



Yale Journal of Law & the Humanities

Volume 15 | Issue 2

Article 6

January 2003

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Recommended Citation

Raymond Astbury, *A Loser's Ingenuity*, 15 YALE J.L. & HUMAN. (2003).

Available at: <https://digitalcommons.law.yale.edu/yjlh/vol15/iss2/6>

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Book Reviews

A Loser's Ingenuity

Lois G. Schworer, *The Ingenious Mr. Henry Care, Restoration Publicist*. Baltimore and London: Johns Hopkins University Press, 2001. Pp. xxvii, 349. \$32.

Stephen Parks ed., *The Luttrell File: Narcissus Luttrell's Dates on Contemporary Pamphlets, 1678-1730*. Assisted by Earle Havens, with a Chronological Index compiled by Carolyn Nelson. New Haven, Connecticut: Beinecke Rare Book and Manuscript Library, 1999. (The Yale University Library Gazette Occasional Supplement 3). Pp. vi, 223. \$25.

Raymond Astbury*

The Ingenious Mr. Henry Care is the latest monograph in a series of scholarly articles, essays, and edited works on a range of subjects, by Lois

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G. Schwoerer, Kayser Professor of History Emeritus at the George Washington University. Schwoerer's work has addressed, among other topics, the history of British political thought, the Restoration, the Revolution of 1688/89, the Declaration of Rights, Lady Rachel Russell, Lord William Russell, Lord Chief Justice Scroggs, the Standing Army controversy, and the use of the press in the politics of the seventeenth century. This new book is not a conventional biography (archives of Care's life are not extant) but a study of his journalism and pamphleteering, analyzing and interpreting how his writing intersected, reflected, and helped to mold the major political, religious, constitutional, and ideological issues of the time. Schwoerer uses Care's journalism as a prism to illuminate the era in order to contribute to a remodeling of Restoration historiography.

Schwoerer is one of the few historians who assert that the Restoration press emerged as a prototype fourth estate, playing a more important role in politics, religion, and society than is usually acknowledged. She presents Care (1646-1688), who came from a more lowly social background than, for example, Marchamont Nedham, Sir Roger L'Estrange, or Daniel Defoe, as a writer who made a significant contribution to the public debates of his day on religion, politics, and society. Schwoerer argues that Care's writing enfranchised those who were not part of the political class, thereby helping to create a public sphere (at a point in time earlier than Habermas¹ identified). According to Schwoerer, through Care's writing the political awareness of the marginally-educated lower orders in society was raised, empowering them to contribute to the stabilization, or destabilization, of authority in church and state. She reevaluates Care's role within the print culture of the time, rehabilitates his reputation, and rescues him from the relative obscurity into which he has fallen in the early twenty-first century.

Schwoerer shows that Care was admired by his friends as a man of wit and ingenuity and despised by his enemies as a turncoat, though even some of the latter were obliged to acknowledge his talents. Care's detractors objected to his vehement attacks against high-church Tories and Catholics, and against the injustices of the legal system and its processes, especially as personified by Sir William Scroggs, Lord Chief Justice of the Court of King's Bench. Care vigorously opposed the succession of James, Duke of York, but when he became king Care changed political sides, revised his opinion of Catholicism, and welcomed James II as a friend and patron. Though he did not, as has been assumed in the past, convert to Catholicism, he has been condemned as a time-server by most historians.

1. JÜRGEN HABERMAS, *THE STRUCTURAL TRANSFORMATION OF THE PUBLIC SPHERE* 57 (Thomas Burger & Frederick Lawrence trans., 1989).

Schwoerer, however, warns us against taking the view that members of the press community—authors, printers, publishers/booksellers, and binders—were unvarying in their political and religious allegiances. The same could be said of some of the government agents who hunted down the producers and dispersers of seditious libels: the feared Robert Stephens (“Robin Hog”), for example, Messenger of the Press, who held office from 1676 until 1718 (except for a break from December 1684 to February 1689), when he was in his mid seventies. Changing times as well as the need to earn a living, especially when in arrears of official salary, saw him variously accused of favoring Whigs, oppressing Whigs and Dissenters, and conniving at the publication of high-church Tory propaganda. Despite, or perhaps because of, his political adaptability, he remained in office longer than his bitter rival, Sir Roger L’Estrange, the Surveyor of the Press, who was loyal to his principles as an anti-nonconformist and Anglican Royalist, though he could not bring himself wholeheartedly to support James II’s policy of religious toleration.

Schwoerer argues persuasively that Care also remained loyal to certain underlying convictions, especially in his progressive views on the judicial process and religious toleration. On the latter issue, he had developed arguments that anticipated Locke’s *Letter for Toleration*, which was published in English in 1690. Care’s smallness of stature and unprepossessing appearance led his press opponents to describe him as monkey- or rat-like. They could not, however, disparage his intellectual ability. Though he had little formal education, he was a remarkable autodidact. Via the patronage of a friendly cleric he gained access to Sion College Library, one of the few “public libraries” of the time, and by voracious reading and study became fluent in French, could use Latin and Greek, and learned the rudiments of Hebrew. He also became learned in the law (he served as a lawyer’s clerk for a time) and in religion and history. He was energetic, talented, relentlessly ambitious, desperate to be upwardly mobile, intelligent, and exhibited outstanding journalistic skills. He wrote with humor and satiric wit; he was also possessed of an instinctive ability to read and lead public opinion and was an innovator in expanding the market for his journalism to, for example, a female audience. The one complimentary comment Anthony A. Wood had to make about him was when he compared him to the Royalist news-book writer Marchamont Nedham “whose parts tho’ he wanted, yet they were weather-cocks alike.”²

Care’s major journalistic achievement was his authorship of *The Weekly Pacquet of Advice from Rome*, including the single-sheet insert the *Popish Courant*, which appeared, except for one week (July 2, 1680) when he was

2. 2 ANTHONY A. WOOD, *ATHENAE OXONIENSIS* 469 (Philip Bliss ed., Burt Franklin & Co. 1967) (1813-20).

on trial for writing it, from December 3, 1678 to July 13, 1683. The *Popish Courant* contained jokes and stories satirizing the Roman Catholic Church as well as political events and leading personages of the day. By contrast, *The Weekly Pacquet* is identified by Schwoerer as the most important popular source of historical information to be published in seventeenth-century England. Care reached a wide audience, defaming popery and the Roman Catholic Church and its doctrines. He both reflected and stimulated public fears during the Popish Plot, though his larger purpose was to undermine the Duke of York's right of succession to the crown. But within the first year of its publication Care was using it as a vehicle to attack the court, the bench (especially Lord Chief Justice Scroggs), and the Church of England. Care authored the 240 numbers of this serial for four and one-half years in separate issues which were also bound and published in five volumes. As well as influencing opinion, he made money—perhaps as much in twenty-first-century values as £220,880 or about \$335,000. At one time, Care was writing *The Weekly Pacquet* and several other newspapers, coming out on different days of the week, leaving him only with Tuesdays to spare to write his pamphlets and tracts. Schwoerer has identified several serials and one-third more pamphlets than have been previously attributed to Care.

Care's achievement is all the more remarkable because it was realized within a state-controlled print culture. Schwoerer takes us succinctly, but informatively, through the major options available to government, all of which were used at one time or another during the Restoration period: the prerogative powers of the crown, the law of treason, seditious libel, and the medieval statutes of *scandalum magnatum*.

But the government's preferred approach was based on the conservative principle that in respect of the production of controversial materials prevention is better than cure. The 1662 Press Act was designed as a nexus of restrictive clauses (based on the 1637 Star Chamber Decree), covering the importing, technology, production, and distribution of printed materials and all those engaged in or connected with the book trade, including the requirement that manuscripts must be presented to the appropriate licensing authority for approval, amendment or disapproval, prior to printing (hence the name Licensing Act, by which the law is generally known).³ Charles II had certainly absorbed the advice given to him by William Cavendish, Duke of Newcastle, in the spring of 1658, advocating strict control of the communication of ideas in church and state: “[C]ontroversy Is a Civell warr with the Pen which pulls out the

3. An Act for Preventing the Frequent Abuses in Printing, Seditious, Treasonable and Unlicensed Books and Pamphlets and for Regulating of Printing and Printing Presses, 14 Car. 2, c. 33.(1662) (Eng.).

sorde soone afterwards."⁴ This conviction is echoed in the preamble to the *Act for the Safety and Preservation of His Majesty's Person and Government* (1661),⁵ and is the motivation behind the 1662 Press Act, which was clearly intended to close down public debate of political and religious affairs. We know that the Press Act was not implemented with consistent effectiveness in the Restoration period. Nevertheless, as Schwoerer stresses, whenever its renewal was under discussion, in 1679, 1685, 1692/93, and 1695, the government pressed either for its reenactment or for some more effective legislation. In 1675 and 1677, bills that were intended to improve the effectiveness of press control were under consideration in the House of Lords; the first never emerged and the second made no progress when sent down to the House of Commons.

In 1677, when the new bill was in committee, the Stationers' Company requested that the new bill might be enacted as part of the public and general statutes of the realm, as the old Act had been probationary ever since 1662. L'Estrange also made proposals to the committee: He pointed out that no bookseller or binder was punishable under the Press Act except in cases of infringement of copyright ownership. He also urged that it should be illegal simply to receive an unlicensed book. These proposals were rejected by the committee.⁶

The cooperation of the Stationers' Company was perceived, especially by L'Estrange, to be crucial to the implementation of the Press Act. The difficulty was that the Company was often as much a part of the problem as it was part of the solution: It willfully resented, resisted, and delayed the efforts of L'Estrange during the 1670s, as he strove to impose additional bylaws in furtherance of the king's command that the Company should exercise a tighter control over the production and distribution of printed matter. Even the royal bookbinder, Samuel Meame, who was installed as Master of the Company in 1679 to help achieve this end, had a leading role in reselling, at enhanced prices, popish and other controversial and unlicensed books and pamphlets that had been seized from printers' premises by Company searchers.

Unlicensed books sold well, and L'Estrange noted the trick employed by some printers of printing the *imprimatur* on books that had been authorized for printing before the title page on a fly leaf which would then be sliced off before the books were put in sale. L'Estrange was convinced that the book trade could never be brought to order unless booksellers who operated from outside the Stationers' Company, and who were therefore not subject to the Company's bylaws, could be turned over to the

4. THOMAS SLAUGHTER, *IDEOLOGY AND POLITICS ON THE EVE OF RESTORATION: NEWCASTLE'S ADVICE TO CHARLES II* 21 (1984).

5. *An Act for the Safety and Preservation of His Majesty's Person and Government*, 13 Car. 2, c. 1 (1661) (Eng.).

6. House of Lords Committee Minutes, 10 April 1677, at 21.

Stationers' Company. Despite the king's commands, L'Estrange's advocacy, the orders of the Lord Mayor, and, initially at least, the cooperation of the Stationers' Company, there were still forty-two book dealers operating from within a range of companies, from Barber-Surgeons to Fishmongers, from Haberdashers to Weavers, in 1685.⁷ The difficulty was that these efforts to create a single, unified Company cut across the ancient custom whereby any freeman of the City of London had the right to exercise any trade within the capital's boundaries. Moreover, the enthusiasm of the Stationers' Company waned as it counted the cost in fees paid to other companies in return for turning over their members to it. Similarly, the activities of hawkers and peddlers in selling seditious pamphlets in the provinces continued to be the subject of parliamentary debates and abortive bills into the 1690s.

The Pulse of the Body Politic

Schwoerer is surely justified in disagreeing with those historians who believe that the Licensing Act lapsed by default rather than by design in the spring of 1679, when Parliament began to be dominated by the Exclusion Crisis. Charles Blount, Deist and republican, published his *Just Vindication of Learning: or, An Humble Address to the High Court of Parliament in Behalf of the Liberty of the Press* in March 1679. Addressed to the House of Commons, it is virtually a presentation of Milton's *Areopagitica* of 1644 in summarized form but without acknowledgement. Among the papers of Philip, fourth baron Wharton, patron of dissenting ministers, and one of the lords who was sent to the Tower in February 1677 for arguing that the existing parliament was dissolved because it had been illegally prorogued for fifteen months, is a letter dated April 14, 1679. The letter's anonymous author alerts Philip to the fact that the Press Act was due to expire that session and urges: "it would do well to prevent the Continuation of it."⁸ The author goes on to illustrate the ill consequences of privileges and the prohibition on importing English Bibles and Psalm Books so that those produced in England were higher priced. He then condemns the effect of pre-printing licensing on the publication of books of Divinity, an effect mainly borne by the deputized young chaplains of the Archbishop of Canterbury and the Bishop of London, who licensed or rejected what books they pleased. The consequence, he claimed, was that heretical Arminian and Socinian books were published while orthodox books were not licensed. He finally identifies a number of Anglican churchmen who had attacked Dissenters

7. 8 D.F. MCKENZIE, DEALERS IN BOOKS OUTSIDE THE STATIONERS' COMPANY, CIRCA 1685, FACTOTUM 12-13 (1980).

8. Letter to Philip, fourth baron Wharton, April 14, 1679 (on file with Oxford University, Bodleian Library as MS. Carte Fol. 611r).

or supported a high view of the royal prerogative, including, among others, Simon Patrick's *Friendly Debate* of 1666, a misnomer for a book that savaged non-conformists; Samuel Parker's *Ecclesiastical Politie* of 1669, another virulent attack upon Dissenters; and a recently-printed sermon preached by Edward Pelling on January 30, 1679, the anniversary of Charles I's martyrdom, on the text of Proverbs 8:15, "By me king's reign, and rulers decree what is just." One might guess, therefore, that it was no coincidence when a week later the Commons empowered the committee considering which of the temporary laws then due to expire, including the Licensing Act, were to be renewed, "to send as well for licensed as unlicensed Books, in order to be examined by them."⁹ The bill for continuing the Licensing Act never emerged from this committee.

With the lapse of the Press Act in May 1679, together with the passing of the Habeas Corpus Act in the same month, which meant that libelers could not be left to rot in jail if they could afford to purchase a writ of habeas corpus, the government was without the most expeditious means, potentially at least, of containing the flood of seditious tracts and opposition newspapers. Schwoerer provides a detailed account of how the king on four separate occasions, working through the bench, and through Lord Chief Justice Scroggs in particular, determinedly sought to obtain a judicial ruling that would underpin the use of the royal prerogative to silence his opponents in the press. The first of these controversial rulings, promulgated on October 27, 1679, but signed by only four of the seven judges, declared that the royal officials might seize printed libels against the government or individuals and jail those responsible, pending trial according to law, but without identifying or defining that law. The ruling did not refer to pre-printing censorship or state that printers might be arrested for unlicensed printing; it would seem to be referring to the law of seditious libel. The second ruling was made on January 28, 1681. Again the bench was divided, but significantly, because the Press Act had lapsed this ruling advised the use of the medieval statute laws of *scandalum magnatum*. Even so, under these rulings Benjamin Harris, Francis "Elephant" Smith, and Jane Curtis, the wife of Langley Curtis, Care's publisher, major thorns in the government's side, were brought to trial in February 1681. Care himself was tried in July of that year after a third judicial decision of May 5, which declared that the king could legally prohibit unlicensed news-books and pamphlets of news as endangering the peace of the kingdom. In between the second and third judicial rulings, the king had removed uncooperative judges from office and replaced them by appointees more amenable to the royal will. The fourth judicial ruling on May 28, 1681 was even more controversial in targeting Care specifically and banning his or anyone else's printing and publishing the *Weekly*

9. 9 House of Commons, Journals of the House of Commons 600 (1679).

Pacquet in future. By not pressing the charges against Care, apparently in an attempt to placate him, or perhaps to bring him over, and then by the last judicial ruling, the bench seemed to be acknowledging his influence on public opinion as a polemicist.

Schwoerer contends that these rulings—combined with the promulgation of royal proclamations against the press issued in their wake, and the king's messengers' use of general warrants of search and seizure of unlicensed publications and their printers and publishers—engendered a crisis of authority. There arose a genuine fear that the constitution was being subverted and that Parliament's legislative role was being usurped by the use of the royal prerogative. This and the subsequent attempted impeachment of Scroggs for high treason based primarily on articles reflecting the controversial judicial ruling by a bench he dominated, his harassment of defendants, and his intimidating treatment of jurors, she suggests, are indicative of how significant the press had become in Restoration society. The court appears to have made another attempt to regain statutory control of the press when on October 23, 1680 a bill to revive the Press Act of 1662 was presented in the House of Lords just after the second Exclusion Parliament met, but no further progress was reported. Again, from August 1680 through February 1681, presumably in anticipation of the Oxford Parliament and now being without statutory protection for its printing privileges and members' individual copyrights, the Stationers' Company was working on a new draft of the Press Act with the king's law officers.¹⁰

From 1681 to mid-1683 Care was engaged in an intense paper war with his Royalist adversaries in the press: L'Estrange's *Observer*; Thomas Rawlins's *Heraclitus Ridens*; and Nathaniel Thompson's *Loyal Protestant*. The political scene had changed dramatically as this propaganda battle got underway. The Whigs and their non-conformist allies had been outmaneuvered by the king, who summoned the third Exclusion or Oxford Parliament to meet on March 21 but dissolved it a week later on March 28. Charles thereby finally ended the Whig hopes of passing an Exclusion Bill and aborted the impeachment proceedings against Lord Chief Justice Scroggs, who saved his skin but lost his office. From thereon Charles was financially strong enough to rule without Parliament. In this period when the Press Act had lapsed, there were several pamphlets advocating liberty of the press. In the spring of 1680, William Lawrence, a lawyer who had been one of Cromwell's commissioners for the administration of justice in Scotland, published his trenchantly anti-Episcopal pamphlet *Marriage by the Morall Law of God Vindicated*, in which he argued that the press must be free to inform the king, acting for him like a pulse of the body politic.

10. 13 House of Lords, Journals of the House of Lords 1660-89, at 161 (1680); STATIONERS' COMPANY, COURT BOOK D, at fols. 102v, 106v.

In the autumn of 1681, yet another paraphrase of Milton's *Areopagitica* was published, the *Jus Caesaris et Ecclesiae vere dictae*, by the physician and polemicist William Denton.

In the autumn of 1682 the news-books, both Royalist and Whig, were suppressed, except L'Estrange's *Observer* and the *London Gazette*, on the one side, and Care's *Weekly Pacquet* on the other. But the press war kept the political temperature at fever pitch. The special significance of this period for Schwoerer is that in its furious intensity and in the combatants' use of every polemical rhetorical device known in the seventeenth century, which accomplished in effect a restyling of political rhetoric, a public sphere for debate was created. She analyzes the contents of the news-books in great detail, revealing how L'Estrange in particular, the consummate master of turning the arguments of his opponents against them, transmuted the public fears about popery (brought to their apex in the Popish Plot) into fears of a Presbyterian Plot to bring about a new civil war and a new commonwealth. Such fears seemed to be justified when in June 1683 the Rye House Plot was revealed.

In this feverish paper war Care was the loser. At the height of his engagement in this press conflict in 1682, Care's *English Liberties* was published, a book that Schwoerer emphasizes had an even greater and longer-lasting impact in the American colonies than it did in England. During this period, Charles was asserting control over the city corporations and liveried companies by issuing, or threatening to issue, writs of quo warranto against them. Indicative of the special relationship between the Stationers' Company and the monarchy, the Company was the first to relinquish its old charter and the first to receive a new one. The Company's Court Book reveals that from 1681 onwards the new bylaws L'Estrange had imposed were used to call the Whig publishers to account and hit them in their pockets. Anyone who published a pamphlet without the printer's or publisher's name on it was liable for a fine of £20, which is about £1600 or \$2432 in present-day value.¹¹

In July 1683, Care ceased to publish the *Weekly Pacquet* and bowed out of polemical writing for the remainder of Charles's reign, but he had sued to come to terms with the court before then on what conditions and with what consequences Schwoerer was unable to discover. He did not begin to write for James II until the king needed him to bring the Dissenters to his side. Clearly, with L'Estrange's lack of enthusiasm for the policy of religious toleration and Care's record as a trenchant champion of the non-conformists, Care was the right man for the job. Schwoerer does not accept the charge of his contemporaries and of most subsequent critics that Care gave his loyalty to James solely for money; she emphasizes his

11. STATIONERS' COMPANY, COURT BOOK D, at fols. 110r, 146r, 158r.

unswerving commitment to the idea of religious toleration which he could now promote under royal patronage.

As demonstrated by Schwoerer's lively account, the debate about the role and power of the press in the seventeenth century will continue. This scholarly book is based on thorough and meticulously referenced research and on a close examination of the news-books and serials of the period. The detailed evidence and arguments are presented with exemplary clarity.

Like many generations of historians before her, Schwoerer makes use of that indispensable record of events in the seventeenth and early eighteenth centuries, Narcissus Luttrell's *A Brief Historical Relation of State Affairs, from September 1678 to April 14 1714*, published in 1857 in six volumes. Luttrell was the M.P. for Bossiney, Cornwall, in the second Exclusion Parliament of 1679-1680, and was returned for Saltash in that county to the Parliament of 1690-1695 at the start of the second session. His manuscript parliamentary diary of 1691-1693 was not closely examined until 1924 and was not easily accessible until edited by Henry Horwitz and published by Oxford University in 1972 as *The Parliamentary Diary of Narcissus Luttrell, 1691-1693*. In 1675, as a student at Gray's Inn, he began to collect the items culled from contemporary publishers' lists, two of which were published in 1956.¹² Luttrell did for the later seventeenth century what George Thomason did for the 1640s in preserving virtually every tract and pamphlet of the time.

In a work that has been over thirty years in the making, Stephen Parks, with *The Luttrell File*, has made access to Luttrell's pamphlet hoard infinitely easier and has expanded the earlier compilations into a list of over 3400 items while extending the chronological scope to 1730. *The Luttrell File* contains a reprint of James M. Osborn's *Reflections on Narcissus Luttrell (1657-1732)*,¹³ followed by a list of the symbols and libraries for the location of the items, in the style of Donald Wing's *Short-Title Catalogue*.¹⁴ *The Luttrell File* itself is ordered alphabetically by author or title but consecutively numbered, providing authors' names in many cases where Luttrell could not, and including Luttrell's record of the price and date plus his original annotations where present. It ends with a chronological index including the number in the main file alongside each date. Luttrell has been identified as a Whig; he was a warm supporter of the Exclusion Bill presented in the second Exclusion Parliament. But Luttrell's annotation on his copy of Stephen Colledge's *A Ra-ree Show* (1681), "A most scandalous libel agt ye government for wch & other

12. Narcissus Luttrell, *Narcissus Luttrell's Popish Plot Catalogues* (Luttrell Society Reprints, no.15, Oxford, 1956).

13. James M. Osborn, *Reflections on Narcissus Luttrell (1657-1732)*, 6 BOOK COLLECTOR 15 (1957).

14. DONALD GODDARD WING, *SHORT-TITLE CATALOGUE OF BOOKS PRINTED IN ENGLAND, SCOTLAND, IRELAND, WALES, AND BRITISH AMERICA AND OF ENGLISH BOOKS PRINTED IN OTHER COUNTRIES, 1641-1700* (John J. Morrison & Carolyn W. Nelson eds., 2d. rev. ed. 1994).

things Colledge was justly executed,” may be an indication of how far the more extreme opponents of the government had lost public support by the time of the Oxford Parliament. *The Luttrell File* should find a place on the book shelf of anyone engaged in serious study of the history of the later seventeenth century.

