

“This Great Crisis in the Republic of Letters”—The Introduction in 1712 of Stamp Duties on Newspapers and Pamphlets[†]

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Summary

Stamp duty is currently undergoing a transformation which includes a reformulation of its scope. Early in its 300-year life, however, stamp duty extended to a much more diverse range of transactions and also to some goods, including newspapers and pamphlets. This paper examines the imposition of stamp duty on the press in 1712, during the reign of Queen Anne. The stamp duty on newspapers and pamphlets was intended both as a revenue raiser, and as a means of silencing the press by putting them out of business. The Government avoided direct censorship, but creatively used taxation to impose indirect censorship. The stamp duty reflected the recognition by the Government of the growing influence of the media on the political and social life of the period and it was, in effect as well as in intention, a method of social control. As is often the case with tax measures adopted for ulterior motives the legislation proved to be inadequate with ample opportunity for avoidance and evasion.

Introduction

STAMP duty is topical in a number of respects. Recent increases in rates have thrust it into greater prominence in terms of the need for greater tax planning. Increased planning activity has focused the Government's attention on the need for its modernisation.¹ While stamp duty's focus has recently been narrowed in one sense, with the exclusion of transfers of intellectual property and goodwill, there are now proposals for significant widening of its scope to encompass a broader range of transactions involving interests in land.

There was a time, however, not long after the introduction of the tax in 1694, when stamp duty extended to a much more diverse range of transactions and activities, not just documents but also goods. The focus of this paper is on one particular incarnation of stamp duty, that on newspapers and pamphlets introduced in 1712, during the reign of Queen

[†] The quotation in the title comes from a comment in an essay by Joseph Addison; J. Addison, “Tanti non es ais. Sapis, Lupercee” [“You say you are not worth it; you are wise, Lupercee, when you say so”, from *Marriall Epigrams*], *Spectator*, No. 445, Thursday, July 31, 1712, in D. Bond (ed.), *The Spectator – Vol. II* (London, 1965), 63.

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¹ Which includes tightening the law to reduce planning opportunities as well as “e-enabling” the tax, according to the Inland Revenue Consultation Document *Modernising Stamp Duty on land and buildings in the UK*, April 2002.

Anne. This represents an early attempt to use taxation for purposes other than revenue raising, in this case as a censorship mechanism.

It is a constant source of irritation to modern democratic governments that the media rarely reports good news stories about the political party in power. To meddle with press freedom in an overt way, however, would be political suicide. Censorship by subterfuge is an alternative to direct censorship, and the newspaper stamp duty, later to be called a "tax on knowledge", is a fine example of how this can be achieved by the use of taxation. It illustrates how taxation can be utilised as a method of social control by restricting access to information about current political news. The purpose of this paper, therefore, is to outline the introduction in 1712 of stamp duties on newspapers and to examine the impact that this had on the press of the day.

First, the paper focuses on the historical context, examining the direct censorship that existed until 1695, and then charts the growing influence of the press during the latter part of the seventeenth century and in the first decade of the eighteenth century. It relates how the press became an important political tool, in particular in the years leading up to 1712. It looks briefly at the introduction of stamp duties generally and sets out the background of war that was one of the key factors in shaping politics during Queen Anne's reign. Next the article details the relevant provisions of the Act imposing the new tax, with a description of how the tax was collected. Then follows a discussion of the reasons for its introduction, which included silencing criticism by putting newspapers out of business. The article then looks at the impact of the tax on the press and the way in which newspapers attempted tax avoidance. The article concludes that the tax was intended both to raise revenue and as a method of social control, but careless drafting of the Act blunted its effectiveness.

Press censorship prior to 1712

Printing was introduced into England in the 1460s or 1470s.² As the economic importance of books increased, along with an increase in the influence of their contents, particularly when the content related to matters political or religious, the monarchy in the 16th century sought to control the process of printing itself, claiming that the right to regulate the press stemmed from the royal prerogative.³ The regulation of content was covered by laws relating to treason, and by other criminal offences such as sedition, heresy or blasphemy, some of which were, from time to time, equated with treason.⁴ In addition to these controls on content, the process of printing itself was supervised both directly by government ordinance and indirectly through the Stationers Company, which was incorporated in 1556 for the purpose of supervising the industry of printing and publishing. The exclusive rights given to the Stationers Company on incorporation were in effect a monopoly over printing and publishing in England.⁵

A decree issued by the Star Chamber in 1586, and an ordinance in 1637 imposed

² F. Siebert, *Freedom of the Press in England 1476-1776* (Urbana, 1952), 22-24, discusses the possibility of the date for the introduction of printing into England being some eight years earlier than 1476 when Caxton was credited with setting up the first press.

³ *ibid.*, 21-22 and 30.

⁴ See for example, Siebert, *supra* n. 2, 48-49 on heresy.

⁵ The Stationers Company was an amalgamation of associations of writers, printers, illuminators, binders and other similar crafts; the origins of some of these societies can be traced back to the middle of the 14th and early 15th centuries: W.S. Holdsworth, "Press Control and Copyright in the 16th and 17th Centuries" (1920) 29 *Yale Law Journal* 841, 841.

stringent regulations with respect to licensing. The measures were seen as necessary to maintain complete control of the press in the face of increasing political and religious discord.⁶ Despite all these controls, the chaos of the Civil War years (1642–1646) and the resulting collapse of the old regime saw an enormous growth in unlicensed printing and publications during the 1640s. Handwritten reports of the events taking place in the Long Parliament just prior to the outbreak of the war were circulated in large numbers. During the war and up to the Restoration in 1660, many thousands of pamphlets and news publications were circulated in London. These contained a wide variety of subject matters, and a broad diversity of political views.⁷

The royalist defeat in the Civil War in the 1640s, and the subsequent ascendancy of Parliament, saw the disappearance of the means by which the press had previously been controlled. The royal prerogative, in the narrow sense of the individual power of the reigning queen or king, was drastically diminished. The courts through which this power was exercised were abolished—the Court of Star Chamber in 1641 and the Court of High Commission was abolished permanently in 1688, having been abolished immediately before the war and reinstated in 1686.

In the early 1640s the flood of unlicensed publications containing seditious or critical material provoked the ire of many individual members of Parliament.⁸ These unlicensed publications also caused anxiety in the Company of Stationers which sought the continued protection of its economic interests by petitioning Parliament to regulate the industries it represented.⁹ As a result, Parliament formed a “Committee on Printing”,¹⁰ and by June 14, 1643 the ordinance for the regulating of printing was enacted. Thus control of the press by the monarch was replaced with control of the press by Parliament.¹¹

It was in answer to this ordinance that Milton made the famous plea for press freedom in *Areopagitica*, published in November 1644. The Leveller party, formed in 1647, presented a series of petitions to Parliament, between 1647–1649, demanding constitutional change. One of these petitions related to freedom of the press. The pleas of Milton and those of the Levellers were unsuccessful. From 1643 to 1695 control of the press was effected through a series of ordinances. A statute passed in 1662, the Printing Act¹² reflected the earlier ordinance of 1637. The Stationers Company was given strengthened powers and thus continued indirect control, whilst licensors appointed by the Crown had direct control of what was printed.¹³

The Printing Act of 1662, initially passed for two years, was renewed until 1679. It was then renewed without debate between 1685 and 1692. In 1692 the Act was renewed for a

⁶ *ibid.*, 847–848.

⁷ A. Smith, *The Newspaper: An International History* (London, 1979), 34–38; C. Hill, *A Century of Revolution: 1603–1714* (London, 1961), 174.

⁸ Siebert, *supra* n. 2: “And finally Parliament as a whole was aghast at the monster, public opinion, which it had raised up and which in turn was threatening to destroy it”, 179. See also Siebert, 173–174.

⁹ Holdsworth, *supra* n. 5, 849–850. Siebert, *supra* n. 2, 179.

¹⁰ The Committee on Printing heard complaints about “a speech under Sir John Holland’s name, the book *The Protestation Protested*, the pamphlets *The True Relation of the French Ambassage* and *The Brownists Conventicle*, and a number of published sermons”, Siebert, *supra* n. 2, 179–181.

¹¹ Siebert, *supra* n. 2, 183 and 186–187.

¹² 14 Charles II, c.33. Siebert, *supra* n. 2, 239, refers to it as the Printing Act. The title of the Act reads: “An act for preventing abuses in printing, seditious, treasonable, and unlicensed books and pamphlets, and for regulating of printing and printing presses”.

¹³ Holdsworth, *supra* n. 5, 851–852. G. Robertson and A. Nicol, *Media Law: the Rights of Journalists and Broadcasters* (2nd ed., London, 1990), 15.

further two years, but only after surviving a debate in which there was strong argument against it. Garbled extracts from the *Areopagitica* were used in pamphlets to promote opposition to the licensing system, which by this time was becoming subject to criticism, in both literary and political circles. The restrictions this system of exclusive rights placed on the affected industries, such as printing, book selling and book binding, and the interference with the rights of authors were factors contributing to opposition to the Act. In 1694, when the Act was due for renewal, the House of Commons refused to pass it. In 1695 the House of Lords, reluctantly, allowed it to lapse.¹⁴

It is apparent that Parliament did not intend printing to be completely unregulated. The Company of Stationers and members of the printing trade petitioned Parliament, cautioning on the dangers of having an unrestricted printing industry. Between 1695 and the end of Queen Anne's reign in 1714 a number of separate Bills were introduced into Parliament in various attempts to replace the lapsed Act, but none of these eventuated.¹⁵ Siebert explains the failure of any replacement legislation to progress through Parliament as being the result of the nascent two-party system with each party reluctant to entrust the other with the administration of licensing legislation.¹⁶

So ended the system of licensing, the purest form of direct censorship of the press because it prevents in advance the publication of unfavourable material.¹⁷ From a distance of over 300 years later, it is easy to see the abolition of licensing as a progressive step. In 1695, however, such events as the Civil War, the beheading of Charles I in January 1649 and the driving out of James II in late 1688 were still within living memory. Stability and the maintenance of government authority were of the greatest importance, and criticism of the State, as a potential threat to order, was unacceptable. At the beginning of the eighteenth century political writers such as Defoe and Leslie were of the view that unfettered freedom of speech was not to be tolerated. Defoe wrote in the *Review*: "Governments will not be jested with, nor reflected upon, nor is it fit that they should always lye at the mercy of every pen."¹⁸

The growing influence of the press in the early eighteenth century

The prospect of an unregulated press may have been a grave cause for concern to the authorities after 1695, but, as well as reporting the news as before, newspapers were now able to give opinions on that news.¹⁹ This factor, coupled with the party system, made it very difficult to take back what had been given by the abolition of censorship. By the end of

¹⁴ Holdsworth, *supra* n. 5, 854–855. Hill, *supra* n. 7, 300. Siebert, *supra* n. 2: "... Of the eighteen reasons advanced for refusal to continue the Act, thirteen were directed against the restraints on the printing and allied trades; only one was directly concerned with the licensing provisions; two belittled the attempts to suppress seditious publications; and two called attention to defects in the methods of enforcement", 261. S. E. Finer, *The History of Government, Vol III* (Oxford, 1997), says the Lords wanted to renew the Act but the Commons disliked the Stationers Company monopoly over printing; in addition the two censors, one a Whig and one a Tory "had in turn given offence by refusing to ban a work that especially annoyed their political opponents . . . and since the two Houses could not agree the Act simply lapsed", 1350.

¹⁵ L. Hanson, *Government and the Press: 1695–1763* (London, 1936), 8–11; Holdsworth, *supra* n. 5, 856. See also A. Aspinall, *Politics and the Press: c. 1780–1850* (Brighton, 1973), n. 1, 34.

¹⁶ Siebert, *supra* n. 2, 263.

¹⁷ Other less direct forms of censorship still existed, such as the law of treason and of criminal libel, but these operated after publication had taken place, by which time the damage had already been done.

¹⁸ cited in Hanson, *supra* n.15, 1.

¹⁹ *ibid.*, 2–3.

the first decade of the eighteenth century many newspapers were committed to either the Whigs or the Tories, and were strident in support of their particular favourites.²⁰ During Queen Anne's reign power shifted backwards and forwards between the two parties. In the general election of 1702, just after Queen Anne's accession, the Tories won decisively. After the 1705 election the Whigs and Tories were about equal in the Commons. In 1708 the Whigs won a clear majority, but in the 1710 election the Tories had a resounding victory. The Whigs came back to power when George I came to the throne in 1714, where they remained for some half a century.

By 1709 there were 18 privately sponsored newspapers in London and several more operating outside London.²¹ In addition to newspapers, the printed political pamphlet was an extremely popular way of dispensing opinion.

"It is of the essence of a political pamphlet that it should have an immediate and specific political purpose; it seeks to influence opinion and win votes in view of a particular question; it appeals to the man in the street rather than to the man in the study, to the many rather than to the few; it requires an extensive and rapid circulation, and hence it must be cheap in price and moderate in bulk."²²

Defoe said that 80,000 copies of his 1701 pamphlet entitled *The True Born Englishman* were sold,²³ and pamphlets generally were described in 1705 as descending "thick as hail" before elections.²⁴ No wonder that in October 1711 one Under-Secretary wrote, in a telling indication of the official approach to this flood of polemical material: "We are fain to send messengers among your printers and booksellers to stop a little this madness & folly of the press".²⁵ In November 1711 Swift wrote a pamphlet entitled *The Conduct of the Allies* which sold 11,000 copies within a month and triggered a pamphlet war in response. Those people in power, and, for that matter, even more so those people not in power, were quick to recognise the value of publishing propaganda through the medium of the printing press. In short, newspapers and pamphlets began to have a highly influential role in politics and there was no politically safe way of reverting to a directly regulated press. Journalism and the press had become an unstoppable social force.

²⁰ The authors of this article recognise that there may be some controversy among historians as to the operation of the party system during Queen Anne's reign. For present purposes we adopt the view that the Whigs and Tories were distinct political parties, even though there may have been powerful factions espousing differing views within these groupings: see for example, G. Holmes, *British Politics in the Age of Anne* (London, 1967), 1–9; Hill, *supra* n. 7, 280–285.

²¹ The *Post Boy*, a Tory paper, had between 1704 and 1712 an average sale per issue of 3000 to 4000. As copies were also given away, Holmes estimates that some editions may have reached more than 50,000 readers. The *Examiner*, a weekly journal written by Swift for the first part of 1711, became the more influential Tory publication by 1710. Other Tory papers of the period were the *Rehearsal* and the *Supplement*. The paper most staunchly in support of the Whig cause was George Ridpath's *Flying Post*. Other Whig papers were the *Observer*, the *Post Man*, as well circulated as the *Post Boy*, the *British Mercury* and the *Evening Post*. The *Posts* were published on Monday, Thursday and Saturday evenings in order to catch the mail to the provinces, hence the name (C.Y. Ferdinand, *Benjamin Collins and the Provincial Newspaper Trade in the Eighteenth Century* (Oxford, 1997), 16–17).

²² A. F. Pollard (ed.), *Political Pamphlets* (London, 1897), 10. Pollard includes two excellent examples from the period of Queen Anne's reign: John Arbuthnot's *The Art of Political Lying* (1712) and Richard Steele's *The Crisis* (1713). Pollard describes the eighteenth century as "the golden age of pamphletreering" due in no small part to the abolition of licensing in 1695, 15–16.

²³ Holmes, *supra* n. 20, 32; Hill, *supra* n. 7, 301.

²⁴ E. Lewis to H. Davenant, March 15, 1705: cited in Holmes, *supra* n. 20, n. 93, 32.

²⁵ cited in Holmes, *supra* n. 20, 32.

The introduction of stamp duty

By the late seventeenth century there was reluctant acceptance that duties imposed on goods and transactions were an appropriate fiscal instrument, given the Hobbesian philosophy that every citizen be required to contribute to the public purse in return for protection under the public sword.²⁶ Stamp duties were first introduced in 1694 in an act entitled "An Act for granting to their Majesties several duties upon vellum, parchment and paper, for four years, towards carrying on the war against France".²⁷ Those documents requiring stamping included, *inter alia*, pleadings in law courts, wills above the value of £20, affidavits, summonses, deeds, marriage certificates and royal grants, each attracting varying amounts of duty.²⁸ These duties were later made perpetual once it was realised that they were not only profitable, but also relatively easy to collect.

This Act came into force on June 28, 1694 and ordered the setting up of an organisation, the Stamp Office, and the appointment of Commissioners or Officers with the head office of the Commissioners to be located "in some convenient place within the City of London or Westminster". The Commissioners were charged with producing six different durable "marks or stamps" for stamping "all vellum, paper and parchment". There was some concern that the impression to be made by the stamp be resilient, if not impervious, to forgery.²⁹

The initial location of the Stamp Office was Lincoln's Inn, in close proximity to the bulk of the legal fraternity who were most affected by the original impost, and seven Commissioners were appointed. This Act required that the paper, etc., be stamped prior to anything being written on it. Recognising the inconvenience of requiring all paper to be brought to London for stamping, local distributors were appointed under the control of the Stamp Office.³⁰

A hand-operated fly press was used to emboss the stamp on paper. In the case of vellum and parchment, made from animal skin, embossing would not be durable and so a different process was required in which "a small piece of coloured paper was pasted on to the skin and the stamp embossed on that",³¹ a process referred to as escutcheoning. Modification was required in 1701 to prevent forgery and a piece of metal foil was used to staple the escutcheon to the deed. Forgery was made a capital offence under the Act³²; however despite this a practice of registration of dies was implemented by the Stamp Office as a result of increased evidence of counterfeiting.³³

The evolution of stamp duties as a form of excise, that is a tax on goods and not just a tax on documents evidencing transactions as instituted in the act of 1694, began in 1711 with

²⁶ T. Hobbes, *Leviathan* (1651) Ch. 30, 181 (cited in R.E. Flatman and D. Johnston (eds), *Leviathan—Thomas Hobbes* (New York, 1997), 175).

²⁷ 5 & 6 Will & Mary c.21. For a discussion of the operation of the Stamp Office from its inception see H. Dagnall, *Creating a Good Impression* (London, 1994).

²⁸ 5 & 6 Will & Mary c.21, III. For example, "For every skin or piece of vellum or parchment, on which any grants or letters patents under the great seal of England, or the seal of the duchy or county palatine of Lancaster, or of any honour, dignity, promotion, franchise, liberty, or privilege, to any person or persons, bodies politick or corporation, or exemplifications of the same, shall be ingrossed or written, the sum of forty shillings."

²⁹ 5 & 6 Will & Mary c.21, VII–VIII.

³⁰ 5 & 6 Will & Mary c.21, IX, XIII.

³¹ Dagnall, *supra* n. 27, 12.

³² 5 & 6 Will & Mary c.21, XI.

³³ Dagnall, *supra* n. 27, 19.

the introduction of a stamp duty on almanacs.³⁴ This new duty required a different process of stamping as an embossed stamp would be flattened in the subsequent printing process. The stamps used to evidence payment of this duty were “recess printed from engraved copper plates”³⁵ and produced in red so as to be clearly visible. This process was quicker than embossing as would be essential given the large volume of paper requiring stamping, particularly once extended to newspapers and pamphlets in 1712.

The war of the Spanish Succession and the need to raise revenue

The newspaper stamp duty was one of many new taxes imposed to fund military activity. A background to the voracious need for new ways to raise revenue was the fact that England was engaged in the war of the Spanish Succession during most of Queen Anne’s reign. Queen Anne came to the throne in March 1702, and in that May England and the Netherlands declared war on France and Spain, a war that had been imminent for some time.³⁶ Following English victories in such battles as Blenheim (1704), Ramillies (1706), Oudenarde (1708) and Malplaquet (1709), and superiority at sea, the war was concluded, very favourably for England, by the Treaty of Utrecht in 1713.³⁷ It was the Tory government, successful in the 1710 election, that started the peace negotiations. *The Conduct of the Allies* was written by Swift to counter strong criticism, most vehemently on the part of the Whigs, about the way England was (mis)treating its allies at the time. This pamphlet was instrumental in preparing the way for the eventual acceptance by the nation of the Treaty of Utrecht.³⁸

Wars are expensive to run, and in 1709 alone this war cost £9 million.³⁹ It was in the late seventeenth century that the National Debt first arose, owned initially by the Bank of England, the East India Company and the South Sea Company. An extension of excise duties was justified as being necessary for payment of interest on new loans.⁴⁰ Not surprisingly the raising of additional funds for Her Majesty was a recurring theme in the Commons’ journals of 1711 and 1712.⁴¹

The imposition of excise duty on paper and soap was discussed and passed by the Commons on March 24, 1712 and the Bill to give effect to this decision was ordered to be prepared on March 29, 1712.⁴² This was the legislation that ultimately included the stamp duties on newspapers and pamphlets, but so far there had been no mention of any such impost. Siebert says that parliament met as a committee of the whole House on April 12, 1712 to consider control of the press following an article about the war written by Samuel Buckley in the *Daily Courant*.⁴³ Although previously the subject of some speculation,⁴⁴ the issue of imposing stamp duties on newspapers and pamphlets made its first public

³⁴ 9 Anne c.23, XXIII, XXV, XXVI.

³⁵ Dagnall, *supra* n. 27, 32.

³⁶ Holmes, *supra* n. 20, 449, 456.

³⁷ Hill, *supra* n. 7, 259–260.

³⁸ Pollard, *supra* n. 22, 18; Hill, *supra* n. 7, 300.

³⁹ Hill, *supra* n. 7, 270.

⁴⁰ J. Coffield, *A Popular History of Taxation From Ancient to Modern Times* (London, 1970), 77–78.

⁴¹ *Commons’ Journals* XVII.

⁴² *Commons’ Journals* XVII, 152, 160.

⁴³ Siebert, *supra* n. 3, 309.

⁴⁴ For example by Defoe in the preface to volume VII of the *Review*, according to Hanson, *supra* n. 15, 11.

appearance, almost at the last minute it would seem, in the Commons' journals on April 22, 1712 during a debate on "Ways & Means for raising supply granted to Her Majesty".⁴⁵

The relevant paragraphs in the Commons' journals set out the duty, but surprisingly there appears to be no related discussion on what was a matter of great significance. Holmes and Downie say the duty on newspapers and pamphlets originally suggested by the government was reduced by half by the Commons in committee,⁴⁶ perhaps the same committee as the one just mentioned. If so, at some level the likely effect of the impost was recognised by those voting it into life, but this is not immediately evident from the Commons' journals. That the original duty was proposed to be 1d. and 2d. for half-sheets and sheets respectively, is evidenced by a petition from paper manufacturers submitted to the House of Commons and pointing out that the decline in publications would result in a reduction in paper duty.⁴⁷ The Bill was ordered to be engrossed on June 14, 1712,⁴⁸ and the relevant provisions came into effect on August 1.⁴⁹ Henry St. John (Viscount Bolingbroke) is generally acknowledged as being responsible for the imposition of stamp duties on newspapers,⁵⁰ but he would have preferred more stringent direct pre-publication censorship. The Tories were, however, persuaded by the Chancellor of the Exchequer and Lord High Treasurer, Robert Harley (the Earl of Oxford) to use the stamp duties instead to raise much needed money at the same time as curbing the press.⁵¹ Downie says that Harley "retained a belief in the use of selective proscription as a weapon to be wielded side by side with the dissemination of government propaganda."⁵²

The provisions of the Act of 1712 (the Act)

The Act imposing the newspaper stamp duty, is interesting for several reasons—especially with respect to its length, the range of matters included, and the allocation of the monies arising from the duties. In terms of length, the Act has well over 120 sections, some of which are pages long.⁵³ A wide range of issues was covered and money was to be raised by diverse means. The Act seems to be an amalgamation of various different subject matters

⁴⁵ *Commons' Journals* XVII, 196 (in Res 9, 10, 11, 12 of the debate). Fox Bourne describes the relevant sections as being "smuggled" into the proposed legislation by the ministers: H.R. Fox Bourne, *English Newspapers* (New York, 1966), 81. However, see also Thomas who suggests that the idea of a stamp duty on newspapers and pamphlets had been around for some years prior to its final introduction; J.M. Thomas, 'Swift and the Stamp Act of 1712' *Publications of the Modern Language Association of America* (1916) Vol. 4 No. 1, 258–263.

⁴⁶ Holmes, *supra* n. 20, 32; J.A. Downie, *Robert Harley and the Press: Propaganda and Public Opinion in the age of Swift and Defoe* (Cambridge, 1979), 156.

⁴⁷ Petition entitled "Reasons Humbly Submitted to the Honourable House of Commons, against laying a Duty on News-Papers and Pamphlets", Goldsmiths'—Kress library of economic literature (microfilm): No. 4928.1 (1712)

⁴⁸ *Commons' Journals* XVII, 269.

⁴⁹ 10 Anne, c.19, CIV, CV, CXI, CXVIII. The stamp duty on newspapers was eventually repealed in 1855.

⁵⁰ L. Maynard Salmon, *The Newspaper and Authority* (New York, 1923), 184; Siebert, *supra* n. 2, 308, Fox Bourne, *supra* n. 45, 80.

⁵¹ Downie, *supra* n. 46, 154–155; J. Black, *The English Press in the Eighteenth Century* (Beckenham, 1987), 11; C. J. Sommerville, *The News Revolution in England: Cultural Dynamics of Daily Information* (Oxford, 1996), 129.

⁵² Downie, *supra* n. 46, 154.

⁵³ The numbering in the version cited leaps from section CXXVI to CLVIII for no apparent reason.

that had previously been debated in the House of Commons, here, however, the focus is only on the newspaper and pamphlet duty.

The new stamp duty was to be levied on "all Books and Papers commonly called Pamphlets, and for and upon all News Papers, or Papers containing publick News, Intelligence or Occurrences, which shall . . . be printed in *Great Britain*, to be dispersed and made publick, and upon . . . Advertisements". The amount for pamphlets and papers taking up to half a sheet was one halfpenny. For more than half a sheet but not more than one sheet the amount was one penny per copy. For more than one sheet but not more than six sheets in octavo or smaller size, 12 sheets in quarto, or 20 sheets in folio, the amount was two shillings, for every sheet, but payable only on one copy of each issue.⁵⁴

A number of exemptions from the stamp duty were provided for. Parliamentary papers, school books and religious books were specifically excluded by the Act.⁵⁵ Similarly daily accounts or Bills of Goods imported or exported and the Weekly Bills of Mortality⁵⁶ were exempted, provided they contained no matters other than their usual subject. The official publication the *London Gazette* was not exempt and after August 1, 1712 copies "bore the red handsome rose and thistle" of the halfpenny stamp or the lion of the one penny stamp.⁵⁷

Administration and collection of the tax

The Act provided for the appointment of Commissioners to manage the duties. In turn the Commissioners were empowered to appoint the necessary officers to carry out the work, and to effect the making of the new stamps to denote the duties.⁵⁸ The blank paper was to be taken to the "Head Office" for stamping by the Commissioners or officers, and the duty payable was to be passed on without delay to the Receiver General of the Stamp Duties, or to his deputy or clerk.⁵⁹ As mentioned earlier, the "Head Office" was in Lincoln's Inn and so very convenient for the newspaper offices that had begun to settle close by in Fleet Street. The Stamp Office moved to Somerset Place (later to be called Somerset House) on December 17, 1787, a venue equally convenient to Fleet Street. Copies of correspondence between the Commissioners of Stamp Duties and the Lord Treasurer indicate that the extension of stamp duties to newspapers and pamphlets created a need for additional office space, new presses with which to effect the stamping and a number of additional staff.⁶⁰

The Commissioners were given power to cancel the stamps on unsold copies of newspapers and pamphlets. The person(s) for whom they were printed were required to swear upon oath that the copies were "really and truly remaining unsold" in their hands. If

⁵⁴ 10 Anne, c.19, Cl. The duty on advertisements was one shilling; further consideration of advertisement duty is beyond the scope of this paper.

⁵⁵ 10 Anne, c.19, CII.

⁵⁶ The Weekly Bills of Mortality, which commenced in the early sixteenth century, were weekly publications listing the burials that had taken place in London. The purpose was to monitor the number of deaths as a sudden rise might indicate the onset of another outbreak of the bubonic plague. Later the bills came to provide additional information, including cause of death, age of the deceased and baptisms.

⁵⁷ P.M. Handover, *History of The London Gazette 1665-1965* (London, 1965), 46.

⁵⁸ 10 Anne, c.19, CIII.

⁵⁹ 10 Anne, c.19, CIV.

⁶⁰ PRO Inland Revenue 72/38 contains two letters dated July 15 and 19, 1712 respectively dealing with these issues.

the Commissioners or Head Officers were satisfied, they could authorise stamping of the same number of other sheets gratis with the same stamps by way of recompense.⁶¹

As noted, the payment of the duty was evidenced by stamping the blank paper prior to the printing taking place, and failure to comply gave rise to a penalty of £10.⁶² The inconvenience of having to transport the paper to and fro before printing must have placed a considerable burden on all newspaper printers, but particularly those businesses of those not located in close proximity to the Head Office. The Act did, however, provide for stamped blank paper to be made available in the provinces.⁶³ Siebert regards the provisions relating to administration and enforcement of the taxes as evidence that the focus of the Act was suppression of the Press rather than revenue raising.⁶⁴

Pamphlets exceeding one sheet, but less than six sheets, were not required to have the blank paper pre-stamped,⁶⁵ although the paper used would already have been subject to the paper manufacturers' duty. For pamphlets published within the cities of London and Westminster, or within the limits of the Weekly Bills of Mortality, the copy had to be taken to the Stamp Office within six days, but for the remainder of Great Britain the time limit was 14 days. The penalty for any printer or publisher not complying was a hefty £20 plus costs.⁶⁶ The name and address of "some known Person or Persons, by or for whom the same was really and truly printed or published, written or printed thereupon" had to be printed on the pamphlet. The penalty, this time directed against the seller, was also £20 plus costs.⁶⁷ Aspinall describes this as being simply a registration duty which facilitated official surveillance of these pamphlets.⁶⁸ Failure to pay duty and have the title registered also resulted in the "Author, Printer and Publisher of, and all other persons concerned in or about the printing or publishing of such pamphlet", losing property therein, so that any one else could then "freely print or publish same", paying the duty of course, without penalty or liability for prosecution for breach of copyright.

This exception from the pre-stamping requirement gave a distinct advantage to eligible pamphlets over newspapers because newspapers had to have all the blank sheets for every copy stamped before printing. Although newspapers were included with pamphlets in the section imposing the one copy only duty for more than one sheet and less than six sheets, they were not included in the later exemption from pre-stamping. There is no direct definition of "pamphlet" in the legislation, but, as earlier noted, the newspapers are described as "Papers containing publick News, Intelligence or Occurrences".⁶⁹ It seems that Parliament was seeking to suppress the small and cheap publications.⁷⁰

Counterfeiting or forging any stamp or mark was a capital offence, as was knowingly selling or uttering any vellum, parchment or paper with a counterfeit stamp on it. Any

⁶¹ 10 Anne, c.19, CXIV.

⁶² 10 Anne, c.19, CI, CIV, CV.

⁶³ 10 Anne, c.19, CXVI.

⁶⁴ Siebert, *supra* n. 2, 312.

⁶⁵ 10 Anne, c.19, CIV.

⁶⁶ 10 Anne, c.19, CXI, CXII. To put this figure in context, printers employed by the Stamp Office were paid £60 per annum. PRO 72/38.

⁶⁷ 10 Anne, c.19, CXIII.

⁶⁸ Aspinall, *supra* n. 15, 16.

⁶⁹ 10 Anne, c.19, CI.

⁷⁰ Thomas, *supra* n. 45, 262. This is also borne out by a comment Swift made almost a year before the legislation was introduced that "They are intending to tax all little printed penny papers a half penny every sheet, which will utterly ruin Grub Street" (from *Journal to Stella*, quoted in Thomas, 249).

person so convicted “shall be adjudged a Felon, and shall suffer death, as in Cases of Felony, without Benefit of Clergy”.⁷¹ This is consistent with the penalties in the 1694 Act, discussed above, which levied stamp duties for the first time.⁷²

Reasons for the imposition of the duty on newspapers and pamphlets

With reference to the reasons why the duty was imposed, the one most obvious reason that can be derived from contemporary (early 1700) sources was as a revenue raiser for Her Majesty. This is stated in the title of the Act⁷³ and is evident from the Commons Journals of the day. All the various duties imposed under the Act, including the newspaper stamp duty, were allocated to the payment of interest on a lottery, issued to raise funds to finance the war.

Another reason was that such a tax would be a means of hampering, perhaps even silencing, the press. On January 17, 1712, the Queen had called on Parliament to consider curbing the perceived menace of the unregulated press in the following terms:

“Her Majesty finds it necessary to observe, how great licence is taken in publishing false and scandalous Libels such as are a reproach to any government. This evil seems to be grown too strong for the laws now in force; it is therefore recommended to you to find a remedy equal to the mischief.”⁷⁴

The Commons reply the following day was as follows:

“We are very sensible how much the Liberty of the Press is abused, by turning it into such a licentiousness as is a just reproach to the nation; since not only false and scandalous libels are printed and published against your Majesty’s government, but the most horrid blasphemies against God and religion; and we beg leave humbly to assure your majesty, That we will do utmost to find out a remedy equal to this mischief, and that may effectually cure it.”⁷⁵

Other than Queen Anne’s speech, the censorship by subterfuge reason is not overtly mentioned in the original materials of the time researched by the authors of this article. There is one oblique hint by Addison, a Whig, in an essay published in the *Spectator* on July 31, 1712 when he said,

“I consider the Tax on Paper was given for the Support of the Government; and as I have Enemies, who are apt to pervert every thing I do or say, I fear they wou’d ascribe the laying down my Paper, on such an occasion, to a Spirit of Malcontentedness, which I am resolved none shall every justly upbraid me with.”⁷⁶

⁷¹ 10 Anne, c.19, CXV.

⁷² Interestingly, provision was made in the Act for a reward to be paid to informers. All pecuniary penalties imposed under the Act were to be divided one moiety to the Queen and the other to the informer. 10 Anne, c.19, CXIX.

⁷³ “An Act for laying several Duties upon all Sape and Paper made in *Great Britain*, or imported into same; and upon chequered, and striped Linens imported; and upon certain Silks, Callicoes, Linens, and Stuffs, printed, painted or stained; and upon several Kinds of Stamp Vellum, Parchment, and Paper; and upon certain printed Papers, Pamphlets, and Advertisements; for raising the Sum of eighteen hundred thousand Pounds by way of Lottery towards her Majesty’s Supply . . .”.

⁷⁴ W. Cobbett, *Cobbett’s Parliamentary History of England*, Vol. 6, col. 1063.

⁷⁵ *ibid.*, col. 1065.

⁷⁶ Addison, see first footnote, 64.

That the tax subsequently became known as a “Tax on Knowledge” is evident from later sources. Indeed, by the middle of the nineteenth century a committee had been formed to promote its abolition.⁷⁷ It is, however, clear that the Tory government, elected in 1710, was anxious to counter criticism of its policies by the Whigs who were “full of rage and leisure since their fall”.⁷⁸ The Tory anxiety is manifested by the necessity for Swift’s *The Conduct of the Allies*, mentioned earlier, written as a rebuttal of Whig opposition to the way the government was handling the negotiations to end the war. That censorship was the primary rationale is accepted by a number of commentators, whereas other commentators also stress the revenue raising purpose.⁷⁹

On the basis of available primary materials, it is not possible to establish conclusively that censorship was one of the reasons for the introduction of the tax. In this regard the Queen’s speech of January 1712, and the quotes from Addison, although primary sources, can only be regarded as circumstantial evidence. However the political circumstances of the period and the evidence that the stamp duty was called a tax on knowledge later on would make it reasonable to assume that press control was certainly an ulterior motive for the introduction of the tax in 1712.

The effect of the tax on newspapers and methods of evasion

“Grubstreet has but ten days to live, then an Act of [Parliament] takes place, that ruins it, by taxing every half sheet at a halfpenny”, predicted Swift.⁸⁰ “This is the Day on which many eminent Authors will probably Publish their Last Words”, opined Addison gloomily in the *Spectator* on July 31, 1712.⁸¹ The effect of the tax was to kill off about half of the press, in the short term at least, and to slow down the progress of journalism.⁸²

In the end it was the Tory press that was more affected than the Whig press. The Tory press felt obliged to comply with a tax of Tory making while the Whig press, as well as being determined and better organised, was more inclined to take advantage of any possible tax avoidance schemes. As a result the tax did not in any meaningful way hinder opposition to the government.⁸³

⁷⁷ Public Records Office (PRO) IR 56/9: “The Memorial of the Newspaper Stamp Abolition Committee”, dated November 1850, makes reference to “the abolition of all Taxes on Knowledge and in particular the Stamp duty on Newspapers”. See also PRO IR 56/19, letter from Treasury Chambers dated August 1854.

⁷⁸ J. Swift, “The History of the Last Four Years of the Queen” in H. Davis (ed.), *The Prose Works of Jonathan Swift: Volume the Seventh* (Oxford, 1951), 104.

⁷⁹ S. Dowell “A History of Taxation and Taxes in England” (London, 1884), 352–353; Maynard Salmon, *supra* n. 50, 184; Aspinall, *supra* n. 15, 16; Hanson, *supra* n. 15, 11; Holmes, *supra* n. 20, 32; H. Williams (ed.), *Jonathan Swift—Journal to Stella—Vol. II* (Oxford, 1948), n. 9, 553; Smith, *supra* n. 7, 58. See also Siebert, *supra* n. 2, 308–309 and 312; Fox Bourne, *supra* n. 45, 80–81; G. Cranfield, *The Press and Society: From Caxton to Northcliffe* (London, 1978), 39; Dagnall, *supra* n. 27, 30. Siebert (at 309) also refers to an undated Treasury Paper from the period 1709–1710 in which a proposal to increase Stamp Office revenue by taxing newspapers and pamphlets was predicted to reduce circulation from 45,000 to not above 30,000. C.D. Collet, *History of the Taxes on Knowledge* (London, 1899), 8. Ferdinand, *supra* n. 21, 12; R. Wiles, *Freshest Advices: Early Provincial Newspapers in England* (Ohio, 1965), 18–19. Downie, *supra* n. 46, says both were reasons, 149–161.

⁸⁰ J. Swift, Ohio, “Journal to Stella: Letter dated July 17, 1712”, in H. Williams (ed.), *Jonathan Swift—Journal to Stella—Vol. II* (Oxford, 1948), 551 [footnote omitted].

⁸¹ Addison, see first footnote, 62 [footnote omitted].

⁸² Dowell, *supra* n. 79, 353; Hanson, *supra* n. 15, 11; Hill, *supra* n. 7, 300.

⁸³ Swift, *supra* n. 78, 104.

Some newspapers met the cost by raising the price. The *Spectator* went up to two pennies, and the *Daily Courant* to three half pence from one penny.⁸⁴ Publication of the *Spectator* was suspended in December 1712, then reappeared for the latter part of 1714 before folding in December 1714. The reason for the suspension in 1712 was quite probably the combined effect of the advertising tax and the newspaper tax.⁸⁵

The Act was poorly drafted, however, and newspapers of all persuasions were quick to exploit a loophole within the provisions. As discussed earlier, papers and pamphlets of over one sheet and less than six sheets were stamped on the basis of two shillings per sheet for one copy only, regardless of how many copies were actually in circulation. Daily newspapers at the time rarely extended beyond a sheet. By the simple expedient of printing more than one sheet, a sheet and a half would suffice, the tax was reduced. It worked like this: a half sheet, two pages, was a half penny for every copy and a whole sheet, either two large pages or folded to make four smaller pages, was one penny for every copy. One and a half sheets was either six pages or twelve very small pages, payable at the rate of two shillings for every sheet contained in one printed copy, so a total of three shillings. By claiming thus to be a "pamphlet" the paper did not have to be stamped before printing. The downside of this strategy was the need to find additional copy to fill the extra paper. The result was larger headlines, bigger font size, the inclusion of essays, editorials, commercial notifications, such as shipping news, the serialisation of books and useful instruction.⁸⁶ Daily publications were the most affected. Unable to increase in size because of cost, and because they could not fill the extra pages regularly, the dailies were forced to put prices up or go under, and now that essays were part of general weekly newspaper fare there was no market for daily essay-type publications such as the *Spectator*. There is evidence that even the government paper, the *London Gazette*, indulged in tax avoidance by increasing its size, as well as outright evasion.⁸⁷

The title of the 1725 Act which closed the loophole includes the phrase: "and for explaining a late act in relation to stamp duties on newspapers". The relevant passages read:

"... That from and after the twenty fifth day of *April* one thousand seven hundred and twenty five, the following duties shall be paid to his Majesty, his heirs and successors, upon every journal, mercury or other publick news-paper, which shall be printed and published in *Great Britain* ... the duties aforesaid are granted or continued (that is to say) for every sheet of paper, on which any journal, mercury or other news-paper whatsoever, shall be printed, a duty of one penny sterling, and for every half sheet thereof, the sum of one half-penny sterling; any thing in the said recited act, or any other act of parliament, to the contrary thereof in any wise notwithstanding."⁸⁸

It is not entirely clear why it took so long to remedy the situation, although presumably the Hanoverian succession in 1714 caused some disruption.

⁸⁴ Bond (ed.), see first footnote, n. 6, 62–63.

⁸⁵ Siebert, *supra* n. 2, 314–315.

⁸⁶ S. Morison, *The English Newspaper* (London, 1961), 83; Sommerville, *supra* n. 51, 117; Cranfield, *supra* n. 79, 40; Siebert, *supra* n. 2, 316.

⁸⁷ PRO IR 72/38, letters dated April 30, 1713 and May 16, 1713.

⁸⁸ 11 George I c.8, XIII, XIV.

Conclusion

In the latter part of the seventeenth century, the press in England began to free itself from state control. One of the main shackles fell away with the abolition of licensing in 1695, and the press began to be a formidable political force. No longer were successive governments able to harness the press to promote their interests. Instead the press took sides in politics, offering opinion and rhetoric as well as all the news that the state apparatus may have wished to suppress. This was tempered, however, by the operation of market forces, so newspapers to exist had to be commercially viable unless supported by the richest of patrons.

At the same time, the system of raising war finance by way of National Lottery required underwriting through additional taxation, and stamp duties by that time had become an acceptable means of levying taxation. Thus it was an extraordinarily clever move to use taxation as a means of curbing the press, and so to combine revenue raising with censorship. The effect of the imposition of stamp duties would not only be felt in the added cost burden, but there would also be the compliance costs (taking the paper to be stamped, for example), and the sheer inconvenience of procuring the stamped paper. Because newspapers were part of the political landscape and were in a position to influence society in the choice of government, then to directly affect this influence by the use of taxation was to use taxation as an agency of social control. The fact that the stamp duty was not as effective as it should have been, although this was later remedied, is a lesson to regulators on the counter-productiveness of inept drafting.

The use of taxation to modify behaviour is clearly not new. What is remarkable, however, is the failure of successive governments, even to the present day, to draft legislation which achieves the desired purpose. Legislation is frequently badly targeted in the first instance, and then open to abuse, often as a result of inept drafting. In this case, the decision to use the number of sheets of paper to distinguish between those publications requiring every copy to be stamped and those for which only one copy needed stamping, left the way open for significant tax avoidance through the simple expedient of increasing the size.

When all the issues are weighed up, including such things as the full cost of administering the taxes and the lottery, the massive increase in the national debt and the complete alienation of the fourth estate, it has to be wondered whether the decision made by Parliament in 1712 was worthwhile.