CONTROLLING PRINT? BURTON, BASTWICK AND PRYNNE
AND THE POLITICS OF MEMORY

A Thesis in
History
by
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ABSTRACT

This dissertation examines the 1637 Star Chamber trial of Henry Burton, John Bastwick and William Prynne in the context of the print contests of the seventeenth century. Through a close study of pamphlet literature, it argues that the three men played key roles in a print revolution even as they, like their opponents, proved powerless to control the medium. The story of Burton, Bastwick and Prynne is not so much one of “progress,” but of a dynamic and conflicting process of shaping memory through print and propaganda. Furthermore, looking at how print was used by the trio and their opponents, like William Laud, challenges revisionist views of a unified, dangerous extreme Puritanism. This study takes a step back from both Whig and revisionist interpretations of Burton, Bastwick and Prynne to explore how both views have their roots in the seventeenth-century print contest. Their efforts to shape memory through print help to highlight the political power of print in Stuart England.
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ABBREVIATIONS

CJ    Journal of the House of Commons

CSPD  Calendar of State Papers, Domestic Series
Introduction

The trial and punishment of Henry Burton, John Bastwick and William Prynne was arguably one of the most sensational episodes in the history of Charles I’s personal rule. In March 1637, the Attorney General, Sir John Banks, filed a writ in the Star Chamber accusing the trio of publishing “libelous books with intent to move the people to discontent against the King’s ecclesiastical government.”¹ Specifically, the indictment included Prynne’s *Unbishoping of Timothy and Titus* and *News from Ipswich,*² Burton’s sermons *For God and the King,* and *The Litany of John Bastwick.* These pamphlets attacked the bishops of the Church of England, claiming that they had overstepped the boundaries of their jurisdiction and trampled on royal prerogative. At first glance, it may appear strange that authors purporting to protect royal authority should be the victims of prosecution in a court whose judges consisted of the king’s own Council. In the English religious settlement, however, the Church and State were intertwined. Particularly in times of tension, criticism of the ecclesiastical institution could be considered a prelude to an attack on the State.

The trial proceedings dragged on for several months with postponements. Burton, Bastwick and Prynne delayed in delivering their defenses to the court and when they eventually submitted vituperative answers to the charges, the trio was convicted *pro

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¹ *Calendar of State Papers, Domestic Series, of the Reign of Charles I,* Vol. 11: 1637 (Nendeln, Liechtenstein: Kraus Reprint, Ltd., 1967), 49. [Hereafter, referred to as “CSPD.”]
² William Prynne never admitted to authoring *Newes from Ipswich,* but neither did he deny authorship when it was attributed to him by the Star Chamber. Contemporaries often suspected that Burton was the pamphlet’s author, and it is possible the two collaborated on the text. Thomas Birch, *Court and Times of Charles I,* vol. 2 (London: Henry Colburn, 1848), 260-1.
confesso.  Lord Cottington delivered the sentence: each defendant would be whipped, lose his ears on the pillory (Prynne the stumps of his ears since he had already suffered the same punishment in 1634), fined £ 5,000, and perpetually imprisoned in remote parts of the kingdom. Prynne was sentenced additionally to be branded with the letters “S. L.” on his cheeks to stand for “Seditious Libeller.”

Such gruesome punishment ensured Burton, Bastwick and Prynne’s lasting fame among their contemporaries, but the interpretation of their experiences has proven to be highly malleable. In historical scholarship, the 1637 Star Chamber trial of Burton, Bastwick and Prynne has been referenced frequently as part of the narrative of events leading up to the English Civil War in 1641. In Whig histories, the trial served as a major point on the “high road” to civil war. Classic works by S. R. Gardiner and G. M. Trevelyan told a story of a slow, inexorable march toward civil war, in which the trial of Burton, Bastwick and Prynne played a major role in championing liberty by constructing a Puritan opposition to the Crown. Revisionist historians, however, have rejected this progressive history, asserting that the war was accidentally caused by a variety of interrelated short-term religious, political and cultural factors. While downplaying Burton, Bastwick and Prynne’s significance in constitutional matters, scholars continue to reference the trio in connection with the issue of Laudianism. Archbishop William Laud’s policies, generally characterized as anti-Calvinist (i.e., Arminian), have been

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3 In legal trials when a defendant refused to answer the charges, he could be convicted pro confesso, as if he had confessed, if the judges deemed the evidence against him sufficient for conviction. The rationale was that if a defendant was innocent of the charges, he would have presented his answer to the court; hence, the refusal to answer was interpreted as a sign of guilt.

credited by some historians with destabilizing the established church and creating a
puritan opposition.\(^5\)

In taking a closer look at English Puritanism in the 1620s and 1630s, revisionist
scholarship has uncovered a multifaceted rather than a tightly formed oppositional group.
Stephen Foster examines the contours of this opposition through a study of the lives of
Alexander Leighton and Burton, Bastwick and Prynne. He notes a broad spectrum of
Puritan ideology and argues that radical Calvinism only achieved a respectable face with
the backing of individuals like Burton, Bastwick and Prynne. This emergence of radical
Protestantism from the religious underground of the Caroline Church, according to
Foster, prompted Laud to overreact to its presence. The attempts at repression, including
the Star Chamber trial of Burton, Bastwick and Prynne, contributed to the increased
religious radicalization, overshadowing the moderate Puritan voices and damaging the
fabric of the state. He concludes that the Star Chamber trial was a coup for the trio who

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were able to capitalize on their fame and encourage the perception that they were victims of an arbitrary perversión of justice.\textsuperscript{6}

Several historians have echoed Foster’s conclusions. According to Anthony Fletcher, the popular demonstrations of support for Burton, Bastwick and Prynne represented “the strength of the London separatist community.”\textsuperscript{7} Similarly, Conrad Russell argues, “The Laudians, it seems, had failed to communicate their sense of the dangerousness of Burton, Bastwick, and Prynne to the public at large, and so only alienated the public by measured taken against them.”\textsuperscript{8} Even Kevin Sharpe, who has argued that there was nothing revolutionary about Laud’s policies, considers the trial to be “a governmental act of folly” – a major turning point in early Stuart history which unleashed political and religious opposition to the Crown. He maintains that “in their struggle for public support the puritans, through Prynne, Burton and Bastwick, had won a significant battle.”\textsuperscript{9} But what were the contours of this battle in the 1620s and 1630s?

For Kevin Sharpe and other historians, Burton, Bastwick and Prynne’s experiences figure intermittently as part of questions about the nature of conflict and consensus in early Stuart England. This study, however, argues that Burton, Bastwick and Prynne deserve fuller recognition and study because they helped to fashion part of a larger battle to create and control religious and legal memory through print.

\textsuperscript{9} Kevin Sharpe, \textit{The Personal Rule of Charles I} (New Haven: Yale University Press, 1992), 731-765. For Sharpe, this militant minority group was comprised of Puritan extremists. This claim allows Sharpe to minimize the impact of Charles’s policies, particularly those concerning religion. Sharpe suggests that even if Charles’s subjects were concerned about the direction of religious policies in the national Church, they were content with the accommodations worked out in their local parishes. In contrast, John Morrill has argued that Charles’s religious policies proved very damaging, increasing the level of tension and discontent with the English kingdom. See J. S. Morrill, \textit{The Nature of the English Revolution} (New York: Longman, 1993), 15, 270.
The study of memory in history presents several methodological challenges for the historian, not least of all, is defining what the terms mean. Theorists such as Maurice Halbwachs and Pierre Nora separate “history” and “memory” as discrete terms. Collective memory is situated within the groups that retain knowledge of their lived experiences. The survival of any particular collective memory depends upon the power of the group which holds it. Historical memory, on the other hand, is the preserved memory of the recovered past which is formed when all living connections to the past have been severed.\textsuperscript{10} As collective memory enters into historical memory, largely through print culture, the images become fixed representations of the past. Pierre Nora summarizes the division

Memory and history, far from being synonymous, are thus in many respects opposed. Memory is life, always embodied in living societies and as such in permanent evolution, subject to the dialectic of remembering and forgetting, unconscious of the distortions to which it is subject, vulnerable in various ways to appropriation and manipulation, and capable of lying dormant for long periods only to be suddenly reawakened. History, on the other hand, is the reconstruction, always problematic and incomplete, of what is no longer.\textsuperscript{11}

While Nora laments the demise of living history, the majority of scholarship on memory has been content to focus on the lieu de mémoire (realm of collective memory). Nora explains that the lieu de mémoire “is any significant entity, whether material or non-material in nature, which by dint of human will or the work of time has become a symbolic element of the memorial heritage of any community.”\textsuperscript{12} In other words, by studying the nation’s celebrations, historians can unpeel the layers of commemorative


\textsuperscript{11} Nora, 3.

\textsuperscript{12} Ibid., xvii.
traditions to discover how they were originally constructed and to what extent these symbols became a readily accepted part of society.\textsuperscript{13} As Alon Corfino suggests, “the crucial issue in the history of memory is not how a past is represented but why it was received or rejected.”\textsuperscript{14} In this study, however, the term memory is used as more of a descriptive rather than an analytical term. Seventeenth-century references to “memory” rarely fall into the discrete categories proposed by Nora and Halbwachs. Burton, Bastwick and Prynne’s battle to control memory was based heavily on propagating their particular vision of English history. What these men failed to realize was that neither they nor their opponents could control print completely.

The trial of Burton, Bastwick and Prynne is an important case study for the politics of print in part because it was a topic of great immediate interest to the trio’s contemporaries. But the trial also had long-term significance for contemporaries as the three defendants, William Prynne in particular, actively worked to project their experiences as part of a national collective memory through their printed works. Patrick Hutton writes, “With the coming of print culture, memory was historicized in more concrete ways. Print culture textualized the past…Memory transposed into script seemingly made time stand still…Memories—fluid, dynamic, and ever-changing in the repetitions of oral tradition—could thenceforth be framed in more enduring representations of the past.”\textsuperscript{15}

\textsuperscript{13} In studies of early modern memory in England, for example, much work has already been done on the significance of the official calendar of celebrations. See David Cressy, \textit{Bonfires and Bells: National Memory and the Protestant Calendar in Elizabethan and Stuart England} (Berkeley: University of California Press, 1989).


\textsuperscript{15} Patrick Hutton, \textit{History as Art of Memory} (Hanover: University Press of New England, 1993), 12, 19.
The battle over controlling print took on heightened significance in the mid-seventeenth century. As John Morrill has argued, the years 1640-1642 witnessed a dramatic collapse of royal power. The early legislation of the Long Parliament – the removal of the king’s “wicked” councilors and the abolition of Ship Money and the prerogative courts – reflected an attempt to limit monarchial power. To justify these actions, supporters of such legislation campaigned fiercely to portray the royal court as responsible for introducing innovations into English politics and religion which resulted in the creation of arbitrary government.\textsuperscript{16} By the summer of 1642, however, the Crown responded with its own accusations that it was members of Parliament who were subverting the fundamental laws of the kingdom and producing an arbitrary government of their own. The king’s attempt to arrest five members of the House of Commons for treason further deepened the rift between Crown and Parliament. Charles found himself increasing isolated as Parliament continued to erode royal power by passing the Militia Ordinance. As the king sought to rally public support for the royalist cause, the battle for control of print became paramount. In the early months of the civil war as the English people were choosing sides in the conflict, printed propaganda took on renewed significance and power.

The revolutionary aspects of print culture have been extensively explored by early modern historians such as Elizabeth Eisenstein. Eisenstein’s groundbreaking book, \textit{The Printing Press as an Agent of Change}, paints a sweeping portrait of the development of print culture, crediting it with creating a new mentality about knowledge. From the Reformation in the sixteenth century to the Enlightenment, printed books fostered great social change by allowing for the preservation, accumulation and dissemination of

\textsuperscript{16} Morrill, 285-306.
knowledge on a broader scale than was possible with oral and manuscript culture, and in turn, these changes encouraged a greater production of literature.\textsuperscript{17} This expansion of print helped create a nascent public space for the discussion of religion and politics not just in a scholarly community, but through cheap print on a more popular level.\textsuperscript{18}

Although Eisenstein’s work has not gone unchallenged, her picture of an expanding realm of print helps elucidate King Charles’s increasing fear of “popularity” as a threat to the social order in the late 1630s.\textsuperscript{19}

Burton, Bastwick and Prynne’s place in the scholarship on print and censorship in the early seventeenth century mirrors the historiographical trends on the origins of the civil war. Following in the tradition of Gardiner and Trevelyan, Frederick Siebert’s \textit{Freedom of the Press}, traced a gradual decline of press control from its highwater mark in the sixteenth century to more relaxed attitudes toward press freedoms in the eighteenth century. Siebert credited the writings of individuals such as Burton, Bastwick and Prynne, and more importantly, their court cases, with bringing about the demise of repressive measures of press control by their refusal to be broken by their punishments.\textsuperscript{20}

Subsequent scholarship challenged the progressivism of Siebert’s work, while retaining his view of repressive censorship measures during the Caroline regime. Christopher Hill, for example, asserted that Charles I embarked upon a pervasive campaign of censorship

\textsuperscript{17} Elizabeth Eisenstein, \textit{The Printing Press as an Agent of Change: Communications and Cultural Transformations in Early-Modern Europe} (New York: Cambridge University Press, 1979).
\textsuperscript{20} Frederick Siebert, \textit{Freedom of the Press in England} (The University of Illinois, 1952), 112-126.
that stifled the expression of radical opinion.\textsuperscript{21} In contrast, revisionist scholars created a picture of less intrusive printing regulations. Sheila Lambert argued that the Stuart kings did not possess the power or personnel to exercise extensive control and thus, prosecuted only the most egregious of texts that challenged the prerogative. Lambert maintained, rather, that most press regulation was carried out by the Stationers’ Company, and that market forces were more effective than censorship in controlling what was printed.\textsuperscript{22} In this revisionist scholarship, Burton, Bastwick and Prynne appear only tangentially as an example of one of the extreme cases that merited prosecution. Yet more recent examinations of print in the 1630s have raised questions about the supposed inefficiency of censorship. Cyndia Clegg’s recent essay strongly rejects the picture of benign inefficiency in regulating the press in the 1630s. Clegg ascribes a more concerted campaign of censorship in Caroline England not to the desire of royal officials to be more “thorough,” but to legal innovations in the courts of High Commission and Star Chamber.\textsuperscript{23} Jason McElligott also argues against Lambert for the renewed force of censorship.\textsuperscript{24}

In this context of new appreciation for the force of censorship, the 1637 Star Chamber trial of Burton, Bastwick and Prynne requires re-examination. This study argues that Burton, Bastwick and Prynne played key roles in the print revolution of the

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\textsuperscript{24} Jason McElligott, ““Several hundred squabbling small tradesmen”’ Censorship, the Stationers’ Company, and the state in seventeenth-century England’, \textit{Media History} 11, no. 1/2 (2005): 87-104.
mid-seventeenth century even as they, like their opponents, proved powerless to control
the medium. Their efforts to shape memory through print help to highlight the political
power of print in Stuart England.

Chapter One, “Controlling Print and Memory in Early Stuart England,”
establishes the reliance of Burton, Bastwick and Prynne on print as the means of
constructing a vision of the English Church that challenged Laudian religious policies.
Through print, the trio attempted to advance a picture of Laudian bishops as innovators
who threatened to destroy the Elizabethan religious settlement and return the English
Church to the bondage of Roman Catholicism. To achieve their goal of controlling the
memory of the English Reformation through print, they began making connections within
an international Puritan network of print. Building on the work of Cyndia Clegg, this
chapter outlines the development of the battle to control print in the early 1630s. I argue
that Charles I’s attempts to suppress discussion of controversial religious topics fail
because of the perception that the printing restrictions applied only to Puritan writers.
Burton, Bastwick and Prynne own experiences with the licensing system, for example,
led them to believe that several licensors were complicit in a Catholic conspiracy to
subvert English Protestantism by suppressing works of Calvinist theology while
simultaneously authorizing “Arminian” literature.25 Their individual examinations before
the High Commission and Prynne’s 1634 Star Chamber trial for printed works further
reinforced this perspective. A close look at these trials also reveals subtle, but important,

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25 The works that Burton, Bastwick and Prynne protested against tended to de-emphasize the Calvinist
doctrine of predestination. For a discussion of the rise of anti-Calvinism in England see Nicholas Tyacke,
*Anti-Calvinists: The Rise of English Arminianism, c. 1590-1640* (New York: Oxford University Press,
1987).
changes in the legal definition of sedition that provided the Crown with a more effective tool to control the content of print.

Chapter Two, “The Making of a Memory,” analyzes the 1637 Star Chamber trial of Burton, Bastwick and Prynne as well as the responses to the guilty verdict by looking at the role that printed accounts of the trio’s experiences played in popular politics. While in prison and despite increasing press controls, the three men continued to publish their works illegally with the help of sympathetic printers in the Netherlands. I first look at how Burton, Bastwick and Prynne manipulated memories of the past to legitimate their theological and political arguments before turning to their trial in 1637. An examination of the evolving legal definition of seditious libel further points to the ways in which the past was manipulated to legitimate what could be considered innovations. Lastly, I examine how Burton, Bastwick and Prynne crafted their public performances during their punishment to maximize the potential for creating a lasting public memory—a memory that could be used as a rallying point for political opposition to the Crown in the 1640s.

Not surprisingly, the punishment of the three men drew wide crowds eager to view the public spectacle and prompted comments across the political/religious spectrum from the “Puritan” Nehemiah Wallington to the Lord Deputy of Ireland Thomas Strafford. In Chapter Three, “Crafting a Legislative Memory,” I discuss how the ferment surrounding the punishment of Burton, Bastwick and Prynne prompted Archbishop Laud to fear and search further for an alleged Puritan conspiracy. Laud’s unrelenting investigation and the extreme penalties placed on those individuals ferreted out reinforced the significance of Burton, Bastwick and Prynne in print and oral culture. It also helps explain why the trio was greeted with great public celebration upon their return.
to London after their release from prison in November 1640. I continue in this chapter to examine Burton, Bastwick and Prynne’s attempts to achieve legal vindication for their sufferings in 1637 from the Long Parliament. A study of private parliamentary journals reveals an implicit connection between the trio’s petitions to Parliament and the parliamentary debates on abolishing the Star Chamber and High Commission courts. I suggest that with the collapse of the prerogative courts, Burton, Bastwick and Prynne achieved a major victory in lifting press controls. While they had gained the ability to shape their memory through print without legal censure, the lack of press controls allowed competing memory constructions to flourish.

Chapter Four, “Creating a Legal Memory of the Personal Rule,” concerns the politics of memory at work in Archbishop William Laud’s treason trial. Ironically, the protagonists in the 1637 Star Chamber trial now found their positions reversed with Prynne acting on behalf of the prosecution and William Laud playing the role of defendant. As Prynne had done in 1637, Laud attempted to shape the memory of his religious and political activities during the Personal Rule as loyal service to the Crown. Unfortunately, for Laud, the shifts in legal definitions of sedition were now applied to treason laws leading to his conviction by a parliamentary bill of attainder. In addition to studying the trial and its transformation of the definition of treason, I analyze the campaign of memory construction parliamentarians and royalists engaged in following the execution of the archbishop through a close reading of Prynne’s work, *Canterburies Doome*, copies of Laud’s speech on the scaffold, and Burton’s printed replies. I note that Prynne’s success in the battle to control print allowed him to manipulate the memory of Laud as an innovator in religion and political traitor. Although Burton, Bastwick and
Prynne achieved success in controlling Laud’s image following his trial, new controversies between the Presbyterians and Independents over the polity of the English Church eventually pitted the trio against one another.

The Epilogue examines the legacy of Burton, Bastwick and Prynne during the Restoration. Out of the three protagonists, only William Prynne survives into the 1660s. A look at Prynne’s later writing career reveals a mixed outcome of triumph and defeat. During the late 1640s and 1650s, Prynne continued to make a vigorous attempt to influence politics through print, but his voice became increasingly marginalized when he protested against the regicide. Even after the restoration of Charles II, in which Prynne played an important role in promoting, he was unable to realize his vision of a comprehensive religious settlement. Instead, his old enemies like Peter Heylyn, William Laud’s former chaplain, created a successful counter-image of Burton, Bastwick and Prynne as the leaders of a divisive and seditious Puritanism. Ironically, this image has contributed to the historiographical battles over the nature of Puritanism and the causes of the civil war.

Control of print continued to be a crucial issue during the 1660s although the locus of control was shifting. Despite repealing many acts passed by the Long Parliament, the Restoration parliaments never revived the courts of Star Chamber and High Commission. Charles II retained his prerogative of issuing proclamations to regulate the print trade, but as with the Printing Act of 1662, he increasingly relied upon parliamentary legislation for the most effective press control.

26 Henry Burton died in 1648 and John Bastwick died in 1654. Thus, Prynne was the only member of the group to survive into the Restoration.
This study of Henry Burton, John Bastwick and William Prynne advances historical scholarship by analyzing their role in the print contests of the seventeenth century as part of a larger battle to shape and control the production of a religious, national memory. By gaining an understanding of the way these memories were shaped and contested, we can better explain the importance of print in the seventeenth century. Burton, Bastwick and Prynne’s ultimate legacy lies in how their experiences continue to shape and to be shaped by historians in print today.
Chapter One

Controlling Print in Early Stuart England: The Trials of Henry Burton, John Bastwick and William Prynne in the Early 1630s

At the Star Chamber trial of William Prynne in 1634, Chief Justice Richardson proclaimed, “Since I have had the Honour to attend this Court, writing and printing of Books have been exceedingly found fault withal, and have received a sharp Censure, and it doth grow every day worse and worse; every Man taketh upon him to understand what he conceiveth, and thinks he is no body except he be in Print.”

With the acceleration of print in the sixteenth century, English monarchs recognized the need for some legal means of controlling the content of English presses. As Philip Hamburger has pointed out, Tudor and Stuart monarchs enjoyed a wide variety of existing legal mechanisms for suppressing published dissent although some methods were more effective than others. Henry VIII expanded treason laws in 1534 to include treason “by words or writing,” but these laws were seldom called upon to prosecute published works since they were limited to prosecuting crimes that involved imagining or compassing the death of a king, making war against the king or aiding his enemies. 1

Similarly, the medieval statutes known as Scandalum Magnatum, which had been enacted to suppress false rumors about the king and nobility, applied only to the publication of news, not to the majority of published works in the sixteenth and seventeenth centuries that were religious in nature. Heresy laws were available to punish crimes against accepted doctrinal orthodoxy, but they involved trials in which individuals

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were punished for specific beliefs they held, not for the literature they read. Thus, the most applicable laws used in the sixteenth and seventeenth century were the licensing laws and libel laws – the former used to prevent scandalous material from being printed and the latter for prosecuting any that slipped past the licensing regulations.\(^2\)

The licensing system under the early Stuart monarchs followed the outlines of the 1586 Star Chamber Decree that required all books to have the approval of the Archbishop of Canterbury or the Bishop of London.\(^3\) A printer would submit a work to one of the bishop’s chaplains for examination. The licensor would indicate his approval contingent on any revisions that needed to be made. After making the necessary changes, the printer would take the manuscript to the Stationers’ Hall where it was further examined by the wardens who would enter it into Stationer’s Register only after ascertaining that the book had been approved by the licensor and that the revisions in fact had been made.\(^4\) The license and entry into the Stationer’s Register served as both a declaration of the orthodoxy of the book and also as a copyright for the publisher. Any unlicensed material was subject to prosecution, but until the 1630s, most trials for license violations were not aimed at suppressing objectionable material, but generally involved copyright issues.

As the laws evolved to meet the challenges presented by print, so too, did the justice system through an increased use of the Star Chamber that provided justice from the king’s council, and more commonly, through the ecclesiastical court of the High Commission. Despite its reputation in the rhetoric of the 1640s, the High Commission


\(^3\) The only exceptions were book printed by the Royal Stationer and law books which had to be approved by the Lords Chief Justices.

was not set up to be a permanent apparatus of inquisition as was the case for similar ecclesiastical bodies in Spain. Henry VIII created the first church commissions to protect and strengthen his authority under the Act of Supremacy, which made the monarch, not the pope, the head of the English Church. During the transition from papal to royal authority, the ecclesiastical commission allowed for more royal control over combating the new heresy of pro-papal Roman Catholicism. Under Henry VIII and his successors, these small ecclesiastical commissions grew into the more centralized body of the High Commission. By the time of the Stuart accession, the High Commission’s power and jurisdiction had expanded and began to overlap with that of common law courts to include probate case and matters of divorce, slander, perjury, blasphemy, adultery and other moral offences. Like the Star Chamber court, the High Commission was generally lauded for its broad scope of jurisdiction and the speed with which it settled cases, although it also faced some opposition from common law judges who feared the court was infringing on their own jurisdictional boundaries.

One of the main differences between cases tried before the High Commission and those in the common law court was that in the former, the burden of proof lay on the defendant to establish his innocence. Neither court could convict without sufficient evidence of guilt, but royal involvement with the High Commission placed more pressure on defendants. Many defendants disliked the court procedure by which they were required to swear the oath *ex officio* that they would answer all questions truthfully and

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5 The lack of official records from the High Commission, save for a few cases like those of Burton and Bastwick, makes it difficult to determine when the commission ceased to be a temporary delegation of authority to a select body and became a permanent institution.
be examined prior to being shown a copy of the charges against them. To circumvent the procedure, some defendants simply refused to take the oath, stalling court proceedings. In such cases, Commissioners generally imprisoned the defendant until he swore the oath—a procedure which undermined the effectiveness of the High Commission. Thus, by 1611, it became fairly common practice to declare such recalcitrant defendants guilty pro confesso on the reasoning that an innocent man would have no reason to refuse to swear the oath to tell the truth.

During the years of King Charles’s personal rule, Henry Burton and John Bastwick would make several appearances before the court of High Commission, and William Prynne would face prosecution before the Star Chamber in 1634. Cyndia Clegg has argued that such trials were products of Charles I’s legal innovations to expand the scope of what books could be legally prosecuted. She notes that during Charles’s reign there were 70 instances of censorship in comparison with the only 25 actions taken in his father’s reign to suppress objectionable books. A closer examination of the early careers of these three individuals demonstrates how they used print to construct an alternative memory of the English Church—a memory that challenged the existing Laudian policies and views of the Reformation while disobeying the king’s injunction against commenting on religious controversies. In seeking to control the content of what individuals like Burton, Bastwick and Prynne were publishing, Charles I modified the use

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8 Those who opposed the oath argued that it could lead to self-incrimination, a notion rejected under English common law.
9 Usher, 240-247.
10 Henry Burton and John Bastwick’s cases primarily involved charges related to printing books without a license. William Prynne’s book, Histriomastix, had been licensed, but even so, he was charged with the more serious offenses of sedition and libel. Hence, his trial took place in the Star Chamber court.
of existing laws against unlicensed printing. The severe punishments handed down against the three men illustrate the rising stakes in the battle to control print and memory.

Who were the men who would be forever joined by a sensational Star Chamber trial in 1637? Henry Burton was born at Birdsall in Yorkshire in 1578 and graduated from the College of St. Johns in Cambridge, completing his MA degree in 1603. He enjoyed royal favor early in his career, serving in the role of “sole Officer in his closets” for Prince Henry and later after the death of his brother for Prince Charles.\(^\text{12}\) During this tranquil period in his life, Burton became the rector of St. Matthew’s, Friday Street, in London and married his first wife, Anne.\(^\text{13}\) Because Burton did not publish any sermons at this early point in his career, it is difficult to assess his religious temperament, but his later actions imply that he may have been strongly influenced by the wave of anti-catholic sentiment that surrounded the failed Spanish Match. Like most English subjects, Burton was relieved when marriage negotiations to unite the English heir, Charles, to the throne with the Spanish Infanta, Maria Anna, were suspended.\(^\text{14}\) Although this crisis was averted, the threat of Catholic infiltration into England remained a primary concern of staunch Protestants.

Upon Charles’s accession to the throne in 1625, Burton attempted to use his court position to influence the religious policies of the king in a letter warning him that the Bishops of Durham and London, Richard Neile and William Laud, harbored popish inclinations. Burton’s letter was not well received by Charles, who abhorred religious

\(^{12}\) The duties of the office of Clerk of the Closet included instructing new royal clerics and making recommendations for candidates to become royal chaplains.


controversy, and the clergyman was dismissed from his office. Returning to his parish full-time, Burton contemplated his reversal of fortunes:

[T]hough for the present my spirits were somewhat appalled, and dejected, yet going home to my house in London, and there entering into a serious meditation of Gods Providence…how I might doe God and his Church better service in a more retired life, as wherein I was in no danger of Court-Preferments, thereby to bee cowardized from encountering such Giants as began already to threaten the Hoste of Israel…I hereupon…[resolved]…to foresake the Court.  

Burton’s purpose in life was now clear to him: to battle the “popish” Goliaths who masqueraded as the leaders of the Church of England.  Unfortunately, Burton was getting ready for battle at a time when the king was emphasizing conformity. On June 14, 1626, Charles issued a proclamation forbidding his subjects to “publish or maintaine any new inventions or opinions concerning Religion then such as are clearly grounded and warranted by the Doctrine and Discipline of the Church of England” and revealed his intentions to impose “exemplary punishment” on violators of his wishes.

In June 1629, Burton and his printer were called before the High Commission for failing to obtain a license for the publication of several works including A Plea to an Appeal (1626), The Baiting of the Pope’s Bull (1627), Israel’s Fast (1628), The Trial of Private Devotions (1628), and the Seven Vials (1628). All these pamphlets contained...
attacks against the Catholic Church. In *Israel’s Fast*, Burton calls for the exposure of Jesuit priests whom he calls English “Achans” – a reference to the Old Testament biblical character [Joshua 7:1-26] whose sin caused God’s favor to be removed from the ancient Israelites until they fasted and prayed for forgiveness. Burton blames these “Achans” for causing divisions amongst the English people and bringing down the wrath of God in the form of periodic outbreaks of plague. But Burton continues to expand his notion of an “Achan-faction” to include persons whom he considers to have introduced more pernicious forms of spiritual “plagues” into England. These more subtle “Achans” included the author of *A Collection of Private Devotions*, John Cosin, the Bishop of Durham. According to Burton, this book, which was modeled on Catholic books of prayer, represented an attempt to bring the Church of England back under the control of Rome. Burton’s first attack on Cosin was followed by a more extended attack in *The Trial of Private Devotions*. In this text, Burton composes a dialogue between two court ladies in which they discuss how Cosin’s book was meant to give readers a good opinion of popery. Burton expresses his outrage that such “heretical” books not only are circulating in print but have received official licenses.

Clegg points out that taking legal action against the author of pamphlets was unusual; prior to 1629, licensing trials only involved printers. Indeed, Burton argued that printers, not authors, were responsible for obtaining licenses and moreover, that the content of his work was consistent with the doctrine and discipline of the Church of

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20 Burton objected to the book, which was a collection of religious offices designed for the ladies of the Stuart court, because of its resemblance to Catholic religious exercises. *A tryall of priuate devotiones. Or, A diall for the houres of prayer.* (London: Printed by Bernard Alsop, Thomas Fawcet, and Thomas Cotes for M[ichael] S[parke], 1628).
21 Clegg, 73-4.
England as required by the king’s 1626 proclamation. Burton’s criticism of the licensing system was not that it regulated content, but rather that it was permitting the wrong content to be printed. Anticipating his legal difficulties, Burton laid out his defense in the *Seven Vials*:

> But me thinks I heare some suggest, O Sir, this booke is not licensed. But whose fault is that? The Authors? Or the Licensers? I could wish, that such suggesters would confesse the true cause, why Orthodox booke are so borne downe, as they may not be licensed. For *Popish & Arminian* bookes are licensed; but the contrary, such as are writen in confutatyon of them, & are according to Gods word, & the doctrine of the Church of *England*, may not be allowed. So that I humbly submit it to your Maiesties vnpartiall judgement to determine, whether the Printer, for printing such a booke as this without license, or he that should license such Orthodox booke, & will not, according to authority in that behalf, be more worthy of censure.22

Burton argues that England is living in the last days when the saints of God find themselves under attack from the Beast mentioned in the *Book of Revelation* [chapters 13-14], by which Burton means the papacy. He interprets the seven vial of God’s wrath as the message of the gospel which brings death to unbelievers like the Church in Rome, but life to God’s chosen people. The Commissioners, however, did not debate Burton on the theological orthodoxy of his works nor dispute his interpretation of the law but focused, instead, on the potential political repercussions of his writings. After the publication of *Babel No Bethel* (1629), Burton was called before the High Commission a second time where he was accused of attempting to divide the House of Commons from the King in the dedication written to the members of parliament.23 No conviction or punishment appears to have been issued against Burton for these unlicensed works.

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23 The full title of Burton’s work reads *Babel no Bethel. That is, the Church of Rome no true visible Church of Christ*. Since Bethel means “The House of God,” Burton argued that the Church of Rome was more akin to the Old Testament Tower of Babel than to a dwelling place of God.
Rather, the High Commission turned to examining the content of his sermons after receiving reports that he was preaching against the prescribed bowing the head at the name of Jesus. For this offense, William Laud, Bishop of London, temporarily suspended Burton from preaching and imprisoned him in the Fleet for twelve days. With this action, Burton and Laud became life-long enemies, although the animosity was initially one-sided on Burton’s part. When Burton appealed his case to Archbishop George Abbott, he was reinstated on 10 July with no complaints from Laud.24

Burton’s brush with the church authorities did little to quench his fiery attacks on Arminianism and popery, but they did introduce him to like-minded individuals who were also waging their own campaigns for religious reformation. While no coherent Puritan opposition to the king existed in the 1630s, staunch Protestants were making contacts with each other through their literature. One piece of evidence of this networking is a document found in Samuel Hartlib’s private papers listing 25 names of subscribers committed to raising £120 to sponsor godly treatises. This group sought out Henry Burton and John Stoughton to provide sermons and pamphlets for publication, but their efforts were short-lived because they were unable to secure licenses to print their godly literature. Although the literary group’s efforts were thwarted, Burton’s connection to this organization won him supporters who were willing to evade the censorship restrictions to have his work published in Amsterdam.25

Printing abroad was

24 Laud’s decision not to make an example of Burton in this case suggests that there was not a consistent effort to suppress religious dissent in 1629, but his participation in censoring material appears to have increased after his election as Archbishop of Canterbury in 1633. For example, he launched a campaign to impose the imprimatur (meaning “it may be printed”) – a brief official statement of authorization printed within a work. The practice was never a complete success; by 1640, only 35% of books contained the imprimatur, but that number was up from 14% in 1634, suggesting stronger enforcement. Franklin Williams, “The Laudian Imprimatur,” The Library, 5th series 15, no. 2 (1960), 96-104.
one option for authors who could not secure licenses for their work in England. In 1627, customs official were ordered to “prevent the secret & private ways of bringing anye such bookes into your ports...and to seize all such bookes as you shall soe finde,” but smuggling proved difficult to eradicate.26

These efforts at clandestine printing abroad to circumvent the licensing regulations in England eventually brought Burton into contact with John Bastwick. Bastwick’s early experiences with the leaders of the Church of England seem to make him an unlikely candidate for promoting radical Protestantism. Bastwick was born around 1595 and received his early education from Richard Rogers, a lecturer with Puritan sympathies. He studied medicine at Leiden University where he interacted with leading religious dissenters like Alexander Leighton before traveling to Padua where he received his medical degree in 1622. Bastwick shared Leighton’s desire to prevent a Catholic match for Prince Charles, but distanced himself from his friend’s more radical notions of holding private prayer meetings and fasts. Bastwick was more concerned with combating Catholicism than in changing the polity of the English Church to exclude bishops and increase lay participation. He wrote and published a licensed edition of \textit{Elenchus religionis papisticae} [A refutation of the religion of the papists] to eradicate the threat that Catholicism posed to young gentlemen who traveled on the Continent.

Bastwick returned to England in 1625, joining the College of Physicians and settling down in London with his wife, Susannah. He maintained his friendship with the radical Leighton, although he tried to distance himself, without much success, from his friend’s religious views after Leighton’s arrest in 1630. After fleeing London to stay

with his friend, Richard Daniel, in Colchester, Bastwick quarreled with Daniel who in return sued Bastwick in the court of chancery for unpaid rent. During the initial interview in the proceedings, Bastwick dodged the question of why he had moved to Colchester. This particular case was eventually dismissed, but Bastwick’s secret – his association with Leighton – nonetheless came to the attention of the ecclesiastical authorities. Bastwick was called before the High Commission on suspicion of helping Leighton produce *Sion’s Plea*, which called for the abolition of episcopacy, but he denied maintaining his friendship with Leighton after realizing the radical nature of Leighton’s work. In the course of answering the commissioners’ questions, Bastwick did admit that he had once stated he doubted the honesty of ministers who held two benefices and that he had private concerns about bowing at the name of Jesus and kneeling at communion. The commissioners also questioned him about calling the bishops “grolls” [Dutch for “idiots”], but Bastwick excused this apparent insult as a mere slip of the tongue.²⁷

Throughout the investigation, Bastwick was careful to emphasize that he had done nothing publicly that was contrary to the prescribed rites and ceremonies of the Church of England, in essence, arguing that he had not violated the king’s command in the 1626 proclamation. His cooperation with the High Commission was rewarded by the charges being dropped.

Bastwick might have enjoyed a life of relative peace and quiet had he not republished *Elenchus* in 1634. The second edition was denied a license because of its preface. The preface was intended to answer his Catholic critics, but in the course of defending English Protestantism, Bastwick accused the bishops of justifying their actions

by divine right rather than by royal authority. By commenting on ecclesiastical authority, Bastwick had crossed the boundary between maintaining private reservations of conscience and making public declarations. His actions landed him before the High Commission once again.

At his second appearance before this court, Bastwick obstinately refused to take the oath *ex officio* or to cooperate with the court’s investigation. As a result, he was committed to the Gatehouse until he agreed to the oath. The Commissioners demonstrated some leniency by releasing him on bond to attend his wife who was close to giving birth. On several occasions, Bastwick was given the opportunity to amend his “scandalous” answers to the charges, but he delayed for four months. Finally, the High Commission ran out of patience, found him guilty, and passed a devastating sentence: Bastwick was fined the enormous sum of £1000, excommunicated, stripped of his medical practice, and imprisoned until he recanted. In addition, his book was to be publicly burnt.  

The severity of his sentence demonstrated a trend toward rigorous repression of works that were written from an Erastian perspective.

In light of his earlier treatment before the High Commission when the charges were dropped, it is difficult to understand why Bastwick did not cooperate as he had before. It is likely, however, that Bastwick was finding himself increasingly isolated from the religious establishment. The second edition of *Elenchus* had not been accepted by the notables who received copies and it is uncertain if he still had the support of his patron, the Earl of Dorset.  

In his account of his troubles before the High Commission,  

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28 CSPD, vol. 7: 1634, 216.
29 While in prison, Bastwick wrote an appeal to the earl of Dorset for help which he included as an appendix to yet another edition of *Elenchus*, retitled *Flagellum pontificis et episcoporum Latialium* [‘The flail of the Latin pontiff and bishops’].
Bastwick wrote that he ignored the pleas of his counsel to submit to the commissioners:  
“I was not conscious to myself of any delinquency either against God or the King, or that deserved convention before any court of Judicature in the world, and for my part, resolved to dye rather than by baseness of submission make myself an offender.”30 Here Bastwick portrayed himself as a persecuted martyr who had failed to find justice from the High Commission. While in prison, he continued to write against what he perceived as abuses in the Church, but his works increasingly adopted an adversarial tone and were written in English rather than Latin, the better to reach the expanding literate public. A young admirer of Bastwick’s work, John Lilburne, began visiting him and helped to smuggle his later works to the Netherlands to be printed. As with the case of Henry Burton, the prosecution of John Bastwick failed to suppress his unlicensed publications.  

While Henry Burton’s connection to John Bastwick was created loosely through shared clandestine religious printing abroad, he worked closely with his friend William Prynne. Prynne was born in 1600 at Swanswick near Bath. Educated at Oxford and later at Lincoln’s Inn, Prynne is best known for his prolific writing.31 Over the course of his lifetime Prynne produced over 200 pamphlets, many of which were of considerable length. Prynne would also become infamous for his scathing attacks on the policies of church leaders like William Laud. What is less well-known and more difficult to discover is how Prynne first became attracted to Puritan reformers. During his time at Oxford, he conformed to the ceremonies of the Church of England, but while studying at the Inns of Court, he was introduced to the militant Calvinist chaplains, Drs. John Donne

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30 John Bastwick, A More Full Answer of John Bastwick, Doctor of Phisick ([Leiden]: Printed [by Willem Christiaens], 1637), 5.
and John Preston. This stringent theological diet contrasted sharply with the revelry of other students that Prynne noted around him.  

Henry Burton and William Prynne were drawn together by a common belief that the Church of England was under attack from an Arminian conspiracy that was subverting the institution from within. Although many historians have dismissed the idea of an organized Arminian faction gaining power in the 1620s, both Burton and Prynne perceived any questioning of Calvinist doctrine as a real threat to the doctrinal purity of the English Church. Their use of “Arminianism,” however, was often so broad that their use of it became more of a slur than a term containing any theological specificity. This mix of invective and doctrine can be seen in Henry Burton’s use of “Arminian” as a catchall label for anyone who did not agree with his brand of Calvinism.  

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34 Burton writes, “An Arminian is in his personall qualities, just like his Religion. First, he is no lesse ambitious of head-ship ouer men, then his Religion is of copartnership (at least) with God, in His glory. Secondly, as his Religion flatters him, so he men; very officious in soothlesse sootheings, the Spaniels, that finde his ambition game. Thirdly, as his religion is contrary, so hee cannot away with Reformed Churches, and their learnedest and foundest writers, as Caluin specially beyond the Seas. Fourthly, as he hates to be reformed, so one peece of his Sermon must be an inuictiue against a reformed Christian, his Puritan. Fithly, sith his Religion complys so well with Popery, he will therefore euer preferre the Church of Rome before any, yea, all Reformed Churches. Sixthly though he loue to be a droane, yet brings he a kinde of honey to Preferments hiue. And he is now so fleshed with confidence, that (as euery where abroad) hee will more frankly at Court make the theames of his Sermons to be, Uniuersall grace, equally offered to all, to receiue if they will: when a man hath receiued grace, he may fall away totally, yea, finally from that grace of God and iustification: Hee teacheth also, that man can haue no other certainty of saluation, but coniecturall: that God hath predestinated none to glory, but those, whom hee foresaw would both by their Freewill receiue grace, and would or could of themselues perseuere to the end: that in the maine and fundamentall points of religion, the Doctrine of the Church of England agreeth with the Councell of Trent.” in *A Plea to an Appeale* (London: Printed by W. I[ones], 1626), The Epistle Dedicatory, A2.
signs of an Arminian that Burton mentions, only two have any connection to Arminian doctrine – that man has free will to choose grace and, more tenuously, a questioning of Calvin’s doctrines. The four remaining signs conflate Arminianism with Catholicism. On a theological level, this connection is patently absurd. Jacob Arminius had only commented on the issue of free will versus double predestination; like Calvin, he was a staunch defender of the Protestant belief in justification by faith alone. For Burton and Prynne, however, the association made perfect sense as, in their view, both ideologies of Arminianism and Catholicism led to tyranny and arbitrary government. Such fears were validated in their minds by the increasing visibility of Catholics at the Stuart Court.

Prynne’s first foray into theological debates would come in 1627 with The Perpetuity of a Regenerate Man’s Estate, meant to uphold the Calvinist doctrine of double predestination in response to Bishop Richard Montagu’s New Gagg and Appello Caesarem [An Appeal to Caesar] which questioned the doctrine. The problem for Montagu was that he was arguing for theological subtlety – that it was possible for a member of the elect to fall away from grace and sin, but not necessarily permanently – against debaters who defined the issue of predestination in absolute terms as an unchanging decree of divine will. As a result, Montagu was censured by Parliament, but after Charles I intervened, avoided any legal problems. King Charles’s attempt to suppress the predestination debate served only to infuriate the Calvinist supports who interpreted the King’s ban on discussion of the issue as a tacit sign of his approval of the Arminian position.

The connection between William Prynne and Henry Burton was further strengthened when they were summoned to appear together at the consistory court of St.
Paul’s Cathedral to answer questions about the publication of *The Perpetuitie of a Regenerate Man’s Estate* and *A Plea to Appeal*, both written against Montagu’s work. Prynne, however, circumvented the court’s jurisdiction by presenting an order from the common law courts that arrested the consistory’s investigation. He managed to avoid any serious trouble until the 1632 publication of his *Histriomastix*.

On February 7, 1634, Prynne appeared before the Star Chamber together with Michael Sparkes, stationer, William Buckner, licenser, and four other unnamed defendants. They were charged with “writting and publishinge a scandalous and a libellous Booke againste the State, the Kinge, and all his people.” Moreover the Attorney General William Noy promised to show that Prynne “hath beene a malignant man to the State and Government of the Realme, a mover of the people to discontent and sedition; and to putt this his resolution into practice hee hath compiled a booke, called *Histrio Mastix*, the Player’s Scourge or Actor’s tragedye, and therein he hath presumed to cast aspersion vppon the Kinge, the Queene, and the Common weath, and indeavoured to infuse an opinnyon into the people that ytt is lawfull to laye violent handes vppon Princes that are either actors, favourers, or spectators of stage playes.”

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35 Thomas Birch, *The Court and Times of Charles I*, vol. 1 (London: Henry Colburn, 1848), 431-432. Common law judges occasionally issued orders to prerogative courts to desist in hearing cases which did not fall within their jurisdiction. The prohibition temporarily halted the legal proceedings in question while judges from both courts met to decide jurisdiction. Prohibitions proved to be an effective stalling tactic for some defendants as the consultation between judges of the different courts could drag on for months or even years. Brian P. Levack, *The Civil Lawyers in England, 1603-1641* (Oxford: The Clarendon Press, 1973), 72-81. Prynne does not discuss the outcome of the prohibition for his case, but it appears that it was forgotten in the face of his more serious trial before Star Chamber in 1634. Burton also presented a prohibition to the court and later wrote that Bishop of Exeter was so frustrated with the delays in the proceedings that he threatened to “set fast by the heels” anyone who presented further prohibitions. Unable to continue with the examination of Burton’s *A Plea to Appeal*, the court simply focused on Burton’s sermons which were under their jurisdiction and temporarily suspended him from the pulpit. Burton, *A narration*, 4-5.

the charges of seditious libel, together with the fact that the book had been licensed, meant that Prynne’s case would be tried in Star Chamber.

In *Histriomastix*, Prynne had moved away from his earlier work concerning theological matters to focus on his moral concerns with attending plays. Over the course of over 1,100 pages, Prynne attacked the theatre for celebrating and promoting licentious behavior. Composed in rough play form with acts and scenes, his litany of abuse included the charges that play-goers squandered their money on entertainment rather than on food for their families; that they were exposed to moral vices; and that they were encouraged to desecrate the Lord’s Day. Although *Histriomastix* was not a theological document, Prynne used similar methods of argumentation, especially an appeal to the teachings of the church fathers, to make his points. He suggested a return to “the constant practise of the Primitive Church, who excommunicated all Stage-players and Play-haunters both from the Word, the Sacraments and all Christian society as altogether unworthy to participate of either; refusing to admit of any Actors or others into the Church till they quite abandoned, not only the acting, but the very sight and hearing of Stage-playes, and openly promised and professed, never to returne unto them more.”

Prynne’s lists of references to the Scriptures and to patristic authorities allowed him to claim that he was not presenting a novel view of the theatre, but was anchoring his beliefs in ancient teaching based on scripture.

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38 Prynne, *Histriomastix*, 527-528.

39 The sheer amount of quotations Prynne uses makes it difficult to believe he read every single source he cited. It is more likely that he was borrowing material from other pamphlets that attacked the theatre. This practice would shed light on John Aubrey’s statement that Prynne was “a learned man, of immense reading,
Prynne’s critique of the theater, while unusually long, was one of many such works attacking stage plays. But as the earlier trials of Burton and Bastwick demonstrate, it was as much the timing of the publications as its content that created problems with royal authorities. As the boundaries of court politics shifted, it was important to pay attention not just to what one wrote, but how one wrote and when one published. This principle was most evident when it came to problems with Histriomastix. According to Prynne, this tome represented close to a decade’s worth of labor, and although he formulated his ideas long before 1632, it was unfortunate that his massive work was published around the same time that Queen Henrietta Maria and her ladies were planning to perform in a pastoral play at Whitehall. Even though the performance did not occur until after Histriomastix was in circulation, Prynne’s scathing denunciation of women who participated in plays as “notorious whores,” did not endear his work to a royal audience.

Upon its publication, Peter Heylyn was asked to review the book for any material that might be considered seditious and when Laud received Heylyn’s notes, he pressed forward to get charges filed with the Star Chamber court against Prynne. After the trial, Prynne would accuse Laud of encouraging his “agents” to take his words out of context to create the charges.40 Historian William Lamont concurs with Prynne’s assessment of the case and comments wryly that “Histriomastix is a crime against literature, not against the state.”41

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Lamont’s assessment, however, does not take into consideration the strict legal definition of a libel. In order to convict a defendant for libel, the prosecution needed to prove three essential allegations: that the writing was defamatory (against a particular individual, not against the government in general); that the author of the piece published or intended to publish it; and that the author acted out of malice. For a charge of seditious libel, the prosecutor needed to further prove that the published piece had the potential to incite rebellion. Looking at this particular case from a legal perspective, Attorney General William Noy was hard pressed, but finally able, to make his case that Prynne was guilty of libel and sedition.

Since Prynne’s work was a general indictment of the morality of the theatre community, he did not name specific names. Thus, to prove the charge of libel, Noy linked Prynne’s attack on women actors to an attack on the Queen’s reputation. The Attorney General cited Prynne’s interactions with various licensers over the many years of the book’s composition as proof that Prynne was the driving force behind its publications. Lastly, to prove libel, Noy asserted that the sheer weight of the tome’s invective demonstrated evidence of Prynne’s malice. The cornerstone of the case, however, was the charge of sedition – that Prynne had “written divers Incitements to stir up the People to Discontent, as if there were just Cause to lay violent Hands on their Prince.”\(^{42}\) Noy inferred that Prynne was calling for armed rebellion when he encouraged his readers to “abondone, suppresse, renounce, all stage plays.”\(^{43}\)


\(^{43}\) Prynne, *Histriomastix*, 500-1.
Prynne’s defense strategy hinged on three main points. First, he argued that his work was a compilation of other authors’ views concerning the theatre. In essence, Prynne claimed that his judges had problems with the church fathers he cited, not with Prynne’s own opinions. His examples, all taken from history, were meant as warnings of potential dangers of the theater – not as commentaries on contemporary events. Allegory and historical allusion often provided protection for authors but it was not foolproof. As Annabel Patterson has argued, the interpretation of a text changes according to the readers’ historical circumstances. Secondly, the defense counsel stressed the lack of Prynne’s subversive intentions in writing the book. Mr. Atkins argued that “what [Prynne’s] Intentions are, they are best known to his own Heart,” but added that in his own interactions with Prynne he had not known him to speak out of malice or against the royal family or the state. Finally, Prynne’s counsel stressed that the book had been properly licensed and was published publicly, not privately at a clandestine press. The printer, Michael Sparkes, testified that he brought pieces of the manuscript to the licenser Thomas Buckner who kept them for three months before approving it. Sparkes entered the book in the Stationer’s Register and spent several months printing the various parts of the book which were taken to Buckner for further perusal.

Prynne’s counsel asserted that if anyone was guilty of seditious libel, it was the licenser who allowed its publication, rather than the author or printer. Buckner protested, however, that he only examined the first 64 pages of the work and licensed those; the other thousand papers were added after his initial examination. Prynne’s lawyers made one last valiant attempt to spare their client severe punishment, acknowledging his culpability in having published a book that contained “ill Expressions,” but emphasizing
his attempts to follow the proper licensing procedure. Succinctly put, they concluded that *Histriomastix* might be offensive to the reader, but it did not meet the definition of a seditious libel.

These arguments failed to persuade the judges who proceeded to find Prynne, Sparkes and Buckner guilty of seditious libel. Annabel Patterson suggests that Prynne was convicted, in part, because “he did not make use of the structural protection of the play, the illusion that history was *only* literature.” Indeed, the judges cited Prynne’s abusive style as proof of his intentions which they interpreted as creating discontent with the Church and Government. In his ruling, Lord Cottington proclaimed, “The truth is, Mr. Pryn would have a newe chruche, newe government, a newe kinge, for hee would make the people altogether offended with all thinges att the present.” With this ruling, the judges redefined what constituted “sedition.” In 1578, judges had ruled that “sedition cannot be committed by words, but by publick and violent action.” But with Prynne’s case as a precedent, authors of books could be charged, henceforth, with sedition regardless of whether their books had been licensed properly.

The conviction for seditious libel also allowed the judges to impose extraordinarily harsh punishment on the defendants. Prynne was sentenced to have his book burnt publicly by the hangman, to lose his university degrees, to stand in the pillory at Westminster and at Cheapside, to have his ears cropped, to be perpetually imprisoned and fined £5,000. For printing the book and encouraging its sale even after it was prohibited, Michael Sparkes was convicted and fined £500 and sentenced to stand in the

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44 Annabel Patterson, *Censorship and Interpretation* (Madison: The University of Wisconsin Press, 1984), 99.
46 Clegg, 78.
pillory with a paper on his head declaring his offense. The licenser, William Buckner, was also censured for his part in licensing the work, but as he was found to be a “conformable Man to the Church of England,” his sentence involved a smaller fine of £50.47 The four other unnamed defendants, who were probably the printer’s apprentices, were released without punishment. Again Prynne’s case demonstrates a shifting trend in a censorship campaign in which authors were punished more harshly than printers in cases involving objectionable material.

Prynne’s punishment earned him the sympathy of reform-minded Englishmen who were astonished that Prynne’s status as a university graduate and as a member of Lincoln’s Inn did not save him from corporal punishment.48 Like Henry Burton, Prynne refused to curb his writing after his censure in the Star Chamber. His punishment served only to provide him with more fodder for his pamphlets but also to identify the person responsible for his fate – Archbishop William Laud. Even while residing in the Tower of London, Prynne managed to have his pamphlets smuggled out for clandestine publication.

By expanding the definition of “sedition” to include printed words as well as treasonable actions, the Crown created an important and novel tool to wage war on authors. This legal innovation would become very significant for Burton, Bastwick and Prynne in their 1637 Star Chamber trial. This change in the law also reveals how unprecedented were the measures the Crown felt necessary to adopt in order to deal with

48 Concerning Prynne’s loss of his ears, Sir Simonds D’Ewes noted in his memoirs on that “He [Prynne] was a most learned, religious gentleman, had written many acute, solid, and elaborate treatises, not only against the blasphemous Anabaptists, in the defense of God’s grace and providence, but against the vices of the clergy, and the abuses of the times.” The Autobiography and Correspondance of Sir Simonds D’Ewes during the reign of James I and Charles I, ed. James Orchard Halliwell, vol. II (London: Richard Bentley, 1845), 104.
the challenge to correct memory. Furthermore, Burton, Bastwick and Prynne now were catapulted into central roles in the history of print on the eve of the civil war. Their experiences with print in the 1630s create a picture of a collapsing circle of legitimate print. But even as printing regulations were tightened to restrict the publication of works that criticized the Laudian Church, Burton, Bastwick and Prynne were able to continue their efforts to proclaim their message. Their ability to circumvent the printing regulations provides insight into a dynamic subculture of clandestine print. In their appearance before the Star Chamber in 1637, Burton, Bastwick and Prynne would continue their attempts to subvert the Crown’s interpretation of their writings by creating a counter-memory of their experiences through print. But even they do not realize how volatile the issue of control over national memory had now become.
Chapter Two

The Making of a Memory: The 1637 Trial and Punishment of Burton, Bastwick and Prynne

In 1637, William Prynne, John Bastwick and Henry Burton were indicted together for “makinge, contriving, publishinge, divulginge” libelous books. The specific literature named in the indictment included Bastwick’s *Litany*, Burton’s sermons “For God and the King,” *Newes from Ipswich* which was attributed to Prynne’s pen, and *A Divine Tragedy*. With varying degrees of acidity, these documents argued that the English bishops had usurped the king’s authority and planned to reintroduce Catholicism into English religion. Stephen Foster has maintained that radical Calvinist ideology achieved a respectable face with the backing of individuals like Burton and Prynne, but for Archbishop William Laud, the attacks on the bishops by these men threatened to undermine any respect the English people had for the Church of England. In the pamphlet literature and other printed accounts of the trial, Burton, Bastwick and Prynne engaged in a rhetorical battle with Laud over where the true danger to English

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2 Foster, 54-71.
Protestantism lay. In the course of this skirmish, Burton, Bastwick and Prynne would appeal to memory and tradition to legitimize their arguments, and when that strategy led to their conviction in the Star Chamber, they would use their punishment as a platform to guarantee their status in memory as martyrs. Burton, Bastwick and Prynne’s use of memory during the trial had proved insufficient to label the bishops as innovators and to mask their own religious novelties, but their punishment opened up avenues for manipulating the meaning of their experiences on the scaffold, thus undermining the intentions of the Star Chamber justices to present the three men as dangerous felons. Their attempt to transform their popular memory into an official memory illustrates the importance of printed sources. Through the manipulation and successful dissemination of print, Burton, Bastwick and Prynne could shape perceived history.

In the early modern period, as print began creating new spaces of public debate, it encountered pre-existing spaces of oral memory and tradition. Print’s power to preserve also transformed these sites of memory production, linking them to the process of early modern state formation. As early as the sixteenth century, English monarchs attempted to create a national memory. This national memory was meant to legitimize the English reformation and in turn, the nation was legitimized by the reformed view of English history. One of the main features of this new view of history was an emphasis on Biblical primitivism. The English were an extension of the New Israel (i.e., the first century Christian church). This ideological stance represented an attempt to forget the

4 The idea of English Protestants entering into an exclusive covenant relationship with God was transported to America with the Massachusetts Bay colonists who sought to create the New Israel physically as well as spiritually. Richard Hughes and C. Leonard Allen, *Illusions of Innocence: Protestant Primitivism in America, 1630-1875* (Chicago: The University of Chicago Press, 1988), 7-14.
intervening millennium of the Church under papal rule. Church leaders replaced Catholic holy days with Protestant commemorations – the accession of Queen Elizabeth, the victory over the Spanish Armada, and the foiling of the Gunpowder Plot. Although they were “new,” these commemorations were consciously rooted in the past. Queen Elizabeth’s reign represented the defeat of popery and a return to the purity of the primitive church. The Spanish Armada and Gunpowder Plot represented God’s providential care – a sign that the English were God’s chosen people as were the ancient Israelites.⁵ But the process of defining national memories necessarily implies the presence of counter-memories that carried the potential to create disunity. Christopher Haigh and Eamon Duffy have identified several pockets of resistance to the reformed English Church and the retention of traditional Catholic rites in these areas.⁶ Even if a populace embraced particular commemorations, there was no guarantee that their meanings would remain fixed. As the power of particular national memories increased, so too, did the potential for subverting the meaning of these memories.

The trial and punishment of Burton, Bastwick and Prynne took on its meaning as a battle in the war over creating an official memory. In their public performances during their trial and subsequent printed pamphlets, Burton, Bastwick and Prynne attempted to take their individual memories and interpretations of their experiences to forge them into a lasting collective memory. Acting the part of martyrs upon the scaffold, the trio worked to undermine the state’s message in its traditional theatre of power. But the truly subversive nature of their action was their ability to memorialize their experiences in

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print. Burton, Bastwick and Prynne were interested in more than a personal public relations campaign; they wanted to incorporate their personal experiences into a larger narrative of religious reformation leading to the establishment of “true” religion in England. Their vision of true religion was modeled on early Calvinist ideas of placing power in the hands of godly magistrates (the monarch in the English case) and of styling Church practices after those practiced in Geneva, which were purportedly taken from the primitive Church. Burton, Bastwick and Prynne did not work alone in the endeavor to realize their vision. Printers, typesetters, book binders and book distributors, in short, a whole network of print was organized to propagate their vision. Thus, for Archbishop William Laud, merely prosecuting authors would not be sufficient to eliminate the threat they posed to his authority. Controlling them required the control of print through further censorship, which was achieved through the 1637 Star Chamber Decree concerning printing. Thus, the trial of Burton, Bastwick and Prynne has significant implications for the broader struggle over print that is central to the history of mid-seventeenth century England.

Burton, Bastwick and Prynne’s early writings resulted in prosecutions in the High Commission and Star Chamber. As a consequence, Burton was suspended temporarily from his ministerial post, Bastwick was confined in Gatehouse prison, and Prynne lost his ears and was imprisoned in the Tower of London. These punishments did not prevent the trio from further publications. Bastwick smuggled his work out of prison with the help of John Lilburne while Burton made occasional visits to Prynne’s cell in the Tower where the two collaborated on written attacks on the Laudian church. Burton, Bastwick and Prynne disdained the Laudian Church of the 1630s because of the power accorded to the
bishops to change religious practices. According to this trio and other godly reformers, the return of pre-reformation ceremonies heralded a return of popery. They labeled the English bishops as “innovators” and the main threats to the purity of the true English faith.

Bastwick, for example, writes his own litany: “from plague, pestilence, and famine; from Bishops Priests and Deacons good Lord deliuer vs.”7 His main point is that the church ecclesiastics have no place in the king’s government: “it is the place onley of Kings, and the art proper to Princes so to raigne gourne, into whose hands alone God peculiarly, hath committed the authority, and premenency forbidding all the Apostels and their successors, the ministers of the word and sacraments not to meddle with it; for they cannot serue God and tables.”8 Bastwick decries the inverted political order the bishops have set up and claims they are infringing on the judicial privileges of the state, calling the judges, sheriffs, mayors, justices of the peace, and constables nothing more than the bishops’ “lacqueis” [lackeys].9 It is for this reason, he believes, he has been kept in prison when his only “crime” was protecting England from the tyranny of Laud and the other bishops. Comparing himself to the Elizabethan hero Sir Francis Drake, who fought the Spaniards, Bastwick pledges to continue the good fight against England’s religious enemies – the bishops – and to prove his points to the king and Privy Council. Based on his previous battles with the High Commission, Bastwick envisions himself as a heroic defender of the Protestant faith. Here he makes powerful use of memory, arguing that the cost of failure is to perish “upon the scaffold of infamy to eternal memory.”10

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7 John Bastwick, The Letany of John Bastwick ([Leiden]: Printed [by Willem Christiaens], 1637), 10.
8 Ibid., 3.
9 Ibid., 4.
10 Ibid., 13.
Like Bastwick, Prynne argues that it is the bishops themselves who are violating the king’s 1626 decree against religious innovation. Written under the pseudonym Matthew White, but attributed to Prynne, *Newes from Ipswich* is a short pamphlet concerned with the correct observance of the Sabbath. Prynne laments that English presses are increasingly closed to “Truth and Piety,” producing books that, in his opinion, support the errors of Arminianism and popish ceremonies. As an example, Prynne accuses the church leaders of encouraging the people to profane the Sabbath with sports. This action is of particular concern because outbreaks of plague have been spreading throughout the kingdom. Instead of sports, Prynne wants proper fasts observed to stop the advancement of the plague. Although fasts were being proclaimed, Prynne’s concern is that preaching—the “very life and soule of a fast”—was prevented. Thus, this distortion of the fast has brought in “a famine of Gods Word, the greatest plague of all others.” Of even more pressing concern to Prynne is the latest re-printing of the *Book of Common Prayer*. He objects to the re-wording of several of the prayers, interpreting the changes as a subtle movement toward the reintroduction of Catholicism in England. The crux of Prynne’s argument is that the current form of fasts provides an example of the types of “innovations” denounced by King Charles in his preface to the *Declaration of the 39 Articles*. This reference to the articles compiled during the reign of Queen

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11 Matthew White [suspected pen name of William Prynne], *News from Ipswich* (Ipswich?: s.n., 1636), 3.
12 Ibid., 4.
13 Prynne objects to the new prayer book edition that removed a mention of Charles’s sister Elizabeth of Bohemia. She and her husband, Frederick, the Elector Palatine, were celebrated as part of the Protestant resistance to the Catholic Habsburgs on the Continent. Prynne also protests the removal of the phrase “Thou hast delivered us from superstition and idolatry wherein we were utterly drowned, & hast brought us into the most cleare and comfortable light of thy blessed Word; by which we are taught how to serve and honor thee, and how to live orderly with our neighbours in truth and verity” from the first Collect. For Prynne, the official attempt (in Prynne’s opinion) to forget the past glories of the Reformation is a sign of plans to reintroduce Catholicism. See *News from Ipswich*, 2-3.
Elizabeth allows Prynne to portray himself as a defender of traditional English Protestantism.

As David Cressy has pointed out, the “famous” memory of Elizabeth’s reign was so potent that it was celebrated long after her death. While the Stuart kings tried to co-opt her legacy to support their own rule, it could also be used to highlight shortcomings in their administration. In times of insecurity, such as the 1620s and 1630s when England faced the threat of plague and a perceived Catholic menace, idealized remembrances of Elizabeth’s rule could carry additional weight.14 By linking King Charles with Elizabethan Protestantism through the 39 Articles, Prynne encourages the king to exercise his title: defender of the faith.

In his sermons, Burton likewise appeals to the king and to his subjects to follow past practices and celebrates the memories of a Protestant victory. Burton begins his sermon by referring to the anniversary of “memorable deliverance” 31 years ago – i.e., the foiling of the Gunpowder Plot on November 5, 1605. Burton’s invocation of the event suggests that the memory of the plot was so firmly fixed in the minds of his congregation that they needed no further details beyond a passing reference to bring it to mind. The scarcity of detail has a secondary purpose. It allows Burton to fashion his own interpretation of the event and its meaning in 1636. Burton contrasts the time of joy in 1605 when Catholic plotters failed to blow up the Parliament building, with the present pain of living in an age of religious innovation. He implies that his listeners are presented with an opportunity to experience this history by standing firm against the infusion of popery into English religion.

Burton takes Proverbs 24:21-22 as the text of his sermon: “My sonne, feare thou the Lord and the King and meddle not with them that are given to charge. For their calamity shall rise suddenly; and who knoweth the ruin of them both?”\(^{15}\) His sermon starts with the expected exhortation to fear God above all things, but to give obedience to the King in civil matters. Burton does not, however, interpret the command “meddle not” to mean that the people should give the king their blind obedience. He states that the people have the responsibility to detect and reprove wicked counsels given to the king. In this light, the injunction against meddling is an instruction against supporting men in their evil ways. Who are these men? According to Burton, they are the innovators of “either Religion or of the Republik.”\(^{16}\) Although he does not name specific individuals, Burton goes on to discuss what problems these evil men have caused in the Church, citing their disrespect for preaching and piety on the Sabbath. Of particular importance for Burton is their Arminian innovation which he sees as contrary to Article 17 – affirming the doctrine of predestination – in the *Articles of Religion*. This reference to a foundational reformation document invokes the memory of Protestantism in the reign of Queen Elizabeth although Burton is more concerned with establishing the problems of his present age rather than dwelling on the past glories of Elizabeth’s reign.

Burton also tries to mould his own image by placing himself and other godly ministers in the tradition of persecuted prophets – Moses, Elisha, and Daniel; Stephen the

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\(^{15}\) Interestingly, Burton takes his text from the King James Version rather than from the Geneva Bible favored by most Englishmen. The 1599 edition of the Geneva Bible translates the passage as follows: “My sonne feare the Lord, and the King, and meddle not with them that are sedicious. For their destruction shal rise suddenly, and who knoweth the ruine of them both?” [italics added to denote translation differences]. Since Burton became the rector of St. Matthews when he still enjoyed the royal favor of King James, he may have developed the habit of using the KJV instead of a Geneva Bible. The KJV did not become widely popular after its publication in 1611. Even some of the translators, Lancelot Andrews and William Laud, were known to have used the Geneva translations in their sermons. See Adam Nicolson, *God’s Secretaries: The Making of the King James Bible* (New York: Harper Collins, 2003).

\(^{16}\) Henry Burton, *For God and the King* ([Amsterdam: J.F. Stam], 1636), 7.
martyr, Bishop Maris of Chalcedon and Theodore of Canterbury from the early Christian church. In each of these cases, Burton applauds their courage in standing up to the enemies of God, quoting their defiance of evil secular authority in favor of holding steadfastly to God’s commands. Again, he does not dwell on the details of their actions or enlarge on their defiance of authority. To avoid the possibility of sedition, Burton is careful to emphasize that these examples represent defiance of evil authority, not of established authority in general. He states, “But this Parrhesia, this liberty, and freedome of speech in such cases, is not without the feare of God, but is a branch and fruit that springeth from it.”17 Burton’s call for freedom of speech here cannot be taken as a call for unrestricted printing. Like his contemporaries, Burton considered press control a necessity to prevent the circulation of heterodox or seditious ideas. In this case, he simply argues that his own work is orthodox and, as such, he should have the freedom to publish it.

While Burton’s name-dropping probably sparked some remembrances among the learned in the congregation, it is the number of examples—rather than the specific names—that helps to support his position. By recalling these historical examples, Burton places himself within an established religious tradition, and by extension, paints his opponents as the innovators. It is significant, however, that Burton does not include more recent examples of persecuted “Protestant” prophets in his list. Instead, he chooses to connect himself with biblical heroes and heroes of the early Christian Church. Such a strategy allows him to place himself within an ancient heritage from which the Church of England was descended and also insulates him from charges that he was critiquing contemporary

17 Ibid., 27. Parrhesia is from the Greek para, “beyond” and resis, “speech”. Here Burton uses the term to refer to his ability to speak freely and candidly about the nature of the English church.
events. Here Burton co-opts the rhetorical strategies of clerics like Henry Mason, an Arminian minister in London, who defended the disciplines of Lent, for example, on the basis that it was an ancient observance of the Church fathers. Seventeenth-century Anglican scholars had great respect for early Church fathers whom they viewed as legitimizing the Church of England as the true Church before the baneful influence of papal innovations. This use of Christian precedent to legitimize the present was a common tactic in the religious pamphlet wars of the 1620s and 1630s, but its profusion in literature with competing agendas demonstrates that the meaning of these historical references was unfixed. Thus, Burton faced the problem that his readers would interpret his work as unorthodox or seditious. As such, Burton would need to incorporate more of a fixed source of authority in his arguments, and so he also focused on the law.

Burton notes that the fear of the king and obedience to civil authority is a universal precept. It extends to popes, cardinals and all prelates for “all living under the Kings Dominion, must bee subject to the king.” Burton maintains that this relationship between king and subject is fixed by law. The King enters into a contractual relationship with his subjects upon taking his Oath of kingship. Since the king undertakes to “maintaine the Lawes and Liberties of the Kingdome, and so to rule and governe all his people according to those lawes established,” the subjects implicitly swear their loyalty to the king. Burton stresses the royal assent to this arrangement, noting King Charles’s

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18 For an extended discussion of the strategies of indirection in material presenting religious or political critiques in the seventeenth century see Annabel Patterson, *Censorship and Interpretation* (Madison: The University of Wisconsin Press, 1984), 52-127.
21 Burton, *For God and the King*, 37.
22 Ibid., 39.
agreement to the Petition of Right – “The King willeth, that right be done, according to
the Lawes and Customes of the Realme: and that the Statutes be put in due execution, and
His Subjects may have no cause to complaine of any wrong, or oppressions, contrary to
their just Rights and Liberties: To the preservation whereof hee holds himselfe in
Conscience as well as obliged, as of his Prerogative.” Burton uses this principle to
argue that he is merely securing the King’s Prerogative against the religious innovators
who seek to undermine it. He encourages the King to stamp out remnants of Popery
because it represents rebellion against the King by undermining his authority. Here
Burton demonstrates a common English mindset that popery was a destroyer of liberty,
and thus anything that appeared to challenge English liberties must be popish.

In another pamphlet censured in Star Chamber, A Divine Tragedy, Burton turns
away from arguments cast in legal language to write for a more popular audience. Burton places his treatise against Sabbath-breaking in the tradition of Fox’s Acts and
Monuments and other compliers of “memorable” examples of God’s judgment. In
response to the Declaration of Sports, Burton attempts to explain the dangers of breaking
the Sabbath – the practice to which he attributes the outbreak of plague and pestilence.

23 Ibid., 39. Here Burton is arguing against a competing notion of kingship that kings derive their power
from God alone and could issue binding commands that contradicted common law. Johann Sommerville,
“Ideology, Property and the Constitution,” in Conflict in Early Stuart England: Studies in Religion and
24 Three editions of A Divine Tragedy were published between 1636 and 1641, attesting to the pamphlet’s
popularity in terms of sales. Ian Green, Print and Protestantism in Early Modern England (Oxford: Oxford
25 William Prynne was originally suspected of authoring this pamphlet, but the charge was not proved in the
Star Chamber Trial. Subsequently, literary scholars have identified Henry Burton at the author, although a
collaborative effort with Prynne has not been ruled out entirely. See Foster, 75. The evidence for Burton’s
authorship is found in at report by Edward Rossingham who claims that Burton confessed to writing all but
a few pages of the book. See Thomas Birch, comp. The Court and Times of Charles I, vol. II (London,
1848), 260.
26 The Declaration of Sports or Book of Sports was first issued by James I in 1617 and printed in 1618 to
resolve the conflict over recreation on Sundays and holy days. Ministers were required to read the list of
permitted sports from the pulpit, a requirement which created much hostility among puritans. The
While the polemical argument of *A Divine Tragedy* is similar to the other documents mentioned in the Star Chamber indictment, this particular pamphlet relies on the use of individual recollections that are deliberately shaped to support Burton’s political agenda.

In this case, Burton feels the need to legitimize his sources. The thin line between memory as an acceptable form of evidence and rumor as an unreliable one troubles Burton enough so that he defends his sources: “As for the truth of them, I have good testimony under the hands of men, of sufficient credit, for the most of them; and the rest hath come to our eares by credible report. . . . So as here are no fained miracles, nor fabulous stories, nor ould Wives tales, for profane Scoffers to ieare at, and play upon, thereby to disgrace and discredit all truths in this kinde, as some of late have done.”

This emphasis on establishing the truth of his claims has a more practical consideration. Burton wishes to avoid allegations of spreading false news – an action that was punishable under the statues of *Scandalum Magnatum*. The remainder of the document contains a tragic-comedic list of ways to die by God’s judgment for failing to revere the Sabbath.

However unsettling these examples may have been, the inclusion of *A Divine Tragedy* in Sir John Bankes’s writ of indictment concerned a specific “libel” against William Noy, the former Attorney General. Noy’s story in the postscript recalled William Prynne’s 1634 Star Chamber trial, as Noy was the prosecutor in the case. In the epilogue, Noy is roundly criticized for censuring Prynne’s attempt to repudiate the evils

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28 Under this collection of statutes from the 13th to the 16th centuries, it was illegal to invent or spread false news or tales about the monarch. These statutes differed from the treason laws which required a direct action against the royal family. Philip Hamburger, “The Development of the Law of Seditious Libel and the Control of the Press,” *Stanford Law Review* 37, no. 3 (February 1985), 668-669.
of the theater in *Histrio-Mastix*. Prynne’s perseverance during the severing of his ears is contrasted with Noy’s jubilation at the gruesome punishment. Burton considers it poetic justice that Noy, who rejoiced in shedding blood, should be subsequently stricken by a disease that caused him to pass blood in his urine before killing him.  

Since Noy suffered from kidney stones, the report of the manner of Noy’s death was not false, but Burton’s vitriolic attack on Noy’s career as Attorney General could be considered defamatory. In constructing his case for libel, Attorney General John Bankes was following Sir Edward Coke’s opinion that to libel a magistrate was to libel the king who had appointed him.

As the aforementioned documents have demonstrated, Burton, Bastwick and Prynne used printed appeals to a variety of types of memory in an attempt to legitimize their polemical positions. Prynne favored the use of legal precedent, citing religious doctrines established by acts of Parliament. Bastwick noted the prelates’ violations of tradition and custom, while Burton placed himself within a resonant tradition of Biblical heroes. In most of these documents, the authors molded their examples of memory to fit their arguments without any overt reflection on that process. However, in *A Divine Tragedy* the nature of anonymous personal memories appears to have troubled Burton in that they could not be verified. His solution was to anchor these recollections in his own creditability as compiler. These various uses of the past allowed Burton, Bastwick and

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30 Coke’s exposition of libel law derived from his experience in the case of Lewis Pickering who was accused of involvement in placing a libel on the hearse carrying Archbishop Whitgift’s coffin. This case resulted in four propositions concerning libel: 1) libel against an ordinary person is a criminal offence; 2) libel is punishable even if the person defamed is dead; 3) libel cases can be prosecuted in common law courts or in Star Chamber; and 4) the truth of a libel is immaterial to the case. Sir Edward Coke, “The Case de Libellis Famosis,” in *The Selected Writings and Speeches of Sir Edward Coke*, ed. Steve Sheppard, vol. 1 (Indianapolis: Liberty Fund, 2003), 146-8; Alastair Bellany, “A Poem on the Archbishop’s Hearse: Puritanism, Libel and Sedition after the Hampton Court Conference,” *The Journal of British Studies*, 34.3 (April 1995): 137-164.
Prynne to represent themselves as conservative adherents to tradition and custom. Their rhetoric, however, masked their more radical agenda to decrease the powers of bishops.

During their trial before the Star Chamber, Burton, Bastwick and Prynne would turn once again to the past in presenting their defense against the charges of libel and sedition. The 1637 trial was something of a farce, as more time was spent arguing over the admissibility of the defendants’ answers than over their content. In the end, the accused were found guilty pro confesso as the court refused to accept their answers to the charges. In the course of the proceedings, a fierce battle was waged concerning religious and secular law – a battle in which the past and memories of the participants would play a key role in support to their arguments. Burton, Bastwick and Prynne entered a new discursive field during their trial. Instead of presenting the validity of their pamphlets’ arguments, much of the trial was concerned with correct procedure and legal precedent. As such, their appeals to the past allowed the defendants to challenge the perceived fixed authority of the law. Although this strategy would ultimately prove unsuccessful, the dispute concerning procedure tarnished the court’s guilty verdict. Their focus on procedural matters and not on the substance of the prosecution’s case against the defendants gave the judges the appearance of arbitrariness. This interpretation, significantly, would be revived in the 1640s during parliamentary debates to abolish the Star Chamber.

Due to the debates in the Long Parliament, the Star Chamber has gained a reputation as an arbitrary court of justice, but until the 1630s, it was more often viewed as a very efficient court that was not subject to all of the delays of the other court systems.

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31 Philip Hamburger maintains that by “libel” and “sedition”, the judges were referring to the statutes of Scandalum Magnatum which involved the spread false news. Hamburger, 678.
Even Sir Edward Coke praised the Star Chamber: “It is the most honourable court (our Parliament excepted) that is in the Christian world, both in respect of the judges of the court and of their honourable proceeding according to their just jurisdiction, and the ancient and just orders of the court.” Coke viewed the Star Chamber as being legitimized by its past. He noted that the Star Chamber was not a new court, but that it had originated out of the duties of the Privy Council and had been given specific royal authorization by statute under King Henry VII. The Star Chamber operated alongside the common law courts and served to remedy the latter’s inability to sufficiently punish those found guilty of committing “exorbitant offenses.” Coke’s approval for the court, however, was conditional on it following precedents and not introducing novelties, particularly in regard to punishment.

Traditionally, the Star Chamber dealt with cases of perjury, forgery, riots, fraud, libel and conspiracy, but it could expand its jurisdiction beyond those crimes if necessary. By the seventeenth century, the Star Chamber routinely worked hand-in-hand with the ecclesiastical courts to punish religious deviance. Although the court was only in session on Wednesdays and Fridays, its streamlined proceedings allowed for the quick resolution of cases. After the complaint (bill) was filed with the court clerk, a subpoena was presented to the defendant, naming the day of his required attendance. The defendant

33 3 Hen. 7, c.1 set the court’s compliment at the Lord Chancellor, Lord Treasurer, Lord Privy Seal (or only two of the previous three), a bishop, a temporal lord of the King’s Council, and two common law justices. Although this statute is the earliest to mention “Star Chamber” specifically, it does not appear to have created the court. In 1629, merchant Richard Chambers was brought before the Star Chamber, fined £2,000 and imprisoned for refused to pay tonnage and poundage. He attempted to resist the jurisdiction of the court by claiming that it superseded its authority per 3 Hen. 7, c.1, but the justices responded that “the Court of Star Chamber was not erected by the statute of 3 Hen. VII, but was a court many years before.” Cora L. Scofield, *A Study of the Court of Star Chamber* (New York: Burt Franklin, 1900; reprinted 1969), 10-40.
34 Coke, *The fourth part of the institutes*, 60-66.
was given eight days to compose his answer to the charges and have it signed by his counsel. Then the plaintiff drew up a list of questions to be put to the defendant privately by an official of the court; access to counsel was not permitted at this stage. Both the plaintiff and defendant were permitted to write a series of rejoinders and rebuttals to their opponent’s case. Witnesses were also examined in private and their testimony transmitted to the court. When this procedure was completed and all documents forwarded to the Star Chamber justices, the defendant was called to appear before the court. Unlike the common law adversarial system, in the Star Chamber, the judges did not hear verbal arguments, but relied upon the documented evidence collected by the court officials. Defendants usually appeared before the justices for the first time when the verdict was being considered.35

Upon receiving their subpoenas, the immediate problem for the defendants was finding counsel who would present their defense. When Burton, Bastwick and Prynne composed answers to the charges set against them, their lawyers refused to sign them or commit themselves to the written defense. On May 5, 1637, Prynne petitioned the court to allow him to submit his defense under his own hand since he had been trained as a barrister at law. In making his case, he cited the precedent of Roman and Jewish law which allowed defendants to answer for themselves rather than by counsel, pointing to the account of St. Paul on trial before Felix, Festus and King Agrippa [Act of the Apostles: 24-26].36 He also referred to the more recent trial of Alexander Leighton in 1630 in which the defendant was permitted by the attorney general to give the court his

answer under his own hand when counsel refused to sign it.37 Upon receiving instructions, once again, to get their counsels to sign their answers, Prynne and Bastwick attached a cross-bill to their Answers, charging the Archbishop of Canterbury and other bishops of “usurping upon his majesty’s prerogative royal, with Innovations, licensing popish and Arminian Books, &c.”38 This cross bill further focused the trial on court procedure and moved the dispute away from the charge of libel. If their plans were to turn the tables on the prosecution and gain a dismissal of charges, they failed miserably. On May 19, the court cited the defendants for contempt and declared that they should be found guilty pro confesso. Even so, the court was relatively patient, delaying the trial several times to give Burton, Bastwick and Prynne a chance to submit their defense. Henry Burton eventually persuaded his counsel, Mr. Holt, to sign his Answer, but the court declared it to be “scandalous and impertinent.”39 The main part of Burton’s Answer (about 40 sheets of paper) was expunged so that all that remained was his plea of Not Guilty. When called to swear to his much shortened Answer, Burton refused unless the entire piece was submitted.

On June 13, Burton, Bastwick and Prynne were given a final chance to defend themselves. They were ordered to submit their Answers by counsel in court the following day.40 William Prynne re-wrote his answer and had it signed by one lawyer, but the other refused. Prynne then claimed that when he tried to turn in his Answer to the

37 Alexander Leighton was tried in Star Chamber for libel in his An appeal to the Parliament; or Sions plea against the prelacie (1629). Found guilty, Leighton was sentenced to pay £10,000, be degraded from holy orders, be whipped and pilloried and to suffer mutilation of his ears, nose, and face. The latter two punishments – slitting the nose and branding the face – were never carried out. Foster, 29-39.
38 State Trials, vol. 3, 714.
39 Justice Finch is reputed to have told Mr. Holt that he deserved to have his gown pulled over his ears for writing up Burton’s answer. State Trials, vol. 3, 716.
40 Ibid., 716. Usually a subpoena would be issued, allowing prisoners 15 days to comprise a defense. One might speculate that the court dispensed with this provision because of the time already spent waiting for the defendants’ answers.
court officer, Mr. Goade, it was refused. Henry Burton issued a condensed version of his sermon “For God and the King” in his answer. Lastly, John Bastwick used his time to compose an response that attacked the bishops, calling them “Invaders of the king’s Prerogative, Contemners of the Scriptures, advancers of Popery, superstition, idolatry, profaneness, oppression of the king’s subjects…Enemies of God and the king, and servants of the Devil.” In essence, Burton, Bastwick and Prynne refused to abide by the procedural rules of the court, while claiming that they were championing past legal and biblical precedents. Their strategy of continually trying to prosecute the bishops for innovations slowed down the court proceedings, demonstrating the weakness of the Star Chamber in dealing with recalcitrant defendants.

Burton, Bastwick and Prynne continued to deny the charges of libel on the basis that they were simply the victims of the bishops’ innovations. On the final day of the trial, Prynne made several motions, all of which were rejected by the court. First the justices refused to hear the Cross-Bill against the bishops on the grounds that it was irrelevant to the business at hand. Prynne’s second motion to dismiss the Prelates from court, on the basis that their “adversaries” should not sit in judgment upon them, was likewise rejected. The prosecutor retorted, “In good faith, it is a sweet motion, is it not? Herein you are become libellous. And if you should thus libel all the lords and reverend Judges, as you do the most reverend Prelates, by this your plea, you would have none to pass Sentence upon you for your libeling, because they are parties.” Prynne denied that this was his strategy and presented his final motion to have his Answer accepted by the

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41 Ibid., 717.
42 Ibid., 718.
court because the court officer had refused to take it when it was delivered to him. This motion was also struck down and the prosecution proceeded with its case.

The books named in the original indictment – John Bastwick’s Latin *Apology* and his *Litany*, Henry Burton’s sermons “For God and the King,” *Newes from Ipswich*, and *The Divine Tragedy* – were cited as evidence of libel and sedition. When the defendants were given a final opportunity to speak to the court, they reiterated the procedural problems with the trial. William Prynne cited the legal statutes of Philip and Mary and of Elizabeth in cases of libel against the crown. He noted that two witnesses are needed for conviction and that with no books mentioning him as author, no evidence existed to prove his guilt. John Bastwick denied writing libelous books against the king, claiming “we have ever laboured to maintain the honour, dignity, and prerogative royal of our sovereign lord the king.”

Burton concluded their case by claiming that the defendants had been denied due process of law in their trial because their lawyers were too cowardly to sign their Answers and the court would not accept Answers without counsels’ signatures.

By focusing on these alleged problems with the court procedure, Burton, Bastwick and Prynne could accuse the court of arbitrary justice and further deflect public attention away from the charges against them.

Not surprisingly, the defendant’s objections were summarily dismissed by the court which proceeded to find them guilty and to pass an unusually harsh sentence. Lord Cottington declared, “I condemn these three men to lose their ears in the Palace-yard at Westminster; to be fined 5,000l. a man to his majesty; and to perpetual imprisonment in three remote places of the kingdom; namely, the castles of Carnarvon, Cornwall, and

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43 Ibid., 721.
44 Ibid., 719-722. John Bastwick likened their situation to fighting a duel in which one participant (i.e., the Prelates) turns to the magistrate to disarm his opponent, allowing him to fight with only a bulrush.
Lancaster.” And Lord Finch added, “I condemn Mr. Prynn to be stigmatized in the cheeks with two letters (S & L) for a Seditious Libeller.”

Although Archbishop William Laud attended the trial as a member of the King’s Council, he did not participate in handing down the verdict or in sentencing the trio, preferring to leave those tasks to the secular lords. As a victim of their libels, however, Laud sought to answer his critics in a lengthy two-hour speech that refuted Burton, Bastwick, and Prynne’s charges against the prelates in their Cross-Bill – namely, that of being Innovators of religion. In the speech, Laud asserted his commitment to orthodoxy and true religion as established in the Church of England and attributed Burton, Bastwick and Prynne’s attacks on him to his staunchness in ordering that worship practices conform to the rules of the first Reformation. To support his position, Laud presented a two-fold argument. He first established his authority under God and the king, and secondly, demonstrated that his religious policies fulfilled the objectives of the original religious reformers.

Laud maintained that the office of bishops is *jure divino*, by divine law. He appealed to the structure of the early Christian Church as the precedent for episcopacy, noting that the real innovation to Christian religion was John Calvin’s use of lay elders in Geneva. In response to the accusation that the English bishops usurp the king’s power, he stated, “But thats a meere ignorant shift; for our being Bishops *jure Divino*, by Divine Right, takes nothing from the Kings Right or power over us. For though our Office be from God and Christ immediately, yet may wee not exercise that power, either of Order

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45 Ibid., 725. Common Star Chamber punishments included imprisonment, monetary fines (usually one to five hundred pounds), public acknowledgments of offenses, and public humiliation, but there were no statutes proscribing which crimes merited which punishments. Even by Star Chamber standards, however, Burton, Bastwick and Prynne’s punishment was extreme. Cheyney, 742-745.

or jurisdiction, but as God hath appointed us, that is, not in his Majesties or any Christian Kings Kingdomes, but by and under the power of the King given us so to do.\footnote{William Laud, \textit{A speech delivered in the Starr-Chamber, on Wednesday, the 14th of June, 1637} (London: Printed by Richard Badger, 1637), 7; Reprinted in \textit{State Trials}, vol. 3, 726-745.} That power to act in England was given, according to Laud, by act of parliament. By this regard, those who wrote against the bishops defy the king by whose laws the office of bishop was authorized to act. Furthermore, the result of their libels accusing the bishops of plotting to restore popery in England was to poison the people’s hearts against the King by whose authority religious policies are enacted. Thus, following Coke’s report of \textit{de Libellis Famosis}, the severe punishment of Burton, Bastwick and Prynne was warranted.

Having reconfirmed his Erastian views of the English Church, Laud refuted fourteen specific charges of religious “innovations” found in the works of Burton, Bastwick and Prynne. Ideally, the purpose of this detailed response was to put to rest any rumors about the spread of popish innovations in the English Church. In making his reply, however, Laud allowed his opponents to frame the language of the debate. Like Burton, Bastwick and Prynne, he utilized appeals to memory, precedent and tradition as a major form of argument. This approach turned the debate over proper religious ceremony into a battle over controlling and interpreting memories of the past. It was not enough, however, for Laud to express his points in the Star Chamber. To control the memory of the trial, Laud’s speech was printed quickly by the king’s printers.

In the printed speech, Laud first takes issue with charges against the bishops in \textit{News from Ipswich}, namely that they ignored tradition when setting Wednesday as the Fast-day (an attempt to gain divine intervention in preventing the spread of plague) and
suppressing sermons and lectures at the Fasts. He answers, “that the appointing of Wednesday for the Fast-day, was no Innovation; for it was the day in the last Fast before this: and I myself remember it so, above forty yeares since, more than once.”

This personal memory connects this particular means of fasting with previous customs, and Laud notes that the Wednesday lectures returned when the period of fasting ended.

Citing Burton’s sermons, Laud addresses the issue of how Protestants should observe the proper remembrance of November 5, the anniversary of the Gunpowder Plot. Disagreement centered on the form of the prayer of thanksgiving. Burton had pointed out that the original form of the prayer — “And to that end, strengthen the hands of our gracious King, the Nobles and Magistrates of the Land with Judgement & Iustice, to cut off these workers of iniquity (whose religion is rebellion, whose faith is faction, whose practise is murdering of soules and bodies) and to root them out of the confines of this Kingdome, &c.”— had been changed in the 1635 edition to — “And to that end strengthen the hands of our Gratious King, the Nobles and Magistrates of the Land, with Judgement and Iustice, to cut off these workers of iniquity, WHO TVRNE RELIGION INTO REBELLION, AND FAITH INTO FACTION.”

By this change, Burton claimed that the prelates were attempting to erase the connection between Catholicism and treason in order to legitimize papist practices.

Laud responds to this charge by citing examples of other minor changes in the wording of the Litany during the reign of Queen Elizabeth, noting that such changes did not make those prelates innovators. More significantly, however, he reasons that the change in wording was needed to correct the meaning of the prayer. To conflate the

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48 Laud, A speech delivered in the Starr-Chamber, 19.
49 Burton, For God and the King, 131.
Catholic religion with “rebellion” misinterpreted the treason laws which authorized the execution of papists only for committing acts of rebellion, not for being Catholics.\textsuperscript{50}

Next, Laud engages the issue of the Communion ceremony. Concerning Burton’s condemnation of reading the second Service at the Communion Table,\textsuperscript{51} Laud states,

I can truly say, that since my owne memory, this was in use in very many places, as being most proper (for those prayers are then read which both precede and follow the Communion) and by little and little this Auncient Custom was altered, & in those places first where the Emissaries of this faction came to preach. And now if any in Authority offer to reduce it; this ancient course of the Church is by and by called an Innovation.\textsuperscript{52}

Similarly, Laud counters Burton’s denunciation of bowing toward the communion table, by claiming it was an ancient custom going back to the time of Moses when the priests did reverence at the door of the Tabernacle. This practice of bodily reverence continued after the Reformation in England, preformed by both Queen Elizabeth and King James. Furthermore, Laud links the contemporary practice of bowing to King Henry V’s Decree which set the precedent that his knights should bow low to the altar in reverence to God.\textsuperscript{53} Taking up the final issue of communion – the placement of the communion table—, Laud states that its position at the upper end of the choir was established in the king’s royal chapels and various cathedrals during the time of the Reformation. He also defends moving the tables from an east-west orientation (referred to as ‘tablewise’) to a north-south position (‘altarwise’), claiming all should conform to the latter position, as

\textsuperscript{50} Laud, \textit{A speech delivered in the Starr-Chamber}, 33-39.
\textsuperscript{51} Burton argues that moving the reading of the service from the Reader’s Pew to the Communion Table is but one step away from having a priest say the mass. \textit{For God and the King}, 105.
\textsuperscript{52} Laud, \textit{A speech delivered in the Starr-Chamber}, 41.
\textsuperscript{53} Ibid., 43-52.
seen in St. Paul’s and Westminster and approved by Queen Elizabeth in her last injunction.\(^5^4\)

Laud’s reference to Queen Elizabeth demonstrates how central her memory was in the battle to create and sustain the correct memory of the Reformation. By appropriating the precedent of the queen, Laud was legitimizing his religious policies as those that maintained the Reformation and the Elizabethan Settlement. The memory of the queen was malleable, however, and could be used for many purposes by Laud and by his opponents depending upon which episode of her long reign one wished to use.

Anchoring contemporary church practices in the past was especially difficult where communion tables were concerned. Sixteenth-century reformers neglected to make strict rules about the placement of the table and reverence toward it, most likely because they were trying to downplay the idea of the sanctity of church objects. Elizabeth I’s Injunctions of 1559 directed that the table be put in the place of the altar except during communion ceremonies when it was to be moved to the chancel to allow the minister to be better heard by the congregation, but these instructions were only haphazardly obeyed and enforced, setting up the conflict between royal dictates and common practices that had emerged in the 1630s.\(^5^5\)

With the authority of the past established, Burton, Bastwick and Prynne took the debate to its ultimate conclusion by using their trial experiences as a universal symbol of the need for further reformation of the English Church. On June 30, 1637, Burton, Bastwick and Prynne were transported to the pillory in the Palace-yard in Westminster.

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\(^5^4\) Ibid., 52-58.
\(^5^5\) Julian Davies, *The Caroline Captivity of the Church: Charles I and the Remoulding of Anglicanism* (Oxford: Clarendon Press, 1992), 205-207. Davies argues that the impetus to move and rail off communion tables originated not with Laud, but with King Charles, who linked the table with his sacred authority. By removing the table from the congregation, it encouraged a reverence for God and the King.
for their sentence to be carried out. The influential work of philosopher Michel Foucault has depicted the ceremonies surrounding public punishments as a type of theater for the power of the state to be physically enacted upon the felon’s body.\textsuperscript{56} Peter Lake and Michael Questier’s study of executions of Catholic felons in Elizabethan England, however, demonstrates a more complex picture of state power as it competed with diverse factions to control the interpretation of the execution before a broad audience.

For although the physical punishment demonstrated the authority of the royal state, the reactions of the victim could not be guaranteed to follow the same script.\textsuperscript{57} In the case of Burton, Bastwick and Prynne, the pillory represented an opportunity to transpose the message of punishment from one of transgression against the king to one of martyrdom for the sake of the king.

During the trial, Burton, Bastwick and Prynne’s appeals to memory – that they were upholding the tradition of the past against the innovations of the bishops – ultimately failed to forestall a guilty verdict. However, their refusal to answer the charges against them in a manner that was deemed acceptable by the court deflected attention away from their alleged crimes and, instead, created a perception of a miscarriage of justice. Laud’s long speech responding to the counter-charges against the bishops, while containing its own appeals to the past, also created the perception that it was the prosecution that was on the defensive. Now Burton, Bastwick and Prynne had the opportunity to further manipulate public perception of their trial through their performances during their punishment.

The speeches of the accused on the scaffold provided an opportunity for the condemned felon to acknowledge his guilt and accept his rightful punishment, which reinforced the authority of the state. Burton, Bastwick and Prynne, however, refused to play by the script. Having once again denied his guilt, Bastwick used his speech to rally support for his cause: “In a word, so far I am from base fear, or caring for any thing that they can do, or cast upon me, that had I as much blood as would swell the Thames, I would shed it every drop in this cause.” William Prynne, a notorious scribbler in print, was no less verbose in speech, outlining his defense against the charges of which he had been found guilty. His theme was that the lesser authorities, not the king but prelates and judges, were subverting the ancient liberties of the people through a miscarriage of justice. Prynne declared that even if he was guilty of libel, his punishment exceeded the penalties proscribed by Queens Mary and Elizabeth for libel against the Crown. For Prynne, this excessive punishment was even more heinous because his crime was against the prelates and not the Crown – a further demonstration, in Prynne’s mind, of the bishops usurping the power of the king. The final point of Prynne’s scaffold speech was to align himself in the popular memory of Protestant martyrs who suffered under Queen Mary. Mary’s Catholicism allowed him to link persecution with popery and, by extension, to paint his accusers as the new “papist” enemies of England.

The connection to martyrdom was strengthened by Burton, Bastwick and Prynne’s public performance on the scaffold. Burton characterized his experience in terms of Christ’s execution: “Methinks I see Mount Calvary, where the three crosses

60 *State Trials*, vol. 3, 746-749.
were pitched: and if Christ were numbered among thieves, shall a Christian (for Christ’s cause) think much to be numbered among rogues, such as we are condemned to be.” Prynne reinforced his identity with Christ’s suffering, proclaiming, “I shall bear in my body the marks of the Lord Jesus.”

Reactions to the punishment of Burton, Bastwick and Prynne varied, but many demonstrated the fluid interpretation of the event and thus, how undecided the issue of a coherent national memory still remained. Edward Rossingham, a newsletter writer, remarked, “The humours of the people were various, some wept, some laughed, and some were very reserved.” Most observers, whatever their opinions of the condemned men, commented on their courage in the face of adversity. A London lawyer observed that Prynne took his punishment “patiently and joyfully, whereas his adversaries might have a quaking heart.” Woolen draper and one-time mayor of Dorchester Dennis Bond recalled, “they were wonderfully patient and carried themselves so meekly and resolutely that all the beholders except some ruffians . . . shed many tears.” Even opponents recognized the power of the spectacle. Sir Kenelm Digby wrote to Edward Viscount Conway, noting the veneration with which “the Puritans kept the bloody sponges and handkerchiefs that did the hangman service in the cutting off of their ears. You may see how nature leads men to respect relics of martyrs.” (This last comment was probably intentionally sardonic, as Digby was a recent convert to Catholicism.)

William Prynne’s case provided further opportunity to stage a martyrdom. As a consequence of having been convicted twice, Prynne was sentenced to the additional

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61 Ibid., 749.
64 Quoted in Sharpe, Personal Rule of Charles I, 697.
65 CSPD, vol. 11:1637, 332.
punishment of branding upon his cheeks. Edward Rossingham reconstructed the scene
for the readers of his manuscript newsletter in July 1637. He reported,

The haingman burnt Prin in both the cheeks, and, as I heare, because he
burnt one cheeke with a letter the wronge waye, hee burnt that againe;
presently a surgeon clapt on a plaster to take out the fire. The haingman
hewed off Prin’s eares very scurvily, which putt him to much paine, and
after hee stood longe in the pillorye before his head could be gott out, but
that was a chance; the reason why Prin was soe ill usd by the haingman
was hee had promisd him five peeces to use him kindly the tyme before,
which he did, and Prin had given him but halfe a crowne, in five six
pences; but nowe the haingman was quitt with him, for it is said that Prin
faynted in the pillorye after the execution; the cause was his standing in
the pillorye soe long after.  

Rossingham offers a cynical explanation for Prynne’s additional suffering at the hands of
the hangman. His allusion to Prynne’s stinginess and weakness in the pillory undermines
the effect of a triumphant martyrdom. However, he concludes his newsletter with the
verse Prynne wrote upon returning to the Tower:

Triumphant I returne, my face discryes
Laud’s scorching Scarrs,
God’s gratefull sacrifice.
   S. L. Stigmata Laudis.
Stigmata maxellis baiulans insignia Laudis
Exultans remeo victima grata Deo.

The majority of early reactions to Burton, Bastwick and Prynne’s punishment
circulated via manuscript rather than print. In a letter to his friend Thomas Wentworth,
the Earl of Strafford, Laud complained: “But what say you to it, that Prynne and his
fellows should be suffered to talk what they pleased while they stood in the pillory, and
win acclamations from the people, and have notes taken of what they spake, and those

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notes spread in written copies about the City…”68 Laud’s own attempt to control the meaning of Burton, Bastwick and Prynne’s trial through his printed speech met with much less success. In another letter to Wentworth, Laud confided that the Lord Mayor of London had sent him a board that had a copy of his speech nailed to it. He noted that the speech was “singed with fire, the corners cut off instead of the ears, a pillory of ink with my name to look through it, a writing by — ‘The man that put the saints of God into a pillory of wood, stands here in a pillory of ink..’” And to add further insult, the protestors had written “‘The author deserves to be used thus as well as the book.’”69

To combat such subversive writing, Laud helped draft a Star Chamber Decree that imposed further restrictions on the content and technical aspects of the print trade. This 1637 decree was an expansion of the earlier 1586 Star Chamber Decree that regulated the Elizabethan book trade. The 1586 decree restricted the print trade to London, Oxford and Cambridge and limited the number of printing houses and apprentices employed at them. This decree also formally established the licensing system, although regulating the content of the presses does not appear to have been the driving force behind this decree. Instead, the provisions tended to increase the power of the Stationer’s Company by preventing domestic competition. The Stationer’s Company was encouraged to police its own industry with the company wardens given the authority to carry out searches and seizures of unlawful printed materials and presses.70

The 1637 Star Chamber decree, by contrast, focused more extensively on methods to suppress objectionable books. The first item prohibited the printing and importation of

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“any Seditious, Scismaticall, or offensiue Bookes or Pamphlets, to the scandall of Religion, or the Church, or the Gouernment, or Gouernours of the Church or State…”

To enforce this prohibition, importers were required to submit an inventory of books to the Archbishop of Canterbury or to the Bishop of London, import their wares only to the Port of London, and to present their shipping containers for inspection by the Stationer’s Company or ecclesiastical authorities. The decree also strengthened the licensing regulations by requiring licensers to inspect all parts of books to prevent writers from slipping objectionable material into epistles, prefaces, dedications or appendices. Licensors became more specialized with law books needing the approval of the Lord Chief Justices, books of history and state affairs examined by the Secretary of State, books of heraldry sent to the Earl Marshall for approval, and general works falling under the purview of the Archbishop of Canterbury. To ensure the integrity of the content of licensed books, printers were required to submit two copies to the licensor who would keep one copy as proof of what he licensed. Lastly, authors, printers, and licensors were ordered to print their names on the books for easy identification.

While acknowledging the increased emphasis on regulating the content of the book trade, Sheila Lambert has argued that the 1637 Star Chamber Decree dealt mainly with the business practices surrounding the industry. Lambert is correct that two-thirds of the items mentioned in the decreed involved the workings of the printing trade, but many items contained the dual purpose of protecting the English trade from foreign competition and regulating the content of the presses. As with the earlier 1586 decree,

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71 A decree of Starre-Chamber, concerning printing made the eleuenth day of Iuly last past 1637 (London: Robert Barker, 1637), n.p.
the number of printers and apprentices was limited – 20 master printers operating 43 presses with no more than two apprentices in 1637\textsuperscript{73} –, but the 1637 decree went further to require that each printer pay a bond of £300 to ensure their compliance with the licensing provisions. In addition, the number of type manufacturers was limited to four, preventing an abundance of type that might encourage the construction of secret presses. Such provisions controlling the size of the printing industry would not only provide economic protection to English printers, but would have the secondary effect of limiting the output of printed materials, making it easier for the licensors to regulate its content.

Enforcement of the decree was left largely in the hands of the Stationer’s Company whose power of search and seizure were confirmed. Any materials seized were to be presented to the Archbishop of Canterbury for assessment and further action. While punishments for unauthorized printing were rather vague (pillorying, whipping and burning books were mentioned briefly), jurisdiction over the offenses was placed firmly in the courts of the Star Chamber and High Commission.\textsuperscript{74}

With the Star Chamber decree of 1637, the Crown expanded its regulation of the printing trade. Such measures were ineffective, however, in preventing Burton, Bastwick and Prynne from publishing. Within a year of their trial and punishment, a pamphlet titled \textit{A briefe relation of certaine speciaall and most materiall passages, and speeches in the Starre-Chamber occasioned and delivered the 14th. day of June, 1637}, was printed abroad in Leiden to be smuggled back into England.\textsuperscript{75} The Short Title Catalogue

\textsuperscript{73} The king’s printer and those allowed by Oxford and Cambridge Universities were exempt, allowing for an additional three or four printers.

\textsuperscript{74} This provision served to negate prohibitions from common law judges who occasionally tried to get such cases re-assigned to their courts.

\textsuperscript{75} John Canne, an English printer working in Amsterdam, printed the document. At the urging of the English ambassador to the Netherlands, Sir William Boswell, Canne was tried by a court in Amsterdam and found guilty of printing scandalous books, including \textit{A Brief Relation}. He was fined 300 guilders and had
attributes authorship to John Bastwick although the document’s author refers to himself only as “an unfeyned Wel-wisher to them [Burton, Bastwick and Prynne]” who was present at their censure. The pamphlet presents a dialogue between the defendants and their judges with most of the text devoted to the former’s stirring speeches proclaiming their innocence, and it concludes with their speeches on the scaffold. Although the writer does not gloss any of the speeches, it is clear from the amount of text devoted to chronicling Burton, Bastwick and Prynne’s experiences that he views them as the victims of an arbitrary system of justice.

The fluid nature of personal memories among those who witnessed Burton, Bastwick and Prynne’s punishment and the few accounts that circulated in print and manuscript immediately following the trial demonstrate the intensity of the competition to control the proper memory of the trio. As the seventeenth-century historian Thomas Fuller remarked about Prynne’s brand, “so various were men’s fancies in reading the same letters, imprinted in his face, that some made them to spell the guiltiness of the sufferer, but others the cruelty of the imposer.” This possibility for multiple messages allowed Burton, Bastwick and Prynne to construct a counter-narrative to supersede the state’s message of authoritarian control. This narrative interpreted their trial and punishment in an established tradition of Protestant martyrdom. But for this narrative to have any lasting impact and become part of the official memory of the English nation, it required legitimate publication – a task made impossible by the censorship regulations of

76 [John Bastwick], A briefe relation of certaine speciall and most materiall passages, and speeches in the Starre-Chamber ([Amsterdam: Richt Right Press], 1638), 2.
77 Thomas Fuller, The Church-history of Britain from the birth of Jesus Christ until the year 1643 (London: Printed for John Williams, 1656), 153-4.
the 1637 Star Chamber decree. The calling of Parliament in 1640 provided the opportunity for Burton, Bastwick and Prynne to add that needed legitimacy to their printing efforts.
Chapter Three

Crafting a Legislative Memory: Burton, Bastwick and Prynne’s Petitions to Parliament in the 1640s

When finally released from his ordeal at the pillory in 1637, he claims to have
William Prynne declared, “Now (blessed be God) I have conquered and triumphed over
the prelates malice; and feel my selfe so strong, that I could encounter them all together
at this very present.”¹ His punishment had created the opposite of its intended effect –
instead of curtailing his attacks on the English episcopacy, Prynne redoubled his efforts,
crafting his experience as martyrdom and using it as a platform to expose the diseases of
popery and Arminianism that allegedly were spreading throughout the English Church.
In his account of his sufferings, *A New Discovery of the Prelates Tyranny* (1641), Prynne
reveled in his notoriety, sarcastically commenting on the lengths to which the church
leadership wanted to go to destroy, not only his person, but also his memory. Having
found several portraits of Prynne in Chester in 1637, the High Commission ordered them
to be destroyed. Prynne commented, “These High Commissioners not satisfied with the
defacing of these Pictures, would needs proceede to burne them for Heretickes, and since
they could not burne Mr. Prynne in person, as they desired . . . they would doe it at least
by Effigie, and to shew the extravagancy of their unlimited malice, not onely the Pictures,
but the very Frames wherein they stood (poore innocents) must to the fire. . .”² In an
extreme effort to silence Burton, Bastwick and Prynne and remove them from public
view, the Star Chamber justices had ordered their perpetual imprisonment in remote parts

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² Prynne, *New Discovery*, 105-107. This order was carried out at High Cross in Chester on December 12,
1637. Because the pictures of Prynne had already been destroyed, the frames were burnt in their place. In
a letter to the Archbishop of York, Edmund Mainwaring attested that over 1,000 people attended the public
burning, many of whom supported the proceeding by shouting, “Burne them, burne them.”
of the kingdom, but this strategy also failed, prompting the justices to issue a second order that removed the trio to even more isolated prisons. This action demonstrated the royal officials’ fear of the power Burton, Bastwick and Prynne possessed as symbols and of their ability to serve as focal points for religious dissent.

While the symbolic power of Burton, Bastwick and Prynne was evident, the interpretation of their experience was not fixed. Supporters of Laud’s religious policies quickly denounced the trio in sermons and lectures. Dr. Wickham, a member of the High Commission of York, declared that Burton, Bastwick and Prynne deserved to lose not just their ears but their whole heads, comparing them to Korah, Dathan, and Abiram of the Old Testament who lost their lives for opposing Moses.\(^3\) Other messages were more unusual. A reputed Catholic recusant, Mrs. Hauton of Grimstor in Lancashire, named her cats “Burton,” “Bastwick,” and “Prynne,” after torturing them – cropping their ears and burning one in the cheek. In an attempt to control the interpretation of his experiences, Prynne used this bizarre episode as an example of the bishops’ laxity in combating Catholicism. He complained that the Bishop of Chester, when informed of Mrs. Hauton’s actions, did not censure her for being a papist but imitated her by calling one of his short-eared horses “Prynne.” Prynne remarked, “I feare this Horse had more charitie than his Lord and Master the Bishop...who durst, by way of scorne, christen an irrationall Beast, with the name of a better Christian than himselfe. . .\(^4\) These competing interpretations indicate how fluid the memory of the trial of Burton, Bastwick and Prynne had become. In order to control their memory and redirect it at their larger goal of reforming the English Church, the trio turned to Parliament in the 1640s.

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\(^3\) Korah, Dathan, and Abiram opposed Moses’ leadership of the Israelites and were swallowed up by the earth for their disobedience (Numbers 16:1-50).
Scholars assessing the causes and events leading up to the English Civil War have incorporated Burton, Bastwick and Prynne’s Star Chamber trial to illustrate the increasing religious tensions in the Stuart Church. But few scholars have looked at Burton, Bastwick and Prynne’s subsequent interactions in English politics. Their petitions to the Long Parliament have been overshadowed by the Parliamentary debates over dealing with the Scottish rebels, prosecuting the Earl of Strafford, reforming the Church, and combating the Irish Rebellion. In official documents chronicling the English people’s grievances, such as the *Grand Remonstrance* and the *London Root and Branch Petition*, no specific mention is made of Burton, Bastwick and Prynne’s experiences. To focus solely on the official documents of Parliament, however, is to miss the power of cultural memory operating through print on a more popular level. The power of Burton, Bastwick and Prynne’s as symbols of “puritan” martyrdom can be seen, for instance, in Archbishop Laud’s attempt in the 1630s to uncover a wider network of Puritan conspirators in his determined effort to protect the uniformity of the English Church. This action created even more animosity between religious reformers and Laud, which helps to explain their eagerness to prosecute him in 1644.

When the Long Parliament was called in November 1640, Burton, Bastwick and Prynne’s case did not figure prominently in parliamentary debates, but it was an important aspect of the parliamentary committees’ business, engaged as they were in investigating religious and judicial abuses that had occurred during Charles I’s personal

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rule. While the trio’s memory started to fade from official records in the 1640s, it remained a powerful force in the popular imagination, perpetuated by Prynne’s continual publication denouncing William Laud for his role in the 1637 Star Chamber trial. Burton, Bastwick and Prynne’s petitions to parliament and those of the individuals caught in Laud’s net of association would not appear by name in official lists of grievances, but they would play a role in the campaign to abolish the Star Chamber and High Commission. And with the abolition of the prerogative courts that had enforced the licensing system, the court’s former victims regained the opportunity to use print as their medium to remind the English people of their suffering for the sake of reforming the English Church – a victory that carried unintended consequences.

The abolition of the Star Chamber and High Commission effectively destroyed the press controls established by the Star Chamber decree concerning printing in 1637. For Burton, Bastwick and Prynne, it signified a chance to return to print without fear of prosecution, but it also opened up the opportunity for the publication of other previously prohibited material – literature that sometimes conflicted with the trio’s vision of reform. Thus, in the mid-1640s, a new series of conflicts over print arose as the initial solidarity of the Parliament in abolishing the prerogative courts gave way to the increasing factionalism of the Independents and Presbyterians. 6 By 1645, Burton, Bastwick and Prynne found themselves drawn into another print battle that threatened to split the trio apart and transform their memory from being martyrs for the cause of true religion to becoming its oppressors.

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Before the breakdown of printing control in the 1640s, William Laud aggressively enforced the provisions concerning printing outlined in the 1637 Star Chamber decree. In Laud’s mind, punishing Burton, Bastwick and Prynne in June 1637 was not sufficient to eliminate the threat of a “puritan” plot to overthrow episcopacy. Strong measures were needed to root out other seditious “conspirators.” Jason Peacey has argued that Laud expanded the concept of conspiracy beyond the idea of rooting out individuals engaged in subversive activities to include “combination,” that is, targeting individuals who had sympathized with Burton, Bastwick and Prynne, but did not take part in their subversive acts. Laud’s personal conviction that a wide-ranging puritan conspiracy threatened the English Church understandably led him to try to uncover the network of individuals responsible for printing and distributing Burton, Bastwick and Prynne’s pamphlets, but in doing so, he cemented the opposition against him. Charles Carleton suggests that Laud became a “scapegoat” in the 1640s not because he was viewed as responsible for the Crown’s shortcomings, but because he needlessly made enemies through such actions as his campaign against Burton, Bastwick and Prynne’s supporters.

Laud’s agents were quite successful in identifying persons involved in networks of clandestine print, but they failed to prevent the circulation of their unlicensed pamphlets. In 1637, Prynne’s servant, Nathaniel Wickins, was imprisoned and interrogated about his visits to printers on his master’s business. He would later present a petition of his grievances which stated that he had been moved from prison to prison and

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7 Jason Peacey, “The Paranoid Prelate: Archbishop Laud and the Puritan Plot,” in Conspiracies and Conspiracy Theory in Early Modern Europe: From the Waldensians to the French Revolution, edited by Barry Coward and Julian Swann (Burlington, VT: Ashgate, 2004), 113-134. Laud had already opened up legal proceedings against several individuals known to have helped Burton, Bastwick and Prynne print or distribute their books. These persons included John Ashe, a clothier, and Rice Boye, a former minister, who distributed News from Ipswich, and Richard Raworth who was thought to be the printer. CSPD, Vol. 11:1637, 49.

that “the Archbishop vowed he should never be set at liberty till he had discovered his master’s secrets.”

While Wickins languished in prison, a pamphlet attributed to him was printed in the Netherlands. It presented sixteen reasons why Wickins refused to take the oath in his capacity as an officer. Although Wickins refused to answer questions, Laud’s agents uncovered a connection between Prynne’s servant and printers Gregory Dexter, William Taylor, and Thomas Purslowe. These three men were questioned about their involvement in printing Prynne’s *Brief Instructions for Churchwardens* (1637) and the *Divine Tragedy* (1632). In his answer, Gregory Dexter admitted that he and Taylor had printed 1,000 copies of *Brief Instructions for Churchwardens* and were paid 30 or 40 shillings for their work. Dexter was less forthright on other details of interest to the investigators. He claimed to have no knowledge of the fate of the books he printed or of the identity of its distributor after he delivered the finished product to Nathaniel Wickins.

Laud’s investigation into clandestine printing even extended beyond the borders of England to the Netherlands where, with the help of the English ambassador William Boswell, Laud learned of puritan books printed in Amsterdam intended for smuggling into England. Boswell encouraged the Dutch to enforce their printing regulations, resulting in the prosecution of printers John Canne and Willem Christiaensz. Both men were fined 300 guilders and had all their copies of “scandalous” books confiscated.

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10 Nathaniel Wickins, *Woodstreet-compters-plea, for its prisoner* ([Amsterdam]: Printed [at the Richt Right Press], 1638).

11 CSPD, vol. 11:1637, 174-175.

12 John Canne was an English printer who set up a print shop in Amsterdam that earned the sobriquet the "Richt Right Press." Willem Christiaensz was a Dutch printer in Leiden who took in refugee English
at least one instance, church officials were able to break up a book-smuggling ring. In November 1637, government officials stumbled across illegal book shipments at Yarmouth and Newcastle. The shipments, which included several copies of Bastwick’s *Letany* and *Flagellum pontificis*, originated at Rotterdam and Delf. Some of the passengers were members of a Puritan conventicler and intended to distribute the books at one of their meetings.  

Another victory for Laud’s campaign was the arrest and trial of John Lilburne. Lilburne was an apprentice clothier who enjoyed reading the Bible and John Foxe’s *Book of Martyrs*. In 1636, he visited John Bastwick in the Gatehouse prison where he became involved in a plan to take Bastwick’s work to the Netherlands for printing. He returned to England in time for Burton, Bastwick and Prynne’s trial and attended their punishment at the pillory.  

In December 1637, Lilburne was arrested for his role in importing “scandalous” books from the Continent. During questioning, Lilburne admitted to seeing several copies of Burton, Bastwick and Prynne’s books in Amsterdam, but he denied knowledge of their printers or distributors. Together with the bookseller John Wharton, Lilburne was tried in the Star Chamber in February 1638 for violating the printing regulations established by the 1637 Star Chamber decree concerning printing. Throughout their trial, Lilburne and Wharton refused to take the oath *ex officio* and provide an answer to the court’s questions. Their entire defense was predicated on their assertion that the witnesses who testified against them had been lying. Frustrated with Lilburne and Wharton’s failure to cooperate with the court proceedings, the judges found

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13 Sprunger, 163-165.  
the defendants guilty of “insufferable disobedience and contempt” as well as illegal printing. The pair were sentenced to pay a fine of £500, be whipped through the streets of London and to stand in the pillory. (Due to his advanced age of 85 years, Wharton was spared the whipping.) Lilburne’s case demonstrates both the success and failure of Laud’s campaign to suppress unlicensed books. While Laud was able to secure Lilburne’s conviction, he could not stop Lilburne’s publication. Within months of his punishment and while he was still imprisoned, Lilburne managed to write and smuggle out *A Worke of the Beast* (1638) about his trial experience.

Despite his success in prosecuting individual like John Lilburne, William Laud was not content to end the investigation by disrupting the printing networks. He also wanted to know who was purchasing or reading Burton, Bastwick and Prynne’s books, who had attempted to visit them, and who made public statements of sympathy for them. On September 10, 1637, the King’s Council ordered the Attorney General to examine individuals who came into contact with Burton, Bastwick and Prynne on their way to imprisonment at the castles of Lancaster, Launceston and Carnarvon. In order to prevent any further contact with the outside world, Burton was sent to Guernsey, Bastwick to Scilly and Prynne to Jersey. At these remote locations, they were kept close prisoners, being denied visitors as well as the use of pen and ink. With Burton, Bastwick and Prynne safely sequestered from public interaction, the Attorney General’s investigation began to target suspected sympathizers of the trio. In this regard, it was Prynne’s journey

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16 The punishments of fining, whipping and pillorying were spelled out in the 1637 Star Chamber decree concerning printing.
17 CSPD, vol. 11:1637, 414, 421-2. This stringent action was prompted by reports that Prynne had sent a seditious book to Bishop Williams, that Bastwick had received letters hidden in the hilt of a knife and that all three were communicating with Scottish Presbyterians, but the validity of the reports was never proved. Despite the restrictions about visitors, Susannah Bastwick made several attempts to see him to the point that she, herself, was threatened with imprisonment should she set foot on the Isle of Jersey.
that came under the closest scrutiny. In their depositions, John Maynard and James Ingram, Prynne’s escorts to Carnarvon, testified that many people had lined the road shouting, “God be with you!” and “God bless you!” and may have given him money. Twenty people reportedly dined with Prynne at Barnet and six or eight others ate with him at S. Albans, but the escorts claimed that none were “men of quality” and did not know their names.\(^{18}\)

Despite the lack of specific information given by Prynne’s escorts, Laud was able to discover that the prisoner had enjoyed a hearty reception at several of the towns during his journey. His meeting with Alderman Clarke of Coventry prompted officials to threaten to revoke the borough’s charter, an action that was forestalled only when the city aldermen paid fines of £100 each. Certain men from Chester also suffered for their association with William Prynne. Calvin Bruen, a mercer, had met with Prynne for dinner and allegedly had a drawing done of him. Bruen was forced to make several appearances before the High Commission at York over a period of eight months. He denied commissioning a picture of Prynne but confessed that he did eat with him after asking permission from Prynne’s escorts. Bruen was fined £500 and threatened with imprisonment until he agreed to make a public statement of submission at the cathedral church in Chester. Peter Leigh, a grocer, and Richard Golburne, a gentleman, were also brought before the High Commission at York for their association with Prynne and eventually fled the country rather than make public statements of submission in church.\(^{19}\)

Other citizens of Chester also received summons to appear before the High Commission. Peter Ince, a stationer, and his wife Margaret were charged with colluding

\(^{18}\) Ibid., 433-4.

\(^{19}\) D’Ewes, Harl. 162, f.43-46, in *Proceedings of the Opening Session*, vol. 1, 441.
with Prynne. Although Ince confessed to nothing but visiting and walking with Prynne, he was fined the exorbitant amount of £300 and imprisoned until he made submission in the cathedral church; nothing was proven against Margaret although she was examined two times. Thomas Hunt was given a heavy fine of £100 for accompanying Prynne out of Chester and was forced to repent of his actions in church. Robert Ince, a 73 year old draper, accused of associating with Prynne in Chester, was fined another enormous sum of £480 and later became in danger of being imprisoned for non-payment.20

Most commentators on Laud’s prosecution of ordinary individuals, like the men from Chester, for their association with Burton, Bastwick and Prynne have characterized his behavior as a sign of his “deep-rooted paranoia.”21 Laying aside the question of the Archbishop’s mental state, his actions demonstrate his view of Puritanism as the mythical Hydra beast. Cutting off three heads (Burton, Bastwick and Prynne) did not kill the creature; it would grow more. Laud’s actions following the 1637 Star Chamber trial temporarily diminished public acts of support for Burton, Bastwick and Prynne, but in the long run enhanced their memory. On the one hand, Burton, Bastwick and Prynne became just another example, albeit a particularly egregious one, of Laud’s campaign to root out dissention and create uniformity in the English Church. On the other hand, however, the number of people investigated for being associated with the trio of dissenters demonstrated a wide network that would keep their memory alive, both through word of mouth and in print. With the calling of the Long Parliament in 1640, Burton, Bastwick

and Prynne would have an opportunity to present their Star Chamber case before a much more sympathetic group of judges.

Although Burton, Bastwick and Prynne were denied communication with the outside world during their imprisonment, their case was not forgotten by loved ones and friends. In the Netherlands, sympathetic printers published details of their trial in English and Dutch to reach an international audience. William Laud attempted to combat their interpretation of the trial with his own by sending several English and Dutch copies of his 1637 speech at Burton, Bastwick and Prynne’s censure. The small amount of literature Laud sent to the English Ambassador William Boswell, however, paled in comparison to the thousands of copies of pro-Burton, Bastwick, and Prynne material that was rolling off of Dutch presses.22

In England, the calling of a new Parliament in 1640 presented a new opportunity for Burton, Bastwick and Prynne’s allies to act on their own behalf. In May 1640, Susannah Bastwick presented a petition to parliament for the release of her husband.23 Unfortunately for her cause, Charles I disbanded this parliament before any work could be done on her petition. When Parliament was recalled in November, friends of the trio were waiting to renew their petitions.

Recent scholarship has portrayed the Long Parliament as a body looking for consensus on major political and religious grievances while concealing with great success


23 Journals of the House of Commons, II: 1640-1643 (London, 1802), 17. [Hereafter to be referred to as CJ]
a myriad of minor fractures created by the pursuit of personal agendas. According to Conrad Russell, what united the diverse interests of parliament members was a common desire to establish Parliaments as the “supreme judges in law and supreme authorities in religion.”

He argues that polarizing issues were kept in check by common grievances against the perceived growth of catholic recusants, Laudian church policies, and ship money.

This picture of overarching consensus and underlying factions is reflected in the tension between the official records – parliamentary journals – and private notes in members’ diaries and journals. The official record was designed to create an impression of overweening consensus and as such, private note-taking during the meetings was viewed with some suspicion. Sir John Hotham, for instance, once protested when he found John Rushworth, the assistant clerk to the Commons, taking notes in shorthand. He advocated the creation of a committee to view Rushworth’s notes every Saturday to decide what should be preserved and to make sure he was not making copies of the debates.

Private note-taking was not prohibited, although the publication (particularly after the spring of 1641) of notes and speeches that challenged the parliamentary consensus could lead to dire consequences. Private notes of parliamentary business survive in the personal papers of Sir Simonds D’Ewes, Framlingham Gawdy, Sir John Holland, John Moore, Geoffrey Palmer, Sir Thomas Peyton, Thomas Wise, and Roger

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25 Ibid., 206-236.
27 Sir Edward Dering’s printed speeches were condemned by the Commons in 1642 and burned by a hangman. Dering was expelled from the Commons and confined to the Tower for several days. Dering’s treatment was particularly severe because he disparaged his fellow members of parliament to bolster his own political image; usually, the parliamentary committee on printing turned a blind eye to members publishing their speeches. Alan Cromartie, “The Printing of Parliamentary Speeches, November 1640-July 1642,” *Historical Journal* 33.1 (1990): 23-44.
Hill. These sources proved valuable insights into committee business on issues that were not always mentioned in the official parliamentary journals. They record the inevitable clashes of opinion that arose during debates. These men originated from similar backgrounds of wealth and privilege, but represented distinct political leanings. D’Ewes was a strong and outspoken proponent of religious reform; Holland was a moderate reformer sympathetic to Presbyterianism; Palmer and Peyton eventually migrated to the royalists during the civil war; Roger Hill eventually sided with the Independents, and John Moore was one of the regicides. But despite these differences, in the early years of the Long Parliament, they and their fellow members shared a common desire for religious reform.  

As such, the case of Burton, Bastwick and Prynne was of particular interest to them.

On November 7, 1640, John Pym read petitions from Susannah Bastwick and Sara Burton for their husbands’ release. The petitions outlined the men’s difficulties before the High Commission and Star Chamber in the 1630s and ended with a personal plea. Susannah wrote, “And whereas your petitioner has many small children depending upon her for their maintenance and she of herself being every way unable to provide for them, she being thus separated from her dear and loving husband and her tender babies from their careful father, it has and does daily expose your petitioner with her young children to great straits, want, and misery.”

After reading the petitions, Pym spoke on


the merits of their cases. Stressing technical aspects, he proclaimed that Burton and Bastwick were punished for a “mere formality of the court, which was that not having counsel there, their cause was taken *pro confesso* and so their censure proceeded beyond all sense of moderation and justice.”

Pym’s speech ignited a minor debate on whether the house should send for Burton and Bastwick to present their cases in person. This debate, not mentioned in the official *Commons Journal*, reveals some hesitancy on the part of certain members to take public steps to challenge the courts’ rulings. Sir Thomas Jermyn, Comptroller of the King’s Household and Sir Henry Vane urged caution and consultation with the king before sending for the pair. Jermyn and Vane’s tentativeness most likely arose from their personal feelings – they had attended the 1637 trial and approved of the verdict against Burton, Bastwick and Prynne – as well as from their desire to represent the king’s interests. More surprisingly, John Hampden, who had opposed several Stuart polices during personal rule, also questioned sending for the pair. Hampden was concerned with preventing actions which might alienate the parliament from the king’s favor. He seemed to fear that revisiting Burton, Bastwick and Prynne’s case could undermine the king’s willingness to redress other grievances presented by parliament. Richard King, a strong proponent of reforming the abuses of royal agents and church officials, concurred, claiming the matter would interrupt the real purpose of the parliament – seeking a redress

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31 Sir Thomas Jermyn was M.P. for Bury St. Edmunds and as Comptroller, a spokesman for the king in parliament. During the period of personal rule, he had attended various trials in Star Chamber and approved of the sentence given in the case of Burton, Bastwick and Prynne. Sir Henry Vane, Treasurer of the Household and Secretary of State, sat for Wilton. He also attended the Star Chamber trial of Burton, Bastwick and Prynne and agreed with the verdict. Keeler, 234-235; 370-371.
of grievances.\textsuperscript{32} Despite these misgivings on part of some members, Thomas Peyton records a unanimous decision to have Burton and Bastwick appear.\textsuperscript{33} Prynne’s petition to parliament arrived a few days after than of Burton and Bastwick as Prynne had first sent a petition to the king. Like Burton and Bastwick, Prynne was ordered to appear before the House of Commons.\textsuperscript{34} A special committee comprised of sixty members of the House, chaired by Alexander Rigby, was set up to discuss their petitions and those of other religious dissenters, such as Alexander Leighton and John Lilburne.\textsuperscript{35} Throughout the next several months, the committee would receive so many petitions they could scarcely handle them all. Despite numerous delays, Burton, Bastwick and Prynne’s cases were some of the few considered of sufficient importance to warrant a full investigation.

The warrants for Burton and Prynne to be escorted to London to appear before Parliament arrived at their prisons on November 15 and 17 respectively. Prynne met with Burton at Gerne and the two traveled together the rest of the way to London, meeting several friends and well-wishers on the journey. Peter Heylyn complained that at their arrival from prison, Bastwick and Prynne were met by “some thousands of the Puritan Faction out of London and South-wark” who accompanied them into the city.\textsuperscript{36} Prynne reported that so many people poured out into the streets of London to welcome them that it took them nearly three hours to traverse from Charing Cross to their lodging in the City.

\textsuperscript{32} D’Ewes, Harl. 162, f.2, in \textit{Proceeding of Opening Sessions}, vol. 1, 32. John Hampden (1594-1643) served for Buckinghamshire and had a reputation of sympathizing with Puritan causes. Richard King (1590-1645), a member for Melcombe Regis, was a proponent of reforming abuses by church and state officials in the early session of the Long Parliament. Eventually, he began to fear that Parliament itself might abuse its power and frequently absented himself from sessions without leave until he was deprived of his seat in 1643. Keeler, 201-2, 240-1.
\textsuperscript{33} Peyton MS 137, 2-3 in \textit{Proceedings of Opening Session}, vol. 1, 42.
\textsuperscript{34} \textit{CJ}, vol. 2, 24.
\textsuperscript{35} Alexander Rigby (1594-1650) was M.P. for Wigan was a staunch reformer who turned toward Independency. Keeler, 323.
\textsuperscript{36} Peter Heylyn, \textit{Cypricanus Angelicus} (London: Printed for A. Seile, 1668), 465.
of London. Their exuberant reception into London demonstrates that the city had retained a memory of their celebrity, but such popular support proved of little value in encouraging the Parliament to reach a quick resolution of their cases.

Upon their arrival, Burton, Bastwick and Prynne were given time to revise their petitions before reading them personally to the full House of Commons. As the first to arrive in London, Burton and Prynne presented their revised petitions to the Commons on December 3, 1640. Burton claimed that in November 1636 he was unjustly targeted for carrying out his ministerial preaching duties. He argued that after he refused to take the oath ex officio, the High Commission suspended him from his profession in his absence. Then in February, armed officers burst into his house late one night to search his study and carry him off to prison. Burton complained that when he was brought before the Star Chamber in 1637, his answer to the charges was unjustly expunged by Sir John Brampston. Thus, he was unable to answer the interrogatories for fear of committing perjury which resulted in him being found guilty pro confesso. Burton concluded his list of grievances with extrajudicial order to transport him to the Castle of Guernsey, remarking that his life was threatened by the dangerous winter journey.

Prynne likewise depicted himself as an innocent victim of the excesses of ecclesiastical power. In his opening remarks, he stated,

That your petitioner, though not conscious to himself of any voluntary or apparent offense against the laws of the realm (to which he ever studied to conform himself), through the malicious practices, and prosecution of some prelates and

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37 Prynne, A New Discovery, 112-115. John Adamson suggests that this triumphal entry into London may have been calculated to a certain degree to taunt King Charles whose own entry into the city four weeks earlier was a less celebratory affair. See The Noble Revolt (London: Weidenfeld & Nicolson, 2007), 129-130.

38 Henry Burton, The humble petitions of Mr. Burton and Dr. Bastwicke presented to the honovrable the knights, citizens, and burgesses of the Commons House of Parliament (S.l.: s.n., 1641), 1-5; John Bastwick, The severall humble petitions of D. Bastwicke. M. Burton. M. Prynne. and of Nath. VVickins, servant to the said Mr. Prynne. To the Honourable House of Parliament (London: s.n., 1641), mispaginated.
churchmen (especially the now Archbishop of Canterbury and Peter Heylyn, Doctor in Divinity) whose errors and innovations contrary to the established doctrine and discipline of the Church of England and extravagancies in the High Commission and other ecclesiastical courts your petitioner for his own relief (being there unjustly persecuted) had to his weak power oppugned, has within eight years last past undergone two heavy censures in the Star Chamber Court.

From Prynne’s remarks, it appears evident that he tailored this petition to touch on issues of interest to the Parliament – namely the desire to overturn what they viewed as Laud’s arbitrary power over Church matters during the 1630s. Prynne noted in his petition that his trials in the Star Chamber came about because of his works against various “abuses” of the episcopacy, “which things (though very notorious and oft complained of by this honorable House in former and late parliaments) were yet reputed scandalous.” He emphasized the horrific nature of his suffering and the lack of compassion on the part of Archbishop Laud who refused to allow his servant, Nathaniel Wickins, to tend to his wounds. Finally, Prynne appealed to the Parliament to aid him in crafting the memories of his experiences with a plea that his sufferings would not become “precedents to the prejudice of posterity.”

The messenger with the warrant for Dr. Bastwick to appear before Parliament did not reach his destination until the 21st of November so with the onset of winter, Bastwick did not enter London until the first week of December. Bastwick was accompanied by his wife and children in the latter part of his journey and received a smaller, but still joyful, welcome into London. As the last of the trio to arrive in London, Bastwick did not present his petition to Parliament until December 17. In it, he outlined his prosecution before the High Commission in 1634 for publishing *Elenchus Religionis Papisticae* and *Flagellum Pontificis et Episcoporum Latialium* in which he claimed to

expose the errors of Catholicism afflicting the English Church. He played upon the emerging fear of popery to gain the sympathies of his audience, reminding them of the case of Thomas Chouney of Sussex. Bastwick alleged that Chouney wrote a book defending popery, dedicated it to Laud, and was protected from prosecution for being a catholic recusant. Bastwick pointed out that by contrast, he was sentenced by the High Commission when he was only trying to protect the purity of the English Church. Later, when he protested the High Commission’s verdict in his *Letany*, he was brought before the Star Chamber in 1637. Bastwick worked to craft his image as a defender of Protestantism calling upon the committee members to remember the grievances they had against Laud’s religious policies during the king’s personal rule.

Bastwick’s case, though the last of the three petitions to be presented, would be the first to be acted upon as it was the shortest. Prynne’s case which was interconnected with those of his servant, Nathaniel Wickins, and the citizens of Chester would be the last to be decided. The parliamentary process was drawn out further because of more pressing business facing the House of Commons such as the Strafford trial and the need to suppress the Scottish rebels. The slow progress on Burton, Bastwick and Prynne’s cases demonstrates the increasing bureaucracy of the Parliament as well as its commitment to orderly procedure. The parliamentary committee assigned to hear their cases wanted to investigate the evidence leading to Burton, Bastwick and Prynne’s conviction before reaching its own decision.

Bastwick’s case was fairly straightforward. By January 1641, the committee assigned to hear his case had finished their investigation. They disputed the 1634 High

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Commission sentence, having discovered that several bishops present, Dr. Neile of
Winchester, Dr. White of Ely and Dr. Juxon of London, and William Laud claimed their
calling as diocesan bishops and their jurisdiction *iure divino* rather than by the King’s
authority. As seen in the drafts of the *Ministers’ Remonstrance*, the claim of bishops to
hold their offices *jure divino* was categorically denounced. The committee members had
little choice but to vindicate Bastwick for a position which they themselves espoused.
Concerning the 1637 case, D’Ewes noted that Bastwick was already in prison when the
Star Chamber charges were lodged, commenting, “So as this proceeding was most unjust
to punish him twice for one and the same offense, *if it had been an offense* [italics
added].” Thus, the committee concluded that Bastwick had made a valid effort to answer
the charges and had been denied his due process when the justices refused to accept his
answer without his counsel’s signatures. D’Ewes recorded that the committee “cleared
his innocence by several votes upon several questions and that he had suffered unjustly
and against law, both in the High Commission Court and Star Chamber.”

Burton’s counsel, Mr. Fountaine and Mr. Hales, started with his problems before
the High Commission in 1636 for publishing his sermons “For God and the King.” When
Burton appeared before Dr. Duck, he was instructed to take the oath *ex officio*. Burton
had refused and appealed to the King, which led him to being found guilty *pro confesso*.
The committee examined Dr. Duck, who acknowledged that he found problems with
certain passages in Burton’s sermons but denied that he commanded Burton to take the
oath; Duck claimed that he only had asked Burton if he would, suggesting that the idea of
commanding was the clerk’s fault who mistakenly recorded the word “requisitus”

Duck’s attempt to distance himself from responsibility for Burton’s trial failed. On March 12, Alexander Rigby reported that the committee had agreed that Dr. Worrall, Dr. Sammes, Dr. Duck, and Dr. Wood had proceeded unjustly against Burton in his High Commission. The committee concluded that it was illegal for the High Commissioners to order the Aldermen of the city of London to break into Burton’s house and arrest him prior to the Star Chamber articles being drawn up. Burton, like Bastwick, was successful in convincing the committee that his petition for overturning his sentences fit in with the Parliamentary agenda to end the abuse of ecclesiastical power. The committee determined that Burton’s answer to the charge in 1637 had been unjustly expunged by Sir John Bramston and Sir John Finch and voted to overturn his guilty sentence.

Of the three men, Prynne’s case was the most detailed and took the longest to work its way through the committee. Prynne’s counsel, Mr. Fountaine and Mr. Tomlins, first laid out their case concerning his Star Chamber trial in 1632 following closely to the information he had presented in his petition. They argued that *Histriomastix* was licensed by Thomas Buckner and freely published and sold until William Noy took Prynne to court. Prynne’s lawyers presented his answer to the charges and contested the subsequent sentence, contending that Prynne was condemned for a book that was licensed and contained nothing scandalous or offensive in it. The parliamentary committee did not rely on Prynne’s interpretation of events alone, but attempted to reconstruct the prosecution’s case against him to determine its merits. They examined the deposition of Thomas Buckner who licensed *Histriomastix* and when possible, interviewed witnesses...

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43 D’Ewes, Harl. 162, f. 89 in *Proceedings in the Opening Session*, vol. 1, 671.
44 *CJ*, vol. 2, 102.
They also called for Peter Heylyn to attend the meeting and questioned him on his role in Prynne’s prosecution. Heylyn testified that he was charged by the Council and Secretary Coke to take *Histriomastix* and look for scandalous passages to aid the prosecution. Upon hearing this answer, D’Ewes recorded that he reprimanded Heylyn for not proceeding against Prynne in a Christian manner and moved that some of Prynne’s books should be given to Heylyn for him to find the “offensive” passages for the committee. The importance the committee placed on resolving Prynne’s case can be inferred from their willingness to send two members of the committee – Harbottle Grimstone and William Purefoy – to examine a witness, Mr. Collins of Lincoln’s Inn, who was too ill to attend the committee’s summons. This thoroughness demonstrates a keen desire to rest any decision about the case on incontrovertible evidence although some members like D’Ewes seemed to have made up their minds already about Prynne’s innocence.

The committee received the report of Collins’s testimony in their meeting on December 15 and heard from John Eaton; both confirmed that Peter Heylyn’s notes to the judges on Prynne’s book and the machinations of William Laud encouraged them to bring charges of seditious libel against Prynne. They also examined the depositions of Dr. Harris and Dr. Goad who had given evidence against Prynne, accusing him of perjury. The committee determined that the perjury charge was unwarranted and the entire Star Chamber verdict should be reversed. This decision led the committee to write

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45 Thomas Buckner testified in his deposition that he licensed the book by mistake, being new to the job and having seen only 64 pages of the document. He claimed that the small portion which he did examine contained nothing contrary to the doctrine of the Church and he based his decision to license the book on those excepts. *A Complete Collection of State Trials, and Proceedings for High Treason and Other Crimes and Misdemeanors*, comp. T. B. Howell, vol. 3 (London: T.C. Hansard, 1816), 565-566.

46 D’Ewes, Harl. 1642, f.61-65 in *Proceedings in the Opening Session*, vol. 1, 525-29.
a resolution to present to the full house recommending that Prynne’s 1632 sentence should be vacated and reparations made for his suffering.\textsuperscript{47} For the committee, Prynne’s case represented, in part, a heinous example of Laud usurping civil power by influencing the Star Chamber trial.

On December 22, 1640, the committee began to investigate the 1637 Star Chamber case. Having found Prynne not guilty in his first Star Chamber trial, it came as no great surprise when they found him innocent once again. In his second round of testimony, Prynne argued before the Parliamentary committee that his trial and sentence were given contrary to the laws of the realm. He maintained that his writings had not undermined the power of the king; on the contrary, the true crime against the king was being committed by the prosecution. Pointing out the royal statutes protecting subjects from excessive fines and amputations, unless convicted of spreading false or malicious news against the royal family, he noted that each one was violated in his case. The crux of Prynne’s argument was not just that the bishops broke the law, but that they usurped the place of the king by imposing penalties for crimes against the king on the trio who were writing only against bishops.\textsuperscript{48} Finally, after dissecting the legal precedents for corporal punishment, Prynne turned to a very literal interpretation of Scripture. He referenced the Biblical story of Jesus’s betrayal in the Garden of Gethsemane in which St. Peter cut off the ear of one of the soldiers who came to arrest Jesus. Prynne noted that Jesus rebuked Peter for his action and healed the soldier’s ear. He inferred that if Christ had forbidden cutting off ears in his defense, he would not approve of bishops ordering such a punishment out of “private spleen and revenge.”

\textsuperscript{47} D’Ewes, Harl. 162, f. 77 in \textit{Proceedings in the Opening Session}, vol. 1, 604-606.
\textsuperscript{48} Prynne, \textit{A New Discovery}, 154-155.
Prynne acknowledged several examples of people having their ears cut off, being branded or being imprisoned, but maintained that these punishments were carried out under special royal orders or by parliamentary acts for crimes such as treason, false rumors about the Crown, or forgeries that disrupted royal business. In each case, Prynne stressed that the verdicts were reached after fair trials and many times the felons were given the opportunity to pay a fine in lieu of corporal punishment. Prynne claimed that his punishment was both illegal and excessive as he suffered numerous forms of punishment– cropped ears, branding, and perpetual imprisonment – for crimes that were not capital or felonious. Sympathizing with him, the committee declared that Prynne’s sentence was indeed unjust and should be reversed and Prynne recompensed for his suffering. They also voted to restore his university degrees and his position as a barrister in Lincoln’s Inn.

The force of Prynne’s arguments here originated not from parliamentary records but from Prynne’s own account of his experiences in A New Discovery of the Prelates Tyranny in 1641. A New Discovery is not actually “new,” as it incorporates the details of his trial and his familiar arguments of innocence. In this work, Prynne includes copies of the documents examined by the parliamentary committee who handled his case “for the benefit of the present age and of posterity.” In the short term, this book served to explain and support the committee’s decision to overturn the 1637 Star Chamber verdict. In that regard, the document represents the emerging symbiotic relationship between the

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49 Ibid., 161, 165-170.
50 Ibid., title page.
51 At the same time that Prynne was publishing his New Discovery, Henry Burton and John Bastwick printed the petitions they had presented to Parliament, dedicating them to the House of Commons. See The humble petitions of Mr. Burton and Dr. Bastwicke presented to the honovrable the knights, citizens, and burgesses of the Commons House of Parliament (1641) and The severall humble petitions of D. Bastwicke.
between William Prynne and the Long Parliament which launched Prynne on his career as a conduit of Parliamentary decisions to the public. But *A New Discovery* was also Prynne’s printed response to Laud’s *A Speech Delivered in the Starr-Chamber* (1637). In the long term, this collection of trial materials reinterpreted the events of 1637 to cast the bishops as the true usurpers of the king’s power. Prynne called them the “Purse-bearers” who appropriated the keys to the treasury and refused to disperse the king’s allowance to Burton, Bastwick and Prynne for their upkeep in prison. Prynne was also a master at attributing negative motives to the bishops without any evidence – indeed, he used the lack of evidence as proof of his assertions. In discussing the trio’s transfer to the remotest prisons in the kingdom, Prynne charged that the bishops, in particular William Laud, were responsible because they hoped the trio would perish in the rough winter crossings or by starvation upon their arrival. Prynne conceded that the official orders originated with the secular authorities, but suggested that they were pawns in the hands of the bishops who orchestrated the whole transfer. In addition to his own experiences in 1637, Prynne included the example of Chester as further evidence that the bishop’s perfidy was not confined to his case. The “persecution” of Chester demonstrated the problems of patronage within the episcopacy. Prynne claimed that the Bishop of York referred the names of the Chester men who met with him to Laud in order to gain his good favor. Furthermore, Prynne maintained that ministers in Chester followed an order to preach against the “schimaticall” offences of Burton, Bastwick and Prynne not because they sincerely wished to prevent factionalism, but because they desired preferment in the

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*M. Burton, M. Prynne, and of Nath. VVickins, servant to the said Mr. Prynne. To the Honourable House of Parliament* (1641).

52 Prynne, *A New Discovery*, 85.
church.\footnote{Ibid., 93-96.} For Prynne, these examples provided additional support for parliamentary efforts to restrict the power of bishops.

But the publication of *A New Discovery*, Prynne, in actuality, proved to be little more than preaching to those already converted. The private journals of parliament members suggest that Burton, Bastwick and Prynne had already secured powerful allies in influential members of Parliament like Sir Simonds D’Ewes, who was sympathetic to godly causes. Thus, having concluded that Burton, Bastwick and Prynne had fallen victim to the bishops’ power in the High Commission and Star Chamber verdicts, the committee turned to the question of compensation for the trio’s suffering. Moore noted in his journal that the High Commissioners suspended Burton from his benefice worth £76 per year and of a lecture worth and additional £30.\footnote{Journals of John Moore, Harl. 476, British Library, 320 printed in *Proceedings in the Opening Session of the Long Parliament*, House of Commons, vol. 2: 21 December 1640 – 20 March 1641, edited by Maija Jansson (Rochester, NY: University of Rochester Press, 2000), 729.} In addition to being suspended from his living at St. Matthews, Burton had suffered damage to his house when Alderman Abell and Sergeant Dendy broke down the door so that John Wragg could carry out a search of Burton’s books and papers.\footnote{CJ, vol. 2, 102.} Bastwick’s damages included land that he sold valued at £80 for costs of High Commission case, the loss of his practice valued at £200 per annum plus pain and suffering.\footnote{D’Ewes, Harl. 162, f. 183 printed in *Proceedings in the Opening Session*, vol. 2, 323.} On the question of Prynne’s sufferings, there was some disagreement over who should be held responsible. Alexander Rigby charged Peter Heylyn for his “unchristian censure” of Prynne, but Lord Falkland refused to vote that Dr. Heylyn was delinquent in the matter. In response, D’Ewes protested that Heylyn should be censured for stirring up the court against Prynne, noting a fable by Aesop in
which a trumpeter taken prisoner asked for clemency because he did not fight in the battle but he was answered that he “deserved death rather than any other, because he had stirred up all the rest to fight.”

The committee also examined the cases of individuals who had suffered for associating with the trio. There does not appear to have been much discussion of the cases of Chester citizens – Richard Golburne, Peter Leigh, Thomas Crosse, Thomas Welchman, and Katherine Fletcher – who were charged before the High Commission for visiting Prynne on his way to prison in 1637. The success of Prynne’s petition paved the way for the committee to void the sentences against them and award damages to be paid in full by the High Commissioners.

More attention was paid to the petition of Calvin Bruen who implied an ecclesiastical conspiracy intended to ruin him because he was associated with William Prynne. Bruen had talked with Prynne after inquiring of his escorts if Prynne was permitted to have visitors. Appearing before the Lords of the Council, Bruen explained that he had received permission to speak with Prynne and the matter was dropped. Bruen complained that he was then called before the High Commission for the same cause at which time he was falsely accused of praying with Prynne and commissioning a portrait of him. Bruen protested that without any witness testimony to the charges, he was fined £500 plus court costs, and was imprisoned until he agreed to make a public submission in


Richard Golburne and Peter Leigh lost over £1000 through fines and disruptions of business. Thomas Crosse and Thomas Welchman had incurred unknown expenses in appearing before the High Commission at Bishophorpe, but their case was dismissed eventually after they swore they did not visit Prynne. Katherine Fletcher also denied seeing Prynne. D’Ewes, Harl.1162, f. 185-7 printed in Proceedings in the Opening Session, vol. 2, 335-6; 346.
the cathedral church.\textsuperscript{59} With little discussion, the committee suspended his fine. Similarly, the committee found in favor of Michael Sparkes, who complained that after printing \textit{Histriomastix}, 900-1000 books were taken from him and he was ordered to stand in the pillory and pay £ 500 in fines. The committee voted that his sentence was unjust, his fine should be vacated and he should receive reparations.\textsuperscript{60}

By February 1641, the committee’s extensive work on Burton, Bastwick and Prynne’s cases was drawing to a close. Alexander Rigby first presented the committee’s findings concerning Bastwick’s case before the High Commission in 1634 to the full House of Commons which resolved that the proceedings against him and punishment were illegal. They voided his sentence, ordering that he be restored to his profession and to be compensated for his suffering by those who had passed sentence on him. A few days later, the Commons resolved to reverse the 1637 Star Chamber verdict against Bastwick, voiding his £5000 fine and sentence of perpetual imprisonment.\textsuperscript{61} The only disagreement that arose amongst the members centered on the question of reparations. An unnamed member objected to having the Archbishop of Canterbury and the Bishop of London make reparations when they did not vote on Bastwick’s guilt. These protests were quickly overwhelmed by other members who disagreed. John Moore recorded an anonymous speech on the issue:

\begin{quote}
Canterbury gave thanks to the Lords for their sentence and as a trumpeter and some others being taken prisoners, the trumpeter alleged that he never drew his sword and therefore ought to be discharged, but it was replied that through he drew not his sword, yet he animated them to fight and therefore all to be discharged but he. And so the Archbishop I conceive was the chief instrument
\end{quote}

\textsuperscript{61} \textit{CJ}, vol. 2, 90, 92.
and though the bishops were put only for mitigation, yet I have always observed that the Archbishop always advanced the sentence in Star Chamber for I have heard him say that we have an army to break their backs and I hope we have sufficient to break his neck, and I desire that he may only pay the damages. 62

Moore also noted another anonymous speaker who asserted that “there was a law that whosoever did commit anything when he was drunk should receive no punishment, but then there was a law that whosoever was drunk and committed any fact worthy of punishment should be double punished and so if these Lords would be so much [in]ebriated as to comply with the bishops and therefore all to be punished.” 63 D’Ewes recorded his own speech on the subject, placing the blame on Laud with the observation that “there was more cruelty contained in the execution of the sentences aforesaid than was to be found amongst Turks and heathens.” Perhaps in an attempt to rally support, D’Ewes focused on Bastwick’s sufferings – how he was forced to travel to his Launceston Castle in Cornwall before his ears were fully healed, how his wife was denied access to care for his wounds, and how later he was transferred to Scilly in October when the seas were rough and treacherous and again was denied the company of his wife. D’Ewes remarked that even the “Persians that are Mohammedans bar not a man’s wife and children from him in the greatest offenses.” 64

The discussion of Bastwick’s case was interrupted by business concerning the treason cases against the Earl of Strafford and William Laud. When the Commons returned to Bastwick at the beginning of March, there still remained some slight disagreement among the members. The speaker of the house raised the question of whether Bastwick could have been found guilty legitimately in 1637 for not answering

62 Although Moore does not record which member gave this speech, it may have been Sir Simonds D’Ewes who used a similar illustration to argue for Heylyn’s culpability in Prynne’s case.
the charges. In response, D’Ewes asserted that Bastwick was not sentenced because he failed to answer but because the judges did not accept his answer by his own hand even though they had made a similar exception in Dr. Leighton’s case. This dispute seems to have quickly died out with the Commons’ vote that the Archbishop of Canterbury and those who voted Bastwick guilty in Star Chamber should make reparations to him for damages sustained by his sentence.65

Burton’s case, presented to the full House of Commons on March 24, 1641, was resolved more quickly. Public and private sources do not reveal any significant debates as the members resolved that Star Chamber sentence was illegal and without merit and thus, they reversed Burton’s sentence, revoked his fines and imprisonment, restored his university degrees, ministerial orders, and his benefice in Friday Street, London, and ordered him to be compensated for the loss of his ears.66

Prynne’s case was the last to be resolved because of its interconnectedness with the petitions of Nathaniel Wickins and several citizens of Chester and because of the house’s preoccupation with the Strafford trial. Having postponed Prynne’s case to discuss the bill of attainder against Strafford, the House of Commons returned to it on April 20. The Commons resolved that both Star Chamber sentences were illegal, discharging Prynne from his fines and imprisonment. They also restored Prynne’s

65 CJ, vol. 2, 95. While the Parliament overwhelming voted that Burton, Bastwick and Prynne should receive reparations for the injustice of their trials, it was more difficult for the trio to collect their damages. The House of Lords received a petition from Bastwick on Oct. 7, 1644 to pay him the £500 promised in recompense for his suffering in 1637. He did not collect and the issue was raised again in 1648, resulting in an order for him to receive the £500 plus interest from Goldsmiths Hall. At this time, the issue of reparations for Burton and Prynne was still being referred to committee to determine how much and from whom to collect and it is uncertain if they ever receive the promised payment. CJ, vol. 6, 60.
university degrees and position in the society of Lincoln’s Inn and ordered that he receive reparations from reparations from several individuals involved in his trial.  

On May 15, 1641, when Sir William Masham moved to finish the “great businesses” of the House and transmit them to the Lords, Sir Simonds D’Ewes amended the motion to include the cases of Burton, Bastwick and Prynne. The House of Lords, however, was slow to act upon the cases. On May 3, 1645, the House of Lords officially vacated the sentences passed against Burton, Bastwick and Prynne, ordering that their records be permanently expunged. They also officially rescinded the sentences against the three men and restored their university degrees and professional positions. For Burton, Bastwick and Prynne to achieve total vindication, they needed to have both their sentences overturned and a revocation of the printing restrictions that had led to their conviction.

With the Commons flooded by numerous petitions, the committee’s sustained and exhaustive attention to the details that resulted in the successful resolution of Burton, Bastwick and Prynne’s cases demonstrates the significance the members placed on the trio’s experiences. One main reason why the 1637 Star Chamber trial became a topic of serious interest to the Parliament was because it dovetailed with the parliament’s agenda

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69 Journal of the House of Lords, vol. 7: 1644-5 (London, 1802), 352. This delay caused some problems on May 20, 1641 when the Commons was voting on Sir Benjamin Rudyard’s proposal to restore Prynne to Lincoln’s Inn. The Speaker claimed there was some difficulty with it because the Lords had not yet voted on Prynne’s case, but Mr. Peard stated that since the sentence was void ipso facto and was against the law, it was fine to proceed with the vote on Rudyard’s motion. Peyton, MS 137, p. 122 printed in Proceedings in the Opening Session, vol. 4, 491.
of religious reform. Several of the issues raised by the trio in their works became the focus of new legislation by 1643 – particularly, preventing the spread of Catholicism in the English church, revoking Laudian Church policies, and abolishing courts that met out arbitrary justice. Within a few weeks of the opening of Parliament, measures were put in place to ensure the disease of popery had not infected the Parliament. Sir Robert Harley, the spokesperson for the committee, recommended that only members who took communion should sit in Parliament and suggested that some confession of faith should be made by members who were formerly Catholic or who had papist wives, children or servants. This early effort at enforcing conformity would be followed by the Protestation in May 1641. In this highly-charged anti-catholic atmosphere, Prynne’s stories of popish plots would be readily received.

An analysis of Burton, Bastwick and Prynne’s case reveals indirect connections with the efforts of the committee established in November 1640 to investigate the abuses of the Star Chamber and High Commission. The experiences of these three men appeared to be prime examples of the arbitrary power of these institutions. Burton, Bastwick and Prynne are not mentioned by name, however, in official records or private journals in connection with the committee’s discussions to abolish the prerogative courts. This striking silence raises questions about how Burton, Bastwick and Prynne were

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70 Interest in the proceedings waxed and waned depending on what other business was before the House. For example, D’Ewes notes that it took over half an hour to get a quorum of eight members to attend the committee meeting concerning Henry Burton’s petition on December 19, 1640. Since many members sat on multiple committees, they did not always regularly attend the meetings. D’Ewes reveals that he missed a meeting about Burton and Prynne’s cases in late December 1640, probably because he was busy with the committee looking into the issue of ship money which met around the same time. See D’Ewes Harl. 162, f. 89; 93-95 printed in Proceedings in the Opening Session, vol. 1, 670-1; vol. 2, 23.

71 CJ, vol. 2, 32. Sir Robert Harley (1579-1656), MP for Herefordshire, was known to lean toward Presbyterianism and had been called before the High Commission in 1638 for his support of godly ministers in his community. Keefer, 203.


remembered by their contemporaries and may explain why Prynne especially felt the need to make frequent forays into print to remind his audience of his experiences in 1637.

The abolition of the Star Chamber and High Commission threatened significant novelty in the English system of courts. As a consequence, committee members sought to ground their recommendations in royal statutes. For common lawyers especially, no lawful courts could exist outside the common law system unless they were explicitly authorized by royal statute. While the High Commission and Star Chamber could point to royal decrees – 1 Eliz. I, c. I and 3 Hen. 7 respectively – the wording of these documents was not explicit. Elizabeth’s statute mentioned the creation of a commission, not of the High Commission. Henry’s decree gave the Star Chamber jurisdiction over “unlawful maintenance, giving of liveries, signs, or tokens, retainers by writing or otherwise, embraceries of the King’s subjects, untrue demeanings of sheriffs in making of panels, or other untrue returns, taking of money by juries, great riots, and unlawful assemblies.” And by setting the court complement at the Lord Chancellor, Lord Treasurer, Lord Privy Seal (or only two of the previous three), a bishop, a temporal lord of the King’s Council, and two justices, the specific wording of 3 Hen. 7 opened the door to the charge that the seventeenth-century court exceeded the six or seven judges mentioned in the statute and overstepped its jurisdiction.74

Of particular concern to the committee was not just the origins of the courts, but the determination of how far the courts could extend their power under these statutes. Dr. Duck testified concerning the High Commission that “though they did not intermeddle in civil causes, yet he doubted not but that the King had power to authorize them so to do”

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and further affirmed that “he could show precedents that they did intermeddle with mere civil causes during the first part of Queen Elizabeth’s reign.” By this interpretation, the High Commission was simply maintaining the King’s power. While acknowledging the source of power lay in the Crown, members of parliament such as D’Ewes objected that the High Commission was safeguarding it. He asserted, “For in *Placitis Parliamenti* de anno 18 E. 1, n. 50, in the ancient book in the Tower, the King’s crown and dignity were always joined together against the power of the ecclesiastical courts. And now it is pretended that those courts do uphold it, but the truth is we [i.e., Parliament] are they that do truly stand for the King’s crown and dignity.”75 D’Ewes claim strongly echoed that of Burton, Bastwick and Prynne that their works served to uphold authority of “God and the King.” The Commons resolved that judicial power in the hands of the clergy was “a hindrance to the discharge of their ecclesiastical function” and “prejudicial to the commonwealth.”76 Yet even with the bishops excluded from the Star Chamber, many members despaired of its reformation. In June 1641, the bill for regulating the Privy Council and for abolishing the Star Chamber court was read for the third time and passed the Commons.77 By 1642, the bishops were excluded, not only from the courts, but from the House of Lords itself, and the Star Chamber court was abolished.

With the abolition of the Star Chamber and High Commission, Parliament had destroyed what many had come to consider institutions of arbitrary justice, but it had simultaneously lost a means of policing print. Between 1641 and 1643, a window of opportunity opened for works that had been or would have been prohibited under the old

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75 D’Ewes, Harl. 164, f. 130a printed in *Proceedings in the Opening Session*, vol. 2, 617.
77 Anonymous Diary, 120.
licensing system.\textsuperscript{78} While many of these works like Prynne’s \textit{A New Discovery} and Burton’s \textit{A Narration of the life of Henry Burton} helped further a parliamentary agenda by paralleling the debates to reform Church ceremonies and abolish episcopacy, the press freedoms also allowed the publication of books that criticized the Parliament’s actions.

On May 17, 1641, the House of Commons created a committee under the leadership of Sir Edward Dering to draft legislation to correct the abuses in the print trade. But the inability of Parliament to regulate print became patently obvious when Dering himself published a collection of his speeches without authorization from the Commons. For this action, the Commons stripped Dering of his committee chair, committed him to the Tower of London, and ordered copies of his book to be burnt.\textsuperscript{79} Parliament encountered further problems when trying to suppress books printed without their consent. Gregory Dexter, for example, escaped punishment for printing \textit{The Humble Petition and Declaration of both Houses} by arguing that no licensing provisions were in force since the dissolution of the Star Chamber.\textsuperscript{80} To remedy the situation, the printing committee composed an ordinance to forbid false and scandalous pamphlets and to authorize the Stationer’s Company to carry out searches for prohibited material. A second printing ordinance passed in June 1643 revived the licensing system with Parliamentary licensors taking the place of royal and episcopal censors. Violations of the

\begin{itemize}
\item \textsuperscript{78} Anthony Milton notes, for example, eight publications concerning the sabbatarian controversy were printed in 1641 in response to Laudian pamphlets printed between 1634 and 1637. During the height of the controversy and establishment of the licensing system, only Henry Burton dared to publish clandestinely. Milton, “Licensing, Censorship, and Religious Orthodoxy in Early Stuart England,” \textit{The Historical Journal} 41.3 (Sept. 1998), 641.
\item \textsuperscript{79} \textit{CJ}, vol. 2, 411.
\item \textsuperscript{80} Ibid., 501; Frederick Siebert, \textit{Freedom of the Press in England} (The University of Illinois, 1952), 181-2.
\end{itemize}
ordinance would be prosecuted by the House of Commons or its committee on Examinations.  

As the Parliament debated ways to control printing, Burton, Bastwick and Prynne’s early works enjoyed a revival. The power of these works first printed in the 1630s lay in their call to curtail the power of bishops in the Church. Their views coincided nicely with Parliament’s efforts to reverse Laudian church policies, starting with the New Canons. In one debate, John Glynne maintained that the new Canons were illegal, citing common law that no canons could bind English subjects without their consent (i.e., through an act of Parliament). The Commons eventually annulled the canons and overturned Laud’s directives on the placement of communion tables, bowing and other church practices. While there was nearly universal support in reforming the bishops’ abuses of power, the question of abolishing episcopacy was more problematic. Many Parliament members supported Burton, Bastwick, and Prynne’s condemnation of bishops who abused their power, but were less keen to abolish the office itself.

In December 1640, Alderman Pennington presented a petition from the City of London reportedly signed by 15,000 citizens who advocated the abolition of episcopacy root and branch. The petition based its request on common grievances that had been fermenting since the imposition of personal rule – ministers not daring to preach predestination, the incorporation of Romish hierarchy, vestments, and ceremonies in the Church of England, the use of the New Canons and Book of Sports (which reaffirmed

81 Siebert, 185-188
82 The reprinted works included Burton’s A Divine Tragedy (1642), Bastwick’s Flagellum Pontificis et Episcoporum Latialium (1641), and Prynne’s News from Ipswich (1641).
Stuart traditions but were abhorrent to puritans), the printing of heretical books and suppression of godly books, and the bishops’ claim to hold their offices *jure divino*. The London root and branch petition was followed by similar petitions from the countryside. In addition to the general concerns raised in the London petition, a petition from Kent included problems that resonated with Burton, Bastwick and Prynne’s experiences – bishops taking up matters that should be left to common law in ecclesiastical courts, requiring oaths *ex officio*, breaking into men’s houses and studies, and hindering *habeas corpus*. The petitioners’ argued that the solution to the problems of the English Church lay in a radical structural change. But cognizant of the potential for being labeled “innovators,” the petitioners stressed the precedents for their solution. In a petition from Chester, Calvin Bruen wrote that it would be better “if we were governed, as was the primitive church, by a numerous presbytery and ruling elders, fall less in power though more in number, according to the laws of God, and those this honorable assembly (not the Convocation or every bishop in his diocese at his mere pleasure) shall prescribe.” Such appeals to the past perpetuated the illusion that any changes to established Stuart traditions that the Parliament might make served only to restore the religious settlement to its former purity.

84 Northcote, 50-1.
85 Petition against Episcopacy from Kent, in Rushworth, *Historical Collections*, IV, 135-136.
86 Petition of Calvin Bruen from Chester, SP 16/479:7 printed in *Proceedings in the Opening Session of the Long Parliament*, House of Commons, vol. 4: 19 April – 5 June 1641, edited by Maija Jansson (Rochester, NY: University of Rochester Press, 2003), 14-18. This petition was submitted to protest Thomas Aston of Chester’s petition to safeguard episcopacy. Bruen objected that Aston’s collection of 6,000 signatures supporting bishops was valid, arguing that many of the signers were dead or lost at sea or were women and children. A parliamentary investigation revealed that at least 120 names on Aston’s petition were not legitimate. Aston’s petition was condemned as fraudulent by parliaments who not only objected to its content but who were upset that Aston, who had once been a member for Cheshire in the Short Parliament, had bypassed the House of Commons and submitted his petition to the Lords. D’Ewes, Harl. 163 f. 69, printed in *Proceedings in the Opening Session*, vol. 4, 6-7.
Parliamentary debates over episcopacy lasted several months and up to ten hours a day on some occasions. Unfortunately, few details of these debates were recorded, but from the private notes of parliament members it appears that the Commons was divided between those who felt the need to simply curtail the power of bishops and those who wished to abolish the office entirely. D’Ewes, for example, espoused the former position, noting that he was against the practice of assuming temporal power and status but liked the spiritual function of the office “as it stood in the primitive and purest times.”

A select committee was set up to investigate the grievances mentioned in the root and branch petitions but was prohibited from presenting a recommendation on whether or not to abolish episcopacy. The committee created a list of nearly twenty problems of the episcopal system, chief amongst which was the issue of divine authority. Ralph Verney noted, “Bishopps challenge themselves to be of devine right, in my lord arch-bishopps speech in starr-chamber, and in bishop Downhams booke about episcopye, and bishop of Exeters booke.” This issue of divine right was more than a theological debate; it had practical, political ramifications. Several parliamentarians feared that the bishops used the idea of divine right as a cover for usurping secular power. While not prepared to abolish the episcopal structure of the Church, in 1641, the Parliament was prepared to severely limit the boundaries of ecclesiastical authority, by resolving that “the legislative and judicial power of bishops in the House of peers in parliament is a hindrance to the

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87 Peyton MS 137, p. 82v printed in Proceedings in the Opening Session, vol. 2, 393.
88 D’Ewes, Harl. 162, f. 209 printed in Proceedings in the Opening Session, vol. 2, 400. Ralph Verney records a debate on what members meant exactly by “primitive” times. Eventually, committee members agreed that by the “primitive Church,” they meant the Church under Constantine. This definition allowed them to uphold the office of bishops while denying them the power to place interdictions on churches or to sit or vote in civil assemblies and courts. Sir Ralph Verney, Verney Papers: Notes of Proceedings in the Long Parliament (London: Camden Society, 1845), 10.
discharge of the spiritual function, prejudicial to the commonwealth, and fit to be taken away by a bill.\textsuperscript{90} This bill barred bishops from sitting in parliament, having judicial power in Star Chamber, and serving as Privy Councillors.\textsuperscript{91}

By February 1642, the King had reluctantly consented to several of the Parliament’s demands. With the passage of the bills to abolish Star Chamber and to remove bishops from Parliament, Burton, Bastwick and Prynne had succeeded at first glance in reshaping the nation’s memory of the law and the Reformation. Although they were not specifically mentioned by name in the legislation, their case provided the Long Parliament with a prime example of the abuse of power on the part of the bishops and the Star Chamber justices. Prynne’s efforts to publicize the 1637 Star Chamber trial and its resolution in Parliament was meant not only to preserve his own memory, but also to garner support for the new parliamentary policies concerning the English Church.

Unfortunately for Burton, Bastwick and Prynne, even as they achieved their victory in Parliament, they began to lose control over print which they needed to perpetuate their particular interpretation of their experiences in 1637. As the debate in Parliament shifted

\textsuperscript{90} William Drake, \textit{Notebook in Two Diaries of the Long Parliament}, edited by Maija Jansson (New York: S. Martin’s Press, 1984), 19. Edward Bagshaw (d. 1662), MP for Southwark was a close friend of Bulstrde Whitelocke. Early in the Long Parliament, Bagshaw worked with Pym and other reformers, but he was stripped of his seat in 1644 when he joined the King at Oxford. Bulstrode Whitelock (1605-1676?) was MP for Great Marlow and a great proponent of curbing the power of ecclesiastical courts. Keeler, 94, 393.

\textsuperscript{91} Peyton MS 137, p. 103 printed in \textit{Proceedings in the Opening Session}, vol. 3, 54. When the bill was transmitted to the House of Lords, they requested the Commons present them with a detailed list of reasons why bishops should be removed from the upper house. Pierrepont presented the following reasons: 1) because it hinders their ministerial functions 2) because they vow at ordination to give themselves wholly to their vocation 3) because councils and canons in the past have forbidden them from meddling in secular affairs 4) because the 24 bishops answer to the 2 archbishops and made an oath of canonical obedience to them 5) “Because they are but for their lives, and therefore are not fit to have legislative power over the honors, inheritances, persons and liberties of others.” 6) because bishops not only depend on their superiors but hope to rise to those positions 7) because several bishops have begun encroaching “upon the consciences and liberties of the subjects” and others will continue to do so even more 8) because they are interested in maintaining the jurisdiction of bishops which “has been found so grievous to the three kingdoms that Scotland has utterly abolished it, and multitudes in England and Ireland have petitioned against it.” 9) because only bishops get to sit in the Lords, it creates a gap between them and ordinary clergymen and fosters pride, discontent, and disquiet in the Church. \textit{CJ}, vol. 2, 166.
to consider the question of Independency, William Prynne, in particular, found himself facing new opponents that used print to challenge his vision of true religion and to cast him into the role of oppressor.

After the publication of *Truth triumphing over falsehood* in early January 1645, the network of support Burton, Bastwick and Prynne had built up after their trial in 1637, when they were perceived as victims of the Star Chamber court, fragmented and former friends became new enemies. Prynne’s wordy pamphlet pointed out the “errors” of the Independents who preferred to reform the Church of England based on a congregational model of leadership. He argued that the power to control the religious settlement lay exclusively in the hands of the Parliament.  

Far from settling the debate, Prynne’s work inflamed the Independents.

John Lilburne, a closer associate of the trio who had helped with their clandestine printing efforts in the 1630s, responded with his own unlicensed publication a few days later – *A Copie of a Letter, Written by John Lilburne Leut. Collonell. To Mr. William Prinne Esq.* Despite Parliament’s press restrictions, the Independent movement managed to operate several illegal presses within London, moving them frequently to avoid detection from the Stationer’s Company.  

Lilburne begins his letter to William Prynne by reminding him that they were fellow sufferers at the hands of William Laud. This conciliatory tone quickly dissipates as Lilburne then accuses Prynne of colluding with the “Black Coates” (Presbyterians) to close down the presses to prevent their opponents of answering them in print. Because of this censorship Lilburne suggests that the

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Presbyterian faction will prove harsher taskmasters than were the bishops. He tries to
shame Prynne for decided to close the presses and violate a loyal subject’s liberty.
Lilburne argues that Parliament has the ultimate authority over print and should have the
power to deal with those who abused their pens – a rather disingenuous argument as it
was Parliament who had passed the censorship regulations in 1643. But with such
statements, Lilburne adopts a strategy similar to the one used by Burton, Bastwick and
Prynne in the 1630s. In their unlicensed pamphlets, the trio had claimed that the King
had authority over print which was being usurped by William Laud. Here Lilburne
recycles the trio’s old argument, substituting Parliament in place of the King and Prynne
for Laud. Further strengthening the latter substitution, Lilburne charges Prynne with
joining the side of the papists in writing his recent pamphlet. Finally, Lilburne
concludes that he has no wish to subvert Parliament in setting up a State Church provided
that its members allow liberty of conscience for dissenters like himself.

Lilburne’s illicit publication served to undermine the victory Burton, Bastwick
and Prynne had won with Parliament’s revocation of their Star Chamber sentence. The
trio had gained freedom to publish their versions of the 1637 trial, but they could not
control alternate interpretations of their memory in print. The Parliamentary Committee
of Examinations which had jurisdiction over printing violations experienced great
difficulty in suppressing the work of Independents like John Lilburne. They were forced
to postpone the summons for Lilburne to appear before the committee when he suffered a
serious eye injury resulting from an accident with a pike. When he finally appeared

94 Lilburne borrows again from Burton, Bastwick and Prynne’s previous work. This time he co-opts
Prynne’s definition of a papist to refer to opponents who suppressed the liberty of English subject,
particularly concerning their ability to write in defense of the English Church.
[London: s.n., 1645], 1-7.
before the Committee in May 1645, he convinced the members to allow him to submit a written answer to the charges of unlicensed printing. Instead of delivering his defense to the Committee, Lilburne used his contacts in the network of Independent printers to publish *The reasons of Lieu. Col. Lilbournes sending his Letter to Mr. Prin.* In this document, Lilburne placed the blame for factionalism on Prynne who was “dividing the affections of those that formerly were one, till such bitter dividing spirits as his kindled a blazing fire of discord and dissension among us.”

Lilburne’s second publication concerning Prynne further demonstrates the problematic nature of press control following the abolition of the Star Chamber and High Commission courts. For Burton, Bastwick and Prynne, their initial victory in Parliament proved to be short-lived as they lost control over their newly-constructed memory in print. In the short term, however, the lax press restrictions that would make it impossible to control print proved beneficial for their campaign of vindication by creating an additional impetus for Parliament to prosecute the trio’s old enemy – Archbishop William Laud.

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96 Gregg, 114-119.
Chapter Four

Creating a Legal Memory of Personal Rule:
The Trial of William Laud, Archbishop of Canterbury

William Laud’s diary entry for January 24, 1640 recorded a dream he had about his father who had been dead for 46 years. Laud recounted that when his father appeared to him, he said “he would stay till he had me away with him.”¹ A few months later, in October, Laud returned to his study in Lambeth Palace to find his portrait lying face down on the floor after falling off the wall. Both incidents seemed to portend a major reversal in the Archbishop’s fortune.² On December 18, 1640, the House of Commons voted to impeach Archbishop William Laud for High-Treason. Less than one month after the earl of Strafford’s imprisonment, Laud’s arrest was part of a broader action to remove the king’s “evil” counselors from power. As Harbottle Grimstone declared to the Commons, “it is not safe that such a viper [Laud] should be near his majesty’s person, to distil his poison into his sacred ears; nor is it safe for the commonwealth that he sit in so emineat a place of government…”³ The Commons issued fourteen articles of indictment against Laud, mainly for usurping the place of the king in Government, subverting true religion, and undermining the power of the Parliament: “That the said William Laud, Archbishop of Canterbury, hath traiterously laboured to subvert the fundamental Lawes

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² Ibid., 59. A similar incident occurred to the Duke of Buckingham prior to his murder by John Felton in 1628.
and Government of the Kingdome by his Majestie advice privately, and in other places said, that hee would have them governd by Civil Lawes, and further said he would make the proudest subject in the Kingdom give way to him, and being told it was against law, he replied he would make it Law." For the next several years, the disgraced Archbishop of Canterbury would languish in the Tower of London awaiting trial.

When the Commons put Laud on trial in 1644, Sergeant John Wilde, a member of the prosecution committee, tried to explain the reason for the delay, but failed to shed a great deal of light on the matter. Wilde cited “Distractions of Time,” “death of some [unnamed] persons,” and “other Impediments.” Peter Heylyn, however, noted the connection between Laud’s trial and the Parliament’s desire to secure the help of the Scottish Covenaners against the King’s forces. Heylyn maintained, “And as the Scots advanced or slackned in their marches Southward, so did they either quicken or retard the worke: till hearing of the great successes which they had in Yorkshire, they gave command to Master Prynne (a man most mischievously industrious to disturbe the publique) to prosecute the charge against him, and bring him to his long expected triall.” Heylyn’s argument has some merit. The business of running the war was the top priority for Parliament and Laud’s trial would help them please their new Scottish allies.

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Prynne, *Canterburies Doome* (London: Printed by John Macock, for Michael Sparke senior, at the Sign of the Blue Bible in Green Arbour, 1646), 25-28. The original charges against Laud were listed as follows: 1) subverting laws and introducing “Arbitrary and tyrannicall Government”; 2) preaching sermons that denied the authority of Parliament; 3) perverting the course of justices in the Courts; 4) bribery; 5) publishing the book of Canons without “lawfull warrant”; 6) assuming “a papall and tyrannicall power, both in Ecclesiasticall and Temporall matters”; 7) altering and subverting the Church of England by introducing popish superstition and idolatry; 8) usurping the king’s power in making clerical appointments; 9) making bad appointments for his chaplains; 10) attempting to reconcile the Church of England with Rome; 11) silencing godly ministers; 12) causing division in the Church of England; 13) stirring up enmity between the English and the Scots with religious innovations; and 14) subverting the rights of Parliament and poisoning the king against Parliament.

5 *State Trials*, vol. 4, 351-2.

6 Peter Heylyn, *A briefe relation of the death and sufferings of the most reverend and renowned prelate the L. Archbishop of Canterbury* (Oxford: s.n., 1645), 7.
who detested Laud for having introduced the new prayer book in Scotland in 1637. Although the proceedings against Laud from the time of his impeachment to his conviction lasted over three years with hearings often being held weeks apart, the Parliament was intensely interested in concluding the affair. Only the pressing business concerning the war could derail the proceedings and Parliament immediately returned to Laud’s trial when the business was resolved.

The importance Parliament attributed to Laud’s trial, however, has been downplayed in historical scholarship. Aside from the account in Charles Carlton’s biography, the trial of William Laud has not raised much interest in the scholarly community. Most of the literature on the former Archbishop of Canterbury is concerned with assessing his impact on religion during the king’s personal rule and the degree to which his policies created a “Puritan resistance.”

Like those of Charles I, Laud’s actions have come under closer scrutiny as part of the revisionist and post-revisionist debates over the causes of the English Civil War, but because his trial did not take place until 1644, it has generally been treated as an afterthought.

Charles Carlton has described Laud’s trial as having taken place in “a strange atmosphere of indifference and intense hatred that fed on the memory of wrongs done long before.” It is true that Laud’s trial before the House of Lords was not the sensational affair that Strafford’s trial had been. Laud himself complained that only 11-14 members attended his trial on any given day,

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7 Traditionally Laud has been viewed as the king’s “evil” counselor whose policies cost the king his crown, but more recent studies have begun to emphasize the king’s role in policy-making. See Julian Davies, *The Caroline Captivity of the Church* (Oxford: Oxford University Press, 1992).
9 Carlton, 216.
and except for the Speaker, Lord Gray of Werk, the others often did not even stay the whole time. Nonetheless, intense interest in the trial is shown by the sheer number of witnesses willing to appear and the immense evidence amassed against Laud. Indeed, a closer look at the larger context of Laud’s trial reveals that the Archbishop embodied significant symbolic power as an alternate conception of the English church. Laud’s trial and the part played in it by Burton, Bastwick and Prynne were a crucial aspect of the broader movement to reform religious abuses. Laud’s challenge to the Long Parliament’s program of ecclesiastical reform was so significant that the members were forced to resort to modify the treason laws to eliminate the threat.

Far from being forgotten, Laud occupied a significant space in the public sphere of print even before his trial official began. With the collapse of the Star Chamber in 1640, strict censorship laws were relaxed, allowing a flood of satirical and potentially seditious material to circulate. A significant number of short pamphlets and broadsides featured attacks on the unpopular Archbishop. In this anti-Laudian satire, the memory of Burton, Bastwick and Prynne’s punishment proved to be a recurring theme. Their punishment served as a convenient shorthand for labeling the Archbishop as an unjust and cruel enemy of the English Church and the civil liberties of loyal English subjects. These pamphlets served to undermine Laud’s reputation among the general populace. Writing from the Tower in 1642, Laud protested, “never man hath had so many

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scandalous abuses cast upon him; none ever (considering my calling) having been made so notorious a subject for ridiculous pamphlets and ballads.”\textsuperscript{12}

In \textit{Canterburies Pilgrimage} (1641), for example, an anonymous author laments the damage Laud caused to English Protestantism, comparing Laud to an “ork” (a reference to the orken, a mythical sea-monster). To demonstrate Laud’s tyranny, the author notes the suffering of Burton, Bastwick and Prynne, claiming that Laud was a “bloud-thirsty Monster” who “must have bloud, [Burton’s] eares must be cut, & that in vild disgrace upon the Pillory.”\textsuperscript{13} The pamphleteer explains that the Scottish uprising was a sign to the Church of England that Laud was polluting the reformed religion with popery. Meanwhile, Laud was subverting any effort for further Reformation by dissolving the Short Parliament and provoking war with Scotland. The heart of pamphlet’s complaint is that Laud was attempting to make all power and all laws subject to him. The only remedy for this problem, according to the pamphleteer, was to call another Parliament.

In a more humorous pamphlet, \textit{The Bishops Potion}, the archbishop supposedly calls for his physician to attend him because he feels “diseased in all parts.” The physician prescribes an emetic and then enumerates Laud’s failures as he vomits various documents such as the \textit{Book of Sports} and his controversial canons.\textsuperscript{14} At one point in this process, the physician cries out, “But whats this, a Paper, tis if I bee not mistaken, a Star-

\textsuperscript{13} \textit{Canterburie[s] Pilgrimage [i]n the testimony of an accused conscjenc[e] for the bloud of Mr. Burton. Mr. Prynne. And Doctor Bastwick.} (London: Printed for H. Walker, 1641), n.p.
\textsuperscript{14} The canons were seventeen ecclesiastical laws passed in May 1640 that were intended to create uniformity in church government. They included such issues as censoring seditious material, railing off the communion tables, and taking an oath to uphold the Church of England’s ecclesiastical hierarchy. See \textit{Constitutions and canons ecclesiaticall; treated upon by the Archbishops of Canterbury and York, presidents of the convocations for the respective provinces of Canterbury and YorK, and the rest of the bishops and clergie of those provinces} (London: Printed by Robert Barker, 1640).
Chamber order made against Mr. Prinne, Mr. Burton, and Dr. Bastwicke, had you any hand in that?” The archbishop, in great pain, confesses, “I had, I had, all England knoweth it.” The pamphlet concludes with Laud having second thoughts about the medical procedure: “oh, there comes something else, I protest the Miter, alas I had almost broke my Longs.” The physician leaves Laud in agony, remarking that if he has expelled a Miter, then the Devil is not very far behind. While this pamphlet does not dwell upon the suffering of Burton, Bastwick and Prynne, it locates their trial in a list of other grievances the godly had cultivated against the memory of Archbishop Laud. In particular, it presents Laud as a crypto-catholic who desires the power of a Roman Catholic bishop. While the claim that Laud was a secret catholic was patently false, the accusation drew upon well-established fears of a popish plot against the realm, further undermining Laud’s reputation.

The attacks against Laud were not restricted to text alone. Another pamphlet titled, A New play called Canterburie his change of diot which sheweth variety of wit and mirth, purports to have been privately acted near the Palace-Yard at Westminster. While there is no other evidence that the play was performed, the pamphlet does come complete with illustrations of the Archbishops misadventures. In the first act, the Archbishop sits down to dine on dishes brought to him by a doctor, lawyer and cleric, but he is dissatisfied with the plain fare, preferring rare dainties after the “Italian fashion.” The servers go unnamed, but their professions match those of John Bastwick, doctor, William

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15 The Bishops Potion (London?: s.n., 1641), 3.
16 Ibid., 4. A second version was printed in 1641 under the title The Canterburies Potion, with some variations. In this version, Laud’s last line is “O something comes against my stomacke, O it is a Miter, I had rather have vomited out my heart.”
17 Helen Pierce argues that such images were an integral part of the anti-Laudian campaign. While they called upon the “officially prescribed scripts” of the ceremonial robes and clerical dress, they subverted the authority of these official images. See Pierce, 809-848.
Prynne, lawyer, and Henry Burton, cleric. The association with the 1637 Star Chamber trial is further solidified in the ensuing action as the Archbishop, in his frustration over the poor meal, calls in the doctor, lawyer, and cleric and has their ears cut off. The victims protest their treatment declaring it "cruel", "unchristian", and without "precedent." But the Archbishop responds, "This J doe, to make you examples,/That others may be more carefull to please my palate./Henceforth, let my servants know: that what I will, I will have done,/What ere is under heavens Sunne", and he commands that the ears be made ready for his dinner.18

This play, however, goes beyond an attempt to incense its readers against the Archbishop’s cruelty. It presents several scenes of Laud reaping his just reward for his actions against the doctor, lawyer, and cleric. In the second act of this satirical play, the Archbishop meets a carpenter and asks to sharpen his knife. For fear that the Archbishop means to cut off his ears, the carpenter seizes the Archbishop and ties his nose to the grindstone so that “by the brushing of your nostrils, you shall know what the parting of an eare is.” The carpenter asks his victim, “were not their eares to them [the servers], as precious as your nostrils can be to you?”(fig. 1) In the final two acts of the play, the Archbishop ends up in a cage with his Jesuit confessor, being mocked by the King’s Fool.19 The illustration (fig. 2) of Laud behind bars would foreshadow his treatment at the hands of the Long Parliament.

18 A New play called Canterburie and his change of diot (London?: s.n., 1641), n.p.
19 It was widely reported that Laud was responsible for removing the king’s jester, Archie Armstrong, from his position at court after Armstrong got drunk in March 1638 and insulted Laud, calling him a monk, a rogue and a traitor. See Carlton, 154-155.
For Henry Burton, John Bastwick and William Prynne, however, William Laud’s trial was the culmination of their efforts to seek reparations for their sufferings after their Star Chamber trial of 1637. Having worked to craft a legislative memory in which their experiences were utilized as part of the campaign to abolish the temporal power of the episcopacy, they now sought more personal justice. This connection between legislative
power and judicial cases was noted by Ethyn Williams Kirby who viewed Laud’s trial as a demonstration of the sovereignty of Parliament. In Kirby’s account, William Prynne acted as prosecutor against Laud, not out of vengeance, but to solidify the rights of Parliament and the king in parliament, though absent.\footnote{Kirby, 51-74.} Prynne recruited witnesses of Laud’s alleged misconduct during the period of King’s Charles personal rule and relied upon his own experiences and those of his co-defendants of their 1637 Star Chamber trial to argue that Laud was guilty of treason. The willingness of numerous individuals to testify about conversations and actions that had occurred over two decades points to an intense, lasting hatred of Laud, or at least of his ecclesiastical policies.

After Laud’s arrest, he was confined to the Tower while, in 1641, the Parliament’s attention focused squarely on Laud’s friend, Thomas Wentworth, the earl of Strafford. Although both men were inmates in the Tower, they were permitted little contact with each other until right before Strafford’s execution.\footnote{Wentworth was executed on May 12, 1641.} After disposing of Strafford’s case in roughly six months, the Commons did little to prepare a case against Laud, allowing him to languish in prison for another two years. By imprisoning Laud, the Commons had achieved its main objective which was to remove Laud from court. Parliament members may have hoped that the removal of a “wicked” counselor would allow them to negotiate better with the king. But their failure to immediately prosecute Laud implies that they did not consider him to be very significant in that regard. Instead, Laud’s confinement provided Parliament with the opportunity to take advantage of the vacuum in church leadership to launch a full-scale attack on episcopacy. In October 1641, the Commons began debating a bill that would exclude the bishops from the House of Lords. This
exclusion bill passed and was signed by King Charles in February 1642.\textsuperscript{22} In May of 1643, the Commons formally stripped Laud of his power to make ecclesiastical appointments and froze his personal property.

The House of Commons appointed a prosecution committee that included John Wilde (MP for Worcester), Samuel Browne (barrister of Lincoln’s Inn), Sir John Maynard (part of prosecution of Strafford), Robert Nichols (MP for Devizes Wiltshire), and Roger Hill (junior counsel).\textsuperscript{23} Laud was quick to suggest that Prynne’s participation in gathering evidence for the committee was motivated more by personal revenge than for the good of the kingdom. He wrote in his account of the trial, “And, as I conceive, a chief Impediment was, that there was not a man whose malice would make his diligent enough to search into such a forsaken business, till Mr. Prynn offered himself to that service.”\textsuperscript{24} Laud maintained that Prynne engineered the entire prosecution, going so far as to tamper with witnesses’ testimonies by instructing them on what to say. The accuracy of Laud’s charge of witness tampering is uncertain, but his assessment of Prynne’s personal motives held more validity. In \textit{A breviate of the life of William Laud} (1644), Prynne attempted to publicly humiliate the Archbishop by publishing his private diary.\textsuperscript{25} On May 30, 1643, Prynne carried out another House of Commons’ order to search Laud’s cell in the Tower and seize his papers.\textsuperscript{26} He also searched Laud’s study at Lambeth Palace and used these documents to lay the foundation for a charge of High Treason against the Archbishop.

\textsuperscript{22} Smith, 20.
\textsuperscript{23} Initially, Bulstrode Whitelocke was asked to join the committee, having been part of the committee that prepared the evidence for Strafford’s trial, but he refused, claiming that he could not prosecute Laud who was a friend of the Whitelocke family and who had sponsored his education. See \textit{The Diary of Bulstrode Whitelocke}, edited by Ruth Spalding (New York: The Oxford Press, 1990), 148.
\textsuperscript{24} \textit{State Trials}, vol. 4, 352.
\textsuperscript{25} Prynne had found the diary among the Laud’s personal papers which were seized upon his arrest.
\textsuperscript{26} CSPD, Vol. 18:1641-1643, 463
In *Romes master-peece* (1643), Prynne publicly unveiled a second “Gunpowder Plot” that he claimed demonstrated Laud’s connection with popery. According to Prynne, the search of Laud’s papers in May 1643, led him to uncover evidence of a dastardly Catholic plot to reestablish popery in England by creating a civil war and by killing the king if he did not comply. Details of the plot were leaked to the Sir William Boswell, the English diplomat at the Hague by Andreas Habernfeld, one of the assistants to the plot’s mastermind, George Con, the pope’s legate in the English court. According the records Prynne found, the conspirators hoped to gain Laud’s help by offering him a position as a Cardinal, and the documents further revealed that the papal agents planned to poison Laud if he refused to join the conspiracy. After the plot was reported to Laud, he passed the information on to the King. Charles I authorized Laud to round up some of the conspirators named in the document, but quickly lost interest when the investigation did not uncover any immediate threats.

At first glance, the publication of this information seems counterproductive to the Parliament’s attempt to put Laud on trial for subverting the laws and religion of the realm, although its publication had been authorized by Parliament. If anything, the plan to poison Laud seems to demonstrate that the conspirators viewed him as a potential threat to achieving their objective. However, Prynne interprets the events in a way that casts the Archbishop’s actions in the worst possible light. Prynne first cites entries from Laud’s diary in which he recorded that after the king appointed him Archbishop of Canterbury, he was approached on two separate occasions by a mysterious individual who offered to make him a Cardinal. He refused the offer, but Prynne notes that while Laud informed the king of this strange offer, he did not press the king to launch an
investigation and root out potential popish plotters. Prynne contrasts Laud’s apathy in this instance with his zealousness in prosecuting “poore innocent Puritans” in the Star Chamber and High Commission. Thus, Prynne suggests that Laud may have been secretly inclined toward popery. Secondly, Prynne declares that Jesuit plot to kill Laud is only evidence that Laud was no supporter of the Jesuits; it does not prove that he was an enemy to all Catholics. Instead, Prynne comments that Laud was more of a “middle man betweene an absolute Papist, and a reall Protestant, who will far sooner hug a Popish priest in his bosome, then take a Puritan by the little finger.”

To support this point, Prynne refers to alleged “Romish doctrines” in the Scottish Prayer Book produced by Laud. He also insinuates that Laud had a hand in the dissolution of the Short Parliament in 1640. Prynne concludes with a rallying cry for action:

> Finally, therefore, let the serious consideration of all the premises instruct us, to learne wisdome from these our adversaries; let their indefatigable industry, subtill policy, sincere fidelity, cheerfull constancy, bountifull liberality, fraternall unanimity, undaunted magnanimity, indissolvable confederacy, and uninterrupted pertinacie in prosecuting, establishing, propagating their Antichristian Religion, Treasons, designes, excite all Protestants (according to their severall late *Covenants* and *Protestations* much forgotten) to equalize, if not transcend them in all these, in defending, securing, propagating our true Christian Religion, protecting our King, Kingdomes, Parliament, Lawes, Liberties, Posterity, all we yet have, or hereafter hope for, from that imminent ruine, which these Popish conspirators threaten to them.

This call to arms against popery, while not mentioning the Archbishop specifically, was calculated to revive an anti-Catholic hysteria. In this atmosphere, charges of Laud’s popish innovations would carry much more weight. Prynne’s use of print allowed him to influence public perception of Laud’s trial. More significantly, his work would aid

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28 Ibid., 36.
Parliament in legitimizing their claim to have the authority to declare what the law of the land was.

Along with the 14 original charges, on October 24, 1643, Laud received notice of a further ten articles of impeachment that had been approved by the House of Commons. The overarching charge was that Laud had attempted to create an arbitrary government within the kingdom and subverted the authority of Parliament. John Pym stated in his address to the Lords who were Laud’s judges, “And herein your Lordships may observe that those who labour in civill matters to set up the King above the Lawes of the Kingdome, doe yet in Ecclesiasticall matters endeavour to set up themselves above the King.” He stressed the primacy of Parliament in safeguarding the king’s prerogatives and the liberty of the people, encouraging the Lords to remove the Laudian threat.

Laud was given one week to submit his answer to the charges. His defense counsel included John Hearne, Chaloner Chute, Matthew Hale and Richard Gerrard. Although he submitted his defense at length, he complained about how the charges were issued. Focusing on the latter ten articles, Laud complained that he could not distinguish between those articles that charged treason and those that charged misdemeanors. He

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29 State Trials, 332-336. The 10 articles of impeachment were listed as follows: 1) encouraging the king to dissolve Parliaments in the third and fourth years of his reign; 2) subverting the laws of the realm by advancing the power of the King’s Council, Canons of the Church and the King’s Prerogative over acts of Parliament; 3) perverting justice in Ecclesiastical courts; 4) intervening in the 1633 trial of cleric, Burley, for non-residency and declaring that he would never allow judgment to by passed against a clergyman for “nilhil dicit” (declinature by the defendant to plead or answer); 5) imprisoning Sir John Corbet of Stoak, a Justice of the Peace, for calling for the Petition of Right; 6) suppressing the Feofees of Impropriations and their endowment to support good ministers; 7) advancing popery; 8) altering the Church of England and then imposing conformity to the innovations; 9) holding a Convocation of clergy to establish ecclesiastical canons contrary to the laws of the realm; and 10) advising the king to dissolve the Short Parliament. See Prynne, Canterburies Doome, 38-40.

30 Quoted in Prynne, Canterburies Doome, 29.

31 State Trials, vol. 4, 338. Ironically, John Hearne had served as defense counsel for William Prynne in his 1634 Star Chamber trial. In this trial, Hearne once again faced a power prosecution team, but this time he was aided by the brilliant legal scholar Matthew Hale. Hale would later write The History of Common Law in England, another act of memory construction.
petitioned parliament several times to distinguish between the two, but when his efforts failed, simply declared that he was “not guilty” of all charges. Laud had good reason to be concerned – without distinguishing between the types of charges, Laud could be found guilty of treason simply by the number of charges the prosecution sustained against him, rather than for the severity of the actions he was alleged to have committed.

As Laud would point out in the course of his Trial, the Treason laws had been essentially defined in 25 Edward III (1352). The royal statute defined treason as compassing or imagining the death of a royal family member, murdering high royal officials, violating the women of the royal family, levying war against the king, siding with the king’s enemies, counterfeiting the seals and coin, and bringing counterfeit coin into the realm. Since there was no evidence that Laud committed any such acts, the concept of what constituted Treason would have to be modified in Laud’s case. Alan Orr’s study of English treason cases in the 1640s sees Laud’s case as an important milestone in the transition from the idea that treason was a personal crime against the monarch to a more modern conception of treason as a crime against the impersonal state. The modification of treason law that had begun during Strafford’s trial continued to expand in Laud’s trial. In Strafford’s trial, prosecutors had introduced the concept of accumulative treason – that an accumulation of lesser crimes pointed to Strafford’s intent to subvert the law and divide the king from his subjects. In Laud’s trial, the idea of accumulative treason against the king was transformed into accumulative treason against

32 Examining the provisions of the statute, one could make the argument that the Long Parliament itself was guilty of treason as they had levied war against Charles I, created a new great seal, and supported the king’s enemies (the rebel Scots).
33 Orr, 101-140.
the realm. Samuel Browne espoused the new definition in his final argument to the House of Lords. In that speech he declared that there were treasons other than those found in 25 Edward III, that “Treason may be against the Realm as well as against the King,” and that Parliament is the final arbitrator in deciding whether acts not mentioned in the statue constitute treason. In the course of redefining treason, a battle over interpreting the memories of events in the 1620s and 1630s would ensue. The prosecution committee shaped the memories of Laud’s tenure as Archbishop in such a way as to disguise their legal innovations as “traditional” when they were, in fact, novelties.

As the trial was set to begin on March 12, 1644, Laud made one final attempt to gain the sympathy of his judges and circumvent the trial by representing himself as no threat to the kingdom. He asked the Lords to “take into their consideration my great years, being threescore and ten complete, and my memory, and other faculties, by age and affliction much decayed; my long Imprisonment, wanting very little of three whole years, and this last year little better than close Imprisonment: my want of skill and knowledge in the Laws to defend myself: the generality and incertainty of almost all the Articles, so that I cannot see any Particulars against which I may provide myself.” In particular, Laud’s played up his age and faulty memory in his request to present his defense only after the prosecution had finished their entire case. His request was rejected with Mr. Maynard commenting, “that if the Archbishop’s Memory was so bad, it would

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36 *Journal of the House of Lords*, Vol. 7: 1644-5 (London, 1802), 124-27. Parliament argued that its legal basis for modifying the 1352 statute was the proviso that gave “the King in his Parliament” the authority to determine treason for actions not strictly stated in the act. Hast, 38.
37 *State Trials*, vol. 4, 339.
be far worse for him to charge it with answering many particulars, and the whole Evidence against him together, than to answer every particular Charge each days, as it should be given in against him, whilst it was fresh in memory.”  

Laud’s assertion that he had a faulty memory was undermined by the rigorous defense he put up, drawing on his memory when he did not have complete access to his personal papers.  

On the first day of the trial, the strategies of the prosecution and defense became quite clear. The prosecution intended to overwhelm the judges with a mountain of detailed evidence – over 150 witnesses, some of whom testified multiple times. Laud’s defense strategy was to undermine the credibility of the witnesses’ memories and to shift blame from himself to larger institutions. This process was evident in his handling of the first witness, Henry Vane. The prosecution cited an entry from the Archbishop’s diary in which he recorded a discussion with the king concerning calling a parliament to deal with the Scottish Rebellion in 1639.  

They focused on a particular line that there was a “Resolution voted at the Board, to assist the king in extraordinary ways, if parliament should prove peevish and refuse.”  

Sir Henry Vane, the elder, who attended the meeting about the Scottish crisis was called and gave testimony that Laud went further to equate the authority of the King’s prerogative with acts of Parliamentary. Laud defended himself by attacking the evidence. He argued that his diary recorded private thoughts which he never intended to make public, and secondly, that although it may not have been charitable to assert that parliament could be “peevish,” it was not reasonable to

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38 Prynne, Canterbury’s Doome, 50; State Trials, vol. 4, 350.
39 Before the trial began, Laud petitioned the Parliament to gain control of his assets to pay his counsel and to get copies of the papers Prynne had seized. Although the Commons ordered that Laud receive money from his estates and have access to his books and papers, Laud complained that the order was not enforced effectively. State Trials, vol. 4, 338.
40 Ibid., 364-366
41 Ibid., 365.
write in such a way. This aspect of Laud’s defense recalls the strategy of Sir Thomas More who argued at his own treason trial in the sixteenth century that he could not be convicted by his refusal to speak about the Act of Supremacy. Laud’s claim to “silence” was complicated, however, by the fact that Prynne had published his private diary in A breviate of the life of William Laud. Thus, Laud had to bolster his defense with a strict interpretation of the medieval treason statutes.

Laud also tried to undermine Vane’s testimony by questioning the accuracy of his memory: “For the honour of sir Henry Vane, let me not forget this: He is a man of some years; and memory is none of the first powers of man on which age works; and yet his memory so good, so fresh, that he alone can remember Words spoken at a full Council-Table, which no Person of Honour remembers but himself: Had any man else remembered such Words, he could not have stood single in this Testimony.” Here Laud was referring to the statute 1 Edward 6, which states that the testimony of two witnesses is needed to obtain a conviction on the charge of treason.

In the course of the trial, it was precisely the issue of memories, like those of Henry Vane, that defined the particular evidence brought forward to buttress the general charges against Laud. Individually, these examples proved little, but taken together, they pointed to a pattern of conduct that would allow for Laud to be convicted of Treason. After protesting that Treason could not be proven from a collection of particular episodes that were not treason in and of themselves, Laud set about undermining the credibility of

42 Ibid., 367.
43 Strafford made a similar appeal to 1 Edward 6. William Stacy points out that parliamentary prosecutors failed to challenge Strafford’s claim by citing 1 & 2 Philip and Mary, c. 10 that repealed the two-witness rule. Instead, the prosecution attempted to demonstrate it had a surfeit of witnesses. Laud’s citation of Edward’s statutes indicates a lasting popular belief that two witnesses were necessary in treason trials. Stacy, “Matter of Fact, Matter of Law,” 332-333.
the witnesses’ memories. One particular charge on the second day involved soap boilers. During the period of personal rule when Charles I was looking for income, he sold monopoly rights to businessmen for making bricks, salt and soap. These particular soap boilers testified that when their company protested the king’s proclamation, Laud asserted that “a Proclamation was of as great force, or equal to a Statute-Law” and that the king was like “the Stone spoken of in the Gospel; that ‘whosoever it falls, it will grind him to powder.’” The first part of Laud’s defense strategy was to cast doubt on the witnesses’ credibility: “These Men have good Memories, that can punctually, being plain ordinary men, Swear Words spoken full Twelve Years since; And yet, as good as their Memory is, they Swear doubtfully touching the time, as that the Words were spoken in May 1632, or 33.” Then he denied having spoken the words at all, pointing out that in the course of his advanced education, he learned the difference between an Act of Parliament and a royal proclamation. At another point in his trial, a witness by the name of Wyan accused Laud of saying to Henry Martin, a Dean of the Arches, that he “had a Stigmatical Puritan in his bosom” when Martin complained of having to move the communion table to the former location of the altar at St. Gregory’s near St. Paul’s. Laud replied, “This man’s memory serves him long for words: this is many years since; and if I did speak anything sounding this way, it is more like I should say ‘Schismatical,” than ‘Stigmatical Puritan.’” Laud continually cast aspersions on the value of witness testimony concerning what was said ten or twenty years ago. At one point in the trial, he requested written proof of his words when a Mr. Caril and Mr. Tomlyns claimed that

44 Laud, History of Trouble and Trials, 234; State Trials, 369.; Biblical quotation from Matthew 21:34
45 Ibid.
46 Sir Henry Marten was Dean of the Arches in 1633. Laud, History of Troubles and Tryals, 327; State Trials, vol. 4, 472.
Laud gave a speech justifying having an icon made. Laud demanded that a copy of his speech be produced from the papers Prynne seized as evidence rather than have the court rely on the men’s testimony as they “remember.”

The heart of the prosecution’s case rested on the charge that Laud had assumed the authority vested in the Crown’s position as head of the English Church. In this context, charges of popery carried weight because they implied that the See of Rome had been raised above the king. As proof of Laud’s alleged intentions to reintroduce Roman Catholicism, the prosecution tried to link Laud to inflammatory memories of popish plots and scares. They first accused Laud of involvement in the Spanish match for Prince Charles, citing passages from Laud’s diary which, in Laud’s assessment, proved nothing beyond his knowledge that the Prince was in Spain with his companion, the Duke of Buckingham. Secondly, the prosecution alleged Laud’s involvement in the Prince’s match with France, but again, they did not produce letters to prove the charge. Finally, the prosecution focused on the Popish plot to overthrow King Charles. Prynne writes, “The plot was, to subvert the Protestant Religion, set up Popery, and reconcile us unto Rome, by engaging the King in a bloody warre against the Scots, and working him to their party; and in case they could not doe it, then to give him a poisoned figge (as his Father was poisoned) and seize upon the Prince, whom they would educate in the Romish religion.”

Laud claimed that the evidence he collected from the plot, which included a plan for his own assassination, proved that he was a threat to, not a supporter of,

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47 State Trials, vol. 4, 480.
48 Prynne, Canterburies Doome, 420. The poisoned fig probably referred to the alleged Catholic plot to poison King James that was revealed during the Overbury Affair. See Alastair Bellany, The Politics of Court Scandal: News, Culture, and the Overbury Affair, 1603-1660 (Cambridge: Cambridge University Press, 2002).
Popery.\textsuperscript{49} And in regards to the offer of a Cardinal’s Hat that Laud recorded in his Diary, he pointed out that he informed the king of it, as the law required, and turned it down. He concluded, “I would not have it forgotten, that if to offer a Cardinal’s Hat, or any like thing, shall be sufficient Cause to make a Man guilty of Treason, it shall be in the power of any Romanist to make any English Bishop a Traytor when he pleases: a Mischief not to be indured.”\textsuperscript{50}

The prosecution concluded its case by relating a dream Laud allegedly had that he rose to great preferment in the Church and to great power in the State, but in the end was hanged. Laud denied ever having such a dream and accused his kinsman, Mr. Badger, a separatist, of telling tales to Prynne. In any case, following the conclusion of the trial, Laud was given time to construct a summary of his defense to all the charges and present it to the House of Lords. On September 2, 1644, Laud appeared before the Lords to plead his case. He noted a series of problems with the course of his trial, particularly the short amount of time he was given to prepare answers to the charges of each day of the trial. He also pointed to the large number of witnesses who testified against him – above 150 – when common law stated that the accused should not be oppressed by a multitude of witnesses. Laud protested that several of the charges laid at his feet included the actions of other men for which he could not legally be held responsible and other charges involved the institutions of the High Commission, Star Chamber, Council Table, and Convocation for whose decisions he should not be held solely responsible. Finally, Laud declared that each charge according to common law did not amount to Treason in and of

\textsuperscript{49} Laud, \textit{History of Troubles and Tryptal}, 381-384.
\textsuperscript{50} Ibid., 389.
itself and thus, he should not be convicted of Treason. Mr. Herne, one of Laud’s counsels, stated more pointedly, “I crave your mercy, good Mr. Serjeant; I never understood before this time, that two hundred couple of black rabbits would make a black horse.”

Laud was given one more chance to defend himself when he appeared before the House of Commons on November 11 and answered the charges laid against him. Once again, he tried to cast doubt on the judicial process:

The Evidence given against me before the lords, was (as by the Law it ought to be) given in upon Oath: But the Evidence now summed up, and presented to this Honourable House, it but upon the Collection and Judgment of one Man [Samuel Browne], how able or intire soever: and what he conceived is proved against me, is *but according to his Judgment and Memory*: which perhaps may differ much from the Opinion and Judgment of the Judges themselves, who heard the Evidence at large: Nor was this Gentleman himself present every Day of my Hearing; and then for those Days in which he was absent, he can report no more here, than what others have reported to him. So for so much, his Repetition here is but a Report of a Report of Evidence given, and not upon Oath. And I supposed never any Jurors, who are Tryers of the Fact in any Case, Civil or Criminal, did ever ground their Verdict upon an Evidence only Reported before them, and which themselves heard not [emphasis added].

But for all of Laud’s protests, the Commons and Lords voted him guilty on all charges. Still, the House of Lords maintained that the charges were not treasonous in themselves and refused to consider their cumulative effect. This decision meant that in order to execute Laud for treason, the House of Commons was forced to pass a bill of attainder, which they did on January 4, 1645. Under the Tudor monarchs, bills of attainder were used to punish fugitives from justice and expanded the Crown’s rights to traitors’ property. Generally, bills of attainder were issued after the defendant had been convicted of treason by common law, but on occasion, the attainder process circumvented common

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52 *State Trials*, vol. 4, 586.
law and was used to expand the type of acts considered high treason.\textsuperscript{54} When the Commons failed to prove Strafford guilty of treason through a strict interpretation of the treason statutes, the house eventually turned to attainder, arguing that they were not avoiding the Lord’s judicial power, but were following established procedures for declaring doubtful cases of treason.\textsuperscript{55} As a result, the conviction of Strafford broadened the concept of treason beyond threats to the king’s physical body to include threats to the power of the king’s office. Charles reluctantly consented to the bill against Strafford, but in doing so, he took a step toward acknowledging parliamentary supremacy in determining treason.\textsuperscript{56} The use of attainder in Laud’s trial further strengthened this development, as the parliament passed the bill of attainder without the king’s consent. Charles attempted to intervene on behalf of his Archbishop by sending a royal pardon, but it was promptly rejected. Archbishop William Laud who once remarked, “I have lived and shall (God willing) dye in the Faith of Christ as it was professed in the Ancient Primitive Church, and as it is professed in the present Church of England,” was going to be given the chance to do just that in a very public manner.\textsuperscript{57} Laud’s conviction and execution reveals a significant and novel shift in the concept of treason and a corresponding adjustment in the national memory of the law. Charges of treason against

\begin{footnotes}
\item[54] The bill of attainder against Richard Roose in 1531 is one example of innovative use. Roose was accused of poisoning the porridge meant for Bishop John Fisher. His attempt failed, but the bill of attainder allowed King VIII to condemn Roose without prior judicial process and to raise poisoning (a felony under common law) to high treason. William R. Stacy, “Richard Roose and the use of Parliamentary Attainder in the Reign of Henry VIII,” \textit{The Historical Journal}, 29.1 (Mar. 1986), 1-3.
\item[56] Hast, 42-44.
\item[57] William Laud, \textit{A relation of the conference betweene William Lavvd, then, Lrd. Bishop of St. Davids; now, Lord Arch-Bishop of Canterbury: and Mr. Fisher the Jesuite by the command of King James of ever blessed memorie} (London: Printed by Richard Badger, 1639), 336.
\end{footnotes}
the realm had been expanded to include Parliament without the king. In this context, James I’s warning “No bishop, no king” took on renewed significance.58

This legal innovation giving Parliament more power in treason cases was solidified through their control of print. The earliest account of the trial was produced in 1646 by William Prynne at the request of Parliament. *Canterburies Doome* was part of a concerted effort to justify Parliament’s decision to execute Laud and to forestall attempts to make Laud into a martyr. In contrast, William Laud’s unpublished description of his trial gives a detailed day-by-day account of the charges laid against him and his defense. Upon learning that he was going to be executed, Laud smuggled his notes out of the Tower in the hands of some friends, but no record has been found to reveal the names of those friends or any information as to what happened to the notes until they were accidentally discovered long after the Restoration of Charles II.59  Laud’s version of the trial was meant to justify his actions while Archbishop of Canterbury and to deny any affinity for popery. When their positions had been reversed in the 1630s and Prynne was the one on trial, he managed to continue his writing and eventually published works to

58 James I made the comment while attending the Hampton Court Conference in 1604. One of the main purposes of the conference was to try to incorporate moderate Presbyterians into the national church. When the Presbyterians proposed that parish clergy should participate in administering church discipline, James interpreted their request as a desire to abolish episcopacy – an action which he feared would undermine the monarchy. See Kenneth Fincham and Peter Lake, “The Ecclesiastical Policy of James I,” *The Journal of British Studies* 24, no. 2 (Apr. 1985), 173-4; Patrick Collinson, *Godly People: Essays on English Protestantism and Puritanism* (London: Hambledon Press, 1983), 155-189.

59 After leaving the Tower, the fate of the notes is unknown until their publication in 1695. In the preface to the printed version, Henry Wharton reveals that he encountered the documents while working for Archbishop William Sancroft. When he questioned the Archbishop about them, he learned that Sancroft had obtained them from his predecessor, Archbishop Gilbert Sheldon, but did not know exactly how they came to be in his possession. As Sancroft was on his deathbed, Wharton did not have the opportunity to question him further. See Laud, *History of Troubles and Tryal*, preface.
support his case. Laud’s situation was entirely different. He lost the battle to control his memory in print since his work was suppressed intentionally until 1695.⁶⁰

Authorized by Parliament, *Canterburies Doome* gives an exhaustive account of the prosecution’s charge that Laud subverted religion, but pays little attention to the other charges relating to Laud’s alleged subversion of Parliament’s authority. Although Prynne promised an addition to *Canterburies Doome*, in which he would examine the remaining charges, he failed to produce one. For Prynne, Laud’s specific crimes against the English Church were sufficient to illustrate Laud’s alleged tendency to suppress liberties – whether religious or legal – of loyal Englishmen. By shaping the past in this way, Prynne established himself as the defender of religious orthodoxy and English constitutionalism. Prynne’s interpretation fit nicely with the stream of anti-Laudian literature that was produced in the early 1640s, but by 1644, with the war in progress, Prynne’s voice was becoming marginalized.

As the chief collector of evidence against Laud and with his background in the law, Prynne was the logical choice to put the prosecution’s case against Laud into print. However, in the preface to *Canterburies Doome*, Prynne assumes a tone of reluctance when discussing his task. He claims that he would have preferred to allow the memory of Laud’s crime to fade into oblivion and only “Your Honours superior Commands” [the Parliamentary order] encouraged him to pick up his pen “for Vindication of Your untainted Justice, and the Common Good, to deter all others in future Ages from the like ...erous [traitorous] Practices.”⁶¹ Prynne’s feigned reluctance in this document cannot

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⁶⁰ Most literature supporting Laud was suppressed until the Restoration. The exception was Peter Heylyn’s account of Laud’s funeral speech in *A briefe relation of the death and sufferings of the Most Reverend and renowned prelate, the L. Archbishop of Canterbury* (1645) published by a royalist press in Oxford.

be reconciled with his numerous pamphlet attacks on the Archbishop and his earlier involvement with the publication of Laud’s private diary in 1644.\textsuperscript{62} The subsequent 565 pages of trial details in \textit{Canterburies Doome} also demonstrate a great deal of effort on Prynne’s part to carry out his task.

The length of \textit{Canterburies Doome} is particularly striking considering that it did not present the prosecution’s entire case against Laud. Prynne notes that it was only the first part of his effort to document the trial, but subsequently he failed to produce any further accounts of the trial. \textit{Canterburies Doome}, then, represents Prynne’s own memory of the trial and is shaped to present the issues he felt were of supreme importance. In his account of the trial, Prynne notes the 14 initial charges against Laud and the 10 additional articles, but concentrates on those charges relating to Laud’s alleged traitorous endeavors to subvert the Protestant religion by introducing elements of Popery. For Prynne, evidence of Laud’s “popery” functioned as clear proof that he was raising himself above the power of the king. Prynne recorded seeing “popish” stained glass windows at Lambeth Palace and a glazier’s bill for the repair of a window below which hung a Crucifix. Prynne also related that Laud moved the Communion Table to the former position of the Altar in his chapel and later he testified to finding several popish books in Laud’s study.\textsuperscript{63} Finally, to bolster the claim that Laud was a papist, Prynne pointed to many examples of Protestant ministers being persecuted at the hand of Laud’s administration. In his description of Laud’s persecution of godly Christians and Ministers, Prynne makes subtle allusions to his own suffering. He includes accounts of trials before the High Commission and Star Chamber that led to godly people being

\textsuperscript{62} Prynne published Laud’s diary under the title, \textit{A Breviate of the Life of William Laud} in 1644.

\textsuperscript{63} Prynne, \textit{Canterburies Doome}, 59-70.
“imprisoned, fined, banished, pillored, stigmatized, spoyled of their eares…” And he accuses Laud of having “close-imprisoned others for sundry yeares in remote Castles in forraigne Islands, merely for opposing his Tyranny and Innovations, excluding not only their Friends, but Wives, Children from the least accesse unto their Prisons…”

Eventually Prynne drops all allusions to Laud’s alleged popery to focus on the procedural irregularities that surrounded his own trial in 1637. In the 1637 Star Chamber trial of Burton, Bastwick and Prynne, according to Prynne, “all the injustice, oppression, and cruelty that could be imagined, were combined both in the proceedings, sentence, and execution, not to be parallel’d in any age.” Given the focus of Canterburies Doome on Laud’s subversion of religion, it is surprising that Prynne’s account of the trial does not go into any great detail about the religious issues that had led to the trial. Instead, Prynne focuses on judicial misdeeds. First he points out that Henry Burton was arrested and imprisoned without bail, contrary to the rights listed in the Magna Charta and the Petition of Right. Secondly, he complains that he, Burton and Bastwick were denied the opportunity to present a defense to the charges. Although the defendants were tried jointly, they were not permitted to confer with one another and present a joint defense.

Prynne also cites numerous problems with their assigned legal counsel. He claims that that at times the defendants were denied access to their lawyers, and when they final drew up answers to the charges, the lawyers were intimidated into refusing to sign them. Prynne protested that he was denied permission to put his answer under his own hand as had Alexander Leighton at his trial. Even when Prynne managed to convince one of his lawyers to sign his defense, the Court refused to allow it, claiming it

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64 Ibid., 18.
65 Ibid., 22.
66 Ibid., 110.
was too late. Henry Burton testified that he was convicted *pro confesso* because Laud interfered with his defense by expunging 64 pages of his Answer. Their proof was a copy of their Answer with passages marked in black-lead found in Laud’s study.

According to Burton, the deleted sections were not scandalous, but contained his defense based on the Oaths of Supremacy and Allegiance that were passed by Parliament against popery, the King’s introduction to the 1628 edition of the *39 Articles* in which the king prohibited innovations and alterations to religion, the *Petition of Right* which secured subjects’ liberties, and two statutes of King James – one for remembering the anniversary of the Gunpowder Plot and other for suppressing Catholic recusants. Prynne suggests that all of this evidence was expunged from Burton’s answer “for feare the proof there of should have made the Bishops scandalous.” Prynne also relates that when they protested against the bishops’ interference in the trial by presenting a cross-bill, it was rejected and used as evidence against them. He notes that although the case concerned the Archbishop, Laud and the Bishop of London were allowed to sit in Court as Judges with Laud even giving a speech commending the sentence against Burton, Bastwick and Prynne. Finally, Prynne protests their harsh punishment for crimes that were never proved against them.67

Beyond the details of Burton’s, Bastwick’s and his own experiences, Prynne argues that Archbishop Laud was the instigator of their legal troubles. John Cocksbute, a servant to the Attorney General, Sir John Banks, testified that the Archbishop instructed his master to draw up charges against Burton, Bastwick and Prynne. As proof of Laud’s personal intervention in the trial, Prynne offers copies of Burton and Bastwick’s answers which he had found in Laud’s study, the former of which had passages marked in black

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lead. In addition, Prynne submitted copies of the warrants for their imprisonment and exile signed by Laud.

In addition to Prynne, Henry Burton and Susannah Bastwick gave testimony which Laud summarily dismissed. Their additional complaint was that the wives of Burton and Bastwick were kept from their husbands during their imprisonment. Laud reiterated that others were to blame for this situation as it was by the Lords’ Order that the families were separated. He noted that the Lords exploded with laughter when Burton complained of loss of consortium with his wife. Prynne brought other witnesses to testify on behalf of his servant, Nathaniel Wickens, who was also imprisoned for refusing to take the oath *ex officio* when he was brought before the High Commission for questioning. Wickens had become one of the casualties in Laud’s attempt to root out a network of “puritan” dissidents who were publishing works against episcopacy in the 1630s. Laud responded that Wickens’s imprisonment was necessary for “if such refusers might not be taken *pro confesso*, the whole power of the court was shaken.”

Laud’s speech in Star Chamber at the sentencing of Burton, Bastwick and Prynne was also produced in evidence against him. Prynne claimed Laud gave the speech to justify his “innovations,” and by dedicating the speech to the king, made him “the Patron of all these Innovations.” Most of what Prynne recorded about the speech concerned the issue surrounding communion. One specific complaint involved Laud’s censure of the community of Beckington in Somersetshire for not moving their communion table to the upper end of the chancel – the former place of the Altar. When the churchwardens

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68 An oath *ex officio* required the alleged wrongdoer to tell the complete truth even if it was self-incriminating. With the collapse of the Star Chamber and High Commission, English courts gradually adopted the policy “nemo tenetur seipsum accusare,” that “no man is bound to accuse himself.”

69 Laud, *History of Troubles and Tryal*, 349; *State Trials*, vol. 4, 496.
protested that its removal was an innovation and against the law, the Bishop of Bath excommunicated them. When they appealed to Laud, he told the churchwardens that they deserved punishment for expressing contempt for their bishop’s orders and upheld the “new” position of the table. The prosecutor, Samuel Browne, cited Laud’s Star Chamber speech where Laud noted that there were precedents for setting the Table in either way, but accused Laud of reacting harshly to the Beckington community when he himself was indifferent to the placement of the table. More significantly, passages from his speech to the Star Chamber were raised to prove him guilty of popery. Robert Nichols cited the following part of the speech as evidence of Laud’s belief in transubstantiation: “The Altar is the greatest place of God’s residence upon earth, greater than the Pulpit; for there ’tis Hoc est Corpus meum, this is my Body; but in the other it is at most but Hoc est Verbum meum, this is my Word: and a greater reverence is due to the Body, than the Word of the Lord.”

Laud’s trial provided Prynne with the opportunity to fight his case again – this time in front of a sympathetic court. But even Prynne realized that his emphasis on the 1637 trial was only one more piece in the mountain of evidence he was constructing against Laud. At most, the trial pointed to the third original charge of perverting justice in the courts. To drive home, his point about Laud’s alleged popish inclinations, Prynne turned implicating Laud in a wider pattern of persecution of the godly. He claimed, “Firy

70 The quotation is taken from Laud’s Speech to the Star Chamber which reads as follows: And you my Honourable Lords of the Garter, in your great Solemnities, you doe your Reverence, and yet to Almighty God, I doubt not, but yet it is Versus Altare, towards his Altar, as the greatest place of Gods Residence upon earth. (I say the greatest, yea greater then the Pulpit. For there tis Hoc est Corpus meum, This is my Body. But in the pulpit tis at most, but; Hoc est Verbum meum, This is my Word. And a greater Reverence (no doubt) is due to the Body, then to the Word of our Lord. And so, in Relation, answerably to the Throne, where his Body is usually present, then to the Seate, whence his Word useth to be Proclaimed.” Laud, Speech in Starre Chamber, 47. The original quotation in context is about bowing towards the altar and cannot be construed, without Prynne’s help, as a statement about the nature of the Lord’s Supper.
Calvinisme, once a Darling in England, in at length accounted Heresie, yea, and a little less then Treason (by the Archbishop and his Brethren in their censure of Dr. Bastwick in the High Commission).”\textsuperscript{71} In addition to Dr. Bastwick’s problems with the High Commission, Prynne pointed to the Book of Sports controversy in which ministers who refused to read the Declaration of Sports from the pulpit lost their livings. He accused Laud of hurting the king by encouraging him to publish the book of Sports.\textsuperscript{72}

To further demonstrate the pattern of animosity Laud displayed towards the godly, Prynne submitted correspondence from anti-Calvinists. In 1630, Dr. Brookes of Trinity College in Cambridge had written to Laud to complain about the strident Calvinists he encountered: “their doctrine of Predestination is the roote of Puritanisme, and Puritanisme the roote of all rebellious and disobedient intractablenesse in Parliament, & c. and of all Schisme and Saucinesse in the Country, nay in the Church it selfe.”\textsuperscript{73} Dr. Brookes’ warning echoed Laud’s own fear that religious division would destroy the English Church. The problem with the issue of religious division was determining who represented the divisive party; the Calvinists could just as easily finger their opponents as the one’s causing division. Prynne applied this principle in his next attack to prove Laud was letting in popery through the back door. He argued that Laud “first bent all his force and industry to introduce Arminianisme (the most plausible lesse discernible Doctrinall part of Popery, yet a ready Jesuiticall Posterne to let in all the rest) and that under a specious pretence of opposing Puritanism and Puritans onely, against whom he laboured to engage some Prelates, and the Duke of Buckingham first, then next His Majestie.”\textsuperscript{74}

\textsuperscript{71} Prynne, \textit{Canterburies Doome}, 114.  
\textsuperscript{72} Ibid., 150-154.  
\textsuperscript{73} Quoted in Prynne, \textit{Canterburies Doome}, 167.  
\textsuperscript{74} Prynne, \textit{Canterburies Doome}, 155.
For evidence, Prynne introduced a letter he had seized during his search of the Archbishop’s study. The letter was written by a Jesuit priest and was sent to a rector at Brussels [Brussels]. (Presumably, the letter was passed on to Laud through a network of informants that kept him abreast of any potential danger to the English Church. This same network was probably responsible for the information on the Habenfeld plot against King Charles.) In the letter, the alleged Jesuit priest proclaims that “NOW WE HAVE PLANTED THE SOVEREIGN DRUGGE ARMINIANISM, which we hope will purge the Protestants from the Heresy.”

Prynne also accuses Laud of complicity in the Jesuit’s plot by appointing Arminianist bishops and suppressing ministers who preached the Calvinist doctrines of election and predestination. He compares Laud to a “Spanish Inquisitor” for sponsoring a Decree concerning Printing (July 1, 1637) that placed numerous restrictions on printing, preventing godly writers from producing books against Arminianism or Catholicism. In addition to suppressing the books written by godly authors, Prynne accused Laud of actively collecting heretical books. Laud responded, however, that possession of alleged popish and Arminian documents did not necessarily prove belief. Poking fun at Prynne’s logic, he scoffed, “For I have Bellarmine in my Study; Therefore I am a Papist: or I have the Alcoran [Koran] in my study; Therefore I am a Turk, is as good an Argument as this; I have bishop Mountague’s Books in my study; Therefore I am an Arminian.”

When Prynne brought up the issue of the High Commission as another example of Laud’s using courts unjustly to suppress godly writers, he focused on the testimony of his

75 Ibid., 159.
76 Michael Sparks, one of the printers of Burton, Bastwick and Prynne’s works, testified that he was called before the High Commission for printing editions of the Bible with Geneva Notes.
77 Laud, History of Troubles and Tryptal, 364.
fellow co-defendants in his 1637 Star Chamber Trial. Henry Burton acted as the chief witness, arguing that Laud usurped both temporal and ecclesiastical power through the High Commission. Burton claimed that when he was called into the High Commission in 1626, he appealed to the king, but he was dismissed on the advice of Laud. Then he was censured by the High Commission. Laud refutes Burton’s complaint on the grounds that it was the fault of the High Commission, not himself, that Burton was censured and that he was merely performing his duty when he advised the king not to interfere in the jurisdiction of the court.\(^78\) Similarly, when he was charged with placing his authority above that of the king concerning the censure of John Bastwick for his book, Laud claimed that his witnesses were misinformed. He acknowledged that his “forinsecal jurisdiction” he received from the Crown, but that his calling was from God by “divine and apostolic right.”\(^79\) Essentially, Laud accepted the secular authority of the king in matters of external discipline, but placed authority for deciding doctrinal questions in the clergy. The prosecution, however, seized upon the issue of divine right to argue that Laud was guilty of treason because he essentially was setting up an ecclesiastical state within the temporal state of England and appointing himself up as the supreme authority. For the parliamentary prosecutors, the power to determine church doctrines and practices rested in the hands of a secular magistrate not in an ecclesiastical body.\(^80\)

Prynne concluded *Canterburies Doome* with a reiteration of the “Jesuitical” plots Laud allegedly advanced to reconcile the Church of England with Rome. He blamed Laud for the deaths of the civil war, which he attributed to Laud and Strafford advising the king to raise an army of “Irish Papists” to subdue the Scots since they claimed the

\(^{78}\) Ibid., 298-300.  
\(^{79}\) Ibid., 452.  
\(^{80}\) Orr, 102-114.
English could not be trusted with the task. The Habernfeld Plot was raised again as further evidence that Laud was complicit with papal conspiracies because he did not strenuously root them out and prosecute them. Prynne finally ends the massive tome with a promise to publish future works to prove Laud guilty of the other charges beside the charge of subverting religion. Prynne neglected to keep his promise; no additional books on Laud’s trial were forthcoming from his pen. Instead, he focused on combating new perceived threats to the English Church – the Independents. But Prynne’s failure to publish further books on Laud’s trial also points to his success in controlling Laud’s memory in the 1640s. Little outrage followed Laud’s execution in contrast to the experiences of Burton, Bastwick and Prynne with their punishment even through Laud suffered the ultimate penalty. The small amount of literature supporting Laud was countered by a renewal of anti-Laudian literature.81

Peter Heylyn, Laud’s chaplain, sponsored one of the few publications of Laud’s speech on the scaffold that included a brief commentary on the events of the trial and execution.82 To counter the anti-Laudian literature, Heylyn described Laud’s execution as a martyrdom scene. He stated, “And as he [Laud] did not feare the frownes, so neither did he covet the applause of the vulgar herd, and therefore rather chose to read what he had to speak unto the people, than to affect the ostentation either of memory or wit in that

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81 This anti-Laudian literature included works such as Joshua Hoyle, _Jehojadahs justice against Mattan, Baals priest_ (London: Printed by M. Simmons, 1645) and William Starbuck, _A briefe exposition, paraphrase, or interpretation, upon the Lord of Canterburies sermon or speech, upon the last pulpit that ever he preached, which was the scaffold on Tower-hill_ (London: Printed for William Starbuck, 1645). The author of _The life and death of William Lawd_ (London: Printed for John Hancock, 1645) commented that his work was meant to counter the publication of Laud’s funeral speech which proved a hazard to men’s souls.

82 The printing work was undertaken by royalist printers in Oxford.
dreadfull Agony.”

Heylyn’s preface established the context in which he wished his readers to interpret Laud’s speech. In the subsequent printed speech, Laud denied the charges made against him and placed himself in the tradition of other persecuted church leaders like Saint Stephen and Saint Paul of the early church. He claimed that although he was a sinner, no sin he had committed qualified as treason according to the Laws of the kingdom. Thus, he prayed the people’s eyes would be opened and would not be led by the “blind faction” running Parliament. He claimed that the people’s fear of Rome, which contributed to his present troubles, was unjustified, but that if they allowed sectarian division to reign among them, it would provide an opening for the Pope to exploit. He also took the opportunity to proclaim the King’s commitment to upholding Protestantism in England. Heylyn commented, “And thus farre [Laud] was gone in his way towards Paradise with such a Primitive magnanimity, as equalled, if not exceeded the example of ancient martyrs. . .”

Heylyn concluded his description of Laud’s execution with an poetic eulogy: “A death so full of merits, of such price, / To God and man so sweet a sacrifice; / As by good Church-law may his name preferre, / To a fixt Rubrick in the Calendar.”

The preface to the printed version of Laud’s scaffold speech further crafted a royalist memory of the Archbishop. Heylyn listed the numerous violations of precedent

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84 Heylyn, 24.

85 Ibid., 19. William Laud would eventually receive the recognition Heylyn desired. In the present-day Anglican Church, January 10 is celebrated with a special prayer remembering the sacrifice of William Laud.
by the House of Commons – from the exclusion of bishops from the House of Lords, to
imprisoning Laud for so long without charges, and to depriving the archbishop of his
rents and lands. To this list, he added his most important indictment of the Parliament –
putting Laud to death without a legal trial. For Heylyn, the bill of attainder and the death
warrant that did not have royal assent violated every legal precedent that had been
established since the Magna Charta. He, at least, saw through the prosecution’s strategy
to use the memories of Laud’s actions in the 1620s and 1630s to disguise and make
acceptable their judicial innovations concerning the treason laws.

The direct threat Laud posed to Burton, Bastwick and Prynne had been defused
with his execution, but the printed versions of Laud’s speech and, more significantly,
Heylyn’s interpretation of Laud’s trial and execution could not be permitted to circulate
unchallenged. Pro-Parliamentarian newsbooks often printed the text of Laud’s speech
with brief commentaries, as did the editor of A Perfect Diurnall who noted that one could
easily tell “how far [Laud] dissembled his treasons therein.”86 The Grand Impostor
Unmasked was Henry Burton’s more potent “antidote” to the “sugared potion” in
Heylyn’s “poysonfull peece.”87 Burton clearly recognized the power of print in creating
Laud’s memory: “the world might take him [Laud] to die as some innocent Martyr, as all
his Sermon would set him forth, and for which end it was penned, if not also Printed.”88
To correct Laud’s memory as it was presented in the funeral speech, Burton compared
Laud’s sufferings with his own in 1637. Burton mocked, “he [Laud] little dreamed then,
that such a Pillory could in the space of seven years grow to such a bulke, as whereof to

86 A Perfect Diurnall of Some Passages in Parliament [No. 76] 6-1 January 164[5] in Joad Raymond,
88 Burton, Grand Impostor, 3.
hew out, and erect a Scaffold on the Tower-Hill, where himself should loose his head for others ears. . .” The main text of this short pamphlet was set up as a commentary on Laud’s speech. Interpreting Laud’s comment that he was speaking on a “sad occasion” as a sign of the archbishop’s troubled conscience, Burton contrasted the archbishop’s misery with the joyful sufferings of himself and his two “martyred” companions in 1637. Thus, Burton characterizes the archbishop’s subdued performance on the scaffold as further evidence of his guilt on the charges of treason. After outlining Laud’s attempts to usurp the king’s authority and return the Church of England to Roman Catholicism, Burton concluded by reminding his audience, once again, of his own sufferings and those of John Bastwick, William Prynne, Alexander Leighton, and John Lilburne at the hands of the archbishop. With this strategy, Burton hoped to undermine the impact of Laud’s execution by replacing the image of Laud’s beheading with the memory of the terrible punishments suffered by Laud’s many victims—pillorying, ear-cropping, branding, whipping, fining, perpetual imprisonment, and banishment from English society. But Burton’s pamphlet was significant not only for the way its content shaped Laud’s memory, but also for how its publication differed from his previous anti-Laudian literature in the 1630s. Unlike many of the pamphlets attacking Laud after his execution, Burton’s Grand Impostor Unmasked was licensed by Parliamentary censors.

The Parliamentary licensing system, however, could not prevent the circulation of several editions of Laud’s scaffold speech. Again, Henry Burton attempted to control Laud’s memory with another pamphlet: A full and satisfactories answere to the Archbishop of Canterbvries speech. In this detailed gloss on Laud’s speech, Burton reiterates

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89 Ibid., 4.
90 Ibid., 14.
the primary charge against the archbishop – subverting the laws of England. He comments, “if [Laud] should have lived, and that full of pride, that hee would never submit to the Parliaments, and their Lawes, which he sets in oposition to the Temple and truth of God: Nay hee is so farre from Charity, that hee seemes to invite the people to mutinie.” Burton’s emphasis on Laud’s legal transgressions serves to legitimize the legal sentence passed on him. He takes considerable exception to Laud’s claim that he and the Earl of Strafford were sentenced to death by the machinations London people who petitioned for their deaths. Burton responds that “it is notoriously knowne that in this he lyes against his own Conscience, well knowing, that never any Subject in England, had a fayrer tryall, and more liberty and priviledge, and favour all along than he, the like was never shown to any man in his case, if hee could have defended himselfe, and that his Counsell knew right well.” To further this argument, Burton reinterprets Laud’s speech to demonstrate that was, in fact, guilty of treason. Taking a passage in which Laud proclaims his loyalty to Parliament and explains his actions as attempts to prevent “misgovernment,” Burton massages the Laud’s words to conclude that the

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91 Burton, A full and satisfactorie answere to the Arch-bishop of Canterbvries speech (London: Printed by Jane Coe, 1645), 8.
92 Ibid., 13.
93 Laud’s speech reads, “I have bin accused likewise as an enemy to Parliaments no, God forbid, I understood them, and the benefits that comes by them, a great deale too well to be so, but I did indeed dislike some misgovernments (as I conceived) of some few one or two parliaments; and I did conceive humbly that I might I have reason for it, for corruptio optimi est pessima: There is no coruption in the world so bad as that which is of the best thing in it selfe, for the better the thing is in nature, the worse it is corrupted; and this being the highest and greatest Court, over which no other can have any Jurisdiction in the Kingdome, if by any way a misgovernement, which God forbid, should any wayes fall upon it, the Subjects of this Kingdome are left without all manner of remedy, and therefore God preserve them, and blesse them, and direct them, that there may bee no mis-conceit, much lesse mis-government amongst them. Ibid., 21.
archbishop contracts himself and demonstrates his true motives to subvert Parliamentary authority.⁹⁴

Burton and Prynne’s works demonstrate their concerted attempt to control the meaning of Laud’s memory after his execution in 1645. But in the mid-seventeenth century, the civil war claimed more people’s attention than did the death of the Archbishop of Canterbury and its judicial implications. Heylyn’s attempt to create a politically-charged memory of Laud’s death had failed in the face of Prynne’s success in using his own memories to demonize the Archbishop. Heylyn wrote a biography of William Laud’s life in which he defended his mentor’s religious policies, but it would not be published until the Restoration, either because he could not find a printer willing to take the job or because he was waiting for people to get to the point where they could remember Laud through events other than those catalogued by Prynne. Henry Burton, John Bastwick and William Prynne capitalized on their experiences in their 1637 Star Chamber trial to provide proof to secure Laud’s conviction for treason. For the moment, Burton, Bastwick and Prynne had control of the trial performance and print; and hence, of public memory.

⁹⁴ Burton writes, “See what jugling here is, wherein almost in every line he contradicts himselfe. First, he denies that he hath been an enemie to Parliaments, (No, God Forbid) and yet in the next line but one he confesseth that he disliked one or two Parliaments: and conceives he saies that he might have reason for it. The second, he doth acknowledge it to be the highest, and greatest Court, and yet by and by calls it Misse-Governement. Thirdly, he saith that none can have Jurisdiction over the parliament, and yet doth himselfe presume to dislike thereof. Fourthly, He pleads for his owne Innocencie, and hath presumed to traduce the King to breake up former parliaments: and yet should parliaments bee hindred by misgovernment (which must be by force, or by tretchery of their enemies) He confesseth that we should there be blest with all manner of Remedie. And hath thus made a Confused distracted Conclusion. . .” Ibid., 21-22.
Epilogue
The Legacy of Burton, Bastwick and Prynne

By 1645, Henry Burton, John Bastwick and William Prynne had emerged from the previous two decades to enjoy a measure of triumph. They had been vindicated by the Long Parliament through the revocation of their 1637 Star Chamber sentence and reparations for their suffering. The elimination of institutions of High Commission, Star Chamber and episcopacy, though not directly caused by Burton, Bastwick and Prynne, gave them the ability to publish without legal reprisals. Furthermore, a record of their experiences figured prominently in the anti-Laudian pamphlets that circulated after the collapse of printing controls. Since their release from prison in 1640, they had also managed to secure positions of respect within the kingdom. Henry Burton returned to his parish at St. Matthew’s, Friday Street, John Bastwick fought in the parliamentary army, and William Prynne served the Parliament as chairman of the committee of accounts. Nonetheless, although the trio had achieved several victories, they continued to be drawn into the increasingly uncertain battles over print that raged throughout the civil war and into the Restoration. Following the death of Laud, their participation in these print conflicts would no longer present a united front.

After choosing to support the Independents in several pamphlets, Burton was denounced in print by his former friends. Despairing of reforming the Church of England if that task were left in the hands of individual congregations, Burton renounced his ordination and left his parish. Towards the end of the year in 1647, he fell ill. He died
the following January. John Bastwick’s later print career centered on the issue of Independency as well, and he aimed several treatises at undermining the position of his former friends, Henry Burton and John Lilburne. Frustrated in his attempts to gain a seat in Parliament in 1645, Bastwick’s influence in politics faded. He died on September 28, 1654. William Prynne also came into conflict with his former friend Henry Burton over the question of Independency. Although elected to Parliament in 1648, Prynne drifted to the political margins with the rise of the Independent faction. Of the three protagonists in the 1637 Star Chamber trial, only William Prynne survived into the Restoration, where again, his political fortunes declined. Thus, the story of Burton, Bastwick and Prynne in the 1660s is a story of the unmaking of memory and a loss of control over print. But ironically, even as Burton, Bastwick and Prynne’s own interpretation of their experiences was superseded by that of their opponents, the importance of controlling print and its ability to shape memories of the past was enhanced. An examination of Prynne’s place in late Stuart print history reveals the contours of conflicting memories about the English Revolution, but also contributes to a better understanding of the Revolution’s legacies – a renewed emphasis on the law and increased Parliamentary authority in battles to control print.

Jonathan Scott has argued that the Restoration cannot be comprehended properly without an understanding of the civil wars. One significant memory of the English Civil War and Interregnum that emerged during the Restoration was that of a time when the

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rule of law had been most violated.  Several scholars have identified a persistent strain of thought—the ancient constitution—that greatly influenced seventeenth century political theory. The ancient constitution, based on common law, was thought to have existed from time immemorial and served to balance between royal prerogatives and subjects’ liberties. When the system functioned efficiently, it emphasized the principle of mutuality. The king’s prerogatives helped to defend the realm and maintain public order while the people, through their representatives in Parliament, aided in producing legislation and raising money. By ruling without Parliament from 1629-1640, King Charles threatened to upset the balance. The early business of the Long Parliament—investigations into ship money and ecclesiastical practices—represented an attempt to restore the political balance that had been upset by the king and his councilors. Even when efforts to get Charles’s full support failed and many Parliamentarians took up arms against the royal army, they still invoked the king’s authority, claiming to be taking action only against the royal councilors who had misled the king. At the behest of some members of Parliament in August 1643, Prynne published The Soveraigne Power of Parliament to justify its actions in raising taxes to fight the war. He asserted that monarchy was “the best of Government, whiles it keepes within the bounds which Law and Conscience have prescribed.” Prynne described royal power using the metaphor of a mighty river—when it overflowed its fixed banks, it threatened to drown the

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surrounding countryside. According to Prynne, the remedy for the situation was to solve the quarrel between King and Parliament through the law.

As the civil war progressed, however, the rising power of the Army and the Independent faction in Parliament began to concern Prynne. He feared that a victory for Independents would have severe political repercussions. In his mind, a division of the Church into autonomous congregations could only lead to a divided government. In response to this threat posed by sectaries and the army, Prynne wrote *The Sword of Christian Magistracy Supported* (1647) in which he argued that Parliament alone was the source of all authority for ecclesiastical issues. The following year, Prynne was elected to Parliament by the citizens of Newport without his solicitation, a demonstration of his rising political stature. Once seated in Parliament, however, Prynne failed to find strong allies. While he preferred the Presbyterian polity to the decentralized structure of Independency, as early as 1646 he warned of the dangers of placing too much power in the hands of the Presbyterian clergy. His Erastian views proved to be increasingly ineffective as parliamentary politics became more radicalized, and Prynne’s career as a Member of Parliament was short-lived. In 1648, Prynne returned to his earlier role of political outsider, becoming one of the members of Parliament secluded during Pride’s Purge.

As David Underdown has noted, the Puritan revolution of 1648-9 contained a curious mix of political radicalism and conservatism. In seeking to limit the power of the monarchy, the Rump Parliament attempted to legitimize their actions in law. On

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January 1, 1649, the House of Commons proclaimed, “That by the fundamental Laws of this Kingdom, it is treason in the King of England, for the Time being, to levy War against the Parliament and the Kingdom of England.” Three days later, a further resolution declared that the Commons was “the supreme power in this nation” and, thus, could enact legislation independently of the Lords or King. Prynne reacted to these declarations with horror, claiming that the Commons was now upsetting the balance prized in the ancient constitution.

Yet, Prynne’s own participation in William Laud’s trial helped pave the way for the Commons to assert its self-proclaimed supremacy through the trial and execution of the king. In the trials of Strafford and Laud, the Parliament had claimed to act under the king’s name and by his authority. As Alan Orr points out, these two trials expanded the legal definition of treason to include acts that did not directly compass the death of the king. Prynne had helped to construct a case against Laud based on the legal innovation of cumulative treason against the English state. The expansion of legal definitions of treason in those two trials created the opening for putting the king’s person on trial for treason. For Orr this ideological shift became the revolutionary aspect of Charles’s trial. Monarchs had been deposed in English history, but the king’s trial led to a temporary transformation of the English polity – the abolition of the monarchical office and location of sovereign power in the Parliament. During his trial, Charles noted the dangers of the legal innovations:

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11 Ibid., 111.
12 In particular, Prynne argued that the Lords were an integral part of legitimizing Parliamentary power. See A Plea for the Lords (London: Printed for Michael Spark, 1648/9?).
If it were only my own particular case, I would have satisfied myself with the Protestation I made the last time I was here, against the legality of the Court, and that a King cannot be tryed by any Superior Jurisdiction on Earth; but it is not my case alone, it is the Freedom and the Liberty of the People of England, and do you pretend what you will, I stand more for their Liberties. For if Power without Law, may make Laws, may alter the fundamental Laws of the Kingdom, I do not know what subject he is in England that can be sure of his life, or any thing that he calls his own.\textsuperscript{14}

But, as with Burton, Bastwick and Prynne in 1637, it was Charles’s performance on the scaffold that subverted the Parliament’s claims and transformed the executed king into a martyr.\textsuperscript{15}

The more radical the army and its Parliamentary allies became the more the desire for the traditional constitutional settlement grew. Failing to find sufficient protection for English liberties from Parliament, Prynne turned to glorifying the law in his works. Basing his work on statute law, Prynne argued in \textit{Demophilos, or, The assertor of the peoples liberty} that the essence of government was found in its duty to safeguard the liberties of the people. He championed the law’s protection against such innovations as imprisonment without legal cause, use of martial law during peacetime, and forced taxation.\textsuperscript{16}

The death of Oliver Cromwell in 1658 provided the opportunity for Prynne to restore his political fortunes. During the eighteen months between Cromwell’s death and Charles II’s return, the major question facing England was who would rule. Cromwell’s successor, his son Richard, was a civilian. Many political moderates, like Prynne, hoped he would decrease the power of the army. But when the Parliament called in January

\textsuperscript{14} \textit{King Charls his tryal at the high court of justice sitting in Westminster Hall, begun on Saturday, Jan. 20, ended Jan. 27, 1648 also His Majesties speech on the scaffold immediately before his execution on Tuesday, Ian. 30} (London: Printed by J.M. for Peter Cole, Francis Tyton, and John Playford, 1650), 27.


\textsuperscript{16} William Prynne, \textit{Demophilos, or, The assertor of the peoples liberty} (London: printed for Francis Coles in the Old-Baily, 1657/8?).
1659 attempted to restrict religious toleration and to establish civilian control over the military, the army deposed Richard and recalled the Rump Parliament. During the remainder of the year, the army and the Rump Parliament struggled for political control. As the political settlement disintegrated, General George Monck, commander of the army in Scotland, called for a return to civilian government. He began to march his army toward London, reaching the city on January 1, 1660. Monck soon clashed with the Rump over its membership, demanding that it fill vacant seats through free elections. When the Rump continued to insist upon qualifications that would have prevented moderate Presbyterians from participating in elections, Monck allowed the members who had been excluded from Parliament in 1648 to retake their seats. On February 21, 1660, Prynne marched along with six other secluded members to demand re-admittance to Parliament. According to Aubrey, the grand spectacle was undermined when Prynne accidently tripped Sir William Waller with his long, rusty sword. Despite this minor mishap, Prynne and the other members gained re-admittance, upon which Prynne turned to championing the restoration of the Stuart Crown. In the short work, *The title of kings proved to be jure devino*, Prynne argued for the divine right authority of English kings based on scriptural and legal proofs, while depicting the Rump Parliament as having subverted the laws of England by assuming the powers of the Crown.

While Prynne’s ideas resonated with the royalist cause, some accused him of political inconsistency. An anonymous pamphlet accused Prynne of needing “to raile at

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19 William Prynne, *The title of kings proved to be jure devino and also that our royall soveraign, King Charles the II, is the right and lawful heir to the crown of England* (London: Printed for Nehemiah Price, 1660).
all Authority, all kinds of Government, to make himself diametrically opposite to
whatsoever is called the Present power…Against Kings, against Liturgie, against
Bishops, against those that are against Kings, Liturgie and Bishops…”  

But according to William Lamont, Prynne maintained an ideological consistency since his works
continually sought to restore a balance between monarchical authority and English
liberties. In the 1630s, Prynne had attacked the royal councilors who upset the delicate
balance and in the 1650s his challenges were directed at the Parliament for overcorrecting
the problem. For Prynne there was no greater example of the tyranny than popery;
hence, he blamed the execution of the king and the abolition of the monarchy on new
Jesuit plots. Acknowledging these efforts on his behalf, Charles II wrote to Prynne:

I have not only received particular information of your great services
and indefatigable endeavours to awaken my people of England from that
deplorable condition they have run themselves into, but have had the
perusal of some of your labours myself; And I must believe that the
efficacy of your pen has been so prevalent in the discovery of such dark
designes that it has and will facilitate my restoration…

On March 16, the Parliament dissolved. Though the Presbyterians drew up
qualifications for membership that would have excluded royalists, Monck did not enforce
them. Thus, the ensuing Convention Parliament was fairly evenly divided between
royalists and those who had supported the Long Parliament during the civil wars. Two
factors united the Parliament, however, to seek the return of the Stuart monarch. First, on
April 4, Charles II issued the Declaration of Breda which established a tone of optimism
in preparation for his reign. Charles granted free pardon to those who had joined the
Parliamentary army and promised to pay arrears to the army in full. He also declared

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20 The Character or Ear-mark of Mr. William Prynne (London: s.n., 1659), 2.
21 Lamont, 205-216.
22 Quoted in Lamont, 195.
limited toleration for sectarians by promising that “no man shall be disquieted or call’d in question for differences of opinion in matter of Religion, which doe not disturbe the Peace of the Kingdom.” Finally, he referred contentious issues such as the settlement of Crown and Church lands, the reestablishment of the Church of England and the punishment of the regicides to Parliament. The document, presented to the Convention on May 1, soothed fears that the new king might rule without Parliament as his father had done. Secondly, a brief republican revolt led by Colonel Lambert, though suppressed, confirmed beliefs that the realm’s stability and security depended on the restoration of the king.

Thus, Charles II’s return to England in May 1660 was greeted with great celebration throughout the realm. In keeping with the spirit of the Declaration of Breda, Parliament passed “An Act of free and general Pardon, Indemnity, and Oblivion” in August. The act served as a general pardon for all those who had committed treason against Crown, excepting the regicides. According to Peter Burke, such acts are examples of “social amnesia.” Forgetting conflict allows for greater cohesion and consensus in society. But during the Restoration, the English people did not so much forget about their past as they began to re-shape it through print in various new ways. William Prynne joined in the celebrations of the king’s return, but his initial optimism would soon give way to disappointment over the failed attempts to achieve a comprehensive religious settlement. The failure of Prynne’s religious agenda, however,
pales in comparison to the political shift towards increased Parliamentary authority. Although much of the legislation passed by the Long Parliament was repealed in favor of restoring the king’s prerogatives, those early reforms to which Charles I had assented – the prohibition of ship money, the abolition of the prerogative courts, and the elimination of the Crown’s feudal rights – were incorporated into the Restoration regime.26

The major challenge for the Convention Parliament was to create an effective political and religious settlement. William Prynne continued his political involvement in the Convention as a representative for Bath in 1660 and was re-elected to the Cavalier Parliament in 1661. Initially, Prynne joined the Presbyterians in their expectations for a comprehensive religious settlement. Prynne envisioned the establishment of a national Church that incorporated the reforms from the 1640s that allowed ministers to dispense with kneeling at the sacrament, bowing the head at the name of Jesus and wearing the surplice.27 In August 1660, Charles II appointed Prynne to the position of Keeper of the Records in the Tower of London, a post that included a yearly stipend of £500. While the lucrative appointment was a reward for Prynne’s activities in promoting Charles’s return to the throne, his enemies may have hoped it would keep him too busy to continue his pamphleteering, but it did not.

One of the first challenges facing the Convention was to arrange for the restoration of royalist clergy who had been ejected from their livings after 1640. In defense of moderate episcopacy, Prynne republished his earlier work, The Unbishoping

27 While Prynne generally supported the Presbyterians, he did split from them on the issue of excommunication (i.e., exclusion from communion). While the Presbyterians wanted to examine communicants to assess their fitness to receive the sacrament, Prynne argued that it should be administered to all church members, even sinners, if penitent.
of Timothy and Titus (1660) in which he argued that the development of episcopacy was an historical accident, not a divine decree. In a short appendix, Prynne explained that he was prompted to re-print his work to shed light on the parliamentary debate over the Act for Settling Ministers. In particular, Prynne addressed the work to his opponents who refused to recognize ministers ordained during the Protectorate regime unless they had been re-ordained by a bishop. He reiterated his firm belief that the primitive Church never erected the office of bishop to be superior to that of minister or presbyter. But more pointedly than in his earlier work, he argued that he now was prepared to accept primitive episcopacy. He constructed the memory of his battles in the 1630s as loyal criticism: “I have ever readily conformed to that Church Government which the King and Parliament have established so far forth as it was warranted by our Laws, never opposing our Bishops Ecclesiastical Jurisdiction, so far as it was justly claimed and exercised by Regall and Legall Authority; but only its illegal Innovations, Exorbitances, and pretended Divine sanction. . .”28 Prynne’s efforts were partially successful. Parliament decreed that ejected ministers could be restored as long as they compensated those clergymen they supplanted. All other ministers appointed during the civil war and Interregnum were confirmed in their livings, excepting those who supported the regicide. Furthermore, the Worcester House Declaration urged the creation of a moderate episcopacy as a concession to the Presbyterians. While many in Parliament desired a comprehensive religious settlement, they were divided on the exact form that settlement should take. In November 1660, staunch supporters of episcopacy and some Independents, who feared the Worcester House Declaration would lessen their own chances for toleration, united

28 William Prynne, The Unbishoping of Timothy and Titus (London: Edward Thomas, 1660), 27-32. The work had been published originally in 1636.
briefly to defeat attempts to incorporate the Declaration’s provisions into parliamentary legislation.

Thus, Presbyterian hopes for a comprehensive settlement rested with Charles II. In April 1661, the king issued a commission for representatives of the episcopal and Presbyterian clergy to meet at Savoy to revise the Prayer Book and to propose alternative forms of use for Presbyterian clergy. But by the time the meeting began, the balance of power had shifted in favor of the episcopal delegation. The Presbyterians were reduced to the position of supplicants rather than full partners in reaching a settlement. Bishop Seldon of London assumed leadership of the conference and ordered that all exchanges between delegations should occur in writing, an action which hampered the conference’s progress. The more pressing problem for the Presbyterians, however, was their own disunity. Over the four months of the conference, several Presbyterian delegates attended infrequently. Leadership for the Presbyterians fell to Richard Baxter, but he could not convince even his fellow Presbyterian delegates to unify behind his proposals for a new liturgy. The delegates were forced to report to the king that while they were in agreement on the ends for the Church – unity and peace – they could not agree on means to achieve those ends.  

With the opening of the Cavalier Parliament in 1661, the parliamentary divisions, particularly in regard to religion, became more readily apparent. Although Charles appointed three leading Presbyterians as bishops, Prynne failed to realize his Erastian vision for the English Church. Having been first expelled from Parliament and later from their ecclesiastical offices, the Restoration bishops tended to overcompensate for their

experiences by pushing for high church reforms that would secure their place in society. Even moderate churchmen increasingly published justifications for episcopacy according to *jure divino*. In Parliament, a set of measures commonly referred to as the Clarendon Code, undermined the effort to establish a comprehensive religious settlement. The Corporation Act of 1661 required municipal office holders to take oaths of allegiance to the Crown and to denounce the Solemn League and Covenant. Such provisions served to eliminate Presbyterians and Independents from local government. When the bill was sent to the House of Lords, Prynne attempted to influence the debate with the pamphlet titled *Sundry Reasons Humbly Tended to the Most Honourable House of Peers...against This New Intended Bill for Governing and Reforming Corporations*. In July, rumors reached the Commons that Prynne was producing a seditious pamphlet. Prynne attempted to conceal his authorship by visiting the printing house and stopping the publication, but parliamentary investigators discovered evidence that he had sent the pamphlet to the printers and corrected the proof. Prynne escaped punishment for seditious printing only by confessing and repenting his offense.

In 1662, Prynne’s disappointment increased as the Presbyterian hopes for a flexible religious settlement were dashed completely with the passage of the Act of Uniformity. The bill required ministers to declare assent to the content of the Prayer

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31 Under the alliance with the Scots in 1643, political office-holders and ministers were required to swear an oath that they would defend the Parliamentary cause and reform the Church of England “according to the Word of God and the example of the best reformed churches.”
32 Gary De Krey estimates that initially as many as one-third of municipal officers were removed or voluntarily left their offices, although some eventually learned how to evade the terms of the act. See De Krey, 35-36.
33 *CJ*, vol. 8, 302; Kirby, 158-9.
34 De Krey estimates that over 900 parish clergy left their posts because they refused to comply with the act. De Krey, 34.
Book and renounce the Covenant. Prynne, however, could at least be pleased with his effort to prevent toleration for separatist groups. Charles II has promised to show leniency toward moderate sectarians in the *Declaration of Breda,* but Prynne recognized the political dangers of dividing the Church. Identifying the Quakers as disguised actors in a papist plot, he played a prominent part in promoting the 1662 Quaker Act, which prohibited Quaker religious meetings upon penalty of fines, imprisonment or transportation to the colonies. As the Commons debated the more general Conventicle Act in 1664, Prynne republished *The Quakers Unmasked,* which labeled the separatist group “the Spawn of Romish frogs; Jesuites, and Franciscan Popish Fryers.”

He placed this work in the tradition of his other writing warning of the dangers of Romans Catholicism such as *Romes Master-Piece, The Popish Royal Favourite,* and *Hidden workes of Darknesse brought to publick Light.* Once again Prynne sounded the alarm against Rome, arguing that “the Popes, and these his Emissaries chief endeavours are, to draw the people from our Churches, publique Congregations, Ordinances, Ministers, Religion and to divide and Crumble us into as many Sects, Separate Conventicles, as they have Popish Orders; and thereby into as many civil parties, factions, as possibly they can, to ruine us thereby.” Anti-popery works, like those of William Prynne, continued to play a prominent role in the pamphlets wars of the Restoration.

Royalist writers, by contrast, tended to stress an alternative threat to the Stuart throne – the Presbyterian plot. In this literature, the memory of Burton, Bastwick and

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35 William Prynne, *The Quakers Unmasked* (London: Printed for Thomas Edwards, 1664). The pamphlet was first published in 1655. The Conventicle Act forbade meetings of more than five people who were not members of the same household in attempt to stop Quakers and other sectaries from holding unauthorized worship meetings.

36 Prynne, *Quakers Unmasked,* 5.
Prynne was transformed from godly martyrs to puritan aggressors. Edmund Gayton, a royalist physician turned hack writer, commented, “In that Oblivion let the triumphs for two seditious Barrabas’s Burton and Bastwick be for ever forgot.” Peter Heylyn, Laud’s former chaplain, placed the trio in the context of a seditious Puritan plot to overthrow the monarch: “For well they [the Puritans] knew, that when the thoughts both of King and People were totally taken up with the apprehension of the dangers which were feared from the Papists, the Puritan Party in the mean time might gather strength without being noted or observed.” With the proliferation of such sentiments, the memory carefully crafted by Burton, Bastwick and Prynne in the previous two decades began to fade until it was revived by progressive history in the nineteenth century. The martyr by the 1660s was not the illustrious trio who suffered together in the Star Chamber in 1637, but the illustrious King Charles who perished twelve years later.

The failure of Burton, Bastwick and Prynne to control the interpretation of their memory in print, however, should not overshadow the significant victories they did achieve. In February 1661, a committee in the House of Lords began discussions

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37 The historian James Heath presents a short summary of the 1637 trial in his A chronicle of the late intestine war in the three kingdoms of England, Scotland and Ireland (London: J. P., 1675), 2. The royalist biographer David Lloyd also mentions the 1637 trial very briefly and in the context of praising William Laud for his clear handling of their case. Memoires of the lives, actions, sufferings & deaths of those noble, reverend and excellent personages that suffered by death, sequestration, decimation, or otherwise, for the Protestant religion (London: Printed for Samuel Speed, 1668), 266. Eventually, the interpretation of Sir Roger L’Estrange, Surveyor of the Press after 1662 and the central figure in enforcing licensing and censorship, would come to dominate later Stuart history. L’Estrange urged the remembrance of Burton, Bastwick and Prynne as members of a Presbyterian cabal responsible for regicide, sacrilege, and rebellion. See Sir Roger L’Estrange, A seasonable memorial in some historical notes upon the liberties of the presse and pulpit with the effects of popular petitions, tumults, associations, impostures, and disaffected common councils: to all good subjects and true Protestants (London: Printed for Henry Brome, 1680), 3-5.

38 Edmund Gayton, The religion of a physician, or, Divine meditations upon the grand and lesser festivals, commanded to be observed in the Church of England by act of Parliament (London: Printed by J. G., 1663), 98.

concerning the re-establishment of a court similar to the Star Chamber. Lord Lucas reported to the full house that the committee appointed to consider which Long Parliament Acts to repeal encountered difficulty in their discussions of reviving the Star Chamber. While the committee supported the reestablishment of the court, they expressed confusion on the following questions: “Who shall be Judges? What Matters they shall be Judges of? By what Manner of Proceedings they shall act?” The Lords presented little interest in debating such matters, however, and decided to leave all such decisions in the hands of the committee. Consultation between committee members, primarily Lord Mohun, and Lord Chief Justice Bridgman resulted in general guidelines for the restoration of the prerogative court. The committee proposed that the court would have no power to determine title to land and would be restricted to acting on causes specified in the 1487 Star Chamber Act. Furthermore, the committee declared that the new court would impose no corporal punishment other than imprisonment and limited fines. These provisions addressed the criticisms Burton, Bastwick and Prynne raised in the 1640s that the Star Chamber court had overstepped its jurisdictional boundaries in the cases it heard and that it tended to issue arbitrary and excessive punishments. Yet even with these restrictions on the court’s power, the Lords expressed little interest in pursuing legislation to revive the court. The issue was dropped until March 1663 when the committee to repeal acts of the Long Parliament reconvened. Although this new

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40 House of Lords Journal, vol. 11, 382.
committee met several times, it failed to come to an agreement on a bill to present to the full house, and the Lords were content to let the legislative initiative perish.\footnote{Seaward, 134.}

Similarly, in the summer of 1661, the House of Commons ordered one of its committees to examine the act abolishing the High Commission.\footnote{CJ, vol. 8, 280, 315.} The committee’s activities resulted in the passage of the Ecclesiastical Commission Act of 1661. The purpose of the act was to resolve disputes over ecclesiastical courts. It stated that the archbishops, bishops and other persons exercising spiritual or ecclesiastical power “may proceed, determine, sentence, execute, and exercise all manner of ecclesiastical jurisdiction and all censures and coercions appertaining and belonging to the same...according to the king’s majesty’s ecclesiastical laws used and practiced in this realm.”\footnote{Carl Stevenson and Frederick George Marcham, eds., Sources of English Constitutional History (New York: Harper and Brothers, 1937), 541-2.} Although ecclesiastical courts were legitimized by this act, the Parliament made an exception for the High Commission. In unequivocal language, the act declared that the High Commission was abolished and would not be revived. Furthermore, the act noted that ecclesiastical authorities were prohibited from administering any oath forcing a person to confess his guilt. This final provision of the act succinctly addressed Burton, Bastwick and Prynne’s criticisms of the oath \textit{ex officio}.

Leaders in the legal profession appeared content to allow the prerogative courts to perish. In his sweeping \textit{History of the Common Law}, Matthew Hale made no mention of relationship between the common law and prerogative courts. In \textit{The Analysis of the law}, Hale defined prerogative as “iura summi imperii”, the rights of a supreme power who acknowledged no superior. His work combined this principle of the king’s prerogative
with the view that English laws were contracts between the people and the Crown. In other words, the king was sovereign in that he alone had the power to legislate, but his actions required parliamentary consent.\textsuperscript{46}

Hale’s balance between king and parliament is aptly demonstrated in the creation of the Printing Act of 1662. Fear that unrestricted print would create chaos reinforced the desire of Charles II to control the press. During the Restoration, the king retained his prerogative of issuing proclamations to regulate the print trade, but he relied upon parliamentary legislation for the most effective press control. In 1662, the “Act for preventing the frequent Abuses in printing seditious, treasonable, and unlicensed Books and Pamphlets, and for regulating of Printing and printing Presses” took effect. The act stated that its purpose was to prevent the publication and sale of “heretical seditious schismatical or offensive Bookes or Pamphlets wherein any Doctrine or Opinion shall be asserted or maintained which is contrary to Christian Faith or the Doctrine or Discipline of the Church of England or which shall or may tend or be to the scandall of Religion or the Church or the Government or Governors of the Church State or Common wealth.”\textsuperscript{47}

The Printing Act of 1662 restored many of the essential tenets of the 1586 and 1637 Star Chamber Decrees concerning printing. The act required books to be licensed and registered with the Stationer’s Company, ordered the names of the author, printer and licensor to be listed clearly, and limited the number of printers to twenty and their presses to three. As with the Star Chamber decree of 1637, this act required master printers and


founders to pay £300 as a guarantee not to engage in illegal printing. This act further strengthened the regulation regarding the importation of books. The prohibitions against importing “scandalous” material were expanded to include any kind of book printed in English. Foreign language books were permitted, but importers of these texts had to be members of the Stationer’s Company and allow licensing agents to inspect their cargos.  

The Printing Act also established the position of Licensor who oversaw the press and the news and answered to the Secretary of State. This provision was a radical departure from previous practice which had placed regulatory power in the hands of the prerogative courts. In 1663, Roger L’Estrange was appointed Surveyor of the Press and fervently carried out his duties. He attributed the rise of opinions dangerous to the Government at the result of the abolition of the Star Chamber. According to L’Estrange, schismatical pamphlets and libels first put mischief into the hearts of the people, followed by swords in their hands. Furthermore, he stated that the Stationer’s Company could not be trusted to regulate their own members. Despite L’Estrange’s efforts to control the press, however, the effectiveness of the Printing Act was mixed. The licensing system became overwhelmed with material and much pamphlet literature remained unlicensed. At the same time, royal efforts to control objectionable print were strengthened. This trend was amply demonstrated in October 1663 when the printer John Twyn was arrested for printing several pages of the Treatise of the Execution of Justice. Twyn was charged with printing the work without a license.

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50 Roger L’Estrange, Considerations and proposals in order to the regulation of the press (London: Printed by A.C., 1663).

51 Fredrick Siebert estimates that as many as one out of every two pamphlets was unlicensed despite the best efforts of licensors like Roger L’Estrange. Freedom of the Press in England, 243.
with treason his role in printing part of the pamphlet which used scriptural proofs to justify resistance of an ungodly magistrate. During the trial, the prosecution alleged that the publication of the Treatise was to have been the signal for rebel uprising. Twyn was found guilty by a jury that included fellow printers Richard Royston and Thomas Roycroft and he for his crime was sentenced by to be hanged, disembowelled, and quartered.\textsuperscript{52} Such actions demonstrated the rising stakes in the battle to control print in the seventeenth century. But while the battle to control print continued, it would now be carried out under the auspices of Parliamentary legislation rather than through the prerogative courts.

Prynne’s participation in fiery print contests gradually faded in the final years of his life. Occasionally, his significance to pamphleteering continued to be recognized as in 1666 when the Earl of Clarendon commissioned Prynne to write a vindication of the king’s ecclesiastical supremacy by challenging the bishops’ claims to their offices as divinely instituted.\textsuperscript{53} More frequently, however, Prynne retired to the dusty collection of documents he encountered as Keeper of Records. In 1669, he became ill while writing a history of the reigns of John, Henry III and Edward I to support the ecclesiastical power of the king. Although he recovered his health in August, he fell ill again in October. Prynne died on October 24, 1669 in his chamber in Lincoln’s Inn and was buried under the nearby chapel.\textsuperscript{54}

\textsuperscript{52} An exact narrative of the tryal and condemnation of John Twyn for printing and dispersing of a treasonable book (London: Printed by Thomas Mabb, 1664).
\textsuperscript{53} William Prynne, An Exact Chronological Vindicatio and Historical Demonstration of our British, Roman, Saxon, Danish, Norman, English Kings Supreme Ecclesiastical Jurisdiction (London: Printed by Thomas Ratcliffe, 1666), epistle dedicatory.
\textsuperscript{54} Kirby, 170-1.
Henry Burton, John Bastwick and William Prynne played a significant role in the print contests of the seventeenth century. From the beginning of their publishing effort in the late 1620s to Archbishop William Laud’s trial and execution, Burton, Bastwick and Prynne waged a semi-successful war to shape and control their memory through print. In the early 1630s, they crafted an image of themselves as defenders of the purity of English Reformation against perceived elements of popery in Laudian ecclesiastical polities. By focusing on print as the medium of their messages, Burton, Bastwick and Prynne continued an established Protestant practice of “preaching without speaking” to express dissent.\(^{55}\) Even as King Charles I began to enforce printing regulations more strictly, the trio managed to circumvent royal press controls by publishing their works secretly in the Netherlands. When such actions resulted in their trial in Star Chamber and horrific punishment in 1637, they continued to use print to shape the memory of their ordeal as Protestant martyrs. Seeking vindication for this memory, the trio presented petitions to Parliament to revoke the verdict of guilt against them. The debates in the early months of the Long Parliament not only reversed the Star Chamber sentence, but abolished the institution entirely. Burton, Bastwick and Prynne’s attempt to cast themselves as martyrs fighting against the arch-innovator, William Laud, came to fruition with the trial and execution of the archbishop in 1645. Such victories, however, obscured that fact that no one, including Burton, Bastwick and Prynne, could effectively control print. The rise of Independency and the English Civil War divided the trio politically and led to the unmaking of their memory.

William Prynne’s later writing career demonstrates the mixed legacy of their memory. Even while Prynne was meeting with Charles II to convey the respects of his constituents, his books in the library at Oxford were being relocated to “an inconspicuous and unhonored place.” But Burton, Bastwick and Prynne’s efforts to shape memory through print were continued by their contemporaries. For religious nonconformists, in particular, print became a means of creating a coherent identity for their sects as well as a strategy to achieve legitimatization by disassociating themselves from the dangerous enthusiasm of other groups. Of even more significance, the prerogative courts, which were responsible for prosecuting the trio, were never revived by acts of Parliament. Attempts to control print continued during the Restoration but printing legislation, while incorporating provisions from Star Chamber Acts, fell under parliamentary rather than royal control.

This study has sought to examine the 1637 Star Chamber trial of Burton, Bastwick and Prynne in the context of the print contests of the seventeenth century. In looking at how print was used by the trio and by their opponents, like William Laud, this study helps us to understand and challenge revisionist views of a unified, dangerous extreme Puritanism. The story of Burton, Bastwick and Prynne is not so much one of “progress,” but of the dynamic and conflicting attempts to control print in seventeenth century. This study takes a step back from both Whig and revisionist interpretations of Burton, Bastwick and Prynne to explore how both views have their roots in the seventeenth-century print contest. It emphasizes a connection between Burton, Bastwick and Prynne and the larger historical theme of the gradual erosion of royal prerogative and

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56 Kirby, 147.
the rising power of parliamentary legislation. For us, the ultimate legacy of Burton, Bastwick and Prynne lies in how their efforts to shape and control their memory through print continues to challenge and illuminate the way we construct our own memories of the past.
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