 January 1756 that that particular Friday turned out 'A fine morning. A large white frost upon the ground. Reading Hutcheson's Introduction to moral Philosophy.' And the modern Editor's note, referring to Hutcheson's *Short Introduction* (1747) and to later editions, records that the title 'was long a popular textbook in Scotland and America. A number of works by Hutcheson survive among Adams's books in the Boston Public Library'.<sup>7</sup> More than thirty years later, at the height of summer, in a diary note of 25 July 1786, while serving as 'minister to England' (Congress had demurred

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Jefferson never spoke of Hutcheson at all [which is incorrect] . . . Was Hutcheson so valuable that Jefferson wished to keep the Scottish philosopher all for himself?' Michael P. Zuckert, *Natural Rights and the New Republicanism* (Princeton, 1994), 19.

<sup>6</sup> Thomas Jefferson to John Minor, 30 August 1814, including Jefferson to Bernard Moore, [c. 1773?], *Founders Online*, National Archives (accessed June 2019). Original source: J. Jefferson Looney (ed.), *The Papers of Thomas Jefferson*, Retirement Series, v. 7, 28 November 1813 to 30 September 1814, (Princeton, 2010), 625–31.

<sup>7</sup> L. H. Butterfield (ed.), *Diary and Autobiography of John Adams* (4 vols; Cambridge MA), I: *Diary 1755–1770*, 2, and note 1.

at the designation ‘Ambassador’) Adams recalled a pleasant day spent in the Dorsetshire countryside as a guest of a passionate friend of America, the radical Thomas Brand Hollis.<sup>8</sup> ‘Brand’ Hollis (not to be confused with his friend whose surname he took, Thomas Hollis) had matriculated at Glasgow in the late 1730s where he had become ‘greatly influenced’ by his teacher, Francis Hutcheson. Adams’ diary note reads:

Mr. B. Hollis is a great admirer of Marcus Aurelius. He has him in Busts, and many other Shapes. . . . He admires Julian too and has a great veneration for Dr Hutchinson, the Moral Writer who was his Tutor or Instructor. He has a number of Heads of Hutchinson of whom he always speaks with Affection and Veneration.<sup>9</sup>

In his posthumously published English version of his *System of Moral Philosophy* (1755), Hutcheson, relating rights to the ‘moral sense’, describes one category of right in particular – a ‘natural right every intelligent being has about his own opinions, speculative or practical, to judge according to the evidence that appears to him’; a right that ‘appears from the very constitution of the rational mind which can assent or dissent solely according to the evidence presented’ – to be ‘unalienable’ and, as if to underline its meaning, he adds for good measure, ‘it cannot be subjected to the will of another’.<sup>10</sup> Similarly, in the earlier and more accessible *Short Introduction to Moral Philosophy* (1747),<sup>11</sup> Hutcheson divided rights ‘into the *alienable*, and such as *cannot be alienated* or transferred’, and he explains the difference as follows: ‘These are alienable, where the transfer can actually be made, and where some interest of society may often require that they should be transferred from one to

<sup>8</sup> See *Oxford DNB* articles by Colin Bonwick on Thomas Brand [Hollis] (c. 1719–1804) and his friend Thomas Hollis (1720–1774) from whom the former adopted the latter’s surname. (Accessed June 2019).

<sup>9</sup> Butterfield (ed.), *Diary and Autobiography of John Adams*, 198–99, and note 3. See also Caroline Robbins, ‘Thomas Brand Hollis (1719–1804): English Admirer of Franklin and Intimate of Adams’, *Proceedings of the American Philosophical Society*, 97 (1953), 239–47.

<sup>10</sup> *A System of Moral Philosophy. In Three Books; Written by the late Francis Hutcheson, L.L.D.* (2 vols; London, A. Millar, 1755), I, 295. [Gaskell, 297 (1755).]

<sup>11</sup> *A Short Introduction to Moral Philosophy, In Three Books; Containing the Elements of Ethics and the Law of Nature* (Glasgow, Robert Foulis, 1747) [Gaskell, 85 (1747)]. See also Philip Gaskell, *A Bibliography of the Foulis Press* (London, 1964), 259, 260 (1753); 432 (1764); and 546 (1772).

another. Unless both these qualities concur, the Right is to be deemed *unalienable*.’ [italics added]<sup>12</sup>

Of course, controversies and difficulties of this nature can rarely be settled definitively. No one can be certain whether Jefferson (taking into account major influences upon him at the time, including, most notably, John Adams) had in mind, in using the phrase, the writings of John Locke or Francis Hutcheson (or of anyone else for that matter) in the ‘signed-off’ final version of the Declaration. The most we can say is that the case for Francis Hutcheson as one of the principal authors consulted by Jefferson and the others – influencing the final draft of the great document of 1776 – cannot be so summarily dismissed as some might believe. Both Thomas Jefferson and John Adams knew the *Short Introduction to Moral Philosophy*. Jefferson had once recommended it as an essential work in its field. Adams stocked it, with other works by Hutcheson, in his personal library, and, a decade after independence, appeared to relish the company of an Englishman who had not only been Hutcheson’s student, but, like his pupil Smith, continued to venerate his memory.

*The consuming paradox of David Hume and America*

*I am an American in my Principles, and wish we woud let them alone to govern or misgovern themselves as they think proper: The Affair is of no Consequence, or of little Consequence to us.*

David Hume to Baron Mure of Caldwell, 27 October 1775 in J. Y. T. Greig, (ed.), *The Letters of David Hume* (2 vols, Oxford University Press: Oxford, 1932), II, 303.

Writing from Portsmouth in the early summer of 1746, David Hume, then aged 35, informed his friend Henry Home (the future Lord Kames) that he had been sounded out by Lieutenant-General James St Clair on the possibility of his accepting a commission in the army that would have taken him to America.<sup>13</sup> The approach had been made at an unhappy juncture in Hume’s life as he was still getting over the rebuff he had suffered in his unsuccessful bid to succeed to the chair of moral philosophy at Edinburgh.<sup>14</sup> In the event

<sup>12</sup> Francis Hutcheson, *Philosophiae Moralis Institutio Compendiaria*, with *A Short Introduction to Moral Philosophy*, Luigi Turco (ed.) (Liberty Fund, 2007), 114–15.

<sup>13</sup> J. Y. T. Greig (ed.), *The Letters of David Hume* (2 vols; Oxford, 1932), I, 94.

<sup>14</sup> For the story of how Hume’s candidature for the chair was thwarted by the combined

the expedition, destined for Quebec and led by the hapless St Clair, never made it beyond the coast of Brittany. Had he seized the opportunity, he told Home, he might have been in a position to 'procure at first a company in an American regiment, by the Choice of the Colonies.' But it was not to be, and he later famously tells John Home: 'I am a philosopher, and so, I suppose, must continue.'<sup>15</sup>

Hume died in August 1776, eight months after the publication of Thomas Paine's *Common Sense*. The brief death notice in the August issue of the *Scots Magazine* precedes a letter sent in by a correspondent from Aberdeen. Designed as an honest encomium of Hume the Aberdeen letter, a touch naively, refers to his subject's well-known scepticism, which is noted as just one of 'the most agreeable contradictions' in his character:

His contemporaries loved *the Man*. They beheld in his character, the most agreeable contradictions; The virtues of humanity, unshaken by the most absolute scepticism; The moral duties of this life, flourishing under a total disregard of another; and even the graces and temper of a *Christian*, in an avowed enemy of the Christian Faith.

Predictably an angry response was not long in coming. In the November number 'An Edinburgh Correspondent' takes almost a page of the *Magazine* to counter any idea that scepticism of the extreme kind exhibited by Hume might be construed as proof of an 'agreeable contradiction'. Conjecturally the piece was the work of a particularly long-winded orthodox minister. With delicious irony, the issue of the *Magazine* containing the formal notice of Hume's death is sandwiched between issues containing *in toto* the serialised text of *Common Sense*, alongside the latest bulletins on the progress of the American war and (in the August number) a useful digest of facts and figures on each of the British colonies in Canada and America.<sup>16</sup>

It has been suggested that Paine had made himself familiar with Hume's essays 'Of the Original Contract' and 'Of the Origin of Government' before writing *Common Sense*. But it is a wholly unconvincing argument, even though (as Clark concedes) Hume had sanctioned popular editions of his essays that

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opposition of Francis Hutcheson, William Leechman and William Wishart, see E. C. Mossner, *The Life of David Hume*, Second Edition (Oxford, 1980), 153–62.

<sup>15</sup> Greig (ed.), *Letters of David Hume*, I, 99. The letter was 'probably written from Cork, early in 1747.'

<sup>16</sup> *Scots Magazine*, v. xxxviii, August, 1776, 455; and November, 578–9.

in theory could have passed through Paine's hands.<sup>17</sup> Surprising though it may at first seem – in the light, that is, of his well-known aversion to populism and 'liberty' in a whiggish, Wilkesian sense – had Hume been aware of the argument and conclusions in Paine's pamphlet one is entitled to speculate that it need not follow he would have condemned all of it out of hand. Both Paine and Jefferson – among the founding fathers Jefferson was easily the greatest enthusiast for Paine's views on government and 'rights' – were consistently of the same mind in regarding independence for the colonies as not just necessary but inevitable. Jefferson had said as much in his own *Summary View* of 1774,<sup>18</sup> ante-dating *Common Sense* by around a year and a half. In his correspondence, especially with Baron William Mure of Caldwell and his London publisher William Strahan, Hume had welcomed the prospect of colonial America's independence from Britain, arguing that anything short of separation was bound to be disastrous for the mother country both in the short and longer run – militarily, politically and economically. As a new MP and 'a thoroughgoing supporter of the Administration', however, Strahan would have none of it.<sup>19</sup>

Years ago there was a view current among historians of the Georgian period that in the immediate period leading up to the passing of Grenville's Stamp Act of 1763 the feeling most Englishmen had for Americans and their colonies was 'the same sort of tolerant indifference as for the Presbyterian discipline of the Scots in Scotland.'<sup>20</sup> By contrast, it was sometimes claimed that English and Scots settlers in America were regarded by most Americans as, primarily, 'manufacturers' (English) or concerned with 'traffic' [trade] (Scots). Americans, on the other hand, the argument went on, appeared much more obsessed by land, its acquisition and cultivation, and by agriculture in

<sup>17</sup> John M. Werner, 'David Hume and America', *Journal of the History of Ideas*, 33 (1972), 439–56. Also, 'Paine passed over David Hume, although Hume had popularized his political essays in a collection of *Essays* that reached many editions': J. C. D. Clark, *Thomas Paine: Britain, America, & France in the Age of Enlightenment and Revolution* (Oxford, 2018), 230.

<sup>18</sup> Anon. (Thomas Jefferson), *A Summary View of the Rights of British America*, Second Edition, (Williamsburg, Clementina Rind; London, re-printed for G. Kearsly, 1774).

<sup>19</sup> Greig (ed.), *The Letters of David Hume*, II, 300–1; 303; 304–5. Strahan had purchased the seat of Malmesbury in 1774 and of Wootton Bassett in 1780. See also his entry (by Sir Lewis Namier) in Sir Lewis Namier and John Brooke (eds.), *The History of Parliament: The House of Commons 1754–1790*, (3 vols; London, 1964), III, Members K–Y, 489–91. It can be argued that Hume, through the sales of his works, had helped put him there.

<sup>20</sup> For example, see J. Steven Watson, *The Reign of George III 1760–1815* (Oxford, 1960), 175.

general. Adam Smith exploited that supposed obsession in *Wealth of Nations*, doubtless to the discomfiture of his British readers. As late as 1805 Paine had made much the same point about the American view of land acquisition in a letter of 25 January to Jefferson. Speculating on the peopling of Louisiana after its opportunistic purchase by Jefferson from Napoleon, Paine asserted:

The people of the Eastern States are the best settlers of a New Country, and of people from abroad the German Peasantry are the best. The Irish in general are generous and dissolute. The Scotch turn their attention to traffic, and the English to manufactures. These people are more fitted to live in Cities than to be cultivators of new lands.<sup>21</sup>

The point is that David Hume was not concerned with how Americans saw themselves – if we can regard Paine in this context as an American (which in itself has always been debateable) – least of all with how they perceived immigrants from Europe carving out a new life for themselves in their adopted country. Instead, as we would expect, Hume preferred to focus on the issues of social conduct and human nature and behaviour, leaving it to others to take from his words whatever practical lessons they saw in them. ‘States’ had to devise ways to govern themselves and it was simply not credible that there existed a one-size-fits-all solution. This provides us with a clue to unravelling the greatness of Hume’s thought. And in the process it also explains the apparent paradox lying at the root of Hume’s relevance to the ‘present disturbances’, as his great friend Adam Smith famously termed the American question. On the one hand, Hume’s political essays afforded useful and practical arguments that suited men like John Adams and James Madison when they came to intellectualise how the nation might constitute itself, faced with the enormity of independence and with the design and implementation of measures ensuring the republic’s subsequent self-preservation. On the other hand, as we shall see, both men despised Hume’s Tory view of history. But the paradox also extended to Hume’s thought being deployed against the independence-minded colonists.

Shortly after Paine had gone into print with his famous pamphlet Hume’s thought was being extensively mined by the anonymous author of one of the best-known responses to *Common Sense* – the pamphlet *Plain Truth*, later

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<sup>21</sup> Letter of Thomas Paine to Thomas Jefferson, written from New York, 25 January 1805, *Founders Online* (accessed October 2018).



revealed as the work of a Scot, James Chalmers. Chalmers attacked Paine's argument head-on by attempting to show how alien one of the greatest minds of the Scottish Enlightenment found populist ideas of liberty, self-determination and government. Call it 'paradox' if the cap fits; but it might be more appropriate to think in terms of the exploitation of Hume's ideas by both sides of the conflict in America as simply further evidence of Hume's towering greatness. Viewed from that perspective, the essence of the 'paradox' lies in the conferment on David Hume of the ultimate accolade accorded only the greatest of minds, from classical times to the present day, from Plato to Isaiah Berlin and Amartya Sen; namely, that his message was considered both relevant and 'useful' to both sides in the conflict.

Nearing the end of his life, we find Hume confiding in his nephew and namesake, the future Baron (and Professor) David Hume<sup>22</sup> on the issue of republican government, a subject he had first pronounced on as far back as 1740 and would revisit almost constantly thereafter.<sup>23</sup> His comments represent one of Hume's most outspoken personal statements on republicanism and on the creeping menace, as he sees it, represented by extreme popular liberty. Though America is now far from his mind, it is doubly ironic that he develops his thoughts in the fateful year of American independence – a year in which a pamphlet would appear in Philadelphia not only predicting but advocating the end of tyrannical monarchies controlling colonies from across the seas. The same year would bear witness to Hume's death and to the beginning of his laureation as one of the greatest names of the Scottish Enlightenment:

I cannot but agree with Mr Millar,<sup>24</sup> that the Republican form of [Government] is by far the best. The antient Republics were somewhat ferocious, and torn [internally] by bloody Factions; but they were still much preferable to the Monarchies or [Aristocracies] which seem to have been quite intolerable. Modern Manners have corrected

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<sup>22</sup> *Bap.* 1757, *d.* 1838. See *Oxford DNB* article online by John W. Cairns, 23 September 2004 (accessed September 2018).

<sup>23</sup> For example, in several of the essays in *Essays, Moral and Political* (Edinburgh, 1741), especially IV, 'That Politicks may be reduc'd to a Science', and IX, 'Whether the British Government inclines more to absolute Monarchy, or to a Republick'.

<sup>24</sup> Professor John Millar (1735–1801), professor of law at Glasgow, well-known for his radical populist sympathies. Hume's nephew, David, was a student of Millar at Glasgow from 1775 to 1777 and lodged with him. He was professor of Scots law at Edinburgh from 1786 to 1822 in which year he was made a Baron of Exchequer and resigned his chair. See note 22 above.

this Abuse; and all the Republics in Europe, without Exception, are so well governd, that one is at a Loss to which we should give the Preference. But what is this general Subject of Speculation to our Purpose? For besides, that an establish'd Government [cannot] without the most criminal Imputation, be disjointed from any Speculation; [Republicanism] is only fitted for a small State: And any Attempt towards it can in our [Country], produce only Anarchy, which is the immediate Forerunner of Despotism. [Will he] [*i.e.* Millar] tell us, what is that form of a Republic which we must aspire to? Or [will the Revolt] be afterward decided by the Sword? [One] great Advantage of a Commonwealth over our mixt Monarchy is, that it [woud consid]erably abridge our Liberty, which is growing to such an Extreme, as to be income[patible wi]th all Government. Such Fools are they, who perpetually cry out Liberty: [and think to] augment it, by shaking off the Monarchy.<sup>25</sup>

Jonathan Israel subtly suggests how we might regard David Hume and his legacy. He was unquestionably a 'towering figure in eighteenth-century thought', but 'for all his reasonableness', his was still 'a deeply reticent voice regarding social, legal, and political reform.'<sup>26</sup>

Hume's letter to his nephew and namesake recalls his much-cited political discourse, 'Idea of a Perfect Commonwealth' of 1752. There, Hume had worked out from his study of classical (Plato and Aristotle) and recent English and European sources (More's *Utopia*, Huygens, Harrington's *Oceana* and Montesquieu) the theoretical possibility of how representative 'republican' government might be managed in 'some distant part of the world' and, in particular, how it might be contrived 'without tumult and faction'.<sup>27</sup> Though he finds his conclusions ultimately denied by each of the sources he cites, Hume predicts that such a 'projection' was actually achievable, and might even be realised 'in some future age . . . in some distant part of the world':

<sup>25</sup> Greig (ed.), *The Letters of David Hume*, II, 306.

<sup>26</sup> Jonathan I. Israel, *Democratic Enlightenment – Philosophy, Revolution, and Human Rights 1750–1790* (Oxford, 2011), 228.

<sup>27</sup> Hume is not, of course, connecting his thoughts with colonial America or with any contemporary nation, but nor is he writing entirely abstractedly. At one point he imposes his ideas of the perfect commonwealth on an imaginary representation of Great Britain and Ireland, and on its capital city, 'which we shall call *London*'. David Hume, *Political Discourses* (Edinburgh, 1752), 285–92.

As one form of government must be allow'd more perfect than another, independent of the manners and humours of particular men; Why may we not enquire what is the most perfect of all, tho' the common botcht and inaccurate governments seem to serve the purposes of society, and tho' it be not so easy to establish a new government as to build a vessel upon a new plan? The subject is surely the most worthy curiosity, of any the wit of man can possibly devise. And who knows, if this controversy were fixt by the universal consent of the learned, but in some future age an opportunity might be afforded of reducing the theory to practice, either by a dissolution of the old governments, or the combination of men to form a new one, in some distant part of the world? ...<sup>28</sup>

We shall conclude the subject with observing the falshood of the common opinion, that no large state, such as *France* or *Britain*, cou'd ever be modell'd into a commonwealth, but that such a form of government can only take place in a city or small territory. The contrary seems evident. Tho' 'tis more difficult to form a republican government in an extensive country than in a city; there is more facility, when once it is form'd, of preserving it steady and uniform, without tumult and faction, in the former than in the latter.<sup>29</sup>

In September 1778, in the course of addressing a special Court of Oyer and Terminer, at York, Pennsylvania – convened to consider an indictment of high treason against two individuals, John Roberts and Abraham Carlisle (both Quakers who were subsequently found guilty and hanged) – Chief Justice Thomas McKean used Hume's discourse to illustrate his contention that 'all men are naturally equal with respect to civil power and civil obedience.' McKean, a distinguished lawyer and close colleague of the Scot, James Wilson, was arguing that after independence, 'the people of each of the thirteen states formed new governments for themselves, the wisdom and policy of most of which will be the admiration of future ages.' While some states heeded the wise words of 'Mr Hume', some preferred to go directly to the people and construct a constitution on the basis of popular consensus, while others simply 'framed such as they thought the best':

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<sup>28</sup> Ibid., 282.

<sup>29</sup> Ibid., 302.

All men are naturally equal with respect to civil power and civil obedience; and all authority in any society must be originally derived from the people. In conformity to these positions the people of each of the thirteen states formed new governments for themselves, the wisdom and policy of most of which will be the admiration of future ages. Some agreeable to Mr Hume's observation on government in general did not venture (to use his words) 'to try projects merely upon the credit of supposed argument and philosophy, which can never be the part of a wise magistrate, who will bear a reverence to what carries the marks of age: and though he may attempt some improvements for the public good, yet will he adjust his innovations as much as possible to the antient fabric, and preserve entire the chief pillars and supports of the constitution'; and they therefore framed their new governments as very nearly similar to the old as the nature of the case would admit, making only some manifestly beneficial alterations.<sup>30</sup>

Not merely these extracts from his essays, but the whole published canon of Hume's works were certainly familiar to James Madison, a keen student of Hume from his Princeton days under John Witherspoon. Madison could not believe his luck when he read these words and the rest of Hume's essay in the course of preparing his keynote presentation to the crucial meeting of the Constitutional Convention of 1787, at Philadelphia and latterly Princeton between 25 May and 17 September. The sentiments expressed precisely mirrored his own ideas on the issue currently concerning him. His intensive reading of the Scottish philosopher's works has been described by Douglass Adair as 'perhaps the most productive and consequential act of scholarship in American history.'<sup>31</sup>

Many years ago in a classic paper of original scholarship Adair demonstrated in impressive detail the full extent of Madison's debt to Hume in *The Federalist No 10*, tenth in a total of eighty-five published papers covering the

<sup>30</sup> The Hume quotation used by McKean is from 'Discourse XII. Idea of a Perfect Commonwealth', in Hume, *Political Discourses*, [281]-282. The McKean title employing the Hume quote is *A Charge delivered to the Grand-Jury, by the Honourable Thomas M'Kean, Esquire, Chief Justice of Pennsylvania* (Lancaster, 1778), 11-12. The treason trial of John Roberts, including James Wilson's and Robert Aitken's respective roles in it, is further discussed in Chapters 8 and 9 of this study.

<sup>31</sup> Douglass Adair, 'That Politics May Be Reduced to a Science: David Hume, James Madison and the Tenth Federalist' in Trevor Colbourn (ed.), *Fame and the Founding Fathers* (New York, 1974), 3-26. See also Joseph J. Ellis, *American Sphinx: The Character of Thomas Jefferson* (New York, 1996), 116-17.

period 27 October 1787 to 16 August 1788. Following on from Alexander Hamilton's ninth on the same subject, the theme of both papers is 'The Utility of the Union as a Safeguard against Domestic Faction and Insurrection'. Each of *The Federalist Papers*, as they came to be known, was published in New York newspapers and signed 'Publius', and though they were written individually by Hamilton,<sup>32</sup> Madison and John Jay, they were carefully devised as a collaborative project. 'Tenth *Federalist*', first published in *The New York Packet* on Friday, 23 November 1787, was the work of Madison and it was his first and, in the event, most striking contribution to the debate. No other number conferred so much consequential authority on the credibility of an emergent United States or, in retrospect, enshrined such practical consequences. No other publication affected the subsequent history of the US Constitution with anything approaching its impact.

Briefly put, Madison's argument is that small societies with 'direct' democracy – a modern analogy is a town council governing a small definable urban community, whose members are voted into position by a simple majority of all the citizens casting their votes – are likely to be dominated by a majority interest. Conversely, a large society, discoverable in a nation with a large populace of voters, is much less likely to manifest a single majority interest dominating the way in which they govern themselves. For the former scenario, Madison uses the term 'a pure democracy', by which he meant 'a society consisting of a small number of citizens, who assemble and administer the government in person': such an arrangement 'can admit of no cure for the mischiefs of faction.' By contrast, in the case of the latter, 'a republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking.' Or, if preferred, says Madison:

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended. . . . Under such a regulation, it may well happen that the

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<sup>32</sup> Terrence O. Moore has shown the extent to which Hamilton, too, was heavily influenced by Hume who, he argues, could almost be regarded as his 'intellectual father'. See Terrence O. Moore, 'The American Founders and Scottish Books' in Stephen W. Brown and Warren McDougall (eds), *The Edinburgh History of the Book in Scotland, Volume Two: Enlightenment and Expansion 1707–1800* (Edinburgh, 2012), 280–1.

public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose.<sup>33</sup>

Almost predictably, however, Adair's analysis of *Federalist 10* has come to be challenged, especially in respect of the assertion that Hume was the sole authority James Madison had in mind when drafting it. Later authorities (notably Fleischacker and Spencer) have convincingly pointed out that the Smithian borrowings in *Federalist 10* are at least equal to the Humean content. This is one of those somewhat sterile academic disputes in which none is fully wrong and none entirely right, and perhaps is best put aside.<sup>34</sup>

Despite those misgivings over his hypothesis, Adair convincingly demonstrates the full extent to which in his paper Madison was influenced by Hume, sometimes generally and in subtle ways, at other times using actual phrases and words picked up from Hume's essay, without once naming his source. Thus, using a pet word of Hume's – 'aliment' – Madison can write: 'Liberty is to faction what air is to fire, an aliment without which it instantly expires.' Madison calmly borrows from Hume the proposition – generalised in Hume and not yet with any specific nation in mind – that (using Adair's words) 'the size of the United States and its variety of interests could be made a guarantee of stability and justice under the new constitution.' Adair further reminds us that at the time Madison made this prophecy 'the accepted opinion among all sophisticated politicians was exactly the opposite.'<sup>35</sup>

Above all, Madison coolly detects that by using Hume's theory it was possible to construct a solution to one of the biggest potential problems confronting the new American republic; viz., as other philosophers (notably Montesquieu) had postulated, how a free, 'extensive' state once established in a large area might be made stable and safe from the potentially toxic effects of factionalism. Madison's close reading of Hume convinced him it was

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<sup>33</sup> Ian Shapiro (ed.), *The Federalist Papers* (New Haven, 2009), 'The Federalist No. 10', 47–53. The issue is commendably expounded upon in Russell Hardin, *David Hume: Moral & Political Theorist* (Oxford, 2007), 151–3.

<sup>34</sup> Samuel Fleischacker, 'Adam Smith's Reception among the American Founders', *William and Mary Quarterly*, 59, No. 4 (2002), 897–924; and Mark G. Spencer, 'Hume and Madison on Faction', in *ibid.*, 869–96. An alternative version of Spencer's paper is found in Mark G. Spencer, *David Hume and Eighteenth-Century America* (Rochester MA, 2005), 154–87.

<sup>35</sup> Adair, 'That Politics May Be Reduced to a Science', 348.

possible to overcome that fear. In addition, extrapolating from Hume's essay Madison proceeded to apply the Scot's hypothesis to the central issue of harmonising the needs of thirteen semi-sovereign political units with the overall *federal* need of a stable republican state, demonstrating in the process how it was functionally possible to 'bind the extensive area into a unit while *refining* the voice of the people.'<sup>36</sup>

In no sense can this be seen as plagiarism on James Madison's part. Rather it was tacit acknowledgment of the presence of a great mind. Not that Madison could be said to have been ever in awe of Hume. In the contentious issue of paper currency, for example, Madison's essay on the subject roundly criticises both Montesquieu and Hume for their flawed views on the subject, their 'error' being to suppose that 'because money serves to measure the value of all things, it represents and is equal in value to all things', and he explains further: 'The circulating property in every country, according to its market rate, far exceeds the amount of its money. At Athens oxen, at Rome sheep, were once used as a measure of the value of other things. It will hardly be supposed, they were therefore equal in value to all other things.' Citing 'Discourse III, 'Of Money', from the *Political Discourses* Hume's hypothesis, Madison asserts, was 'manifestly erroneous': 'He considers the money in every country as the representative of the whole circulating property and industry in the country; and thence concludes, that every variation in its quantity must increase or lessen the portion which represents the same portion of property and labour.'<sup>37</sup>

One of the lessons to be learned from Madison's ingenious exploitation of Hume's *Political Discourses* in *Federalist 10*, and from his *Essay on Money*, is that, despite Robert Bell's abortive effort to publish Hume in America (his 'elegant' *History of England*), and as Mark G. Spencer has shown, Hume's imported works were more widely sought after there than previously believed.<sup>38</sup> In America, both in the revolutionary period and later, there is

<sup>36</sup> Madison returns to the same theme in *Federalist 51*, 'The Structure of the Government Must Furnish the Proper Checks and Balances between the Different Departments'. It appeared in the *Independent Journal* for February 6, 1788. Again, he does not mention Hume or any other author who may have influenced his views.

<sup>37</sup> *Founders Online*, Madison Papers, 'Essay on Money', September 1779–March 1780. Madison published his thoughts on the subject in Philip Freneau's *National Gazette*, Philadelphia, 19 and 22 December 1791 – 'Observations written Posterior to the Circular Address of Congress in Sept. 1779, and prior to their Act of March 1780'. See also *Journals of the Continental Congress*, XV, 1052–62.

<sup>38</sup> See Richard B. Sher, *The Enlightenment & the Book* (Chicago, 2006), 503 and 520–1; and Spencer, *David Hume and Eighteenth-Century America*, especially 1–28. Sher help-

abundant evidence that, as elsewhere in the Enlightenment world, Hume's histories and philosophical works were regarded as standard titles without which no gentleman's library could be considered complete. Most modern Hume scholars, for example, have instanced Jefferson's famous checklist of recommended books in his 1771 letter to his protégé Robert Skipwith, unhesitatingly including 'Hume's essays' (interestingly, under the category of 'Religion') as well as 'Hume's history of England', while pointing out that in 1771 Jefferson was barely thirty-eight and, as far as Hume's histories are concerned, he radically changed his opinion (for the worse) in that regard in his twilight years.<sup>39</sup>

John Clive and Bernard Bailyn, on the other hand, have gone so far as to maintain on the basis of their researches into what American colonials were in the habit of reading that Scotland and America were 'England's [sic] cultural provinces'.<sup>40</sup> Maybe so. But it is equally necessary to avoid drawing a veil over the other extreme: the point being that where, for example, it is undeniable that Benjamin Franklin led the way in devout Hume worship, even Franklin is atypical of a more ubiquitous, infinitely more cautious approach that premises that, at least, when they reflected in later life and (to an extent) managed to set aside their formerly profound political differences, John Adams and Thomas Jefferson were united in their detestation of Hume's high Tory, anti-whiggish view of (English) history, while at that period in their lives remaining for the most part silent on the impact of his wider philosophy.

Notwithstanding their well-known admission in the years of their decline to a mutual detestation of Hume's *History*, writing to Jefferson on 25 December 1813 Adams for once is grudgingly tolerant, confessing 'I ought to rejoice and be thankful that Priestley has lived? Aye! That Voltaire has lived? That Gibbon has lived? That Hume has lived, though a conceited Scotchman?'<sup>41</sup>

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fully prints facsimile pages of Robert Bell's subscription advertisements concerning his proposal to publish Hume's *History of England* which he prefixes to v. 1 of his 1771 reprint of Blackstone's *Commentaries*. The book was never published.

<sup>39</sup> For Moore on the Skipwith letter see his, 'The American Founders and Scottish Books', 276. For the real thing see *Founders Online*, 'From Thomas Jefferson to Robert Skipwith, with a List of Books for a Private Library, 3 August 1771'.

<sup>40</sup> John Clive and Bernard Bailyn, 'England's Cultural Provinces: Scotland and America', *William and Mary Quarterly*, 11, No. 2 (1954), 200–13.

<sup>41</sup> 'From John Adams to Thomas Jefferson, 25 December 1813', *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Adams/99-02-02-6217>.



In a letter of 25 November 1816, having savaged the government of George III, Pitt and ‘his successors’, Jefferson then eases up, confiding to Adams that it is in America’s long-term interest for Britain not to be brought low out of the great European conflict after Napoleon, expressing the hope that a ‘purer nation’ and a ‘purer government’ will arise leading ultimately to a ‘moderate & bloodless’ revolution, one that will ‘permit the world to live in peace, and under the bonds of friendship and good neighbourhood.’ He continues:

In this tremendous tempest, the distinctions of whig & tory will disappear like chaff on a troubled ocean. Indeed they have been disappearing from the day Hume first began to publish his history. This single book has done more to sap the free principles of the English constitution than the largest standing army of which their patriots have been so jealous. ... Hume has consecrated, in his fascinating style, all the arbitrary proceedings of the English kings, as true evidences of the constitution, and glided over it’s [sic] whig principles as the unfounded pretensions of factious demagogues. He even boasts, in his life written by himself, that of the numerous alterations suggested by the readers of his work, he had never adopted one proposed by a whig. [punctuation altered] <sup>42</sup>

Adams rose to the bait and in his reply of 16 December to Jefferson is this time even more unremittingly censorious of Hume the historian. If played on the stage, the scene that would come across is of two old men, both great elder statesmen and past Presidents, united in their condemnation of the unrelentingly baneful influence of Hume’s *History* and the allegedly Tory perspective from which standpoint it was conceived:

You think that ‘in a revolution the distinction of Whig and tory would disappear.’ I cannot believe this. That distinction arises from nature and Society; is now and ever will be time without End among Negroes Indians and Tartars as well as Federalists and Republicans. Instead of ‘disappearing since Hume published his History’, that History has only increased the Tories and diminished the Whigs. That History has been the Bane of G.B. It has destroyed many of the best Effects of

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<sup>42</sup> ‘To John Adams from Thomas Jefferson, 25 November 1816,’ *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Adams/99-02-02-6665>.

the Revolution of 1688. . . . Swift, Pope and Hume have disgraced all the honest Historians. Rapin and Burnet, Oldmixon and Coke, contain more honest Truth than Hume and Clarendon and all their disciples and Imitators. But who reads any of them at this day? [punctuation altered]<sup>43</sup>

Yet such a wholly negative view of Hume as historian, as represented by Adams and Jefferson in their dotage, must not be allowed to cloud our judgment when attempting to appraise the totality of Hume's legacy in pre- and immediate post-revolutionary America. There is one area above all others where, as Bailyn has pointed out, Hume's literary thought and influence were of cardinal importance. If the American revolutionary war was, to a degree, fought over religion, Hume's well-known aversion to 'priestly power' was seen as a useful corroborative tool in support of the strong opposition to the still prevalent narrow and bigoted Puritan mentality and beliefs that a majority of American politicians and commentators wished to see consigned to the scrap-heap once hostilities ceased. Thus, in the years leading up to war – citing authorities including Robert Molesworth and Jonathan Mayhew, as well as John Adams<sup>44</sup> – Bailyn notes the benign advantage of Hume's words to the American cause in its religious guise at a crucial phase of the escalating quarrel with Britain. Bailyn has in mind passages like the following from Hume's essay, 'Of the Parties of Great Britain':

As to Ecclesiastical Parties; we may observe, that, in all Ages of the World, Priests have been Enemies to Liberty; and 'tis certain, that this steady Conduct of theirs must have been founded on fixt Reasons of Interest and Ambition. Liberty of thinking, and of expressing our Thoughts, is always fatal to Priestly Power, and to those pious Frauds, on which it is commonly founded; and by an infallible Connexion, which is found among every Species of Liberty, this Privilege can

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<sup>43</sup> 'From John Adams to Thomas Jefferson, 16 December 1816,' *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Adams/99-02-02-6673>.

<sup>44</sup> In particular John Adams, *Dissertation on the Canon and Feudal Law*, which the London political publisher John Almon appended to *The True Sentiments of America* (1768), 'a collection of letters sent from the House of Representatives of the Province of Massachusetts Bay to several persons of high rank in this Kingdom' [Britain]. See Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge MA, 1967), 97–99, and note 3.

never be enjoy'd, at least, has never yet been enjoy'd, but in a free Government.<sup>45</sup>

And he could have added that these famous lines had formed part of the established Scottish Kirk's heresy case against the 'poison of infidel writings' (to borrow John Witherspoon's description of them) of which Hume stood accused at successive General Assemblies back in 1755–6.

For all Bernard Bailyn's best efforts to uphold Hume's influence on Adams and others in the key post-Stamp Act period up to the commencement of hostilities, there is no denying that throughout the period of the revolutionary war and its aftermath American readers of Hume's works had to rely exclusively on imports from Scottish and English publishers and booksellers. Citing Mark G. Spencer, Richard B. Sher agrees that the colonial influence of Hume has been 'seriously underestimated'. Even so, Sher is also quick to point out another inescapable paradox surrounding Hume and America: viz. that while the man destined to be the first to publish Paine's *Common Sense* (the Scot from Glasgow, Robert Bell) had attempted by public advertisement in 1771 to canvass subscriptions for a reprint of 'Hume's elegant History of England, in Eight Volumes Octavo, at One Dollar each Volume', Bell's enterprising proposal fell on deaf ears and stony soil and the project had to be abandoned. Not until 1795 did an American publisher (another expatriate Scot, Robert Campbell) accomplish what Bell failed to achieve more than twenty years before.<sup>46</sup>

*Adam Smith's 'Wealth of Nations' (1776) as a book about America*

*It is a compleat analysis of society, beginning with the first rudiments of the simplest manual labour, and riding by an easy and natural gradation to the highest attainments of mental powers. In which course not only arts and commerce, but*

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<sup>45</sup> David Hume, *Essays, Moral and Political* (London, 1741), 122–3. By the Third Edition of 1748 'Corrected, with Additions' (included in v. 1 of *Essays and Treatises on Several Subjects*, London, 1753), Hume has added a footnote to the phrase 'Enemies to Liberty' (line 2 of the passage cited above) as follows: 'This Proposition is true, notwithstanding, that in the early Times of the *English* Government, the Clergy were the great and principal Opposers of the Crown: But, at that time, their Possessions were so immensely great, that they composed a considerable Part of the Proprietors of *England*, and in many contests were direct Rivals of the Crown.'

<sup>46</sup> Sher, *The Enlightenment & the Book*, especially 503–40; and Appendix, Table 2, 'British, Irish, and American First Editions of Scottish Enlightenment Books, 1746–1800', under 'David Hume', 620–87.

*finance, justice, public police, the economy of armies, and the system of education, are considered, and argued upon, often profoundly, always plausibly and clearly; many of the speculations are new; and time will be required before a certain judgment can be passed on their truth and solidity.*

Anonymous review of *Wealth of Nations* [sometimes attributed to Edmund Burke], in *The Annual Register, or a view of the History, Politics, and Literature, for the Year 1776*, 'Account of Books', 241–3.

To a degree surprisingly little less than Adam Smith himself, Thomas Paine professed a consuming interest in defined aspects of the 'wealth of nations': that is to say, how a country's government and politics were ultimately shaped and steered by the totality of its capital resource. Like Smith, Paine immersed himself in issues relating to finance, the function of banking, market forces affecting the economy, the impact of politics on stocks, and most determinedly of all, national debt and how it was the natural consequence of war. J. C. D. Clark sees this clearly in his essay on Paine in the Yale edition of his *Selected Writings* (2014).<sup>47</sup> Specifically, Paine was among the first to underscore some of the technical problems associated with the substitution of paper money for bullion, just one of which, as he himself points out, was an initial failure on the part of Congress to concede payment of interest on paper notes. It is theoretically credible, but impossible to prove, that to a minor extent Paine's views influenced the political thinking that lay behind the introduction of paper money in the emergent United States. For sure he wrote two pamphlets on the subject: *Dissertations on Government; the Affairs of the Bank; and Paper Money* (Philadelphia, 1786), and ten years later, *The Decline and Fall of the English System of Finance* (Philadelphia; Dublin; Paris: London *etc.*), which he wrote and published in Paris in April 1796.<sup>48</sup> In the earlier

<sup>47</sup> '[From] Adam Smith's *Wealth of Nations* Paine responded most to Smith's condemnation of the enormous debts that the monarchies of the old world had amassed by their engagements in repeated wars.' J. C. D. Clark, 'Thomas Paine The English Dimension' in Ian Shapiro and Jane E. Calvert (eds.), *Selected Writings of Thomas Paine* (New Haven, 2014), 585.

<sup>48</sup> The so-called 'Thirteenth Edition' was reprinted in London from the original Paris edition by Daniel Isaac Eaton (*hap.* 1753–1814), the radical publisher and bookseller who in 1796 was tried for sedition *in absentia* and convicted, whereupon he went into hiding and was in exile in Philadelphia from 1797 to 1800. Paine authorised Eaton to publish the only official London edition of *The Age of Reason. Part the Second* (1795). On returning home from America he recovered from bankruptcy and went on to resume publishing controversial pamphlets, several of Paine's included, most notably *The Age of Reason. Part the Third* (1811). *Oxford DNB*, article on Eaton by Daniel Lawrence McCue Jr., published 2004 (accessed online October 2018).

pamphlet Paine had condemned paper money as possessing no fixed value, and used as an analogy the issuing of coin made from base metals instead of gold or silver. Clark points out that, here, Paine was citing an Irish source.<sup>49</sup>

It is a different story in *The Decline and Fall of the English System of Finance*, which is heavily dependent on Smith's *Wealth of Nations* (especially what Paine calls the 'last edition', which could have been the seventh of 1793, or, though less likely, the eighth of 1796). Paine's thirty-two page pamphlet cites 'Smith' on no fewer than nine pages, often with sustained quotes. Typically, Paine writes: 'In the last edition of Smith (chapter on Public Debts) he says, the expence of the American war was more than an hundred million.'<sup>50</sup> His famous conclusion, fortified by numerous quotes from *Wealth of Nations*, is Paine in his pomp, strutting his journalistic brilliance in style:

The English funding system will remain a monument of wonder, not so much on account of the extent to which it has been carried, as of the folly of believing in it . . .

As an individual citizen of America, and as far as an individual can go, I have revenged (if I may use the expression without any immoral meaning) the piratical depredations committed on the American commerce by the English government. — I have retaliated for France on the subject of finance; and I conclude with retorting on Mr Pitt the expression he used against France, and say, that the English system of finance 'IS ON THE VERGE, NAY EVEN IN THE GULPH OF BANKRUPTCY.'<sup>51</sup>

In the much better-known reference to 'the author of *On the Wealth of Nations*' in *Rights of Man* Paine ridicules Burke and adversely compares his 'genius' with that of Adam Smith:

Had Mr Burke possessed talents similar to the author of 'On the Wealth of Nations', he would have comprehended all the parts which enter into, and, by assemblage, form a constitution. He would have reasoned from minutiae to magnitude. It is not from his prejudices

<sup>49</sup> Paine's source was Thomas Leland, *The History of Ireland from the Invasion of Henry II* (4 vols; London, 1773), IV, 265. See Clark, *Thomas Paine*, 214 and note 382.

<sup>50</sup> Thomas Paine, *The Decline and Fall of the English System of Finance* (Paris, London and Philadelphia, 1796), 8.

<sup>51</sup> *Ibid.*, 22, 32.

only, but from the disorderly cast of his genius, that he is unfitted for the subject he writes upon. Even his genius is without a constitution. It is a genius at random, and not a genius constituted. But he must say something – He has therefore mounted in the air like a balloon, to draw the eyes of the multitude [a favourite word of Burke] from the ground they stand upon.<sup>52</sup>

Of all the numerous published works associated with the Scottish Enlightenment which have America as an important feature of their content, the best known is Adam Smith's *An Inquiry into the Nature and Causes of the Wealth of Nations*. Strahan and Cadell of London published it, as the first of many successive editions, in two quarto volumes in March 1776. *Wealth of Nations* was eventually published in late eighteenth-century America – by the Scots immigrant printer, Thomas Dobson of Philadelphia – first in 1789 and reprinted in 1796. Yet the Library of Congress confirms that no review of Smith's great work appeared in America before extracts were serialised in a Connecticut journal in 1786. Maybe, as has been suggested, that was because '*Wealth of Nations* "dropped" on an American reading public that was, shall we say, preoccupied.'<sup>53</sup>

Hume died of cancer in Edinburgh on 25 August 1776. One of his last letters was to the faithful Smith, saying of him that he was 'too good in thinking any trifles that concern me are so much worth your attention'. The Declaration of Independence, signed on 4 July, had been engrossed just three days before Hume's death. If it was truly an *annus mirabilis* for America, so, to a degree, it was a monumental year for the Scottish Enlightenment. There are few books in English that may justifiably be termed among the most practically influential ever published. The closing decades of the eighteenth century saw the publication of three such titles: Paine's *Common Sense* and *Rights of Man*, and Smith's *Wealth of Nations*.

Richard B. Sher has observed that by the late eighteenth century political economy, though not a Scottish invention, had become 'a subject dominated by Scots', and he cites in his support the article on 'Scotland' in the first American edition of William Guthrie's *A New System of Modern Geography* which came out in Philadelphia in 1794–5. According to Guthrie, in the field

<sup>52</sup> Paine, *Rights of Man* (1791) in Paine, *Selected Writings*, 204.

<sup>53</sup> Richard B. Sher, 'Adam Smith and Scottish Books on Political Economy' in Stephen W. Brown and Warren McDougall (eds.), *The Edinburgh History of the Book in Scotland, Volume 2 Enlightenment and Expansion 1707-1800* (Edinburgh, 2012), 486–93.

of political economy, or as he put it ‘the grand art of promoting the happiness of mankind, by a wise administration of government’, Scotland could boast of ‘some highly and justly celebrated writers’ and he instances ‘Smith, Anderson, and Steuart’ whose works ‘should be the statesman’s and legislator’s constant study, and who merit the warmest thanks from society, for the pains they have taken to advance its dearest interests.’<sup>54</sup> This quotation from Guthrie, insofar as it applies to Adam Smith, is not just perceptive but egregiously apt if confined to Smith’s own idea of the *usefulness* of *Wealth of Nations*. Although Smith loathed the man, he shared with his disputatious erstwhile Glasgow colleague, Professor John Anderson, an impatience of traditional college curricula allied to an enthusiastic recognition of the ‘improving’ qualities of useful learning as the proper (and much neglected) aim of purposeful education. Their American mutual friend, Benjamin Franklin, also knew the value of ‘improvement’ based on the acquisition of useful learning. According to Guthrie, Smith’s achievement, fully realised in *Wealth of Nations*, was ‘useful’ precisely because it succeeded in its main objective, viz. to promote the ‘happiness of mankind, by a wise administration of government.’

In the celebrated final section of *Wealth of Nations*, Book V, Chapter III, ‘Of Publick Debts’ – which remained unchanged from the first edition of 1776 to the fifth edition of 1789, the year before the author’s death<sup>55</sup> – Smith concludes his great work with a scathing attack on the notion that Britain’s ‘empire’ represents an asset of which we should be proud. The reality, according to Smith, is entirely the opposite:

countries which contribute neither revenue nor military force towards the support of the empire, cannot be considered as provinces. They may perhaps be considered as appendages, as a sort of splendid and showy equipage of the empire. . . .

The rulers of Great Britain have for more than a century past amused

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<sup>54</sup> ‘Steuart’ is Sir James Steuart (1712–80), author of *An Inquiry into the Principles of Political Economy* (London, 1767). Sher states that ‘Anderson’ might be Adam Anderson (1692?–1715), author of *An Historical and Chronological Deduction of the Origin of Commerce* (London, 1764), but it is more likely to have been James Anderson (1739–1802), author of *The Interest of Great Britain with Respect to the American Colonies* (London, 1782).

<sup>55</sup> The best and still the most detailed account of the evolution of the text of *Wealth of Nations* remains that by Edwin Cannan prefacing his London, 1904 edition, 9–12. It is available for downloading from the Online Library of Liberty.

the people with the imagination that they possessed a great empire on the west side of the Atlantic. This empire, however, has hitherto existed in imagination only. It has hitherto been, not an empire, but the project of an empire; not a gold mine, but the product of a gold mine; a project which has cost, which continues to cost, and which if pursued in the same way as it has been hitherto, is likely to cost immense expense, without being likely to bring any profit; for the effects of the monopoly of the colony trade, it has been shewn, are, to the great body of the people, mere loss instead of profit. It is surely now time that our rulers should either realize this golden dream, in which they have been indulging themselves, perhaps, as well as the people; or, that they should awake from it themselves, and endeavour to awaken the people. If the project cannot be completed, it ought to be given up.

Smith not only predicts that Britain will choose to terminate the idea of colonial dependencies, but advocates that she *should* do so. The American colonies, he argues, are technically, a loss-making ‘indulgence’. Recent European wars have, he maintains, proved the point, and he goes on:

In those two wars the colonies cost Great Britain much more than double the sum which the national debt amounted to before the commencement of the first of them. Had it not been for those wars that debt might, and probably would by this time have been completely paid; and had it not been for the colonies, the former of those wars might not, and the latter certainly would not have been undertaken.<sup>56</sup>

Smith’s great work can validly be interpreted as the greatest revolutionary text of the American war period. His masterwork is not, of course, literally *about* America, but it integrally concerns America and would be egregiously impoverished were America expunged from its pages. *Wealth of Nations* offers an indispensable window into the American Revolution and helps explain its inevitability. The kind of relationship Britain might wish to consider with its American colonies (and more generally with all of her colonial dependencies, including Canada and India) – and, by the same token, how Americans might

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<sup>56</sup> Text from the fifth edition of 1789 as used in Andrew Skinner (ed.), *The Wealth of Nations, Books IV-V* (London, 1999), Book V, chapter III, 550–1.



consider how they most equitably might be prepared to live in harmony with Britain under the existing (or preferably different) arrangements – lies at the heart of Smith's book. To be clear, as Andrew Skinner consistently reminds us, in regarding Smith on America the proper starting-point is to appreciate that he regarded the issue primarily from a British, and not from a colonial perspective.<sup>57</sup>

Smith was assiduous in devoting years of careful attention to the American problem throughout the 1770s, so much so that his friend David Hume chided him at regular intervals for allowing the issue to take up too much of his time, and expressed concern lest it was delaying publication of the yet untitled book he eagerly anticipated. Not that developments in America were the sum total of all Smith's distractions. Constantly – at least as it seemed to the impatient Hume – all manner of events seemed to be getting in Smith's way, preventing the final signing-off of the manuscript. Typically, Hume writes to Smith at Kirkcaldy on 27 June 1772 in the midst of a serious economic recession that has not only led to a banking crisis but has threatened the survival of the Carron iron company, one of Scotland's most successful manufacturing enterprises. Hume wonders how these events, and their like, will be handled by Smith in his treatise:

We are here [Edinburgh] in a very melancholy Situation: Continual Bankruptcies, universal Loss of Credit, and endless Suspicions. ... The Case is little better in London. It is thought, that Sir George Colebroke<sup>58</sup> must soon stop; and even the Bank of England is not entirely free from Suspicion. ... The Thistle Bank<sup>59</sup> has been reported

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<sup>57</sup> *Note by RLC*: Professor Andrew Skinner (1935–2011), Adam Smith Professor of Political Economy in Glasgow University, a great Smith scholar and a good friend of this author, had a particular academic interest in Smith and the American problem and wrote about it in several articles. These include (a) 'Adam Smith and the American Revolution', *Presidential Studies Quarterly*, 7, No. 2/3 (1977), 75–87; (b) 'Mercantilist Policy: The American Colonies', in his book *A System of Social Science Papers relating to Adam Smith* (Oxford, 1979), 184–208; and (c) 'Adam Smith and America: The Political Economy of Conflict' in Richard B. Sher and Jeffrey B. Smitten (eds.), *Scotland and America in the Age of the Enlightenment* (Princeton, 1990), 148–62. Shortly before his death in 2011, Andrew generously gave me a copy of a substantially revised version of (c) now entitled 'Francis Hutcheson and Adam Smith: Visions of America', parts of which I have used in this chapter.

<sup>58</sup> Colebrooke was a London banker and from 1769 Chairman of the East India Company.

<sup>59</sup> The Thistle Bank was founded in Glasgow in 1761. 'Following the Act of Union, Scotland was permitted to trade with the British Colonies. Several Glasgow

to be in the same condition: The Carron Company is reeling, which is one of the greatest Calamities of the whole; as they gave employment to near 10,000 People. Do these Events any-wise affect your Theory? Or will it occasion the Revisal of any Chapters? . . . Shall we see you again this Summer?<sup>60</sup>

The most frequently cited of Hume's several letters to Smith on the thorny issue of the American question continuing to hold up publication is when he writes to him, 'at the British Coffee-house, Charing cross London', on 8 February 1776. Hume breathlessly (and probably in considerable physical pain) wants to know what's happening, and when the book will come out. What's the reason for the delay? Smith had better get himself to Edinburgh soon, since Hume's now manifestly grave state of health is such that he may not be around before they are next due to meet:

By all Accounts, your Book has been printed long ago; yet it has never yet been so much as advertised. What is the Reason? If you wait till the Fate of America be decided, you may wait long.

By all accounts, you intend to settle with us this Spring: Yet we hear no more of it: What is the Reason? Your Chamber in my House is always unoccupied: I am always at home: I expect you to land here.

I have been, am, and shall be probably in an indifferent state of Health. I weighed myself t'other day, and find I have fallen five com-pleat Stones. If you delay much longer, I shall probably disappear altogether.

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merchants amassed vast fortunes in this way. They concentrated on the tobacco trade, importing the commodity from America and then re-exporting it to Europe. . . . Of the six founding partners, five were tobacco merchants. Among these was John Glassford of Dougalston, already a founding partner in the Arms Bank. By the 1750s, Glassford had a fleet of 25 ships, and a turnover of £500,000 per year – about £44 million today. The other partners were Sir Walter Maxwell of Pollok (quickly succeeded by Sir John, and then Sir James Maxwell); James Ritchie of Busbie (also a founding partner in the Arms Bank); (Baron) William Mure of Caldwell [q.v.]; John McCall of Belvidere; and John Campbell of Clathic. Most of these were also major landowners, which is probably why the Thistle was sometimes known as the “aristocratic bank”. JISC Archives online (accessed October 2018). The records of the Thistle Bank are held by the Lloyds Banking Group, Edinburgh, ref. GB 1830.] See also T. M. Devine, *The Tobacco Lords A Study of the Tobacco Merchants of Glasgow and their Trading Activities c. 1740–90* (1975; Edinburgh, 1990), 93–5.

<sup>60</sup> Hume to Smith, 27 June 1772 in J. Y. T. Greig (ed.), *Letters of David Hume* (2 vols, Oxford, 1932), II, 263.

The Duke of Buccleugh tells me, that you are very zealous in American Affairs. My Notion is, that the Matter is not so important as is commonly imagin'd. If I be mistaken, I shall probably correct my Error, when I see you or read you. Our Navigation and general Commerce may suffer more than our Manufactures.<sup>61</sup>

It was William Robertson who insisted after reading the first edition of *Wealth of Nations* that it needed an index. Hugh Blair said he thought the same. And one can readily imagine Edmund Burke sharing the thought. In the same review from which the epigraph prefacing this section of Chapter 2 is extracted, Burke (if it is he) comments: 'The style of the author may be sometimes thought diffuse, but it must be remembered that the work is didactic, that the author means to teach, and teach things that are by no means obvious.'<sup>62</sup>

In due course Smith obliged and an extensive index was appended to the third volume of the Third Edition which his enterprising publishers, Strahan and Cadell, brought out in cheaper octavo format in 1784. The index was not prepared by Smith himself but the publishers ensured that it was expertly done. One glance at the index shows the pervasive references throughout the work to '*America*' (a total of thirty-three lines) and also to '*Colonies*' (forty-six lines, almost a full page). To continue the theme, '*Money*' earns twenty-nine lines, '*Agriculture*' thirty-seven lines, '*Scotland*' twenty-four lines, '*Corn*' fifty-six lines, and '*Slaves*' ten lines. Robertson and Blair were doubtless satisfied.

As explored elsewhere in this book, *Wealth of Nations* is by no means solely a textbook on political economy. Its scope is astonishingly far-ranging. Edmund Burke (or to be pedantic, the *Annual Register* reviewer) found the right words: Smith's work was 'a compleat analysis of society'. The canvas on which Smith lays out his massive treatise is an expansive one and it was simply his natural energy and power of intellect that dictated the methodology he would employ in writing it. *Wealth of Nations* is a work of political economy and politics intermixed with economics. Just one of several possible ways of regarding it is to see it as one of the eighteenth-century's clearest windows

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<sup>61</sup> Hume to Smith, 8 February 1776 in *Ibid.*, 308.

<sup>62</sup> *The Annual Register, or a View of the History, Politics, and Literature, for the Year 1776*, 'Account of Books', 241. Burke had certainly reviewed *The Theory of Moral Sentiments* in 1759. Ross notes that Burke's authorship has been disputed, but without citing a source, Smith's latest biographer, Jesse Norman, confidently reasserts Burke's authorship. See *Adam Smith What he Thought and Why it Matters* (London, 2018), 111–12.

into contemporary society in Britain, continental Europe, and, of course, the transatlantic world of colonial America. Few books of the anglophone Enlightenment disclose quite so much of the underlying tides and surges that made the Enlightenment what it was. From a British perspective, Adam Smith's years spent in the west and east of Scotland, as well as in Oxford and London, contribute to its authority. If, on the other hand, it is 'an American book', as has been claimed,<sup>63</sup> it also represents a definitive analysis of the 'present disturbances', diagnosing the many sides of the problem from both a British and American perspective.<sup>64</sup>

Where Smith saw no reason in 1784 to tamper in the third edition, or in subsequent editions, with the original text of *Wealth of Nations* insofar as the major 'American' content is concerned – even though he was compelled to acknowledge a cataclysmic shift in the political situation affecting Britain and her former colonies over the period of the war – his hand had been forced a few years earlier to write a private, 'expert' assessment, for restricted circulation only, on preferred British outcomes. In 1778 his former student, Alexander Wedderburn, now Solicitor-General in Lord North's administration (and a future Lord Chancellor of Great Britain), invited Smith to prepare a confidential position paper for government on the American question, focusing on a number of outcomes as he chose to perceive them. Smith duly obliged and entitled his paper *Thoughts on the State of the Contest with America.* His manuscript is dated February 1778 and now resides in the William L. Clements Library, Ann Arbor, Michigan, where it was first recognised as almost certainly by Smith in the 1930s.<sup>65</sup>

<sup>63</sup> See Samuel Fleischacker, 'Adam Smith's Reception among the American Founders, 1776–1790', *William and Mary Quarterly*, 59 (2002), 903.

<sup>64</sup> Apart from the vital concluding section in Book V, Chapter III, 'Of Public Debts', Smith's most comprehensive and sustained consideration of the American issue is to be found in Book IV, Chapter VII, 'Of Colonies.' Chapter III consists of three 'Parts' as follows: 'Part First', 'Of the Motives for establishing new Colonies'; 'Part Second', 'Causes of the Prosperity of New Colonies'; and 'Part Third', 'Of the Advantages which Europe has derived from the Discovery of America, and from that of a Passage to the East Indies by the Cape of Good Hope.' But see pp. 84–5 below for what he has to say on the pros and cons of militias as opposed to standing armies, in the context of 'the war in America' (Book V, Chapter 1, Part I, 'Of the Expense of Defence').

<sup>65</sup> The manuscript is not in Smith's hand and is clearly the work of a copyist. Smith's 'Memorial' was first transcribed by G. H. Guttridge in a paper published in 1933: 'Adam Smith on the American Revolution: An Unpublished Memorial', *The American Historical Review*, 38 (1933), 714–20. Appendix B to E. C. Mossner and I. S. Ross (eds.) *The Correspondence of Adam Smith* (Indianapolis, 1987), 377–85, contains a helpful account of the background to the Memorial and prints the whole text.

Smith outlines four hypothetical outcomes of the 'present disturbances', describing the pros and the cons in each case. As required by Wedderburn, the prose is unusually terse, even concise by Smith's standards, but scholars agree there is little doubt it is his handiwork. As Smith himself enumerates his outcomes, it is not difficult to précis his argument as follows:

*Primo*

The 'complete submission of America' either by military conquest or by treaty between the two parties. The Americans would never tolerate a military government, and in any event 'for more than a century to come' they would do everything in their power 'in order to overturn it'. Nevertheless, says Smith, he recognises such an outcome would be 'agreeable to the present humour of Great Britain', and if we exclude the opposition in Parliament, it would 'meet with scarce any opposition'. The complete submission of America by treaty 'seems not very probable at present': 'In their present elevation of spirits [a euphemism for 'the Americans are winning the war?'], the ulcerated minds of the Americans are not likely to consent to any union even upon terms the most advantageous to themselves.' A 'constitutional union with our colonies and of an American representation' may be in theory a good idea, but apart from 'here and there a solitary philosopher like myself', remains unlikely.

*Secundo*

The 'complete emancipation' of America from British rule would, explains Smith, have great advantages. Enthusiastically, he develops here one of the great themes of *Wealth of Nations*, viz. that war cannot be afforded and only leads to popular misery and ruinous national expense:

The complete emancipation of America from all dependency upon Great Britain, would at once deliver this country from the great ordinary expence of the military establishment necessary for maintaining here authority in the colonies, and of the naval establishment necessary for defending her monopoly of their trade. It would at once deliver her likewise from the still greater extraordinary expence of defending them in time of war; whether that war was undertaken upon their account or upon our own.

If that were to happen, however, 'we should restore Canada to France and

the two Floridas to Spain ... By restoring these acquisitions to their antient masters', he proceeds, 'we should certainly revive old enmities, probably old friendships.'

It is at this stage in his private (one might even say 'secret') memorial for Wedderburn that Smith anticipates a theme he would later expand upon in the sixth, extensively revised edition of *The Theory of Moral Sentiments* (1790), which would be published just a few weeks before his death. That theme is political justice. At this juncture, however, he confines his remarks to a grim vision of popular unrest in Britain as a result of the emancipation of the colonies and all that might accompany it:

... when her empire was so much curtailed, her power and dignity would be supposed to be proportionably diminished. What is of still greater importance, it [emancipation] could scarce fail to discredit the Government in the eyes of our own people, who would probably impute to mal-administration what might, perhaps, be no more than the unavoidable effect of the natural and necessary course of things. A government which, in times of the most profound peace, of the highest public prosperity, when the people had scarce even the pretext of a single grievance to complain of, has not always been able to make itself respected by them; would have everything to fear from their rage and indignation at the public disgrace and calamity, for such would they suppose it to be, of thus dismembering the empire.

*'Tertio'*

Smith next postulates as another conceivable resolution of the American crisis the 'restoration or something near to the restoration, of the old system', by which he means union with Britain. He quickly dismisses the notion and in doing so once more alludes to the theoretical negativity of some form of populist reaction. On the other hand, however, it might, he muses, turn out to be positive, and he foresees that 'our own people seem to desire this event so ardently, that what might be the effect of mere weakness and inability, would by them be imputed to wisdom, tho' to late wisdom, and moderation.' Smith is here reflecting on the possibility that the Americans might be 'less unwilling to consent to such a union with Great Britain as Scotland made with England in 1707', but concludes that they could not fail to dismiss any such arrangement that again concentrated political power in the hands of 'Governors, Lieutenant Governors, &c', whose appointment would 'revert'

to the Crown. Such an outcome, though, while ‘of all those which are likely to happen’ may prove ‘the most advantageous to the State’, has one huge inherent stumbling-block, viz.: ‘But the policy, the secrecy, the prudence necessary for conducting a scheme of this kind, are such as, I apprehend, a British Government, from the nature and essence of our constitution, is altogether incapable of.’

‘Quarto’

Finally, Smith considers ‘by far the most probable’ outcome of ‘this unhappy war’ as ‘the submission or conquest of a part, but of a part only, of America’. Unfortunately, it must also be reckoned as ‘the termination which is likely to prove most destructive to Great Britain’. Why so? It is because of the old contention – with which Smith himself wholeheartedly concurs – that such an enormous military undertaking as the defence of part of America ‘from the attacks of the other colonies’ would need ‘a much greater military force than all the taxes which could be raised upon it could maintain.’ He instances the parallel of the revolt of the Netherlands. Whoever looks to trace the decline of the monarchy in Spain will find that ‘it was owing, more to the recovery of the ten, than to the loss of the seven united provinces’, and he concludes the paper for Wedderburn as follows: ‘Those ten provinces, a much richer and more fertile country than any part of America; and at that time more populous than all the thirteen colonies taken together, never paid the tenth part of the expense of the armies which Spain was obliged to maintain in them.’ There is something Paineite in parts of the paper, recalling (as one might expect) Smith’s insistence at many points in *Wealth of Nations* that the outcome of all wars is ruinous taxation risking popular disaffection, a theme that Paine would develop to great effect in *Rights of Man* just over a decade later.

In relation to the issue of discernible links between Smith’s thought and the growth of popular agitation associated with the activities of the Friends of the People, and the government clampdown in the 1790s initiated by William Pitt and policed by Henry Dundas, Emma Rothschild has led the way. Rothschild cites numerous references in Burke’s *Reflections* in support of her convincing analysis that ‘much of the book consists of an attack on Smith’s [French] friends, and on the language of at least part of the *Wealth of Nations*.’ More controversially, Rothschild finds that by 1792 Smith’s principles, finding their echo and inspiration in Paine’s *Rights of Man*, were increasingly seen as ‘virtually seditious, in the juridical sense of tending to

inflare public opinion.’ To illustrate her hypothesis, she turns to Scotland and the notorious sedition trials which began early in 1793. What Adam Smith would have made of this is impossible to guess. The issue is dealt with at length in Chapter 3.<sup>66</sup>

*Adam Ferguson: a Scots moral philosopher rebuffed by Congress*

*The facts in these letters relative to ... the ancient republics ... are taken ... especially from Mitford, Gillies, and Ferguson, three very valuable and elegant productions, which deserve to be carefully studied by all America.*

John Adams, ‘Letter L, *Ancient Democratical Republics*’, in *A Defence of the Constitutions of Government of the United States of America*, (London and Philadelphia, 1787), 326.<sup>67</sup>

Even in his lifetime Adam Ferguson was regarded as the grand old man of Scottish letters. Born in 1723,<sup>68</sup> he was twenty-two, and a St Andrews graduate of three years’ standing, when Charles Edward Stuart landed in Scotland. Ferguson died in his 93rd year, in the year after Waterloo. A minister’s son himself, Ferguson decided in the circumstances facing the country to accept the invitation of Lord John Murray, then Chaplain to the 42nd Regiment, the Black Watch, to be his deputy, an appointment that needed the General Assembly of the Church of Scotland to sanction it, since young Ferguson was short of the necessary requirements to complete his probation. This early period of his life, when he saw active service in the British army in several European campaigns, first as Murray’s deputy, then succeeding him as chaplain at the end of 1745,<sup>69</sup> kept him in the army for nine years, only

<sup>66</sup> Emma Rothschild, *Economic Sentiments: Adam Smith, Condorcet, and the Enlightenment* (Cambridge MA, 2001), 52–71.

<sup>67</sup> The works Adams is referring to are: (a) William Mitford (1744–1827), *The History of Greece* v. I, (London, 1784); (b) John Gillies (1747–1836), *The History of Ancient Greece, its Colonies and Conquests* (London, 1786); and (c) Adam Ferguson (1723–1816), *The History of the Progress and Termination of the Roman Republic* (London, 1783). For a commentary on Adams’ debt to Ferguson in this work see Iain McDaniel, *Adam Ferguson in the Scottish Enlightenment* (Cambridge MA, 2013), 214 and 268, note 3.

<sup>68</sup> The ‘Biographical Sketch’ of Adam Ferguson (1723–1816), in the *Scots Magazine* for June 1816, is cavalier on Ferguson’s dates, stating that he was born ‘in or about the year 1724’ (his date of birth was 20 June 1723) and that he died ‘in March 1816’ (his date of death was 22 February).

<sup>69</sup> Biographers of Ferguson (for example Fania Oz-Salzberger, *Oxford DNB*, accessed October 2018) have usually dated his promotion to 1746 but the title-page of his Gaelic sermon *A Sermon preached in the Ersh Language to his Majesty’s First Highland*



relinquishing the post when he was offered and accepted a position as tutor to a young law student (whose identity has eluded historians), taking him to universities in Germany and France. It was at this time too that Ferguson decided to abandon the church, although he never gave up the Christian beliefs which had governed his upbringing.

The point long made by Ferguson scholars is that in the light of having clearly relished his army experience, combined with a quiet determination to allow that experience to enrich his publications, Ferguson's contribution to the literature of the Scottish Enlightenment is notably 'different' from that of his peers. With that military, 'useful' and 'practical' background in mind, Ferguson, it is often, rightly, said, emphasised in his writings the notion of progress in human affairs, even though it could at times be a halting progress with intervals of stagnation, even regression, along the way. Such optimism and reliance on progressive paths to happiness might, it is true, also help to some extent to explain Ferguson's unique place in any account of Scotland's relationships with America in the Age of Paine, and above all, to aid an understanding of his regressive views on 'liberty', republicanism, the American (but initially not the French) revolution, democracy and, in turn, on the creeping popular reformist movement that he himself would live to witness. Despite all that, unlike his great contemporaries among the Edinburgh *literati* at the height of the American crisis, it has to be remembered that Adam Ferguson actually got to go to America.

Yet, among some historians nagging doubts persist as to Ferguson's entitlement to be regarded as in the first rank of original thinkers of the Scottish Enlightenment. Jonathan Israel, notably, while praising Ferguson's *Essay on the History of Civil Society* (1767) as 'among the most remarkable and innovative works of the (moderate) Enlightenment in the British Isles', goes on to make clear that the group of thinkers to which he suggests Ferguson belongs – the 'Moderate Enlightenment' [the capitals are important] – suffered from one 'great limitation'; that is, Israel suggests, it was 'not open to its theorists . . . to repudiate the existing hierarchical structure of society, or portray society as it had evolved as inherently defective, oppressive, and systematically unjust, and hence wrongly organized for the purpose of advancing human happiness.' For Professor Israel, therefore, that essential 'limitation' on the part of Ferguson's approach to political theory made it impossible for him,

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*Regiment of Foot, commanded by Lord John Murray* (London, 1746) gives the date of the sermon as 18 December 1745 ('Being appointed as a Solemn Fast') and describes 'The Reverend Mr Adam Ferguson' as 'Chaplain to the said Regiment'.

and others like him – Israel instances Kames, Reid and William Robertson, but also, more controversially, the twin colossi of Hume and Smith – to acknowledge that the ‘basic structure of government, law, and administration...should remain always in place.’ By contrast, in Israel’s estimation, radical writers such as Richard Price, Joseph Priestley, John Jebb, William Frend, William Godwin, Mary Wollstonecraft, and of course Thomas Paine himself, did not believe in static order and progressive improvement, but on the contrary saw, to cite Ferguson’s diagnosis of events in France, only ‘prevalent disorder, insult and wrong, with a continual degradation or suppression of all the talents of men.’<sup>70</sup>

It is certainly the case that Adam Ferguson’s achievements were made light of by several of his contemporaries, and more alarmingly even by some of his intimate friends. James Boswell, for example, referring to an incident in October 1769 when Ferguson had revealed to Johnson his delight in technological progress and, specifically, in the theoretical possibility of a horseless carriage, patronisingly refers to him as ‘the self-taught philosopher.’<sup>71</sup> Hume went much further: having read and re-read extracts from an early draft of the *Essay on the History of Civil Society* he told Blair that he found the work ‘no wise answered my Expectation’, and concluded that he would be ‘agreeably disappointed’ should Ferguson’s published book turn out to be successful and thus ‘prove contrary to my Opinion.’<sup>72</sup> Without elaborating on any specific reasons for this dismissal, Hume would have had to eat his words in the light of the resultant popular success of Ferguson’s most famous book which was still being reprinted in successive editions, personally overseen by the author, into the twilight of his long life.

But there is another key factor (only hinted at by Jonathan Israel) in relation to Adam Ferguson’s reputation that seems to have been discounted or ignored by most scholars. It concerns his background as the son of a minister of the Church of Scotland, and his divinity studies at Edinburgh when he mixed with ease in the company of such as Hugh Blair, William Robertson and Alexander Carlyle, all leading Moderates in waiting. With Ferguson, we simply cannot set aside that background of preaching, and his years of active involvement in Moderate ministry – in his case as an army chaplain, often on

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<sup>70</sup> Jonathan Israel, *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (Princeton, 2010), 9–17.

<sup>71</sup> James Boswell, *The Life of Samuel Johnson*, David Womersley (ed.) (London, 2008), 310.

<sup>72</sup> E. C. Mossner, *The Life of David Hume* (Second Edition, Oxford, 1980), 542–3.

active service in a European theatre of war – in assessing his role and standing in Enlightenment thought. Like Carlyle and Blair, Ferguson's religious upbringing seems to have left its mark in the form of permanent right-leaning principles that somehow permeate and colour his approach to the big issues that counted in history, morality and political theory. It takes no great stretch of the imagination to conclude that this might serve to explain Hume's aversion to what he had read of the *ur-Essay*, and then had quickly put down with a loud sigh, without ever revealing his reasons for doing so. In the same way, it is impossible to rid one's mind of the fabled deaths of both men which, in a curious way, can be seen as emblematical of their very different philosophical statements. For Hume the sceptic, his last moments (according at any rate to James Boswell) were accompanied by a stubborn determination to avoid any semblance of a death-bed repentance. For Ferguson it was just the opposite – a revelatory glimpse of the 'kingdom', confirming the promise of eternal life exactly as the Founder of his faith had promised.

To usurp a phrase from Smith, this 'invisible hand' of Moderate religion shows itself prominently in Ferguson's works. As one might expect, it is also egregiously conspicuous in the sermons of Hugh Blair. Both Blair, and the former military chaplain, Ferguson, discover obvious common themes: for example, in 'Happiness', 'Luxury', 'Virtue and Vice', and, most obviously, 'Patriotism' ('love of our country'). First published in 1801, in Sermon X in volume five of his *Sermons*, Hugh Blair discourses 'On the Immortality of the Soul, and a future State', and he writes:

These reasonings are much strengthened by the belief that has ever prevailed among all mankind, of the soul's immortality. It is not an opinion that took its rise from the thin spun speculations of some abstract philosophers. Never has any nation been discovered on the face of the earth so rude and barbarous, that in midst of their wildest superstitions there was not cherished among them some expectation of a state after death, in which the virtuous were to enjoy happiness. So universal a consent in this belief, affords just ground to ascribe it to some innate principle implanted by God in the human breast.<sup>73</sup>

Writing perhaps almost a decade earlier than Blair, in 1792 (though with

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<sup>73</sup> Hugh Blair, 'On the Immortality of the Soul and a future State' in Hugh Blair, *Sermons* (5 vols, London, 1801), V, 223.

Blair's sermons the date of actual composition/delivery is almost always impossible to know), Ferguson's handling of precisely the same themes, incorporated in the second volume of his *Principles of Moral and Political Science* (prepared as a retrospective compendium of his lectures at Edinburgh) is remarkably similar, except that Ferguson lays greater store on the part played by science to overcome our natural superstition. It is certainly not difficult to detect the former pulpit preacher in Ferguson's words:

Mankind . . . are not by nature precluded from looking forward to a scene of existence beyond the grave. The ingenuity which penetrates the boundless regions of space, has looked into futurity also. And final as the appearance of death seems to be, respecting the extinction both of intelligent and of animal nature, mankind very generally, if not universally, hold their own destination in this, as in other particulars, to be very different from that of *the beasts that perish*: They have considered separation from the body, not as a termination of existence; but as an entry to a new scene, on which even the rudest minds have employed imagination, and in which the more elevated spirits conceived a return into the bosom of the intelligent Power from whom their being is derived; or in which they conceived a continual approach to that perfection, of which their own nature is susceptible.<sup>74</sup>

If, as seems to have been the case, Ferguson the former man of action *cum* man of religion are both traceable in Ferguson the moral and political philosopher, there were clearly a number of occasions when one of these personas succeeded in occluding the other.

Historically and biographically it is impossible to ignore Ferguson's leading role as one of the most unwavering agitators for the creation of a (voluntary) militia in Scotland. As principal spokesman for a campaign that ran, off and on, for more than forty years from the mid-1750s, Ferguson and his like-minded Moderate friends among the Edinburgh *literati* had to endure three lost votes on the issue in Parliament. Such a history of dashed hopes and unfulfilled promises incrementally led to serious bad blood between the Scots and the English, leaving some, notably Alexander 'Jupiter' Carlyle – Moderate minister of Inveresk and intimate of Hume, Smith and Ferguson

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<sup>74</sup> Adam Ferguson, *Principles of Moral and Political Science* (2 vols, Edinburgh, 1792), II, 319.

– to question if the Union of 1707 had been worthwhile.<sup>75</sup>

In the militia cause, Ferguson was in his natural element and, when it mattered, he could comfortably ease himself into the driving seat. In December 1756, for example, he published anonymously in London what, according to Carlyle, was a ‘very superior militia pamphlet’ entitled *Reflections Previous to the Establishment of a Militia*, rightly regarded as one of the key documents of the entire militia campaign. There he wrote:

The Spirit which seems to animate this Nation, is a Love of Liberty and Independance, along with a Confidence in Parliament; the Cry of a Faction therefore, which contradicts our favourite Tenets, will only rouse us in the Defence of them. When the Lovers of Freedom and their Country have an equal Use of Arms, the Cause of a Pretender to the Dominion and Property of this Island, is from that Moment desperate.<sup>76</sup>

Twenty years later, in the first number of *The Crisis* [aka *The American Crisis*] dated ‘December 23, 1776’ Thomas Paine declared a similar interest in the militia issue, in his case in terms of the contribution a well-drilled militia could make to the American cause: ‘I always considered a militia as the best troops in the world for a sudden exertion, but they will not do for a long campaign.’<sup>77</sup>

In April of the same year, having just read the newly-published *Wealth of Nations*, Adam Ferguson felt compelled to write to Smith, gently but firmly chiding him for apparently favouring the ‘wrong’ side in the dispute, citing a passage that suggested standing armies were to be preferred to militias on the ground that, being subject to regular discipline, an army would be bound to be a more reliable defence not only against popular tumult, but against foreign enemies:

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<sup>75</sup> For Carlyle’s prominent role in the militia campaign see Richard B. Sher, *Church and University in the Scottish Enlightenment: The Moderate Literati of Edinburgh* (Edinburgh, 2015), 215–36, 238–40 and footnotes.

<sup>76</sup> Ferguson, *Reflections Previous to the Establishment of a Militia* (London, 1756), 25.

<sup>77</sup> *The Crisis, Number I*, in Paine, *Selected Writings*, 57. These letters were published as a series of sixteen individual pamphlets, the first thirteen between 1776 and 1777, and the last three between 1777 and 1783. The first stand-alone collected edition of the first thirteen letters was published in 1792 – *The Crisis: In Thirteen Numbers. Written During the Late War* (Albany; New York, 1792).

You have provoked, it is true, the church, the universities, and the merchants, against all of whom I am willing to take your part; but you have likewise provoked the militia, and there I must be against you. The gentlemen and peasants of this country do not need the authority of philosophers to make them supine and negligent of every resource they might have in themselves, in the case of certain extremities, of which the pressure, God knows, may be at no great distance.<sup>78</sup>

Characteristically, Smith seems never to have responded to Ferguson's accusation (which was not, however, meant as a gibe). Probably Smith concluded it was self-evident that had Ferguson read on, a couple of pages later he would have discovered the author taking an altogether more positive view of the longer-term use of militias in the American war where, Cassandra-like, he accurately forecasts that given the right circumstances they might prove at least the equal of a standing army: 'Should the war in America drag out through another campaign, the American militia may become in every respect a match for that standing army of which the valour appeared, in the last war, at least not inferior to that of the hardiest veterans of France and Spain.'<sup>79</sup>

At the same time, the militia issue revealed a deeper problem of national identity, seriously straining relations between Scotland and England at this time, and provoking a distinctly hostile anti-Scottish atmosphere in Parliament and throughout English (especially London) society more generally. In March 1762, after the successive disappointments of the failure of the militia bills of December 1756 and March 1760, Gilbert Elliot of Minto, Roxburgh, then MP for Selkirkshire and a close friend of Hume and Ferguson, urged Bute to sponsor a new bill: 'People must comply if you desire it', he wrote, only to be sternly rebuked by Bute for this 'very improper language': 'Whether I could force your bill down the throats of a powerful party is one consideration, whether it would be prudent . . . is another; of that I will be the judge', Bute replied indignantly to a chastened Elliot. As a result, the militia proposal once more came to nothing. And Bute, to state the obvious, was a Scottish prime minister.<sup>80</sup>

<sup>78</sup> Vincenzo Merolle (ed.), *The Correspondence of Adam Ferguson Volume I 1745-1780* (London, 1995), Letter 89, Ferguson to Adam Smith, 18 April 1776, 142-3.

<sup>79</sup> Adam Smith, *The Wealth of Nations*, Andrew Skinner (ed.) (London, 1999), Books IV-V, 289-90. Skinner's edition follows the text of the fifth edition of 1789. In terms of the American material it is unchanged since the third edition of 1783 and, in that regard at least, since the first edition of 1776.

<sup>80</sup> Sir Lewis Namier and John Brooke (eds.), *The History of Parliament: The House of*

John Brooke, author of the 'Introductory Survey' prefacing Namier and Brooke's *The House of Commons 1754–1790*, saw this as evidence of a pronounced anti-Scottish feeling in England at this period in the political life of the nation: 'Even when Bute was all powerful with the King, the dislike of having Scotsmen in office was as prevalent as ever in parliamentary and official circles.' And Brooke suggests: 'Perhaps nothing contributed so much to Bute's unpopularity as the fact that he was a Scot.' Examples abound and Brooke proceeds to name most of them. Memorably he concludes: 'Anti-Scottish feeling in England was the eighteenth-century equivalent of anti-Semitism.' Hume himself felt such anti-Scottish prejudice keenly and, writing from Paris on 22 September 1764, he confides in Gilbert Elliot:

I do not believe there is one Englishman in fifty, who, if he heard that I had broke my Neck to night, woud not be rejoic'd with it. Some hate me because I am not a Tory, some because I am not a Whig, some because I am not a Christian, and all because I am a Scotsman. Can you seriously talk of my continuing an Englishman? Am I, or you, an Englishman? Will they allow us to be so? Do they not treat with Derision our Pretensions to that Name, and with Hatred our just Pretensions to surpass & to govern them. I am a Citizen of the World; but if I were to adopt any Country, it woud be that in which I live at present, and from which I am determin'd never to depart, unless a War drive me into Swisserland or Italy.<sup>81</sup>

The controversy described by Brooke would enter a new, more favourable stage with the Pitt-Dundas partnership and, in particular, with the appointment by Pitt in 1783 of Henry Dundas to the newly restored post of minister for Scotland. On 18 January, and again on 28 January 1802 Ferguson felt emboldened to write two long letters to Dundas (now the 1st Lord Melville) in elaboration of his ideas for a voluntary national militia, set now, of course, against the background of the war with France. At long last, his ideas (and those of many like-minded others) fell on fertile ground with the Militia (Scotland) Act later in the same year, piloted through Parliament almost on the nod by Melville.<sup>82</sup>

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*Commons 1754–1790*, II, Members A–J, 392.

<sup>81</sup> Greig (ed.), *The Letters of David Hume*, I, 470.

<sup>82</sup> Ferguson to Henry Dundas, 18 and 28 January 1802 in Merolle (ed.), *The Correspondence of Adam Ferguson*, II, 471–7.

There was little in the way of any obvious anti-Scottish bias present, on the other hand, when early in 1778 North decided with the King's approval to treat with the Americans in a bid to secure an honourable accommodation with them after the *débauche* of the Saratoga campaign. On 13 March the master-printer William Strahan, MP for Malmesbury since his purchase of the seat in 1774, informed Franklin of the composition of the proposed 'Peace Commission', insofar as he believed he was 'rightly informed': 'Lord Carlisle, Mr Eden, and your old Friend Mr Jackson'. In the event, Strahan's insider information proved unreliable. Richard Jackson, former agent for Connecticut, Massachusetts, and Pennsylvania – indeed an 'old friend' of Franklin – had the foresight to withdraw, and was replaced by George Johnstone, MP for Appleby and Cockermouth since 1774 and younger brother of Sir James Johnstone Bt. of Westerhall, Dumfries. It proved a controversial nomination, and even provoked ridicule on account of Johnstone's earlier criticism of the choice of Carlisle as the Commission's leader. A native Scot, former Governor of West Florida and senior naval officer, Johnstone held views on the American war that were recklessly inconsistent. He probably owed his seat on the Commission to the influence of William Pulteney (formerly William Johnstone), his older brother by one year.<sup>83</sup> To compound the incestuous nature of the Commission's composition, the 'Mr Eden' referred to by Strahan was the influential William Eden, MP for New Woodstock since 1774, a protégée of Alexander Wedderburn and a warm supporter of the American war. It just happened that Eden, the future Baron Auckland, had married Sir Gilbert Elliot's daughter Eleanor in September 1776.

To complete the group, and doubtless on the nomination of Pulteney (or Eden) (or Elliot) – the latter his good friend, frequent correspondent and consistent backer of the idea of a Scottish militia – the man chosen to accompany the Carlisle Peace Commission and act as its secretary was none other than Dr Adam Ferguson. Ferguson's name appears at the foot (in most cases, as actual author) of numerous papers, letters, manifestos and proclamations issued by the Commission in the course of its ill-fated and

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<sup>83</sup> Born William Johnstone (1729–1805) of Westerhall, Dumfries, he took the name of Pulteney when his wife Frances Pulteney, daughter and heir of Daniel Pulteney, first cousin of William Pulteney, Earl of Bath, succeeded to the estates of Lord Bath in 1767. Pulteney succeeded his brother James Johnstone as fifth Baronet in 1794 and inherited the Westerhall estate along with plantations and slaves in the West Indies. On his death in 1805 his landed estates in England alone were valued at over £600,000. Pulteney was MP for Cromartyshire from 1768 to 1774, and for Shrewsbury from 1775 until his death.



ultimately futile initiative for peace between Britain and the Americans. They were in Philadelphia, then New York from June to November. Congress rebuffed them and Washington refused to meet them.<sup>84</sup> Ferguson, with Carlisle and Eden, arrived back at Plymouth, their tails between their legs and conspicuously empty-handed, on 19 December 1778.<sup>85</sup> A couple of months before, Johnstone had scurried home to England. He had had enough of the Commission – and there can be no doubting that the Commission, not to mention the Americans, had had enough of him.

From the moment the Commissioners had sailed from Portsmouth on 22 April 1778 until their return to England in December nothing seemed to go right. The *London Gazette* reported that while their ship, *HMS Trident*, lay at St Helen's 'some rascal cut the collar of the main stay, and the gammon of the bowsprit', which if it had been undiscovered would have caused the ship to founder.<sup>86</sup> It was a bad omen of what lay ahead. It is now seen as undeniable that George Johnstone's reckless actions had catastrophically undermined the entire peace initiative. But underlying everything were the explicit instructions North and the King had given to Carlisle and his fellow Commissioners: viz. that any talk of independence was strictly off the table and should be regarded as unequivocally *ultra vires*.

One of the most detailed accounts of the Commission's failures in America – laying stress on their wrong-headed decision to 'address the people at large' when they found 'they could obtain no access to the Congress' – is by James Murray, author of the well-known political satire *Sermons to Asses* (1768). In his largely neglected two-volume *Impartial History of the Present War in America* (1778) – a work that seriously belies its title – Murray condemns the uniformly flawed British military strategy in each and every campaign of the war. At the same time, he reserves special censure for the individual British generals entrusted by Lord North and the Cabinet to wage war on their behalf. Murray prints the full text of the Commission's 'Manifesto and Proclamation', addressed to 'the general assemblies and conventions of the different colonies, plantations, and provinces.'<sup>87</sup> The text of the document,

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<sup>84</sup> Even so, Washington wrote a courteous letter to Johnstone in which he assures him that he 'shall take pleasure in shewing Doctr Ferguson every civility, it may be in my power to render.' See *Founders Online*, George Washington to George Johnstone, 12 June 1778.

<sup>85</sup> The date of return as cited by Jane B. Fagg, *Adam Ferguson: Scottish Cato* (PhD dissertation, University of North Carolina, Chapel Hill, 1968), 188.

<sup>86</sup> *Scots Magazine*, 40 (April 1778), 214.

<sup>87</sup> James Murray (1732–1782), *An Impartial History of the Present War in America* (3 vols,

with its message of reconciliation, fell on deaf ears and was a case of ‘too little, too late’. Murray absolves ‘Dr Ferguson’ from the fiasco, pointing out that he had merely ‘left the charge of his pupils to another . . . with an intention, as was supposed, to raise money in a shorter way, than by teaching dry morals in an university’, adding: ‘His history of Civil [Society] he imagined would introduce him to the Congress; and Governor Johnstone made a sort of merit of his reputation in the republic of letters — But however famous he might be in the republic of letters, his commission rendered him unfit for the republics in America.’<sup>88</sup>

In the event, George Johnstone earned himself a minor footnote to the history of the American Revolution by attempting to bribe Joseph Reed, Washington’s aide-de-camp, offering him ‘any office in the colonies in the gift of his Britannic Majesty and ten thousand pounds in hand’, in return for Reed promoting the Commission’s cause. Johnstone picked the wrong man. Reed categorically refused the bribe and forthwith reported the circumstances to Congress who published all the relevant correspondence, including a letter from Johnstone to Ferguson denying the entire episode. Was Johnstone set up? Jefferson’s friend Richard Henry Lee thought not, putting it down, he told Jefferson, to ‘Scottish cunning and Scottish impudence’.<sup>89</sup> While each member of the Commission suffered degrees of personal humiliation (and in George Johnstone’s case rather more than that) there is nothing to suggest that its secretary shared a similar fate. Indeed, it is more than likely that Ferguson emerged from the experience with his reputation in the eyes of government enhanced. He himself never referred to his role in his American adventure after his return. Franklin, on the other hand – for it was almost certainly he – seized the opportunity to lampoon the whole sorry exercise, including Ferguson’s part in it.<sup>90</sup>

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London, [1768]), II, 411–27. Murray was born in Berwickshire and studied divinity at Edinburgh before moving to Newcastle in 1764 where he remained for the rest of his life as minister of the Independent congregation of High Bridge Chapel.

<sup>88</sup> Ibid., 415.

<sup>89</sup> *The Papers of Thomas Jefferson*, v. II, 201. Online, Princeton University; and *Founders Online*, ‘To Thomas Jefferson from Richard Henry Lee, 23 June 1778’.

<sup>90</sup> *Founders Online*: ‘Conseils aux Ministres Anglois’, in *Affaires de l’Angleterre et de l’Amérique*, vol. XIII, Cahier LII, xxvii–xxxii: described as ‘a satire possibly by Franklin’. The Editors state that ‘We believe he [Franklin] may have written this piece.’ It begins: ‘Comme il paroît que la désolation de l’Amérique est le système favori de notre Ministère, & que suivant les termes du Docteur Ferguson dans la proclamation du 3 Octobre, on cherche sur-tout à détruire tout ce qui peut rendre ce pays de quelque utilité aux François nos ennemis, les moyens suivans m’ont paru les plus propres à remplir un objet si désirable.’, etc.

What may have recommended Adam Ferguson to the architects of the Carlisle Commission – Wedderburn, Pulteney, Eden and Elliot probably all had a hand in his selection – was that early in 1776 he had published anonymously a generally well-received pamphlet in reply to a formidable work by a formidable intellect: Richard Price's pro-American *Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America* (1776). Ferguson's credentials for mounting a response to Price were undeniably impressive. In the work that ensured his inclusion in the canon of Enlightenment thought, *An Essay on the History of Civil Society* (1767), Section VI dealt with 'Of Civil Liberty'. Though separated by almost a decade from his *Remarks on a Pamphlet Lately Published by Dr Price . . . in a Letter from a Gentleman in the Country to a Member of Parliament*,<sup>91</sup> what Ferguson had to say on the subject, in the abstract as it were, is remarkably consistent with what he had argued in his earlier response to Price. In the *Essay* he had written:

If popular assemblies assume every function of government; and if, in the same tumultuous manner in which they can, with great propriety, express their feelings, the sense of their rights, and their animosity to foreign or domestic enemies, they pretend to deliberate on points of national conduct, or to decide questions of equity and justice; the public is exposed to manifold inconveniencies; and popular governments would, of all others, be the most subject to errors in administration, and to weakness in the execution of public measures.<sup>92</sup>

Ferguson immediately follows that thought with a passage that encapsulates the conventional, classical (Aristotelian) approach to the idea of representative, 'democratical' government as interpreted throughout much of the eighteenth century:

To avoid these disadvantages, the people are always contented to delegate part of their powers. They establish a senate to debate, and to prepare, if not to determine, questions that are brought to the collective body for a final resolution. They commit the executive power

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<sup>91</sup> Price followed up the success of his pamphlet with *Additional Observations* (London, 1777), which, in turn, was succeeded by *Two Tracts on Civil Liberty* (London, 1778), incorporating both previous pamphlets on the same subject, prefaced by a 'General Introduction and Supplement' which Cadell proceeded to bring out as a separate publication in the same year.

<sup>92</sup> *An Essay on the History of Civil Society* (Edinburgh, 1767), 249–50.

to some council of this sort, or to a magistrate who presides in their meetings. Under the use of this necessary and common expedient, even while democratical forms are most carefully guarded, there is one party of the few, another of the many. One attacks, the other defends; and they are both ready to assume in their turns. But though, in reality, a great danger to liberty arises on the part of the people themselves, who, in times of corruption, are easily made the instruments of usurpation and tyranny; yet, in the ordinary aspect of government, the executive carries an air of superiority, and the rights of the people seem always exposed to incroachment. ...

In governments properly mixed, the popular interest, finding a counterpoise in that of the prince or of the nobles, a balance is actually established between them, in which the public freedom and the public order are made to consist. ...

In democratical establishments, citizens, feeling themselves possessed of the sovereignty, are not equally anxious, with the subject of other governments, to have their rights explained, or secured by actual statute. They trust to personal vigour, to the support of party, and to the sense of the public.<sup>93</sup>

Applying the same principles as set out in his *Essay* of 1767 to what he sees unfolding in America in 1776, and as interpreted by Richard Price in his pamphlet of the same year, Ferguson quotes him in the *Remarks*, before proceeding to supply his own view of the situation. It is, perhaps predictably, reactionary:

[In Great Britain] The representatives of seven millions are chosen by less than three hundred thousand, and the whole is attended with circumstances that make the Doctor exclaim, *it is an abuse of language to say, that such a state possesses Liberty. And that rather than be governed in such a manner, it would perhaps be better to be governed by the will of One Man without any representation.*

The experience of Europe, Asia, and Africa, should convince Dr. Price, that it is not better to be governed by one man than by such a representation: but this hasty expression of the Doctor, shows the danger of going so fast in search of ideal perfection, which is apt to

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<sup>93</sup> Ibid., 250–2.

make us despise what is attainable and obtained, for the sake of something impracticable, and sometimes absurd.

It is of great moment to extend the participation of power and government, as far as the circumstances and character of a people will permit; but extremely dangerous to confound this advantage with Civil or Political Liberty; for it may often happen, that to extend the participation of power, is to destroy Liberty.<sup>94</sup>

A moral philosopher of the old school and a former Kirk minister, Adam Ferguson had chosen to take on a radical Enlightenment giant and in doing so was up against the political and constitutional beliefs of a theologian of outstanding (if unconventional) intellect: scientist, mathematician and statistician, a polymath and an Arian (anti-Trinitarian) English dissenter. If we discount Paine's *Common Sense* (which Price could not have seen before writing the *Observations*), Price's message was new and unfamiliar; a vision of representation and popular mandate, of what morally defines 'legitimacy', and attacking arguments that sought to justify colonial rule at a distance of thousands of miles. As in the case of Adam Smith (whose great book was only a few months away), Price acutely recognized that any just account of Britain's relationship with her colonies, whether in America, Canada or India, had to be assessed not just in political but in economic terms. This was a man who could write of the Americans – and did so in the middle of a war – without (in the meantime at any rate) needing to fear the retribution of his own government:

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<sup>94</sup> Adam Ferguson, *Remarks on a Pamphlet Lately Published by Dr Price ... in a Letter from a Gentleman in the Country to a Member of Parliament* (London, 1776), 14. It is in *Four Dissertations* (London, 1767) that Richard Price first displays the astonishing range of his intellect and scholarship, citing authorities as diverse as Newton, Maclaurin (on Newton), several French botanists, Butler, Shaftesbury, Rousseau, 'Crito', Bacon, Grew, Moreland, together with Francis Hutcheson's *System* (a long quote on virtue and happiness), Lucan, Wollason, Boerhaave, Leechman, the brilliant Matthew Stewart (Dugald Stewart's father, professor of mathematics at Edinburgh), as well as a string of the usual classical sources and numerous generally obscure English sermonisers. In Section III of *Four Dissertations* Price includes a long chapter (pages 413-439) he entitles 'On Historical Evidence, and Miracles', refuting Hume's famous essay 'On Miracles'. He was awarded the degree of Doctor of Divinity by Marischal College, Aberdeen in 1767, largely on the strength of *Four Dissertations*. It is almost certain that Price owed his Marischal College D.D. to the college principal, George Campbell, whose own *A Dissertation on Miracles* (Edinburgh, 1762) is also cited in *Four Dissertations*, as is William Adams's *Essay in Answer to Mr. Hume's Essay on Miracles* (London, 1754).

The defective state of the representation of this kingdom has been farther pleaded to prove our right to tax *America*. We submit to a parliament that does not represent us, and therefore they ought. — How strange an argument is this? It is saying we want liberty; and therefore, they ought to want it. — Suppose it is true, that they are indeed contending for a better constitution of government, and more liberty than we enjoy: Ought this to make us angry? . . . Ought we not rather to wish earnestly, that there may at least be ONE FREE COUNTRY left upon earth, to which we may fly, when venality, luxury, and vice have completed the ruin of liberty here?<sup>95</sup>

Price's *Observations* went through fourteen editions in London alone in 1776, with others in Dublin and Edinburgh, besides Philadelphia, New York, Charleston and Boston. His radical vision of the American war, its roots and the justness of the American cause, was a remarkably similar vision to that of Thomas Paine – but for, that is, the religious component which Paine took care first to dismantle, then later to discard. Nevertheless, conferring on Price's *Observations* the greatest accolade he was capable of, Paine cites Price and his book in his own *The Crisis Extraordinary* (1780), heartily agreeing with 'Dr Price's state of the taxes of England'.<sup>96</sup>

At the same time, rarely generous in acknowledging the work of others, Paine barely mentions Price (and then only in a perfunctory footnote) in *Rights of Man Part the First*,<sup>97</sup> and not at all in *Part the Second*. It seems likely that, as Clark has speculated, just as Paine parrots French sources without acknowledgment in a key passage in *Rights of Man*,<sup>98</sup> so in the same way his inclusion in the same work of an English translation of the *Déclaration des Droits de l'Homme et du Citoyen*<sup>99</sup> is virtually identical with the English translation in Richard Price's famous sermon *A Discourse on the Love of our Country* (1789), Appendix 6.<sup>100</sup> This is the sermon by Price that triggered Edmund Burke's *Reflections on the Revolution in France* (1790).

<sup>95</sup> Richard Price, *Observations on the Nature of Civil Liberty* (London, 1776), 41.

<sup>96</sup> Signed 'Common Sense' (Thomas Paine), 'Philadelphia, October 4, 1780', note to 2.

<sup>97</sup> Paine, *Selected Writings*, *Rights of Man*, 'Miscellaneous Chapter', note 14, 252.

<sup>98</sup> Paine, *Selected Writings*, *Rights of Man*, from 'The despotism of Louis XIV [on p. 219] . . . to act in unison with its object.' [on p. 232]. Clark has been the first to spot that the six-thousand-word passage 'appears to be not solely his [Paine's] own work.' See Clark, *Thomas Paine*, 423–4.

<sup>99</sup> Paine, *Selected Writings*, 233–4.

<sup>100</sup> Clark, *Thomas Paine*, 423–4.

Three years later (by which time Burke's great book had entered its twelfth London edition) Hugh Blair preached a fast-day sermon in the High Church of Edinburgh (St Giles's), later giving it the same title as Richard Price's Old Jewry sermon.<sup>101</sup> Blair's title was contrived to ape that of Price – and to be recognized as such. As these words make clear, with the familiar quote from Price, Blair rejects utterly Price's espoused doctrine of cosmopolitanism, which the Kirk minister equates to 'that new form of things which has produced such fatal effects on a neighbouring land':

... it may be proper to take notice of the speculations of some pretended philosophers, who represent the love of our country as hardly entitles to any place among the virtues. They affect to consider it as a mere prejudice of education; a narrow attachment, which tends to operate against more enlarged interests. We ought, say they, *to view ourselves as citizens of the world*, [italics added] and extend our benevolence, equally, to all nations and all mankind. — Nothing can be more empty and futile than such reasonings.<sup>102</sup>

If Adam Ferguson found Richard Price's message objectionable in the context of the American Revolution, Hugh Blair, another giant of the Moderate Scottish Enlightenment, was equally unreceptive to Price's warm acclaim for the French revolution. As for Ferguson and events in France, his general welcoming of the overthrow of a weak king and of the entire apparatus of the *ancien régime* was later tempered by a more jaded realization that 'their liberty & equality' had metamorphosed into nothing short of 'a Military Usurpation'. He was by no means alone in arriving at the same verdict.<sup>103</sup>

#### *Postscript: Kames and America*

Between the year of the incident known as the Boston tea-party and the year of publication of Paine's *Common Sense* and of Smith's *Wealth of Nations*,

<sup>101</sup> Hugh Blair, *On the Love of our Country* (Preached 18 April 1793) in Blair, *Sermons*, V, 114–39. The quotation is from pages 116–17. See Ronald Lyndsay Crawford, *The Chair of Verity: Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (Edinburgh, 2017), 195, and 377 notes 45–6.

<sup>102</sup> The italicised phrase is a direct quote from Price's sermon: the first edition – '... we ought to consider ourselves as citizens of the world, and take care to maintain a just regard to the rights of other countries.' (London, 1790, 10).

<sup>103</sup> Ferguson to Alexander Carlyle in Merolle (ed.), *The Correspondence of Adam Ferguson*, II, 461–2.

the Declaration of Independence and Hume's death, there was published anonymously (for William Creech in Edinburgh, and Strahan and Cadell in London) *Sketches of the History of Man* (2 volumes, 1774). It was the work of Henry Home, the Scottish judge Lord Kames, and in some ways it leaned heavily on his much earlier *Elements of Criticism* (1762). The book proved extremely popular and his publishers prevailed on Kames to prepare an expanded second edition, 'considerably improved', which duly appeared in four volumes in 1788. Although no 'straight' London edition was ever published there were three Dublin reprints between 1775 and 1779. In a rare act of partnership in 1776 the Scots Robert Bell and Robert Aitken of Philadelphia jointly brought out a single-volume, unofficial abridged version they entitled *Six Sketches on the History of Man . . . By Henry Home, Lord Kaims, Author of the Elements of Criticism*.

Though omitted from the Bell/Aitken abridgement, there are several important references in *Sketches* to the American situation. The best examples of these are as follows:

Our North-American colonies are in a prosperous condition, increasing rapidly in population, and in opulence. The colonists have the spirit of a free people, and are enflamed with patriotism. Their population will equal that of Britain and Ireland in less than a century; and they will then be a match for the mother-country, if they chuse to be independent: every advantage will be on their side, as the attack must be by sea from a very great distance. Being thus delivered from a foreign yoke, their first care will be the choice of a proper government; and it is not difficult to foresee what government will be chosen. A people animated with the new blessings of liberty and independence, will not incline to a kingly government. The Swiss cantons joined in a federal union, for protection against the potent house of Austria; and the Dutch embraced the like union, for protection against the more potent king of Spain. But our colonies will never join in such a union; because they have no potent neighbor, and because they have an aversion to each other. We may pronounce then with tolerable certainty ['with assurance' in the 1778 edition], that each colony will chuse for itself a republican government. And their present constitution prepares them for it: they have a senate; and they have an assembly representing the people. No change will be necessary, but to drop the



governor who represents the King of Britain. And thus a part of a great state will be converted into many small states.<sup>104</sup>

The exportation of British manufactures to our American colonies, ought to meet with such encouragement as to prevent them from rivaling us: it would be a gross blunder to encourage their manufactures, by imposing a duty on what we export to them. We ought rather to give a bounty on exportation; which by underselling them in their own markets, would quash every attempt to rivalry.<sup>105</sup>

By the time of the second, ‘considerably improved’ four-volume edition of 1778, whereas the above wording has been retained in the body of the text (at p. 412), the statement has now attracted, some pages later, a long footnote, from which the following is an extract.

\*Between the mother-country and her colonies the following rule ought to be sacred, That with respect to commodities wanted, each of them should prefer the other before all other nations. Britain should take from her colonies whatever they can furnish for her use; and they should take from Britain whatever she can furnish for their use. In a word, every thing regarding commerce ought to be reciprocal, and equal between them. To bar a colony from access to the fountain-head for commodities that cannot be furnished by the mother-country but at second-hand, is oppression: it is so far degrading the colonists from being free subjects to be slaves. It is equally oppressive, to bar them from resorting to the best markets with their own product. What right, for example, has Britain to prohibit her colonies from purchasing tea or porcelain at Canton, if they can procure it cheaper there than in London? No connection between two nations can be so intimate, as to make such restraint an act of justice. Our legislature however have acted like a stepmother to her American colonies, by prohibiting them to have any commerce but with Britain only. They must land first in Britain all their commodities, even what are not intended to be sold there; and they must take from Britain, not only its own product, but

<sup>104</sup> Edinburgh, 1774: First edition, v. 1: Book II, *Progress of Men in Society*, Sketch 4, *Progress of states from small to great, and from great to small*: [414-15 (1774 ed.); 268-70, v. II (1778 ed., in *Great and Small States Compared*)].

<sup>105</sup> *Ibid.*, Sketch 8, *Finances*, Section VII, *Regulations for advancing industry and commerce*, 492-3.

every foreign commodity that is wanted. This regulation is not only unjust but impolitic; as by it the interest of a whole nation, is sacrificed to that of a few London merchants.<sup>106</sup>

One of Kames' greatest admirers was the Scot, James Wilson (see Chapter 8), though, as we might expect, Wilson's several citations from Kames in his 'Lectures on Law' are confined to two of his best-known strictly legal texts: *Historical Law-Tracts* (1758) and *Principles of Equity* (1760; third edition in two volumes, 1778).

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<sup>106</sup> Edinburgh, 1778: Second edition, v. II: Book II, *Progress of Men in Society*, Sketch 8, *Finances*, Section 7 [sic], *Taxes for advancing industry and commerce*. [extract footnote to 432–3].

## Paine in Scotland

### *The fateful impact of 'Rights of Man'*

*As it is not difficult to perceive, from the enlightened state of mankind, that hereditary Governments are verging to their decline, and that Revolutions on the broad basis of national sovereignty, and Government by representation, are making their way in Europe, it would be an act of wisdom to anticipate their approach, and produce Revolutions by reason and accommodation, rather than commit them to the issue of convulsions.*

*From what we now see, nothing of reform in the political world ought to be held improbable. It is an age of Revolutions, in which every thing may be looked for.*  
Thomas Paine, *Rights of Man*, 'Conclusion' to Part First (London, J. S. Jordan, 1791), 171. [Foner, *CWTP*, v. 1, 344.]

*The great scenes of attempts to do mischief in this country are Edinburgh, Glasgow, Paisley, Perth, Dundee, Montrose and Aberdeen. In a word I might have said all the towns whose manufactures are flourishing, and in all those places they are flourishing to a degree beyond conception.*

Henry Dundas to William Pitt, 12 November 1792 (written at Arniston, but not in Dundas's hand) [National Archives, Kew, PRO 30/8/157].

*Thanks be to God, the great Ruler of the world, we are not governed by the will of the people, nor by any representation of their will.*

The Reverend Dr William Porteous, 'One of the Ministers of Glasgow', in *The Good Old Way Recommended*, Discourse II (Glasgow, David Niven, 1793), 30.<sup>1</sup>

### *Scotland and the French Revolution*

After the fall of the Bastille precipitating the French revolution, more specifically in the two-year period from the beginning of 1793 and the start of the war with France, Scotland came closer than at any time in her history

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<sup>1</sup> William Porteous (1735–1812), minister of The Wynd or West Parish Church, Glasgow from 1770 until his death. Princeton College awarded him a D.D. in 1784. Hew Scott, *Fasti Ecclesiae Scotticanae* (9 vols, Edinburgh, 1920), III, 443.

to becoming, however temporarily, an authoritarian police state. From the Moderate wing of the established Church to the preponderance of judges in the community of the College of Justice there seemed a pervasive eagerness to do the government's work for them. People were warned to be careful what they said, where they went and with whom they associated. Men were bribed to inform against their friends and neighbours, particularly against suspected radical caucuses of popular dissent. Paid government agents shadowed the day-to-day activities of individuals under suspicion, infiltrated meetings of politically motivated clubs and societies and noted down (more often than not in new-fangled shorthand) verbatim accounts of speeches made, and who made them, at all manner of gatherings under their covert surveillance. Draft newspaper articles and reports of popular assemblies were closely scrutinised and redacted by compliant editors and proprietors for any hint of comment tending towards criticism of government policy and/or of the British constitution – regarded as proof of their seditious content and thus exposing their authors (where, that is, they could be found) to the harshest of penalties. (A minority of writers and editors, however, defiantly preferred to tough it out and risk the consequences.) Convicted on the evidence of his brother-minister in the same parish an orthodox minister of the Church of Scotland was consigned to the Tolbooth in the light of a sermon he had preached and published that won the approval of Thomas Muir and the Friends of the People.<sup>2</sup> Even subversive poets fled the country with a price on their heads. Rumours abounded everywhere, none more clamant than of the reported imminence of invasion by the French revolutionaries who had declared war on Britain on 1 February 1793. Emma Rothschild cites Lord Cockburn who wrote of the period:

*Scotland was at nearly the lowest point of political degradation.* It was almost totally devoid of the constitutional checks by which public or private liberty can be protected. The party in power, therefore, was left to the freedom of its own will; and it does not need to be stated how *absolute power is exercised in a small and poor country*. ... Against this crushing load of the hardest and most absolute toryism there was literally nothing except the steadiness of a small whig party, composed chiefly

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<sup>2</sup> The Reverend William Dunn (1745–98), minister of Kirkintilloch. Dunn's crime was that he had also removed three incriminating leaves from the minute book of a local 'Society for Reform'. The case is described at length in Ronald Lyndsay Crawford, *The Chair of Verity* (Edinburgh, 2017), 169–74.

of lawyers, without whose resolution and intelligence Scotland, politically, would have been nearly as prostrate as if it had been *a province of Austria or Russia*. [italics added]<sup>3</sup>

Booksellers, both well-known and covert, throughout Scotland's towns and cities, failed to keep pace with the insatiable appetite for radical literature, and especially for the works of Thomas Paine, whose titles consistently topped their bestseller charts. Of these, the top spot was consistently held by *Rights of Man*, in both its parts. In his *Letter Addressed to the Addressers on the Late Proclamation*, published in the same year as the second part of *Rights* (1792), Paine admits that while the demand for the title was huge, its relatively high cost was a deterrent to its wider circulation and popular accessibility. Requests for a cheaper edition, he says, had come to him from all over the country, including from 'several towns in Scotland', to which he had already responded by sending there 'a cheap edition'. But on further reflection he had decided the best remedy for ensuring maximum exposure for his book – and presumably also (though Paine does not say so) to keep his printer happy by minimising the constant risk of unauthorised pirate copies – was to 'print a very numerous edition in London, under my own direction, by which means the work would be more perfect, and the price be reduced lower than it could be by printing small editions in the country, of only a few thousands each.'<sup>4</sup> Nevertheless, and perhaps predictably, Paine's solution to the problem worked only patchily. Unscrupulous printers with an eye to the main chance continued to turn out crude, abridged and wholly unauthorised copies of his masterwork at an asking-price of little more than that of a chapbook. To describe the demand for the book as unprecedented is a serious understatement.<sup>5</sup>

<sup>3</sup> Lord (Henry) Cockburn, *An Examination of the Trials for Sedition which have hitherto occurred in Scotland* (2 vols, Edinburgh, 1888, though written in 1853), I, 76. Words in italics are cited in Emma Rothschild, *Economic Sentiments: Adam Smith, Condorcet, and the Enlightenment* (Cambridge MA, and London, 2001), 56 and 273 notes 37 and 39.

<sup>4</sup> *Letter Addressed to the Addressers, on the Late Proclamation* (London, n.d. [1792]). This mainly inconsequential forty-page pamphlet by Paine appeared in no less than twenty-four successive editions in London and America in 1792 alone.

<sup>5</sup> In the Preface to *Rights of Man. Part the Second* (1792) Paine comments: 'I suppose the number of copies to which the first part of the "Rights of Man" extended, taking England, Scotland, and Ireland, is not less than between forty and fifty thousand.' Philip Foner (ed.), *The Complete Writings of Thomas Paine* (2 vols, New York, 1945), I, 350. He was probably exaggerating.

Although *Rights of Man* was conceived as a riposte to Edmund Burke's *Reflections on the Revolution in France* (1790) – a work that was itself a response to the 'Proceedings in Certain Societies in London' and, more narrowly, to Richard Price's Old Jewry sermon preached on 4 November 1789, subsequently published in pamphlet form as *A Discourse on the Love of Our Country* – there is little doubt that Paine would have written it even if Burke had never put pen to paper. The events in France foresaw *Rights of Man*, just as surely as the American colonists' rejection of British rule more than a decade and a half before had foreseen *Common Sense*. And, as we shall see, *Rights of Man* can be read as an encomium on the triumph of the *American* Revolution. But that is insufficient to explain the astonishing popular, even mass appeal of Paine's masterpiece. What was it that made Paine's *Rights of Man* such a runaway bestseller? What made Paine's book so dangerous and caused it to be declared illegal, with its possession, sale and circulation banned in terms of the Royal Proclamation of May 1792 'against wicked and seditious writings'? More than a century ago C. H. Herford summed it up in a single sentence: comparing Paine's masterpiece with his contemporary William Godwin's slightly later *Enquiry Concerning Political Justice* (1793), Godwin's book was 'for the study', whereas *Rights of Man* was 'for the streets'.<sup>6</sup> No one since has put it better than Herford.

### *A radical Enlightenment in Scotland*

#### 1. The modern enigma of Adam Smith's politics

In much the same way that historians have argued over the origins of the American and French Revolutions, it is valid to seek to identify intellectual (as opposed, that is, to economic and sociological) factors behind the rise of radicalism in late eighteenth-century Scotland. But we need to go further and probe to what extent, if at all, there may have existed a specific and credible Scottish element in any appraisal of the issue. Equally, we need to continue to take seriously the traditional, conventional view of the origins of early Scottish radicalism, viz. that what was essentially a popular movement for 'reform' (however we choose to define the term) had no discernible intellectual base, and that we somehow miss the point if we try to look for one. Or, to put it more circumspectly, we need to be wary of running the risk we minimise the undeniably non-intellectual elements that, at least on first examination, appear to lie at the very roots of popular radicalism in the

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<sup>6</sup> C. H. Herford, *The Age of Wordsworth* (London, 1897), 8.

period. In that regard, and for reasons that are still not entirely understood, though almost universally conceded, Scotland (together with Ireland which, as ever, is a special case) protrudes out from the rest of Britain.

As already observed elsewhere in this study, Thomas Paine cannot be, and is rarely considered a philosopher in the strict sense of the term. He seldom – and then only vaguely – names any prior influence on his own views and pronouncements. Essentially Paine is much more a hugely gifted journalist than an original thinker. And his greatest gift as a journalist is his unique way with words. (Ironically, it has often been suggested, reasonably, that Paine's prose at its best most closely resembles the rhetorical periodicity of the language of the Authorised Version.)<sup>7</sup> Nevertheless, although he is loath to reveal them, Paine's works do occasionally contain (usually unattributed) traces and echoes of the thoughts of others. But, as always with Paine, his sources are elusive and one needs to tread with extreme care when we try to unravel them. In his unfairly neglected study of Paine written in the 1980s the English philosopher A. J. Ayer attempts to list those thinkers he calls 'precursors' of Paine, from Aristotle to Rousseau, though Ayer is sensible enough to make clear that he is merely speculating on the identity of authors whose earlier ideas on liberty, for example, most closely coincide with those of Paine.<sup>8</sup>

Until quite recently, it was believed that the writers who counted among the most obvious sources of Paine's views on liberty were Montesquieu and Voltaire. It was commonly said that this was of unique importance on account of the fact that Paine, for once, actually names names when he refers to these two great French *philosophes* in *Rights of Man*.<sup>9</sup> Jonathan Clark, however, has of late implicitly poured cold water on any such hypothesis since the references to Montesquieu and Voltaire, as well as to some other great names of the French Enlightenment,<sup>10</sup> are, he maintains, confined to a long

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<sup>7</sup> Henry Redhead Yorke: *Letters from France, in 1802* (2 vols, London, 1804), II, 365: 'The Bible is the only book he has studied, and there is not a verse in it, that is not familiar to him.' Cited in J. C. D. Clark, *Thomas Paine Britain, America, & France in the Age of Enlightenment and Revolution* (Oxford, 2018), 73 and note 30.

<sup>8</sup> A. J. Ayer, *Thomas Paine* (Chicago, 1988), 14–34.

<sup>9</sup> There is no dispute, however, that Paine cites from Montesquieu's *The Spirit of Laws* in Letter II of his 'Six Letters to Rhode Island' See Foner (ed.), *Complete Writings*, II, 344–5. The letter first appeared in the *Pennsylvania Journal* and the *Pennsylvania Gazette*, both of 4 December 1782.

<sup>10</sup> Including a pairing of Rousseau and the Abbé Raynal, whose writings, collectively, are said to display 'a loveliness of sentiment in favour of liberty, that excites respect, and elevates the human faculties ... but leave the mind in love with an object,

passage 'which appears to be not solely his own work'.<sup>11</sup> While Clark's theory is undoubtedly right, he is unable to elaborate on what he intends by the word 'solely' and we are left guessing on which parts of the disputed passage are by Paine, and which by his (difficult to pin down) source. For our purpose, however, Clark's attribution of the passage to someone other than Paine fails to alter the crucial points: which are that, first, Paine is happy to include the borrowed extract while determinedly failing to attribute it; and that, secondly and above all, in the eyes of the reader, as the professed author of the text of *Rights of Man* in its entirety Paine would surely have eliminated the passage containing benevolent references to specific writers and their works if he had not generally been content with them. So, to be clear, Clark's dismissal of the passage utilised by Paine, but probably not of Paine's making, in no way invalidates the premise that here is a rare example of Paine naming sources that appear generally sympathetic to his own central argument in *Rights of Man*.<sup>12</sup> In other words, we can be assured that Paine, as much as any other of their many admirers in Britain, found Voltaire and Montesquieu much to his liking.

Titles by both Voltaire and Montesquieu figure prominently in the list of publications sold at the shop in Edinburgh of the shadowy radical bookseller, Alexander Leslie. Leslie was prosecuted by the authorities as late as 1797 and his two-page political catalogue is among the papers seized by the Sheriff Officer in December that year. Leslie's daybook, now in the National Records of Scotland, is a veritable mine of information for anyone researching the important bibliographical aspects of the reform movement in Scotland in the last decade of the eighteenth century. His two-page 'Political Catalogue' shows that both Montesquieu's *The Spirit of the Laws* and Voltaire's *The Philosophical Dictionary* could be bought in his shop at 18 Nicolson's Street, together with titles by Helvétius, Volney, Raynal, Marmontel and Beccaria. An edition of the Voltaire title had been published in Glasgow by Robert Urie in 1766, but it seems unlikely that Leslie would have retailed such an

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without describing the means of possessing it'.

<sup>11</sup> Clark, *Thomas Paine*, 423–4.

<sup>12</sup> Specifically, the passage claimed by Clark to be 'not solely [Paine's] own work' runs from 'The despotism of Louis XIV ...', to '... and to act in unison with its object.'. Paine, *Rights of Man*, Part One in Foner, *Complete Writings*, I, 298–313. See Clark, *Thomas Paine*, Appendix, 'Paine De-attributions', 423–4. It is important to note that even Clark is unable to disaggregate the words of Paine's unattributed source from those of Paine himself: 'The syntax of the passage ... is not Paine's, although if he transcribed another document he presumably put some of it into his own words.'



early version, a much likelier candidate being the cheap Dublin edition that came out in 1793. The British Library ESTC lists twenty-five editions of Montesquieu's monumental work in English translation – *The Spirit of the Laws* – from 1750 to 1794, of which no less than ten were published in Scotland (Aberdeen in 1756, Edinburgh in 1762 (2), 1768, 1772, 1773, 1778, 1793 (2), and Glasgow in 1793).

It is not suggested that either of the French titles sold by Leslie were warrantably subversive, least of all seditious (even though, as we shall see, the same could not be said of an English translation of Volney's *Les Ruines* or *Ruins of Empires*).<sup>13</sup> Even so, the influence of Montesquieu on some anti-government titles in English (for example, on John Millar's *Letters of Crito* of 1796) is immediate and obvious. Moreover few would dispute that Voltaire was rightly (but only indistinctly) acknowledged as the grand old man of French opposition to despotic rule. Voltaire was perceived as the genius who had taken on the dual tyrannies of absolute monarchism and an auto-cratic church, and who had largely got away with it. In his latter days he had been lionised for his defence of what were formerly regarded as lost causes. As William Doyle has put it: Voltaire was a hero and an inspiration to later revolutionaries who 'would look back on this tireless critic and campaigner against intolerance and injustice as one of their most distinguished intellectual ancestors.'<sup>14</sup> Leslie's political catalogue clearly shows that, where Voltaire was concerned, precisely the same sentiment was being echoed at the same time by radical sympathisers in Scotland.

Montesquieu's influence on the Scottish Enlightenment is certain and direct. In the words of Sir James Mackintosh, Montesquieu was *the* great authority on government and comparative law of his age 'whom I never name without reverence' – even though Mackintosh (rightly) believed that Montesquieu had a misconceived view of the 'government of England ... which he only saw at a distance'. Mackintosh describes Montesquieu's masterpiece, *De l'Esprit des Loix*, first published in Geneva in 1748, as a work

<sup>13</sup> Constantin-François Chasseboeuf, Marquis de Volney, *The Ruins: or A Survey of the Revolutions of Empires* [*Les Ruines, ou Méditations sur les Révolutions des Empires*] (London, 1792). An extract from the work was a key Crown production at the trial of Thomas Muir at the High Court of Justiciary in Edinburgh in August 1793. Jonathan Israel is in no doubt that Volney is one of the key authors inspiring the ideas of 'the Radical Enlightenment ideology of "reason"', infusing the rhetoric of the French revolution. See Israel, *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (Princeton, 2010), 39.

<sup>14</sup> William Doyle, *The Oxford History of the French Revolution*, Third Edition (Oxford, 2018), 49–50.

that, despite its imperfections, 'will still remain not only one of the most solid and durable monuments of the powers of the human mind, but as striking evidence of the inestimable advantages which political philosophy may receive from a wide survey of all the various conditions of human society.'<sup>15</sup> Adam Smith cites liberally from Montesquieu's *De l'Esprit des Loix* in *Wealth of Nations*. And to the Scottish jurist George Wallace, writing little over a decade after the first publication of *De l'Esprit des Loix*, and fixated by the Frenchman's enlightened condemnation of slavery as grotesquely inhumane, Montesquieu is 'this great man', 'the greatest and the most humane politician of this, or perhaps of any age'.<sup>16</sup> Doyle calls the work a 'sprawling, untidy collection of reflections', while acknowledging it as the 'most fertile and challenging work of political thought of the century.'<sup>17</sup> Finally, while it was David Hume and his teacher and mentor, Adam Smith, who most consistently enthused John Millar of Glasgow, it was to Montesquieu that Millar turned when he had sought inspiration for his liberal views on anti-aristocratic privilege and the inhumanity of slavery and the slave trade. It is also to John Millar we must go for an indication of just how influential Montesquieu's thought proved in its application to the political, sociological and even religious issues posed in Scotland in the Age of Paine. Millar's contribution to the Scottish Radical Enlightenment is not in dispute and will be assessed later in this chapter, and again in Chapter 6 and Appendix A.

In weighing up the nature and extent of the Scottish sources and intellectual origins behind early radicalism we have to confront the supposed modern enigma of Adam Smith. In 2001 Emma Rothschild published an original study of 'Adam Smith, Condorcet, and the Enlightenment' she entitled *Economic Sentiments*. No one prior to Rothschild had identified Smith, and his writings, as a factor to be reckoned with in relation to the Scottish sedition trials of the 1790s. Certainly neither Henry Meikle, writing as far back as 1912, nor Bob Harris dealing with the same themes and issues as Meikle but in 2008 and with the advantage of new materials, had spared many thoughts on Smith in their different estimations of precisely what constituted the predominantly radical spirit of that desperate time in Scottish politics. According to Rothschild, Thomas Paine's declared preference for Smith over Burke in

<sup>15</sup> [Sir] James Mackintosh, *A Discourse on the Study of the Law of Nature and Nations* (London, 1799), 29.

<sup>16</sup> George Wallace, *A System of the Principles of the Law of Scotland*, volume I (Edinburgh and London, 1760), 93, 97. There was no volume II.

<sup>17</sup> Doyle, *The Oxford History of the French Revolution*, 50.

*Rights of Man* has to be set alongside similar sentiments expressed by other writers who were contemporaneous with Paine, such as Mary Wollstonecraft, who quotes Smith at length in her *Vindication of the Rights of Women* (1792), and who 'uses the language of the *Theory of Moral Sentiments* in her own first answer to Burke, in 1790.' Others cited by Rothschild who also, it seems, were influenced by Smithian views as expressed in either *The Theory of Moral Sentiments* or *Wealth of Nations* (or both) are James Mackintosh and William Godwin.<sup>18</sup>

Easily the most convincing of Rothschild's several attributions in support of her novel hypothesis in relation to alleged Smithian influences on Scottish radicalism of the period is Dugald Stewart, whose paper, an *Account of the Life and Writings of Adam Smith* was read to the Fellows of the Royal Society of Edinburgh in 1793.<sup>19</sup> Though Stewart to some extent later retracted some of his comments, his *Account* (the first published biography of Smith) proved hugely influential for a time. Delivered orally in the year when France declared war on Britain, and Thomas Muir and the Reverend Thomas Fyshe Palmer were transported to Australia by a vindictive Court in Edinburgh, Stewart consciously showed how Smith's writings were ahead of the pack in terms of their apparent relevance to the modern age in general, and to the on-going political crisis in Scotland in particular. Evidence of Smith's 'liberal principles', as he put it, was illustrated by Stewart in quotes like the following from *Wealth of Nations*. His words, one senses, must have made whole swathes of the Edinburgh *literati* shudder:

Commerce, which ought naturally to be among nations as among individuals, a bond of union and friendship, has become the most fertile source of discord and animosity. The capricious ambition of Kings and Ministers has not, during the present and the preceding century, been more fatal to the repose of Europe, than the impertinent jealousy of merchants and manufacturers. The violence and injustice of the rulers of mankind is an ancient evil, for which perhaps the nature of human affairs can scarce admit of a remedy. But the mean rapacity, the monopolising spirit of merchants and manufacturers, who neither

<sup>18</sup> Rothschild, *Economic Sentiments*, 53 and 270 notes 11–14.

<sup>19</sup> Dugald Stewart, 'Account of the Life and Writings of Adam Smith, LL.D.' in *Transactions of the Royal Society of Edinburgh* (Edinburgh, 1794), III, 55–137. Stewart's paper was read in two parts, on 21 January and 18 March 1793. It is reprinted in Smith's posthumously published *Essays on Philosophical Subjects*, Joseph Black and James Hutton (eds.) (London, 1795).

are nor ought to be the rulers of mankind, though it cannot perhaps be corrected, may very easily be prevented from disturbing the tranquillity of any body but themselves.<sup>20</sup>

Well aware of the limitations of Stewart's analysis, Rothschild nevertheless is swayed by the argument that we should look for the politics of Adam Smith in the transcripts of some of the Scottish sedition trials, especially, she says, those of Thomas Muir, Thomas Fyshe Palmer, William Skirving and Maurice Margarot. To illustrate her point, she cites the Howell transcripts, as well as, where appropriate, Lord Cockburn's magisterial two-volume *Examination of the Sedition Trials ... in Scotland*, and associated reports in the *Scots Magazine*. Thus, in the case of the Muir trial Rothschild grounds her Smithian hypothesis on the specificity of the Lord Advocate's interpretation of the first part of the charge, that concerning Thomas Muir's crime of having 'excited disaffection to government', viz. that Muir had 'said that their taxes would be less if they were more equally represented; and that from the flourishing state of France, they could not bring their goods to market so cheap as Frenchmen. What could possibly be more calculated to produce discontent and sedition?'<sup>21</sup> And who were 'they'? Why, none other than the 'weak, uninformed, illiterate people'.

Not everyone has found Emma Rothschild's general hypothesis convincing. Michael Durey, for one, prefers to argue 'It was Paine who linked individualism and commerce most clearly. ... A commercial society had to be free and open to all.'<sup>22</sup> And also, years before her book came out, Donald Winch had pointed out that it was easy 'to see how a largely post-eighteenth-century conception of political freedom seems open to a blatantly twentieth-century response based on the notion that liberty must be equated with participatory

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<sup>20</sup> Adam Smith, *Wealth of Nations*, Books IV-V, Andrew Skinner (ed.) (London, 1999), Book IV, 'Of Systems of Political Economy', Chapter III, Part II, 'Of the Unreasonableness of those extraordinary Restraints upon other Principles', 72.

<sup>21</sup> Rothschild, *Economic Sentiments*, 56, 273 notes 40-42; Cockburn, *Examination of the Trials for Sedition*, I, 159; *Scots Magazine*, 55 (1793), 417-24, 484-90; T. B. Howell and Thomas Jones Howell, *A Complete Collection of State Trials ... XXIII* (v. II of the Continuation) (London, 1817), 117, 182, 231-38.

<sup>22</sup> Michael Durey, 'Thomas Paine's Apostles: Radical Emigres and the Triumph of Jeffersonian Republicanism', *William and Mary Quarterly*, Third Series, 44 (1987), 678-9. Durey cites Paine: 'Commerce is no other than the traffic of two individuals, multiplied on a scale of numbers; and by the same rule that nature intended the intercourse of two, she intended that of all.' Paine, *Rights of Man*, part second, Chapter 5, in Foner (ed.), *Complete Writings*, v. 1, 400.

democracy', adding that: 'At any moment, one feels the argument is about to turn into a discussion of universal suffrage – an issue which was not even academic for Smith.'<sup>23</sup> And writing with Rothschild's book specifically in mind, for Jonathan Israel, Smith is 'scarcely less a champion of the existing hierarchical order than Hume or Ferguson' and (as if to rub salt into the sore), Israel adds for good measure, to say so is 'something rarely given sufficient emphasis'. 'Smith's contention', Israel continues, 'that men are naturally "eager to assist" the rich and powerful "in completing a system of happiness that approaches so near to perfection", as he puts it, and "desire to serve them for their own sake, without any other recompense but the vanity or the honour of obliging them", underpins much of [Smith's] social theory. Nothing we have seen, could have been further removed from the radical stance.'

And Israel does not stop there, further developing his anti-Rothschild stance, refuting the notion of Smith as a friend of the people, and denying that his economic theories in *Wealth of Nations* promoted an anti-aristocratic vision. In fact, he maintains, the opposite was true. Smith's vision was actually 'deferring in large part to the interests of a politically, militarily, and agriculturally dominant nobility', thereby signifying that 'he was much more of an apologist for empire, aristocracy, and the *ancien régime* social hierarchy generally than he has often been taken to be.' More contentiously still – this time taking on Alexander Broadie on the near-taboo subject of slavery – Israel suggests that 'while it may be true that Smith regarded slavery with moral distaste, it is far from evident that his "abolitionist credentials" were, as has been claimed, "impeccable".'<sup>24</sup> 'In general', Israel concludes, '[Smith] offers no real moral objection to the continued use of slavery in the sugar and tobacco colonies where at the time their use seemed the only practicable option. His argument against slavery, such as it is, mainly pivots on the economic inefficiency of the institution.'<sup>25</sup> It is a powerful rebuttal of Adam Smith's 'liberal principles' as claimed by Dugald Stewart.

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<sup>23</sup> Donald Winch, *Adam Smith's Politics: An Essay in Historiographic Revision* (Cambridge, 1978), 85.

<sup>24</sup> Alexander Broadie, *The Scottish Enlightenment: The Historical Age of the Historical Nation* (Edinburgh, 2001), 96.

<sup>25</sup> Jonathan Israel, *Democratic Enlightenment Philosophy, Revolution, and Human Rights 1750–1790* (Oxford, 2011), 237–40. For a brilliant exposition of what he calls 'The Battle for Adam Smith', see Neil Davidson's essay of that name in *The Scottish Review of Books*, 28 March 2013 (available online).

*A radical Enlightenment in Scotland*

## 2. John Millar of Glasgow, Republican

No such ambiguities surround the political principles of Smith's loyal student, John Millar. Millar was appointed Regius Professor of Civil Law at Glasgow in 1761 and succeeded brilliantly in reforming the curriculum in law teaching, conducting his increasingly popular classes in English (despite opposition from the Faculty of Advocates who preferred that he continue to dictate his lectures in Latin). Like the classes in natural philosophy offered by his Glasgow contemporary, John Anderson, Millar's lectures were widely advertised in the Glasgow press and attracted impressive numbers of students. Part of the reason behind Millar's success was his ability to relate civil law to real life situations. In this, he was strongly influenced by the writings of his own teacher and mentor, Adam Smith, and especially by Smith's *Theory of Moral Sentiments*. To quote John Cairns, Millar traced his notion of rights, for example, from moral sentiments 'according to which actions are approved on the basis of their utility and propriety.' 'Rules of justice arise . . . from concrete situations. Individuals . . . have a right not to be wronged.' Further, once society develops, it is governments that take on the task of 'enforcing rights in the courts and possess the authority to legislate them into law.'<sup>26</sup> The ever-constant implication, accordingly, was that governments themselves have a duty to be scrupulous and to act without 'prejudice' – the latter one of Millar's favourite words (as it was for Smith). In today's modern world we might say that Millar regarded the preservation and execution of justice as a right to which citizens should not merely feel entitled, but also to expect those put in charge of governing the country to dispense fairly and effectively.

In his personal politics Millar was a self-avowed Rockingham Whig who in time would become a warm supporter of Charles James Fox against the machinations of William Pitt and his right-hand man in Scotland, the erstwhile Edinburgh advocate Henry Dundas. Millar espoused the campaign for political reform in Scotland and although there is no substantive evidence that he ever belonged to the Friends of the People <sup>27</sup>, he made no secret of

<sup>26</sup> John W. Cairns, 'Famous as a School for Law, as Edinburgh . . . for Medicine': 'Legal Education in Glasgow, 1761–1801' in Andrew Hook and Richard B. Sher (eds.), *The Glasgow Enlightenment* (East Linton, 1995), 133–59.

<sup>27</sup> Harris states that Millar was 'an honorary member of the Whig Association of the Friends of the People . . . but he seems to have maintained his distance from the Scottish Friends of the People after late 1792, although his son John Craig Millar, was a member of the Edinburgh Society of the Friends of the People.' Bob Harris,

his republican, anti-monarchical, even anti-aristocratic tendencies. He had consistently supported the Americans in their great cause against Britain and her colonialist tendencies, and he vehemently opposed the war with France. In 1775 Hume wrote to his nephew and namesake, David Hume (the future Baron Hume, jurist, and law professor at Edinburgh), telling him that his professor at Glasgow, 'Mr Millar', was 'very well pleased with him', 'no less than you with him'. And, the philosopher famously goes on:

I cannot but agree with Mr Millar, that the Republican form of [Government] is by far the best. The antient Republics were somewhat ferocious, and torn [internally] by bloody Factions; but they were still much preferable to the Monarchies or [Aristocracies] which seem to have been quite intolerable.

The rest of the letter is cited in Chapter 1 in the different context of America and Hume's (mistaken) conclusion that republicanism 'is only fitted for a small State'. Any attempt to replicate it in our own country, he tells his nephew, would 'produce only Anarchy, which is the immediate Forerunner of Despotism'. Hume continues:

[Will he] tell us, what is that form of a Republic which we must aspire to? Or [will the Revol]ution be afterward decided by the Sword? [One] great Advantage of a Commonwealth over our mixt Monarchy is, that it [would consid]erably abridge our Liberty, which is growing to such an Extreme, as to be incompatible with all Government. Such Fools are they, who perpetually cry out Liberty: [and think to] augment it, by shaking off the Monarchy.<sup>28</sup>

Notwithstanding Millar's discretion in trying to contain his Whiggish tendencies within the classroom, and to articulate them in their purely academic setting, he did cross the boundary between theory and practice in his *Letters of Crito* (1796). Originally written as a series of letters in the *Scots Chronicle*, the fifteen anonymous pieces, subsequently collected together in pamphlet-

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*The Scottish People and the French Revolution* (London, 2008), 228.

<sup>28</sup> Hume to David Hume the Younger, Edinburgh, 8 December 1775 in Greig (ed.), *The Letters of David Hume*, II, 305-7. Greig's footnote to the effect that John Millar was 'a noted Radical, and his later association with the Friends of the People, brought him into not a little disrepute.', is not borne out by the facts. For a balanced indication of Millar's attachment to the reform cause, see the Harris citation in note 27 above.

form with a dedication to Fox, sailed remarkably close to the wind yet somehow (narrowly) avoided the designation of 'seditious publication' with highly critical comments on the war and the conduct of the Pitt government, such as the following:<sup>29</sup>

*The Preface*

The inhabitants of this devoted country have too long neglected to see with their own eyes; and have placed too much confidence in men who have had an interest to deceive them. They have, accordingly, been made the dupes of an interested policy; and have suffered themselves to be misled by a train of artful and delusive representations. It is now high time to examine the consequences of their simplicity; and to behold the precipice upon which they stand.

*Referring to Burke – Letter VII*

Even the fanciful admirer of the age of chivalry, who appears to have formerly displayed the gilded colours of liberty as a mere light horseman of aristocracy, now forgetting *the sublime* and *the beautiful*, was glad to retire upon a most extravagant pension; and had the effrontery to laugh at his former professions, by stating the price of his apostasy as the reward of his services, and by submitting to a miserable recantation, in the form of a humiliating panegyric upon the least brilliant, and formerly the least admired of all his present benefactors.

*Alleged conspiracy to overthrow government – Letter VII*

But whatever might be the wanton speculations, or the licentious or foolish expressions of a few individuals, there is no ground to believe, that any considerable number were desirous of a Republican system, or that the great body of the people were not warmly attached to that form of limited monarchy under which they have lived, and of which the happy effects have been so long experienced. Ministers, however, affected to think very differently; and endeavoured to propagate an opinion, that the lower classes of the people, instigated by French emissaries and seduced by French politics, had entered into a conspiracy for the total overthrow of our government. Every engine

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<sup>29</sup> All quotations from *Letters of Crito* (London, 1796). Two Edinburgh editions of Millar's work also appeared in the same year.



was now employed for exciting apprehensions of disloyalty and sedition. Societies were set on foot, to procure information, to circulate reports, to propagate political doctrines favourable to the views of their employers, and to prepare materials for the prosecution and conviction of the supposed offenders. At the head of these, one Reeves, a retainer of the law, and possessing an office under government, was distinguished by his indefatigable zeal and activity. . . .

The artificial cry, which was thus raised by designing politicians, communicated real alarm and terror to the honest and undesigning part of the inhabitants.

*The war seen as an excuse to defer parliamentary reform – Letter XI*

The real and ultimate object of the war, as was formerly observed, has been invariably the preventing of a reform in our parliamentary representation; and this, it was thought, required a counter-revolution in France, by pulling down the new constitution, and restoring the ancient despotism; measures which could not be effected without an entire conquest of the country. . . . Can any thing be more absurd than for Great Britain to imagine that, by means of her fleets and armies, she is capable of maintaining in France the virtues of humanity and benevolence, or of enforcing the principles of morality and the Christian religion? Does any person believe, that, by attempting to do so, she would not produce more harm than good? . . .

*Referring to Pitt – Letter XIV*

. . . in this desperate conjuncture, we have reason to fear that many of the neighbouring states will rejoice in feeling, or perhaps in promoting the downfall of a maritime power which they have long regarded with envy and jealousy. What is now become of the big words of our minister? What is become of his promise, that the French would not be able to continue their efforts for a month or a fortnight? What is become of his calculations founded upon the debasement of the *assignats*? His promises, his predictions, his calculations, have all vanished in smoke. In vain would he attempt any longer to impose upon us. His swelling tones can no longer be heard; his threatening aspect remains in the form of a ridiculous grimace; and he appears, like the

counterfeit musician in the play, continuing to move his fingers, in the same order and method, after the music has completely ceased.

*Conclusions – Letter XV*

There surely never was a war more unprosperous than the present, undertaken from worse motives, or carried on in such a blundering manner. There never was a war, to which the people were excited by such a train of delusion and imposture, or in which their hopes were, from time to time, buoyed up, and their passions enflamed, by such a series of misrepresentations and falsehoods. . . .

It is evident, that not only a change of Ministry, but a total change of *measures*, has become indispensably requisite for the preservation of our liberties. . . .

It was this view of our political state which, in the course of the American war, extorted the memorable declaration from the House of Commons, ‘that the influence of the Crown had increased, was increasing, and ought to be diminished.’

Published in Edinburgh in the same year as *Crito*, the *Letters of Sidney* deal exclusively with the issue of ‘inequality of property’ and were also originally published in the *Scots Chronicle* newspaper, eighteen this time, from August to November 1796, with a stand-alone ‘Treatise’ appended, entitled ‘The Effects of War on Commercial Prosperity’.<sup>30</sup> Unlike *Crito* the *Letters of Sidney* are suspected not to have been in their entirety by Millar, but they nevertheless deserve to be regarded as a kind of companion-piece to *Crito*, and they twice cite Millar in footnotes. The eighteen-page ‘Treatise’, on the other hand, is heavily indebted to Smith’s *Wealth of Nations* and is surely pure Millar.

In Chapter 6 and Appendix A we note that for all his unwavering support for the cause of America in the revolutionary war, John Millar had used the opportunity presented in his *Observations Concerning the Distinction of Ranks in Society* (1771) – a work almost certainly known to Thomas Jefferson – to condemn the practice of slavery in Britain’s American colonies as inconsis-

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<sup>30</sup> *Letters of Sidney on Inequality of Property. To which is added, A Treatise of the Effects of War on Commercial Property* (Edinburgh, n.d. [1796]). The footnote on page forty seven is of particular interest: ‘These observations on the Right of Property are merely a very slight sketch of the admirable discussion, respecting the origin and history of Property, introduced by Professor Millar, of Glasgow, in his Lectures on Civil Law. It is almost unnecessary to add, that the opinions are founded on Dr Smith’s just and elegant Theory of Moral Sentiments.’

ent with colonists' demands for '*unalienable rights*' and with the right to impose their own taxes free of interference on the part of the mother country. It is intriguing to find Millar using a term that ante-dates its use in the Declaration of Independence by five whole years – he repeats his comments with only minor changes in the third edition of 1781 – and on that account alone his book assumes an entirely new level of historical significance.

Important in the context of the background to Millar's concerns over slavery was William Burke's *Account of the European Settlements in America*, a work which may have been co-authored by Edmund Burke (whose possible kinship with his friend William has often been debated). Finally, in Chapter 9 we note that John Millar was one of the Scottish Enlightenment authors frequently cited by the Scots-American founder and 'signer', James Wilson, in his *Lectures on Law*, delivered in the College of Philadelphia in 1790–1791. In Wilson's case, however, it seems that his interest in Millar was confined to his *Historical View of the English Government from the Settlement of the Saxons in Britain to the Accession of the House of Stewart* (1787), a work that sought to dampen down the high Toryism of Hume's *History of England*.

#### *'Rights of Man' and the trial of Thomas Muir*

It should come as no surprise that the trial on a charge of sedition of the advocate and reformer, Thomas Muir, before the High Court of Justiciary in Edinburgh on 30 and 31 August 1793, has continued to attract the interest of historians (both academic and amateur), lawyers, journalists, moralists, politicians, and political theorists of many different backgrounds, and for just as many purposes. Glasgow and the west of Scotland generally adore a folk-hero. In recent times, Willie Gallacher, John Maclean and Jimmy Reid spring to mind.<sup>31</sup> In all cases, it is easy to detect the sense of a life dominated by a grand cause, a natural ability to articulate one's grounds for protest and complaint, and, not least, surrounding them is the pervasive whiff of injustice. All these factors seem key to an explanation of their enduring fame. Thomas Muir is certainly among that company, yet he towers above them largely since he was a martyr into the bargain.

Muir's trial continues to produce surprises and its serial fascination ensures it will probably go on doing so. In 2015 a volume of essays was published honouring Muir and marking the 250th anniversary of his birth. The contributors included a miscellany of Muir stalwarts including members

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<sup>31</sup> All three have their biographies in the *Oxford DNB*.

of the 'Friends of Thomas Muir', a group that was formed in 2010 and now organises an annual meeting of enthusiasts to celebrate their hero's life and help keep the memory of the terrible injustices he suffered alive and flourishing.<sup>32</sup> Statues, busts and portraits of Muir by distinguished contemporary Scottish artists have started to appear on the pavements and in the museums of our towns and cities. If all that might be thought to deter scholars from daring to re-visit Muir's trial on the grounds that there is nothing much left or new to say about it then, hopefully, what follows here may still be considered to add something to our knowledge of the facts surrounding one of the most unjust of verdicts in Scottish legal history.



6 Passport, dated 23 April 1793, granted by the Paris Commune to 'Citizen Thomas Muir' who is described in French as 'bound for Philadelphia'. (National Records of Scotland)

The trial lasted a mere sixteen hours and the verdict was never really in doubt even before it commenced. As an advocate himself it is quite likely that

<sup>32</sup> See Gerard Carruthers and Don Martin, *Thomas Muir of Huntershill: Essays for the Twenty First Century* (Edinburgh, 2016).

Muir had instinctively forecast a guilty verdict, though he could not have predicted how grim the sentence would be. As the trial progressed Muir cut an increasingly lonely figure in the dock with, almost certainly, too much to say in his own defence. It is quite likely that it was desperation rather than overconfidence that motivated his rejection of offers by fellow-advocates (notably on the part of Henry Erskine) to represent him. Even so, any assumption of the supposed inevitability of a guilty verdict on his or others' part failed to deter the Lord Advocate, Robert Dundas, from unashamedly contravening the law himself at several points throughout the process. In one of the most glaring examples of his overbearing self-confidence in securing the 'right' verdict, Dundas describes the Reverend Thomas Fyshe Palmer – whose own trial on a similar charge of sedition, would come on at the Perth circuit in less than a fortnight – as someone, he advised the Court should please note, whose company Muir has kept. Almost in despair Muir cries out:

Mark! cries the Lord Advocate, the company which this man keeps.—Who is Mr Palmer?—a person whom I have indicted for sedition, and who is to be tried in a few days at Perth!—Unheard-of cruelty!—Unexampled insolence! What! Before this Court, this jury, this audience, do you attempt to prejudicate and condemn Mr Palmer, in his absence, undefended, and without any possibility of defending himself? But, exclaims the Lord Advocate,—The seal upon the letter is a proof of the most atrocious guilt. What is it?—Horrible to tell! It is the Cap of Liberty, supported upon a spear, with the words *ça ira* above. All is consistent. When you attempt to banish the substance of freedom—the shadow must follow! <sup>33</sup>

For all the numerous examples in the trial transcript of a certain naivety and disingenuousness, Muir cannot be faulted for his courage and skill in accusing Robert Dundas of fundamental breaches of proper legal procedure. His professional instinct, on the other hand, cannot disguise a lack of judgment in contriving to humiliate the Lord Advocate in his own Court. Later, in his over-long pleading to the Court, Muir further accuses Dundas of hav-

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<sup>33</sup> T. B. Howell and Thomas Jones Howell, *State Trials . . . 1793 & 1794*, v. XXIII (v. II of the Continuation) (London, 1817), 'Proceedings on the Trial of Thomas Muir, Esq., the Younger, of Hunter's-Hill, on an Indictment charging him with Sedition. Tried before the High Court of Justiciary at Edinburgh, on the 30th and 31st Days of August: 33 George III. A.D. 1793', 117–238.

ing committed fundamental legal gaffes, this time specifically of assuming guilt on the part of persons who had themselves no part in the trial. He suggests that the named authors of the *Address from the Society of United Irishmen* (William Drennan and Archibald Hamilton Rowan) – which Muir did not deny reading out at the First General Convention of the Friends of the People in Edinburgh on 11, 12 and 13 December 1792<sup>34</sup> – were similarly illegally impugned by the Lord Advocate when referring to them as ‘infamous wretches.’ An indignant Rowan lost no time in contesting the slander – for slander it was – but it was to no avail.<sup>35</sup>

A crucial aspect of the Muir trial is its extreme bibliographical interest, a characteristic it shares with the majority of the other sedition trials that took place in Scotland over the same period. Knowledge of the bibliography of late eighteenth-century radicalism is vital to a proper understanding of the tensions of the period. And, at the very heart of it all lies Paine’s *Rights of Man* and the hundreds of books and pamphlets that trailed in its wake, both in apparent support of his words and, much less ambiguously, against them – the latter heavily outnumbering the former. There is little or no precedent for a book having been said to have inspired a Royal Proclamation but, without mentioning Paine or his notorious title by name, it cannot be doubted that George the Third’s Proclamation of 21 May 1792, ‘in the 32nd year of his reign’, was written expressly in the light of the allegedly seditious sentiments

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<sup>34</sup> In fact, Muir read out the Address on Wednesday, 12 December. ‘Colonel Dalrymple and Hugh Bell [delegates] protested against its being read, as, in their opinion, it contained treason, or at least misprision of treason. T. Muir, Esq., took upon himself the whole responsibility and the whole danger of the measure. The cry to hear it was universal.’ (Minutes of the Proceedings of the First General Convention of the Delegates from the Societies of the Friends of the People throughout Scotland, at their several sittings in Edinburgh on the 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> December, 1792, as contained in the Spy’s Reports, Public Record Office, London, in Henry W. Meikle, *Scotland and the French Revolution* (Edinburgh, 1912; reprinted, London, 1969), Appendix A, 245.

<sup>35</sup> ‘Mr Hamilton Rowan, on hearing that the above language was applied to him, instantly came over from Ireland . . . and demanded an explanation or apology from the Lord Advocate. But his Lordship would not come to the *scratch*, whereupon Mr Hamilton Rowan posted him in the following terms: —“The Lord Advocate of Scotland, Robert Dundas, having asserted on the trial of Thomas Muir, Esq., that an Address from the United Irishmen of Dublin to the Delegates for Reform in Scotland, to which my name was affixed as Secretary, was penned by those infamous wretches, who, like himself, have fled from the punishment that awaited him; and an explanation having been avoided, under the pretext of official duty, I find it now necessary to declare that such assertion of the Lord Advocate is a Falsehood!!!” Cited in Peter Mackenzie, *The Life of Thomas Muir, Esq. Advocate, Younger of Huntershill, near Glasgow* (Glasgow, 1831), footnote, 75.

expressed in *Rights of Man*. Its timing meant that the Proclamation could be reprinted in full in the May number of the *Scots Magazine*.

In March of the same year the same journal had published a review of the second part of Paine's book, complete with extracts, the anonymous reviewer ('M') beginning his remarks by describing it as 'this most immethodical pamphlet' [sic]. The review concludes with a gross assault on Paine's prose style that, ironically, lays wide open the secret of its mass appeal: 'The grammar of this second part is not so incorrect as that of the first: but the construction is still very harsh, rude, and inelegant; and many of the words and phrases are such as have not been used by any body before, and such as we should not advise any body to use again.'<sup>36</sup>

In strict legal terms it could be said that in Muir's case the entire indictment was founded upon the Crown accusation that he committed sedition when he kept in his possession and recommended to others books and documents that were technically in breach of the Royal Proclamation, even though Muir is surely technically correct in pointing out to the Court that at the time when the indictment was made out the terms of the Proclamation had not yet been enshrined in legislation:<sup>37</sup>

A proclamation, gentlemen, is not law. It can declare and it can enforce what the law has already enacted, but it has no legislative authority. But was there any mention of Mr Paine's Works in the proclamation? None. What were the consequences of this proclamation? You know them well. If there had been a demand before for political books, that

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<sup>36</sup> *Scots Magazine*, 'New Books: Paine's Rights of Man, Part II.', 54, (March 1792), 121–4.

<sup>37</sup> The stated purpose of the Royal Proclamation dated 21 May 1792 is fourfold: (i) to 'solemnly warn all our loving subjects' to guard against all attempts 'which aim at the subversion of all regular government within this kingdom, and which are inconsistent with the peace and order of society'; (ii) to 'strictly charge and command all our magistrates in and throughout our kingdom of Great Britain, that they do make diligent enquiry in order to discover the authors and printers of such wicked and seditious writings as aforesaid; and all others who shall disperse the same'; (iii) to 'charge and command all our Sheriffs, Justices of the Peace, chief Magistrates in our cities, boroughs, and corporations' etc. to 'take the most immediate and effectual care to suppress and prevent all riots, tumults, and other disorders, which may be attempted to be raised or made by any person or persons, which . . . are not only contrary to law, but dangerous to the most important interests of this kingdom'; and (iv) to 'require and command all and every our magistrates' that they 'from time to time transmit to one of our principal secretaries of state, due and full information of such persons as shall be found offending as aforesaid, or in any degree aiding or abetting therein'. It was this last provision, effectively creating a national network of paid spies and informers, that ultimately led to the greatest public resentment.

demand increased in a ten-fold proportion. Concerning the particular books to which the proclamation might be supposed to allude, curiosity was more highly excited, and conversation became more keenly interested.<sup>38</sup>

Yet Muir consistently denied that Paine's works were of any consequence to the charges against him. In his answer to the indictment he made two objections: that the gentlemen of the Goldsmiths' Hall Association, who comprised the Assize (or jury), were prejudiced against him and all he stood for (which was certainly true), and that (more questionably) the accusation that he had circulated and recommended *Rights of Man* was 'prejudicating his cause':

I am accused of circulating the works of Mr Paine. That association has publicly advertised their horrors at the doctrines contained in these books. Nay, more, they have offered a reward of five guineas, to any one who will discover a person who may have circulated them! If this is not prejudicating my cause, I demand to know what prejudication is?<sup>39</sup>

To be precise, the wording of the injunction against Muir refers to a particular edition of Paine's works, an example of the 'seditious and inflammatory writings' as intended by the Royal Proclamation, which he is accused of having 'wickedly and feloniously' 'distributed' and 'circulated'. Though it cannot be found among the original trial papers, from the trial record it is not difficult to identify the particular edition constituting the Crown prosecution. It is described in all contemporary trial accounts, and in Howell's record of 1817, as '*The Works of Thomas Paine, Esq.*', and the select passages held to be seditious are specified by citation, within the formal indictment, of the page numbers to which the prosecution took special exception. We can thus be confident of identifying the specific edition of *The Works of Thomas Paine, Esq.* – bearing the imprint 'London: printed for D. Jordan, Piccadilly. 1792.' The title is a rare bibliographical curiosity on account of the strong suspicion attaching to it that the imprint is false, deliberately contrived to mislead the authorities by throwing the scent off its genuine publisher, in this case most

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<sup>38</sup> Howell, *State Trials* . . . 1793 & 1794, v. XXIII, 206.

<sup>39</sup> *Ibid.*, 135.



probably J. S. Jordan of Fleet Street, the man to whom Paine turned to print *Rights of Man* after Joseph Johnson had taken cold feet and refused to proceed.<sup>40</sup> In other words, it seems more than likely there never was a 'D. Jordan' who had a bookshop at Piccadilly.<sup>41</sup>

The charges against Muir did not, however, stop at the possession, circulation and distribution of Paine's works, including most notably, *Rights of Man*. Other printed works cited by the Crown in Muir's indictment were: 'a writing or publication' entitled *A Declaration of Rights, and an Address to the People, approved of by a Number of the Friends of Reform in Paisley*;<sup>42</sup> 'a paper or publication' entitled *A Dialogue betwixt the Governors and the Governed*;<sup>43</sup> and 'a paper or publication' entitled *The Patriot*.<sup>44</sup> Finally, and of crucial importance, he was charged with having read aloud 'a writing or paper' entitled *Address from the Society of United Irishmen in Dublin, to the Delegates for promoting a Reform in Scotland*.<sup>45</sup> Each of these titles is of intrinsic importance to understanding the way in which the trial proceedings were led by the Crown, but they are also of wider historical interest in terms of the bibliographical context of their alleged political and seditious content.

<sup>40</sup> See Eric Foner (ed.), *The Rights of Man* (London, 1985), Appendix, 275-8. Foner includes in his edition (where others omit it) Paine's own account of the printing history of the work and explains the 'causes that have occasioned the delay' of publication 'beyond the time intended'.

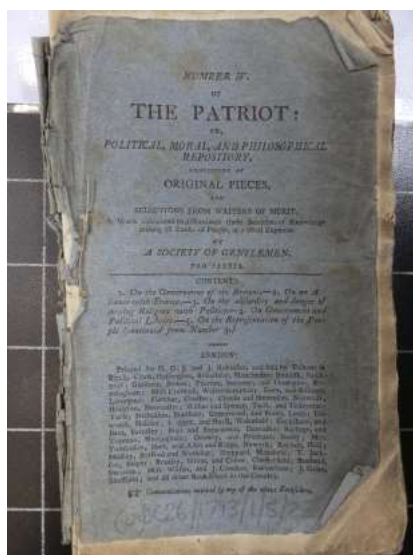
<sup>41</sup> This single-volume edition of *The Works of Thomas Paine, Esq.*, as exhibited at Muir's trial, contains ten different works by Paine (including *Common Sense*, and *Rights of Man, Part I* and *Part II*). All but four have separate title pages, and of these six, no less than four are described as the 'Ninth Edition.'

<sup>42</sup> See Chapter 9 on Alexander Wilson for more on the *two* Paisley Declarations and for Wilson's authorship of one of them (but not the version that was among the Crown productions at Muir's trial).

<sup>43</sup> The correct title for this single sheet broadside is *A Dialogue between the Governors and the Governed: Being an Extract from a late Publication, intituled, "Les Ruines,"* [sic] *By Monsieur de Volney*. The actual broadside survives among the trial papers held in the NRS (JC26/1793/1/5).

<sup>44</sup> *The Patriot: or, Political, Moral, and Philosophical Repository. Consisting of Original Pieces, and Selections from Writers of Merit*, according to the ECCO database, is one of the rarest of all printed serials to appear in the early radical period. The distinctive blue cover of each number contains the imprint, together with the words: 'A Work calculated to disseminate these Branches of Knowledge among all Ranks of People, at a small Expense. By a Society of Gentlemen. Pro Patria.' It was published in London for G. G. J. and J. Robinson – who were famous for publishing important serials including the *Critical Review*, the *Ladies' Magazine*, the *New Annual Register*, and William Godwin's *Political Herald and Review*. See illustration 7.

<sup>45</sup> The 'Scottish' *Address* was reprinted in *Proceedings of the Society of United Irishmen of Dublin* (Philadelphia, 1795), 34–42.



7 Thomas Muir's copy of *The Patriot*, number IV. (National Records of Scotland)

Though ignored by most historians of the period, John Burnett's *Treatise on Various Branches of the Criminal Law of Scotland* (1811) is of extraordinary relevance to Thomas Muir's trial on account of Burnett's comments relating to a key element in Muir's defence. Though Cockburn is right in finding Burnett's stance on Muir's indictment, and the verdict imposed on him, a world away from any civilized interpretation of justice, it is inescapable that Burnett utters his views in judgment of a brother advocate. Here is what Burnett has to say when he tackles the fundamental point in the trial concerning Muir's muted esteem of Paine:

He vindicated the writings of Paine, as being merely of a *speculative* nature, and nowise meant or calculated to excite the people to resist the law, or to subvert the constitution; and he founded much on the evidence he adduced to show, that he had all along recommended orderly and constitutional measures. These remarks were anticipated by the prosecutor [Robert Dundas], who maintained, that if the Jury were satisfied of the evidence as to the facts charged against the prisoner, his defence in law could not avail him. He examined the principles and *mode* of reasoning in Paine's book; and contended that it was by no means of a *speculative*, but of a highly seditious nature; obviously meant to rouse the people to resistance, by representing the constitution of the country as a system of injustice and oppression. That the *object* and *tendency* of a writing was often to be gathered from the *form* of its composition, and the *season* at which

it made its appearance; both of which strongly militated against the supposed *speculative* nature of Mr Paine's writings ...<sup>46</sup>

The crux, here, is that, however warped his argument, Burnett's words are to be treasured, since we gain remarkable insight from them into the mind of not just a senior member of the Scottish community of the Courts of Justice at the time of the sedition trials – Burnett was Advocate-Depute throughout – but, even more intriguingly, into the mind of a man who played a leading role in the Lord Advocate's team of senior counsel at the Palmer, Skirving, and Mealmaker trials. It is as if from the horse's mouth that we are able to form a clear and accurate idea of how, and why *Rights of Man* was adjudged a seditious book in the eyes of the authorities in Scotland.

*Religion in politics, and the politics of religion in Scotland*

One of the many paradoxes implicit in the writings of Thomas Paine, Deist, is the frequency of his references, direct and indirect, to revealed religion. In the first part of *Rights of Man*, for example, from the very outset Paine adverts to religion to illustrate and heighten his message. Almost in the same breath he scorns Burke and praises Richard Price. And, it should not be overlooked, this is the Price of the Old Jewry sermon of 4 November 1789, published under the alluring title, *On the Love of Our Country*. Paine employs the imagery of the Gospels when, quoting Jesus, he writes: 'Lay the axe to the root, and teach governments humanity'; and, 'His [man's] duty to God, which every man must feel; and with respect to his neighbor, to do as he would be done by.' And, perhaps most revealingly of all: 'Though I mean not to touch upon any sectarian principle of religion, yet it may be worth observing, that the genealogy of Christ is traced to Adam. Why then not trace the rights of man to the creation of man?'<sup>47</sup>

It is when he discourses on his understanding of natural rights that Paine feels it appropriate and necessary to refer to God and religion. He introduces the topic by tracing what he terms the '*unity of man*':

Every history of the creation, and every traditionary account, . . . all agree in establishing one point, the *unity of man*; by which I mean that

<sup>46</sup> John Burnett, *A Treatise on Various Branches of the Criminal Law of Scotland* (Edinburgh, 1811), 244.

<sup>47</sup> 'Lay the axe to the root' (AV, *Matthew* 3:10); 'to do as one would be done by' (AV, *Matthew* 7:12 – free trans.). Paine, *Rights of Man*, Part One, in Foner, *Complete Writings*, 266.

all men are born equal, and with equal natural right, in the same manner as if posterity had been continued by *creation* instead of *generation*, the latter being only the mode by which the former is carried forward; and consequently, every child born into the world must be considered as deriving its existence from God. The world is as new to him as it was to the first man that existed, and his natural right in it is of the same kind . . . It is also to be observed, that all the religions known in the world are founded, so far as they relate to man, on the *unity of man*, as being all of one degree. Whether in heaven or in hell, or in whatever state man may be supposed to exist hereafter, the good and the bad are the only distinctions. Nay, even the laws of governments are obliged to slide into this principle, by making degrees to consist in crimes, and not in persons.<sup>48</sup>

In *Rights of Man* Paine takes on Burke for having censured the French National Assembly for failing to maintain the ‘political doctrine of always uniting the church with the State in every country’. ‘Let us’, Paine suggests, ‘bestow a few thoughts on this subject.’ And he proceeds to do so in the form of a brief discourse on the theme of ‘*The Church established by Law*’. Itemising his objections to the principle, he iterates the exemplars that justify his hypothesis that such a national (or state) church ‘is a stranger, even from its birth, to any parent mother on which it is begotten, and whom in time it kicks out and destroys’: thus, the ‘inquisition in Spain’, the ‘burnings in Smithfield’, and ‘the regeneration of this strange animal in England afterwards that drove the people called Quakers and Dissenters to America.’ By contrast, drawing from his own observed experience, he avers:

Take away the law-establishment, and every religion reassumes its original benignity. In America, a Catholic Priest is a good citizen, a good character, and a good neighbor; an Episcopalian Minister is of the same description; and this proceeds, independently of the men, from there being no law-establishment in America. . . .

If also we view this matter in a temporal sense, we shall see the ill effects it has had on the prosperity of nations. The union of church and State has impoverished Spain. The revoking the edict of Nantes drove the silk manufacture from France into England; and church

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<sup>48</sup> Ibid., 274.

and State are now driving the cotton manufacture from England to America and France. Let then Mr Burke continue to preach his antipolitical doctrine of Church and State.<sup>49</sup>

It is, however, in chapter four of the second part of *Rights of Man*, 'On Constitutions', that Paine shows his true colours as far as his attitude to organized religion is concerned. Using the same powerful imagery associated with a formerly discredited church exercising a stranglehold over the people who seem happy enough to subscribe to its dogma, he compares the current 'government of England' – 'for', he says, 'I rather choose to call it by this name, than the English government' – with the situation of old when 'the generality of mankind' were 'deceived into the design' by monks who 'show relics and call them holy'. He concludes: 'This political popery, like the ecclesiastical popery of old, has had its day, and is hastening to its exit. The ragged relic and the antiquated precedent, the monk and the monarch, will moulder together.'<sup>50</sup>

Meantime, in Scotland an academic divine and senior Kirk minister called Thomas Hardy decided, probably with the encouragement of Henry Dundas, to take on Paine and his book. Hardy – no relation of the English Paineite reformer, also Thomas Hardy – published an extended pamphlet which he cleverly entitled *The Patriot*, so-called possibly for the purpose of sowing seeds of confusion in potential readers' minds with the well-known satirical (and assuredly technically seditious) London periodical of the same name.<sup>51</sup> The idea worked well since the first edition sold out quickly and a second edition had to be rushed out before the end of the year. For Hardy it was nothing less than an *annus mirabilis*. His Moderate colleagues on the General Assembly contrived to elect him Moderator in May 1793 and it was later announced that he would receive a government pension from the King's civil list for Scotland. To be fair, *The Patriot* was by no means simply a crude hatchet job on *Rights of Man*. Hardy, who managed to combine his duties as a Kirk minister with a professorship in ecclesiastical history at the University of Edinburgh, had sought to take on Paine at his own game. He did so with some success.

Like Paine, Hardy was a wordsmith of great ability. At times, his prose comes close to emulating that of his antagonist:

<sup>49</sup> Ibid., 293.

<sup>50</sup> Paine, *Rights of Man*, Part Second in Foner (ed.), *Complete Writings*, 386.

<sup>51</sup> See note 44 above.

The maxim of the clubs [the reform societies, especially the 'Friends of the People'], that a whole nation have at all times a right to alter their government as they please, is a fallacy grounded on a quibble. It is the mistake of a *power* for a *right*; there may be a *power* to do *wrong*, but a *right* to do *wrong* is a contradiction. . . .

Mr Paine, who boasts of his own experience and eminence in constitution-making, conceives a constitution to be a pamphlet, and that it can exist in no other shape. . . .

Pedants in philosophy, and half-politicians, may point their satire against titles, and the badges of honorary distinctions, as they please . . .

Patriotism is the attribute of a free state, and cannot subsist without liberty; and there has never as yet been any liberty in France. . . .

Mr Paine . . . waves his tomahawk, on this field of comparison [between the French and British constitutions]. If it were worth while to accept the challenge, I should meet him, not in the corners and alleys, where he skulks like his American Indians in a bush fight, but on the broad summit of the field, from whence the whole can be seen in its form, its colour, and its extent.<sup>52</sup>

But it is when Hardy takes issue with Paine's glorification of the new American republic – a nation he considers equal to none other – that he is at his best, and his rhetoric does full justice to the broad sweep of his thought. In a long passage Hardy writes of the weaknesses and the vulnerability of America:

America is but nine years old, as an independent country, reckoning from the peace of 1783. It is not a republic, but thirteen republics, confederated for their general interests. . . . It is the opinion of men thoroughly acquainted with America, that even making allowance for all these peculiarities, it cannot go on long in its present political

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<sup>52</sup> Thomas Hardy, *The Patriot. Addressed to the People, on the present State of Affairs in Britain and in France. With Observations on Republican Government, and Discussions on the Principles advanced in the Writings of Thomas Paine* (Edinburgh and London, 1793), 11, 15, 34, 37, 40. A second edition was published also in 1793.

situation. The spirit of rivalry and enmity is abroad in the republics, the southern and northern states stand in fixed opposition to each other, in their views and affections – they were brought together only by a common interest in war – their union at this moment depends upon the life of a single man, the president of the states; it is a bond monarchical in substance, though not in name, which holds America in one body politic.<sup>53</sup>

In February 1794 Paine's *The Age of Reason* was published by Barrois in Paris. The title was succeeded in the usual Paine way by a follow-up second part, published in October of the following year, again in Paris but this time in both French and English versions. In London, Daniel Isaac Eaton, the shadowy and enterprising radical bookseller and publisher, was the first to publish the book. No contemporary edition was ever published in Scotland, though Eaton's edition ('two parts') featured in Alexander Leslie's impounded political catalogue of 1797. John Keane reminds us of the folk-lorish possibility that Paine had commenced the writing of what became *The Age of Reason* back in 1765–6, when he was still in Diss, Norfolk, England, working as a stay-maker. That is unlikely, and Clark is nearer the mark when he speculates that the book 'embodied long-standing reflections.'<sup>54</sup>

The sub-title of *The Age of Reason* is 'An Investigation of True and of Fabulous Theology'. As in the case of *Common Sense*, *Rights of Man*, and just about every other title by Paine, each part of *The Age of Reason*, and both parts together, attracted numerous 'answers'. Within a short time it had attracted dozens of published rebuttals. Both books were quickly seized on as an attack on revealed religion in general and on the Christian faith in particular by a writer too hastily assumed to be an atheist. Most of these 'answers' or 'replies' were grossly simplistic assessments. More enlightened, and certainly more scholarly titles were hurried into print by such as Gilbert Wakefield, Joseph Priestley and, above all, by the Bishop of Llandaff, Richard Watson.<sup>55</sup> One of the more interesting responses was from the pen of the erstwhile Scottish radical, James 'Balloon' Tytler,

<sup>53</sup> Ibid., 52–3.

<sup>54</sup> John Keane, *Tom Paine A Political Life* (New York, 1995), 547 note 55. Cited in Clark, *Thomas Paine*, 332 note 7.

<sup>55</sup> Richard Watson, *An Apology for the Bible, in a series of letters, addressed to Thomas Paine, author of a Book entitled, the Age of Reason, Part the Second, being an Investigation of True and False Theology* (London, 1796). A Glasgow edition published by J. and A. Duncan came out in the same year.

who had ‘fugitated’ to America in January 1793, having failed to appear in the High Court in Edinburgh to answer a charge of having published a seditious libel.<sup>56</sup> Tytler’s *Paine’s Age of Reason, with Remarks, Containing a Vindication of the Doctrines of Christianity from the Aspersions of that Author* was published anonymously (‘By a Citizen of the World’) in Belfast in 1794. His *Answer to the Second Part of Paine’s Age of Reason*, published in Edinburgh in 1796, was preceded by an edition of the same work that came out in Salem, Massachusetts in the same year. The American first edition is of special interest since the publisher himself, in a preface to the Edinburgh second edition of 1797, explains that it has been thought prudent to redact the original, viz. ‘It is a pity that they [the author’s ‘shrewd and satisfying remarks’] are mixed with matter very foreign to his subject, the effect of his political opinions, which seems to afford too good grounds for the charges which have obliged him to leave his native country.’

The sections of Tytler’s *Answers to the Second Part of Paine’s Age of Reason* to which his Edinburgh publisher had taken his red pencil are not difficult to spot. In an unobvious way he was probably exploiting the potential marketability of Tytler’s book on the part of readers wishing to recall the grim chronicles of the radical martyrs in Scotland, but with a constant eye too on the dangers consequent on his unwittingly overstepping the mark. Among the passages redacted from the Salem edition is this:

. . . if men, without any pretence of divine authority, take it upon them to massacre one another, no doubt the case is altered. But of this none have been more guilty than Mr Paine’s own party. . . . I appeal to Mr. Paine himself. Will he declare, that he thinks Robespierre was

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<sup>56</sup> James Tytler (1745–1804) fled first to Belfast, then to America. Bob Harris believes that his decision to flee ‘may simply have been one born of a sense of cumulative frustration’; Harris, *The Scottish People and the French Revolution*, 26. See Howell, *State Trials*, v. XXIII, 1793 & 1794, ‘Proceedings in the High Court of Justiciary at Edinburgh, against James Tytler, on an Indictment charging him with Sedition, January 7th: 33 George III. A.D. 1793’, 1–6. Tytler was accused of having composed a ‘seditious libel’ addressed ‘To the People and their Friends’, the content of which is reproduced in full in Howell’s transcript. Tytler writes of ‘the House of Commons as your enemies’, ‘the monstrous power of the landholders that you have to combat’, and urges the people to be on their guard and not allow themselves to be ‘overwhelmed with an inundation of tyrants’. He failed to appear in Court to answer the charges and in his absence was sentenced by Lord Braxfield, Lord Justice Clerk, and other ‘Lords Commissioners of Justiciary’ [the judges of the criminal court in Scotland] to be declared ‘an outlaw and fugitive from His Majesty’s laws’ and all his movable goods and gear to be ‘escheat’ [confiscated].



a believer of the gospel, and that his crimes were delivered from that source? Will he say that Pitt, Dundas and the rest of the crew that rule the affairs of Britain, are Christians? Are the Turks, the Algerines, the Emperor of Morocco, and the Hottentots, Christians? And is their cruelty, ignorance and barbarity to be ascribed to the belief of the Bible? It is notorious that the rulers of Britain are remarkable not only for the infamy of their lives, but the contempt they express of revealed religion.<sup>57</sup>

As a Scots émigré in enforced exile in America, Tytler becomes an emblem of the American reaction to *The Age of Reason*. It has often been said that Paine's steep decline from near hero-worship to villain in America dates from around this period, and for two reasons: first, the reception given *The Age of Reason*, a book which outraged even the now moderate sensibilities of a man like Tytler; and secondly, the rash and foolish *Letter to George Washington*, written around the same time, which offended the majority of Americans who remembered the war and the 'first of men's' noble part in its outcome. For Paine, his book on religion was seen by most Americans as the final straw, ensuring his decline into virtual obscurity and near-poverty in a none too salubrious suburb of New York, in the expansive urban sprawl of the republic he had had a hand in bringing to birth.

In Scotland, the response was much more muted. There, the government had more serious matters on its hands than dealing with yet another publication by that pest, Tom Paine. And, in any event, although it was certainly regarded as incendiary, even satanic in the eyes of Christian believers and worshippers, seen from a strictly legal point of view, and however offensive, *The Age of Reason* could not be termed seditious – in the sense, that is, that previous works of Paine, most notably *Rights of Man*, had immediately been condemned as unremittingly seditious. It would not be easy or straightforward to convict a man who carried a copy of *The Age of Reason* in his waistcoat-pocket. Nevertheless, the work was certainly viewed as a threat to its interests by the established Kirk. At the General Assembly of 1794 – Barrois had published the first part of the title in February and Eaton lost no time in reprinting and distributing it throughout his impressive network of customers thereafter – the Moderator, the Reverend Professor Robert Arnot of St Andrews, complained with studied obscurity in his official address:

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<sup>57</sup> James Tytler, *Paine's Second Part of the Age of Reason Answered* (Salem, 1796), 20–1.

If designing men attempt to seduce the inhabitants of this country to sedition and rebellion by talking to them of the majesty and sovereignty of the people as Korah, Dathan, and Abiram of old . . . shall not ministers expose the enormity of such designs and set before men the terrors of the Lord that they may be prevented from 'perishing in the gainsaying of Core?'<sup>58</sup>

Sermons were published that year in Edinburgh by Professor Thomas Hardy,<sup>59</sup> by Alexander Carlyle of Inveresk,<sup>60</sup> Robert Walker of Edinburgh Canongate,<sup>61</sup> and James Wright, minister of Maybole,<sup>62</sup> all testifying to the excellence of the constitution, defending the government from its critics, opposing the cry for reform and supporting the war with France. Carlyle's was the most fearless in naming names, as well as being the most extreme:

[Compared, that is, with 'distinguished patriots who have been able to draw the line between salutary opposition and dangerous faction'] Not so the deluded party among the Commons [he means the 'lower classes', not Parliament], or rather should I call them, the Determined Band of dark Conspirators, who first appeared by expressing their harmless wish for a Reform, which they did not understand, and then, under the specious name of the *Friends of the People*, to attract the multitude . . . .<sup>63</sup>

To the unsuspecting regular churchgoer of the time, these publications presented a uniform stance on the part of religious leaders against Paineite writings and the forces of disorder and sedition at work in the country at large. The reality, however, was very different. A few ministers, including John Erskine and William Thom, whose allegiance to the Popular party dictated

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<sup>58</sup> Meikle, *Scotland and the French Revolution*, 195 note 3. The Biblical reference used by Arnot is to (OT), *Numbers* 16:1; and (NT), *Jude* 1:11.

<sup>59</sup> Thomas Hardy, *The Progress of the Christian Religion* (for the Society in Scotland for Propagating Christian Knowledge [SSPCK]: Edinburgh, 1794), and *The Importance of Religion to National Prosperity* (Edinburgh, 1794).

<sup>60</sup> Alexander Carlyle, *National Depravity the Cause of National Calamities* (Edinburgh, 1794). National Fast Day sermon, February 27.

<sup>61</sup> Robert Walker, *The Sentiments and Conduct becoming Britons in the Present Conjuncture* (Edinburgh, 1794). Fast Day sermon.

<sup>62</sup> James Wright, *On the Nature and Danger of Apostacy [sic] from the Christian Faith and Duty* (Edinburgh, 1794). Fast Day sermon.

<sup>63</sup> Carlyle, *National Depravity*, 22.

their politics, were much more openly critical of the war, and of the way it was being conducted. As Muir's trial had demonstrated all too clearly, it could no longer be taken for granted that allegations of 'sedition' and 'seditious practices' (as interpreted by the Courts) were necessarily abhorrent to every minister of religion preaching the same old message of compliance, Sunday in, Sunday out. Most extraordinary of all, the case of the Reverend William Dunn – the hapless minister of Kirkintilloch who was sent by Braxfield to the Tolbooth for three months for removing incriminating pages from the minute-book of the local Society of Friends of the People, and a witness (though not called) at Thomas Muir's trial – was fast becoming the talk of the town.<sup>64</sup> Further, it cannot be overlooked that seceding ministers, it seemed, had few scruples in defying the law. Patrick Hutchison, for example, minister of the Paisley Canal Street Relief Church, caused an outcry in January 1796 when he was accused by six members of his congregation of 'mixing in his discourses political things.'<sup>65</sup> The trial of the Reverend Thomas Fyshe Palmer, a Cambridge graduate, a 'gentleman' and a 'scholar' and Unitarian minister in Perth, was founded on his having read out a prepared statement on reform to a meeting of the Friends of Liberty at Dundee. Like Muir, Palmer was sentenced to fourteen years' transportation.

In the fullness of time, and not just in Scotland, the Muir case developed semi-heroic proportions and typically engendered all manner of myths and legends. In the company of Palmer, Skirving, Gerrald and Margarot, Thomas Muir was seen as the best known and most cruelly dealt with of all the Scottish 'martyrs'. His story, it was (and continues to be) said, had everything: pathos and adventure, escape and exile, a cruel death and interment in an unmarked (and now lost) grave in a foreign land. His often embellished story was seen as gross injustice writ large. Henry Cockburn regarded his trial as 'one of the cases, the memory whereof never perisheth. History cannot let its injustice alone.'<sup>66</sup> In a letter to the Duke of Richmond on 11 December 1793, the English radical, Major John Cartwright, referring to a letter from Muir he had lately seen published in the *Cambridge Chronicle* of 3 December, tells His Grace: 'Could I peruse that letter without the most poignant emotions, and without attempting to move those who have power to wipe out such a stain to humanity and to manhood as that letter affixes on

<sup>64</sup> See note 2 above.

<sup>65</sup> According to a letter published in the *Glasgow Courier* of 23 January 1796, signed by Archibald Morison, 'weaver, Broomlands', and five other weavers in Paisley.

<sup>66</sup> Cockburn, *Examination of the Trials for Sedition*, 144.

my country, I should merit detestation.’ Cartwright continues: ‘Read that letter, my Lord, I beseech you; and read also the trial of the writer. If he merit the treatment he has received, I, also, and your Grace, ought to be cast into dungeons among felons.’<sup>67</sup> (See Postscript to this chapter.)

*Paine and Ireland: the Dublin and Belfast Addresses to Scottish Reformers*

Jonathan Clark notes that ‘Paine was an Englishman, preoccupied with English history, and for him Ireland was a distraction from the heart of the matter.’ Nevertheless, as Lecky, the great historian of Ireland in the eighteenth century, points out, in July 1791 the anniversary of the French Revolution was celebrated in Belfast ‘with great enthusiasm’:

An address drawn up in a strain of the most fulsome admiration was sent to France. Democratic toasts were drunk, and speeches made eulogizing Paine, Washington, . . . and demanding an equal representation in Parliament, and the abolition of the remaining Popery laws. . . . Paine’s *‘Rights of Man’* was about the same time widely distributed in the North and it made many converts. His controversy with Burke and the gigantic event which gave rise to it changed in an instant the politics of Ireland. . . . In a little time the French Revolution [wrote the Earl of Westmorland, Ireland’s viceroy] became the text of every man’s political creed.<sup>68</sup>

In September of the same year Theobald Wolfe Tone, a young Protestant lawyer, writing as ‘A Northern Whig’, published an influential pamphlet entitled *An Argument on behalf of the Catholics of Ireland*, in which he cites Paine’s *Rights of Man* – but only to point out that Paine had nothing in his book to offer Ireland, or to answer Ireland’s problems:

What answer could we make to the Catholics of Ireland, if they were

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<sup>67</sup> *The Life and Correspondence of Major Cartwright edited by his niece, F. D. Cartwright* (2 vols., London, 1826), I, 198–9.

<sup>68</sup> W. E. H. Lecky, *A History of Ireland in the Eighteenth Century*, abridged and extracted with an introduction by L. P. Curtis, Jr., reprinted in abridged form in the series ‘Classics of British Historical Literature’ (Chicago, 1972), 103–4. In his Introduction John Clive states of Lecky’s great classic: that it ‘did not entirely please all sides, [but] was rejected by none.’ \* Originally published as *A History of England in the Eighteenth Century* (8 vols, London, 1887–90), from which Lecky later extracted the Irish sections to be reprinted in 1892 under the title *A History of Ireland in the Eighteenth Century*.

to rise, and with one voice, demand their Rights as Citizens, and as Men? What reply justifiable to God, and to our conscience? None. We prate and babble, and write books, and publish them, filled with sentiments of freedom, and abhorrence of tyranny, and lofty praises of the *Rights of Man*! Yet we are content to hold three millions of our fellow creatures, and fellow subjects, in degradation and infamy, and contempt, or to sum up all in one word, in *Slavery*!

On what chapter of the *Rights of Man*, do we ground our title to liberty, in the moment that we are riveting the fetters of the wretched Roman Catholics of Ireland? <sup>69</sup>

It was the object of the pamphlet to show that no serious danger would attend the enfranchisement of the Catholics, and that those professing either of the two religions might sit side by side in an Irish legislature as they did in the French National Assembly and in the American Congress.

In October, Paine was approached by Irish nationalists in Paris who sought French help for an Irish rising. They had in mind to exploit a resolution of the National Convention that offered help (of an unspecified nature) to revolutionaries beyond their own frontiers. Paine at first dithered over how to respond and, though he finally took the idea forward to his French political masters, it seems that he had apparently given the Irishmen the impression that the French ministry was on the point of conceding military assistance in the event of a rising in Ireland against British (though as he saw it, *English*) rule. When Wolfe Tone met Paine in Paris in 1797 the Englishman proved a big disappointment to him. Tone wrote in his diary that: '[Paine] seems to plume himself more on his theology than his politics, in which I am not prepared to agree with him, whatever my private opinion of the Christian religion may be'.<sup>70</sup>

In considering the trial of Thomas Muir earlier in this chapter we noted that the last of five Crown productions cited in his indictment was the '*Address from the Society of United Irishmen in Dublin, to the Delegates for Promoting a Reform in Scotland*', signed by William Drennan and Hamilton Rowan, and

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<sup>69</sup> Wolfe Tone ['A Northern Whig'], *An Argument on behalf of the Catholics of Ireland. Re-Printed by Order of the Society of United Irishmen of Belfast* (Belfast, 1791), 28.

<sup>70</sup> Tone diary, 3 March 1797 in T. W. Moody, R. B. McDowell, and C. J. Woods (eds), *The Writings of Theobald Wolfe Tone 1763–98* (3 vols, Oxford, 1998–2007), III, 29–30, cited in Clark, *Thomas Paine*, 101 note 156.

dated 23 November 1792. Multiple copies were found in Muir's possession and immediately impounded when he landed at Portpatrick from Ireland on 30 July 1793. (They are still extant in the trial papers in the NRS JC/1793 series.) Howell reproduces passages from the Dublin Address from which the Lord Advocate took special comfort in reciting since, in his view, and ultimately in the view of the Court, they were of 'a most inflammatory and seditious tendency, falsely and insidiously representing the Irish and Scotch nations as in a state of downright oppression, and exciting the people rebelliously to rise up and oppose the government.'

We will not buy or borrow liberty from America or from France, but manufacture it for ourselves, and work it up with those materials which the hearts of Irishmen furnish them with at home. We do not worship the British, far less the Irish constitution, as sent down from heaven, but we consider it as human workmanship, which man has made and man can mend. . . . you have your ideas. Answer us, and that quickly. This is not a time to procrastinate.<sup>71</sup>

Also among the Muir trial papers, but curiously passed over until this study, is a second Irish address, the contents of which go even further than the Dublin version in linking the cause of United Irishmen with the cause of the Friends of the People in Scotland – and, doubtless before long (formally or informally) with the avowedly secret group that would call itself the 'United Scotsmen'. This intriguing 'lost' paper bears the heading 'The Four Societies of United Irishmen of Belfast to the Assembly of Delegates, from the Societies of Friends of the People at Edinburgh.' The manuscript is undated, but from the wording of the salutation at the top of the first sheet we can speculate that it was probably designed to be received and read out at the fore-shortened British Convention that met in Edinburgh in October and November 1793. This 'Belfast Address' is signed on the fourth and last sheet by the chairman and secretary of each

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<sup>71</sup> Howell, *State Trials* . . . 1793 & 1794, XXIII, case 593, 'Trial of Thomas Muir, 124–5. The full text of the Address from the Society of United Irishmen in Dublin 'to the Delegates for Promoting a Reform in Scotland' is published in the pamphlet *Proceedings of the Society of United Irishmen, of Dublin* (Dublin, 1793), 19–25. The same pamphlet was reprinted in Philadelphia in 1795 by Jacob Johnson & Co. for Thomas Stephens in South Second-Street. The Dublin Address can be found in McFarland, *Ireland and Scotland in the Age of Revolution*, Appendix II, 248–52, omitting the signatures.

of the four societies. The fact of the Belfast Address remaining in obscurity until now might suggest that it was either faked by the authorities, or genuine but intercepted before it could be received by those for whom it was intended, or that it was simply set aside and discarded by Scots delegates to the Convention, when its content was fully digested and comprehended. For unlike the stirring Dublin Address – which at times almost resembles Paine himself in his pomp – the language of its Belfast counterpart is pure bombast and little else and, what is more, at times hardly complimentary to Scotland and the Scottish reformers. In that regard alone it is palpably distinct from the infinitely more literate and persuasive Dublin variant. Here is a sample:

That Scotland, for Ages, the Asylum of Independence, and equally renowned in Arms and Arts, — that Scotland the modern Nurse of Literature and Sciences, whose Seminaries have supplied the World with Statesmen, Orators, Historians, and Philosophers,—Scotland, whose penetrating Genius has forced its Way into the repositories of Nature, unveiled her hidden Mysteries, and brought forward all her richest Treasures, for the healing of the Nations,—that this same Scotland should so long have forgotten her degraded state, as a Nation, slept over her political insignificance, or silently acquiesced in the Mockery of a popular Representation, among the Senators of another People, hath long filled us with inexpressible Astonishment.

Your Eyes, Brother Friends of a Reform, are now opened to the Deception, your Tongues are loosed, and your Pens ready. While with your Eyes ye behold the Necessity and Importance of the political Regeneration which ye have united to promote, let your Tongues make it familiar to the Ears, and your Pens present it to the Eyes of your Brethren, *Whose Fathers Were A People*. We are assured of your Abilities, your Learning, and your Elegance; your Patriotism we doubt not; and on your Perseverance we rely with Confidence. Nor can we suppose for a Moment, that you will ever suffer the Whisper of Malice, or the Frowns of Office to deter you from your Pursuit. It is worthy of Men – worthy of you – and ye will not abandon it! We know the Conflict is arduous. But when the public Good is the End — Success is sure, and the Reward irreversible.<sup>72</sup>

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<sup>72</sup> NRS JC/26/1793/1/5/14.

*The 'Paine factor', Freemasonry, and the Society of United Scotsmen*

After the Scottish sedition trials of 1793–4 and the trial for high treason of Robert Watt (the latter resulting in a guilty verdict and Watt's public execution in Edinburgh on 15 October 1794), it is generally agreed that Henry Dundas's policy of unmitigated repression – aided by his astute tactic of devolving powers to loyal Lords Lieutenant in key areas of radical activity to use what means they thought necessary to deploy and enthuse local militias – had achieved its goal. What, on the other hand, the government had failed to bargain for was that their strong-arm methods merely encouraged the forces of extremism and drove underground what had started out as ostensibly an open movement for parliamentary reform. It is unclear how or where the Society of United Scotsmen came into being, even though there seems little doubt that it began 'during the course of the year 1797'<sup>73</sup> in weaving communities, not only in the larger conurbations of the central belt, but further afield in Fife and Angus, Forfar and Perth.<sup>74</sup>

One of the earliest to write of the existence of the United Scotsmen and its threat to the British constitution was the advocate (later Judge-Admiral of Scotland), John Burnett, in his posthumously published *Treatise of the Various Branches of the Criminal Law of Scotland*. This is the work which Henry Cockburn cites if only to convey his famous observation that Burnett 'saw no injustice in any of these proceedings [the trials for sedition], and even if he had, was very probably not aware that injustice, however triumphant for a time, never allayed discontent.'<sup>75</sup> Nevertheless, as Cockburn concedes, Burnett was exactly right when he wrote that when the British Convention was dispersed, 'the spirit that had been raised in the country was far from being put down.' 'On the contrary', Burnett conceded, 'it seemed to gain strength by the check it had received by [such] convictions.' The main interest today in Burnett's almost forgotten *Treatise* lies in his comments relating to the practices and activities of the United Scotsmen. In a revealing chapter

<sup>73</sup> John Burnett, *A Treatise on the Various Branches of the Criminal Law of Scotland* (Edinburgh, 1811), 258

<sup>74</sup> McFarland notes that although an earlier 'Glasgow Society of United Scotsmen', formed in November 1793, was represented at the British Convention, there is 'no apparent organisational link between the United Scotsmen and this original Glasgow body.' E. W. McFarland, *Ireland and Scotland in the Age of Revolution* (Edinburgh, 1994), 154, 175 note 13.

<sup>75</sup> John Burnett conducted the prosecution at the trial on a charge of sedition of Thomas Fysche Palmer in September 1793 and was one of the Lord Advocate's team at the trial on the same charge, and for administering unlawful oaths, of George Mealmaker in January 1798.



‘On Sedition’ Burnett points out that the United Irishmen ‘soon spread its baneful effects to this island, and even insinuated itself into our fleets and armies.’ He traces the initiation of the United Scotsmen precisely to the year 1797 and avers that ‘its real purpose’ was nothing less than ‘the overthrow of the constitution of Great Britain.’

John Burnett, Advocate-Depute throughout the period of the Scottish sedition trials, writing his *Treatise* in the years before his death in 1811, was in a unique position to give key facts from his insider knowledge of the ways of the United Scotsmen. Thus, he explains how the Society was ‘subdivided into clubs, or small bodies’, sent delegates to ‘a National Committee’, and how there was ‘a *Secret Committee* of seven members’,

who were to have the chief direction of all matters relating to the general object; money also was collected to defray the expences of delegates, as well as to forward the general purpose; and tests of secrecy were imposed, similar to those of the *United Irishmen*. In some respects indeed, the society here was more artfully planned, and better adapted for secrecy, and the advancement of its object, than even the *Irish Society*; for besides having what was called a plan of discipline and an additional test, to *support* the members of the association in any misfortune that might befall them, it established *signs, countersigns*, and such like, as well as a more secret mode of choosing delegates; and as a rule that none of their proceedings should be committed to writing.<sup>76</sup>

The key issues to be considered here are, first, the extent to which the United Scotsmen continued to be inspired by Paine’s *Rights of Man* and, in some cases, (though more difficult to explain) by *The Age of Reason*; and, secondly, that despite the Society’s best efforts to prevent it happening, the authorities succeeded in the course of their management of counter-intelligence networks, and deployment of spies, to penetrate the organisation’s inner secrets. In that context, the evidence revealed by witnesses at four of the last of the Scottish sedition trials is of extraordinary importance, viz. those of

George Mealmaker (January 1798)

David Black and James Paterson (September 1798)

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<sup>76</sup> Burnett, *Treatise*, 259.

William Maxwell (June 1800)

John Andrew and Robert Ramsay (June–September 1800).

All six individuals were accused of being active members of the Society of United Scotsmen. The common factor in all four trials was the allegedly illegal adoption and use made of oath-taking and/or the administering of oaths, contrary to hastily-drafted new parliamentary legislation. In the case of the most complex of the four trials, the so-called ‘Maybole trial’ of Andrew and Ramsay – arguably the most interesting from a historiographical point of view – the outcome turned on the Crown being able to prove, or not, that the masonic practice of oath-taking and oath-administering was no more than a smokescreen for recruiting new members to the Society of United Scotsmen. Further, the indictments cited in three of the four trials make reference, directly or indirectly, to the writings of Thomas Paine – and, above all, to a specific title, *The Age of Reason*, unambiguously termed a seditious publication by the Crown prosecution. The ‘Maybole trial’ raises different issues and is clearly of special relevance to freemasonry, giving rise to the intriguing possibility – by reason of the secret nature of freemasonry it can be no more than that – that individual masons may have cloaked illegal political activities and Paineite aspirations within their professed membership of local lodges.

The trial of George Mealmaker on a charge of sedition and administering unlawful oaths was the last of the big Scottish show trials. It took place in the High Court of Justiciary in Edinburgh on 10–12 January 1798. The indictment against Mealmaker, a weaver in Dundee and a proven senior member of the United Scotsmen, was one of the longest and most convoluted of any in the Scottish sedition processes. The trial turned on the seditious content of a pamphlet written by Mealmaker and self-published by him in Edinburgh in 1797, *The Moral and Political Catechism of Man; or, A Dialogue between a Citizen of the World and an Inhabitant of Britain*. McFarland describes it as ‘a good example of the type of red-blooded Paineite beliefs which Whiggish moderates in the Friends of the People sought to combat.’ At the same time, she points out that while Mealmaker’s pamphlet takes on board ‘most of Paine’, it failed to tackle the question of social reform: ‘The goal of an equalisation of property is rejected in favour of the customary radical advocacy of economic individualism.’<sup>77</sup> For their part, the Court was not interested in

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<sup>77</sup> McFarland, *Ireland and Scotland in the Age of Revolution*, 154, 156.

such niceties, unambiguously pronouncing Mealmaker's title 'seditious and inflammatory'.

The Mealmaker trial record deserves careful examination if only for the information it sheds on the intricate steps taken by the United Scotsmen to maintain a climate of secrecy among its membership. Thus, John Aitken, a weaver in Cupar, Fife, and at one time secretary of one of the committees formed within the Society, testified at the trial: 'He [Mealmaker] knew the signs of the society, which were "to join the two hands, mixing the fingers, and still keeping them so, turn the hands with palms out—answered by putting the one hand on the back of the other, and mixing the fingers." The words used were, I love light—I hate light.'<sup>78</sup>

In addition to the accused's authorship of *The Moral and Political Catechism*, the indictment had named a 'paper or writing' entitled *Resolutions and Constitution of the Society of United Scotsmen*. Its discovery and seizure was a real coup for the authorities since it was effectively the rule-book governing membership of the Society. When arraigned before the provost of Dundee, Mealmaker was also found to have in his possession two radical pamphlets published in London: *Gerrald a Fragment* and *John Bull Starving to Pay the Debts of the Royal Prodigal*. Such ephemera are of considerable bibliographical interest since they were published in dangerous times and circulated by stealth. The London imprints in this case defiantly proclaim their respective publisher's radical sympathies. As borne out by the political catalogue of the radical Edinburgh bookseller, Alexander Leslie, imprints like these show the extent to which the Scottish radical movement of the mid to late 1790s had developed a credible national status with an impressive (though necessarily limited) hidden network of contacts. Further, each pamphlet contains a booklist of radical titles just published, or about to be published, always guaranteed to excite any bibliographical scholar's curiosity.<sup>79</sup>

After the usual hastily conducted proceedings in Court, Mealmaker was sentenced to fourteen years' transportation. In a rare personal aside, Henry Cockburn recalls that he had been present when the sentence was

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<sup>78</sup> Howell, *State Trials . . . 1793 & 1794*, XXIII, case 627, 'Trial of George Mealmaker, 1146.

<sup>79</sup> *Gerrald A Fragment* (London, 'Printed for the Author, and sold by, John Smith, Portsmouth Street, Lincoln's Inn Fields; who is just discharged from Newgate, after having been detained there for SEVEN MONTHS, on a supposed charge of HIGH TREASON', n.d. [1795]; *John Bull Starving to Pay the Debts of the Royal Prodigal. A Letter to the House of Peers. By a Hanoverian*. (London, 'Printed for Citizen R. Lee, At the British Tree of Liberty, No. 47, Haymarket.', n.d. [1795].

pronounced, as ‘a lad in the gallery’, and said he remembered Mealmaker’s parting speech ‘at this hour’.

The trial of David Black and James Paterson came on at the Perth circuit on 20 September 1798 and was over in a day. The Advocate-Depute, John Burnett, was lead counsel for the prosecution. The *Scots Magazine* ignores the trial, being just too late for the September number and drowned out by a plethora of other business in the succeeding issue. Howell reports it,<sup>80</sup> and Cockburn notes it briefly in the second volume of his *Examination*.<sup>81</sup>

Black and Paterson were weavers in the parish of Dunfermline, a town that (according to Sinclair’s *OSA*) employed in the mid-1790s no fewer than 1,200 at the looms and was in the van of technological improvements in the textiles industry. In the terms of their indictment their crime was to have committed sedition by ‘recommending’ and ‘enforcing’ (a strange term, it may be thought, in this context) the ‘seditious and treasonable doctrines’ contained in Paine’s *Rights of Man* and also in his *Age of Reason*. But the main interest of the trial lies in the reference in the indictment to Black and Paterson having been active participants in ‘a secret and illegal association denominated *The Society of United Scotsmen*’, which had been formed ‘in the course of the years 1796 and 1797’ by ‘a number of seditious and evil disposed persons . . . in different parts of Scotland’, but ‘particularly in the county of Fife’.

The two men were further accused of having attempted to ‘seduce from his duty and allegiance’ a soldier in the West Lowland Fencibles, and that they had sought ‘by inflammatory harangues to prevail on him’ to join the United Scotsmen. Most heinous of all, Paterson was charged with having administered to a man ‘in his own house’ the secret oath thereby enrolling him in the society.<sup>82</sup> He had then given the man a copy of the *Resolutions and Constitution* of the United Scotsmen and ‘communicated to him the private sign, by which he might make himself known to other members of that dan-

<sup>80</sup> Howell, *State Trials*, XXVI, 1179–90.

<sup>81</sup> Cockburn, *Examination of the Trials for Sedition*, II, Case XVII, 163–4.

<sup>82</sup> Two Acts were introduced in 1799 in quick succession: the ‘Unlawful Societies Act’ (39 Geo. III, Cap. 79) [strengthening, but not replacing the ‘Unlawful Oaths Act’ of 1797 (37 Geo. III, Cap. 123)], and the ‘Act against Unlawful Combinations and Confederacies’ (39 Geo. III, Cap. 81). In his unpublished PhD thesis Wallace notes that the Earl of Moira, representing the Grand Lodge of England and acting on behalf of the Grand Lodge of Scotland, had successfully intervened with Pitt to secure masonic exemption from the appropriate legislation relating to oath-taking. Mark Coleman Wallace, *Scottish Freemasonry 1725–1810: Progress, Power, and Politics*, unpublished PhD thesis (University of St Andrews 2007), 185.

gerous association.' Paterson was found guilty, 'by a plurality of voices', of sedition at common law and sentenced to transportation for five years. He was acquitted, however, of the statutory offence of having circulated Paine's books, on account of the fact that, as explained by Cockburn, 'Paine's works had been often condemned already, and were therefore familiar to everybody.' Black, who had failed to appear in Court – according to Cockburn, 'like any sensible man' – received the usual sentence of being declared an outlaw and fugitive, 'put to the horn' and having consequently all his moveable goods and gear found 'escheat'.<sup>83</sup>

The trial of William Maxwell came on at the High Court of Justiciary, Edinburgh, on 23 June 1800. Although briefly noted by Cockburn, there is no published trial record, and it is summarily reported in the June number of the *Scots Magazine*.<sup>84</sup> Fortunately, however, the original trial papers are accessible in the NRS, including, miraculously, all of the key Crown productions.<sup>85</sup> Maxwell was charged with sedition and for having been in breach of the Act of 1797 relating to administering or taking unlawful oaths. William Maxwell was a soldier, a sergeant in the 4th regiment of North British Militia, and is described in the indictment as a 'leading and active member' of the Society of United Scotsmen. He was expressly accused of 'exciting a spirit of sedition and disaffection among those soldiers over whom he could obtain any influence'. In particular, the indictment continues, at an inn in Dysart, Fife, he had enticed two of his fellow soldiers in the same regiment to become members of the United Scotsmen and in doing so he had administered to each of them the oaths specified in the printed constitution of the Society. When asked to respond to the charges Maxwell simply replied 'Guilty'.<sup>86</sup> His admission failed to impress the jury, however, and he was transported for seven years.

Among the items in Maxwell's possession when arrested was a copy of Paine's *Age of Reason*, together with an ingenious acrostic in his own hand entitled '*A Catch*', said to have been devised by Maxwell himself. It has never been transcribed before. Since it refers to Thomas Paine, and also since it can be read according to the order of the lines in two ways – one sense conveying

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<sup>83</sup> Cockburn, *Examination of the Trials for Sedition*, II, Case XVII, Black and Paterson, 162–4.

<sup>84</sup> *Scots Magazine*, v. 62, June 1800, 430–1.

<sup>85</sup> NRS, JC 26/1800/45.

<sup>86</sup> Although not remarked upon by Cockburn, Maxwell had at first protested his innocence as borne out by his *Declaration* dated 2 June 1800.

loyalty to the monarch, the other highly seditious – it is transcribed below as follows:

A Catch

- 1 *The Pomp of Courts and pride of Kings*
- 3 *I prize above all earthly things*
- 5 *I love my Country, but my King*
- 7 *Above all men his praise I'll sing*
- 9 *The Royal Banners are display'd*
- 11 *And may success the Standard aid*
- 2 *I fain would banish far from hence*
- 4 *The Rights of Man and common sense*
- 6 *Destruction to his Odius [sic] Reign*
- 8 *That foe to Princes Thomas Payne*
- 10 *Defeat & ruin seize the Cause*
- 12 *Of France her Liberty and Laws.*

The trial of John Andrew and Robert Ramsay – the ‘Maybole trial’ – had serious implications for freemasonry at an anxious time in the political history of Scotland. It was founded on the extent to which legal oath-taking (traditionally a necessary ingredient of masonic ritual) was thought to be posing as a front for illegal political activities.<sup>87</sup> Under two new Acts passed in 1799 oaths and tests associated with bodies such as the United Irishmen and the United Scotsmen had been declared a criminal offence. Theoretically, it remains conceivable that it was simply fortuitous that the two opposing contexts in which oaths, legal and illegal, were taken and administered had confusingly come up against each other, without any connection between them.<sup>88</sup> But that is unlikely. In his highly controversial *Proofs of a Conspiracy against all the Religions and Governments of Europe, Carried on in the Secret Meetings*

<sup>87</sup> See David Stevenson, *The Origins of Freemasonry* (CUP, 1988), and, of greater relevance to the period discussed in this chapter, Wallace, *Scottish Freemasonry 1725–1810*.

<sup>88</sup> See Nigel Leask, ‘Thomas Muir and *The Telegraph*: Radical Cosmopolitanism in 1790s Scotland’, *History Workshop Journal*, 63 (2007), 48–69. Leask points out that the Abbé Barruel’s English translator, Robert Clifford, in an addendum to the fourth volume of his memoirs, ‘announced that the cellular structure of the United Irishmen ‘perfectly coincide with \*Weishaupt’s plan’: an entirely specious hypothesis which the authorities in Dublin Castle apparently took literally in their counter-insurgency strategy.’ \*Adam Weishaupt, former professor of canon law at Ingolstadt, and founder of the German illuminati.

of *Free Masons, Illuminati, and Reading Societies* (1797) Professor John Robison wrote that no one should be fooled as to the extent to which modern freemasonry on the continent of Europe, and in Britain, was being exploited for all its worth:

... we see that in every quarter of Europe where Free Masonry has been established, the Lodges have become seedbeds of public mischief. I believe that no ordinary Brother will say, that the occupations in the Lodges are any thing better than frivolous, very frivolous indeed. ... the whole proceedings of the secret societies of Free Masons on the Continent (and I am authorised to say, of some Lodges in Britain), have taken one turn, and this turn is perfectly natural. Free Masonry has been abused, and at last totally perverted—and so will and must any such secret association, as long as men are licentious in their opinions or wicked in their dispositions.<sup>89</sup>

The case, however, exposed a second important factor, this time relating to simple geography and the proximity of the village of Maybole, Ayrshire to Ireland. Maybole is barely fifty miles from Portpatrick, at that time one of the most convenient landing points for those in small craft (often unofficially) and on the regular packet lawfully making the crossing to the Ayrshire coast from Donaghadee and Belfast. The *OSA* entry for Portpatrick describes the quay there as ‘one of the finest in Britain’.<sup>90</sup> Portpatrick had become the preferred gateway to the west of Scotland as far as many hundreds, perhaps even thousands of Irish were concerned in the years following the collapse of the Irish uprising in 1798. McFarland notes that after the spread of the uprising to Ulster, the trickle of refugees fleeing Ireland quickly became a flood.<sup>91</sup>

Maybole and freemasonry were virtually synonymous. To this day it is a town steeped in the history and traditions of freemasonry in Scotland. The old kirk in the main street, for example, rebuilt in 1808, still stands (2019),

<sup>89</sup> John Robison, *Proofs of a Conspiracy* (Edinburgh, 1797), 464–6.

<sup>90</sup> Sir John Sinclair, *Old Statistical Account*, I, 1791, 37–47. It was at Portpatrick that Thomas Muir had landed back in Scotland from France *via* Ireland at the end of July 1793.

<sup>91</sup> McFarland, *Ireland and Scotland in the Age of Revolution*, 195–6, 204 note 85. She writes: ‘By the second week in June [1798], Campbeltown was fast filling with refugees from Antrim, while the more familiar reception point of Portpatrick was so crowded that there was no shelter left ... ?’

with its steeple strangely constructed in the unmistakable shape of an obelisk, one of the most identifiable of all masonic emblems. Its minister from 1770 until his death in 1812, the Reverend James Wright, served as Grand Chaplain to the Grand Lodge of Scotland (Scottish freemasonry's ruling authority) from 1786 to 1794. Wright was a Moderate of the old school and, true to type, had published a *Treatise on the Causes of Sedition* in 1798, little more than a tedious and sustained endorsement of the way the Pitt government was conducting the war.<sup>92</sup> The 'Maybole trial' came on at the circuit Court in Ayr on 17 September 1800. The accused were John Andrew, a former 'private' schoolmaster turned shoemaker in Maybole, and Robert Ramsay, a cartwright in the village. They were indicted on charges of sedition and administering unlawful oaths. The trial was unusual to say the least, since it turned on the allegation of a deliberate plot on the part of the accused to confound the authorities by attempting to obfuscate the centuries-old masonic ritual involving oath-taking with the illegal process of oath-taking governing initiation into the United Scotsmen.<sup>93</sup>

The Court heard that from about 1796 it was suspected that Irish masons had steadily infiltrated existing masonic lodges in the area and joined with a few locals to form a lodge calling itself 'Maybole Royal Arch'. In the event, the case against both men was found 'Not proven' and they were released. Their defence was based on their assertion that they had innocently decided to subject themselves to instruction in 'some higher points of Masonry than what they knew before', and having done so had later agreed to instruct others in Maybole who similarly desired attainment to the higher branches. It would have been against the terms of their initiation as masons, they success-

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<sup>92</sup> In the year in which he was appointed Grand Chaplain James Wright preached a sermon in St Andrew's Church, Edinburgh to the 'Fraternity of Accepted Masons, and other Hearers', which he subsequently published as *The Union of Love to God and Love to Man* (Edinburgh, 1786). That year also saw the publication of Wright's more substantial *A Recommendation of Brotherly Love upon the Principles of Christianity*, incorporating 'An Inquiry into the True Design of the Institution of Masonry' (Edinburgh, 1786). His tedious and long-winded *Treatise on the Causes of Sedition, on the Best Remedy against this Great Evil, and on What Ought to be the Dispositions of the British People at the Present Great Crisis of the Alarm of an Invasion by the French* came out two years later (London, 1798). Though not listed in the ESTC, the book was also printed in Ayr ['Air' on the title page] in the same year by J. and P. Wilson, which may have predated the London edition.

<sup>93</sup> A recent concession on the part of the highest echelons of government had exempted freemasons' oaths from the new legislation. See Wallace, *Scottish Freemasonry 1725-1810*, 185.



fully argued, to reveal to the Court the formula and ritual used in the initiation process. The new Lord Justice Clerk replacing Braxfield, Lord Eskgrove (David Rae), said in his summing-up that ‘he could not believe’ that some of the weird ceremonies said to have been demanded of initiates into the break-away lodge belonged to the masonic tradition. His comments were probably on the mark.

It is now thought likely that the United Irishmen had been ‘originally conceived as a masonic secret society, or “brotherhood of affection”. Their oaths, tests and procedures were all grounded in masonic ritual.’<sup>94</sup> Furthermore, their co-founder, the charismatic William Drennan, was known to have ‘admired the secretive, ritualistic, and religious aspects of the freemasons.’<sup>95</sup> Insofar as the Irish precedent rubbed off on Scotland, John Robison, professor of natural philosophy at Edinburgh, and author of *Proofs of a Conspiracy*, wrote to the Lord Advocate, Robert Dundas, in January 1798:

. . . The simplicity of the fraternity in this Country has made us indifferent as to all the parties on the Continent, but of late we are all seized with the desire of innovation, and becoming fond of the high degrees of masonry. . . .

What makes me trouble your Lordship just now is the Letter which accompanies this. [not known]. By it you will see that it is highly probably that a bad use is already made of Free Masonry in this Country.<sup>96</sup>

In 1806 John Andrew, emboldened by the verdict, began an action in the Court of Session for damages and ‘wrongous imprisonment’ against John Murdoch, the Sheriff-substitute of Ayrshire,<sup>97</sup> the officer of the law responsible for granting the warrant to apprehend Andrew and Ramsay, and for authorizing their detention in the tolbooth of Ayr. The action failed, though Morison records that ‘Several of the Judges in the minority expressed themselves very decidedly against the decision, which they conceived to be an infringement on the act 1701[Act re. ‘wrongous imprisonment’, Cap. 6], the

<sup>94</sup> Kevin Whelan, *Fellowship of Freedom: The United Irishmen and 1798* (Cork, 1998), 38.

<sup>95</sup> Wallace, *Scottish Freemasonry 1725–1810*, 202.

<sup>96</sup> Ibid. Cited in Wallace, *Scottish Freemasonry 1725–1810*, 195–6. The original is in Laing MSS II 500, EUL.

<sup>97</sup> For a lucid explanation of the role and function of sheriffs-substitute see John Finlay, *Legal Practice in Eighteenth-Century Scotland* (Leiden, 2015), 122–4.

great security of the liberty of the subject in this part of the kingdom.”<sup>98</sup>

*Postscript*

Letter of Thomas Muir to ‘a Gentleman in Cambridge’ [reproduced from] the *Cambridge Chronicle* of 3 December 1793]

[*Note by RLC:* It is assumed that this letter is genuine – but there is the possibility that it may not be. If it turns out that it is fake, it is easy to see why it was published in a newspaper that was openly sympathetic to the reform movement. Further, it would not have been a one-off; witness the spoof long poem, *The Telegraph: a Consolatory Epistle from Thomas Muir, Esq. of Botany Bay, to the Hon. Henry Erskine, late Dean of Faculty* (Edinburgh?, s.n., 1796), now known to have been written and published by the Reverend George Hamilton (1757–1832), a Glasgow graduate and minister of Gladsmuir in the Presbytery of Haddington.]

Mr MUIR.

*The following Letter has been received by a Gentleman in Cambridge, from Mr Muir — He who can read it without emotions of pity and regret must have a heart impenetrable.*

My Dear Friend

I received yours at Edinburgh with the sincerest pleasure; your sentiments and mine are equally accordant, the great lesson we have to learn in this world, is submission and resignation to the will of God. This lesson strikes upon the heart, not by the force of cold and abstracted precept, but by the example of *him*, who was the object of all sufferings, and the pattern of all perfection. Much need have I to be taught in his school, — Hurlled, as it were in a moment, from some of the most polished societies in Edinburgh and London, into one of the Hulks upon the Thames, where every mouth is opened to blaspheme God, and every hand stretched out to injure a Neighbour, I cannot divest myself of the feelings of nature; I cannot but lament my situation; and where [sic] it not for hope of immortality founded upon our common Christianity. Alas! I might accuse the father of all Justice and of all Mercy with severity. But blessed be God, every thing in the great

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<sup>98</sup> William Maxwell Morison, *The Decisions of the Court of Session* (Edinburgh, 1811), XXXVII–XXXVIII, 8. See also William Buchanan, *Report of Certain Remarkable Cases in the Court of Session* (Edinburgh, 1813), 1–59.

system of nature, every thing in the little system of individual men, corresponds with the great dispensations of the gospel, and demonstrates its efficacy.

Much consolation does the reflection *now* afford me, that in prosperity I always regarded this revelation of heaven with the most profound reverence.

In *solitary* exile there is dignity, there is a conscious pride, which, even independent of Philosophy, may support the mind, but I question much, if any of the illustrious of ancient ages could have supported an exile similar to mine, surrounded by the veriest outcasts of society, without the aid of the religion and of the example of JESUS.

I have been separated from Mr Palmer. He is in one Hulk, I am in a different one. The separation is an act of unnecessary cruelty.

My state of health is poorly. The seeds of a consumption I apprehend are planted in my Breast. I suffer no accute pain, but daily experience a gradual decay.

Of every thing relating to my future destination, I am utterly ignorant. Honour me by your correspondence. I am sure it will ameliorate my heart.

*Farewell! my truly worthy and respectable Friend.*

THOMAS MUIR

## The Scottish Religious Establishment and America in the Age of Paine

### *A Divided Kirk*

*I write for those of different ranks, who, though on principles which I think erroneous; yet, from virtuous and honourable motives, advise or approve the present American measures. I write for men, whom unfeigned piety, sincere attachment to Protestant principles, and undissembled regard to our present happy establishment in church and state, render incapable of such malevolence: or who are preserved from it, by humanity and sweetness of temper. From them, my reflections may expect a candid attention, and a favourable reception, in so far as they merit it.*

*May some counsellor of peace be blessed, to turn the heart of the fathers to their children, and the heart of the children to their fathers, lest God come, and smite the British empire with a curse!*

The Reverend Dr John Erskine (1721–1803), minister of Old Greyfriars Church, Edinburgh, from 1767 to his death in 1803, the conclusion to *The Equity and Wisdom of Administration, in Measures that have unhappily occasioned the American Revolt, tried by the Sacred Oracles* (Edinburgh, s.n., 1776), 19.

#### *Preamble*

#### *A note on Paine and Religion*<sup>1</sup>

Paradoxically one of the least enigmatic, but at the same time most misunderstood aspects of Thomas Paine's life is his religious belief. It is not as if

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<sup>1</sup> See Thomas Paine, 'Theological Dissertations' in Philip Foner (ed.), *The Complete Writings of Thomas Paine* (2 vols, New York, 1945), II, 727–897, including 'Prospect Papers' (1804); 'Worship and Church Bells' [*Letter, from Thomas Paine to Camille Jordan, of the Council of Five Hundred* (London, 1797)]; 'The Existence of God'\* ('A Discourse at the Society of Theophilanthropists', 1797); and 'Extracts from a Reply to the Bishop of Llandaff'\* (written c.1796–1800); A. J. Ayer, *Thomas Paine* (Chicago, 1988), 108, 140, 151–2, 174; J. C. D. Clark, *Thomas Paine* (Oxford, 2018), 81–3, 331–55, and 'Bibliography Cited Works by Paine', 427–31.

\* [attributed title.]

he kept his personal attitude to religion to himself. That was far from the case, for his views on religion form a cornerstone of his writings, especially in his later years, and there are few biographies of him that are silent on the issue. One of the best treatments of the subject – his book deserves to be read for much more than that – is by the English logical positivist thinker, A.J. Ayer, published in 1988 under the unvarnished title *Thomas Paine*. A confirmed atheist himself, who, like Paine, blamed religious belief for many of the ills in the world, Ayer prefaces his chapter on *The Age of Reason* with a throw-away quote from Theodore Roosevelt at the beginning of the twentieth century, who referred to Paine as ‘a filthy little atheist’. Ayer comments that Roosevelt was in fact ‘mistaken on all counts, not least on the third’. He accurately asserts: ‘So far from being an atheist, Paine was an ardent deist’; and points out that the principal motive for Paine hurrying to finish the first volume of *The Age of Reason* (1794), before his arrest in Paris, was his fear that despite Robespierre’s Festival of the Supreme Being, the anti-clericalism of the French revolutionaries was ‘leading them into atheism.’<sup>2</sup>

Yet Paine, as Ayer makes clear, though consistent in his attachment to deism throughout his life, appears to have markedly changed his views on Christianity. In *Rights of Man. Part the Second* (1772) he had written: ‘Every religion is good, that teaches man to be good’.<sup>3</sup> In *The Forester’s Letters* (1776) he had referred to ‘the English church, of which I profess myself a member’. And as Clark points out, he had been baptized in the Church of England, ‘was certainly twice married in that Church’, and his appointment in the excise service would have required a ‘certificate of his having received the sacrament.’<sup>4</sup> Paine’s father, moreover, had been a Quaker and Clark tells the pathetic story that on his deathbed in his New York lodging Paine had requested of a visitor (a Quaker named Willett Hicks) that he might be buried in the Quaker burial ground. But the Quakers turned down his request and he was buried on his own farm.<sup>5</sup> In the introduction to this study, it is shown how Paine, using the writings of the early Scottish Quaker, Robert Barclay, singled out the Quakers of Pennsylvania for censure in the pamphlet *Common Sense* for their stubborn dissociation from the professed ideals of an independent nation, free from the illegal controls of the mother country.

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<sup>2</sup> Ayer, *Thomas Paine*, 140.

<sup>3</sup> Thomas Paine, *Rights of Man. Part the Second* in Ian Shapiro and Jane E. Calvert (eds.), *Selected Writings of Thomas Paine* (New Haven, 2014), 360.

<sup>4</sup> Clark, *Thomas Paine*, 81.

<sup>5</sup> *Ibid.*, 82–3.

In his writings after *Rights of Man* it was a quite different story so far as Paine's approach to Christianity is concerned. Even Ayer the atheist condemns Paine's final assessment of the Christian faith as 'very harsh':

Of all the systems of religion that ever were invented, there is none more derogatory to the Almighty, more unedifying to man, more repugnant to reason, and more contradictory in itself, than this thing called Christianity. Too absurd for belief, too impossible to convince, and too inconsistent for practice, it renders the heart torpid, or produces only atheists and fanatics. As an engine of power, it serves the purposes of despotism; and as a means of wealth, the avarice of priests; but so far as respects the good man in general, it leads to nothing here or hereafter.<sup>6</sup>

Sometimes entertainingly interposing his own strongly held views on his perceptions of the malevolent influence of religion down the centuries of human culture, Ayer seeks to explain the vehemence behind Paine's evolved hatred of Christianity, and he concludes that it arose from his conviction that its world-wide influence was, in fact, 'a disservice to religion'. 'God', Ayer thinks Paine believed, 'should be worshipped directly as the Creator of the Universe.' There was, therefore, no need for any 'intermediaries':

We have only a confused idea of his power, if we have not the means of comprehending something of its immensity. We can have no idea of his wisdom, but by knowing the order and manner in which it acts. The principles of science lead to this knowledge; for the Creator of man is the Creator of science, and it is through that medium that man can see God, as it were, face to face.<sup>7</sup>

In the light of these words alone, it is tempting to see Paine as a kind of proto-Darwinian. Ayer, indeed, cites a 'former colleague', Richard Dawkins (the scientist and author viewed these days as an archetypical militant atheist), who in an 'admirable' book, *The Blind Watchmaker* (1986),<sup>8</sup> had suggested that

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<sup>6</sup> Paine, *The Age of Reason. Part the Second*, in Shapiro and Calvert (eds.), *Selected Writings*, 498.

<sup>7</sup> Ibid., 499. Cited in Ayer, *Thomas Paine*, 151–2.

<sup>8</sup> Richard Dawkins, *The Blind Watchmaker: Why the Evidence of Evolution Reveals a Universe Without Design* (New York, 1986).

it was rational to be a deist until Darwin came out with his theory of evolution. While conceding that ‘many intelligent thinkers’ who professed deism (he instances Voltaire and Newton, the latter ‘more nearly Christian’), Ayer will have none of this from Dawkins on the grounds that deism would not be credible for supplying us with an ‘explanation for any natural phenomena’.

In Ayer’s view, the real reason behind Paine’s (and, most probably his own) dismissal of Christianity is, specifically, his detestation of the doctrine of redemption, or ‘vicarious atonement’ as Ayer prefers to call it. Paine had put it that ‘the theory or doctrine of redemption has for its basis an idea of pecuniary justice, and not that of moral justice’:

If I owe a person money, and cannot pay him, and he threatens to put me in prison, another person can take the debt upon himself and pay it for me. But if I have committed a crime, every circumstance of the case is changed. Moral justice cannot take the innocent for the guilty even if the innocent would offer itself. To suppose justice to do this, is to destroy the principle of its existence, which is the thing itself. It is then no longer justice. It is indiscriminate revenge.<sup>9</sup>

Though surprising and even *prima facie* hard to believe, Clark is on the mark when pointing out that in his later life, and certainly after *The Age of Reason. Part the Second* (1795), Paine became ‘fixated on a single issue’, and that that issue was ‘revelation’. According to Clark, from 1794 until his death in 1809, ‘theological controversy took centre stage in Paine’s outlook’. Any analysis of that view is beyond the scope of this study, but Clark provides the references to later writings that appear to prove his point.

### *A divided Kirk*

For almost three-quarters of the eighteenth century, from the mid-1730s on, the Church of Scotland – and its principal court, the General Assembly – was split down the middle by divided theologies, hardened attitudes and aggressive self-interest. It was the age of parties in the Church and it was created and nourished by the restored law of patronage determining the key issue of how and by whom individual ministers should be settled upon parishes. For the whole of this period and beyond – with its consequences, it has to be said, to some extent still apparent in the modern Church in the 21st

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<sup>9</sup> Paine, *The Age of Reason*, 388.

century – two distinct parties lined up against each other at the level of each of the three tiers of governance: General Assembly, Synod and Presbytery. Disputed ministerial settlements were as vexatious as they were commonplace, culminating in the Original Secession of 1732-1733, and the creation of the Associate congregation, the latter soon splitting further into Burghers and Antiburghers, all of these events resulting from a determination on the part of the seceders to protest against the evils of patronage and all it stood for. In a remarkably short period of time these (and other) Scottish seceding churches crossed the Atlantic to the American colonies, as the account of the career of Robert Aitken indicates in Chapter 8 and Appendix B.

Writing anonymously in 1736 when he was procurator (legal adviser) and principal clerk of the General Assembly, William Grant, Lord Advocate from 1746 to 1754 with the judicial title of Lord Prestongrange – the man Stevenson has David Balfour meet in *Catriona* (1893) that he might press James of the Glens' innocence of the Appin murder – was the first to comment on the emergence of two main groups within the Church of Scotland, which he proceeds to identify as 'the moderate Party of the Clergy',<sup>10</sup> and the 'Orthodox' or the 'warm Party'. At the time of publication of Grant's pamphlet the latter, or Popular party as it would come to be known, 'though not the majority of the Clergy', managed 'these two last Years' to be dominant at successive Assemblies only by virtue of a majority of Elders backing them.<sup>11</sup> It would not be so for long, however, the tables soon being turned in favour of the Moderates who succeeded in managing and controlling successive Assemblies from then on for whole decades at a time. Memorably, John Witherspoon, then minister at Beith in Ayrshire and a leading orthodox (Calvinist) preacher and theologian, cleverly satirises the Moderates in his highly controversial (and, in the clear view of a number of the Moderate ministers he lampooned, possibly actionable) *Ecclesiastical Characteristics* (1753). The work was vaguely modelled on Shaftesbury's massive four-volume *Characteristics of Men, Manners, Opinions, Times* (1711) – an edition of

<sup>10</sup> Grant uses a capital 'M' at 'Moderate' a little later in the same account.

<sup>11</sup> Anon. [William Grant], *The Present State of the Church of Scotland. With Respect to Patronages; and the Bill now depending before the Parliament* (London, 1736). See Ronald Lyndsay Crawford, *The Chair of Verity: Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (Edinburgh, 2017), 28-9. Thomas Ahnert is not alone in thinking (wrongly) that the term 'Moderate' was 'probably' first applied to a distinct group within the Church of Scotland by Witherspoon in *Ecclesiastical Characteristics*. See Thomas Ahnert, *The Moral Culture of the Scottish Enlightenment 1690-1805* (New Haven, 2014), 67.



which appeared in Glasgow five years after the emergence of Witherspoon's pastiche – though also acknowledging a debt to Swift's *Tale of a Tub* (1704) and Defoe's *Jure Divino* (1706).<sup>12</sup>

A persistent myth that has surrounded the issue of parties in the Kirk in this period is that Moderatism enshrined all the virtues of the new Enlightenment in Scotland, whereas the Popular party did not, clinging instead to all the old 'unenlightened' traits long associated with the earliest days of Reformation theology, and specifically with doctrines upheld (though not invented) by Jean Calvin and John Knox. More recently, however, scholars including Thomas Ahnert, Jonathan M. Yeager (and this author) have shown that the reality was not always as clear-cut as it might have seemed. For all their doctrinal differences, it has emerged that what used to be regarded as anomalous cases of Popular party ministers espousing Enlightenment values were actually nothing of the kind; and that it is by no means unknown for certain orthodox ministers to display a receptiveness to enlightened ideas by Enlightenment authors they might ordinarily have been expected to abhor. By the same token though much less obvious, the apparent retention of many of the old Genevan orthodoxies by the same men – hitherto presumed to have been discarded in their supposed 'enlightened' or regenerative period – in fact continued to be espoused by them just as unyieldingly as in their earlier, so-called 'unenlightened' lives. Two outstanding examples of that hypothesis are, it is suggested, the careers of John Witherspoon and John Erskine, for reasons that should become clearer in Part Two of this study.

Nevertheless, there is no denying that the impact of such division in the established Kirk seemed at times to know no bounds. Patrons generally came from the land-owning aristocracy with occasional bizarre exceptions. Thus, the Reverend Dr John Erskine, charismatic minister of Old Greyfriars in Edinburgh – whose Popular party vehemently opposed the principle of patronage while at the same time invariably drawing back from the idea of the people exercising even their scant theoretical rights in determining the minister they desired – was himself a heritor and a patron, while actively condemning the legislation that allowed the practice. Witherspoon held much the same views on patronage. Both Erskine and Witherspoon would have denied any charge of hypocrisy on their part. More predictably, an arch-Moderate, the Reverend Dr Alexander Carlyle of Inveresk, was only one of

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<sup>12</sup> The Glasgow four-volume set of 1758 is tentatively attributed by ESTC to Robert Urie. Volume 1 published a single-volume edition of Shaftesbury's *Letters*. See Philip Gaskell, *A Bibliography of the Foulis Press* (London, 1964), 73.

many who basked in the way in which the law of patronage operated – content, that is, not to be seen rocking the boat by going along with attempts by an articulate minority to overhaul the patronage system, while knowing full well that they were bound to fail:

In the General Assembly this Year [1765] There was a Strong push made to bring in an overture to all the Presbyteries of the Church to Enquire into the Causes of Schism, &c. from whence those in Opposition to Patronage believed there would come Such a Report, as would found and Justify a Fresh Application to the Legislature for their Abolition. It was thought best on our side, not Directly to oppose this Motion, but to [propose] a committee of assembly rather than agree to the Transmission, which was agreed to, and a Large Committee appointed, who, strange to tell, in spite of all their Zeal, met only once and Did nothing, tho' they had full powers, and made No Report to next Assembly.<sup>13</sup>

Carlyle even personally delighted in occasionally acting out the role of patron himself, as when in 1759 to 1762 he successfully contrived, with the active support of William Robertson, to secure the appointment of his friend and first cousin, William Wight (then languishing as a dissenting clergyman in an obscure living in Dublin) to the vacant professorship of ecclesiastical history at Glasgow. In his *Anecdotes* he tells how he achieved this *coup* through writing letters to such as the Duke of Queensberry and, since the chair was a Crown or *Regius* appointment, his connections with the Earl of Bute (*via* Sir Gilbert Elliot) and the Duke of Argyll (*via* Lord Milton) eventually bore fruit and Wight, despite strenuous objections from the University itself, was duly appointed. Carlyle boasts, in one of the classic *exposés* of the iniquities of the system of patronage, that it had all been ‘easily done’.<sup>14</sup>

An even more startling paradox arises from the divisiveness of Kirk politics at this time. It is discoverable in the context of several parish ministerial settlements where the Crown was the designated patron. In practice, the management of Crown patronage in Scottish parishes was delegated to the British government’s Northern Department of the Secretary of State,

<sup>13</sup> Alexander Carlyle, *Anecdotes and Characters of the Times*, James Kinsley (ed.) (Oxford, 1973), 237–8.

<sup>14</sup> *Ibid.*, 201–202; see also Richard B. Sher, ‘William Wight (1730–1782)’, *Oxford DNB* (accessed August 2019).

where issues of this kind were traditionally handled by the Under-Secretary of State. By one of those strange quirks of history, in February 1767, on the resignation of William Burke, the office of Under-Secretary of State was conveyed to David Hume on the nomination of his good friend, General Henry Seymour Conway. Mischievously savouring the extreme irony of the extraordinary situation in which he now found himself – self-declared and publicly-acknowledged religious sceptic *par excellence*, as well as one-time arch ‘infidel-writer’ in the eyes of successive General Assemblies – Hume was now faced with the task of drafting the King’s Letter to the Assembly. Incredibly, adding a dash of spice to the comic brew, Hume’s good friend Hugh Blair, at the same Assembly, was assigned the job of drafting the speeches of the Lord High Commissioner, the King’s official representative. In a confidential letter to Hume of 4 June 1767 Blair confides: ‘I suppose you writ the King’s Letter, and I make the Commissioner’s speeches – but this *entre nous*. ... He [Dr William Robertson] enjoined me to keep the secret strictly, of its composition.’<sup>15</sup>

And with reference to Hume’s implied power of control over devolved patronage, Blair adds with relish: ‘What a party you will make among the Ministers of this Church, if you continue a while in office!’ In this way, his biographer notes, Hume was effectively presented with the ‘opportunity to give national recognition to the merits of the Moderate leaders.’ If the secret got out as far as the leaders of the Popular party – Witherspoon, Erskine, Gillies *et al.* – that Hume, of all people, was ventriloquising the King’s words of support and encouragement to the Kirk, what might that have implied for the cause of Calvin and for the future of ‘real’ religion in Scotland? Potentially, if the incident were to become common knowledge (and Assemblies, notoriously, were, and are, great talking-shops), it would only have exacerbated the already deep fissures within the established Church. Hugh Blair was right to anticipate serious trouble in the higher courts of the Church were the joke

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<sup>15</sup> Hugh Blair to David Hume cited in E. C. Mossner, *The Life of David Hume* (1954; Oxford, 1980), 540. According to Alexander Carlyle, Blair had ‘taken Charge of Lord Glasgow The Kings Commissioner during the General Assembly [1764-1772], who tho’ he was a very able Man, had so much Distrust in himself, that he could not compose his own Speeches.’ While Blair, therefore, had apparently drafted the Commissioner’s Reply at the 1767 Assembly to the Moderator’s speech of welcome, Hume had composed the King’s Letter which the Commissioner would have read out at the opening of the Assembly. Carlyle goes on to say that at subsequent Assemblies he himself had assumed the task formerly undertaken by Blair. See Carlyle, *Anecdotes and Characters*, 253.

to get out. Had that happened, there can be no doubt that the Popular party would not have allowed itself to see the funny side.

But the incident was no laughing matter. It exposes the serious extent to which ministers and elders of the corporate Kirk, as the established church in Scotland, felt it increasingly difficult to sing from the same hymn sheet. As we shall see, there were numerous major issues of national importance where some ministers not only felt unable to support the official Kirk stance, as articulated by the General Assembly, but were prepared to declare, and if need be publish (though, for the most part, anonymously) their own arguments against it. For the moment, one such issue will suffice – the American war.

One distinguished Popular party minister who consistently followed the dictates of his own conscience in opposing the war and the way in which it was being conducted – not shirking to condemn the line consistently taken by successive General Assemblies – was John Erskine of Old Greyfriars, Edinburgh, a pulpit he shared with William Robertson, acknowledged leader of the Moderates. In the opening lines of his ‘discourse’, *Shall I Go to War with My American Brethren?*, first published in London, anonymously, as far back as 1769, Erskine remarks: ‘My duty as a Minister does not annihilate my duty to the best of Princes, and to my dear fellow subjects. If a watchman see danger approaching, and blow not the trumpet, the blood of the people, whom he neglected to warn, shall be required at his hand.’<sup>16</sup>

But Erskine’s worst fears were realised and he decided to reprint his pamphlet in Edinburgh, just a few weeks before the Declaration of Independence, this time with his authorship boldly declared on the title page. In a new preface he now explains the serious predicament he believes he has landed himself in and seeks to come clean on his personal stance in the controversy:

Anonymous writers have aspersed me as an enemy to my King and country because I cannot approve certain measures of administration. No attack could have been more wanton, injurious, and unprovoked.<sup>17</sup>

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<sup>16</sup> John Erskine], *Shall I Go to War with My American Brethren? A Discourse from Judges the XXth and 28th. Addressed to All concerned in determining That Important Question* (London, 1769), 2.

<sup>17</sup> Yet not all reviews of the original 1769 version were unfavourable. Jonathan M. Yeager cites the February 1769 number of the *Monthly Review*, 173, assessing the work as ‘A very sensible and pathetic dissuasive against violent measures with the colonies.’ Yeager, *Enlightened Evangelicalism: The Life and Thought of John Erskine* (Oxford, 2011), 163.

... I now republish what formerly appeared without my name, on the inexpediency of war with America, and of addresses for coercive measures. Painful as it is, and presumptuous as it may seem, to arraign the opinions of wise and worthy friends, I submit to the unwelcome task, that I may be free from the blood that shall be shed on either side, in this unnatural quarrel. I know what censure I am like to incur, from many whose characters I esteem, and whose favour I regard. But sense of duty, and the peace of my own mind, constrain me.<sup>18</sup>

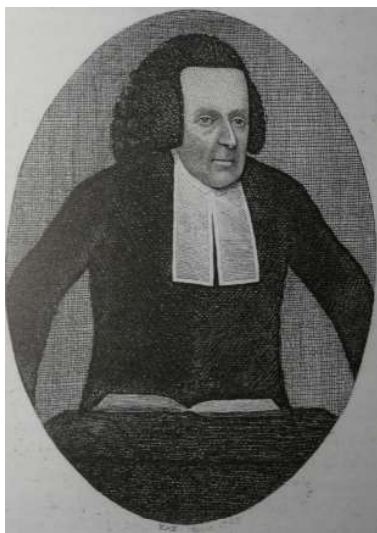
John Erskine's words take on a new edge when we consider the language of the General Assembly's 'address to his Majesty on the present situation of affairs', conveyed on 28 May 1776, coincidentally the day before the date of Erskine's preface. In his address, the Moderator, John Ker of Forfar, 'at this interesting juncture', expresses the Assembly's full confidence that 'your formidable fleets and armies' will have the necessary effect of 'displaying the extent of your Majesty's clemency, and of conciliating the alienated minds of your subjects.' He closes by praying that 'he, who stilleth the tumults of the people, and ruleth the spirit of man', may preside over a restored union between Great Britain and her Colonies. It is a different picture that emerges from the Assembly in the following year. With James Brown, minister of the New Church in Edinburgh as Moderator, in the year when Burgoyne would lose 600 men killed, wounded and captured at Saratoga, the message now is notably more subdued and ominous: that the Assembly had 'observed with deep concern the first appearances of a turbulent and ungovernable spirit, among the people of North America.' Using the language of an Old Testament prophet, Brown invokes the 'Lord of Hosts, in whose hand is power and might', to 'go forth with the fleets and armies of our country' in order that 'in his good time ... the destroying sword may return into his scabbard, and be at rest'. And in 1778, with Patrick Grant, the uniquely enlightened and conciliatory minister of Urray in the presbytery of Dingwall in the Moderator's chair, the special address is manifestly terse, unusually much less flowery, almost as if his words were spoken through gritted teeth:

We behold with satisfaction the measures which are taken, both for

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<sup>18</sup> John Erskine, *Shall We Go to War with My American Brethren? A Discourse Addressed to All concerned in determining That Important Question. First published in London, 1769. To which are now added, A Preface and Appendix. By John Erskine, D. D. One of the Ministers of Edinburgh* (Edinburgh, 1776).

internal security, and for the support of the national honour, against the insult of every hostile power; and have the pleasure to assure your Majesty, that, in no part of your dominions, have exertions been made for that purpose with greater unanimity and ardour than among the people under our care.<sup>19</sup>



8 Dr John Erskine (caricature by John Kay) (Special Collections, University of Aberdeen)



9 Dr Alexander Carlyle (artist unknown) (Professor Ronald Crawford)

### *John Erskine's America*

More than most, Benjamin Rush would have known all about John Erskine's generosity towards America. L. H. Butterfield records how, literally, on the very day John Witherspoon set sail from the Clyde bound for New Jersey in May 1768 he dashed off a letter to Rush, then a medical student at Edinburgh, informing him that he had heard from Erskine and asks Rush to let him know that he 'was obliged to him for his books', and also to mention that the Edinburgh bookseller, Alexander Kincaid (one surmises, *via* Erskine), had sent a 'very valuable Collection'.<sup>20</sup> The precious gift of books was just one of

<sup>19</sup> All quotations from *The Principal Acts of the General Assembly of the Church of Scotland* (Edinburgh, 1776, 1777, 1778).

<sup>20</sup> Letter from Witherspoon, 'To Benjamin Rush Esqr Student of Medicine at Edinr', written from Greenock, 18 May 1768. It begins: 'We are just now going aboard' and is the last letter Witherspoon wrote before setting sail that same day. The original is in Princeton University Library. The letter is transcribed in L. H. Butterfield, *John Witherspoon Comes to America* (Princeton, 1953), 75.

many that Erskine, throughout his life, either made personally or negotiated at the hand of others for the benefit of colleges and institutions across the Atlantic. More generally, Erskine was regularly in correspondence with an astonishing range of contacts in America – statesmen, college heads, clergymen and scholars – many of whose names are inseparable from the history of the early republic, and even long before. Yeager says of him: ‘It would be difficult to think of a resident Scotsman who maintained contact with as many respectable colonial Americans as Erskine.’<sup>21</sup>

It was not so much that John Erskine was hostile to the intentions of the British government – or even that he was blindly uncritical of the Americans when they proclaimed their independence – it was more the case that he deplored the fact that a great opportunity appeared to have been lost, and as it now seemed to him, any prospect of an accommodation between the sides had receded into the far distance. In the year of independence, apart from the new edition of *Shall I Go to War?*, Erskine published two pamphlets on the American crisis. In each case, he reverted to anonymity. Both display the remarkable depth of his erudition relating to Britain’s colonial adventure, and an easy familiarity with the historical and political background to the conflict. Few people in Scotland at the time – with the possible exception of his namesake (and distant kinsman), David Erskine, 11th Earl of Buchan – could have matched his enthusiasm for the sheer idea of America, or have displayed a more intimate knowledge of the history of the revolutionary period and of the major personalities on the American side. No one knew better than John Erskine the key sources and authorities to consult and cite, some egregiously obscure, both American and British. He cites some of them in support of his appeal for a reasoned approach to peace in easily the more substantial of his publications in 1776, his *Reflections on the Rise, Progress, and Probable Consequences of the Present Contentions with the Colonies*. Its anonymous author, a ‘Freeholder’ (Erskine), recites a veritable litany of sources to fortify his central point – that both sides in the conflict stand to lose much from an independent America, almost certainly to their permanent disadvantage.

The preliminary ‘Advertisement’ to *Reflections*, dated 18 October, is of special significance. Most of the recent literature concerning America, he begins, has ‘painted in black and hateful colours, the claims and conduct of the North Americans’.<sup>22</sup> The ‘Freeholder’ intends to change all that: ‘The

<sup>21</sup> Yeager, *Enlightened Evangelicalism*, 143.

<sup>22</sup> Erskine gives three examples: [Samuel Johnson’s] *Taxation no Tyranny* (1775), [Sir John Dalrymple’s] *Address of the People of Great-Britain to the Inhabitants of America*

author of this small tract [it is fifty-three pages], though deeply sensible of the inferiority of his talents, yet, confiding in the goodness of his cause, humbly attempts to soften that resentment.<sup>23</sup> He informs the reader that he had prepared his pamphlet ‘about a year ago’, but that an unknown party’s ‘negligence’ had delayed its publication for ‘many months’. Having recovered his manuscript, he had not felt compelled to add to it, ‘unless a paragraph occasioned by the pamphlet entitled *Common Sense*.’ Erskine’s reference here to Paine’s title – at the time he wrote his ‘Advertisement’, he was unaware of its author’s identity – together with his ensuing brief comment on it, makes it likely that his was probably the first Scottish publication (excluding ephemera) to take note of the pamphlet since its appearance in Philadelphia in January 1776. If so, Erskine was probably also the first Scottish author to record all three of the best-known published American replies to Paine – those by ‘Candidus’ (a Scot, James Chalmers), ‘Cato’ (another Scot, William Smith), and ‘Rationalis’ (unidentified). If he had known who had written them, it is intriguing to speculate whether or not it would have made any difference to his thoughts on the subject.

Whatever else, Erskine’s *Reflections* deserves recognition among Scottish contributions to the literature of the American revolutionary period, not so much because of the originality of its own argument and content, but more on account of the remarkable bibliography of the author’s sources that marks it apart in any list of competing claims. From its opening pages to its last, *Reflections* is a kind of checklist of prescribed reading necessary to an understanding of the background history of the American Revolution down to the promulgation of the Declaration. In addition to *Common Sense* and the three best-known loyalist replies to it, Erskine cites all the standard works, including Governor Thomas Pownall’s *The Administration of the Colonies* (he cites the fourth edition of 1768), Samuel Johnson’s *Taxation no Tyranny* (Cadell’s third edition of 1775), John Wesley’s *Calm Address* (1775), John Dickinson’s *Essay on the Constitutional Power of Great-Britain over the Colonies in America* (the London reprint of 1774), Thomas Jefferson’s *Summary View of the Rights of British America* (the first Williamsburg edition of 1774), and Joseph Quincy’s *Observations on ... the Boston Port-Bill* (Boston, 1774). But he also cites much less familiar titles, including Samuel Smith’s *History of the Colony of Nova-Caesaria, or New Jersey* (Burlington, 1765), Alexander Hamilton’s *The Farmer Refuted*

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(1775), and [James Macpherson’s] *The Rights of Great Britain Asserted against the Claims of Americans* (1776). It will be noted that two are by Scots authors.

<sup>23</sup> Erskine, *Reflections*, ‘Advertisement’, iii.



(New York, 1775),<sup>24</sup> and three sermons by American pastors: Jacob Duché's sermon of 7 July 1775, *The American Vine*, William Gordon's *Discourse* [on 'Religious and Civil Liberty'] (Erskine cites the 1775 Dilly brothers' London reprint of the Boston original), and Dr Charles Chauncy's 'thanksgiving sermon for the repeal of the stamp act' (now an exceedingly rare pamphlet), also a Dilly reprint of an even scarcer Boston original.

Of even more exotic interest in *Reflections* are no less than five separate citations by Erskine from a succession of annual publications of sermons by senior Anglican clerics (usually English Bishops), preached at the invitation of the 'Incorporated Society for the Propagation of the Gospel in Foreign Parts', essentially the Anglican equivalent of the Church of Scotland's SSPCK.<sup>25</sup> It is important to note why he should quote from these pamphlets. He resorts to them for one specific purpose only – it is in furtherance of his near-obsessive fear of 'popery', expressed in his grave suspicion that events in America may lead to the triumph there of the Roman Catholic faith. From the clear bibliographical information about his sources he invariably supplies (down to page numbers), we can readily track the precise references Erskine invites his readers to check, and why in his view they should not doubt the veracity of his argument. Sometimes, he utilises one of these sermons for a general point: '[The Colonies] are the source of our wealth, from whom our commerce receives its very life and existence, and our naval strength its continual supply and increase.'<sup>26</sup>

More often, however, Erskine prefers to extract from the annual reports printed after each sermon selective passages that, he senses, bolster his concerns about the threat represented by popery, and, in particular, how Catholic missionaries to the Indians are reportedly spreading false and wicked stories:

The *Indians* (for whom Mr *Moreau* has lately baptized twelve Children, and married one Couple) have shewn him the Copy of a Letter, which they are told was written by *Jesus Christ*, to the Bishop of *Laçon* in *France*, to be sent to them. It is signed by two Persons, who say they

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<sup>24</sup> Erskine describes Hamilton as a 'sensible anonymous writer': Erskine, *Reflections*, 17, §6.

<sup>25</sup> These are, chronologically, by Frederick Cornwallis (1756), James Johnson (1758), Anthony Ellys (1759), Richard Terrick (1764), and John Ewer (1767).

<sup>26</sup> James Johnson (*b.* 1705-1774), Bishop of Gloucester, later Bishop of Worcester, *A Sermon Preached before the Incorporated Society for the Propagation of the Gospel in Foreign Parts ... on Friday February 24, 1758* (London, 1758), 10; Erskine, *Reflections*, 49.

have received it from the said Bishop to be distributed among the Savages. Each of them has a copy of it, which they wear next their Heart. The Letter is filled with the grossest Absurdities imaginable. They are therein threatened with eternal Damnation, if they fail in any Point of the Romish Religion; and on the contrary, are promised endless Happiness, if they separate from those of a different Opinion.<sup>27</sup>

According to a different account he cites, sometimes the lies deliberately fed to the Indians associate the English with Christ-killing:

They [a people that were the ‘remains of the *Norridgewalk* tribe’] have a great Aversion to the *English* Nation, chiefly owing to the Influence of Roman Catholic Missionaries, who, instead of endeavouring to reform their Morals, comply with them in their most extravagant Vices, and teach them that nothing is necessary to eternal Salvation, but to believe in the Name of *Christ*, to acknowledge the Pope his holy Vicar, and to extirpate the *English*, because they cruelly murdered the Saviour of Mankind.<sup>28</sup>

More usually, however, if he can identify in the words of others similar sentiments to his own in relation to the grip the spread of ‘popery’ may yet come to exercise in America, Erskine never loses the opportunity to pass it on to his readers. One of the best examples of this in *Reflections* – not without its modern irony considering the lineage of his source – is when he cites the Archbishop of Canterbury, Frederick Cornwallis, discounting the fact that when Cornwallis preached his sermon in February 1756 he was still merely Bishop of Lichfield and Coventry. You can almost see John Erskine licking his lips at the passage he has found in his eclectic scouring of available library resources, words that, one senses, precisely mirror his own ideas on the subject:

I do not see how our Colonies, situated as they are, and little able, by their own means, to provide themselves pastors and instructors, are likely to continue in the Protestant principles, without our aid and

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<sup>27</sup> John Ewer (1703–1774), Bishop of Llandaff, later Bishop of Bangor, *A Sermon Preached before the Incorporated Society for the Propagation of the Gospel in Foreign Parts ... on Friday February 20, 1767* (London, 1767), 47; Erskine, *Reflections*, 44.

<sup>28</sup> Ewer, *A Sermon Preached*, 50; Erskine, *Reflections*, 44–5.

liberality. For the Papists, lying always in wait to deceive, creeping into every house, and leading captive the ignorant and unwary, have a fair opportunity of instilling their doctrines, and seldom fail of success, in places where religion is either made a matter of indifference, or where there is a failure of such persons, as are fitted to counteract their designs, and to prevent the poison of their insinuations; and if our Colonies change their Communion, we shall be in great danger of losing the fruits of their industry.<sup>29</sup>

In his *Reflections*, just as in *Shall I Go to War?*, and in his other, rather less powerful American discourse of 1776, *The Equity and Wisdom of Administration*,<sup>30</sup> John Erskine, by exposing his Achilles heel, tends to mar the thrust of his argument by over-indulging his obsession with the Catholic question and his personal fears on the possible spread of 'popery' in America. To the modern reader, that objection must call into question his entitlement to be properly regarded as the 'Enlightened Evangelical'.

*'O tempora! O mores!'*

In its December 1783 number the *Scots Magazine* published three letters by a correspondent signing himself 'Theophrastus'. They had originally appeared in the *Edinburgh Evening Courant*. A few years later the letters were reprinted

<sup>29</sup> [Frederick Cornwallis (1713-1783), then Bishop of Lichfield and Coventry; Archbishop of Canterbury, 1768-1783]: *A Sermon Preached before the Incorporated Society for the Propagation of the Gospel in Foreign Parts ... on Friday February 20, 1756* (London, 1756), 17; Erskine, *Reflections*, 43. The Archbishop was an uncle of General Charles Cornwallis who had the misfortune to surrender to Washington at Yorktown on 19 October 1781, the last decisive battle of the American war.

<sup>30</sup> John Erskine, *The Equity and Wisdom of Administration, in Measures that have unhappily occasioned the American Revolt, tried by the Sacred Oracles* (Edinburgh, 1776). This pamphlet may well have started life as a sermon. Unlike *Reflections*, it has few references to other publications, although Erskine does mention the 'letters published last year in some American newspapers' ascribed to Governor Thomas Hutchinson, a reference to the notorious scandal that had its origin in the acquisition by Benjamin Franklin of letters dating back to 1769 in which Hutchinson was said to have urged that stern measures be taken against the Americans. The affair did untold damage for a while to Franklin's reputation who was fired from his post as deputy postmaster-general of North America. See Gordon S. Wood, *The Americanization of Benjamin Franklin* (New York, 2004), 139-44. The letters were subsequently published in Boston in a pamphlet entitled *Copy of Letters Sent to Great-Britain, by his Excellency Thomas Hutchinson, the Hon. Andrew Oliver, and several other Persons, BORN AND EDUCATED AMONG US* (Boston, 1773).

by William Creech in his anthology of 1791 entitled *Edinburgh Fugitive Pieces*.<sup>31</sup> All were on the same melancholy theme – that of comparing (to cite the *SM* running-title) ‘Manners, &c. of Edinburgh in 1763 and 1783’. From their general tenor ‘Theophrastus’ may well have been a Kirk minister; and in all probability a minister whose views were aligned with those usually associated with the Popular or orthodox party.

In the second letter comparisons are given of the state of religion and the church over two decades:

In 1763 — It was fashionable to go to church, and people were interested about religion — Sunday was strictly observed by all ranks as a day of devotion; and its was disgraceful to be seen on the streets during the time of public worship — Families attended church, with their children and servants, and family-worship was frequent.

In 1783 — Attendance on church is much neglected — Sunday is made a day of relaxation — Families think it ungentle to take their domestics to church with them — The streets are often crowded in the time of worship; and in the evenings they are shamefully loose and riotous — Family-worship is almost totally abolished, and it is even wearing out amongst the clergy.

The dismal author goes on to extend and enhance his jeremiad about contemporary and past practice regarding church discipline and sexual mores. In 1763 ‘breach of the seventh commandment was punished by fine and church-censure’; ‘any instance of conjugal fidelity in a woman would have banished her from society, and her company would have been rejected even by the men.’ Twenty years later, the situation has entirely changed: ‘Although the law punishing adultery with death stands unrepealed, yet even church-censure is disused, and separations, divorces, recriminations, collusions, separate maintenances, are becoming almost as frequent as marriages.’ And in a footnote prefaced ‘N.B.’ it is added: ‘It is to be remarked, that the repentance-stool, and all church censure, for fornication and adultery, have long been given up in Edinburgh.’ Finally, what of ministers’ pastoral duties and the consequences of this sorry decline?

In 1763 — The clergy visited, catechised, and instructed the

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<sup>31</sup> William Creech, *Edinburgh Fugitive Pieces* (Edinburgh, 1791), 63–111.

families within their respective parishes, in the principles of Morality, Christianity, and the relative duties of life.

In 1783 — Visiting and catechising are disused, except by one or two of the clergy — If people do not chuse to go to church, they may remain as ignorant as Hottentots, and the Ten Commandments be as little known as rescinded acts of parliament. — Religion is the only tie that can restrain, in any degree, the licentiousness of the vulgar; when that is lost, ferocity of manners, and every breach of morality, may be expected.

Allowing for a measure of hyperbole on the anonymous letter-writer's part, the doleful conclusion is probably not far off the mark, especially where attendance at ordinary Sunday worship and lenity in church discipline were concerned. But, if Theophrastus is generally right — though not implied by the letters — is it legitimate to go one step farther and deduce that the authority of the Kirk was also now being increasingly challenged by the new and emboldened voice of the people? Perhaps. Certainly 'Theophrastus' chose a particularly opportune span of dates in support of his claims. In 1763, for example, we know something of the pattern of the church year from the annals of a provincial Scottish minister meticulously recorded in his pocketbook for that year. The holograph notes made on the blank pages in John Witherspoon's personal copy of *The Universal Scots Almanack* for 1763 — much more than merely the dreich household accounts they were once taken for — represent in fact a unique indicator of a parish minister's typical year within the setting of a rapidly expanding provincial Scottish town. As this author has shown elsewhere, Witherspoon's 1763 pocketbook is a priceless miscellany revealing much, and in fascinating detail, of not only the extent to which Witherspoon dutifully carries out his demanding preaching and pastoral commitments, but it also provides a unique insight into how ministers of the Popular party, in exchanging pulpits among their own kith and kin, so to speak, moved strictly within a narrowly-defined social and theological circle of like-minded brethren.<sup>32</sup>

The anonymous author of the three letters in the *Scots Magazine* is writing of the established Kirk. If he had been minded to do so, he doubtless could have painted a different picture in relation to the spread of Scottish

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<sup>32</sup> For an analysis of the content of Witherspoon's pocketbooks of 1763 and 1768 see Ronald Lyndsay Crawford, *The Lost World of John Witherspoon* (Aberdeen, 2014), 137–50 and 197–222.

seceding churches over the same period. In a word, the seceders were flourishing, and over the same twenty-year period identified by ‘Theophrastus’ had prospered and expanded to a degree that – given their popularity and the ease with which they were seemingly able to persuade many Kirk members to join them – increasingly troubled the Church of Scotland. James Maxwell, self-styled ‘poet in Paisley’, describes the situation there:

*Moreover, Paisley now can also shew  
The Burghers, and the Antiburghers too.  
And each of them considerably large,  
Whereof a Pastor takes of each the charge.  
Yea, Glassites too, and ancient Mountaineers,<sup>33</sup>  
These last in the Bereans rooms appears.  
Nor are these all; behold, the last, the chief,  
A noble Church erected for relief!<sup>34</sup>*

From the evidence of Sinclair’s *OSA*, in data supplied by Kirk ministers, a broadly similar pattern emerges in many Scottish parishes. In the towns and cities of Scotland, over the period, some ministers openly regretted the presence of secessionist neighbours who blatantly, at times even militantly ‘poached’ their members. Simmering just below the surface there was occasionally downright hostility between ministers and their seceding ‘brethren’, as in the notorious Kilwinning heresy case of the mid- to late-1760s affecting the quirky Reverend Alexander Fergusson.<sup>35</sup> More commonly, however, Kirk ministers and secessionist pastors were at ease in one another’s company, though stopping short, it seems, at any possibility of one inviting the other to occupy his pulpit.<sup>36</sup> At precisely the same time as hands were being wrung

<sup>33</sup> A sect known as the Cameronians, or the ‘Mountain’, whose refusal to swear oaths they had in common with Antiburghers. In time, they became known as the Reformed Presbyterian Church and to this day are still strong in Ireland, and especially in the United States where they were the first church to deny membership to slave-owners. See Andrew L. Drummond and James Bulloch, *The Scottish Church 1688-1843: The Age of the Moderates* (Edinburgh, 1973), 25-6; J. H. S. Burleigh, *A Church History of Scotland* (Oxford, 1960), 250-1; and William Mackelvie, *Annals and Statistics of the United Presbyterian Church* (Edinburgh, 1873), 46-8.

<sup>34</sup> James Maxwell, *Paisley: A Poem* (Paisley, 1785), 11.

<sup>35</sup> For more on the Kilwinning heresy see Crawford, *The Chair of Verity*, 129-53; and Appendix D, 323-33.

<sup>36</sup> In a letter written on board the *Peggy* at Greenock on the day she sailed for America Witherspoon asks George Muir, minister of the High Church in Paisley, to ‘Let Brother Alice know I think of him’. He was referring to James Alice (or Ellis),

and breasts beaten over a Kirk adjudged by many to be in decline, the irony is that enthusiastic new seceding congregations were attracting thousands of eager adherents. One extreme case is recorded. In May 1776, the minister of Cramond, the Reverend Charles Stuart, son of a former Lord Provost of Edinburgh and the Reverend Dr John Erskine's son-in-law, resigned his charge and formed an Anabaptist congregation that met in St Mary's Chapel. In a sermon published in the same year, Stuart, who went on to study medicine and eventually became President of the Royal College of Physicians of Edinburgh, went into print in order to castigate the national church for its hypocrisy.<sup>37</sup>

Ministers of the Gospel serving seceding churches were often seen as more responsive to the needs of their large and increasing congregations than their established church counterparts. This is not surprising, since the law of patronage did not affect them, and the people were free to appoint their ministers to vacant charges without internal (church) or external (patronal) interference. Secessionist ministers at times taunted the law of patronage as it operated within the Kirk. None did so to greater effect than Archibald Bruce, Antiburgher minister of the gospel at Whitburn. No mean poet, this is how Bruce regarded patrons:

*Right noble Patrons! Let me grace  
My verse by giving you a place;  
From those who rub upon the throne,  
To petty Knight and Esquire down. ...  
Above the saints of low degree,  
You shine by right of pedigree:  
Over the vulgar Christian brood  
Are paramount, by birth and blood.  
A right you have, by antient charter,  
Things spiritual to gift or barter.  
A right derived from days of old,  
Oft as your acres bought and sold,  
To plant each vacant sacred place:*

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minister of the Antiburgher congregation in the town from 1756 until his death in 1798. See Crawford, *The Lost World of John Witherspoon* (Aberdeen, 2014), 32.

<sup>37</sup> Charles Stuart, *The Distinction between the Kingdom of Christ and the Kingdoms of this World, briefly Stated from the Scriptures* (Edinburgh, 1777).

*Best judges of true gifts and grace?*<sup>38</sup>

It was as if there breathed through these seceding congregations an informal atmosphere of participative democracy that seemed more or less in harmony with the spirit of the last decades of the eighteenth century. It is no accident that several ministers of seceding and dissenting churches lent their support to the reform movement in Scotland in the 1790s. Of these, the best known by far is Thomas Fysche Palmer, an English Unitarian minister from Dundee, who is remembered as one of the pantheon of Scottish martyrs. Later in the decade, two secession ministers published titles severely critical of the restrictions on the liberty of the press over the same period: Archibald Bruce, as just noted, and Niel Douglas, Relief church minister at Cupar.<sup>39</sup> It is likely that Bruce, Douglas, and others of their cloth who riskily ventured comment on the politics of the time, were provoked into defiantly doing so by the appalling injustice shown Palmer and the other 'martyrs' by the Scottish judges of the High Court.

In England, they used a different nomenclature and worked within a different context. There, it was not secession away from the national church, but dissension (originating in Puritanism) within the traditional liturgical forms and orthodoxies of Anglicanism. In any case, at bottom one senses that the only type of conformity that really mattered was the one that was shared by the followers of both Scottish secession and English dissension – that, somehow but still emphatically, worship and belief met together in plain ways that satisfied the simpler spiritual desires of ordinary folk and their families in a manner that the established churches of the state, with their perceived hierarchies and their more elaborate and formalised litanies, could never hope to match.

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<sup>38</sup> Archibald Bruce, *The Kirkiad; or, Golden Age of the Church of Scotland* (Edinburgh, 1774), 34. A Glasgow graduate, Bruce's best-known work is this clever verse satire with both parties – Moderates and orthodox – among his chief targets.

<sup>39</sup> Niel Douglas (1750–1823). Also a Glasgow graduate and using the pen-name 'Britannicus', Douglas published in 1792 a poem in six parts entitled *A Monitorial Address to Great Britain* (Edinburgh, 1792), to which he attached the complete text of James Burgh's *Britain's Remembrancer* (1746) on the grounds that it was 'still too applicable and expressive ... too seasonable and necessary.' Douglas' poem is packed with impossibly long footnotes that include disparaging references to the poetry of Robert Burns (see Douglas, *A Monitorial Address*, 36–7), and extolling the memory of Benjamin Franklin (ibid. 200–1). According to Douglas, 'This great philosopher and able politician [Franklin], was a warm and steady friend to Britain, and exerted himself to bring about an happy accommodation between her and the Colonies, till our own conduct gave a different turn to his views and exertions.'



With barely observable minor exceptions, overtly political published discourses and sermons by Scottish secessionist preachers up to *circa* 1790, containing any reference to national politics, are virtually unknown. It seemed that published utterance on the great contemporary issues of the time, affecting the British nation and impacting on local and national affairs, was simply not their style. There is no Scottish Richard Price or Joseph Priestley, nor is there a Scottish John Wesley. Even in the case of two of the greatest ministers in the history of the secession church in Scotland and its most prolific authors – Adam Gib and John Brown ‘of Haddington’ – we look in vain for comment on the major issues of the day, issues that rarely failed to mobilise their counterparts in the Church of Scotland. In 1783 Gib, recognised leader of the Antiburghers, published a sermon he had preached in the New Church at Cross-Causeway, Edinburgh, immediately before the ordination of a young man, Thomas Beveridge, who was about to depart these shores as a missionary to ‘North America’. The sermon, entitled *Christ has other Sheep, Whom He Must Bring*, has a scattering of vague references to America, but palpably resists any descent into politics. Gib’s ‘Advertisement’ prefacing the sermon says it all: ‘The Author of what is now offered to the Public—is well known to have no fondness for publishing his Pulpit-discourses; having withstood many solicitations to that purpose.’<sup>40</sup> And, a mite discursively, the charismatic John Brown of Haddington, unofficial leader of the Burgher church, adds almost as an afterthought a final section to his biographical study of great men entitled ‘Three American Divines’.<sup>41</sup>

The irrepressible Niel Douglas, a poet of no mean ability, is not nearly so coy. In a rare example of a secessionist minister venturing political comment of any kind – to have done so a mere decade before would have been unthinkable – Douglas doubtless breaks ranks with some of his disapproving Relief congregation colleagues when he dares to single out Washington for his monumental part in the American triumph:

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<sup>40</sup> Adam Gib, *Christ has other Sheep, whom he must bring: A Sermon ... In the New-Church; Cross-Causeway, Edinburgh: immediately before the Ordination of Mr Thomas Beveridge to the Office of the Holy Ministry, upon a Mission to North America* (Edinburgh, 1783), ‘Advertisement’, v.

<sup>41</sup> John Brown ‘of Haddington’, *The Christian, the Student, and the Pastor, Exemplified* (Edinburgh, 1781), 284-95. The book contains brief memoirs of ‘James Frazer, James Hogg, Thomas Halyburton, in Scotland; Owen Stockton, Matthew Henry, Philip Doddridge, in England’, together with those of the Americans, Thomas Shepherd, Cotton Mather and Jonathan Edwards.

*Great Washington, thy fame shall deathless prove,  
 Thy conduct sanction'd by the Pow'r above. ...  
 Prudent and firm thy prowess in the field,  
 In peace to none thy private virtues yield.  
 While Despots bow at proud ambition's shrine,  
 Let Patriot-virtue ever more be thine;  
 And annals page to latest ages tell,  
 How with thy conquests Despotism fell.†  
 May ev'ry state in time of need still find,  
 A Washington—the Friend of Human kind.<sup>42</sup>*

*William Thom of Govan*

1. *On emigration to the 'wide and pleasant fields of America'*

Alongside John Erskine, if further proof were needed that it was the ministers of the Popular party who aligned themselves with the American cause in the war, while the Moderates to a man defended the Crown and the policies of the British government, it is impossible to disregard the sermons of the man John Witherspoon called 'the ingenious Mr. T[hom] of Govan'.<sup>43</sup> Alexander Carlyle similarly recalls him from their time as students together at Glasgow: 'Mr Thom, who was afterward Minister of Govan, a learned man of a very particular though an ingenious turn of mind'. According to Carlyle, though 'one of our number', Thom was 'much senior to any of us'. William Thom was born, in New Monkland (modern Airdrie), in 1710.<sup>44</sup> Thom was a Glasgow graduate and it was the members of the University Senatus, as corporate patrons of Govan parish, who settled him in his charge. The call was not at first sustained by the Presbytery of Glasgow, however, and it needed the intervention of the General Assembly of 1747 to require the Presbytery to ordain him.<sup>45</sup> The whole process took almost two years and, it has been claimed, was possibly instrumental in Thom abandoning Moderatism for the Popular party in the light of his personal exposure to the intolerable

<sup>42</sup> † The dagger refers to a footnote in which Douglas states his view that 'Without doubt, the Independence of America, to which Washington contributed not a little, paved the way for the late Revolution in France; but how far that may affect the liberty of other nations time will discover.' Niel Douglas, *Thoughts on Modern Politics* (London, 1793), 70–1.

<sup>43</sup> John Witherspoon, 'Speech in the Synod of Glasgow' in *The Works of the Rev. John Witherspoon* (4 vols, Philadelphia, 1802), IV, 251.

<sup>44</sup> Carlyle, *Anecdotes and Characters*, 52.

<sup>45</sup> Recorded in *The Principal Acts of the General Assembly of the Church of Scotland* (Edinburgh, 1747), 'Appeal of the University of Glasgow', 'Index', [27], unpaginated.

practical workings of the law of patronage.<sup>46</sup> But Thom's quarrel was not with the corporate University and hardly explains his later open hostility to the University and its principal, William Leechman, an aversion he had in common (though not in the sense of any conscious alliance between them) with the litigious and disputatious professor of natural philosophy, John Anderson (see Chapter 5). Over time, from 1761 to 1769, and in the case of Anderson for much longer, the pair mercilessly twisted the tails of the principal and senior faculty members over numerous issues, not the least when they both consistently championed the cause of higher education curriculum reform, emphasising science and technology as essential components of an industrialising and manufacturing nation.<sup>47</sup>

We know from John Witherspoon's 1763 pocketbook entries that he and 'Mr Thom of Govan' exchanged pulpits that year, and the reasonable conclusion is that they were good friends as well as sharing a common theological orthodoxy.<sup>48</sup> Witherspoon left Scotland for America in 1768 and, just two years later, Thom preached a sermon before a 'congregation of farmers', which he later published anonymously under the title *Seasonable Advice to the Landholders and Farmers in Scotland*.<sup>49</sup> It appears under a different name – *The Task-Masters* (though without Thom's important footnotes) – in the posthumous *Works of the Rev. William Thom, Late Minister of Govan* (1799). The content of the sermon – at over eighty pages it is extraordinarily long even by the standards of the age – is analysed in some detail in this author's *The Chair of Verity* (2017), where, as with the majority of his published sermons, an appreciation of Thom's allegorical inventiveness is seen as key to an understanding of the core message. At the same time, one does not have to be a

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<sup>46</sup> For example, Ned C. Landsman, 'William Thom', *Oxford DNB* (accessed August 2019). The notion of Thom having been a Moderate who saw the light is probably based on a misinterpretation of Carlyle's phrase 'one of our number'. On the other hand, the acknowledged historian of the Popular party, John R. McIntosh, inexplicably ignores Thom completely. See, John R. McIntosh, *Church and Theology in Enlightenment Scotland: The Popular Party, 1740–1800* (East Linton, 1998).

<sup>47</sup> Thom wrote and published a total of six pamphlets against Glasgow University over the period 1763 to 1770.

<sup>48</sup> In his pocketbook Witherspoon notes that his charge was 'Supplied by Mr Thom of Govan' on 'Sabbath February 27' (1763). By the same token, he writes: 'Sabbath Decr. 4 Being in Edinr preached for Mr Erskine on y<sup>e</sup> forenoon in y<sup>e</sup> New Greyfriars — afternoon within Tolbooth Church'. See Crawford, *The Last World of John Witherspoon*, 143–50, and notes 16 and 35.

<sup>49</sup> *Seasonable Advice to the Landholders and Farmers in Scotland. A Sermon on Exod. iii. 7. 8. ... By a Minister of the Gospel* (Edinburgh, 1770).

biblical scholar to see through Thom's allegory. His text is from the Mosaic book of *Exodus*; its relevance to the 'application' of the sermon is obvious:

*And the Lord said, I have surely seen the affliction of my people which are in Egypt, and have heard their cry by reason of their task-masters: for I know their sorrows. And I am come down to deliver them out of the hand of the Egyptians, and to bring them up out of that land unto a good land and a large, unto a land flowing with milk and honey.*

The 'task-masters' in this case are the Scottish landholders, the 'pitying oppressors', whose 'exorbitant rents' have for years past compounded the 'misery' of those working the land for meagre reward.

The importance of the sermon lies in two revealing, but related features: first, the impressive sweep of Thom's knowledge of rural economy and land management – further demonstrated in his unattributed *Letter of Advice to the Farmers, Land-Labourers, and Country Tradesmen* of the following year.<sup>50</sup> There, his expertise is so compelling that it is difficult to avoid the thought that his father may have been a farmer or agricultural worker, and that, conceivably, he himself was brought up on a farm. Here is a man who commands respect simply because one instinctively feels he knows all the ins and outs of what he is talking about, and is likely to have experienced for himself the very injustices he complains about:

If you are sensible you have been hurt by rouns, you will certainly

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<sup>50</sup> The majority of commentators have relied on the text of *Seasonable Advice* published as *The Task-Masters* in the posthumous 1799 edition of Thom's *Works*. Examination of the scarce original pamphlet of 1770, however, reveals extensive footnotes omitted by his unknown editor nearly thirty years later. Thom shows that he has read not only Charles Davenant and Sir William Petty on the early science of political economy but also, and much more important, the recently published overhaul of the entire subject by Sir James Steuart in his magisterial two-volume *An Inquiry into the Principles of Political Oeconomy: Being an Essay on the Science of Domestic Policy in Free Nations* (London, 1767). But Thom does not stop there, citing Arthur Young's authoritative *Six Weeks Tour through the Southern Counties of England and Wales* (London, 1768), a work that has appended to it 'Letters to a Friend' on farming and husbandry according to the latest 'new invented implements ... as deserve to be generally known.' Another footnote confirms that he has read Samuel Richardson's completion of Defoe's unfinished *Tour through the Whole Island of Great Britain* (London, 1769), then not long published as a four-volume set. Of special interest is that Thom cites several of the same authorities in the unattributed pamphlet, *A Candid Enquiry into the Causes of the Late and the Intended Migrations from Scotland* (n.d., 1771?), itself conclusive proof of Thom's authorship.

avoid them: you will even be at some pains to counter-work the intimations that are made of roups. A rouper is pursuing his interest, when he pays the bell-man to intimate his roup; and you will pursue your interest, when you pay the same bell-man, to cry at the kirk-door, at all proper times, *Beware of Roups*.<sup>51</sup>

But, to return to the sermon, not all landholders are so unscrupulous. There exist men of 'prudence and humanity who suffer their tenants to live in tolerable ease'. But the number of such men is 'yearly decreasing'. Too often, landholders are 'incited by the workings of avarice' and employ managers whose sole aim is to fix 'the highest value on an estate that is to be sold, or a farm that is to be let', and their efforts are applauded for 'their good management'. Thom proceeds to go into 'a few particulars' and in doing so displays an insightful grasp of all the facts. At this point in the sermon one begins to question that it may not be a sermon at all, but an extended discourse and even a kind of manual of good practice in the way of estate management. In that regard, the slightly later *Letter of Advice* is written in the same language of practical advice. Thus, Thom adversely compares the contemporary situation in Scotland with conditions in England, and concludes that 'over all England', whereas the rent of cornfields 'is not more than two-ninths of their produce' – the rent of good fields in Norfolk, for example, is typically 10s. an acre – rents 'here' (Scotland) of 40s., 30s., or 'even 20s. an acre' represents 'too high a rent for ordinary land'. More generally in Scotland, the high rate of land rental occasions 'a sort of hostility between the rich and the poor', inevitably resulting in moral degeneracy. The outcome is that the common people 'become stupid and unconcerned about religion and their moral souls.'

Consequently, it is the duty of an afflicted people to 'cry unto God'. 'Affliction', he insists, 'should bring men to God'. But when, he continues, you cry to God on behalf of yourselves, 'you ought also to pray for those who by rigorous demands are the cause of the hardships you suffer'. God has 'promised deliverance to his people, and by an outstretched arm he made his promise good.' Still, relief is at hand in your own situation, he tells his congregation. He is not speaking of miracles, and in any event 'prophecy hath ceased', but do not despair he counsels them:

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<sup>51</sup> William Thom, *A Letter of Advice to the Farmers, Land-Labourers, and Country Labourers in Scotland, concerning Roups* (Glasgow, 1771), 23.

humanly speaking, you have just now a surer prospect of effectual and speedy relief than the Israelites had when Moses called upon them to leave Egypt: the relief I mean is in the wide and pleasant fields of America, lately added and secured to the dominions of our mild and gracious sovereign. And dare any man say that such a large accession of territory to the empire of Britain hath not been purposely provided by divine providence to afford a comfortable habitation to those who are so ill used and so much borne down in this country? It was when the Israelites were compelled to make brick without straw, that the cup of the Amorites began to be full: It was when the rate of land in this country was rising so high that laborious farmers could not live by it, that the God of war and peace provided abundance of room for them in a different part of the world.<sup>52</sup>

‘Emigrations’ are, on occasion, not only necessary, but there are precedents for their occurrence:

Such emigrations or removals of a whole people from one land to another have nothing disagreeable in them; they were frequent in former ages, and not long ago we have instances of them. When a country is overstocked with inhabitants, so that the land is unable to maintain them, it becomes necessary for them to seek out new dwellings: when a people are under tyranny and religious persecution, it is natural for them to fly away to another land. To this cause the most industrious and flourishing of the British colonies owed its origin and increase.<sup>53</sup>

Thom proceeds to expand on his reasons for recommending America as the answer to the Scottish farmers’ predicament. Displaying an impressive knowledge of the history, laws, topology and economic geography of Britain’s north American colonies, he enumerates at some length seven advantages that individually and in aggregate should motivate Scottish farmers to emigrate there. Among these he turns to the attractions of America as a land of liberty where the laws of England [sic] rule supreme:

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<sup>52</sup> William Thom, *Seasonable Advice to the Landholders and Farmers in Scotland* (entitled *The Task-Masters*) in *The Works of William Thom* (Glasgow, 1799), 195.

<sup>53</sup> *Ibid.*, 196.

5. North America is a land of civil and religious liberty. ... If despotic power prevailed in America, poor would be the encouragement derived from its mild climate, its rich pastures, and its fruitful plains: but in North America, liberty in the largest sense is established according to the generous principles of the law of England: The lives and property of even the poorest men are there secure.<sup>54</sup>

At this point the tone of Thom's sermon dramatically changes when he informs his listeners that even in America a serious threat to liberty and law is on the horizon and cannot be ignored. He is in no doubt as to the provenance of the threat. But he is confident that all will be well, and that the 'voice of liberty' will, and must prevail:

We have ... for some time past, been hearing a voice or cry from America, that its liberties, solemnly secured by charters, are like to be infringed; that some wrong-headed statesmen have been pursuing measures detrimental to the mother-country, and destructive to the colonies; and that it could not have been foreseen, that even the British ministry would be so ignorant or despotic as to think of such ruinous laws with respect to America as in fact they have lately enacted. But that is no more than a temporary evil: When these statesmen 'come to themselves', and their 'understanding comes to them', they will see it to be just, and wise, and necessary, to alter and reverse their measures, or the king will frown upon them, and command them to desist. The voice is the voice of liberty; it is manly and loud; it ought to be heard; and it must prevail.<sup>55</sup>

If, however, we look for an indication of Thom's American sources in the original pamphlet edition of *Seasonable Advice* we shall look in vain. So how and where did he obtain the information about America that enables him so confidently to pass on all the essential facts, as he considers they might solicit, to his congregation? It is almost certain that they were communicated to Thom in letters from Scots-Americans of his acquaintance, quite possibly from erstwhile members of his Govan congregation. Unlike John Erskine, who had the advantage of a large personal library of Americana, and cor-

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<sup>54</sup> Ibid., 202-3.

<sup>55</sup> Ibid., 204.

responded with a wide circle of acquaintance among the Boston, New York and Philadelphia clergy who could be relied on to keep him up to date, Thom depended on other, much humbler sources – not that that in any way invalidated the robustness of their authority. Bernard Bailyn's Harvard associate at the time of his huge 'Peopling of America' project, Barbara De Wolfe, has shown in her *Discoveries of America* (1997) that in the extremely rare pamphlet, *News from America. Letter 1. From Alexander Thomson, late Tenant at Corkerhill in the Parish of Paisley,<sup>56</sup> now Proprietor of a considerable Estate in Pensilvania. To a Gentleman near Glasgow* (1774), Thomson's correspondent was none other than William Thom.<sup>57</sup> And Corkerhill was (and is) only a mere two miles from Govan.

*William Thom of Govan*

## 2. *The trilogy of American War Sermons*

Unlike his Moderate contemporaries, and despite the professed disapproval of the practice on the part of some of his closest associates in the Popular party – notably John Erskine, who disingenuously overcame his scruples by the device of publishing his views in printed 'discourses' rather than literary 'sermons', and John Witherspoon, who similarly affected to despise the practice but did not hesitate to resort to it when the occasion demanded<sup>58</sup> – William Thom seemed positively to relish mixing politics with religion in his pulpit. In a rhetorical sense, therefore, the onset of the American war might have offered Thom the opportunity he was looking for, but it also dramatized a scenario that he had long dreaded, viz. the inception of hostilities between the colonists and the mother-country. Between 1776 and 1779 Thom preached three public fast-day sermons in Glasgow which individually and collectively criticise the policy of the British government and demon-

<sup>56</sup> Modern Corkerhill, virtually indistinguishable from Mosspark, is a few miles southwest of Paisley inside the Glasgow boundary. Though the name survives, the original village of Corkerhill – farmland and a scattering of houses in Alexander Thomson's day – is long gone.

<sup>57</sup> Barbara De Wolfe, *Discoveries of America: Personal Accounts of British Emigrants to North America during the Revolutionary Era* (Cambridge, 1997), 108-21. The originals of Thomson's letters to Thom are in Princeton University Library and are transcribed in Mina R. Bryan, 'News from America', *Princeton University Library Chronicle*, 43 (1982), 221-33.

<sup>58</sup> See John Witherspoon, *The Dominion of Providence over the Passions of Men* (1776) in *Works of the Rev. John Witherspoon*, III, 36, when he announced 'You are all my witnesses, that this is the first time of my introducing any political subject into the pulpit.' Yet Witherspoon had frequently broken this rule in his Scottish career.



strate a sympathetic understanding of the American cause, while also yearning for reconciliation between the two sides. The sermons are well-known and have long attracted a variety of scholarly assessment.<sup>59</sup>

In line with convention, the titles of all three of Thom's sermons are rooted in scripture, two from the Old Testament, the other from the New. In chronological order of preaching, the earliest – *The Revolt of the Ten Tribes* (1778) – uses the theme of the king (Rehoboam) rejecting the counsel of the 'old men' in favour of that of the hot-headed 'young men', resulting in outright war between the house of David and Israel, and not only the replacement of the king by a popular man of valour, but in the division of the kingdom. The second of Thom's sermons – *Achan's Trespass in the Accursed Thing Considered* (1778)<sup>60</sup> – extending the allegory, tells of the total destruction by Joshua of a man called Achan, and 'all that he had', as a result of his grave sins against the Lord. The last of the trilogy, and, arguably, odd man out – *From whence come Wars?* (preached in 1779 but not published until 1782) – is based on the Epistle of James in the New Testament. For the historian it is the most intriguing of the three as it explicitly concentrates on the evils of war *simpliciter*. Almost certainly the scriptural text that inspired the sermon Thom deliberately borrowed from John Witherspoon's great Princeton sermon of May 1776, *The Dominion of Providence over the Passions of Men*, published in Glasgow in two separate editions in 1777.<sup>61</sup>

There are unexplained bibliographical problems associated with Thom's trilogy. Sequentially, they were preached on the public fast-days on 12 December 1776, 26 February 1778, and 9 February 1779, whereas they were published in, respectively, 1778, 1778, and 1782. Unusually, the gap between the preaching and publication of the first and third sermons is, respectively, two and three years. There is no internal evidence which might help explain the gaps, unless it may be thought possible that the language of the final sermon in the series appears to urge the Americans to make one last push to be reconciled with Britain; yet by the date of the sermon's publication three

<sup>59</sup> For example, see Robert Kent Donovan, 'Evangelical Civic Humanism in Glasgow: The American War Sermons of William Thom' in Andrew Hook and Richard B. Sher (eds), *The Glasgow Enlightenment* (East Linton, 1995), 227–45; and Crawford, *The Chair of Verity*, 227–34.

<sup>60</sup> The pamphlet was reprinted by John Robertson of Edinburgh in 1779.

<sup>61</sup> Witherspoon uses the text from the *Epistle of James* 4:1 to illustrate what he calls 'the depravity of our nature'. 'Men of lax and corrupt principles, take great delight in speaking to the praise of human nature, and extolling its dignity, without distinguishing what it was, at its first creation, from what it is in its present fallen state.' Witherspoon, *The Dominion of Providence*, 22.

years' later, events had assuredly gone the colonists' way and they were then in sight of victory. The Treaty of Paris, ending the war, was less than a year off when Thom's sermon of 1779 was finally put on sale.

Key to an understanding of Thom's mind-set and his idiosyncratic brand of orthodox evangelical preaching is his unorthodox interpretation of his ministerial calling. Though by no means uniquely for a member of the Popular party, Thom is not just a political preacher by nature. It is immediately obvious that he revels in the mix of politics and preaching. Some of his sermons read at times like news bulletins, others like gazetteers. There is hardly any hidden, obscurantist philosophy in Thom's preaching, and very little 'wild' enthusiasm either. But that does not at all mean there is an absence of intellectuality. Indeed, there are occasional flashes of great insight as, for example, when he discourses *en passant* on the doctrine of passive obedience, or the Hutcheson-refined rights theory and its divisibility into 'perfect' and 'imperfect' rights, proceeding to relate these to the current political and military crisis. For all that, Thom is a difficult man to categorise. Simplistically, Thom is Thom; he is a veritable one-off. Alexander Carlyle was on the mark: Thom was indeed a quarrelsome eccentric, but always with an 'ingenious turn of mind'.

All three of William Thom's American war sermons depend for their effectiveness on his employment of allegory to get their simple enough message across. Delivered at intervals over a period of three years, during which time the outcome of the war from a British perspective became progressively more uncertain, and the American cause correspondingly more predictably optimistic, they might have been expected to betray a similar gradation of despair on the preacher's part. But that is not in Thom's nature. Often even-handed when he is not either urging conciliation, or else attributing the root of the problem to British government inflexibility, Thom on occasion seems anxious to avoid any exposure to accusations of partisanship. It might even be said that at times he wants the political content of his war sermons to be viewed as all things to all men.

In the first sermon of the trilogy, *The Revolt of the Ten Tribes* (1776),<sup>62</sup> Thom deliberately avoids the words 'America' and 'American' altogether. Instead, we get a mix of surprisingly tentative and sometimes opposing views; and always they relate back to the original source, in this case the Biblical story of the revolt by the ten tribes of Israel ending with the depo-

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<sup>62</sup> William Thom, *The Revolt of the Ten Tribes* (Glasgow, 1778).

sition of Solomon's son, Rehoboam, in favour of the people's champion and popular 'man of valour', Jeroboam, and the resultant division of the kingdom into two unequal parts – Israel (the ten tribes), and the house of David in alliance with the tribe of Judah. The key element in the story, and in Thom's sermon, is the advice sought by Rehoboam from his counsellors as to how, having succeeded to the throne on the death of his father Solomon, he might best handle the revolt. The 'old men' urge the new king to lighten the burdens originally imposed on the people by Solomon. But the 'young men' strenuously disagree and advise strong-arm tactics to crush the revolt. Having pondered the matter, Rehoboam not only opts to heed the advice of the young men, but goes much further. He would add to their yoke, and whereas Solomon had chastised the rebellious 'with whips', he proposes to do so 'with scorpions'.

In his 'application', having examined the no longer allegorical dilemma that might face revolutionaries with an apparently unarguable case in the light of repressive measures, Thom weighs up the options: 'though subjects may judge they are aggrieved by some particular laws, and feel themselves over-burdened by a heavy yoke; yet, in all ordinary cases, it is their duty to yield obedience to the lawful magistrate.'<sup>63</sup> But then, recalling Whig loathing of English Tory churchmen of the late seventeenth and early eighteenth century preaching the doctrine of non-resistance and passive obedience, Thom is at pains to qualify his words:

I dare not say, that resistance is, in all possible cases, criminal. This doctrine, absurd and slavish as it is, hath sometimes been fashionable in this country: it is not yet a hundred years since passive-obedience and non-resistance was, from many pulpits in Britain, weekly obtruded upon the early credulity of an injured and abused people; and, amidst the wonderful changes that happen daily, it may soon usurp the pulpit again, and become as fashionable as ever. ... However, government is the ordinance of God; and anarchy, rebellion, or civil war in a country, are, any of them, so dreadful, that subjects ought to suffer much before they begin to think of resisting established authority.<sup>64</sup>

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<sup>63</sup> Ibid., 36.

<sup>64</sup> Ibid., 36-7.

‘Unless their yoke’ be ‘altogether intolerable’, Thom is saying, ‘and unless they be almost sure of bettering their condition by resistance, they ought not to resist at all’, but ‘ought from a sense of duty, and from a regard to self-preservation, to obey’; and ‘if they disobey, they ought to submit with patience to the sufferings which may be lawfully inflicted upon them.’ Here, it might be remarked that John Witherspoon, who had shared Thom’s orthodoxy, and was his staunch ally and personal friend, has a totally different take on the issue of non-resistance. In one of his lectures on moral philosophy to his students at Princeton at around the same time Thom preached his sermon, Witherspoon comments on the same issue and, given his vastly altered circumstances, there are no real surprises in the quite different line he chooses to follow:

The once famous controversy on passive obedience and non-resistance seems now in our country to be pretty much over; what the advocates for submission used to say was that to teach the lawfulness of resisting a government in any instance and to make the rebel the judge is subversive of all order and must subject a state to perpetual sedition. To which I answer, to refuse this inherent right in every man is to establish injustice and tyranny and leave every good subject without help, as a tame prey to the ambition and rapacity of others.<sup>65</sup>

In the second sermon of the trilogy, *Achan’s Trespass in the Accursed Thing considered*,<sup>66</sup> the gloves are well and truly off and Thom is much less guarded in his preaching. Even-handedness has given way to outright censure of the guilty party. Scriptural allegory continues to abound, but this time it is used as a rhetorical and allegorical tool to berate the way in which the British government has handled the situation. And the ‘*accursed thing*’ of the title? Thom intends it to refer to the scale of ‘public monies’ committed by Britain in furtherance of the war in America. Further, the principal actor in the Old Testament tale, the villain of the piece, Achan, is either Lord North, or Great Britain personified, or both. Now the allegorical content is unambiguously harnessed to the preacher’s central message, which, unmistakably, is a full-blooded condemnation of the war *per se*. Thom lays it on thick, and his

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<sup>65</sup> John Witherspoon, *Lectures on Moral Philosophy in Works of the Rev. John Witherspoon*, III, 437.

<sup>66</sup> William Thom, *Achan’s Trespass in the Accursed Thing considered* (Glasgow, 1778; reprinted Edinburgh, 1779).

iterative censuring of the British conduct of 'this expensive, tiresome, and inglorious war', 'this irksome and ruinous American war', and 'this tedious war' is incapable of misinterpretation. Just as Achan had stolen the 'shekels of silver and the golden wedge', so our government has 'misapplied' the additional revenue it has been forced to raise from taxation on 'foreign, or in unnecessary wars, or in providing places, or pensions, or bribes, for any of the legislative body.' To misapply the revenue in this way 'impoverishes the nation', 'disappoints the people of their just expectations', and 'brings disgrace upon the kingdom'.

As usual with Thom, he cannot resist examining the object of his pulpit censure in terms of the impact it will have on the people at large; effectively his own congregation in Govan parish. In *Achan's Trespass* we hear him turning up the volume of his rhetoric to press home his point, and the resultant message is electrifying. It is the same old story of gross injustice: one law for the rich, the noble and the 'connected', another for the poor and the oppressed. It is a favourite theme of his, just as it became a deeply controversial one in Thom's own day: it is nothing less, that is, than the ingrained partiality of the Courts, the judges and the entire Scottish justice system:

If a British Achan is half-detected (which, indeed, will rarely happen), his friends, as guilty, perhaps, as himself, will plead strongly in his behalf: he is of noble extraction, will they say; his family was always loyal; himself hath long been a faithful servant to the crown. ... But if a poor cottager, groaning under heavy taxes, and dreadfully oppressed by a screwed rent, or if a workman, living under the dreadful expectation of new corn-bills, steals a beggarly sheep to keep in the lives of his starving family; then, then the spirit of our judges and lawyers, like the spirit of a pack of dogs, when a timid hare is started, is all up at once: the law is armed with rigour against this poor thief; the edge of it is sharpened, [and] is levelled against the neck of this friendless, this contemptible offender.<sup>67</sup>

He would return to the same theme in his final sermon in the trilogy. The shocking reality and relevance of his message would not have been lost on

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<sup>67</sup> Ibid., 36. See also the Endnote to this book.

his congregation. At the date of the sermon, sheep-stealing was more often than not a capital offence.<sup>68</sup>

The necessary digression on social injustice off his chest, Thom is able to focus on the dire progress of the war in America. At the time of the sermon's preaching in February 1778 it is true to say that, just as Thom maintains, there had been almost total stalemate. Not for nothing has the period until 1780 been termed the 'uncertain years':

We have often heard of new manoeuvres, that would produce some wonderful effects; and strokes have been threatened, that would astonish all Europe; but hitherto, during the many years of this expensive, tiresome, and inglorious war, not a single gallant or splendid action hath been performed either by our army or our fleet. Indeed, almost as little in that style hath been done by the Colonists; but the wonder is less; for, from that quarter, nothing of that kind was, or could well be, expected. The two contending parties have looked angry, and have done little: Is it to be hoped that they might yet agree?<sup>69</sup>

The fact is that Thom is beginning to have doubts about the outcome: 'The conquest of America is, indeed, a grand object; and we are called upon to fast and pray for it; but we pray for many things which are very hurtful to us when we get them; and we are very far from being sure that God will grant us to succeed in this great contest.'<sup>70</sup>

Having cited Chatham's great speech in Parliament to the effect that it seemed entirely possible that Great Britain 'could not conquer America; and that, if she could, that conquest would not be for the interest of Britain', Thom concludes his sermon by speculating that, whatever the outcome, there could be severe lasting consequences for the people of Britain. More especially, these might be especially harmful from the point of view of Scotland's 'working people'. He has in mind the possibility that in the event there could be no accommodation between the warring sides, the controversial policy of raising 'levies' [compulsory enrolments in the armed forces] would only escalate. 'We have', says Thom, 'by far too few working people already', and

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<sup>68</sup> See R. E. Bennett, *Capital Punishment and the Criminal Corpse in Scotland* (London, 2017), 29–58.

<sup>69</sup> Thom, *Achan's Trespass*, 39.

<sup>70</sup> *Ibid.*, 44.

the cumulative effect of emigration and 'these amazing levies' can only lead to serious 'depopulation' in Scotland.<sup>71</sup>

The third and final sermon of the trilogy, *From whence come Wars?*, is arguably the most intriguing of the set. Gone is the fire and brimstone allegorising of the Old Testament, to be replaced by the Christian gospel message of reconciliation and regeneration. The text from the *Epistle of James* is: '*From whence come wars and fighting among you? Come they not hence, even of your lusts that war in your members?*' In the preliminaries Thom announces his intention to 'speak plainly'. This is no blood-curdling tale of the Israelites disputing over the succession to Solomon as king, nor of Achan's treasure guaranteeing his destruction. Instead, we have St James the Evangelist – in whose name modern Christians continue to go on pilgrimage to Compostela – and William Thom, his servant, preaching a message of repentance and reconciliation, in order that 'this tiresome war' may be terminated:

One year of this tiresome war, a second, a third, a fourth, hath gone over our heads, and another year of it is begun. 'The harvest is past, the summer is ended, and we are not saved.'<sup>72</sup> May not this be a presumption that Heaven is displeased with our aim, and by repeatedly counter-working our efforts, intimates to us that abundance of blood is shed already. — I sincerely wish, that the fomenters of this war, on both sides of the Atlantic, may be of this mind.<sup>73</sup>

More candidly, he pleads:

I honestly declare, that though, as I think, these Colonists were treated with too much harshness formerly, it is my opinion, they would now act the wise part, would they frankly submit to the terms that have been offered them by the parliament of Britain.<sup>74</sup> ... Ah! Is there not some patriot, or some illustrious band of patriots, who shall try, and try with success, to renew this kindred connection? who shall wisely, and for the relief and happiness of the two contending parties, bring about this so much desired reconcilment and peace?<sup>75</sup>

<sup>71</sup> Ibid., 46–7.

<sup>72</sup> The quotation is from *Jeremiah*, 8:20.

<sup>73</sup> William Thom, *From Whence come Wars?* (Glasgow, 1782), 36.

<sup>74</sup> A reference by Thom to the ill-fated Peace Commission of 1778?

<sup>75</sup> Thom, *From Whence come Wars?*, 28.

In the most stirring part of the sermon, Thom returns to the even-handedness of his first sermon of the trilogy, *The Revolt of the Ten Tribes*. But time has moved on since the early days of the war and there is still no end in sight. Thom prays for ‘a man’ who has the means and the ability to bring peace and reconciliation to both sides in the conflict, someone of wisdom and authority

who shall bid the Americans disband their armies, bid them subdue and cultivate their unimproved, but naturally fertile and widely extended territories, ... who shall teach them the arts of peace, to promote population, and, by establishing equal laws, and a generous system of liberty, to render their country an asylum to the many thousands who are, alas! at this day, borne down and impolitically oppressed in Europe; and who shall, at the same time, call home the British armies and fleets to protect this fair, this exhausted, and ill-defended island against the unprovoked attempts of France, and even to strike, in self-defence, a merited blow against that menacing and faithless power. Who doth not pray, that Heaven may, as formerly, raise up such a patriot? Who doth not wish to see so happy a turn of our affairs? <sup>76</sup>

It has been said that in his sermons as in some of his other writings Thom ‘rejects the “metaphysical Jargon” of speculative philosophy’; and that this ‘aversion to philosophy’ – characterising and perhaps helping to explain his attacks on his *alma mater* – is also detectable in the war sermons. Yet, such a view overlooks the uniqueness of one important element in *From whence come Wars?* Over a disproportionate number of pages in the literary sermon Thom discourses on the theme of war, and while he predictably emphasises the theology of war, he also harks back to the Aristotelian formulae refined by his old Glasgow teacher, Francis Hutcheson, in distinguishing between imperfect and perfect rights – but in his case within the context of his understanding of an unjust as opposed to a just war:

There are indeed certain claims, called imperfect rights, which, though they be violated, yet the injured party cannot, by any law, compel the

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<sup>76</sup> Ibid., 29.



fulfilment of them by force. ... the man who violates these imperfect rights is himself a very bad man. ... God and conscience require that suitable returns should be made for good offers that have been done; — but these returns cannot be forced; and if they should be forced, they would cease to be virtue.

But it is quite otherwise with respect to the rights which are called perfect; the right which a man hath to property, to his life, to defend the life of a parent, to protect his innocent family, to defend the honour of a sister, of a daughter, or a wife. Whensoever any one offers to injure him in any of these particulars, he hath right to repel the injury by force; and if the injury be already done, he hath right to compel the injurious party to make compleat reparation, or to make him suffer a condign punishment for his crime.<sup>77</sup>

Thom was not the only Popular party minister to apply the theory of perfect and imperfect rights to the American crisis. In his *Lectures on Moral Philosophy* ('Lecture VII') John Witherspoon taught how 'rights' were capable of division into those that are 'natural' and those that are 'acquired', and that rights may be 'considered as perfect and imperfect'. Witherspoon further notes, in a clear reference to Hutcheson:

Rights are alienable and unalienable. The first we may, according to justice and prudence, surrender or give up by our own act; the others we may not. A man may give away his own goods, lands, money. There are several things which he cannot give away, as a right over his own knowledge, thoughts, etc. Others, which he ought not, as a right to judge for himself in all matters of religion, his right to self-preservation, provision, etc. Some say that liberty is unalienable and that those who have even given it away may lawfully resume it.<sup>78</sup>

Witherspoon follows Hugo Grotius, Samuel Pufendorf and Jean-Jacques Burlamaqui in assigning to perfect rights 'all the duties of justice'. All three authorities are specifically prescribed for his students in the 'Recapitulation'

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<sup>77</sup> Ibid., 10. Hutcheson deals with the issue of imperfect and perfect rights in his posthumous *System of Moral Philosophy* (Glasgow, 1755) v. I, Book II, III, 284. [Gaskell, *Foulis Press*, 297].

<sup>78</sup> Witherspoon, *Lectures on Moral Philosophy*, 407-8.

to the *Lectures on Moral Philosophy*, where he lists ‘some of the chief writers upon government and politics’.<sup>79</sup>

*The Moderates and the American War*

At the close of his sermon *From whence come Wars?* William Thom digresses from the main theme of his discourse to consider ‘another sort of war’. What on earth does he mean? He explains that what he has in mind is the kind of ‘wars and fighting’ on which St James would have been likely to hold ‘a view in the text’: ‘So many processes’ [legal actions], ‘so many controversies in school-divinity, so much rage, so much fury, which hath often led to persecution, to war, and to bloodshed’. It is ‘the war of narrow-minded theologians’ which derives ‘not from the calm love of truth’ but results from the ‘lust of covetousness and ambition.’ Only then does the penny drop:

Some person is like to be preferred to a lucrative and honourable place — his character must be blown — a report must be circulated that he is deeply tainted with heterodox principles — a process of heresy must be raised against him, that so he may be rejected, and that his accuser, or some one of his accuser’s friends, may step into the place. — But to investigate the origin, to mark the progress, to shew the folly, the wickedness, and the dreadful effects of this theological war, would require a long discourse.<sup>80</sup>

He is, of course, referring to the ‘war’ over patronage, a war that is constantly being waged within the Church of Scotland between the factions. The battle-ground is the vacant parish, the generals are the patrons, and the foot-soldiers – who have little or no say in the conduct of the war – are the people, the worshipping congregations, the believers.

Predictably, the numerous fast-day sermons preached in Scotland throughout the latter years of the American war by Moderate ministers are cut from the same cloth in their more or less conventional accusation that the colonists were the guilty party. The issue of Moderates blindly espousing the policies of the British government and, equally, condemning the Americans in the war, is neatly summed up in a well-known anecdote concerning James Boswell and his choice of preacher. In his private journal for 24 November

<sup>79</sup> Ibid., 230.

<sup>80</sup> Thom, *From whence come Wars?*, 41.

1776 Boswell notes that he was 'at the New Church in the forenoon' where he had been 'edified by Dr Erskine'. This is in stark contrast with his entry for the preceding Sunday, when, after attending the morning service in the Tolbooth Church, where he had heard Dr Webster<sup>81</sup> 'with much satisfaction', he went in the afternoon to the New Church where he had expected to hear 'Mr Walker',<sup>82</sup> but was disappointed that the visiting preacher turned out to be 'Mr Johnston at Leith'.<sup>83</sup> Boswell explains that he had foregone the High Kirk, where he often worshipped, as he had 'shunned Dr Blair' on the grounds that 'he prayed against the Americans.' As things turned out, however, he made a poor choice, since Johnston 'prayed more violently than Blair'.<sup>84</sup>

Earlier in the same month (1 November), Boswell had recalled sitting in the back room of Alexander Donaldson's bookshop (in Edinburgh High Street) 'and heard much in favour of the Americans.'<sup>85</sup> He returns to the subject of America in his journal entry for 12 December, 'the fast appointed by the king to pray for success to his arms against the Americans.' Boswell goes on caustically: 'I paid no regard to it, but studied a confused cause [lawsuit] and dictated part of a paper upon it.' Later in the afternoon he went to have tea with, and play cards at the home of his close friend and fellow advocate, the Hon. Alexander Gordon (later the judge, Lord Rockville), and he notes, 'Maclaurin was there'. He continues:

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<sup>81</sup> The Reverend Alexander Webster (1707-84), minister of the Tolbooth Church, Edinburgh from 1737 until his death, was 'one of the main leaders' of the Popular party in the mid-eighteenth century. See McIntosh, *Church and Theology*, 243.

<sup>82</sup> The Reverend Robert Walker (1716-83), minister of the High Kirk (St Giles) from 1754 until his death, was an evangelical preacher and a leading opponent of patronage. *Ibid.*, 242-3.

<sup>83</sup> The Reverend David Johnston (1734-1824) was minister of North Leith Church from 1765 to 1799. He received an honorary D.D. from Edinburgh in 1781 and was appointed one of His Majesty's Chaplains in Ordinary in 1793. Scott notes that he declined a knighthood in 1812. (*Fasts*, New Ed., v. 1, 156).

<sup>84</sup> Boswell wrote to Blair on 24 February conveying his concern that Blair had preached against the Americans and prayed for their defeat, whereas he maintained their resistance was 'not rebellion'. He goes on to ask, 'If Nation may pray against Nation, may not Individual pray against Individual?' Marion S. Pottle, Claude Collier Abbott and Frederick A. Pottle (eds), *Catalogue of the Papers of James Boswell at Yale University* (3 vols, Edinburgh and New Haven, 1993), I, L59, 146.

<sup>85</sup> Alexander Donaldson (1727-94) probably bought his way into the partnership with Alexander Kincaid (1710-77) to form the celebrated book trade business they ran for seven years from 1751. Donaldson went his separate way in 1758 and 'made a fortune in the reprint trade'. Richard B. Sher, *The Enlightenment & the Book* (Chicago, 2006), 313-16.

I maintained that it was shocking in a nation to pray to GOD for success in destroying another nation; and that it was equally allowable for an individual to pray for destruction to his enemy, like the old Laird of Gilmillscroft, who prayed in his family worship: 'Pour down, O Lord, of thy choicest curses on Hugh, Earl of Loudoun, and Mr James Boswell of Auchinleck, Advocate.' Maclaurin agreed with me.<sup>86</sup>

David Johnston's literary fast-day sermon preached in February 1779 is dreary and largely undistinguished. More extreme is Alexander Gerard's *Liberty the Cloke of Maliciousness* (1778). At the time of its preaching Gerard was professor of divinity in King's College, Aberdeen, having in 1771 been translated to that chair from Marischal College where he had occupied successively chairs in moral philosophy and logic (1753), and divinity (1759). However conventionally critical of the Americans, whom he accuses of sheltering 'under a false pretence of liberty', Gerard's sermon is notable for the vituperative nature of its rhetoric. The American demands were 'unreasonable and pernicious'; they were really 'only a mask to disguise what they truly and ultimately aimed at, a total immunity from contributing any thing to the general support of the British empire: an immunity repugnant to the plainest principles of justice'.<sup>87</sup> Gerard was a personal friend of Alexander Carlyle of Inveresk, with whom he shared his high tory politics. Carlyle visited him in Aberdeen in the autumn of 1765.

Carlyle's own contribution to pulpit censure of the Americans and their cause is itself considerable. His long life (1722-1805), together with an insatiable capacity for lionising the great and the good of his day, has ensured that his memoirs, *Anecdotes and Characters of the Times* – begun in 1800, but unpublished until 1860 – ranks as an important source of information relating to the religious, political and social life of Scotland in the eighteenth century. In Chapter 3 we noted Carlyle's condemnation of the parliamentary reform movement associated with the Friends of the People in his overtly political sermon, *National Depravity* (1794). Thirty-five years previously, when

<sup>86</sup> John Maclaurin (1734–96), advocate. See Hugh M. Milne, *Boswell's Edinburgh Journals 1767–1786* (2001; Edinburgh, 2013), 561–2.

<sup>87</sup> Alexander Gerard (1728-1795), *Liberty the Cloke of Maliciousness, both in the American Rebellion, and in the Manners of the Times* (Aberdeen, 1778), 12. Gerard succeeded William Robertson as Moderator of the General Assembly in 1764. He was the author of *An Essay on Taste* (1769), a work that was substantially revised in the third edition of 1780; and *An Essay on Genius* (1774).

Franklin and his son William visited Scotland in October 1759, Carlyle had met them over dinner in William Robertson's house in the Cowgate, and his memoirs recall that the great scientist had been very 'silent' at the table. A decade later Carlyle was in Franklin's company once more, when, again, he had observed how 'silent and inconvertible' the American was, and he speculates that his sober demeanour this time was probably because it was after he 'had been refus'd the office of Post Master General of America and had got a severe dressing down from Wedderburn, then Solicitor or Attorney General.'<sup>88</sup> Carlyle, always the name-dropper, and Alexander Wedderburn were lifelong friends, though at times – or so it seemed from the *Anecdotes* – they kept their distance from each other.

It comes as no surprise that Carlyle chooses to add his name to the chorus of Moderate voices against the American cause and, though not without qualification, defending the government's conduct of the war. The title of his literary sermon, *The Justice and Necessity of the War with our American Colonies*, says it all. Almost certainly it was deliberately contrived by Carlyle to be seen as a defiant reply to John Erskine's rhetorical question posed in his discourse of 1769, *Shall I Go to War with My American Brethren?*, just re-issued with a new preface to suit the spirit (and changed circumstances) of the times. The text chosen by Carlyle for his sermon is identical to the one used (and re-used) by Erskine: *Shall I yet again go out to battle against the children of Benjamin my brother, or shall I cease?* (*Judges* 20:28). Carlyle's sermon was preached from his pulpit at Inveresk, a few miles from Edinburgh, on 12 December 1776, the fast-day in that fateful year decreed by the British government when the populace might gather together in their churches throughout the land to pray for victory and reconciliation.<sup>89</sup>

Carlyle's choice of text is scarcely adventitious. He cites three authorities to bolster his argument that the colonists are misguided, and consequently that it is morally defensible, 'just and necessary', to oppose them in armed conflict: John Roebuck, erstwhile partner in the Carron Company, author of *An Enquiry, whether the Guilt of the Present Civil War in America, ought to be imputed to Great Britain or America* (1776); the unnamed author of the pamphlet enti-

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<sup>88</sup> Carlyle, *Anecdotes and Characters*, 201, 223–4. For the story of Franklin's arraignment before Alexander Wedderburn, and 'the famous affair of the Hutchinson letters', see Carl Van Doren, *Benjamin Franklin* (1938; London, 1991), 437–78; and (more succinctly) Edmund S. Morgan, *Benjamin Franklin* (New Haven, 2002), 189–219.

<sup>89</sup> Alexander Carlyle, *The Justice and Necessity of the War with our American Colonies Examined* (Edinburgh, 1777), footnote, 10.

tled *The Rights of Great Britain Asserted against the Claims of America* (1776);<sup>90</sup> and George Campbell's rousing fast-day sermon on the *Nature, Extent, and Importance of the Duty of Allegiance* (1777; second edition, 1778). Carlyle's clear purpose is to align himself with British government policy in the face of American 'provocation'. Yet, to his credit, he is by no means blind to the serious inadequacies of the British government's handling of the campaign – 'that weakness of government, which has been of late so much felt and complained of, and which no capacity seems hitherto able to repair'.

The sermon is also memorable for Carlyle's daring to draw attention to the savage behaviour of British troops that have disgraced their colours:

Can we believe, that deeds have been committed in another part of the globe, by natives of these islands, that will make the odious names of Cortes and Pizarro be forgotten, and stain the British annals to the latest posterity? In times of ignorance and bigotry, the minds of men have been known to run a career of enthusiastic fury that astonished themselves when they became cool; and stern war is an apology for the most atrocious actions. But, in a period enlightened like the present, in profound peace, amidst intercourses of mutual confidence, and the mild operations of commerce, to surpass all former ages in perfidious barbarity! Ah! Cursed thirst of gold! Thou canst transform man, even when refined and civilized, into a furious beast of prey!<sup>91</sup>

Carlyle fails to specify the source of his information. He may have been thinking of the deliberately fabricated American distortions of the so-called 'Boston massacre' of 1770; or it is even possible that he was influenced by the 'Scotch butchery' episode in the same city five years later, the subject of a notorious political cartoon that inventively manages to associate three eminent Scotsmen with the incident – Bute, Wedderburn and General Simon Fraser, Master of Lovat.

In any event, and despite these rhetorical extravagances, Carlyle soon regains his more usual mode of censure of the Americans in a characteristic final flourish of his loyalist, pro-monarchical stance. When he does so, his language is satirically reminiscent of the opening words of the Declaration:

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<sup>90</sup> The author of *The Rights of Great Britain Asserted* was James Macpherson. It was probably written 'to order'.

<sup>91</sup> Carlyle, *The Justice and Necessity of the War with our American Colonies*, 42.

Since, then, my brethren, to yield to the claims of America would be inexpedient and dishonourable; since the war is just and necessary, let us persecute it with vigour, with cheerfulness and perseverance, till the rebellious children of our brother Benjamin find, that the same ardent national spirit that could cherish, can also correct, and that the same powerful arm that stretched across the Atlantic to save, is not now so weak but it can punish. Thus shall we do all in our power to preserve to posterity a government, the most favourable to human nature that ever existed, and to prolong the period of light, and liberty, and happiness among mankind.<sup>92</sup>

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<sup>92</sup> Ibid., 49–50.

## America learns from Scotland

### *Seeking 'improvement': from Franklin to Jefferson*

*I sincerely wish that a plan or course of education was pursued which would tend directly to enlarge the capacity, to encrease the powers and improve the virtue of mankind; I wish the road to real and useful knowledge was made as wide and easy as possible, that the lower ranks might be taught the value of liberty and be rescued from wretchedness; and that the upper ranks might learn to understand their true interest, and to treat their inferiors with justice and humanity: and though some of our people who have genius, and the spirit to acquire, with much difficulty, a sort of liberal education; though farmers, day-labourers and mechanics who are lying under hardships, should emigrate to other countries, I must confess that I, who have beheld so many striking sights of misery occasioned by oppression, would rather know that my country-men are happy abroad than to behold them in misery at home.*

The Reverend William Thom (1710–1790), minister of Govan, in *A Candid Enquiry into the Causes of the Late and the Intended Migrations from Scotland* (Glasgow, P. Tait, [1771]), 'Postscript', 64–5.

*The arts and sciences, in general, during the three or four last centuries, have had a regular course of progressive improvement. The inventions in mechanic arts, the discoveries in natural philosophy, navigation, and commerce, and the advancement of civilization and humanity, have occasioned changes in the condition of the world, and the human character, which would have astonished the most refined nations of antiquity. A continuation of similar exertions is every day rendering Europe more and more like one community, or single family.*

John Adams, 'Preface' to *A Defence of the Constitutions of Government of the United States of America* (London, C. Dilly, 1787), i.

*These Eighty One Trustees are appointed by me, in order to manage an University, or Studium Generale, for the Improvement of Human Nature, of Science, and of the country where they live; . . . it is hoped that the persons who do accept will reckon it an honour to be Trustees, as they will be possessed of the power of*



*managing an Institution that may, in time, be a great benefit to their kindred and their Country.*

Extract from the Will of Professor John Anderson (1726–1796), dated 7 May 1795, transcribed from the original in NRS by James Muir, in *John Anderson Pioneer of Technical Education and the College He Founded* (Glasgow, John Smith, 1950), ‘Article Seventh’, 137.

*‘Exploded systems and obsolete prejudices’*

John Locke began the debate at the end of the seventeenth century and John Henry Newman killed it off – in England at any rate (and for several generations) – at the height of the Victorian age. Scotland largely disregarded Newman, going its own way in school and university education, following the dictates of what has been memorably termed by George Davie the ‘democratic intellect’,<sup>1</sup> and the traditions associated with the ‘lad o’ pairts’.<sup>2</sup> It was in the eighteenth century, sometimes referred to as the Age of Improvement, that Scotland sowed the seeds of her educational enlightenment that would earn the admiration of other nations in Europe as well as in North America. Imitation is the sincerest form of flattery and certainly America, before and after independence, not only acknowledged its debt to Scottish educational ideas, but actively sought to replicate them in her own colleges, seminaries and putative universities – and in some notable cases *via* Scottish teachers.

Among the words of Locke to which Newman (who generally admired Locke) takes particular exception are these:

’Tis matter of astonishment that men of quality and parts should suffer themselves to be so far misled by custom and implicit faith. Reason, if consulted with, would advise that their children’s time should be spent in acquiring what might be useful to them when they come to be men rather than to have their heads stuffed with a deal of trash, a great part whereof they usually never do (’tis certain they never need

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<sup>1</sup> Alexander Broadie identifies clear links between Dugald Stewart’s plea for a generalist approach to education in his *Elements of the Philosophy of the Human Mind* (London, 1792–1827), and George Davie’s similar emphasis on the superiority of the Scottish universities’ traditional preference for broad generalism (as opposed to narrow specialism), in *The Democratic Intellect* (EUP, 1961). See Broadie’s introduction to Dugald Stewart, ‘The Unity of the Sciences’, in Alexander Broadie (ed.), *The Scottish Enlightenment: An Anthology* (Edinburgh, 1997), 42–3.

<sup>2</sup> A term used to denote a young man of humble origin who goes on to distinguish himself by a determination to succeed, personal application, hard work and endeavour.

to) think on again as long as they live; and so much of it as does stick by them, they are only the worse for.<sup>3</sup>

‘Can there be anything more ridiculous, than that a father should waste his own money, and his son’s time, in setting him to learn the Roman language, when at the same time he designs him for a trade, wherein he, having no use of Latin, fails not to forget that little which he brought from school, and which ‘tis ten to one he abhors for the ill-usage it procured him? Could it be believed, unless we have every where amongst us examples of it, that a child should be forced to learn the rudiments of a language, which he is never to use in the course of life that he is designed to, and neglect all the while the writing a good hand, and casting accounts, which are of great advantage in all conditions of life, and to most trades indispensably necessary?’<sup>4</sup>

Newman cites a ‘modern’ iteration of the same plea for ‘the principle of utility’, this time from the anonymous writers of the *Edinburgh Review*, who had broadly taken the same line as Locke in attacking the persistently dated system of education then still in force at Oxford, where, they had complained, an emphasis on classical literature was ‘the great object’. For them, as for Locke, to deny the ‘usefulness’ of knowledge was as absurd as it was dangerous.<sup>5</sup>

One man who had personal experience of the inadequacies thought to have been inherent in the ‘Oxford’ pattern of higher education in the mid-eighteenth century was Adam Smith. Smith, who was at Balliol on a Snell Exhibition from Glasgow for six years from 1740, later disclosed his views on ‘the greater part of universities’, describing them as ‘learned societies’ which ‘have chosen to remain, for a long time, sanctuaries in which exploded systems and obsolete prejudices found shelter and protection, after they had been hunted out of every other corner of the world.’ We do not usually

<sup>3</sup> John Locke, *Some Thoughts Concerning Education*, Ruth W. Grant and Nathan Tarcov (eds) (1693; Indianapolis, 1996), §94, 71.

<sup>4</sup> *Ibid.*, §164, 121.

<sup>5</sup> Cited in John Henry Newman, *The Idea of a University*, Frank M. Turner (ed.) (New Haven, 1996; 1873), 113–14. Newman’s reference to the *Edinburgh Review* relates to two reviews (probably by Sydney Smith and John Playfair respectively) which appeared in volumes XV and XVI of the journal for 1809 and 1810, both highly critical of the University of Oxford for its continuing over-commitment to a classical education and a corresponding failure to meet the needs of young men [sic] bent on learning ‘useful’ subjects such as science and political economy.

associate his great book with ideas of education and ‘improvement’, yet Smith expresses these opinions in Book V of *Wealth of Nations* (1776), and he had held them for decades. In the earliest published letter Smith wrote from Oxford to his cousin and guardian William Smith in London he says it all: ‘It will be his own fault’, he writes, ‘if anyone should endanger his health at Oxford by excessive Study, our only business here being to go to prayers twice a day, and to lecture[s] twice a week.’<sup>6</sup> He also believed, as he came to see it, that the subjects ‘commonly taught in universities’ were ‘not very well taught’. From most of these strictures, however, he exempts the ‘Scotch universities’. In an important letter to William Cullen of 20 September 1774 Smith writes:

In the present state of the Scotch Universities, I do most sincerely look upon them as, in spite of all their faults, without exception the best seminaries of learning that are to be found any where in Europe. They are perhaps, upon the whole, as unexceptionable as any public institutions of that kind, which all contain in their very nature the seeds and causes of negligency and corruption, have ever been, or are likely to be.

Though he adds a rider of some significance: ‘That, however, they are still capable of amendment, and even of considerable amendment, I know very well, and a Visitation is, I believe, the only proper means of procuring them this amendment.’<sup>7</sup>

Before Oxford, Smith had been an undergraduate at Glasgow where he had attended the lectures of Francis Hutcheson. Later in his life as Rector at Glasgow elected by the students, he expresses his reverence for Hutcheson as the ‘never to be forgotten’ teacher at whose feet he had learned so much. Hutcheson was in turn, a disciple of Locke and shared Locke’s ideas on the importance and purpose of education as ‘useful’ knowledge. There is

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<sup>6</sup> Adam Smith to William Smith, Oxford, 24 August 1740, in *The Correspondence of Adam Smith*, Ernest Campbell Mossner and Ian Simpson Ross (eds.), *The Glasgow Edition of the Works and Correspondence of Adam Smith*, (Indianapolis, 1987), 1.

<sup>7</sup> Adam Smith to William Cullen, London, 20 September 1774 in *Ibid.*, 173. Uncertainly, however, he goes on in the same letter to conclude that now is not the time ‘to apply for a Visitation in order to remedy an abuse, which is not perhaps of great consequence to the public’, [and] ‘would appear to me to be extremely unwise’, on the grounds of the presence of a ‘multiplicity of pretenders to some share in the prudential management of Scotch affairs’. [i.e. Smith feared it as a threat to university autonomy.]

little or nothing of what we would today think of as ‘educational theory’ in Hutcheson’s most famous work, the posthumously published *System of Moral Philosophy* (1755), but in his earlier *Short Introduction to Moral Philosophy* (1747), not only is the work expressly designed by its author as a concession to the young student at university, but at one point in it Hutcheson digresses to pose the Lockean issue of exactly what it is that universities stand for, and how their students might best discharge their responsibilities in adult life, serving the ‘public interest’:

since men can do little service to society who have not in their younger years been trained to some useful art or occupation: every one should timeously choose some one, suited to his genius, lawful in its nature, and of use to mankind. Nor ought such as are born to estates, who therefor need not for their own support any lucrative profession, think themselves exempted from any such obligation. For it seems more peculiarly incumbent on them ... to contribute to the publick interest, by acquiring a compleat knowledge of the rights of mankind, of laws, and civil polity; or at least such acquaintance with all the common business of mankind, that they may be able either by superiour wisdom, or by their interest . . . and influence, to serve [their country or] their neighbours; and not be useless loads of the earth, serving only to consume its products.<sup>8</sup>

In Chapter 2 we considered the extent to which *Wealth of Nations* is much more than a manual of political economy, and in particular the extraordinary relevance of his book to what Smith considers the dubious principle underlying nations acquiring and managing colonies. Flowing on from that, we progressed to the question of how he specifically regarded the current dispute between Britain and America. Book IV had dealt with the colonial problem and the mercantile system included within its more generalised title, ‘Of Systems of Political Economy.’ Here, we are more concerned with what Smith has to say on public revenue and expenditure, and especially with his views in that regard on education and improvement.

In *Wealth of Nations*, Book I, when he discourses on the division of labour, Smith recognises that it is, in part, education, and not ‘nature’, that is

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<sup>8</sup> Francis Hutcheson, *Philosophiae Moralis Institutio Compendiaria / A Short Introduction to Moral Philosophy*, Luigi Turco (ed.) (1747; Indianapolis, 2007), 95. See Philip Gaskell, *A Bibliography of the Foulis Press* (London, 1964), 85, 114.

the key distinguishing factor in comparing the advantages and disadvantages of different 'geniuses and talents':

The difference between the most dissimilar characters, between a philosopher and a common street porter, for example, seems to arise not so much from nature as from habit, custom and education. . . . By nature a philosopher is not in genius and disposition half so different from a street porter, as a mastiff is from a greyhound, or a greyhound from a spaniel, or this last from a shepherd's dog. Those different tribes of animals, however, though all of the same species, are of scarce any use to one another. . . . The effects of those different geniuses and talents, for want of the power or disposition to barter and exchange, cannot be brought into a common stock, and do not in the least contribute to the better accommodation and conveniency of the species. . . . Among men, on the contrary, the most dissimilar geniuses are of use to one another; the different produces of their respective talents, by the general disposition to truck, barter, and exchange, being brought, as it were, into a common stock, where every man may purchase whatever part of the produce of the other men's talents he has occasion for.<sup>9</sup>

As we read on, it becomes clear that for Smith the term 'improvement' is capable of being defined in a number of different ways, some of which are more elusive than others. First, there is the actual provision made for the education of youth. It needs to be organised efficiently (in some cases, even re-organised or 'improved') if it is to be most 'useful' and effective. There is no doubt that Smith is writing here from the vantage-point of considerable personal experience; his knowledge of private tutoring for one thing, but also his career as an undergraduate at Glasgow, at Balliol College, Oxford, and above all, his time as professor and successive incumbent of two chairs at Glasgow for over ten years, when he could see for himself the strengths and weaknesses of a great university at (or nearly so) the height of its fame. He is unforgiving, on the other hand, about the Oxford 'system': it is wide open to the teachers making common cause with one another resulting in all of them becoming 'very indulgent to one another' and 'every man [open]

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<sup>9</sup> Adam Smith, *The Wealth of Nations Books I–III*, Andrew Skinner (ed.) (London, 1999), 120.

to consent that his neighbour may neglect his duty, provided he himself is allowed to neglect his own.'

Secondly, according to Smith, it should be recognised that 'improvement' is often achieved *outside* the traditional universities:

The improvements which, in modern times, have been made in several different branches of philosophy<sup>10</sup> have not, the greater part of them, been made in universities, though some no doubt have. The greater part of universities have not even been very forward to adopt those improvements after they were made, and several of those learned societies have chosen to remain, for a long time, the sanctuaries in which exploded systems and obsolete prejudices found shelter and protection after they had been hunted out of every corner of the world. In general, the richest and best-endowed universities have been the slowest in adopting those improvements, and the most averse to permit any considerable change in the established plan of education.<sup>11</sup>

Thirdly, Smith clearly recognises the potential that exists for educational opportunity to be made more widely available. This is one of the most remarkable of Smith's pronouncements on education in *Wealth of Nations*, and one of the least well-known. Smith is ahead of his time in drawing attention to what one might term the deliberately cloistered nature of learning that he asserts was then commonplace within the universities of the eighteenth century. It is Smith's revelation of the prevalence of an 'ivory tower' mentality (though he does not use the term)<sup>12</sup> which, he is adamant, operates within a network of mutual exclusivity to the clear advantage of the faculty, and to the great disadvantage of anyone bold or clever enough to challenge the system by seeking entry to it. It is effectively a kind of closed-shop, a higher education monopoly, and Adam Smith, typically, is not coy in exposing it:

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<sup>10</sup> Smith uses the term to include 'natural philosophy' or 'science' which as practised by, for example, his contemporary John Anderson at Glasgow embraced what today we would call 'technology' and/or 'engineering'.

<sup>11</sup> Adam Smith, *The Wealth of Nations Books IV–V*, Andrew Skinner (ed.) (London, 1999), 360.

<sup>12</sup> Although the term 'ivory tower' may have its roots in antiquity, its modern meaning derives from writers as diverse as Sainte-Beuve, Newman and Henry James. See Steven Shapin, 'The Ivory Tower: The History of a Figure of Speech and its Cultural Uses', *The British Journal for the History of Science*, 45 (2012), 1–27.

The privileges of graduation . . . are in many countries necessary, or at least extremely convenient, to most men of learned professions, that is to the far greater part of those who have occasion for a learned education. But those privileges can be obtained only by attending the lectures of the public teachers. The most careful attendance upon the ablest instructions of any private teacher cannot always give any title to demand them. It is from these different causes that the private teacher of any of the sciences which are commonly taught in universities is in modern times generally considered as in the very lowest order of men of letters. A man of real abilities can scarce find out a more humiliating or a more unprofitable employment to turn them to. The endowments of schools and colleges have, in this manner, not only corrupted the diligence of public teachers, but have rendered it almost impossible to have any good private ones.<sup>13</sup>

Finally, and as one might expect, Smith entertained clear opinions on educational innovation. He persists in maintaining that the grind and monotony of manual employment will never inspire men to seek elevation out of that environment unless ‘government takes some pains’ – we might render it, if government sets up a dedicated initiative, or provides some form of special incentive – to bring it about. It would be an exaggeration to claim that Smith is ahead of his time in envisaging universal education as the passport to personal riches and national prosperity. But he comes close to it in pointing out the importance of stimulating the ‘labouring poor, that is, the great body of the people’, into believing that they have a role to play in contributing to the ‘good government or happiness of their society’: ‘The education of the common people requires, perhaps, in a civilized and commercial society the attention of the public more than that of people of some rank or fortune.’<sup>14</sup> That statement alone, and others like it in *Wealth of Nations*, might be thought clear evidence of Smith’s entitlement to be regarded as one of the greatest names of the Age of the Enlightenment, and proof if any were needed, of his iconic work representing one of the classic statements of a genuinely enlightened mind.

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<sup>13</sup> Smith, *The Wealth of Nations Books IV–V*, 366–7.

<sup>14</sup> *Ibid.*, 371. Yet it was not until c.1809–10 (and the efforts of such as the Reverend Dr Andrew Bell, Joseph Lancaster, Sir Thomas Bernard and, in Scotland, Robert Owen and David Stow) that efforts began in earnest to devise practical schemes to educate the poor and the ‘lower ranks of society.’

But how is the reform of education, perhaps on the basis of an enhanced and more accessible model, to be funded? After a long section in Chapter II relating to religion and religious instruction [‘Article III’, ‘Of the Expense of the Institutions for the Instruction of People of All Ages’], the chapter ends with the following ‘Conclusion’ (with these remarks designed to preface Chapter III, where Smith discusses ‘Sources of the General or Public Revenue of the Society’):

The expense of the institutions for education and religious instruction is likewise, no doubt, beneficial to the whole society, and may, therefore, without injustice, be defrayed by the general contribution of the whole society. This expense, however, might perhaps with equal propriety, and even with some advantage, be defrayed altogether by those who receive the immediate benefit of such education and instruction, or by the voluntary contribution of those who think they have occasion for either the one or the other.<sup>15</sup>

In Part II of Chapter III Smith grasps the nettle of taxation. He refers the reader back to Book I and recalls that he dealt there with the ‘private revenue of individuals’ consisting of these three different sources, viz. ‘Rent’, ‘Profit’, and ‘Wages’. ‘Every tax,’ Smith instructs us, ‘must finally be paid from some one or other of those three different sorts of revenue, or from all of them indifferently.’ There follows a detailed analysis of how each such category of revenue is taxed in Britain, in America,<sup>16</sup> and in Europe. The book concludes, appropriately enough, with a section entitled, ‘Of Public Debts’.

Published originally in 1776 – on 9 March to be precise – Smith cannot end his great work without conveying his radical view on Britain’s taxation of her American colonies. In a famous pronouncement on the issue he makes clear his opinion that parliament simply cannot have it both ways. There will be ‘many private individuals’ who will hate what he has to say, and he fully recognises that his solution to the crisis ‘may be very difficult, perhaps altogether impossible, to surmount’:

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<sup>15</sup> Smith, *The Wealth of Nations Books IV–V*, 406.

<sup>16</sup> Included in this section is a dispassionate account of ‘poll taxes’ in America and the West Indies, by means of which ‘annual taxes of so much a head upon every negro, are properly taxes upon the profits of a certain species of stock employed in agriculture.’ *Ibid.*, 450.



By extending the British system of taxation to all the different provinces of the empire inhabited by people of either British or European extraction, a much greater augmentation of revenue might be expected. This, however, could scarce, perhaps, be done, consistently with the principles of the British constitution, without admitting into the British parliament, or if you will into the states-general of the British empire, a fair and equal representation of all those different provinces, that of each province bearing the same proportion to the produce of its taxes as the representation of Great Britain might bear to the produce of the taxes levied upon Great Britain.<sup>17</sup>

Barely a couple of months before *Wealth of Nations* came before the public a pamphlet was published in Philadelphia whose anonymous author also had something to say on the deteriorating political situation affecting Britain and her colonies in America. This author, Thomas Paine, reached an entirely different view on the issue of reconciliation:

Though I would carefully avoid giving unnecessary offence, yet I am inclined to believe, that all those who espouse the doctrine of reconciliation, may be included within the following descriptions. Interested men, who are not to be trusted; weak men, who *cannot* see; prejudiced men, who *will not* see; and a certain set of moderate men, who think better of the European world than it deserves; and this last class, by an ill-judged deliberation, will be the cause of more calamities to this continent, than all the other three.<sup>18</sup>

It is likely that Paine – who only rarely cited other writers who had earned his approval, but generally approved of Adam Smith – would have been happy to exempt Smith from all such censures.

*Benjamin Franklin: letting 'light into the Nature of Things'*

Almost two decades before he provided Thomas Paine with his letter of recommendation, in the autumn of 1759 Benjamin Franklin, then serving in London as the Agent for Pennsylvania, came to Scotland accompanied by his

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<sup>17</sup> Ibid., 535–6.

<sup>18</sup> Thomas Paine, *Common Sense*, in Ian Shapiro and Jane E. Calvert (eds) *Selected Writings of Thomas Paine* (New Haven, 2014), 24.

illegitimate son William.<sup>19</sup> A few months before his trip north, Franklin *père*, sensitive to the appalling ignorance prevailing in the capital city surrounding virtually all aspects of the American colonies (including their recent history) published a long letter in the *London Chronicle*, signing himself ‘A New Englandman’. Franklin’s object was to dispel some serious myths he had come across relating to American affairs as published ‘by a gentleman in General Abercrombie’s army’ in the paper’s last two numbers.<sup>20</sup> Although the letter tends to focus on military matters – and Franklin especially seeks to correct what he correctly diagnoses as gross distortions of the truth in recent reports in the *Chronicle* of tactics and manoeuvres that had gone wrong in the course of the ongoing (Seven Years) War, some of the most glaring involving Scottish and Scots-led troops – his unmistakable sub-text is to demand a much more informed awareness on the part of Parliament, the British government, and readers of the *Chronicle* of the talents and achievements of Americans (of whom Franklin himself was certainly a superlative exemplar).<sup>21</sup>

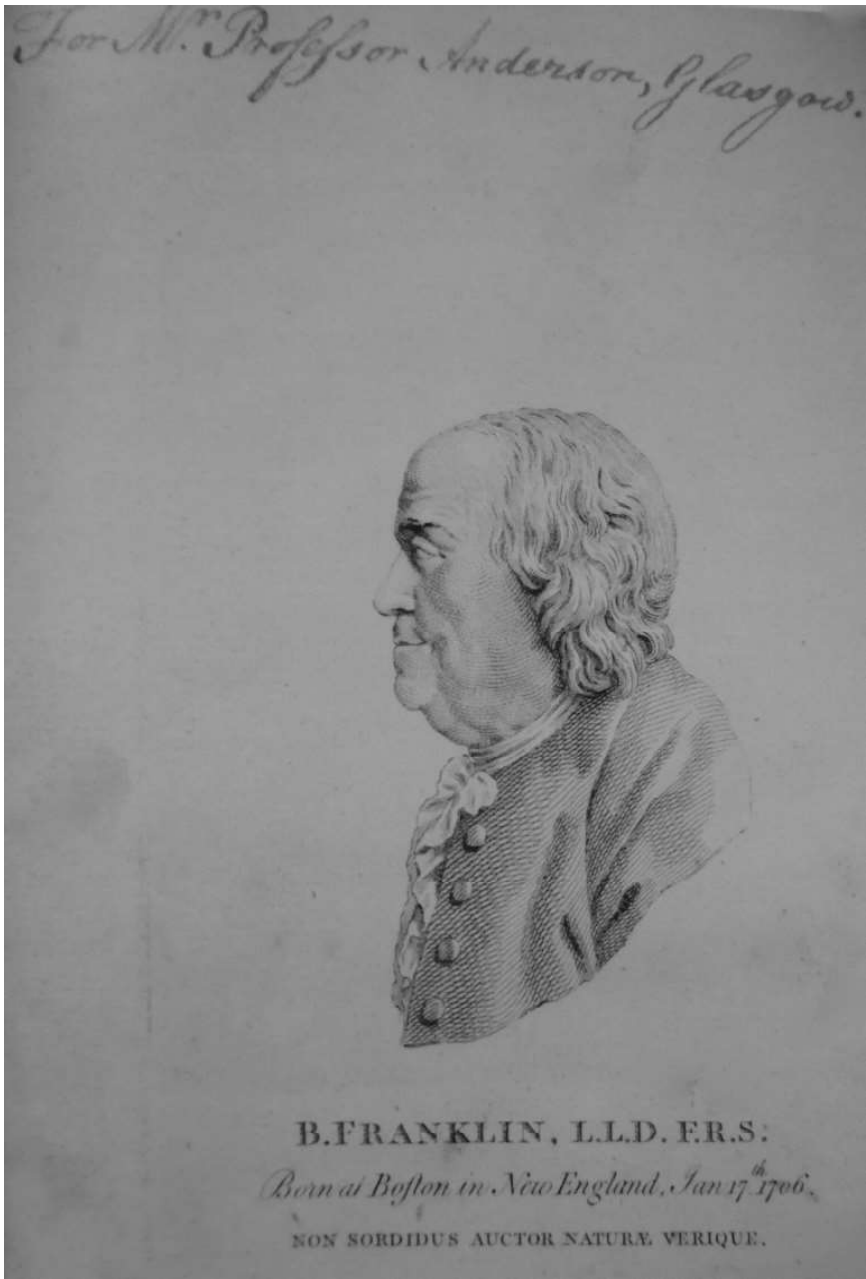
One of the purposes of Franklin’s visit to Scotland in October was to present himself in person to the Principal and the Senatus Academicus of the University of St Andrews as an honorary Doctor of Laws, to which degree he had been admitted *in absentia* on 12 February. Accompanying him and his son William on the St Andrews journey was John Anderson, professor of natural philosophy in the University of Glasgow.<sup>22</sup> Unlikely though it may seem, the American and the Scot soon discovered they were kindred spirits. They were both scientists, both Fellows of the Royal Society of

<sup>19</sup> Three years later Bute appointed William Franklin last royal governor of New Jersey.

<sup>20</sup> This may have been a false attribution, an alternative theory being that the writer was Dr Adam Thomson, a Scottish physician then living in New York. Leonard W. Labaree (ed.), *The Papers of Benjamin Franklin, Volume 8, April 1, 1758, through December 31, 1759* (New Haven, 1965), note 9.

<sup>21</sup> *The London Chronicle: or, Universal Evening Post*, 10–12 May 1759. In the course of his letter Franklin raises the highly sensitive issue of accountability for a specific military disgrace suffered in America by a detachment of the First Highland Battalion, or Montgomery Highlanders (later the 77<sup>th</sup> Regiment), in the course of the American campaign against the French. They had been led by poorly-performing superior officers (notably Major James Grant of Ballindalloch) who proceeded to lay the blame on American ‘provincials’. See *Founders Online*, National Archives (accessed 11 April 2019). Original source: Labaree (ed.), *The Papers of Benjamin Franklin, Volume 8*, 340–56.

<sup>22</sup> In 1757 Anderson had been translated to the chair of natural philosophy at Glasgow from the chair of oriental languages.



10 Franklin from the frontispiece to Professor John Anderson's copy of Franklin's London title of 1779 (Strathclyde University Archives)

London,<sup>23</sup> and both professed a shared special interest in electrical phenomena, even though Anderson was a minnow in that regard compared with his great American counterpart who had already proved his theory in the light of practical experimentation, and published his results. As we will see, though he published little of original scientific merit John Anderson's strengths lay elsewhere – as an inventor and military technologist. For his part, as his *Autobiography* and numerous other writings show, Franklin had precisely the same kind of restive intellect as Anderson; an innate sense of inquiry that drove both men to consider how things work; that is, mechanisms and techniques, and often even everyday chattels and furnishings, always with the aim of seeing if and how they could be made to perform *better*, meaning more efficiently and effectively. In other words, their first instinct was to examine how potentially useful machines could be made *more* useful, and how they might be improved, often through the application of labour-saving gadgets and gizmos. We have to recognise such processes of inquiry, however unlikely, as an important characteristic of enlightenment science, and we should regard it as an eighteenth-century awareness of what today we prefer to call 'technology'.

When he met Anderson for the first time that autumn Franklin was not just already a scientific celebrity throughout the western world, but easily the best-known American on the planet. Kant had described him, in 1756, as 'the Prometheus of modern times', though the remark was not meant to be entirely complimentary.<sup>24</sup> In 1751 Franklin had published in London his *Experiments and Observations on Electricity* and in recognition of his achievements two years later he was exceptionally awarded the Copley Medal by the Royal Society of London, their highest honour. Outside the rarefied world of scientific research both men shared a common concern about the contemporary approach to purposes and methodologies of education, each in his own way professing serious doubts about the continuing relevance of that approach to a world thought (though admittedly only by a few) to be on the edge of profound change. More than a decade prior to their meeting

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<sup>23</sup> Franklin had been awarded the Copley Medal by the Royal Society in 1753 and in 1756 was elected FRS; Anderson was elected FRS in 1759.

<sup>24</sup> As Kant intended it, the epithet was not as flattering as it seems. The full quote is: 'From the Prometheus of modern times, Mr Franklin, who wanted to disarm the thunder, down to the man who wants to extinguish the fire in the workshop of Vulcanus, all these endeavours result in the humiliating reminder that Man never can be anything more than a man.'

Franklin had championed the cause of useful knowledge in two pamphlets which had caused a stir in his home city of Philadelphia.

In *A Proposal for Promoting Useful Knowledge among the British Plantations in America* (dated 'May 14. 1743.'), a hand-out consisting of two folio sheets, Franklin proposed the establishment of a learned society in Philadelphia to be known, he suggested, as 'The American Philosophical Society'. That Franklin was the sole guiding hand behind the creation of the APS is now disputed – though the statement describes 'Benjamin Franklin' as 'the Writer of this Proposal' at the foot of its second page. Its inspiration is now thought to have been jointly shared among Franklin, the natural scientist Cadwallader Colden, and the botanist and plant collector, John Bartram.<sup>25</sup> But it is left to Franklin to explain why it is the right time to put forward the idea:

The first Drudgery of Settling new Colonies, which confines the Attention of People to mere Necessities, is now pretty well over; and there are many in every Province in Circumstances that set them at Ease, and afford Leisure to cultivate the finer Arts, and improve the common Stock of Knowledge. To such of these who are Men of Speculation, many Hints must from time to time arise, many Observations occur, which if well-examined, pursued and improved, might produce Discoveries to the Advantage of some or all of the *British Plantations*, or to the Benefit of Mankind in general.

He goes on to suggest that a 'Society be formed of Virtuosi or ingenious Men residing in the several Colonies, to be called *The American Philosophical Society*', that it meet in Philadelphia 'once a Month or oftner', that the members (of whom there would always be 'at least seven') would consist of a physician, a botanist, a mathematician, a chemist, a 'mechanician', a geographer, and a natural philosopher, and that they would 'receive, read and consider' letters and other communications 'as shall be sent from distant

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<sup>25</sup> For more on the origins of the APS see Jonathan Lyons, *The Society for Useful Knowledge. How Benjamin Franklin and Friends Brought the Enlightenment to America* (New York, 2013), 57–72. Lyons points out that Franklin knew the work of the English natural theologian and botanist, John Ray (1627–1705) and cites the following from the eighth edition of Ray's massive text, *The Wisdom of God Manifested in the Work of the Creation* (1691): 'Go thither for the Purposes fore-mentioned, and bring Home what may be useful and beneficial to thy Country in general, or thy self in particular.' (London, 1722), 164.

Members'. The subjects of such correspondence being then comprehensively listed, it is evident just how ambitious and innovative this proposed new Society will be:

All new-discovered Plants, Herbs, Trees, Roots, &c. their Virtues, Uses, &c. . . . Methods of Propagating them, and making such as are useful, but particular to some Plantations, more general. Improvements of vegetable Juices, as Cyders, Wines, &c. New Methods of Curing or Preventing Diseases. All new-discovered Fossils in different Countries, as Mines, Minerals, Quarries, &c. New and useful Improvements in any branch of Mathematicks. New Discoveries in Chemistry, such as Improvements in Distillation, Brewing, Assaying of Ores, &c. New Mechanical Inventions for saving Labour; as Mills, Carriages, &c. and for Raising and Conveying of Water, Draining of Meadows, &c. All new Arts, Trades, Manufactures, &c. that may be proposed or thought of. Surveys, Maps and Charts of particular Parts of the Sea-coasts, or Inland Countries; Course and Junction of Rivers and great Roads, Situation of Lakes and Mountains, Nature of the Soil and Productions, &c. New Methods of Improving the Breed of useful Animals; Introducing other Sorts from foreign Countries. New Improvements in Planting, Gardening, Clearing Land, &c. *And all philosophical Experiments that let Light into the Nature of Things, tend to increase the Power of Man over Matter, and multiply the Conveniencies or Pleasures of Life.* [italics added]

The Society was up and running within a few months of the publication of Franklin's *Proposal*. Today it is the premier learned society in the United States and maintains its reliance on the principles of useful knowledge. Ironically, the resolution conveying the Charter granted to the APS by the State of Pennsylvania, dated 15 March 1780, is signed 'Thomas Paine, Clerk of the General Assembly'.<sup>26</sup>

<sup>26</sup> See Moncure David Conway (ed.), *The Writings of Thomas Paine* (4 vols, New York, 1894–96), II, 26–8. Paine held office as Clerk to the Pennsylvania Assembly from November 1779 until shortly before his departure from America for France in February 1781. During the same period he was unsuccessfully proposed for membership of the APS, although he did receive an honorary MA from the University of Pennsylvania on 4 July 1780. Keane notes that he was admitted to the APS in February 1785. It was the lowest point of his first period in America. Franklin's daughter, Sarah Franklin Bache (whom Paine knew well), wrote to her

But it was another set of proposals by Franklin, once more with ‘useful knowledge’ at their core, that are of particular relevance to this study – partly because they were inspired by Scottish writers and also since, more generally, they struck at the heart of conventional wisdom relating to the education of young people. In 1749 there appeared in Philadelphia a thirty-two-page pamphlet entitled *Proposals Relating to the Education of Youth in Pensilvania*. Though the title page fails to indicate authorship, the ensuing ‘Advertisement to the Reader’ leaves no one in doubt that it is the work of Franklin who is named as ‘Printer, in Philadelphia’, and to whom anyone wishing to comment on the ‘Design with their Advice’ is invited to send their thoughts. There follows a page headed ‘Authors quoted in this Paper’. This single page is one of the most important documents in the history of American higher education. It is also remarkable for indicating beyond doubt the provenance of Franklin’s educational ideas having its roots in his reading of Scottish authors. Appealing to ‘Persons of Leisure and publick Spirit’, Franklin proposes that there be applied for a Charter granting those interested the ‘Power to erect an ACADEMY for the Education of Youth’. It would, he continues, be the task of such individuals – he would later call them trustees – to ‘advance the Usefulness and Reputation of the Design’. They would ‘make it their Pleasure to visit the Academy often, encourage and countenance the Youth, countenance and assist the Masters, and by all Means in their Power,

look on the Students as in some sort their children treat them with Familiarity and Affection, and when they have behav’d well, and gone through their Studies, and are to enter the World, zealously unite, and make all the Interest that can be made to establish them†, whether in Business, Offices, Marriages, or any other Thing for their Advantage, preferably to all other Persons whatsoever even of equal Merit.

† Something seems wanting in *America* to incite and stimulate youth to Study. In *Europe* the Encouragements to Learning are of themselves much greater than can be given here. Whoever distinguishes himself there, in either of the three learned Professions, gains Fame, and often Wealth and Power: A poor Man’s Son has a Chance, if he studies hard, to rise, either in the Law or the Church, to gainful Offices or

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father from Philadelphia on 14 January 1781: ‘There never was a man less loved in a place than Paine is in this, having at different times disputed with everybody.’ John Keane, *Tom Paine A Political Life* (London, 1995), 206.

Benefices; to an extraordinary Pitch of Grandeur; to have a Voice in Parliament, a Seat among the Peers; as a Statesman or first Minister to govern Nations, and even to mix his Blood with Princes.<sup>27</sup>

After the almost obligatory quote from James Thomson, this time concerning the joy of '*infant Reason*' growing apace – so as

*To teach the young Idea how to shoot,  
To pour the fresh Instruction o'er the Mind,  
To breathe th'enlivening Spirit, and to fix  
The generous Purpose in the glowing Breast.*<sup>28</sup>

– Franklin famously insists that:

As to their Studies, it would be well if they could be taught *every Thing* that is useful, and *every Thing* that is ornamental: but Art is long, and their Time is short. It is therefore propos'd that they learn those Things that are likely to be *most useful* and *most ornamental*, Regard being had to the several Professions for which they are intended.<sup>29</sup>

His sources, all freely acknowledged in the voluminous footnotes, are 'The famous *Milton*'; 'The great Mr *Locke*'; 'the ingenious Mr *Hutcheson* . . . who has had much Experience in Educating of Youth, being a Professor in the College at *Glasgow*, &c.' (whose *Dialogues on Education*, 2 Vols. Octavo, Franklin says, are 'much esteem'd, having had two Editions in 3 Years.');" 'the learned Mr *Obadiah Walker*'; 'The much admir'd M. *Rollin*'; 'The learned and ingenious Dr *George Turnbull*, Chaplain to the present Prince of Wales; who has had much Experience in the Educating of Youth, and publish'd a Book, Octavo, intituled, *Observations on Liberal Education, in all its Branches*, 1742.;" 'With some others.'

Franklin lists two Scottish authors on education and cites each several times. But he confuses and gets wrong the author of the *Dialogues*

<sup>27</sup> Benjamin Franklin, *Proposals Relating to the Education of Youth in Pensilvania* (Philadelphia, 1749), 7 and footnote.

<sup>28</sup> From James Thomson, *Spring*, part of *The Seasons*, but published on its own in London by Andrew Millar in 1728, prior to the publication by Millar of the whole work in 1730. The lines cited by Franklin occur on the final page of *Spring* – on page 57 of the independent title.

<sup>29</sup> Franklin, *Proposals*, 11.



*concerning Education* (1745–1748)<sup>30</sup> – ‘Suppos’d to be wrote by the ingenious Mr. Hutcheson’. In reality the title is not by Francis Hutcheson, but is the work of the unfortunate David Fordyce, once a student of Hutcheson’s at Glasgow but better known as a Regent at Marischal College, Aberdeen from 1742 until his tragic death by drowning at sea in 1751. Curiously, George Turnbull, author of the *Observations upon Liberal Education* (1742),<sup>31</sup> though an Edinburgh graduate, also served for a time as a Regent at Marischal College before resigning his post after quarrelling with the principal and deciding that his future lay in private tutoring. In the case of both Fordyce and Turnbull their works (and doubtless, in part, because they were cited by Franklin) were later adopted as standard textbooks in American colleges.<sup>32</sup> What does Franklin find relevant to his message in these titles?

He is attracted to Turnbull primarily, it seems, on account of the Scot’s insistence that ‘Nothing . . . can be of more Service to Mankind than a right Method of Educating the Youth’. But Turnbull is also praised for his view that the teaching of our native tongue has been seriously neglected: this, he says, is illogical. After all, he says, ‘The *Greeks*, perhaps, made more early Advances in the most useful Sciences than any Youth have done since, chiefly on this Account, that they studied no other Language but their own.’<sup>33</sup> According to Franklin, ‘Hutcheson’ (Fordyce) says much the same, only he is more specific: ‘To perfect them in the knowledge of their Mother Tongue, they should learn it in the Grammatical Way, that they may not only speak it purely, but be able both to correct their own Idiom, and afterwards enrich the Language on the same Foundation.’<sup>34</sup>

Never one to let the grass grow under his feet, Franklin lost no time in following up these thoughts in two related proposals, which typically bore fruit in the creation of a brand-new dedicated institution, specifically for a

<sup>30</sup> The London third edition of E. Dilly (1757) is the first to attribute the work to ‘Mr David Fordyce, Late Professor of Philosophy of Marischal College, in the University of Aberdeen.’

<sup>31</sup> ‘By George Turnbull. LL.D. Chaplain to his Royal Highness the Prince of Wales’ (London, 1742).

<sup>32</sup> David Fordyce, *The Elements of Moral Philosophy* (London, 1754) was ‘introduced into the curriculum of the American universities, where it became a standard text at Harvard University and one of the most widely used texts in American universities in the second half of the eighteenth century.’ See Thomas Kennedy, Introduction to David Fordyce, *The Elements of Moral Philosophy* (Indianapolis, 2003), x.

<sup>33</sup> Franklin, *Proposals*, 15.

<sup>34</sup> Franklin is citing from David Fordyce, *Dialogues concerning Education* (2 vols, London, 1748), II, 297.

*Publick Academy in the City of Philadelphia* (1749) 'for teaching the Latin and Greek Languages, the English tongue, grammatically and as a Language, the most useful living foreign Languages ... and every other useful Part of Learning and Knowledge'. His further thoughts on the matter are spelled out in the slightly later *Idea of the English School* (1751).

It is unlikely that Franklin's *Proposals* would have raised anything like as many eyebrows in the late 1740s in colonial America as the panning of the allegedly obsolete Oxford curriculum by the writers of the *Edinburgh Review* in the early nineteenth century would have shocked that venerable institution's numerous enthusiasts, the majority of whom doubtless imagined their university could do no wrong. For one thing, Franklin's motives were entirely different. America was fast becoming a mature and ever more outspoken and self-confident political entity, though not yet, of course, with any thought of self-determination. It was the right time, Franklin asserts, to contemplate a more enlightened approach to how we educate our youth, one rooted in useful knowledge, with a clear aim of producing bright young men who can render service to their country. What Jack Kennedy had urged all Americans at his presidential installation in January 1961 – 'Ask not what your country can do for you, ask what you can do for your country.' – Benjamin Franklin had effectively iterated over two hundred years before. In Franklin's case the outcome was the creation six years later of the College of Philadelphia, which would evolve in 1791 into the University of Pennsylvania, with its roots, like those of the APS, solidly in 'useful knowledge.'

When the original Academy was chartered as the College of Philadelphia in 1755 Franklin exerted his influence to have a Scot appointed its first Provost. The Reverend William Smith (1727–1803), a King's College, Aberdeen graduate, who had taken Anglican orders in 1754, had impressed Franklin with his thoughts on education in the quirky *A General Idea of the College of Mirania* (1753).<sup>35</sup> But the two men steadily drifted apart and in 1774 Franklin took what for him was the unusual step in attaching his own name to a signed statement he issued entitled 'Remarks on a Late Protest against the Appointment of Mr Franklin an Agent for this Province'; he had written it to defend himself and the Pennsylvania Assembly against the views of a minority group that portrayed him as self-seeking and opportunistic.

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<sup>35</sup> William Smith, *A General Idea of the College of Mirania; with a Sketch of the Method of Teaching Science and Religion, in the Several Classes; and Some Account of its Rise, Establishment and Buildings* (New-York, 1753). Smith is also credited with the authorship of *Some Thoughts on Education* (New-York, 1752).

William Smith's response, his *Answer to Mr Franklin's Remarks on a Late Protest*, was audacious, offensive and shocking, and betrays his instinctive loyalist tendencies:

Here in America, his [Franklin's] delight is in contention, anarchy and opposition to government. And then, when he has created an embassy for himself, and gets on the other side of the Atlantic, he shifts with the scene; puts off the noisy demagogue, forgets the cause of his employers, truckles for preferment for himself and his family, and boasts services he never performed.<sup>36</sup>

The mutual enmity between Smith and Franklin was never patched up. In 1779 the charter of the College of Philadelphia was revoked and William Smith was replaced as Provost of a re-styled University of the State of Pennsylvania by the Reverend John Ewing.<sup>37</sup> Ten years later, however, Smith was back as Provost on the brief restoration of the College, holding the post until 1791, the year when the College finally merged with the University and a new charter established the University of Pennsylvania. Franklin had died on 17 April 1790. One wonders what he would have made of his eulogy having been (belatedly) delivered before a special assembly of members of the American Philosophical Society – his creation – by none other than William Smith, in his capacity as a vice-president of the Society?<sup>38</sup> Admittedly, the florid tribute was not entirely of Smith's own making, numerous others including Jefferson, Rush, David Rittenhouse and Jonathan Williams all apparently having contributed to it. Still, the final verdict on William Smith is that, despite flaws in his character having led to Franklin himself dismissing him – 'I made that Man my Enemy by doing him too much Kindness. 'Tis the honestest Way of acquiring an Enemy.'<sup>39</sup> – and to Franklin's finest biographer, Edmund Morgan, writing him off as 'a plausible scoundrel',<sup>40</sup> one has to admit to some sympathy with the alternative view that Smith's 'tolerant approach to education' merely 'reflected his appreciation of American

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<sup>36</sup> [Anon.] (William Smith), *An Answer to Mr Franklin's Remarks on a Late Protest* (Philadelphia, 1774), 17.

<sup>37</sup> For more on Ewing, see Chapter 7, 'Postscript'.

<sup>38</sup> William Smith, *Eulogium on Benjamin Franklin, L.L.D.* (Philadelphia, 1792).

<sup>39</sup> Benjamin Franklin to Mary Stevenson, 25 March 25 1763, Franklin Papers at Yale (ALS, Yale University Library).

<sup>40</sup> Edmund S. Morgan, *Benjamin Franklin* (New Haven, 2002), 134.

pluralism'.<sup>41</sup> To that extent at least, William Smith has earned his place as a figure to be reckoned with in the improvement debate in eighteenth-century America.

*An improbable friendship: Franklin and John Anderson*

After a gap of almost twelve years, Franklin, now in his sixty-sixth year, came back to Scotland in late October 1771. In the long interval since his last visit he had immersed himself in his science, publishing a corrected and enlarged fourth edition of his *Experiments and Observations on Electricity* (1769), while not neglecting a continuing commitment to the politics of the colonies and their steadily deteriorating relationship with Britain. In the following year he had been appointed Agent for Massachusetts and regained his old quarters at Number 7 Craven Street in London. From there, he journeyed first to Dublin, then from the port of Donaghadee to Portpatrick in Galloway, south-west Scotland, finally by carriage to Edinburgh where on 28 October, by prior arrangement, he met up with his countryman, Henry Marchant, a lawyer on his own mission to Britain as Attorney General for Rhode Island.<sup>42</sup>

Marchant would remain Franklin's constant companion for the remainder of his Scottish excursion until the two went their separate ways on 21 November, Franklin returning to London while Marchant had his own business to see to until his departure for home the following July, the object of his mission to Britain still unresolved. Marchant's importance for the historian is priceless since he meticulously kept a journal, now in private hands in the United States (though a transcription is on deposit in the Rhode Island Historical Society). The journal reveals the full extent of the mutual warmth of Franklin's relationship with some of the greatest names of the Scottish Enlightenment, including David Hume, Henry Home (Lord Kames), and William Robertson, in Edinburgh; and, in Glasgow, Professors Alexander Wilson, John Millar and John Anderson, together with the Foulis brothers. We have Marchant to thank for confirming that Franklin resided with Hume at his house in St Davids Street for a few days and nights, with Kames at his estate at Blair Drummond for a week or so, and (though undocumented)

<sup>41</sup> Robert M. Calhoon, 'William Smith', *Oxford DNB* (Oxford 2000) (accessed April 2019).

<sup>42</sup> Marchant had come to Britain in an effort to collect a debt the colony of Rhode Island sought from the British government in recompense for military supplies and other assistance rendered in 1756 at the height of the Seven Years' War, a debt that remained unpaid for many years after the end of the war. See John N. Cole, 'Henry Marchant's Journal, 1771–1772', *Rhode Island History*, 57 (1999), 31–55.

almost certainly with Anderson in his on-campus lodging in the High Street in Glasgow where, legend has it, the pair supervised the installation of a lightning conductor on the roof of the university church, the Blackfriars.<sup>43</sup>

Although there is no mention of Anderson having accompanied them – he had entertained the American visitors at the university on a previous day (13th November) in the course of their visit to the city – Marchant's journal records that from Glasgow Franklin and he proceeded to the Carron Company iron works for an extended overnight visit there on 15–16 November. They had received an invitation from 'the Proprietors' of the company, 'Mr Garbutt and his Son in Law Mr Gascoigne',<sup>44</sup> to visit them. While there is no evidence that the invitation had been procured for them by John Anderson – whose determined but ultimately disastrous use of the Carron Company's services as ordnance test examiners in connection with his lightweight field gun was still years away – the idea that Anderson had a hand in the visit remains entirely plausible. Franklin's interest in going to Carron, according to Marchant 'twenty seven rough miles from Glasgow', was otherwise motivated: more than likely by a simple desire to see at first-hand how a high-tech, state of the art manufacturing plant was run and organised, and to gain for himself an insight into how raw materials could be transformed into high-demand, high-value products. It would be an object-lesson in practical 'improvement'. Marchant records the visit in his journal. First, he iterates the range of products made at Carron and then turns to the technology of the process:

*Novr. 16th Saturday*—After Breakfast we went to the Works accompanied by Mr Garbett, a most ingenious Gentleman and indeed we were highly entertained with the Grandest Works I ever saw. Here we saw several Cannon one of 32 ton's Casting. Large Pans for Sugar Works containing—Gallons—Pots—Kettles, Iron Money Chests—Stoves

<sup>43</sup> Though now seriously out of date and, in certain respects, marred by over-speculation, the best account we have of Franklin's visits to Scotland and Ireland remains J. Bennett Nolan, *Benjamin Franklin in Scotland and Ireland 1759 and 1771* (Philadelphia, 1938). Nolan cites Marchant's journal generously.

<sup>44</sup> The four great ironmasters associated with the history of Carron Company in the eighteenth century are, successively, Samuel Garbett (1717–1803) and his son-in-law Charles Gascoigne (1738?–1806); John Roebuck (*bap.* 1718 – *d.* 1794); and William Cadell (*bap.* 1737 – 1819). See R. H. Campbell, *Carron Company* (Edinburgh, 1961). Campbell is also author of the *Oxford DNB* entries for Garbett and Roebuck; Eric H. Robinson for Gascoigne; and Patrick Cadell for William Cadell (accessed April 2019).



11 Caricature of John Anderson showing his rain gauge and various weapons of war of his own invention, including his lightweight cannon (William Kay, 1792) (SU Archives).

and Grates &c &c. Their Bellows is made of Iron, a large Iron Piston being raised up and down by Wheels turned by Water to make them Water Tight, the Pistons are covered with Leather. It is said that all Iron Stone is equally capable of making the best of Iron, the Difference is in the Process which is not yet sufficiently investigated. The Iron Stone is first Roasted in large Fires made in open Air — then thrown into the Furnace mixed with Cole & a sufficient Quantity of Lime Stone which is absolutely necessary.

But, Marchant comments, what of the economics of it all?

They pay a weekly £1500 to their Laborers exceptive of all other charges—

They make a Cannon & other wrought Iron 80 tons one week with another. They shared last Year £12000 Ster.—neat Profits, and they have as yet been Yearly at heavy Extra Charges.<sup>45</sup>

One can only imagine how Franklin must have been enthralled by everything he saw. The Company's manufacture of cast-iron stoves alone would have particularly intrigued him since he himself years before had invented 'an open Stove, for the better warming of Rooms, and at the same time saving Fuel, as the Air admitted was warmed in Enttring.' He was proud of his achievement and had sent Lord Kames, at his request, an account of the system, which he called the '*Pennsylvanian Fireplace*', in his letter of 3 January 1760.<sup>46</sup> Although Franklin's visit ante-dates the design and manufacture of

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<sup>45</sup> Nolan, *Benjamin Franklin in Scotland and Ireland*, 196. While workforce statistics are hard to come by, Roy Campbell cites William Cadell, manager at Carron from 1759 to 1769, that 'when things are reduced to their narrowest compass the necessary people employed by the Carron Company will never be under 300.' As many as 600+ men were employed by the end of 1761 'in addition to temporary labour'. See Campbell, *Carron Company*, 64–5. Campbell seems to have been unaware, however, of either Franklin's visit to Carron or of Marchant's journal entries relating to the visit.

<sup>46</sup> Franklin to Lord Kames, Franklin Papers at Yale online. Original ALS in NRS, Register House, Edinburgh. This is the letter in which Franklin famously tells Kames: 'No one can rejoice more sincerely than I do on the Reduction of Canada; and this, not merely as I am a Colonist, but as I am a Briton. I have long been of Opinion, that the foundations of the future Grandeur and Stability of the British Empire, lie in America; and tho', like other Foundations, they are low and little seen, they are nevertheless, broad and Strong enough to support the greatest Political Structure Human Wisdom ever yet erected.'

Carron's most successful product, the justly celebrated 'carronade', sometimes known as a 'smasher' – a short (no more than about a yard in length), stubby cannon that was particularly effective in hull-to-hull combat on board naval men o' war – nevertheless, as Marchant's journal records, the two Americans did witness at Carron the casting of several heavy field cannon, including one involving a casting of thirty-two tons. There was nothing to compare with it in contemporary America and Franklin would undoubtedly have been impressed by this feat of modern British technology.

John Anderson's interest in military hardware – and especially his invention of a lightweight field cannon utilising his own design of a hydraulic recoil device, with the gun sitting on a dismountable and *portable* cradle he called a 'litter' – was all in the future. That obsession would eventually take over Anderson's life, and may even have contributed to his death. His experiments with artillery and his testing of guns and ancillary devices designed to advance and improve battlefield efficiency were ultimately not just costly failures but a seriously hurtful personal embarrassment. Anderson's massive ego could simply not accept rejection in the full public gaze that he experienced in 1789 at the hands of the Royal Ordnance and its Master-General, the haughty Charles Lennox, 3rd Duke of Richmond, whom in a series of astonishing letters he accused of deception and conspiratorial deceit on the grand scale.<sup>47</sup>

In the end, however, if we are to believe Anderson's claims, and if the legend turns out to have substance, a field gun and carriage of his design, though rejected at Woolwich Arsenal for service with the British Army, was used in November 1792 to considerable effect by a unit of the French revolutionary army known as the *Artillerie Volante* at various battlefield locations, including Maubeuge and Jemappes.<sup>48</sup> To date, no documentation on the French side has turned up to substantiate the claim. Much, therefore, remains to be discovered about the extent of Anderson's military technological expertise in its French context, especially his purported links to Lafayette

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<sup>47</sup> For a detailed account of Anderson's exchange of correspondence with Richmond, and for an account of the Woolwich *débaîle* of 1789 more generally see Ronald Crawford, *Professor Anderson, Dr Franklin and President Washington* (Glasgow, 2014), 40–56. The key letter from Anderson to Richmond is dated 14 October 1789. As usual, Anderson kept copies for personal reference. (Strathclyde University Archives).

<sup>48</sup> Anderson refers to the success of his 'field pieces', or 'Artillerie de Campagne', in one of several enclosures with his letter to Washington of 26 August 1793. See Crawford, *Professor Anderson, Dr Franklin and President Washington*, 84–5. A letter he mentions he sent to Lafayette dated 20 August 1793 making the same claims has not been located.



which remain stubbornly elusive. Nonetheless, it is certainly the case that defiantly (and obviously controversially in the extreme) Anderson carried out his threat, made in writing to Richmond, that on their rejection by Woolwich he reserved the right to offer his ordnance improvements to a foreign power – that is, first, to France, then to the United States. In the case of the latter, the documentation has survived, though the majority of professed Anderson scholars have seemed blissfully unaware of it. The full story of Anderson's American connections is of unusual interest.<sup>49</sup>

*John Anderson: 'An enthusiastic admirer of America & her Government'*

Nearing the end of his life and three years after the death of his acquaintance Benjamin Franklin, weary of the world, financially embarrassed, and with few friends left within the immediate academic milieu of his own university,<sup>50</sup> Professor John Anderson decided he would re-activate his old threat, made in writing to the Duke of Richmond some four years earlier, to offer the military ideas and products of his expertise and inventive skill to a foreign power, this time to the United States. On 26 August 1793 he writes to President Washington who in March had taken the oath of office for a second term. Always a man of few words Washington's acceptance speech consisted of four sentences. By contrast, Anderson's prose style was notoriously prolix, never making do with four words where fourteen would suffice. He begins

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<sup>49</sup> It is worth noting that Anderson's experiments in the design of a gun carriage light enough to be easily transported on the battlefield may have been inspired by the writings of two contemporary Scottish military technologists: (i) the soldier and mathematician, James Glenie FRS (*bap.* 1750 – *d.* 1817), whose *The History of Gunnery* (Edinburgh, 1776) notes that 'Gunnery, in its present state, is only a sort of random or guess-work', and (ii) James Lind, MD, FRS (1736–1812), whose *A Description of Rifled Ordnance* (Edinburgh, 1776), includes an illustration of an experimental gun-carriage that permits the gun to be quickly detached, allowing it to be 'carried like a hand-barrow, over ditches, walls, or rough ground'. Glenie and Lind were good friends and on occasion co-researchers. Lind describes in his book how they had together witnessed field tests of artillery 'cast at Carron, for some experimental purposes'. Both books are reviewed in the *Scots Magazine*, 38 (April 1776), 212.

<sup>50</sup> For example, in a letter to the *Glasgow Courier* dated 18 September 1793 an anti-radical correspondent styling himself 'Asmodeus' comments on some members of 'the more respectable classes [in Glasgow]', who favoured the Democratic cause, including 'though last not *least*, JOLLY JACK PHOSPHORUS, the Cannoneer, who now tries *experiments* in politics; because his artillery made a greater noise at Paris than Woolwich'. The letters were subsequently published in a pamphlet of twenty-five pages: *Asmodeus; or, Strictures on the Glasgow Democrats* (Glasgow, 1793). See also Bob Harris, *The Scottish People and the French Revolution* (London, 2008), 262 note 95.

an unconscionably long letter, containing no less than six enclosures, with a succession of name-dropping unsubtly designed to impress the President:

Though I have many friends in America, I have not desired any of them to present this letter,<sup>51</sup> because I lived long in great intimacy with Doctor Franklin, because I spent the summer 1791 in Paris with your honest, but unfortunate M. La Fayette,<sup>52</sup> because I am convinced that the Field Pieces of my invention would be very serviceable at present to the troops of the United States, because my Ship Guns would be of use to the small armed Vessels with which America abounds, and because You give the greatest attention to whatever can forward the prosperity of the States over which You preside.

I am personally known to The Revd Doctor Wotherspoon [sic], to Doctor Nisbet, and to a great variety of persons from this Country, now settled in America,<sup>53</sup> to whom you can send your Secretary to make enquiries concerning me, and in order to facilitate his business, I have sent You a copy of my Institutes of Physics, and along with it,

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<sup>51</sup> John Anderson to George Washington, 26 August 1793, *Founders Online*, National Archives, note 1, which reads: ‘Anderson entrusted this letter to Hugh Crawford, who sent Anderson’s letter under cover of his own letter to Washington written at Greenock on 30 August 1793, beginning “My friend Professor Anderson committed to my charge a box for you which I have put on board the Ship Faun Capt Holbrook the Captain has very obligingly taken it under his particular management and in discharge of my duty I have seen it safe in his Cabin”’ (accessed April 2019). Original source, Christine Sternberg Patrick (ed.), *The Papers of George Washington, Volume 13, 1 June–31 August 1793* (Charlottesville, 2007), 547–52.

<sup>52</sup> The ‘vainglorious’ Lafayette – Marie-Joseph Paul Yves Roche Gilbert du Motier, Marquis de Lafayette (1757–1834) – had returned to France a ‘self-proclaimed’ hero of the American war after the peace of 1783’. William Doyle, *The Oxford History of the French Revolution* (Oxford, 2018), 70.

<sup>53</sup> Anderson would certainly have met John Witherspoon (see Chapter 7) when the latter preached in the College church of the Blackfriars in Glasgow on occasions when the minister there, Dr John Gillies, exchanged pulpits with him. Gillies was well-known for his opposition to the American war. See John R. McIntosh, *Church and Theology in Enlightenment Scotland: The Popular Party, 1740–1800* (East Linton, 1998), 240; and Ronald Lyndsay Crawford, *The Chair of Verity: Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (Edinburgh, 2017), 263–4. Charles Nisbet (1736–1804) left his charge in Montrose in 1785 for America where, due to the influence of Benjamin Rush and John Dickinson, he became founding principal of Dickinson College, Carlisle, Pennsylvania. In due time, however, Nisbet became disillusioned with the political order in the new United States and ultimately turned against all things American.

a copy of a letter to me from Doctor Franklin, a short time before his death. That Letter is all written with his own hand except the direction on the back, which is the hand writing, I have been told, of his Grandson; with whom Your Secretary may likewise converse.

These Facts will, I hope, give You all the information which you would wish to have concerning me; while at the same time, they will be an apology for so long a letter from a person who is to You, I suppose, altogether unknown.

After extensive further circumlocution Anderson finally comes to the point of his letter and poses an alternative proposition for the President and his advisers to consider. The first option he invites Washington to ponder is this:

By giving me a feather in my Cap, the title of Engineer, Artillerist, and Director of the Gun Foundry to the United States of America, with a sum of money, or a suitable salary; which they cannot have to pay long as I am an old man; and they may send ten or twelve lads to Glasgow, with certificates of their having been born in America, and I, in the course of two years will teach them four things. The Founding of Bronze Guns, the making Carriages of my invention, the working of my Field Pieces in Swamps and on Litters, And the working of Common Guns in the way that was so useful to the French this time twelvemonth; besides other things which will make these American young men useful as Artificers to the United States which must indent them, and pay them handsomely.

‘Or’, he goes on, ‘if this method shall not be relished’, he has another suggestion up his sleeve:

If I can get leave of absence for a year from the College to which I belong, I could go to America and teach the same things on the spot; . . . The first of these methods would be the easiest on account of the many Foundries, and excellent Mechanics that are in this place, not

to mention the cheapness of their labour compared to what is in your Country.<sup>54</sup>

There is no record of any reply having been forthcoming from Washington to Anderson. But on 17 May 1794 Henry Knox, the US Secretary of War, informed the President that he had not been ‘unmindful’ of Anderson’s ‘propositions, of the importance of which I am favourably impressed.’ On 29 May Edmund Randolph<sup>55</sup> wrote to Thomas Pinckney<sup>56</sup> in London indicating that while Knox thought well of Anderson’s ideas he suspected that ‘nothing can be done of it during the present session of congress’.<sup>57</sup> On 9 July Knox submitted to the President a draft reply to Anderson’s letter (with a draft reply to another correspondent), but it has never been traced.<sup>58</sup> Notes appended to relevant items in the Washington Papers in the Library of Congress clearly show, however, that Pinckney informed Knox in a letter of 27 December 1794 that he had delivered Knox’s letter to Anderson, ‘but had not yet received a reply.’ Nothing further is heard of the matter. In little over a year from the date of Pinckney’s letter Anderson was dead. Washington’s second term expired later in the same year.

It remains unclear if the US Secretary of War showed much genuine interest in John Anderson’s inventions, least of all in treating realistically either of the options the Glasgow man had described to Washington. Yet, though hardly attributable to his letter to the President – the chronology tends to make this unlikely but in theory just possible – the sequel is extraordinary. Recalling that Anderson had suggested that the President might care to get his Secretary to check up on the facts behind his claim to know named Scots emigrants to America (and specifically on his professed friendship with Franklin, by that time deceased), astonishingly Washington’s PA (to be

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<sup>54</sup> John Anderson to George Washington, 26 August 1793, *Founders Online*, National Archives (accessed April 2019).

<sup>55</sup> Edmund Randolph (1753–1813), US Attorney General, 1789–93; Secretary of State, 1794–5.

<sup>56</sup> Thomas Pinckney (1750–1828), US minister to Britain, 1791–6.

<sup>57</sup> Henry Knox to George Washington, 17 May 1794, *Founders Online*, National Archives (accessed April 2019). Original source, David R. Hoth and Carol S. Ebel (eds.), *The Papers of George Washington, Volume 16, 1 May–30 September 1794* (Charlottesville, 2011), 80–1.

<sup>58</sup> Henry Knox to George Washington, 9 July 1794, *Founders Online*, National Archives (accessed April 2019). Note 5 states: ‘This letter has not been identified. GW returned the draft to Knox on 11 July. However, Knox dated the letter to Thomas Pinckney in which he evidently enclosed for forwarding his letters to John Anderson and Allan Pollock [the ‘other correspondent’] as 7 July.’ Original source Hoth and Ebel (eds.), *The Papers of George Washington*, 316–18.

pedantic, *former PA*)<sup>59</sup> fetches up in Scotland around the same time when his letter would have been under consideration by the US authorities. In a visit extending from mid-December 1793 into early January 1794 Tobias Lear was in Glasgow for the express purpose of visiting ‘some of the principal Manufactories of Scotland where such goods are fabricated as suit our market.’ Prior to leaving New York he had asked Washington to furnish him with letters to the Earl of Buchan and Sir John Sinclair ‘who from their situations . . . may be able to give me much useful information.’ Lear’s correspondence confirms beyond any shadow of doubt that the motive for his visit to Scotland had nothing to do with Anderson’s letter. Whether or not Anderson showed a copy of his letter to Lear in the course of their meeting must remain conjectural, though it would be strange if he had failed to do so.

It is clear, on the other hand, that Lear had done his homework on Anderson. His letter from London of 26–30 January 1794 is largely unknown to students of the Glasgow Enlightenment. It powerfully conveys back to George Washington just why Lear had found his meeting with Anderson so worthwhile and purposeful. Some parts of the letter from Anderson to the President have, of course, to be taken with a pinch of salt. Even at second-hand one recognises the bombast and self-assurance that is always associated with Anderson. Nevertheless, from the following, it certainly seems that Tobias Lear had fallen for it all:

Mr Anderson, Professor of Mathematics & natural Philosophy in the University of Glasgow, informed me that he had written to you some months ago on the subject of an improvement which he had made in Artillery—and had also sent some publications which he had made thereon. This Gentleman seems to be an enthusiastic admirer of America & her Government and is very anxious that our Country should derive an advantage from his improvements. The French, it is said, have received vast advantage from Mr Anderson’s Artillery; it being carried over there by himself in 1789, after the improvement was rejected by the Duke of Richmond, or rather after the proposal to

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<sup>59</sup> Tobias Lear (1762–1816) left Washington’s service in the summer of 1793 on the death of his first wife, Mary ‘Polly’ Long. He then went into land speculation and developed other business interests, in conjunction with James Greenleaf (1765–1843), an entrepreneur and land speculator, who, like Robert Morris and James Wilson, suffered the fate of a debtor’s prison following the collapse in land values in the mid- to late-1790s. See Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge MA, 2002), 202–4.

let him have the improvement was rejected; for Mr A. tells me that he never deigned to make any enquiry into it. The most important point is his having found a method of destroying the recoil of the Cannon without moving or injuring the carriage. This Mr A. shewed to me very fully & clearly—and gave me every information on the subject of it. Its simplicity is as astonishing as its effects. Besides his improvement of Artillery, Mr Anderson has introduced many very useful & important inventions & improvements for their Manufacturing machines of various descriptions in Scotland, and having communicated them gratis & without reserve to the manufacturers he is much venerated & beloved by them.

Lear then makes an astonishing proposal to Washington: 'If we should carry into effect the intention of establishing a national University in Washington City, Mr A. would be a great acquisition to it, provided he could be drawn over there.' At the same time, however, Lear feels it is his duty to warn Washington about Anderson's radical politics: 'He is spoken of wherever he is know[n] as a man of great talents as a natural Philosopher & Mathematician; but his liberality of opinion in politics gives great offence to the high government folks here [London].'<sup>60</sup>

It may seem extraordinary that Washington's close friend and former secretary<sup>61</sup> should go so far as to recommend to the President that a Scot, in his late sixties, was the very man to help make a reality the one pet project in his life that would fail to materialise. It was not as if Tobias Lear was someone whose judgment was suspect. He was, after all, entrusted by Washington to meet in the course of his long sojourn in Britain several distinguished individuals whose advice on a variety of matters he was asked by the President to canvass, including the Earl of Buchan, Sir John Sinclair, and the great agricultural reformer, Arthur Young. Lear met all of those men, procuring sound advice from Young, for example, on the development of

<sup>60</sup> Tobias Lear to George Washington, 26–30 January 1794, *Founders Online*, National Archives (accessed May 2019). Original source, Christine Sternberg Patrick (ed.), *The Papers of George Washington, Volume 15, 1 January–30 April 1794* (Charlottesville, 2009), 115–25.

<sup>61</sup> For example, George Washington to Arthur Young, 1 September 1793, *Founders Online*, National Archives (accessed May 2019) in which Washington refers to Lear as 'a gentleman who has been a member of my family seven years; and, until the present moment, my Secretary'. Original source, David R. Hoth (ed.), *The Papers of George Washington, Volume 14, 1 September–31 December 1793* (Charlottesville, 2008), 3–4.

the President's enormous estate with its five farms at Mount Vernon.<sup>62</sup> But the creation of a National University of the United States? That was a different proposition entirely, and one that scarcely met with any enthusiasm to speak of among the hard-headed bureaucrats of the new capital already designated Washington's most enduring memorial.<sup>63</sup>

While we cannot be sure on whose initiative the meeting was arranged, the astute Lear must have been aware that in agreeing to meet Anderson he was treading on potentially dangerous ground. Even though, as he explained to the President, he had taken pains 'to avoid all conversation on political subjects', at a peculiarly sensitive period in Pitt's ministry, nevertheless 'persons who would not openly express their sentiments to others ... have spoken to me', he says, 'in a style which I have thought imprudent for them to use even tho' they knew I should never use it to their disadvantage—and some of them have been persons of no inconsiderable standing here.' In the event, nothing came of Lear's more than slightly wacky idea that Anderson was the man to pilot through the National University project on behalf of its celebrated proponent. Though Washington came back to it *ex sepulcro* in his Last Will and Testament (dated from Mount Vernon, 9 July 1799), it remained, and has remained ever since a dream unfulfilled.<sup>64</sup>

John Anderson died on 13 January 1796. His Will, dated 7 May 1795 (together with a Codicil hastily added to it on 4 January 1796),<sup>65</sup> represents one of the most remarkable documents in the history of higher education in the UK, and must be reckoned one of the great monuments of the Age of Improvement. Though he died virtually bankrupt, his Will with typical Andersonian bluster and reckless bravado made provision for the execution of its many articles and clauses in the minutest detail, going so far as to name the actual persons he desires should be invited to be Trustees of 'Anderson's University', the institution he bequeaths 'to the Public for the

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<sup>62</sup> Arthur Young FRS (1741–1820) and Washington regularly corresponded from 1786 to 1794. Young sent him at intervals published volumes of his great work, *Annals of Agriculture, and Other Useful Arts* (46 vols, London, 1784–1815).

<sup>63</sup> On July 16, 1790, Congress had declared the city of Washington in the District of Columbia the permanent capital of the United States. One of the most consistent objectors to the idea of a National University was Alexander Hamilton.

<sup>64</sup> For more on Washington's idea of a National University, see Joseph J. Ellis, *His Excellency* (New York, 2004), 236; and Ron Chernow, *Washington: A Life* (New York, 2010), 619, 705, 764, 803.

<sup>65</sup> See *Extracts from the Latter Will and Codicil of Professor John Anderson* (Glasgow, 1796). The Will and Codicil are reproduced in James Muir, *John Anderson: Pioneer of Technical Education and the College He Founded* (Glasgow, 1950), Appendix, 129–62.

good of Mankind and the Improvement of Science'. Anderson's Will has been written about, often celebrated, and almost as often denigrated (especially for its harsh words about the University of Glasgow).<sup>66</sup> Nonetheless, the Will is rightly seen as a document that eventually set on course the evolution of a modern technological university of high international standing, the modern University of Strathclyde – in precisely the same way that Franklin's thirty-two page pamphlet of 1749 led to the creation of a great Ivy League university in the United States. Both Franklin and Anderson shared and believed passionately in the concept of 'useful knowledge' – or, as Anderson preferred it, 'useful learning'. Both men envisaged that the successful products of the universities they trusted their ideas would anticipate would go on to serve well their respective countries and regions. That was the main point. After all, both in their own understanding, as well as in the opinion of others, that was what improvement actually stood for.

### *Postscript*

#### *Thomas Jefferson's indebtedness to Scottish education*

Almost without exception every succeeding president in the history of the United States, even from the earliest days of assuming office, has devised the means of perpetuating and memorialising his period of office. Just occasionally, one would have to say, there is a grim humour attached to the process as in the case of Richard Nixon and his craving for a [literally] recorded memorial, achievable, he thought, by bugging the Oval Office. But for most of the time it was simply a kind of vanity, endemic in all human nature, that possessed these men. The founding fathers were no exception. In their case, it was different, however, since it was Congress and a grateful nation that led

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<sup>66</sup> One of the 'Essential Parts' of the institution to be created as the result of the provisions of Anderson's Will becoming a reality was that 'No person connected with the University or College of Glasgow, as a Chancellor, Rector, Dean, Visitor, Principal, Professor, Lecturer or Servant, or connected with it in any other way, under any other name or office, . . . can be connected with Anderson's University, . . . or can enjoy any office of Honour, respect, or profit, of any kind; the Intention of this Institute being, to keep the two Universities completely separated in every respect, from which much good, it is hoped, will ensue. Thus, for instance, the almost constant intrigues, which prevail in the Faculty of Glasgow College about their Revenue, and the Nomination of Professors, and their Acts of Vanity, or Power, Inflamed by a Collegiate life, will be kept out of Anderson's University; and the irregularities, and neglect of duty in the Professors of Glasgow College, will naturally, in some degree be corrected by a rival school of Education.' – 'Article Eighth, First Part.'



the way. And how they led the way. Washington DC is obviously the most mind-blowing memorial of all, but it was required to make room for more than just the 'Foundingest Father' (as Joseph Ellis likes to put it). Strangely, the Founding Father who has more portraits, tablets of stone, more busts, more statues than any American before or since never made it to be President. But, as we have seen, Benjamin Franklin was not interested in any of the tangible, lifeless '*monuments of brass*' etc. He is remembered in Penn, the university that, while it does not bear his name, is his personal creation.

For Thomas Jefferson similarly, questions of 'improvement' and higher learning were almost constantly on his mind even at the height of his powers when his political career prospered like no other; and certainly that was also the case when he was in sight of retirement. He himself claimed the College of William and Mary as his *alma mater* but he later recalled with distaste the religious orientation and trappings that lay at the heart of its structure, organisation and governance, and was determined that it was not the model for the kind of university he had long desired for the State of Virginia.<sup>67</sup> At the same time, he shared with John Adams, in his last letter to him, the thought that for the youth of America who had not experienced the revolution there was a need on their part to seek out the survivors, while there was still time. As far, that is, as the generation born after the revolutionary era was concerned, he seems to be saying to Adams, monuments were not enough. Ellis notes that 'just before he slid into his final illness' Jefferson asks Adams if his grandson and namesake, Thomas Jefferson Randolph (or 'Jeffy'), might call on him in the course of a visit to Boston. 'Like other young people', Jefferson explains,

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<sup>67</sup> For example, see 'Thomas Jefferson to Joseph Priestley, 18 January 1800', *Founders Online*, National Archives (accessed May 2019): 'We have in that state [Virginia] a college (Wm. & Mary) just well enough endowed to draw out the miserable existence in it's position, exposed to bilious disease as all the lower country is, & therefore abandoned by the public care, . . . we wish to establish in the upper & healthier country, & more centrally for the state an University on a plan so broad & liberal & *modern* [sic], as to be worth patronising with the public support, and be a temptation to the youth of other states to come, and drink of the cup of knolege & fraternize with us. The first step is to obtain a good plan; that is a judicious selection of the sciences, & a practicable grouping of some of them together, & ramifying of others, so as to adapt the professorships to our uses, & our means, in an institution meant chiefly for use, some branches of science, formerly esteemed may now be omitted, so many others now valued in Europe, but useless to us for ages to come.' Original source: Barbara B. Oberg (ed), *The Papers of Thomas Jefferson, Volume 31, 1 February 1799–31 May 1800* (Princeton, 2004), 319–23.

he wishes to be able, in the winter nights of old age, to recount to those around him what he has heard and learnt of the Heroic age preceding his birth, and which of the Argonauts particularly he was in time to have seen. it was the lot of our early years to witness nothing but the dull monotony of Colonial subservience, and of our riper ones to breast the labors and perils of working out of it. Theirs are the Halcyon calms succeeding the storm which our Argosy had so stoutly weathered.<sup>68</sup>

In his unfinished *Autobiography* covering the period from 1743 to 1790,<sup>69</sup> Jefferson discloses his parental background. He begins by recalling the vaguest of information he had picked up about his ancestors, tradition having it that his grandfather's antecedents were Welsh,<sup>70</sup> but that his mother's family, the Randolphins, were able to trace their pedigree 'far back in England & Scotland, to which let every one ascribe the faith & merit he chooses.' His father, who had only experienced a limited education, but was 'eager after information', had been a mapmaker. He died in 1757 leaving his mother to bring up Thomas, the elder of two sons, and their six daughters. Jefferson then goes on to explain the circumstances of his own education: that his first teacher 'at the English school' was 'Mr Douglas a clergyman from Scotland', that he had been 'but a superficial Latinist, less instructed in Greek, but with the rudiments of these languages he taught me French', and that after attending classes conducted by 'Mr Maury a correct classical scholar' for two years, he had proceeded to the College of William and Mary for a further two years. There he came under the benign influence of a remarkable (but now scarcely remembered) man of the Scottish Enlightenment, William Small:

It was my great good fortune, and what probably fixed the destinies of my life that Dr Wm. Small of Scotland was then professor of Mathematics, a man profound in most of the useful branches of science, with a happy talent of communication correct and gentlemanly manners, & an enlarged and liberal mind. He, most happily for me,

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<sup>68</sup> Cited by Joseph J. Ellis in *American Sphinx: The Character of Thomas Jefferson* (1997; New York, 1998), 300. Thomas Jefferson to John Adams, 25 March 1826, *Founders Online*, National Archives (accessed May 2019). Original source, Early Access document from The Papers of Thomas Jefferson: Retirement Series.

<sup>69</sup> Written 'January 6–July 29, 1821'.

<sup>70</sup> 'To my younger brother he left his estate on James river called Snowden after the supposed birth-place of the family. To myself the lands on which I was born & live.'

became soon attached to me & made me his daily companion when not engaged in the school; and from his conversation I got my first views of the expansion of science & of the system of things in which we are placed. Fortunately the Philosophical chair became vacant soon after my arrival at college, and he was appointed to fill it per interim: and he was the first who ever gave in that college regular lectures in Ethics, Rhetoric & Belles lettres. He returned to Europe in 1762 [sic].<sup>71</sup>

William Small (1734–1775) came from Carmyllie in Forfarshire where his father, a St Andrews graduate, was minister of the parish church in the Presbytery of Arbroath for an extraordinary fifty-one years from 1720 until his death in 1771. Small graduated in Arts from Marischal College in Aberdeen in 1755 so it is unlikely that one of his teachers there was Professor David Fordyce who had died at sea in September 1751. Nothing much is known about him until his name crops up as having subscribed the obligatory oath as professor of natural philosophy at the College of William and Mary at Williamsburg, Virginia on 19 October 1758. It appears that he also taught intermittently belles-lettres in the same institution (as Jefferson recalls in the above extract from his memoir composed in 1821). Jefferson was Small's student from 1760 to 1762 and the two became firm friends at Williamsburg. For a number of reasons – including his disappointment at not having been appointed President of the College on the death of the Reverend William Yates in 1764 – Small returned to England in the autumn of that year, ostensibly to purchase scientific equipment. He never returned to America. In 1765 Small was admitted to the degree of MD of Marischal College, Aberdeen.

In a letter dated 22 May 1765, Benjamin Franklin writes from London to the great Birmingham engineer and associate of James Watt, Matthew Boulton, introducing 'my Friend' William Small, describing him as 'an ingenious Philosopher, and a most worthy Honest man.'<sup>72</sup> Ganter notes that

<sup>71</sup> Thomas Jefferson, *Autobiography 1743–1790* (written in the period 6 January–29 July 1821) in Paul Leicester Ford (ed.), *The Works of Thomas Jefferson* (12 vols, New York, 1904), I, 5–6. For more on the life of William Small, see Herbert L. Ganter, 'William Small, Jefferson's Beloved Teacher', *William and Mary Quarterly*, 4 (1947), 505–11; and Martin R. Clagett, *William Small 1734–1775: Teacher, Mentor, Scientist*, unpublished PhD thesis (Virginia Commonwealth University, 2003).

<sup>72</sup> Benjamin Franklin to Matthew Boulton, 22 May 1765, *Founders Online*, National Archives (accessed April 2019). Original source: Labaree (ed.), *The Papers of Benjamin Franklin*, XII, 140.

for the last decade of his short life Small divided his time in Birmingham between practising medicine and acting as a kind of technical consultant to Boulton, 'a job probably more closely allied to his main interests.' It was then that Small met James Watt and joined the ranks of the Lunar Society (it is even possible he was its founder), where he rubbed shoulders with John Baskerville, Thomas Day, John Roebuck and Josiah Wedgwood. William Small died 'of a fever', aged just forty, on 25 February 1775 and was buried in the churchyard of St Philip's in Birmingham.

Jefferson never forgot his old teacher. Sadly, the only letter he is known to have sent Small was written on 7 May, a few months after Small's death. Jefferson begins by explaining that he had heard about his welfare through 'a gentleman who saw you at Birmingham'. He sends Small three-dozen bottles of Madeira, and, thoughtfully, to avoid customs excise duty, has made arrangements to send a further three-dozen by a different shipper. Most of Jefferson's letter consists of information on the deteriorating political situation in America: in particular, he mentions the 'unhappy news' of a serious incident in Boston when, it seemed (or so he informs Small), that '500' of 'the king's troops ... with Earl Percy are slain.' 'This accident', Jefferson goes on, is truly 'a lamentable circumstance', and 'instead of leading to a reconciliation' has resulted in 'a phrenzy of revenge' which 'seems to have seized all ranks of people.' The letter ends with Jefferson assuring Small of his 'constant wishes for your happiness' and expressing his hope that 'amidst public dissension private friendship may be preserved inviolate'.<sup>73</sup>

It cannot be overlooked that Thomas Jefferson maintained into his later life a high personal regard for the integrity of Scottish education and for the traditions of high quality teaching espoused by its practitioners. Yet, at bottom, Jefferson's restless intellect led him as the quintessential American patriot of his time to embrace opposing concepts of the provenance of enlightened learning and improvement. On the one hand (again to use Ellis's words), Europe was 'a den of iniquity'; on the other, it was the fount and

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<sup>73</sup> Jefferson is referring to the battle of Lexington and Concord in Massachusetts on 19 April 1775 which effectively marked the start of the American revolutionary war. But his facts as now known are wildly inaccurate: Hugh Percy (later second Duke of Northumberland) relieved the British force and survived the incident; the Americans suffered forty-nine dead and forty-one wounded, the British seventy-three dead and 174 wounded. See Thomas Jefferson to William Small, 7 May 1775, *Founders Online*, National Archives, (accessed April 2019). Original source: Julian P. Boyd (ed.), *The Papers of Thomas Jefferson, Volume 1, 1760–1776* (Princeton, 1950), 165–7.

‘cradle of all learning’. It was with that thought to the fore that Jefferson had ultimately been forced to concede defeat over his hijacking of the old Washington aspiration for a national university. As usual, Ellis finds the right words to describe his dilemma: ‘The scheme’, he says, ‘was pure Jefferson: magisterial in conception, admirable in intention, unworkable in practice.’<sup>74</sup>

Supplanting his dream of a national university in Jefferson’s work schedule was a renewed determination to pour all his post-presidential energy into the physical plan for the University of Virginia over which he had the controlling vision; and, beyond that, into attempting to recruit the finest practitioners to staff the faculty. To that latter end, he was able to persuade a bright young Virginia lawyer, Francis Gilmer, to undertake a visit to Europe, specifically to Britain – though included in the original plan, he never made it to France and Germany<sup>75</sup> – in search of scholars and scientists who would be willing to accept the challenge and come to Charlottesville to teach and conduct their research. In the event, after visiting Edinburgh and returning to London, not quite empty-handed but sorely disillusioned, Gilmer had to admit defeat. Almost symbolically, although Gilmer bore a letter to him from Jefferson, the ageing Dugald Stewart never responded to his request to call on him at his home outside Linlithgow.

In a ‘long and rambling’ letter to John Cartwright written just two years before his death, referring to Gilmer’s mission to Britain ‘for the purpose of selecting some Professors’, Jefferson thanks Cartwright for sending him his ‘good wishes to the University we are now establishing in this state’, declaring that ‘there are some novelties in it’, including a ‘professorship of the principles of government’, of which Cartwright had expressed his ‘approbation’. Such principles, Jefferson assures the venerable English reformer, ‘will be founded in the rights of man.’<sup>76</sup>

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<sup>74</sup> Ellis, *American Sphinx*, 334–43.

<sup>75</sup> In the event, however, Jefferson and the other trustees had second thoughts about Gilmer going to Germany. See Thomas Jefferson to Francis Gilmer, 12 October 1824 in Richard Beale Davis (ed.), *Correspondence of Thomas Jefferson and Francis Walker Gilmer 1814–1826* (Charlottesville, 1946), 106.

<sup>76</sup> Writing to the English reformer, John Cartwright (1740–1824) just a few months before Cartwright’s death, Jefferson describes Gilmer as ‘a gentleman of great worth and correctness, my particular friend, well educated in various branches of science, & worthy of entire confidence.’ Thomas Jefferson to John Cartwright, 5 June 1824. *Founders Online*, National Archives (accessed April 2019). Early Access document from *The Papers of Thomas Jefferson: Retirement Series* [‘Not an authoritative final version.’]

## Slavery in the Age of Paine

### *'Forget not the hapless African'*

*Forget not the hapless African.*

'The Forester' [Thomas Paine], Author's Footnote to Letter III of the four letters Paine contributed to the *Pennsylvania Journal* between 3 April and 8 May 1776 which, in each case, he signed 'The Forester'. Letter III appeared in the number for 24 April. He adds a heading to the last section of the letter in which the footnote appears entitled 'To the People'. (*WTP*, Moncure Daniel Conway, v. 1, 1774–1779, 154).

*I record Dr Johnson's argument fairly upon this particular case; where, perhaps, he was in the right.\* But I beg leave to enter my most solemn protest against his general doctrine with respect to the Slave Trade. . . . my opinion is unshaken. To abolish a status, which in all ages God has sanctioned, and man has continued would not only be robbery to an innumerable class of our fellow-subjects; but it would be extreme cruelty to the African Savages, a portion of whom it saves from massacre, or intolerable bondage in their own country, and introduces into a much happier state of life; especially now when their passage to the West-Indies and their treatment there is humanely regulated. To abolish that trade would be to '—shut the gates of mercy on mankind.'*<sup>1</sup>

James Boswell, *The Life of Samuel Johnson, LL.D.* (London, Henry Baldwin, for Charles Dilly, 1791); ed. David Womersley, (London, Penguin Classics, 2008), 632–3.

\*[The *Knight v Wedderburn* process in the Court of Session had just been determined, in January 1778, in favour of the pursuer, Joseph Knight, a former slave, and Johnson, having approved of the judgment, proceeds to compose an oral essay on slavery, concluding that

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<sup>1</sup> Thomas Gray's *Elegy Written in a Country Churchyard* (written 1746?–50; published 1751), line 68.

‘The sum of the argument is this: No man is by nature the property of another: The defendant is, therefore, by nature free.’]

*Personal preamble*

There can be few subjects which Scottish historians tackle in greater trepidation these days than the issue of slavery. If the Age of Revolution can be said to have coincided with the greatest level of activity in slave trafficking in the eighteenth century, it also marked the beginning of the end of slavery in this sense: that it was only when enlightened men and women in Britain, Europe (and assuredly in America) started to point an accusing finger at the inhumanity of the ‘cruel trade’ that the idea took hold and eventually predominated that the time had come to press for its criminalisation throughout the western world. By contrast, and incredibly, it seems that Scotland has only recently learned the vicious iniquities of her slaving past. Late in this author’s life the shame of Scotland’s prominent role in the eighteenth-century slave trade has at last been fully exposed; and one can now write, without fear of contradiction, that this small country of ours has, rightly, attracted within the past decade or so an unrelentingly bad press over its dismal record in the ‘triangular’ trafficking of chattel slaves: from Africa to British colonies in the West Indies and America, and eventually returning to home ports with invariably a more fragrant cargo. For Scotland, and for Glasgow more particularly, that is, the bad press has been a long time coming, and the tragedy is that it is thoroughly deserved.

Consequently, Glasgow has now been added to the list of most offending British cities with direct involvement in the slave trade, a list that for two centuries has been persistently static and has always included Liverpool, Bristol and London. As if that were not enough, while the truth has long been suspected, the raw facts on just how extensive the involvement truly was of Scots fleet-owners, merchants and plantation masters in the Americas – that is, Scots who were the buyers, transporters, owners, controllers of slaves and their families, and whose personal wealth is capable of being wholly, or in part, attributed (directly or indirectly) to slavery – have been notoriously difficult to come by. Now, however, the emerging truth revolts and offends us. That the reality of Scotland’s role in slavery in the eighteenth century has been deliberately suppressed is open to question. But there can be no doubt that, while there are creditable exceptions, some modern descendants of the great and numerous Scottish slave-owning families, or those with

connections with them, have hardly been anxious to open up their private archives to the scrutiny of historians, least of all to broadcasters and journalists. And who can blame them? The tales they could tell, and the contents of documents they have been either too coy or too ashamed to hand over for scholarly examination in the interests not just of academic research but of natural justice, would make the flesh creep. It is not hyperbole to suggest that Scotland's best-kept secret – her astonishing prominence in the slave trade – is also her worst nightmare.

The majority of historians accept a need to get used to their re-discovered role as moral philosophers. The chasm between the study of history and ethics, once thought unbridgeable, is no longer deemed so by most of us. This chapter is not, however, concerned with the modern controversies of 'reparative justice', least of all with the toppling of statues of exposed slavers and finding more 'appropriate' street names in our towns and cities. Nor is it concerned with the industrial archaeology of slavery, a vital component of slave history which this author is happy to leave in the expert hands of others – including two associates who have made a massive contribution in the field (literally so), namely Stuart Nisbet and Stephen Mullen. What emerges here, in aggregate, paints perhaps a more reassuring picture of Scotland's role in the slavery debate, celebrating the numerous enlightened Scottish voices raised in opposition to the great moral issues in the debate that started to gather momentum, even though it has to be said, always falteringly, before, throughout and beyond the age of Paine; voices that were articulated by the likes of Francis Hutcheson, David Dale, William Dickson, George Wallace, and, pre-eminently, John Millar. We might do well to recall that three of these men regularly walked the streets of Glasgow.

### *Thomas Paine and slavery*

When John Keane brought out his acclaimed biography of Thomas Paine in 1995, and for almost a century before – since, that is, the publication of Moncure Daniel Conway's pioneering two-volume biography of Paine in 1902 – it was assumed that the author of *Common Sense* and *Rights of Man* had nobly tackled the cause of black slaves in America only months after he arrived there with Benjamin Franklin's letter of recommendation in his pocket. Until recently de-attributed by Hazel Burgess (and, following her, by Jonathan Clark),<sup>2</sup> it had been assumed that a piece entitled 'African Slavery

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<sup>2</sup> Hazel Burgess, *Thomas Paine: A Collection of Unknown Writings* (Houndmills, 2010);



in America' by an author signing himself 'Justice and Humanity', which appeared in William Bradford's *Pennsylvania Journal* for 8 March 1775, was by Paine. But had it been by Paine, it would surely have gone into Robert Aitken's rival journal, the *Pennsylvania Magazine*, to which by its March number Paine had begun to contribute anonymously, even though the nature of his short-lived role in the editorial direction of the venture remains conjectural (see Chapter 8).

Clark points out that, though omitted by Foner in his *Complete Writings of Thomas Paine* (CWTP, 1945), the author's salutation to the article is included in Conway's *The Writings of Thomas Paine* (WTP, 1894–6). This is addressed to the editor of the *Journal* (Bradford), inviting him to accept the piece for publication, and the note is signed with the initials 'A. B.' Instead of taking this as a further *nom de plume* for Paine – he used many throughout his career – it is now generally accepted that the anonymous author is Anthony Benezet, a well-known early American abolitionist. In 1762 Benezet had published *A Short Account of that Part of Africa, inhabited by the Negroes*, a work that acknowledges in its title two 'Scottish' authors he credits as having opposed the slave trade, Professor Francis Hutcheson of the University of Glasgow, and the advocate and jurist, George Wallace. Benezet was a Quaker, the Christian sect to which Paine had belonged growing up in Thetford. We will return to Benezet later in this chapter.

The de-attribution of 'African Slavery in America' is used by Clark in his *catalogue raisonné* of Paine's works to press the view (originally put forward by James V. Lynch in a journal article of 1999) that, in fact, Paine had surprising little to say, throughout his writings, either on slavery or the slave trade, least of all on the abolition of either. To his credit, however, Paine did utter the memorable phrase cited in the epigraph to this chapter: *Forget not the hapless African.* In Lynch's words, Paine 'never actually witnessed the mass of human property toiling south of Delaware.'<sup>3</sup> A further but shorter piece on the slave trade, under the heading 'A Serious Thought', published in the *Pennsylvania Journal* on 18 October in the same year and signed 'Humanus', was taken by both Conway and Foner to be by Paine but it has now similarly been de-attributed by Clark on grounds of content, style and punctuation.

In a long letter he wrote to Jefferson in January 1805, Paine conveys a mixed message of his views on the slave trade and its consequences for

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J. C. D. Clark, *Thomas Paine* (Oxford, 2018), Appendix, 'Paine de-attributions', 420.

<sup>3</sup> James V. Lynch, 'The Limits of Revolutionary Radicalism: Tom Paine and Slavery', *Pennsylvania Magazine of History and Biography*, 123 (1999), 177–99.

America. He first of all adumbrates on the problem of how best to settle the Louisiana Territory purchased from France two years earlier, following Napoleon's failure to quell the second slave revolt in Haiti (St. Domingo). (The so-called 'Louisiana Purchase' had more than doubled the land-mass of the United States.) 'The people of the Eastern States are the best settlers of a New Country', and 'of people from abroad', Paine suggests to Jefferson, 'the German peasantry are the best': 'these would be the best people, of foreigners, to bring into Louisiana, because they would grow to be Citizens'.<sup>4</sup> On the other hand, there are two reasons, Paine thinks, for not diverting black Africans into working the Territory as slaves – one moral, the other economic:

Whereas bringing poor Negroes to work the lands in a state of slavery and wretchedness, is, besides the immorality of it, the certain way of preventing population and consequently of preventing revenue. I question if the revenue arising from ten Negroes in the consumption of imported articles is equal to that of one white citizen.

Later in the same letter Paine returns to the issue of the contemporary 'triangular' slave trade, having conversed with a New York captain of 'a vessel who was lately at New Orleans', and he remarks:

I find by the Captain above Mentioned that several Liverpool Ships have been at New Orleans. It is chiefly the people of Liverpool that employ themselves in the slave trade and they bring Cargoes of those unfortunate Negroes to take back in return the hard Money and the produce of the Country. Had I the command of the elements I would blast Liverpool with fire and brimstone. It is the Sodom and Gomorrah [sic] of brutality.<sup>5</sup>

In these circumstances, the only possible conclusion to draw is that,

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<sup>4</sup> Paine advises Jefferson that 'the Irish in general' are not to be thought of as potential settlers in Louisiana on account of their being 'generous and dissolute', while 'the Scotch turn their attention to traffic [trade], and the English to manufactures.' 'These people', Paine insists, 'are more fitted to live in Cities than to be cultivators of new lands.'

<sup>5</sup> Thomas Paine to Thomas Jefferson, 25 January 1805, *Founders Online*, National Archives (accessed July 2019). Original source: Early Access document from *The Papers of Thomas Jefferson*: Retirement Series.

however much sympathy he affected for their plight, Paine was not prepared to extend the rights of man, absolutely and unconditionally, to non-European Americans who had been settled in the United States against their wishes and, with their families, subsisted there in a state of bondage. Ironically, much the same could be said of Paine's apparent attitude towards 'Indians' – the original native Americans whom the British had sought to recruit to fight against the rebelling colonists and whose readiness to be so employed Paine never allowed himself to forget. The question must be asked: 'Was Paine, accordingly, a racist?' Sadly, at least in modern terminology, the answer has to be: *Probably.*'

*Classical and early Enlightenment voices on Slavery*

In the ancient world slavery was justified as the product of war and the outcome of conquest. Slaves were not just tolerated; they were necessary to meet the provision of a range of defined services to which their masters and their families felt wholly entitled in their position as owner-employers. In the *Republic*, for example, when he begins his narrative on justice and its place in the state and the individual, Plato deliberately ignores any conception, however theoretical, of slaves existing in the lowest ranks of his (largely theoretical) fundamental society, aware that in Athens although they made up more than a third of the population they were not *citizens* and so formed no part of the state.<sup>6</sup> Plato's remarks on the subject will be familiar to students of the early American republic where precisely the same dilemma presented itself to the architects of the constitution, including, most keenly, the 'Federalists', Madison, Hamilton and Jay. Where Plato is at least clear on his envisaged role for slaves as part and parcel of the luxurious state he proceeds to define and describe, Aristotle, on the other hand, presents a far from straightforward picture of how he regards the master-slave relationship. His ambiguities on the subject are legendary. Whole books continue to be written on how Aristotle regarded slaves and slavery, but they could all be said to boil down to the extent to which he defended the morality of the issue – and, more commonly these days, how in some cases his more extreme views in the *Politics* were taken up and cited, often in grossly over-simplified form, by Southern anti-abolitionists in ante-bellum (pre-Civil War) America.<sup>7</sup>

<sup>6</sup> F. M. Cornford (ed.), *The Republic of Plato* (1941; Oxford, 1961), 52–3.

<sup>7</sup> For the most convincing explanations of how ancient classical voices on slavery were hijacked by extremists in ante-bellum America see Edith Hall, Richard Alston, and Justine McConnell (eds.), *Ancient Slavery and Abolition From Hobbes to Hollywood*

Driven not by war but by the price-revolution of early modern Europe and the opportunities for wealth creation presented by international trade and commercial mercantilism, such classical ideas on slavery were wholly supplanted in the sixteenth and seventeenth centuries by an entirely different set of moral imperatives. These new ideas brought their own challenges to the traditional custodians of human virtue and ethical behaviour. No one has put this better than Richard Tawney in his classic study, *Religion and the Rise of Capitalism* (1936).<sup>8</sup> Tawney sees it all through the viewpoint of a concomitant growth of 'individualism'. The tensions now, he explains, were between the expression of public and private morality. He instances the thought of Machiavelli who argued that 'there is a rule for business and another for private life', and thus opened the door 'to an orgy of unscrupulousness before which the mind recoils'. To argue that there is no difference at all, insists Tawney, is 'to lay down a principle which few men who have faced the difficulty in practice will be prepared to endorse as of invariable application, and incidentally to expose the idea of morality itself to discredit by subjecting it to an almost intolerable strain.' 'With the expansion of finance and international trade in the sixteenth century, it was this problem', Tawney avers, 'which faced the Church'. And the nature of the problem? –

Granted that I should love my neighbour as myself, the questions which, under modern conditions of large-scale organization, remain for solution are, Who precisely *is* my neighbour? and, How exactly am I to make my love for him effective in practice? To these questions the conventional religious teaching supplied no answer, for it had not even realized that they could be put.

Tawney proceeds to translate his message on to the canvas of imperialism and the modern notion of a *trade* in slaves:

Faced with the problems of a wage-earning proletariat, it [the Church] could do no more than repeat, with meaningless iteration, its traditional lore as to the duties of master to servant and servant to master.

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(Oxford, 2011), especially 1–40, and 247–77.

<sup>8</sup> In the preface to the revised 1936 edition, however, Tawney acknowledges that his views on the subject had by then been further advanced by the great German scholar, Max Weber (1864–1920), in the first volume of his *Gesammelte Aufsätze zur Religionssoziologie* (3 vols, Tübingen, 1922).

It had insisted that all men were brethren. But it did not occur to it to point out that, as a result of the new economic imperialism which was beginning to develop in the seventeenth century, the brethren of the English merchant were the Africans whom he kidnapped for slavery in America.<sup>9</sup>

The immediate target of Tawney's cynicism is, of course, 'the Church', by which he means the Church of Rome and her upstart of an estranged daughter, the Church of England. He might equally well have extended his contempt to the frequently inadequate conclusions of the moral philosophers in those pre-Enlightened times. Perhaps a shade simplistically to modern tastes, Tawney sees the philosophy of Locke, for example, as principally obsessed with property rights; these extended mainly, though not exclusively, to 'the higher orders of men' who held them like they held stock in a company, but this time it was 'the tangible, material "stock" of society'. 'Those who do not subscribe to the company have no legal claim to a share in the profits, though they have a moral claim on the charity of their superiors.' According to Tawney, correspondingly, the master-servant relationship had thereby evolved into a vision of society that perceived the more general corollary of that relationship in the bleakest of terms of 'the rich' and 'the poor'. And further, for Tawney, the most awful consequence was the belief that would become paramount that 'to make society happy, it is necessary that great numbers should be wretched as well as poor'. (He is quoting from Mandeville's *The Fable of the Bees*, first published in 1714).

In the period that characterised the Scottish 'pre-Enlightenment' (if the term may be excused) one man, Gershom Carmichael – London-born, though of Scots parentage and first occupant of the chair of moral philosophy at Glasgow – led the way in instilling in his students the writings of John Locke, Hugo Grotius and Samuel Pufendorf, the acknowledged authorities of their age on natural law. Within defined limits, these men taught that there was much more to human existence than servile obedience to one's master; and that people were entitled to their natural rights almost regardless of their station in life. They further subscribed to the view, but again strictly within defined limits, that governments had their origin in the 'consent, express or tacit, of the people'. What makes Carmichael's idea of justice especially

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<sup>9</sup> R. H. Tawney, *Religion and the Rise of Capitalism: An Historical Study (Holland Memorial Lectures, 1922)* (1926; London, 1960), 184–5. Published also in Pelican Books in 1938, 187–8.

interesting is that he recognised, 'more unequivocally than Locke had ever done', that no man has the right to enslave another:

If a man should be enslaved as a punishment or because the rights of another require it, this does not mean that he has fallen from the class of person into the class of things. There is to be sure a common right to punish criminals ... But a man is never to be considered among the goods of his creditor, whatever thing or service he may owe him or a criminal may owe society. For men are not among the objects over which God has allowed the human race to enjoy dominion. Indeed, it seems absurd [citing Justinian] that *man should be classed among things, since nature has supplied all things for the sake of man*. . . .

I have treated the matter of these last three sections at some length because this usurped right of *owning* slaves like cattle, as it existed among the ancients, is exercised today by men who profess to be Christians, to the great shame of that holy name, with greater tyranny perhaps than it was by the ancient pagans. It is not practised to be sure *by Christians among themselves* nor do we find it *in most parts of Europe*, but we do find it in other parts of the world. I am deeply convinced that its existence, to use the apt expression of Titius, is *a sure sign of the death of sociability*.<sup>10</sup>

It would be wrong, however, to construe from his 'forceful denunciation' of slavery on grounds of natural law that Carmichael was ahead of his time in believing that the act of owning slaves was technically (*i.e.* criminally) illegal in absolute terms. Unoriginally, and certainly not without controversy, he regarded the right to the services of a slave as an 'alienable' [transferable] right. It would be fair to claim that Carmichael was a harbinger, but not yet an apostle of Enlightenment ideas. His modern editors put it quite reasonably, when they see him verging 'on the threshold of the Scottish Enlightenment'. Shrewdly, they point out that in notes added to the fifth (London) edition (1749) of Pufendorf's great treatise, [*Of*] *The Law of Nature and Nations*, the jurist and *philosophe*, Jean Barbeyrac, defended the right of masters to arrange

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<sup>10</sup> Gershom Carmichael, *Supplements and Observations Upon the Two Books of Samuel Pufendorf's On the Duty of Man and Citizen according to the Law of Nature* (2nd edition, Edinburgh, 1724); Liberty Fund edition published as James Moore and Michael Silverthorne (eds.), *Natural Rights on the Threshold of the Scottish Enlightenment: The Writings of Gershom Carmichael* (Indianapolis, 2002), 140, 144–5.

for the children of a 'mother-slave' to endure 'the same servitude into which she is fallen', and in that regard according to Barbeyrac took serious issue with 'Mr. Carmichael'.<sup>11</sup>

### *Slavery and the Scottish Enlightenment*

Though always regarded as an early exponent of Enlightenment ideas, Francis Hutcheson, Carmichael's successor in the chair of moral philosophy at Glasgow, similarly cannot quite bring himself to condemn slavery in all its manifestations, although the vocabulary he uses to express his views on the subject is perhaps more robust than was the norm in his day. Having conceded that a master may transfer to another owner a slave whose life has been spared for the commission of a serious crime, Hutcheson muses on the nature of slavery and, following Carmichael, insists in his *Short Introduction to Moral Philosophy* (1747) that: 'No cause whatsoever can degrade a rational creature from the class of men into that of brutes or inanimate things, so as to become wholly the property of another, without any rights of his own.'<sup>12</sup>

In the posthumously published two-volume *System of Moral Philosophy* (1755), Hutcheson deals at greater length with the dilemmas posed by the slavery problem within the framework of the master-servant antithesis. Employing the terminology of Hobbes and Pufendorf, he devotes a chapter to 'natural equality', which he treats as belonging to the 'private rights of men'. Hutcheson finds no comfort in the classical stance on slave-owning and is particularly hard on Aristotle who, he implies, prevaricated on the problem of entitlement to slave ownership. Citing the *Politics* he comments: 'The power of education is surprizing! This author in these justly admired books of politicks is a zealous asserter of liberty, and has seen the finest and most humane reasons for all the more equitable plans of civil power.'<sup>13</sup> Yet,

<sup>11</sup> See Samuel Pufendorf, *The Law of Nature and Nations: or, A General System of the most Important Principles of Morality, Jurisprudence, and Politics. In Eight Books . . . To which is prefix'd M. Barbeyrac's Prefatory Discourse, containing An Historical and Critical Account of the Science of Morality, and the Progress it has made in the World, from the earliest Times down to the Publication of this Work . . . The Fifth Edition, carefully Corrected* [known as the Carew-Kennett translation] (London, various publishers, 1749), Book VI, Chap. III, IX, 'Of despotical Power, or the Authority of the Master over his Servant', 617, notes 1–5. See Moore and Silverthorne (eds.), *The Writings of Gershom Carmichael*, 144, note 9.

<sup>12</sup> Francis Hutcheson, *A Short Introduction to Moral Philosophy*, Luigi Turco (ed.) (1747; Indianapolis, 2007), 231. Philip Gaskell *A Bibliography of the Foulis Press* (London, 1964), 85, 114,

<sup>13</sup> Francis Hutcheson, *A System of Moral Philosophy in Three Books . . . Volume I* (Glasgow, 1755), Book II, Chapter 5, §III, 301. Gaskell, *Bibliography of the Foulis Press*, 297, 199.

for all that, says Hutcheson, Aristotle can write that ‘some men are naturally slaves, of low genius but great bodily strength for labour: and others by nature masters of finer and wiser spirits, but weaker bodies. . . . That the inhabitants of certain countries, particularly Greece, are universally of finer spirits, and destined to command; and that the rest of the world are fitted for slavery.’<sup>14</sup> Elsewhere in the *System*, providing a fuller statement (than in the *Short Introduction*) of his version of the master-servant relationship, Hutcheson appears to condemn the forcible enslavement of men: ‘The slave sold or carried into a distant country must not be obliged to prove a negative, that “he never forfeited his liberty.”’

But, typically for his times, Hutcheson is careful to draw back from declaring an outright condemnation of slavery and slave-keeping. On the one hand, that is, he states that ‘the detaining of captives, especially women and children, in perpetual slavery, must be most unjust and inhuman’; yet, on the other, he can regard one ‘sort of slavery’ – in circumstances where, for example, there may exist a ‘just foundation’ for imposing ‘perpetual servitude’ – as a ‘proper punishment’ in the case of some crimes against humanity. As a concession, he suggests that a trial could be made of ‘the Jewish custom of servitude for seven years’, ‘and then they might be allowed their liberty’. His words recall John Witherspoon’s aside in his *Lectures on Moral Philosophy* where the former Kirk minister wistfully admits to a personal preference for a restitution of the *lex talionis* to fit modern circumstances. And Hutcheson adds: ‘It might also be a more useful punishment for many other crimes than those commonly appointed.’<sup>15</sup> Yet, notwithstanding all the usual caveats about Hutcheson’s essentially tentative approach to slavery, we ought not to forget that the American Quaker abolitionist, Anthony Benezet, brackets his name, together with that of the Scottish advocate George Wallace [he calls him ‘Wallis’],<sup>16</sup> in the title of his influential pamphlet *A Short Account of that Part of Africa, inhabited by the Negroes* (1762; reprinted in London, 1768) as among the ‘persons of note’, whose writings displayed the ‘Iniquity of that Trade, and the Falsity of the Arguments usually advanced in its Vindication.’<sup>17</sup>

<sup>14</sup> Hutcheson, *A System of Moral Philosophy*, 301.

<sup>15</sup> Hutcheson, *System*, v. II, Book III, Chap. 3, 202. For the Witherspoon reference, see Ronald Lyndsay Crawford, *The Lost World of John Witherspoon: Unravelling the Snodgrass Affair, 1762 to 1776* (Aberdeen, 2014), 322.

<sup>16</sup> See Appendix A, pp. 472–3.

<sup>17</sup> The first edition (Philadelphia, 1762) has fifty-six pages and does not include, either in the title or the content, any reference to Hutcheson. The second edition, ‘with large Additions and Amendments’ (Philadelphia, 1762) has eighty pages and is the



In the present age it is apparent that historians approach the idea of liberty as it was understood in the eighteenth century with hesitation, tinged with an awareness that paradox lies heavy in the air. They are right to do so. We now recognise that many of the great parallel themes commonly found in eighteenth-century philosophical and legal 'systems' often collide, one with the other, and were interpreted and taught by a mix of moral philosophers and jurists, though in different ways and with different emphases. Thus, the multi-nuanced liberty *motif*, and its first cousins – equality, freedom (not necessarily a synonym for liberty), emancipation and its more technical legal relation, manumission – go on recurring throughout many of the works of the great moral, juridical and political philosophers of the European Enlightenment. Some of these writings influenced actual historical events, among them most profoundly the American and French revolutions, and are frequently cited by many of their participants whose own insights such authors are said to have inspired. But it is also true that, conterminously, moral imperatives stimulated and lay behind momentous parallel developments, including most notably of all the eventual abolition of the African slave trade in Britain and her overseas colonies. In other words, one man's moral thoughts on slavery tend to emerge and evolve out of another man's epistemological and/or legal focus on the various issues at stake in the master-servant antithesis, the continuity of which engaged thinkers from Aristotle to Hume and Rousseau to the present day.

A besetting difficulty, however, is that some at least of the Enlightenment writers who engaged in the theory of slavery were rarely consistent in the practical application of their views to the contemporary situation. That assuredly was not the case, however, with John Millar of Glasgow, who as a civil lawyer never minced his words on the subject. Millar begins the final section of the last chapter of his *Origin of the Distinction of Ranks* by equating humanity's progress with modern ideas of liberty:

In the history of mankind, there is no revolution of greater importance to the happiness of society than this which we have now had

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first to make mention of Hutcheson alongside Wallace in the title, and to include a long quotation from the *System* (on 211). The so-called 'Third Edition' of 1768 is merely a reprint of the Philadelphia second edition (London, 1768). Benezet further cites both Hutcheson and Wallace in his *A Caution and Warning to Great Britain and her Colonies, in a Short Representation of the Calamitous State of the Enslaved Negroes in the British Dominions* (Philadelphia, 1766); reprinted (Philadelphia, 1767); also ('Philadelphia printed: London reprinted', 1767).

occasion to contemplate. The laws and customs of the modern European nations have carried the advantages of liberty to a height which was never known in any other age or country. In the ancient states, so celebrated upon account of their free government, the bulk of their mechanics and labouring people were denied the common privileges of men, and treated upon the footing of inferiour animals.<sup>18</sup>

Few Enlightenment authors who deal with the issue are so outspoken in their views on slavery in their own time as John Millar, nor were they always, it must be said, wholly seized by the subject in the first place. When, for example, Montesquieu grapples with the issue, he is accused (by Jean de Pechméja) of having condemned slavery ‘only tentatively’, and of being ‘incapable of dealing with the question in a sufficiently earnest manner’.<sup>19</sup> Similarly, Adam Ferguson, a great admirer of Montesquieu and said to have been ‘deeply influenced’ by him, is, one senses, never quite at home with the notion of equality, and seems content to defend rank and aristocracy on the grounds of his belief in a foreordained harmonious order in human affairs.

Such views on equality were totally at odds with those of Rousseau, d’Holbach and Helvétius. Whether, on the other hand, Jonathan Israel is right on that basis to go so far as to consign ‘the Scots’ (he presumably means the major figures of the Scottish Enlightenment) to subscribing to an ‘entirely different’ perception of equality is arguable. Using Hume as his touchstone, Israel controversially points out that: ‘Feudalism and slavery may have been discredited for the most part, but [the] Scots Enlightenment did much to erect potent new hierarchies based on stages of development, sentiment, cultural properties, as well as tentative racial theories.’<sup>20</sup> Israel goes on to explain that in response to criticism, Hume later (in the 1777 edition of the essay ‘On National Characters’) ‘softened’ his comments on race in the original 1753 version, omitting what he had said earlier about different races being ‘naturally inferior to the whites’, and deleting the section beginning ‘there scarcely ever was a civilized nation of any other complexion than white’. According to Israel, however, Hume never recanted sufficiently. His revisions ‘merely confirm his belief in the reality of racial hierarchy and the innate inferiority of blacks.’ Moreover, in 1777, Hume had notoriously retained his whimsical

<sup>18</sup> John Millar, *The Origin of the Distinction of Ranks* (3<sup>rd</sup> edition, London, 1781), 344.

<sup>19</sup> Jonathan Israel, *Democratic Enlightenment: Philosophy, Revolution, and Human Rights 1750–1790* (Oxford, 2011), 423–4.

<sup>20</sup> *Ibid.*, 256.

remark that in Jamaica ‘they talk of one negroe as a man of parts and learning, but it is likely he is admired for slender accomplishments, like a parrot, who speaks a few words plainly.’<sup>21</sup>

The same problem that Francis Hutcheson had grappled with – interpreting, that is, how slavery was regarded and practised in the ancient world, only this time articulated from the highly specialised point of view of its impact on population growth or decline – came to the fore in the well-known ‘polite’ literary dispute between David Hume and the polymath Church of Scotland minister of West St Giles, Edinburgh and ‘early Moderate’, the Reverend Robert Wallace.<sup>22</sup> One of the truly outstanding minds to have guided the Kirk with care and judgment through the challenge of patronage in the 1740s and 1750s, it was said of Wallace that ‘so well did he discharge this duty that no instance occurred in which there was not a harmonious settlement.’<sup>23</sup> Robert Wallace was the father of the advocate, George Wallace, author of the *System of the Principles of the Law of Scotland* (1760), the work that, as we have seen, had so impressed the American Quaker abolitionist, Anthony Benezet, that he cited large swathes from it in some of his most influential anti-slavery pamphlets, including *Some Historical Account of Guinea*

<sup>21</sup> Ibid., 256. At least Israel stops short of citing from the same essay the following tasteless gibe of Hume’s relating to black Africans, viz: ‘You may obtain any thing of the Negroes by offering them strong drink, and may easily prevail with them to sell, not only their children, but their wives and mistresses, for a cask of brandy.’ Stephen Copley and Andrew Edgar (eds.), *David Hume: Selected Essays* (Oxford, 1993), [based on the 1777 London edition of David Hume, *Essays: Moral, Political, and Literary*, 124–5.

<sup>22</sup> Robert Wallace (1697–1771) was minister of New Greyfriars from 1733 until his translation to the New North Church (within St Giles’s, sometimes known as West St Giles) in 1738. He served as Moderator of the General Assembly in 1743 and for a time successfully steered a middle course between the Popular party of evangelical ministers and the Moderates. Wallace is especially known for his interests in pre-Malthusian population studies and for his facility in working out actuarial calculations of life expectancy, on the basis of which he and Alexander Webster, minister of the Tolbooth Church, successfully constructed the ‘Widows Fund’, an insurance scheme to provide for the widows and orphans of ministers of the Church of Scotland. His youngest son, the advocate George Wallace (1730–1805) (see notes 17 above and 52 below), published a memoir of his father in the *Scots Magazine*, 33 (July 1771), 340–4. Of special interest to this study is that one of the earliest and greatest of the English abolitionists, Granville Sharp, knew Wallace’s *Dissertation* and cites from it (not always approvingly) in Granville Sharp, *Representation of the Injustice and Dangerous Tendency of Tolerating Slavery* (London, 1769), calling Wallace ‘a very learned and respectable author’: 94–8, 101. See Appendix A.

<sup>23</sup> Hew Scott, *Fasti Ecclesiae Scotticae* (8 vols, Edinburgh, 1915), I, 144.

(1761), *A Short Account of that Part of Africa, inhabited by the Negroes* (1762), and *A Caution to Great Britain* (1766).<sup>24</sup>

Hume's essay 'On the Populousness of Ancient Nations', first published in his *Political Discourses* (1752), led to a verbal, but always good-mannered and restrained scholarly disagreement with the Reverend Robert Wallace on the issue of the populations of ancient civilizations, and the extent to which slavery may have been responsible for explaining the disparity between relative population statistics in ancient and modern times. Wallace's capacious *Dissertation* on the subject came out in 1753,<sup>25</sup> and was based on an earlier paper of his (of which Hume had certainly been aware), possibly going as far back as 1745 or 1746, originally read to the Philosophical Society of Edinburgh (the precursor of the Royal Society of Edinburgh). Then, and again lately in opposition to Hume, Wallace (on occasion citing Montesquieu to support his theory) resolutely backed the line that cities in the classical period had been more populous than they were in modern times and that this was confirmed by the modern practice of trafficking in slaves in the American colonies where the preference is, he maintains, for recruiting 'home-bred slaves', instead of resorting to 'buying directly from *Africa*'. Hume, on the other hand, had provoked Wallace's response by taking the line – according to his biographer, Ernest Mossner, 'the first to do so' – that the superior populousness of the modern world over the ancient world helped explain the fact that

It is computed in the West Indies, that a stock of slaves grow worse five *per cent* every year, unless new slaves be bought to recruit [= 'replenish'] them. They are not able to keep up their number, even in those warm countries, where clothes and provisions are so easily got. How much more must this happen in European countries, and in or near great cities? I shall add, that, from the experience of our planters, slavery is as little advantageous to the master as to the slave, wherever hired servants can be procured. A man is obliged to clothe and feed his slave; and he does no more for his servant. The price of the first purchase is, therefore, so much loss to him; not to mention, that the

<sup>24</sup> For more on Benezet see Appendix A.

<sup>25</sup> Robert Wallace, *A Dissertation on the Numbers of Mankind in antient and modern Times . . . with an Appendix, Containing Additional Observations on the same Subject, and Some Remarks on Mr Hume's Political Discourse, Of the Populousness of antient [sic] Nations* (Edinburgh, 1753).

fear of punishment will never draw so much labour from a slave, as the dread of being turned off and not getting another service, will from a freeman.<sup>26</sup>

What is the modern reader to make of all this? Mossner saw the intellectual exchange between Hume and Wallace as 'integral to the Enlightenment'.<sup>27</sup> We might take a different view today, however, perhaps lamenting the fact that two enlightened minds chose to discuss population statistics in a sterile, orotund kind of way, while only at the margins of their arguments focusing on the great ethical issues at the heart of the debate. Yet we would be seriously wrong to think that Hume, who made the Scottish Enlightenment possible, was dismissive of the problem of modern slavery. Allowing for the almost complete absence of hard facts relating to the trafficking of slaves at the time he wrote, Hume could still hit out at the cruelty and hypocrisy of it all, while never for a moment allowing himself to be deflected from his normally cool, detached style of language which was his hallmark:

The chief difference between the *domestic* economy of the ancients and that of the moderns, consists in the practice of slavery, which prevailed among the former, and which has been abolished for some centuries throughout the greater part of Europe. Some passionate admirers of the ancients, and zealous partisans of civil liberty . . . cannot forbear regretting the loss of the institution; and while they brand all submission to the government of a single person with the harsh denomination of slavery, they would gladly reduce the greater part of mankind to real slavery and subjection. . . . As much as submission to a petty prince, whose dominions extend not beyond a single city, is more grievous than obedience to a great monarch; so much is domestic slavery more cruel and oppressive than any civil subjection whatsoever. The more the master is removed from us in place and rank, the greater liberty we enjoy, the less are our actions inspected and controlled, and the fainter that cruel comparison becomes between our own subjection, and the freedom, and even dominion of another. The

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<sup>26</sup> David Hume, Essay XI, 'Of the Populousness of Antient Nations' in David Hume, *Essays and Treatises on Several Subjects* (2 vols, London, 1777), the text used for most modern editions including Stephen Copley and Andrew Edgar (eds.) *David Hume: Selected Essays*, 'Original Notes and Variants', 369, note 231.

<sup>27</sup> E. C. Mossner, *The Life of David Hume* (2<sup>nd</sup> edition, Oxford, 1980), 264.

remains which are found of domestic slavery, in the AMERICAN colonies, and among some EUROPEAN nations, would never surely create a desire of rendering it more universal.<sup>28</sup>

His remarks are as far as Hume would go concerning the issue. Copies of both works were later sent to Montesquieu by the 14th Earl of Morton, in his capacity as a member of the Philosophical Society of Edinburgh, and a false rumour got abroad that he had done so in order that the Frenchman might arbitrate in the dispute. Although he denied this, Montesquieu supervised the translation of both works into French. In *Les Confessions* Rousseau, too, acknowledged the spirit of the debate, 'praising Hume in particular for having helped edit Wallace's text.'<sup>29</sup>

It was a different story entirely so far as Adam Smith's contribution to the slavery debate was concerned. If we imagined that Smith was solely interested in the economic implications of slavery, to the exclusion of the great ethical challenges it presented, we would be seriously wrong. At the same time, it is certainly true that no Scottish Enlightenment writer engaging in the subject has attracted quite so much by way of conflicting scholarly opinion than Smith. For Alexander Broadie, for example, there are, quite simply, no doubts: 'Some of Smith's most powerful words deal with this [slavery] issue,' and Broadie cites the following in support of his contention:

There is not a negro from the coast of Africa who does not . . . possess a degree of magnanimity which the soul of his sordid master is [too often] scarce capable of conceiving. Fortune never exerted more cruelly her empire over mankind, than when she subjected those nations of heroes to the refuse of the jails of Europe, to wretches who possess the virtues neither of the country which they come from, nor of those which they go to, and whose levity, brutality, and baseness, so justly expose them to the contempt of the vanquished.<sup>30</sup>

<sup>28</sup> Copley and Edgar (eds.), *David Hume: Selected Essays*, 226–7.

<sup>29</sup> B. Barnett Cochran, 'Robert Wallace' in *Oxford DNB* (accessed 12 July 2019).

<sup>30</sup> Adam Smith, *The Theory of Moral Sentiments* (London, 1759). See also the Penguin Classics edition: Ryan Patrick Hanley (ed.) (London, 2009), 241–2. The quotation is not found in the first edition, but only from the second edition on; words in square brackets omitted from second edition. As cited in Benjamin Rush, *Vindication of the Address, To the Inhabitants of the British Settlements, on the Slavery of the Negroes in America . . . By a Pennsylvanian* (Philadelphia, 1773), 17. [See Appendix A under section entitled 'Benjamin Rush's 'Address' and the anonymous 'American Husbandry'.] Cited also in Alexander Broadie, *The Scottish Enlightenment: The Historical Age of the Historical Nation*

But as we saw in Chapter 2, despite the claim of Dugald Stewart that Smith espoused ‘liberal principles’, Jonathan Israel will have none of it, asserting that even if Stewart was technically correct, where Smith is concerned his censure of slavery was always going to be more apparent than real. Israel contends that ‘while it may be true that Smith regarded slavery with moral distaste, it is far from evident that his “abolitionist credentials”, as had been claimed (by Broadie), were “impeccable”’.<sup>31</sup> In general, Israel concludes, [Smith] offers no real moral objection to the continued use of slavery in the sugar and tobacco colonies where at the time their use seemed the only practicable option. His argument against slavery, such as it is, mainly pivots on the economic inefficiency of the institution.<sup>32</sup>

While Broadie bases his judgment on Smith’s early work, the *Theory of Moral Sentiments* – the first edition was published by Andrew Millar in 1759, but a posthumous eighth edition, in two volumes, was issued as late as 1797 by Strahan and Cadell junior – it is certainly true that either Smith seems to have been largely unaware of their existence (which seems unlikely), or to have closed his mind and eye to the worst excesses of the slave trade and to the ghastly practice of trafficking in slaves. In the *Lectures on Jurisprudence*, for example, he instructs his students that ‘slaves may be acquired [in] five different ways’ – captives in war, children who are born to slaves, criminals who were enslaved as a result of certain crimes, debtors who were made slaves, and ‘a sort of voluntary slavery’, when, he explains, indigent folk sold their services to another person in order to discharge those debts. No mention here of men, women and children having been bought and sold as slaves for enforced service to plantation masters in America or the West Indies. Yet elsewhere in the same work Smith shows that he is well aware of the use and employment of slave labour by white planters in the plantations. There, he concludes that ‘it is not likely that slavery should be ever abolished’; and that the ‘love of domination and authority and the pleasure men take in having every thing done by their express orders, rather than to condescend to bargain and treat with those whom they look upon as their inferiors and are inclined to use in a haughty way . . . will make it impossible for the slaves in a free country ever to recover their liberty.’<sup>33</sup>

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(Edinburgh, 2001), 96.

<sup>31</sup> Broadie, *The Scottish Enlightenment*, 96.

<sup>32</sup> Israel, *The Democratic Enlightenment*, 240.

<sup>33</sup> Adam Smith, *Lectures on Jurisprudence*, R. L. Meek, D. D. Raphael and P. G. Stein (eds.) (1978; Indianapolis, 1982), 186, 455.

When we approach the Adam Smith of the Age of Paine – in his *chef d'oeuvre*, the *Wealth of Nations* (1776) – it is all the more disappointing to discover essentially more of the same where slavery is concerned. Promisingly, in Book III, 'Of the Different Progress of Opulence in different Nations', Smith writes with an informed knowledge of the economics of tobacco and sugar cultivation which he proceeds to relate against the background of a real incident that had lately occurred, viz. when Pennsylvanian tobacco farmers had succumbed to Quaker abolitionism and had agreed to manumit their black slaves:

The late resolution of the Quakers in Pennsylvania to set at liberty all their Negro slaves [this happened and was in place by 1776], may satisfy us that their number cannot be very great. Had they made any considerable part of their property, such a resolution could never have been agreed to. In our sugar colonies, on the contrary, the whole work is done by slaves, and in our tobacco colonies a very great part of it. The profits of a sugar-plantation in any of our West Indian colonies are generally much greater than those of any other cultivation that is known either in Europe or in America; and the profits of a tobacco plantation though inferior to those of sugar, are superior to those of corn. ... Both can afford the expense of slave-cultivation, but sugar can afford it still better than tobacco. The number of Negroes accordingly is much greater, in proportion to that of whites, in our sugar than in our tobacco colonies.<sup>34</sup>

But Smith refrains from any ethical comment on the move whatsoever, merely viewing it as consistent with his own perceived economic analysis of the situation then prevailing in the American tobacco-growing industry: viz. that the Quakers had manumitted their slaves 'because it did not pay to keep them'.<sup>35</sup> He is silent on the fact that that is not at all how Benezet and his fellow Quakers might have viewed it at the time in downtown Philadelphia.

Adam Smith's acutely pessimistic view of the chances of an outright abolition of slavery becoming a reality – not just of a permanent cessation of

<sup>34</sup> Adam Smith, *The Wealth of Nations Books I–III*, Andrew Skinner (ed.) (London, 1999), 489. The text is based on the fifth edition of 1789. This is the passage cited by Jonathan Israel against the view of Broadie that Smith's 'abolitionist credentials' were 'impeccable'. See Israel, *Democratic Enlightenment*, 240.

<sup>35</sup> Edward Raymond Turner, 'The Abolition of Slavery in Pennsylvania', *The Pennsylvania Magazine of History and Biography*, 36 (1912), 135–6.



trafficking – was not shared by his favourite pupil at Glasgow, John Millar. More than once in this study it is urged that Millar, an academic civil lawyer and essentially a ‘rights theorist’, should be recognised (not the least by his own university) as unique among Scottish Enlightenment writers on the subject, on the grounds that he did not stop at theorising on slavery, and not only actively campaigned for its abolition, but further, (unlike Smith) entertained the optimistic belief that such aspirations must one day become a reality.



**12** John Millar of Glasgow  
(medallion by James Tassie).  
(National Galleries of Scotland)

Like so many other writers on slavery before him, Millar, too, favoured the imagery and analogy of cattle to depict slaves who were reckoned by their owners merely as calculable organic items of property. As we shall see, however, what sets him apart from the rest, is that when he does so Millar is effectively quoting from books he had read where the portrayal of the relationship of slaves to cattle is distinctly unmetaphorical, but rather literally (and statistically) meaningful as entries in an accounts ledger. Millar’s innate humanity even allows him to joke about it, although he would assuredly have denied there was anything funny in his wry observation that: ‘It is impossible even to multiply cattle beyond a certain extent, without having previously enriched the pastures upon which they are fed.’ Then, in a clear reference to the Robert Wallace-David Hume debate, all traces of humour vanish and he grimly notes: ‘Some persons have imagined that slavery is conducive to population, on account of the frugality with which the slaves are usually

maintained, and on account of the attention which is given by the master to their multiplication.<sup>36</sup>

It has taken much too long to recognise that John Millar is virtually alone among writers of the Scottish Enlightenment in treating the slavery issue not simply as a hang-over from classical times, but potentially as a contemporary international scandal on an almost unparalleled scale.<sup>37</sup> His greatest book – which began life in 1771 somewhat tentatively as *Observations Concerning the Distinction of Ranks in Society*, and evolved a decade later into the authoritative treatise, *The Origin of the Distinction of Ranks*<sup>38</sup> – graduated from a fairly conventional study of a theme typical of its time into a major exposition of natural justice that now (belatedly) must surely command recognition in any account of the literature of western slavery and the slave trade. There are two main reasons for this. First, Millar saw the problem of black slavery as an issue that had especially come increasingly to affect Britain and her colonies overseas; and, secondly, he believed that, sooner rather than later, it was for Britain to take the lead in confronting the outrage head-on with a view to its permanent eradication. Though he never uses the phrase, slavery is now nothing less than a millstone round the country's neck: 'Considering the many advantages which a country derives from the freedom of the labouring people, it is to be regretted that any species of slavery should still remain in the dominions of Great Britain, in which liberty is generally so well understood, and so highly valued.'<sup>39</sup>

In a famous passage, Millar insists that slavery begins at home. He instances what he clearly has seen for himself in contemporary Scotland: the appalling working conditions and terms of employment traditionally suffered by 'colliers' (miners) and 'salters'. But he then extends his field of vision to encompass the much broader issue of the state of negro slaves in Britain's colonies:

From the manner of working the mines, a number of slaves are usually

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<sup>36</sup> Millar, *The Origin of the Distinction of Ranks*, Garrett (ed.), 272–3.

<sup>37</sup> One worthy exception is John W. Cairns, who properly describes Millar's 'Smithian account of slavery's injustice and economic inutility', as having had 'an incalculable influence among influential sectors of British society.' See John Cairns, 'John Millar on Slavery' in Neil Walker (ed.), *MacCormick's Scotland* (Edinburgh, 2012), 73–106.

<sup>38</sup> Millar clearly borrowed the title from his revered teacher, Adam Smith, and specifically from Smith's *The Theory of Moral Sentiments* (London, 1759), Part I Section IV Chapter II, 'Of the origin of ambition, and of the distinction of ranks', 108–128.

<sup>39</sup> Millar, *The Origin of the Distinction of Ranks*, Garrett (ed.), 275.

collected together, and may therefore be placed under the command of a single person, who has it in his power to superintend their behaviour, and to punish their negligence. The same observation is applicable to the planting of sugar, and to the other occupations in our colonies, in which the negroes perform the same sort of work which in Europe is commonly performed by cattle, and in which, of consequence, many servants are kept upon the same plantation. As the slaves are continually under the lash of their master, he has not been forced to use the disagreeable expedient of rewarding their labour, and of improving their condition by those means which were found so necessary, and which were employed with so much emolument, to encourage the industry of the peasants in Europe.<sup>40</sup>

So far as the Scottish domestic situation of the colliers and salters is concerned, Millar writes that he is satisfied that parliament has recently made a start on primary legislation, such that 'in a short time [it] will probably abolish the remains of the servitude to which this order of men have been so long subjected'.<sup>41</sup> He then sets out his stall with his own version of the standard eighteenth-century master-servant antithesis. In Millar's case, however, there is nothing standard about it. He begins his chapter in conventional mode by examining 'the condition of servants in the primitive ages of the world,' but concludes it in a later revision of his book with a newly added section entitled 'Political consequences of Slavery'. There had been nothing like it before in a philosophical work in English. Even Thomas Paine himself had shown no appetite for examining the conditions under which black Africans laboured in America and the West Indies. Had Paine done so, however, it remains highly debateable that his readers would have received any assurance that their author might have conceded that slaves, too, were entitled to benefit from participation in the rights of man he had so eloquently urged on a country's hereditary rulers and their ministers. By contrast, Millar was not just using fine words to express his indignation when describing black slave labour conditions in the tobacco and sugar industries. His careful preparatory

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<sup>40</sup> Ibid., 270.

<sup>41</sup> The notorious Colliers Act of 1606 was limited in 1775 and finally repealed in 1799. Recent research, however, has shown that the practice was not as brutal as Millar made out. See Christopher A. Whatley, 'The Dark Side of the Enlightenment? Sorting out Serfdom' in T. M. Devine and J. R. Young (eds.), *Eighteenth-Century Scotland: New Perspectives* (East Lothian, 1999), 259–74. Cited by Aaron Garrett in his edition of Millar's *The Origin of the Distinction of Ranks*, 269, footnote†.

background reading, and his use of contemporary sources (though not always cited), always impresses. The sources used by John Millar to inform his remarks on the slave trade in the final chapter of successive editions of his book are further discussed in Appendix A.

Finally, any account of Scottish Enlightenment voices against slavery and the slave trade cannot ignore the important contribution of James Beattie, even though it is sometimes said of him, perhaps a little unfairly, that his opposition was too hesitant, too little and too late.<sup>42</sup> Today, Beattie is remembered as a poet – easily his best-known work is the long semi-biographical poem, *The Minstrel* (1771) – as author of the *Essay on Truth*,<sup>43</sup> and as an unforgiving critic of Hume's and Kames' religious scepticism. But we should also not overlook Beattie's 'better-late-than-never' condemnation of slavery and the slave trade. In his now almost forgotten *Elements of Moral Science* (1790–1793),<sup>44</sup> essentially an abstract of his Aberdeen lecture course, Beattie devotes almost the whole of the second part of the second volume to what he terms 'Economicks', an exposition of the conventional master-servant relationship that begins in the traditional manner with remarks on the 'relation of Husband and Wife' and 'Parent and Child', but soon gives way to one of the longest diatribes found in any Scottish Enlightenment work on the subject of 'the negroes'.<sup>45</sup>

James Beattie, like other notable Enlightenment intellectuals before him, (including the moral philosopher, David Fordyce) was a graduate, later a member of faculty of Marischal College, Aberdeen. Marischal College was then in its heyday as a Scottish university in its own right, and, like Fordyce and George Turnbull, Beattie became a senior faculty member of the prestigious

<sup>42</sup> For example, by Glen Doris in the online essay entitled 'An Abolitionist too late? James Beattie and the Scottish Enlightenment's Lost Chance to Influence the Slave Trade Debate' (accessed 28 May 2010).

<sup>43</sup> James Beattie, *An Essay on the Nature and Immutability of Truth; in Opposition to Sophistry and Scepticism* (Edinburgh, 1770). The work was immensely popular and went into six editions in the eighteenth century, although it was never published in America. In a letter of 31 August 1772 Johnson informed Boswell that 'Beattie's book [he is referring to the *Essay*] is, I believe, every day more liked; at least, I like it more, as I look more upon it.' James Boswell, *Life of Samuel Johnson*, David Womersley (ed.) (London, 2008), 368.

<sup>44</sup> An American edition was published in two volumes in 1792–4 by Matthew Carey. See Richard B. Sher, *The Enlightenment & the Book: Scottish Authors & their Publishers in Eighteenth-Century Britain, Ireland, & America* (Chicago, 2006), 418–19; 674–5, number 291.

<sup>45</sup> James Beattie, *Elements of Moral Science* (2 vols, Edinburgh, 1790–1793), II, 124–223. The sections involving 'negroes' occupy §§601–60, 153–223.

institution, in his case as professor of moral philosophy and logic. There is nothing exceptional or original in Beattie's handling of the slavery controversy, except that not unlike John Millar, he had at least taken the trouble to investigate some of the standard sources, including Aristotle, Montesquieu, Le Poivre, Benjamin Franklin, Phyllis Wheatley, and, especially, the tracts of his friend, fellow-Scot and leading abolitionist, William Dickson.<sup>46</sup> For all that, however, Beattie's brand of abolitionism fails to match the unconditionality and fierce indignation of Anthony Benezet and Granville Sharp, nor does it in any way rival the sheer authority of John Millar. His prose is too reserved, too conciliatory and his argument much too even-handed. Beattie's gradualism is expressed eloquently enough, yet it was not the message the fierce opponents of slavery wished to hear:

The present race of American and West-Indian planters I cannot blame for the existence of a commerce, which was established before their grandfathers were born. I cannot blame them for possessing those estates which they have acquired by fair means; or for not abolishing a traffick, which it is not in their power to abolish. Nor can I blame them for not giving liberty to the slaves; when I consider, that so many savage men, set free at once, might annul the property, and destroy the lives, of thousands of innocent persons, and perhaps involve the whole empire in confusion. The guilt of enslaving the negroes is to be imputed, not so much to individuals, as to *the whole community*; those however excepted, who publicly condemn the practice, and would abolish it if they could. But to expose it in what I think its proper colours, is a duty which I owe to humanity and truth. Such attempts, though they cannot cure, may have a tendency to alleviate the evil; and perhaps contribute something, however little, to its final abolition.<sup>47</sup>

In a footnote Beattie acknowledges that his remarks were based on the 'substance of a treatise' on slavery he had written in 1778. He explains that he had been 'gradually collecting' materials for this work for 'almost twenty

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<sup>46</sup> William Dickson (bap.1751–1823). See H. T. Dickinson, 'William Dickson', *Oxford DNB* (accessed July 2019). C. Duncan Rice calls him 'the Thomas Clarkson of Scotland'. Dickson's pamphlet, *Letters on Slavery* (London, 1789), was highly acclaimed.

<sup>47</sup> Beattie, *Elements of Moral Science*, II, 166–7.

years'. He had intended to publish it but did not do so partly 'by the fear of having misrepresented some things, in consequence of false or partial information'.

*Defending the indefensible: the legal establishment divided on slavery*

In the majority of eighteenth-century accounts of slavery and the slave trade, where any kind of effort to defend the practice is attempted it is often founded on the argument that if the western civilized world desires the luxuries of tobacco and sugar, they should learn to appreciate that their cultivation needs working conditions and a climate that no white man should be asked to endure. John Wynne's two-volume *General History of the British Empire in America* (1770) is fairly typical:

All the field-work in the West-Indies, and in Virginia, and the colonies to the southward, except in some of the back-settlements, is performed by negroes, brought from the coast of Africa, or born of those who have originally come from thence. This trade is carried on by ships fitted out and furnished with proper cargoes at the ports of London, Bristol, or Liverpool. ... It is certain that Africans, or their descendants, are better able to support severe labour in hot countries than any of European blood.<sup>48</sup>

Yet only a year before, Granville Sharp had powerfully demolished that argument:

The only excuse which can be alleged for tolerating this iniquitous and disgraceful bondage, *even in the West Indies*, is a presumed necessity, arising (as interested persons tell us) from the excessive heat of the climates where our colonies are situated; but as the said supposed necessity is *merely local*, so *ought to be the toleration of it likewise*, if we might allow, that any necessity whatsoever can justify it.<sup>49</sup>

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<sup>48</sup> John Wynne, *A General History of the British Empire in America* (2 vols, London, 1770), II, 539–46, quote at 539. Wynne considered that the slave trade 'can only be justified by necessity; but which must ever continue as long as men prefer their interest to all other considerations.' Ibid., 544.

<sup>49</sup> Granville Sharp, *A Representation of the Injustice and Dangerous Tendency of Tolerating Slavery* (London, 1769), 133. Benezet incorporates Sharp's comments on the issue in his 'Extract' from the *Representation* forming part of Anthony Benezet, *Some Historical Account of Guinea* (Philadelphia, 1771).

And in his influential pamphlet, *Some Historical Account of Guinea* (1771), the American Quaker abolitionist, Anthony Benezet, devotes an entire chapter to the subject, to the ‘mistaken opinion, that the warmth of the climate in the West-Indies, will not permit white people to labour there.’ Benezet cites from an obscure history of Barbados by Richard Ligon who wrote that in the mid-seventeenth century there were then ‘fifty thousand souls on that island, besides Negroes; and that though the weather was very hot, yet not so scalding but that servants, both Christians and slaves, laboured ten hours a day.’<sup>50</sup>

To a legal historian investigating slavery in eighteenth-century Scotland it is all very familiar. Behind the special pleading, however, is a weight of juridical opinion of the highest order. It is certainly remarkable how the leading jurists of the time generally all agreed that, in the words of the greatest of them in Scotland, Lord Stair, slavery, though ‘contrary to the law of nature’, was still ‘lawful’. Stair defined liberty as an alienable right, such that ‘the natural law constitutes us free, but puts no necessity on us so to continue.’ Professor Cairns puts it this way: ‘In other words, humans are free but could give away or be deprived of that freedom.’<sup>51</sup> Later jurists including Lord Bankton (Andrew McDouall, or McDougal) and Professor John Erskine of Carnock, Cairns notes, were broadly in agreement.

For a time, therefore, George Wallace was, it seems, a lone voice within the Scottish legal fraternity in proclaiming the need for a more enlightened attitude to be brought to bear on the issue. In his now obscure *System of the Principles of the Law of Scotland* (1760), Wallace – advocate son of the Reverend Robert Wallace who, as we have seen, had sparred with Hume over an issue that was not without its relevance to the intellectual aspects of the early slavery debate in Scotland – was powerfully unequivocal in his insistence on a humane approach to the matter:

I take it to be undeniable, that every man is born equal to every other; for every one, who lays his hand upon his heart, must be conscious, that he cannot help thinking so of himself. Hence Liberty is said to be a *natural* faculty . . . and slavery is said not only to owe its original to the arbitrary constitutions of men but to be *contrary to nature*. . . .

Have not these unhappy men a better right to their liberty and to

<sup>50</sup> Benezet, *Some Historical Account of Guinea*, 141–2.

<sup>51</sup> John W. Cairns, ‘Slavery without a *Code Noir*: Scotland 1700–78’ in Felix M. Larkin and N. M. Dawson (eds.), *Lawyers, the Law and History: Irish Legal History Society Discourses and Other Papers* (Dublin, 2013), 148–78.

their happiness, than our American merchants have to the profits, which they make by torturing their kind? Let, therefore, our colonies be ruined, but let us not render so many men miserable. . . . Have not these unfortunate Africans, who meet with the same cruel fate, the same right? Are not they men as well as we? And have they not the same sensibility? Let us not, therefore, defend, or support a usage, which is contrary to all the Laws of humanity.<sup>52</sup>

Arguments quite unlike these, however, finding slavery justifiable in defined circumstances, are routinely used in Scottish eighteenth-century court cases involving slavery. Careful examination of the original papers in the National Records of Scotland relating to the three outstanding Scottish slavery cases in the period 1756 to 1778 shows that it was precisely such reasoning that – together with the standard simplistic argument that slavery had always existed since classical times – were consistently conjoined as the main ground of defence. Thus, in *Knight v Wedderburn*, the only one of three *causes célèbres* concerning slavery to be determined in this period in a Scottish court, one of the key unpublished *Memorials* on the defender's (Wedderburn's) side reads as follows [the rubric in the Memorial at this point reads '*Slavery necessary in the West Indies*']:

But whatever the case may be with regard to this Institution in other parts of the World its impossible to deny that it is absolutely necessary in our Colonies in the West Indies, and that if we were to discontinue that practice we should not only loose [sic] all the Wealth and support we derive from those possessions, But must be Reduced to purchase our Sugars and the productions of those Countrys from other Nations who should continue the present practice, For being accustomed to these Commodities we could not now give them up,

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<sup>52</sup> George Wallace, *A System of the Principles of the Law* ... Vol. I (Edinburgh, 1760), Book III, Tit. II, 'Of Slavery', 89–90, 96. (No further volumes of the work were published.) Apart from Anthony Benezet, whose near-reverence for 'Wallis' is discussed in this chapter and in Appendix A, the British Library ESTC also lists a sheet printed in Providence in 1784, reproducing a report in the *United States Chronicle* for Thursday, 19 February 1784, citing 'that ingenious lawyer and excellent writer George Wallis', [sic] whose sentiments on the subject of slavery have now 'concluded' the subject of an article in the paper of a week past containing a 'clear confutation of the original claim to the right of slavery given by Judge Blackstone.' (ESTC system no. 006431024, citation no. W1347).



and altho' they might once be considered only as the luxurys, they are now become the necessarys of life.

That without the use of Negro Slaves — Those Colonies must be abandoned is evident almost without any reasoning, — even if the Constitutions of Europeans were adapted to labour in those Climates, as the work of one day is Sufficient from the general fruitfulness and nature of the Climate, to support a man idle for more than a week, It is evident that without Compulsion men would never be prevailed upon to bestow that labour, which is necessary to produce the Commodities with which we are now furnished from the West Indies.

But there is another Circumstance equally undeniable, which of itself proves this proposition beyond doubt. The Codys [sic] and Constitutions of Europeans, particularly the natives of the Northern parts such as Britain are perfectly incapable of labour in the Climates where Sugar is produced. A Negro if not overworked can toil under the influence of a West India sun without impairing his health or shortning [sic] his life, whereas a Native of this Country cannot support labour in the same proportion for a Month without certain destruction.<sup>53</sup>

The *Memorial* was the work of James Ferguson, a younger colleague of James Boswell who describes him as 'remarkable for a manly understanding, and a knowledge both of books and of the world.' Ferguson later became MP for Aberdeenshire, a constituency he represented for thirty years. Thorne records that he voted against the abolition of the slave trade in the House of Commons on 15 March 1796, a division not conducted on party lines but according to the conscience of individual MPs.<sup>54</sup>

At the same time, however, there was a further compelling argument in favour of the retention of slavery in the British colonies, eloquently put

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<sup>53</sup> NRS, Court of Session record CS 235/K/2/2/4 1775, f. 16, '*Knight v Wedderburn*', 'Memorial for John Wedderburn Esq<sup>r</sup>. of Bandean [Ballindean] Defender Against Joseph Knight a Negro. Purs<sup>t</sup>.'; n.d., but probably c. February–March 1775. Signed 'Ja: Ferguson' [James Ferguson (*aka* Fergusson) (1735–1820), advocate (admitted 2 August 1757), son of James Ferguson, the judge known as \*Lord Pitfour.

<sup>54</sup> For more on Lord Pitfour, James Ferguson's father, see Hugh M. Milne, *Boswell's Edinburgh Journals 1767–1786* (Edinburgh, 2013), 89 note 67. Pitfour had practised at the Scottish bar for no less than forty-two years and was appointed to the bench only in 1764, the long delay being put down to the fact he was an Episcopalian.

<sup>54</sup> R. G. Thorne (ed.), *History of Parliament: The House of Commons 1790–1820 III Members A–F* (London, 1986), 740.

forward by one of the counsel for the defender in *Knight v Wedderburn*. We might call it the economics of slavery. In his printed submission to the Court of Session dated 6 February 1777, the advocate Robert Cullen (son of the distinguished professor of medicine at Edinburgh, William Cullen),<sup>55</sup> having iterated in some detail the pecuniary and economic advantages to Britain of its huge investment in, and continuing support for the slave trade, concludes in his seventy-eight page *Additional Information* that:

So highly beneficial a trade, and which has been carried on by this nation ever since they possessed American Colonies, cannot be easily or safely abandoned. But whether that can be done or not, cannot be the object of your Lordships consideration. It stands protected and declared lawful by the Legislature. Every encouragement has been given which can promote its success. Large sums are given annually by Parliament for maintaining forts and garrisons, and making alliances with the slave merchants in Africa, in order that the plantations may be constantly and cheaply supplied. Vast emoluments are drawn both by the mercantile and manufacturing subjects of Great Britain, and by the national treasury from the profits gained upon this trade. The Laws declare to the purchaser of negroes, that he holds them as *property*, that they are *chattels* saleable and convertible like any other goods for payment of dues to the revenue, or any other debts; in short, that they are to be held as *money* in the hands of a planter debtor, and received as *money* by his creditor.<sup>56</sup>

If James Boswell were alive today there is little doubt he would be regarded as a bigot of the worst kind, insofar as his attitude to slavery and the slave trade is concerned. His position in the matter is uncompromising, but by no means unusual for his time. In the *Life of Samuel Johnson*, Boswell muses at some length on the terms of the judgment in *Knight v Wedderburn*, an action that had begun in 1774 and was only finally determined, for the pursuer, the former slave Joseph Knight, in January 1778 – even though four of the judges (the Lord President, Robert Dundas of Arniston, and Lords

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<sup>55</sup> Robert Cullen (1742–1810), advocate (admitted December 1764); appointed a Lord of Session (as Lord Cullen) on 17 November 1796.

<sup>56</sup> *Additional Information for John Wedderburn of Ballendean, Esq; Defender; against Joseph Knight, a Negro, Pursuer* (Edinburgh, 1777), 78. [AL, Dreghorn Collection, Session Papers, v. 49.]

Ellicock, Monboddo and Covington), as Boswell notes, had ‘resolutely maintained the lawfulness of a *status*, which has been acknowledged in all ages and countries, and that when freedom flourished, as in old Greece and Rome.’<sup>57</sup> In some ways, Boswell’s regretful reflections on the outcome should come as no surprise. In 1769 he had probably – his *Journal* does not cover the period of the case – devilled for John Maclaurin (later the judge Lord Dreghorn),<sup>58</sup> when Maclaurin had represented the defender in *Spens v Dalrymple*, a case involving another black slave, David Spens (‘Black Tom’), who had sued his ‘owner’, Dr David Dalrymple of Methil in Fife, for wrongful arrest. Spens had tried to leave Dalrymple’s service citing ill health. Dalrymple died, however, before the action could be determined, which meant *ipso facto* Spens became a free man.<sup>59</sup>

In his musings on *Knight v Wedderburn* Boswell ungrudgingly reserves his highest praise for ‘the speech which Mr Henry Dundas generously contributed to the cause of the sooty stranger’:

I do declare, that upon this memorable question he [Dundas] impressed me, and I believe all his audience, with such feelings as were produced by some of the most eminent orations of antiquity. This testimony I liberally give to the excellence of an old friend, with whom it has been my lot to differ very widely upon many political topicks; yet I persuade myself without malice.<sup>60</sup>

In 1775, the year before Dundas, then aged just thirty three, would plead on behalf of Joseph Knight, he had delivered his maiden speech in the House of Commons as the member for Midlothian, and soon after was made Lord Advocate, a post that included responsibility for appointing all the Scottish

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<sup>57</sup> The other eight judges – the Lord Justice-Clerk (Sir Thomas Miller, Bt., Lord Barskimming), and Lords Auchinleck, Braxfield, Gardenstone, Hailes, Kames, Kennet, and Westhall – found for the pursuer, Joseph Knight. Their conclusions (and reservations) are noted in a MS. in AL, Dreghorn Collection, Session Papers, v. 49. Cairns points out, however, that despite the ambivalence of the four judges, the decision was ‘unequivocal in effect.’ The Lords’ interlocutor stated that ‘having advised the Memorials and Additional Informations They remit the Cause Simpliciter in Common form’. John W. Cairns, ‘After Somerset: The Scottish Experience’, *Journal of Legal History*, 33 (2012), 291–312.

<sup>58</sup> For more on Maclaurin, see Milne (ed.), *Boswell’s Edinburgh Journals 1767–1786*, 561–2.

<sup>59</sup> The original papers (including the Memorials) for *Spens v Dalrymple* are accessible in NRS CS236/D/4/3 box 104 and CS236/S/3/13.

<sup>60</sup> Boswell, *Life of Samuel Johnson*, 638.

judges. Boswell was positively green with envy. The original of Dundas's 'oral argument' on behalf of Knight – it lacks the status of a 'memorandum' – has eluded a search of the NRS, AL, and SL resources, but there is a full report of the *viva voce* debate in the *Caledonian Mercury* for 21 February 1776 that had taken place on the preceding day. The grounds cited for the Lord Advocate's defence of his client are important and inventive, and fully justify Boswell's flattery. First, the Solicitor General for Scotland, Alexander Murray (later the judge, Lord Henderland), pleaded before the Court for John Wedderburn along the lines that slavery in Scotland 'was no new thing', and that:

slavery was at this day authorized by the legislature of Great Britain ... that it was therefore a lawful trade, which, if put a stop to, would entirely ruin our West India Islands, as it was found by experience, that neither cattle, nor the natives of these places, could execute the work they were employed in; that the possessors of these negroes had as much a property in them, as they had in any other article of merchandize; that he dreaded the consequences of such a decision as was demanded for this negro; that there was at present, for that race of people, a *Code Noire* [sic];<sup>61</sup> but he was afraid, licence being proclaimed to them, would produce a *Code Sanguinaire*.

Henry Dundas then responded with possibly one of the great (though, in its original format, lost) perorations in the legal history of slavery in eighteenth-century Scotland. Dundas founded his argument on the premise that 'there was not now a slave in Britain, nor could possibly be from its constitution.' In the light of its obvious importance, a transcription of the distillation of Dundas's speech by the reporter in the *Caledonian Mercury* is appended to this chapter. Slavery is no laughing matter, for sure. Yet the *Mercury* reporter manages to introduce a light-hearted element to the heroic story of Joseph Knight when he notes that the Lord Advocate's oral submission to the Lords of Session attracted a large crowd of the high-born Edinburgh ladies of fashion to witness the proceedings for themselves, and,

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<sup>61</sup> The 'Code Noir' was one of the most important of the French codes. It was first promulgated by Louis XIV in 1685 for French colonies in the Antilles and introduced in Louisiana in 1724. See Vernon Valentine Palmer, 'The Origins and Authors of the Code Noir', *Louisiana Law Review*, 56 (1996), 363–407; and Alan Watson, *Slave Law in the Americas* (Athens GA, 1989).

doubtless, to gaze upon the handsome youth whose predicament had caused all the fuss in the first instance.

*The religious dimension of slavery in Scotland*

For the most part in eighteenth-century Scotland we would look in vain for either a sustained corporate Church of Scotland (General Assembly) condemnation of slavery and the slave trade, or even for a chorus of individual protests from parish pulpits.<sup>62</sup> It comes as something of a shock to discover that in the decades before the momentum for abolition in Britain began to accelerate, involving men like William Wilberforce and Thomas Clarkson in England, and in Scotland, William Dickson and David Dale, the only forceful sermon we can confidently cite as unambiguously deploring the practice – and then only by the device of a literary footnote to the published literary version – was preached by William Robertson while he was still a parish minister at Gladsmuir in the parish of Haddington aged just thirty four. Already marked out as a rising star in the Kirk, Robertson was invited to deliver it before the SSPCK in January 1755, which meant it had to be preached in the High Kirk of Edinburgh (St Giles'), always a signal honour for any minister. The sermon was later published under the title, *The Situation of the World at the Time of Christ's Appearance*.<sup>63</sup> It would be the only sermon by Robertson ever to appear in print.

Even Hugh Blair, who generally disdained politics in the pulpit and whose successive collected *Sermons* earned the unqualified praise of Samuel Johnson, is notably muted on the issue.<sup>64</sup> We need to wait until the 1790s for anything vaguely corresponding to pulpit censure of slavery, and even then there are no more than a handful of published sermons by ministers who deserve to be remembered as trailblazers in the controversy. Was this more than coincidence? Iain Whyte says of Robertson and Blair that in this context they 'painted with a broad brush and did not specify the West Indian connection, still less the slave trade itself'. Unfortunately Whyte ignores

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<sup>62</sup> It remains conjectural just how many ministers, without publishing their sermons, spoke against slavery from their pulpits.

<sup>63</sup> Edinburgh, 1755; reprinted in 1775 (fifth ed., John Balfour) and 1791 (sixth edn, Elphinstone Balfour).

<sup>64</sup> Blair makes a passing reference to slavery in its historical religious context in the sermon 'On Gentleness', in Hugh Blair, *Sermons*, (5 vols, Edinburgh, 1777), I, 154: 'Wherever Christianity prevails, it has discouraged, and, in some degree, abolished slavery. It has rescued human nature from that ignominious yoke, under which, in former ages, the one half of mankind groaned.'

the important footnote by Robertson in which, referring to slavery 'in our American colonies', he pleads that the revival of an ancient practice in a now 'degenerate world' must be 'charged upon the corruption of the human heart, not upon that religion, which testifies against it.' Still, Whyte's point is well made.

The question is this: can the relative silence of Kirk ministers towards the slavery controversy be put down to something a little more palpable? It certainly seems no coincidence that in a period when the Moderate party was the dominant force in the internal politics of the Church of Scotland, individual ministers should be unwilling to resort to preaching against what was widely interpreted as a highly lucrative commercial activity, one that was indulged in – either overtly as owners of, but more usually as investors in, the tobacco and sugar trades – by their own patrons and their families, given that the very land-owning classes from whose ranks they owed their ordination in the first instance, dutifully sat before them in their pews, Sunday by Sunday, as the ultimate arbiters of their livings. In such circumstances it would have taken a steady nerve to make such accusations directly, as it were, in the face of patrons whose interest in the matter was often rather more than spiritual.

Not all ministers of the established Church were prepared to hold their tongues while sitting on their hands. A small minority of brave souls determinedly spoke out, none more articulately or controversially than Thomas Hardy, minister of the New North Parish Church in Edinburgh (West St Giles, or 'Haddo's Hole'), and professor of ecclesiastical history in the University of Edinburgh. We have already encountered Hardy in Chapter 3, in his role as unofficial spokesman for Henry Dundas leading the government crack-down in Scotland against the allegedly corrosive influence of Thomas Paine in a well-argued pamphlet, *The Patriot*.<sup>65</sup> Such was the high esteem in which Professor Hardy was held in Scottish government circles – having, like Othello, 'done the state some service and they know't' – he was now in receipt of a civil list pension, a distinction reserved for the favoured few.

Hardy's great sermon, *The Progress of the Christian Religion* – one wonders if there is not perhaps an implied touch of sarcasm in the word 'progress' – was preached (as was Robertson's nearly forty years before) in the High Church of Edinburgh (*aka* St Giles), and again by invitation of the Scottish

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<sup>65</sup> See Chapter 3, pp. 124–25.

Society for the Propagation of Christian Knowledge (SSPCK), an organisation that acted as the Kirk's vehicle of outreach and mission.<sup>66</sup> The sermon was delivered on 30 May 1793, when Hardy was in his prime. According to the usual formula, it was preached on the first Sunday following the closure of the General Assembly, in this instance when Hardy had been elected Moderator for the year 1793–4. Ironically, in the same issue of the *Scots Magazine* reporting on Hardy's Moderatorial election a long letter appeared signed 'Historicus', reprinting an 'Allegorical Speech' entitled 'On the Slave Trade. [From the Works of Dr Franklin.]' The nub of the allegory lies in the reference to the rejection of an obscure petition to abolish 'enslavement' by the 'Divan of Algiers' in the late seventeenth century, at the same time as the same body is said to have condemned the doctrine of 'plundering and enslaving' Christians as 'unjust'.<sup>67</sup> Its unusually controversial content perhaps ensured that Hardy's published sermon went unnoticed in the same journal. Yet, *The Progress of the Christian Religion* is without doubt one of the great manifestos of the anti-slavery movement in Scotland in the last decade of the eighteenth century.

As we have already seen in Chapter 3, Thomas Hardy had another side to him. He wallowed in both church and national politics and (unlike, for example, John Witherspoon, John Erskine and Hugh Blair, to name but three) saw nothing wrong in resorting to political preaching from the 'chair of verity'. In 1782 he had published an influential pamphlet called *The Principles of Moderation* upholding the Moderate party's continuing support for the law of patronage. Like Alexander Carlyle of Inveresk (though without belonging to his immediate coterie), Hardy, as a high Tory churchman, was a devotee of William Pitt and Henry Dundas. As we have seen, in the year Hardy became Moderator – for him a veritable *annus mirabilis* – he published in Edinburgh and London an extended pamphlet entitled *The Patriot* (1793) which castigated the 'Scotch clubs' (the reform associations), opposed both the American and French revolutions, condemned republican government and, above all, consigned to the bottomest pit Thomas Paine and his seditious book, *Rights of Man*. For his efforts Dundas rewarded Hardy with a government pension.

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<sup>66</sup> In part funded by the 'King's bounty', the SSPCK was also the Church of Scotland's vehicle for seeking out and reporting on the presence of Roman Catholicism throughout the highlands and islands. See Ronald Lyndsay Crawford, *The Chair of Verity: Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (Edinburgh, 2017), 243–7.

<sup>67</sup> *Scots Magazine*, 55 (June 1793), 266–7.

But on the issue of Christianity and the slave trade Thomas Hardy, it could be said, was on the side of the angels.

Hardy's sermon, we should be clear, is not really about slavery at all. It is deeply concerned, on the other hand, with the factors that helped re-establish slavery in the modern era. His paradoxical message is at first hard to believe: put simply, it is that one of the most telling factors behind the modern satanic trade in slaves has been the Christian religion, or to be pedantic, what man has made of Christianity. If the message is familiar it ought to be, since it is almost exactly the same line taken by William Robertson in his SSPCK sermon of 1755, and further elaborated on in the well-known footnote to his literary text:

The practice<sup>68</sup> of slavery in our *American* colonies, is a specious, not a real objection against the reasoning under this head. [he is referring to the view that it was Christianity that 'rescued' humanity from the 'worst servitude' of ancient times] The genius and tendency of any religion are known by the operations of its vigorous, not of its declining age: And if avarice hath revived, in a degenerate world, an institution [slavery], which Christianity had utterly abolished; this, like many other vices which prevail among Christians, must be charged upon the corruption of the human heart, not upon that religion, which testifies against it.<sup>69</sup>

Hardy makes virtually the same point as Robertson, but in words that must have made his original listeners sit bolt upright in their pews. The following extracts will help to explain just why this sermon deserves to be better known:

Will the American Indian obey the stranger who bids him give up his simple adoration of the great Spirit, to repeat the words in an unknown tongue before a picture or over a string of beads? Will the Chinese renounce the institutions of Confucius, to commit his soul and conscience to the custody of an Italian priest and his emissaries,

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<sup>68</sup> In all editions (*i.e.* 1759, 1773, 1775 and 1791) except the first (1755), the rendering is 'The permission of slavery', *etc.*

<sup>69</sup> William Robertson, *The Situation of the World at the Time of Christ's Appearance, and its Connexion with the Success of his Religion. January 6, 1755. . . . By William Robertson, Minister of the Gospel at Gladsmuir* (Edinburgh, 1755), 37, footnote.



and give up his understanding to be confounded with fictitious duties and fictitious sins? — Will the Hindoo abandon the Divine Being, whom he reveres under the threefold character of the Creator, the Preserver, and the Destroyer, to bow the knee to St Antony, St Francis, and St Dominic; to submit to a fantastic ritual addressed to a whole host of dead men and women of the western nations? The undertakings of these missionaries is desperate in its own nature; it cannot succeed any where.

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Let the missionary shew with both understanding and fervour, that Christianity teaches men to live soberly in the world; is he likely to be credited, when the Indian can reply, that the men of his nation were temperate until the Christians came to corrupt them; that these strangers have brought among them the means and the habits of intemperance, and are profligate in their manners beyond any example known in savage life. ... Let the missionary also whisper, that Christianity teaches men to live righteously in the world; but where has he the face to say so? Is it to the tribes of America, where the first steps of the Europeans were marked with rapine and bloodshed; where, by a great and regular system of unrighteousness, the natives are yearly robbed of fresh tracts of their land, and are driven from valley to valley, and from river to river: and where the white men in every transaction study to cheat their red brethren, the men of the woods?<sup>70</sup>

Hardy reserves his bitterest sarcasm for Christians' treatment of the black African. It is one of the most enlightened and moving accounts (and probably for the most part the product of his own imagination) in the history of Scottish protest against slavery and the slave trade in the eighteenth century. That Hardy, as Moderator-Elect, chose to use this uncompromising language of scorn and rebuke to describe the often-corrupting influence of Christian mission – and to choose to do so in the context of a pulpit address to the official arm of the Church of Scotland charged with the task of bringing the Gospel message to heathens, 'savages' and shamans – almost defies belief. These are his words:

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<sup>70</sup> Thomas Hardy, *The Progress of the Christian Religion: A Sermon, Preached before the Society in Scotland for Propagating Christian Knowledge, at their Anniversary Meeting in the High Church of Edinburgh, Thursday, May 30, 1793* (Edinburgh, 1794), 40–1; 42.

Is it in Africa that the missionary would speak of righteousness as the law of the Christians? Perhaps the native might reply: 'When I was a child, I heard of the Christians, I have known them in riper years, and my opinion of their principles is not likely to alter: for from them my heart received its first wound, and now they have broken it. My father was bringing water to us from the brook when the Christians fell upon him. They sprung from the thicket, like a tiger on his prey; they beat him to the ground with clubs, they chained him down in a canoe, and bore him off into slavery. In my youth they made me drink of affliction, but now in my age its waters have overwhelmed me. I was at a distance from my home, when the Christians and their menhunters but two moons ago made war, as they call it, in our valley: at the dead of night they beset the village, they set fire to the houses, they seized the flying families; and, among the rest, my wife, my only son, and my infant daughter were carried off, and are now on the ocean, fastened to bolts of iron in their ships, never to know rest or peace until the grave shall become their refuge from the Christians. Christians, your ships are red with innocent blood; ye make merchandise of the souls of men; your crimes hold Africa in ruins; the broken families of its natives appeal to God against you; it is you who destroy our morals and our comfort together; it is you who spread treachery, cruelty, despair and heartbreak over a whole continent. Until the Christians abandon this monstrous system of outrage, Africa will never become Christian.'<sup>71</sup>

Hardy's stinging rejection of the unacceptable face of Christian mission before a complacent Congregation in whose eyes the SSPCK would have been held incapable of doing any wrong is bad enough. More than that, we cannot ignore the potent message of the last sentence in the final extract cited above: it is intended, without doubt, as a powerful wake-up call to the General Assembly of which the preacher was currently its Moderator-Elect. Almost exactly one year to the day before Thomas Hardy preached his sermon, the 1792 Assembly had finally come off the fence and unanimously passed a motion expressing not just their 'abhorrence of a system of traffic, incompatible with the great principles of morality and religion', but also stating, via their overtures and prayers, that 'this iniquitous trade may, by

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<sup>71</sup> Ibid., 43–4.

the blessings of divine Providence, upon the deliberations of Parliament, be speedily and completely abolished'.<sup>72</sup> In the event, there would be nothing 'speedy', least of all 'complete', about it.

*Grasping the nettle: the politics of slavery in America in the Age of Paine*

Though somewhat contrived and (perhaps predictably) often misconstrued, it is sometimes claimed by modern American historians that the factors that drove the anti-slavery movement in Britain were not the same as those embraced by abolitionists in their own country. Whereas, British abolitionists, it is suggested, (notably, for example, Thomas Clarkson, in his 1788 *Essay on the Impolicy of the African Slave Trade*) tended to stress the economic and commercial advantages of ending the slave trade, that was not the case, the argument runs, in America, where what distinguished the approach was that the majority of Americans opposing slavery chose to view the matter strictly in 'religious, ethical, or legal terms'. Not only that, but it has been shown that while the writers of the Scottish Enlightenment had led the way in suggesting that the slave trade was egregiously vicious, cruel and immoral, Americans had preferred on the whole to stress that it was, besides, inefficient and commercially impossible to justify. In support of such a hypothesis – that part of it at least is incontestable – it is pointed out that Hume, Steuart and, especially, Adam Smith had to a greater or lesser degree consistently pursued the economic aspects of the controversy, almost to the exclusion of everything else. While it is certainly the case that in America the new science of economics was enthusiastically taken up even by the Southern planters 'eager to embrace the new political economy emanating from Glasgow and Edinburgh', more generally there are few if any signs that Americans had the appetite to resort to the 'Scottish doctrine' in their early anti-slavery debates.<sup>73</sup>

Doubtless, analyses of that nature are not so wide of the mark. At the same time, however, is it not the case that Americans who perceived the slave trade from the limited perspective of the law and morality had other matters on their mind? What in truth appears to characterise and mark out American considerations of slavery in the early years of the republic was, above all, the constantly anticipated nightmare envisioned by the dread of the issue's

<sup>72</sup> *The Principal Acts of the General Assembly of the Church of Scotland* (Edinburgh, 1792), 24 May, Session 7 (unpaginated).

<sup>73</sup> For example, see Michael Guenther, 'A Peculiar Silence: The Scottish Enlightenment, Political Economy, and the Early American Debates over Slavery', *Atlantic Studies*, 8 (2011), 447–83.

potentially huge moral and political implications. The thin but flexible dividing line between aspiration and the art of the possible is called 'politics'. The proof of this maxim is the life and career of Thomas Jefferson, but it could be said also to be applicable, more or less, to those of Adams, Franklin, Madison, Hamilton, James Wilson and, latterly (and even perhaps especially), of President Washington himself. It is a potent mix of politics, guilt and conscience, and it is sadly discoverable in all of these men.

If, for example, we take *The Federalist Papers* – the eighty-five essays published in New York's newspapers between October 1787 and August 1788 – we immediately run up against the tricky issue of slavery and the constitution. The aim and thrust of these writings, by James Madison, Alexander Hamilton, and John Jay, was to adumbrate for Americans (as well as to clarify to their own satisfaction) the great imponderables at stake when it came to the ratification of the new United States Constitution following the Convention of the previous year.<sup>74</sup> Thus, in Madison's 'The Federalist No. 54' from the *New York Packet* of Tuesday, February 12, 1788, 'Publius' confronts the prickly situation posed by the Convention of how to determine the basis of representation of the States in the House of Representatives (Congress). Precisely the same question was pertinent to the way in which federal taxation was to be calculated. Madison seizes on one of the cardinal issues of contention tackled by the Convention and eventually disposed of by a generally unsatisfactory compromise – how to regard slaves for these crucial purposes. 'Publius' muses: 'Slaves are considered as property, not as persons. They ought therefore [it will be argued] to be comprehended in estimates of taxation which are founded on property, and to be excluded from representation which is regulated by a census of persons.'

Almost in the manner of a classical dialogue, Madison then envisages the 'reasoning which might be offered on the opposite side ... by one of our Southern brethren': 'The federal Constitution ... decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property.' But, the Southerner might go on, it is in principle inconsistent had the Constitutional Convention proposed that for one purpose – *representation* – slaves were regarded as men, and for quite another

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<sup>74</sup> In the process, along with Thomas Jefferson, Madison created the Republican Party in order to stop Hamilton, and counter the success he had achieved 'in turning the Federalist Party into the engine for a political agenda that differed starkly from Madison's.' Ian Shapiro, Introduction to Ian Shapiro (ed.), *The Federalist Papers* (New Haven, 2009), xvii.

purpose – *taxation* – they were ‘degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property.’ And, in a notorious (and, recurrently misunderstood) compromise, Madison ventriloquises the Southerner who might then conclude:

Let the case of the slaves be considered, as it is in truth, a peculiar one. Let the compromising expedient of the Constitution be mutually adopted, which regards them as inhabitants, but as debased by servitude below the equal level of free inhabitants, which regards the *slave* as divested of two fifths of the *man*.<sup>75</sup>

It would be tendentious to suppose that what came to be known as the ‘three-fifths compromise’ was ever more than an uncomfortable and long-term ‘temporary’ solution to an increasing concern of great potential complexity, viz. that of how to handle the slave problem, federally and state-side, constitutionally and ethically. Yet, though it would be an exaggeration to claim that it would come to haunt the United States for the whole of the ante-bellum period and beyond, it certainly remained a deeply troubling kind of compromise that ultimately pleased no one. Above all, it was not just mischief-makers but men and women of principle who were quick to contrast unfavourably the ‘three-fifths compromise’ with the noble opening sentences of the Declaration. Modern constitutional gurus, on the other hand, have knowingly expressed their irritation with ‘agenda-driven academics and committed ideologues’ who have failed, they say, to grasp the strategy behind the words, rightly pointing out that things would have ended up a lot worse if there had been no three-fifths rule, since in that eventuality the southerners would have triumphed and the institution of slavery thereby aggrandized. Such protests tend to gloss over the Civil War, a conflict where both sides, on and off the battlefield, tried to wring out the meaning of words.

If we resort to the records of the Federal Convention to see what it made of the issue, for our purpose here it is enough to note the conclusive impact on the debate of the Scottish lawyer, James Wilson, as one of the delegates from Pennsylvania – a stellar cast that included, apart from Wilson, Thomas Mifflin, Robert Morris, Gouverneur Morris, and Benjamin Franklin. James Madison, who wrote the report for that part of the proceedings, observed

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<sup>75</sup> All three quotations from James Madison, *The Federalist No. 54 The Apportionment of Members of the House of Representatives Among the States* (*New York Packet*, Tuesday, February 12, 1788) in Shapiro (ed.), *The Federalist Papers*, 277–81.

that Wilson, over the period from 6 to 13 July found he could support the three-fifths compromise on the understanding that nothing was forever. Before the conclusion of the debate Wilson insisted there were more important matters of fundamental principle at stake:

Mr Wilson. Conceiving that all men wherever placed have equal rights and are equally entitled to confidence, he viewed without apprehension the period when a few States should contain the superior number of people. The majority of people wherever found ought in all questions to govern the minority. ... He could not agree that property was the sole or the primary object of Govern<sup>t</sup> & society. The cultivation & improvement of the human mind was the most noble object. With respect to this object, as well as to other *personal* rights, numbers were surely the natural & precise measure of Representation.<sup>76</sup>

In Chapter 9 of this study we shall learn how Wilson had rallied to the cause of the black African and in an inspiring oration to the ratifying Pennsylvania Convention, held in November-December 1787, proceeded to cite at length the thoughts on modern slavery of Jacques Necker, the Swiss Protestant banker who became Louis XVI's financial adviser in the terminal months of the *ancien régime*. It is impossible to know how sincere Wilson was in citing Necker on slavery, or whether it was all mere cynical posturing. It was remembered by some, however, that it had been Wilson who assented to the motion of the three-fifths compromise adopted by the Federal Convention back in July. It would not be until 1868 that Section 2 of the Fourteenth Amendment superseded Article 1, Section 2, Clause 3 of the Constitution, thus explicitly repealing the infamous compromise. If nothing else, slavery, it seemed, was all just a matter of politics.

### *Postscript*

#### *Knight v Wedderburn:*

Henry Dundas's unpublished oral submission of February 1776

[Transcribed from the report in the *Caledonian Mercury* of 21 February 1776. The first part of the report concerns the *Memorial* for John Wedderburn as pleaded on his behalf by Alexander Murray, Solicitor General.]

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<sup>76</sup> Max Farrand (ed.), *The Records of the Federal Convention of 1787* (3 vols, New Haven, 1911), I, 605.

"The Lord Advocate, on the other hand, contended, that it was foreign to the present question, to quote authorities from the practice of ancient nations, or even from that of our own country, in the more early periods of her history; that, were such arguments to be listened to, he could have no difficulty in producing an equal number of authorities in support of every one crime of which human nature is capable; that, as Christianity gained ground in different nations, slavery was abolished; that, whatever might have been the practice of this country in former times, which, however, he could not admit was such as represented by Mr Solicitor, it had nothing to do with the present argument, as he insisted there was not now a slave in Britain, nor could possibly be from its constitution. His Lordship observed, that he had nothing to say to the African trade; that it might be a very proper trade, but that he was conscious very great improprieties, and even villanies, were practised in the carrying it on; that children were often stole from their parents, and he had a title to plead in favour of the present defender. That he was one of the number, as the pursuer had brought no proof to the contrary, and had only alledged he had bought him from the captain of one of these traders at Jamaica; that the presumption of law was in favour of liberty; and it was therefore incumbent on Mr Wedderburne to prove, that this negro was a slave by one or other of the known modes, required even in the countries where slavery is established; that every court of justice in Europe had rejected the claim of slavery with indignation; that the great Judge Holt had said well, "*That English air was too pure for a slave to breathe*";<sup>77</sup> and Lord Mansfield had given a liberal decision in the famous case of *Somerset*.<sup>78</sup> His Lordship, therefore, hoped, for the honour of

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<sup>77</sup> Sir John Holt (1642–1710), English judge and jurist. It was in 1701 that Holt proclaimed the statement cited by Dundas, though Paul D. Halliday observes that 'Holt's judgments in a few slavery cases have traditionally been celebrated as much as his conduct of criminal cases, though again the legacy appears more mixed upon closer analysis. . . . While this [the quote above] applied to England itself, Holt by no means negated laws elsewhere that made chattel slavery legal. As he puts it, "the sale was in Virginia, and, by the laws of that country, negroes are saleable; for the laws of England do not extend to Virginia; being a conquered country their law is what the king pleases"' (91 ER 566). Holt recommended that the plaintiff simply amend his declaration in order to make good on his plea of debt for the sale of a slave'. Paul D. Halliday, 'Sir John Holt' in Oxford DNB (accessed August 2019).

<sup>78</sup> *Somerset v Stewart* was a celebrated action determined by Lord Mansfield in the Court of King's Bench in June 1772, finding in favour of the slave, James Somerset, who was declared free. The case had wide implications for slavery, the slave trade

Scotland, that the supreme Court of this country would not be the only court that would give its sanction to so barbarous a claim. He said, he looked forward with enthusiasm to some future day, when, in an African Code of Laws, a new species of manumission should be mentioned—‘setting foot upon British ground’; that, if this poor negro had any friends or relations in his native country, the joyful news might reach them; and it would be related, that, when a boy, he was cruelly dragged from home, and carried to Jamaica, by the laws of which every black man is doomed to servitude; but having afterwards been fortunately carried to this happy isle, which, in their imagination, would seem a fairy land, he found that the great principles of justice and humanity prevailed in Scotland. His Lordship also pointed at the consequences of introducing slavery here. In America, says he, the slaves are chiefly employed in labouring the grounds, and in drawing carriages. In this country, so fertile for improvements, we may soon see a *team* consisting of two horses, two oxen, and two slaves. We may possibly see the master chastising his slave as he does his ox or his horse. Perhaps, too, he may shoot him when he turns old. In the present case, indeed, the master has told us, that he will maintain me during my life, and he has even condescended to bury me when I die: But he has not yet offered to give me any wages, to support me in old age, nor to bestow any expence in instructing me in the principles of morality or religion; neither has he told me what is to become of my inoffending wife and helpless offspring. Human nature, my Lords, spurns at the idea of slavery among any part of our species: and I am confident, that the decision now to be given will convince every one of the rectitude of Judge Holt’s opinion.

The Lords, after the pleadings were finished, agreed, that as this was a new and most important question, it deserved to be determined with the utmost deliberation and solemnity; and, as it was a very different cause in the pleadings from what it was in the papers already given in, it would be proper to have the arguments on both sides distinctly stated in writing. Their Lordships therefore ordered memorials to be

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in Britain and, not least, for the abolition movement. For its important Scottish implications (including for *Knight v Wedderburn*) see Cairns, ‘After Somerset’, 291–312.



put into their boxes on the 20th of April next, that judgment may be pronounced next summer session.

The pleadings in this case have been all along attended by a female audience. The galleries yesterday were quite crouded with Ladies of fashion; and so much effect did the Lord Advocate's speech appear to have upon them, that, had they been to determine the cause, it is believed the negro would have got a unanimous decision in his favours. Our correspondent wishes, that when Ladies come again to the Parliament House, they would appear in full dress; for yesterday they were so much clouded by their hats and caps, that the beauties of their countenances could not be discovered. He observes, that during the dependence of the Douglas cause they appeared in full dress.

## Part Two

### 7

John Witherspoon (1723–1794)

#### *Liberty as regeneration*

*I thought We might put him [Paine] into some Employment, where he might be usefull and earn a Living. Congress appointed a Committee of foreign affairs not long after and they wanted a Clerk. I nominated Thomas Paine, supposing him a ready Writer and an industrious Man. Dr Witherspoon the President of New Jersey Colledge and then a Delegate from that State rose and objected to it, with an Earnestness that surprised me. The Dr. said he would give his reasons: he knew the Man and his Communications: When he first came over, he was on the other Side and had written pieces against the American Cause: that he had afterwards been employed by his [Witherspoon's] friend Robert Aitkin, and finding the Tide of Popularity run (pretty strong) rapidly, he had turned about: that he was very intemperate, and could not write until he had quickened his Thoughts with large draughts of Rum and Water: that he was in short a bad character and not fit to be placed in such a Situation.—General Roberdeau spoke in his favour: no one confirmed Witherspoons Account, though the truth of it has since been sufficiently established. Congress appointed him: but he was soon obnoxious by his Manners, and dismissed. . . .*

*I cared nothing for this but said nothing: but Dr Witherspoons Account of his Writings against Us, brought doubts into my mind of his Veracity, which the subsequent histories of his Writings and publications in England when he was in his Custom house did not remove.<sup>1</sup>*

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<sup>1</sup> This remark of Adams is puzzling since Paine's only known publication in England, before he sailed for America: Anon. [Thomas Paine], *The Case of the Officers of Excise* ([Lewes, 1772]; reprinted London, 1793) contains nothing that could have caused Americans offence.



**13** The Reverend Dr John Witherspoon  
(after the portrait by C. W. Peale). (Professor  
Ronald Crawford).

John Adams, *Diary and Autobiography*, L. H. Butterfield (ed.) (4 vols, Cambridge, Mass., Belknap Press, 1961), 330–5. Cited in J. C. D. Clark, *Thomas Paine* (Oxford, Clarendon, OUP, 2018), 119 and footnotes 31–3.

*'They must know what it is, if they mean even to show that it is false.'*<sup>2</sup>

John Witherspoon's Scottish career is in all respects as important in the context of Scottish religious history of the eighteenth century as his American career is important on the much wider proscenium of the American revolution. Perversely, for that reason among others, it was predictable that his career in Scotland should have been relatively neglected by most modern historians, by contrast with a concomitant upsurge of interest in recent years, promoted in the main by leading American authorities including Daniel W. Howe, Jeffry H. Morrison and, most recently, Gideon Mailer. All three concentrated more or less exclusively on the significant role he played in the early constitutional debates that led to independence and the creation of the United States. This is not, of course, a cause for complaint. Rather, with all Scots, we should celebrate the extent to which Witherspoon played a part of some consequence in the build-up to, and aftermath of American independence – quite aside from his contribution to the development of religious, educational and rhetorical ideas in the new republic.

Yet, we are still saddled with the same maddening enigma that doggedly continues to attach itself to the Witherspoon story. Despite the best efforts of some of us to help dispel the image of Witherspoon as the 'forgotten Founder' – that accolade, at least in Scottish terms, must now devolve on his fellow 'signer', James Wilson (see Chapter 9) – there remains the nagging suspicion that in trying to discover and comprehend the 'real' Witherspoon nothing has changed. For all our attempts to help dispel the shadows enveloping his career, John Witherspoon remains something of an 'enigma'. The pattern of his life's achievements is still stubbornly binary, even though the two parts, neatly contained by geography, are emphatically asymmetrical. But, as suggested here, if we can more assertively lay hold of the actual nature of the enigma – explaining why it persists in the first place – we may just come to a better understanding of how it is that down

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<sup>2</sup> John Witherspoon, Lecture I (untitled), *Lectures on Moral Philosophy in The Works of the Rev. John Witherspoon* (4 vols, Philadelphia, William W. Woodward, 1802), III, 369.

the years historians have found Witherspoon a far from straightforward figure in Scottish-American studies of the Enlightenment period.

The key question that needs to be put is something like this: ‘Do we perhaps exaggerate the extent to which Witherspoon is said to have changed after he began in the summer of 1768 to occupy the presidential chair at Nassau Hall?’ My book, *The Lost World of John Witherspoon* (2014), essentially a chronicle of the protracted – and, at the time of its publication, scarcely known and wholly unresearched – Court of Session action against him (still unresolved for many years after he came to New Jersey). I wrote then that I inclined to the view of Jonathan Israel that, in summary, Witherspoon was ‘unenlightened’ (indeed *anti*-Enlightenment) when he was pursuing his Calvinist Presbyterian ministry in Scotland, and that it was not until he landed up in the College of New Jersey and became an American – the outcome having been in part the doing of Benjamin Rush, who helped recruit him for the Princeton job – that he ‘adopted Enlightenment views’ and signed the Declaration of Independence. These days I am no longer sure I can subscribe to that view.

Israel bases his assertion on the totally accepted and substantiated fact that it is Witherspoon (to use Israel’s words) who deserves the credit for having ‘introduced [into the College curriculum at Princeton] the Scots Common Sense school of philosophy with tact but [with] great vigour and acumen.’<sup>3</sup> Professor Israel, along with others of the same cast, is reiterating the views of older authorities, including most notably of James McCosh (in 1875) and Witherspoon’s ablest biographer, Varnum Lansing Collins (in 1925), both as it happens senior Princeton University officers themselves. The real question, I suggest, is this: Did the didact Witherspoon wholly subscribe to and believe in the Enlightenment ideals he invited his students to read and determine for themselves whether or not they held them to be true?

Expatriate Scot, and President of Princeton University for twenty years from 1868, McCosh (originally from the mining village of Patna in Ayrshire, who went to the Princeton presidency from a chair at Queen’s University Belfast), is said in the official online Princeton blurb on past presidents to have taken ‘like John Witherspoon before him ... a

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<sup>3</sup> Ronald Lyndsay Crawford, *The Lost World of John Witherspoon: Unravelling the Snodgrass Affair, 1762 to 1776* (Aberdeen, 2014), 53, 287–90; Jonathan Israel, *Democratic Enlightenment: Philosophy, Revolution, and Human Rights 1750–1790* (Oxford, 2011), 468.

commonsense approach to the curriculum of the College, one that was liberal yet firm.’ In his still useful book, *The Scottish Philosophy ... From Hutcheson to Hamilton* (1874), McCosh notes that Witherspoon discovered for himself the philosophy of the Scottish Common Sense school, and thought so highly of it that he taught it to his students, among them James Madison and Aaron Burr. Modern scholars including Douglas Sloan, Ned C. Landsman, Mark A. Noll, and most recently, Gideon Mailer, have all sought, in different ways, to account for the seeming paradox, Sloan going so far as to suggest that ‘when Witherspoon departed for America, he carried more of the Moderate than he, his moderate adversaries, or his American friends would have dared to suppose.’<sup>4</sup> But Sloan can hardly be blamed for not knowing that at the time he wrote this (1971) the accepted view was that it was Witherspoon himself who first coined the term ‘Moderate’ (in *Ecclesiastical Characteristics* in 1753), whereas in reality the division of the Church of Scotland into two (or more) different ‘named’ parties had been recognized by William Grant of Prestongrange (later Lord Prestongrange) long before *Characteristics* went into print and as early as 1736.<sup>5</sup>

At the same time, we need to accept that the clear implication of Sloan’s analysis is that, if he is right, then the NJ college trustees did not get the man they thought they were getting when they tried to recruit Witherspoon, in the course of following up their written invitations with a direct approach to him in Paisley via successive intermediaries – first, Richard Stockton (who initially failed in his mission to get him to accept), then Benjamin Rush (who eventually succeeded). On the whole, such explanations, however, are simply no longer tenable, and not at all borne out by the facts. Still, we need to ponder Sloan’s hypothesis carefully if only on the ground it exposes the key question to which, as we have seen, Professor Israel has confidently supplied an answer. But is it the right answer?

Of first importance in approaching the issue of Witherspoon’s supposed personal Damascus-road conversion to Enlightenment values are the two distinct series of lectures he gave at Princeton to which has been attached

<sup>4</sup> Douglas Sloan, *The Scottish Enlightenment and the American College Ideal* (New York, 1971), 119.

<sup>5</sup> The term ‘Moderate, to indicate a discrete ‘party’ within the Church of Scotland aligned against an opposing party of ‘Orthodox’ ministers, was first used by William Grant of Prestongrange (later the judge and Lord Advocate, Lord Prestongrange), in his anonymous pamphlet: *The Present State of the Church of Scotland* (London, 1736). See Chapter 4, note 11.

the modern labels *Lectures on Moral Philosophy*, and (much the lesser known) *Lectures on Divinity*. Unpublished in his lifetime – which in itself is interesting<sup>6</sup> – both sets of lectures demonstrate the impressive breadth and sweep of Witherspoon's thought. For all that, but without wishing to minimise his achievement, they also illuminate the limitations of his intellectuality. In Thomas Miller's words:

From beginning to end, the purpose of Witherspoon's lectures [he is writing about the *Lectures on Moral Philosophy*] is not to develop a new system of thought but to provide a broad overview to his students to prepare them for the ethical and political decisions that they would have to make in public life.<sup>7</sup>

In other words, the *Lectures on Moral Philosophy*, of which Miller writes here, are essentially the work of a gifted teacher, and were never designed by their author to make any personal contribution to the literary *cum* philosophical *genre* to which they belong, but rather to offer his students ideas, perceptions and insights culled from his own reading. Witherspoon was undoubtedly a clever man whose literary skills were to a degree unusual in a clergyman – witness the genius of the early satires – but we would be wrong to think of him as an original Enlightenment thinker in his own right.

Consider the beginning and the end of the *Lectures on Moral Philosophy*. In the few paragraphs constituting the preamble to Lecture I Witherspoon helpfully eases us into the point of view he intends to adopt throughout the entire course. 'Moral philosophy' being what it is, 'is it lawful', he asks,

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<sup>6</sup> See the 'Advertisement to the Second American Edition' in William W. Woodward (ed.), *The Works of the Rev. John Witherspoon* (4 v., Philadelphia, 1802), I, pre-lims. (unpaginated): 'In justice to the memory of Dr Witherspoon, it ought to be stated that he did not intend these lectures [on Moral Philosophy] for the press, and that he once compelled a printer who, without his knowledge, had undertaken to publish them, to desist from the design, by threatening a prosecution as the consequence of persisting in it. The Dr's lectures on morals, notwithstanding they assume the form of regular discourses, were in fact, viewed by himself as little more than a syllabus or compend, on which he might enlarge before a class at the times of recitation; and not intending that they should go further, or be otherwise considered, he took freely and without acknowledgment from writers of character, such ideas, and perhaps expressions, as he found suited to his purpose.'

<sup>7</sup> Thomas Miller, Introduction in Thomas Miller (ed.), *The Selected Writings of John Witherspoon*, (Carbondale, 1990), 36.

‘and is it safe or useful to separate moral philosophy from religion?’ Without naming him, he then cites Jonathan Edwards – ‘an author of New England’ – who has (cynically) said that ‘moral philosophy is just reducing infidelity to a system.’<sup>8</sup> Witherspoon says that he cannot agree with that for, ‘If the Scripture is true, the discoveries of reason cannot be contrary to it; and therefore, it has nothing to fear from that quarter.’ It may even ‘do much good.’ Warming to his theme, Witherspoon tentatively encroaches on the momentous Enlightenment debate between reason and revealed religion, not only throwing light on his own personal views on the issue, but identifying in the process some of the authors whose approach to the subject he has discovered most valuable. Some of these names are recognizable from his earlier writings, while others are new, and consequently of novel interest to Witherspoon’s young scholars:

The noble and eminent improvements in natural philosophy [*i.e.* science] which have been made since the end of the last century have been far from hurting the interest of religion; on the contrary, they have greatly promoted it. Why should it not be the same with moral philosophy, which is indeed nothing else but the knowledge of human nature? It is true that infidels do commonly proceed upon pretended principles of reason. But as it is impossible to hinder them from reasoning on this subject, *the best way is to meet them upon their own ground and to show from reason itself the fallacy of their principles.* I do not know anything that serves more for the support of religion than to see from the different and opposite systems of philosophers that *there is nothing certain in their schemes but what is coincident with the word of God.* [italics added]

Some there are, and perhaps more in the present than any former age, who deny the law of nature and say that all such sentiments as have been usually ascribed to the law of nature are from revelation and tradition.

We must distinguish here between the light of nature and the law of nature. By the first is to be understood what we can or do discover by our own powers without revelation or tradition; by

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<sup>8</sup> Usually identified as a reference to Edwards’ posthumously published *Two Dissertations* (Boston, 1765), and specifically to the second part entitled ‘The Nature of True Virtue’ in which Edwards takes issue with the moral sense philosophy of ‘Mr Hutcheson’ – i.e. Francis Hutcheson.



the second, that which, when discovered, can be made appear to be agreeable to reason and nature.<sup>9</sup>

Intriguingly, he proceeds to name in his preamble four writers whose thoughts on the subject he considers of particular importance, among them two ‘very shrewd and able writers of late’, viz. ‘Dr Willson [sic] of New Castle<sup>10</sup> and Mr Ricalton [sic] of Scotland’,<sup>11</sup> who ‘have written against the light of nature showing that the first principles of knowledge are taken from information’; and ‘Dr Clark’ [sic] – the polymath Samuel Clarke who ‘was one of the greatest champions for the law of nature’.<sup>12</sup> Witherspoon

<sup>9</sup> Witherspoon, ‘Lecture I (untitled)’ in Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 367–8.

<sup>10</sup> Andrew Wilson (1718–92). Wilson, a physician and scientist, was an anti-Newtonian and supported John Hutcheson in that regard. Witherspoon would have known his *Short Observations on the Principles and Moving Powers Assumed by the Present System of Philosophy* (London, 1764).

<sup>11</sup> Robert Riccaltoun (1691–1769). Born at Earlshaugh near Jedburgh, Riccaltoun studied theology at Edinburgh and although his studies were interrupted by the death of his father, he was eventually licensed to preach by the presbytery of Kelso in 1717 and in 1725 ordained to the parish of Hobkirk where he continued his ministry for the rest of his life. He was a prolific author and his publications contributed to the Marrow controversy, especially *The Politick Disputant* (1722) and *A Sober Enquiry into the Grounds of the Present Differences in the Church of Scotland* (1723). Riccaltoun is best remembered today on different grounds: for his influence on the poet James Thomson, whom he tutored, occasionally acting as critic of some of Thomson’s early pieces. Witherspoon cites Riccaltoun because he ‘sought to reconcile scriptural revelation and classical learning, arguing for a parallel between biblical and pagan accounts of natural phenomena’. – William George, rev. Mary Catherine Moran, ‘Robert Riccaltoun’, *Oxford DNB* (accessed February 2019). Ahnert cites a nineteenth-century theologian, William L. Brown, who said of Riccaltoun that he ‘did not scruple to express his approbation of those parts of Mr. Hume’s writings, in which the foundations of *natural religion* were attacked,’ and that ‘a sceptical attitude toward natural religion did not contradict a Christian faith founded on revelation.’ *Remarks on Certain Passages of ‘An Examination of Mr. Dugald Stewart’s Pamphlet, by one of the Ministers of Edinburgh’; relative to Subjects nearly connected with the Interests of Religion and Learning* (Aberdeen, 1806). Cited in Thomas Ahnert, *The Moral Culture of the Scottish Enlightenment 1690–1805* (New Haven, 131–2).

<sup>12</sup> Samuel Clarke (1675–1729) was one of the greatest philosopher-theologians of his age and, clearly, highly regarded by Witherspoon who cites him frequently, and perhaps most famously in *Ecclesiastical Characteristics*. Of equal interest to this study is the implication of the scope of the thought of non-conformists like Clarke and his followers to Thomas Paine. Paine dabbled in Newtonian science and his revulsion from revealed religion is, according to J. C. D. Clark, partly explained by the fact that ‘his mental world looked back to

notes that 'it is only since his [Clarke's] time that the shrewd opposers of it have appeared', meaning 'The Hutchinsonians (so called from [John] Hutchinson of England)' [1674–1737],<sup>13</sup> a coterie of theologians who 'insist that not only all moral, but also all natural knowledge comes from revelation, the true system of the world, true chronology, all human arts, etc.' But, while the views of these men are of interest, they are, Witherspoon maintains, not necessarily *right*. To the student of Witherspoon's sources, however, merely citing Andrew Wilson, Robert Riccaltoun and John Hutchinson does little more than indicate the impressive breadth of his reading. Beyond that, however, and more revealingly, we cannot downplay the importance of Witherspoon's familiarity with authors and titles that deal with the tentative relationship of science and religion, a subject that has beguiled and intrigued successive generations of theologians from Joseph Priestley to (in our own day) Thomas F. Torrance.

Of signal importance, yet largely ignored by Witherspoon scholars, one of the Hutchinsonians, the Scot Robert Riccaltoun, clearly provided much of the thrust of Witherspoon's lifelong attachment to the related doctrines of primal sin, justification, free grace, atonement and, above all, regeneration. Ahnert [see note 11] is not to be faulted for being unconcerned with the issue per se, while insisting it does seem likely that John Witherspoon's theological resolution of the apparent inconsistencies of how the doctrine of original sin was variously interpreted in his day owes much to Riccaltoun. Above all, Witherspoon's conclusions on the subject – notably but not exclusively in the *Practical Treatise on Regeneration* (1764) – bear a remarkable similarity to Riccaltoun's arguments in a work that Witherspoon would undoubtedly have known, *A Sober Enquiry into the Grounds of the Present Differences in the Church of Scotland* (1723), essential reading, it must be said, for anyone researching the background to, and wider significance of the so-called 'Marrow controversy'.<sup>14</sup>

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early eighteenth-century English natural science, more than forward to early nineteenth-century political economy: to Newton, more than to Ricardo or Marx.' J. C. D. Clark, *Thomas Paine* (Oxford, 2018), 25.

<sup>13</sup> John Hutchinson (1674/1737) was a natural philosopher, inventor and clock-maker who, like Andrew Wilson of Newcastle (see note 10 above), rejected both the philosophy and the theology of Newton, as well as the anti-trinitarian ideas of the dissenter, Samuel Clarke (see note 12 above).

<sup>14</sup> For his views on sin, regeneration, and free grace see Riccaltoun, *A Sober Enquiry*, 203, 228–257; and *Works*, I, 12, *The original state of mankind after the entrance of sin*, 255; and 20, *Regeneration, and Eternal Life*, 390. For more on the Marrow controversy, and the 'new evangelical radicalism' it represented in the

The section that follows of the preamble to Lecture I of the *Lectures on Moral Philosophy* may be said to represent John Witherspoon's personal credo – and is of unusual significance if only because he utters it, not from his manse in Beith or Paisley in the 1750s-early 1760s, but in the lecture room at Princeton from about 1769, a full six to seven years before the outbreak of the American war:

In this, as is usual with most other classes of men, they carry their nostrum to extravagance. I am of the opinion that the whole Scripture is perfectly agreeable to sound philosophy, *yet it was never intended to teach us everything. . . . On the whole, it seems reasonable to make moral philosophy, in the sense above explained, a subject of study. And indeed let men think what they will of it, they ought to acquaint themselves with it. They must know what it is, if they mean even to show that it is false.* [italics added]<sup>15</sup>

In other words, he says, you young men will make up your own minds on the meaning of your lives against the background of the thinkers whose revelations I shall reveal to you throughout my course. As for myself, I came to my own conclusions when I was around your age, and my beliefs are still clear and immutable, *despite* what I have read since I came here and have discovered in the light of these works.

Predictably, as befits their intended status as a useful manual for students, the *Lectures on Moral Philosophy* conclude with a 'Recapitulation', designed to sum up the heads of inquiry Witherspoon has covered in the series, and providing a guide to some of the great names, living and dead, whose books he considers most germane to the themes discussed. On the bare evidence of the 'Recapitulation' – the final section so-named tacked on to the concluding Lecture XVI, 'Of Oaths and Vows' – the works of writers whose terminology and ideas had once scandalized him, Witherspoon now appears to be recommending to his students. Of these authors and their works, Witherspoon's inclusion in his list of Hume's *Essays* and Kames's *Essays* is at first startling in the light of his full-blown condemnation of these works

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Church of Scotland, see Richard B Sher, *Church and University in the Scottish Enlightenment: The Moderate Literati of Edinburgh* (1985; Edinburgh, 2015), 49; and J. H. S. Burleigh, *A Church History of Scotland* (London, 1960), 288–91.

<sup>15</sup> Witherspoon, Lecture I of the *Lectures on Moral Philosophy* in Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 369.

while a parish minister and champion of the Scottish Kirk's Popular party many years before. Is this the key, pace Jonathan Israel, to Witherspoon's supposed transformation from unenlightened Scottish zealot to enlightened American college didact? When we subject the language and context of the 'Recapitulation' to closer scrutiny it emerges, however, that that is far from the case.

As ever, Witherspoon chooses his words with unusual care. The list of titles and authors – discarding repetitions, he names about twenty specific publications and around thirty discrete authors, not including 'the whole deistical writers and the answers written to each of them in particular' – is in truth not all it might seem, and, assuredly, not at all what some historians have made of it. The 'Recapitulation' represents a list of authors and books he is specially recommending to his young Princetonians as prescribed reading, but he does so in the belief that these are 'the chief writers who have distinguished themselves in the branch of science'; that is in one, or in more than one, of 'the three general divisions of this subject' [moral philosophy], meaning, he explains, the divisions of 'ethics, politics, and jurisprudence'. He deliberately stops short of advising his students that they would necessarily wish to be guided by the written thoughts and ideas of these men, least of all that he himself would necessarily wish to share their views or endorse their opinions in the expectation they would be taken up by others with similar (to use Jonathan Israel's words) 'vigour and acumen'. Rather, as a good teacher, he tells his young men that they should read these authors, since to ignore them would impair their knowledge of the subject, and render their studies the more seriously defective.

In the final paragraph of his preamble to *Lectures on Moral Philosophy* just quoted he makes the point with great force and clarity. It bears reiteration: 'On the whole, it seems reasonable to make moral philosophy, in the sense above explained, a subject of study. And indeed let men think what they will of it, they ought to acquaint themselves with it. *They must know what it is, if they mean even to show that it is false.*' [italics added]<sup>16</sup> In other words, do not for a moment expect me, your teacher, to align myself with the theories and systems I am about to reveal to you, any more than I would expect you to swallow them as necessarily *right*. In a modern context, I might say in the classroom that my students should certainly be encouraged to get to know what Nietzsche was all about, and how his writings influenced the

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<sup>16</sup> Ibid.

intellectual origins of fascism in Europe, without for a moment suggesting that they consider adopting the ‘will to power’ as a model for their own ethical and political standpoint, least of all as a way of life generally.

Proof of that simple hypothesis is graphically illustrated if we examine Witherspoon’s references to the works of David Hume throughout his career in both Scotland and America. In four of the five instances where Witherspoon cites Hume in his Princeton lecture series, for example, he does so only to re-assert his longstanding, pre-American prejudice for the man and his ‘infidel’ views. Just as important, in most of the cases cited here in his Princeton classroom he replicates almost the same terminology he had first used in discussing Hume in the course of his Scottish career, both in his pulpit ‘literary’ sermons and in his other satirical and non-satirical publications.

### *Witherspoon on Hume – in Scotland*

1. *Ecclesiastical Characteristics* (1753; second edition, ‘Corrected and Enlarged’; Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 199–261).

[Note: Witherspoon satirically discredits Hume in ‘Maxim VI’ in which, as part of a list of ‘the most necessary and useful books, the thorough understanding of which will make a truly moderate man’, he brackets Hume’s ‘*Moral Essays*’ together with William Dudgeon’s ‘Best Scheme’ (*A View of the Necessitarian or Best Scheme* – London, 1739). Sarcastically, he comments in the text: ‘... the two last are Scots authors, and it is with pleasure I can assure my countrymen, they are by far the most perfect of them all, carrying the consequence of the scheme to the most ravishing height.’]<sup>17</sup>

2. *Essay on the Connection between the Justification by the Imputed Righteousness of Christ, and Holiness of Life* (1756; Woodward (ed.), *The Works of the Rev. John Witherspoon*, I, 43–92).

- 2.1 There is one late writer, David Hume, Esq. who, it must be confessed, hath excelled all that went before him in an extraordinary account of the nature of virtue. I have taken no notice above

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<sup>17</sup> Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 232, footnote.

of his principles, if they may be called so, because I think both him and them worthy of the highest contempt; and would have disdained to have made mention of his name, but that it affords me an opportunity of expressing my sense of the wrong measures taken by many worthy and able men, who, in sermons and other discourses, give grave and serious answers to his writings. As to himself, that man must be beyond the reach of conviction by reasoning, who is capable of such an insult upon reason itself, and human nature, as to rank all natural advantages, mental and corporeal, among his virtues, and their contraries among the vices. Thus he hath expressly named wit, genius, health, cleanliness, taper legs, and broad shoulders, among his virtues; diseases he also makes vices; and consistently enough, indeed, takes notice of the infectious nature of some diseases, which, I suppose, he reckons an aggravation of the crime.<sup>18</sup>

- 2.2 Accordingly we find, that except the grossest and boldest infidels, of which sort this age has furnished some examples\*, all classes of men confess themselves guilty of many sins, faults, or failings; some expressing themselves in a stronger, and some in a softer style according to the greater or lesser degree of the depravation [sic] of natural conscience.

\* Vide Essays on the principles of morality and natural religion. These essays conclude with an address to the Supreme Being which contains the following words; *What mortals term sin, thou pronounces to be only error; for moral evil vanishes, in some measure, from before thy more perfect sight.*<sup>19</sup>

3. *The Absolute Necessity of Salvation through Christ* (1759; Woodward (ed.), *The Works of the Rev. John Witherspoon*, II, Sermon XXXVII, 339–67).

[Note: The Hume footnote is absent from the first published version of this sermon, the note appearing for the first time in the Woodward collected ed. of 1800–1802). The sermon was

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<sup>18</sup> Ibid., I, 76–7.

<sup>19</sup> Ibid., 78.

preached before a meeting of the SSPCK – Society in Scotland for Propagating Christian Knowledge – and delivered in the High Church, Edinburgh on 2 January 1758.]

It is not easy to conceive any subject, at once more important in itself, more seasonable in this age, and more suited to the design of the present meeting, than the absolute necessity of salvation through Christ. We live in an age in which ... infidelity greatly prevails; but yet in which the cause of truth has much less to fear from the assaults of its open enemies, than from the treachery of its pretended advocates. The latest infidel writers have carried their own scheme to such perfection or extravagance, that it must discredit the cause in the eye of every sober judge.\*And indeed, the gospel can scarcely receive a greater injury, than when any professing attachment to it, condescend to enter the lists with such absurdities, or give ground of suspicion that they stand in need of a serious refutation.

\* See David Hume's writings on morals throughout; where, besides leaving out entirely our duty to God, which he hath in common with many other late writers, he expressly founds justice upon power and conveniency, derides chastity, and turns many of the most important virtues into vices. See also *Essays* on the principles of morality and natural religion; the author of which, at one decisive blow, takes away all sin, by founding virtue on a delusive feeling. These writings are far from being hurtful in proportion to the intention of their authors: for though the principles contained in them are often retailed in conversation, yet it is only by way of amusement, on account of their boldness or novelty, not one in an hundred appearing to have any serious conviction of their truth.<sup>20</sup>

More of the same concerning 'infidel authors', without this time mentioning Hume and/or Kames by name, is found in the sermon *Seasonable Advice to Young Persons* (1762) – the notorious sermon that provoked the long-running 'Snodgrass affair' and led to the Court of Session action

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<sup>20</sup> Ibid., II, 339–40.

against Witherspoon, possibly influencing his decision finally to accept the call to America;<sup>21</sup> in the much underrated satire, *The History of a Corporation of Servants* (1765);<sup>22</sup> and, though less well-known, in an early piece attacking Kames he contributed to the *Scots Magazine* for April 1753, 'Remarks on an Essay on Human Liberty'.<sup>23</sup>

*Witherspoon on Hume – in America*

1. *Lectures on Moral Philosophy* (unpublished in JW's lifetime; Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 367–472).

1.1 Lecture IV [untitled]

We shall proceed to consider the opinions upon the nature of virtue, the chief of which are as follows. . . .

David Hume has a scheme of morals that is peculiar to himself. He makes everything that is *agreeable* and *useful* virtuous, and vice versa, by which he entirely annihilates the difference between natural and moral qualities, making health, strength, cleanliness, as really virtues as integrity and truth.<sup>24</sup>

1.2 Lecture VI [untitled] (The Lecture has addressed 'proofs of the being of God', sorting these into two kinds, proofs that are either a priori or a posteriori):

About this and some other ideas great stir has been made by some infidel writers, particularly David Hume, who seems to have industriously endeavoured to shake the certainty of our belief upon cause and effect, upon personal identity and the idea of power. It is easy to raise metaphysical subtleties and confound

<sup>21</sup> Witherspoon, 'Sermon XLI' in Woodward (ed.), *The Works of the Rev. John Witherspoon*, II, 479–507.

<sup>22</sup> (Glasgow, 1765), 4; Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 314: 'A great living author, David Hume esqr. not long ago, made health, cleanliness, and broad shoulders capital virtues, and a running sore an unpardonable crime; yet was it but little taken notice of when first published, and is now almost wholly forgotten.' Witherspoon is citing from Hume's *A Treatise of Human Nature*, David Fate Norton and Mary J. Norton (eds.) (1739–40; Oxford, 2000), 392.

<sup>23</sup> *Scots Magazine*, 15 (April 1753), 165–70.

<sup>24</sup> Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 385



the understanding on such subjects. In opposition to this, some late writers have advanced with great apparent reason that there are certain first principles or dictates of common sense which are either simple perceptions or seen with intuitive evidence. These are the foundation of all reasoning, and without them to reason is a word without meaning. They can no more be proved than you can prove an axiom in mathematical science. These authors of Scotland<sup>25</sup> have lately produced and supported this opinion to resolve at once all the refinements and metaphysical objections of some infidel writers.<sup>26</sup>

### 1.3 Lecture VIII [untitled]

Justice consists in giving or permitting others to enjoy whatever they have a perfect right to— and making such an use of our own rights as not to encroach upon the rights of others. There is one writer, David Hume, who has derided the duty of justice, resolving it wholly into power and conveniency, and has affirmed that property is common, than which nothing can be more contrary to reason; for if there is anything clear as a dictate of reason, it is, that there are many rights which men severally possess which others ought not to violate. ... Another virtue which this author ridicules is chastity. This however will be found to be included in justice, and to be found in the sentiments of all nations, and to have the clearest foundation both in nature and public utility.<sup>27</sup>

## 2. Lectures on Divinity (also unpublished in JW's lifetime; Woodward (ed.), *The Works of the Rev. John Witherspoon*, IV, 9–123).

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<sup>25</sup> Witherspoon is referring to Thomas Reid (1710–96), whose *Inquiry into the Human Mind, on the Principles of Common Sense* (1764) attacked the scepticism of Hume; and James Beattie (1735–1803), whose *Essay on the Nature and Immutability of Truth, in Opposition to Sophistry and Scepticism* (1770) less circumspectly criticises Hume whose writings, Beattie thought, seriously undermined religion and personal morality. Both works are named in Witherspoon's 'Recapitulation'.

<sup>26</sup> Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 395

<sup>27</sup> *Ibid.*, III, 408–9.

2.1 Lecture III [untitled] (The Lecture deals with ‘the truth of the Christian religion’).

One thing more I would say, by way of introduction; that the custom of some ministers, of constantly entertaining their hearers with a refutation of infidel objections upon every subject, is not much to be commended. This seems to proceed upon a supposition, that a great part of their audience is inclined to infidelity. . . . It is however certain, that since in modern times especially, this controversy has been greatly agitated, and indeed of late almost all other controversies have been dropped on account of it, or lost in it; a student of divinity should be well informed upon it. . . . Some of the latest infidel writers, particularly David Hume, has raised such objections, as seem chiefly to point this way. The boundless scepticism he has endeavoured to introduce, would weaken the belief we have in the Deity, as much as in the gospel; and indeed, as he seldom attacks particulars (except in the case of miracles) his enmity seems to be against religion in general, and not against the gospel: the same thing may be said of Voltaire, Helvetius, and other foreigners; though Voltaire deals very much in particular cavils, and of the most silly kind.<sup>28</sup>

3 *Address to the Natives of Scotland residing in America* (1776; Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 47–60).

It is industry only, and not possessions, that makes the strength and wealth of a nation; and this is not hindered but encouraged, provoked, and rewarded by the industry of others.\*

[Footnote reads: \*See David Hume’s *Essay on the jealousy of trade*.]<sup>29</sup>

With the single exception of the last-named footnote – which is exceptional in the sense that the citation is not designedly critical of Hume – all these extracts conclusively show that, in America, Witherspoon has not

<sup>28</sup> Woodward (ed.), *The Works of the Rev. John Witherspoon*, IV, 23–4.

<sup>29</sup> Ibid., III, 55. See David Hume, *Essays and Treatises on Several Subjects*, v. II, ‘Continuing Essays, Moral, Political, and Literary. Part II, A New Edition’ (London and Edinburgh, 1760). Essay VI, ‘Of the Jealousy of Trade’, 105–10.

budged an inch from his consistent dismissal throughout his Scottish career of the philosophical writings of one of the greatest of all names of the Scottish Enlightenment. So far as Witherspoon is concerned, Hume was an ‘infidel writer’ in Scotland, and he remains an ‘infidel writer’ in America. Furthermore, in his American writings Witherspoon employs the same Calvinist language in justifying his renewed attack on Hume’s unique brand of ‘infidelity’. On their own, these are insufficient grounds for dismissing the claim that John Witherspoon be acknowledged as a true man of the Enlightenment. But it is worth pointing out that if we have got it wrong for Witherspoon in that regard, we may also have got it wrong in the case of other evangelical ministers, notably John Erskine, and conceivably also Robert Walker, whose works Hugh Blair, one of the greatest of Moderate ministers, felt he could comfortably endorse in a posthumous collection of Walker’s *Sermons on Practical Subjects* (1784). Erskine, be it said, has his own enigma to contend with, his modern reputation as the ‘Enlightened Evangelical’ sitting more than a little precariously alongside his numerous near-obsessive assaults on ‘popery’.<sup>30</sup>

It cannot also be overlooked that there exist within the *Lectures on Moral Philosophy* two further striking features – let us call them ‘oddities’ – that some would say call out to be taken into account, on the debit side, in any case for a reassessment of Witherspoon’s entitlement to be recognized as an Enlightened American.<sup>31</sup> These are, first, a decidedly ‘Old Testament’ approach to his apparent endorsement of (or at the least a failure to condemn) slavery in certain circumstances; and, secondly, his declared enthusiasm for magistrates having resort to the *lex talionis* as an effective tool of modern retributive justice – ‘*Thine eye shall not pity; but life shall go*

<sup>30</sup> John Erskine’s enthusiasm for the American cause is considered in Chapter 4. The best modern account of Erskine’s life and career is by Jonathan M. Yeager: *Enlightened Evangelicalism: The Life and Thought of John Erskine* (Oxford, 2011).

<sup>31</sup> John Witherspoon, Lecture X, ‘Of Politics’ in ‘Lectures on Moral Philosophy’ in Thomas Miller (ed.), *The Selected Writings of John Witherspoon* (Carbondale, 1990, 191–2. See also Gideon Mailer, *John Witherspoon’s American Revolution* (Chapel Hill, 2017), 363–4: ‘Like many in the northern states, he [Witherspoon] often defined the evolution of universal liberty in the narrow legal sense, rather than suggesting an evolving freedom of the ethical will in more general philosophical terms. Yet, according to tax records, he had owned one or two enslaved people who worked on his farm at Tusculum. . . . Following the relative silence of the founding generation on the ethics of American slavery, constitutional compromises perpetuated the institution through the nineteenth century.’

*for life, eye for eye, tooth for tooth, hand for hand, foot for foot*’; to be precise, in situations, he is assiduous to maintain, where the prevailing circumstances might warrant it.<sup>32</sup> These are obviously contentious issues. Nonetheless, it will be argued by fastidious revisionists in our disputatious age that such negative factors cannot be relegated to the sidelines in weighing up the more positive evidence when assessing John Witherspoon’s Enlightenment credentials.

*I have laid before you what scripture teaches us on the sinfulness of our nature*<sup>33</sup>

The Augustinian doctrine of original sin was an integral, fundamental and compulsory ‘subscription’ of the reformed church at Geneva, enshrined by Calvin in his hugely influential *Institutes of the Christian Religion*, first published (in Latin) in Basel in 1536. Citing *Psalms* 51:5 as his scriptural authority – *‘I was shapen in iniquity; and in sin did my mother conceive me’* – Calvin writes: ‘All of us, therefore, descending from an impure seed, come into the world tainted with the contagion of sin. No, before we behold the light of the sun we are in God’s sight defiled and polluted. ‘Who can bring a clean thing out of an unclean?’ ‘Not one,’ says the book of Job (*The Book of Job*, 14:4).<sup>34</sup>

With the authority of Calvin transmitted through Knox and others to the Scottish Reformers the doctrine was formally integrated within the Westminster ‘Confession of Faith’ by the General Assembly of the Church of Scotland, meeting at Edinburgh in August 1647, and subsequently ratified by the Scottish Parliament in February 1649.<sup>35</sup> The terms of the

<sup>32</sup> John Witherspoon, Lecture XIV, ‘*Jurisprudence*’ in in ‘Lectures on Moral Philosophy’ in Miller (ed.), *The Selected Writings of John Witherspoon*, 217. This is not perhaps as surprising as it might seem. Kant (in his *Rechtslehre*) also regarded the *lex talionis* as ‘the guiding rule of the ideal scheme of criminal justice’. See James W. Salmond, *Jurisprudence or The Theory of the Law* (London, 1902), 80. The Scottish jurist, John Erskine of Carnock (1695–1768), on the other hand, having considered it in a modern application, ruled that the ‘judicial law of Moses’ was inappropriate outside the Jewish race. See Alexander Broadie (ed.), *The Scottish Enlightenment: An Anthology* (Edinburgh, 1997), 609.

<sup>33</sup> John Witherspoon, ‘Sermon 1, ‘All Mankind by Nature under Sin’ in Woodward (ed.), *The Works of the Rev. John Witherspoon*, I, 273.

<sup>34</sup> John Calvin, *Institutes of the Christian Religion*, trans. Henry Beveridge (Peabody MA., 2008), Book Second, Chapter 1, 150.

<sup>35</sup> *Charles I. Parl. 2. Sess. 2 Act 16*. The English Parliament had approved in 1648 a different version of the document but, with the Restoration, the acts relating to the Confession were nullified and in 1690 William of Orange, appropriately, gave royal assent only to the Scottish Parliament’s ratification of the Confession. In the words of J. H. S. Burleigh: ‘[The Westminster documents]

document, affecting the doctrine of original sin, and available in print for the ‘Christian Reader, especially Heads of Families’ continuously throughout the next century and well beyond, are worth quoting in their entirety:

Chapter VI. *Of the Fall of Man, of Sin, and of the Punishment thereof.*

1. Our first parents being seduced by the subtilty and temptation of Satan, sinned in eating the forbidden fruit. This their sin, God was pleased, according to his wise and holy counsel, to permit, having purposed to order it to his own glory.

I. By this sin they fell from their original righteousness and communion with God, and so became dead in sin, and wholly defiled in all the faculties and parts of soul and body.

II. They being the root of all mankind, the guilt of this sin was imputed [= attributed], and the same death in sin and corrupted nature conveyed, to all their posterity, descending from them by ordinary generation.

III. From this original corruption, whereby we are utterly indisposed, disabled, and made opposite to all good, and wholly inclined to all evil, do proceed all actual transgressions.

IV. This corruption of nature, during this life, *doth remain in those that are regenerated*: [italics added] and although it be through Christ pardoned and mortified, yet both itself, and all the motions thereof, are truly and properly sin.

V. Every sin, both original and actual, being a transgression of the righteous law of God and contrary thereto, doth, in its own nature, bring guilt upon the sinner, whereby he is bound over to the wrath of God, and curse of the law, and so made subject to death, with all miseries spiritual, temporal, and eternal.<sup>36</sup>

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have remained the official standards of the Church of Scotland ever since, and of its daughter churches throughout the English-speaking world, though today a good deal of freedom in their use and interpretation is allowed and exercised.’ Burleigh, *A Church History of Scotland*, 226–7. Currently (2019) the official Kirk position is as follows: ‘Although . . . the Westminster Confession retains its status, the General Assembly of 1986 declared that it no longer affirmed certain parts, indeed ‘dissociated itself’ from certain clauses and did not require its office-bearers to believe them.’

<sup>36</sup> There are literally dozens of editions of *The Confession of Faith* published throughout the eighteenth century, including the book from which the above has been transcribed, viz. *The Confession of Faith, The Larger and Shorter Catechisms, with the Scripture Proofs at large* (Edinburgh, 1744), 48–52. Benjamin Franklin

In Witherspoon's day, and throughout the eighteenth century, what came to be seen by some Moderate ministers as an unwelcome distraction, and by liberal thinkers as an obsolete hang-over from the early Reformation which only the most zealous could swallow in its entirety, the doctrine of original sin continued to give rise to angry pamphlet exchanges for decades on end. Thomas Ahnert comments: 'Although they [Moderates] did not openly resist or seek to abolish the Westminster Confession, Witherspoon was correct when he characterized their commitment to doctrinal orthodoxy as lukewarm at best.'<sup>37</sup> The particular passage from Witherspoon's best-known work, *Ecclesiastical Characteristics*, Ahnert would have had in mind is this:

Who but the admirers of this antiquated composition, who pin their faith to other men's sleeves, and will not endure one jot less or different belief from what their fathers had before them! It is therefore plain that the moderate man, who desires to enclose all intelligent beings in one benevolent embrace, must have an utter abhorrence at that vile hedge of distinction – the *Confession of Faith*.<sup>38</sup>

The quote is from *Maxim 3*: '*It is a necessary part of the character of a moderate man never to speak of the Confession of Faith but with a sneer; to give sly hints that he does not thoroughly believe it; and to make the word orthodoxy a term of contempt and reproach.*' Playfully, Witherspoon wrings as much as he dares out of the subject, but he is, of course, writing with a highly satirical pen, conforming to the rule of satire that insists on the true meaning being conveyed in terms that suggest the opposite of what is intended: 'The *Confession of Faith*, which we are now all laid under a disagreeable necessity to subscribe, was framed in times of hot religious zeal; and therefore it can hardly be supposed to contain any thing agreeable to our sentiments in these cool and refreshing days of moderation.'<sup>39</sup>

Despite the satirical medium, Witherspoon could not have known just how prophetic his words would become. In little more than a decade the

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printed and published an edition of *The Confession of Faith . . . Of Publick-Authority in the Church of Scotland* (Philadelphia, 1745).

<sup>37</sup> Ahnert, *The Moral Culture of the Scottish Enlightenment*, 78.

<sup>38</sup> John Witherspoon, 'Maxim III' in Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 217–18.

<sup>39</sup> *Ibid.*, 216.

Reverend Alexander Fergusson [*aka* Ferguson], of Kilwinning, Ayrshire, writing as ‘A.B.’, and (though left unsaid) as a Moderate (and a Freemason), sent a letter to the *Scots Magazine* challenging not just the whole theological basis of ‘unscriptural doctrines’ – including, one must assume, that of original sin – but also exposing the current extent, as he perceived it, of ministers disingenuously pretending to uphold the articles of the Confession at the time of their ordination ‘with the most cowardly and hypocritical dissimulation.’<sup>40</sup>

One of the leading participants in what became known as the ‘Kilwinning Heresy’ was Witherspoon’s uncle, Thomas Walker, minister of nearby Dundonald parish. Walker was a Calvinist hardliner who, like his nephew, had gone into print to express his outrage at the ‘dastardly pusillanimity’ of Moderates who were unwilling to confront the growing problem of ‘infidel writings’. Walker had clear views on where he stood in relation to the original sin controversy and he had no hesitation in gatecrashing the debate, with fiery views on the issue. Mercifully, he is one of only a tiny minority of apologists for original sin who sought to defend the doctrine on a crude physiological basis; that is, that the unborn child is depraved in the womb and that while ‘the infant and mother together make but one whole, it is more than probable, that the same impressions that are made on the brain and heart of the mother, are likewise made on the correspondent parts of the child.’ In other words, the unborn child succumbs to the genetic ‘depravation’ [depravity] of the mother in a kind of inescapable perpetual chain reaction. And Walker is careful to add: ‘And yet nothing of all this evil can be ascribed to God.’<sup>41</sup>

Barely five years after Witherspoon wrote and published *Ecclesiastical Characteristics* (1753), and less than a year after he had accepted the call to succeed Robert Findlay in the Laigh Church in Paisley, he was invited to preach in the town’s Abbey Church on the occasion of the ordination to the second charge there of a young minister, Archibald Davidson, later minister

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<sup>40</sup> *Scots Magazine*, 29 (April 1767), 172. For more on what came to be known as the ‘Kilwinning Heresy’ see Ronald Lyndsay Crawford’s *The Chair of Verity: Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (Edinburgh, 2017), 129–53 and Appendix D, 323–3; and Colin Kidd, ‘Subscription, the Scottish Enlightenment and the Moderate Interpretation of History’, *Journal of Ecclesiastical History*, 55 (2004), 502–19; with two further articles by Kidd on the Kilwinning Heresy as noted in Crawford, *The Chair of Verity*, 427.

<sup>41</sup> Thomas Walker, *Essays and Sermons on Doctrinal and Practical Subjects* (Edinburgh, 1782), 24–5.

of Inchinnan and later still Principal of the University of Glasgow.<sup>42</sup> Witherspoon's sermon, *The Charge of Sedition and Faction* – the word 'charge' is deliberately used in two senses, as a ministerial entrustment and as an accusation – was subsequently published by Bryce and Paterson of Glasgow (a pirated version appearing with a Belfast imprint in the following year). The final section, containing the 'Charge' to the ordinand, begins with Witherspoon inviting young Davidson to enquire 'into the truth and reality of your own soul.' 'It is a difficult thing, and it is a dreadful thing', he says, 'to preach an unknown Saviour.' And Witherspoon goes on to touch on the need for personal salvation, in ministers of religion above all, since their duties as preachers and pastors 'can scarcely be performed without it':

Examine, therefore, whether you are 'born again'; whether you have 'passed from death to life'; whether you are united to Christ by faith; whether you know by experience, the difference between a state of nature and a state of grace, or not. . . .

You will never be able to make men truly good, till you convince them of their lost state by nature; and thence make them see the necessity of justification by the free grace of God, through the imputed righteousness of Christ.

This leads him to ponder the ministerial Confession of Faith and the doctrine of original sin, with other related doctrines:

There is one particular reason why I have mentioned this at present, and insisted on it at some length. It is extraordinary to meet with serious persons who complain much, that from many pulpits they hear little or nothing of the doctrine of the grace of God; that the grand and leading truths of the gospel are either flatly contradicted, or kept entirely out of view, and something else substituted in their place. I am far from saying that this is indeed the case. On the contrary, I tremble to think that it should be but barely possible; for all these doctrines are clearly contained in

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<sup>42</sup> Findlay was translated to the Ramshorn (St David's) Church, Glasgow in 1756. Archibald Davidson succeeded William Leechman as Principal at Glasgow in 1785 and occupied the office until his death in 1803. He served as Moderator of the General Assembly of the Church of Scotland in 1788.



the Confession of Faith, which every minister in Scotland has subscribed. *If, therefore, there be any one among us, who doth not preach the doctrine of original sin, of Christ's imputed righteousness, justification by free grace, the necessity of regeneration, and the operations of the Spirit, he is guilty of perjury of the worst kind, for which I know no excuse.* [italics added]<sup>43</sup>

In the modern understanding of it all, this can be quite challenging. We shall shortly consider how Witherspoon persisted in clinging to his unshaken belief in the Calvinist doctrine of original sin after he went to America, and how he used it to his personal advantage, not only to get back at Thomas Paine (who had ridiculed the concept in *Common Sense*) but more generally as a kind of spiritual allegory with real-time lessons for autonomous American nationhood and independence. Further, in order to comprehend the unwavering orthodoxy behind Witherspoon's personal faith we need to come to terms with the closely related issue of the scriptural meaning of 'regeneration' – which evangelicals believed was a necessary preliminary to 'justification', or the process of being made righteous by God. As if that were not enough, we need to try to grasp how, in the orderly world of Witherspoon's reformed, orthodox theology, it was regarded as 'absolutely necessary' that all Christians be 'born again' to ensure their passage into the 'kingdom of God'.

Witherspoon's *Practical Treatise on Regeneration* was published by the Dilly brothers in London in 1764 while he was minister of the Laigh Church in Paisley. The town's Burgess Roll records show that Edward Dilly actually visited Paisley in 1761 and it is quite likely that he did so in response to Witherspoon's prompting, and for the purpose of author and putative publisher discussing the manuscript of the *Practical Treatise*.<sup>44</sup> The edition is incorporated, with its separate title page, in the same publishers' three-volume set of Witherspoon's *Essays on Important Subjects* (1765). A third edition of the *Practical Treatise* was published by Charles Dilly in 1789, and the work was still being reprinted as late as 1855.

<sup>43</sup> John Witherspoon, Sermon XXXIX, *The Charge of Sedition and Faction against good Men, especially faithful Ministers considered and accounted for*, 'The Charge' in Woodward (ed.), *The Works of the Rev. John Witherspoon*, II, 442–3.

<sup>44</sup> In the course of his visit the elder Dilly was admitted an honorary burgess of the town. See Paisley Burgess Roll records.

*'Except a man be born again, he cannot see the kingdom of God.'*<sup>45</sup>

*A Practical Treatise on Regeneration* is Witherspoon's most substantial theological text. Yet it is important to recognize that he was merely following in the footsteps of some of the greatest theologians writing in English who had addressed the same subject before him. Just some of those who had energetically tackled the complexities of spiritual regeneration (often in tandem with the related doctrines of original sin, free grace, baptism and justification) in their published sermons, discourses and treatises include: on this side of the Atlantic, Isaac Ambrose, John Wesley, George Whitefield, Thomas Whiston, Samuel Hopkins, Samuel Bradford, Philip Doddridge, and John Tillotson, and, specifically in Scotland, the Covenanter, William Guthrie, and the minister of Ettrick, Thomas Boston. Across the Atlantic in colonial America, the theme of regeneration was similarly preached and discoursed on by Jonathan Edwards, the Mathers (Increase and Cotton), the Mayhews (Experience and Jonathan), the Tennents (Gilbert and John), Samuel Hopkins, Peter van Mastricht and Jonathan Dickinson, in company with many others. Reading through the lists of eighteenth-century titles that incorporate the word 'regeneration' – more than 450 of them according to the British Library ECCO database – one is left slightly dazed at the mere handful of celebrated theological authors who, it seems, consciously avoided the subject.

Reading *A Practical Treatise* today is a fairly daunting exercise. It is not helped by Witherspoon's decision, explained in his 'Preface' (strangely omitted from all but the first edition), that because the work is 'more directly practical' he has decided to cut out references to other authorities on the grounds that 'to explain and enforce the doctrines of the gospel is a better way to produce an unshaken persuasion of their truth, than to collect and refute the cavils of adversaries.' He is as good as his word, for there are almost no footnotes, normally a given in any work of theology at this time. If anything, the omission of source-references contributes to its density and does the modern reader no favours whatsoever. In its near-300 pages, only one non-scriptural 'source' is mentioned – the 'eminent and useful Dr Doddridge' (in the 'Introduction').<sup>46</sup> That Witherspoon,

<sup>45</sup> Jesus utters these words to Nicodemus, a Pharisee, who says to him: 'Rabbi, we know that thou art a teacher come from God: for no man can do these miracles that thou doest, except God be with him. Jesus answered and said unto him, Verily, verily, I say unto thee, Except a man be born again, he cannot see the kingdom of God.' (AV, *The Gospel according to St. John*, 3:2,3).

<sup>46</sup> The statement is not strictly true, since by means of an enigmatic single-surname

uniquely, chose to attach the word ‘practical’ to his title is simply explained by the fact that his *Treatise* is not that much different from a (very) long sermon, and is actually structured according to the conventional architecture of a sermon. Thus, it concludes with an ‘application’ or ‘improvement’, code-words commonly used by ministers of the period to signal they are nearing the end of their discourse, when the preacher attempts to relate his scriptural interpretation to the workaday world and the everyday lives of the members of his congregation sitting in their pews below, intent, worried or asleep. Here Witherspoon identifies his ‘worshippers’ more openly. They are ‘every child of Adam’, who, ‘by nature, is at enmity with God, and must either be renewed in the spirit of his mind or perish eternally.’ –

Regeneration, or the New Birth, we are warranted to say, after the example of our Saviour, is absolutely necessary to salvation: ‘Except a man be born again, he cannot see the kingdom

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footnote near the end of Section IV – ‘Des Barreaux’ (see Woodward (ed.), *The Works of the Rev. John Witherspoon*, I, 228) – it is possible to show that one of the sources used by Witherspoon in the *Practical Treatise* is the Jansenist author, Blaise Pascal (1623–62). Pascal sees the doctrine of original sin thus: ‘The marvel is . . . that the mystery which lies furthest from our knowledge, namely the transmission of sin, should be something without which we can have no knowledge of ourselves. For certainly nothing gives our reason a greater shock than to hear that the sin of the first man has transmitted the guilt to others so distant from it as to seem incapable of participating in it. This transmission seems to us not only impossible but most unjust. For what could be more contrary to the rules of our wretched justice than to damn eternally an infant incapable of will, for a sin in which he appears to have so small a share that it was committed six thousand years before he existed? Indeed, nothing gives us a rougher shock than this doctrine; and yet without this most incomprehensible of all mysteries, we are incomprehensible to ourselves. The knot of our condition begins its twists and turns in this abyss, so that we can no more conceive of man without this mystery than man can conceive of it for himself.’ Blaise Pascal, *The Pensees*, J. M. Cohen (ed.) (London, 1961), 151. Pascal was evidently something of a revered authority in Witherspoon’s eyes for he makes reference to his writings in several works, including, most notably, in *A Serious Apology for the Ecclesiastical Characteristics* (Edinburgh, 1763), in Woodward (ed.), *Works*, III, 281, where he cites from the *Provincial Letters*; in the *Speech in the Synod of Glasgow, when I was accused of being the author of the Ecclesiastical Characteristics*. See Woodward (ed.), *Works*, IV, 245–66; and, in relation to Jansenism generally, Lecture II in the unpublished *Lectures on Divinity* in Woodward (ed.), *Works*, IV, 21. It is likely that Witherspoon would have read Pascal’s works in the original French. For more on the Christian doctrine of original sin, see Alan Jacobs, *Original Sin: A Cultural History* (New York, 2008).

of God' (John 3:3). If any man, therefore, depart from this truth he makes shipwreck of his faith, and will at last be found to fight against God.<sup>47</sup>

Witherspoon did not always, however, view doctrine within its narrow theological context. When it suited him to do so, there were times and occasions when he 'used' doctrine in order to further his own chosen role as a political heavyweight in the politics of the revolutionary war and the struggle for American independence. As we have seen, just as we found a surprising degree of continuity in relation to his orthodox condemnation of Hume's scepticism in his Princeton *Lectures on Moral Philosophy* (and also in the *Lectures on Divinity*), so, similarly, his employment of the twin Calvinist doctrines of original sin and justification, mediated through an 'absolutely necessary' process of spiritual regeneration and justification, continues to be articulated in his American period. In Lecture XIV in his *Lectures on Divinity*, for example, Witherspoon feels it necessary to devote a longer than usual entire section to what he clearly recognises as a contentious issue. He entitles the section 'Of the Fall'. 'Why did God', he asks, 'permit sin and the train of evils that follow it?' 'This has been a question,' he goes on, 'that has exercised enquirers from the beginning, and especially under the gospel.' His language at no time betraying even a vestige on his part of any diminution or weakening of his conviction that the doctrine of original sin inherited from his reading of St Augustine and Calvin is literally unanswerable, it does, at the same time, indicate a recognition of the need to try to patiently unravel the mystery before his class of young students, some of whom, for all we know, may have required gentle persuasion in the face of an understandable scepticism. Witherspoon, on the other hand, expresses no doubts, insisting that the 'Fall' of Man has to be taken seriously. It is no fairy story:

Eve is said to have been tempted by the serpent, and by many passages of scripture it is put beyond a doubt, that it was by the Devil or Prince of the fallen angels. It ought not to be understood allegorically. Probably he made use of this creature as the fittest form in which he could appear. Many have supposed

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<sup>47</sup> John Witherspoon, *A Practical Treatise on Regeneration* in Woodward (ed.), *The Works of the Rev. John Witherspoon*, I, 252.

it was one of the bright fiery serpents that are seen in Arabia (and some parts of the east) and that he appeared to Eve as an angel, which would the more easily account for the deception.<sup>48</sup>

‘But what’, he continues, ‘we are chiefly to attend to, is the consequence of the fall upon Adam and his posterity.’ He has been leading up to the crucial question; the doctrine, rooted within the common Protestant, Presbyterian heritage, of original sin: ‘The first and chief of these effects is the corruption of our nature – that man now comes into the world in a state of impurity or moral defilement.’

He proceeds to cite all the biblical authorities in support of his claim, from the Old and New Testaments, from the Jewish prophets to the Christian witnesses, and not least from Paul and the apostles. But, ‘Above all’, Witherspoon the teacher says to his young men, have regard to ‘this doctrine of our Saviour [in] John iii.3. “Verily, verily,” &c.’. He is, here, citing the key text that stood him in constant good stead in his Scottish ministry and to which he still clings in his new life in his adopted nation. The text is a familiar one – what has effectively become for Witherspoon a kind of mantra signifying regeneration: *Except a man be born again, he cannot see the kingdom of God*. He would recite it again in his *Address to the Students of the Senior Class*, a pre- Commencement sermon of 23 September 1775,<sup>49</sup> and most dramatically of all, in his great Fast Day sermon of May 1776.

Easily the most powerful example of this apparently seamless and unshakeable belief in the doctrine of original sin on Witherspoon’s part lies at the heart of the work that is justly recognised as the greatest sermon of his entire ministerial career, *The Dominion of Providence over the Passions of Men*, which he preached at Princeton on 17 May 1776.<sup>50</sup> With the

<sup>48</sup> John Witherspoon, Lecture XIV in *Lectures on Divinity* in Woodward (ed.), *The Works of the Rev. John Witherspoon*, IV, 95.

<sup>49</sup> John Witherspoon, *An Address to the Students of the Senior Class, On the Lord’s Day preceding Commencement, September 23, 1775* in Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 103. The *Address* was published by Peter M’Arthur in Paisley in 1788, although M’Arthur appears to have got wrong the date of its delivery. The Woodward edition of Witherspoon’s *Works* correctly gives the date as 23 September 1775, whereas the date assigned by M’Arthur on his title page and on page one is inexplicably ‘Sept. 23. 1787’.

<sup>50</sup> In Witherspoon’s day the College chapel was located next to the Faculty Room in Nassau House. It seems most unlikely that such a locus for a sermon attracting so many people – at one point in the sermon Witherspoon refers to the ‘unusual throng of this assembly’ – would have been appropriate. Almost certainly, the old Presbyterian church in Princeton would have been

publication of the literary, edited version of the sermon, complete with footnotes, by his Scottish acquaintance Robert Aitken of Philadelphia, we can resume the story of Witherspoon's relations with Thomas Paine.

Over the early summer of 1776, while Witherspoon was engaged in writing the first three of his *Druid* articles for Aitken's *Pennsylvania Magazine*<sup>51</sup> – with each succeeding issue betraying the ever more unmistakable signs of the journal's terminal decline – Thomas Paine had other causes to pursue. Since the runaway commercial and polemical success of *Common Sense* (in both the original Robert Bell edition and the Bradfords' 'new' edition), not apparently content with having irretrievably fallen out with one Scottish printer and publisher (Aitken), Paine had fallen foul of a second Scot in the same trade – though this time with a much less endearing individual (Bell) who was, in terms of street-cred, at least his equal.

In the interval of only a few months between the publication of *Common Sense* and the Declaration of Independence, Paine's pen was by no means idle. First, there were the four long 'Forester' letters which he contributed anonymously to the *Pennsylvania Journal* in April-May, the first three of which were designed to reply to a series of anti-independence letters by the Reverend William Smith ('Cato') – Benjamin Franklin's *bête noir*, a Scottish Episcopalian originally from Aberdeen<sup>52</sup> – that had appeared in the *Pennsylvania Gazette* from the beginning of April to the first week in May.<sup>53</sup> Concomitantly, and again anonymously (if, that is, A. O. Aldridge and J. C. D. Clark are to be believed) Paine authored a thin pamphlet, *Four Letters on Interesting Subjects* (1776), in which he criticized colonial Tories, sought to promote unity among the colonies, and carried farther the argument he had first developed in *Common Sense* for the essential requirements of a good constitution.<sup>54</sup> With these pieces – collectively they might perhaps be seen

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used as the venue. See John Witherspoon, *The Dominion of Providence over the Passions of Men* in Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 31.

<sup>51</sup> The *Druid* papers I–III first appeared in the *Pennsylvania Magazine* successively in May–July 1776, and were re-issued in the *Pennsylvania Journal* in February–March 1781, with four new papers added later in the same year.

<sup>52</sup> For more on William Smith (1727–1803) – a 'plausible scoundrel' Morgan calls him – see Edmund S. Morgan, *Benjamin Franklin* (New Haven, 2002), 134–5; 139–40.

<sup>53</sup> See Chapter 1, pp. 29–30.

<sup>54</sup> Anon. (but now attributed to Paine), *Four Letters on Interesting Subjects* (1776) was published by Styner and Cist of Second Street, Philadelphia. For an analysis of their content see Jack Fruchtman Jr., *Thomas Paine Apostle of Freedom* (New York, 1994), 86–8. See also Clark, *Thomas Paine*, 200–2.

as *addenda* to *Common Sense* – Paine treaded water until the political situation became clearer with the July Declaration. Ironically, in certain respects the Paine of ‘*The Forester*’ and the Witherspoon of ‘*Druid III*’ could be said to represent the one brief period in which the American political vision of both men – each came to despise the other – seemed, though possibly hard to believe, to harmonize well enough. After the Declaration, on the other hand, the relationship was all downhill, and so far as we know, their paths would never cross again.

Witherspoon preached *The Dominion of Providence over the Passions of Men* at Princeton on 17 May 1776 on the occasion of the Fast declared for that day by Congress ‘throughout the United Colonies’.<sup>55</sup> Aitken would have published and put on sale the literary version of the sermon a week or two later, just as soon as Witherspoon had edited the text and supplied his (often quite long) footnotes. The pamphlet would have added substantially to Aitken’s burdensome commitments at the time, including the thankless task of producing what would prove the final numbers of his *Pennsylvania Magazine*. By that time Thomas Paine had long ceased to be involved in the venture (see Chapter 8), and Witherspoon (though never a journalist in Paine’s league) had been coerced into becoming a regular contributor. The text chosen by Witherspoon for his sermon was from *Psalms* 76:10: ‘*Surely the Wrath of Man shall praise thee; the remainder of Wrath shalt thou restrain.*’ The words of the psalmist, he would have considered, not only fitted the national mood which the occasion demanded, but also dovetailed neatly with the overtly political message he proposed to deliver from his pulpit. As we shall see, however, it was probably not an original choice of text but borrowed for the occasion from a sermon by Hugh Blair published in Edinburgh in 1746 with which Witherspoon was almost certainly familiar.

There has been a degree of (amicable) scholarly disagreement as to whether or not the sermon is a true ‘jeremiad’ (a sermon that represents a cry of lamentation). Whether it is or not is beside the point. What is

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<sup>55</sup> Richard B. Sher points out that the *Confession of Faith* (1647) explicitly endorses the concepts of ‘solemn fastings, and thanksgivings upon special occasions’, and that in an accompanying ‘Directory for the Publick Worship of God’ actually ‘spelled out in detail how such fast and thanksgiving days were to be conducted’, including how precisely ministers should preach to their people ‘from their hearts’ of the need for ‘reformation.’ Richard B. Sher, ‘Witherspoon’s *Dominion of Providence* and the Scottish Jeremiad Tradition’ in Richard B. Sher and Jeffrey R. Smitten (eds.), *Scotland and America in the Age of the Enlightenment* (Princeton, 1990), 54.

important is the undeniable fact that, preached by a Scottish evangelical churchman, it is justly regarded as one of the key oral utterances on the birth of the new republic and its emergence as the United States of America. Unusually in a sermon (and uniquely in one by Witherspoon), the preacher refers almost from the outset to the current national situation – Confucius-like, he calls it ‘the interesting circumstances of this country at present’ – almost as if to demonstrate the near-sanctity of the moment. The choice of scripture, he explains, is to show that ‘all the disorderly passions of men ... shall in the end be to the praise of God’:

Or, to apply it [his chosen text] more particularly to the present state of the American Colonies and the plague of war, —The ambition of mistaken princes, the cunning and cruelty of oppressive and corrupt ministers, and even the inhumanity of brutal soldiers, however dreadful, shall finally promote the glory of God.<sup>56</sup>

Early in his discourse Witherspoon introduces the subject of sin and sinfulness. His words hark back to his 1758 Edinburgh SSPCK sermon, *The Absolute Necessity of Salvation through Christ*. ‘Nothing’, he says here almost twenty years later, ‘can be more absolutely necessary to true religion than a clear and full conviction of the sinfulness of our nature and state. Without this there can be neither repentance in the sinner, nor humility in the believer.’ He then plunges into the awful subject of war: *What is it that fills the pages of history but the wars and contentions of princes and empires?* Ironically, the sentiment is pretty well the same as dominated Paine’s central argument in *Common Sense* just a few months before – and no one sitting in the congregation that day would have failed to grasp *which* empire Witherspoon had in mind.

At this juncture, Witherspoon pauses to explain that thus far in his sermon his main aim has been to ‘prove by the preceding reflections’ and to ‘impress on your minds’ the ‘depravity of our nature’:

If I am not mistaken, a cool and candid attention either to the past history or present state of the world, but above all to the ravages of lawless power, ought to humble us in the dust. It should at

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<sup>56</sup> Witherspoon, *The Dominion of Providence*, 19–20.



once lead us to acknowledge the just view given us in scripture of our lost state, to desire the happy influence of renewing grace each for ourselves, and to long for the dominion of righteousness and peace when ‘men shall beat their swords into plow-shares, and their spears into pruning hooks: when nation shall not lift up sword against nation, neither shall they learn war any more.’\* (*Mic.* 4:3) [The star refers to the long two-page footnote.]<sup>57</sup>

In the massive starred footnote Witherspoon makes his famous rebuttal of Thomas Paine’s comments on the doctrine of original sin in *Common Sense*. Paine’s employment of the doctrine was in order to show it was a parallel match for the traditional practice of hereditary succession: the one was just as absurd and insupportable as the other. With relish, Witherspoon casts Paine’s exact words back at him, even cheekily indicating he had used ‘Bradford’s’ edition’ in his quote, viz:

‘If the first king of any country was by election, that likewise establishes a precedent for the next; for to say, that the right of all future generations is taken away, by the act of the first electors, in their choice not only of a king but of a family of kings for ever, hath no parallel in or out of scripture but the doctrine of original sin, which supposes the free will of all men lost in Adam; and from such comparison, and it will admit of no other, hereditary succession can derive no glory. For as in Adam all sinned, and as in the first electors all men obeyed; as in the one all mankind were subjected to Satan, and in the other to sovereignty; as our innocence was lost in the first, and our authority in the last; and as both disable us from re-assuming some former state and privilege, it unanswerably follows that original sin and hereditary succession are parallels. Dishonourable rank! inglorious connection! yet the most subtle sophist cannot produce a juster simile.’<sup>58</sup>

Witherspoon proceeds to taunt Paine; that he should dare to have

<sup>57</sup> Ibid., 23–4 and footnote.

<sup>58</sup> Thomas Paine, *Common Sense* in Moncure David Conway (ed.), *The Writings of Thomas Paine* (4 vols, New York, 1894–96), I, 81.

abused a fundamental doctrine in our faith that has stood up to the test of ages:

Was it modest or candid for a person without name or character to talk in this supercilious manner of a doctrine that has been espoused and defended by many of the greatest and best men that the world ever saw, and makes an essential part of the established creeds and confessions of all the Protestant churches without exception? . . . I do assure him that such presumption and self-confidence are no recommendation to me, either of his character or sentiments.

Was it prudent, when he was pleading a public cause, to speak in such opprobrious terms of a doctrine which he knew, or ought to have known, was believed and professed by, I suppose, a great majority of very different denominations. Is this gentleman ignorant of human nature, as well as an enemy to the Christian faith?

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In fine, I ask, where was the justice of this proceeding? Is there so little to be said for the doctrine of original sin that it is not to be refuted but despised? Is the state of the world such as to render this doctrine not only false but incredible? Has the fruit been of such a quality as to exclude all doubts of the goodness of the tree? . . .<sup>59</sup>

No sign here, not a vestige, of any watering-down of his 'established creed and confession'. No sign here, not a vestige of any weakening, any trimming or temporizing in the direction of a *quasi* American style of 'Moderatism', away from the old Calvinist faith of his father's time. Witherspoon may once himself have been luke-warm to the extreme enthusiasm of the Cambuslang Wark,<sup>60</sup> but while the *Dominion of Providence* tells us many things about him – most notable of all, of course, it reaffirms his full emergence as an American bathed in the aura of revolution

<sup>59</sup> Witherspoon, *The Dominion of Providence*, 23–4 footnote.

<sup>60</sup> The key texts that herald this evangelical Presbyterian/Methodist revival of the 1740s are John Erskine's *The Signs of the Times Consider'd* (Edinburgh, 1742); and John Willison's *A Fair and Impartial Testimony* (Edinburgh, 1744). See also John R. McIntosh, *Church and Theology in Enlightenment Scotland: The Popular Party, 1740–1800* (East Linton, 1998), 32–3; and Sher, *Church and University*, 31.

and independence – it also lays to rest any thought that, in becoming an American, he had to any extent whatsoever set aside, least of all abandoned, the orthodox Presbyterianism of his Scottish heritage.

*'The wrath of man praising God'*<sup>61</sup>

For a sermon that has at its core the politics of revolution, though preached by a man of God who once said he did not normally hold with politics in the pulpit,<sup>62</sup> Witherspoon's great fast day sermon has its unmistakable roots in the Scottish Presbyterian tradition. There are numerous indications in the text that prove the point. We have discussed its debt to Calvinist doctrines carried over from Geneva to the Church of Scotland and embedded in the Kirk's Confession of Faith – and now we should consider just to what extent the sermon may have buried within its sub-text any measure we can conceivably identify as Witherspoon's debt to other Scottish preachers before him, or at least to works by his contemporaries published in Scotland years earlier. Despite the *Practical Treatise*, on his own admission, being silent on sources, that work, in that regard at least, is a one-off. Normally Witherspoon is carefree in his use of scriptural and non-scriptural authorities. In the case of *The Dominion of Providence* sermon, however, it is more subtle than that.

Although we cannot speak here of a 'borrowing' in the strict sense, there is, nonetheless, a clear and identifiable relationship between Witherspoon's 1776 Princeton sermon and a sermon preached in Edinburgh almost thirty years to the day before. That sermon was preached to thank God for the country's delivery from rebellion, not in anticipation of war, civil war and privation. It was preached by a man who was set to become one of the outstanding theological figures of the Scottish Religious Enlightenment: Hugh Blair, a leading Moderate minister, and thus one of the circle of clerical *literati* satirized by Witherspoon in *Ecclesiastical Characteristics*. Even so, the two knew and respected each other and were classmates at Edinburgh. Blair's sermon was entitled *The Wrath of Man praising God* and, as a young assistant at the Canongate Church aged twenty eight, he had the honour

<sup>61</sup> Hugh Blair, *The Wrath of Man praising God: A Sermon preached in the High Church of Edinburgh, May 18th. 1746. . . .* By Hugh Blair, A.M. One of the Ministers of Canongate. Published by Desire of the Lord High Commissioner (Edinburgh, 1746).

<sup>62</sup> Cf. Witherspoon's apparent opposition to the principle of ministers 'officially inter-meddling in civil matters' in his 1758 sermon, *The Charge of Sedition and Faction against Good Men*. But see Crawford, *The Lost World of John Witherspoon*, 21–2 for a different interpretation of the passage.

of preaching it before the King's personal representative at the General Assembly that year, the Lord High Commissioner, the Earl of Leven. Blair's sermon has been identified as the best (but not the only) example of a 're-cycled' sermon of his which he re-edited and largely re-wrote to purge it of its chronology and 'old' morality – that is, in the main its anti-popery, anti-Jacobite sentiments – and to which he supplied a different title before including it in a late edition of his collected *Sermons*. The new title he came up with was *On the Divine Government of the Passions of Men*.<sup>63</sup> Where Witherspoon borrowed from Blair, Hugh Blair's back-handed reference to the Princeton sermon is obvious and surely deliberate. By the same token, Witherspoon must have been aware of Blair's first published sermon, which was often included in contemporary anthologies of post-rebellion thanksgiving deliverances.<sup>64</sup>

While, accordingly, the external, historical circumstances behind the preaching of these sermons are poles apart, there are many internal features binding them together. First, the scriptural text from *Psalms* 76:10 is identical: '*Surely, the wrath of man shall praise thee: the remainder of wrath shalt thou restrain.*'<sup>65</sup> Secondly, both preachers engage with the same, or similar, back-up Biblical (Old Testament) themes to help develop the central message of their main text: notably, the destruction of Sennacherib and the Assyrian army by an Angel of the Lord; and, from the book of *Esther*, the story of the scheming Haman vying with Mordecai the Jew. Above all, having introduced three different sections of the main body of the sermon using all or some part of the formulaic phrase '*the wrath of man praises God*', Witherspoon, nearing his conclusion, iterates word-for-word the same title as Blair's: 'The general subject of the preceding discourse has been the wrath of man praising God.'<sup>66</sup>

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<sup>63</sup> Note by RLC: I delivered a paper (yet to be published) on the subject of 'Hugh Blair and the Idea of the Re-cycled Sermon' to the annual meeting of the Eighteenth-Century Scottish Studies Society at the University of Glasgow in July 2018. The paper, entitled 'Anti-popery and the device of the re-cycled sermon: Hugh Blair, John Willison and James Fordyce', is based on part of Chapter 9, 'Popery', in my book, *The Chair of Verity*, 247–56.

<sup>64</sup> For example, (though not seen) *Sermons on the Rebellion, 1745*, a collection of 'seven recently published anti-Jacobite sermons . . . four by Scottish Presbyterians (two from each ecclesiastical party) and three by English Anglicans.' See Sher, 'Witherspoon's *Dominion of Providence*', 55.

<sup>65</sup> *AV*.

<sup>66</sup> Witherspoon, *The Dominion of Providence*, 45.

*'The War is . . . at the Bottom very much a religious War . . .'*<sup>67</sup>

It could be said that by preaching the kind of sermon he did and publishing it to the world, Witherspoon crossed the Rubicon. In the little time that was left for colonial America, as Richard B. Sher has pointed out, the repercussions of such a public (and subsequently published) utterance were particularly severe. Sher cites from the secret reports to his bosses in London by a British civil servant, Ambrose Serle, on what was really going on in the colonies: 'Presbyterianism is really at the Bottom of this whole Conspiracy, has supplied it with Vigor, and will never rest till something is decided upon it.'<sup>68</sup> Using the same source as Sher, J. C. D. Clark notes that Serle had actually opposed the American War on religious grounds [in *Americans Against Liberty* (1775)],<sup>69</sup> and at the same time had expressed little doubt that it was religious factionalism – Serle was an evangelical within the Church of England – that lay at the root of the dispute, writing to his London masters in 1776–77 that 'every Church has its pretensions to take the lead; because nothing truly decisive has been done to give any one a real Superiority . . . The War is . . . at the bottom very much a religious War; and every one looks to the Establishment of his own Party upon the Issue of it.'<sup>70</sup> It seems that 'the recently published *Dominion of Providence* was undoubtedly one of the major objects of Serle's wrath'.<sup>71</sup>

According to a very different source, the consequences for the College of New Jersey as a result of their President's sermon – in the terms of which he had chosen to reveal himself in his true colours – were particularly severe, if James Murray can be believed. The Reverend James Murray

<sup>67</sup> See note 69 below.

<sup>68</sup> Sher obtains his material on Serle from Leonard J. Kramer, 'Muskets in the Pulpit, 1776–1783', *Journal of the Presbyterian Society*, 31 (1953), 229–30; and 178.

<sup>69</sup> *Americans against Liberty* (London, 1775). Serle cites Thomas Bradbury Chandler's *What think ye of the Congress now? or, An inquiry, how far Americans are bound to Abide by and Execute the Decisions, of the Late Congress?* (New York, 1775): "What must be the Consequence (says an able American writer) of a rebellious War with the Mother-Country, any Person of common Sense, if he will take the Liberty to exercise it, may easily foresee. . . . till one Part of this Country [America] should have subdued the other, and conquered a considerable Part of the World besides; this peaceful Region must become, and continue to be, a Theatre of inconceivable Misery and Horror." Ibid., 36 footnote

<sup>70</sup> Ambrose Serle to Earl of Dartmouth, 8 November 1776 cited in J. C. D. Clark, *The Language of Liberty 1660–1832* (Cambridge, 1994), 204 and note 202. See also Richard B. Sher, 'Witherspoon's *Dominion of Providence*', 58 and notes 27–28.

<sup>71</sup> Sher, 'Witherspoon's *Dominion of Providence*', 58.

(1732–1782), originally from Berwickshire in the Scottish Borders and an Edinburgh graduate who had moved to Newcastle-upon-Tyne in 1764 to take charge of the High Bridge (dissenting) Chapel there, had always, it seems, taken a lively interest in America. Murray earned fame by dint of his highly popular *Sermons to Asses* (1768) which poked fun at Wesley and Whitefield and roundly criticised the Great Awakening of 1738–40, an event with which these charismatic Methodist preachers had been closely associated. During the American war Murray had strenuously opposed the policies of the North regime, preferring to align his sympathies with Scottish evangelicals such as John Erskine who, as we have seen, generally supported the American cause. Murray's two-volume *An Impartial History of the Present War in America* (1778) is now largely forgotten, even though it has useful comments to make on the part of an informed British zealot upholding the skill and success of Washington's campaigns – and, equally, on the woeful strategy, as he sees it, of the British generals. Here is what Murray has to say on the observable attitude to the war on the part of Scots resident in Scotland. Having noted that 'a strange indifference and want of feeling prevailed at this time among all ranks of people, with regard to public affairs, through all the country' [meaning Britain], he excepts Scots from that general apathy: 'We must from these observations except the people of Scotland, who almost universally, so far as they could be described or distinguished under any particular denomination, not only applauded, but offered their lives and fortunes in support of the present measures.'<sup>72</sup>

But it is Murray's comments on the aftermath of the *Dominion of Providence* sermon that catch the eye. To this author's best knowledge this is the first time in an academic study that the following passage from Murray's *Impartial History* has appeared in the context of the impact of Witherspoon's sermon on his reputation in Scotland:

The president of the college of Princetown in New Jersey was become particularly obnoxious to the friends of government: he had been called from North Britain to that appointment, and had for many years been conspicuous for an attachment to liberty. The leading party in his own country, who were never his friends

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<sup>72</sup> James Murray, *An Impartial History of the Present War in America* (2 vols, London, [1778]), II, 98.

while he continued there, were the principal promoters of the American war in North Britain, and as he was well known to many in the army who were connected with that party and their friends, it was supposed that the despite [sic] shewed to this college was principally aimed at the president. He was lately made a member of the continental congress which rendered him still more conspicuous as well as obnoxious. A sermon which he preached before the congress, tho' a very moderate and sensible discourse, was served in Scotland in the same manner as the college over which he presided was served in America. It was published in Edinburgh and Glasgow with notes most disrespectful to the author and the cause which he was engaged in supporting. The old enmity that was shewn to him when in his own country, on this occasion broke out with new violence, and that party which has long been sapping the foundations of the church of Scotland, shewed an inclination by their attacks upon his character to aim a blow at the churches in America. In England their observations were laughed at, and in America despised, but their intentions were thereby known, and their folly made manifest to all men.<sup>73</sup>

Murray was not always, however, particularly well-informed. Earlier, in his chronicle for 1777, he had deplored 'the destruction of the public library at Trenton, and of the college and library at Princetown, together with a celebrated orrery, made by Pottenhouse [sic], said to be the best in the world'<sup>74</sup> –

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<sup>73</sup> Ibid.

<sup>74</sup> Murray's account of the destruction 'of the college and library at Princetown' is not supported by an eyewitness account of what happened around the time of the British occupation of Princeton and the battle. The anonymous author of *A Brief Narrative of the Ravages of the British and Hessians at Princeton in 1776–77*, Varnum Lansing Collins (ed.) (Princeton, 1906) enumerates the atrocities committed by the British occupying force, but is corrected by his editor who holds that: 'In his warmth the author loses sight of the fact that [the College and other buildings] ... had suffered probably as much damage from the American soldiery as from the British and Hessian.' 'Nassau Hall', Collins explains, 'had sheltered American as well as British troops'. Ibid., 50. See also William S. Stryker, *The Battles of Trenton and Princeton* (Boston, 1898), 18. Witherspoon's residence at Tusculum was not so lucky, however, since, as Stryker records, it was looted and 'denuded of its library and its furniture' – so Murray was partly right. The famous Princeton orrery, which was seriously but not irreparably damaged, was constructed by David

These were destroyed by our army without remorse or compunction. It would appear that the English and German troops made war with literature itself; for the library at New York seems to have met with the same fate, for a Glasgow bookseller declared in passing through Newcastle, that he purchased a book in Glasgow, which was part of the plunder of New York.<sup>75</sup>

Ironically, accompanying the American army in their 'orderly retreat' through New Jersey at this time was Thomas Paine, self-appointed war correspondent, who recorded his experience in *The Crisis I* – the first number of his *The American Crisis* series – dated 'December 23, 1776' (though it first appeared in the *Pennsylvania Journal* on 19 December). The piece begins with the immortal words:

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it *now*, deserves the love and thanks of man and woman.<sup>76</sup>

If James Murray's sources concerning the impact of Witherspoon's sermon proved unreliable in terms of the College and its contents having been trashed on account of its President's allegedly 'traitorous' conduct in the eyes of the British occupying force, what he had to say about the reaction to the Princeton sermon in the preacher's native Scotland is entirely authentic. First off the mark was Hugo Arnot, an Episcopalian, Writer to the Signet and Edinburgh advocate who, using the same device of satire that Witherspoon himself had mastered early in his Scottish career, effectively turns the tables on him through the medium of his anonymous verse *Prophecies of Thomas the Rhymer ... Dedicated to Doctor Silverspoon, Preacher of Sedition in America*.<sup>77</sup> In some copies of Arnot's pamphlet the title page is preceded by a kind of spoof review including the following:

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Rittenhouse who presented it to the College of New Jersey in 1770 and received an honorary degree in response.

<sup>75</sup> Ibid., 214.

<sup>76</sup> Thomas Paine, 'The Crisis' in Conway (ed.), *The Writings of Thomas Paine*, I, 170.

<sup>77</sup> The full title is *The XLV. Chapter of the Prophecies of Thomas the Rhymer, in verse; with notes and illustrations. Dedicated to Doctor Silverspoon, Preacher of Sedition in America* (Edinburgh, 1776). Although editions of what was known as *The*



The clergyman to whom it [‘this short performance’] is addressed, and who is the hero of the play, is deeply suspected to have employed the power of his popular talents in this mischievous business, and there are shrewd insinuations that some of his brethren on this side of the Atlantic are tinctured with the same principles, which, for the credit of the profession, and the honour of the church of Scotland, we must charitably suppose to be merely founded on suspicion, and fostered by prejudice.

In 1777 a reprint of Aitken’s Philadelphia edition of the *Dominion of Providence* sermon (incorporating its usual companion-piece *Address to the Natives of Scotland residing in America*) was published in Glasgow as ‘The Second Edition, with Elucidating Remarks.’ These ‘remarks’ consisted of extensive footnotes by ‘S.R.’, who has never been identified but may have been a Moderate minister in membership of the Presbytery of Glasgow and/or the Synod of Glasgow and Ayr who bore a grudge towards Witherspoon since the far-off days when he had lampooned Moderates and their kind in *Ecclesiastical Characteristics*. It is sometimes overlooked that the third Glasgow edition (also 1777) uniquely includes a two-page Appendix. The Appendix is also signed ‘S.R.’, and part of it is worth citing on its own account:

It is a certain fact, and now undeniably confirmed, by the preceding discourses [the sermon and the accompanying *Address*], that the doctor has had a very principal hand in fomenting the present unhappy commotions in the British empire, if not the sole hand in keeping them alive. – The scheme of independency, it is said, was first planned by him: and success to the independent states of America, we are told, was a favourite toast at the

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*Whole Prophecies of Scotland, England, France, Ireland, and Denmark* were popular in the eighteenth century – and were often available as chapbooks – there is nothing significant in Arnot’s exploitation of the theme, except that it suited his identification of Witherspoon with the kind of frenzied zeal that surrounded the myth of prophecies and bad omens. Editions of the *Whole Prophecies* were published in Edinburgh in 1737 and 1775; and in Aberdeen in 1774 and 1779. See Cyril Edwards, ‘Thomas of Erceldoune [called Thomas the Rhymer]’, *Oxford DNB* (accessed March 2019).

doctor's table, when entertaining a number of the deligates [sic.], before it was resolved on by the Congress. . . . S.R.<sup>78</sup>

Finally, in 1778 Witherspoon's Princeton sermon drew the fire of no less a figure than John Wesley who decided that he could no longer stand on the side-lines in the American war. As a young man, having spent a three-year sojourn in America from 1735, Wesley claimed first-hand knowledge of the land and the people. Now an old man he personally still commanded impressive numbers of American adherents. But his views on the legitimacy of the American cause wavered from one extreme to the other. In *Some Account of the [Late] Work of God in North-America*<sup>79</sup> (1778), for example, he seems to have abandoned all support for the Americans, and he singles out John Witherspoon for special censure, mischievously playing on the title of the *Dominion of Providence* sermon: 'Thus by the adorable Providence of God the main hindrances of this work are removed. And in how wonderful a manner! . . . So does *the fierveness of man*, of the *Americans*, *turn to his praise*, in a very different sense from what Dr Witherspoon supposes.'

It is perhaps only when we note the vehemence and detestation behind such attacks on him in his native Britain that we can begin to comprehend the extent to which Witherspoon had distanced himself, at least in the eyes of the authors of such pamphlets, from the notions of 'lawful government' as he himself had once defined it and experienced first hand in Scotland. Only then do we learn just how thorough and complete his transformation and regeneration as an American had been.

### *Postscript*

#### *John Witherspoon's 'Lost World' – his darker side*

*Scotland confess'd him sensible and shrewd,  
Austere and rigid; many thought him good;  
But turbulence of temper spoil'd the whole,  
And show'd the movements of his inmost soul:*

<sup>78</sup> Third Glasgow edition of John Witherspoon's Princeton sermon (1777), 'Appendix', 55.

<sup>79</sup> In one of two 1788 London editions the word 'Late' is omitted from the title.

*Disclos'd machinery loses of its force;  
He felt the fact, and westward bent his course*<sup>80</sup>

There are unfortunate elements in John Witherspoon's career that, in aggregate, might persuade the informed commentator of a certain dark side to his character. These in summary are as follows:

1. *Beith, Ayrshire (1756), Princeton (c. 1769–70; and 1790): Witherspoon and the slavery issue*

It is suggested that it is valid to claim that Witherspoon might have done more in the case of the 'Virginia born Slave', 'James [or 'Jamie' *aka* 'Shanker'] Montgomerie', who ran away from his master, Robert Shedden [*aka* Sheddan] of Morrishill, Beith, in April 1756. The boy sought sanctuary with Witherspoon who agreed to baptize him, but at the same time warning him that in doing so he was not thereby manumitted in terms of the law. Shedden offered a substantial reward for the boy's return which resulted in him being taken and placed on a ship at Port Glasgow bound for Virginia. James Montgomery managed to escape and make his way to Edinburgh, only for him to be re-possessed and imprisoned in the Tolbooth. Somehow, presumably with the help of sympathisers, the boy was able to initiate a Court of Session action against his alleged master – the process known as *Montgomerie v Sheddan* [sic] – but he died before the case could be heard. John W. Cairns notes that in the printed *Memorials* of the process counsel for both sides had taken up the specific issue of scriptural authority, determining, they claimed, on the one hand that 'slavery was inconsistent with Christianity', and on the other that 'baptism did not free from slavery.'<sup>81</sup>

Like many of his contemporaries, Witherspoon seemed to have entertained ambiguous views on slavery and the slave trade. In his Princeton

<sup>80</sup> 'Camillo Querno, Poet-Laureat to the Congress' (Jonathan Odell 1737–1818, Anglican clergyman, American loyalist and poet), in *The American Times, A Satire in Three Parts. In which are delineated the Characters of the Leaders of the American Rebellion, in Cow-Chace, in Three Cantos* (New York, 1780), [27]–69; and, that title only, (London, 1780).

<sup>81</sup> John W. Cairns, 'Freeing from Slavery in Eighteenth-Century Scotland', in Andrew Burrows, David Johnston and Reinhard Zimmermann (eds.), *Judge and Jurist: Essays in Memory of Lord Rodger of Earlsferry*, (Oxford, 2013), 367–81. The Court of Session papers relating to the case are in the file NRS CS234/S/3/12. See also Crawford, *The Chair of Verity*, 271–2 and 392 note 12. The action is reported on briefly in Morison, *Decisions of the Court of Session*, v. XVII, 'Slave', no. 1, 14545.

*Lectures on Moral Philosophy* (dating from c. 1769–70) he felt obliged to invoke scriptural authority for justifying indecision and vagueness towards the issue:

Upon the whole, there are many unlawful ways of making slaves, but also some that are lawful; and the practice seems to be countenanced in the law of Moses, where rules are laid down for their treatment, and an estimation of injuries done to them different from that of free men. I do not think there lies any necessity on those who found men in a state of slavery to make them free to their own ruin. But it is very doubtful whether any original cause of servitude can be defended but legal punishment for the commission of crimes. Humanity in the manner of treating them is manifestly a dictate of reason and nature, and I think also of private and public utility as much as of either.<sup>82</sup>

At the same time, Jeffry Morrison notes that late in his life, in 1790, Witherspoon chaired a state committee on abolition, ‘during which time he proposed legislation providing for gradual emancipation and expressed his hope that “from the state of society in America, the privileges of the press, and the progress of the idea of universal liberty”, slavery would wither away within a generation or two.’<sup>83</sup> Varnum Lansing Collins is less circumspect: ‘[He] brought in a report advising no action, on the ground that the law already forbade the importation of slaves and encouraged voluntary manumission. He suggested, however, that the state might enact a law that all slaves born after its passage should be free at a certain age – e.g. twenty-eight years, as in Pennsylvania, although in his optimistic opinion the state of society in America and the progress of the idea of universal liberty gave little reason to believe that there would be any slaves at all in America in twenty-eight years’ time, and precipitation therefore might do more harm than good.’<sup>84</sup>

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<sup>82</sup> Witherspoon, Lecture X, ‘Of Politics’ in ‘Lectures on Moral Philosophy’ in Woodward (ed.), *The Works of the Rev. John Witherspoon*, III, 420–1.

<sup>83</sup> Jeffry H. Morrison, *John Witherspoon and the Founding of the American Republic* (South Bend, 2005), 76.

<sup>84</sup> Varnum Lansing Collins (ed.) *Lectures on Moral Philosophy by John Witherspoon, D.D., LL.D.* (Princeton, 1912), 73–4 footnote 14. Cited in Jonathan Israel, *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (Princeton, 2010), 41–2 and 246 note 6.

## 2. Paisley (1762–1768) and Princeton (1768–1776): an unforgiving nature

In the course of the impossibly long-running action in the Court of Session for defamation and damages initiated against Witherspoon by John Snodgrass and others, successive counsel for the pursuers, among them Henry Dundas, David Rae, Charles Hay, and especially Andrew Crosbie and Francis Garden (later Lord Gardenstone), all attacked Witherspoon on the grounds that his decision to name the objects of his wrath – in the published pamphlet version of his sermon, *Seasonable Advice to Young Persons* (1762) – was motivated, not out of a sense of Christian forgiveness, but by a misplaced combination of vindictiveness and excessive ‘zeal’ unbecoming in a minister of the Church of Scotland. Perhaps the most effective jibe made against Witherspoon was by the witty and urbane Garden (a fluent French speaker who had made his name in the notorious ‘Douglas Cause’ when he had appeared before the ‘*Tournelle*’ chamber of the *Parlement* in Paris) who compared his actions to those of Molière’s eponymous anti-hero, the holy hypocrite *Tartuffe*.<sup>85</sup>

For his part, Crosbie, one of the most naturally gifted advocates of his time, summed up Witherspoon’s character as follows:

Dr Wotherspoon [sic], it is well known, was a man of a most violent and over-bearing disposition, and excessively impatient of contradiction upon all occasions whatever, so that he could not easily forgive those who thwarted his inclinations; and to this singular temper of his the petitioners [John Snodgrass *et al*] attribute those violences that form the subject of the present process.<sup>86</sup>

## 3. Princeton (1774–5): the affair of Dr John Ewing’s fund-raising visit to Scotland and Witherspoon’s ‘secret’ interference designed to thwart the mission

Finally, and for the first time in any Witherspoon study, we have to reckon with a graphic example of Witherspoon’s mean-spiritedness. In 1774–5 two trustees of the (Presbyterian) Newark Academy of Delaware, John Ewing<sup>87</sup> and Hugh Williamson, made a protracted visit to England,

<sup>85</sup> See Crawford, *The Last World of John Witherspoon*, 173, 311. For a racy account of Garden’s role in the Douglas Cause see Lillian de la Torre, *The Heir of Douglas* (London, 1953), 116–17.

<sup>86</sup> Crawford, 253.

<sup>87</sup> For more on Francis Alison (1736–1779) and John Ewing (1759–1802) see Chapter 8, notes 53 and 54. See also William B. Sprague, *Annals of the*

Scotland and Ireland at the invitation of Francis Alison, then Vice Provost of the College of Philadelphia and President of the Academy's board of trustees. Alison, an Irishman, erstwhile student and subsequent honorary graduate of the University of Glasgow, thought that Newark had a case to make for financial support from sympathetic individuals and authorities in Britain, notably the Church of Scotland, similar to previous highly successful fund-raising ventures organized on behalf of the College of New Jersey, (Gilbert Tennent and Samuel Davies, in 1754), the College of Philadelphia (William Smith, in 1762) and King's College, New York (James Jay, also in 1762). Letters now in the possession of the University of Pennsylvania<sup>88</sup> record how the Newark enterprise was effectively thwarted and its mission wrecked on the initiative of John Witherspoon. On top of everything, the timing of the visit was disastrous. Ewing and Williamson could not have chosen a more inopportune moment to appeal for money in support of their American initiative. The two men had just arrived in London when they learned of the North government's proposal to introduce what became known as the 'Coercive Acts' in reprisal for the Boston Tea Party.<sup>89</sup> Their task had become hopeless. But even worse was to follow.

In the first of a total of six letters written by Ewing to his wife from London (three dated late winter and early spring of 1774), Edinburgh (5 July 1774), Glasgow (3 May 1775) and again London (9 July 1775) Ewing alerts his wife to the impossible difficulties now surrounding the visit, commenting, 'We are almost accounted Rebels here.' But he has encountered 'more to trouble him than the strained relations between the mother country and her colonies.'<sup>90</sup> While in London Ewing has been told of

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*American Pulpit*, v. III ('Presbyterian') (New York, 1858), 73–76 (Alison), and 216–19 (Ewing).

<sup>88</sup> I am grateful to the Imaging Department of the Penn Library for hand-somely permitting me to acquire digital copies of all these letters to be used for research purposes, and to cite from them here.

<sup>89</sup> These were the Boston Port Act, the Massachusetts Government Acts, and the Quebec Act, the first of which was introduced on 14 March 1774. In February Ewing and Williamson had published in the London press the terms of a letter from the Academy trustees, together with a letter of recommendation from the Lieutenant Governor, John Penn, and it was also announced that any sums received would be publicly acknowledged.

<sup>90</sup> The misery of Ewing's discovery is well told by Dr George H. Ryden, University of Delaware, in *The Newark Academy of Delaware in Colonial Days*, 'an historical address delivered at the annual meeting of the Genealogical Society of Pennsylvania, March 4, 1935.' (available online).

the existence of letters by Witherspoon ‘just arrived from America’ sent to various persons – among them Dr Alexander Webster, a former Moderator of the General Assembly and Popular party minister of ‘Haddo’s Hole’ congregation in Edinburgh – clearly designed to undermine the Newark initiative, alleging, according to Ewing, that gifts of money to Newark Academy will hurt the College of New Jersey, with the insinuation that the academy teaches ‘other Doctrines in Divinity than’ [at Princeton].

In a revealing letter written home from Edinburgh on 5 July 1774 Ewing informs his wife:

I wrote you a few Days ago & mentioned my bad Prospects here, thro’ Ye influence of Dr Witherspoon, & enclosed a Letter from Dr Webster to me containing the Things, which he tells me he saw in one of Dr Witherspoons Letters, & which (if he denies that he wrote them) Dr Webster will undertake to prove that he may appear here in his proper colours. I desired you to give that Letter to Dr Alison that he may send me in the Fall of this Year to London authentic Proofs of the Falsehood of Dr Witherspoon’s Assertions: such as a Certificate of his opening the School now under his Care about Ye year 1742 or 3, before Jersey College was founded, that Ye same branches of Learning, such as Languages, Mathematics & Philosophy were taught in it from the Beginning; that after a Charter for it was obtained in Ye year 1769, Ye Trustees applied for and obtained a Synodical Recommendation of that Academy in Ye most public Manner, particularly that it was considered in a full Session of the Synod & granted & that it was reconsidered & confirmed on this day following, when Dr Witherspoon himself with a great Number of Ye Trustees of the Jersey College was present, & that there is not one Minister in the Trust of our Academy, who does not zealously preach Ye Doctrines of Grace as they are contained in our Westminster Confession of Faith. It would be well if Dr Alison would enclose a Copy of this Certificate to Dr. Webster, who will make a proper use of it.<sup>91</sup>

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<sup>91</sup> John Ewing to his wife, ‘Edinburgh July 5<sup>th</sup> 1774’.

But the damage had been done. Writing home from Glasgow almost a year later Ewing explains that he has been detained there for ten days 'waiting for the Meeting of the Pby. of Glasgow':

They met yesterday & advised a farther Delay of a Collection<sup>92</sup> here untill the public affairs are settled, when they expect that something considerable may be obtained in this and the neighbouring towns. . . . [A friend he had unexpectedly met at Greenock 'as he was going on board for Philad<sup>a</sup>.'] told me that he had a Letter for me from Dr Webster, which he promised to send on Shore, but he did not ; I suppose had no Opportunity.

And Ewing concludes: 'I have gone over Ireland & Scotland, & have done as much as could be executed by me in the 'Time; altho' the amount is nothing adequate to my Labour; yet I have the Satisfaction to think I have contributed my share of Fatigue for <sup>Y</sup>e Advancement of Religion & Learning in America.'

Ironically, John Ewing would have the satisfaction of learning over a decade later that Witherspoon was comprehensively hoist by his own petard. Setting out from New Jersey in December 1784 Witherspoon defied the advice of many (not the least of his student and future amanuensis, Ashbel Green) in determinedly going ahead with a fund-raising visit to Britain the object of which was to seek donations that would assist in the refurbishment of the College after the ravages of the revolutionary war. All his friends did their best to persuade him that it was the worst possible time to conduct such a mission, coming so soon after the cessation of hostilities, but he was resolved to persevere and, predictably, the financial outcome was dire.

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<sup>92</sup> Apart from the previous fund-raising missions to Britain on the part of colleges in America mentioned in the text 'Collections', as they were termed, were quite common in the eighteenth-century Church of Scotland – for example, the 'Breslau Collection' of 1750. See Crawford, *The Chair of Verity*, 246–7. Further, Witherspoon himself contemplated organising a 'Collection' for the College of New Jersey on the eve of his departure for America in 1768, but dismissed the idea on the grounds that 'It would be madness at present to attempt any thing in a publick & general Way as many are so much incensed against the North Americans.' See L. H. Butterfield, *John Witherspoon Comes to America* (Princeton, 1953), 71–2, Witherspoon to Benjamin Rush, London 9 March 1768; and Crawford, *The Lost World of John Witherspoon*, 216–17.



From a personal point of view, at least Witherspoon had the opportunity, on paying a brief return visit to the west of Scotland, to settle his longstanding personal debts. These were incurred in the late 1760s when individuals – his greatest creditor was David Dale, the manufacturer and philanthropist – had helped him discharge the not inconsiderable expenses that had arisen over his lengthy Court of Session case, a case he had ultimately lost. Writing to Benjamin Rush in May 1784 the London publisher, Charles Dilly (who knew both Witherspoon and John Ewing), shrewdly observed:

Dr Witherspoon is yet in Lond: and with the assistance of a few friends has set a Subscription on foot for the College of New Jersey—It is coming at a very unseasonable time—just at the End of an expensive war—and when the Nation is overwhelmed with Taxes to Pay the interest upon the Debt—However as the Doctor is first Oar, he will collect a few hundred in Lond. &c—and he will afterwards try to Bleed a little from his own countrymen in the Land of Cakes—where he intends to be sometime in the Summer.<sup>93</sup>

Dilly's prediction proved on the mark. The tables had been well and truly turned on Witherspoon. John Ewing would have the last laugh.

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<sup>93</sup> Cited by L. H. Butterfield in 'The Dilly Letters', Charles Dilly to Benjamin Rush, May 1st. 1784, in 'The American Interests of the firm of E. and C. Dilly, with their Letters to Benjamin Rush, 1770–1795', *The Papers of the Bibliographical Society of America*, 45 (1951), 283–332, 317. The originals of the letters are in the Library Company of Philadelphia. For more on Witherspoon's return visit of 1784 to Britain, see Crawford, *The Lost World of John Witherspoon*, 297–300.

## Robert Aitken (1735–1802)

*Conduit of liberty*<sup>1</sup>

[*In Memoriam*: Willman and Carol Spawn]

*I have been applied to by several Gentlemen to Instruct their Sons, on very advantageous Terms to myself. And a Printer and Bookseller here, a Man of Reputation, and Property (Robt. Aitken) has lately attempted a Magazine, but having little or no turn that Way himself has applied to me for assistance. He had not above 600 Subscribers when I first assisted him. We have now upwards of 1500, and daily encreasing. I have not yet entered into terms with him; this is only the Second Number, the first I was not Concerned in. . . .*

*p.s: Should be greatly obliged to you, for any thing you may judge Serviceable to the Magazine, when you make your much hoped for return to America, or sooner if you please. . . .*

Thomas Paine to Benjamin Franklin, ‘Opposite the London Coffee House Front Street Philadelphia March 4th. 1775’ [ALS, American Philosophical Society, Franklin Papers at Yale online edition].

*The Bookbinding . . . Business requires nothing more than Genius [OED: bent, inclination] . . . the Printing Business no doubt requires Genius, but something more viz. Taste . . . I would have the printing Business to be his main Branch because the most profitable, & because it is esteemed above the level of common handicrafts.*

Robert Aitken to Jeremy Belknap, 22 December 1783, on the subject of the apprenticeship of Josey Belknap. [ALS, Massachusetts Historical Society, cited in Willman and Carol Spawn, ‘The Aitken Shop – Identification of an Eighteenth-century Bindery and Its Tools’, in *Papers of the Bibliographical Society of America*, vol. 57, Fourth Quarter, 1963, 437.]

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<sup>1</sup> See also Appendix B: ‘Before Paine: new light on Robert Aitken in Scotland’.

*The call of America: a sojourning visit (1769)*

There is more to the history of eighteenth-century Scotland than the Scottish Enlightenment. And there is more to the Scottish Enlightenment than a flowering of literary and philosophical intellectuality. Robert Adam is an obvious case in point. The man we discuss here, Robert Aitken, was essentially a hands-on craftsman: a man who by training and occupation was in part an artisan professional, a skilled engraver and bookbinder; and in part what Americans call a ‘bookman’ – at first, from 1759 or thereabouts in the west of Scotland a small-time circulating library proprietor, then from 1771 in Philadelphia successively a bookstore owner, magazine editor-in-chief, binder, engraver on copperplate, and master printer and publisher. Never more than a minor figure in the Scottish book trade, the importance of Robert Aitken derives in some measure from the fact that through the portals of his Philadelphia bookstore on Front Street, opposite the London coffee house (owned by another printer, William Bradford, the so called ‘patriotic printer’ of 1776), there regularly passed virtually all the giants of the American Revolution, every one among them his carefully recorded customer, except for the soldier-statesman Washington (who was usually too preoccupied to read books, though after the war he began to collect them).<sup>2</sup> These men *were* the revolution and Aitken knew and dealt with all of them, including Benjamin Franklin, John Adams, Thomas Jefferson, James Wilson, John Witherspoon and James Madison, whose names all regularly feature in the double-entry accounts ledger famously known as Aitken’s ‘waste-book’ (or day-book).<sup>3</sup> Among them, too, was Thomas Paine, newly arrived from England with a letter of recommendation from Franklin in his pocket, needing employment and a roof over his head. He found both with Aitken who just happened to be hiring literary support for his most ambitious venture to date, *The Pennsylvania Magazine*, the inspiration for which he found in British counterparts such as *The Scots Magazine* with which he would have been familiar back home. On the strength of Franklin’s letter Aitken hired Paine. We might say that Robert Aitken was a conduit for Paine; and, in the process, a conduit of American liberty.

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<sup>2</sup> ‘After the war Washington was a far more voracious reader than generally suggested. Though hardly a Renaissance man on a par with Jefferson and Franklin, he pursued a broad range of interests throughout his life.’ Ron Chernow, *Washington A Life* (New York, 2010), 470.

<sup>3</sup> Two volumes, Library Company of Philadelphia, held at the Historical Society of Pennsylvania.

Aitken is known, however, for much more than the operation of a large and successful bookstore that proved a magnet for the great and the famous of Philadelphia in the immediate ante-independence period and the early republic – in fact, until the mid-1780s when Aitken's shop was eclipsed by a mega new one, operated by Jackson and Dunn.<sup>4</sup> His name turns up as printer/publisher on the title-pages of around 250 publications over a thirty-year period: from 1771 – when with his wife and two children, Robert Jr. and Jane, he settled permanently in America – until a little before his death in 1802, by which time he was virtually a bankrupt and a seriously dispirited man. Some of his books are among the treasures of post-colonial publishing, including easily his most famous publication, the first American Bible in English – the misleadingly-styled 'Bible of the Revolution' – the book he desperately wanted to print and sell more than any other, but the project that ultimately hastened his financial ruin.

Some time in March 1769 Robert Aitken left Paisley via Greenock on the Clyde for a brief sojourn in America. In these days it usually took a brigantine or a snow an average of ten to eleven weeks to sail from the Clyde to the Chesapeake. Taking advantage of the autumn south-westerlies on the return voyage Aitken left Philadelphia some time in October and was back home with his family in Paisley before the end of November. He carried with him on the outward passage books and other items for sale during his temporary stay, and advertised these in the *Pennsylvania Gazette* on 18 May. Patrons, he advised, would need to be quick off their marks, since his stay would be short 'in this place':

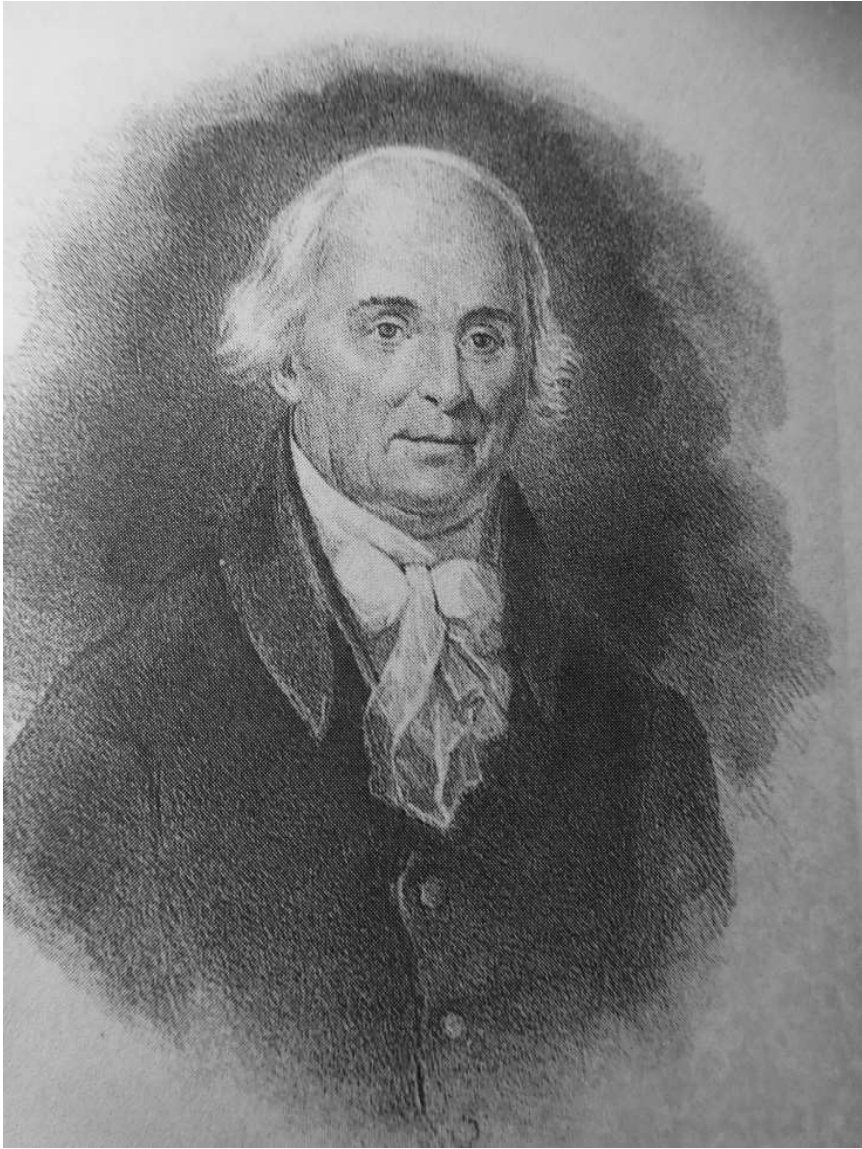
ROBERT AITKEN Bookseller, From Glasgow, just now arrived in the snow Peggy,<sup>5</sup> and has opened his store the first door below Mr David Sproat, Front Street, Philadelphia,<sup>6</sup> WITH a valuable variety

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<sup>4</sup> Benjamin Rush called it 'the largest book store that has ever been set up in Philadelphia'. Benjamin Rush to William Creech, 22 December 1784. See also Richard B. Sher, *The Enlightenment & the Book: Scottish Authors and their Publishers in Eighteenth-Century Britain, Ireland and America* (Chicago, 2006), 539 note 73.

<sup>5</sup> The *Peggy* (Captain Speir), out of Greenock, carried the Witherspoons to Philadelphia in May 1768.

<sup>6</sup> David Sproat came to Philadelphia from Kirkcudbright in 1760 and soon prospered as an importer and general merchant specialising in cloths, dry goods, etc. He was ruined as a result of his decision to back the Tory cause during the revolutionary war when he assumed an active role as Commissary-general of Naval Prisoners, with his headquarters in New York City, and was subsequently 'attainted' of high treason and his property and estates in America confiscated and sold. Sproat went back to



**14** Robert Aitken (Historical Society of Pennsylvania).

of books, consisting of almost all the branches of literature, Church history, antient and modern law, physic, mathematics, &c. Also a large and elegant assortment of books, moral and entertaining, of the most approved authors, viz. Swift, Pope, Young, Milton, Thompson [sic], Cambray, Fontenelle, Voltaire, Rollin, Shaftsbury, Spencer, Congreve, Waller, Locke, Tillotson, Scott, &c. &c. also novels, plays, songs; but *chiefly books of divinity*, [italics added] whose names are famous in the churches, viz. Luther, Calvin, Knox, Rutherford, Durham, Flavel, Henry, Trail, Guthrie, Owen, Ambrose, Gurnal, Wellwood, Willison, Watson, Bunyan, Binning, Boston, Erskine, Hervey, Watts, Gray, Walwood, Brooks, &c. &c. He has also a neat assortment of chapman books, pamphlets, ballads, and ink powder; also fine stays sorted, silk and thread, gauze, different patterns, plain and flowered. The above will be sold by wholesale, for ready money only. Such who intend to furnish themselves with any of the above articles, will apply soon, as the proprietor will make but a short stay in this place.

The Spawns (and Richard Sher) believe that the man who beyond any other influenced Aitken in deciding to go to America, just a year after his own emigration there in May 1768, was John Witherspoon. That could well be true, but the Spawns attribute Aitken's decision to the fact that Witherspoon was 'his Paisley pastor'.<sup>7</sup> We now know from previously unknown sources (especially the Paisley Burgess Roll) that could not have been the case. Aitken was a prominent and committed member of the Antiburgher congregation whose Paisley meeting-house was becoming inadequate to house all those who opted to cram in there Sunday after Sunday. On 20 August 1763 he had married Janet Skeoch who may have been a member of Witherspoon's Laigh Church congregation. Alexander Skeoch, town-clerk of Paisley, stood as one of three bail-bond guarantors for Witherspoon's debts when he left Paisley for New Jersey, and it is likely that he was a relative of Janet, and one of Witherspoon's parishioners.<sup>8</sup> That might be thought to increase the

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Scotland in December 1783 and lived on the family estate, by then entailed, at Port Mary, Kirkcudbright, where he died in October 1799. See James Lenox Banks, *David Sproat and Naval Prisoners in the War of the Revolution* (Albany NY, 1909), pass.

<sup>7</sup> Willman and Carol Spawn, 'The Aitken Shop: Identification of an Eighteenth-Century Bindery and its Tools', *Papers of the Bibliographical Society of America*, 57 (1963), 422–37. See also Appendix B, note 2.

<sup>8</sup> Janet's father was William Skeoch. The Skeochs came from south-west Scotland. There is a farm called 'Skeoch' at Mauchline in Ayrshire.

chances of Witherspoon having married the couple, though in the absence of any hard information to that effect (in, for example, an OPR marriage record extract) it is all pure conjecture. On the other hand, the odds are surely high that Witherspoon and Aitken knew each other in Paisley. Further, Witherspoon's personal pocketbook for 1768 (now in Princeton University Library) records that he had to contend with numerous named and unnamed individuals beating a path to his manse door, anxious to learn how they might follow his example and sample for themselves the good life across the Atlantic.

In 1997 Bernard Bailyn's research associate at Harvard, Barbara De Wolfe, published her *Discoveries of America* in which she amplified Bailyn's own groundbreaking *Voyagers to the West* (1986) by printing a number of remarkable personal accounts of British emigrants to North America during the revolutionary era. Among these are De Wolfe's selection of eleven letters, ten of which are written to his brother Andrew (a weaver in Paisley whose address is always the 'Town-head') by Hugh Simm, a Paisley 'mechanic' (probably a euphemism for a weaver), who had either accompanied John Witherspoon to America or else had followed him there shortly afterwards. The complete collection of twenty-two Hugh Simm letters and related documents is held (as recipient copies) by the Firestone Library in Princeton University, with a useful online 'Finding Aid'. Soon after his arrival in Princeton it seems that Witherspoon prevailed on the College trustees to appoint Simm as 'librarian' and inspector of rooms at an annual salary of £5, plus the use of a 'cell' on College property. Simm was also given duties in the College school, which at that time filled a useful 'feeder' role for supplying the College with undergraduates. Having had the degree of Bachelor of Arts conferred on him, Simm lingered in Princeton barely a year before moving on to successive appointments as a schoolmaster (and eventually as headmaster) in Freehold, New Jersey (latterly in New York). Hugh Simm was a loyalist, served as a quartermaster in the Loyal American Regiment and returned to Paisley after the war where he received a government pension and died in 1810 aged seventy-three.

For our purpose, the most important item in the Hugh Simm collection is his letter to 'Robert Atken' [sic] of 13 October 1769. Neither De Wolfe, who prints the whole letter in her *Discoveries of America*, nor the Princeton finding aid, identifies the recipient as Robert Aitken, then nearing the end of his American sojourn. Addressed 'To M<sup>r</sup> Rob<sup>t</sup> Atken merchant from paisley to be found near M<sup>r</sup> Sproat's Shop Philadelphia', it reads:

"Twas no Smal Surprise to me to hear that you are yet on this Side of the atalantic otherwise I Should certainly have directed a letter to you if not have come to See you – I purposed at the first hearing that you were to be at Princeton to attend on you there but as you are uncertain when you will come and that the Dr [Witherspoon] will not be at home which may prevent your comming I cannot venture for tho it be vacation with me Just now yet I find Sufficent employment to prepare for the next half year – I have a verry agreeable employment and Situation heare my incomes are not large indeed but Sufficent for present mantainence – As a number of the boys will be fitted for the colledge in the Spring to which they Should go it will render the Scool not worthy attendance So that it is probable that I will not Stay here longer then that time – If you come to princetion and would favour me with a visite nothing could be more desirable It is but about 18 miles and not much further from Philadelphia if you do not do So I cannot hope to See you till I call upon you at the Buhannan's head.<sup>9</sup>

Hugh Simm, however, need not have been concerned. Within two years Aitken would return to Philadelphia, having been delayed by the death of a child. This time he was accompanied by his wife, Janet, and their surviving children, Robert junior and Jane. And this time it was no short sojourning visit, but for good.

*The call of America: the real thing (1771)*

In the early 1770s the situation in Scotland, both economically and, consequently, in terms of popular morale, was beginning to show clear signs of serious deterioration. The period coincided with the high point of emigrations from Scotland to America. Karras, using the simple device of enumerating contemporary Glasgow and Edinburgh newspaper advertisements, prints tables of Glasgow ships bound for the Chesapeake. His analysis shows that in no year from 1750 to 1799 were there more sailings advertised for that route than in 1771, when a total of forty-one sailings are recorded. Over the next three years advertised Glasgow-Chesapeake sailings gradually declined and no sailings on that route are found covering the war years 1778 to 1782. No figures can be given for the years 1775 to 1777 inclusive, owing,

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<sup>9</sup> Barbara De Wolfe, *Discoveries of America* (Cambridge, 1997), 130–1.



according to Karras, to there having been no examples of newspapers surviving from the first years of the revolutionary war.<sup>10</sup>

Bailyn records that between 1760 and 1775 people from the British Isles were ‘flooding’ into America, no less than 40,000 of them Scots (or an astonishing 3% of the entire population of Scotland in 1760). The government was appalled and serious consideration was given to controlling or even banning emigration altogether. In 1773 what became known as the ‘America Madness’ involved a strike for higher wages by twelve journeymen weavers in Paisley who threatened that if their demands were not met, they would rouse thousands of other weavers in the expectation that they would all ‘goe off in a body to America.’ The crisis was eventually resolved only by a blend of sensible compromise and gentle firmness on the part of the prudent Lord Justice Clerk, Sir Thomas Miller (later Lord Glenlee).<sup>11</sup> The lesson was learned, however, that anyone seriously contemplating permanent emigration to America should perhaps not delay before the patience of the government wore out completely and the draconian step of an outright emigration ban was introduced. In the event, no such measure was necessary since the ‘disturbances’ in America beginning in 1774 acted as an effective brake on numbers emigrating from Britain until after the cessation of hostilities when they briskly resumed.<sup>12</sup>

In the same year that Aitken and his family settled in Philadelphia Alexander Thomson, a forty-nine-year-old farmer from Corkerhill in south-west Glasgow,<sup>13</sup> whose wife had borne thirteen children in Scotland (and would bear two more in America), similarly resolved to emigrate. Like Aitken, Thomson was a seceder and in America he espoused the Reformed Presbyterian Church, a branch of presbyterianism that was especially strong

<sup>10</sup> Alan L. Karras, *Sojourners in the Sun: Scottish Migrants in Jamaica and the Chesapeake* (Ithaca, 1992), 31–45.

<sup>11</sup> The papers relating to the ‘America Madness’ incident of 1773 are held privately in Dunvegan Castle, Skye (ref. NRAS 2950) and may only be consulted by arrangement with the MacLeod family archivist on the island. From a case noted in [Lord Kames] *Select Decisions of the Court of Session* (2<sup>nd</sup> edition, Edinburgh, 1799), case no. CCXXXVIII, *Pactum Illicitum*, of 21 January 1766, 312, we learn of an earlier move by journeymen weavers in Paisley to form themselves into an ‘unlawful combination’ (an illegal early trade union) in order to press their claim for higher wages. The action on behalf of one of the employers against the operatives was upheld and the contract between the two sides in the dispute was declared void.

<sup>12</sup> Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York, 1988), 57–9.

<sup>13</sup> Modern Corkerhill is just a mile or two from the Paisley/Glasgow boundary, at (roughly) modern Mossbank/Ibrox.

in Pennsylvania under the leadership of the charismatic Reverend William Marshall (Robert Aitken's pastor). The Thomson family arrived in America in September 1771 and in April 1772 Thomson bought a plantation of 430 acres near Chambersburg, Pennsylvania. They prospered and named their land 'Corkerhill'. In 1774 John Bryce of Glasgow published *News from America. Letter 1. From Alexander Thomson, late Tenant at Corkerhill in the Parish of Paisley, now Proprietor of a considerable Estate in Pensilvania. To a Gentleman near Glasgow*. As in the case of Aitken in the course of his sojourning visit, Thomson too made haste to call on John Witherspoon at Princeton, but in Thomson's case not to discuss with him literary or religious issues but to obtain his advice on land values and on the prospects of acquiring a farm – matters on which Witherspoon himself had steadily acquired an acknowledged expertise. In his letter home Thomson explains how Witherspoon 'understood my errand' and had assured him 'he was very earnest to assist me to get a right farm.' But in the same letter, dated 'Corkerhill in Pensilvania, August 16th, 1773', reporting on his own good fortune, Thomson consoles his friend on the grim news he is hearing from Scotland:

In truth, I am sorry to hear of the great distress of farmers and tradesmen in your country. You mention this in your letter, but I have heard much more from some folks I lately met with when I was at Philadelphia; and so far as I understand, the weavers and other tradesmen, as also many farmers are in a far worse condition than they were when I came away in the year 1771, for it seems the tradesmen cannot get employment, and the meal continues to be as dear as it was. If the tradesmen and farmers would come here, they would soon find themselves in a better condition; and there is plenty room for them all, yea for all the people that are in the three kingdoms. *And this is the best poor man's country in the world . . .* [italics added]<sup>14</sup>

Again in 1771 a remarkably similar picture of a dispiriting future for Scots in Scotland, especially for farmers and agricultural workers, emerges from another pamphlet published in Glasgow, *A Candid Enquiry into the Causes of the Late and the Intended Migrations from Scotland*. The message of the anonymous author of the *Candid Enquiry* is simple and direct:

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<sup>14</sup> De Wolfe, *Discoveries of America*, 115.

We might ... spare some of our cooks, our livery servants, our hair-dressers; and perhaps even some manufacturers and artificers: but as they are chiefly sober industrious farmers and land labourers who have either left us or resolve soon to leave us; the appearance hath a sort of dismal and threatening aspect: scarcity of bread and desolation may be the consequence: skilful and industrious farmers are the most useful and necessary hands in any country; for the prosperity of every country doth unquestionably depend on the flourishing state of its agriculture. And we can ill afford to send any of our farmers abroad, as it is manifest that there are by far too few people of skill and substance among us who apply themselves to that necessary business and continue in it.<sup>15</sup>

*A Candid Enquiry* is clearly the work of an extremely well-educated man, quite possibly a lawyer – he cites John Millar’s *Observations Concerning the Distinctions of Ranks in Society*, and seems at home with current and past statutory legislation in Britain. But he is also something of an historian, citing with ease authorities including Bacon’s *Historie of the Reigne of King Henry VII* and William Robertson’s *History of Scotland*, as well as Sir James Steuart on political economy. There are also interesting similarities between *A Candid Enquiry* and the Reverend William Thom’s American sermon of the year before, *Seasonable Advice to the Landholders and Farmers in Scotland* (1770),<sup>16</sup> though with one crucial difference: the unknown author deplores the impact on Scotland and her economy of emigration to America, and wonders how best to counteract it, whereas in his sermon William Thom actively encourages it.

Though doubtless aware of an increasing unease at government level about the huge scale of emigration, Robert Aitken seemed undeterred. Having arrived back in Philadelphia in May 1771, this time with his wife and two children, in the *Pennsylvania Gazette* for 6 June he loses no time in advertising his presence – and his purpose – in the city. The impossibly short gap between the date of his arrival, 10 May, and the date of the opening of his

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<sup>15</sup> *A Candid Enquiry* (Glasgow, P. Tait, [1771]), 1–2. In the August, September and December numbers of the *Edinburgh Magazine and Review* for 1774 there appears a three-part ‘Essay on Emigration’ in which the anonymous author deplores the emigration ‘crisis’, seeks to account for it and examines the consequences if nothing is done to arrest it.

<sup>16</sup> *aka The Task-Masters*. See Ronald Lyndsay Crawford, *The Chair of Verity: Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (Edinburgh, 2017), 221–7.

bookstore puts it beyond reasonable doubt that in the course of his sojourn two years before he had already seen to things so efficiently and effectively that all that was now needed was to commence operations:

ROBERT AITKEN, BOOKSELLER, STATIONER, and BOOKBINDER, just arrived from GLASGOW, BEGS leave to inform the public, that this day he opens his store, the 4th door from Market street, in Front street, opposite the London Coffee house, where will be exposed for sale, upon the most reasonable terms, the following assortment of articles, a large and elegant collection of BOOKS (London and Scots editions) written by authors of the greatest fame for literary knowledge, and entreating upon a variety of subjects, moral and entertaining; a large assortment of bibles, various sizes, testaments, prayer books, chap books, writing paper,<sup>17</sup> of the following kinds, super royal, demy, fine thick post, large post, fools cap, coarse and fine pott [*OED* = 'a paper size originally bearing the watermark of a pot'], elegant pocket cases, for gentlemen and ladies, with and without instruments, steel and silver locks, and of different sizes; leather and brass inkpots, penknives, ivory folding sticks, round rulers, red, black, and vermilion wafers [*OED* = 'small disks of flour mixed with gum used for sealing letters, attaching papers, or receiving the impression of a seal'], best red and black sealing wax, New market cases, with steel and silver locks, gilt paper, message cards, quills, blotting paper, folio paper cases, with and without locks, &c.&c.

N.B. A Journeyman, and two Boys, inclining to serve the branch of bookbinding (if well recommended) may apply at the above store, where they will meet with encouragement.

*Aitken, Paine and Witherspoon: 'The Pennsylvania Magazine' (1775–6)*

Jonathan Clark has described Franklin's letter of recommendation to Richard Bache concerning Thomas Paine as 'perhaps the most famous reference letter ever written':

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<sup>17</sup> 'Since no paper was made in the colonies during this period, imported stationery supplies such as paper, quills, ink, and wafers for sealing letters were first in importance among the other items sold by booksellers.' Elizabeth Carroll Reilly, 'The Wages of Piety: The Boston Book Trade of Jeremy Condy' in William L. Joyce, David D. Hall and Richard D. Brown (eds.), *Printing and Society in Early America* (Worcester MA., 1983), 90.

London, 30 September 1774

Dear Son,

The bearer, Mr Thomas Paine, is very well recommended to me, as an ingenious, worthy young man [Paine was thirty seven]. He goes to Pennsylvania with a view of settling there. I request you to give him your best advice and countenance, as he is quite a stranger there. If you can put him in a way of obtaining employment as a clerk, or assistant tutor in a school, or assistant surveyor, (of all which I think him very capable,) so that he may procure a subsistence at least, till he can make acquaintance and obtain a knowledge of the country, you will do well, and much oblige your affectionate father. My love to Sally and the boys.

B. Franklin<sup>18</sup>

And Clark rightly points out that Franklin was ‘a cautious referee’; that is, he personally did not recommend him, but only wrote that Paine had been recommended *to him*. In any event it seems Franklin wrote many such letters to introduce English migrants to his contacts in the colonies, so that there was nothing special in his support of Paine.<sup>19</sup> True, except that Franklin sends his letter to his beloved daughter’s (Sally’s) husband, his son-in-law, who, it appears, contrived to assist Paine who later has the satisfaction of telling Franklin that Bache’s ‘countenancing’ of him ‘has obtained me many friends and much reputation’. (Paine was given to hyperbole, so it is impossible to know whether his assertion was flattery or sincerely meant). In the same letter – written in the following March on his full recovery from the ‘putrid fever’ (dysentery) that had made his voyage to America so wretched – Paine informs Franklin of what he has been about in the interval since his arrival on the Delaware quayside courtesy of a stretcher party on 30 November the year before:

I have been applied to by several Gentlemen to Instruct their Sons, on very advantageous Terms to myself. And a Printer and Bookseller

<sup>18</sup> Franklin to Richard Bache, 30 September 1774, *Founders Online*, National Archives. [Original Source: *The Papers of Benjamin Franklin*, 21, William B. Wilcox (ed.), Yale U Press, 1978, 325–6.]

<sup>19</sup> J. C. D. Clark, *Thomas Paine: Britain, America & France in the Age of Enlightenment and Revolution* (Oxford, 2018), 110.

here, a Man of Reputation, and Property (Robt. Aitken) has lately attempted a Magazine, but having little or no turn that Way himself has applied to me for assistance. He had not above 600 Subscribers when I first assisted him. We have now upwards of 1500, and daily increasing. I have not yet entered into terms with him; this is only the Second Number, the first I was not Concerned in.<sup>20</sup>

The new ‘Magazine’ referred to by Paine to whose proprietor, Robert Aitken, he tells Franklin, he is rendering ‘assistance’, is *The Pennsylvania Magazine*; or, *American Monthly Museum*. The serial, published retrospectively on the first Wednesday of the month, survived for just nineteen numbers from January 1775 to July 1776. Paine was ‘concerned in’ just the first seven or, at most, eight of these issues.

Richard Sher attributes the highs and lows of Aitken’s long publishing career in America to the fact that he inhabited ‘two worlds’, which he interprets to mean a world of Scottish religious piety on the one hand, and, on the other, an altogether more unwelcome world, not of his choosing, dominated by American politics and the revolutionary war. Certainly Aitken’s entanglement with Paine over the *Magazine* was not exactly eased by the parallel involvement in the same venture of a third and most unlikely associate, the Reverend Dr John Witherspoon. Paine and Witherspoon were extreme opposites. As will be seen from the Postscript to this chapter, Witherspoon’s association with the *Pennsylvania Magazine* far exceeded Paine’s, both in terms of longevity and number of contributions.

Jonathan Clark’s *Thomas Paine* (2018) is, as he describes it himself, an original ‘textual and contextual’ study of this most complex and difficult, yet singularly brilliant of men. It is all the more perplexing, therefore, to discover that Clark seems curiously disinterested in the Aitken-Paine relationship, nor does he once mention Aitken’s priceless reference-tool, his ‘waste-book’, either on its own account or specifically as a key to a right understanding of the terms of Paine’s engagement by his first American employer. Clark deserves credit, however, for single-handedly destroying the old story confidently put about by Paine’s editors and biographers including Moncure D. Conway (1894–96), Frank Smith (1930), Lyon N. Richardson (1931), Philip S. Foner (1945), Jack Fruchtman Jr., (1994), John Keane (1995), Edward W. R. Pitcher (2001), Edward Larkin (2005) and Hazel Burgess (2010) – viz.

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<sup>20</sup> See the epigraph to this chapter.

that, to use Keane's words, 'during his time with *The Pennsylvania Magazine*, Paine published at least seventeen and perhaps as many as twenty-six essays, poems, and reports, a clear majority of which dealt with controversial social and political matters of the day.' Foner similarly lists seventeen *Magazine* contributions by Paine (including five poems) in his 'Chronological Table of Thomas Paine's Writings'.<sup>21</sup> In a seven-page Appendix to his work he entitles 'Paine De-attributions', Clark lists eight *Magazine* articles previously thought to have been written by Paine as unlikely to have been his work, for various reasons he proceeds to analyse (including stylistic issues).<sup>22</sup>

Clark invites his readers to regard his 'de-attributions' as comprising only a 'provisional' list, suggesting that 'further attributions and de-attributions may emerge from a computer analysis of the prose styles of Paine and his leading contemporaries being undertaken by a team at Iowa College', though he is careful to stress at the same time that his own conclusions are 'based on traditional methods of contextual analysis, and are open to correction as more is learned in this field.' Extrapolating from this methodology – and placing his trust in the list of anonymous articles identified as the work of Paine by Robert Aitken himself, when in 1797 Aitken responded to a request by James Carey to identify them for Carey's early collection, *The Works of Thomas Paine* (1797)<sup>23</sup> – Clark concludes we are left with barely a handful of pieces in the *Magazine* he thinks it safe to attribute to Paine. This is a far cry from the total of seventeen to twenty-six claimed by Keane and others. The Postscript to this chapter represents a checklist of anonymous titles

<sup>21</sup> Philip Foner, 'Introduction' in Philip Foner (ed.), *The Complete Writings of Thomas Paine* (2 vols, New York, 1945), I, xlvii–lix.

<sup>22</sup> John Keane announced in a preface to the Notes, that he intended to publish a 'Guide' to Paine's writings in which, astonishingly, he would identify 'some 620 individual contributions by Paine'. The proposed bibliography has never appeared and the conclusion must be that Keane has had second thoughts in the light of later scholarship (as now exemplified by J. C. D. Clark) which has headed off in the opposite direction, seeking to 'de-attribute' rather than add to the Paine canon. To his credit, nevertheless, Keane does admit that 'Caution should be exercised when examining positive claims that Paine wrote this or that article.' See John Keane, *Tom Paine: A Political Life* (London, 1995), 553–4 note 24.

<sup>23</sup> James Carey was a brother of Matthew Carey (1760–1839), an Irish Catholic who arrived in Philadelphia in 1784 and became (with Thomas Dobson, William Young and Robert Campbell) among the most prominent of a younger generation of innovative American publishers of the post-revolutionary period. The Careys were almost certainly leading lights in the anglophobic American Society of United Irishmen, founded in Philadelphia in 1797. See Sher, *The Enlightenment & the Book*, 545.

published in the *Pennsylvania Magazine* now judged 'safe' to attribute to Paine, and also (though uncontroversially) to John Witherspoon.

Aitken had published his preliminary prospectus (his '*plan*' as he called it) for *The Pennsylvania Magazine* in three newspapers: the *Pennsylvania Packet* of 21 November, and subsequently in the *Pennsylvania Gazette* and the *Pennsylvania Journal* of 23 November 1774. His 'Proposals for printing, by Subscription, THE PENNSYLVANIA MAGAZINE, or, THE AMERICAN REPOSITORY OF USEFUL KNOWLEDGE' envisaged a periodical production which was to be, above all, an 'American Magazine'.<sup>24</sup> The first six sections, to be called 'American essays', would conform to a particular pattern:

A proportion of nearly the same number of pages in each Magazine will be set apart for original American productions. As to the subjects of these dissertations, they may extend to the whole circle of science, including politics and religion as objects of philosophical disquisition, but *excluding controversy in both*. [italics added] Lest this should offend any, all the political controversy proper for this periodical publication will fall under the article of news.

These words would come to haunt Aitken. In a footnote to the issue for the penultimate number of the *Magazine*, for June 1776, he was forced to concede that events had run far ahead of his early idealistic editorial policy, such that, through no fault of his own, aspirations of that kind had not always been fulfilled:

The Publisher hopes he will not be thought to have deviated much from his first Proposals, relating to politics, though the author of the Druid [Witherspoon], in his second Number [it follows on pp. 253–56], has introduced an example or two from the present War, to illustrate his general position.

The six separate sections referred to would, he announces, emphasise issues of special interest to the American colonies, viz. American essays, selected essays from British journals, lists of new books with 'remarks and extracts', a poetry section, news or 'Monthly Intelligence', and a meteorological diary.<sup>25</sup>

<sup>24</sup> The proposed sub-title was apparently dropped in favour of '*American Monthly Museum*' used in the first and all succeeding numbers.

<sup>25</sup> Like many Philadelphia printers of the period, Aitken tried his hand at publishing



In an accompanying advertisement alongside the ‘Proposals’ Aitken further defines the orientation of the *Magazine* in moral terminology that might conceivably have put off some readers: it would err on the side of ‘a plan of the most extensive usefulness’ and its editorial aspiration was ‘to admit nothing but what relates to the grand interests of *Learning, Virtue*, and our common *Christianity*.’ The hand of Witherspoon in this last-named aspect of the plan’s formulation is not difficult to identify. Further, in his ‘Publisher’s Preface’, designed to be inserted into the bound volume of all numbers issued in 1775, Aitken had felt compelled to touch on the contemporary situation, implying that his creature was being launched into an uncertain world at the very worst of times:

... the principal difficulty in our way, is, the present unfortunate situation of public affairs. Those, whose leisure and abilities might lead them to a successful application to the Muses, now turn their attention to the rude preparations for war---Every heart and hand seem to be engaged in the interesting struggle for *American Liberty*.---Till this important point is settled, the pen of the poet and the books of the learned are not cultivated to advantage, but in the fruitful soil of *Peace*, and in the fostering sunshine of *Constitutional Liberty*.

That all public contentions may find a speedy and equitable reconciliation, and that this once happy country may again enjoy the unviolated blessings of the *British Constitution*, is the sincere wish---the earnest prayer of the Publisher of the *Pennsylvania Magazine*.

The first number of the *Pennsylvania Magazine* includes an essay which later editors of his works (and Jonathan Clark) have entitled ‘The Magazine in America’. All agree it is by Paine. The piece is unsigned, without a *nom de plume*, and the heading Aitken gives it on the first page, ‘To the Publisher of the *Pennsylvania Magazine*’ (with running-heads reading ‘The Utility of this Work evinced’), is obviously meant to indicate to readers that it was sent to him as an unsolicited contribution by a member of the public. The purpose of the essay is introductory of the first number and intended not so much to set out editorial policy – which, after all, Aitken had already done in his ‘*plan*’

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an almanac – *The Philadelphia Newest Almanack* – but he abandoned the project after only two issues; those for 1775 and 1776, the competition having presumably been too intense. A meteorological diary was a feature of the popular London *Gentleman’s Magazine* and other serials.

and in his 'Publisher's Preface' – but more to declare the value, purpose, and above all the *usefulness* of the magazine. The anonymous author emphasizes the American-ness of the new journal, and in so doing cannot resist a sideways swipe at English magazine corollaries. If this is Paine (despite the firm denial in the letter to Franklin of 4 March 1775 that he was 'concerned in' the first number), it is certainly not yet Paine in his pomp. And yet, it may not be fanciful to discern in the essay's easy-flowing, direct journalistic style more than a whiff of the characteristic cadences of *Common Sense*, then almost to the day just a year off:

America has now outgrown the state of infancy: her strength and commerce make large advances to manhood; and science in all its branches has not only blossomed, but even ripened on the soil. . . . It has always been the opinion of the learned and curious, that a magazine, when properly conducted, is the nursery of genius; and by constantly accumulating new matter, becomes a kind of market for wit and utility . . . .

The two capital supports of a magazine are Utility and Entertainment: the first is a boundless path, the other an endless spring. . . .

It was not the ignorance of the age only, but the vanity of it, which rendered it dangerous to be ingenious. The man who first planned and erected a tenable hut, with a hole for the smoke to pass, and the light to enter, was perhaps called an able architect, but he who first improved it with a chimney, could be no less than a prodigy. . . .

A magazine can never want matter in America, if the inhabitants will do justice to their own abilities. Agriculture and manufactures owe much of their improvement in England, to hints first thrown out in some of their magazines. Gentlemen whose abilities enabled them to make experiments, frequently chose that method of communication, on account of its convenience.<sup>26</sup>

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<sup>26</sup> This reference seems to confirm that one of the models Aitken had in mind in going ahead with *The Pennsylvania Magazine* was *The Gentleman's Magazine* begun in 1736 by 'Sylvanus Urban' [Edward Cave (1691–1754)], but it is also possible (this author thinks) that certain features were copied from *The Scots Magazine*. See Edward Larkin, *Thomas Paine and the Literature of Revolution* (Cambridge, 2005), 26–32. Larkin notes that Cave's motto for his magazine was *E Pluribus Unum* – 'Out of many, one' – the motto adopted in 1776 for use on the Great Seal of the United States. Cave had borrowed the motto from an earlier use of it by Pierre Motteux (1663–1718), a Huguenot émigré to England, in his *The Gentlemen's Journal* (1692–4).

And why should not the same spirit operate in America? I have no doubt of seeing, in a little time, an American magazine full of more useful matter than I ever saw in an English one: Because we are not exceeded in abilities, have a more extensive field for enquiry; and, whatever may be our political state, *Our happiness will always depend upon ourselves* . . .

Wit is naturally a volunteer, delights in action, and under proper discipline is capable of great execution. . . . European wit is one of the worst articles we can import. It has an intoxicating power with it, which debauches the very vitals of chastity, and gives a false colouring to every thing it censures or defends.<sup>27</sup>

By a mix of sheer ill fortune and the irresistible course of events Aitken's *Pennsylvania Magazine* project was almost certainly doomed from the start. As proprietor, his equanimity must have been sorely put to the test from the very first number to the very last – from January 1775 to July 1776. Overshadowing everything, there was the war, with its increasingly severe practical problems and consequences, even in the most basic terms, extending to exiguous materials – by no means the least, the sourcing of paper to meet the needs of his continuing publication commitments.<sup>28</sup> These were books (of which he published nine in 1775 and twelve in 1776), plus serials (represented by the *Magazine*, his *Newest Almanack*, and his first printing of the *Journals of the Proceedings of Congress*).<sup>29</sup> On top of everything, there was the constant mental anguish caused him by a pervasive wish to demonstrate

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<sup>27</sup> Clark seems satisfied that the anonymous piece that has come to be entitled 'The Magazine in America' (January 1775 number, [9]–12) is, in fact, by Paine. See Clark, *Thomas Paine*, 207 and 427 note 360. This was a title, however, given it by Conway (and later by Paine editors/biographers) that serves merely to clarify its content – 'To the Publisher of the *Pennsylvania Magazine*' – as if it had been unsolicited (which it may have been), serving to explain that at that juncture Paine was not technically 'concerned in' the *Pennsylvania Magazine*, while, that is, contributing to it from time to time.

<sup>28</sup> 'To our Correspondents. . . . Our Customers will excuse us, though the day of publication be sometimes delayed: The great difficulty we have in procuring printing paper, renders it impossible for us to publish always on the first Wednesday of the month.' – *Pennsylvania Magazine*, June 1776, 296.

<sup>29</sup> Aitken printed three volumes of the *Journals* of the Continental Congress: (i) 'from September 5, 1774 to January 1, 1776'; (ii) 'from January to May 1776'; and (iii) 'Volume II', 'the proceedings in the year 1776'. In 1778 John Dunlap printed 'Journals of Congress. Containing the proceedings from January 1 1776, to January 1777, Volume II', of which 1–424 are a re-issue of part of (iii) above.

to his American readership his American patriotism – which was genuine enough – tinged by the recognition that his hesitation over the independence issue was rooted in a deep-down longing for some kind of eleventh-hour reconciliation between the colonists and the old country, an option for which he had publicly declared his support in the editorial prefacing the first number of the *Magazine*.

Nearer home there was the problem of Tom Paine. Ominously, in the 'Advertisement' printed above *Errata* prefacing the first (January 1775) number, Aitken announces that he has 'the pleasure' of assuring his subscribers that 'having now procured additional assistance' he is better placed to 'fulfil his engagements with greater punctuality.' What precisely Paine's role in the *Magazine* amounted to has baffled successive biographers, and the waste-book offers no real help in resolving the issue. It seems unlikely that Aitken would have been prepared to surrender much in the way of editorial control, if any, to Paine, so 'editorial assistant' may perhaps be as good a description as any of his role, though it is unlikely we shall ever know what the job actually encompassed. The alternative title of 'contributing editor' may, on the other hand, have something to commend it.

A more important issue concerns the identification and extent of Paine's literary contributions to the *Pennsylvania Magazine*. Until Jonathan Clark and others have conclusively settled the authorship issue it seems futile to attempt to pick over 'suspect' articles in the hope of finding words and phrases that 'look right' and, worse, might then be said to anticipate the message and/or prose-style of his greatest literary monuments, especially of *Common Sense* and, much later, of the (substantial) American content of *Rights of Man*. It is entirely different with regard to John Witherspoon's *Magazine* contributions. As a likely (though not proven) personal and respected acquaintance from the old days in Paisley, the odds are that Witherspoon was invited by Aitken to write for the journal. It would seem, therefore, that not only is there no problem of authorship where Witherspoon is concerned, but the absence of any record of payments to him in the waste-book suggests that at no time throughout the life of the *Magazine* was he ever employed by Aitken in any capacity other than as an occasional (unpaid) writer and informal adviser to the proprietor.

Entries in Robert Aitken's books of accounts – his famous waste-book<sup>30</sup> – show that over the period from 10 April to 2 August 1775 Aitken made a total

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<sup>30</sup> For more on account-keeping within the early American book trade see the

of eight payments to Paine for (undisclosed) services rendered. These range from 15s. (twice) to one of £13. The aggregate of payments totals £35-2-6d, the exact figure carried over from volume 1 of the waste-book (sales and purchases) to volume 2 (the double entry ledger) where, in an entry dated 2 July 1777, Aitken records £35-2-6d on the Dr. leaf, and on the opposite leaf (the Cr. side) he writes the word 'Entered'. It is possible to construe from the waste-book that Aitken regarded the money outlaid to Paine as loans or cash advances. But it is more likely that the payments were in the nature of wages, given that – in contrast with the procedure affecting other Aitken employees at the time who were regularly paid a weekly wage – Paine never rendered any invoice of wages due, thereby helping to explain why his personal account still remained technically 'open' as late as 1777. To put it another way, the waste-book entries do not mean that Paine owed Aitken money. If so, this would mean that Paine's weekly wage was 15s., or £39 in a full year.<sup>31</sup> Such a figure is considerably less than the £50 a year Benjamin Rush says Aitken paid Paine in a letter of 17 July 1809 to Henry Laurens.<sup>32</sup> We know from the waste-book that every Saturday Aitken paid twice that sum (30s. a week) as wages to his printer, John McCulloch (also 'entered' as 'Dr to cash'). To put it bluntly, therefore, Paine, as Aitken's (let us call him) editorial assistant, was paid exactly half the wage he paid his journeyman printer. Of course, as a printer long before the introduction of trade-union negotiated wages McCulloch would have had no difficulty in justifying the discrepancy in his favour. Equally, for his part, as the proprietor of an expanding business,

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following: Carroll Reilly, 'The Wages of Piety', 83–131; Rosalind Remer, *Printers and Men of Capital Philadelphia Book Publishers in the New Republic* (Philadelphia, 1996), *pass.*; and, especially, Peter J. Parker, 'The Philadelphia Printer: A Study of an Eighteenth-Century Businessman', *The Business History Review*, 40 (1966), 24–46. Analysing (from his waste-book) Robert Aitken's income over the three years 1788, 1798 and 1799, Parker shows that, whereas he had formerly relied on 'job printing' as one of the foundations of his business, Aitken suffered from a steady decline in orders in his printing and binding business in those years, yet while aware of a drastic reduction in sales over the period, took no steps to sell his press, 'nor does the daybook show that he attempted to make good this loss by binding or selling many more books.' Parker concludes his study emphasising that: 'Flexibility rather than diversification became the formula for success [in the American book trade] in the 1790s.'

<sup>31</sup> But it takes no account, admittedly, of the lingering possibility that Aitken may have permitted Paine accommodation (literally) 'above the shop' either *gratis* or for a peppercorn rent. If Paine enjoyed even basic accommodation rent-free, that obviously was a valuable perquisite, worth more than the difference in his wages compared with McCulloch's.

<sup>32</sup> Benjamin Rush to James Cheetham, 17 July 1809, in L. H. Butterfield (ed.), *Letters of Benjamin Rush Volume II: 1793–1813* (2 vols., Princeton, 1951), 1007.

Aitken could not afford to slide out of paying less than the going rate then operated by his competitors in the city of Philadelphia. And finally, Paine being Paine, assuming he got to know about McCulloch's wages, would have been outraged and, one might guess, started from that moment on to plot how he might most conveniently distance himself from the mean Scot at the earliest opportunity.

Paine walked away from Aitken, his milieu and the *Pennsylvania Magazine* in or shortly before end-August/beginning of September 1775. Witherspoon, however, continued to write for Aitken. As 'Epaminondas' he contributed five 'Letters on Education' to the *Magazine* for April through September 1775, with the final letter appearing in the January 1776 issue. It is also quite likely that Witherspoon wrote the review of Johnson's *Journey to the Western Islands of Scotland*, spread over two numbers in May and June in the same year:

Though many individuals among the Scots will be pleased with this publication, and with the grateful testimonies that are paid to their kindness and civility, yet, by the nation in general, and by the Highlanders in particular, we cannot think that it will be perused with satisfaction. The attack upon Ossian and the Erse [the Scots Gaelic language] will offend some, the imputation of credulity, vanity, and deception, will displease others, and the mediocrity of knowledge, which alone is allowed them, will be far from relishing with numbers. The ministers, however, have no reason to complain, as on the learning and regularity of those in the islands, Dr Johnson bestows praise without exception. . . .<sup>33</sup>

His [Johnson's] illiberal attacks on the kirk of Scotland may be placed to his high church education, and his political notions to his pension. A man who is paid for *thinking* must never expect to be much esteemed for his principles.<sup>34</sup>

Easily, however, the most important of Witherspoon's numerous contributions to the *Pennsylvania Magazine* is the series of three essays to which he assigned the generic title *The Druid*. Having laid his *Druid* persona aside after

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<sup>33</sup> *Pennsylvania Magazine* (May 1775), 221–2.

<sup>34</sup> *Ibid.* (June 1775), 274–5.

1776, he only resumed it in 1781 when the first three essays were reprinted (together with four new *Druid* pieces, each with a successively softer political tone) in William Bradford's weekly newspaper, *The Pennsylvania Journal*. In 'The Druid, No. III' for July 1776 the anonymous author breaks loose with his conclusive views on the issue of American independence in a manner that would have been inconceivable when Aitken's *Magazine* was first launched. (As we have seen, Aitken had already felt it necessary to apologise for the Druid's politics.) Employing the style he knows best – the structure and language of the pulpit sermon – and only after a long, discursive introduction, Witherspoon arrives at his 'conclusion, or, as divines would say, the *'application'*'. This time at any rate it is a measured, balanced approach to the issue:

I am past the age of bearing arms, and, whatever I have done before, shall probably never again wield any other weapon, than those improperly so called, the tongue and the pen. I do clearly see the perfect justice and great importance of the claim on the one hand, and can easily conceive the power of prejudice on the other. On the part of America, there was not the most distant thought of subverting the government, or hurting the interest of the people of Great Britain, but of defending their own privileges from unjust encroachments; there was not the least desire of withdrawing their allegiance from the common sovereign, till it became absolutely necessary, and indeed was his own choice . . . .

On the other hand, I can easily conceive that those who have been long accustomed to subjection, and from whom it is really due, should not suddenly enter into the reasons of exempting a people otherwise situated from the same burden. They are therefore of course easily deceived by false or imperfect accounts of a distant country, and insensibly biassed by the phraseology constantly used, particularly the terms rebels and rebellion.<sup>35</sup>

Just two months before, in the May 1776 number – and, one would think, on Aitken's personal initiative, intending to show that pro-American voices still existed in the British parliament – the *Magazine* had published the whole

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<sup>35</sup> John Witherspoon, 'The Druid No. III' in *The Works of the Rev. John Witherspoon* (4 vols, Philadelphia, 1802, IV, 444–5; *Pennsylvania Magazine* (July 1776), 301–5.

text of Governor George Johnstone's pro-American speech in the House of Commons on 26 October. Johnstone, a Scot from Dumfriesshire who would notoriously disgrace the ill-starred Carlisle Peace Commission of 1778 by offering bribes to an *aide de camp* of General Washington, was an MP, senior naval officer and former Governor of West Florida. Aitken prints the text of the famous speech in which Johnstone wryly notes, with foresight possibly beyond his own understanding, that Americans were 'united in common sense', and he proceeds, to the acute discomfiture of Lord North and his Cabinet, to condemn the whole sorry affair from every conceivable angle. It is here, in the columns of his *Magazine*, and by printing material like this, that Robert Aitken may be said to have emerged as a true conduit of American liberty:

I maintain that the sense of the best and the wisest men in this country, are on the side of the Americans. ... I speak it to the credit of the [British] fleet and army; they do not like to butcher men whom the greatest characters in this country consider as contending in the glorious cause of preserving those institutions, which are necessary to the happiness, security, and elevation of the human mind. ... I say, as a sea-officer, if the war is thoroughly kindled, the thing is impossible ... Who can doubt that the people in America are capable of such exertions of courage, when we see them refuse quarter, when we find them devoting themselves to death with such enthusiasm. ... Where are the resources on which this country can depend in case our empire in America is lost? <sup>36</sup>

Similarly in June, the whole text of an anonymous poem *An Ode to the British Empire* – all twenty-one stanzas of it – takes up the lion's share of 'Poetical Essays'.<sup>37</sup> The poem, published in London and reprinted in Dublin in 1775 (its author has never been identified), is largely forgettable except for the patent historical interest in any British pro-American work published in the early years of the war. Above all, it contains one stanza (XIX) that deserves exposure in this study, if only for the way in which the poet shows his familiarity with Scottish history ('Unions, with charters'), with its relevance to contemporary American constitutional theory. The

<sup>36</sup> *Pennsylvania Magazine* (May 1776), 241. For more on Johnstone and his role in the Carlisle Peace Commission; see Chapter 2, pp. 86–9.

<sup>37</sup> *Pennsylvania Magazine* (June 1776), 285–7.



poem is also worthy of notice as a good example of how the Scots ('once-honoured Scotland') were not exactly good news, and had a reputation in America for their 'sordid, selfish heart' and an obsessive involvement in 'commerce, dearly loved':

*To thee, once-honoured Scotland! next they<sup>38</sup> come,  
Loud knocking, at thy sordid, selfish heart;  
Blindly you urge, tho' you must share their doom,  
For in the ruin, thine an early part:  
Unions, with charters, given to the wind;  
Thy commerce, dearly lov'd, must be resign'd,  
Or thy exemption from the public loads;  
The streams, the source of opulence, shall fail,  
And pristine penury again prevail,  
While sharp remorse thy anguish'd conscience goads.*

In what would prove the final, July, number of the *Pennsylvania Magazine* Robert Aitken sees fit to publish alongside the full text of the Declaration of Independence another Scot's acclaimed greatest poem, Tobias Smollett's *Ode to Independence* (which the Foulis brothers had published in Glasgow as a posthumous work in 1773).<sup>39</sup> There was also in the same number the third of the *Druid* pieces by John Witherspoon who had just endorsed the Declaration as one of five delegates from New Jersey to the Second Continental Congress. A few weeks earlier, on 17 May, he had preached the greatest sermon of his life at Princeton, an orthodox jeremiad which Aitken, an Antiburgher, hastened

<sup>38</sup> That is, 'they' being the American 'train of patriots, in full congress met,/Sages and heroes, whom you freely chose'. The poem attracted the briefest of reviews in *The Scots Magazine*, 37 (May 1775), 265: 'A dull rhapsody, entirely destitute of the fire essentially necessary to this species of composition. C.'

<sup>39</sup> Philip Gaskell, *A Bibliography of the Foulis Press* (London, 1964), 561. On page thirty of the first number of the *Pennsylvania Magazine* for January 1775 Aitken had printed 'An Inscription [in Latin, by Dr John Armstrong] to the Memory of the late Dr Tobias Smollet.' [sic] Smollett was clearly popular in Philadelphia: his translation of Voltaire's *The Man worth Forty Crowns* was published by Robert Bell in 1778 and *The Adventures of Roderick Random* by Matthew Carey in 1794. In 1796–8 Robert Campbell brought out a six-volume set of his *The History of England*. Smollett was born near Renton, Dunbartonshire, attended Dumbarton Grammar School and proceeded almost certainly to the University of Glasgow but never matriculated. His is one of the most important names in the history of the English novel. He died at Il Giardino in Italy on 17 September 1791 and is buried in the English cemetery at Leghorn, together with his wife Anne who also died in the same year.

to publish. In the edited pamphlet version of the sermon Witherspoon had seized the opportunity of launching a scathing attack on the theology of the author of *Common Sense* whose lack of reverence for the Calvinist doctrine of original sin had earned the minister's stern rebuke.<sup>40</sup> Yet, less than a week before the preaching of his sermon, writing as 'Aristides' in John Dunlap's daily paper, *The Pennsylvania Packet*, Witherspoon favourably compares the radicalism of *Common Sense* with the out-of-touch, blind loyalism of the anonymous author of *Plain Truth*. He was in no doubt which performance outshone the other:

Common Sense sometimes failed in grammar, but never in perspicuity. Plain Truth was so ridiculously ornamented with vapid, senseless phrases and feeble epithets, that his meaning could hardly be comprehended. He often put me in mind of the painted windows of some old gothic buildings, which keep out the light. If Common Sense in some places wanted polish, Plain Truth was covered over, from head to foot, with a detestable and stinking varnish.<sup>41</sup>

*Robert Aitken's downward spiral*

Robert Aitken was just forty-one when the Declaration of Independence was signed. If he felt demoralized by the demise of *The Pennsylvania Magazine* it is not apparent from the waste-book. His military guides for officers were selling well,<sup>42</sup> official government orders were flowing in thick and fast, and his bookstore was a veritable magnet for the great and the famous of Philadelphia society. In a perverse reversal of fortune he had even managed to benefit financially from Paine's dispute with Robert Bell, a row that turned toxic almost as soon as *Common Sense* saw the light of day on 10 January 1776. While Aitken may have been troubled by the pamphlet's uncompromising message of independence, as a shrewd Scot he kept his thoughts to himself and was never in any doubt as to its huge sales potential. The waste-book notes that he negotiated from his fellow countryman, Bell, a worthwhile discount on the hefty selling price of 2/- per copy: 18/- a dozen if bought in bulk. Aitken piled in and four successive orders were placed with Bell for

<sup>40</sup> See Chapter 7, pp. 302–6.

<sup>41</sup> *The Pennsylvania Packet*, 13 May 1776. See *The Works of the Rev. John Witherspoon*, IV, 311.

<sup>42</sup> For example, see illustrations 15 and 16.

a total of seven-dozen copies over the twelve-day period from the date of publication to 22 January.

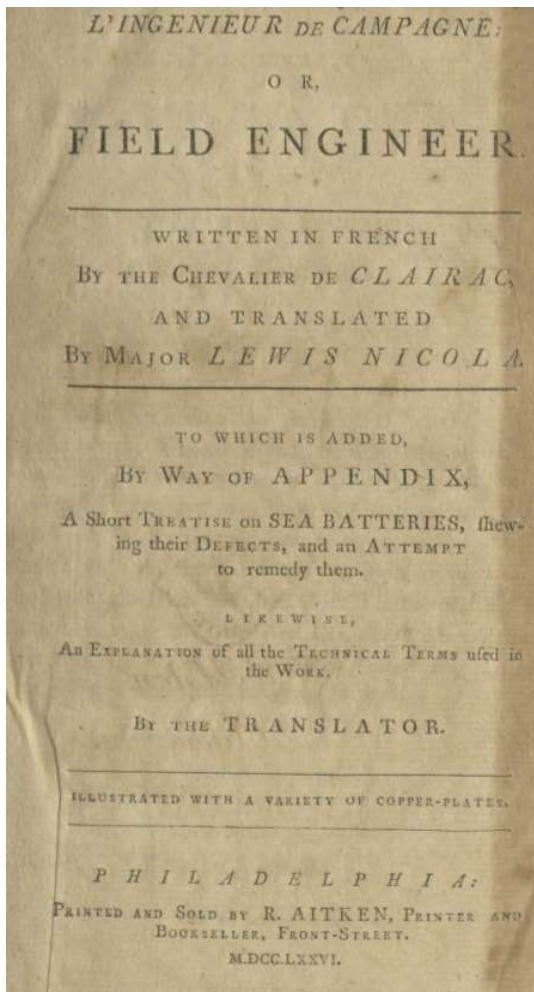
In the meantime, his day-to-day retail business continued to tick over though at a less frenzied pace. Steady sales are recorded to some of his best customers: not least to his fellow Scots, John Witherspoon at Princeton, and the lawyer and constitutionalist from Carlisle, James Wilson, as well as to John Bayard, John Mifflin and 'Col. Thomas McKean Esqr.' On Tuesday 23 July John Adams calls in for a couple of sticks of sealing wax, only to discover that the price has doubled to 2s. per stick since his last visit in May, so he decides to settle for only one. On Monday 26 July Thomas Jefferson buys a quire of paper, a 'German Grammar' on Saturday next, before returning a few days after that for more paper, foolscap this time, three half-bound folios, and using the opportunity of his visit to pay for a binding 'neat full board of Sheet'. But the war, ever intensifying, was beginning to take its toll on Aitken. As usual, the big problem was paper supply. He had constantly to appeal for rags which he and his fellow printers, friends and competitors alike, could process into sheets of a coarse but marginally acceptable quality.<sup>43</sup>

In the immediate postlude to independence the waste-book ominously contains numerous references to steady sales generated from his hard-won contract to print the Journals of Congress. Yet the business, and the prestige attached to the contract, though lucrative, brought its own problems. The waste-book tells us everything: from May 1777 to August 1778 the large sum of £970 11s 3 is recorded as paid. But then it goes on to note that whereas an order placed by Congress itself for 800 copies of volume two was challenged on the ground that only 750 copies were received, Aitken notes this is wrong since the books 'were carried to Lancaster <sup>44</sup> & committed to care of Mr Dunlap' and that he then 'found that of 750 copies only 532 were delivered wanting in all 218', owing to their having been 'lost' or 'embezzled'. And he ruefully records: 'Of the 2d. Vols. missing I desire to be heard in this affair'. It was the beginning of a darker period in Aitken's personal and business fortunes from which he would never fully recover.

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<sup>43</sup> For example, 'The highest prices given for any quantity of clean LINEN RAGS', concluding an advertisement placed by Aitken for 'a neat edition of THE NEW TESTAMENT' and for forthcoming 'volumes first and second of the elegant new edition of JOURNALS of CONGRESS.' in the *Pennsylvania Evening Post* for 28 August 1777, and repeated on 30 August and 6 September.

<sup>44</sup> Lancaster became the temporary seat of the Pennsylvania Assembly during the British occupation of Philadelphia.



**15** Title page of Robert Aitken's *Field Engineer*, one of a number of popular military manuals he published in the early period of the Revolutionary War. Note that the English translation from the French original is by Lewis Nicola (see illustration 16). (The Franklin Collection, Yale University Library)



**16** Plan of the Battle of Fontenoy (May, 1745), engraving signed 'RA Sculp' (Robert Aitken) – one of many he executed for his edition of the *Field Engineer* (1776) (see illustration 15). (The Franklin Collection, Yale University Library).

On 18 September 1777 just before the British occupied Philadelphia, Congress directed an officer to take steps ‘to cause all the printing presses and types in this city and Germantown, forthwith to be removed to secure places in the country’.<sup>45</sup> As if that were not enough, we learn on the authority of the early nineteenth-century Philadelphia printer and bookseller, William McCulloch, that in 1777 Robert Aitken was jailed by the occupying British. McCulloch insists that Aitken’s imprisonment had nothing to do with any imputation (as Isaiah Thomas had supposed) of excessive zeal for the American cause, but had in fact resulted from material debt occasioned by his failure to settle with the Glasgow bookmen, Robert and Thomas Duncan, for books Aitken had acquired from them and personally transported to America – whether at the time of his ‘sojourn’ of 1769 or on the occasion of his permanent emigration in 1771 is not clear.<sup>46</sup>

Much worse was to follow. Next year, Aitken became enmeshed in a potentially dangerous situation. This time, the problem could be laid at the door of his old Scottish secessionist beliefs. After the British had evacuated Pennsylvania in June 1778 feelings had run high over cases of alleged complicity with the enemy on the part of ‘Tories’ (loyalists, to use the modern term, or, as they were popularly known at the time, ‘disaffecteds’). In July, barely a month after the redcoats had abandoned the city, a group of 183 men, calling themselves the ‘Patriotic Association’, published a manifesto aimed at tracking down Tories ‘then scurrying for cover’. David Maxey notes that ‘not everyone in the Patriotic Association was a radical, but among the subscribers were Joseph Reed, whose name appeared at the head of the list, Thomas Paine, and Charles Willson Peale.’<sup>47</sup> A Quaker, John Roberts, was

<sup>45</sup> ‘The sole exception was ‘William Bradford’s press in this city, with English types’. See letter to George Washington from James Lovell, 31 December 1777, and note 3. *Founders Online*, National Archives. Original in Edward G. Lengel (ed.) *The Papers of George Washington*, volume 13 (Charlottesville, 2003), 87–8.

<sup>46</sup> See Isaiah Thomas, *The History of Printing in America* (2 vols, Worcester MA, 1810). A modern edition, edited by Marcus A. McCorison, was published in New York in 1970. Two years after Thomas’s *History* was published, William McCulloch, by that time one of the leading printers in Philadelphia, wrote Thomas a letter, dated 1 September 1812, offering ‘Additions’ and corrections. It was followed two years later by a communication written at various times towards the end of 1814 and beginning of 1815, the whole contained in a MS. of 296ff. headed ‘Additional Memoranda for the History of Printing by Isaiah Thomas, communicated by William McCulloch.’ See *American Antiquarian Society Proceedings*, 31 (1921), 89–247.

<sup>47</sup> Joseph Reed (1741–1785), lawyer and soldier, is the man whom George Johnstone, as a member of the Carlisle Peace Commission, tried unsuccessfully to bribe in 1778. Reed served as State Prosecutor in both the Roberts and Abraham Carlisle

arrested, charged with having attempted to recruit for the British and put on trial for high treason against the State of Pennsylvania.<sup>48</sup> Despite the best efforts of Roberts' distinguished senior defence counsel, James Wilson – a Scot from Fife with a flourishing legal practice in Carlisle, Pennsylvania, a man destined to make his mark on American governance and politics at the highest level (see Chapter 9) – Roberts was swiftly found guilty, sentenced to death and summarily hanged. Maxey, himself a lawyer, while not going so far as to claim that the verdict was unjust, finds important legal flaws in the process and in how the case against Roberts was handled. For example, the same men, Maxey points out, were sworn in time after time as members of juries in the twenty-three treason trials that took place in Pennsylvania between September 1778 and April 1779. Not only that. At Roberts' trial two of the most prominent members of the Patriotic Association were, 'in sequence, the first and third to be seated in the jury box'; and their leader, Reed, was counsel for the prosecution.<sup>49</sup>

Aitken was cited and appeared as a witness for the defence. He told the jury that as the British approached the city, Roberts, a prosperous miller who owned land and property in the vicinity of Lower Merion and Blockley, in what is now Montgomery County, Pa., had 'taken care' of 'the Proceedings of the Congress and other things, books, & printing types', while at the same time assuring Aitken as official printer of the journals 'he would be true to his trust' – which Aitken said he believed he had been. But part of the case against Roberts (and others who stood trial on similar charges) was founded on the view put forward by the senior prosecution counsel, Joseph Reed, that as the British entered the city of Philadelphia, Tories had come out of their closets and hurried to offer succour to the troops and protest their loyalty to the mother country and the Crown. As Maxey puts it: 'In view of

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treason trials of 1778. See Chapter 2, p. 89.

<sup>48</sup> Roberts was by no means alone in being tried under the State's high treason legislation. The circumstances under which citizens could face charges under treason legislation passed by the State of Pennsylvania are set out in the pamphlet, *A Charge delivered to the Grand-Jury, By the Honourable Thomas M'Kean, Esquire, Chief Justice of Pennsylvania* (Lancaster, 1778). For a formal account of the trial process see A.J. Dallas, *Reports of Cases Ruled and Adjudged in the Courts of Pennsylvania, before and since the Revolution* (4 vols, Philadelphia, 1790), I, 39–40. See also Anne M. Ousterhout, 'Controlling the Opposition in Pennsylvania during the American Revolution', *The Pennsylvania Magazine of History and Biography* (January 1981), 3–33; and, especially, David W. Maxey, *Treason on Trial in Revolutionary Pennsylvania: The Case of John Roberts, Miller*, *Transactions of the American Philosophical Society*, 101, Part 2 (2011).

<sup>49</sup> Maxey, *Treason on Trial*, 38–40.

the imminent arrival of the British army, Roberts might well have anticipated the collapse of the insurgency and a marked change for the better in his fortunes.' The Pennsylvania Assembly had anticipated that happening and had passed legislation providing for a 'State Test' – an oath particularly offensive to the many Quakers in the state – to be taken by all white males above the age of eighteen to swear or affirm allegiance to Pennsylvania as an independent state, 'and to expose any traitorous conspiracies against that state or the United States of which they had knowledge.'<sup>50</sup>

In reality, however, Robert Aitken's personal situation was potentially much more devastating than might have been supposed. From records of Aitken's church – the Associate Presbyterian Church (sometimes known as 'the Seceders' Church', founded in 1768) preserved in the Presbyterian Historical Society of Philadelphia – we can piece together the various elements that, together, constituted the greatest personal crisis in his life as an American. One might even go so far as to hazard the view that the incident came near to destroying him. The Kirk Session minute-book for 1768–1821<sup>51</sup> shows that Aitken was admitted a 'ruling Elder' at congregational worship on 28 September 1775. The sederunt lists for Session meetings from that date on indicate that Aitken was a regular attender over the decade to 1785, but his name ceases to appear after 1 November that year. At a meeting of the Session held on 7 September 1778, just a few months after the British quit Philadelphia, Aitken appeared before a specially convened meeting of the Session to answer charges that he had sworn not one, but two oaths – or more precisely, that he had sworn an oath to the British Crown, which he subsequently abjured, then submitted himself to the State Test, thereby declaring his loyalty to the United States. The full text of the minute (with spelling and punctuation normalized) reads as follows and, to an extent, speaks for itself:

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<sup>50</sup> Ibid., 19.

<sup>51</sup> PHSP MS. MI 46 P528a. The Scots Presbyterian Church had its roots in the 'Associate Presbyterian Church' of Philadelphia, first organised in 1768. In 1770 the congregation divided into Burgher and Antiburgher factions and in 1779 the Antiburghers were separately incorporated as the Scots Presbyterian Church. To complete the picture, the SPC congregation joined the Associate Reformed Presbyterian Church when it was organised in 1782 and was then known as the First Associate Reformed Presbyterian Church in Philadelphia. Through numerous re-organisations and mergers that church has become the present-day 'Third, Scots, and Mariners Presbyterian Church', which, according to a PHSP hand-out [2010] 'continues as an active congregation of the Presbyterian Church (USA).'

The congregation having been broken up by the British army taking possession of the City since September last until lately and now by the kindness of God being partly gathered together again, the Session being met and constituted with prayer by the Moderator [sederunt, consisting of four Elders and two Deacons]. Appeared R. Aitken who owned that last winter he, being informed of the danger he was in of imprisonment, did go and take an oath of allegiance to the king of Britain. After he had renounced this allegiance by taking the test prescribed by the State, he, then being interrogated as to a number of circumstances concerning this and his repentance for it, and given satisfactory replies, was removed [and] the Session agreed just now to rebuke him and intimate this to the congregation for their satisfaction. He, being called in, this was intimated to him. He craved that it might not be intimated to the congregation as he apprehended it might do him a signal injury. The Session agreed to drop intimating as above but in lieu thereof appointed Mr Richards [a Deacon] and Mr Purdon [an Elder] to go along with Mr Aitken to the houses of those members of the congregation who knew of the offence and are much offended, and relate the proceedings of the Session for their information and satisfaction. After prayer for the Lord's blessing, Mr Aitken was rebuked and the affair dismissed. Closed with prayer.

On the face of things, this is a shocking disclosure. Here is a man whose rigorous non-juror beliefs since the day he was baptized as an infant in Scotland had been compromised, not once but twice – in order, or so it would seem, to satisfy his own crude sense of political expediency. How are we to account for it? How do we explain his arraignment before the highest court of his church to face censure and rebuke, even though he was spared the ultimate in public humiliation by his own pleading and the Session's generous forbearance? Was Aitken's Americanisation a sham? Was he a mere 'sunshine patriot' – to use Paine's famous phrase? There is an alternative explanation. Conjecturally, Aitken's hand was forced by the British at the very time (as the Session minute makes clear) he became their prisoner for debt. As a much-respected citizen of Philadelphia, with impressive contacts among the American leaders, getting Aitken to swear allegiance to the Crown would have been regarded as something of a coup on the part of the enemy. Equally, if he was indeed made to take the oath of allegiance under duress Aitken would have felt a pressing need to effect a reversal of his actions



at the earliest, that is as soon as possible after the British had quit the city. It could only be done by his voluntarily submitting to the State Test, thus publicly, and legally, self-revoking the oath of allegiance. One can readily comprehend Aitken's grasp of the enormity of the situation in which he now found himself. Nothing less would suffice, even though to do as he planned meant that he offended for a second time against the basic tenets of his religious faith.

At this fraught period in revolutionary Pennsylvania immediately following the British evacuation of Philadelphia, it would be wrong to read into the Session minute that Aitken's formerly strict adherence to his Antiburgher scruples had tragically been put to the test and found wanting by the harsh realities of the war. What seems more likely is that it had been conceded by the Associate Presbyterian congregation ruling elders (of whom Aitken was one) that, despite the fact that their members were necessarily defined as non-jurors it was now technically illegal for them to refuse the formal oath required by the State Test on those grounds, given the circumstances of the war, the newly-devised treason legislation and the creation of the United States.<sup>52</sup> That that construction of events seems plausible is further confirmed by a minute of the Session of 1 May 1779, where it is recorded that it fell to Aitken – he was picked out, presumably, as a graphic exemplar of the very problem their case illustrated, or else conceivably because he himself volunteered for the task – to be 'ordered' by the Session to inform a couple by name of James and Margaret Scot that they should present themselves to the Session on a specified date to account for their refusal to take the State Test on the grounds of their religious objection to secular oath-taking.

### *Aitken's Bible*

In 1777 Robert Aitken published an edition of the *New Testament* 'for the use of schools' which he advertised in the *Pennsylvania Evening Post* for 28 August that year. The waste-book records sales on 23 August of twenty copies to three different booksellers but there is no further sales entry for the title until the following September – after, that is, the British had abandoned

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<sup>52</sup> Maxey, *Treason on Trial*, 19: 'Non-jurors were made subject to serious legal disabilities and to forfeiture of any arms in their possession.' The test oath was 'equally offensive to conscientious Quakers, requiring all white male inhabitants of the Commonwealth above the age of eighteen to swear or confirm allegiance to Pennsylvania as an independent state and to promise to expose any traitorous conspiracies against that state or the United States of which they had knowledge.'

Philadelphia and marched to New York. Sales of the *New Testament* then began to pick up with 136 copies sold over the period from September to November alone. Today, Aitken's *New Testament* is one of the rarest of all titles among the work of early American printers. It is much sought after and a less than perfect copy sold in London in 2011 for nearly \$200,000.

In 1782 Robert Aitken printed and published a version of *The Holy Bible, Containing the Old and New Testaments: Newly Translated out of the Original Tongues; And with the former Translations Diligently compared and revised*. This famous book, known today as the 'Aitken Bible' – or tendentiously as the 'Bible of the Revolution' – would cause great misery for Aitken in the years remaining to him as a printer and publisher. The cynic might say his motive for persisting with the project was less to do with his pious beliefs and everything to do with a misconceived idea for making easy money that went badly wrong. But that would be to put a gloss on the issue not borne out by the facts. The idea to petition the Continental Congress, inviting them to sponsor or commission the publication of a Bible in English was not originally Aitken's in the first place, but came from Francis Alison, an Ulsterman, honorary graduate of the University of Glasgow,<sup>53</sup> Vice-Provost of the College and Rector of the Academy of Philadelphia, and part-time minister of the First Presbyterian church in the city. The petition, bearing the names of Alison, and of two other ministers, John Ewing (a Presbyterian),<sup>54</sup> and Aitken's own Associate Presbyterian minister, William Marshall,<sup>55</sup> was received by Congress in July

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<sup>53</sup> Francis Alison (1705–79) was awarded an honorary degree of D.D. by the University of Glasgow in 1756, usually conferred only on Glasgow graduates. Ezra Stiles called him 'the greatest classical scholar in America'. In a letter to Ezra Stiles of 4 December 1766 Alison informs him of the College of New Jersey's choice of John Witherspoon, 'a keen satirical writer', from Scotland to help repair the divisions in 'the factional struggle that had rent American Presbyterianism.' See L. H. Butterfield, *John Witherspoon Comes to America* (Princeton, 1953), 13–15.

<sup>54</sup> John Ewing (1759–1802) was a graduate of the College of New Jersey and later studied theology under Francis Alison. In 1759 he became pastor of the First Presbyterian Church in Philadelphia, and in 1773 he undertook a tour of Great Britain in the course of which he met Samuel Johnson and received an honorary D.D. from the University of Edinburgh. In 1779 Ewing was appointed Provost of the newly created University of Pennsylvania. For years he served as a Vice-President of the American Philosophical Society. See William B. Sprague, *Annals of the American Pulpit*, III [Presbyterian], (New York, 1858), 216–19. For more on Ewing see the Postscript to Chapter 7.

<sup>55</sup> William Marshall (1763–1802) was born in Abernethy, Fife, and came to America in 1763. In 1771, the year in which Robert Aitken permanently settled in America, Marshall was confirmed as minister to the Associate Presbytery congregation in Philadelphia. Sprague's correspondent states: 'The number of the people was small,

1777, and referred to an ad hoc committee of three, one of whom was John Adams. The Congress minute for 11 September that year records that the idea of an indigenous American Bible was, according to the committee, not practicable given ‘the present state of affairs’, resolving instead ‘that Congress will order the Committee of Commerce to import 20,000 Bibles from Holland, Scotland, or elsewhere, into the different parts of the states of the Union.’ A fortnight later the British under the command of General Howe occupied Philadelphia.

In a Memorial dated 21 January 1781 Aitken himself petitioned Congress on the same issue of securing Congress permission and endorsement for the printing and sale of a new edition of the Bible for Americans. Having informed Congress of the success of his *New Testament*, he continues:

being cautious of suffering his copy of the Bible to Issue forth without the Sanction of Congress, I humbly pray that your honors would take this important Matter into serious consideration & would be pleased to appoint one Member or Members of your Honorable Body to inspect his work so that the same may be published under the Authority of Congress. And further, your Memorialst prays, that he may be Commissioned or otherwise appointed & Authorised to print and vend Editions of the Sacred Scriptures, in such manner and form as may best suit the wants and demands of the good people of these States.<sup>56</sup>

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and, as they had no place of worship, he preached in a vendue store [an auction house]. A small farm-house was afterwards occupied in Shippen Street; but this being limited by deed to a congregation in connection with the Burghers, and a contest about the property being likely to ensue, it was resolved to build another place of worship. A lot of ground was purchased in Spruce Street, and the church erected in 1771. But the expense of the building far exceeded the ability of the people; and, notwithstanding the vigorous efforts of Mr Marshall in collecting money, a heavy and embarrassing debt remained on the congregation for many years.’ Sprague, *Annals of the American Pulpit*, IX [Associate], (New York, 1869), 7–15. On 30 March 1777 John Adams writes to ‘Abigail Adams 2d’ to inform his daughter that he had been ‘this Afternoon, to a Place of Worship, which I never attended before. It is the Church of the Scotch Seceders. They have a tolerable Building, but not yet finished. The Congregation is not large, and the People are not very genteel. The Clergyman, who officiates here, is a Mr Marshall, a Native of Scotland, whose Speech is yet thick and broad, altho he has officiated in this Place near Ten Years.’ John Adams to Abigail Adams 2d, 30 March 1777, *Founders Online*, National Archive, 2018.

<sup>56</sup> Thomas C. Pears, Jr., ‘The Story of the Aitken Bible’, *Journal of the Department of History, Presbyterian Historical Society* [of Philadelphia], 18 (1939), 225–41.

Congress responded by inviting its committee, now augmented by John Witherspoon, President of the College of New Jersey, and Thomas McKean, Chief Justice of the State of Pennsylvania, to consider Aitken's memorial. But, once more, there was no positive outcome. In March 1782, however, Congress resolved, somewhat miserably, to 'lend' Aitken £150 'in small sums' over a period of one year. On 1 September the committee requested the Chaplains of Congress to examine a sample text from Aitken's Bible and to report. On 9 September Aitken addressed the President of Congress in these terms:

Sir, An edition of the Bible having justly engaged the attention of Congress as a desirable and important Object, I take the Liberty of so far intruding upon your Excellency as to inform you that I have at Length completed one, which I flatter myself will reflect Honour on the United States; More especially when it is considered that such a work, which peace never produced in America, has been accomplished in the midst of the Confusion and the Distresses of War.

At the same time, Aitken stresses, the economics of such an undertaking should not be minimised. It was never his intention, he says, to make a profit, but to sell the books to meet a need, it is true, but also to avoid being left with a diminishing asset on his hands:

a Work of such Magnitude must nearly crush an individual unless assisted by exterior Aid in supporting so great a Weight; nor will I presume to prescribe the Mode in which such Aid may be afforded; but I beg leave to intimate, that as I apprehend *my greatest risque arises from the near Approach of Peace* [italics added], my utmost Wishes would be accomplished if Congress will purchase a proportion of the Edition on Acct. of the United States . One Fourth of it will not Amount to 200 Bibles for each State; and as I am anxious merely to secure the sale of the Books, it will not be inconsistent with my views to allow a Moderate Credit.

*My greatest risk arises from the near approach of peace*'. Aitken's words were prophetic, and anticipate the circumstances that would contribute materially to his eventual financial ruin. On 12 September 1782, on the recommendation of the Chaplains, Congress passed a resolution granting the Aitken

Bible its unqualified approval.<sup>57</sup> The text of the committee's endorsement, together with the Secretary of Congress's minute of approval are printed on two leaves after the title-page, and are reminiscent of the Royal Command and Licence prefacing the Authorised Version of the King James Bible of 1611. The words are extremely flattering to Robert Aitken:

*RESOLVED THAT the United States in Congress assembled highly approve the pious and laudable undertaking of Mr Aitken, as subservient to the interest of religion, as well an instance of the progress of arts in this country, and being satisfied from the above report of his care and accuracy in the execution of the work, they recommend this edition of the Bible to the inhabitants of the United States, and hereby authorise him to publish this Recommendation in the manner he shall think proper.*

Cha. Thomson, Sec'ry.

Two weeks later Aitken wrote to John Hancock, President of Congress, expressing his appreciation and enclosing 'one of the first copies, as a specimen of the Work they have honoured with their Patronage.' On the same day, 25 September 1782, Aitken advertised the publication of the Bible, 'in a 'new and very correct edition', in *The Freeman's Journal*,<sup>58</sup> where he proudly announces:

The serious Christian will be pleased to find, that the scarcity of Bibles, of which he has so long had reason to complain, is now removed; and the patriot will rejoice at the advance in the arts, which has at length produced *The First Edition of the Holy Scriptures, in the English Language, ever printed in America* . . .

N.B. The Bible will be sold either bound or in sheets, and a suitable discount allowed to those who purchase large quantities.

<sup>57</sup> Aitken's 'neat edition' is in 12mo format. The title page bears the arms of the State of Pennsylvania with the motto 'Virtue, Liberty and Independence'. The New Testament section has its own title page dated 1781, indicating that Aitken re-cycled his edition of the NT of that year into the complete Bible.

<sup>58</sup> *The Freeman's Journal, or, The North-American Intelligencer* was a weekly newspaper published in Philadelphia by F. Bailey from April 1781 until it ceased publication in May 1792. It was at one time thought that Thomas Paine wrote for it but the pieces formerly attributed to him – for example, 'Response to an Accusation of Bribery', in the issue of 1 May 1782 – are no longer thought to be his work.

The first recorded sale of the Bible in the waste-book is noted on 2 October: 'Mr William Hutchison. To 242 bibles @ 14/6 ... £175 9 0.' A letter of the same date from Ebenezer Hazard to Jeremy Belknap comments: 'Aitken's Bible sells well here [Philadelphia].' A minute of the Presbyterian Synod of New York and Philadelphia of 24 May 1783, however, sounds the first discordant note. 'Ordering' every member of the Synod to 'use his utmost influence in the congregation under his inspection' to endeavour to raise subscriptions for the purchase of the Bible in quantity, and having praised Aitken for his great initiative undertaken 'from laudable motives, and with great expense,' the Synod noted that the market for Bibles had changed radically, and was changing further, such that 'on account of the importation of Bibles from Europe, [the consequences] will be very injurious to his temporal circumstances.'<sup>59</sup>

In May of the following year the Synod, recognizing that their plea for congregations to show their support for Aitken by buying his Bible had fallen on deaf ears, renewed their appeal and again in 1785, and yet again and finally in 1787. But it was much too late. The flow of cheap Bibles from Europe had soon resumed after the end of the war, proving a calamity for Aitken from which he never really recovered. James N. Green, a scholar steeped in the bibliography of the period and keeper of Aitken's waste-book at the Library Company of Philadelphia, has clarified the arithmetic in stark terms: 'At first he [Aitken] had charged 15s. a copy wholesale, but in June 1783 he lowered the price to 8s., and by November it was down to 5s.; three years later he sold as low as 2s. 6d. Aitken later claimed to have printed 10,000 copies though his own account books show only 2,000 copies sold.' Green concludes that Aitken's venture was 'disastrous because the price of bibles in the American market was determined by the cost of imports, not by his cost of production, margin, or profit, or any factor he could control. It was as if culturally and economically America were still a colony of Great Britain.'<sup>60</sup>

Richard B. Sher notes that Aitken's financially disastrous venture not merely 'sapped much of his money and entrepreneurial energy', but put a cap on any desire he may fleetingly have entertained to undertake any 'major publishing initiative' (except perhaps one) after 1784.<sup>61</sup> One anecdote about

<sup>59</sup> Rev. Thomas C. Pears, Jr., 'The Story of the Aitken Bible', 235.

<sup>60</sup> James N. Green, 'English Books and Printing in the Age of Franklin' in Hugh Amory and David D. Hall (eds.), *A History of the Book in America*, volume 1 (Cambridge, 2000; Chapel Hill, 2007), 297.

<sup>61</sup> Sher observes that in the light of his caution following the Bible fiasco, Aitken 'tended to play it safe by reprinting tried-and-true advice books such as Chesterfield's

him is worth citing to prove the point. Matthew Carey called on Aitken and asked him to quote for printing a religious (Catholic) book. It is said that Aitken pointed to his book shelves groaning under the weight of unsold copies of his Bible, exclaiming 'If you would even make good that loss, I would not print your book. I would sooner print the *Woman of Pleasure*'.<sup>62</sup>

Meanwhile, Aitken's financial circumstances were worsening by the hour. He had laid out huge sums in contracting out the printing of the Journals of Congress to other printers, the consequences of which extended well beyond their limited life in terms of active sales.<sup>63</sup> As if that were not enough, well before the mid-1780s and viewed strictly as a business venture, it was already clear that his Bible, though a personal triumph, was financially a lost cause.

### *Aitken's final years*

As we have seen, Aitken's minor role in the treason trial of the Quaker, John Roberts – when his appearance as a defence witness, cited by James Wilson, failed to have any impact on the tragic outcome – was entirely occasioned by his contract to print the Journals of Congress. That disappointment was followed, not long after, by his success in finally getting Congress to endorse his edition of the *Holy Bible*. But it was in the nature of a Pyrrhic triumph. One could be forgiven for concluding that Aitken's seeming obsession for securing official recognition at the hands of government was nothing more than a cloak for his underlying determination to prove himself a patriotic American. From a strictly business point of view both initiatives made little

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*Principles of Politeness* and Gregory's *A Father's Legacy to his Daughters* (both 1781). His 1784 edition of Hugh Blair's *Lectures on Rhetoric and Belles Lettres* was something of an exception, though Sher points out that whereas the London original of Strahan, Cadell and Creech (1783) was published in two quarto, highly expensive volumes, Aitken opted for a single quarto volume to keep the price down. According to Sher, the result was not entirely successful as the book suffers from a smaller typeface and cramped spacing. Such defects notwithstanding, Sher invites attention to the copy of the Blair held by the Free Library of Philadelphia, in its binding by Aitken, describing it as 'one of the most beautiful books ever made in eighteenth-century America.' Sher, *The Enlightenment & the Book*, 538–9.

<sup>62</sup> Cited in Rosalind Remer, *Printers and Men of Capital* (Philadelphia, 1996), 66. The anecdote was originally told by William McCulloch in his *Additions to Isaiah Thomas' The History of Printing in America*. The reference to 'the *Woman of Pleasure*' is to John Cleland's infamous *Memoirs of a Woman of Pleasure* (1749).

<sup>63</sup> Green notes that in 1779, owing to spiralling inflation in printing costs, Dunlap and Aitken submitted bills totalling over \$11,000 for printing the Journals, while 'The third volume, printed by Dunlap in York, Pennsylvania in 1778, was limited supposedly to fifty copies, just enough for the legislators' own use.' Green, 'English Books and Printing in the Age of Franklin', 295.

sense. Even so, the ruinous experience of gaining the licence to print and publish his Bible failed to act as a stern warning. It certainly did not deter him from putting himself forward when the opportunity arose for gaining further 'official' recognition as an 'approved' printer and publisher. Having been granted authority by Congress to print their Proceedings was one thing – it was only for a limited time, after all, and he lost out (to John Dunlap) on the renewal of the contract after 1777-8. But it manifestly failed to satisfy Aitken.

The sheer desperation felt by Aitken at this time is obvious from his letter of 9 June 1790 to President Washington. If his decision to write to the President of the United States was unwise, worse still was the highly emotive language he employs in doing so. Aitken's object in writing to Washington is to bring to his attention that the financial disaster inflicted on him by the Bible fiasco came on top of an ill-judged decision to buy more than £3000-worth of US loan certificates.<sup>64</sup> That is why, he explains to the President, he seeks his support for having him 'appointed Printer & Stationer to Congress; Or in any other way in which I might be of Public service, in the Line of my business.' Sufficiently encouraged by the terms of the reply to his letter from the President's PA, Tobias Lear (see Chapter 5), Aitken lodged a new petition, dated 2 November 1791, 'to be appointed printer to Congress'. But simultaneously so did his rival Thomas Bradford; and both petitions were merely 'read and ordered to lie on the table' – where presumably they rested for long enough, for nothing more is heard of them.<sup>65</sup> A growing sense of despair is never far from the surface in Aitken's letter to Washington:

I would respectfully further inform your Excellency, that the house I purchased as before Mentioned, is under Mortgage, on account of a foreign Debt, for about £1400, the payment of which will become due in about 11 months,<sup>66</sup> and unless I should be so happy as to obtain some steady employment, to improve a valuable Stock in my printing office, I much fear the House must be sold under every possible

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<sup>64</sup> As recorded in his waste-book for 30 June 1777, for example, where he is shown to have exchanged £750 cash for \$2000 in loan certificates. For a highly readable account of the scheme of loan certificates and other means of raising money by individual States and by Congress, intelligible to economists and non-economists alike, see John L. Smith, Jr., 'How was the Revolutionary War paid for?', *Journal of the American Revolution*, 23 February 2015 (online).

<sup>65</sup> As reported in *The Federal Gazette, and Philadelphia Evening Post* of 2 November 1791, in a piece headed 'MINUTES of the Business [of Congress] THIS DAY.'

<sup>66</sup> Is this a reference to his indebtedness to the Duncans of Glasgow for which he had been imprisoned by the British in 1777?



disadvantage; by which I should be reduced, with a large family, in my old age, after having earned by the industry of many years a handsome little property. It is not my desire to become rich – a moderate Subsistence, in the way of labouring for it, is all I covet.<sup>67</sup>

Lear replied promptly on 14 June on behalf of the President:

The President ... has received your letter ... and directs me to inform you that he is really sorry for the losses which you mention to have sustained by the depreciation of public securities, and the large impression of the Bible which you made in the war; and especially as you observe that this impression was undertaken in conformity to the wishes and under patronage of the then Congress; But, Sir, however pleasing it would be to the President of the U.S. to see those who have been sufferers in the late revolution retrieving their losses under the auspices of peace & a Good government – and however desirous he may be to yield them assistance; yet it is not in his power to gratify his own feelings by affording relief in every instance; and the request which you make to him to be appointed Printer and Stationer to Congress can only be answered by your application to that Body, in the appointment of whose particular Officers he has no right to interfere.<sup>68</sup>

Though the words were genuinely warm and sympathetic, it was not the answer Aitken wished to receive.

He did, however, find some satisfaction in securing the right to print and publish the *Transactions of the American Philosophical Society*. The first volume of APS *Transactions* had been published by William Bradford back in 1771 and Aitken's second volume, deferred to 1786, opened with an 'Advertisement' apologizing for the 'long delay' on account of the 'peculiar circumstances of America' having intervened.<sup>69</sup> He may well have grimaced when he was

<sup>67</sup> To George Washington from Robert Aitken, 9 June 1790, *Founders Online*, National Archives, accessed July 2019. Original source: Dorothy Twohig, Mark A. Mastromarino, and Jack D. Warren (eds.), *The Papers of George Washington*, Presidential Series, volume 5, 16 January 1790–30 June 1790, (Charlottesville, 1996), 493–6.

<sup>68</sup> *Ibid.*, note. For more on Tobias Lear and his visit to Glasgow in December 1793, see Chapter 5, pp. 220–22

<sup>69</sup> The publishing history of the first four APS volumes is potentially confusing. Aitken successfully argued his case for reprinting volume one in 1789 as a 'second and

handed the copy for the prelims to the second volume which included a six-page Charter of Incorporation formally granted by the Pennsylvania General Assembly to the APS dated 15 March 1780. The text of the Charter, almost certainly written by Paine, was signed 'John Bayard, *Speaker*', and 'Thomas Paine, *Clerk of the General Assembly*'.<sup>70</sup> The irony of the situation would not have been lost on the Scot.

Aitken told Franklin in April 1788 he was in competition with 'Mr [Charles] Dilly of London' for the right to reprint volume one (which he strongly advised, should be done, and 'in our own Country'), and he supplied sound reasons why he, not Dilly, should be handed the contract – which he succeeded in winning. As things turned out, however, the APS commission, while doubtless prestigious, did not come without its problems. Of these, the greatest were that, first, in the middle of printing volume two Aitken found he was plagued by individual authors of papers who, at the eleventh hour, insisted on making corrections and additions to the original text as previously sent to the printer. Even more worrying, it had dawned on Aitken, unfortunately too late, that he had taken on a combined role of sub-editor and printer, with the painful result that it was not long before he realised he was quickly getting out of his depth. In exasperation he decided to write to the Society's President, Benjamin Franklin, seeking the great man's advice.

The Franklin Papers at Yale record five letters written at this time by an anxious Aitken to Franklin, all dealing with fairly routine (though from Aitken's point of view, highly urgent) items of APS procedure affecting the *Transactions*, all requiring prompt decisions. The letters make for tedious reading. A clearly exasperated (and, by this time, gravely ill) Franklin cannot conceal his irritation with the poor man, as in the following when he suggests Aitken seek the help of a good sub-editor who might relieve him of his difficulties:

I was extreemly ill in a Fit of the Stone when your Letter was put into my hand yesterday; I was not able to attend the Society, and the laying the Letter before them, which ought to have been done, was omitted; so that I send you no Answer from them 'till after their next Meeting;

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corrected edition'. In 1786 he had published volume two and volume III came out under his imprint in 1793, with a fourth volume, now published by Thomas Dobson, appearing in 1799.

<sup>70</sup> Paine served as Clerk to the General Assembly of the Commonwealth of Pennsylvania in 1780–1.

and can now only give you my private Opinion and Advice, which is, that you let the Author of every Piece whom you can conveniently come at, have a Sight of the Proof Sheets of his particular Piece, that he may correct them; and when you cannot have the Advantage of the Author's Corrections, that you procure the Assistance of some other Person skilled in the Subject to correct such Pieces for you; it being the *Duty* of a Printer, as well as for his Interest and Reputation, to perform his Work correctly. ...<sup>71</sup>

While all this was going on, Aitken's domestic problems were little short of catastrophic, culminating in his decision to disown his only son and heir, Robert Junior. From the pages of the waste-book there are extensive entries in both volumes relating to the sorry story of young Robert's descent into the sordid world of burgeoning debt and family dishonour, not to mention his own personal disgrace. The culmination of their dispute seems to have occurred in the period 1788–90 when the ledger (v. 2) reveals a long entry recording the accumulation of young Robert's huge debts to his father amounting to £337 10s, attracting the caustic comment in the margin alongside: 'Supposed Ballice. to above [i.e. the aggregate of the debt] supposed unworthy and unjust acct.' Aitken paid his son (as he did his daughter, Jane, a fully indentured printer) a nominal wage of six dollars per week from 1787 through 1788. The evidence of the Aitken imprint for those years, however, suggests that there was a lingering hope of reconciliation, even though the waste-book tends to contradict that, with no further payments noted to Robert Junior after 1788–9.<sup>72</sup>

The combination of his grim financial prospects and the steadily deteriorating relationship with his son had begun to have a profound impact on Aitken's business reputation. An accusation made against him of less than professional standards was the last straw. Back in 1785 the physician and historian, David Ramsay – John Witherspoon's son-in-law – had engaged Aitken to bind two hundred copies of his *History of the Revolution of South-Carolina*,

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<sup>71</sup> Franklin Papers at Yale online, Franklin to Robert Aitken, 17 January 1789. Unpublished. Aitken's letter is dated the previous day. Franklin died exactly sixteen months later.

<sup>72</sup> The imprint 'R. Aitken & Son' is found continuously in titles published between 1787 and 1796. From 1797 until the elder Robert Aitken's death in 1802, the imprint reverts to 'R.' or 'Robert' *simpliciter*. McCulloch describes Robert Aitken Junior as 'an idle tippler, and little better than a vagrant', adding: 'His father cut him off with a six pence.' McCulloch's *Additions*, 96.

a two-volume set printed by Isaac Collins of Trenton, New Jersey.<sup>73</sup> Aitken had severe problems with the commission and on 26 December he wrote to Ramsay informing him that the work was proceeding much more slowly than he had anticipated owing to staffing problems – his journeyman having suddenly left him ‘in one of his frolics’:

I have only one Boy & dare not trust him with but a small part of your work. ... I am very sorry for what has happened; I had already schem'd what I should do wt the Money. My finances are so low on Acct of My Losses in trade that I find Cr[editors] ready for it before I am possess'd of my income. It is truly a great disappointment to me.<sup>74</sup>

To be specific, Aitken was experiencing chronic staffing problems allied to a grave lack of cash-flow. Nevertheless, despite Aitken's sluggish response to what was undoubtedly a formidable binding commission, Ramsay entrusted him with the printing of his *magnum opus* when he finished writing it four years later. *The History of the American Revolution* is today acknowledged as the first sustained account of the great events, and, like several of Aitken's titles, a bibliophile's rarity.<sup>75</sup>

Bluntly, Ramsay comes across in his correspondence as an awkward, haughty individual. His relationship with his printer, never good at the best of times, sunk to an all-time low over Aitken's admittedly none too clever handling of his important commission. According to the unforgiving Ramsay, it had been nothing less than a bungled job. The book was ready for the press in February 1788. In October 1789, writing to his agent, John Eliot, Ramsay

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<sup>73</sup> David Ramsay (1749–1815) was an American historian, physician and politician whose parents were Irish protestant farmers. According to Shaffer, he became ‘the nation's most respected historian and one of its premier literary figures.’ He married Frances Witherspoon in March 1783; she was his second wife and died fifteen months later having given birth to a son, John Witherspoon Ramsay. He later married Martha Laurens, daughter of Henry Laurens, the prominent politician and merchant from South Carolina. Ramsay's *History of the American Revolution* has been described as having ‘marked the beginnings of an American national historical consciousness’, and he himself as having been ‘the first person to compose histories addressed to the needs of a developing culture of revolutionary nationalism.’ Arthur H. Shaffer, ‘David Ramsay’, *Oxford ANDB* (accessed December 2018).

<sup>74</sup> Robert L. Brunhouse, *David Ramsay, 1749–1815: Selections from his Writings*, American Philosophical Society, Transactions, New Series, 55, Part 4 (Philadelphia, 1965), Letter 87, 95.

<sup>75</sup> David Ramsay, *The History of the American Revolution. By David Ramsay, M.D. In Two Volumes*. (Philadelphia, 1789).

directs him to put 200 copies of the title ‘in the hands of some honest book-seller for sale’, and requests that it be advertised ‘six or seven times’.<sup>76</sup> On the same sheet of paper on which Ramsay’s letter is written there is a caustic note from Aitken to Eliot dated 3 May 1790, to the effect that he sends him 300 copies, but also making clear that he strongly disagrees with the selling-price of ‘3 dollars sett in Boards’, a price Aitken considers ‘ruinous to the sales already’, but, he concludes, ‘[it] is his orders.’<sup>77</sup> Just four days later Ramsay gets in touch with Eliot, bitterly complaining that ‘The printer [Aitken] has made many mistakes. I desired him to print a table of errata but he would not ... If the book takes, a second edition will be called for before long. In that case, I shall change my printer & most probably get one in New-England.’<sup>78</sup>

In the following year Ramsay confides in Ashbel Green of Princeton on his acute disappointment at the poor job he considers Aitken has made of the printing of his *History*. It was a stinging indictment of Aitken’s alleged want of professionalism. Nothing, it seems, was now going right for the Scot. Generously, Green had tried to defend him but Ramsay was having none of it:

It is generous in you to make apologies for Mr Aitkin [sic] .... Aitkin’s work offends against every principle of good printing. The printing the spelling the ink the form of the lines are in many cases execrable. ... I thought Aitkin because he was a Scotchman must be a linguist & grammarian but I find my mistake. What think you of his stopping the work on the pretence of want of money though 760 dollars were advanced in the time of the work the whole of which was only to cost 1200 dollars?<sup>79</sup> ... I hope he is an honest man but I am

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<sup>76</sup> David Ramsay to John Eliot, 19 October 1789 in Brunhouse, *David Ramsay*, Letter 172, 126. Aitken’s note of 3 May 1790 is scribbled on the same sheet of paper.

<sup>77</sup> *Ibid.*, Letter 126, note 1.

<sup>78</sup> David Ramsay to John Eliot, 7 May 1790 in *Ibid.*, Letter 176, 127.

<sup>79</sup> *Ibid.*, ‘On August 15, 1791 Aitken went back through his records [the waste-book] and brought together the charges and credits in Ramsay’s case. One entry showed a legal charge for Ramsay’s non-payment of £56. In the end, Aitken’s bill amounted to £722 1s 1d; after the deduction of credits of various kinds, Ramsay still stood £344 1s 7d in debt to the printer.’ Aitken’s doubts about the saleability of Ramsay’s 1789 *History* proved spot on the mark. Brunhouse comments: ‘Pirated editions appeared in London and Dublin, and the most that Ramsay received from them were a few books in exchange. Five years after publication Aitken still had a supply of copies on hand, while the market in England and Ireland was supplied by pirated editions; ... Ten years after the history appeared, there were still some unsold copies, and the author complained that the sales had not repaid the advances he had made.’

sure he is no printer & either from old age forgetfulness or something else no dependence can be placed in him. ... Aitkin deserves nothing from me.<sup>80</sup>

It was a sad pronouncement on the poor workmanship of a once proud and successful printer and binder whose professional eye for perfection had never been in doubt. At the same time, Ramsay guessed right in speculating that there may have been 'something else' troubling Aitken throughout the period of the commission. While Ramsay's *History* was in press the bitter row between father and son intensified, culminating in their permanent estrangement, a terrible dispute that knew no solution and further contributed to Robert Aitken's bankruptcy.<sup>81</sup>

By the time of the financial 'Panic' of the late 1790s, leading to severe though temporary depression throughout the United States and Europe,<sup>82</sup> Aitken's business was in terminal decline. He writes to John Nicholson in June that year, telling him he was 'pinched beyond measure, Unable to purchase a Ream of paper to retail in my Shop.'<sup>83</sup> A Welshman who had once owned a gunsmith's business in Front Street, and had invested heavily in land and property, making himself fabulously rich in the process, Nicholson was himself in dire financial straits at the time of Aitken's letter and it would not be long before he was consigned to Prince Street Debtors' Prison where he would end his days. Aitken was at least spared that ultimate private and public humiliation.

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Brunhouse, *David Ramsay*, 223.

<sup>80</sup> David Ramsay to Ashbel Green, 4 October 1791 in *Ibid.*, Letter 192, 130.

<sup>81</sup> In both volumes of the waste-book there is extensive evidence of young Robert Aitken's extravagance, for example, 'a silver-cased watch' (£14); '2 suits Clothes' (£19); as well as several cash payments to him, e.g. 'to mend his cellar door', and 'for a Counterpain'.

<sup>82</sup> One of the most accessible accounts of the economic history of the Panic of 1796–7 is Richard S. Chew, 'Certain Victims of an International Contagion: The Panic of 1797 and the Hard Times of the Late 1790s in Baltimore', *Journal of the Early Republic*, 25 (2005), 565–613. See also Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge MA, 2002), 173–205.

<sup>83</sup> John Nicholson (1757–1800) had little formal education but was a highly astute financial manager and associate of Robert Morris, the man they call the 'financier of the Revolution.' See Robert D. Arbuckle, *Pennsylvania Speculator and Patriot: The Entrepreneurial John Nicholson, 1757–1800* (Philadelphia, 1975); and the same author's 'John Nicholson and the Pennsylvania Population Company', *The Western Pennsylvania Historical Magazine*, 57 (1974), 353–85.

The following notice appeared in the *Gazette of the United States* on 26 January 1801:

Printing Office FOR SALE

The subscriber in the decline of life, having determined to relinquish the Printing Business, he therefore offers at private sale, two excellent Mahogany Printing Presses, with an extensive assemblage of Printing Types, including an Hebrew and Greek Font, the whole amounting to 34 fonts, well assorted, with every requisite, in excellent order and in good condition, calculated for extensive bookwork, or a daily newspaper, including also a general and useful assortment of Flowers, Cut and Ornaments, with every other implement in the printing business.

*He will also dispose of*

A two-story Brick House

On the corner of Laetitia-Court and Black-Horse Alley, which he now occupied as a Printing-Office, 28 by 35; the second story has 8 large windows, 24 panes in each, and a lofty garret for drying paper; with a cellar under the whole. The situation and accommodations are inferior to none in this city, and may be sold separate or together to suit the purchasers. For further particulars apply to

Robert Aitken

No: 22, Market-street.

Robert Aitken, American, died, heavily in debt, on 14 July 1802. An obituary a few days later in the same newspaper that had published the sale of his house and business said of him that he was ‘a respectable inhabitant of this city’, and that his had been ‘a useful life’ characterized by ‘his integrity and probity.’ He had ‘left behind him, a family, carefully brought up in the paths of industry and virtue.’ His book titles, printed and (some would say, especially) bound, are his memorial and his legacy. His American Bible was at one and the same time his apotheosis and his nemesis. Beyond everything else, however, Aitken was cast in the role of an almost unwitting participant in, observer of, and (through the pages of his short-lived, but still impressive *Pennsylvania Magazine*) indirect commentator on the American Revolution. By the nature of his craft Aitken was just one of several printers from Scotland, working in America in the age of Paine, who became patriotic Americans and helped their fellow countrymen articulate and disseminate the written message of their revolution. Aitken is most remembered for having given

Thomas Paine his first job in America. For both parties, however, it was hardly a rewarding experience, and it is certain that Aitken would not have wished to be remembered in that way. It might be sufficient to put it that it is primarily as a conduit of liberty – never its architect – that we should regard Robert Aitken, an epitaph with which he himself would doubtless have rested content.

*Postscript*

1. *Thomas Paine and John Witherspoon in 'The Pennsylvania Magazine'*

[Note Regarding anonymous contributions to the *Pennsylvania Magazine* traditionally attributed to Paine it is now necessary to consult J. C. D. Clark, *Thomas Paine Britain, America & France in the Age of Enlightenment and Revolution* (Oxford, OUP, The Clarendon Press, 2018), Appendix, 'Paine De-attributions', 419–425; and the Bibliography, 'Cited Works by Paine', 427–431 ('Clark'). Further references are to *The Complete Writings of Thomas Paine*, ed. Philip S. Foner, 2 v., The Citadel Press, New York, 1945, vol. 1, 'Chronological Table of Thomas Paine's Writings', [xlvi]–lix ('Foner'); and to John Keane, *Tom Paine A Political Life* (Grove Press, New York, 1995), 94–7 ('Keane'). 'RLC' means that the attribution is this author's for reasons suggested in the chapter.]

*Thomas Paine*

1775

Jan.

1. (9–12) 'To the Publisher of the Pennsylvania Magazine.' Running-title: 'The Utility of this Work evinced'.

Clark, [427].

Foner, [xlvi]

Keane, 94.

2. (31–2) 'Description of a New Electrical Machine, with Remarks' (and plate): signed 'Atlanticus. Philadelphia, Jan.10.'

Keane, 95.



Feb.

3. (53–7) ‘Useful and Entertaining Hints’: signed ‘Atlanticus. Philadelphia, Feb. 10.’

Foner, [xlvi]

Keane, 96.

Mar.

4. (134) ‘Poetical Essay.’ ‘Death of General Wolfe. Set to Music by a gentleman of this country, the words by Atlanticus’.

Foner, [xlvi]

5. (137) ‘Poetical Essay.’ ‘The tale of the Monk and Jew (versified)’: signed ‘Atlanticus’.

Keane, 96.

6. (127–132) ‘Select Passages from New Publications. *Memoirs of Great-Britain and Ireland from the dissolution of the last Parliament of Charles II. Until the sea-battle of La Hogue . . . By Sir J. Dalrymple, Bart.* [London, Strahan and Cadell, 1771]

In the light of Paine’s proven detestation of other works by Dalrymple (see Chapter 1, Introductory, pp. 17–23), this attribution seems plausible, especially given the attempt – in the continuation of the review in the April number – to question Dalrymple’s authenticity.

[RLC]

Apr.

7. (173–4) Do. Continued.

[RLC]

Jul.

8. (328–9) ‘Poetical Essay.’ ‘Liberty Tree. A new song.’ Signed ‘Atlanticus’.

Foner, [xlvi], but misdates it as ‘Sept.’

Keane, 96.

9. (331–2) ‘Poetical Essay.’ No title; begins with the words ‘Three Justices . . .’.

Signed 'Atlanticus'. Foner calls the piece 'Farmer Short's Dog Porter: a tale.' Keane calls it 'Curious Story.'

Foner, [xlvi]

Keane, 96.

*John Witherspoon*

1775

Jan.

1. (12–15) 'A Comparison of the Passions of Pride and Vanity']

Mar.

2. (115–119)] 'A Letter from Epaminondas'. Signed 'Epaminondas'. The foreword to the letter refers to the unsigned piece he had published in the January number.

Apr.

3. ([149]–153) 'A Series of Letters on Education'. 'Letter I'. The foreword begins: 'I herewith send you for publication (if you think it merits a place in your collection) a Series of Letters from a minister in Scotland, advanced in years, to a Gentleman of rank, for whom he had a particular friendship.' The first Letter is signed 'P\_\_\_\_\_ Oct. 2. 1765. To Mr. S.' [Paisley?]

May

4. ([197]–202) Do. 'Letter II'.

5. (221–222) 'Select Passages from the Newest British Publications.' '*A Journey to the Western Islands of Scotland*. By Dr. Johnson.'

[RLC]

Jun.

6. ([245]–249) 'Letter [on Education] III'.

7. (274–5) Review of Johnson's *Journey* continued.

[RLC]

8. (262–3) From 'Epaminondas', ' . . . another short essay from the philosophy of experience and observation.'

Aug.

9. (373) 'Poetical Essay'. 'On the Death of a Young Lady'. Signed 'J.W.'  
Sept.

10. ([399]–405) 'Letter [on Education] IV'.

11. (408–413) 'Reflections on Marriage'. Signed 'Epaminondas'.

Dec.

12. ([543]–548) 'A few more Aphorisms upon the Matrimonial State'.  
'Reflections on Marriage'. Signed 'Epaminondas'.

1776

Jan.

13. ([9]–15) 'Letter [on Education] V'.

Mar.

14. (109–114) 'Reflections on Marriage'. Signed 'Epaminondas'.

May

15. (205–208) 'The Druid, No. I'. Signed 'The Druid.'

Jun.

16. (253–257) 'The Druid, No. II.'

Jul.

17. (301–305) ‘The Druid, No. III.’

18. (318–323) ‘On the great Danger of Ladies wearing Wires in their Caps, and Pins in their Hair.’ Part of the series ‘Reflections on Marriage’ (as in the running-titles). The piece carries a reference to ‘A very amiable lady in Scotland . . .’ *etc.* (p. 319)

Signed ‘Epaminondas’.

2. *Extract from Francis Hopkinson’s ‘Miscellaneous Essays’ (1792)*

To the Publisher of the Pennsylvania Magazine

I was much pleased when I heard of your intention to publish a Magazine or Monthly Miscellany. For you must know, Mr Aitken, that I have long had an earnest desire to appear here as an author before the respectable public. . . .

Now, I look upon your proposed magazine as a pleasant little path, where a man may take an agreeable walk with a few orderly and agreeable friends, without the danger of being jostled to death in a crowd.

I determined, therefore, to make my appearance in your first number. . . . During the hours of night, when the powers of my soul, no longer subjected to the directions of my will, were resigned to the influences of the spiritual world, I was entertained with the following very EXTRAORDINARY DREAM.<sup>84</sup>

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<sup>84</sup> Francis Hopkinson, *Miscellaneous Essays and Occasional Writings* (3 vols, Philadelphia, 1792), I, 1–3. Hopkinson’s piece, signed ‘A.B.’, appears in the first number of the *Pennsylvania Magazine* (January 1775), 15–19.

## James Wilson (1742–1798)

*Liberty as enlightened governance*

*Society is produced by our wants, and government by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices. The one encourages intercourse, the other creates distinctions.*

Thomas Paine: *Common Sense*, in Moncure Daniel Conway, *The Writings of Thomas Paine* v. 1 1774–1779 (New York and London, G. P. Putnam's Sons, The Knickerbocker Press, 1894), 69.

*By some politicians, society has been considered as only the scaffolding of government; very improperly, in my judgment. In the just order of things, government is the scaffolding of society: and if society could be built and kept entire without government, the scaffolding might be thrown down, without the least inconvenience or cause of regret. Government is, indeed, highly necessary, but it is highly necessary to a fallen state. Had man continued innocent, society, without the aids of government, would have shed its benign influence even over the bowers of Paradise.<sup>1</sup>*

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<sup>1</sup> Wilson's reference to 'scaffolding' is interesting. The late Professor John Murrin of Princeton University, a distinguished historian of the period (and a personal friend of this author),\* was fond of the phrase 'a roof without walls' to describe the American Constitution as it emerged after the Convention of 1787 – an assembly of the States that sought to produce a structure that could carry the Republic forward and sustain it as a true independent nation. Murrin had in mind an 'Allegory' (1787) and a 'Poem' (1788) by Francis Hopkinson, *The New Roof*, wherein (though Murrin does not say so) James Wilson is clearly identified by Hopkinson as the chief architect of both the Articles of Confederation (1777, ratified 1781); and of the United States Constitution that eventually superseded that document. See Francis Hopkinson, *Miscellaneous Essays* (3 vols, Philadelphia, 1792), II, 282–322; and John Murrin, *Rethinking America: From Empire to Republic* (Oxford, 2018), 187–203. Hopkinson was an early contributor to Robert Aitken's *Pennsylvania Magazine* (see Chapter 8, Postscript 2). See also Hopkinson extract in Postscript 3 to this Chapter.

\* Sadly John died as a victim of the Covid virus while this chapter was in course of preparation.

James Wilson, *An Introductory Lecture to a Course of Law Lectures* (Philadelphia, 1791), 64; reproduced in *Lectures on Law*, 'Of the Study of the Law in the United States', in *Collected Works of James Wilson*, ed. Kermit L. Hall and Mark David Hall, 2 v. (Liberty Fund, 2007) v. 1, 452.

[Both the Paine and Wilson quotations are cited by Gordon S. Wood, in his *The Radicalism of the American Revolution* (New York, 1991), 217.]

*Before America: the meagre facts of James Wilson's life in Scotland*

A superficial overview of James Wilson's career might conclude that of all the Scots-Americans individually considered in this study, his is the perfect prototype – in the sense, that is, it might be held that Wilson contrived to undergo most comprehensively the transformation from native Scot to adopted American. We would be wrong, however, to proceed with that assumption. Intellectually, Wilson found it on occasion hard to leave his homeland behind him, to the extent that one present-day distinguished American comparative lawyer and legal historian insists on regarding him as essentially a product of the Scottish Enlightenment.<sup>2</sup> If that view of Wilson is conceded, he must rank as the antithesis of his fellow emigrant and Declaration 'signer', John Witherspoon, whose Scottish career is usually considered as worlds apart from his career in America; and in any case, as explained in Chapter 7 of this study, the jury is still out on whether or not Witherspoon, *pave* Professor Israel, can truly be assessed as a wholly credible member of the Enlightenment pantheon. It is certainly true that Wilson's modest legacy of published works and other writings demonstrates a pronounced reliance on, and easy familiarity with 'standard' Scottish Enlightenment sources such as Francis Hutcheson, Lord Kames, David Hume, Thomas Reid, Adam Smith, John Millar and Sir James Steuart. Furthermore, where it is claimed that the 'founders hardly ever discussed their intellectual heritage explicitly' – such that 'in their writings they often failed to let the reader know whom they were quoting'<sup>3</sup> – Wilson is pre-eminently odd man out. Wilson's legal training punctiliously required him to reveal his sources, and often as not they are

<sup>2</sup> William Ewald, professor of law and philosophy, University of Pennsylvania, in his papers 'James Wilson and the Drafting of the Constitution' (2008), Faculty Scholarship, Paper 988; and 'James Wilson and the Scottish Enlightenment' (2010), Faculty Scholarship, Paper 989.

<sup>3</sup> Samuel Fleischacker, 'Adam Smith's Reception among the American Founders', *William and Mary Quarterly*, 59 (2002), 898.



17 James Wilson, wearing his famous spectacles (from a miniature water-colour painted on ivory, by Jean Pierre Henri Elouis) (American Art Museum, Smithsonian Institution).

from among the publications he must have read and the lectures he would have attended at St Andrews – and (according to recent research) is presumed to have attended at Glasgow. That was many years before he came to prominence in the emergent United States, the nation he helped put together and whose Constitution, as will be shown here, he helped devise and construct to a remarkable degree.

Where, however, John Witherspoon has been dubbed (though no longer) the ‘Forgotten Founder’, what are we to make of this man, James Wilson, whose life in Scotland can comfortably be summed up on the back of an A5 envelope? Not only is there shockingly little known about Wilson’s life in Scotland prior to his departure for America in the fall of 1765, but the fairly recent claim that an awful lot of nonsense has been written about him can no longer, one senses, be swept under the carpet. There is no doubt that much of the already meagre information on Wilson’s early life and background has been cobbled together in a way that reeks of fanciful conjecture. Such a view of Wilson’s early years only bubbled to the surface in 2012 when Martin Clagett of the College of William and Mary published the startling conclusions of his investigative research into Wilson’s Scottish career – especially his schooling, university education and legal apprenticeship – prior to his quitting Scotland altogether.

Clagett has ingeniously shown that James Wilson ‘definitely’ attended the University of Glasgow, whereas he can find no evidence that, as premised by others,<sup>4</sup> he became a student of rhetoric (Hugh Blair), logic (John Stevenson) and moral philosophy (Adam Ferguson) at Edinburgh. At Glasgow Clagett’s investigations revealed that a student named ‘James Wilson’ – whose signature on lists of both library lending and ‘stent money’ (fees paid to named professors) is found to match Wilson’s when he was at St Andrews – took classes at Glasgow University in divinity (William Leechman and Robert Trail), humanity [Latin] (George Muirhead), and natural philosophy (John Anderson), all in the period mid-November 1763 to mid-January 1765. The Postscript to this chapter, however, indicates a conceivable difficulty with Clagett’s hypothesis as far as any connection between Wilson and the University of Glasgow (and John Anderson in particular) are concerned.<sup>5</sup>

<sup>4</sup> For example see Burton Alva Konkle, *James Wilson and the Constitution* (Philadelphia, 1907), as cited in Martin Clagett, ‘James Wilson, His Scottish Background: Corrections and Additions’, *Pennsylvania History: A Journal of Mid-Atlantic Studies*, 79 (2012), 173 note 5.

<sup>5</sup> Clagett, ‘James Wilson’, 154–176. Clagett’s hypothesis appears to have been fully accepted by the Archives staff at the University of Glasgow, according that is



We return later in this chapter to consider in some detail the nature and extent of Wilson's Scottish sources and their lasting impact on his subsequent career as lawyer, jurist, and university professor of legal studies, the latter post in the early years of the University of Pennsylvania Law School. Before that, however, it is important to pick up on the thread of some of the earliest historiographical howlers that have curiously beset James Wilson's Scottish period almost continuously throughout the long decades when, together with his fellow 'signer' John Witherspoon, he first began to arouse scholarly interest among both historians of the Scottish diaspora as well as of key constitutional aspects of the American revolutionary and post-revolutionary periods – if only by virtue of just how little, most would readily acknowledge, they really knew about the man.

The wild guesses and palpable inaccuracies surrounding James Wilson go back in the first instance to his birth and baptism. The record in the Old Parish Register (OPR) is silent on the actual date of his birth, merely stating that on June 14th. 1743 William Wilson and Alison Landals [or 'Landales'], 'spouses in the Parish of Ceres [the ancient name for the Fife town is 'Carsfergo'] had a child baptized', whose name in the rubric is given as 'James Wilson'. As in the case of Robert Aitken's much more complex birth and baptismal record, [see Appendix B], Wilson's OPR extract is unusually helpful in relation to the religious background surrounding Wilson's parents' desired arrangements for their child's baptism. First, we should note that one of the two current 'standard' biographical sources on Wilson has it that at the time of his birth his parents were in membership of the Associate Presbytery. The claim is not borne out by the OPR extract.

In the reformed churches of Calvin and Knox, including the Presbyterian Church of Scotland, there were just two sacraments: the Sacrament of Baptism and the Sacrament of the Lord's Supper (Holy Communion). Where eighteenth-century birth details in Scottish parish registers are quite often virtually non-existent, the baptismal information is occasionally, by contrast, rewardingly detailed and revealing. The Wilson OPR extract held by the NRS

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to their online finding aid on Wilson, citing Clagett's paper: see online Glasgow University feature released July 4, 2012, 'The University of Glasgow's International Story Blog/International Scots – James Wilson, one of the Founding Fathers of the USA'. The piece identifies William Leechman and John Anderson as professors whose classes Wilson attended, but also speculates that it is likely that he would have come under the influence of Adam Smith (who taught at Glasgow from 1752 to 1764) and John Millar (who taught there from 1761 to 1801). But see the Postscript to this chapter.

(and readily available online on the ‘Scotland’s People’ website) states that the child was baptized by ‘Mr Smith Minister at Newburn’, that he was ‘named James’, and it goes on to name the witnesses, or ‘sponsors’, to the baptism as ‘Robert Pearson in Nether Largo, James Wood in the Hospital’<sup>6</sup> and many Others’. The form of wording, consistent with other contemporary OPR records for this Kirk parish, leave little room for doubt that James Wilson was certainly born in Ceres, and that he was baptized in the adjacent village of Nether Largo (modern ‘Lower Largo’), quite possibly in the parish church there. Unfortunately, however, we cannot be entirely certain on Wilson’s actual date of birth.<sup>7</sup>

In contrast with the absence of hard evidence surrounding James Wilson’s birthdate, of ‘Mr Smith Minister at Newburn’ – the Church of Scotland minister who baptized him – a good deal is known. Even though it has sometimes to be in negative terms, the great value of the OPR record is that it immediately shows up the extent to which the traditional explanations of Wilson’s origins have succeeded in distorting the truth. Thus, Stephen Conrad believes that James’s father, William Wilson, a local farmer, was an elder in the Church of Scotland, without specifying the parish or presbytery. Charles Page Smith, on the other hand (whose ‘expansive’ account of Wilson’s early life is, according to Clagett, particularly suspect), believes that Wilson *père* was an ‘evangelical preacher’ who joined with other secessionists (notably, he believes, Erskine, Moncrieff and Fisher) to form the Associate Presbytery. Geoffrey Seed, without naming his source, follows Conrad in thinking that William Wilson was a Kirk elder.<sup>8</sup> Though it might be a reasonable assumption to make, even that latter view has not a shred of evidence to back it up. From all of this confusion Clagett concludes that ‘the accounts of Wilson’s Scottish years are filled with errors and fleshed out with conjectures.’ One of the worst specimens of such conjecture is Smith’s claim that

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<sup>6</sup> This should be understood as the provenance of one of the witnesses or ‘sponsors’ to the baptism – i.e. that James Wood was a resident of the Hospital. The ‘Hospital’ in question must surely be Wood’s Hospital in Ceres, built in 1665, re-built in 1830. See <https://canmore.org.uk/site/32829/upper-largo-9-20-woodlaw-park-john-woods-hospital>.

<sup>7</sup> Following others, Conrad puts his date of birth at 14 September 1742. See Stephen Conrad, ‘James Wilson’ *Oxford DNB* (accessed January 2019). See also *Oxford ANB* article on Wilson by John K. Alexander (accessed same date) which is at variance with the Conrad *DNB* piece in important respects.

<sup>8</sup> Geoffrey Seed, ‘James Wilson: Founding Father’, *History Today*, 30.9 (1980), 47–50. See also Geoffrey Seed, *James Wilson* (New York, 1978).

the man he identifies as Wilson's father, the supposed secessionist reformer, died on 8 October 1741, almost a full year before his son James was born.

According to the OPR extract of births and baptisms, the reality that emerges in James Wilson's case presents a markedly different set of circumstances. Just as Robert Aitken's parents are clearly shown to have been heavily influenced by the practice of the early secessionist churches of determining how they wished their children baptized (in accordance, that is, with their evolving nonconformist beliefs), similarly in the case of William and Alison Wilson their son James was presented for baptism in the parish church of Newburn, in the Presbytery of St Andrews. The Reverend James Smith, Kirk minister at Newburn, had been presented to his charge in December 1734 by Sir John Anstruther in accordance with the prevailing law of patronage, and had continued to abide by the Kirk's principles and practices, above all conforming to the obligatory Westminster Confession of Faith, for a period of some thirty years thereafter. A year or two, however, after Wilson emigrated to America in 1765, it seems that Smith saw the light and demitted office at Newburn. Along with the minister of neighbouring Largo parish, Robert Ferrier, Smith adopted the tenets of what became known as the Old Scots Independents, a minority splinter-group with a theology and doctrines not dissimilar in certain respects to those of the Glasites and Sandamanians.<sup>9</sup> In 1768 Smith and Ferrier published a pamphlet in explanation of their decision and ironically they there refer to their strong disapproval of the conventional practice regarding baptismal arrangements in the established Church of Scotland, from whose doctrine and beliefs they had opted to desert:

We had not freedom to baptize every child born within the bounds of our respective parishes. The affair of sponsors we could not find authorised, and as it is generally managed, we look upon it as a piece of solemn mockery. ... But as numbers differed from us upon this head which introduced heat and animosity, it contributed also to our being inclined to retire.<sup>10</sup>

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<sup>9</sup> The most detailed account of the Old Scots Independents is provided by Harry Escott, in *A History of Scottish Congregationalism* (Aberdeen University Press, for The Congregational Union of Scotland, Glasgow, 1960), 24–36.

<sup>10</sup> *The Case of James Smith, late minister at Newburn, and of Robert Ferrier, late minister at Largo, truly Represented and Defended* (Edinburgh, 1768), 16 and 'Appendix'.

*Wilson's early legal career in America: preliminary note*

Aside from an initial three-year period when he was settling into his new life as an American, and disregarding the mercifully short-lived time of his downfall leading to his premature death, James Wilson's career may be said to have occupied three distinct, roughly chronological phases, as follows:

1768–79: Lawyer (provincial solicitor, then State attorney);

1774–90: Politician (in which role he made his name as a constitutionalist);

1789–96: Academic and jurist (professor of law; justice of the Supreme Court).

The trouble is that, predictably, the three phases are non-sequential. Thus, Wilson's important role as defence counsel in the treason trials of 1778 occurs after he had begun to interest himself in Pennsylvania state politics, then nationally in revolutionary and post-revolutionary politics. A year later, largely as a result of that political involvement, but also in the light of his role as defence counsel at the trials, he paid the price of being physically assaulted by hotheads who saw him, wrongly, as a loyalist at a nervous time when the merest suspicion of having attempted to reason out the case for some last-ditch form of reconciliation with Britain was often interpreted as traitorous deception.<sup>11</sup> It will be suggested in this study that James Wilson made his mark in each of the three roles he opted to pursue.

At a fraught period in American history, in the midst of the Stamp Act agitations of 1765, James Wilson came to the colonies. No one is sure why he made the decision to emigrate. Perhaps he was influenced by American undergraduates he met at university who seduced him to the colonies by their accounts of the alleged liberties they enjoyed and the fortunes waiting to be made from trade, commerce and land speculation. But it is much more likely, as Bernard Bailyn has explained in general terms, that he was simply following the herd instinct of the tens of thousands of Scots and Scots-Irish who had flocked to people North America in the years after 1760.<sup>12</sup>

<sup>11</sup> The so-called 'Fort Wilson' incident of October 1779 when Wilson's house at the corner of Walnut and Third Streets in Philadelphia was stormed by a mob protesting at his defence of men they summarily dismissed as Tory traitors. See David W. Maxey, *Treason on Trial in Revolutionary Pennsylvania: The Case of John Roberts*, Miller (Philadelphia, 2011), 118–19.

<sup>12</sup> Bernard Bailyn (with the assistance of Barbara De Wolfe), *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York, 1988), 26.

Having arrived in America Wilson had a brief spell as a private Latin tutor, then lectured in English literature at the College of Philadelphia – the creation of Benjamin Franklin, it would evolve into the University of Pennsylvania – only to switch to the study of law under the upwardly aspiring American legal authority, John Dickinson. Wilson was an exemplary student and in 1768, just one year after his admission to the Philadelphia bar, he established his own legal practice at Reading, Pennsylvania. A couple of years later he moved west to the township of Carlisle where he soon earned a reputation as a solicitor and junior counsel, building up a large and varied client base. It was at about this time that he began to patronise the large bookstore in Front Street, Philadelphia run by his fellow-Scot, Robert Aitken, ‘opposite the London Coffee House’. An early extract from Aitken’s waste-book shows that James Wilson of Carlisle kept a standing account with Aitken who was usually able to meet his needs with items from the lawyer’s wants-list.

Years later, in the fall of 1778, James Wilson and Robert Aitken again rubbed shoulders under the grimmest of circumstances. The story of the treason trials of 1778, in the course of which Wilson unsuccessfully defended two loyalist Quakers, Abraham Carlisle and John Roberts (who were summarily found guilty and hanged), and where Aitken appeared for the defence in the case of Roberts, is narrated in Chapter 8.<sup>13</sup> In his poem ‘American Times’ the loyalist satirist ‘Camillo Querno’ (Jonathan Odell) accused the presiding judge, Chief Justice Thomas McKean and the prosecuting counsel, (General) Joseph Reed, of having ‘murdered, under the form of law’ Carlisle and Roberts ‘both quakers, and virtuous, inoffensive, unresisting citizens.’ Odell’s pen-portrait of Wilson is worth quoting if only to note how he is depicted as basically a good man gone wrong, and as someone who possessed the fatal flaw of having succumbed to popular adulation, an accusation that, unfortunately, may not be far removed from the truth:

*Who is that phantom, silent, pale, and slow,  
That looks the picture of dejected woe?  
Art thou not Wilson?—ha! dost thou lament  
Thy poison’d principles, thy days mis-spent?*

<sup>13</sup> The formal case reports on the Carlisle and Roberts trials were subsequently published in A. J. Dallas, *Reports of Cases Ruled and Adjudged in the Courts of Pennsylvania, before and since the Revolution* (Philadelphia, 1790), [v. I], 35–40. The trials were conducted under the special procedures relating to Courts of ‘Oyer and Terminer’, as deemed appropriate in treason cases.

*Was it thy fatal faith that led thee wrong?  
 Yet hadst thou reason, and that reason strong;  
 Judgment was thine and in no common share,  
 That judgment cultur'd with assiduous care:  
 But all was fruitless; popular applause  
 Seduc'd thee to embrace an impious cause . . .*<sup>14</sup>

When he was just twenty-six and only three years after he left Scotland for good Wilson composed what would eventually prove his first foray into the world of politics, writing specifically on the vexatious topic of colonial constitutional law. The pamphlet entitled *Considerations on the Nature and the Extent of the Legislative Authority of the British Parliament* was published anonymously. The piece represented the flowering of his thoughts to date on an issue of supreme importance to the American colonies in their increasingly heated dispute with Britain. In the full-page 'Advertisement' dated 17 August 1774 – omitted from most modern reprints, though not from his son Bird Wilson's posthumous three-volume collected edition of his father's *Works* (1804)<sup>15</sup> – the author, though supplying no precise date, makes clear that the 'following sheets' were written 'during the late non-importation agreement' (generally supposed to be 1768, though Garry Wills has it as 1770), but then laid aside as it was 'judged unseasonable to publish them'. He further explains:

Many will, perhaps, be surprised to see the legislative authority of the British parliament over the colonies denied *in every instance*. *Those the writer informs*, that, when he began this piece, he would probably have been surprised at such an opinion himself; for that it was the *result*, and not the *occasion*, of his disquisitions. He entered upon them with a view and expectation of being able to trace some constitutional line between those cases in which we ought, and those in which we ought not, to acknowledge the power of parliament over us. In the prosecution of his inquiries, he became fully convinced that such a line does

<sup>14</sup> Jonathan Odell (1737–1818, Anglican clergyman, American loyalist and poet), 'Camillo Querno, Poet-Laureat to the Congress', *The American Times, A Satire in Three Parts. In which are delineated the Characters of the Leaders of the American Rebellion, in Cow-Chace, in Three Cantos* (New York, 1780), [27]–69; and, that title only, (London, 1780). For an account of the treason trial of John Roberts, including the part Wilson played in it, see David W. Maxey, *Treason on Trial* and Chapter 8, pp. 350–54.

<sup>15</sup> James Wilson, *The Works of The Honourable James Wilson, LL.D. . . . Published under the Direction of Bird Wilson, Esquire* (3 vols, Philadelphia, 1804).

not exist; and that there can be no medium between acknowledging and denying that power in *all* cases. Which of these two alternatives is most consistent with law, with the principles of liberty, and with the happiness of the colonies, let the publick determine.<sup>16</sup>

In the event the public did decide. They did so barely eighteen months or so after Wilson's *Considerations* was published. The irony lies not so much in the fact that whereas early in 1776 the anonymous author of *Common Sense* concentrated almost all of the blame in the person of the King – on the hereditary succession of monarchs generally as much as on the ‘hardened, sullen tempered Pharaoh of England . . . with the pretended title of FATHER OF HIS PEOPLE’ in particular – Wilson sought to make a reasoned forensic case for the blame reposing elsewhere, specifically with the House of Commons and government ministers, rather than with the majesty of the King in person. Approvingly Wilson cites Francis Bacon on the subject: ‘The only relation, in which he [Bacon] says the colonists must still continue, is that of subjects: the only dependency, which they ought to acknowledge, is a dependency on the crown.’<sup>17</sup> And further on:

The connexion and harmony between Great Britain and us, which it is her interest and ours mutually to cultivate, and on which her prosperity, as well as ours, so materially depends, will be better preserved by the operation of the legal prerogative of the crown, than by the exertion of unlimited authority by parliament.<sup>18</sup>

The even more powerful irony, however, emerging from Wilson's *Considerations* is that in the last analysis Wilson can only hover on the brink of actually uttering the prospect, then just as quickly dismissing it, of throwing off ‘all dependence on Great Britain’. Yet for all that, he is plainly a democrat, passionately believing in the right of ‘the people’ to play a key part in government. As a gifted classicist Wilson would have been fully aware of the acerbic Platonic view of democracy in action in the small city-state that was Athens, and in all probability might have sympathised with the conclusion

<sup>16</sup> ‘Advertisement’ to Wilson's pamphlet, *Considerations on the Nature and the Extent of the Legislative Authority of the British Parliament* (Philadelphia, 1774), in *ibid.*, iii–iv.

<sup>17</sup> James Wilson, *Considerations on the Nature and the Extent of the Legislative Authority of the British Parliament*, in Kermit L. Hall and Mark David Hall (eds.), *Collected Works of James Wilson* (2 vols, Indianapolis, 2007), I, 28.

<sup>18</sup> *Ibid.*, 30.

in *The Republic* that the benefits of that form of government were far outweighed by its inherent inappropriateness to prevailing local circumstances. At the same time, he was about to discover that in a pamphlet called *Common Sense* independence from the mother country was regarded by its anonymous author as unreservedly inevitable and desirable, yet that the same author was surprisingly muted and defensive when it came to the issue of the people exercising their supposed natural right to govern.<sup>19</sup>

Wilson could be said to have employed the vehicle of his pamphlet *Considerations* to anticipate (though, as one would expect, always from a strictly legal point of view) the preamble to the Declaration of Independence, still a couple of years off. These were the words that led some modern scholars – notably Carl Becker and Gilbert Chinard – to identify them as Jefferson's source for that historic document's preamble. Garry Wills did not share their view and he uses Wilson's own footnote to explain that he was actually quoting from Burlamaqui's *Principes du Droit Politique*,<sup>20</sup> an author who was a 'disciple of [Francis] Hutcheson's philosophy of moral sense'; the point being that according to Wills here was another example of Jefferson's debt to a key Scottish Enlightenment source, the 'never to be forgotten Hutcheson'. The footnote reads:

All men are, by nature, equal and free: no one has a right to any authority over another without his consent: all lawful government is founded on the consent of those who are subject to it: such consent was given with a view to ensure and to increase the happiness of the governed, above what they could enjoy in an independent and unconnected state of nature. The consequence is, that the happiness of the society is the *first* law of every government. [Wilson's footnote citation from Burlamaqui (Nugent trans.) reads: 'The right of sovereignty is that of commanding finally—but in order to procure real felicity; for if this

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<sup>19</sup> See J. C. D. Clark, *Thomas Paine: Britain, America & France in the Age of Enlightenment and Revolution* (Oxford, 2018), 76: 'Paine often used the expression 'the people', but this locution alone did not make him a democratic theorist. Not until *Rights of Man* did he explicitly discuss 'democracy', and then to restrain it.'

<sup>20</sup> The publishing history is complicated. Burlamaqui had effectively written two works, published in English translation by Thomas Nugent as *The Principles of Natural Law* (London, 1748) and *The Principles of Politic Law* (London, 1752). These were then sold combined as one two-volume title, *The Principles of Natural and Politic Law* (London, 1763), the edition presumably used by James Wilson. Jean-Jacques Burlamaqui (1694–1748) was professor of natural and civil law in Geneva.



end is not obtained, sovereignty ceases to be a legitimate authority.’  
2. *Burl.* 32, 33.]<sup>21</sup>

Less than a year after the publication of his *Considerations*, and now in the full glare of public declamation, Wilson has become less conciliatory to Britain, while still (according to the point of view of some Americans) exasperatingly professing his loyalty to the King. In a speech he made at the Convention for the Province of Pennsylvania, held in Philadelphia in January 1775, he asks the all-important question that was now constantly on the lips and in the minds of all Americans: ‘As the invasions of our rights have become more and more formidable, our opposition to them has increased in firmness and vigour, in a just and in no more than a just, proportion. . . . Is this scheme of conduct allied to rebellion?’<sup>22</sup> At that point in his address the sheer brilliance of Wilson’s legal reasoning strikes the modern reader with great force, his remarks representing a rhetorical progression from one legal pronouncement to another until he achieves the desired *coup de grâce*:

[First summation] If I have proceeded hitherto, as I am persuaded I have, upon safe and sure ground, I can, with great confidence, advance a step farther, and say, that all attempts to alter the charter or constitution of that colony [Massachusetts Bay], unless by the authority of its own legislature, are violations of its rights, and illegal.

[Second summation] If those attempts are illegal, must not all force, employed to carry them into execution, be force employed against law, and without authority? The conclusion is unavoidable.

[Conclusion] Have not British subjects, then, a right to resist such force – force acting without authority – force employed contrary to law – force employed to destroy the very existence of law and liberty? They have, sir, and this right is secured to them both by the letter and the spirit of the British constitution, by which the measures and the conditions of their obedience are appointed. The British liberties, sir, and the means and the right of defending them, are not the grants of

<sup>21</sup> James Wilson, *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament* in Hall and Hall (eds.), *Collected Works of James Wilson*, I, 4–5, and footnote c.

<sup>22</sup> James Wilson, ‘Speech Delivered in the Convention for the Province of Pennsylvania, Held at Philadelphia, in January, 1775’ in Hall and Hall (eds.), *Collected Works of James Wilson*, I, 37.

princes; and of what our princes never granted they surely can never deprive us.<sup>23</sup>

Solely by virtue of that address, James Wilson began to be noticed in wider political circles as a legal mind and constitutional authority to be reckoned with. Just one year later his legal abilities joined force with his rhetorical skills to produce a document that ranks as one of the great monuments of the American Revolution.

In 1775 Wilson was elected to membership of the Continental Congress. On 13 February 1776 he made one of the great speeches of his life, 'To the Inhabitants of the Colonies'. His theme was the thorny one of independence. Clearly, from the vocabulary and tone he adopts his views are far removed from those of the author of *Common Sense*, copies of which (in the enlarged editions of Bradford and Bell) were still selling like hotcakes in the principal bookstores of Philadelphia, New York and Boston. By contrast, Wilson simply could not let go of the possibility that independence, though it was past the time when it could be regarded as a measure of last resort, had still to be recognised as comparable with Caesar's crossing of the Rubicon:

You are now expending your Blood, and your Treasury in promoting the Welfare and the true interests of your Sovereign and your fellow-Subjects in Britain, in Opposition to the most dangerous Attacks that have been ever made against them. . . .

We are too much attached to the English Laws and Constitution, and know too well their happy Tendency to diffuse Freedom, Prosperity and Peace wherever they prevail, to desire an independent Empire. If one Part of the Constitution be pulled down, it is impossible to foretell whether the other Parts of it may not be shaken, and, perhaps, overthrown. It is a Part of our Constitution to be under Allegiance to the Crown, Limited and ascertained as the Prerogative is, the Position – *that a King can do no wrong* – may be founded in *Fact* as well as in *Law*, if you are not wanting to yourselves. . . .

That the Colonies may continue connected, as they have been, with Britain, is our second Wish: Our first is—THAT AMERICA MAY BE FREE.<sup>24</sup>

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<sup>23</sup> Ibid., 41.

<sup>24</sup> James Wilson, 'An Address to the Inhabitants of the Colonies' (1776), Ibid., 56–8.

Unlike those of the author of *Common Sense*, however, Wilson's words fell on stony soil. Indeed, as already observed, they were sometimes widely misinterpreted as springing from an innate Tory loyalism. A holograph note by James Madison to a copy of Wilson's 'Address' reads that 'it was meant to lead the public mind into the idea of Independence, of which the necessity was plainly foreseen by Congress: but that before it could be carried through Congress, the language became evidently short of the subsisting maturity for that measure, and the Address was in consequence dropped.'<sup>25</sup>

*The enlightened mind of James Wilson*

1. Adam Smith and Sir James Steuart

In 1785 Wilson published anonymously a thirty-five-page pamphlet dealing with the contentious issue of banking in the context of the United States in the Confederate period. He entitled it simply *Considerations on the Bank of North-America*. The background to the publication is that in 1780–1 Wilson had asked the Pennsylvania Assembly to provide for the expansion of what was known as the 'Bank of Pennsylvania', even though 'this so-called bank was in actuality an emergency fund rather than a bank in the usual sense.'<sup>26</sup> In May 1781 Congress had approved Robert Morris's plan for a 'proper' bank and at the end of the year they chartered the Bank of North America. The project faced a steep and rocky road and among its critics were Jefferson and, though only in part, Alexander Hamilton. Wilson's pamphlet, described as 'influential', defended the Bank and its charter.<sup>27</sup> Another warm supporter of

<sup>25</sup> Ibid., 59.

<sup>26</sup> Alexander Hamilton to James Duane, 3 September 1780: 'And why can we not have an American bank? Are our monied men less enlightened to their own interest or less enterprising in the pursuit? I believe the fault is in our government which does not exert itself to engage them in such a scheme. It is true, the individuals in America are not very rich, but this would not prevent their instituting a bank; it would only prevent its being done with such ample funds as in other countries. Have they not sufficient confidence in the government and in the issue of the cause? Let the Government endeavour to inspire that confidence, by adopting the measures I have recommended or others equivalent to them. Let it exert itself to procure a solid confederation, to establish a good plan of executive administration, to form a permanent military force, to obtain at all events a foreign loan. If these things were in a train of vigorous execution, it would give a new spring to our affairs; government would recover its respectability and individuals would renounce their diffidence.' *Founders Online*, National Archives, version of 18 January 2019, <https://founders.archives.gov/documents/Hamilton/01-02-02-0838>. Original source: Harold C. Syrett (ed.), *The Papers of Alexander Hamilton*, v. 2, 1779–1781 (New York, 1961), 400–18.

<sup>27</sup> For the fullest account of the background to James Wilson, *Considerations on the*

the Bank was Thomas Paine who, in his pamphlet *Dissertations on Government* and writing as 'the Author of *Common Sense*' (though putting his own name to the Preface, dated 18 February 1786), still managed to oppose the generality of the reasoning behind the case for paper money.<sup>28</sup>

Beyond its immediate context, however, the wider importance of Wilson's pamphlet on the banking issue lies in his citing of key Scottish Enlightenment sources. Among these, and in particular, we find what is probably the earliest published American critique of Adam Smith's *Wealth of Nations*. Strange as it may seem, both the Library of Congress and the Library Company of Philadelphia confirm they have been unable to find any recorded reviews of Smith's great work in any American publication, book or newspaper prior to this period. The possibility then exists that James Wilson's fulsome praise of the 'sensible writer' who asked his readers to examine 'some of the most material advantages resulting from a bank' is indeed among the first American appraisals of Smith's great work – if not *the* first. Among the proven successes of public banks, according to Wilson's citation of Smith, is the Scottish example:

Dr Smith says, he has heard it asserted, that the trade of the city of

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*Bank of North-America* (Philadelphia, 1785), see *Founders Online*, Hamilton Papers, 'Introductory Note: Second Report on the Further Provision Necessary for Establishing Public Credit (Report on a National Bank), [13 December 1790]. Original source: Harold C. Syrett (ed.), *The Papers of Alexander Hamilton*, v. 7, *September 1790–January 1791* (New York, 1963), 236–56. Of particular relevance to this study is that the Introductory Note also supplies parallels between Hamilton's report and *Wealth of Nations*, citing Book I of Smith's work, 'where Smith describes Scottish banks and other credit institutions.' The Note also states: 'In contrast to Adam Smith, the eighteenth-century philosophers had at most only a negligible effect on [the ideas of Hamilton who] could have derived little comfort from David Hume, who, while conceding that banking provided an impetus to trade and industry, opposed public banks on the grounds that they raised prices and facilitated the export of specie.' See David Hume, 'Of Public Credit' in Stephen Copley and Andrew Edgar (eds.), *David Hume: Selected Essays*, (Oxford, 1996), 203–16.

<sup>28</sup> Thomas Paine, *Dissertations on Government, the Affairs of the Bank, and Paper-Money. By the Author of Common Sense* (Philadelphia, 1786). There is no evidence that Paine and Wilson met or knew each other, but in a letter to Jefferson thought to have been written at the beginning of 1787 [1788?] Paine takes Wilson to task for 'confounding the terms' of his argument on the distinction between 'civil' rights and 'natural' rights in Wilson's pamphlet, *The Substance of a Speech*, made at the Pennsylvania ratifying Convention on 24 November 1787 (Philadelphia, 1787), 7. See *Founders Online*, Thomas Paine to Thomas Jefferson, 15 January – 15 February 1787. Original source: Julian P. Boyd (ed.), *The Papers of Thomas Jefferson*, volume 13, *March – 7 October 1788* (Princeton, 1956), 4–8.

Glasgow doubled in about fifteen years after the first erection of the banks there; and that the trade of Scotland has more than quadrupled since the first erection of the two publick banks at Edinburgh, of which one was established in 1695 [the Bank of Scotland], and the other in 1727 [the Royal Bank of Scotland]. Whether the increase has been in so great a proportion, the author pretends not to know. But that the trade of Scotland has increased very considerably during this period, and that the banks have contributed a good deal to this increase, cannot, he says, be doubted.<sup>29</sup>

Wilson cites a long passage from *Wealth of Nations*, from Book II, Chapter II ('Of Money considered as a particular Branch of the General Stock of the Society, or of the Expence of maintaining the National Capital'), in support of his own view that, among their several advantages, 'a bank increases circulation, and invigorates industry'.<sup>30</sup> He then cites one of the most enduring passages from *Wealth of Nations*, ending with Smith's famous comparison of the methodology of banking with 'a sort of wagon-way through the air':

The gold and silver money which circulates in any country may very properly be compared to a highway, which, while it circulates and carries to market all the grass and corn of the country, produces, itself, not a single pile of either. The judicious operations of banking, by providing, if I may be allowed so violent a metaphor, a sort of wagon-way through the air, enable the country to convert, as it were, a great part of its highways into good pasture and corn fields, and thereby to increase very considerably the annual produce of its land and labour.<sup>31</sup>

Wilson next resorts to another Scottish authority, Sir James Steuart, often described, he says, as the 'father of political economy in Britain', who has called banking 'the great engine by which domestick circulation is carried on'. The passage from Steuart would have been of obvious interest to Wilson on account of the author connecting Scotland's renown for banking with its material progress as a respected economic entity: 'To the banks of Scotland',

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<sup>29</sup> James Wilson, *Considerations on the Bank of North-America*, in Hall and Hall (eds.), *Collected Works of James Wilson*, I, 76.

<sup>30</sup> Wilson is using the latest three-volume 'Third Edition' of *The Wealth of Nations* of 1784, and cites from volume I, Book II, Chapter II, 434–5.

<sup>31</sup> Adam Smith, *The Wealth of Nations* (3<sup>rd</sup> edition, 2 vols, London, 1784), I, 483–4.

says Sir James Stewart [sic], ‘the improvement of that country is entirely owing; and until they are generally established in other countries of Europe, where trade and industry are little known, it will be very difficult to set those great engines to work.’<sup>32</sup>

Wilson concludes his pamphlet on banking and banks by re-emphasising his acknowledgment of his two Scottish sources and his debt to them for having articulated the kind of sentiments he desires to get across to his fellow Americans:

I make no apology for the number and length of the quotations here used. They are from writers of great information, profound judgment, and unquestioned candour. They appear strictly and strongly applicable to my subject: and being so, should carry with them the greatest weight and influence; for the sentiments, which they contain and inculcate, must be considered as resulting from general principles and facts, and not as calculated for any partial purpose in this commonwealth.<sup>33</sup>

*The enlightened mind of James Wilson*

2. The Constitutional Conventions of 1787

It is now generally accepted that Wilson’s influence at the Federal Convention of 1787, which met at Philadelphia from 25 May to 17 September, was second only to that of James Madison, and that the two men had basically the same, or similar vision of what they desired might be achieved in its course. What distinguishes Wilson’s contribution is his unwavering insistence that the idea of federalism necessary to ensure the permanent success of the United States of America at home and overseas must be derived from a bold working model of democracy that, quite literally, was founded on the principle ‘that Government ought to flow from the people at large.’ Over and over again, when we study Madison’s careful account of every instance he records Wilson speak, we encounter the same persistent rhetoric and clear-headed vision:

M<sup>r</sup> Wilson considered the election of the 1<sup>st</sup> branch [Congress: House of Representatives] by the people not only as the corner Stone, but as

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<sup>32</sup> Wilson, *Considerations on the Bank*, 75.

<sup>33</sup> *Ibid.*, 76.

the foundation of the fabric: and that the difference between a mediate [indirect] & immediate [direct] election was immense. . . .<sup>34</sup>

Mr Wilson. The question is shall the members of the 2<sup>d</sup> branch [Congress: Senate] be chosen by the Legislatures of the States? When he considered the amazing extent of Country – the immense population which is to fill it, the influence which the Gov<sup>t</sup> we are to form will have, not only on the present generation of our people & their multiplied prosperity, but on the whole Globe, he was lost in the magnitude of the object. . . . He was opposed to an election by the State Legislatures. . . . The Gen<sup>l</sup> Gov<sup>t</sup> is not an assemblage of States, but of individuals for certain political purposes—it is not meant for the States, but for the individuals composing them; the *individuals* therefore not the *States*, ought to be represented in it. . . .<sup>35</sup>

The great fault of the existing confederacy is its inactivity. It has never been a complaint ag<sup>st</sup> Cong<sup>s</sup> that they governed overmuch. The complaint has been that they have governed too little. To remedy this defect we were sent here. . . .<sup>36</sup>

In his ‘State House Yard Speech’ of 6 October 1787, anticipating the argument in his pamphlet *The Substance of a Speech . . . Explanatory of the General Principles of the Proposed Faederal Constitution* (delivered on 24 November),<sup>37</sup> and above all, in the piece entitled (by his modern editors) ‘Remarks of James Wilson in the Pennsylvania Convention to Ratify the Constitution of the United States’ – especially the comments he made to that meeting on 26 November and 4 December respectively – Wilson finds exactly the right words to urge and defend the reasoning behind the radical constitutional structure he, and those who shared his views, had proposed for ratification

<sup>34</sup> ‘Remarks of James Wilson in the Federal Convention’ (1787), dated 21 June 1787, in Hall and Hall (eds.), *Collected Works of James Wilson*, I, 101. The most complete record of the Convention’s proceedings remains Max Farrand (ed.), *The Records of the Federal Convention of 1787* (3 vols, New Haven, 1911). Volume 3 contains (Appendix A) ‘Supplementary Records’ including ‘Character Sketches of Delegates’; these include Wilson and are reproduced in the Postscript to this chapter.

<sup>35</sup> *Ibid.*, 25 June, 104.

<sup>36</sup> *Ibid.*, 14 July, 117.

<sup>37</sup> *The Substance of a Speech Delivered by James Wilson, Esq. Explanatory of the General Principles of the Proposed Faederal Constitution . . . On Saturday the 24th of November 1787* (Philadelphia, 1787).

by the States. Were they better known, his words on these occasions might well stand alongside the noblest statements of the Atlantic Enlightenment:

We have remarked, that civil government is necessary to the perfection of society: we now remark, that civil liberty is necessary to the perfection of civil government. Civil liberty is natural liberty itself, devested [sic] only of that part, which, placed in the government, produces more good and happiness to the community, than if it had remained in the individual. Hence it follows, that civil liberty, while it resigns a part of natural liberty, retains the free and generous exercise of all the human faculties, so far as it is compatible with the publick welfare. ...<sup>38</sup>

I view the states as made *for* the people, as well as by them, and not the people as made for the states; the people, therefore, have a right, whilst enjoying the undeniable powers of society, to form either a general government, or state governments, in what manner they please, or to accommodate them to one another, and by this means preserve them all. This, I say, is the inherent and unalienable right of the people; and as an illustration of it, I beg to read a few words from the Declaration of Independence, made by the representatives of the United States, and recognized by the whole Union. [There follows the opening words of the Declaration, down to 'safety and happiness'.] This is the broad basis on which our independence was placed: on the same certain and solid foundation this system [the proposed Constitution] is erected.<sup>39</sup>

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<sup>38</sup> 'Remarks of James Wilson in the Pennsylvania Convention to Ratify the Constitution of the United States', dated 26 November 1787 in Hall and Hall (eds.), *Collected Works of James Wilson*, I, 188. The modern text is taken from volume two of the second edition of Jonathan Elliot (ed.), *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as recommended at the General Convention at Philadelphia in 1787* 5 v. (5 vols, n.p., n.d. [1836]). All of Wilson's 'remarks' at the Pennsylvania Convention are reported in *ibid.*, 422–527, whereas Bird Wilson, *The Works of the Honourable James Wilson LL.D* (4 vols, Philadelphia, 1804), III 273–95, merely records his remarks at the Pennsylvania convention on 26 November. See also Merrill Jensen, John P. Kaminski, and Gaspare J. Saladino (eds.), *The Documentary History of the Ratification of the Constitution, Vol. 2, Ratification by the States: Pennsylvania* (Madison, 1976).

<sup>39</sup> 'Remarks of James Wilson in the Pennsylvania Convention to Ratify the Constitution of the United States', dated 4 December 1787, in Hall and Hall (eds.), *Collected Works of James Wilson*, I, 214.



For the modern historian, the true significance of Wilson's speeches at the ratifying Convention lies not so much in his generally well-understood argument for democracy in America, but more loftily in the enlightened insights he commands when he soars above the clouds of these immediate concerns and, harnessing to his purpose the full power of his reading and intellect, succeeds in enhancing his argument *via* the 'Enlightened' vision of humanity he deploys within the exciting setting of the new Republic. One day (26 November) he cites Blackstone's view on where political power in Britain is vested – solidly, he maintains, it resides in the British parliament – merely for the purpose of declaring the preferred American alternative: 'Oft have I viewed with silent pleasure and admiration the force and prevalence, through the United States, of this principle—that the supreme power resides in the people; and that they never part with it.' And a few days later (3 December), this time citing a surprising and altogether different source, James Wilson bravely tackles the near-taboo subject of slavery.

Elsewhere in this study [see the section headed 'Grasping the nettle' in Chapter 6, 'Slavery in the Age of Paine'] Wilson's contribution to the vexatious issue of how to regard slaves in America for taxation and representation purposes is discussed. Here, and at this stage, the aim must be to get a fix on the background against which Wilson chooses to introduce slavery at the ratifying Pennsylvania Convention. An obvious reason for his doing so is that the constitutional implications of the vast number of slaves throughout the United States represented such a momentous and contentious issue that while he clearly acknowledged its pitfalls and difficulties, he took the view it should be tackled head on. For Wilson and a few others, however, the issue was not just political – and in the last resort subject to the art of the possible – but intrinsically ethical. He begins his speech by admitting to the Convention that 'the 1st clause of the 9th section of the 1st article' – a key clause imposing limits on the powers of Congress, including preventing Congress from passing any law that would restrict the importation of slaves into the United States prior to 1808 – he 'little thought that this part of the system (effectively the draft Constitution now proposed) would be excepted to.'

Wilson's comments are explained by the fact he was responding to an overture by William Findley (1742–1821), Irish born, a delegate to both the Philadelphia Convention and the ratifying Pennsylvania Convention, and a confirmed abolitionist. A well-known sceptic, Findley generally opposed the proposed Constitution, favouring instead a bill of rights. Having patiently explained the reasoning behind the wording of the clause, Wilson strongly

denied that it would have the effect of granting Congress the power until 1808 to admit the importation of slaves: 'Under the present Confederation, the states may admit the importation of slaves as long as they please; but by this article, after the year 1808, the Congress will have power to prohibit such importation, notwithstanding the disposition of any state to the contrary.' As for Findley's desire for a bill of rights, Wilson considers that 'the powers given and reserved form the whole rights of the people, as men and as citizens.' In any event, he continues, just a shade pompously, 'there are very few, who understand the whole of these rights.'<sup>40</sup>

In the afternoon of the next day (4 December), in a forceful peroration, Wilson clarifies his position on slavery. First, he deals with Findley's claim that Congress might be attracted to a device to permit the importation of slaves were they to demand a *per capita* tax of ten dollars in the event of contravention. Wilson seems to concede this as a theoretical possibility but trusts in what he terms the 'rights of mankind' to do the proper thing:

If there was no other lovely feature in the constitution but this one, it would diffuse a beauty over its whole countenance. Yet the lapse of a few years, and congress will have power to exterminate slavery from within our borders.

How would such a delightful prospect expand the breast of a benevolent and philanthropic European!<sup>41</sup>

Intriguingly, Wilson proceeds to seek authority for his views on slavery from the writings of no less a figure than 'Mr *Necker*', 'whose peculiar situation and extensive worth throw a lustre on all he says', and 'whose ideas are very exalted, both in theory and practical knowledge'.<sup>42</sup> Earlier that same year G. G. J. and J. Robinson of London had published the third edition of a massive three-volume set of Thomas Mortimer's translation of Necker's *Treatise on the Administration of the Finances of France*, a seminal work that had first appeared in Paris in 1784. It had been nothing less than a sensation in France when in desperation Louis XVI had appointed Jacques Necker (1732–1804), a Swiss Protestant and a commoner, as his finance minister. Doyle comments: 'All

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<sup>40</sup> Ibid., 211.

<sup>41</sup> Ibid., 241.

<sup>42</sup> Just a few paragraphs before, Wilson had cited Necker's *Treatise* for what it had to say on population as a proportionate determinant of taxation.

the king's ministers were nobles ... Necker's passport to power was his opulence as a banker.<sup>243</sup>

As ever, Wilson had done his homework meticulously having patently devoured whole sections of Necker's *Treatise* he found germane to the potentially dangerous issue now threatening progress at the Convention. The 'delightful prospect' that lay before the United States in finally 'exterminating' slavery from 'within our borders' would meet with 'the exultation of that great man, whose name I have just now mentioned'. In a long quote from chapter XIII of volume I of the *Treatise* – where Necker 'enumerates' the racial ('white' and 'coloured') populations of each of the colonies in the French West Indies and lists the numbers of slaves therein – Wilson conveys a real sense of Necker's vision as somehow complementary to his own. With Wilson, however, it would have to be said that we are never quite sure just how genuine he was on the slavery question, and how much of his professed concern was rhetorical. He loved to be noticed. Like Churchill in the twentieth century he believed in himself and that he was somehow destined for great things. So was James Wilson an authentic abolitionist, or an opportunistic politician with an eye to the main chance? We can only surmise that the jury is still out on the issue.

Necker had concluded his statistical analysis of slavery in the colonies of the kingdom of France in the starkest, most uncompromising terms. What follows must rank among the most breathtaking condemnations of slavery and racism in the entire literature of the European Enlightenment. At the same time, however, it might be noted that whatever his motives for doing so – his citation of the piece certainly speaks volumes for his authentic Enlightenment credentials – Wilson cannot be faulted for displaying an undoubted awareness of the high degree of hypocrisy at the very core of the white man's attitudinizing towards slavery and the slave trade:

The colonies of France contain as we have seen, near five hundred thousand slaves, and it is from that number of these wretches, that the inhabitants set a value on their plantations. What a fatal prospect! and how profound a subject for reflection! Alas! how inconsequent we are, both in our morality, and our principles. We preach up humanity, and yet go every year to bind in chains, twenty thousand natives of

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<sup>43</sup> William Doyle, *The Oxford History of the French Revolution* (3<sup>rd</sup> edition; Oxford, 2018), 28–9.

Africa! We call the Moors barbarians and ruffians, because they attack the liberty of Europeans, at the risk of their own; yet these Europeans go, without danger, and as mere speculators, to purchase slaves, by gratifying the cupidity of their masters; and excite all those bloody scenes which are the usual preliminaries of this traffick! In short, we pride ourselves on the superiority of man, and it is with reason that we discover this superiority, in the wonderful and mysterious unfolding of the intellectual faculties; and yet a trifling difference in the hair of the head, or in the colour of the epidermis, is sufficient to change our respect into contempt, and to engage us to place beings like ourselves, in the rank of those animals devoid of reason, whom we subject to the yoke; that we may make use of their strength, and of their instinct at command.<sup>44</sup>

Wilson cites this whole passage from Mortimer's English translation of Necker's *Treatise*, certain that swathes of his audience in the Pennsylvania Convention (and on the wider political arena beyond his own state) were by no means yet ready to appreciate the full extent of its radicalism. Above all, unmoved by the palpable scepticism he anticipates in the hall, he is bold enough to go on to cite more of the author's concluding remarks, with their frank admission of the remoteness of a general abolition on the one hand; but also containing Necker's prophetic vision of a universal shared humanity that aspired to a better kind of society in a future age.

These words of Necker were written just five years, and cited by Wilson only two years before the onset of the French Revolution:

I am sensible, and I grieve at it, that these reflections, which others

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<sup>44</sup> Jacques Necker, *A Treatise on the Administration of the Finances of France. In Three Volumes. ... Translated from the Genuine French Edition, 1784, By Thomas Mortimer, Esq.* (3 vols, London, 1787), I, 329–30, cited in Wilson, 'Remarks of James Wilson in the Pennsylvania Convention to Ratify the Constitution of the United States, 1787', Hall and Hall (eds.), *Collected Works of James Wilson*, I, 241–2. It must also be recorded here, however, that in Mark David Hall, *The Political and Legal Philosophy of James Wilson 1742–1798* (Columbia MO, 1997), 33 and note 68, Hall observes that there have been contrary voices accusing Wilson of hypocrisy over the slavery issue, none more so than that of M. E. Bradford whose 'vitriolic essay'\* charged Wilson with having owned slaves, 'even though he owned only one, whom he eventually set free.' (Ibid., 33, note 68). Hall also points out that, by Bradford's own count, 'as many as thirty-five of the framers [of the United States Constitution] were slaveholders'.

\* *A Worthy Company* (Marlborough, N.H., 1982), viii, 81–8.

have made much better than me, are unfortunately of very little use! The necessity of supporting sovereign power has its peculiar laws, and the wealth of nations is one of the foundations of this power: thus the sovereign who should be the most thoroughly convinced of what is due to humanity, would not singly renounce the service of slaves in his colonies: time alone could furnish a population of free people to replace them ... And yet, would it be a chimerical project to propose a general compact, by which all the European nations should unanimously agree to abandon the traffic of African slaves! ...

The time may nevertheless arrive, when, fatigued of that ambition which agitates against them, and of the continual rotation of the same anxieties, and the same plans, they may turn their views to the great principles of humanity; and if the present generation is to be witness of this happy revolution, they may at least be allowed to be unanimous in offering up their vows for the perfection of the social virtues, and for the progress of public beneficial institutions.<sup>45</sup>

These were not to be Wilson's last words on slavery. In his key lecture in the second series of 'Lectures on Law' entitled 'Of the Natural Rights of Individuals' – from the internal evidence we can be confident they were delivered in 1790 or 1791, since he also cites in the same piece whole swathes of Burke on the French Revolution – Wilson returns to the subject of slavery in a decidedly less impassioned, much more detached manner. While he thinks it 'repugnant to the principles of natural law that such a state should subsist in any social system', this time he is content to pronounce slavery, in the conventional verbiage and by the equivocal standards of the age, 'unauthorized by the common law.'

*The enlightened mind of James Wilson:*

3. His debt to the Scottish Enlightenment

Around a generation ago it was fashionable to seek out and try to identify what looked like eighteenth-century Scottish philosophical influences in the wording of the Declaration of Independence. We are not alluding here to the anecdotal evidence of Richard Henry Lee's grandson, that John Witherspoon, at the eleventh hour, prevailed on Jefferson to delete from

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<sup>45</sup> Ibid., 330–1 (Mortimer trans.); and Hall and Hall (eds.), *Collected Works of James Wilson*, I, 242.

his draft the word 'Scotch' before the term 'mercenaries'. [See Chapter 1, 'Introductory', pp. 33–4.] For all that, it may be thought a strange coincidence that Henry Lee is one of the protagonists in another, but this time wholly authenticated example relating to the same broad issue of the sources said to have guided Jefferson's inspiration behind the wording of the Declaration. On 8 May 1825 Jefferson wrote to Lee conveying the authorised version of the provenance of the document. The 'object of the Declaration', he tells Lee, was 'not to find out new principles, or new arguments, never before thought of, nor merely to say things which had never been said before; rather it was

to place before mankind the common sense of the subject; ... terms so plain and firm, as to command their assent, and to justify ourselves in the independant stand we ... compelled to take, neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonising sentiments of the day, whether expressed, in conversns in letters, printed essays or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney Etc, ...<sup>46</sup>

It was this same letter of Jefferson that prompted the distinguished Glasgow-born modern philosopher and author of *After Virtue* (1981), Alasdair MacIntyre, to debunk in his book review Garry Wills' much-vaunted claim in *Inventing America* (1978) that 'the Jefferson of the Declaration was, in fact, a close disciple of the Scottish Enlightenment, influenced by Reid, Smith, Hume, and above all by Francis Hutcheson.' MacIntyre concludes his long review with the damning words: 'Wills' whole project is misconceived.'<sup>47</sup> And yet, while he may have been unnecessarily brutal in pouring cold water on Wills' enthusiasm for the notion of discernible Scottish Enlightenment voices in the Declaration – and certainly right to call attention to the description of Jefferson as 'an inconsistent eclectic ... so far as philosophy was

<sup>46</sup> Thomas Jefferson to Henry Lee, 8 May 1825. In *Founders Online*, National Archives, version of 18 January 2019. [Note: 'An Early Access document from *The Papers of Thomas Jefferson: Retirement Series*. It is not an authoritative final version.']

<sup>47</sup> Alasdair MacIntyre, 'The Idea of America', *London Review of Books*, volume 2, no. 21, 6 November 1980, 4. The book he is reviewing is Garry Wills, *Inventing America: Jefferson's Declaration of Independence* (New York, London, 1980; 1978).

concerned' – the same section of Wills' book to which MacIntyre famously took exception<sup>48</sup> has played a significant part in helping rekindle a steady revival of academic interest in James Wilson. In other words, despite MacIntyre, regardless of Jefferson, and thanks in part to Wills, there is simply no risk of challenge whatsoever regarding the extent of Wilson's debt to writers of the Scottish Enlightenment. It is without doubt rich and substantial. [For more on Francis Hutcheson and the Declaration see the Preamble to Chapter 1, 'Introductory', of this study.]

The verdict must be that James Wilson was a legal historian of standing, a professional lawyer of high ambition and a committed politician in revolutionary and post-revolutionary America. He was also a native Scot and was intimately familiar with the distinctive legal history of Scotland, ultimately based on Roman law and 'systematized' by the great Scottish jurists of the late seventeenth and eighteenth centuries, including most notably Sir George Mackenzie, James Dalrymple (the 1st Viscount Stair), Andrew McDouall (Lord Bankton), John Erskine of Carnock and the advocate George Wallace (whose unfinished *System* (1760) was surprisingly well known in America, especially in the context of what he had to say on slavery). For the modern student of Wilson reading through the often tedious 'Lectures on Law', seeking to identify his hundreds of sources, many of them obscure beyond belief (and not a few unattributed), it is not perverse to make the point that citations of Scottish sources, though they clearly abound, are actually dwarfed in aggregate by those of English, European, classical and other authorities. Nevertheless, it is undeniable that Wilson's deference to the important contributions to moral philosophy – and, in particular, to the issue of 'man, as a member of society' – made by some of the greatest names of the Scottish Enlightenment can scarcely be overstated.<sup>49</sup>

Wilson's original commission as first professor of law at the College of Philadelphia (from April 1792, the University of Pennsylvania) – which, typically, he helped write himself – was to present a 'system of law lectures in this country that would explain the Constitution, ... examine ... the laws of the several states in the union, [and] illustrate ... the common law in its theory and in its practice'. Moreover:

<sup>48</sup> Wills, *Inventing America*, 248–55.

<sup>49</sup> See the immensely helpful 'Bibliographical Glossary' in Robert Green McCloskey (ed.), *The Works of James Wilson* (Cambridge MA, 1967), and reprinted in Hall and Hall (eds.), *Collected Works of James Wilson*, II, 1205–13.

All the foregoing subjects of discussion should be contrasted with the practice and institutions of other countries—they should be fortified by reasons, by examples, & by authorities. . . .

The obvious design of such a plan is to furnish a rational and a useful entertainment to gentlemen of all professions, but particularly to assist in forming the legislator, the magistrate, & the lawyer.<sup>50</sup>

As reported in the Philadelphia press, Wilson delivered his inaugural lecture (the only one of the law lectures to be subsequently published in his lifetime) before a ‘most brilliant and respectable audience’ on 15 December 1790.<sup>51</sup> His brief was to present a series of lectures on ‘American law’. The course ran to fifty-eight instead of the twenty-four lectures originally intended. Wilson’s series of law lectures represented in his own estimation nothing less than an expert contribution to what he consistently termed the ‘science of law’ – occasionally describing it as ‘my system’ of the law of the United States. In a long preface to his three-volume edition of his father’s *Works* (1804) Bird Wilson wryly explains that in the light of the difficulties attending the large-scale nature of the plan – coupled with the failure of the House of Representatives of the State of Pennsylvania to go along with James Wilson’s repeated requests to be remunerated for his efforts (and to be compensated for his considerable personal outlay in ‘obtaining many useful and necessary books connected with the subject of the work’) – they were never published in the author’s lifetime. It has even been suggested (by Mark David Hall) that Bird Wilson may have indulged in altering the text of the lectures to suit his pre-conceived notions of their overall organisation.

Within the modest corpus of Wilson’s literary output before he undertook his ‘Lectures on Law’ references to, and extracts from works by Scottish authors (notably Adam Smith and Sir James Steuart) are never far away. In his collected works as a whole they abound. He cites from titles by \*Hutcheson, \*Kames, \*Hume, James Grant (the advocate), Andrew McDouall (the jurist,

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<sup>50</sup> From the report of a committee of the Board of Trustees of the College of Philadelphia (now the University of Pennsylvania) constituted to ‘consider the propriety & utility of establishing a law professorship & to report the duties thereof.’ Wilson was one of its members. The report is dated 13 August 1790 and is termed ‘The Original Plan’ (to distinguish it from Wilson’s own ‘Plan’ attached to his ‘Introductory Lecture’) and is found in Hall and Hall (eds.), *Collected Works of James Wilson*, I, 402–5.

<sup>51</sup> James Wilson, *An Introductory Lecture to a Course of Law Lectures* (Philadelphia, 1791).



Lord Bankton),<sup>52</sup> \*John Millar, James Burgh, James Thomson and, especially and above all, \*Thomas Reid. (In the case of starred authors the citations are multiple.) Wilson even cites from the first volume of the *Transactions of the Royal Society of Edinburgh* (1788), in the light of his academic interest in a two-part paper read before the Fellows on 15 December 1783 and 19 July 1784 by the advocate Allan Maconochie (later the judge Lord Meadowbank, then professor of public law in the University of Edinburgh), entitled ‘Essay on the Origin and Structure of the European Legislatures.’<sup>53</sup>

In the light of their common Scottish heritage, it is predictable that a list of this kind should recall the ‘recapitulation’ in the last of John Witherspoon’s *Lectures on Moral Philosophy*. Witherspoon delivered them at Princeton in the late 1760s/early 1770s, and we find most of the same Scottish authors (notably Hutcheson, Hume, Kames, Smith, and Reid) listed among the authorities he suggests are key to his own didactic purpose at the College of New Jersey, within a curriculum that in some ways is not that far removed from Wilson’s law course at Penn. There is, however, one highly significant omission from Wilson’s bibliography whose name and greatest work Witherspoon, to his credit, is punctilious in embracing: Adam Ferguson, author of the *Essay on the History of Civil Society* (1767). Ferguson’s innovative ‘sociological’ content in that work, one might have thought, would certainly have interested Wilson. The apparent absence of Ferguson from the long bibliography of Wilson’s sources is intriguing and may be thought particularly ironic in the light of Ferguson’s American sojourn and personal involvement in British government measures that (futilely) sought to identify terms of reconciliation between the warring factions.

It is the opposite where the philosophy of Thomas Reid is concerned. Reid is undoubtedly the Scottish Enlightenment author Wilson appears to

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<sup>52</sup> Professor Walker errs when he states: ‘Clear evidence has unfortunately not been found of knowledge of the Scottish writers on law, in the strict, narrow sense of that term, of the Enlightenment period in the young United States. The works of Stair, Mackenzie, Forbes, Bankton, Erskine and (Professor and Baron) Hume do not seem to be mentioned.’ See David M. Walker, ‘The Lawyers of the Scottish Enlightenment and their Influence on the American Constitution’, *The Juridical Review*, 8 (1988), 9. In fact, Wilson cites ‘Andrew McDowell’ [sic] [Bankton] in the ‘Lectures on Law’, Part 2, Chapter VI, ‘Of Juries. Continued’. See Hall and Hall (eds.), *Collected Works of James Wilson*, II, 956 and 1210.

<sup>53</sup> See *Transactions of the Royal Society of Edinburgh*, volume one (Edinburgh, 1788), in Part II, [Section II], ‘Papers of the Literary Class’, Part I, 133–80; and Part II, 3–42. (The pagination is hopeless and bundled in various sections, each beginning from page 1.)

have valued most highly of all. Certainly, Reid's espousal of the philosophy of the common sense was similarly endorsed by John Witherspoon, who commended 'Reid's *Inquiry*' [*into the Human Mind*] to his students at Princeton. Just why Wilson was attracted to Reid would need a whole book on its own.<sup>54</sup> There is a short and not entirely facile answer that might pass muster. Wilson hardly discovered Reid's system in a Eureka moment. His numerous Reid citations spanned several of the 'Lectures on Law' and are scattered throughout all the successive 'Parts'. It seems probable, therefore, that in his preparatory reading Wilson had become interested in Reid, sequentially as it were, and from an intellectually progressive point of view. It seems most likely that his reading of moral philosophy would have brought him first to Hutcheson's *System* and the philosophy of the moral sense – this is fairly certain from the several Hutchesonian citations in both the Law Lectures and elsewhere. Wilson might then have gone on to locate Reid (and the common sense 'system' with which Reid is always identified), finding his thought immediately compatible with his own maturing ideas on the 'science of law.' A substantial element of the appeal that Wilson found in Reidian philosophy probably lies in the perceived relevance and 'application' of Reid's thought to the nature and practice of law. Consistently and extensively throughout his writings, Reid regards 'Law' and 'Jurisprudence' as belonging (with Grammar, Logic, Rhetoric, Natural Theology, Morals, Politics and the Fine Arts) to the latter of two classes, 'according as they pertain to the *material* or to the *intellectual* world.' Reid was in no doubt that 'The knowledge of the human mind is the root from which these grow and draw their nourishment.'<sup>55</sup>

At the same time, the parallel possibility cannot be dismissed that Wilson discovered the value of Reid's works to his own legal system and outlook when seeking opposing arguments to the innate scepticism (not solely in a religious context) of David Hume, who also had much to say on law and jurisprudence. The last of Reid's three great works, the *Essays on the Active Powers of Man*, is after all in many ways a detailed riposte to 'Mr Hume's philosophy concerning morals' – in particular, 'the third volume of his [Hume's]

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<sup>54</sup> In addition to William Ewald's excellent general contributions to the impact of the Scottish Enlightenment on James Wilson (see note 2 above), among the best of numerous pieces on a similar theme (dealing with Thomas Reid in particular) are Shannon S. Stimson, "'A Jury of the Country': Common Sense Philosophy and the Jurisprudence of James Wilson" in Richard B. Sher and Jeffrey R. Smitten (eds.), *Scotland and America in the Age of the Enlightenment* (Princeton, 1990), 193–208; and Hall, *The Political and Legal Philosophy of James Wilson*, 68–89.

<sup>55</sup> Thomas Reid, *Essays on the Intellectual Powers of Man* (Edinburgh, 1785), Preface, 6.

*Treatise of Human Nature*, in the year 1740; afterwards in his *Enquiry concerning the Principles of Morals*, originally published on its own account, and then in several editions of his *Essays and Treatises*.<sup>56</sup> In any event, we cannot overlook the fact that James Wilson's citations of Thomas Reid run across all three of his greatest titles: that is, the *Inquiry into the Human Mind*, *On the Principles of Common Sense* (1764 – though Wilson may have used the fourth London edition of 1785); the *Essays on the Intellectual Powers of Man* (1785); and the *Essays on the Active Powers of Man* (1788).

On the other hand, we would be seriously wrong to conclude that Reid's classic works were held in such high regard by James Wilson solely on account of their representing a kind of high water-mark in his estimation of Enlightenment thought; and that consequently their chief importance from his point of view lay in their academic value as intellectual monuments for diligent recording in their notebooks by his students at Penn. On the contrary, it seems clear that Wilson was drawn to the philosophy of Thomas Reid first and foremost by the direct and innovative way in which Reid approached each of the fundamental topics of legal importance and principle, including 'Liberty consistent with Government,' 'Contract,' 'Systems of Natural Jurisprudence' and, overarchingly, 'Justice'. Further, that hard evidence exists against an exclusively didactic motive governing Wilson's interest in Reid is not just apparent but factually incontrovertible. In his judgment in the celebrated cause of *Chisholm v. [the State of] Georgia* (1793), when the brand-new Supreme Court of the United States had to rule on the legitimacy of an aggrieved individual having the right to sue a State, almost the first words uttered by Justice Wilson are in the form of a long quotation from Reid's *Enquiry*. Since this citing of Reid is often passed over in Wilson studies, it is worth re-rendering it here from the official *Reports of Cases*, a book usually referred to simply as 'Dallas' – after A.J. Dallas, the reporter whose three-volume collection was published in Philadelphia at varying dates from 1790 to 1807:

What I shall say upon this head [the 'principles of general jurisprudence'], I introduce by the observations of an original and profound writer, who, in the philosophy of *mind*, and all the sciences attendant on this *prime* one, has formed an aera not less remarkable, and far more illustrious, than that formed by the justly celebrated *Bacon*, in

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<sup>56</sup> Thomas Reid, *Essays on the Active Powers of Man* (Edinburgh, 1788), V, 409.

another science, not prosecuted with less ability, but less dignified as to its object; I mean the philosophy of *matter*. Dr *Reid*, in his excellent enquiry into the human mind, on the principles of *common sense*, speaking of the skeptical and illiberal philosophy, which under bold, but false, pretensions to liberality, prevailed in many parts of *Europe* before he wrote, makes the following judicious remark: ‘The language of philosophers, with regard to the original faculties of the mind, is so adapted to the prevailing system, that it cannot fit any other; like a coat that fits the man for whom it was made, and shews him to advantage, which yet will fit very awkward upon one of a different make, although as handsome and well proportioned. It is hardly possible to make any innovation in our philosophy concerning the mind and its operations, without using new words and phrases, or giving a different meaning to those that are received.’

And Wilson adds by way of necessary clarification on the relevance of the case now before the Supreme Court:

With equal propriety may this solid remark be applied to this great subject, on the principles of which the decision of this Court is to be founded. ... In these purposes, and in this application, I shall be justified by example the most splendid, and by authority the most binding; the example of the most refined as well as the most free nation known to antiquity [Greece]; and the authority of one of the best Constitutions known to modern times. With regard to one of the terms—State—this authority is declared: With regard to the other—sovereign—the authority is implied only: But it is equally strong: For, in an instrument well drawn, as in a poem well composed, silence is sometimes most expressive.<sup>57</sup>

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<sup>57</sup> A. J. Dallas, *Reports of Cases ruled and adjudged in the Several Courts of the United States, and of Pennsylvania held at the Seat of the Federal Government*, v. II (Philadelphia, 1790–1807), 453–4. *Chisholm v. Georgia* is reported at *ibid.*, 419–80, and Wilson’s judgment therein is reported in full at *ibid.*, 453–66. Wilson’s appointment ‘by a commission’ (on 29 September 1789) as ‘one of the Justices’ of the newly created Supreme Court, together with the appointment of the other four (including that of John Jay as the first Chief Justice – the post that Wilson coveted but never secured) – is recorded at *ibid.*, 399 in the same volume. Wilson’s opinion in *Chisholm v. Georgia* is reprinted in Hall and Hall (eds.), *Collected Works of James Wilson*, I, 351–66.

*James Wilson's tragic end*

Few Americans did more than James Wilson to influence the drafting of the constitution of the United States, the document that alongside the Declaration of Independence (which he also signed) made that country's creation unique and extraordinary in the eighteenth-century world. No American – with the single exception of James Madison – did more than James Wilson to argue over, dispute and influence the final form in which the constitution would be approved by all of the parties concerned. No American Founder – unless we take Robert Morris into account (whose career bears certain similarities to that of Wilson) – suffered more terminal ignominy than James Wilson. No Scots-born American politician of the revolutionary period has subsequently been denied less honour in the country of his birth, wittingly or not, than James Wilson. Not so long ago it was another Scot, and another 'signer', the Reverend Dr John Witherspoon, who was regarded as the 'Forgotten Founder'. The wheel of oblivion has spun and the ball has now landed in the groove reserved for James Wilson. How much of that 'legacy', if we can call it that, is attributable to the tragic circumstances of Wilson's last years; to his momentous downfall, his reputation in tatters, culminating in a wretched and lonely death, pursued by creditors, and his resting-place a pauper's grave far from home and family?

One cannot help wondering if Wilson – who cites Lord Kames fairly regularly in his 'Lectures on Law' – had come across an intriguing footnote in the Philadelphia edition of Kames' *Sketches on the History of Man* (1776), explaining how things were done differently in the country of his birth: 'In Scotland, an innocent bankrupt imprisoned for debt, obtains liberty by a process termed *Cessio bonorum* ...'.<sup>58</sup> The tragic final period of Wilson's life as an American is accounted for by his extraordinary desire, almost from the time he first set foot in his adopted country, to allow free rein to his natural abilities as the vehicle by means of which he would take calculated, but often egregiously risky measures to earn his fortune and ascend the ladder to wealth and esteem. Not that there was anything new or unnatural in such a motive. It seems indeed to have been the loadstone of numerous emigrants to America from Britain and elsewhere from the time of the earliest settlers

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<sup>58</sup> Lord Kames, *Six Sketches on the History of Man* (Philadelphia, 1776), note 117–18. See also Postscript to Chapter 1, 'Kames and America.' The practice in Scots law of '*cessio bonorum*' (Latin, literally 'surrender of goods') indicated a legal process whereby a debtor who voluntarily surrendered all his means and was innocent of fraud was spared the ignominy of imprisonment.

up to the twentieth century and beyond. Certainly, experiencing privation and destitution in the land of one's birth was in every way as much a driver of emigration, as a vague sense of adventure and aspirations of wealth and improvement.

The same could be said for the still vaguer and deceptively nobler visions of social justice and fair play that somehow romantically linked up with the outcomes of the American Revolution. Even Bernard Bailyn, the historian of the 'peopling of America', finds it difficult, on his own admission, to explain satisfactorily all these contending drivers of exile. Yet Bailyn is able to produce telling statistics showing that in the case of all emigrating Scots 'on the eve of the revolution', whereas Scots Highlanders, for example, were motivated in the first instance by 'rent increases and other impositions of tyrannical landlords', emigration from the West Lowlands, it seemed, was largely the effect of 'poverty and unemployment'.<sup>59</sup> James Wilson, to state the obvious, was neither a Highlander nor did he come from the West Lowlands. Further, unlike his countryman, John Witherspoon, Wilson came to America neither with a job in his pocket nor one promised, but entirely speculatively; to use the corny old phrase, in order to seek 'his fortune.' Characteristically, being the kind of confident man he ever was, Wilson gained success in America on the back of an impeccable and high-achieving Scottish education.

Wilson's rise to riches, and his path towards the attendant status that wealth invariably brings, was almost as rapid as his road to ruin. Within about five years of his coming to America, but especially after the cessation of hostilities, he had sought to invest heavily in the acquisition of land, becoming president in 1780 of the Illinois-Wabash Company, an enterprise that held enormous tracts of the western frontier. In the world of manufacturing he joined with his brother-in-law, Mark Bird, in an attempt to convert the Delaware Iron Works into the largest nail factory in the United States—at least the idea behind which, one is tempted to add, Adam Smith himself might well have approved. As we have seen, Wilson made his greatest mistake when he turned his attentions to the lure of commercial banking in the new world of a self-governing republic. In partnership with Robert Morris, the man who had successfully bankrolled the revolution and was later Superintendent of Finance to Congress, he proceeded to add to his already

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<sup>59</sup> Bailyn, *Voyagers to the West*, 232-9 and Table 6.8, 'Stated Reasons for Emigrating and Destination of "Decision Makers"'.

impressive portfolio of remunerative interests those of (successively) subscriber, attorney and trustee of the Bank of North America.

With the scale of ‘insider’ knowledge he had steadily acquired in his political and business activities Wilson foolishly thought he had acquired a licence to print money; in other words, that he got to believe he could not put a step wrong, and consequently that his capacity to make money was potentially limitless. His judgment finally deserted him when he made the fatal error of starting to borrow heavily from the Bank in order to finance his numerous investments. John Alexander notes that ‘already deep in debt by the 1780s [Wilson] routinely sought funds from various sources to keep his potential land and manufacturing empire alive.’<sup>60</sup> His subsequent flight to escape the clutches of his numerous debtors, followed by alternating arrests, imprisonments and discharges only brought wretchedness and despair, resembling at times the high farce of Victorian melodrama – if, that is, it were not personal tragedy on the grand scale.

Though on a different level entirely, both James Wilson and Robert Aitken – the fellow Scot whose bookstore had furnished Wilson with most of the books in his impressive personal library – shared a similar fate. Both men were ruined by the same international financial crisis (the so-called ‘*Panic*’) that first beset Europe before drifting over to America in the wake of the ruinous Anglo-French war that had broken out in 1793. Bruce Mann of the Harvard Law School has ably chronicled the period when America, as had Europe beforehand, descended into the dark world of debt and bankruptcy in a fine study he has entitled *Republic of Debtors*. As Mann succinctly puts it: ‘The fundamental dilemma was that debt and insolvency were the antithesis of republican independence, yet they pervaded all reaches of American society.’<sup>61</sup>

The important ostensible difference between the two men, however, is that whereas Aitken died in his home city of Philadelphia a much respected though ruined citizen, Wilson, literally a fugitive on the run from his creditors, died of malaria in a cheap hostel in Edenton, North Carolina, ‘broken in health as well as financially’.<sup>62</sup> Technically, he was still a Justice of the United States Supreme Court. We could say that Robert Aitken was a victim of circumstance, James Wilson the author of his own destruction. Aitken was the

<sup>60</sup> John K. Alexander, ‘James Wilson’, *Oxford ANB* (accessed April 2019).

<sup>61</sup> Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge, MA, 2002), 5.

<sup>62</sup> Alexander, ‘James Wilson’.

subject of generous obituaries in the Philadelphia press. Of Wilson's death there was scarcely any mention.



18. Photograph of US sailors carrying the casket containing James Wilson's remains, Philadelphia, 1906. (Library of Congress, Prints and Photographic Division, LC-USZ62-107343).

Over a century later, on 22 November 1906 to be precise, on the personal intervention of President Theodore Roosevelt, Wilson's remains were borne in their casket by sailors from the gunboat, the *USS Dubuque*, and re-interred in Christ Church, Philadelphia. The stone erected over his new resting place bears the following inscription: “*That the Supreme Power, therefore, should be rested in the People is, in my judgment, the great panacea of human politics.*” — Wilson<sup>63</sup>

### *Postscript*

#### 1. Evidence of Wilson having been a student at Glasgow University, 1763–65

Conjecturally there is a difficulty surrounding the proposition, originally put forward by Dr Martin Clagett, that on the scientific evidence of handwriting comparisons of his known signature, James Wilson was ‘definitely’ a student at Glasgow from mid-November 1763 to mid-January 1765 (the year he left Scotland for America), having taken classes there in divinity (William Leechman and Robert Trail), humanity [Latin] (George Muirhead), and

<sup>63</sup> The Wilson quotation is from (a version of) his ‘Remarks in the Pennsylvania Convention in Hall and Hall (eds.), *Collected Works of James Wilson*, I, 191–2.



natural philosophy (John Anderson). On the back of Clagett's research the Archives at Glasgow now officially 'claim' Wilson as one of their own alumni.

In a long letter with several enclosures written from 'Glasgow College' and dated 26 August 1793, Professor John Anderson writes to President George Washington seeking to interest the Americans in acquiring his light field cannon which he claims distinguished itself in the service of the French '*artillerie volante*' in engagements with the Austrians. An inveterate lion-hunter and name-dropper, Anderson begins the second paragraph of his letter as follows:

I am personally known to the Revd Doctor Witherspoon [sic], to Doctor Nisbet, and to a great variety of persons from this Country, now settled in America; to whom you can send your Secretary to make enquiries concerning me; and in order to facilitate his business, I have sent You a copy of my Institutes of Physics, and along with it, a copy of a letter to me from Doctor Franklin, a short time before his death. That Letter is all written with his own hand except the direction on the back, which is the hand writing, I have been told, of his Grandson, with whom your Secretary may likewise converse.<sup>64</sup>

Had Professor Anderson taught Wilson at Glasgow as Clagett believes, one might have thought that in 1793, when the composition and membership of the Supreme Court of the United States would have been known and freely accessible in Britain, he of all people would not have passed up the opportunity of referring to Wilson in his letter to the President. Anderson is not being insincere when he informs Washington that he is known to Witherspoon and Nisbet.<sup>65</sup> He would almost certainly have encountered both when, for exam-

<sup>64</sup> John Anderson to George Washington in Christine Sternberg Patrick (ed.), *The Papers of George Washington, Presidential Series, v. 13, 1 June–31 August 1793* (Charlottesville, 2007), 547–52; and enclosures sent by Anderson, *ibid.*, 552–4. See also Ronald Crawford, *Professor Anderson, Dr Franklin and President Washington* (Glasgow, 2014), 81–5.

<sup>65</sup> The Reverend Dr Charles Nisbet (1736–1804), formerly preacher at Gorbals Chapel-of-Ease, Glasgow from 1760–2, became assistant minister, then minister of Montrose, Presbytery of Brechin, where he served for a total of twenty-one years from 1764. He unambiguously espoused the American cause throughout the conflict and in 1784 accepted an invitation from Benjamin Rush and the trustees of the newly-constituted Dickinson College in Carlisle, Pennsylvania to become their first President. But he soon became disillusioned and in time developed a hearty dislike of America. He died at Carlisle in 1804. On the initiative of John Witherspoon Nisbet was made an honorary DD of the College of New Jersey in

ple, they were guest preachers in the Blackfriars (College) church, the resident minister there, John Gillies having been also a prominent member of the Popular party of the Church of Scotland.<sup>66</sup> On the other hand, why should he have connected an undergraduate with a Fife accent with the lawyer and politician who had, like Witherspoon, signed the Declaration and gone on to play a major role in the formulation of the United States Constitution? The debate will doubtless continue.

## 2. Two 'Character Sketches' of James Wilson when a delegate at the Constitutional Convention of 1787

In his massive three-volume *Records of the Federal Convention of 1787* Max Farrand, then 'a professor of history' at Yale, publishes valuable character sketches of the delegates, including the following of Wilson which may be thought particularly insightful:

By William Pierce: From his '*Character Sketches of Delegates to the Federal Convention*'<sup>67</sup>

Mr Wilson ranks among the foremost in legal and political knowledge. He has joined to a fine genius all that can set him off and show him to advantage. He is well acquainted with Man, and understands all the passions that influence him. Government seems to have been his peculiar Study, all the political institutions of the World he knows in detail, and can trace the causes and effects of every revolution from

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1783.

<sup>66</sup> We know from Witherspoon's pocket-book for 1763 that he frequently participated in pulpit exchange with other ministers sharing his orthodox views. See Ronald Lyndsay Crawford, *The Lost World of John Witherspoon: Unravelling the Snodgrass Affair, 1762 to 1776* (Aberdeen, 2014), 144–50.

<sup>67</sup> Farrand gives his source as *American Historical Review*, 3 (1898), 310–34, but is unable to assign any date to the writing of the sketches. William Pierce (1740?–1789) was an army officer throughout most of the revolutionary war and was a delegate representing the state of Georgia at the 1787 Convention. Robert M. Weir describes his 'Character Sketches' as 'Pithy and informative, they provide some of the best surviving evidence about the personalities of the less well known members of the Convention, as well as interesting insights into the more prominent figures.' Of Franklin, for example, it may come as a surprise to discover that, in Pierce's estimation, 'He is no Speaker, nor does he seem to let politics engage his attention. He is, however, a most extraordinary Man, and tells a story in a style more engaging than anything I ever heard. Let the biographer finish his character. He is 82 years old, and possesses an activity of mind equal to a youth of 25 years of age.' See Robert M. Weir, 'William Leigh Pierce', *Oxford ANB* (accessed April 2019).

the earliest stages of the Grecian [sic] commonwealth down to the present time. No man is more clear, copious, and comprehensive than Mr. Wilson, yet he is no great Orator. He draws the attention not by the charm of his eloquence, but by the force of his reasoning. He is about 45 years old.

[Anon.] From the *Liste des Membres et Officiers du Congrès*. 1788.<sup>68</sup>

*James Wilson*. Juriconsulte distingué. C'est lui qui désignée par M. Gérard<sup>69</sup> comme avocat de la nation françoise, place dont on a reconnu depuis l'inutilité. Homme altier, aristocrate intrépide, actif, éloquent, profond, dissimulé, connu sous le nom de *James the Caledonian*,<sup>70</sup> que ses e[n]nemis lui ont donné. Ayant dérangé sa fortune par de grande entreprises que les affaires publiques ne lui permettoient pas de suivre. Médiocrement attaché à la France.

### 3. Extract from Francis Hopkinson's *The New Roof* (1787–8)

*Allegory* (1787)

... This proposal of a new roof, it may well be imagined, became the principal subject of conversation, in the family: and the opinions of it were various, according to the judgment, interests, or ignorance of the disputants.

<sup>68</sup> Farrand: 'French Archives: *Ministère des Affaires Etrangères. Archives. Etats-Unis. Correspondance. Supplément, 2e Série, Vol XV*, 314 ff.'

<sup>69</sup> A reference to Conrad Alexandre Gérard (1729–90), a French diplomat whose role as first French Minister to the United States while in Philadelphia from July 1778 to October 1779 has been described as 'essential to an understanding of Franco-America diplomacy during the war of independence.' Gérard conducted the secret negotiations with the American representatives, Benjamin Franklin, Silas Deane, and Arthur Lee, which resulted in the signing of the Treaty of Alliance and the Treaty of Amity and Commerce with the United States on 6 February 1778. Gérard's activity in America consisted chiefly in subsidizing writers — of whom Thomas Paine was the best known — to create a sentiment favorable to a closer French alliance, and in somewhat questionable relations with various members of Congress, who were the recipients of "gifts" from him. See John J. Meng, Preface and Historical Introduction, *Despatches and Instructions of Conrad Alexandre Gérard 1778–1780* (Baltimore, 1939), 11–16; and 35–122.

<sup>70</sup> Evidently a term of ridicule.

On a certain day the servants of the family had assembled in the great hall to discuss the important question. Amongst these was James\*, the architect, who had been one of the surveyors of the old roof, and had a principal hand in forming the plan of the new one. A great number of tenants had also gathered out of doors, and crowded the windows and avenues to the hall, which were left open for them, that they might hear the arguments for and against the new roof. . . .

\*J\_\_\_W\_\_\_, esq. [James Wilson] <sup>71</sup>

*Poem* (1788)

*... Come muster, my lads, your mechanical tools,  
Your saws and your axes, your hammers and rules;  
Bring your mallets and planes, your level and line,  
And plenty of pins of American pine:  
For our roof we will raise, and our song still shall be,  
Our government firm, and our citizens free. . . .*

*Up! up! with the rafters; each frame is a state:  
How nobly they rise! their span, too, how great!  
From the north to the south, o'er the whole they extend,  
And rest on the walls, whilst the walls they defend:  
For our roof we will raise, and our song still shall be  
Combined in strength, yet as citizens free. . . .*<sup>72</sup>

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<sup>71</sup> Francis Hopkinson, *The Miscellaneous Essays and Occasional Writings of Francis Hopkinson, Esq.* (3 vols, Philadelphia, 1792), 285.

<sup>72</sup> *Ibid.*, 320, 321.

## Alexander Wilson (1766–1813)

*Liberty imagined – and real*

*The 'Rights of Man' is now weel kenned,  
 And read by many a hunder;  
 For Tammy Paine the buik has penned,  
 And lent the Courts a lounder;  
 It's like a keeking-glass to see  
 The craft of Kirk and statesmen;  
 And wi' a bauld an' easy glee,  
 Guid faith the birky beats them  
 Aff hand this day.*

'Lawrie Nettle' (Alexander Wilson), 'Address to the Synod of Glasgow and Ayr', in Alexander B. Grosart ed., *The Poems and Literary Prose of Alexander Wilson*, 2 v. (Paisley, 1876), v. 2, 70–4.<sup>1</sup> [The poem was once thought to have remained unpublished in Wilson's lifetime, but that is incorrect, the only copy known to exist in GUL Special Collections.]

*This country, notwithstanding the ravages of the French and yellow fever, is rapidly advancing in power, population, and prosperity. Our boundary is continually extending towards the West, and may yet, after some ages, include those vast unexplored regions that lie between us and the Western Ocean. Men of all nations, and all persuasions and professions find here an asylum from the narrow-hearted illiberal persecutions of their own Governments, and bring with them [Hunter, citing Grosart – 'indecipherable'] respective countries. So that it is not impossible that when Great Britain and the former enlightened countries of Greece [and Rome] will have degenerated into [their] ancient barbarism and ignorance, this*

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<sup>1</sup> For the hitherto unknown and intriguing connection between the poem's prefatory letter from 'Lawrie Nettle' to 'James Wardrop of Spring Bank, Esq.', and the already established friendship of 'Thomas Paine with the Scottish-born reformer Thomas Christie (1761–96) – see pp. 434–6.

*will be the theatre of arts and science; the most populous and powerful empire in the world.*

Alexander Wilson to his father, 'November 1798', in Clark Hunter, *The Life and Letters of Alexander Wilson* (Philadelphia, 1983), Letter XXI, 158–9. [Hunter does not cite the original MS, but merely lists as his source 'Grosart' (v. 1, 68–69). In a footnote Grosart explains that the original ALS is in his own hands and is 'much worn and tattered'.]

*Alexander Wilson: unravelling his Scottish career*

Alexander Wilson was born on 6 July 1766 in the thriving west of Scotland industrial town of Paisley, just a few miles due west of Glasgow. In the second half of the eighteenth century Paisley was a mecca for handloom weavers. The year of Wilson's birth roughly coincided with a period of extraordinarily rapid growth in the town's population, at the time almost second to none in Scotland. Smout has called Paisley's growing pains 'an extreme case'.<sup>2</sup> The surge in population was almost exclusively caused by an unprecedented influx of hand-loom weavers and would-be weavers enticed by the high price obtained for fine woven cloth, a trade that could be picked up with surprising ease, and which, at least in the good times, attracted high earnings. Wilson's father, who seemed capable of earning money from activities on the wrong side of the law, had been a weaver himself but for a time tried his hand at retailing illicitly distilled whisky, eventually, however, settling down to more orthodox ways of earning his living. In due course his son would follow his father's example and become a weaver himself,<sup>3</sup> although it seems that young Alexander never became entirely reconciled to the cloth industry's constant cyclical extremes: relative prosperity, that is, when high demand was rewarded by high wages, and near-'famine' when the orders dried up.<sup>4</sup> For reasons that

<sup>2</sup> T. C. Smout, *A History of the Scottish People 1560–1830* (London, 1985), 368.

<sup>3</sup> The anonymous author of the 'Account of the Life and Writings' in the 1816 selection of his poems (Hew Thomson) has Wilson abandoning his loom in 1786 and taking up the life of an itinerant salesman, or packman; but at the time of his arrest for libel (May 1792) he is described in the indictment (or 'Complaint') as 'Alexander Wilson, weaver in Seedhills of Paisley'. See Robert Cantwell, *Alexander Wilson Naturalist and Pioneer* (Philadelphia, 1961), 269, Appendix, 'Court Records of Wilson's Arrest'. The likely explanation is that, as in the case of the majority of weavers, he was totally dependent on the extent of demand for woven cloth at any given season. Weavers were self-employed and individuals or groups were taken on by the 'corks' (or bosses) according to the prevailing state of their order-books.

<sup>4</sup> The most complete history of weaving at this time is still Norman Murray, *The Scottish Hand Loom Weavers 1790–1850: A Social History* (Edinburgh, 1978). See also J. H. Treble, 'The Standard of Living of the Working Class' in T. M. Devine and

are not totally clear, hand-loom weaving has traditionally been associated with high standards of self-enlightenment and creative writing, especially poetry. Bob Harris is only one of several historians who has ventured to rationalise the connection. In the late eighteenth and early nineteenth centuries the 'Paisley poets' were widely synonymous with the town's reputation for extraordinary literary activity.<sup>5</sup> It also happens that, though comparatively late on the scene – the first Paisley printed book came out only in 1769 – the printing industry began to flourish in Paisley towards the end of the century, affording a ready outlet for the numerous publications by the 'Paisley poets', a literary coterie which, one of their number, the poet and ballad-collector, William Motherwell, later referred to as a 'nest of singing birds'.<sup>6</sup>

Four days after his birth the infant Wilson was baptised by the minister of the Laigh (or Low) Church, the Reverend Dr John Witherspoon, one of the leaders of the orthodox, evangelical or Popular party of the Church of Scotland. Not quite two years after that, the town, the church and the Wilson family were deprived of their minister who left Scotland and emigrated to the colony of New Jersey, where he took office as sixth President of the College at Princeton, then a training ground for the clergy, but destined to become a centre of learning that would in time evolve into Princeton University, a jewel in the crown of the United States' 'Ivy League' system of higher education. Never an autodidact himself, Wilson was formally educated at the Grammar School of Paisley, founded in 1576. His best poetry, written in the vernacular Lowland Scots, or 'Lallans', is regarded as not all that inferior to Burns or Fergusson. Having got into bad company he foolishly resorted to using his knack for poetic composition to satirise and anonymously libel two

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Rosalind Mitchison (eds.), *People and Society in Scotland, Volume 1: 1760–1830* (1988; Edinburgh, 2004), 197.

<sup>5</sup> Bob Harris, *The Scottish People and the French Revolution* (London, 2008), 38–9. Harris is by no means alone among social historians in linking 'the culture of the weavers' with 'high levels of literacy . . . nurtured not so much in school, but from a very young age in the home through reading the Bible and other religious works', citing T. C. Smout, 'Born Again at Cambuslang: New Evidence on Popular Religion and Literacy in Eighteenth-Century Scotland', *Past and Present*, 97 (1982), 114–27. Harris supports the view of numerous others when he comments: 'It was from a similar cultural milieu that the weaver-poets of Paisley and Renfrewshire emerged towards the end of the century, among their number several notable radicals.' Harris, *The Scottish People*, 39. See also David Gilmour, *Paisley Weavers of Other Days* (Edinburgh, 1898) for an authentic account of weaving and self-enlightenment seen from the experience of one family over several generations.

<sup>6</sup> See Catriona M. M. Macdonald, *The Radical Thread* (East Linton, 2000) and Mary Ellen Brown, *William Motherwell's Cultural Politics 1797–1835* (Lexington KY, 2001).

local factory owners, in one extreme case demanding reparation in return for withholding from publication a particularly actionable lyric. Wilson was imprisoned on several occasions as well as heavily fined, resulting in financial embarrassment and personal indebtedness.



**19** Alexander Wilson, from a contemporary engraving by John James Barralet. (Bridgeman Images)

Concurrently, Wilson became a leading light in the affairs of the local branch of the Friends of the People, a key element of the Scottish reform movement who, to a greater or lesser degree, were influenced by the writings of Thomas Paine. After the notorious Scottish sedition trials of 1793–4 life in Paisley as a known activist became too hot for him and he decided to quit Scotland for good before he was arrested and put on trial, fearing, rightly, that he had become a marked man in the eyes of the authorities.



Accompanied by his nephew, Billy Duncan, Alexander Wilson left Scotland for America in May 1794. He would never go back.

Occasionally continuing to write (largely narrative) verse in an unfamiliar setting, Wilson would go on to carve out a new life for himself in his adopted homeland as the father of American ornithology, with the bird illustrations in his celebrated nine-volume set of 1808–14 only surpassed by those of his contemporary and rival, John James Audubon. Wilson's impressive nineteenth-century statue (by John Mossman) in the centre of Paisley – gun slung on his back and a newly-shot specimen lying, together with his sketchbook, at his feet – adorns the churchyard at Paisley Abbey, not a stone's throw from the house where he was born, now long gone. Alexander Wilson, American, died on 24 August 1813 and is buried in the graveyard of the Old Swedes Church in downtown Philadelphia. His resting-place has become a shrine to his many-sided genius and hardly a day passes when there are not tributes and posies lying scattered around the simple engraved headstone recalling the remarkable achievements of this modest émigré Scot.<sup>7</sup>

At least, that is how almost all of Wilson's biographers have sought to represent him – with two notable exceptions: the man who knew him best throughout his early days in Paisley, and his earliest admirer, Thomas Crichton (1819); and much more recently, the accomplished amateur historian, Clark Hunter, whose exemplary *The Life and Letters of Alexander Wilson* (1983) is still regarded as the standard modern authority on Wilson's career on both sides of the Atlantic.<sup>8</sup> Before Crichton, however, and just three years after Wilson's death, an anonymous 'Account of [Wilson's] Life and Writings' prefaced the first select anthology of his poems. The book's title, clearly designed to exploit the enormous contemporary interest in the works of Burns, is *Poems, Chiefly in the Scottish Dialect. By Alexander Wilson, author of American Ornithology* (1816). Though it bears a London imprint, the book was actually printed by John Neilson of Paisley and retailed by four Scottish booksellers, including Hugh Crichton and Thomas Auld of Paisley, and Archibald Constable of Edinburgh. Dr Andrew Crawford, whose dense and forbidding forty-six-volume manuscript known as '*Cairn of Lochwinnoch Matters*' – containing a vast store of Renfrewshire lore, balladry, records and anecdotes, it is held

<sup>7</sup> Also known as the Gloria Dei Church.

<sup>8</sup> See also Michael Ziser's 'Introduction' to his online electronic edition of Wilson's works: *Poems, Literary Prose, and Journalism* (Early Americas Digital Archive, 2002). Ziser's piece incorporates the most complete bibliography of all Wilson's published works to date and is particularly valuable in identifying the locus of his occasional poems as first printed in American serial publications.

in Paisley Central Library – helpfully supplies the identity of the author of the 1816 ‘Account’. According to Crawford the task of preparing the ‘Life of the Author’ was originally entrusted by Crichton and Auld to a ‘Dr Muir’, but after Muir’s untimely death ‘they appointed Dr Hew Thomson (not Dr Watt) who wrote the Life of Wilson.’<sup>9</sup> The note refers to John Muir, who had been the colleague and part-owner of the medical practice in Paisley started in 1799 by Dr Robert Watt (1774–1819), a polymath who would publish posthumously a four-volume set entitled *Bibliotheca Britannica*, a literary encyclopaedia of authors and their works.<sup>10</sup>

A high-water mark for all subsequent Wilson studies was the publication by Alexander Gardner of Paisley of the Reverend Alexander B. Grosart’s two-volume edition of the *Poems and Literary Prose* (1876), containing a biographical essay or ‘Memorial-Introduction’.<sup>11</sup> Until Ziser’s electronic edition (2002), Grosart’s was the most complete anthology of Wilson’s works in verse and prose. Useful interpretations of his American career are provided by James Southhall Wilson (1906), who for the first time printed Alexander Wilson’s correspondence with Thomas Jefferson.<sup>12</sup> A more recent effort to rehabilitate Wilson, by the journalist and novelist Robert Cantwell (1961), is also worth noticing. Though Cantwell’s book has many redeeming qualities and is a magnificent coffee-table production, it suffers from reading at times more like an (admittedly exciting) historical novel. For historians the chief interest in Cantwell’s study lies in an Appendix in which he reproduces transcripts of all of the known Paisley Sheriff Court papers over the period 1792–4 relating to Wilson’s imprisonment for libel and attempted blackmail on account of his poem, *The Shark*.<sup>13</sup>

The latest, and beautifully illustrated account of Wilson’s American career by Burt and Davis (2013) self-avowedly concentrates on the birds

<sup>9</sup> Andrew Crawford, MS ‘Cairn of Lochwinyoch Matters’ v. VI, f. 20 (Paisley Central Library).

<sup>10</sup> Robert Watt, *Bibliotheca Britannica: A General Index to British and Foreign Literature* (4 vols, Edinburgh, 1824). Watt’s entry for Alexander Wilson (in volume II, ‘Authors’) describes him as ‘a most singular but unfortunate genius, celebrated in the scientific world by his Ornithology of America, but better known in his native land as the Author of *Watty and Meg*, a Poem which will charm as long as a taste for truth of description and Scottish characteristics exist’.

<sup>11</sup> Alexander B. Grosart (ed.), *The Poems and Literary Prose of Alexander Wilson* (2 vols, Paisley, Alexander Gardner, 1876).

<sup>12</sup> James Southhall Wilson, *Alexander Wilson, Poet, Naturalist: A Study of his Life with Selected Poems* (New York and Washington, 1906).

<sup>13</sup> Robert Cantwell, *Alexander Wilson, Naturalist and Pioneer: A Biography* (Philadelphia, 1961), 267–76. The Court originals are in the NRS, Edinburgh (SC58/76/4).

through the co-authors' specialist insights into the art and science of ornithology, but is unfortunately marred by the superficial introductory description of Wilson's 'other' existence prior to his quitting Scotland.<sup>14</sup> The current Oxford *DNB* entry for Wilson by Frank N. Egerton (2004) refers to the protest poems, but omits any mention of Wilson's involvement in the activities of the Friends of the People. The present study is the first to show that successive accounts of Wilson's Scottish career (with the two exceptions noted) have failed to disaggregate the activities of his last years in the country and as a result have conflated the two distinct sides of his brushes with authority: the first, his well-known Sheriff Court episodes resulting from his protest verse-libels; the second (using important new materials) his much more covert involvement in the local reform societies which made him a seriously marked man in the eyes of government.

Leaving aside the specialist issue of ornithological interest, easily the most scholarly biography of Wilson, interpreted by the most complete collection of his letters to date, is Clark Hunter's study for the American Philosophical Society (1983).<sup>15</sup> Hunter owned a large cooperage in Paisley and had the leisure time enabling him to indulge his obsession with Wilson and Wilsoniana. But even Hunter (though often guessing correctly) fails to drive home the crucial 'missing' ingredient of Wilson's Scottish career, in the absence of which only an incomplete account is possible of his transition from Scots emigrant to exile in his adopted country across the Atlantic. Even so, Hunter deserves great credit for printing for the first time all the known letters of Wilson. In addition, following Cantwell *vis à vis* the court papers for *The Shark* case, Hunter conveniently brings together transcripts of the legal documentation relating to Wilson's other libellous poem, *The Hollander* (1790).<sup>16</sup>

Thomas Crichton's *Biographical Sketches of the late Alexander Wilson . . . Communicated in a Series of Letters to a Young Friend* was published by John Neilson of Paisley in 1819, six years after his subject's death. A cultivated man who served for most of his life as governor of Paisley's hospital, Crichton had been a good friend of the poet and as an infant shared with him the experience of having been baptised in the Laigh Church by Dr John Witherspoon. His useful memoir of Witherspoon's life and writings was

<sup>14</sup> Edward H. Burt, Jr. and William E. Davis, Jr., *Alexander Wilson: The Scot who founded American Ornithology* (Cambridge MA, 2013).

<sup>15</sup> Clark Hunter, *The Life and Letters of Alexander Wilson* (Philadelphia, 1983).

<sup>16</sup> *Ibid.*, 409–48: Appendix I, 'The Legal Case involving *The Hollander*, or *Light Weight*'. The originals are in the NLS, (MS 499).

published anonymously in Edinburgh in 1829.<sup>17</sup> Not quite two years before his death Wilson wrote to Crichton for the first time since his arrival in America. Dated 28 October 1811, Wilson's moving reply to a letter from Crichton now lost begins with an admission that it had been seventeen years since he had heard anything about his friend, but that throughout that time he had neither forgotten him 'nor the many friendly acts he had experienced' at his hands. He goes on to thank the Paisley man for sending him information about his old friends, 'Neilson, Kennedy, Picken',<sup>18</sup> and that he is 'glad to find, that, amidst the deaths, disasters and convulsions of domestic life' Crichton's 'merit continues to meet its reward.' Whereas he hears nothing optimistic (especially from an economic point of view) in the news he gets from Britain, the contrast with life in America is stark:

The contrast between your life and mine, during the last twenty years has been great; yet, I much question, whether, with both in perspective, I should have been willing to exchange fates, and I am sure you never would; so neither of us ought to complain.

While every letter I receive from Britain acknowledges the general desolation of trade and the sufferings of its manufacturers, I see nothing around me in this happy country but peace,<sup>19</sup> prosperity, and abundance. Our merchants indeed have experienced great embarrassments, but generally speaking the country is flourishing. The census of our population amounts to upwards of seven millions, nearly double to what it was when I first landed in America. What nation on earth can produce a parallel to this?

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<sup>17</sup> Thomas Crichton, 'Memoir of the Life and Writings of John Witherspoon, D.D. LL.D. late President of the College of Princeton, New Jersey', *The Edinburgh Christian Instructor*, (28 October 1829), 674–94, signed 'A Presbyterian of the West'.

<sup>18</sup> 'Neilson' is the Paisley printer and publisher John Neilson; 'Kennedy' is James Kennedy the shadowy extreme radical of whom there will be more later in this chapter; 'Picken' is Ebenezer Picken, another Paisley poet who competed with Wilson in a poetry competition held in the Pantheon, Edinburgh, on 14 April, 1791. Both poems were published in a pamphlet, *The Laurel Disputed* (Edinburgh, 1791). In his 1791 collection Wilson included two further poems which he had offered in Pantheon debates: 'Rab and Ringan' and 'The Loss of [more usually *o*] the Pack': these were published in 1796, and subsequently, by Brash and Reid of Glasgow as separate pamphlets.

<sup>19</sup> What became known as the 'War of 1812' broke out in June 1812 and was terminated in December 1814 by the Treaty of Ghent.

Hunter prints the fragment of a further letter Wilson writes to Crichton a few weeks later. This time Wilson has changed his tune somewhat and no longer seems so sanguine about the prospects for peace. Further, he confides that politics is no longer for him: 'I love the arts of peace as I do Heaven. [missing] Everybody wishes for a good understanding with Great Britain. Of the sentiments and views of our government I can say nothing, being little conversant in these matters, and having long quitted the turbulent field of politics.'<sup>20</sup>

Crichton's *Biographical Sketches* provides valuable insight into Wilson's life in the 'turbulent field of politics' as a young man in Paisley. He is particularly revealing about the depth of Wilson's commitment to reform, the ideals of the French Revolution and his opposition to Britain's war with France. On the negative side, Crichton's account, following Hew Thomson's slightly earlier version, is transparently circumspect, especially on the circumstances surrounding the extent of Wilson's involvement in radical politics in his last two years in Scotland, especially following the publication of the Royal Proclamation of May 1792. Crichton puts it in the most unadorned way he knows:

Wilson read with deep interest the political writings that issued from the press during the years 1792–93, and associated himself with men who had declared themselves the friends of political reform. . . . [He], like many others of his associates, declared himself an enemy to the war, and an address was presented to the government, drawn up by one of his friends, in which strong language was used expressive of abhorrence, at what was considered an unjust and unnecessary war, and a strong remonstrance made against the conduct of Britain in her interference with the politics of France. These were times of sad political ferment, which interrupted greatly the happy intercourse of society . . . .<sup>21</sup>

Crichton errs, however, when he confidently assigns the poem *The Tears of Britain* to this period, believing it was 'published anonymously in September 1793'. (Other library catalogues, including ESTC and NLS, assign the pamphlet to 1790 with a question mark). But the internal evidence of the

<sup>20</sup> Hunter, *Life and Letters of Alexander Wilson*, Letters CXXXIX and CXL, 391–3.

<sup>21</sup> Thomas Crichton, *Biographical Sketches of the Late Alexander Wilson* (Paisley, 1819), 39.

poem, with its references to mass slaughter in Ireland and atrocities in the Valenciennes would clearly place it considerably later, probably in 1798, the year of the Irish rebellion. It certainly belongs to Wilson's American period.<sup>22</sup>

*The idea of the verse-libel*

It would be difficult if not impossible to find other examples of a Scottish writer landing in prison solely on account of his work having been judged technically libellous in a court of law, albeit in Wilson's case a junior court, Paisley Sheriff Court. Certainly, it will be pointed out, correctly, that down through the years countless books have been banned by nervous state regimes. In the modern era the works of Pasternak and Solzhenitsyn are obvious examples. Much less numerous, though, are books that have led to their authors being charged with criminal offences ranging from sedition (however defined) to high treason. In English, Paine's *Rights of Man* (1791) is one of the best-known examples of the former. Paine was tried by the State in December 1792 on a charge of seditious libel in defiance of the Royal Proclamation of 21 May and found guilty *in absentia* by a handpicked, or 'packed' jury.<sup>23</sup>

It is often the case that important poetry is not necessarily great poetry. Over the period 1790 to 1792 Alexander Wilson produced three poems that together constitute possibly the most powerful examples of industrial protest in verse-form in the entire history of Scottish literature of the modern period. The best-known poem in the group, *The Shark; or, Lang Mills Detected* (published anonymously in 1792, though almost immediately withdrawn and all copies destroyed by court order), was crassly used by Wilson as a crude instrument of extortion (or blackmail, to give it its modern legal appellation). The subject of the poem, William Sharp, an unscrupulous 'cork' or textiles

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<sup>22</sup> Michael Ziser alone correctly dates it to the American phase of Wilson's career, though merely citing its publication in unspecified 'American newspapers, n.d.' See the Bibliography appended to Ziser's electronic online ed. of Wilson's *Poems, Literary Prose, and Journalism*.

<sup>23</sup> The full indictment was in terms of a 'Libel upon the Revolution and Settlement of the Crown and Regal Government as by Law established; and also upon the Bill of Rights, the Legislature, Government, Laws, and Parliament of this Kingdom; and upon the King' Paine was tried by a Special Jury in the Court of King's-Bench, Guildhall on 18 December 1792. See T. B. Howell (ed.), *A Complete Collection of State Trials ... From the earliest period to the year 1783* [v. 1 – v. 21] and *continued from the year 1783 to the present time by Thomas Jones Howell* [v. 22 – v. 33] (London, 1809-1826), XXII, 358-472.

manufacturer in Paisley,<sup>24</sup> was sent an anonymous letter in which he was informed he had just three hours to ‘buy’ the manuscript which would then be destroyed – the stipulated price being ‘five guineas’ – but that if he failed to respond in the terms required within that time, in three days the poem would be published ‘to the world’. Mercilessly Wilson paints a word portrait of Sharp as a mean, exploitative monster:

*In vain we’ve toiled wi’ head and heart,  
And constant deep inspection,  
For years on years, to bring this art  
So nearly to perfection;  
The mair that art and skill deserve,  
The greedier Will advances;  
And saws and barrels only serve  
To heighten our expenses  
And wrath this day.*

Wilson calls Sharp ‘great Squeeze-the-poor’. Through a combination of greed and exploitation the object of the poet’s contempt is able to expand his business, and his ‘Lang Mills’ are, in consequence, ‘lengthened’ even further. Wilson explains that the secret of Sharp’s special technique he used in cheating the weavers lay in his demanding the finished cloth in a fraction of the normal period allowed for its completion, then paring down his prices, almost imperceptibly at first and then piece by piece, with the result that weavers quickly found to their dismay that they were having to work much longer hours for less and less money:

*Groat after groat was clippet aff,  
Frae ane thing and anither;  
Till fouk began to think on draff,  
To help to haud thegither  
Their banes that day.<sup>25</sup>*

Remarkably, a single copy of the actual printed poem as sent to Sharp survives among the papers for the case, doubtless the very one used as the

<sup>24</sup> The fullest description of corks in the context of weaving is found in Sylvia Clarke, *Paisley A History* (Edinburgh, 1988), 25–31.

<sup>25</sup> Grosart, (ed.), *The Poems and Literary Prose of Alexander Wilson*, II, 58–9.

formal court ‘production’.<sup>26</sup> Otherwise, by court order and, bizarrely reminiscent of medieval modes of public punishment, the entire run of copies was destroyed en plein air by their author igniting the pyre himself. Wilson was tried, convicted of the offence, heavily fined and imprisoned for failure to pay within the time specified. An earlier poem, ‘The Hollander; or, Light Weight’ (1790, also published anonymously) had similarly resulted in a successful prosecution for libel, in this case the action having been raised by its target, another ‘cork’ named William Henry. A plain man’s guide to the convoluted chronology of these affairs is key to an understanding of Wilson’s desperately low point at this time in his life and is helpfully provided by publication of the transcripts of the originals in both Cantwell (the Sharp case) and Hunter (the Henry case).<sup>27</sup>

The story of the verse-libels is in various degrees of detail highlighted in virtually every Wilson biography. Almost all ascribe to the three verse-libels, and to the serial terms of imprisonment resulting from them, his determination to quit Scotland for good for a new life in America. In the light of a document recently located in the National Records of Scotland, however, that traditional explanation and its perceived conclusion will no longer do. In particular, this remarkably explicit manuscript, with its extraordinary revelations – the anonymous notebook of a paid government informer, no less – demolishes the old argument that the background to the verse-libels alone serves to explain Wilson’s hastily arranged departure from Scotland into permanent exile in America. While these poems certainly contributed in great measure to Wilson’s tortured life at this time, the evidence of this new NRS material offers an alternative scenario. It not only convincingly explains the circumstances leading up to his sudden decision to flee to America, but also paints a disturbingly different picture of the full extent of Wilson’s engagement in radical politics in his final years in Paisley.

In a key letter dated 26 January 1790 Wilson writes from Paisley to his friend and fellow weaver James Kennedy on the subject of his busy schedule of visits round the country in search of subscriptions for the work that John Neilson of Paisley would publish later in the year with the unadorned title *Poems. By Alexander Wilson*.<sup>28</sup> Having told Kennedy of

<sup>26</sup> NLS MS 493, Rosebery Collection.

<sup>27</sup> Cantwell, *Alexander Wilson, Naturalist and Pioneer*, 267–76; Hunter, *The Life and Letters of Alexander Wilson*, Appendix I, 409–28.

<sup>28</sup> The second (P. Hill, Edinburgh) edition of 1791 is so much more than the incorrect ESTC explanation that it is basically ‘a reissue of the 1790 Paisley edition, with a new title-page, a dedication “To the Honourable William M'Dowal”, and a final



his success in securing ‘about 400’ subscribers, he discloses he has obtained a real fillip from an unexpected quarter: the local Member of Parliament, William McDowall of Castle Semple, who is so impressed by his work that he promises to try to secure further subscriptions on his behalf.<sup>29</sup> Almost in the same breath, however, Wilson informs Kennedy that his printer John Neilson has refused to include one poem in the volume – ‘Hab’s Door; or, The Temple of Terror’. He seeks Kennedy’s advice on the possibility that, if that disappointment ‘would be occasion’ to drop Neilson, and further, if he sees nothing wrong in doing so, on the propriety of proceeding to seek out an alternative printer in Edinburgh. At least, Wilson muses, Kennedy’s thoughts on the issue ‘will enable me to unburthen my mind, repay you every farthing, and prove myself your grateful friend.’ This is the first but by no means only indication we have of Wilson’s increasing dependency on James Kennedy not simply as a close friend, but, one suspects, as an apparently never-failing cash-cow to help repay his mounting debts. What his correspondence with Kennedy fails to reveal, on the other hand, is that at precisely this time, Kennedy himself was seriously involved in the activities of the rapidly escalating reform movement in Paisley and wider afield, an involvement that sooner or later would entrap both men. But such was the extent of James Kennedy’s radicalism, which can only be described as of an extreme nature, he would be forced to go underground, ultimately as a wanted man with a price on his head.

According to Hunter, ‘Hab’s Door’ was almost certainly the earliest piece by Wilson to appear in print. Using the evidence of the Kennedy letter it can

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section, 301–32 adding further details to the “Journal.”” In his *Wilson Bibliography* Ziser sets out the true position: ‘All of the poems and prose of the first collection [1790] are included in the second [1791], with the exception of “Address to Calder Banks”, “Epistle to a Brother Pedlar”, “The Cruelty of Revenge” , “Achtertool”, “Epitaph on Auld Janet”, the Second and Third Epistles “To Mr. William Mitchell”, “To the Curious”, “Verse to a Stationer”, and “Ode” (“Loud roaring winter now is o’er”). Wilson added the following: “Despondence: A Pastoral Ode”, “Epigram” (“I asked a poor favourite of Phoebus t’other night”), “Eppie and the Deil”, “Ode on the Birthday of our Immortal Scottish Poet”, “Ossian’s Lament”, “The Laurel Disputed”, “To the Hon. William M’Dowal of Garthland”, “Elegy” (“Beneath a range of elms, whose branches throw”), “Elegy Addressed to a Young Lady”, and an extension of the narrative drawn from his *Journal* as a peddler.’

<sup>29</sup> William McDowall of Castle Semple, Renfrewshire and Garthland, Wigtown (?1749–1810) was MP for Ayrshire in 1789–90, and MP for Glasgow Burghs from 1790 to 1802. A loyal supporter of Pitt and Henry Dundas, McDowall and his forebears had made their fortune from sugar, with a large estate in the West Indies. See Sir Lewis Namier and John Brooke (eds.), *The History of Parliament: The House of Commons 1754–1790* (3 vols, London, 1985), III, 83.

be safely attributed to around the beginning of 1790, though it is unlikely it was printed in Paisley. The NLS copy of the broadsheet is bound in with the original documents relating to the libel action brought against Wilson by William Henry in *The Hollander* case.<sup>30</sup> Henry was the designated target of both poems.

*Two Paisley Declarations of Rights*

Hunter guesses correctly that there is 'little room for doubt' that Wilson was the author of the public advertisement dated 'Paisley, Saracen's Head Inn, 8 February 1793' that appeared in the *Glasgow Advertiser*, the *Edinburgh Gazetteer* and *The [London] Star* on the same (or nearest) date.<sup>31</sup> His hunch that Wilson wrote the piece is confirmed by the recent discovery, among Grand [Masonic] Lodge of Scotland papers held in the NRS, of a manuscript representing a paid informer's report<sup>32</sup> into reform activities in Paisley in the course of which the anonymous author, without embroidery of any kind, bluntly informs the Lord Advocate's office: 'Alexander Wilson is the Author of the Declaration that appeared in the newspapers about the beginning of January [sic].'<sup>33</sup>

The advertisement referred to incorporates a 'Declaration' consisting of three articles, together with these four 'Resolutions': I. The need for Parliamentary reform; II. Liberty of the press as 'the palladium of civil liberty'; III. The evil of 'Press Warrants' as an affront to justice and humanity and 'the miserable source of ruin and distress to numberless families';<sup>34</sup> and IV. The 'united thanks of the Societies' are 'justly due' to Charles James Fox,

<sup>30</sup> NLS MS 499, Reid Fund.

<sup>31</sup> Hunter, *The Life and Letters of Alexander Wilson*, 46 and Appendix II, 429–32.

<sup>32</sup> Miscellaneous Grand Lodge papers in NRS, ref. GD1/16/1009/1–5. Without revealing his source Robert Cantwell confidently states that Wilson's friend, William (Billy) Mitchell, 'was also a government agent.' Cantwell, *Alexander Wilson, Naturalist and Pioneer*, 72. William Mitchell is listed among the Paisley delegates to the Second General Convention of the Friends of the People, April–May 1793. See Henry W. Meikle, *Scotland and the French Revolution* (Edinburgh, 1912), Appendix B, 274.

<sup>33</sup> NRS GD1/1009/16/2 f. 3. Note that the spy has confused the dates.

<sup>34</sup> Press warrants were re-introduced during the French revolutionary war and caused much suffering exactly as indicated by Resolution III, which the Quota Acts of 1795–96 were designed to ameliorate. See J. Ross Dancy, *The Myth of the Press Gang Volunteers: Impressment and the Naval Manpower Problem in the Late Eighteenth Century* (Woodbridge, 2015), 131–2; and N. A. M. Rodger, *The Command of the Ocean: A Naval History of Britain 1649–1815* (London, 2004), 443–4.

Thomas Erskine, ‘Colonel Macleod’<sup>35</sup> and ‘Mr Grey’,<sup>36</sup> the latter for ‘the active and leading part he has always taken in the cause of the People.’ The whole is signed by the principal office-bearers responsible for its publication: ‘Robert Darroch, President’ and ‘James Mitchell, Secretary’. Nothing much is known about Darroch, though almost certainly he was a weaver. Quite a lot, on the other hand, is known of James Mitchell and his brother William (or ‘Billy’). James would be arrested only a matter of days before Wilson left for America, while Billy Mitchell has been accused of leading a double life as a radical and probably (if Cantwell is to be believed) a paid government informer.<sup>37</sup>

The Mitchells were among Wilson’s closest friends and they went off to America around the same time. Hunter prints the key letters that in Wilson’s own words convey the brothers’ wretched end there. Nothing is spared; one brother has descended into ‘drunkenness and poverty’, the other lingered ‘in a Jail’ (for an unspecified offence). To add to their misery, in September 1801 Wilson tells Charles Orr that the boys’ frail old father has arrived in America to seek them out and succeeds in finding them in the distressed situation exactly as Wilson graphically describes.<sup>38</sup> Touchingly, Wilson gives news of Billy Mitchell’s death in a postscript to a letter he writes to James Gibb dated 4 March 1811. He had served in the US Army and died of dysentery and fever while on an expedition on the Mississippi.<sup>39</sup>

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<sup>35</sup> Colonel Norman MacLeod of MacLeod (1754–1801), Chief of the Clan MacLeod, MP for Inverness-shire, 1790–6, had supported the Pitt government until an irreparable quarrel with Henry Dundas made him cross the floor of the Commons in May 1791. He then espoused the cause of political reform, joining the London Society of the Friends of the People a year later. For a time, he was enthusiastic in his support for the reform movement in Scotland but soon tired of it and instead dedicated his energies to opposing the war with France. See J. D. Brims, ‘Norman MacLeod of MacLeod’, *Oxford DNB* (accessed 14 August 2018); and R. G. Thorne (ed.), *History of Parliament, The House of Commons 1790–1820* (5 vols, London, 1986), IV, ‘Members’, 504–8.

<sup>36</sup> Charles Grey, second Earl Grey (1764–1845), creator in April 1792 with other Whig friends of the society to effect parliamentary reform known as the Society of the Friends of the People. See E. A. Smith, ‘Charles Grey, second Earl Grey’, *Oxford DNB* article (accessed 14 August 2018).

<sup>37</sup> Cantwell, *Alexander Wilson: Naturalist and Pioneer*, 72. He fails to cite any source for his claim.

<sup>38</sup> Hunter, *The Life and Letters of Alexander Wilson*, letter XLII, ‘To Charles Orr’, 188–9. Original in NLS. Later in the same letter he tells Orr: ‘Please to let the circumstances of the Mitchells be confined to your own breast. You may let Robert know of the old gentleman’s arrival.’

<sup>39</sup> Hunter, *The Life and Letters of Alexander Wilson*, Letter CXXXV, 386–7.

The text of the Saracen's Head Declaration of 8 February 1793 [abbreviated] is as follows:

I. In the name of the Societies which we represent, we declare our firm and inviolable attachment to the genuine principles of the British Constitution . . . our veneration for the person and family of our Gracious Sovereign, and our unalterable determination to obey our country's laws, and discountenance every measure that can be reasonably deemed seditious, dangerous, or unconstitutional.

II. We are determined to persevere in every lawful exertion, till we attain the glorious end for which we have associated. . . . we pledge ourselves to maintain the firmest perseverance, and, by the regularity of our conduct, and shew to the world that we really are THE FRIENDS OF THE PEOPLE.

III. No riot nor tumult shall ever meet our countenance or apprehension. . . . we abhor the diabolical designs of those who, from wicked or interested motives, may have attempted to stimulate a spirit of discontent or confusion in any part of the country. We also feel compassion for the man whose ears have been filled with fabricated stories of our disloyalty, and disaffection to government; and hope the time is approaching, when the conduct of those, who have so misrepresented us, shall be displayed in its native colours, and exposed to all the contempt and odium it so justly deserves.<sup>40</sup>

The agent's secret report entitled 'Rise and Progress of Reform in Paisley' begins with a résumé of the 'first appearance' of reform in Paisley. He traces its rise to accounts of a serious incident in Belfast in July 1792:

The first appearance of Reform in Paisley was about the beginning of August 1792. At this time, a few individuals agreed to publish an account extracted from an Irish newspaper, of the military review in Belfast, on the 14<sup>th</sup> of July, being the day appointed for celebrating the annual anniversary of the French Revolution. This pamphlete

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<sup>40</sup> Conveniently Hunter prints the whole text of the 'Declaration' and of the complete advertisement itself in Hunter, *The Life and Letters of Alexander Wilson*, 45–6, and Appendix II, 429–32, respectively.

[sic], besides an account of the parade and review, contains an address from about 5000 principle [sic] inhabitants of Belfast to the National Assembly of France, and another to the people of Ireland.<sup>41</sup>

The pamphlet referred to by the spy that had inspired would-be reformers in Paisley was published in Edinburgh and from the prefatory 'Advertisement', signed 'A FRIEND TO THE PEOPLE', bears the date '*Edinburgh, 14<sup>th</sup> August, 1792.*' It is a revealing and important statement and has not previously been published. Neither Meikle nor Harris nor McFarland seem aware of it. It is worth quoting in full here, if only on account of the significant American (Pennsylvania) constitutional reference, as well as the writer's insistence on the networking potential of 'different Societies' harmonising their common objectives:

#### ADVERTISEMENT

As the following letter exhibits the courage which true liberty inspires, and the order which true dignity maintains; by setting before the reader, the manly and orderly manner in which the Volunteers of Belfast, &c. conducted themselves: It has been thought expedient to publish it here, to increase the sacred flame of liberty, which now manifests itself with considerable strength and brightness, among, almost, all ranks of men.

It is not to be expected that the ideas of all the friends of Reform should be exactly the same on that interesting subject, or that the resolutions of different Societies should all be expressed in the same manner; but these differences by a proper management, may serve very valuable purposes, in mutually supplying the defects, and correcting the excesses of each other. By a mutual and friendly correspondence, therefore, among all the friends of the people, the science of government may be so improved and perfected, as to have no jarring principles, which must ever disturb, if not destroy, the peace of society. But the peace of society will be preserved inviolate, when government embraces the interest of every individual; and this it will do,

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<sup>41</sup> NRS Miscellaneous Papers, ref. GD1/1009/16/1 ff.2–3.

when that plan is followed, which is ordained by ‘the Great Governor of the Universe, who alone knows to what degree of earthly happiness mankind may attain, by perfecting the Arts of Government.’ *Thus the Constituting Assembly of Pennsylvania expressed themselves, when framing one of the best Constitutions in America.*

That every pernicious and unprofitable branch of government be lopped off, that despotism may sink in oblivion, and that a government of Righteousness and Peace may reign through the whole world, is the sincere desire of A FRIEND TO THE PEOPLE <sup>42</sup>

Almost exactly one year later the trial, as discussed in Chapter 3, took place of Thomas Muir, advocate and Friend of the People. One of the key Crown productions was a publication entitled *A Declaration of Rights, and An Address to the People. Approved of by a Number of the Friends of Reform in Paisley*.<sup>43</sup> Deliberately undated and without imprint, this much longer document is quite different from Wilson’s ‘Saracen’s Head’ *Declaration* of 8 February in the same year, probably ante-dating it by several months. The compelling speculation is this: Had Alexander Wilson a hand in this Paisley *Declaration* also? It seems not. There is no evidence in the informer’s notes that he was complicit in the Muir trial *Declaration*. He may even have been in the Paisley Tolbooth when it was published. Further, the odds are that in the light of what we already know about John Neilson’s sensitivities it seems unlikely that the Paisley printer would have wanted anything to do with it.

There is hardly anything original in the so-called Paisley *Declaration of Rights*. So far as its content is concerned the informer himself acknowledges that this printed pamphlet is little more than a derivative assemblage of other men’s flowers:

At the end of October [1792] they called themselves only the Friends of Reform; as appear by a pamphlet they published entitled ‘A Declaration of Rights’ [etc.] This is no more than an address to the people published somewhere in England which the Paisley Reformers

<sup>42</sup> From *An Account of the Belfast Review and Celebration of the French Revolution. In a Letter to a Friend* (Edinburgh, [1792]) The ‘Advertisement’ is signed ‘A Friend to the People. Edinburgh, 14th August 1792.’ For more on the significance of this extraordinary pamphlet see the Postscript to this chapter.

<sup>43</sup> The BL ESTC lists the sixteen-page publication as ‘1790 (?)’ but it was almost certainly published in October 1792.

with the alteration of a few words have adopted as their own; and a Declaration of Rights said to have been approved by the Duke of Richmond, and Mr Pitt, at the time when they stood forth the advocates of that Reform which now engrosses the attention of so many. [The spy then proceeds to cite numerous passages from the pamphlet.]<sup>44</sup>

*Wilson's 'most dangerous' poem*<sup>45</sup>

Infinitely more dangerous than the three verse-libels combined – these were dangerous enough, though in a different kind of way – was a poem Wilson circulated and self-published in 1792 under the title *An Address to the Synod of G\*\*\*\*\*w and A\*r, on their late Meeting for the purpose of preparing an humble and grateful Address to a Great Personage, for his Royal Proclamation against certain Publications*. By *Lawrie Nettle*. Wilson adds a motto to the title-page taken from Burns' poem *The Ordination*, first published in the Edinburgh (Creech) edition of 1787:

*Auld Hornie did the Laigh Kirk watch,  
Just like a winkin baudrons,  
And ay he catch'd the tither wretch,  
To fry them in his cauldrons.*<sup>46</sup>

Bibliographically, this is another Wilson curiosity since the only known copy of the original printed pamphlet of eight pages to have survived is in the Wylie Collection at the GUL (Special Collections). It is important, however, for much more than its bibliography. Not least, it is by far Wilson's greatest political poem; as such its historical significance outstrips even its (fairly considerable) literary merit. This is the first study to have considered the political background to why this poem is so important.

First, and most obviously, Wilson's *Address to the Synod* is a poem about religion in the same way as Burns' *The Ordination* is about religion. But the resemblance stops there. Whereas Burns is concerned with the long-standing and highly contentious schism between orthodox and heterodox ministerial

<sup>44</sup> GD1/1009/16/3, ff.3–4.

<sup>45</sup> Gerard Carruthers, 'Alexander Wilson: The Rise and Fall and Rise of a Labouring Class Writer' in John Goodridge and Bridget Keegan (eds.), *A History of British Working-Class Literature* (Cambridge, 2017), 70–84.

<sup>46</sup> Andrew Noble and Patrick Scott Hogg (eds.), *The Canongate Burns* (Edinburgh, 2001), 187.

presentations, and the furore and confusion these often caused within congregations, Wilson is wrapped up in a different and potentially even more fundamental issue, one that threatened the very roots of established religion in Scotland. It concerns a specific meeting of the Synod of Glasgow and Ayr, an unlikely subject for a poem. Synods were second only to the General Assembly itself in the hierarchy of the corporate apparatus of the Church of Scotland. They normally met on three occasions a year to receive and adjudicate on issues sent down to them by the Assembly, or up to them by Presbyteries. The populous Synod of Glasgow and Ayr in 1792 was roughly 50:50 /Moderate:Popular party in its composition and membership, though it was noted for the presence of some Tory backwoodsmen who made no secret of their undivided loyalty to the Crown and the government of William Pitt. One of the best-known of the Glasgow Moderates was William Porteous, minister of the Wynd Church, and Moderator of the Synod at the time of the meeting that had provoked Wilson's ire. As we shall see, Porteous gets a none too flattering stanza all to himself.

Just a year before, Pitt's government had undergone an important reshuffle the effect of which was that Henry Dundas, a close friend and trusted confidant of the Prime Minister, was promoted to Home Secretary. To say the least, the appointment was seriously unpopular in much of Scotland. This derived from long memories of more than a decade before of Dundas' efforts, when Lord Advocate, to introduce a Scottish version of the English Catholic Relief Bill. Riots had taken place in Glasgow and Edinburgh and the plan had subsequently been dropped. Now, in June 1792 a mob took to the streets once more, Dundas' house in George Square, Edinburgh was attacked and he was burned in effigy. On 12 November Dundas wrote a long letter to William Pitt from Arniston House, the family seat a few miles from Gorebridge in Midlothian. The purpose of his letter is to convince his friend, the Prime Minister, that he, the PM, has made absolutely the right decision to entrust him with the Home Office, to confide in him as to the seriousness of the reform movement in the north, but most of all to assure Pitt of the robustness with which the crisis was being tackled in Scotland under his, Dundas's, direction. Dundas proceeds to make a number of recommendations on further prudent action he now proposes should be set in train. And he informs Pitt that, conveniently, he has most of the clergy in his hip pocket. The PM should be in no doubt what that means for Scotland:

From what I can learn the Clergy with very few exceptions are all right



in their dispositions. I hope to find it so, for perhaps if I was to name what circumstance was of the most essential importance to the peace of the Country, I would name the influence of the Clergy over their people properly exercised. I am sanguine in my expectations on this subject, because if they are impressed with an idea, and can impress their people with it, that the consequence of levelling principles is to loosen all the bonds of religion, it will be in vain for any leveller to attempt to get any hold over them. It is fortunate in the present moment that I have at all times been personally on the best habits with the Clergy. From my first entry into life I have befriended and patronised them in all their concerns, and I have never yet found my influence fail with them when I have had occasion to put it to the trial.<sup>47</sup>

Equally, he might have added, for their part the majority of the Moderate Clergy consistently and over a long period had ‘befriended’ government, both openly and also out of the public gaze.

At their meeting in Glasgow on 9 October the Synod of Glasgow and Ayr had approved the terms of an ‘Address to the King’. The tone and content of the Address leave us in no doubt that it was calculated to be unwelcome to the ‘lower ranks’ and especially irksome to reformers like Wilson. Such, indeed, was its purpose. As the rubric to the minute of the Synod meeting makes clear, whereas previous loyal Addresses to the King were perfunctory affairs, usually launching annual meetings of the General Assembly, this Address was conspicuously different for two reasons: first, it was composed as a reaction to an unusually important, and highly politicised *ad hoc* circumstance, the Royal Proclamation, and secondly and above all, whatever one’s political persuasion, its content ensured it was bound to be highly controversial and likely to provoke a deal of adverse public comment:

‘To the King’s Most Excellent Majesty’  
May it please your Majesty’

The Ministers and Elders met in the Provincial Synod of Glasgow and Ayr embrace the first Opportunity of presenting to your Majesty their humble & grateful Acknowledgments for your constant Attention to

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<sup>47</sup> ALS Henry Dundas to William Pitt, 12 November 1792, ref. NA30/8/157. Part 1 ff. 132–41.

the peace and prosperity of your Kingdoms. And particularly for the gracious & seasonable Proclamation of the twenty first day of May, which has given new energy to these loyal Affections which have deep root in the hearts of your faithful subjects & made us fully sensible of our own happy situation when compared with the deplorable condition of those who have suffered all the evils of Anarchy, while we enjoy full security & protection under your Majesty's government.

We are grieved, that any of our fellow men, in any country, having before their eyes the religion of Jesus Christ & the excellent constitution of your Majesty's Kingdoms, should be so far misled, by a Philosophy hostile to religion as to mistake the true road to national prosperity & happiness: but we rejoice in the constitution of our Country, so wisely balanced & happily adjusted by the experience of Ages as not only to ensure protection to the good, but to restrain the enormities of vice — A constitution which points out the means for correcting its own errors & supplying its own defects.

The people under our charge, remote from the strife of nations, are not only contented, but happy, in the purest religion, in a civil constitution, the best for them, & in a Sovereign who is the father of his people.<sup>48</sup>

Concurrently with the Synod's Address numerous presbyteries busied themselves preparing their own loyal Addresses. From the populous Presbytery of Glasgow the words may have been different, but the message was near-enough identical:

We have heard with the deepest concern that attempts have been made to raise groundless jealousies and discontents in the minds of your Majesty's subjects and we thankfully acknowledge as a fresh proof of your paternal goodness the issuing a proclamation by which we are warned to guard against all such attempts.

Deeply convinced that a regard for our Holy Religion is the real

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<sup>48</sup> Synod of Clydesdale (formerly Glasgow and Ayr) records, NRS CH2/464/4 (digitised).

source of public and private virtue, we shall exert ourselves in our sacred function to cultivate in the minds of the people under our pastoral care those principles and sentiments which tend to promote peace and good order in society, reverence for the laws and loyalty to your Majesty – reposing full confidence in the wisdom of the British Parliament and your Majesty’s Councils for preserving inviolate our excellent Constitution and of those improvements of it which experience may suggest.<sup>49</sup>

It was the custom of the Synod, following the time-honoured practice of the General Assembly, for one of their number to be invited to preach before the ministers and elders on the opening day. At their October meeting in 1792 the ‘synodical’ sermon was preached by the Reverend William Dunn, minister of Kirkintilloch, north of Glasgow. Kirkintilloch was a village of weavers, with all the usual traditions of independence and self-enlightenment associated with the weaving fraternity. From the outset they had eagerly embraced the reform movement. Although it is not clear if he was formally a member, Dunn supported the principles of the local branch of the Society of Friends of the People. He was certainly a friend of Thomas Muir and there is evidence that in Muir’s company he attended meetings of the Kirkintilloch branch. His synodical sermon, preached on 9 October and published a few weeks later, earned Dunn unwelcome publicity in the local newspapers and directly led to him becoming a marked man in the eyes of the authorities. Much worse, his activities became closely monitored by the minister of the neighbouring parish of Campsie, the Reverend James Lapslie, a hypocritical self-seeker and a paid agent of government. Shockingly, Dunn’s sermon and other so-called ‘evidence’ of his reformist sympathies led to his arrest and a subsequent custodial three-month sentence in the Tolbooth of Edinburgh, a verdict from which he never recovered.<sup>50</sup>

The supposed author of the *Address to the Synod of Glasgow and Ayr*, ‘Lawrie Nettle’, contributes a prefatory letter to the poem dated ‘Glasgow, Nov. 5th, 1792’. It is addressed to a ‘real’ figure in the contemporary commercial Glasgow scene, James Wardrop, one of the tobacco merchants in the city whom T. M. Devine identifies as having inherited the estate of Spring

<sup>49</sup> Presbytery of Glasgow records, NRS CH2/171/15/7 (digitised).

<sup>50</sup> The first fully researched published account of the Dunn case and its background is to be found in Ronald Lyndsay Crawford, *The Chair of Verity: Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (Edinburgh, 2017), 155–81.

Bank in the barony of Glasgow from his father, John Wardrop, a partner in the firm of John McCall & Co. and founder-partner of the Thistle Banking Company.<sup>51</sup> Clearly the letter to Wardrop by 'Nettle' is satirical, but what stubbornly remains unclear is Wardrop's role, real or supposed, in the actions of the Synod, an involvement which has somehow enraged the poet. Two obscure allusions in the letter offer a clue to why Wilson has singled out Wardrop as an important layman of the Kirk who, whatever the nature of his association with the Synod (as an Elder for example), has been targeted by the poet as an unwavering supporter of its ultra-loyalist, pro-government stance. First, Wardrop seems to have been personally involved in a church project at Camlachie<sup>52</sup> centred on a 'Sunday School' that was 'erected and conducted' for some time under his 'patronage', a pet project Wilson simply terms 'the church at Camlachie'.

More obscure still, 'Nettle' satirically cites as an example of Wardrop's 'savory name in Glasgow' his 'late laudable endeavours in order to effectuate the conversion of the Irish giant, S\_\_\_\_\_l S\_\_\_\_\_, and other of your contemporaries on the Exchange'. Almost certainly an assumed name, 'Samuel Stalker' was probably what today we would call a company lawyer specialising in bankruptcies, regarding it as his public duty to expose corrupt business practice wherever he could track it down. Wilson may have become interested in him as a result of 'Stalker' having published a number of broadsheets relating to specific cases of fraud or deception he was determined to lay bare. Conjecturally, such cases may have involved wealthy merchants and businessmen seeing their once-thriving enterprises going to the wall resulting in misery for their employees, among them quite possibly weavers. (Modern parallels still abound.) While the phrase 'Irish giant' in this context remains elusive, from 'Nettle's' [Wilson's] words it seems likely that Wardrop, among others, had somehow challenged 'Stalker's' interference in various such cases.<sup>53</sup>

For Wilson scholars, the crucial point in the poem's preface has little to

<sup>51</sup> T. M. Devine, *The Tobacco Lords* (1975; Edinburgh, 1990), 184, 188.

<sup>52</sup> A village in Glasgow located between modern Dennistoun and Bridgeton noted in the late eighteenth century for the presence there of a substantial weaving community.

<sup>53</sup> Of five separate publications by 'Samuel Stalker' listed in ESTC the content of one – untitled, ESTC citation no. T194335 – specifically relates to James Wardrop and to his allegedly less than honourable treatment of the family of the widow of one James Tennent who appears to have made his money from 'snuff and tobacco'. Stalker comments: 'It is impossible for me to express the trouble I had in these affairs, for it was a continued one for upwards of six years' [from 1779].

do with ‘Samuel Stalker’, or even with the nature of James Wardrop’s long-forgotten connections with the Synod. But it has everything to do with the man Wardrop would become. It would seem that, if he was indeed a lay office-bearer of the Kirk, James Wardrop deserted the established Church of Scotland to join the dissenting Unitarian Church some time between 1792 and 1795. In the latter year Wardrop published *A Discourse occasioned by the Death of Alexander Christie, Esq. of Townfield, late chief Magistrate of Montrose containing some Observations on the Progress of Religious Knowledge in Scotland, and on Mr Paine’s ‘Age of Reason’* (1795).<sup>54</sup> Ironically, like Provost Christie’s brother William, Wardrop had clearly become frustrated with elements of the ways in which Unitarianism was interpreted and practised in Britain. But whereas in the past Wardrop’s family associations with America had ultimately proved catastrophic, William Christie had emigrated to America in search of the ‘true’ faith. Eventually, however, in despair Christie resigned from his Philadelphia church and formed a short-lived ‘Independent Society of Unitarian Christians’. The Unitarian church was the shelter and harbourer of the great scientific libertarian, Joseph Priestley and, in Scotland, of the Reverend Thomas Fysche Palmer, ‘a scholar, a gentleman by family and manners, and of the purest moral character’, whose trial for sedition in Perth a month after Muir’s would similarly provoke Lord Cockburn’s sense of outrage, as well as causing shock and horror to dissenters throughout the

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<sup>54</sup> The imprint is ‘Glasgow, Printed in M DCC, XCV. [1795] Sold at the Unitarian Chapel, Back Wynd, Trongate, at the Printing-Office of J. Mennons, Exchange, and at the Shops of the Booksellers.’ Wardrop’s *Discourse* is worth studying on a number of grounds: Alexander Christie was effectively provost of Montrose, another stronghold of reformism mentioned in the Dundas letter to Pitt just cited. The *Discourse* contains a dedication to ‘Thomas Christie, Esquire, London’, son of Alexander Christie, and is dated ‘Glasgow, 18<sup>th</sup> January 1795’. Thomas Christie (1761–96) went to Paris early in 1790 and met there some of the revolutionary intellectuals including Mirabeau, Sièyes and Necker, and was imbued with the principles of the revolution. The visit helped him write one of the best-known replies to Burke’s *Reflections*. See Thomas Christie, *Letters on the French Revolution* (London, 1791). He went back to Paris in 1792 and was ‘employed by the national assembly on the English part of their proposed polyglot edition of the constitution.’ His uncle William Christie (1750–1823) was a Unitarian minister and writer, and a friend of the martyr, Thomas Fyshe Palmer. In 1795 William Christie moved to America with his family and worked, not altogether successfully, as a Unitarian minister in Virginia and Pennsylvania. See *Oxford DNB* on both Christies by, respectively, R. C. Christie, rev. Alexander Du Toit (Thomas Christie) and R. C. Christie, rev. Andrew M. Hill (William Christie) (accessed 19 August 2018). See also Meikle, *Scotland and the French Revolution*, 53–6.

country.<sup>55</sup> Palmer had been enticed to Montrose as the first minister to the Unitarian church there by none other than William Christie, Provost Christie's brother, serving for two years from 1793 before moving on to Dundee. Above all, Thomas Christie, Wardrop's dedicatee, was an intimate friend of Thomas Paine and had been present at the French National Assembly meeting with Paine beside him in Paris on 21 June 1791 to hear the debate on the *fracas* caused by the royal family's flight to Varennes the day before. It is said that the National Assembly commissioned Christie, at that time editor of the *Analytical Review*, to write the English version of the French Constitution in their proposed polyglot edition.<sup>56</sup>

But what of the intrinsic content of the poem itself? Specifically, why has it been called a 'dangerous' poem? Wilson cleverly uses the same language as his targets (the Synod and their loyal Address) in order to cast their words back in the teeth of his adversary. Wilson begins the poem by cheekily delivering his own private 'address' to the Synod:

*Ye very reverend baly dads,  
Wha fill the black gown dously,  
And deal divinity in blauds,  
Amang the vulgar croushy;  
And when in Synod ye do sit,  
There to fill up your station;  
Ye fleech the king and Willy Pitt,  
And roose the Proclamation  
Wi' pith this day.*

He goes further, lecturing the Synod and using their own language to do so. Effectively he sends them his own 'overture'. This is Wilson at his stirring best:

*I hae a word or two to gie  
Ye'll maybe think its flyting:  
Gin ye wad lend your lugs a wee,*

<sup>55</sup> Lord [Henry] Cockburn, *An Examination of the Trials for Sedition which have hitherto Occurred in Scotland* (2 vols, Edinburgh, 1888), 184.

<sup>56</sup> Christina Bewley, *Muir of Huntershill* (Oxford, 1981), 22. See also J. C. D. Clark, *Thomas Paine: Britain, America, & France in the Age of Enlightenment and Revolution* (Oxford, 2018), 225, 262.

*Ye'll get it bet and piping;  
 An overture, that ne'er cam' through  
 Presbyt'ry or Session;  
 And to your reverences now  
 It comes without digression  
 In lumps this day.*

Things now turn much nastier. Wilson suggests there may be a mercenary motive behind the Synod's loyal address. He succumbs to his fondness for getting personal, this time satirising not Paisley 'corks' but no less a figure than William Porteous, minister of the Wynd Church in Glasgow and arch-Moderate, the man who chaired the synodical committee responsible for the drafting of the fawning document. As the poem develops, it takes on a deadlier tone, when it seems that all the comedy is done with. In ignoring the cause of the people, the Church of Scotland is living on borrowed time, consumed as it is with issues like the law of patronage:

*Ye think to get your wages up  
 For sic a lang oration;  
 But aiblins ye may get the slip —  
 Ye've cankered half the nation.  
 Though P\_\_\_\_\_s be a funny soul,  
 And fu' o' craft and learning;  
 He'll hardly get a siller bowl  
 Worth forty shillings sterling,  
 For thanks yon day.*

*Sic things are but ill taen thir days,  
 When Liberty's sae raging;  
 And in her leel and noble cause  
 Ten thousands are engaging;  
 The Kirk should a' your time mortgage,  
 For weel she pays the cost;  
 And royalty and patronage  
 Eternally's your toast,  
 Baith night and day.*

There follows the trumpet-blast of revolution, against the power of which

the Church has no chance. The Age of Paine, we might say, is at its height:

*The 'Rights of Man' is now weel kenned,  
And read by mony a hunder;  
For Tammy Paine the buik has penned,  
And lent the Courts a lounder;  
It's like a keeking-glass to see  
The craft of Kirk and statesmen;  
And wi' a bauld and easy glee,  
Guid faith the birky beats them  
Aff hand this day.*

With these words Wilson crosses the Rubicon, and his poem has become technically and seriously seditious. He cocks a snook at authority and at the Royal Proclamation in particular. The stanza immediately following is especially and deliberately shocking since it refers to the King himself, the object of the Synod's adoration, making him out to be 'deluded now/And kens na what's a doing'. He is about to find out, says Wilson, what is going on in the country at large:

*Though Geordy be deluded now,  
And kens na what's a doing;  
Yet aiblins he may find it true  
There is a blast a-brewing,  
For British boys are in a fiz,  
Their heads like bees are humming;  
And for their rights and liberties  
They're mad upon reforming*

*The Court this day.  
But gin the proclamation should  
Be put in execution,  
Then brethren ye may chew your cud,  
And fear a revolution.  
For fegs ye've led the Kirk a dance,  
Her tail is now in danger;  
For of the liberties in France  
Nae Scotsman is a stranger  
At hame this day.*



The days of the Church having been the unassailable, pre-eminent voice of the people are fast coming to an end. The Kirk should prepare itself for unwelcome change:

*It's true indeed she's lang stood out  
Against Dissenting nostrums;  
Although she's gotten many a clout  
Frae their despis'd rostrums.  
The State has long kept at her side,  
And firmly did support her;  
But Liberty wi' furious tide,  
Is like to come athwart her  
Pell mell this day.*

But it is not just the Church that is now in terminal decline. The Monarchy, too, with all its attendant injustice is on the way out, to be supplanted by Democracy 'trig and braw', throughout the nations of Europe. And this astonishing *tour de force* concludes with a shrewd prophecy which will turn out to be more prescient than even Wilson can imagine. Distancing itself from the people even farther, the Church will close ranks to protect itself, whereas all the people can do is to trust that the force of Liberty will 'hide' them from the worst influences of the likes of the Synod:

*The power of clergy, nyllie tykes,  
Is unco fast declining;  
And courtiers' craft, like snaw aff dykes,  
Melts when the sun is shining;  
Auld Monarchy, wi' cruel pan,  
Her dying pains is gnawing;  
While Democracy, trig and braw,  
Is through a' Europe crawling  
Fu' crouse this day.*

*But lest the Muse exaggerate,  
Come, here's for a conclusion,  
On every true blue Democate  
I ken ye'll pray confusion.  
But frae your dark and deep designs*

*Fair Liberty will hide us;  
Frae Glasgow and frae Ayr divines  
We pray good Lord to guide us  
On ilka day.*

*Wilson answers the call of America*

At this stage in Wilson's life the picture suddenly flickers and grows dim. Sometime around October 1792 the *Address to the Synod* comes out secretly and in truncated form with an extremely short run, as evidenced by the sole surviving copy in the University of Glasgow Library. (Wilson had probably arranged to 'self-publish' it for circulation among his friends in the reform societies.) In December the First General Convention of Delegates of the Societies of the Friends of the People is held in Edinburgh (with a follow-up meeting arranged for the following April-May). In February 1793 Wilson's newspaper *Declaration* – the 'Saracen's Head' advertisement – is published. Concurrently, Wilson is embroiled in *The Shark* libel action which culminates in an interlocutor of 14 May finding him guilty on all charges and granting the sheriff-substitute warrant for imprisonment in the event of non-payment of the hefty fine imposed.

Implementation in Scotland of the Royal Proclamation by the Home Secretary, Henry Dundas, and his kinsman, Robert Dundas, Lord Advocate, is in full swing and the first of the sedition trials takes place in the High Court of Justiciary in Edinburgh.<sup>57</sup> Between May 1793 and the first week of January 1794 – taking in the 'show' trial of Thomas Muir of August 1793 and the Perth circuit High Court trial only a few weeks later of the Reverend Thomas Fysche Palmer<sup>58</sup> – Wilson's activities remain largely unaccounted for. Not for the first time in his life, nor for the last, he completely disappears off the radar. The last letter he writes on Scottish soil is a terse note to schoolmaster David Brodie dated 21 May 1793, written from 'Paisley Jail'. But Wilson does not leave for America until almost exactly a year later. What on earth was he up to in that 'missing' period? Hunter can only speculate: 'He may have been peddling, or weaving ... He may even have been in Edinburgh ...'. But is there another explanation? Was he simply lying low, dodging the sheriff's

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<sup>57</sup> Including those of James Tytler (7 January), and John Elder and William Stewart (10 January).

<sup>58</sup> Palmer, a Unitarian minister, was tried before the Circuit Court of Justiciary in Perth on 12–13 September 1793. Thomas Muir, advocate, was tried in Edinburgh before the High Court of Justiciary on 30–31 August.

men and the placemen on the look-out for him? Or, conceivably, dare one suggest it, had he something grim on his conscience? Hunter presciently notes: ‘When we consider the date of the incident [that landed him in jail] . . . when the Reign of Terror in France was at its height, the court [Paisley Sheriff Court] seemed to handle Wilson with kid gloves.’<sup>59</sup>

Such ‘kid glove’ treatment is all the more puzzling when his poem *Address to the Synod of Glasgow and Ayr* is seen for what it is: as nothing less than an extreme example of a seditious publication, whose author has gone so far as explicitly to cite Paine’s *Rights of Man*, and, even worse, to depict the King as not in his right mind. Is it possible that Wilson was ‘turned’ by the sheriff’s men to ensure he would inform against his fellow reformers some time in the course of one of his all too frequent sojourns in the Paisley Tollbooth? That is exactly what had happened to his close friend Billy Mitchell. It had even happened, as Lord Cockburn reminds us, to Charles Sinclair, formerly of the Society for Constitutional Information, whose trial for sedition in 1794 was mysteriously deserted by the Crown.<sup>60</sup> It is not fanciful to suggest that it may also have happened to Alexander Wilson. If he was ‘turned’ by the agencies of government, it would explain the problem of the unrecorded hiatus in his movements over this sustained period. We may never know the truth.

It will be counter-argued that Wilson was a mere minnow in the eyes of the authorities who would certainly have had more important targets in their sights – men like his great friend and fellow-versifier, James Kennedy. On 21 May 1793, writing from ‘Paisley Jail’, Wilson asks the schoolmaster David Brodie to forward any reply to his letter ‘to the care of Mr James Kennedy manufacturer, at the High School, Cannongate [sic], Edinburgh’.<sup>61</sup> Kennedy, a weaver *cum* skilled manufacturer of gowns and mantles, had learned his trade in Paisley before moving his successful business to Edinburgh. He shared with Wilson a love of poetry and was no mean poet himself. Michael Durey comments that whereas Wilson’s verse-libels ‘voiced the smoldering economic resentment of the weavers’, James Kennedy’s poetry of this same period was ‘solidly Paineite in inspiration.’<sup>62</sup> There is no doubt that Kennedy was regarded as a dangerous man in the eyes of the authorities, even as an extreme radical. Having served as an assistant secretary at the General

<sup>59</sup> Hunter, *The Life and Letters of Alexander Wilson*, 59.

<sup>60</sup> See the Postscript to this chapter for more on the Sinclair case.

<sup>61</sup> Hunter, *The Life and Letters of Alexander Wilson*, Letter XVI, 147.

<sup>62</sup> Michael Durey, *Transatlantic Radicals and the Early American Republic* (Lawrence KS, 1997), 76–7.

Convention of Societies of Friends of the People in December 1793, he was cited by the Crown as a witness at the infamous trial of Robert Watt for High Treason in August–September 1794, failed to appear, was deemed by the Court to have ‘fugitated’ and ended up a man on the run with a price on his head. He is thought to have associated with Paine in France and, like Wilson, to have eventually made his way to America where by choice he retreated into the shadows and shunned any contact with his erstwhile friend – as did Wilson with Kennedy. Cantwell prints the full list of subscribers to *American Ornithology* as appended to the last volume, with notes on their identity. All the great names one might expect are here, including Thomas Jefferson and numerous other stellar American grandees of the age. Intriguingly, without any further information provided whatsoever, under the ‘Ks’ we find ‘James Kennedy, *District of Columbia*.’<sup>63</sup> Is this our man?

The crucial issue is this: Did Alexander Wilson, like his friend Kennedy, also ‘fugitate’? Most likely he did not. For one thing, no sheriff court anywhere in Scotland was invested with that extreme power of sentence. Equally, it seems clear that if it can be shown that Wilson did leave Scotland with the hot breath of the law breathing down his neck it was decidedly not on account of the two protracted legal actions resulting from the verse-libels. All Wilson’s biographers, save Thomas Crichton and Clark Hunter, conclude that his impoverishment as a result of the accumulation of his fines, resultant indebtedness and serial imprisonment by Paisley Sheriff Court proved the final determinant in his decision to emigrate. Crichton, writing in 1819, is, however, not so sure. While the verse-libels may, he

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<sup>63</sup> Without making any connection with Alexander Wilson – there may not be any – Andrew Hook cites James Stuart’s account of his casually meeting in Washington in 1830 a theological bookseller named Kennedy who, it turned out, was from Paisley. ‘When he was a young man,’ Stuart writes, ‘he was attached to those political principles which sent Gerald [sic], Muir, Palmer &c. to Botany Bay; and which were at that time (about the years 1793–4) sufficiently unfashionable. He had been induced to attend the meetings of the Edinburgh Convention, though not a member; but Mr Kennedy’s brother, now a senator in Maryland, was a member of the Convention; and they both thought it prudent, during the then reign of terror in Scotland, to emigrate to the United States.’ James Stuart, *Three Years in North America* (2 vols., 3<sup>rd</sup> edition, Edinburgh, 1833), II, 43–4; cited in Andrew Hook, *Scotland and America: A Study of Cultural Relations 1750–1835* (2<sup>nd</sup> edition; Glasgow, 2008), 240–1. Durey, in *Transatlantic Radicals* repeats Hook’s citation of Stuart but connects these Kennedys with our man and his brother (whose name was certainly Alexander). John Barrell, on the other hand, suggests that James Kennedy may have ended up in Canada: see John Barrell, *Imagining the King’s Death. Figurative Treason, Fantasies of Regicide 1793–1796* (Oxford, 2000), 116–17 and note 83.

concedes, have influenced his decision, Crichton points out, with reference to the nervous state of the country at the time, that there were other, more potent forces at work:

In the senate of the nation, the great political leaders on both sides, with those who adhered to them, stood each as a determined phalanx, and thus was a warfare carried on formidable and perplexing. Some persons of note, accused of seditious practices, were arraigned before the tribunals of the nation, found guilty, and sent into inglorious exile. In the beginning of 1794, the government still continued to adopt strong measures, in order to suppress every thing that had the appearance of tumult and insurrection, and many of the friends of Liberty left their native country, among whom were some of the friends and companions of Wilson.<sup>64</sup>

To comprehend the circumstances behind Wilson's hasty departure from Scotland in May 1794, including his determination to lie low for a period leading up to it and beyond – and, to be sure, the highly successful way he appears to have gone about it – it is necessary to have regard for the increasingly strained and convoluted political history of the period, and more particularly the extent to which the radical reform movement in Scotland had entered its most vulnerable phase from the beginning of December 1793, year one of the war with France. It was a time when the combined real threat of invasion and a general insurrection in the major towns and cities was on just about everyone's lips and minds. The time-chart appended to this chapter is designed to help unravel the background to Wilson's covert movements over the same period – whatever their true nature.

*'This western, woody world'*

Alexander Wilson and his nephew Billy Duncan stepped on to American soil at New Castle, Delaware, on 14 July 1794. Wilson's illustrious American career has been well-trodden by successive writers almost from the moment of his death up to the present day. Undoubtedly the crowning glory of his American phase – one might prefer to call it his 'post-Scottish' phase – was the publication of his nine-volume *American Ornithology* (1808–14), the sci-

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<sup>64</sup> Crichton, *Biographical Sketches*, 40–1.

entific treatise that beyond anything he wrote in his native Scotland ensures his place in both the American and Scottish national iconography.<sup>65</sup> Wilson died before the final two volumes were published. That side of the man must be considered beyond the scope of this study. And in any case, despite its shortcomings, we have the new Burt and Davis Harvard volume which will doubtless prove, for a time at any rate, the last word as far as Wilson's birds are concerned.

In his adopted country, at least in the early years, Wilson's appetite for both politics and poetry was re-kindled. He wrote and published in a couple of newspapers one of his best poems in English, *The Tears of Britain*, a lament that has simultaneously puzzled bibliographers and librarians but seriously interested historians – the latter in the light of its allusions to the Valenciennes atrocities of 1795 and the huge loss of life that resulted from the Irish rebellion of 1798.<sup>66</sup> Then there are the long narrative poems, *The Foresters* (1809)<sup>67</sup> and *The Pilgrim* (1810),<sup>68</sup> both of which first appeared in William Dennie's *The Port Folio*. As evidenced by a surviving MS notebook owned by Wilson, dated to 1801-3 and now the property of the University of Glasgow,<sup>69</sup> he also contributed shorter pieces to *The Newark Centinel* (aka *The Centinel of Freedom*) and several other serials. Often, as in the old days in Paisley, he just cannot resist folding politics into the poetry, as in the inventive and compelling *The Aristocrat's War-Whoop – Addressed to all Despairing Tories*.<sup>70</sup>

<sup>65</sup> Wilson informs William Bartram in a letter of 21 April 1813 that he has learned that the American Philosophical Society has elected him a member. Hunter, *The Life and Letters of Alexander Wilson*, letter no. CXLIX, 405.

<sup>66</sup> ESTC and the NLS date their copy of the poem to 1790 but add a (?). After the siege of Valenciennes in 1793-4 human decency reached a new low in 1795 when republicans raped, tortured and guillotined five Ursuline sisters. The incident attracted the notice of the whole of Europe and is still seen as an extreme example of how the Reign of Terror came to synonymise human suffering of the most bestial kind. The Irish rebellion of 1798 is now thought to have resulted in more than 10,000 deaths, military and civilian.

<sup>67</sup> 'The Foresters, Descriptive of a Pedestrian Journey to the Falls of Niagara, in the Autumn of 1803' was first published in *The Port Folio* I, II and III from January-June 1809 to January-June 1810.

<sup>68</sup> 'The Pilgrim, A Poem: Descriptive of a Voyage and Journey from Pittsburgh to New-Orleans, in the Spring of 1810' first appeared in *The Port Folio* II, III in January-June 1810.

<sup>69</sup> University of Glasgow Special Collections, MS Gen 949. The contents are analysed in an excellent finding aid by Gerard Carruthers and George Smith, 'Alexander Wilson's Manuscript Notebook: A Scottish Poet in America, 1801-1803', *Scottish Literary Review*, 9 (2017), 141-6.

<sup>70</sup> Sung to the tune 'The Morgan Rattler'. First published in *The Centinel of Freedom* for 29 September 1801. The original MS of the poem is in Paisley Central Library. See

*Dear chop-fallen heads, don't hang down your heads  
 Rouse up and prepare, the Election approaches;  
 Tho' freedom prevail, let's never turn tail,  
 But snivel out curses, and groans and reproaches.  
 No scheming or swearing, you know we have stuck at,  
 And show them today  
 From the Hook to Cape May  
 That we're still something more than a drop in the bucket.*

Of particular interest to this study is the untitled poem accompanying the *Oration on the Power and Value of National Liberty* (1801) Wilson delivered as part of his contribution to Jefferson's first term presidential election campaign:

*Let foes to freedom dread the name;  
 But, should they touch this sacred tree,  
 Thrice fifty thousand swords shall flame  
 For Jefferson and Liberty!*<sup>71</sup>

Wilson's liberty *Oration* is also remarkable, however, for a single perfunctory footnote – 'See the trial of Thomas Muir'.<sup>72</sup> The reference is meant to recall the anxious days of Wilson's life before America. Discoursing on religious freedom and liberty of conscience, his memory is jogged by recalling a sensational incident in Thomas Muir's sedition trial far back in August 1793. He tells the story as follows, using it to point up the assertion in his speech that in sharp contrast with the countries of 'old' Europe, in America at least 'Universal liberty of conscience, in matters of religion, is here established on the most liberal ground.' And he continues:

The arbitrary act of religious persecution, not long ago exhibited in one of these countries [he means his own, Scotland], cannot yet be forgotten, where a poor man was committed to prison *for life*, for

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Grosart (ed.), *The Poems and Literary Prose of Alexander Wilson*, II, 367–9.

<sup>71</sup> Philadelphia, 1801; reprinted by J. Neilson of Paisley, 1818. According to the title-page Wilson delivered his speech 'to a large Assembly of Citizens, at Milestown, Pennsylvania, on Wednesday, March 4, 1801, the day on which Mr Jefferson was elected President.' The poem with the refrain *'For Jefferson and Liberty!'* is included in Wilson's own hand in the GUL notebook (see note 69).

<sup>72</sup> Neilson edition, page 15 footnote.

refusing to *swear* in a court of justice, though he offered to *affirm*, but was afterwards under the necessity, in order to save a small family from starving, to comply with the law, and to *swear* contrary to his conscience\*.<sup>73</sup>

The irony of linking the substance of the footnote to the Muir trial is supreme. The man who had used the vehicle of a seditious political poem to predict the end of religion as it was then practised and interpreted in Scotland by an established church, nourished by the state, now hails the man who in his political career was consistently determined that there should be no established church – and lo! there was none in his adopted United States. Now in rhetorical mode Wilson stands up for the common man's right to adhere to his chosen beliefs, for men of all faiths and none – for 'universal liberty of conscience, in matters of religion'. The cry is 'For Jefferson and Liberty!' And one gets the feeling that, once more, the passion behind the old poem of 1792, attacking state religion and its bureaucratic creations, has reasserted itself. The predictions set out in 1792 in his greatest political poem have been realised in his adopted country. For Wilson, as for all Americans, the state and liberty of conscience – call it religion if you like – have been prised apart. Jefferson, the man who achieved it all, is, he says, about to be installed (not crowned) as our leader. The old countries of Europe still cling on to their 'kings, bishops and legislators'. Here, 'in this western, woody world, far from the contaminating influence of European politics' it is *the people* who elect their champion as their leader.

The history behind Wilson's footnote needs elucidation. It concerns a witness in the trial of Thomas Muir – William Muir, a weaver in Kirkintilloch, no relation to the accused – who, on taking the stand, refused to swear the oath required by the court on account of his sectarian Cameronian scruples.<sup>74</sup> It must have lodged in Wilson's memory, conceivably because of its relevance to the case of the reform-minded minister of Kirkintilloch, the Reverend William Dunn, William Muir's own minister.<sup>75</sup> A well-known sympathiser of the Friends of the People, Dunn had preached a pro-reform sermon in Glasgow to a stunned Synod of Glasgow and Ayr on 9 October 1792 – the very day on which the Synod had met and approved its Loyal Address to the

<sup>73</sup> *Oration on the Power and Value of National Liberty* (Philadelphia, 1801; Paisley reprinted, 1818), 15.

<sup>74</sup> Named after their sect's founder, Richard Cameron (*d.* 1680).

<sup>75</sup> See note 50 above.



King, thus provoking Wilson's most overtly Paineite poem. Though William Dunn himself was cited as a witness but not called, Thomas Muir was able to satisfy the judges that a compromise was possible if the Reverend Dunn interceded with the man to get him to overcome his objections and that, if he succeeded in doing so, he himself was then prepared to admit his namesake's evidence to be true, though unaccompanied by an oath. The judges concurred with the plan, William Muir swore the oath after having conversed with Dunn as Thomas Muir had suggested, and the witness Muir's ghastly life-sentence was immediately revoked by the court.<sup>76</sup> Wilson is silent, however, on the issue of William Dunn's own custodial sentence of three months in the Edinburgh Tolbooth for removing three pages from the minute-book of the local reform society. Overshadowing his dubious sermon, it was that action that had ensured Dunn's disgrace. Perhaps Wilson was unaware of it.

There remains one never to be forgotten image of the poet-in-exile from Paisley. The iconoclastic author of *Address to the Synod of Glasgow and Ayr*, who had once been roused to suggest that the new bible of the People was *Rights of Man*, gets to visit the idol of his wild days as a radical reformer among the weaving fraternity of his birthplace. Wilson's encounter with Thomas Paine in his temporary home in Grove Street, New York is reminiscent of the meeting of Marlowe's Dr Faustus with Mephistopheles. In the early winter of 1808, seeking subscriptions for *American Ornithology* (in the same way as nearly twenty years before he had hawked the prospectus of his first book of *Poems* round Scotland) Wilson this time finds himself in Greenwich (village), then on the outskirts of New York City. At first incredulous at the rumour, he finds it to be true that the village's most renowned resident is none other than the author of *Common Sense* and *Rights of Man*. On 3 November, and almost casually, Wilson describes the scene to his correspondent, Alexander Lawson:

While in New York I had the curiosity to call on the celebrated author of the 'Rights of Man'. He lives in Greenwich a short way from the city. In the only decent apartment, I believe, of a small indifferent-looking frame house, I found this extraordinary man, sitting wrapt in a night gown, the table before him covered with newspapers, with pen and ink beside them. Paine's face would have excellently suited the

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<sup>76</sup> The incident is described in Crawford, *The Chair of Verity*, 175–6 and note 83, 373. See also Howell, *State Trials*, XXIII, Trial of Thomas Muir, 145–6.

character of *Bardolph*; but the penetration and intelligence of his eye bespeak the man of genius, and of the world. He complained to me of his inability to walk, an exercise he was formerly fond of; examined the book, leaf by leaf, with great attention – desired me to put his name as a subscriber ...<sup>77</sup>

Less than a year later Paine was dead. Just four years after that, on 24 August 1813, and at the height of his fame, Alexander Wilson succumbed to the effects of dysentery at his digs in Spruce Street, Philadelphia. He was just forty seven.

### *Postscript*

(a) *An Account of the Belfast Review and Celebration of the French Revolution. In a Letter to a Friend* (Edinburgh, J. Purves and J. Thomson, 1792)<sup>78</sup>

This little known pamphlet, regarded by the government spy and author of the secret note entitled 'Rise and Progress of Reform in Paisley' as having contributed to a heightened enthusiasm for the cause of radical reform in this part of the west of Scotland from around August 1792, deserves special attention. The pamphlet is of particular interest for the light it sheds on the shadowy and supposed extreme radical, Charles Sinclair, whose trial for sedition took place in the High Court of Justiciary, Edinburgh, on 17 and 24 February, and was resumed on 10 and 14 March before it was finally deserted by the Crown *pro loco et tempore*.<sup>79</sup>

The publication is one of the earliest seditious pamphlets to have been published in Scotland in defiance of the Royal Proclamation of May 1792. It is important on two accounts in particular viz. first, its content is wildly supportive of the French Revolution, even to the extent of forgiving the latest reports of atrocities committed in the name of the French people, and wishing for the success of the 'Armies of France'; and secondly, for the part played in the report of the Belfast celebrations by Charles Sinclair. A kinsman of Sir John Sinclair (of *Old Statistical Account* fame), Charles Sinclair was a well-known radical, member of the London Society for Constitutional

<sup>77</sup> Hunter, *The Life and Letters of Alexander Wilson*, Letter CVIII, 3 November 1808, 287.

<sup>78</sup> See notes 42 and 43 above.

<sup>79</sup> Effectively abandoned but theoretically might be resumed on the presentation of new evidence.

Information, and representative of the Society of Constitutional Information at the abortive Third (which later evolved into the) *British* Convention of the Friends of the People that met and was eventually dispersed due to government action early in December 1793. In 1798, when the British government received secret intelligence that the French Directory proposed that in the event of a successful invasion separate republics would be set up in England, Scotland and Ireland, the putative ‘Scotch Directory’ was to consist of six prominent radicals including Thomas Muir and Charles Sinclair. Before the plan could be put into operation, Bonaparte declared his opposition to it, and a year later, in January 1799, Muir died at Chantilly, outside Paris.<sup>80</sup>



**20** Caricature of Charles Sinclair, reformer (John Kay). Henry Cockburn condemned him as a government spy. (Special Collections, University of Aberdeen)

It is likely, but not certain that the ‘Mr Sinclair’ of the pamphlet, who ‘was deputed to propose two Addresses to the assembled company in Belfast for their consideration – one to the National Assembly of France, the other to the people of Ireland’ – is the same Charles Sinclair who was rounded up at the same time as Skirving, Margarot and Gerrald, and whose trial for sedition came on at the High Court in Edinburgh on 17 February 1794. If it is indeed the same man, the pamphlet is clearly of singular importance in relation to Sinclair’s activities and sentiments at this time. There are a number of reasons why Sinclair’s trial is of unusual interest. First, in the words of Sinclair’s junior counsel, Archibald Fletcher, up to that point ‘in the former cases decided in this court, the panels [the accused] had not the aid of counsel’. Secondly, Sinclair was represented by Henry Erskine, Dean

<sup>80</sup> See Meikle, *Scotland and the French Revolution*, 176–7.

of the Faculty of Advocates, whose offer to defend Thomas Muir had been spurned by Muir himself. Thirdly, the trial became bogged down in a sterile legal argument on the legitimacy of transportation overseas being considered a legally acceptable variation of 'banishment'. Fourthly, and uniquely in the Scottish sedition trials of this period, after four diets, the trial was finally determined by interlocutor to the effect that the accused be 'allowed to prove all facts and circumstances that may tend to exculpate him, or alleviate his guilt'. The trial was abandoned on 14 March.<sup>81</sup>

The advocate and jurist, John Burnett, found that the legal argument presented in court at Sinclair's trial turned on the interpretation of sedition which, Burnett maintained, 'may be committed without any act of open violence; though something must be done, some overt act committed, to evince the purpose, and constitute the crime.'<sup>82</sup> Lord Cockburn, on the other hand, found a different reason behind the curious non-verdict: viz. that the minutes [of the British Convention] 'attest his activity in the convention, and the indictment does not merely charge him with all the general sins of that body, but with a violent speech and resolution of his own.' For all that, Cockburn concludes: 'The *truth* is, that he had become a Government spy, — as Mr Fletcher . . . had the best possible means of knowing, and always attested.'<sup>83</sup>

(b) Essential chronology relating to Wilson's movements: May 1793 to May 1794

1793

14 May: [a, 276] Decreet of Sheriff-substitute James Orr finding Wilson guilty in the William Sharp (*The Shark*) process), fining him and granting warrant for imprisoning him until payment is made.

21 May: [b, 147] Wilson's letter to David Brodie written from 'Paisley Jail'. He explains that he was 'perfectly unable to pay the sum awarded

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<sup>81</sup> The indictment against Sinclair was published: *George, &c. Whereas it is humbly meant and complained to us, by our right trusty Robert Dundas, Esq; of Arniston, our advocate for our interest, upon Charles Sinclair, residing, or lately residing, at the Black Bull Inn, head of Leith Walk, in the Parish of St. Cuthbert's and county of Edinburgh . . .* (Edinburgh, 1794). [NLS]

<sup>82</sup> John Burnett, *A Treatise on Various Branches of the Criminal Law of Scotland* (Edinburgh, 1811), 248–50.

<sup>83</sup> Cockburn, *An Examination of the Trials for Sedition*, II, 40.

against me, which is *in toto* £12 13s. 6d.'. This is his last known letter before his departure for America a year later.

9 November: [c, 496] The *Edinburgh Gazetteer* for 19 November reports a meeting having taken place in Paisley on that date attended by between two and three hundred people of the Paisley Friends of Reform. James Mitchell addressed them, describing the reformers as 'an enlightened, a determined people, who have discovered their rights, and are resolved to possess them.'

19 November: [c, 497–8] Start of the General Convention of Scottish and English societies of Friends of the People in Edinburgh. A total of 169 delegates attend. A committee is proposed to be set up for the purpose of planning cooperation between England and Scotland. Two days later the composition of the committee is decided: thirteen men including Maurice Margarot and Joseph Gerrald from England, Lord Daer, George Mealmaker, and one from Paisley (Archibald Hastie).

3 December: [c, 507] The *Gazetteer* publishes the official minutes of the Convention's proceedings from 25 November to 2 December.

5 December: [c, 507] Skirving, Margarot and Gerrald, with others, arrested. Convention dispersed by intervention of Lord Provost Elder of Edinburgh, accompanied by magistrates and constables.

6 December: [c, 507] Lord Advocate Robert Dundas writes to Home Secretary Henry Dundas stating that in the light of the account of the proceedings as published it 'appeared to the Solicitor [Solicitor General] & me so strong, that we agreed to take notice of them'. [Home Office Correspondence (Scotland), ref. RH2/4/73]

1794

1–3 January (?): Maurice Margarot is in Paisley, having been bailed.

4 January: [a, 276; b, 58–59; c, 514–15] Petition of Alexander Wilson 'present Prisoner in the Tolbooth, Paisley' accused on suspicion of having circulated a handbill calling upon the Paisley Friends of Liberty

and Reform to meet in Falconer's Land at 5pm on 4 January. The incident is reported in the *Gazetteer* on 7 January with one of the resolutions presumed to have been written by Wilson beginning: 'Our friends are the friends of Justice and Humanity. Our enemies are the Foes of the Poor and the Oppressed.'

Also dated 4 January is a 'Criminal Warrant' in the name of one William Wilson, 'a weaver in Williamsburgh near Paisley' (and possibly a relative) who stands guarantor for Alexander Wilson.

Sheriff-substitute James Orr agrees to admit the petitioner Wilson to bail and fines him 200 merks.

[c, 517–18] 'By early 1794 the reform movement had virtually disappeared underground. The reform movement which sought safety in secrecy was but a pale shadow of its former self. . . . It cannot be doubted that organised radicalism was dealt a body blow by the events of 5 and 6 December.'

13 January: [d, v. 2, 1] Trial of Maurice Margarot for sedition – 'an Englishman.' Robert Dundas described his defence and general conduct in Court as 'a scene of Insolence, Effrontery, & Petulence [sic] unparalleled'. [Robert Dundas to Henry Dundas, 15 January 1794. Home Office Correspondence (Scotland), ref. RH2/4/74] Margarot is sentenced to fourteen years' transportation.

17–24 February: [d, v. 2, 34–40] Trial of Charles Sinclair for sedition. Cockburn: 'I do not know whether Sinclair was Scotch or English by birth, but he had certainly been resident in England, and was another of the persons who came here to distinguish himself in the convention.' The trial was resumed on 10 March and on 14 March was deserted by the Crown '*pro loco et tempore*'.

13 May: [c, 555] James Mitchell of the Paisley Friends of the People, brother of William (Billy) Mitchell, is arrested, with two other 'radical weavers', at a tavern mid-way between Paisley and Glasgow, on a charge of endeavouring 'to seduce from their duty & allegiance a Part of recruits belonging to the Regiment raising by the Marquis of

Huntley’. [‘Certified Copy of Warrant of Commitment; His Majesty’s Advocate against James Mitchell’, 14 June 1794, ref. JC26/275]

23 May: [b, 61] Alexander Wilson, accompanied by his sixteen-year-old nephew William (‘Billy’) Duncan, sets sail from Belfast on the *Swift* bound for Philadelphia.

Also on 23 May 1794:

- (i) Henry Dundas informs Pitt that ‘Paisley is in particular alluded to as being in a state of great readiness’.<sup>84</sup>
- (ii) Act passed suspending ‘*Act anent Wrongous Imprisonment*’ of 1701. Brims: ‘These swift and draconian measures introduced Scotland to what has been most aptly termed the Tory ‘Reign of Terror’. It would be almost three years before the democratic radicals began to recover and re-organise.’ [c, 559]

#### *Sources*

- (a) ‘Cantwell’: Robert Cantwell, *Alexander Wilson Naturalist and Pioneer A Biography* (Philadelphia and New York, J. B. Lippincott, 1961).
- (b) ‘Hunter’: Clark Hunter, *The Life and Letters of Alexander Wilson* (Philadelphia, American Philosophical Society, 1983).
- (c) ‘Brims’: John D. Brims, *The Scottish Democratic Movement in the Age of the French Revolution*, unpublished PhD thesis, 2 v., University of Edinburgh, 1983. (Available online on BL Ethos website).
- (d) ‘Cockburn’: Lord Cockburn, *An Examination of the Trials for Sedition which have hitherto occurred in Scotland*, 2 v. (Edinburgh, David Douglas, 1888).

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<sup>84</sup> *Second Report from the Committee of Secrecy of the House of Commons* (London, 1794), ‘Mr Secretary Dundas to Right Honble. Mr Pitt, Whitehall, 23d May 1794,’ 13.

## Endnote

*There shall be sung another golden age, . . .*

*Not such as Europe breeds in her decay;  
Such as she bred when fresh and young,  
When heavenly flame did animate her clay,  
By future poets shall be sung.*

*Westward the course of empire takes its way;  
The first four acts already past,  
A fifth shall close the drama with the day:  
Time's noblest offspring is the last.*

George Berkeley (1685–1753), ‘On the Prospect of Planting Arts and Learning in America’, in *A Miscellany* (London and Dublin, 1752), pp. 186–7. The poem remained unpublished from the year of its composition in 1726 until its inclusion in this 1752 anthology, just a year before Berkeley’s death. It is included in *The New Oxford Book of Eighteenth-Century Verse*, (ed.), Roger Lonsdale (OUP, 1984; re-issued 2009), 175. Berkeley was deeply sceptical of the value of her American colonies to Britain, as witnessed by his quirky work ‘The Querist’, also published within *A Miscellany*.

The *Age of Paine* came to an end on an overcast morning in Greenwich, New York around nine o’clock on June 8, 1809.<sup>1</sup> In a sense the notion of an *Age of Paine* as postulated in this study may be considered inherently absurd and even historically unsound. In my defence, John Adams coined it with his tongue firmly in his cheek. At the same time, contrived though it is, I have discovered that the term is beguilingly convenient. Further, with all the caveats surrounding it, it might just carry a kind of

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<sup>1</sup> John Keane, *Tom Paine A Political Life* (New York, 1995), 536.



legitimacy. For one thing, it conveys, I believe, the almost continual presence of Paine's thought, and the astonishing vibrancy of its impact, over a sustained period almost without equal, embracing two revolutions and their absorbing aftermath, not to mention its undeniable, recurrent modern fascination. Nothing seems to dim or obscure the constant revaluation of Paine scholarship. There is an endless near-obsession with the man and his unique achievements. We almost stand in awe of all that he aimed for and succeeded in accomplishing. At the same time, while Paine's genius is never in doubt, I am not the first historian to discover there is an aura about him that somehow repels and leaves us unsure of him and what he was all about. His Scots publishers in America, Robert Bell and Robert Aitken, certainly thought so, and they were by no means alone. When he stepped ashore at Baltimore from France in 1802, a local newspaper called him 'this loathsome reptile'. Self-seeking, opportunistic, cunning as a fox, undependable and insincere, often drunk and incapable, Paine was not the kind of man you or I would want to associate with. But then, was Cicero, was Burke, was Gibbon or Boswell?

When I originally discussed this project with an old friend, a scholar and a gentleman, we considered whether it might be wise to enclose the phrase, the Age of Paine, within inverted commas. At least that would make it plain, he suggested, that *I* hadn't coined it. Having toyed with the idea I soon decided against it. There were powerful reasons that appealed to me for using the term without qualification, not the least being the compelling analogy with epochs and eras that over centuries had aroused instant recognition on account of borrowed names, indicating someone or other's extraordinarily dominant influence within their time: the Age of Pope, the Age of Wordsworth, etc. Or alternatively, and much more commonly, we find a discernible decade or two that has earned a label proclaiming its presumed overarching characteristic – the Age of Reform, the Age of Improvement, the Age of Enlightenment and so on.

Now, if a recent newspaper report can be trusted, we are already well into the *Age of Man*. As I understand it, the idea of adopting Age of Man for the Anthropocene (or Human) epoch will be validated only if it can be shown that it enshrines some scientifically tested unique characteristic delineating its uniqueness beside all other epochs. It is proposed by the scientists that the peculiar distinctiveness of the Age of Man may be verified by the presence of radioactive fall-out (from hydrogen bomb tests in the 1950s). If accepted by an international panel of experts, that determinant will enable the Age of

Man to be officially sanctioned. To a non-scientist like myself the fascination lies in that all such delineations require, it seems, a 'golden spike', a weasel term indicating a definitive feature, geological or other, that can serve as a reference point for the epoch's onset. All of this has led me to conclude that we historians might similarly discipline ourselves to seek out the approval of an international panel before being authorized willy-nilly to launch any new 'Age' of our own invention. What, I wonder, is our 'golden spike' likely to represent in the case of the Age of Paine? One credible possibility that occurs to me is the notion of *'justice'*, a term held sacred in classical antiquity.

Of course, the hi-jacking of Paine – by Marxists, atheists and street-gurus, to name but three groups – hardly helps his case. *Rights of Man* is by no means unique in having been grounded on the premise that the ultimate goal of all men is their happiness, which to coin a phrase, Mother Nature alone may bestow. Condorcet thought the same. Yet, as Isaiah Berlin put it in the early 1950s, both Paine and Condorcet were convinced 'she [Nature] confers rights upon individuals which, because it is she who confers them, cannot be alienated by human means'; whereas, by contrast, Berlin points out, Bentham famously denounced this insight as 'ludicrous fiction.' Berlin's reasoning is that Nature – personified, I dare to expand on his hypothesis, as a goddess wearing a helmet for her own protection, but lacking a sword to defend herself – 'speaks with altogether too many voices'. Holbach was perhaps the most faithful of her many admirers. For Holbach, Berlin asserts, she was 'the source of all the arts and the sciences, of all that is best in civilised men of refined taste and in great and enlightened rulers.'

But ... hold on! 'Rulers'? 'Civilised men of refined taste'? These were the very species and sub-species of humanity despised by Paine. Paine, as a self-confessed deist, threw man-made religion out of the basket in his later writings, but continued to subscribe to the notion of order in the universe, as well as to the vaguest of ideas that the deity had ordained some kind of rational plan – in Berlin-speak a 'conscious purpose [on the part of a deity] which transcends the world which it has created, and which it governs'.<sup>2</sup>

Paine lived in the Age of Enlightenment – no need there for inverted commas. But would he have recognized himself as a creature of the

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<sup>2</sup> Isaiah Berlin, *Political Ideas in the Romantic Age Their Rise and Influence on Modern Thought* (Princeton University Press, 2006), 71–2.

Enlightenment? He is certainly one of the most unconventional, unlikely of enlightened authors. From my own point of view, apart from the incontestable fact of his personal genius, Paine began to represent a kind of touchstone in the Arnoldian sense, by means of which it became possible for me to view aspects of the Enlightenment through a prism of his creation. To state the obvious, and as frequently noted in this study, Paine was never a ‘philosopher’ by any stretch and it would be a serious error to think of him in such terms. The latest and best study of his life and writings confers on him the accolade of having been at bottom a journalist of the most brilliant and original kind (my own words). And that, I firmly believe, is how essentially we have to regard him. But at the risk of labouring the point, not for one moment has this been a book *about* Paine, but rather the study of a theme that introduces Paine into its weave in an effort to make the finished garment a better fit. May my efforts be judged, above all, on the extent to which I measure up to the fulfilment of that goal – or not.

In the years it took to research and write this book, the two characters who came at times to rule my every waking thought, and whose contributions to the Age of Paine continue, I suppose, to cause me most of all to wonder were Robert Aitken and James Wilson. In the case of Aitken, it was for me, of course, the ‘end of an auld sang’. After all, I had first encountered him as a young research student, when I got to meet the man who knew more about Aitken and his wonderful bindings than just about anyone else on the planet, and to whose memory, and his wife’s, Chapter 8 is dedicated. All those years ago, I recall pondering (as I still do), that such an *ordinary*, and on the face of it unremarkable man as Aitken, and though now so remote, so *forgotten*, had earned his place as a man of standing in the American revolutionary period. In James Wilson’s case my astonishment at his neglect was based on a different premise. Here was a Scot who is one of the acknowledged architects of the Constitution of the United States. Writing about Wilson’s achievement was more a privilege than anything else, and I had constantly to put away the terrible thought (that aching persists) that his disgrace was somehow one explanation for the apparent reluctance of historians – there are honourable exceptions – to have wanted much to do with him.

There is, however, another strand running throughout my book that must now seem obvious. The clue is found in most chapters, and it is as latent in Part 2 as in Part 1. I refer to the Enlightenment concept of entitlement to

justice. Most often, it hides itself coyly just below the surface. Occasionally, when one least expects it, it cascades forth demanding to be taken notice of. It may even help as much to explain, in part, why Scots sought to go to America, as why America (though doubtless at times grudgingly) came to recognise the finest qualities of Scotland and the Scots and desired to acquire them for themselves. Unexpectedly the concept surfaces in one of William Thom's great trilogy of American war sermons, *From whence come Wars?*

Through the medium of a sermon, that most personal of all forms of oral utterance, Thom is speaking from the heart when he dares from his pulpit in parochial Govan in 1782 to expose the gross partiality of the Scottish judges, a full decade before the disgrace of the sedition trials led many others to do the same and follow his lead. Comparing the natural desire on the part of frustrated, wronged individuals to seek redress at law to nothing less than a war within their conscience to seek out justice at the hands of those whose duty it is to dispense it, Thom strongly advises his congregation to resist the temptation, especially if they are 'very poor, or in very low life' –

Society is corrupted, and courts of justice are corrupted in proportion. The weak is borne down and disappointed, or, if in the issue he gains his cause, yet by the great expense, and protracting of the cause, perhaps for many years, he would not have been half so great a loser had he never moved for any redress at all.

Great and wonderful is the influence of the opulent upon their neighbours in common life; as great is their influence upon the judges in our law-courts. ... If thou contendest with some great person, thou mayst lay thy account before hand that respect will be shewn to the man with the gold-ring and the gay clothing, the man who hath riches, who hath liberality of soul to furnish out a copious and splendid entertainment to the judges; believe me, and for once follow my advice—adventure not on a process which will certainly be expensive, which, in all probability, will be tedious, and however clear thou mayest think it, its issue is extremely doubtful, thou will be borne down and disappointed. ... Sooth thine adversary, accept of his terms, or submit the difference to the first stranger thou meetest with; if he be a man of sense and common honesty, the less knowledge he hath of our

law, his decision will probably be the more consistent with material justice. A process at law, in most of our courts, is like trying one's fortune at a state-lottery. A wise man who hath made one trial, will hardly ever venture to make a second.<sup>3</sup>

Although there will be some who regard William Thom (largely on account of his sustained criticism of the University of Glasgow) as a distinctly flaky individual – I am not among them – it must be said that when I first came across his words of hopeless cynicism, I was immediately reminded of *Rights of Man*. In a way, I had often thought Paine, too, was a kind of preacher, and even that his *prose* at its most memorable recalls the *poetry* of the King James Bible more than any other writer I could bring to mind. In effect, Thom is saying to the folk on the pews: if you suffer injustice, count ten, try to contain your sense of outrage, and think very hard before you contemplate an action in the courts. The odds are always heavily stacked against you, no matter how grievous the harm done you and the apparent justice of your cause. You will always be the losers. Even the judges are not on your side.

In *The Idea of Justice* (2009) Amartya Sen writes that the need for a theory of justice 'relates to the discipline of engagement in reasoning about a subject on which it is, as Burke noted, very difficult to speak.' He continues: 'It is sometimes claimed that justice is not a matter of reasoning at all; it is one of being appropriately sensitive and having the right nose for injustice.'<sup>4</sup> Using that standard, Thom's poor parishioners hadn't a chance: they may have had a 'nose' for recognizing injustice, but according to their parish minister there's really no point in their taking their grievance to law, because the dice are already heavily loaded against them. 'Let the war inside you, therefore, be allowed to cool down – and get on with your lives!' Paine, on the other hand, as it seems to me, is saying just the opposite. Yes, injustice is all around you, but nothing will change unless, you, the people, are prepared to set about changing the world. The Americans did it, the French have done it, and now it's your turn. 'Just get on with it!'

The problem is, of course, that Paine's book, *Rights of Man*, only succeeded in landing its author in the dock, precipitating his final exile. His book indirectly caused a minister of religion to be sent to the Tolbooth for three months. His book was material evidence in the trials of the 'Scottish

<sup>3</sup> William Thom, *From whence come Wars?* (Glasgow, 1782), 2–4.

<sup>4</sup> Amartya Sen, *The Idea of Justice* (London, Penguin Books, 2010), Introduction, 4.

Martyrs' resulting in their transportation and, in some cases, permanent exile and premature death. His book terrified governments and kings, ministers and courtiers, and, not the least, booksellers, publishers and editors. But many others were inspired by it, just as the colonists had rallied to his words in *Common Sense* all those years before. Paine never set foot in Scotland, and, in an unscholarly way, one is entitled to speculate if by piecing together elements in his career we conclude he simply had no time for the country or its people. In Philadelphia his Scottish publishers, Aitken and Bell, came to loathe him. Later, in Paris, men who had formerly thought of him as a demi-god began to be wary of him and wouldn't lift a finger to help him when he fell foul of the revolutionaries, the very men whose achievements he had held up to Burke and a sceptical world. Of course, Paine fell out with lots of people, and the ultimate irony is when his adopted country egregiously and unambiguously fell out with him.

I hope, then, I shall be forgiven for hi-jacking John Adams' famous description of the times in which Thomas Paine moved and for harnessing it to my purpose. The story of Scotland and America in the eighteenth century, the *longue durée* properly known as the Age of Enlightenment, is an epic of great complexity and importance. For both countries, the relationship has been at times difficult and convoluted, but also defining and on occasion formidably inspiring. This study has uncovered aspects of the story that may not be familiar to many. I hope and believe it may provoke others to continue the story where I now leave it.

## Appendix A

### John Millar's slavery sources

#### 1. *Summary*

In the first edition of his *Observations Concerning the Distinction of Ranks in Society* (1771) John Millar breaks off from his account of slavery in 'rude and barbarous countries' to offer comment on the contemporary situation affecting slavery as it had become 'established in our colonies'. He begins by describing its origins according to the type of crops grown (he focuses on sugar), conditions that demand 'a labour in which free men would not be willing to engage, and which the white people are, from their constitution, incapable of performing.' He continues:

With regard to the planting of sugar, experiments have been made, in some of the islands, from which it appears that, in this species of cultivation, cattle might be employed with advantage, and that the number of slaves might be greatly diminished. But these experiments have been little regarded ... in opposition to a lucrative branch of trade [the slave trade] which this innovation would in a great measure destroy.

Millar is here simply echoing an argument that became almost the standard defence of slavery in the western world throughout the eighteenth century. Thus, in John Huddleston Wynne's two-volume treatise, *A General History of the British Empire in America* (1770), we find the same view expressed – that the gruelling nature of the work involved, combined with the enervating, almost continuous daily heat of the sun, was simply unendurable by white men:

All the field-work in the West-Indies, and in Virginia, and the colonies to the southward, except in some of the back-settlements, is performed by negroes, brought from the coast of Africa, or born of

those who have originally come from thence. This trade is carried on by ships fitted out and furnished with proper cargoes at the ports of London, Bristol, or Liverpool. ... It is certain that Africans, or their descendants, are better able to support severe labour in hot countries than any of European blood.

Wynne is in no doubt that slavery is a gross affront to humanity:

But it is an unfortunate circumstance, because no institution is so apt as slavery to extirpate the milder and more amiable virtues of compassion and humanity, and to render men cruel, hard-hearted, and remorseless. Men who are surrounded with great numbers of their fellow-creatures, who are their own absolute property, come soon to consider them in the light of animals and beasts of burthen, and by degrees extend that consideration to all the rest of the species.<sup>1</sup>

There is no evidence that Millar was familiar with Wynne's work. It can now be shown, however, for the first time in any study of Millar, and in the context of his powerful concern for the issue of slavery, that he had certainly read many of the contemporary authors whose books mattered on the increasingly vexatious topic. Pre-eminently, these include William Burke's (probably written in collaboration with his 'cousin' Edmund Burke)<sup>2</sup> *Account of the European Settlements in America* (1766) – a title (as noted below) cited by the anonymous author(s) of *American Husbandry* (1775) [see section 3 below] which Millar had also read, and cites in a footnote. There can no longer be any doubt that from the writing of the first edition of the *Observations* of 1771 to the publication of the revised and enlarged edition of the *Origin* a decade later Millar had made himself familiar not just with the statistics behind the grim practices of slavery and the slave trade, but, more particularly, with the contemporary facts on conditions affecting plantation slavery in America and the West Indies. What we are now able to deduce from

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<sup>1</sup> J. H. Wynne, *A General History of the British Empire in America* (2 vols, London, 1770), 539, 541.

<sup>2</sup> No blood relationship has ever been established between William and Edmund Burke. See George C. McElroy, 'William Burke (1728?–1798)' Oxford DNB, accessed July 2019; and also, specifically on the collaborative *Account*, F.P. Lock, *Edmund Burke: Volume One, 1730–1784* (Oxford, 1998), 125–7.



his slavery sources enables us to understand, more clearly than before, John Millar's unique role in the Scottish Enlightenment. Here was a man who was not only capable of discussing slavery within its moral and historical compass – effectively more or less as Hume, Smith and Ferguson had done before him – but, having read, in addition to the Burkes' *Account*, the writings of Anthony Benezet, Granville Sharp and Benjamin Rush, could authoritatively conceptualise slavery as an ethical and political crisis of momentous human concern.

## 2. *A late elegant account of our American settlements*

The first edition of Millar's *Observations* of 1771 contains 242 pages and five chapters, the last chapter entitled 'Of the conditions of servants in different parts of the world'. Ten years later the third edition has been expanded to make 362 pages and there are now six chapters, each sub-divided into two or more sections. The final chapter of the *Origin* of 1781, 'The authority of a Master over his Servant', concludes with a largely re-written section now bearing the title 'Political consequences of Slavery'. Even allowing for that degree of re-working, however, Millar retains, almost intact, from the first edition into all subsequent editions a proposal he has read about which, he claims, has the potential to ameliorate the plight of slaves, and might even hasten the day when they will be manumitted. He introduces the subject by describing the situation in the sugar plantations where 'experiments have been made, in some of the islands, from which it appears, that in this species of cultivation, cattle might be employed with advantage, and that the number of slaves might be greatly diminished'.

Millar has learned that nothing has come of the idea. He cynically regrets that human greed has dictated that 'these experiments have been little regarded, in opposition to the former usage, and in opposition to a lucrative branch of trade which this innovation would in a great measure destroy.' He then turns to another, perhaps more promising idea which his reading has told him has the potential of combining the advantages of ameliorating the present harsh treatment of black Africans in the British and American plantations, with the prospect that in time it may lead to a gradual process of 'enfranchisement':

At any rate, the interest of our colonies seems to demand that the negroes should be better treated, and even that they should be raised

to a better condition. The author of a late elegant account of our American settlements has proposed, that small wages should be given them as an encouragement to industry. If this measure were once begun, it is probable that it would gradually be pushed to a greater extent; *as the master would soon find the advantage of proportioning the wages of the slaves to the work which they performed. ... The owner of a sugar or a tobacco plantation, one would think, might easily estimate the average value of the crop which it had formerly yielded, and could run no hazard, whatever profits he might reap, by allowing the people employed in the cultivation to draw a share of any additional produce obtained by their labour and frugality.* [section in italics from third edition of 1781.]<sup>3</sup>

Who was the author of this 'late elegant account' and what was the work that had so impressed Millar? Lehmann is silent on the point. Garrett confuses the reference concerning 'small wages' with a not dissimilar proposal referred to in a letter from Granville Sharp cited by Benjamin Rush in the *Address* prefacing his *Vindication* pamphlet, which, though noted by Millar with approval, first saw the light of day two years after he had first noted the 'late elegant account'. There has, accordingly, to be an intervening, earlier source from which Millar (with attribution) borrowed the wholly original idea of paying 'small wages' to black plantation slaves.

In their two-volume *Account of the European Settlements in America* (1766) the Burkes deal specifically with the disproportionately large numbers of negro slaves in the British colonies in America and (particularly) the West Indies. The work is generally sympathetic to the slaves, while at the same time attempting to explain some kind of rationale behind the introduction of slave labour to the colonies. The modern reader, one would have to say, finds it more than a slightly confusing argument, in which a perceived need of 'peopling the colonies', (while not excusing trafficking) is balanced against the allegation that the slaves were not used to any better conditions back in their African homelands:

The negroes in our colonies endure a slavery more compleat, and attended with far worse circumstances, than what any people in their

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<sup>3</sup> *Observations Concerning the Distinction of Ranks in Society* (London, 1771), 241; *The Origin of the Distinction of Ranks ... The Third Edition*, Aaron Garrett (1781; Indianapolis, 2006), 358–9, 278.

condition suffer in any other part of the world, or have suffered in any other period of time. ... But surely one cannot hear without horror of a trade which must depend for its support upon the annual murder of several thousands of innocent men; and indeed nothing could excuse the slave trade at all, but the necessity we are under of peopling our colonies, and the consideration that the slaves we buy were in the same condition in Africa, either hereditary, or taken in war.<sup>4</sup>

Having iterated the 'misery of the negroes', including the 'prodigious waste which we experience in this unhappy part of our species' – in Barbados alone there is 'a necessity of an annual recruit of five thousand slaves to keep up the stock' at around eighty thousand – the *Account* discusses a '*Proposal for a sort of enfranchisement of mullattoes and negroes.*' It is this section of the book that has especially engrossed John Millar and to which he now refers. Although he trims the detail of what is written in the *Account* to suit his purpose, there is no doubt that it is the nub of the 'proposal' – hinting at the possibility it offers for extending it ('pushing' it, he says) towards the desirable ultimate goal of 'enfranchisement' – that Millar finds most attractive, a term which can be interpreted as a synonym for a conditional, and thus strictly limited form of manumission:

What if in our colonies we should go so far as to find out some medium between liberty and absolute slavery, in which we might place all mullattoes after a certain limited servitude to the owner of the mother; and such blacks, who being born in the islands, their masters for their good services should think proper in some degree to enfranchise?<sup>5</sup>

Millar, it must be noted, actually goes further than the passage from the *Account* appears to envisage, daring to articulate the hope and expectation that a near-Utopian existence might just ensue, with the conventional master-servant relationship finally destroyed within the setting of a brave new world, where the principles of natural law rule supreme. Sadly but predictably, it would be many years in coming.

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<sup>4</sup> *An Account of the European Settlements in America* (2 vols, London, 1766), II, Part VI, 115, 119.

<sup>5</sup> *An Account of the European Settlements in America*, II, Part VI, 121.

### 3. Benjamin Rush's 'Address' and the anonymous 'American Husbandry'

Between the second edition of 1773, 'greatly enlarged', and the third edition of 1781, 'corrected and enlarged', Millar's great work shows that he had clearly undergone a course of reading for the purpose of getting to grips with the hitherto scant published facts on slavery in America and the West Indies. It is surprising to discover that the significance of two important sources Millar identifies in footnotes to the revised text of the final chapter in the 1781 edition appears to have been passed over by modern scholars.<sup>6</sup> Yet both these works are of cardinal importance when we seek to attribute to Millar his proper place in the forefront of the admittedly modest queue of Scottish Enlightenment voices raised in protest against slavery in the British and American plantations. More generally, both titles are of interest simply on account of the immense practical information (often at a surprising level of detail) they contribute to the burgeoning file on plantation slavery in the later eighteenth century – effectively, that is, in the Age of Paine.

The 'slavery' titles cited by Millar in footnotes to Section IV of chapter VI of *The Origin of the Distinction of Ranks* (Third Edition, 1781) are these:

*A Vindication of the Address, To the Inhabitants of the British Settlements, on the Slavery of the Negroes in America, in Answer to a Pamphlet entitled, "Slavery Not Forbidden by Scripture; Or a Defence of the West-India Planters from the Aspersions thrown out against them by the Author of the Address." ... By a Pennsylvanian.*

[Integrated, with title page as shown, within the pamphlet *An Address to the Inhabitants of the British Settlements, on the slavery of the Negroes in America. ... To which is added, A Vindication of the Address* etc. (Philadelphia, John Dunlap, 1773).]

[*Bibliographical Note*: Anonymous. By Benjamin Rush (1746-1813). Confusingly, the title page of the *Vindication*, with the rest of the content, forms an integral part of the larger pamphlet, *An Address* etc., issued as 'The Second Edition', but it seems doubtful (possibly by vir-

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<sup>6</sup> In the section entitled 'Sources Used by Millar', in his otherwise excellent Introduction, Aaron Garrett makes no specific mention of either Rush's pamphlet or *American Husbandry*. See his edition of *The Origin of the Distinction of Ranks*, xvii-xix. Millar's own footnotes are included in the text throughout, and Garrett provides useful supplementary information on the Rush reference at *ibid.*, 278.

tue of the chronology affecting the three different components – *viz.* the *Address*, the *Vindication* and the *Defence*) that the former was ever published on its own. It is certainly not cited as such as an independent publication in the BL ECCO listings. To add to the complexity, there are two variant title-pages of the second edition, as noted in ECCO. From Millar's footnote it is clear that he must have used the above version since the much scarcer (and shorter) first edition of the same year excludes the *Vindication* – even though the Granville Sharp letter, which of course accounts for his interest in the pamphlet in the first place, is included within it.]

*American Husbandry. Containing an Account of the Soil, Climate, Production and Agriculture, of the British Colonies in North-America and the West-Indies; with Observations on the Advantages and Disadvantages of settling in them, compared with Great Britain and Ireland. By an American.* 2 volumes (London, J. Bew, 1775).

[*Bibliographical Note:* Authorship not known. Garrett asserts in his Liberty Fund edition of Millar's *Origin* that the work was jointly written by Arthur Young and John Mitchell, but that is unlikely given that (a) the title-page attributes authorship to 'an American'; and (b) Mitchell died seven years before the work was published. In any event, the same hypothesis was examined and rejected many years ago when it was concluded that *American Husbandry* was possibly the work of 'a compiler'.]<sup>7</sup>

From the time of his medical studies in Edinburgh Benjamin Rush had maintained a fierce opposition to slavery and the slave trade. In the holograph manuscript usually referred to as Rush's 'Scottish Journal', for example, in a diary entry for 28 October 1766 written on the eve of his journey north prior to commencing his studies at Edinburgh, young Rush recoils with horror at the sight of the slave ships on their moorings at Liverpool: 'Liverpool has hitherto been supported by the African Trade. At the present time they have

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<sup>7</sup> See Rodney C. Loehr, 'American Husbandry': A Commentary Apropos of the Carman Edition', *Agricultural History*, 14 (1940), 104–9.

near a 100 Ships employed in <sup>ye</sup> trade. Inhuman practice! That men should grow rich by the Calamities of their fellow Creatures!<sup>8</sup>

Having ready access to *American Husbandry* would have guaranteed Millar an up-to-the-minute and generally accurate statistical *vade mecum* to all the facts relating to the plantation owners on topics such as capital outlay, annual turn-over and net profit, whether computed in terms of the tobacco farmers of Virginia and the Carolinas, or the sugar barons of Jamaica, Barbados and the Leewards. For our purpose, by far the greatest historical importance of the book lies in its numerous references to the employment of slave labour, and to detailed computations of profit determined in part by the capital outlay on the purchase and annual maintenance of slaves. Beyond the slavery statistics, the main usefulness of *American Husbandry* (as its full title suggests) is as an invaluable information source for British farmers and investors contemplating a new and profitable experience in the tobacco farms of America and the sugar plantations of the West Indies. To that end, the anonymous author provides what must have seemed at the time revealing new statistics on outlay, including land purchase, even taking into account travel costs for whole families sailing into the unknown from British ports (including Glasgow) to America, with estimates of building and land acquisition costs once they arrived there. Armed with the basic facts on slavery in the colonies, Millar was able to write about the iniquities of the slave trade from the confident vantage point of an enlightened intellectual who, though he had never himself witnessed the far from paradisaical scenes in their original setting of the plantations, had nonetheless acquired, even though only second-hand, a priceless awareness of the reality of it all from his reading of, for the most part, dependable authorities.

#### 4. *Sharp, Benezet, Rush and the coartación, or 'Spanish Regulations'*

Though his remarks on the issue are confined to the third and later editions of the *Origin*, Millar acknowledges the unique role of the 'Quakers of Pennsylvania' in relation to slavery and the slave trade, describing them as 'the first body of men' in Europe and America 'who have discovered any scruples upon that account, and who seem to have thought that the

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<sup>8</sup> Benjamin Rush, 'Journal Commencing Aug. 31: 1766' [sometimes known as the 'Scottish Journal'], f. 15: entry for 28 October 1766. The original MS. is held in the University of Indiana Library who kindly arranged for a digital copy to be made available to the author for research purposes in connection with this book.

abolition of this practice is a duty they owe to religion and humanity.' And in a footnote of tantalising brevity he adds, 'See the publications on this subject by Anthony Benezet.'<sup>9</sup> Benezet, a Frenchman born in San Quentin, Picardy to rich Huguenot parents, had emigrated to Philadelphia in 1731 and briefly worked as a merchant before becoming a teacher and a member of the Society of Friends. His series of tracts against black slavery and the slave trade began in 1759 and it was not long before they were noticed by Granville Sharp with whom he began a lengthy correspondence.

In his *Some Historical Account of Guinea* (1771) Benezet re-published (inserting a separate title-page) an extract from Granville Sharp's influential pamphlet *A Representation of the Injustice and Dangerous Tendency of Tolerating Slavery; or of Admitting the Least Claim of Private Property in the Persons of Men, in England* (1769), a work that itself cites the same section from the second volume of the *Account of the European Settlements in America* that John Millar would use in the first edition of his *Observations* of 1771. This is where the whole bibliographical sequence becomes arrestingly confusing, since whereas Benezet chose to include quotes from George Wallace's *System* (1760) in his pamphlets (notably in *A Short Account of that Part of Africa, inhabited by the Negroes*), Sharp prefers to go back to Wallace *père* – a 'very learned and respectable author whose performance in other respects I admire and esteem' – and who 'has dropped some hints concerning slavery'.<sup>10</sup>

It is, however, Benjamin Rush who deserves credit for first citing Granville Sharp on the idea (hinted at by Millar) concerning a form of partial or limited 'enfranchisement' of slaves, whereby they could be paid 'small wages'. Just where Sharp borrowed the notion remains unclear but it might well have been from the book Millar refers to as 'a late elegant account of our American settlements', that is from the Burkes' *Account* of 1766. Rush is

<sup>9</sup> Garrett (ed.), *The Origin of the Distinction of Ranks*, 265, and footnote. Garrett's note helpfully lists the following by Benezet: *Observations on the enslaving, importing and purchasing of Negroes* (Germantown, 1760); *A Short Account of that part of Africa, inhabited by the Negroes; with some Advice thereon, extracted from the Epistle of the Yearly Meeting of the People called Quakers held at London in the Year 1748* (Philadelphia, 1762); *A Caution and Warning to Great-Britain and Her Colonies, in a Short Representation of the Calamitous State of the Enslaved Negroes in the British Dominions* (Philadelphia, 1766); and *Some Historical Account of Guinea, its Situation, Produce, and the General Disposition of its Inhabitants. With An Inquiry into the Rise and Progress of the Slave Trade, its Nature, and Lamentable Effects* (Philadelphia, 1771; London, 1772).

<sup>10</sup> For his remarks (not always complimentary) on Robert Wallace's *Dissertation on the Numbers of Mankind in Ancient and Modern Times* (Edinburgh, 1753), see Sharp's *Representation*, 94–102.

quite clear that the ‘worthy friend’ who favoured him with the extract letter from Sharp was explicitly referring to the *coartación*, or the so-called ‘Spanish Regulations’:

I am told of some Regulations that have taken place in the Spanish Colonies, which do the Spaniards much Honor, and are certainly worthy our Imitation, in case we should not be so happy as to obtain an entire Abolition of Slavery, and probably you wou’d find many American Subjects that would be willing to promote such Regulations, tho’ the same people wou’d strenuously oppose the scheme of a total Abolition of Slavery. I have never seen an Account of the Spanish Regulations in writing,<sup>11</sup> but I understand that they are to the following Effect: as soon as a slave is landed, his Name, Price, &c. are register’d in a public Office, and the Master is obliged to allow him One Working Day in every Week to himself, besides Sundays, so that if the slave chuses to work for his Master on that Day, he receives the Wages of a Freeman for it, and whatever he gains by his Labor on that Day, is so secured to him by Law, that the Master cannot deprive him of it. This is certainly a considerable Step towards the abolishing absolute Slavery.<sup>12</sup>

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<sup>11</sup> The full text of Sharp’s letter of 18 July 1775 to Rush is transcribed by John A. Woods ‘The Correspondence of Benjamin Rush and Granville Sharp 1773-1809’, *Journal of American Studies*, 1 (1967), 14-16. On the ‘Spanish Regulations’ see Matthew Wyman-McCarthy, ‘Perceptions of French and Spanish Slave Law’, *Journal of British Studies*, 57 (2018), 29-52.

<sup>12</sup> Anon. [B. Rush] *An Address to the Inhabitants of the British Settlements on the Slavery of the Negroes in America. The Second Edition* (Philadelphia, 1773), 20-1. In a letter of 27 March 1784 to John Witherspoon at Princeton, Sharp invites his attention to the same possibilities for ‘gradual enfranchisement’, citing the Appendix to his pamphlet, *The Just Limitation of Slavery in the Laws of God* (London, 1776).



## Appendix B

### Before Paine: new light on Robert Aitken in Scotland

#### 1. *Birth and baptism*

Robert Aitken was born in the village of Dalkeith – a mere seven or eight miles south-east of Edinburgh – on 22 January 1735. Or was he? Thanks to the NRS ‘Scotland’s People’ website the unusually detailed Aitken family Old Parish Register birth and baptism extract is available online. The wealth of information behind its daunting complexity is unravelled here only with expert NRS help, which is gratefully acknowledged in the Preface and again below.<sup>1</sup> At its most basic level, we can safely conclude that the OPR extract for the parish of Dalkeith dated 1742 shows that James Aitken and his wife Anne Hall had four children, including ‘our’ Robert, between 1733 and 1742. It does not follow, however, that all, or indeed any of their children, with the likeliest possible exception of the youngest child, Anne (*b.* 1742), were actually born in Dalkeith. From a different OPR extract for the same Dalkeith parish it is recorded that a ‘James Aitken Merch<sup>r</sup>’ died 14 February 1760. Was this Robert’s father?<sup>2</sup>

While we cannot be certain that Robert Aitken was born in Dalkeith, he was certainly baptized in the borders town of Galashiels – only a few miles from the ancient abbeys of Melrose and Dryburgh, in the heart of what we now call the ‘Scott Country’. We know that Robert was the second son of James and Anne Aitken. The older son, James, was Robert’s senior

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<sup>1</sup> I wish once more to record here my sincere thanks to Robin Urquhart, Archivist, NRS, Register House, Edinburgh, without whose expert advice in interpreting the OPR extract some of the facts in this section of the Appendix would have remained an enigma.

<sup>2</sup> Willman and Carol Spawn state that they had interviewed ‘Aitken descendants’ who ‘had the Aitken Bible in which we found an original of the printed family record we knew only from an unidentified photographic copy’, but that they ‘did not allow these biographical diversions to distract us from our hunt for Aitken bindings.’ Willman Spawn and Carol Spawn, ‘The Aitken Shop Identification of an Eighteenth-Century Bindery and its Tools’, *Papers of the Bibliographical Society of America*, 57 (1963), 422–37.

by two years, and he had two sisters, one (Margaret, *b.* 1739) four years younger, the other (Anne, *b.* 1742) seven years younger. It is possible that the parents sought to record the births and details of the baptisms only after their youngest child's birth, but an alternative explanation may be that the Dalkeith parish church session clerk recorded the births and other details (the record is thought to be in an eighteenth-century hand) only when the family arrived to settle in Dalkeith. If that is what happened here, it would suggest that the Aitken family came to reside in Dalkeith in or shortly before 1742. It might also indicate that James Aitken was employed in some kind of itinerant occupation. Weaving, or at least dealing in cloth, is the likeliest explanation, given the identity of the various baptismal locations, all of them as it happens associated to some extent with the textiles industry, then in its infancy, together with the hard evidence of the occupations of the two witnesses to Robert Aitken's baptism – one a 'Dyer', the other 'a Taylor in Canongate'. A minor difficulty is that if in fact the James Aitken whose death is recorded at Dalkeith in 1760 was the father of the four children whose births and baptisms are recorded in 1742, his occupation is not given at the time his death is recorded, as 'weaver' but as 'merchant' – although that would not, of course, invalidate the possibility that he had worked as a weaver earlier in his career.

The OPR extract clearly shows Robert Aitken's parents' highly punctilious baptismal arrangements for each of their four children. The record of the births and, tantalizingly also, of the Aitken children's baptisms are grouped as a single entry dated for the whole page – listing on the same page three other births/baptisms to families named 'Pringle', 'Reid' and 'Brown' – and all included together under the year 1742. Intriguingly, though the four births appear in the OPR for Dalkeith parish, each child was baptized in a different parish – parishes within, consecutively, Perthshire, the Scottish Borders, Fife and the Borders again. Robert Aitken's place of birth is conjecturally Dalkeith, but no doubt surrounds the parish or church where he was baptized a few months later, on 15 May 1735 to be precise: Galashiels (or 'Gala' as the town is known to the present day). Crucially, Robert Aitken was baptized there by the Reverend Henry Davidson, an ordained minister of the established Church of Scotland, who subsequently deserted the Kirk for the new-fangled secessionist movement. What came to be known as the 'Original Secession' occurred in 1733 when the Reverend Ebenezer Erskine objected to the Church of Scotland's apparent toleration of lay patronage. Subsequently, Erskine and three other like-minded ministers

(including James Fisher of Kinclaven, who baptized Robert Aitken's older brother, James, in 1733) seceded from the Kirk and constituted their separate 'Associate Presbytery'.<sup>3</sup>

If we are right that James Aitken worked in textiles and became a weaver before, let us say, graduating to dealing in cloth – becoming a cloth merchant meant that he would have bought woven cloth products from weavers and sold them on to the public and to other manufacturers – it is a reasonable hypothesis to suppose that his occupation would have been essentially itinerant taking him wherever work was to be found, in his case, it seems, around the county of Edinburgh (modern Lothians), Fife, Perthshire and the Scottish Borders, the locations of the baptisms of his four children. It is likely that he and his wife may have sought out particular ministers with known dissenting views to baptize their children. In the case of two of them (Fisher of Kinclaven and Nairn(e) of Abbotshall) they were especially distinguished on account of having taken the bold step of deserting the Church of Scotland for the Associate Presbytery. Further, William Hutton of Stow, the minister who baptized the Aitkens' fourth child, had actually changed his allegiance from one branch of the Associate Presbytery to the other, from Burgher to Antiburgher, though confusingly Hutton prevaricated on how he interpreted the all-important issue of the Burgess oath, adopting, it is said, a 'kind of middle ground'.<sup>4</sup>

The Aitken family OPR record, accordingly, is nothing less than the story of the eighteenth-century secession movement in Scotland writ large. Thus, the minister who baptized Robert Aitken, Henry Davidson (1687–1756), minister of Galashiels from his ordination in 1714 to his death in 1756, was a heroic figure of secessionism, having been 'the last survivor of the Twelve who petitioned the [General] Assembly, 11 May 1721, against the Act condemning the *Marrow of Modern Divinity*'.<sup>5</sup> Hew Scott explains that Davidson in or around 1735 discontinued the observance of Communion in his Kirk parish, and 'frequently went down to Maxton on Sunday nights to join in the Communion of a small body of Glasites there'.<sup>6</sup> Davidson

<sup>3</sup> For the most complete account of the 'Original Secession' see John McKerrow, *History of the Secession Church*, (Edinburgh, 1839), volume 1, 49–143.

<sup>4</sup> Robert Small, *History of the Congregations of the United Presbyterian Church from 1733 to 1900* (2 v., Edinburgh, 1904), II, 429.

<sup>5</sup> For an explanation of the *Marrow* controversy, and the role in it of Thomas Boston and others, see Andrew L. Drummond and James Bulloch, *The Scottish Church 1688–1843* (Edinburgh, 1973), 35–9.

<sup>6</sup> Glasites' were followers of John Glas (*b.* 1695–1773), minister of Tealing in the

expressed a willingness to resign his charge, 'but his people would not hear of it, and the Presbytery [of Selkirk] being equally solicitous that he should remain, attending only to those parts of his office he felt himself at liberty to perform, he remained minister till his death'. Glasite secessionism crossed the Atlantic with their apostle, Robert Sandeman, and became somehow of special appeal in America.<sup>7</sup>

From this new insight into the relevant OPR records, it is pretty well conclusive that Robert Aitken's parents espoused seceding congregations in preference to worship in the established Church of Scotland. That they went to considerable lengths to ensure that each of their four children was baptized by a seceding minister speaks volumes for their own secessionist convictions. In common with a surprising number of ministers who deserted the Kirk as seceders of one kind or another at this time in the history of the reformed church in Scotland, James and Anne Aitken had no scruples, it seems, in similarly transferring their allegiance at intervals from one branch of their secessionist beliefs to another – at one time being prepared to take the Burgess oath (Burghers), at another not (Antiburghers).

## 2. *Aitken comes to Paisley*

Is it also possible that Robert Aitken himself learned his father's craft and became a weaver for a time? If that was the case it might well account for Aitken's migration to the west of Scotland in the late 1750s, by which time the Glasgow area and, especially its near-neighbour Paisley, were fast becoming magnets for weavers as well as for potential weavers who could learn the craft fairly easily and, by the standards of the day, stand to be rewarded with high wages for their products. As Norman Murray has reminded us, handloom weaving was an occupation notoriously marred by the ever-present risk of short-term lay-offs and redundancies. It necessarily involved volatile work conditions for the weavers and their families who suffered economic highs and lows, depending not just on the prevailing level of demand, but also on

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Presbytery of Dundee and known later, after his associate Robert Sandeman of Perth (1718–71), as 'Sandemanians', a sect that spread in America owing to Sandeman's efforts there. Glas renounced parts of the Confession of Faith and withdrew his signature from the 'Formula' which all ministers of the established Presbyterian faith were required to sign on their ordination. He particularly denied the right of the state to interfere in matters of religion which brought him into conflict with the courts of the Church of Scotland. See Scott, *Fasti*, New Series, (1925), V, 370–2. *The Works of Mr John Glas* were published in Edinburgh in four volumes by Alexander Donaldson in 1761.

<sup>7</sup> Hew Scott, *Fasti*, New Series (1917), II, 177–8.

the integrity (or, more usually, the lack of it) of the ‘corks’ – the finished goods overseers and manufacturers made notorious by the verse libels of the Paisley émigré weaver-poet, radical and enthusiastic follower of Thomas Paine, Alexander Wilson. (See Chapter 10). The binding of books – using various grades of cloth, leather or other animal hides, ‘blocking’ and sewing skills, not to mention hours of patience and solitary toil – and the craft of weaving are not that far apart. Conceivably, young Aitken might have been driven to experiment with bookbinding during one of the ‘lows’ that all weavers and their families sooner or later would have to learn to manage.

In the mid-eighteenth century Paisley was on the verge of an astonishing upsurge in population owing almost exclusively to technological advances in the weaving of cloth and the design and construction of handlooms. Charting Paisley’s population growth from 1755 (6,000–8,000) to 1821 (47,000), T. C. Smout describes it as an ‘extreme case’, while also pointing out that the fragility of employment in the area was wholly attributable to the town’s almost complete dependence on a single industry – textiles.<sup>8</sup> Weavers throughout Scotland showed a legendary appetite for self-enlightenment such that their capacity through their own efforts to overcome the enormous obstacles of an education system that was class-based and unavailable to all but the wealthy became a hallmark of their craft.<sup>9</sup> Even so, the consequences of a sudden downturn in demand for weavers’ products could rapidly lead to grinding poverty affecting whole families – even to starvation, or ‘famine’, as John Witherspoon termed it when he witnessed it in his own Laigh Church parish.<sup>10</sup>

Ultimately, however, there is no way of knowing for certain what attracted Aitken to Paisley, or even when he first landed up there. All we can safely confirm is that by 1759 (the date of the first title bearing Aitken’s name in any imprint, with Paisley specifically identified), he had clearly picked up the

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<sup>8</sup> The famous phrase coined by Benjamin Disraeli in 1880 – ‘Keep your eye on Paisley...’ (*Endymion* (1880), chapter 64) – was intended to convey the idea that because textiles was an industry notoriously susceptible to seasonal ups and downs and all manner of market pressures, Paisley could be regarded as a useful barometer of the industrial health of the entire British nation.

<sup>9</sup> See Norman Murray, *The Scottish Hand Loom Weavers 1790-1850: A Social History* (Edinburgh, 1978), 161–81; and Ronald Crawford, *Literary Activity in Paisley in the Early Nineteenth Century* (2 v., unpublished BLitt thesis, University of Glasgow, 1965), especially I, 57–87. See also David Gilmour, *Paisley Weavers of Other Days* (Edinburgh, 1898) which gives a remarkable personal insight into the piety, religious orthodoxy and self-enlightenment culture associated with the craft of weaving.

<sup>10</sup> John Witherspoon, *Prayer for National Prosperity* (London, 1758), 28.

rudiments of the book trade – certainly in running a bookselling business, but possibly also in ‘jobbing’ (day to day non-book) printing. Around that date, too, it seems likely that he was already making a name for himself in the application of his bookbinding skills. In the OPR record of his marriage to Janet Skeoch of Paisley on 20 August 1763 he is described as ‘Robert Aitken Bookbinder’. Similarly, three years earlier when he and ten other Antiburghers signed the Burgess roll, together with their minister James Ellis, Aitken signs as ‘Bookbinder in Paisley’. Exceptionally all twelve men – five were weavers – were permitted to sign a special formula, subscribed by the Baillies and Magistrates, according to the terms of which their religious scruples as Antiburghers were upheld so as to ‘obviate’ the need for them to be required to take the usual oath of adjuration before being admitted Burgesses of the town. It is perhaps not insignificant that in Aitken’s case not only is his the first name to sign the document, but his ‘cautioner’ (guarantor) is the Rector of the Grammar School, William Bald, a person of high standing in the town. Aitken, one might say, in a remarkably short space of time, had himself become a man of some standing in Paisley.<sup>11</sup>

Compared with the four university locations in Scotland, printing and publishing came relatively late to Paisley but thereafter developed quite rapidly. The first books with a Paisley imprint are dated 1769. Of eight titles published in that year no less than six are overtly of a religious nature, including two works by the Reverend George Muir, minister of the High Church: *An Essay on Christ’s Cross and Crown* (a ‘second edition’ reprint of a title first printed in Edinburgh ten years earlier) and *Christ the Builder and Foundation of the Church*. All but two of these six (where the printer is not cited in the imprint) bear the Weir and M’Lean imprint, and were sold ‘at the shop of Alexander Weir, near the cross’.<sup>12</sup> The two non-religious titles are

<sup>11</sup> Paisley Central Library: Paisley Burgess Records. The document, subscribed by Robert Fulton, John Smith and Charles Maxwell, three of the leading magistrates of the Town of Paisley, is dated 8 February 1760. Robert Fulton of Hartfield was for many years ‘first magistrate’ of Paisley Town Council and had a role in the controversy consequent on John Witherspoon’s sermon *Seasonable Advice to Young Persons* (1768) setting in train the so-called Snodgrass affair, the Court of Session action brought against the minister which, in part, influenced his decision finally to accept the invitation to become President of the College of New Jersey, an invitation he had earlier declined. See Ronald Lyndsay Crawford, *The Lost World of John Witherspoon: Unravelling the Snodgrass Affair 1762 to 1776* (Aberdeen, 2014), 63 and notes 32, 70, 255.

<sup>12</sup> Weir was in business as a printer in Paisley with his partner Archibald M’Lean from 1769 to 1774, and on his own account from 1774 to 1780. (NLS Scottish Book Trade Index).

*A New Spelling-Book* by a local schoolmaster (William Adie) and an edition of *Ascanius; or, The Young Adventurer*, a highly popular account of the 1745 rebellion published anonymously but in reality the work of the outrageous London journal editor and bookseller, Ralph Griffiths.<sup>13</sup>

Yet Paisley's connections with the London book trade in the age of the Enlightenment are undeniably impressive. Unlikely though it may seem, in or around Aitken's time in Scotland no fewer than three of the greatest names in the eighteenth-century London book trade either had family connections with Paisley, and/or had special cause to visit the town – Andrew Millar (1705–68), Edward Dilly (1732–79) and William Strahan (1715–85). In June 1761, the Paisley Burgess Roll records that Edward Dilly was made an Honorary Burgess *gratis*.<sup>14</sup> Why did the elder of the Dilly brothers visit Paisley at that time? Had his visit conceivably anything to do with John Witherspoon, whose *Practical Treatise on Regeneration* Dilly would publish three years later? Did he, one wonders, deign to visit Alexander Weir's and Robert Aitken's bookshops to see for himself which titles were currently bestsellers in the Scottish provinces – and specifically among the pious weavers in this up and coming industrial heartland? The entrepreneurial Dilly brothers, Edward and Charles, fiercely opposed the American war and conducted a lucrative trade in exporting numerous titles to booksellers in Philadelphia, including Robert Aitken. Charles Dilly regularly traded with Aitken in America and kept up a correspondence with Benjamin Rush for over twenty-five years from 1770.<sup>15</sup> While a medical student at Edinburgh Rush would play a major role in enticing Witherspoon to come to New Jersey. Aitken's close links with Witherspoon are discussed in Chapter 8.

Andrew Millar, who was born in Port Glasgow, a few miles from Paisley, and educated at the town's ancient Grammar School (founded in 1586), left a more permanent memorial of his Paisley upbringing. In 1767 he funded and dedicated a handsome monument in Paisley Abbey in memory of his parents, Robert (minister of the Abbey Church from 1709 to 1752), and

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<sup>13</sup> *Ascanius* was first published in London in 1746 in separate editions for G. Smith and T. Johnston respectively. Griffiths landed in hot water when it was established that despite using a false imprint he had been responsible for first publishing John Cleland's infamous *Memoirs of a Woman of Pleasure* (1749).

<sup>14</sup> Paisley Central Library: Paisley Burgess Records.

<sup>15</sup> See L. H. Butterfield, 'The American Interests of the Firm of E. and C. Dilly, with their Letters to Benjamin Rush, 1770-1795', *Papers of the Bibliographical Society of America*, 45 (1951), 283–332.

Elizabeth (Kelso) Millar.<sup>16</sup> Unfortunately, the monument cannot now be found within the Abbey precincts and is suspected of having been covered over, possibly when work was carried out to the choir stalls in the modern era. A transcription of the Latin original, however, is printed in William Semple's 'continuation' of George Crawford's *History of the Shire of Renfrew*.<sup>17</sup> Millar – according to Dr Johnson, the 'Maecenas of the age', and 'the man who raised the price of literature'<sup>18</sup> – would have been intrigued at the name Robert Aitken borrowed for the locus of his store: At the sign of 'Buchanan's Head' in the town Cross (in the centre of Paisley, adjacent to the Abbey). Intriguingly, Millar, who had taken over James M'Euen's London shop in 1728, continued for some years to operate at 'Buchanan's-Head, over against [i.e. opposite] St Clement's-Church [occasionally 'St Clement's Church Door'] in the Strand'. It seems plausible that Aitken admired Andrew Millar's astonishing career and achievements and that he borrowed the address from Millar's early imprints to lend a certain romantic authority to his own meagre list. We might even say that, in his modest way, Aitken wished it known that he too was a man of the Enlightenment.<sup>19</sup>

It was through his professional and social friendship with Andrew Millar, and Millar's family connections in the west of Scotland, that brought William Strahan to Paisley. Strahan, himself a Scot born in Edinburgh, and an inveterate traveller, sensed correctly – as, doubtless, had Edward Dilly a few years later – the growing promise and prosperity of the town, including its business potential. On 2 September 1749, Strahan, having just toured Glasgow and Paisley, writes enthusing about both to his friend and mentor, Samuel Richardson, the author of *Clarissa* and *Pamela*:

<sup>16</sup> Millar was certainly in Paisley in July 1765 and the occasion of his visit could have included finalising arrangements for the monument to his parents to be located in Paisley Abbey. His letter to Thomas Cadell headed 'Paisley 16 July 1765' may be read online on the EU Millar Project website noted below. In 1789 John Neilson of Paisley published 'for Robert Reid' an eight-volume edition of *The Whole Works of the Reverend Robert Millar. A.M. Late Minister of the Gospel in Paisley*, one of the most ambitious publishing projects ever tackled in the town.

<sup>17</sup> Paisley, Alex. Weir, 1782, Part II, 304. For more on Andrew Millar's links with Paisley see the University of Edinburgh's excellent website, 'Circulating Enlightenment', regularly updated to include details of their AHRC-funded Millar Project. See also Ronald Lyndsay Crawford, *The Lost World of John Witherspoon*, 97 and note 30.

<sup>18</sup> Cited in Richard B Sher, *The Enlightenment & the Book: Scottish Authors & their Publishers in Eighteenth-Century Britain, Ireland, & America* (Chicago, 2006), 282.

<sup>19</sup> Similarly, a little-known Edinburgh bookseller, John Paton, operated at a shop 'in the Parliament-Closs [sic] at Buchanan's Head', as evident in the imprint of *The Danger of Popery Discovered* [1714].



Since my last, I have been at Glasgow, a town greatly altered for the better in point of trade, since I was there last. Several large manufactories are set on foot, in which the poor of all ages, and both sexes, are usefully employed. From thence I went to Paisley, where Mr Millar's father is minister, a venerable old man, who, like the church he preaches in, is nodding to his dissolution, but beautiful even in ruins. The town is almost entirely composed of manufacturers, and is in so exceeding thriving a way, that it is, they tell me, considerably increased even since last year when Mr. Millar was there.<sup>20</sup>

According to Sher, 'while remaking himself as a kind of Englishman, [Strahan] could not escape the lure of his native land'. He indulged himself on numerous Scottish jaunts and 'regularly visited Paisley' where he sought out the family of Andrew Millar, especially Millar's brothers, Henry, minister of neighbouring Neilston parish, and William, laird of Walkinshaw, an estate to the west of the sprawling town.<sup>21</sup> Strahan was an enthusiastic tourist but, one suspects, ever a tourist with an eye to the main chance.

Although there can be little doubt that the key to Robert Aitken's decision to move to the west of Scotland in the late 1750s had its roots in a desire to exploit the new opportunities that Paisley had to offer, he could not have chosen a less propitious time to settle there. In common with most other towns and cities throughout Britain in the Seven Years' War that were dependent on manufacturing industry, the predictable cycle of full order-books alternating with periods of sudden unemployment was once more hitting Paisley hard and the people were suffering badly. John Witherspoon, minister of the Laigh Church in the heart of the town, whose own parishioners were having to confront another return to poverty, this time facing actual 'famine', warned his flock and the wider world, that while providence had resulted in them being 'sumptuous' for a while, the tide had turned and the spectre of hunger was for all to see, and for many to experience:

We have of late suffered under a Variety of publick Strokes. We have not only had, for some time past, repeated Threatenings of Scarcity and Death, but vast Multitudes have been afflicted with Famine in its Rigour, which is one of God's *sore Judgements*. Through the Mercy

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<sup>20</sup> *The Correspondence of Samuel Richardson* (6 vols, London, 1804), I, 143–4.

<sup>21</sup> Sher, *The Enlightenment & the Book*, 300. Walkinshaw House was located on what is now farmland in the vicinity of Glasgow Airport [Abbotsinch].

of God this is alleviated in some Measure at present, but far from being entirely removed. We have also been long engaged in War with a powerful and politick Enemy. And has not the Providence of God sensibly frowned on us, and visibly frustrated almost every one of our Attempts? This hath been the Case to a Degree hardly known in any former Instance.<sup>22</sup>

It is entirely possible that it was precisely economic volatility of the kind described by Witherspoon that led Aitken to quit the town for a less precarious life in America.

### 3. *Aitken and the Scottish book trade*

The first title to mention the name of a bookseller operating in Paisley in the eighteenth century is *The Confession of Faith*, a work of more than 550 pages which Archibald M'Lean of Glasgow printed 'For Alexanedr [sic] Weir Bookseller in Paisley' in 1757.<sup>23</sup> Eventually, as we have seen, the two men joined forces and ran their joint printing and bookselling business, trading as 'A. Weir and A. M'Lean', alternatively 'Weir and M'Lean' *simpliciter*, from 1769.<sup>24</sup> For perhaps the entire period of his Paisley operations, therefore, Aitken had to face unwelcome competition in Paisley in the presence of a rival, and almost certainly more extensive bookselling enterprise.

It will be immediately obvious from the advertisement transcribed below – from the end-page of the first of his Scottish titles [1/1759], a title with considerable secessionist implications – that, with just one exception, all the publications Aitken lists are religious books or pamphlets, most of them specifically related to his own secessionist beliefs. It is difficult for the modern reader to appreciate the extraordinary popularity of, and demand for Thomas Boston's works for example – or for that matter, John Muckarsie's [*aka* 'Muckersie's'] *Children's Catechism*, a title Aitken himself would reprint in Philadelphia in 1780. Yet almost constantly throughout the greater part of

<sup>22</sup> John Witherspoon, *Prayer for National Prosperity and for the Revival of Religion inseparably connected. A Sermon preached on Thursday, Feb. 16. 1758. Being the Day appointed in Scotland for the late Publick Fast* (London, 1758), 28.

<sup>23</sup> Three years later an unnamed Edinburgh printer published *Cocker's Arithmetic* 'for Alex. Weir, Paisley. 1760.'

<sup>24</sup> One title, *The Travels of True Godliness* ('The Twentieth Edition Corrected') by Benjamin Keach [known as a "Perfect Baptist"], bears the imprint 'Glasgow: printed by Archibald M'Lean, for Alexander Weir bookseller in Paisley. M.DCC.VI' [1706] but is clearly in error, probably for 'M.DCC.LVI' [1766].

the eighteenth century in Scotland, as well as in pre- and post-revolutionary America, such titles were in continuous demand, and were consequently often bestsellers. The ESTC records no less than forty-eight editions of a single Thomas Boston title alone – *Human Nature in its Four-Fold State* – from the date of its first edition in 1720 to 1797. The same is almost as true of works like Ralph Erskine's *Gospel Sonnets*, John Willison's *The Afflicted Man's Companion* and William Guthrie's *The Christian's Great Interest*. And, though not listed by Aitken, John Flavel's *Whole Works* and his *Token for Mourners* similarly held for decades a warm place in the affections of the pious Scottish weaving fraternity. (The reference to bookbinding in the last line of the advertisement should also be noted):

BOOKS sold by *Robert Aitken*. Bookseller at  
*Buchanan's Head*, Paisley.

Books of all sorts, plain or gilded, after the best manner.

Large Testaments, or common, with, or without the Psalms.

Large Psalm Books, with Dickson's notes.

Boston's Fourfold State.

\_\_\_\_\_ on the Covenant.

\_\_\_\_\_ Crook of [sic] the Lot.

1 Vol. of his Sermons.

Cloud of Witnesses.

Fulfilling of the Scriptures, 1st and 2d parts.

Erskine's Sonnets.

Bp. Beveridge's Thoughts.

Butler's Analogy.

Willison's Afflicted Man's Companion.

\_\_\_\_\_ on the Sabbath.

Ambrose Looking unto Jesus.

\_\_\_\_\_ the Middle and Last Things.

Dickinson's Religious Letters.

Owen on the 130 Psalm.

\_\_\_\_\_ on Spiritual mindedness.

\_\_\_\_\_ his humble Testimony to the Goodness and severity of God.

Guthrie's Trial of a Saving interest, &c.

Vincent on Judgment.

Sincere Convert.

A variety of practical pieces too tedious to mention here.

Act, Declaration and Testimony.

Concerning the Doctrine of Grace renewing of the Covenants.

Moncrief's Sermons, on the Duty of National Covenanting.

Murray's Sermons on the Loveliness of Christ.

Campbell's Sermons on the way of sinners being turned back to God.

Muckarsie's [sic] Sermons.

\_\_\_\_\_ Children's Catechism.

Where may be had,

Writing paper of most kinds, for Merchants, Accompt

Books, Ledgers, Waste Books, &c. Bound and ruled,

Likewise Books Bound after the newest and best fashions.

There follows a checklist of Aitken imprints in the course of his Scottish career. His name appears, usually as a bookseller in Paisley, in the imprints of eight titles over a period from 1759 to 1769, with a mysterious 'rogue' title dated unaccountably 1773, two years after his final departure for America. Five titles were published by the Glasgow secessionist printer, John Bryce. By no means all were mere pamphlets, the popular Elizabeth Rowe title of 1764, for example, extending to 325 pages and the William Wilson title of 1769 to 569 pages:

1759

[1/1759] Ignorance, falshood [sic], and malice exposed: or, remarks upon a pamphlet, intituled, A warning, &c. Read by Mr. Alexander Ferguson to his congregation at Kilwinning [sic]. Being a letter from a seceder in P-y to his friend in K-w-g. . . .

Glasgow: printed by John Bryce, and sold by Robert Aitken in Paisley. 1759.<sup>25</sup>

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<sup>25</sup> The author's name is identified (on page fifty-five of the pamphlet) as 'David M'Lerie. Paisley, October 21. 1759.' This pamphlet is relevant to, and anticipates, the so-called 'Kilwinning heresy' case that dragged on for years from 1767 and involved the controversial minister of Kilwinning in Ayrshire, Alexander Ferguson [aka Fergusson], an inveterate opponent of all seceders. The pamphlet by Fergusson noted in the title was published in Glasgow in the same year. See three articles on the affair by Colin Kidd, as noted in the Bibliography; and see also Ronald Lyndsay Crawford, *The Chair of Verity Political Preaching and Pulpit Censure in Eighteenth-Century Scotland* (Edinburgh, 2017), 129–53, and 363–4 note 35.

1761

[2/1761] The clergy-man corrected by the weaver in a letter from David M'Lerie weaver in Paisley, to the Revd. Mr. Alexander Ferguson minister of the gospel at Kilwinning: wherein is shown that his scurilous [sic] phamphlet [sic] intituled, A display of the act and testimony, &c. tends only to make a display of himself.

Glasgow: Printed by J. Bryce and com for the author, and sold by Rob Aitken bookseller at Buchanan's head. Paisley, MDCLXI [1761] <sup>26</sup>

[3/1761] The artifices of the Burghers, to hide their defection, Considered; in a letter to the Burgher-seceders. From Mr. Alexander Moncrieff; minister of the gospel at Abernethie. <sup>27</sup>

Glasgow: printed for, and sold by John Bryce; Rob. Aitken bookseller in Paisley; James Dun mercht. Edinburgh; James Young bookinder [sic], Edinburgh; and by Geo. Norman merchant, Kirkcaldy, 1761.

[4/1761] The mission and work of gospel-ministers, considered; in a sermon ... Preached at the ordination of Mr. John Ferguson, to be minister of the Associate congregation of Comrie and Strathallan: with some exhortations to him and the people after he was set apart, March 4th, 1760. ... Together with some thoughts concerning Mr. Ferguson's death. By John Muckarsie, ...

Glasgow: printed for, and sold by John Bryce, Rob. Aitken, Paisley; James Dun merchant, James Young, Edinburgh; and by Geo. Norman merchant, Kirkcaldy, 1761. <sup>28</sup>

<sup>26</sup> Another of the same, also cited in the Kilwinning heresy case. 'David M'Lerie' is a pseudonym for Ferrier, who assisted Alice and would succeed him.

<sup>27</sup> Alexander Moncrieff of Culfargie (1695–1761) was minister at Abernethy in the Presbytery of Perth from 1720 until his deposition by the General Assembly on 15 May 1740. Moncrieff was one of the original group of four ministers who sided with Ebenezer Erskine and in 1733 was suspended with the others from exercising their ministry. These four (including Moncrieff and James Fisher of Kinclaven) – see pp. 476–8 – founded the Associate Presbytery at Gairney Bridge on 6 December that year. But the Assembly 'reponed' Moncrieff to office and from 1734 to 1740 he resumed preaching from his parish pulpit, only to be finally deposed in May 1740, then appointed by the Associate Presbytery their professor of divinity. Moncrieff was one of the founders of the General Associate Synod (who were against the Burgess oath – Antiburghers). See Scott, *Fasti*, v. IV, New Edition, 1923, 197–8.

<sup>28</sup> Aitken lists a further two Muckarsie titles in his advertisement transcribed above from his 1759 pamphlet, including the famous *Children's Catechism*, the earliest listed edition of which, according to the ESTC, is the 'second edition', the imprint reading:

1764

[5/1764] Friendship in death: in twenty letters from the dead to the living. To which are added, letters moral and entertaining, in prose and verse: in three parts. By Mrs. Elisabeth Rowe. To which is added, an account of the life of the author.

Glasgow: printed for Robert Aitken, bookseller in Paisley, 1764.<sup>29</sup>

[6/1764] A collection of about fifty religious letters, expressing the various duties and exercises, losses and crosses, trials and discouragements in the world, ... Written to divers persons, ministers and others. By John Monro, ...

Glasgow: printed for Robert Aitken, bookseller in Paisley, 1764.

1768

[7/1768] The synod of Jerusalem: or, courts of review in the Christian Church considered. A sermon preached at the opening of the Synod of Glasgow and Ayr, at Irvine, Oct. 13<sup>th</sup>, 1767. Being an attempt to vindicate Presbyterian church government, in opposition to the independent scheme. By the Reverend Mr. George Muir. ...

Glasgow: printed and sold by John Bryce; W. Gray and J. Wood, Edin. R. Aitken Paisley. W. White Beith [and two others in Kilmarnock, one in Irvine, one in Greenock]. 1768.<sup>30</sup>

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'Edinburgh: printed for, and sold by James Young bookbinder in Edinburgh, first stair above the Excise-Office . . . M.DCC.LIV.' [1754]. The Robertson Collection, University of Glasgow Library (Special Collections), however, holds an even older version, though still not apparently the first edition: 'Edinburgh: Printed: And Belfast re-printed, by James Magee, in Bridge-Street., MDCCLIII.' [1753]. The title was still being published well into the nineteenth century.

<sup>29</sup> Elizabeth Rowe (1674–1737) was a poet and devotional writer whose works became enormously sought after, particularly after her death from apoplexy at the age of sixty-two. The dissenter Isaac Watts was a kindred spirit and addressed a poem to her in the second edition of his *Horae Lyricae* (1709). It was to Watts that Rowe entrusted the editing of her posthumous *Devout Exercises* (1737). Aitken published editions of both works in Philadelphia in 1781 (reprinted 1792), and 1791 respectively.

<sup>30</sup> Muir's sermon provoked a hostile response objecting to his condemnation of congregationalism in an anonymous pamphlet, *The Synod of Jerusalem Considered: or, Remarks upon a Sermon, preached by the Reverend Mr George Muir, ... Glasgow: Printed, and sold by William Walker, and James Duncan, and the Booksellers in Town and Country. 1768.*

1769

[8/1769] A defence of the Reformation-Principles of the Church of Scotland. with a continuation of the same. And a letter from a member of the Associate Presbytery to a Minister in the Presbytery of D-e. . . . By William Wilson, A. M. Minister of the Gospel at Perth.

Glasgow: printed by Joseph Galbraith, and Company, for Robert Aitken Bookseller, Paisley, 1769.

[1773]

[9/1773] Curious letters and papers, concerning the war betwixt James Marquis of Montrose, and the Covenanters, in the reign of Charles I. Published from the originals. To which is added, an Appendix from Bp. Wishart's History.

Glasgow: Printed for Robert Aitken; By John Bryce, Bookseller, Salt-market. 1773.

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[As the title indicates, this is the sole example of the *Address* to be published inde-



pendently of the *Dominion of Providence* sermon of 1776 (q.v.).]

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### 3. Newspapers and serial publications

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*Edinburgh Gazetteer*

*Glasgow Courier*

*National Gazette, Philadelphia*

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*Newark Centinel (The Centinel of Freedom)*

*New York Packet*

*The Annual Register, or a View of the History, Politics, and Literature of the Year*

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*The Federal Gazette, and Philadelphia Evening Post*

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#### 4. Online databases

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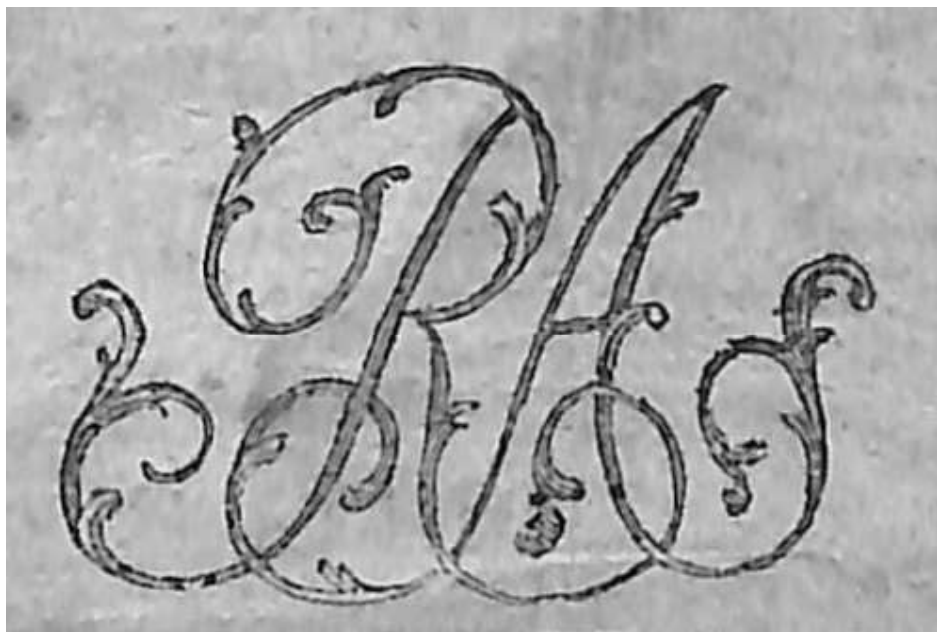
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Robert Aitken's engraved monogram from the title page of his edition of Isaac Watts' *The Psalms of David* (1781) (Special Collections, Wright Library, Princeton Theological Seminary).