

The Unlawful Societies Act of 1799

A Lecture by Andrew Prescott of the Centre for Research into Freemasonry, University of Sheffield. Presented at the second international conference of the Canonbury Masonic Research Centre, 4-5 November 2000.

On 2 April 1799, the M.P. for Southwark, the wealthy banker and evangelical philanthropist Henry Thornton, wrote to the under-secretary in the Home Office, William Wickham, passing on information given to him by a Battersea distiller named Benwell. One of Benwell's employees had recently been asked to join a society which met at Wandsworth. If he joined, he would have to swear a secret oath. He would 'get a shilling for every attendance at the society, of which he would have to expend 6d at the place of meeting'. He would receive a further 2s 6d for every new member he introduced to the society. Thornton and Benwell were convinced that this was a cell of the subversive organisation known as the United Englishmen. Thornton had urged Benwell to work with a local magistrate to find out the names of all the members of this mysterious Wandsworth club. Thornton ended his letter to Wickham by assuring him of his willingness to assist in 'detecting the secret societies which may infest the parts around us'. Wickham passed on Thornton's information to the Home Secretary, the Duke of Portland. The Duke thanked Thornton for this intelligence, since the Home Office was uncertain of the exact strength of the United Englishmen. The news that money was being offered as an inducement to join was particularly interesting. The Duke suggested that Benwell should encourage his employee to join the group, so that he could give the Home Office information about it.²

This exchange encapsulates the atmosphere of late 1798 and 1799, when seditious societies bound by secret oaths, the harbingers of a French invasion, were seen round every corner.³ This atmosphere created a groundswell of support for the passage in July 1799 of one of the most sweeping of the legislative measures introduced by Pitt's government to forestall the threat of revolution. This act, 'An act for the more effectual suppression of societies established for seditious and treasonable purposes; and for the better preventing treasonable and seditious practices',⁴ to give its full name, was, almost by accident, to form the mainstay of the relationship between freemasonry and the state in Britain for nearly two hundred years, until its repeal by the Criminal Justice Act of 1967.⁵

One of the most important of the radical bodies which emerged in Britain in the wake of the French Revolution was the United Irishman, a 'United Society of the Irish nation; to make all Irishmen citizens - all citizens Irishmen', which was established in 1791.⁶ Its initial aims were catholic emancipation and radical parliamentary reform; by 1796 it had become an avowedly republican movement. The United Irish sent embassies to France to seek support for an uprising and independence, but the French and United Irish failed effectively to coordinate their efforts. In 1796, the French landed at Bantry Bay, but did not give the United Irish any advance warning; two years later, the French were in turn caught by surprise by an Irish rebellion and failed to provide adequate military support. The arrests of United Irish leaders which had helped precipitate the rebellion and the fierce repression of the rising left the United Irishmen a much diminished movement.

In England, the most prominent of the radical bodies which sprang up after 1789 was the London Corresponding Society. In 1794, a number of its leaders were arrested and tried for treason. These trials were unsuccessful, but subsequent legislation and internal difficulties had by 1797 reduced the influence of the L.C.S. From this time, an increasingly close alliance developed between Irish republican movements and those on the British mainland, with the formation of societies of United Englishmen and United Scotsmen on the Irish model. Some of the remaining members of the L.C.S. played an important part in the United movement in Britain. Further impetus was given to the United societies by Irish migrants active in Manchester and other parts of the north-west.

Despite the great blows suffered by the republican movement in 1798 as a result of the arrest of much of its leadership and the failure of the Irish revolt, Pitt's government remained uncertain of the real strength of the United bodies and was worried that they were regrouping. Shortly before Christmas 1798, the opposition Whigs accused Pitt of justifying repressive measures by scare mongering. Pitt responded by declaring that, if need be, the truth of his allegations could be proved.⁷ The following month, parliamentary committees were appointed to examine secret evidence held by the government and to report back to parliament on the nature of the threat.⁸ The House of Commons secret committee reported on 15 March 1799.⁹ It declared that, from the documents shown to it by the government, it had found the 'clearest proofs of a systematic design, long since adopted and acted upon by France, in conjunction with domestic traitors...to overturn the laws, constitution and government, and every existing establishment, civil or ecclesiastical, both in Great Britain and Ireland, as well as to dissolve the connection between the two kingdoms...' The secret committee went on to state that 'The most effectual engine employed for this

purpose has been the institution of political societies, of a nature and description before unknown in any country, and inconsistent with public tranquillity and with the existence of public government'.

The report described the various United bodies and their connections with the London Corresponding Society. It emphasised their use of 'an oath of fidelity and secrecy' to 'form themselves, under the eye and in defiance of government, into one body, compacted by one bond of union'. The report described how these societies 'principally carried on their intercourse by agents, who went from place to place, and were recognized by signs, which were frequently changed'. The documentary appendix of the report included examples of membership certificates issued by London divisions of the United Irish, certifying that the bearer had passed various tests. Equally alarming to the committee was the organisational structure of these groups. The elaborate hierarchy of the United Irish, with their overall executive directory and subordinate baronial, district and county committees, was described in detail. The appendix reprinted the rules of various United groups in full. In the view of the secret committee, a sinister feature of these organisations was that the forms of election used meant that the membership as a whole did not know the composition of the executive committee.

The report noted how previous legislation had restricted subversive lectures and meetings, but added that 'many of the debating societies, which subsist at the present time, appear, to your committee, to be, in great measure, directed to the same pernicious objects, and to require further animadversion and correction'. Likewise, the committee was concerned about 'the establishment of clubs, among the lowest classes of the community, which were open to all persons paying one penny, and in which songs were sung, toasts given, and language held, of the most seditious nature'. The secret committee also called for further restrictions on the press, which it considered excessively licentious.

The trustworthiness of the information in the secret committee's report has been hotly debated for a long time.¹⁰ The most trenchant criticisms were made in the 1820s by the radical and former member of the L.C.S., Francis Place, in his *Autobiography*.¹¹ Place singled out as particularly ludicrous the claims of the secret committee that there were forty divisions of United Englishmen in London. In Place's view, the United Englishmen in London amounted to no more than a few disreputable hot-heads, egged on by government spies.¹² However, Place was anxious to demonstrate his own respectability and to show that the L.C.S. in its early days was a force for moral improvement. Moreover, he was based in London and was not well-informed about conditions in north-western England, Scotland and Ireland.¹³ Whatever the truth of the allegations of the secret committee, its political consequences can be more easily established.

On 19 April 1799, the House of Commons debated the report of its secret committee. Pitt rose to announce the measures proposed by his government.¹⁴ The suspension of Habeas Corpus was to continue, and powers would be sought to move prisoners about the country as the government sought fit. Pitt continued: 'we must proceed still farther, now that we are engaged in a most important struggle with the restless and fatal spirit of Jacobinism, assuming new shapes, and concealing its malignant and destructive designs under new forms and new practices. In order to oppose it with effect, we must also from time to time adopt new modes, and assume new shapes'. Not only should the societies mentioned by name in the secret committee's report, the L.C.S., the United Irish, the United Britons, the United Scotsmen and the United Englishmen, be suppressed, but all societies of this type should be made unlawful. Pitt described the characteristics of the societies he wanted to outlaw: 'These marks are, wicked and illegal engagements of mutual fidelity and secrecy by which the members are bound; the secrecy of electing the members; the secret government and conduct of the affairs of the society; secret appointments unknown to the bulk of the members; presidents and committees, which, veiling themselves from the general mass and knowledge of the members, plot and conduct the treason - I propose that all societies which administer such oaths shall be declared unlawful confederacies...' Noting the remarks of the secret committee about debating clubs, Pitt also proposed that all meetings where money was taken at the door should require a magistrate's licence.¹⁵

The final part of the measures proposed by Pitt were major new restrictions on printers. All publications should in future bear the name of their author and publisher. A general register was to be established of all printing presses, including those owned by private individuals.

George Tierney, the effective leader of the Foxite opposition in the Commons who in the previous year had fought a duel with Pitt¹⁶, replied. He criticised the report of the secret committee, declaring that he 'never saw a report made to this House that was so little supported by the evidence'. He complained that the proposed law would give undue power to the crown, and breed an army of spies and informers. He pointed out that the effect of such a bill would be 'to pull down every club in the country', since most clubs took some kind of money and would come within the scope of the proposed legislation. Tierney's greatest concern, however, were the restrictions on printers, which he

thought worse than an *imprimatur*. He could never support such measures: 'I had rather be subjected to the most bitter reproaches and malicious statements for the remainder of my days, than have the press limited to the extent to which this goes'.

Despite Tierney's opposition, a motion was passed to bring a bill to implement these measures, and the bill was duly published the next day,¹⁷ receiving its first reading in the Commons on 22 April.¹⁸ This bill outlawed the L.C.S., United Englishmen, United Scotsmen, United Irishmen and United Britons by name. It also defined as an unlawful combination and confederacy 'every society, the members whereof shall...be required or admitted to take any oath or engagement...' Societies were required to admit members 'by open declaration at a public meeting of such society'. Every society was required to keep a book containing the names of all its officers, committees and members, which was to be open to inspection by the entire membership. Membership or support of any society which breached these regulations would be a criminal offence. Magistrates acting on the word of a single informer could impose summary fines on offenders; where offenders were indicted by jury and tried in a higher court, the punishment was transportation.

Any premises on which public meetings or lectures were held (apart from universities and properly constituted schools) required a magistrate's licence, even if the premises in question consisted of an open field. Similar licences were also required by reading rooms which charged for admission. The most elaborate provisions of the bill were the restrictions on printing. Anyone possessing a printing press or even type was required to register with the clerk of the peace, who would forward the information to the Home Office. Vendors of printing presses and type had to keep full accounts, open for inspection by a Justice of the Peace. The names and addresses of printers were to appear on the title and end papers of all books. Printers were to keep an archive of all their publications. The sellers of publications which breached these regulations could be summarily arrested.¹⁹ It was these restrictions on the press which attracted most criticism of the bill when it came to its second reading in the Commons on 30 April.²⁰

Such wide-ranging legislation was bound to create problems by inadvertently catching in its net harmless and respectable activities. Many of these difficulties became apparent when the bill came to committee on 6 May.²¹ The restrictions on lectures created difficulties for such places as the Inns of Court and Chancery, and exemptions for these were added to the bill. Exclusions from the restrictions on printers were inserted for the King's printer and the two university presses. The kind of absurd situation to which the bill could potentially give rise was illustrated by one exchange in which an M.P. asked 'whether astronomical lectures came under the exempting clauses, as the Justices were not compelled, but only allowed to grant licences'. Pitt replied that such occasions 'might be made a cloak for seditious lectures'. The M.P. was not convinced, but the government was adamant that no such exemption could be permitted. When the bill came to receive its third reading on 9 May, it was belatedly realised that parliament itself could fall foul of the regulations on printers, and a clause was hastily added 'by way of Ryder, declaring that the Provisions of the Bill shall not extend to Papers printed by Order of either House of Parliament'.²²

One major difficulty which had become apparent was the position of freemasons. The provisions of the bill against the use of secret oaths in societies potentially placed freemasons in a difficult position, although arguably these oaths were outside the scope of bill since they were not seditious.²³ More problematic was the requirement that initiations should take place in a public meeting. The grand lodges must also have been uneasily aware that they did not have a comprehensive register of members of the sort required by the bill, and that the compilation and distribution of such a register would have been an enormous undertaking.

The two English Grand Lodges and the Scottish Grand Lodge had quickly taken action to try and deal with these problems before the bill got to committee. On 30 April, the day on which the bill received its second reading, Pitt received a request for a meeting with masonic representatives, and a delegation went to Downing Street on 2 May.²⁴ The masonic representatives included Lord Moira, Acting Grand Master of the Grand Lodge of England, the Duke of Atholl, Grand Master of the Ancients' Grand Lodge and Past Grand Master Mason of Scotland, as well as other grand officers.²⁵

The most important official record of this meeting is a note in the minute book of the Hall Committee of the Modern Grand Lodge, reporting that the Prime Minister had 'expressed his good opinion of the Society and said he was willing to recommend any clause to prevent the new act from affecting the Society, provided that the name of the society could be prevented from being made use of as a cover by evilly disposed persons for seditious purposes'.²⁶ William White, Grand Secretary of the Moderns, afterwards recalled the meeting in similar terms, recalling that Pitt 'paid many compliments to the Society and said there was no imputation against its conduct, and that it was only wished to adopt some regulations to prevent the name of our Society from being perverted by bad people to a cover for their machinations against the government'.²⁷ Lord Moira also subsequently recalled how 'I have pledged myself

to His Majesty's ministers that should any set of men attempt to meet as a lodge without sanction, the Grand Master, or Acting Grand Master (whomsoever he might be), would apprise parliament'.²⁸ Pitt himself reported to the House of Commons that the freemasons 'were very ready to acquiesce in any security the legislature would require from them for the tranquillity of the state'.²⁹

However, it seems that Pitt probably also pointed out that the government had worrying information which suggested that the masons needed to be more vigilant. Among the documents which had been shown to the secret committee was a letter sent to the Home Office by John Waring, a catholic priest at Stonyhurst, who described how an Irishman named Bernard Kerr had told him he was 'a freemason, a Knight Templar, and belonged to a society of people who called themselves United Englishmen'. Kerr had shown him the printed rules of the United Englishmen, which he kept in a large portfolio together with his papers of admission as a Knight Templar.³⁰ These concerns about connections between the United bodies and freemasonry were not idle. Many of the United Irishmen were freemasons and many features of their organisation, such as the use of oaths and secret signs, were drawn from masonic models.³¹

Moreover, the problems were not restricted to Irish masons. On 17 April, shortly before Pitt met the masonic deputation, James Greene, a freemason and lawyer staying in Leeds, wrote to the Home Secretary, describing a meeting of a lodge at Leeds. 'Being no stranger to the disaffected principles of too many in this place and especially among the lower class of freemasons', he wrote, 'I made it a point to visit a lodge of that class; and tho' politics are never introduced while the lodge is sitting, it became a topic out of the lodge when a part of the fraternity withdrew from the lodge room to supper, when a shrewd sensible fellow began to inveigh against the measures of the government, and spoke in very high terms in favour of the Cannibalian government in France, to which I exhibited a seeming pleasure. After the lodge was over, and since, I got a great deal of information from him by seeming to be one of that infernal class, and being desirous to obtain more, I begged to see him as often as he could make it convenient to talk matters over. He called upon me several times at my lodgings, and having given credit to the seeming sincerity of my attachment to that they call the cause, and confiding in my secrecy as a free mason, produced a letter from one of the leaders among the United Irishmen, dated Dublin the 31st of March ult[im]o.'

This letter referred to a major United meeting which was to take place, under cover of a masonic gathering, at Paisley in Scotland. Greene concluded his letter as follows: 'Now my Lord, if your Grace will approve of it, as I am in the higher orders of masonry, and as I have every reason to believe that I can be of signal service in this matter, I will very readily undertake to conduct matters as occasion may serve so as to nip the evil in the bud, or let it run to such a length as may come to a riper maturity, and tho' there are too many rotten of the Craft fraternity, I can with great truth aver that the general part of the mass are strictly loyal'.³²

The aftermath of Pitt's meeting with the masonic delegation suggests that he gave them the gist of the information received from Greene. Although it seems that the lodge in Leeds was not an Antient lodge, it was the Antients who took these concerns most seriously, perhaps because of their greater strength in the north-western industrial towns, where the United groups were strongest, and their closer connections with Irish masonry. Immediately after the meeting with Pitt, the Grand Officers of the Antients met at the Crown and Anchor Tavern in the Strand. They agreed to recommend two emergency measures. The first was 'to inhibit and totally prevent all public masonic processions, and all private meetings of masons, or lodges of emergency, upon any pretence whatever, and to suppress and suspend all masonic meetings, except upon the regular stated lodge meetings and Royal Arch chapters, which shall be held open to all masons to visit, duly qualified as such'. It was also agreed 'that when the usual masonic business is ended, the lodge shall then disperse, the Tyler withdraw from the door, and formality and restraint of admittance shall cease'. These two measures were formally approved on 6 May at a Grand Lodge of Emergency, with the Duke of Atholl himself in the chair.³³

The actions of the Antients and the assurances given to Pitt convinced him that the Grand Lodges were determined to ensure that freemasonry could not be used as a front for radical activity, and at the committee stage of the bill Pitt himself accordingly introduced amendments to exempt them from the act.³⁴ He proposed what was essentially a system of self-regulation operated by the Grand Lodges. The relevant clause read as follows:

'...nothing in this act contained shall extend, or be construed to extend, to prevent the meetings of the Lodge or society of persons which is now held at Free Masons Hall in Great Queen Street in the County of Middlesex, and usually denominated The Grand Lodge of Freemasons of England, or of the Lodge or society of persons usually denominated The Grand Lodge of Masons of England, according to the Old Institution, or of the Lodge or society of persons which is now held at Edinburgh, and usually denominated The Grand Lodge of Free Masons of Scotland, or the meetings of any subordinate lodge or society of persons usually calling themselves Free Masons, the holding

whereof shall be sanctioned or approved by any one of the above mentioned lodges or societies...'[35](#)

The amendment envisaged a system whereby the Grand Secretaries would each year deposit with the clerks of the peace a certificate containing details of the time and place of meeting of all approved lodges in the county, together with a declaration that the lodges were approved by the Grand Master. All lodges were to keep a book in which each member was to declare, on joining, 'that he is well affected to the constitution and government of this realm, by King, Lords, and Commons, as by law established'. This book was to be kept open for inspection by local magistrates. The Grand Lodges were thus to be made responsible for policing freemasonry; lodges whose names did not appear on the return made by the Grand Secretaries would be criminal conspiracies.

It was in this form that the bill went to the House of Lords, where it received its first reading on 10 May and its second on 3 June.[36](#) The bill went into committee in the House of Lords on 5 June. The debate was led by the Foreign Secretary, Lord Grenville. Much of the debate consisted of a detailed consideration of the regulations for the control of printing types and the effects of the legislation on catholic and non-conformist schools. A number of amendments were passed, the most notable of which was that the Gresham College lectures should enjoy the same immunity as the universities and Inns of Court.[37](#)

No amendments were made to the clauses concerning freemasons, but concern was expressed about them in the course of the debate. Lord Grenville himself observed that 'With respect to the clause adopted by the other house of parliament for exempting societies of freemasons from the operations of the bill..., though he did not mean to propose setting it aside, yet it did not appear to him to be fraught with that clearness and certainty which he could wish. He was free to express his belief, that whatever the conduct of masonic societies in foreign countries might be (where in some instances designs of the most destructive tendency were brought to perfection) these societies in this country harboured no designs inimical to the state, or suffered or entertained such in their lodges. Yet what the clause provided was of an anomalous nature, and new to the functions of parliament. The officers, & c., of the subordinate lodges were to be approved by the grand master and others of the principal lodges before they could be entitled to hold their meetings. Now, how such officers, who were to have the licensing power, were to be constituted and appointed, that house, as a legislative assembly, knew nothing. It was not his own intent to propose any specific amendment to the clause; he only throw out the observation, in order that other lords, more conversant in such matters, might if they were willing, come forward and suggest something...'[38](#)

Grenville thus felt that the idea of self-regulation raised serious constitutional difficulties; it seemed to him inappropriate that Grand Officers should be given statutory authority effectively to license masonic lodges when parliament itself had no control over how those grand officers were appointed. The Duke of Norfolk, declaring himself to be a mason, expressed some alarm at Grenville's remarks and 'deplored the idea of setting aside the exempting clause, as tending to their annihilation.' Grenville assured Norfolk that he was not proposing removing the clauses, just asking for a better method of regulating lodges. Norfolk was unable to suggest a new formulation and proposed instead that the act last only for a year, which was unacceptable to Grenville.[39](#) The clauses concerning the freemasons survived the committee stage in the House of Lords, but the concerns raised by Grenville were soon to resurface and present a serious threat to freemasonry.

On 20 June, the bill came up for its third reading in the House of Lords.[40](#) The first speaker in the debate was the pedantic and cantankerous Earl of Radnor,[41](#) who proposed an amendment to drop the exemptions for freemasons. He said that 'Not being himself a mason, and having heard that they administered oaths of secrecy, he did not know, whether in times so critical as the present, it was wise to trust the freemasons any more than any other meetings'. He went on to add that 'their meetings were, in other countries at least, made subservient to the purposes of those illuminati who had succeeded in the overthrow of one great government, and were labouring for the destruction of all others. This he conceived to have been proved in a work some time since published by a very learned Professor (Dr Robinson), and he was desirous to guard against any similar practices in this country'.[42](#) It seems that this was the first point at which Robinson's famous 1797 anti-masonic work was mentioned by name in the course of the discussion of the 1799 legislation.

The Duke of Atholl responded to Radnor, and, in the words of the report in *The Senator* 'defended with great earnestness and ability the institutions of freemasonry'.[43](#) The fullest account of his speech is in *The Senator*, and is worth quoting at length:

The Noble Duke contended, that the imputations thrown upon freemasons by the Noble Earl, on the authority of a recent publication, however justified by the conduct of the lodges on the continent, were by no means applicable to those of Great Britain. His Grace avowed, that the proceedings in masonic lodges, and all their obligation to

secrecy simply related to their own peculiar little tenets and matters of form. There were no set of men in the kingdom, and he had the best opportunities of knowing, having had the honour to preside over a great part of them in England as well as in Scotland, who could possibly be more loyal or attached to the person of their sovereign or the cause of their country. There was nothing in the masonic institution hostile to the law, the religion or the established government of the country; on the contrary, they went to support all these, and no person who was not a loyal or religious man could be a good mason.

Of those well established facts perhaps the Noble Earl was ignorant in consequence of his not being a mason, but they were strictly true: added to these considerations, the masonic system was founded on the most exalted system of benevolence, morals, and charity, and many thousands were annually relieved by the charitable benevolence of masons. These very laudable and useful charities must necessarily be quashed did the bill pass into a law, as recommended by the Noble Earl. The very nature and foundation of freemasonry involved in them the most unshaken attachment to religion, unsuspected loyalty to sovereigns, and the practice of morality and benevolence, in the strictest sense of the words. To such regulations as went to prevent the perversion of their institution to the purposes of seditious conspiracy, he could have no objection, and as a proof of the readiness with which they would be acceded to by the masonic societies, he need only mention that this subject had occupied their attention for several years past...

The Bishop of Rochester, Samuel Horsley, who produced a famous edition of Newton's works and was a former secretary of the Royal Society, spoke next. He declared that he was 'a member of the branch of masonry which existed in Scotland' and agreed with everything the Duke of Atholl had said: 'the innocence of these [masonic] institutions was unquestionable, and other objects which it embraced were of the most laudable nature'. However, this applied only to genuine and regular lodges in Britain and was not, in his view, true on the continent. There was a risk that continental influences could affect freemasonry in Britain: 'As secrecy was absolutely necessary, no person could say that the doctrine of innovation, which had diffused itself on the continent, had not found its way into this country'. The Bishop reminded the House that Robison had calculated that there were no less than eight illuminated lodges in Britain. He felt torn between his loyalties as a mason and his duty as a legislator, but in the end his obligations as a member of the House of Lords required him to support Lord Radnor, since 'By the bill as it then stood, the meetings of such lodges were sanctioned, or were approved by persons appointed they knew not how, or by whom; by individuals, however respectable they might be as such, of whom they, as a House of Parliament, had no cognizance'. In other words, the Bishop felt, as Grenville had earlier, that a responsible parliament should not countenance a system of self-regulation by the grand lodges.

What happened next is not clear. According to one account, Radnor's amendment was passed, and freemasonry in Britain was within an ace of becoming a criminal conspiracy.⁴⁴ Whatever the exact sequence of events, the day was saved by Lord Grenville. Grenville proposed substituting the clause implementing a system of regulation by the grand lodges with others, 'the effect of which his Lordship stated in substance to be, to require that the objects and purposes of such lodges as should be permitted to meet, should be declared to be purely masonic, and only for the avowed objects of the institution, the principal ends of which he conceived to be those of charity and benevolence; that the mode of certifying should be, that two members of the lodge should make affidavit before two or more magistrates of the particular place where the lodge was held, and of the number and names of its members. That these accounts should be transmitted to the clerk of the peace, who should, once a year at least, furnish a general account of the whole within his district, to the magistrates sitting in quarter sessions, who should be empowered, in case of well-founded complaints against any particular lodge, to suppress its meetings'. The onus for regulation was thus to be shifted from the grand lodges to the justices of the peace, who would rely on certification by local lodges. All specific mention of the grand lodges in the bill would be removed, and it would refer only to 'the societies or lodges of Free Masons'.

The Duke of Atholl agreed to accept Grenville's compromise, and amendments in this form to the bill was passed,⁴⁵ although Radnor still felt it necessary to enter in the Journal of the House of Lords a formal protest against the exemptions for freemasonry.⁴⁶ The convoluted story of this piece of legislation was still, however, not concluded. When the Lords' amendments were communicated to the Commons, it was found that, by passing Grenville's new clauses, the Lords had exceeded their authority. The Speaker observed that these amendments imposed new burdens on the people, which was an exclusive privilege of the House of Commons. The only way of dealing with this problem was to shelve the old bill and bring forward a new one incorporating the revised clauses on freemasons, which would have to go through the entire parliamentary procedure again. The new bill was therefore brought forward later that day, and its process expedited, so that it received the royal assent on 12 July.⁴⁷

The grand lodges energetically circularised secretaries of lodges reminding them of their obligations under the act

and providing pre-printed forms for the necessary declarations and returns.⁴⁸ Chapters of the Royal Arch also received similar circulars.⁴⁹ One odd side-effect of the hasty way in which the amendments had been passed was that only lodges which existed before 12 July 1799 were protected by the legislation.⁵⁰ This meant that the grand lodges could not authorise new lodges, and had to resort to the expedient of giving lodges the warrant and number of extinct lodges.⁵¹ The measures of the 1799 act were extended and refined by further legislation against subversive clubs in 1817,⁵² and it was assumed that this resolved the problem about new lodges, but many years later this was found not to be the case.⁵³

The 1799 act was largely an exercise in closing stable doors after horses had fled.⁵⁴ The United Irish were already regrouping into an even more secretive and militaristic organisation.⁵⁵ London radicals resorted to holding informal tavern meetings which fell outside the scope of the legislation.⁵⁶ Even on occasions when the 1799 act might have been useful, other legislation was used. For example, the 1799 act would have been applicable in the case of the Tolpuddle Martyrs, who used oaths and rituals of initiation, and who sought to organise their 'General Society of Labourers' as lodges under the jurisdiction of a grand lodge.⁵⁷ However, the Tolpuddle Martyrs were prosecuted under the 1797 Unlawful Oaths Act, not the 1799 legislation. Likewise, when prosecutions were brought against radical printers such as Richard Carlile (who wrote his well-known *Manual of Freemasonry* while imprisoned at Dorchester), charges of seditious libel or blasphemy were usually preferred.⁵⁸ Later, the 1799 and 1817 acts were easily circumvented by chartist organisations, which distributed advice on how to avoid prosecution under this legislation.⁵⁹

The main legacy of the 1799 act was the various returns made to the clerk of the peace. The returns of printers, continued until 1865 when the restrictions on publications and reading rooms were lifted, are a vital source of information on the history of provincial publishing.⁶⁰ The returns of freemasons, continued up to 1967 and still preserved in county record offices, have been little used as a source of masonic history.⁶¹ The returns are probably fuller for the earlier nineteenth century than later; in 1920 the London clerk of the peace estimated that only half the lodges made returns.⁶² However, the 1799 act seems to have been appreciated by the Grand Lodges, which perhaps felt that it gave them some standing in law and also provided a potential means of proceeding against lodges acting irregularly.⁶³ In 1920, Grand Lodge circularised lodge secretaries reminding them to make their returns, prompting the secretary of a lodge in Clapton to write to Lloyd George urging him to repeal the old act.⁶⁴

A more serious problem arose in 1939, when the deputy clerk of the peace in Essex wrote to lodges pointing out that only those founded before 12 July 1799 were entitled to exemption under the act. Counsel's opinion confirmed this view. The United Grand Lodge of England sought to promote a private bill creating a general exemption for freemasons from the act. The government was, however, apprehensive about changing this legislation by private bill. A Home Office official observed that the old act could still be useful against the I.R.A. and Fascist organisations. In any case, in wartime there was no parliamentary time for legislation of this kind. A compromise was agreed whereby the Attorney General agreed not to prosecute any freemasons' lodges under the terms of the act, and clerks of the peace were asked to accept returns without comment.⁶⁵ Consequently, it was not until the major criminal law reform of the 1967 Criminal Justice Act that the 1799 Unlawful Societies Act was finally repealed.⁶⁶