

“I Can Bear Punishment”: Daniel Isaac Eaton, Radical Culture and the Rule of Law, 1793–1812

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In writing the preface to his novel *Caleb Williams* in 1794, William Godwin observed that “Terror was the order of the day.”¹ Political radicals of the late eighteenth century, in fact, believed they were experiencing what was later called the “*English Reign of Terror*,”² as the British government, supported by loyalist associations and militant Church and King mobs, mounted an official counteroffensive against the burgeoning reform movement. In the years between 1792 and 1800, no fewer than thirteen repressive measures were enacted to suppress radical enthusiasms, which, for E.P. Thompson, exposed a government taking “halting steps” away from legitimate control and venturing toward a regime that would “dispense with the rule of law, dismantle their elaborate constitutional structures, countermand their own rhetoric and exercise power by force.”³ Indeed, political trials showed a marked increase during the 1790s, with Lord Eldon commenting in 1795 “that there had been more prosecutions for libel within the last two years than there had been for twenty years before.”⁴ One scholar has recently shown that the Court of King’s Bench had conducted an average of just over two libel trials per year for most of the eighteenth century; in the decade after the French Revolution, however, this average figure increased fivefold.⁵ Moreover, Clive Emsley has counted some two hundred prosecutions for sedition from this period,⁶ although he contends that this number “pales into insignificance beside the number of prosecutions for sedition during the Jacobite emergencies of 1715 to 1716 and 1745 to 1746.”⁷

While it is difficult to compare, define, and determine properly the exact extent of “terror” to which radicals were exposed in this period, the government’s repressive statutes were “serious infringements of civil liberties and they were always a threat hanging over the heads of radicals and trade unionists.”⁸ This latter point has been described by Leon Radzinowicz as

“the principle of suspended terror.”⁹ Deterrence, however, was only effective when backed by prominent examples and, when implemented, the government’s instruments of persecution proved statistically successful—though not necessarily or practically effective, as we shall see—with the vast majority of defendants tried for political crimes being found guilty.¹⁰ The results could be simply devastating for the individual. Prison terms, confiscations, public punishment, monetary fines, and the stresses of legal entanglements could create personal and psychological strains sometimes beyond the intentions of the law.¹¹

Radical activists who were employed in the book trade were a particular focus of the government’s legal attentions.¹² With the vast array of statutes controlling the publishing industry,¹³ it is no surprise to find one scholar claiming that “within the booktrade . . . a high proportion of personnel was involved in legal proceedings at some stage in their working life.”¹⁴ Periods of political upheaval and uncertainty in England throughout the eighteenth and nineteenth centuries generally coincided with an increase in press prosecutions, as authorities spotlighted radical booksellers and pressmen in a deliberate campaign to suppress their activities.¹⁵ The government had made a “virtual declaration of war against the radical press,”¹⁶ and such a policy was indeed understandable given the fact, as Emsley notes, that publishing seditious libels “appeared far more serious [than uttering seditious words] in that a seditious writing could be read by many more people than the numbers who heard a few words spoken in the heat of the moment.”¹⁷

London booksellers, in particular, often found themselves the targets of the government’s attempts to quell the distribution of radical literature. The metropolis represented the hub of both the book trade and the reform movement, and the authorities were predictably keen to purge their own backyards of what they saw as rabble-rousers and subversives. John Reeves’ Association for the Preservation of Liberty and Property Against Republicans and Levellers led a semiofficial disinfecting campaign in the early 1790s by enforcing the royal proclamations of 1792 against seditious writings. Individual households in parts of London were approached by zealous loyalists intent on keeping a register of suspected Jacobins.¹⁸ Reeves himself was apparently putting together a multivolume “Index Expurgatorious of all dangerous and seditious books” and those who sold them.¹⁹ As more and more radical booksellers faced the daily realities of surveillance and repression and became public examples of the law, their enthusiasm, self-commitment, and altruistic motivations were put to the ultimate test.²⁰ A patriotic publisher needed resilience and an attachment to the radical cause such as being “in love with his trade and ready to die for the right word.”²¹

One of London’s most intrepid radical publishers during the late eighteenth century was Daniel Isaac Eaton.²² In the wake of the royal proclamations of 1792, the Stationers’ Company, to which Eaton belonged,

recommended that all authors, printers and booksellers declare to the court their resolution to discourage and discontinue all seditious and inflammatory words.²³ On the request of the master of the company, a parchment roll was prepared for the signatures of those who approved of the resolution. Eaton, however, did not endorse the roll, and his status as a freeman and liveryman of the Stationers' Company makes this omission all the more politicized and indeed more significant,²⁴ not least because, as one scholar has pointed out, "a refusal to sign [a loyalist petition], especially when these abstainers were in a decided minority in their community, obviously required considerable moral courage."²⁵ Eaton thus confirmed his sentiments from the moment of his arrival in London's radical milieu and, with his extensive program of publishing cheap political literature and his involvement with the popular reform group, the London Corresponding Society, he was soon engaged in legal battles with the state. Within months of opening his bookshop in London, spies were keeping a watch on nearly every move he made, and treasury solicitors began compiling the first of several dossiers that led to litigations. The self-styled "Printer and Bookseller to the Supreme Majesty of the People" was, in fact, to face no fewer than eight prosecutions between 1793 and 1812.

At his first trial on 3 June 1793 for publishing a libel in Thomas Paine's second part of the *Rights of Man* (1792), the prosecution highlighted Eaton's defiance as a radical bookseller despite "having the examples of . . . [libel] convictions staring him in the face."²⁶ Eaton was singled out in the government's campaign against radical pressmen, and on this the crown made no mistake about its position: "Mr Paine shall have my consent to sit down and write till his eyes drop out and his heart aches, provided he cannot find any body to publish it; but it is by means of persons like the defendant, giving vent to publications like the present, that injury has been done to society."²⁷ The act of distribution was therefore considered more subversive than the act of writing—the publisher a more dangerous figure than the author.²⁸ As the attorney-general stated at Eaton's second trial in July 1793 for publishing Paine's *A Letter, Addressed to the Addressers* (1793), "the man who mixes the poison, and does not distribute it, is less guilty than he who lends his hand to the distribution of it."²⁹

This premise was the basis of Eaton's prosecutions over the years and provided the authorities with what might be seen as a philosophical justification for making a repeated example of one man. As Lord Kenyon commented, in his summation at Eaton's trial in July 1793:

I have heard that it was the perfection of the administration of criminal justice to take care that the punishment should come to few and the example to many; and surely there is no blame to be imputed to the executive government, when the offence was so disseminated, that a few, or that one only, for we treat of only one today—that the punishment being inflicted upon one person, the example might come to many.³⁰

In the following February Eaton was again before the courts, this time for the infamous gamecock references published in his journal *Politics for the People*, with the prosecution emphasizing the government's commitment to making an example of the defiant Jacobin publisher: "the punishment which must follow the conviction of the crime, should only fall upon a few, and falling upon a few glaring offenders, that all should apprehend the danger of transgressing."³¹ Even Eaton recognized the exemplary measures of the rule of law: "I can bear punishment, when I know it is good for the public example."³²

Of course, in highlighting Eaton for prosecution, the authorities sought not only to deter would-be offenders, but also to drive Eaton himself into submission and thereby deprive the metropolitan reform movement of one of its most active protagonists and publishers. Prosecution, whether successful or not, was expected to be a crushing and onerous experience so that the defendant would at least have second thoughts about committing the same offense again. Indeed, with Eaton, the government's tactic of successive prosecutions during the 1790s seemed to work. Soon after his two trials in 1796, in both of which he was found guilty, he crossed the Atlantic in search of a refuge in Federalist America.³³ After being exacted five times on the first conviction, he was subsequently declared outlawed on 29 May 1797 and a writ of *capias utlagatum* secured against his property.³⁴ Upon returning to England sometime between 1801 and 1802 he was declared bankrupt and arrested on the outstanding warrants from 1797. Added to the adversities of prison life were the enormous emotional and financial strains, as Eaton later explained:

Books (not offensive) to the amount of two thousand eight hundred pounds, which were packed up for the American market, were burnt upon the premisses, and I was obliged to pay two hundred and eighty-six pounds to preserve my household furniture. These acts of humanity were performed amidst the tears of my wife and children (myself in prison) when the late Spencer Perceval was Attorney-General, by an order given to Mr Solicitor White.³⁵

After serving fifteen months in Newgate, Eaton received a royal pardon on 4 February 1805, on the dubious basis of some family connection to the royal family.³⁶ At that time he also entered into an agreement "to desist wholly from the publication and sale of political pamphlets."³⁷ The rule of law had seemingly managed to silence the aging radical bookseller in the seven years leading up to 1812. Although distinguished by one historian as "a period of great bustle and clamour" in the reform movement,³⁸ the years were marked by decided and uncharacteristic quietness for Eaton. He abandoned his patriotic exploits and began dabbling in the relatively safe world of the apothecary by manufacturing a form of antiscorbutic soap.³⁹

COURTROOM DRAMAS

Although Eaton's political enthusiasm was clearly (and, as it turned out, temporarily) dampened by the constant legal attention, prosecution was, as Thompson observed, "a two-edged weapon."⁴⁰ While it might stifle certain defendants and deter other would-be offenders, it also encouraged some political radicals who were prosecuted and gave them even greater determination. Ironically it publicized a cause that it was meant to suppress. John Thelwall, the celebrated radical orator of the 1790s, acknowledged this unexpected advantage when he wrote that "persecution does indeed make converts; but it is *from*, not *to*, the cause it endeavours to uphold."⁴¹ In an age when repressive legislation was closing many avenues open to democrats, prosecution became in some ways a legally sanctioned and certainly unintended means of sustaining and propagating the reform movement as embattled, yet prudent, radicals sometimes managed to turn the rule of law against itself.

The trial offered the radical opportunist a unique chance to seek converts and to legitimize and reiterate the call for reform.⁴² Court appearances became an essential means of expression, where an actual bringing together of the state and radicals promoted a head-on collision between the dominant public sphere and what Terry Eagleton has designated as the emerging counterpublic sphere.⁴³ This clash between polite and plebeian worlds in the courtroom had been an important aspect of the radical movement from at least the mid-seventeenth century and it became something of a tradition inherited and perfected by later generations of democrats like Eaton, Thomas Spence, William Hone, and Thomas Wooler.⁴⁴ Political trials throughout the years generated the kind of "potential excitement of the battle between David and Goliath"⁴⁵ as the prosecution and the prosecuted engaged in a crucial yet "curious dialogue."⁴⁶ Against a criminal justice system supported by biased, intimidating judges,⁴⁷ packed juries, and experienced state prosecutors, radicals participated in a direct dialogical confrontation with the government. A defining moment of this kind of confrontation was enacted before Lord Ellenborough on 6 March 1812 as Eaton, weak and in ill-health, presented to the court his defense of charges of publishing a blasphemous libel in the third part of Paine's *Age of Reason*:

[Eaton]—It seems it was to Abraham that a Messiah, or Christ (as our Bibles have it) was promised. Let us examine, and if possible discern the God, who is supposed to have made this promise—

Lord Ellenborough—You are evidently coming to something reprehensible, and it is necessary you should be checked.

Defendant—My lord, I have only two or three sheets more to read.

Lord Ellenborough—It is not the length of the address which constitutes the offence, but the matter of which it is composed. It is shocking to me, and to every Christian present.

Defendant—When the address is heard out, it will be found relevant to my defence.

Lord Ellenborough—You must omit those passages which cast any reflection on the Scriptures.

Eaton continued with his harangue but was soon interrupted by the judge, who proclaimed: "You must see that this is unfit for yourself to read, and for us to hear. . . . I tell you once more, that I will not permit the Christian religion to be reviled. Look a little at each passage before you read it, and do not insult the Court with offensive matter." Despite the judge's warnings, Eaton defiantly went on to complete his address, with Ellenborough conceding not to "miss a syllable," thus succeeding, in at least a small way, in challenging the authority of the court.⁴⁸

Such a success becomes even more significant in the formal environment of the courtroom, where strict and dramatic protocols were adhered to for reasons of dignity, solemnity, tradition, and legality.⁴⁹ Actions and rhetoric were contained and restrained within expected boundaries, and commonly accepted formalities regulated who said or did what, when, and how. Yet, for radical defendants like Eaton, to transgress these parameters was part of the greater challenge to authority. At his trial in 1812, Eaton was late for the start of proceedings, entering just in time to hear the attorney-general's address to the court, and, at one point, he seemed deliberately to provoke the presiding judge into a bitter response: "*Defendant*—I do not hear what your lordship says/*Lord Ellenborough*—I speak clearly and distinctly."⁵⁰ Still later in the proceedings, Eaton was stopped by the court officers as he approached the jury box with twelve copies of the third part of the *Age of Reason* intended for each member of the panel.

As a forum for political expression, trials also presented radicals with unique opportunities for more obvious and provocative challenges to the rule of law. Expurgated passages from books considered libellous were routinely read at length during the trial proceedings, and Eaton, like his colleagues, made use of his time before the public to repeat and reassert the very ideas for which he was being prosecuted. Whether conducting his own defense, as in 1812, or acting through a lawyer, trial proceedings afforded Eaton the chance both to deride the government and to articulate radical sentiments that in other public assemblies were explicitly forbidden. At his trial in 1812, the judge's toleration was tested as the defendant offered the court fresh deistical reflections on the Bible, purportedly as part of his defense. Furthermore, in February 1794 John Gurney, Eaton's lawyer on that occasion, targeted the very merits of the libel charge then before the court and reviled the "industry of that numerous herd of spies, informers, and inquisitors" employed by the state to bring innocent men like

Eaton to trial. In a manner befitting a radical philosopher, Gurney entered into a rhetorical argument about the rights of man and the notion of a political nation:

Whom are politics for, but for the people? Are politics for placemen and pensioners only? Are they alone blessed with understandings fitted to the investigation of this sublime and mysterious science? Or is it not, or at least ought it not to be, a subject within the comprehension of every man? . . . If it be a crime to sell a political pamphlet cheap, Mr Eaton must plead guilty to that charge, but so far from confessing it as a crime, I state it as a merit, I challenge for him applause.⁵¹

What made such expressions potentially even more provocative and subversive to the rule of law was the fact that trial proceedings were being transcribed in shorthand, and, as such, were often published by radicals in edited form.⁵² "Fair, plain and honest" accounts of trial proceedings were exempt from prosecution⁵³ and Eaton took full advantage of this legal loophole by printing narratives of his successive trials in 1793, the so-called gamecock trial of 1794, and his appearance before Lord Ellenborough in 1812. The sale of these pamphlets often provided men like Eaton with much-needed money after their expensive legal battles. But, proving themselves from a legally untouchable genre of radical literature, trial accounts also performed an essential role in sustaining the propaganda campaign at times when other forms of political writing and expression were being censored. Radical messages could be heralded across the country through published trial narratives without the threat of prosecution. Thus, Richard Phillips, the patriotic bookseller of Leicester, wrote to Eaton after his court appearance in June 1793 requesting copies of the narrative: "send me twenty-five, they will go off here."⁵⁴ Phillips also sold accounts of Eaton's following two trials, as did booksellers in Cambridge, Sheffield, Edinburgh, and Glasgow, while John Buel reprinted the narrative of the gamecock trial in New York with a vignette of George III on the title page and a bantam suggestively juxtaposed.

The definition of a "fair, plain and honest" account of a trial was, of course, sometimes stretched by radicals. Eaton's first trial pamphlet came embellished with a letter to the *Morning Chronicle*, and the second with an advertisement for his stock of radical literature. With the narrative of his 1812 trial he included a preface that boldly denounced the attorney-general's case as consisting "in sophistry and declamation only, from which he draws false conclusions" and declared Lord Ellenborough's conduct to be "a most memorable instance of his Lordship's liberality and disinterestedness."⁵⁵ By publishing an account of his trial, Eaton wished "it may assist in some respect or other to remove the calcined rubbish of bigotry and superstition."⁵⁶ At the same time, it publicized the very pamphlet for which he was prosecuted. Indeed, as far as sales of Paine's third part of the *Age*

of *Reason* were concerned, Eaton's tactic proved entirely successful, with one report claiming that the pamphlet was "making great progress" and being "bought with great eagerness" despite a rather shrewd increase in price.⁵⁷ Clearly, then, as Kevin Gilmartin has pointed out, printed trial accounts "held a special status [in the reform movement], in part because they allowed defendants to turn the machinery of repression against itself."⁵⁸

EXONERATION AND CELEBRATION

The published trial account held even greater propaganda value when printed after the defendant was found not guilty. An acquittal was naturally every radical's hope and primary objective, with such a verdict not only ensuring personal freedom, but also asserting "a claim to an expanded concept of who possessed the right to act within the public sphere of letters and politics, of who constituted the 'people.'" ⁵⁹ Realizing both these advantages that came with his first three acquittals, Eaton published his trial narratives as something of a celebration of personal and political victories. For the government, his first two exonerations were humbling and humiliating experiences, compounded by the opportunities seized by the radical fraternity to publicize and savor Eaton's triumphs. In the autumn of 1793, for instance, "A Republican" wrote an impromptu poem celebrating Eaton's acquittal in July and extolling the virtues of the jurymen at that trial:

In initials of Gold,
Let *these names* be enroll'd,
And plac'd in the *Temple of Freedom*
And may *Millions* be found,
Thus *honest* and *sound*,
For *Faith* these are the *Times* when we need 'em.⁶⁰

Another anonymous writer, upon considering the verdict of "guilty of publishing, but not with criminal intention" given in Eaton's first trial, felt cause to announce that the defendant was a hero and undoubtedly and fully exonerated if there was no criminal intention in his actions.⁶¹ Eaton's reputation as a radical protagonist was reaching a peak by the end of 1793, as the wave of legal successes made a complete mockery of the rule of law and its deterrent effect. As one historian wrote:

[Eaton's acquittals] showed that, whilst the adventurous publisher of contraband pamphlets ran the risk of conviction, he stood at least a "sporting" chance of acquittal, and they showed also that the probability of conviction was by no means proportional to the seditious character of his publications. Just as a bad tariff and a spice of danger attract bold men to engage in smuggling, so the unequal enforce-

ment of the law tempted the adventurous or irresponsible publisher to risk the publication of works which administration regarded as contraband.⁶²

Eaton was undeniably adventurous. Following his trials in June and July 1793 he openly declared his determination “to publish for the benefit of his fellow Citizens . . . such political and literary pieces as the favour of his Friends may supply him with, and which CORRUPTION, and DESPOTISM of Party would banish from the Daily Press.”⁶³ He followed this announcement with his journal, *Politics for the People*, and two pamphlets individually denouncing the continental war and propagating the ideas of equality and popular rights as well as his journal. In the pages of the latter publication, the government once more found cause to prosecute Eaton, this time for a farmyard fable—once told by his fellow radical Thelwall—which seemed to equate a gamecock tyrant with George III. The Jacobin publisher, however, was again exonerated, and it was this courtroom victory that proved to be Eaton’s greatest success. With the crown’s case resting on legally ridiculous, though logically rational, innuendos, the government surely knew it ran the risk of exposing the case, whether successful or not, to the kind of “seditious laughter” that parodists of the Regency era manufactured and, in part, relied upon during their legal battles.⁶⁴ The verdict of not guilty ensured the humiliation of the state on its own stage as the courtroom resounded “with a burst of applause, expressed by a general clapping of hands.”⁶⁵

The government was also apparently beaten at its own game. Packed juries were a feature of crown prosecutions during the Georgian era, yet it seems that Eaton managed to turn things around on two occasions. As in his trial in June 1793, when two members of the radical London Corresponding Society were jurymen,⁶⁶ the foreman of the jury at the gamecock trial, Joseph Stafford, was also a democratic sympathizer. He and Eaton shared a night of celebration at a reformers’ soirée four days after his trial.⁶⁷ As Thomas Hardy, founder of the London Corresponding Society, later revealed, “some pains were taken to get some friends on Eaton’s trial,” adding that “the people who told me so seemed much pleased that he had got off.”⁶⁸

Thelwall, author of the gamecock tale, was certainly relieved by the result of Eaton’s trial, and enjoyed the ensuing festivities and exploited the trial’s political value through his public lectures and a poem entitled, *John Gilpin’s Ghost; or, the Warning Voice of King Chanticleer* (1795). John Towill Rutt, a drug merchant by trade and a regular contributor to the columns of the *Morning Chronicle*, was also poetically inspired by Eaton’s victory. In his “Lines to the Jury,” Rutt offered testimony that:

In such degenerate—such polluted days,
Pure genuine virtue merits noble praise;

Such are your merits, such the praises due
 From all who love the human race, to you.
 In Eaton's case you saw Oppression stand,
 Threat'ning with vengeance this devoted land;
 And, with a virtuous patriotic zeal,
 You gave a verdict for your country's weal;
 Justice your end, integrity your guide,
 You bravely check'd corruption's foulest tide.⁶⁹

Radicals from all quarters relished the opportunity to remind the government and the public of Eaton's success. The London Corresponding Society ordered a silver medal to be struck in honor of his counsel and jury "to remind posterity of the history of as singular a prosecution so truly ridiculous, at no other period than the present, could [it] have gained admission into an English Court of Justice."⁷⁰ Another celebratory token was minted in 1795, presenting on one side a profile of Eaton and the inscription: "D.I. Eaton Three Times Acquitted of Sedition."⁷¹ On the other side is the depiction of a farmyard scene, defiantly and provocatively reminiscent of Thelwall's tale in which four pigs feed from a trough while a rooster, perched on a fence, crows dominantly above them. As propaganda, this token was well received, with one radical contemporary claiming that, during a business trip to the north of England, he "gratified several of the Friends of Liberty with the Effigy of a THRICE-ACQUITTED FELON. They said they received more pleasure in having a medal of the Printer to the Majesty of the People, than they would have done in a Coronation Medal of G-III."⁷²

Such expressions were indeed deliberately antagonistic and contemptuous and certainly indicative of radicals' mood. On the day Eaton stood before the Old Bailey, for instance, the Anglo-American republican Thomas Lloyd wrote in his diary that the defendant "was tried for cockadoodle doo and acquitted"—a snide and laconic remark which smacks of disdain for the legal and political system.⁷³ Eaton, displayed a similar disregard and a distinct lack of remorse following his acquittal. As well as publishing the narrative of his trial, he also reproduced the indictment as a separate pamphlet, embellished on the cover with a suggestive engraving of a domineering gamecock.⁷⁴ He was even bold enough to print a squib of a proclamation by George III in which the usual reverent ending of "God save the King" was replaced with the impertinent "God save our Cock."⁷⁵ With such popularization of the gamecock trial there emerged an almost inseparable association between Eaton's name and the political symbolism of the pullet. Eaton himself, caught in the process between exoneration and celebration, publicly promoted this link by daringly and unashamedly dubbing his bookshop the "Cock and Swine" and, less frequently, the "Cock and Hog-Trough."⁷⁶

CONVICTION AND RECOGNITION

An acquittal, then, was clearly most valuable in promoting the radical cause and giving recognition to the successful defendant. It could not, of course, be depended upon, and a verdict of guilty brought with it the strains of imprisonment, fines, and public punishment. In the early years of the Regency period, the government was again focusing its attention on the radical book trade,⁷⁷ and Eaton was once more before the courts for publishing a blasphemous libel in Paine's *Age of Reason*. On 15 May 1812 he received his harshest sentence ever—eighteen months' imprisonment in Newgate prison and an hour in the pillory. Such penalties, however, were not enough to silence a determined and shrewd opportunist like Eaton. As Iain McCalman has shown, a term of imprisonment in Newgate, despite its obvious adversities and inconveniences, in fact could prove to be a valuable and energizing experience for radical enthusiasts.⁷⁸ Eaton, by all counts, would have revelled in the republican and fraternal atmosphere of Newgate just as he had in the mid-1790s.⁷⁹ As jail "encouraged radical synergies,"⁸⁰ Eaton found the spirit to petition parliament on the conditions of prison, write his final pamphlet on the *Extortions and Abuses of Newgate* (1813), and lay the publishing plans for the polemical *Ecce Homo* (1813).

It was Eaton's stint in the pillory, however, that ultimately turned conviction into the bittersweet taste of recognition. The pillory had for centuries been a prominent feature on London's urban landscape and a very effective means of corporal punishment.⁸¹ The offender was not only subjected to the physical discomfort of being placed in the pillory itself, but also faced the humiliation of being exhibited, in a compromising position, before the public. As Francis Place, one of Eaton's contemporaries, noted, criminals would be punished by disgrace and exposure.⁸² Projectiles of rotten fruit, mud, stones, and rotten eggs were common at pillory spectacles and were potentially life threatening. Charles Dickens thus observed in *A Tale of Two Cities* that the pillory "inflicted a punishment of which no one could foresee the extent."⁸³

The crowd played an important role. As a form of legally sanctioned street theater, each pillory event relied upon the audience for its success. In a carnival-like atmosphere, people crowded the streets and surrounding buildings in an attempt to get the best vantage point to view the offender's punishment. As individual spectators were lured and frenzied by a certain malicious *schadenfreude*, the pillory could be interpreted as a true crowd-pleasing spectacle,⁸⁴ but it was not merely a kind of theater sport. Indeed, as Emsley points out, "it was didactic theatre . . . the pillory [was meant] . . . to provide lessons and warnings for other would-be transgressors of the law."⁸⁵ Moreover, crowd participation in a pillory event was an extension of the political sophistication that scholars such as Thompson and

George Rudé have recognized in English mob.⁸⁶ Those who gathered around the pillory were participating in a quasi-legal ritual that was expected to denounce the offender and uphold the rule of law, as well as protect the moral standards of the community. Crowds thus became, in the final instance, both judge and jury, and their decisions were absolute.

In 1816 the use of the pillory was restricted by law, and completely abolished in 1837. This change in part reflected the development of criminal justice theory away from public punishment and toward an emphasis on rehabilitation of the criminal. Concurrently, there was a more general rejection of violence in society, with the pillory seen by some contemporaries as an endorsed form of mob violence, anarchy, and barbarity.⁸⁷ Place, for one, believed the pillory barbarized the people, promoted blackguardism, and increased crimes.⁸⁸ Dickens had similar thoughts when he declared that it was "bad for a people to be familiarised with such punishments."⁸⁹ The unpredictability of punishment in the pillory also contributed to its demise. It had made criminal justice something of a lottery, and, by the early nineteenth century, English administrators were no longer prepared to gamble. Unlike those convicted of sexual crimes, political offenders were often received in the pillory as heroes, thereby undermining the moral authority of the law as public prosecution turned into public recognition.

One of Eaton's radical friends from the early Regency years, George Houston, later claimed that the former's stint in the pillory "was found to be so great an outrage on the public mind, or the London public, that it led to its abolition in the ensuing session of parliament."⁹⁰ It is unlikely that Eaton's one hour in the pillory was the sole issue in the minds of parliamentarians who made the decision to restrict the use of the pillory, as they grappled with the much larger issues of criminal justice theory and an undercurrent of public sensibility. But there can be little doubt that images from that day were still vivid in their thoughts. The events that unfolded on 26 May 1812 could not be ignored and were a perfect example of how radical opportunism flourished at a time of apparent defeat. Eaton was brought to the pillory in the middle of the day when the streets were crowded and the largest assembly could be drawn. The scaffold was assembled opposite Newgate prison in the first instance to provide an example to other prisoners who dared watch as well as to provide a quick exit in the event that the crowd turned aggressive. As Place explained, the Court considered this an offense which would excite popular indignation. Although Eaton suffered some personal discomfort, what actually transpired was nowhere near the court's expectations. It was a warm day, he perspired and was in distress. Spectators called out, advising him to turn his back to the sun so the pillory would shade his head. Occasionally he addressed the crowd, who shouted and cheered him. Some respectably dressed men were

admitted to the edge of the platform where they talked with him. Eaton conducted himself with decorum, and never lost his cheerfulness.⁹¹

The radical journalist William Cobbett recorded a similar dramatic sequence, adding that Eaton was received with “the exclamation of ‘*brave old man!*’ . . . followed by an universal mark of applause after the manner of the Theatre.” He was hailed with “every possible mark of *compassion* and of *applause*” by a large audience,⁹² which the lawyer, Henry Crabb Robinson, saw as “an additional proof of the folly of the ministers, who ought to have known that such an exhibition would be a triumph to the cause they meant to render infamous.”⁹³ Robinson later recollected how Eaton “was made the hero of the day,”⁹⁴ and *The Monthly Repository of Theology and General Literature* even went so far as to claim that “any one who had offered him the accustomed insults, would have run a great risk of being torn to pieces.”⁹⁵

The presiding judge at Eaton’s trial in 1812, Lord Ellenborough, believed that this public sympathy for Eaton was in fact a reflection of the increasing decline in the moral fabric of society, whilst Lord Lauderdale thought the crowd’s reaction was a “consequence of . . . mistaking the nature of the offence.”⁹⁶ Eaton, however, was defiantly shrewd in making sure the spectators knew exactly what his crime was. The narrative of his trial was sold at the scene and those who were interested, but had missed out, “flocked to Eaton’s shop” to purchase a copy.⁹⁷ A handbill called *Behold the Man* was also distributed among the crowd, acquainting them with the libel he had published. In fact, given that he was convicted of a blasphemous libel, this bill was particularly daring with its heading an obvious allusion to the biblical scene where Pontius Pilate paraded Christ in a crown of thorns before the Jews, exclaiming, “behold the man.” In an indirect and irreverent manner, then, Eaton was comparing himself—or at least his public suffering—to Jesus. The government was certainly aware of this contempt and made some initial inquiries toward prosecuting those involved in publishing the handbill. But the process was aborted, perhaps when the authorities realized that another trial only would provide further publicity for a cause they hoped to suppress.⁹⁸

In the end, Eaton’s time in the pillory proved a rallying point for the radical and liberal press and the inspiration for Percy Bysshe Shelley’s *Letter to Lord Ellenborough* (1812).⁹⁹ In one hour he went from political miscreant to public hero. Indeed, for many years such a metamorphosis was typical of Eaton’s fate as he managed to turn the rule of law on itself and became something of “a legend in his own time.”¹⁰⁰ It was, as Henry Crabb Robinson said in 1812, a seemingly never-ending case of Eaton’s “punishment of shame” becoming “his glory.”¹⁰¹ Ironically, it was the government, in its incessant campaign of repression and suppression, that helped turn the terror of prosecution into the error of recognition.

NOTES

1. William Godwin, *Things As They Are; or, the Adventures of Caleb Williams*, ed. David McCracken (Oxford, 1982), 2.
2. Cited in E.P. Thompson, *The Making of the English Working Class* (Harmondsworth, England, 1980), 199.
3. E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (Harmondsworth, England, 1977), 269. On the repressive legislation, see James S. Measey, "Repression in Great Britain: 1792–1795," in *Free Speech Yearbook 1975* (Falls Church, VA, 1975), 60–61; and Clive Emsley, "Repression, 'Terror' and the Rule of Law in England during the Decade of the French Revolution," *English Historical Review* 100 (1985): 801–25.
4. Cited in Frederick Knight Hunt, *The Fourth Estate: Contributions Towards a History of Newspapers and of the Liberty of the Press*, 2 vols. (London, 1850), 1: 261.
5. Michael Lobban, "From Seditious Libel to Unlawful Assembly: Peterloo and the Changing Face of Political Crime c. 1770–1820," *Oxford Journal of Legal Studies* 10 (1990): 309.
6. Clive Emsley, "An Aspect of Pitt's 'Terror': Prosecutions for Sedition during the 1790s," *Social History* 6 (1981): 155–84.
7. Emsley, "Repression, 'Terror' and the Rule of Law in England," 822.
8. H.T. Dickinson, *British Radicalism and the French Revolution 1789–1815* (Oxford, 1985), 41.
9. Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1780*, 5 vols. (London, 1968), 4: v.
10. Emsley, "An Aspect of Pitt's 'Terror,'" 172.
11. *Ibid.*, 173.
12. See Alan Booth, "'The Memory of the Liberty of the Press': The Suppression of Radical Writing in the 1790s," in *Writing and Censorship in Britain*, ed. Paul Hyland and Neill Sammells (London, 1992), 107–22; and Jon Mee, "'Examples of Safe Printing': Censorship and Popular Radical Literature in the 1790s," *Essays and Studies* 46 (1993): 81–95.
13. See John Feather, "The English Book Trade and the Law 1695–1799," *Publishing History* 12 (1982): 51–75.
14. Michael Harris, "Trials and Criminal Biographies: A Case Study in Distribution," in *Sale and Distribution of Books from 1700*, ed. Robin Myers and Michael Harris (Oxford, 1982), 3.
15. Donald Thomas, "Press Prosecutions of the Eighteenth and Nineteenth Centuries: The Evidence of the King's Bench Indictments," *The Library* 32 (1977): 315–32; Lobban, "From Seditious Libel to Unlawful Assembly," 321–24.
16. Donald Read, *Press and People 1790–1850* (London, 1961), 68.
17. Emsley, "An Aspect of Pitt's 'Terror,'" 172.
18. Thompson, *The Making of the English Working Class*, 126.
19. *Morning Chronicle*, 10 December 1792.
20. The altruistic motivations of radical booksellers has been discussed in relation to the Parisian and American presses during different periods of history. See Jack Richard Censer, *Prelude to Power: The Parisian Radical Press 1789–1791*

(Baltimore, 1976), 5; and Lauren Kessler, *The Dissident Press: Alternative Journalism in American History* (Beverly Hills, 1984), 114.

21. Howard Fast, *Citizen Tom Paine* (London, 1945), 179.

22. On Eaton's life and career see Michael T. Davis, "Behold the Man: The Life, Times and Circle of Daniel Isaac Eaton, 1753–1814" (Ph.D. diss., University of Queensland, 1995). For an overview, see Michael T. Davis, "Daniel Isaac Eaton," in *British Reform Writers, 1789–1832*, ed. Gary Kelly and Edd Applegate (Detroit, 1996), 94–102.

23. British Library, Add. MSS 16930, 60.

24. Worshipful Company of Stationers and Newspaper Makers, London, Roll of Association, Subscribing Declaration of Loyalty, 12 December 1792. I am grateful to Robin Myers, Archivist of the Stationers' Company, for her advice on this manuscript.

25. H.T. Dickinson, "Popular Conservatism and Militant Loyalism," in *Britain and the French Revolution, 1789–1815*, ed. H.T. Dickinson (Basingstoke, 1989), 118.

26. T.B. Howell and T.J. Howell, eds., 33 vols., *A Complete Collection of State Trials* (London, 1809–26), 22: 764.

27. *Ibid.*, 22: 765.

28. See David Saunders and Ian Hunter, "Lessons from the 'Literatory': How to Historicise Authorship," *Critical Inquiry* 17 (1991): 479–509.

29. Howell and Howell, *A Complete Collection of State Trials*, 22: 818.

30. *Ibid.*, 22: 820.

31. *Ibid.*, 23: 1018.

32. *Ibid.*, 22: 784.

33. See Davis, "Behold the Man," 249–97.

34. Public Record Office, London [hereafter PRO], King's Bench records [hereafter KB] 28/377, Easter term 1796; KB 29/456, Easter term 1797. On the legal complexities of London outlawry proceedings, see R.B. Pugh, "Metropolitan Outlawries," *The Law Quarterly Review* 99 (1983): 268–80.

35. Daniel Isaac Eaton, *Address of D.I. Eaton, Now Under Sentence of Eighteen Months Imprisonment in Newgate* ([London], 1812), broadside.

36. See Davis, "Behold the Man," 307–8.

37. *Trial of Mr Daniel Isaac Eaton, for Publishing the Third and Last Part of Paine's Age of Reason* (London, 1812), 68.

38. J. Ann Hone, *For the Cause of Truth: Radicalism in London 1796–1821* (Oxford, 1982), 147.

39. See Davis, "Behold the Man," 310–13.

40. Thompson, *The Making of the English Working Class*, 141.

41. Gregory Claeys, ed., *The Politics of English Jacobinism: Writings of John Thelwall* (University Park, PA, 1995), 318.

42. On the importance of political trials for radicals in the early nineteenth century, see Olivia Smith, *The Politics of Language, 1791–1819* (Oxford, 1984), 176–201; James A. Epstein, *Radical Expression: Political Language, Ritual and Symbol in England, 1790–1850* (New York, 1994), 32–69; and Kevin Gilmartin, *Print Politics: The Press and Radical Opposition in Early Nineteenth-Century England* (New York, 1996), 114–27, 139–43.

43. Terry Eagleton, *The Function of Criticism, from the Spectator to Post-Structuralism* (London, 1984), 36.
44. See James Epstein, " 'Our Real Constitution': Trial Defence and Radical Memory in the Age of Revolution," in *Re-reading the Constitution: New Narratives in the Political History of England's Long Nineteenth Century*, ed. James Vernon (Cambridge, 1996), 39, 49–50.
45. Smith, *The Politics of Language*, 177.
46. Epstein, *Radical Expression*, 33.
47. See J.M. Beattie, *Crime and the Courts in England 1660–1800* (Princeton, 1986), 347–48.
48. Howell and Howell, *A Complete Collection of State Trials*, 31: 940, 942.
49. See Beattie, *Crime and the Courts in England*, 316.
50. Howell and Howell, *A Complete Collection of State Trials*, 31: 941.
51. *Ibid.*, 23: 1031–1032, 1034.
52. See Gilmartin, *Print Politics*, 139–43; Smith, *The Politics of Language*, 177–78.
53. Francis Ludlow Holt, *The Law of Libel* (London, 1812), 287–88.
54. [Daniel Isaac Eaton], *Extermination, or an Appeal to the People of England, on the Present War with France* (London, [1793]), 34.
55. *Trial of Mr Daniel Isaac Eaton, for Publishing the Third and Last Part of Paine's Age of Reason*, iii.
56. *Ibid.*, iv.
57. *Cobbett's Political Register*, 20 June 1812, col. 791.
58. Gilmartin, *Print Politics*, 139.
59. Epstein, *Radical Expression*, 35.
60. *Politics for the People*, vol. 1, part 1, no. 7, p. 92.
61. *Ibid.*, vol. 1, part 1, no. 13, pp. 182–89.
62. George Stead Veitch, *The Genesis of Parliamentary Reform* (London, 1964), 272.
63. [Daniel Isaac Eaton], *Eager to Abolish the Aristocracy of the Press* ([London, 1793]), broadside.
64. See Joseph M. Butwin, "Seditious Laughter," *Radical History Review* 18 (1978): 17–34.
65. *Morning Post*, 25 February 1794.
66. PRO, Treasury Solicitors' papers (hereafter TS) 11/960/3506(2), examination of John Edwards, 26 May 1794.
67. PRO, TS 11/955/3499, report from John Taylor, 28 February 1794; TS 11/960/3506(2), evidence of John Williams, 11 June 1794; and TS 11/953/3497, report from William Metcalfe, 28 February 1794.
68. PRO, Privy Council papers (hereafter PC) 1/21/A35, examination of Thomas Hardy, 13 May 1794; and PC 2/140, f. 58.
69. *Politics for the People*, vol. 1, part 2, no. 12, p. 11.
70. PRO, TS 11/959/3505(2), London Corresponding Society (LCS) to John Gurney, 1794.
71. See Davis, "Behold the Man," 160–61.
72. *The Philanthropist*, no. 13 (1795): 4.
73. Archdiocese of Philadelphia, Family Papers of Thomas Lloyd, diary of Thomas Lloyd, 24 February 1794.

74. *London: December Sessions, 1793: The King Against Daniel Isaac Eaton: Copy of the Indictment* (London, 1794). A copy of this pamphlet is located in PRO, TS 11/951/3495.
75. [Daniel Isaac Eaton], *Proclamation: George R. Whereas Our Wise, Pure, and Uncorrupted Parliament Stands Prorogued* (London, 1794), broadside.
76. See Davis, "Behold the Man," 163.
77. See Hone, *For the Cause of Truth*, 197–99.
78. Iain McCalman, "Newgate in Revolution: Radical Enthusiasm and Romantic Counterculture," *Eighteenth-Century Life* 22 (1998): 95–110.
79. See, for example, PRO, TS 11/956/3501, Thomas Lloyd to John Horne Tooke, 30 January 1794. For Eaton's contact with Newgate radicals and his dealings there with Robert Southey in the mid-1790s, see Michael T. Davis, "'That Odious Class of Men Called Democrats': Daniel Isaac Eaton and the Romantics 1794–1795," *History* 84 (1999): 74–92.
80. McCalman, "Newgate in Revolution," 98.
81. See Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (Oxford, 1991), 282–85; Richard Byrne, *Prisons and Punishments of London* (London, 1992), 179–81.
82. British Library, Add. MSS 27826, f. 178.
83. Charles Dickens, *A Tale of Two Cities*, ed. George Woodcock (Harmondsworth, England, 1985), 90–91.
84. See R.M. Wiles, "Crowd-Pleasing Spectacles in Eighteenth-Century England," *Journal of Popular Culture* 1 (1967): 90–105.
85. Clive Emsley, *Crime and Society in England 1750–1900* (London, 1987), 215.
86. See E.P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50 (1971): 76–136; George Rudé, *Paris and London in the Eighteenth Century: Studies in Popular Protest* (London, 1970).
87. See Beattie, *Crime and the Courts in England*, 613–16; Alan Harding, *A Social History of English Law* (Harmondsworth, England, 1966), 359–67; and Martin J. Wiener, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830–1914* (Cambridge, 1990), 93, 101–3, 111–22.
88. British Library, Add. MSS 27826, f. 175.
89. Cited in Philip Collins, *Dickens and Crime* (New York, 1962), 255.
90. *The Correspondent* (New York), 5 (1829): 223.
91. British Library, Add. MSS 27826, ff. 178, 182.
92. William Cobbett, *Cobbett's Political Register*, 13 June 1812, col. 748.
93. Thomas Sadler, ed., *Diary, Reminiscences, and Correspondence of Henry Crabb Robinson*, 2 vols. (New York, 1972), 1: 201.
94. Dr. Williams's Library (London), *Reminiscences of Henry Crabb Robinson* (1812), f. 26.
95. *The Monthly Repository of Theology and General Literature* 7 (1812): 405.
96. British Library, Add. MSS 27826, f. 182.
97. *The Examiner*, 31 May 1812, 352.
98. PRO, Home Office papers (hereafter HO) 48/15, Thomas Plumer to H.C. Litchfield, 20 May 1812; HO 65/2, J. Beckett to J. Gifford, 1 June and 8 July 1812; HO 42/124, Gifford to Litchfield and Hobhouse, 29 June 1812; HO 49/6, Beckett

to Litchfield and Hobhouse, 1 July 1812; and HO 43/12, Beckett to Gifford, 10 July 1812.

99. See Davis, "Behold the Man," 335–42.

100. Gwyn A. Williams, *Artisans and Sans-Culottes: Popular Movements in France and Britain during the French Revolution*, 2nd ed. (London, 1989), 73.

101. Sadler, *Diary, Reminiscences, and Correspondence of Henry Crabb Robinson*, 1: 201.