

Norborne Berkeley's Politics: Principle, Party or Pragmatism?

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Introduction

This paper examines an aspect of the political career of Norborne Berkeley, baron Botetourt, who lived 1717–1770. A south Gloucestershire landowner, mine owner and tory, he was elected MP for Gloucestershire in 1741 with support from the jacobite Beauforts, into whose family his sister married.¹ Whatever may have been the terms of that support, Berkeley distanced himself from their jacobitism and, though remaining a tory (and therefore at first proscribed from office), he became a loyal supporter of the Hanoverians, generally aligning himself with, but not overtly joining, political groupings as inclination and principle suggested. After the broad-bottom administration relaxed the prohibitions against tories holding official posts, Berkeley achieved some, but never high, political office – a proposal that he be appointed secretary at war was blocked – but under Bute he obtained a place at the court of George III, and successfully claimed a dormant peerage. Fortuitously he moved the fateful resolution that precipitated the American revolution. When he encountered financial difficulties through investment in a manufacturing company, he was helped by appointment as governor of Virginia, where his loyalty to the king conflicted with his personal sympathy with the colonists.

Most historians have ignored Berkeley. Those that have noticed him tend to disregard or dismiss his political activity, perhaps because he was not from one of the political dynasties, and did not achieve or exercise power at cabinet level. Rather, Berkeley is an example of the politically active just below the upper crust: landed but not extensively so; wealthy but not among the wealthiest; cultured and polite, but not a literary or fashionable celebrity; commercially active but not on a grand scale; a county member of parliament with strong local connections and interests and not greatly interested in national affairs, but through the militia becoming involved nationally in matters military; an assiduous attender of parliament, but one who never quite attained ministerial office; ambitious and on the make, but never breaking into the top echelons of power. There must have been many MPs like him.

Over the course of his political career, Berkeley's behaviour was not altogether consistent. This paper seeks to explore why that was so. Whilst intensely loyal to the king, and consequently to the administration, Berkeley adopted unexpected stances over a series of key issues: Jewish naturalisation, the cider excise, the Stamp Act, the Townshend duties, and the American colonies, though once in the House of Lords he supported the government both in the promotion of Acts and in their repeal. As governor of Virginia, Botetourt implemented government instructions,

1. I am grateful to the duke of Beaufort for access to and permission to quote from Norborne Berkeley's papers at G[oucestershire] A[rchives] and Bad[minton] Mun[iments].

though privately sympathising with the colonists and maintaining their personal regard with diplomatic skill.

Preliminary Skirmishes

Berkeley entered parliament as an MP for Gloucestershire in 1741. At national level, the whigs had been in power for many years. Walpole was still prime minister, and although his supremacy was waning and his authority had been impaired by the excise crisis of 1733,² he still exerted enormous influence. Historians disagree about the extent to which the various parliamentary groupings can properly be described as political parties; whether it is helpful to talk in terms of an opposition; whether there was such a thing as a tory party; and if so, to what extent was it organised.³ Many of these disagreements turn on questions of definition, and shortage of evidence renders many of the arguments less convincing than their protagonists claim, but there seems general agreement that George I's proscription of the tories, for not having protected his continental interests when they negotiated the treaty of Utrecht in 1714, excluded them from government, rendered them ineffective in parliament, excluded them from the court, and prohibited them from all public offices including the magistracy.

At local level, as elsewhere, landowning grandees mobilised the vote and led the parties: Gloucestershire whigs were headed by the earl of Berkeley, based at Berkeley castle, who consistently supported Walpole and the government; and the tories by the duke of Beaufort, based at Badminton. Norborne Berkeley's father, the tory and jacobite sympathiser John Symes Berkeley, had been a Gloucestershire member from 1710 to 1714, but did not stay in parliament once George I became king. When he died in Dec. 1736 at Bath, his son Norborne, then 19 years old and in Italy doing his Grand Tour,⁴ could be expected in due course to seek election, and as a tory. By the time Norborne Berkeley stood for parliament in 1741, the county of Gloucestershire had for some years returned two tory MPs, but whig opposition could be expected.

To stand as a tory, Berkeley needed the support of the Beauforts, Gloucestershire's principal landowners. They also owned land, including coal mining rights, in Glamorgan and Monmouthshire, and controlled the pocket borough of Monmouth. Henry Somerset (1684–1714), who succeeded in 1700 as second duke of Beaufort, used his influence to support jacobite MPs and their sympathisers, such as John Symes Berkeley. In 1709 Beaufort founded, and until 1713 was president of, The Honourable Board of Loyal Brotherhood,⁵ ostensibly a drinking club (one of its toasts was to the prosperity of the queen and the church, and its rules prohibited 'any discourse about politicks amongst the Brothers'),⁶ but actually confined to tory MPs and peers,⁷ and described by Horace Walpole as 'the Jacobite club'.⁸

Henry Somerset (1707–1746), third duke, ten years older than Norborne Berkeley, was a thoroughgoing jacobite. On his Grand Tour in his late teens, he is said to have organised a ball in

2. P. Langford, *A Polite and Commercial People: England 1727–1783* (Oxford, 1989), pp. 727–39.

3. The literature is surveyed in J.C.D. Clark, *Revolution and Rebellion: State and Society in England in the Seventeenth and Eighteenth Centuries* (Cambridge, 1986), pp. 120–55.

4. See W. Evans, 'I begin to look about me: a Gloucestershire gentleman's education', *The Regional Historian*, 17 (2007), pp. 28–31.

5. B[ritish] L[ibrary] Add. MS 49360; M1602.

6. Rules and order book, Bad. Mun. Fm H 4/5.

7. L. Colley, *In Defiance of Oligarchy: the Tory Party 1714–60* (Cambridge, 1982), pp. 71, 77–95.

8. Horace Walpole to Thomas Mann, 3 March 1743; W.S. Lewis, ed., *Horace Walpole diaries*, (London, 1960), II. p. 186.

Paris 'for all the Pretender's friends at St Germain's', and to have visited James in Rome in 1725.⁹ In 1730 he was a member of the 25-strong Board of Loyal Brotherhood.¹⁰ In 1731 he was among several of the nobility regularly sending money to the Pretender in France, and said to be 'rich enough to pay what was being asked of them.'¹¹ In 1740 it is likely that he was one of those referred to in an Irish jacobite agent's report back to the Pretender that his English supporters would join any French invasion on the Pretenders's behalf.¹² Somerset's jacobitism was well known,¹³ as was that of his brother lord Charles Noel Somerset (1709–1756) who was already an established tory politician, and also a member of the Board of Loyal Brotherhood. So if Norborne Berkeley was to enter parliament as a county tory, he needed to be supported by party managers who were steeped in jacobitism, and whose conduct was bordering on the treasonable.

As Berkeley's family seat in the parish of Stoke Gifford was just outside Bristol, and many Bristol manufacturers will have been customers for his coal, Berkeley could not afford to ignore Bristol politics, which may explain why his first public political act was in Bristol. Jacobite sentiments were often expressed there: thus in 1694 when queen Mary died of smallpox at the age of 32, 'Jacobites ... made publick rejoycings, by ringing bells, etc.'¹⁴ Jacobites had rioted in 1714 when George I's coronation was proclaimed.¹⁵ In 1737 the third duke of Beaufort and others formed in Bristol the Stedfast Society,¹⁶ one of whose functions was to mobilise the tory vote and to link Bristol merchants, manufacturers and processors with tories outside the city. One such was Thomas Chester, who had coal interests in Bristol but lived at Knole in Almondsbury in south Gloucestershire, only a few miles from Berkeley's seat at Stoke Gifford.

In Nov. 1739 the Stedfast Society called a meeting to raise money to protect Bristol merchants from Spanish privateers who lay in wait for them on the laden run home. Tories from Wiltshire, Gloucestershire and Somerset attended. Within a quarter of an hour the meeting raised £5250, of which Norborne Berkeley, then not quite 22 years of age, promised £500.¹⁷ Such open alliance with Bristol merchants and such heady generosity, displayed no doubt with youthful and patriotic spirit, will have drawn attention to Berkeley and made him popular. On 17 Nov. 1739 he was proposed for membership of the Society along with Thomas Chester. Another display of generosity helped. The winter of 1739–1740 was a hard one. The harvest had been poor, and the weather impeded the normal distribution of what food there was. Coal proprietors were conducting a price war, so they reduced miners' wages. There had been riots in Bristol in Oct. and Nov. 1738, including an armed march through the city.¹⁸ In Feb. 1740 Berkeley, who owned mining rights

9. BL Add. MS 47000, f. 125; M.G.H. Pittock, *Jacobitism* (Basingstoke, 1998), p. 85.

10. Colley, *In Defiance of Oligarchy*, n. 6, p. 71, but Thomas Sebright to Beaufort 30 Jan. 1732/3, Bad. Mun. Fm J 2/11, suggests a later date.

11. P.K. Monod, *Jacobitism and the English people 1688–1788* (Cambridge, 1989), p. 286, citing Royal Archives, Stuart 142/141–2.

12. Colley, *In Defiance of Oligarchy*, n. 6, p. 227.

13. *ibid.*, pp. 67–8, citing Digby to John Ward, 6 March 1742.

14. N. Luttrell, *A brief historical relation of state affairs from September 1678 to April 1714* (Oxford, 1857), vol. 3, p. 423.

15. D. Szechi, *Jacobitism and Tory Politics 1710–1714* (Edinburgh, 1984), pp. 60, 164; N. Rogers, 'Popular Jacobitism in provincial context: 18th century Bristol and Norwich,' in E. Cruickshanks and J. Black (eds.), *The Jacobite Challenge* (Edinburgh, 1988), pp. 123ff and 126–9.

16. Rogers, 'Popular Jacobitism', n. 15, p. 134; B[ristol] R[ecord] O[ffice] S[ociety of] M[erchant] V[enturers] *President's accounts 1737–54*.

17. Southwell papers, V, 7 Nov/1739, C[ity of] B[ristol] R[eference] L[ibrary].

18. R.W. Malcolmson, 'A set of ungovernable people: the Kingswood colliers in the 18th century,' in J. Brewer and J. Styles (eds.), *An Ungovernable People: the English and their Law in the 17th and 18th centuries* (London, 1980), p. 114.

in the Kingswood coalfield, gave the Stedfast Society 10 loads of coal, an ox and 100 loaves to distribute.¹⁹

With a general election due in 1741, Berkeley and Chester started preparing early. To remove opposition from the interest of the earl of Berkeley and thus avoid the expense of a contested election, some time in 1739 Berkeley sought the earl's support. Although it is difficult to believe that the earl's intelligence had not detected that Norborne Berkeley, son of a former tory MP, had Beaufort backing and was active in tory circles in Bristol, the earl promised Berkeley his support. Perhaps the earl perceived or assumed that his kinsman hoped to appeal to a wider constituency than just the tory vote, but Berkeley's running mate Thomas Chester was a known tory. According to one account by a jacobite informer, Walpole pointed out to the earl that it was 'inconsistent' to support someone who had joined forces with an open enemy of the government and whig administration, the earl revoked his promise of support, but

Young Mr Berkeley, who ... does not want spirit and good sense, went to the Earl and representing to him that upon his assuring him of his interest he had been 1st encouraged to offer his services to the county ... that the gentlemen finding his Ldship declare openly against him had reason to suspect that he had imposed upon them by a false pretence ... and as it was a terrible thing for a young man to enter the world with the character of a fourbe he must vindicate his own reputation and conduct and ... desire his Lordship to sign a certificate, declaring ... [he] ... had promised his cousin Berkeley his interest ... but that finding he had joined with Mr Chester and so embarked on an interest opposite to that of the court, he had thought fit to retract his promise²⁰

Late in Sep. 1739, while both Norborne Berkeley and the earl were at Bath, Berkeley wrote indignantly to the earl, reminding him of his promise of support, and protesting at rumours that the earl had not only threatened his tenants should they vote for Berkeley, but had hinted that Berkeley had deceived him.²¹ The earl replied agreeing that he had at first promised Berkeley his support, but denying the other accusations. By Jan. 1740, Berkeley must have been telling people about the earl's letter admitting he had at first promised support and, by implication, had broken his promise. The earl wrote to him from Paris asking Berkeley to clear his name.²² Berkeley's reply included a sentence that might have been capable of being interpreted as a challenge to a duel. If so, the earl did not rise to it. The parties appear to have left it at that, but the result was that Norborne Berkeley could not be sure that he would be returned unopposed.

Norborne Berkeley and the Beauforts

How Norborne Berkeley engaged the support of the Beauforts prompts questions. The Beauforts had a succession planning problem. The third duke's marriage had produced no children, the duchess had been unfaithful, and for all practical purposes the marriage was over. Should the third duke die, the title and family estates would pass to his brother, lord Charles Noel Somerset, but he had not married so had no apparent heir either. The only other living male in the family was their great-uncle, lord Arthur Somerset, aged 69. For the line to continue, Charles Noel Somerset needed to marry and have children, preferably male. With a prospect of succeeding to the title and the family estates, Charles Noel Somerset might have been considered a desirable property in the London marriage market. But Somerset's jacobitism would have discouraged any of the whig establishment families; he was a prominent tory, a shrinking group with no hope of office so long

19. BRO SMV Stedfast Society *Order Book* 13, 13 Feb. 1739.

20. Thomas Carte to the Pretender, Stuart MS 222/33 f. 109.

21. N[orborne] B[erkeley] to Augustus Berkeley, 28 Sep. 1739, and reply, Bad. Mun. Fm S/G 3/1.

22. Augustus Berkeley to NB, 5 Jan. 1740, and reply, *ibid.*.

as they continued to be proscribed by George II; and financial self-discipline had not been the Beauforts' strong point. So Somerset's choices were limited to a non-whig heiress, or a woman with good childbearing potential from a tory family of some but not exalted rank and some but not insignificant money or the prospect of it.

Elizabeth Berkeley, Norborne Berkeley's sister, met the specification. As a near neighbour she will have been known to the Beauforts for a long time; was the daughter of a former tory and jacobite MP whom an earlier Beaufort had supported; of a landed county family; and sister and likely heir of an unmarried tory whom the Beauforts were grooming for parliament. Her brother might be expected to increase his wealth, and on his death to leave it to his sister, should he not have married and had children of his own. That Berkeley never married (though he fathered several children) tempts speculation whether the Beauforts' adoption of him as a political protégé might have been part of a deal under which the price Berkeley paid for the Beauforts' support and his sister's marriage into a ducal family with a good prospect of her becoming a duchess was a promise that Berkeley remain unmarried, and leave a will devising all his landed estates to his sister. There is no documentary evidence to prove such a speculation, and there is also the possibility that Elizabeth Berkeley and Charles Noel Somerset may have been attracted to each other, but the circumstantial evidence is not inconsistent with there having been at least some sort of understanding. In June 1740 the third duke and his duchess formally separated, Elizabeth married Charles Noel Somerset, and the following year the duke began proceedings in the ecclesiastical courts and to seek a private act of parliament for a divorce.²³ It is difficult to believe that the marriage would have occurred unless the Beauforts viewed Berkeley as an acceptable relation, political as well as familial.

Although, barring death of a sitting MP or the tactical calling a snap election, a parliamentary contest was not due until 1741, as early as 1739 the Beauforts were grooming Berkeley as prospective MP, and Berkeley himself was taking formal steps and trying to remove whig opposition. At the Gloucestershire quarter sessions at Michaelmas 1739 Berkeley and Chester took the oaths of allegiance and supremacy and the abjuration oath,²⁴ and Berkeley filed a certificate that he had taken the sacrament.²⁵ In March 1740 Berkeley evidently had expectations of a seat.²⁶ Staying at his mother's in London, he sent parliamentary and other information to the Beauforts at Badminton, and reported on political activity in Cirencester and Gloucester.²⁷ In Nov. and Dec. 1740 Berkeley wrote to Somerset reporting business in both houses of parliament, summarising the debates, listing who spoke, and relaying the numbers on divisions.²⁸ Berkeley reported weaknesses in performance by the opposition whig leader Pulteney, and possible reasons for it; military movements; and local news from Gloucester, Cirencester and Bristol. Whilst the Beauforts may have found the information useful, they may also have been familiarising Berkeley with national politics, and perhaps observing how he took to it. Through early 1741 Berkeley continued to write to Somerset with information, but also asking about the election, which confirms that he expected to be a candidate.

23. GA D2700, OH; Bad. Mun. Fm J2/27.

24. GA Q/RO1(66).

25. Stapleton, 23 Sep. 1739, GA Q/ROs2.

26. NB to Somerset, 23 March 1740, Bad. Mun. Fm J 2/23.

27. NB to Somerset 11 and 14 March 1740, *ibid.*.

28. NB to Somerset 7 Sep. 1740, 18 and 25 Nov. 1740, 2 Dec. 1740: Bad. Mun. Fm J 2/19 and 20.

Into Parliament

The writ set the date for the general election as 12 May 1741.²⁹ Berkeley was still apprehensive about being opposed. Perhaps he doubted the earl of Berkeley's commitment to his promise. The Pretender's informant had other news:

and now it proves that ... his [the earl of Berkeley's] tenants ... follow their inclination and not the Earl's example in breaking their word, so that he will not be able to make ten votes against Mr Berkeley.³⁰

Because there was no closing date for nominations, Berkeley did not know whether he would be opposed. The whigs made a show of opposition right up to the last minute, but in the event they did not put up a candidate, so Chester and Norborne Berkeley were returned unopposed.³¹ It is not clear whether the brush with the earl of Berkeley was the result of guidance by the Beauforts; a deliberate ruse on Norborne Berkeley's part when he first solicited the earl of Berkeley's support; a lack of frankness, youthful impulsiveness, or the naivety of a young man innocent of politics. That Norborne Berkeley acted promptly to cover his back once the earl had been prevailed upon by Walpole to change his mind about supporting his kinsman suggests that in his early 20s Berkeley was not devoid of political nous or the rudiments of diplomatic skills. So Norborne Berkeley became a member of parliament for Gloucestershire.

The New MP for Gloucestershire

Little is recorded of Berkeley's activities in the House of Commons. He is said to have attended assiduously.³² As a tory he will have had no hope of office in court or in the administration, or even locally as a justice of the peace. Walpole had marked him down as an enemy because of his candidature alongside Thomas Chester, and his connections with the Beauforts will have been obvious. From Berkeley's viewpoint his sister's marriage will have put him more deeply into the Beauforts' sphere of influence, but it also strengthened their obligations towards him. Family connection with the county's principal landowner and with the highest level of the aristocracy will have enhanced Berkeley's social status and his prospects for local and even national influence. Too close an association, actual or perceived, would expose Berkeley to risk of suspicion of jacobitism, and so would reduce even further his prospects of a place in the Hanoverian court or under the whig government. After the failure of the jacobite rising in 1745, Berkeley protected himself by signing the Association, a public document expressing the signatories' sensibility of the need for, and a promise to pay towards, 'the raising of able-bodied men to recruit HM's land-forces.'³³ As part of the broad-bottom arrangements in 1745, in which the Beauforts negotiated for the tories, Berkeley was appointed a Gloucestershire justice of the peace.³⁴ Though both Somerset and Berkeley were members of the Bristol Stedfast Society, of which Berkeley was elected president in 1748, Berkeley never joined the Board of Loyal Brotherhood, whereas his fellow Gloucestershire MP Thomas Chester did, in 1749.³⁵

29. NB to Somerset, 2 May 1741, Bad. Mun. Fm J 2/24..

30. Thomas Carte to the Pretender, Stuart MS 222/33 f. 109.

31. NB to Somerset [13] May 1741, Bad. Mun. Fm J 2/24.

32. B. Little, 'Norborne Berkeley, Gloucestershire Magnate,' *Virginia Magazine of History and Biography* (1955) 384, citing George Mercer to James Mercer, 15 Aug. 1768.

33. Westminster City Archives C765.

34. BL Add. MS 35602, Hardwicke papers CCLIV. 54, 57, 75, 83.

35. BL Add. MS M 1602.

In 1749 the duke of Beaufort, one of the trustees of John Radcliffe, presided over the celebrations to mark the completion of Oxford University's new (though empty) library, later known as the Radcliffe Camera. The ceremony included the award of honorary degrees to a number of Beaufort's political allies and relations including Norborne Berkeley. In spite of an overtly jacobite oration by the fanatic William King, the occasion appears to have done Berkeley no particular harm: in April 1749 (it is not clear whether before or after the Oxford degree ceremony) Egmont recorded a survey of MPs' political allegiances, in which he noted Berkeley as 'thoroughly against' the whigs, with some doubt as to how far he might be influenced by the duke of Beaufort.³⁶ Berkeley's unopposed re-election to parliament the following year suggests that the Beaufort connection at least did him no harm.

Norborne Berkeley and Jewish Naturalisation

Like Gloucester and other international trading ports, Bristol had for many centuries included a Jewish community.³⁷ In 1750 they had a synagogue and a rabbi,³⁸ and between 1750 and 1760 at least 20 Jews paid Bristol rates. In 1753 Bristol Jews offered a reward for the arrest and conviction of whoever murdered a Jew travelling in South Wales. Whilst sephardic Jews, mostly from Spain and Portugal, were influential in the London financial markets and were assimilated into polite society – the most prominent, Samson Gideon, was close to the Pelhams – popular prejudices about Jews were influenced by the beards, odd dress and lowly status of the ashkenazim, most of whom came from eastern Europe.³⁹ Racial prejudice against Jews was widespread and overtly expressed. 'Fewer Jews and more Christians' was one of the toasts of the Beauforts' Board of Loyal Brotherhood.⁴⁰ Under English law aliens were not permitted to hold real property. They were forbidden by the Navigation Acts to hold a share in an English ship, which excluded them, for example, from the colonial trade in which Bristol participated. Aliens could apply for naturalisation by means of a private Act of parliament, but a statute of 1609 required every petitioner for such an Act to have received the Christian sacrament before petitioning. In 1744 when a bill was promoted to end the Turkey Company's monopoly in the Levant trade, sympathisers sought to add a clause to permit Jewish naturalisation. Berkeley was appointed to chair a parliamentary committee to consider the bill, and used his casting vote to carry the clause. Berkeley incurred unpopularity and the clause was later defeated elsewhere.

Tories successfully opposed naturalisation bills in 1746–1747, 1748 and 1751. There was a petition from Bristol against the 1751 Bill, and when it was defeated a Bristol mob burnt in effigy Josiah Tucker, then a local rector, who had written pamphlets supporting it.⁴¹ In early April 1753 the earl of Halifax (George Montagu), then president of the Board of Trade, introduced a further bill simply to remove the requirement for Jews to take the sacrament before petitioning for a private Act. His bill passed all its stages in the House of Lords without division. The City of London Corporation and other traders lodged petitions against it, but it went through all its commons stages by large majorities, Berkeley voting for it. Consistent with his decision in 1744, Berkeley supported the 1753 bill, defying popular opinion. One MP commented in July:

36. BL Add. MS 47097/8; repr. *Camden Miscellany*, 23 (1969), 4th series vol 7, III, 137.

37. What follows, except as to Norborne Berkeley's involvement, draws on T.W. Perry, *Public Opinion, Propaganda and Politics in 18th-century England: a study of the Jew Bill of 1753* (Cambridge, Mass. 1962).

38. J. Samuels, *Jews in Bristol* (Bristol, 1997), p. 45.

39. Perry, *Public Opinion*, n. 37, p. 6.

40. Colley, *In Defiance of Oligarchy*, n. 7, p. 117, citing Oxon Record Office DIL xxv/446, but the toast does not appear in the duke's rules and order book in Bad. Mun. Fm H 4/5.

41. Coxe II 180, *Parl. Hist.* viv, 971–2.

A man of dark complexion is scarce safe in the streets ... There is such a spirit in Gloucestershire against Norborne Berkeley upon this account, that though he is otherwise the perfect idol of the country, they are now quite in an uproar against him.⁴²

Opposition, probably fomented to attack the whigs in the run-up to the general election due in 1754, was vehement. Cirencester, for example, was one of 15 tory constituencies to instruct their MPs to oppose the bill.⁴³ After it had been enacted, Bristol's Stedfast Society funded an address to the city's MPs urging repeal.⁴⁴ Although the whigs arranged repeal of the Act at the start of the following session, the uproar in Gloucestershire continued and was so great as to threaten Berkeley's parliamentary seat.⁴⁵ In Sep. he was offering to withdraw his candidacy at the next election.⁴⁶

According to one historian,⁴⁷ Berkeley voted for the measure because he thought it unimportant, or because of his personal friendship with Lord Halifax,⁴⁸ but neither reason is evidenced or convincing. First, Berkeley had used his casting vote in favour of naturalisation in 1744, so in supporting the measure in 1753 he was being consistent. For a tory to support a whig measure consistently, and in spite of local animosity, suggests that Berkeley either had a personal interest in the law being changed or was actually in favour of it, as is confirmed by Thomas Burch's comment in Sep.:

Mr Norborne Berkeley being attacked at the Gloucester Races for voting for that Bill, frankly owned, that he did it from a persuasion of its being a right one, in which he still continued; But said, that if the County thought proper to name any other gentleman for their representative, he would himself support their candidate, and not attempt to divide the country or disturb its peace.⁴⁹

Second, although there was an instruction from Bristol to its MPs to vote against the bill,⁵⁰ and the Stedfast Society pressed for repeal of the Bill once enacted, there was support for the measure in Bristol. Two petitions from Bristol had been presented in favour of the 1751 bill. There were Jewish moneylenders in Bristol, and Berkeley had borrowed from them.

The following year the Bristol tories' election slogans were 'No General Naturalisation, No Jews, No French Bottle-makers, No Lowering Wages of Labouring Men to 4d a Day and Garlick.'⁵¹ If the agitation against the 1753 Act was intended to damage the prospects of the whigs in the 1754 general election, it failed. Berkeley was again returned unopposed: an expected challenge from the whig Tracy did not materialise. The tory press continued to attack Berkeley. The *Oxford Journal*, recognising who pulled the tory political strings in Gloucestershire, printed a letter purportedly signed by one Moses Ben Amri:

Our tribes present their compliments to the D of B, and thank him for putting in nomination in Gloucestershire a friend to our Bill and Nation.⁵²

42. Little, 'Norborne Berkeley', n. 32, p. 388, citing Robert Ord to Carlisle, 17 July 1753, HMC 15th report (Carlisle papers) (London, 1897), appx. pt. vi., p. 207.

43. Colley, *In Defiance of Oligarchy*, n. 7, p. 167.

44. BRO SMV, Stedfast Society *Order Book*, 60, 12 Dec. 1753.

45. Thomas Birch to Yorke, 25 Aug. 1743, BL Add. MS 35398, f. 151.

46. See also *London Evening Post* 4018:1, 4020:4; *Jackson's Oxford Journal* 19:1, 31:3, 32:3, 51:2.

47. Perry, *Public Opinion*, n. 37, pp. 70, 139, 161.

48. *ibid.*, p. 138, citing Cumberland, *Memoirs* I, 160.

49. Thomas Burch to Yorke 29 Sep. 1753, BL Add. MS 35398, ff. 166–167.

50. *London Evening Post* 4059:1.

51. Colley, *In Defiance of Oligarchy*, n. 7, p. 195, citing *The Bristol contest* (Bristol, 1754), 13: *On the Hon Mr Southwell getting the election* (Bristol, 1739).

52. *Jackson's Oxford Journal* 32:3.

Berkeley himself received a loyal address from another source. The 9 year-old Hannah More, daughter of the schoolmaster of the charity school at Fishponds in the parish of Stapleton, whose salary Berkeley, a trustee, had increased by donations, and in whose interest it was to keep in Berkeley's good books, presented Berkeley with some verses:⁵³

The grey eye'd morn approach his friends drew near
 Them he recd with hospitable cheer
 Tho few in number hundreds were at hand
 Ready to wait their patriots great command
 With turkeys fowls, Red port and white in plenty
 With bowls of punch & everything thats dainty
 They rode in triumph to the city hall
 Where all were ready listening to his call
 No Tracey none, no Tracey durst appear
 Berkely in triumph adorns the gilded chair
 No need that laurel branch so well refined
 The inward man surpasses every kind
 Their voices big their hearts were bigger far
 To see their worthy member in his chair
 But let him stand when e'er he will
 Berkeley shall have their voices still.

The Accession of George III

When on 25 Oct. 1760 George II died and was succeeded by his grandson, the new king was still attached to and dependent upon his former tutor the tory John Stuart, earl of Bute. George III relaxed the proscription of tories from office that had been the firm policy of his two predecessors, deploring 'those unhappy distinctions of party called Whigs and Tories', and welcoming everyone who would support his administration.⁵⁴ Two tories were given ceremonial responsibilities at his coronation,⁵⁵ but new appointments in Nov. 1760 of a few tories, including Norborne Berkeley, to positions in the king's court, came as a surprise.⁵⁶ Horace Walpole noted the appointment without comment,⁵⁷ but others were puzzled, partly because the whig leader the duke of Newcastle said he had known nothing of it, and it was only later that it came out that Bute had been the instigator of the change.⁵⁸ Newcastle, hearing of it on a social occasion at the house of the late king's mistress,⁵⁹ immediately wrote to the duke of Devonshire asking whether the news was true.⁶⁰ When Devonshire said it was, Newcastle petulantly protested to Bute and threatened to resign, partly because he did not agree to tories being appointed, but mainly out of pique at not having been consulted. Pitt having duplicitously told Egmont that he had known of it only accidentally,

53. Ann Blandford, *Commonplace book* (1791), Beinecke Rare Book and Manuscript Library, Osborn Shelves c.341. I am grateful to Nicholas Smith for the reference.

54. B.W. Hill, *British Party Politics 1742–1832* (London, 1985), p. 90.

55. Colley, *In Defiance of Oligarchy*, n. 7, p. 287.

56. Bubb Dodington, *Political Journal*, 4 Dec. 1760.

57. Horace Walpole to Mann, 5 Dec. 1760: op. cit., n. 8, pp. 21, 460.

58. Egmont notebook XX.1, BL Add. MS 47097/8, repr. A.N. Newman (ed.), *Leicester House Politics 1750–1760, Camden Miscellany*, 4th series, 23 vol. 7 (1969), p. 226.

59. Newcastle to Joseph Yorke, 5 Dec. 1760, BL Add. MS 32915 f.308.

60. Newcastle to Devonshire, 4 Dec. 1760, Chatsworth MS 182/157.

told Devonshire that he had advised the measure, though not the individuals.⁶¹ It was not until 9 Dec. 1760 that Bute wrote to Berkeley confirming his appointment:

His Majesty has appointed you one of the Grooms of His Bedchamber. You have, my dear Berkeley, enabled me, not only by your Personal acceptance, but by your friendly advice to others, to do a thing my soul has been bent on for these several years past, to give a deadly blow to the odious distinctions of Party; & to represent our Young Monarch in His True Colours the King of all His People; if the success that I wish & hope for attend this measure, the instant age will commemorate the first months of His Majesty's Reign, & date internal peace & social happiness from the auspicious hour He mounted the throne; but I must tear myself from a subject I could write whole quires upon ...⁶²

Notwithstanding that, at least one historian has attributed Berkeley's appointment to George III's own personal idea.⁶³ Traces suggest that by 1760 Berkeley had at least to some extent allied himself with Bute.⁶⁴ In Jan. 1761 Berkeley was lobbying Bute, not then prime minister, for a position for a client,⁶⁵ which might suggest a patronage relationship. Berkeley was included as a Bute tory in an undated list of parliamentary groups.⁶⁶ In March 1761 the death of the duke of Newcastle put Bute into the cabinet. On 20 March the king dissolved parliament, which did not meet again until Nov., when Berkeley was appointed to the House of Commons committee of privileges,⁶⁷ one of whose responsibilities was to hear election petitions. The committee thus had a role to play in safeguarding and enhancing the administration's majority, so only members trusted by the administration were appointed to it.

In 1762 Bute became prime minister. He may have heard reports of Berkeley's leadership and competence in organising his battalions of militia. In addition to the bedchamber, a flurry of other appointments came his way. He was made lord lieutenant of Gloucester, Bristol, and Gloucestershire, but the last was only a temporary appointment, at the request of the countess of Berkeley. Bute wrote: 'Ldy Berkeley has requested that it may only be held till her son is of age, which I suppose you have no objection to.'⁶⁸ At the same time Bute was advancing other politicians with whom Berkeley had links and who might be considered to owe Berkeley obligations. So highly did Bute think of Berkeley that he even considered making him secretary at war, which would have meant a seat in the cabinet. Some years later Rockingham mused, in a letter to Newcastle:

I think I have heard that Ld Bute once intended Norborne Berkeley for Secretary at War – when Sir Francis Dashwood was made Chancellor of the Exchequer – & that Ld Holland stopped it.⁶⁹

That must have been some time after Dashwood's appointment in June 1762. Holland (then Henry Fox) had started off as a whig attached to Robert Walpole; rose to office under the Pelhams became paymaster general, outside the cabinet, in 1757; became leader of the House of Commons in 1762; and continued as paymaster general under Bute with a seat in his cabinet.⁷⁰ He will therefore have known Bute's intention to appoint Norborne Berkeley secretary at war, and been in a position to have argued against it. Fox wielded considerable influence: he was said to have

61. W. Cavendish, *Memoranda on State Affairs 1759–1762*, ed. P.D. Brown and K.W. Schweizer, *Camden Miscellany*, 4th series, vol. 27 (1982), p. 63.

62. Bute to NB, 9 Dec. 1760, Bad. Mun. Fm S/G 4/8.

63. J.M. Black, *Pitt the Elder* (Cambridge, 1992), p. 202.

64. Dodington, *Political Journal*, 14 Dec. 1749, 27 April 1751, 24 Jan. 1753, 4 Dec. 1760.

65. NB to Bute, BL Add. MS 5726C f. 35 (renumbered 41).

66. BL Add. MS 38334, ff. 269–70.

67. *Commons Journal* 29, 10.

68. Bad. Mun. Fm S/G 4/8, no date.

69. Rockingham to Newcastle, 11 Aug. 1768, Newcastle papers CCCV, 405–7, BL Add. MS 32990.

70. Oxford D.N.B..

urged on Bute in 1762 the wholesale removal from office of scores of adherents of the Pelhams at every level of patronage, national and local. So what Rockingham vaguely remembered having heard may well have been right.

Norborne Berkeley and the Cider Excise

By the end of the Seven Years War Britain had run up substantial public debt.⁷¹ The government also needed to fund a virtually permanent army in America. At the same time the government wished to reduce the land tax, so it needed other sources of revenue. One of several expedients chosen was to extend the excise on cider, until then payable only by retailers. The chancellor of the exchequer Francis Dashwood proposed to increase the excise by a further 10s. on each hogshead sold by retail. The proposal directly affected those counties which grew apples and made cider, including Gloucestershire. On 11 March 1763 several west of England MPs asked for the bill to be postponed for further consultation, in response to which Dashwood reduced the increase from 10s. a hogshead to 4s.; but he extended the duty to cover all cider, including that made for domestic consumption.⁷² That gave Pitt an opening to attack the bill on the grounds that it would involve excise officers entering private houses, an infringement of the emotive popular fiction that an Englishman's home was his castle. Objection in the south-west was vociferous. A noisy committee of the whole house sat on 23 March 1763 from 11a.m. to 10p.m.. Berkeley warmly defended the bill. James Harris, MP for Christchurch, wrote in his diary that Berkeley: '... told us of his own independency – that he had been for the Jew bill and avowed it to his constituents; 'though the year before a general election – signified to us now however that he expected a seat among the peers,' and said he very much resented the way in which Dashwood had been attacked.⁷³

As had happened over Jewish naturalisation, Berkeley's conduct made him unpopular locally. In Gloucester, Lord Coleraine had been nominated as tory candidate for the city election, and Berkeley was due to visit him. He wrote warning Berkeley not to visit for fear of being set on by a mob, but Berkeley replied that 'no mortal consideration shall make me avoid the light of the sun – But will see you tomorrow morning by 9 and will then fully explain my opinion of the withdrawal you propose.'⁷⁴ In assessing Berkeley's conduct over the cider excise, it is difficult to choose between his explanation, that the money was needed and the tax would do no harm, and that of those who thought that as Berkeley was in line for a peerage, he could ignore local opinion with impunity. Berkeley had indeed shown himself principled and of independent mind over the Jewish naturalisation issue, and had not been deterred by local agitation, and his use of the word 'independency' suggests that he again was acting as he thought right. Perhaps he also wished to support his old friend Dashwood, though their roistering days were long over. But if Berkeley was confident that a peerage was coming his way, the threat of people not voting for him at the next election was not one to make him change his mind. It might have made it easier for him to ignore local opinion, but it would not explain why he supported the measure in the first place. In fact Berkeley was granted the Chiltern Hundreds on 11 April 1763, and the cider excise debate was his last appearance in the House of Commons.⁷⁵ Nominations closed for the election on 14

71. R.B. Morris (ed.), *Encyclopaedia of American History* (New York, 1982), pp. 25, 86ff.

72. James Harris, *Diary*, 11 March 1763.

73. *ibid.*, 22 March 1763.

74. Bad. Mun. Fm S/G 3/8, no date.

75. *Commons Journal* 29, 627.

April. The previous day the Fishponds doctor Joseph Mason rode to Gloucester from Newport and wrote in his diary:⁷⁶

Roade on a moderate part before to the 6 miles Stone. Saw the effigie of a Man Hung in an apple tree with apples about it and writing under in order to expose Mr Berkeley on acct of his Voting for the Excise on Cyder and Perry when we came to Littleworth by Gloucester Saw another Effigie Dresd up as Mr Berkeley ... gave them half a Crowne.

On 8 April 1763 Bute stood down as first lord of the treasury, ostensibly retired from the ministry, and was succeeded by George Grenville. In 1765, by which time Berkeley was in the House of Lords, the government under Rockingham decided it expedient to repeal the cider excise measure. When the repealing bill came to the House of Lords, Botetourt, as by then Berkeley was, voted for repeal.⁷⁷ Again he supported the administration, and again he came out of a scrape unscathed.

Norborne Berkeley and the Stamp Act Crisis

The American colonies caused the British government to incur about £300,000 a year on what amounted to a virtually permanent army in America for the colonists' protection.⁷⁸ It was widely held in Britain that the colonists should pay a larger contribution towards that cost. Bute's solution was to tax the colonies, who were used to low taxation.⁷⁹ In his budget speech on 9 March 1764 Grenville said additional revenue would be needed over and above that from customs dues. A stamp duty, taxing among other things legal documents, newspapers, dice and playing cards was suggested, and it was agreed to consult the colonies. Virginia and others protested. Protests from Massachusetts and New York were considered by the Commissioners of Trade on 11 Dec. 1764 and reported to the Privy Council, but Halifax decided to introduce a Stamp Bill and get it passed before telling parliament about the American protests.⁸⁰ Grenville introduced preliminary resolutions on 6 Feb. 1765. On 15 Feb. parliament received a petition against the bill from Virginia's London agent, implicitly challenging parliament's right to tax the colonies.⁸¹ The bill passed the House of Commons on 28 Feb. 1765, then the House of Lords without debate, and received the royal assent on 22 March 1765, to come into force from 1 Nov. 1765.

By this time Berkeley had taken his seat in the Lords as lord Botetourt. As might be expected of a newcomer, he rarely missed a day's sitting: on one occasion he was one of only 13 present. After being regularly appointed to committees to consider private bills on turnpikes, enclosures, naturalisations, changes of name, and the releasing of landed estates from strict settlements in order to pay debts, in Jan. 1765 Botetourt was given his first responsible role in the House of Lords when he chaired a committee on a bill to permit rebuilding of St Mary's church at Tetbury. Botetourt was present when the Stamp Bill was introduced into the House of Lords,⁸² and when it was passed without debate.⁸³ By May 1765 Botetourt was being given more responsible roles,

76. Jos[ep]h Mason, *Diary*, 1763, University of Bristol Special Collections. I am grateful to Michael Richardson for drawing my attention to this manuscript.

77. Rockingham to the king, 26 May 1766, George III *Correspondence* I. 283.

78. What follows is based largely on P.D.G. Thomas, *British Politics and the Stamp Act Crisis; the First Phase of the American Revolution, 1763–1767* (Oxford, 1975).

79. Minutes of Ohio Company, 6 Feb. 1753, in L.L. Mulkearn (ed.), *George Mercer Papers* (Pittsburgh, 1954), pp. 144–7.

80. Thomas, *British Politics*, n. 78, p. 87.

81. *ibid.*, pp. 89, 95.

82. *House of Lords Journal*, 31, 54.

83. *ibid.*, 110.

and not just local ones: he reported back from a committee on the London riots the previous May, blaming Sir John Fielding and the magistrates for not exercising control.

On 29 May 1765 the Virginia house of burgesses passed resolutions warning George III to note the fate of Julius Caesar and Charles I, and claiming that only the general assembly of Virginia had the right to tax Virginia people. In Aug. there were riots in Boston, from which Botetourt's son Charles Thompson, a British naval officer, wrote telling his father of the protests and the hanging in effigy of the local collector of taxes. In early Oct. two leading citizens of Newport Rhode Island, who had had their houses wrecked for defending the Stamp Act, arrived in Bristol and told of their experiences.⁸⁴ On 23 Oct. the Privy Council issued instructions to colonial governors to uphold the law and keep order, with force if need be. The Stamp Act came into force 1 Nov. 1765, General Gage expressing confidence that implementation would be no problem. Because Halifax had kept from parliament the protests from America against the Stamp Bill, British merchants were slow to realise the effects of the trade boycott that was the colonies' reaction. Not until 29 Oct. 1765 did the Bristol Society of Merchant Venturers petition the Treasury about the effect the Stamp Act would have on its members' colonial trade.⁸⁵ Bristol merchants urged their London counterparts to take action as well.⁸⁶ In early 1766 Bristol was one of 26 towns to petition against the Act.⁸⁷

On 14 Jan. 1766 Pitt opportunistically declared himself in favour of repeal of the Stamp Act, but on the principled ground that parliament had no right to tax the colonies internally. The administration, now under the inexperienced Rockingham, rapidly adopted a policy of repeal. The administration won a debate on 17 Jan., with Berkeley present and speaking against an opposition motion.⁸⁸ There was disagreement about what papers could be printed (and so made public) without endangering the lives of British subjects named in them. On 16 Jan. Botetourt again spoke against an opposition motion.⁸⁹ On the Stamp Act issue, he was consistently supporting the administration.

Botetourt chaired the committee of the House of Lords which read the papers from 28 Jan. to 4 Feb. 1766 and examined witnesses,⁹⁰ one of whom claimed that Bristol merchants were owed £800,000 by colonials out of a total owing of £4.45 million.⁹¹ William Reeve, master of Bristol's Society of Merchant Venturers, claimed that Bristol's American trade was worth £500,000 p.a., but was now totally at a standstill. Americans owed £500,000 to Bristol merchants. He had 500 letters seeking orders conditional on repeal of the Act.⁹² On 10 Feb. 1766 Botetourt, as chairman of the committee, reported to the house the fateful resolutions proposed by the committee, the first of which was, 'That the king ... hath ... full Power and Authority to make laws and Statutes of sufficient Force and Validity to bind the Colonies and People of America, Subjects of the Crown of Great Britain, in all cases whatsoever.'⁹³ Botetourt thus played a critical if formal and fortuitous role in a momentous event, the decision of the British parliament to assert over

84. Thomas, *British Politics*, n. 78, pp. 135–6, citing TNA T29/37, 165.

85. W.E. Minchinton, *The Growth of English Overseas Trade in the Seventeenth and Eighteenth Centuries* (London, 1969), pp. 102–4.

86. BL Add. MS 33030 f. 101.

87. W.E. Minchinton, 'The Stamp Act Crisis: Bristol and Virginia,' *Virginia Magazine of History and Biography* 73 (1965), pp. 152–3.

88. Rockingham to the king, 16 Jan. 1766, *Correspondence of George III*, I.200.

89. Thomas, *British Politics*, n. 78, pp. 177ff, citing *House of Lords Journal* 31, 243; *Correspondence of George III* 1.243, 3.i.233.

90. *House of Lords Journal* 30, 521; 31, 246–7, 250, 252–4.

91. Thomas, *British Politics*, n. 78, p. 218.

92. *ibid.*, p. 222.

93. *House of Lords Journal* 31, 262.

the colonies not just its right to tax but its absolute sovereignty in all matters. What had until then been a disagreement about the legality and propriety of taxation was thereby transformed into a dispute about sovereignty at large, or who should govern. Colonists knew that once the jurisdiction of the British parliament to rule in the colonies were admitted, it would follow that parliament had power to tax the colonies.⁹⁴ From then on, politically aware Americans saw the whole range of the autonomy they had achieved as under direct and explicit attack from Britain.

With that assertion of unlimited sovereignty, the British government decided to repeal the Stamp Act, on the ground, not that parliament had no right to tax the colonies (which would have been inconsistent with the declaration of unlimited sovereignty and would have conceded Pitt's argument), but that the prospect of taxation was damaging trade, a fact proved by evidence to Berkeley's committee, and no doubt impressed on him privately by Bristol merchants. When the House of Commons voted for repeal by 275 to 167, there were celebrations in Bristol, merchants assuming that they would now be able to resume trade with America. But the repeal bill had still to pass the House of Lords, so the Society of Merchant Venturers sent a petition to the Lords on 5 March 1766 supporting repeal.⁹⁵ Botetourt was present for both the first and second readings of the bill.⁹⁶ Those opposing repeal included some of the King's friends including Bute and seven lords of the bedchamber,⁹⁷ but not Botetourt. He appears to have left the Bute camp and aligned himself with Wills Hill, lord Hillsborough, who voted for repeal.

Botetourt Realigns with Pitt and Grafton

In July 1766 the Rockingham ministry fell. To form an administration George III called on Pitt, who became lord Chatham, and insisted on Charles Townshend being appointed chancellor of the exchequer.⁹⁸ Townshend expressed his determination to exert Britain's authority in America.⁹⁹ That determination, amounting to obstinacy, coincided with the wishes of the king. Botetourt, ever loyal to the king, aligned himself with the new administration. Pitt however frequently absented himself from the Commons for long periods, pleading, often genuinely, bouts of incapacitating illness. In his absence, and with Grafton in the House of Lords and Conway in the House of Commons not exercising effective leadership,¹⁰⁰ Townshend had more and more freedom. Hillsborough was made president of the Commissioners of Trade. By Nov. 1766 Botetourt's alignment with the Pitt-Grafton administration was strong enough for Grafton to invite Botetourt to move the address.¹⁰¹ Botetourt was given increasingly more responsible tasks. In March 1767 he chaired and reported back from a committee on a bill dealing with militia pay, clothing, discipline and the treatment of deserters.¹⁰² A couple of months later he chaired a committee appointed to recommend procedures for verifying claims to peerages. Its recommendations, which may have

94. W.H. Nelson, *The American Tory*, (Oxford, 1961), n. 95, pp. 10–11, citing [M. Howard], *A letter from a Gentleman at Halifax, to His Friend in Rhode-Island*, (Newport R.I., 1765).

95. Minchinton, 'The Stamp Act Crisis', n. 85, pp. 104–105.

96. *House of Lords Journal* 31, 302.

97. Debrett *Parliamentary register*, IV, 374–5.

98. BL Add. MS 47584 f. 50.

99. Thomas, *British Politics*, n. 78, p. 292.

100. W. Evans, 'Pitt the elder and the financial discomfiture of Norborne Berkeley, lord Botetourt,' in M.J. Crossley Evans (ed.), *'A Grand City': 'life, movement and work': Bristol in the Eighteenth Century* (B&GAS, 2010), pp. 14–26.

101. Grafton to the king, 11 Nov. 1766, *Correspondence of George III*, I, 417, 421.

102. *House of Lords Journal* 31, 548.

been informed by Botetourt's own experience, were adopted by the House of Lords as standing orders.¹⁰³

Early in 1767 the Privy Council disallowed an Act of the Massachusetts assembly, part of which gave legal immunity from prosecution to rioters in the Stamp Act disturbances.¹⁰⁴ Botetourt supported the government in debates on opposition motions, the first carried by 27 votes,¹⁰⁵ the second only by nine.¹⁰⁶ On 22 May 1767 the House of Lords went into committee to consider the issues.¹⁰⁷ Botetourt's surviving papers include a set of House of Lords standing orders, and several sets of notes that look like procedural crib sheets, the sort of aides-mémoire that might be prepared by House of Lords clerks for the assistance of members chairing certain types of business, such as committees of the whole house.¹⁰⁸ That Botetourt's papers also include copies of key documents, his own notes of the motion, the speakers and the voting, suggests that he was in the chair.¹⁰⁹ An opposition motion was defeated,¹¹⁰ but this time only by three votes, as was a second motion. Botetourt then proposed a vote applauding the Privy Council for its decision, but Grafton, realising from the narrowness of the two previous majorities that a resolution in such general terms might be defeated, rapidly stepped in and quashed it. The incident suggests that Botetourt's keen impulsiveness got the better of his judgment, or that his experience had not made him alert enough to see the danger.¹¹¹

A similar incident occurred ten days later. On 21 May 1767 papers on Québec had been laid before the House, which resolved to consider them in committee on 2 June 1767. Botetourt was in the chair.¹¹² The opposition moved a two-part resolution that implied a motion of censure. Botetourt put the question on both motions together. Bedford objected. The motions were then taken separately, and the government survived, this time by eight votes.¹¹³ Again, the incident shows Botetourt as a politician experienced and respected enough to be asked to chair a committee, but not experienced enough in parliamentary procedure, or not fly enough, to apply the rules, even when by not doing so he might have endangered the government's majority.

Botetourt and the Townshend Duties

By 1767 the duties imposed on the colonies in 1764 were producing only a fraction of the cost of keeping the army in America. In Jan. 1767 a proposal that the expense of troops stationed in America be met by the colonies themselves was defeated, but in the course of debate Townshend unnecessarily 'pledged himself that something should be done this session towards creating a

103. *ibid.*, 31, 580, 594.

104. Bad. Mun. Fm S/G 3/12; TNA 30/8/97 f. 79.

105. Grenville correspondence iv.223, 10 April 1767; Grafton to the king, 10 April 1767, *Correspondence of George III*, I. 500. If the dates attributed to the letters are right, the debate must have been on Massachusetts, not on the Townshend duties, which were not debated until 17 June.

106. Grafton to the king, 6 May 1767, *Correspondence of George III*, I. 505.

107. *ibid.*, 31. 614.

108. Bad. Mun. Fm S/G 3/10.

109. Bad. Mun. Fm S/G 3/12.

110. *House of Lords Journal* 31, 618.

111. Thomas, *British Politics*, n. 78, p. 233.

112. *House of Lords Journal* 31, 628.

113. Thomas, *British Politics*, n. 78, p. 334; J. Brooke, *The Chatham Administration 1766–1768* (London, 1956), n. 133, p. 153.

revenue to bear the burden.¹¹⁴ In Feb. 1767 Townshend moved that the land tax continue at 4 shillings in the £, but the opposition carried an amendment to reduce it to 3s., resulting in a cut of about £500,000 in revenue.¹¹⁵ To make up some of the shortfall, and to honour the promise he had given in the debate in Jan., Townshend proposed import duties, including taxes on glass, tea, paper, white and red lead paint, printers' colours and other commodities imported into the colonies. The tax was estimated to raise £40,000 a year. The bill passed the House of Commons without opposition, and received the royal assent on 29 June 1767.¹¹⁶ The colonies' agents made no representations. Townshend appointed a board of customs commissioners and based them, presumably deliberately, in Boston, with a view to enforcing the duties from Nov. 1767.

Townshend died unexpectedly on 4 Sep. 1767, and was succeeded as chancellor of the exchequer by Frederick North. Chatham remained absent through ill-health. It is tempting to speculate that Pitt genuinely believed that Britain had no right to tax the colonies, and could not bring himself to lead an administration intent on doing so. Grafton took on ostensible leadership of the administration but, as is apparent from the events leading up to the collapse of the Warmley company, he was incapable of acting without instructions from Chatham, and Chatham refused to give any. No doubt perceiving Grafton's difficulty, late in Nov. 1767 Bute and his political allies the Bedfords persuaded George III to agree a cabinet reconstruction.¹¹⁷ Shelburne, the Secretary of State for the southern department, was unpopular with colleagues and distrusted by the king, and was considered too conciliatory towards the American colonies.¹¹⁸ In Jan. 1768 a separate secretaryship for the colonies was carved out of Shelburne's southern department and was allocated to Wills Hill, earl of Hillsborough,¹¹⁹ who had attachments with the Bedfords:¹²⁰ although he had voted for repeal of the Stamp Act he could be expected to maintain George III's hard line in dealings with the colonies. Berkeley was not a supporter of the Bedfords, but he was aligned with Hillsborough.

Enter and Exit Botetourt

Early in Feb. 1768 John Wilkes, who had been outlawed in Nov. 1764, returned to England. Wilkes-related issues dominated parliamentary time, so from Nov. 1768 to March 1770 America received very little parliamentary attention. Events however moved apace in America. In Feb. 1768 Samuel Adams drew up the Massachusetts circular letter, denouncing the Townshend Acts, asserting the impossibility of obtaining representation in the British parliament, and calling for united action. On 3 March 1768 Francis Fauquier the lieutenant-governor of Virginia died. With Amherst, nominally the governor, absent since 1763, Virginia had neither resident governor nor lieutenant-governor. News of the Massachusetts circular letter did not reach London until 15 April. On 21 April 1768 Hillsborough sent a despatch to all colonial governors denouncing the Massachusetts letter, and instructing them to prevent their assemblies from endorsing it. He also instructed governors to suspend assemblies (such as Virginia's House of Burgesses) should they be recalcitrant, and ordered ships and troops to Boston.¹²¹ Virginia's response was to insist that

114. Newdigate MS B 2548; Grafton *Autobiography*, 126–7.

115. P.D.G. Thomas, *The Townshend Duties Crisis: the Second Phase of the American Revolution 1767–1773* (Oxford, 1987), p. 7.

116. *House of Lords Journal* 31, 659.

117. F. O'Gorman, *The Rise of Party in England: the Rockingham Whigs 1760–82* (London, 1975), p. 213.

118. *Grafton Correspondence*, ed. Anson (London, 1898), p. 213.

119. TNA Pat Rolls 8 Geo 3 Pt 2 m.8.

120. O'Gorman, *The Rise of Party*, n. 117, p. 231.

121. TNA CO5/241f28, 5/765 f. 6–8; M. Jensen ed., *English Historical Documents* (London, 1955), pp. 716–717.

only they could impose taxation on the colony: 'If this principle is ever suffered to decay, the Constitution must pine away and expire with it, as no Man can enjoy ever the Shadow of Liberty or Freedom, if his Property, acquired by his own Labour and Industry, can be wrested from him at the Will of another.'¹²² Hillsborough was alarmed.¹²³ He needed a governor willing to reside in Virginia, and fast. A cabinet was called, and met on 27 July 1768.

Botetourt was in the right place at the right time, and was available, and above all, willing to reside on the spot. On 28 July 1768, 'Thursday past 4', Hillsborough wrote to Botetourt: 'HM has been pleased to appoint you to be his Governor & Commander in chief in Virginia and I will attend you to court tomorrow to kiss HM's hand.'¹²⁴ On 29 July 1768 Botetourt kissed hands.¹²⁵ Many felt that Amherst, perceived as a deserving soldier with a good record in Canada, had been badly treated.¹²⁶ Controversy was sharp.¹²⁷ The Rockingham whigs were suspicious of Botetourt's appointment, thinking him too hot-headed.¹²⁸

Rockingham, perhaps remembering that it was under Bute that Berkeley had been appointed to the court, attributed the appointment to Bute,¹²⁹ long suspected of covert influence over the king. 'I can not account for Ld Botetort being made Governor &c but by the desire of Ld Bute – & I can see no other policy in it, than in the tenour of his Lordship's constant conduct – which ever has seemed to have in view the extending and keeping up Confusion.'¹³⁰ That is no doubt also an explanation for the invective heaped upon the government in the *Letters of Junius*.¹³¹ The main thrust of the criticisms were that Amherst had been assured by Pitt that he need not reside in Virginia; that Amherst deserved better treatment and was the victim of revenge for opposing policy earlier in his career; that Botetourt's appointment had been fixed some days before pressure was put on Amherst to reside; that the appointment was a job, a post for 'a court favourite that wanted a salary.' Botetourt was personally attacked on the way: '... after an unsuccessful attempt to reward him further by a violation of our laws in an illegal patent,¹³² he is now to be provided for by the ruin of our affairs in a critical and important government.' 'One of your cringing, boring, sword bearing brother courtiers ruins himself by an enterprise, which would have ruined thousands if it had succeeded. It becomes necessary to send him abroad.' 'It is not that he is a bad man, or an undutiful subject. But he is a trifling character.' One of the attacks mentioned Botetourt only by his initial. When news of this reached him, he was in America. Botetourt wrote to Hillsborough, asking him, if further such publications appeared, to have an advertisement inserted in the London Chronicle: 'Lord Botetourt begs as a favour of those who shall for the future do him the honour to abuse him in the Publick Papers, that they indulge themselves with writing out his name at length, as he promises to take no other Vengeance that will arise from his correcting himself if they are right, and doing better if he can.'¹³³ A more cynical view was

122. J.P. Kennedy and H.R. McIlwaine (eds.), *Journals of the House of Burgesses of Virginia 1766–1769* (Richmond, Va., 1905–15), pp. 165–71.

123. Thomas Bradshaw to Grafton 22 July 1768, Grafton MS 305.

124. Hillsborough to B, 28 July 1768, Bad. Mun. Fm S/G 4/20.

125. *Gentleman's Magazine* (1768) xxxviii.393.

126. Walpole to Strafford, 17 June 1768.

127. Walpole to Mann, 13 Aug. 1768.

128. W[entworth]W[oodhouse MSS] R1 – 1083.

129. WW R1 – 1080; BL Add. MS 32990 ff. 384–5.

130. BL Add. MS 32990 ff. 405–7 at 406.

131. J. Wade (ed.), *Junius: including letters by the same writer under other signatures* (London, 1850), vol. 2, letter XXXIV, p. 206ff.

132. For Botetourt's involvement in the Warmley company, see Evans, 'Pitt the Elder', n. 100.

133. B to Hillsborough, 10 Nov. 1768, TNA CO 5/1347, f. 111.

taken by Edmund Burke: 'They [the government] have made themselves as odious by this Jobb, as they were contemptible for the other parts of their Conduct. The affairs of America prosper ill in their hands. Lord Hillsborough has taken a step which has influenced and united all that Country'.¹³⁴

Political jobbery or not, contemporaries were aware that in Virginia Botetourt was likely to have a difficult time.¹³⁵ It would be ungenerous to attribute Botetourt's appointment to convenience or chance alone, or only to political connection with Bute or friendship with Hillsborough. Botetourt lived near and had political and business connections in Bristol, a city with strong trading links with several of the American colonies, including Virginia. He held a position at court, was a member of the nobility, and was linked by marriage to its highest rank, so he was likely to be acceptable to the Virginia establishment. Distant kinship with a former governor may have impressed some people, as will his reputation as a tory and therefore a loyal upholder of the landed and anglican tradition. He was of an affable disposition and was popular, even to the extent of breaking the 45-year mould of proscription of tories initiated by George I: Walpole described him as 'a Court favourite.' Any risks attaching to his hot temper would be balanced against the benefits of his social skills and charm, which would be tested by the political situation in Virginia, but would flatter the Virginia upper crust. As a member of the commercial élite in Bristol, Botetourt will have been familiar with merchants and manufacturers involved in the England end of the tobacco network, and with those who owned slaves or managed plantations dependent upon slaves for labour.¹³⁶ As a Gloucestershire landowner he will have known about farming. His knowledge of mines and mining may have been seen as useful in a colony where mineral resources were being discovered. As a member of the House of Lords he had chaired committees on American affairs during the Stamp Act crisis. He had voted for repeal of the Stamp Act. Above all, he was ready to go to Virginia and perform his duties in person: one of the Virginians' grievances was that through their taxes they paid Amherst a salary which he did not spend in Virginia.

Likewise, the opportunity to escape abroad will have been a godsend to Botetourt. As Horace Walpole put it, 'To Virginia he cannot be indifferent.'¹³⁷ Financially embarrassed by the collapse of the Warmley Brass Company, he needed a bolthole, not in order to evade his creditors in England, but to avoid having to show himself in polite circles there, and to obtain a source of income to keep him, if not in the style to which he was accustomed, then as near thereto as might be possible. Though going abroad, Botetourt kept his post as a lord of the bedchamber. 'Lord Botetourt keeps the Bedchamber', wrote one acquaintance, 'although he says he desires never to return, and certainly will not for 7 years.'¹³⁸ In the event, he never did.

Botetourt in Virginia

On 3 Nov. 1768, barely a week after he had arrived, Botetourt wrote to Hillsborough 'informing his Lordship that matters go on well in Virginia.'¹³⁹ More informally he wrote, probably to his sister, that 'Perfect Harmony betwixt Great Britain and her colonies is our constant toast.'¹⁴⁰ In

134. Burke to Charles O'Hara, 1 Sep. 1768; Sutherland, *The correspondence of Edmund Burke II, 1768–1774* (Cambridge, 1960), pp. 13–14.

135. E. Stuart Wortley (ed.), *A Prime Minister and his Son* (London, 1925), p. 235.

136. R. Till, *Wills of Bristol* (Bristol, no date), pp. 6–10; Anon., *Tobacco and its associations with Bristol* (Bristol, no date), pp. 6–23.

137. Walpole to Conway, 9 Aug. 1768.

138. Augustus Hervey to Grenville, 13 Aug. 1768, *Grenville correspondence* IV.341.

139. Journal of the Commissioners for Trade & Plantations Jan. 1768–Dec. 1775, 130–132.

140. Copy extract from letter, ?B to Elizabeth, undated, Bad. Mun. Fm S/G 2/5/2.

Feb. 1769 parliament debated the address, which included references to taxation. The House of Lords expressed the view that the colonists' protests against the actions of the king and parliament amounted to treason, and that the king should consider invoking Henry VIII's Treason Act to transport to England for trial all the leaders of the protests. News of that reached Virginia whilst the house of burgesses was sitting, and undid all the diplomacy Botetourt had exercised to win the colonists' confidence and support. On 16 May 1769 the burgesses passed resolutions introduced by George Washington, the first of which read:

That the sole Right of imposing Taxes on the Inhabitants of this his Majesty's Colony and dominion of Virginia, is now, and ever hath been, legally and constitutionally vested in the House of Burgesses, lawfully convened according to the ancient and established Practice, with the Consent of the Council, and of his Majesty, the king of great-Britain, for the time being.¹⁴¹

The house of burgesses ordered copies of the resolutions to be circulated to the other colonial assemblies. The same evening Botetourt bought printed copies of the 12 resolutions, presumably to give them careful consideration and to transmit a copy to London.¹⁴² On 17 May, in accordance with his standing instructions, Botetourt summoned the burgesses to the Council Chamber and dissolved the assembly.¹⁴³ The burgesses went to the Raleigh Tavern, where next day, says the tradition, they adopted Washington's proposal for a Virginia Association, banning the importation of British goods, slaves, and a long list of luxury goods. The resolutions ended with toasts to 'the king, the queen, the royal family, his excellency lord Botetourt, prosperity to Virginia, and a sturdy and lasting union between Great Britain and the Colonies, the constitution, and British liberty in America.'¹⁴⁴ That assertion of loyalty may have been intended as insurance against accusations of treason, but use of similar words in other documents and petitions suggests that it may have been a customary form of words attached to formal communications not out of sentiment but by habit. Most Virginia colonists genuinely distinguished between George III and his ministers: the king they regarded with respect, but they perceived his ministers as wickedly persuading the king to adopt policies inimical to colonial interests.¹⁴⁵ In the evening of 18 May, the day the resolutions were passed in the Raleigh Tavern, a large number of people attended a ball at the governor's Williamsburg palace to celebrate the queen's birthday.¹⁴⁶

Virginians understood that Botetourt's dissolution of the assembly was in accordance with standing instructions to governors, so they did not hold it against him personally.¹⁴⁷ Botetourt's private communications to Hillsborough, however, were ambiguous. Four days after his dissolution of the house of burgesses he wrote urging the government 'to loose no more time in Declarations which irritate but do not decide.'¹⁴⁸ That has been interpreted as indicating strong disapproval of

141. Journals of the House of Burgesses 1766–1769, 214–215; R.B. Morris (ed.), *Encyclopaedia of American history* (New York, 1982), p. 92.

142. Accounts, Bad. Mun. Fm L 6/3/20, book 2; B to Hillsborough, 19 May 1769, TNA CO5/1347, f.74.

143. Journals of the House of Burgesses 1766–1769, 215–216; Middlesex Journal 1 and 4 July 1769; Gazetteer 4 July 1769.

144. G. Hood, *The governor's palace in Williamsburg: a cultural study* (Chapel Hill, N.C., 1991), p. 322; B. Tarter, *The administration of governor Botetourt 1768–1770* (unpublished typescript, 1988), pp. 43–5.

145. P. Maier, *From resistance to revolution: colonial radicals and the development of opposition to Britain, 1765–1776* (New York, 1972), pp. 113–97.

146. Tarter, *The administration of governor Botetourt*, n. 144, p. 47, citing William Nelson to Samuel Athawes, 5 July 1769, Nelson letter book.

147. John Page the younger to John Norton, 21 May 1769, F.N. Mason (ed.), *John Norton & Sons, merchants of London & Virginia* (Richmond, Va., 1937), p. 94.

148. B to Hillsborough 23 May 1769, TNA CO5/1347, f. 81.

the burgesses' actions and counselling military action,¹⁴⁹ but Botetourt might have meant only to express annoyance at the provocative behaviour of the British government, of which the resolution of the House of Lords calling for the colonists' actions to be treated as treason and for them to be transported to Britain for trial was the current example. Botetourt's letters to Hillsborough with news of the dissolution of the assembly must have arrived in July 1769. Hillsborough relayed the king's 'full and entire approbation' of Botetourt's actions. He told Botetourt that the ministry would levy no new taxes on the colonies, and would seek repeal of some of the taxing statutes in force. Botetourt should issue writs for new elections and convene a fresh assembly.¹⁵⁰ The elections did not significantly change the composition of the house of burgesses. At their opening session on 7 Nov. 1769 Botetourt stated explicitly that the government did not intend to tax America further to raise revenue, but would repeal the Townshend duties:

'It may possibly be objected that, as his majesty's present administration are not immortal, their Successors may be inclined to attempt to undo what the present Ministers shall have attempted to perform; and to that objection I can give but this answer, that it is my firm opinion that the Plan I have stated to you will certainly take Place, and that it will never be departed from, and so determined am I forever to abide by it, that I will be content to be declared infamous, if I do not to the last Hour of my life, at all Times, in all Places, and upon all occasions, exert every power with which I either am or ever shall be legally invested, in order to obtain and maintain for the Continent of America that satisfaction which I have been authorised to promise by the confidential servants of our gracious sovereign who, to my certain knowledge rates his honour so high that he would sooner part with his crown than preserve it by deceit.'¹⁵¹

The burgesses' response was favourable. As late as Dec. 1769 Botetourt was hopeful that the situation in the colonies might be retrieved. He wrote to his sister:

The Assembly of Virginia ... have acted a most becoming part by the Crown and have treated me in every instance with the utmost kindness and regard – what the Womb of time may produce, no one can say, but it is with great satisfaction I can assure you that I have at present the fairest prospect of being able to do some good in this distracted age – May the Almighty realise my Expectation.¹⁵²

In due course the British press reported the 7 Nov. speech, but not a demonstration by Virginian women who went to a ball wearing Virginia cloth dresses instead of their usual imported silks and satins. In a debate in the House of Commons on 9 Jan. 1770 Barré, Burke and Thomas Townshend criticised Botetourt's speech: Townshend said he hoped the newspaper reports were 'spurious'. On 18 Jan. 1770 Hillsborough wrote to Botetourt reprimanding him, and enclosed a copy of the king's speech: 'It is to be wished that your speech to Assembly on 7 Nov. had been confined to spirit of form sent you.'¹⁵³ Botetourt replied on 14 April 1770, saying he was 'astonished at the Reprehension,' and added craftily, 'I ask pardon of the King, if I have been improper in declaring to his People my Sentiments of His Majesty's Aversion to the acts of Deceit.'¹⁵⁴ As rapidly as cross-Atlantic correspondence allowed, Hillsborough backed down, replying on 12 June 1770 to the effect that his comments about the king might be misconstrued, and that Botetourt should exercise 'a greater caution in use of the king's name.'¹⁵⁵ Meanwhile on 28 Jan. 1770 Grafton had resigned

149. For example, Tarter, *The administration of governor Botetourt*, n. 144, p. 46.

150. Hillsborough to B, 17 July 1769, TNA CO5/1375, fs. 39–41.

151. Journal of the House of Burgesses 1766–1769, 226–7.

152. B to Elizabeth, 18 Dec. 1769, Bad. Mun. Fm K/1/2/14.

153. Hillsborough to B, 18 Jan. 1770, TNA CO5/1375, 44; K.G. Davies, ed., *D[ocuments of the] A[merican] R[evolution]* (Dublin, 1972), I, 31, no. 37.

154. B to Hillsborough 14 April 1770, TNA CO5/1348, 97–98d; DAR I, 88, no. 276.

155. Hillsborough to B 12 June 1770, TNA CO5/1348 ff 99–100d; DAR I, 148 no.400; DAR I, nos. 118–119; II, 31–32.

and had been replaced by Frederick North, who was willing to comply with the king's wishes regarding the colonies. Botetourt evidently knew North, and warmly welcomed his appointment, when he got to hear of it.¹⁵⁶

On 5 March 1770 in Boston a mob provoked and attacked British soldiers, who opened fire: five local people were killed. News of the massacre reached London on 21 April,¹⁵⁷ after a ship arrived at Bristol with a cargo that had been rejected at Boston.¹⁵⁸ By then an Act to repeal all the Townshend duties except that on tea had passed through parliament, and had received the royal assent on 12 April 1770. Copies were sent to all governors.¹⁵⁹ On 9 May there was a debate in the House of Commons on whether the civil or the military government was to take precedence in the colonies. In the course of the debate opposition members attacked the appointment of Botetourt as governor, Thomas Townshend portraying him as a good-natured fool and William Burke describing him as a 'low lord of the bedchamber.'¹⁶⁰ On 19 May in the House of Lords the duke of Richmond criticised the ministry for not taking steps to deal with unrest in the colonies, and accused Botetourt of a breach of parliamentary privilege in promising the Virginia burgesses that no new taxes would be levied.¹⁶¹

Back in Virginia, Botetourt remained optimistic. He convened the house of burgesses to meet on 21 May 1770. Its business done, he prorogued the assembly to 25 Oct. 1770. His parting words were, 'To what extent I may be able to serve you, Time only can prove. Upon my Zeal you may depend, and that it will know no bounds, but what my Duty shall impose.'¹⁶² Events however were running beyond Botetourt's reach. On 22 June 165 merchants and members of the Virginia house of burgesses, acting as individuals as distinct from members of the assembly, signed a new non-importation agreement.¹⁶³ That was significant in a colony so dependent on a product whose value could be realised only by export: Virginia merchants and those dependent upon them, which included most of the population from planters to agricultural labourers, stood to lose from a trade embargo as much as British merchants, who were opening up other markets for their goods in Europe and the distant east. The burgesses and merchants also adopted a petition to the king, calling for the repeal of all the Townshend duties, including that on tea, which had been retained by the British parliament. On 30 June Botetourt wrote to Hillsborough reporting local legislation passed. He added: 'House of Burgesses directed their agent to lay before HM a petition for total repeal of the Revenue Act. Many have signed an association. We are chiefly indebted for both to the patriots in England.'¹⁶⁴

Even at this late date the Virginians loved their governor. One merchant wrote privately to his firm in England:

We are very happy in our Governor Lord Botetourt. His affability and great Attention to the due administration of every part of his duty has gained him the affection and confidence of the whole Colony. If some other Governors on the Continent were as well disposed to serve the People they preside over Harmony would in great Measure soon be restored among them.¹⁶⁵

156. DAR I, 35, no. 55.

157. P.D.G. Thomas, *The Townshend duties crisis: the second phase of the American revolution 1767–1773* (Oxford, 1987), p. 183.

158. *ibid.*, p. 177.

159. DAR I, 81.

160. *Commons Journal* 32, 969–970.

161. Parliamentary History 16, 1013–1014.

162. Journals of the House of Burgesses 1770–1772, 108–109.

163. DAR I, 128.

164. B to Hillsborough 30 June 70, TNA CO5/1348, 22; DAR I, 128, 444.

165. Thomas Norton to Norton & Sons, 1 Aug. 1770, Mason, *John Norton & Sons*, n. 147, p. 140.

North Carolina adopted the non-importation agreement, but during the autumn New York and Philadelphia abandoned the ban on British imports, and what would later have been called a boycott then rapidly collapsed.¹⁶⁶ But by then the issue was no longer just about the right of the British to tax the colonies: it had long been about the right of the colonies to govern themselves. Botetourt did not live to see the outcome: by the end of Oct., he was dead.

Some Tentative Conclusions

In assessing how far Botetourt's political activity, and in particular his voting, was motivated by party loyalty, moral principle, his own interest, or other considerations, it would be misconceived to apply categories constructed by a later age. In the 18th century the political groupings, especially the tories, were less organised than those of today, nor were members whipped. Family loyalties were a strong initial influence. So it is only to be expected that Berkeley should start off as a tory in his father's footsteps; all the more so once his sister had married into the Beauforts. If Berkeley was to survive, however, let alone succeed, he needed to distance himself from jacobite extremists, and to present himself as a loyal, non-jacobite tory, which he reinforced by signing the Association. His doing so is the key to understanding much of Berkeley's later political conduct. It shows that he no longer considered himself a mere tool of the Beauforts. It also proclaimed to the political world that, while continuing to be a tory, Berkeley's primary loyalty was to the crown. That will have signalled that Berkeley was a member of parliament who could be trusted if invited to participate in an administration. So once the proscription of the tories began to be relaxed in the mid 1740s, Berkeley was able to contemplate the prospect of a chance of some sort of political advancement. But he still remained a tory, and others so perceived him. That explains why in 1760 Bute chose to appoint him to the king's court. Berkeley's loyalty would explain why, for example, he voted for the Stamp Act, then for its repeal; for the Townshend duties, then for their repeal. If the administration was constitutionally the king's government, then loyalty to the king entailed supporting the administration, even when it changed tack. As the whig prime minister Newcastle put it when dismissed from office, 'Support of government [is] a duty, while an honest man cd support it.'¹⁶⁷ Berkeley's intense loyalty to the king will have been reinforced by his appointment to George III's court, entailing close contact and personal service.

Given that overriding imperative of loyalty to the king, Berkeley seems in many respects to have been his own man. He did not let family closeness to the Beauforts suck him into jacobitism. On the issue of Jewish naturalisation, it might be inferred that because Berkeley had borrowed heavily from Jews, he was bound to support their aspirations. But his letters show that he did so avowedly because he thought that it was the right thing to do. In taking that stance Berkeley did not allow his convictions to be overcome by local animosity and what a later age would characterise as racial prejudice. Similarly over the cider excise, where he refused to be swayed by local animosity and resentment at his not opposing a measure local business interests saw as harmful, but described himself as showing 'independency.' It is true that at the time his peerage claim appeared likely to succeed, so he no longer needed to cultivate the local vote, but his determination to exercise his judgment as he saw fit anticipated by many years the stance later taken by Burke in relation to his Bristol electorate.

In the House of Lords, no longer beholden to electors or those who manipulated them, Berkeley appears to have supported the government consistently on those issues where the traces supply evidence of his opinions or voting. Consequently there is no sign of him having exercised

166. Thomas, *op. cit.*, n. 157, p. 205.

167. Barrington to A. Mitchell 13 Dec. 1762, BL Add. MS 6834 f. 42.

judgment independently of party policy. But there is another reason why Botetourt during this period may have been politically docile: he was trying to advance the interests of the Warmley Company, and it was not until Pitt refused to sign its charter of incorporation that Berkeley went on the offensive against the man who was nominally at any rate the prime minister.¹⁶⁸

As governor of Virginia, Botetourt's prime obligation was loyalty to the king, and that meant implementing the administration's instructions. From his letters it is evident that Botetourt had considerable sympathy with the colonists, and regarded the administration's conduct as provocative. He seems to have taken the view that a conciliatory approach was called for, but found that difficult to implement when his instructions were to take a hard line, particularly when the House of Lords accused the colonists of treason. The office he held, however, was not of ambassador but of governor, and loyalty to the king required him to govern. So while he dissolved the Virginia assembly from time to time in accordance with standing instructions, he deplored the provocative utterances of those in Britain who wanted to take a hard line with the colonists, and he did his best to mollify the colonists' aggression. He was of course not able to satisfy both. His private correspondence shows he had considerable sympathy with the colonists, and that they held him in high regard. Had he survived, the course of events after 1770 might have been different.

168. Evans, 'Pitt the Elder', n. 100.