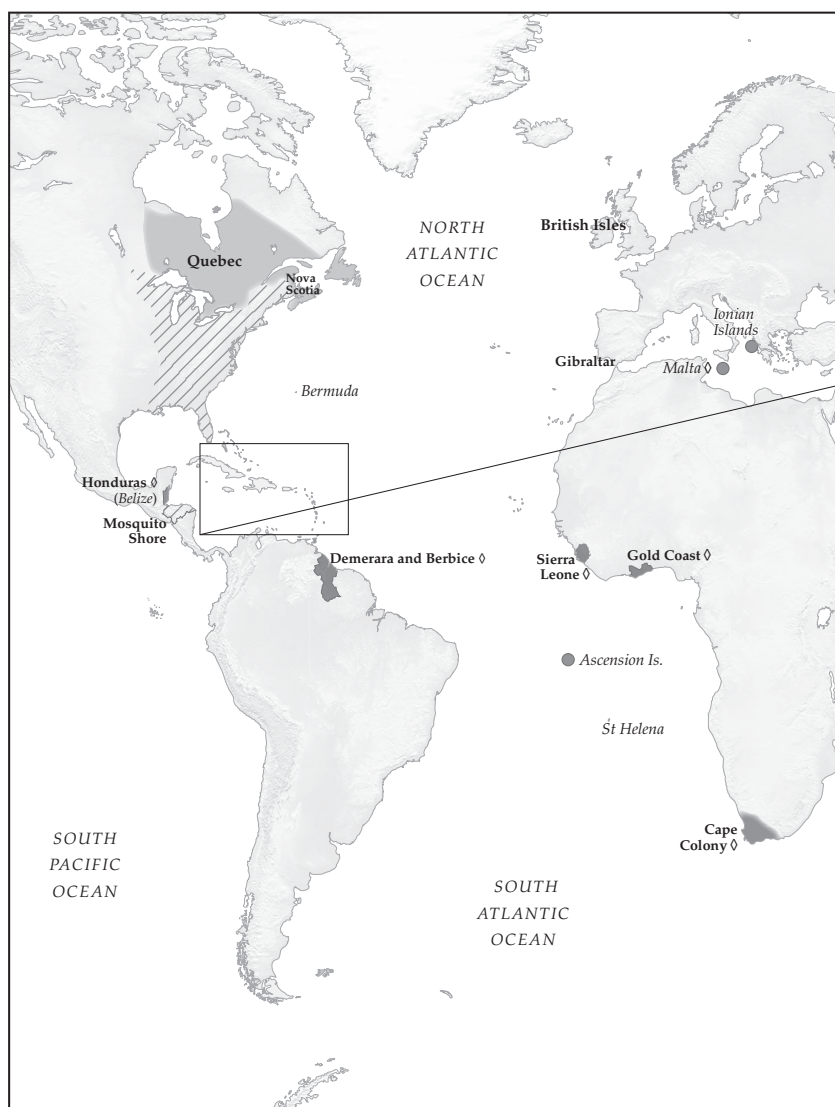


1 Introduction

In 1815, the British Empire emerged from a half-century of war a more diverse and extensive entity. It now included old, self-governing colonies in the Caribbean, extensive new territories in the Indian subcontinent and a cluster of formerly French, Dutch and Spanish colonies scattered around the globe. These territories had divergent geographies, stretching from tropical South America to the arid interior of New South Wales. Their populations differed enormously: colonial subjects in the post-Napoleonic Empire not only spoke many different languages, most of Britain's new subjects were People of Colour and unfree. These colonies also had vastly different laws and institutions. Old Caribbean colonies had outdated laws, truculent legislatures and quirky institutions, while recently conquered colonies were ruled directly by autocratic governors supported by foreign or quasi-military legal institutions. The new British Empire was fragmented, unruly and haunted by the spectre of revolution. How should these disparate places be governed? How could new and old subjects be bound by law and affect to the British Crown?

To answer these questions, the British government sent commissions of inquiry to bind empire together and chart its reform. In 1819, a commissioner was sent to investigate the state of government, law and agriculture in the convict colony of New South Wales. In 1821, commissioners were ordered to inquire into the management of Africans liberated from the slave trade in the Caribbean. In July of 1822, the undersecretary for the colonies, Robert Wilmot Horton MP, announced two expansive royal commissions.¹ The first was a Commission of Eastern Inquiry created to inquire into the state of government, law and finance in the Cape colony, Mauritius and Ceylon. On the same

¹ Born Robert John Wilmot in 1784, he took the additional surname Horton in 1823 as a condition of his succession to his father-in-law's Derbyshire estates. Thereafter, he was generally referred to as Wilmot Horton. For the sake of clarity, we use this surname throughout. See S. P. Lamont, 'Robert Wilmot Horton and Liberal Toryism', unpublished PhD thesis, University of Nottingham (2015), p. 6.



Map 1.1 The British Empire to 1825



day, he announced a Commission of Legal Inquiry to investigate the administration of justice in the Leeward Islands – a project that soon grew to encompass every British settlement in the Caribbean. Over the next three years, commissions were dispatched to report on law on the island of Malta and on the state of British holdings in West Africa, including the free colony of Sierra Leone.

Together, the commissions produced an enormous archive, cataloguing empire on an unprecedented scale. They produced some two-dozen printed reports, more than 200 dedicated volumes of testimony and correspondence and as many volumes again of related materials (including letters about the commissions and complaints designed to influence their inquiries). Only a very few of these records have been published.² Their work spawned wide-ranging private and public debates, leaving traces in myriad archives. Naturally, the commissions' formal records are dominated by testimony from colonial officials who were asked to answer a set of overlapping questions about legal and bureaucratic practice. But commissioners were also deluged with unsolicited complaints from new and old British subjects. Elite litigants, heirs, creditors and malcontents outlined their woes in person and on paper. The commissions also gathered surprising and neglected testimonies from enslaved people, convicts, free People of Colour and indentured Africans 'rescued' from the slave trade. The commissioners' archives teem with competing voices – adumbrated, translated and distorted – but all vying for a say in empire's reform.

Inquiring into Empire is the first extended and holistic attempt to make sense of this project. To date, the commissioners' archives have mostly been tapped to tell parochial national histories. In Australia, the 'Bigge Inquiry' is understood as a turning point in the history of the nascent penal colony that ended the career of a much-admired governor, Lachlan Macquarie, and ushered in a new era of convict oppression and economic growth.³ South African historiography has cast the Commission of Eastern Inquiry as a decisive pivot towards 'Anglicisation' that broke the

² Some correspondence by and about the Bigge Inquiry into New South Wales and the Eastern Inquiry into the Cape have been published in the *Historical Records of Australia* (Sydney: Library Committee of the Commonwealth Parliament, 1914–), and in G. M. Theal (ed.), *Records of the Cape Colony* (London: Clowes, 1897–), respectively. Perhaps as a result, these inquiries both form foundational pillars in those historiographies. More recently, G. C. Mendis collated and published selected correspondence from the Eastern Inquiry into Ceylon: G. C. Mendis (ed.), *The Colebrooke-Cameron papers*, 2 vols. (Bombay: Oxford University Press, 1956–).

³ The classic account in Australian literature is J. Ritchie, *Punishment and Profit: The Reports of Commissioner John Bigge on the Colonies of New South Wales and Van Diemen's Land, 1822–1823; Their Origins, Nature and Significance* (Melbourne: Heinemann, 1970). See

influence of Dutch elites.⁴ The Eastern Inquiry into Ceylon has played a smaller role in its historiography, even though Sri Lankan historian G. C. Mendis described it long ago as ‘a dividing line in Ceylon history’.⁵ Only Anita Rupprecht has studied the Commission into Liberated Africans in the Caribbean in detail,⁶ while the dreary but influential reports of the Caribbean Legal Inquiry hardly rated a mention before their preliminary examination by Lauren Benton and Lisa Ford.⁷ These commissions have seldom been read together or placed in pan-imperial context. Kirsten McKenzie highlighted the pivotal role played by Bigge’s commissions in

also R. Evans, ‘19 June 1822: Creating “an object of real terror”: The tabling of the first Bigge report’, in M. Crotty and D. A. Roberts (eds.), *Turning Points in Australian History* (Sydney: University of New South Wales Press, 2009), pp. 48–61; B. Dyster, ‘A Series of Reversals: Male Convicts in New South Wales, 1821–1831’, *The Push from the Bush*, 25 (1987), pp. 18–36.

⁴ See J. Sturgis, ‘Anglicisation at the Cape of Good Hope in the early nineteenth century’, *The Journal of Imperial and Commonwealth History*, 11.1 (1982), pp. 5–32. On the ‘faceless’ commissioners in South African historiography, see J. B. Peires, ‘The British and the Cape’, in R. Elphick and H. Giliomee (eds.), *The Shaping of South African Society*, 2nd ed. (Cape Town: Maskew Miller Longman, 1989), p. 495.

⁵ See G. C. Mendis, *Ceylon, Today and Yesterday: Main Currents of Ceylon History* (Colombo: Associated Newspapers of Ceylon, 1957), p. 70; C. R. de Silva, *Ceylon under British Occupation, 1795–1833* (Colombo: The Colombo Apothecaries’ Co., 1962). On David Scott’s use of the inquiry, see D. Scott, ‘Colonial Governmentality’, *Social Text*, 43 (1995), pp. 191–220. More recent scholarship includes, S. Sivasundaram, *Islanded: Britain, Sir Lanka, and the Bounds of an Indian Ocean Colony* (Chicago: University of Chicago Press, 2013), particularly ch. 8, ‘Publics’; N. Wickramasinghe, *Sri Lanka in the Modern Age: A History* (Oxford: Oxford University Press, 2015). On Mauritius, see A. J. Barker, *Slavery and Antislavery in Mauritius: The Conflict between Economic Expansion and Humanitarian Reform under British Rule* (New York: St Martin’s Press, 1996), or R. B. Allen’s work on Mauritius’ free population of colour including, ‘Economic Marginality and the Rise of the Free Population of Colour in Mauritius, 1767–1830’, *Slavery and Abolition*, 10.2 (1989), pp. 126–50.

⁶ Anita Rupprecht is currently working on a book on this subject. A selection of her work to date includes: A. Rupprecht, ‘“When he gets among his countrymen they tell him that he is free”: Slave trade abolition, indentured Africans and a royal commission’, *Slavery and Abolition*, 33.3 (2012) pp. 435–55; A. Rupprecht, ‘From slavery to indenture: Scripts for slavery’s ending’, in C. Hall, N. Draper and K. McClelland (eds.), *Emancipation and the Remaking of the British Imperial World* (Manchester: Manchester University Press, 2014), pp. 77–97; A. Rupprecht, ‘“He says that if he is not taught a trade, he will run away”: Recaptured Africans, desertion, and mobility in the British Caribbean, 1808–1828’, in M. Rediker, T. Chakraborty and M. van Rossum (eds.), *A Global History of Runaways: Workers, Mobility, and Capitalism, 1600–1850* (Oakland, University of California Press, 2019), pp. 178–98. Also see Jeppe Mulich on the mobility of Tortola’s Liberated Africans: J. Mulich, *In a Sea of Empires: Networks and Crossings in the Revolutionary Caribbean* (Cambridge: Cambridge University Press, 2020), pp. 134–56.

⁷ See ch. 3 of L. Benton and L. Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (Cambridge, MA: Harvard University Press, 2016), which situates that investigation within the broader imperial commissions moment. Legal Inquiry also figures in D. J. Murray, *The West Indies and the Development of Colonial Government, 1801–1834* (Oxford: Oxford University Press, 1965).

the political maelstrom of 1820s New South Wales and the Cape. Zoë Laidlaw and Clare Anderson discussed the intersections between Eastern Inquiry and the humanitarian politics of unfree labour and prison reform, respectively. Meanwhile, Laidlaw's groundbreaking *Colonial Connections* reclaimed the Eastern Inquiry as a key strategy in bolstering metropolitan control over colonial government after 1815 – a theme expanded across the British World by Benton and Ford in *Rage for Order*.⁸ This relative neglect is understandable given the scale and complexity of the archive: it is big enough to keep scholars busy for generations.

Making sense of the project of inquiry is difficult because it was a messy and inconsistent business. Commissioners themselves, as we shall see, were frequently hounded by expanding briefs and fugue-like instructions from their masters in Whitehall. They fell into acrimony with their superiors, colonial subjects and each other. Their health was undermined by the pressure and conditions of their research. Legal Commissioner Henry Maddock sacrificed his life on the altar of enquiry (he died with a fever in St Lucia in 1824), while others suffered injury and illness after gruelling travails on the edges of empire.⁹

We confine ourselves to one, albeit large, point of investigation – what do the commissions reveal about imperial reform in the busy years between the Battle of Waterloo (1815) and the Great Reform Act (1832)? The manifest tension between reaction and reform in this period has long occupied scholars of British domestic and imperial history. We start our inquiry with Christopher Bayly's *Imperial Meridian*. Writing in the late 1980s against a Whiggish assumption that post-Napoleonic reform was simply 'a plateau on the ascent to liberalism', Bayly argued instead that this was a distinctively conservative moment, marked by militarism, the re-assertion of social hierarchies and the establishment of 'overseas despotisms' mirroring neo-absolutism in contemporary Europe.¹⁰ Nevertheless, as Bayly foreshadowed and Laidlaw

⁸ Z. Laidlaw, *Colonial Connections, 1815–45: Patronage, the Information Revolution and Colonial Government* (Manchester: Manchester University Press, 2005); Benton and Ford, *Rage for Order*, pp. 57–59; Z. Laidlaw, 'Investigating empire: Humanitarians, reform and the Commission of Eastern Inquiry', *The Journal of Imperial and Commonwealth History*, 40.5 (2012), pp. 749–68; C. Anderson, 'Convicts, carcerality and Cape Colony connections in the 19th century', *Journal of Southern African Studies*, 42.3 (2016), pp. 429–42; K. McKenzie, *Imperial Underworld: An Escaped Convict and the Transformation of the British Colonial Order* (Cambridge: Cambridge University Press, 2016).

⁹ Jabez Henry to Wilmot Horton, 30 August 1824, The National Archives, Kew [hereafter TNA], CO 318/57.

¹⁰ C. A. Bayly, *Imperial Meridian: The British Empire and the World 1780–1830* (London: Longman, 1989), pp. 8–9, 11, 162.

would later elaborate, in the aftermath of the Napoleonic Wars, the conservative coalition that ruled Britain was also increasingly committed to a peculiar variant of reform.¹¹ This was so in part because Prime Minister Robert Jenkinson, Earl of Liverpool, held onto power by a thread by the mid-1820s. The Prince Regent, later George IV, was a fickle patron,¹² and opposition MPs marshalled imperial scandals to chip away at Liverpool's fragile hold on the House. In this period, personal affinity generally trumped 'party' in the later nineteenth-century sense of that word. So, to retain power, the Liverpool regime had to balance the demands of competing interests, some of the most important of them mired in slavery.¹³ However, the project of inquiry also responded to the growing clout of antislavery advocates and, indeed, many of the commissions were called to fend off parliamentary resolutions demanding the reform of unfree labour. The Liverpool ministry also had to reckon with the economic fallout of decades of war: Whiggish and Radical MPs, in particular, demanded that empire be made cheaper, that trade and commerce be unencumbered and that imperial rule, to some limited degree, be made less arbitrary. These contests unfolded in the shadow of revolution. Since the outbreak of revolutionary hostilities in North America in 1775, Britain had been fighting insurgents overseas, and, increasingly in the post-war downturn, at home. But Liverpool's reforms were not just reactionary and reactive. As Benton and Ford showed, Britain's conservative and counter-revolutionary government was also committed to what it viewed as 'rational' legal reform at home and abroad.¹⁴

Colonial commissions of inquiry, we argue here, offer a way to unlock the cacophonous politics and ostensibly inconsistent policies of the Liverpool government. Commissions of inquiry were a very old technology revived at a very particular moment, at home and in empire, for a

¹¹ Laidlaw, *Colonial Connections*, p. 40. Bayly and Laidlaw were not the first to notice reform impulses in the post-Napoleonic empire: in the 1960s and '70s, excellent work by D. M. Young, D. J. Murray, J. Millette and J. M. Ward also charted early shifts in imperial governance: D. M. Young, *The Colonial Office in the Early Nineteenth Century* (London: Longmans, 1961); J. Millette, *The Genesis of Crown Colony Government: Trinidad, 1783–1810* (Curepe, Trinidad: Moko Enterprises, 1970); Murray, *The West Indies and the Development of Colonial Government*; and J. M. Ward, *Colonial Self-Government: The British Experience, 1759–1856* (London: Macmillan, 1976).

¹² E. A. Smith, *George IV* (New Haven, CT: Yale University Press, 1999), p. 284. Only after 1834 did ministries definitively take power by commanding a majority in Parliament. S. M. Lee, *George Canning and Liberal Toryism, 1801–1827* (Woodbridge: Boydell Press, 2008), p. 174.

¹³ M. Taylor, *The Interest: How the British Establishment Resisted the Abolition of Slavery* (London: Bodley Head, 2020).

¹⁴ Benton and Ford, *Rage for Order*.

very particular purpose. This project was not always successful at managing the competing metropolitan goals thrown at it by an unstable Parliament. In many respects, inquiry was stymied (though in others transformed) by the increasing parsimony of Parliament and Exchequer and the 1830 election of the Whigs. Perhaps most importantly, it was constantly buffeted by the politics of colonial encounter. Even so, we argue that the process of the inquiries' calling, conduct, findings and consequences exemplify (and also show the limitations of) 'constructive conservatism' – a term we adapt from Bayly to describe the grab bag of counter-revolutionary impulses, reform agendas and political pragmatism that shaped imperial policy in the 1820s with decidedly mixed results.¹⁵

Inquiring into Empire follows two main routes into this larger question. Firstly, we explain why we think commissions were the archetypal vehicle of conservative reform. This was so because commissions were creatures of the Crown. By calling royal commissions, the ministry wrested responsibility for colonial information-gathering from parliamentary factions. Commissions also exemplified conservative reform by elevating 'history and experience' over 'theoretical or abstract reasoning'.¹⁶ The king's emissaries were deployed to the farthest corners of empire to gather impartial firsthand evidence about law and government in the colonies, allowing the Colonial Office to craft rational, incremental and tailored reform.

This approach served two functions. The first was political. The Liverpool regime used commissions to manage the parliamentary fallout of colonial scandal. At least since the attempted impeachment of Bengal's first Governor-General, Warren Hastings, from 1786, empire seemed to lurch from one lurid scandal to another, communicated home by disaffected colonists, often casting colonial administrations in the worst possible light.¹⁷ As Benton and Ford pointed out, commissions were 'designed ... to cut through the dysfunction of multistranded

¹⁵ Bayly, *Imperial Meridian*, p. 11.

¹⁶ A. Gambles, *Protection and Politics: Conservative Economic Discourse, 1815–1852* (Woodbridge: Royal Historical Society, 1999), pp. 1, 18. For Gambles' discussion of the relationship between Bayly's 'constructive conservatism' and 'constructive imperialism' see ch. 6, especially pp. 150, 164.

¹⁷ One fulsome study, for example, W. C. Wentworth, *A Statistical, Historical, and Political Description of the Colony of New South Wales, and Its Dependent Settlements in Van Diemen's Land* (London: G. & W.B. Whittaker, 1819) was published on the eve of Bigge's departure in 1819 and would go through several (quite distinct) editions. See also J. Stephen Sr, *The Crisis of the Sugar Colonies, or, An Enquiry into the Objects and Probable Effects of the French Expedition to the West Indies* (London: J. Hatchard, 1802).

imperial communication networks'.¹⁸ In the 1820s, the presence of supposedly impartial commissioners in the colonies was invoked at the first sign of colonial trouble – arm's-length investigation by men on the ground averted parliamentary committees, motions of censure, private members bills and threats to bring wayward governors to justice.¹⁹

But the ministry's drive to keep empire out of Parliament was also ideological. Since the American Revolution, successive ministries had resolved (more or less) that empire was best ruled directly by the Crown. In the 1820s, Liverpool and his Secretary for War and the Colonies, Earl Bathurst, worked tirelessly to defend individual governors and the system of crown rule from opponents in Parliament. Commissions furthered this goal directly by defending governors on instruction, but they also pointed out problems with executive discretion granted by foreign law and colonial legislation (as in the Cape and Jamaica), gathered evidence about the excesses of governors (as in New South Wales) and addressed popular clamour for self-rule (as in Trinidad). As early as 1825, in dialogue with inquiry, the Colonial Office began imposing legislative or advisory councils in colonies ruled by governors (crown colonies) across the empire to improve and defend crown rule.²⁰ This was not a step on the way to self-government or a prequel to Whiggish liberalisation. It was explicitly articulated as a move to save counter-revolutionary crown government from attack by disgruntled colonists and opposition forces in Parliament.²¹

Another pillar of conservative reform focused on making empire work better by reforming and simplifying colonial law, not along strict Benthamite lines but in ways that reflected the needs of colonial populations and economies. Commissions helped here by surveying colonial legislation, cataloguing the dysfunctions of colonial courts and seeking advice from judges and law officers about how best to fix the system. This project had articulated into a reform program of sorts by the end of the 1820s, centred on sharing new and improved English law (criminal law only in foreign colonies) and, most importantly, creating modern, well-staffed and efficient courts that could keep an eye on governors, masters

¹⁸ Benton and Ford, *Rage for Order*, p. 60.

¹⁹ See K. McKenzie and L. Ford, 'A dance of crown and parliament: Empire and reform in the age of Liverpool', *English Historical Review*, 137.589 (2022), pp. 1606–32.

²⁰ Its first iteration in this period was New South Wales, in 1823–24. However, correspondence from the mid-1820s suggests that the model was derived from 1770s legislation for Bengal and Quebec.

²¹ See Benton and Ford, *Rage for Order*, pp. 1–84. For a recent discussion of constitutional efforts to bolster crown power after 1779, see L. Ford, *The King's Peace: Law and Order in the British Empire* (Cambridge, MA: Harvard University Press, 2021).

and legislatures; make litigants (particularly heirs and creditors) happy; and bring enslaved people under the protection of the law.²² Finally, reform sought to make empire cheaper, by reducing colonial establishments and, albeit inconsistently, removing arbitrary impediments to economic growth.²³ All of these facets of conservative reform need to be considered on their own terms and within their own logic.

Meanwhile, the dual projects of conservative reform and damage control merged into the most exciting and important roles of the commissions – to engage directly with colonial publics and to massage evidence into manageable and actionable truths. Sometimes under instruction and at other times on their own initiative, commissioners embroiled themselves in colonial politics. Most of their time was spent talking to officeholders and angry white men, but as noted, in some cases they engaged deeply with broader colonial publics, including People of Colour, unfree labourers and even the enslaved. As a result, the project of inquiry launched empire into a uniquely expansive polylogue among the Colonial Office, individual commissioners and empire's disparate peoples. This encounter profoundly shaped conservative reform. In several chapters, we place particular emphasis on the surprising colonial encounters that shaped the Liverpool regime's tortured and inconsistent approach to the great problems of the day: abolishing the slave trade and ameliorating slavery. Commissions of inquiry served sometimes as emissaries of slavery's amelioration, but at other times they exposed the project's hard edges and also the corrosive ramifications of the Liverpool government's deep (and at times disastrous) reliance on the cooperation of self-interested elites. In every case study that follows, we spend time accounting for the commissioners' days, counting their visitors, and weighing their evidence in order to understand better who sought to participate in the remaking of empire. We argue in the process that a central, but hidden, function of the commissions was to build an empire of affect, forging new bonds between colonial subjects and the Crown – a project whose importance is most evident when, as in Mauritius, it failed.

The bright promise of colonial inquiry was never fully realised. Liverpool's stroke in 1827 was followed by half a decade of political turmoil, and some of the most important colonial reforms proposed by commissioners collapsed after the epochal but expensive decision to end slavery in 1833. Yet ideas about law and empire consolidated in this

²² Benton and Ford, *Rage for Order*, pp. 56–84.

²³ Gambles has argued that attacking protection emerged as a central ideological commitment in the liberal Tory era. Gambles, *Protection and Politics*, pp. 56–85.

decade continued to shape empire profoundly. The impulse to fix law and courts echoed throughout the nineteenth century, feeding and reshaping the British Empire's peculiar vision of itself as an empire of laws.²⁴ And the Crown's grip on empire remained until a series of mid-century crises delivered self-government to colonies dominated by white settlers. Even in its own terms, despite its ambiguous legacies, the moment of inquiry reveals the ambition of the Liverpool government both to reform empire and to manage Parliament after 1815. It exposes the mechanics of colonial bureaucracies and economies, the social and ideological tensions dividing colonial publics, the thickening arteries of imperial communication and the fraught interplay between colonial information-gathering and imperial policy-making. In short, inquiry into empire lays bare the workings of Britain and its empire at a pivotal moment in its history.

Constructive Conservatism and the Ministry

Imperial commissions of inquiry were launched by a ministry long fascinating to historians of British politics. Lord Liverpool was not noted for his personal charisma and his government was constantly challenged by internal divisions.²⁵ Nevertheless, his regime enjoyed an unlikely longevity from the time he was catapulted into office by Spencer Perceval's assassination in 1812. Liverpool's ministry successfully weathered upheaval at home and global warfare abroad and, though it came near to breaking point at several moments, it only collapsed in the wake of his incapacitating stroke in 1827.

Liverpool's hold on Parliament was often unstable, supported by a broad church of MPs with diverse interests and attitudes. After the 1806 death of William Pitt the Younger and the subsequent collapse of the short-lived 'Ministry of All the Talents', the men who (broadly speaking) saw themselves as Pitt's heirs held the ministry until the 1830s, when they were finally torn apart by the issue of Catholic emancipation. During this time, the loyalty of backbenchers could never be assumed, as the more centrist elements of opposition constantly threatened to woo defectors and erode the government's authority. This volatility was exacerbated by increasingly cross-partisan attacks on

²⁴ A. Nettelbeck and L. Ford, 'Violence and authority', in A. Nettelbeck (ed.), *A Cultural History of Violence in the Age of Empire* (in press).

²⁵ For a good discussion of Liverpool's talents and weaknesses as a politician and statesman, see B. Hilton, 'The political arts of Lord Liverpool', *Transactions of the Royal Historical Society*, 38 (1988), pp. 147–70.

patronage and corruption and by the rise of antislavery.²⁶ In Boyd Hilton's pointed assessment, for 'a few brief decades in English history, what was said in the Commons actually swayed the outcome of legislation'.²⁷

Critics of government took advantage of a trend towards increasing public participation in politics.²⁸ This took multiple forms, and voting was arguably not the most important of them. Before 1832, Britain's franchise was a patchwork of varying rights and privileges, from the expansive male electorates of Yorkshire and Westminster, to the infamous 'rotten' or 'pocket' boroughs that returned sitting members with a handful of coerced or purchased votes, to the burgeoning industrial centres such as Manchester and Birmingham, which had no representation at all. In this context, political pressure was increasingly exerted through designated lobbyists or the emerging public sphere. At the forefront of this phenomenon was a pamphlet, periodical and newspaper press seeking to both harness and mould public opinion.²⁹ Government itself spoke to the public by publishing a deluge of reports, correspondence and even parliamentary debates. So, the colonial commissions of inquiry were collecting and disseminating data in the context of an explosion of political knowledge and opinion.

In this fractious context, scholars have struggled to discern the convictions of Liverpool's ministry, so apparently grounded in contradictions. It embraced authoritarianism in the face of global revolution and domestic unrest at the same time as it undertook significant social and legal reforms. It deployed military violence as never before to crush dissent, most notoriously in the Peterloo massacre of 1819; yet it also targeted corruption, the wrong sort of patronage and post-war spending, while shifting gear on finance, the penal system and foreign policy. While the term 'liberalism' was largely a bipartisan insult in this period (not unlike 'Tory'), scholars have used 'liberal Toryism' as a shorthand to describe

²⁶ W. R. Brock, *Lord Liverpool and Liberal Toryism: 1820 to 1827*, 2nd ed. (London: Cass, 1967); P. Harling, *The Waning of "Old Corruption": The Politics of Economical Reform in Britain, 1779–1846* (Oxford: Oxford University Press, 1996); J. M. Bourne, *Patronage and Society in Nineteenth-Century England* (London: E. Arnold, 1986); B. Hilton, *A Mad, Bad, & Dangerous People? England 1783–1846* (Oxford: Oxford University Press, 2006), p. 199; F. O'Gorman, *The Emergence of the British Two-Party System, 1760–1832* (London: E. Arnold, 1982).

²⁷ Hilton, *Mad, Bad, & Dangerous*, p. 209.

²⁸ O'Gorman, *The British Two-Party System*, p. 62; J. J. Eddy, *Britain and the Australian Colonies, 1818–1831: The Technique of Government* (Oxford: Clarendon Press, 1969), p. 49.

²⁹ The relationship between political opinion and the periodical press was exemplified by the rivalry between the Tory *Blackwood's Magazine*, founded in 1817 to counter the liberalism of the *Edinburgh Review*. Gambles, *Protection and Politics*, p. 13.

Liverpool's pivot towards cautious domestic reform in the early 1820s.³⁰ Those investigating the 'liberal' elements of Liverpool's government have sought its complex ideological underpinnings in evangelicalism, political economy, free trade and an emergent middle-class challenge to the landed interest. Others point to fear and pragmatism as key drivers of conservative reform, noting the regime's anxiety about public opinion, parliamentary defections and dismissal.³¹

We think the most ambitious and dramatic reforms overseen by the Liverpool regime unfolded in Britain's colonial peripheries. This may seem puzzling, as fear of a revolutionary apocalypse of the American, French or Haitian variety shaped empire profoundly. But, as Benton and Ford argued, increasing crown power in the colonies was part and parcel of the wider project of legal reform in this period – a project supported by

³⁰ A good example is the conversation between Robert Wilmot Horton and Lord Granville Somerset over how to deal with accusations of a 'baleful spirit' of 'liberalism' made against the former by Granville Somerset's Ultra Tory relatives at the height of the Cape controversies in 1825. Wilmot Horton to Granville Somerset, 8 November 1825, and Somerset to Wilmot Horton, 13 November 1825, Wilmot Horton Papers, Derbyshire Record Office, Catton Collection, D3155/WH3028. Even those politicians whom historians have associated with liberal thinking in the 1820s used the term ironically. 'Tory' gained slightly earlier acceptance but was only widely embraced after 1827. Lee, *Canning and Liberal Toryism*, pp. 82–85, 138. On the divide between 'liberal Tories' and 'high Tories' in Bayly's *Imperial Meridian*, see p. 137.

³¹ On the question of the Liverpool ministry's relation to liberalism (and by extension anti-liberalism, or as it is usually framed 'conservatism'), a foundational work is Brock, *Lord Liverpool and Liberal Toryism*. Brock's link between liberal Toryism and classical political economy has been extensively questioned by Boyd Hilton's emphasis on evangelicalism, most especially in B. Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1795–1865* (Oxford: Clarendon Press, Oxford University Press, 1988); and, with some adjustments in Hilton, *Mad, Bad, & Dangerous*. For an alternative view, see N. Gash, 'Review of B. Hilton, *The Age of Atonement* (Oxford, 1988)', *The English Historical Review*, 104.410 (1989), pp. 136–40; N. Gash, *Lord Liverpool: The Life and Political Career of Robert Banks Jenkinson Second Earl of Liverpool, 1770–1828* (London: Weidenfeld and Nicolson, 1984); and N. Gash, *Aristocracy and People: Britain, 1815–1865* (Cambridge, MA: Harvard University Press, 1979). An astute assessment of the tactical deployment of Liberal Tory ideas and their relation to economic reform can be found in P. Harling, *The Waning of 'Old Corruption': The Politics of Economical Reform in Britain, 1779–1846* (Oxford: Clarendon Press, 1996). John Derry gives a lucid overview of the period and rightly emphasises Liverpool's pragmatism in *Politics in the Age of Fox, Pitt and Liverpool: Continuity and Transformation* (London: Macmillan, 1990). Lee, *Canning and Liberal Toryism*, emphasises both the particularity of this early nineteenth-century moment and frames the division between High and Liberal Tories as a spectrum rather than a simple binary. Lamont's 'Robert Wilmot Horton and Liberal Toryism' is a rare example of the scholarship's engagement with empire. So too is Gambles' *Protection and Politics*, a study of conservative economic discourse, which of necessity engages with notions of liberal-Toryism. For a recent survey of the literature, see F. E. Duncan, 'The development of a Tory ideology and identity, 1760–1832', unpublished PhD thesis, University of Stirling (2015).

conservatives and antislavery advocates alike.³² Building on these insights, we argue that something is lost if we reduce domestic and imperial reform in the Liverpool era to a series of panicked concessions made to opposition politicians and colonists. Commissions of inquiry reveal a more complex interface of ideology and politics. If Bayly identified the ‘paradox’ of reaction and reform at home and in empire, his concept of ‘constructive conservatism’ provides a very useful way to imagine its resolution because it invites us to cast reaction and reform in this decade as intertwined phenomena in their own right, rather than as a precursor to later Victorian developments.³³ By examining this paradox through the moment of inquiry, we assert that empire remains a key and neglected piece of the puzzle of reform in studies of early nineteenth-century conservative governance.

Politics in the Colonial Office

During most of the period that we cover, the architect of imperial transformation was not Liverpool but a small team led by the self-effacing Henry Bathurst, Third Earl Bathurst (1812–27) (Figure 1.1). When Bathurst resigned his cabinet position after George Canning became prime minister in 1827, Henry John Temple (Viscount Palmerston), dismissed Bathurst as one of the ‘old stumped-up Tories’.³⁴ Bathurst did indeed come from an old Tory family: his father had been lord chancellor. A much-quoted assessment by diarist Charles Greville summed him up as ‘greatly averse to changes, but unwillingly acquiescing in many’.³⁵ Having spent considerable time with Bathurst over the course of this project, we counter that he was more deft political tactician

³² Benton and Ford, *Rage for Order*.

³³ Bayly, *Imperial Meridian*, p. 11, also see p. 195 on ‘the new conservatism’ in Great Britain. Bayly’s original use of the term is in relation to domestic British politics. For him, the fifty-year period from 1780 to 1830 ‘saw the emergence of a constructive conservatism which mirrored the constructive imperialism of the wider British empire’, p. 11. We use ‘constructive conservatism’ to encompass both domestic and imperial reform, expanding Gambles’ argument that ‘The concept of “empire” lay at the heart of a “constructive conservative” attitude to the political economy of the UK.’ Gambles, *Protection and Politics*, pp. 150, also 1–2, 7.

³⁴ Viscount Palmerston to William Temple, 21 October 1826, quoted in H. L. Bulwer, *The Life of Henry John Temple, Viscount Palmerston*, 2 vols. (London: Richard Bentley 1870), vol. I, p. 179.

³⁵ Charles Greville, diary entry of 5 August 1834 (on hearing news of Bathurst’s death) in P. Morrell (ed.), *Leaves from the Greville Diary: A New and Abridged Edition* (London: Eveleigh Nash & Grayson, 1929), pp. 236–37. See also N. Thompson, ‘Bathurst, Henry, third Earl Bathurst (1762–1834)’, *Oxford Dictionary of National Biography*, 2004, <https://doi.org/10.1093/ref:odnb/1696>.



Figure 1.1 Henry, 3rd Earl Bathurst (1762–1834), Sir Thomas Lawrence. Royal Collection Trust, RCIN 404938.

and pragmatist than he was reluctant reformer. Bathurst may have been fond of delegating or dodging administrative drudgery,³⁶ but he was adept at managing change. He had little time for men like Cape governor Lord Charles Somerset who were in apparent denial that the nineteenth century had dawned.³⁷ In short, the man himself was far more shrewd than Palmerston would have us believe.³⁸ Like the topic of empire more generally, Bathurst himself is frequently absent from political histories of Liverpool's ministry. Yet his organisation of the Colonial Office is emblematic of the cautious pragmatism that characterised reform in this period.

Bathurst's private correspondence shows his keen awareness of the threat Parliament posed to his portfolio.³⁹ This could come from all sides, but the growth of antislavery sentiment among the British public by the mid-1820s loomed particularly large in the Colonial Office, as activist MPs cajoled Bathurst and his team privately or threatened to bring bills or pass motions of censure in the Commons.⁴⁰ Their impact on imperial policy was palpable: Bathurst complained privately of 'our subjection to the Saints' in a confidential letter to his undersecretary, Robert Wilmot Horton, in 1826.⁴¹ Equally problematic were endless criticisms of government spending and crown rule made by Radical MP Joseph Hume who, together with the Whig's Henry Brougham, became a magnet for colonial complaints. In one candid exchange, Bathurst fumed that Hume was 'a

³⁶ A habit for which he mocked himself. For a thumbnail sketch of Bathurst's relations with his underlings, see McKenzie, *Imperial Underworld*, pp. 66–67.

³⁷ We will meet Charles Somerset again in Chapter 5.

³⁸ For discussions of Bathurst and empire, see Young, *Colonial Office*; N. D. McLachlan, 'Bathurst at the Colonial Office, 1812–27: A reconnaissance', *Historical Studies*, 13.52 (1969), pp. 477–502; T. P. Woods, 'Lord Bathurst's policy at the Colonial Office, 1812–1821, with particular reference to New South Wales and the Cape Colony', unpublished DPhil thesis, University of Oxford (1971); N. Thompson, *Earl Bathurst and the British Empire, 1762–1834* (London: Leo Cooper, 1999); Ritchie, *Punishment and Profit*; Laidlaw, *Colonial Connections*; and McKenzie, *Imperial Underworld*.

³⁹ The system of private correspondence would be much-criticised, and ultimately abolished, in the 1830s. Laidlaw, *Colonial Connections*, p. 121.

⁴⁰ Laidlaw, 'Investigating empire' situates the commissions moment squarely within humanitarian discourse, though places less emphasis on the other aspects of law reform and colonial politics that shaped this initiative. See also J. Walvin, 'The rise of British popular sentiment for abolition, 1787–1832', in C. Bolt and S. Drescher (eds.), *Anti-Slavery, Religion, and Reform: Essays in Memory of Roger Anstey* (Folkestone: Dawson, 1980), p. 155; D. Turley, *The Culture of English Antislavery, 1780–1860* (London: Routledge, 1991); R. Alibrandi, 'British parliamentary abolitionists: Sir Thomas Fowell Buxton (1786–1845) and the political and cultural debate on abolitionism in the nineteenth century', *Parliaments, Estates and Representation*, 40.1 (2020), pp. 21–34. On the powerful counter-forces marshalled against humanitarians, see Taylor, *The Interest*.

⁴¹ Lord Bathurst to Wilmot Horton, 17 September 1826, Mitchell Library (hereafter ML), Bathurst Papers, A73, f. 339; Young, *Colonial Office*, p. 180. The 'Saints' referred to the antislavery lobby, dominated at this time by evangelical Christians affiliated with the Clapham sect.

prodigious puppy' in his 'meditated attack upon the colonies' and instructed his undersecretaries to give the Radical member 'a proper drubbing' by letter.⁴² Newly conquered possessions governed without elected legislatures (crown colonies) formed targets in debates merging tyranny and spending, with Hume invoking Parliament's 'constitutional jealousy' of the royal prerogative to bolster complaints about their cost.⁴³ It was with such interference in mind that Bathurst reined in colonial governors who overstepped the bounds of their power.

Private correspondence also reveals that stifling parliamentary debate about empire was a consistent project in Bathurst's Colonial Office. Undersecretary of State Robert Wilmot Horton (1821–27), who spoke for the Colonial Office in the House of Commons at the height of the commissions, found this 'gag order' vexing at times. Unlike Bathurst, Wilmot Horton was an eloquent speaker (though his celebrity cousin, Lord Byron, was quelling on the subject of his intellect).⁴⁴ Wilmot Horton listed towards reform on issues like poor law and economy but his politics did not run to antislavery, which might explain both why he was forbidden to speak on the 'Slave Question' and why he found silence frustrating.⁴⁵ In letters to the chancellor of Exchequer in March and April 1825, Wilmot Horton complained that 'Silence is universally prescribed to me. It is no wonder that Hume characterises the Department as the most inefficient in the whole range of Government'.⁴⁶ He felt he could avoid getting the government into 'a scrape' if given a freer rein.⁴⁷ However, when Wilmot Horton won the argument and took a more active role in debates over colonial reform in the House of Commons from the middle of 1825, he followed Bathurst's line, deflecting opposition attacks through a variety of delaying and obfuscating tactics. Invoking the ongoing work of commissions was key among them.

The other major player in the moment of inquiry was James Stephen Jr who acted as permanent legal counsel to the Colonial Office from 1823. As Laidlaw has pointed out, historians have focused too much on

⁴² In this instance, Mauritius. See Bathurst to Wilmot Horton, 12 October 1826, ML, Bathurst Papers, A73, f. 81.

⁴³ Joseph Hume, Hansard, 1st ser., 10 May 1819, vol. 40, cols. 260–74; Hansard, 1st ser., 10 June 1819, vol. 40, cols. 1077–82; Hansard, 1st ser., 29 November 1819, vol. 41, cols. 355–56. See also Joseph Hume, Hansard, 2nd ser., 25 February 1823, vol. 8, cols. 248–54.

⁴⁴ McKenzie, *Imperial Underworld*, p. 68.

⁴⁵ Wilmot Horton to Robinson, 22 March 1825, Catton Collection, D3155/WH2932. While in office, Horton published pro-slavery texts. For a brief discussion of his slavery politics, see Taylor, *The Interest*, pp. 110–11.

⁴⁶ Wilmot Horton to Robinson, 5 April 1825, Catton Collection, D3155/WH2932.

⁴⁷ Wilmot Horton to Robinson, 22 March 1825, Catton Collection, D3155/WH2932.

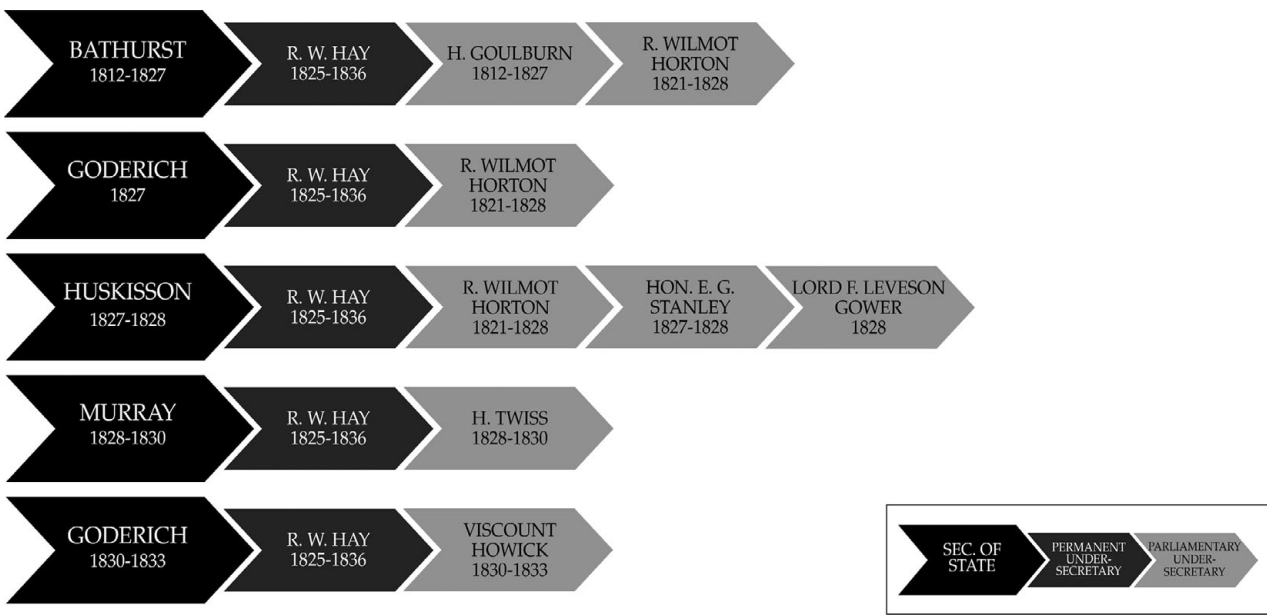
Stephen's work in rationalising imperial business from the mid-1830s when he replaced Robert William Hay as permanent undersecretary.⁴⁸ Stephen's earlier work in processing the results of inquiry was pivotal. We are fairly certain that this chronic workaholic was the only person in Britain to read the various commissioners' reports from cover to cover, though, as we will see, his response to quite a few of them was scathing. He was also almost entirely responsible for extracting a pan-imperial project of legal reform from some combination of the commissioners' recommendations and the 1820s zeitgeist – a curious tension we will also explore. Stephen was the son of the famous antislavery advocate, James Stephen Sr, and, very occasionally, Bathurst thought his family politics skewed his judgement.⁴⁹ But Stephen's interface with the commissioners' reports suggest that he was much more than an enemy within the gates. After Bathurst's departure from office in 1827, Stephen's take on proposals for reform reveal him to be remarkably constitutionally conservative on almost every issue except reforms to slavery: even as he drafted a raft of new charters of justice, he was extremely cautious about imposing a uniform system of government on colonies ruled directly by the Crown.⁵⁰

Bathurst held the position of Secretary of State for almost fifteen years. Together with Wilmot Horton and James Stephen Jr, he presided over most of the work of the commissions examined here. This era came to an abrupt end following Liverpool's stroke in 1827. George Canning, associated with the 'liberal' wing of the government, proved utterly incapable of holding the Tory alliance together and both Bathurst and Wilmot Horton resigned their offices in the turmoil that followed. The office of colonial secretary then became something of a revolving door. It would change eight times between Bathurst's departure and 1835, when the imperial commissions finally wound up. As we show in Chapter 10, this only increased the significance of the Colonial Office's permanent staff, especially James Stephen Jr (assistant undersecretary from 1834 and permanent undersecretary from 1836), in managing the outcomes of the investigations. But it also amplified some and thwarted other large-scale reforms. As a result, the moment of imperial inquiry left a very mixed legacy.

⁴⁸ Laidlaw, *Colonial Connections*, pp. 49–52. Hay was appointed in 1825 to oversee 'Eastern' colonies, but he plays a curiously marginal role in our story given that Eastern Inquiry lasted for nearly a decade.

⁴⁹ Bathurst to Wilmot Horton, 25 January 1825, ML, Bathurst Papers, A73, f. 11.

⁵⁰ See Chapter 10.



OTHER KEY STAFF

JAMES STEPHEN JNR: LEGAL ADVISOR TO THE COLONIAL OFFICE (1814-1823), PERMANENT LEGAL COUNSEL (1823-1834)

HENRY TAYLOR: FIRST CLERK (1824-1825), SENIOR CLERK (1825-1872)

Figure 1.2 Colonial office key staff, 1812–1833.

Making Inquiries

In emphasising the part that commissions of inquiry played in the project of conservative imperial reform, we draw on some very new and some very old historiography. We are particularly indebted to the decades of work that answered Frederick Cooper and Ann Laura Stoler's call to place empire and metropolis in a single analytical field.⁵¹ While 'new imperial history' was initially dominated by questions of culture and identity, we draw most on work focusing on questions of law, constitutions and economics, in the process rediscovering the topics, questions and sources of an older (often metropole-centric) literature on imperial governance.⁵² Zoë Laidlaw, for example, deployed new methodologies (an emphasis on knowledge and interpersonal networks, a recognition of the importance of historical actors and an attention to the mechanics of bureaucracy and information flows) to come to a fresh understanding of the mechanics of empire.⁵³ The advantages of placing the Colonial Office archive at the centre of analysis has also been underscored by a team of researchers led by Alan Lester, who read across empire in key

⁵¹ F. Cooper and A. L. Stoler, 'Between metropole and colony: Rethinking a research agenda', in F. Cooper and A. L. Stoler (eds.), *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley: University of California Press, 1997), pp. 1–56. For key examples, see C. Hall (ed.), *Cultures of Empire: Colonizers in Britain and the Empire in the Nineteenth and Twentieth Centuries: A Reader* (New York: Routledge, 2000); S. Howe (ed.), *The New Imperial Histories Reader* (Abingdon: Routledge, 2009). For key works in this field emphasising colonial developments, see A. Lester, *Imperial Networks: Creating Identities in Nineteenth-Century South Africa and Britain* (London: Routledge, 2001); Laidlaw, *Colonial Connections*; K. Ward, *Networks of Empire: Forced Migration in the Dutch East India Company* (Cambridge: Cambridge University Press, 2008); D. Lambert and A. Lester (eds.), *Colonial Lives across the British Empire: Imperial Careerings in the Long Nineteenth Century* (Cambridge: Cambridge University Press, 2006); C. Anderson, *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1780–1920* (Cambridge: Cambridge University Press, 2012); P. Linebaugh and M. Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (London: Verso, 2000); S. Sivasundaram, *Waves across the South: A New History of Revolution and Empire* (London: HarperCollins, 2020); and C. Hall, K. MacClelland and J. Rendall (eds.), *Defining the Victorian Nation: Class, Race, Gender and the British Reform Act of 1867* (Cambridge: Cambridge University Press, 2000).

⁵² For a useful survey, see Z. Laidlaw, 'Breaking Britannia's bounds? Law, settlers, and space in Britain's imperial historiography', *The Historical Journal*, 55.3 (2012), pp. 807–30. On the dangers of an unhelpful distinction between 'new' and 'old' imperial histories, see K. McKenzie, 'Roundtable: Imperial history by the book: A roundtable on John Darwin's *The Empire Project*. Comment: A field divided', *Journal of British Studies*, 54.4 (2015), pp. 983–87.

⁵³ Laidlaw, *Colonial Connections*.

years to trace shifts in imperial governance and their impact on the colonies ‘everywhere and all at once’.⁵⁴

As will already be apparent, we also draw deeply on studies of the interface of empire and Parliament – a field that has a long lineage and that is itself growing rapidly. D. J. Murray’s excellent 1965 discussion of colonial government in the West Indies is vital to our understanding of the role of the Commission of Legal Inquiry in the Caribbean in the Colonial Office’s constantly shifting attempt to chart the reform of colonial constitutions and unfree labour in the region, as is Michael Taylor’s recent exposition of the role of the pro-slavery lobby in shaping imperial policy in the lead up to emancipation.⁵⁵ The project of inquiry binds internecine parliamentary politics and Colonial Office policy intricately to the complexity of colonial life.⁵⁶ Like the historiography we employ in their analysis, the commissions bring empire and metropole together.

In insisting that the 1820s formed a distinct and important moment in imperial information-gathering, we situate our colonial commissions in tension with a much larger and longer history. As with the historiography alluded to above, metropolitan and colonial scholarly literature on this topic seldom intersects. Yet all agree that knowledge-gathering, bureaucratic systems of governance and practices of surveillance intensified in the late eighteenth and early nineteenth centuries.⁵⁷ In this

⁵⁴ K. Boehme, P. Mitchell and A. Lester, ‘Reforming everywhere and all at once: Transitioning to free labor across the British Empire, 1837–1838’, *Comparative Studies in Society and History* 60.3 (2018), pp. 688–718; A. Lester, K. Boehme and P. Mitchell, *Ruling the World: Freedom, Civilisation and Liberalism in the Nineteenth-Century British Empire* (Cambridge: Cambridge University Press, 2021).

⁵⁵ Murray, *The West Indies and the Development of Colonial Government*; Taylor, *The Interest*; A. Middleton, ‘Conservative politics and Whig colonial government, 1830–41’, *Historical Research*, 94.265 (2021), pp. 532–53; M. Taylor, ‘Empire and parliamentary reform: The 1832 Reform Act revisited’, in A. Burns and J. Innes (eds.), *Rethinking the Age of Reform: Britain, 1780–1850* (Cambridge: Cambridge University Press, 2003), pp. 295–311. For a recent exploration of the traction that imperial issues could have in domestic politics, see Middleton, ‘Conservative politics and Whig colonial government, 1830–41’.

⁵⁶ Lester, Boehme and Mitchell, *Ruling the World*, p. 3.

⁵⁷ If a key account by E. Higgs, *The Information State in England: The Central Collection of Information on Citizens since 1500* (Basingstoke: Palgrave Macmillan, 2003) agrees on this timing, in tracing a much longer history of the phenomenon he cautions against emphasising it to excess. On the characteristics of this transitional moment, see D. Eastwood, ‘“Amplifying the province of the legislature”: The flow of information and the English state in the early nineteenth century’, *Historical Research*, 62.149 (1989), pp. 276–94. On the shift in the Colonial Office from interpersonal networks of information to statistical collation of data, see Laidlaw, *Colonial Connections*, ch. 7. On the globalising force of information collection and knowledge networks, see T. Ballantyne, ‘Empire, knowledge and culture: From proto-globalization to modern globalization’, in A. G. Hopkins (ed.), *Globalization in World History* (London: Pimlico, 2002), pp. 115–40.

period, data collection, standardisation and reorganisation all became increasingly overt in what James Scott labelled (and warned against the excesses of) ‘seeing like a state’.⁵⁸ Naturally, the need to gather information about far flung colonies had always been obvious to imperial administrators. Effective imperial oversight could not exist without it. So, when it received a new mandate in 1707, the Board of Trade wrote to all North American and Caribbean governors to request ‘frequent and full information of the State and Condition of their respective Government’.⁵⁹ Such requests proliferated from the late-eighteenth century. Not only governors but judges were charged with explaining the state of colonial society, government and law for ministries that changed with startling rapidity. One of our commissioners, John Thomas Bigge, was appointed in part because he had written a report on the law of Trinidad while he was a judge there. Starting in 1822 – the very same year as the Eastern and Legal Inquiries were launched – colonial governors were asked to lodge annual returns detailing, among other things, colonial offices, taxes, public expenses, population and education. Some colonies continued to return these ‘blue books’ until after the Second World War. Imperial information-gathering grew hand in hand with efforts to surveil and control colonial populations, as Bayly’s study of intelligence-gathering and espionage in early modern India demonstrated.⁶⁰

Commissions of inquiry, then, formed one channel of a deluge of information. As far as information-gathering techniques go, commissions were very old indeed, with origins in the Domesday Book (1080–86). They had fallen out of favour after abuses of prerogative power had precipitated two English revolutions in the seventeenth century.⁶¹ So it is both unsurprising and significant that they burst on the scene again at the height of counter-revolution, when the king and his ministers wielded

⁵⁸ J. C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 2020).

⁵⁹ Board of Trade to Col. Mitford Crowe, 9 May 1707, TNA, CO 29/10, p. 470.

⁶⁰ C. A. Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780–1870* (Cambridge: Cambridge University Press, 1996).

⁶¹ H. McDowall Clokie and J. W. Robinson, *Royal Commissions of Inquiry: The Significance of Investigations in British Politics* (Stanford, CA: Stanford University Press, 1937), pp. 47–50. We note, however, that commissions of inquiry had been called to solve colonial problems: for example, in the late seventeenth-century, the first of several commissions of inquiry was sent to inquire into grievances aired by the Mohegan Tribe’s against Connecticut. See M. D. Walters, ‘Mohegan Indians v. Connecticut (1705–1773) and the legal status of Aboriginal customary laws and government in British North America’, *Osgoode Hall Law Journal*, 33.4 (1995), pp. 786–829.

the royal prerogative with new vigour in Britain and its empire.⁶² This was so not least because commissioners (unlike MPs) might be prevailed upon to bend data to reaffirm government interests.⁶³ According to Hugh McDowall Clokie and J. William Robinson's foundational study, a succession of ministries launched at least sixty Royal Commissions of Inquiry between 1800 and 1831. The vast majority were focused on concerns closer to home: thirty-three concerned English and Welsh domestic matters, four concerned Scotland, thirteen concerned Ireland and one concerned Europe. Only eight of the sixty commissions launched between 1800 and 1830 concerned empire or overseas territories beyond Ireland.⁶⁴

In this context, our 1820s commissions seem like a footnote both in the larger information-gathering story and in the nineteenth-century mania for commissions of inquiry. However, as Benton and Ford pointed out, their modest number is deceiving. First, those eight commissions covered a lot of ground (and sea): they investigated some twenty-five colonies and settlements spread across the globe. Second, they were breathtakingly ambitious. The scope of 1820s colonial commissions differed fundamentally from their more concentrated metropolitan equivalents, encompassing whole legal systems, vast questions of social engineering and political economy and recasting the relationship between masters and unfree labour everywhere. Inquiry into empire underpinned a new vision of empire as a diverse but interwoven entity.⁶⁵

Another point of distinction is that this grand project of imperial investigation came to a sudden end in the early 1830s: though many of the commissioners' recommendations continued to be considered thereafter, the project of investigation was bounded by the lifespan of conservative government. This endpoint is curious because historians have identified 1830 as a tipping point for the influence of information collection on policy, when 'the English state had both a growing appetite for information and the means to gather that material on an unprecedented scale'.⁶⁶ Domestic inquiries and much more focused colonial inquiries continued to proliferate: between 1832 and 1844 alone, 60 commissions

⁶² Ford, *The King's Peace*, pp. 17–22. See also Paul Halliday on Parliament's role in this shift in the late eighteenth century, P. D. Halliday, *Habeas Corpus: From England to Empire* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), pp. 247–58.

⁶³ O. Frankel, *States of Inquiry: Social Investigations and Print Culture in Nineteenth-Century Britain and the United States* (Baltimore, MD: The Johns Hopkins University Press, 2006).

⁶⁴ Clokie and Robinson, *Royal Commissions of Inquiry*, pp. 58–59. This is likely an undercount.

⁶⁵ Benton and Ford, *Rage for Order*, p. 58.

⁶⁶ Eastwood, 'Amplifying the province of the legislature', pp. 291–92.

of inquiry were appointed. A total of 388 commissions were called between 1830 and 1900.⁶⁷ Commissions only started to decline from 1860, and fell decisively out of favour after 1900.⁶⁸ From 1832, parliamentary select committees proliferated again too, as reform and a series of standoffs between ministries and the monarchy bound the Crown more tightly to Parliament.⁶⁹ The sudden demise of systemic colonial inquiry helps to explain why we think our commissions illuminate the programmatic nature of Liverpool's constructive conservatism prior to the ascension of the Whigs. The inquiries explored here stand apart as monuments to an epoch of conservative reform that had ended by the time the great Reform Act was enacted in 1832.

Finally, as we have noted, our commissions are important and distinctive for their constitutive engagement with colonial bureaucracies and publics. As brokers of complaint, observers of local politics and processes and recipients of filtered, bureaucratic self-reporting, the function of commissions *in situ* was much more complicated than collating information and drafting recommendations for the Colonial Office. In reporting on offices, they could not but comment on officers – commissioners in empire found themselves bearing witness to colonial feuds and paraphrasing strident allegations of corruption and incompetence. Colonial sinecures (like the commissions) were peopled by the clients of complex webs of patronage.⁷⁰ Accordingly, colonial critique could offend the sensibilities of many more people than incumbents. Commissioners were called on (sometimes instructed) to comment on or draft reforming legislation, to intervene on behalf of litigants and occasionally to adjudicate property rights – tasks that unsteady their symbolic role as ‘information-gatherers’ for an impartial Crown. The scope of their office and the breadth of their authority were constantly strained by colonial exigency.

Angry white men importuned inquiry at every opportunity. Commissioners of Legal Inquiry in the Caribbean boasted of their success in warning off complainants whose grievances did not pertain to law, but there were more than enough of the latter to keep them busy. They were also sent ad hoc instructions to inquire into tangled estate claims and even to determine whether or not the Chief Justice of Tobago had illegally enslaved an indigenous woman. The broader scope of inquiries into New South Wales and the Indian Ocean colonies were even more

⁶⁷ Clokie and Robinson, *Royal Commissions of Inquiry*, pp. 73, 75–78.

⁶⁸ Clokie and Robinson, *Royal Commissions of Inquiry*, pp. 192–93, 196.

⁶⁹ Clokie and Robinson, *Royal Commissions of Inquiry*, p. 72.

⁷⁰ Bourne, *Patronage and Society in Nineteenth-Century England*.

difficult to manage. Here the commissioners' instructions were too broad to save them from fielding local complaints ranging from the profound to the absurd. On the former end of the spectrum lay Edward Byam's (shambolic but very serious) allegations that the recently retired governor of Mauritius and now member of Parliament Robert Townshend Farquhar had profited from and covered up the slave trade (abolished in Mauritius in 1813). In contrast, John Whitchurch Bennett's airing of 'The affair of the trousers' lists towards the comic: he alleged that Governor Edward Barnes of Ceylon damaged the authority of Britain by participating in a game we might call 'strip-Whist' after which one of his officers was carried home in a palanquin in his underwear.⁷¹

But, as noted, the most interesting and unexpected thing the commissioners did was to engage with subjects whose voices are seldom heard in the archive. Sometimes they did so very badly. For example, as they attempted to cover up wrongdoing in the banishment of three Free Black businessmen in Jamaica, the commissioners of Legal Inquiry tried and failed to reconcile the very latest rules of evidence with the fear and chauvinism that underpinned Jamaica's racist alien laws. In the process, the commissioners created a rich record of Free Black evidence that a series of metropolitan lawyers used to attack the commission and the planters they sought to protect. In contrast, and ironically, the Commission of Liberated Africans feuded over whether and how to record the testimony of Africans 'rescued' from the slave trade and indentured in the West Indies. Their argument about what to include in the official archive shows that the very process of hearing or writing down evidence could trouble the boundaries of subjecthood – trouble that had potential to echo dangerously in the metropole. Eastern Inquiries into the Cape and Ceylon engaged most deeply and richly with Subjects of Colour. As we demonstrate in Chapters 7 and 9, hundreds of unfree labourers in the Cape and ten thousand people of varying status in Ceylon demanded that the commissioners look into their grievances. All of these engagements transformed inquiry, though few ended well for the individuals who complained. Regardless of their impact, they have left us with an incredible archive of empire.

Part I Constructive Conservatism in Empire

The first part of our narrative uses imperial inquiry to illuminate the nature and limits of constructive conservatism in the 1820s. In Chapter 2, we

⁷¹ Replies to Mr Bennett's charges, charge and refutation no. 9, TNA, CO 54/108.

explain the origin of our commissions in the parliamentary politics of the early 1820s. Every single commission that we explore in detail, from Bigge's inquiry into New South Wales, through to the Commissions of Legal Inquiry into the Caribbean, was called to manage parliamentary controversies about empire. In this regard, they performed the tension between politics and reform that has so long absorbed historians of the 1820s.

The following chapters explore what we consider to be three exemplars of the nature and limits of constructive conservatism in empire, drawing out its commitment to gathering data and engaging with the demands of colonial publics, its emerging commitment to conservative reform of law courts and constitutions and its constant concern with the fate of empire in Parliament. In Chapter 3, we use the Bigge Inquiry into New South Wales to show how inquiry in some respects mirrored Britain's own counter-revolutionary project of restoring social and political hierarchies by sponsoring elites and limiting convict opportunity. But Bigge also modelled the power of commissions to bend their reports to suit local claims. In the course of his inquiries, Bigge was convinced by local elites to recommend the opening of frontiers to free capitalist farmers and pastoralists. He also proposed that elites should have a strong say in local government but was less convinced by calls to introduce an independent judiciary. The evidence he gathered prompted Bathurst's Colonial Office to compromise. It created small, appointed legislative and executive councils to better manage gubernatorial autocracy and a properly staffed supreme court holding original jurisdiction to try all matters – civil, equitable and criminal – in the colony. The New South Wales Act set the parameters for conservative constitutional reform, which, by 1825, Bathurst planned to roll out in every crown colony.

In Chapter 4, we showcase the careful colonial politics of conservative inquiry into law and legal administration in the Caribbean. This chapter shows how the commissioners worked to keep planters onside in a successful effort to build consensus for sweeping law reforms. Their inquiries produced a bold endorsement of legal modernisation and professionalisation, which garnered remarkable bipartisan support and inflected into plans for legal reform across the empire. Updating law and, most importantly, creating independent and professional supreme courts formed key strategies of conservative reform here and elsewhere in the 1820s. In the Caribbean, law reforms promised not only to better manage trans-imperial business (by protecting creditors and heirs), they also formed the most important and consistent conservative strategy for ameliorating slavery. In the end, these reforms failed because of a

combination of penury, indecision and, ultimately, the fall of the conservative government.

Chapter 5 returns to the problem of managing Parliament as the Liverpool ministry tottered in the mid-1820s. We track this interplay through the government's attempt to manage simultaneous crises: the scandals surrounding the deportation of two free Black businessmen, Louis Celeste Lecesne and John Escoffery, from Jamaica and the grievances of Bishop Burnett from the Cape. These cases not only demonstrate the explosive potential of colonial scandal in 1820s parliamentary politics, they also bring to the fore a key function of inquiries 'on the ground' – to keep Parliament (as much as possible) out of the serious business of governing and reforming empire.

Part II The Problem of Unfreedom

The second part of the book explores the limits of constructive conservatism through the incoherent and politically fraught efforts of the commissioners to come to terms with unfree labour in empire in the aftermath of the Abolition Act. Chapters 6 to 8 underscore the perils of reform based on encounter: metropolitan ambivalence, the approach of individual commissioners and the determination of some colonial publics to engage and others to rebuff inquiry produced complicated and sometimes volatile politics from the Caribbean to the Indian Ocean. We place particular emphasis on the enormous effort that some of the most abject of colonial subjects took to use the commissions to improve their lot, while others (masters in the West Indies and almost everyone in Mauritius) did what they could to limit crown scrutiny.⁷²

Chapter 6 presents the implosion of the first Commission into Liberated Africans in the Caribbean as an example of the deep discomfort of key conservatives with the politics of amelioration. We explore their discomfort through the multi-year dispute between antislavery commissioner John Dougan and Wilmot Horton-intimate and conservative Thomas Moody about whether and to what degree this commission should inquire into the relationship of masters with slaves rescued and indentured under the Abolition Act. The first commission into the condition of Liberated Africans imploded in part because two young and very brave women attempted to use the commission to protest the conditions under which they laboured.

⁷² For a case study on Mauritius in 1810, see R. Aldrich and A. Stucki, *The Colonial World: A History of European Empires, 1780s to the Present* (London: Bloomsbury, 2023), pp. 255–67.

We explore this phenomenon further in Chapter 7 by unpacking the efforts of bonded labourers in the Cape to mobilise Eastern Inquiry against the elaborate rules that governed the lives of People of Colour. Hundreds of unfree people called on the commissioners to complain of systemic and personal abuse – more than any other colonial inquiry. And the commissioners opened their doors, recording unfree testimony and following up on most of the complaints that came before them. In the process, they performed a very important function of commissions everywhere – as emissaries of the king intimately supervising colonial governments. However, in doing so they failed in the more important task of shaping imperial policy by neglecting, until extremely late in the day, to report their findings.

Chapter 8 follows the Commissioners of Eastern Inquiry to Mauritius. When the Eastern Inquiry tried to investigate sensational allegations that former governor of Mauritius, Robert Farquhar, had actively collaborated in and profited from the thriving slave trade, it demonstrated the limits of royal commissions as information gatherers and incubators of reform. This chapter shows how every layer of Mauritian society (with the notable exception of a few disgruntled officials and Liberated Africans) worked to thwart investigation, not only into the slave trade but also into other key objects of inquiry. In the process, the Mauritius Inquiry demonstrates how much the success of conservative reform relied on buy-in from and compromise with colonial publics. The centrality of the commissioners' role in binding new publics to empire, and the consequences of its failure, is nowhere clearer.

Part III The End of the Affair

Our final two chapters shift gear. In Chapter 9, we explore the inquiry into Ceylon, which reported after the 1830 general election in England. Changing metropolitan politics had enormous ramifications for the relatively new colonial subjects of Ceylon who, like bonded labourers in the Cape, inundated commissioner Colebrooke with complaints about personal injustice and the failures of British rule. Colebrooke and Cameron turned these complaints into a report for the times – the most Benthamite, uncompromising and radical recommendations given anywhere. Colebrooke, in particular, had to fight to have his free trade vision implemented in Ceylon, but he did so with the aid of a Colonial Office more open to arguments against monopolies. Tellingly, significant reforms were implemented despite trenchant opposition from Wilmot Horton who, after Liverpool's stroke, took it upon himself to hold the conservative line as governor of Ceylon.

The last substantive chapter, 'Reporting and Reforming' (Chapter 10), surveys the fate of the commissions in the Age of Reform and traces their key legacies. While the new Whig government took a hard line on some reforms (imposing a uniform slave code on all crown colonies in 1831, for example), an endless series of colonial secretaries in dialogue with James Stephen Jr and Treasury prevaricated about others. This chapter shows how systematic efforts to reform colonial constitutions and courts waxed and waned in the face of political turmoil, imperial penury, constitutional nerves and/or waning Whig interest. We explore the complicated transition of the commissioners' recommendations into partial and often abandoned reforms, ironically, as the Age of Reform dawned.

Conclusion

In the colonies, the 1820s commissions of inquiry constituted a symbol as well as a project. As the following chapters make clear, commissioners performatively united the empire. As emissaries of the king, they facilitated direct engagement between the Crown and colonial subjects: commissioners embodied the royal prerogative in the colonies and arguably outranked colonial governors within the scope of their instructions.⁷³ Unlike parliamentary inquiries held in London and usually led by opinionated politicians, commissions were staffed by crown appointees issued with crown instructions. Their inquiries were designed, vetted and curated by the Crown for Parliament. The commissions were also usefully slow. Parliamentary demands could be delayed, even thwarted, by the promise to send men across the world to gather information and report. In practice, they reported directly to the Secretary of State for the Colonies, under whose auspices their instructions were framed, their priorities determined and their reports and recommendations parsed before they reached Parliament.

For these reasons, commissions were the ideal vehicle for the management and reform of empire in the fractious 1820s. They were a natural fit for an administration intent on maintaining the Crown's power against parliamentary encroachment,⁷⁴ and Bathurst's Colonial Office deployed them to calculated effect. Commissions also demonstrated a commitment to the conservative reform of colonial law and governance by tying

⁷³ Bathurst to Somerset, 4 September 1826, British Library, Bathurst Papers, Loan MS 57/65.

⁷⁴ See Duncan, 'Development of a Tory ideology and identity', p. 83.

recommendations firmly to evidence and experience. In this context, regarding our imperial commissions as either genuine fact-finding missions or political set-ups is a false dichotomy. Both elements were crucial to their origins, operation and consequences and together explain the entangled ideology and politics of the early nineteenth-century British world.